

Mā tō tātou takiwā
For our District

District Plan and Regulatory Hearings Committee

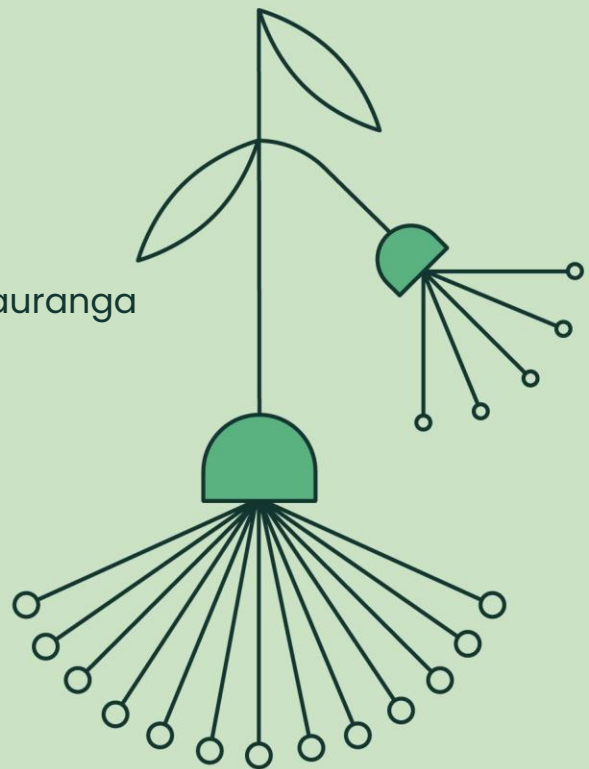
Komiti: Mahere a Rohe, Whāoko Waeture

DRH26-2 (Two Day Hearing)

Day One - Friday, 1 May 2026 at 10.30am

Day Two - 4 May 2026 at 9.30am,

Council Chambers, 1484 Cameron Road, Tauranga



District Plan and Regulatory Hearings Committee

Membership:

Chairperson	Deputy Mayor Margaret Murray-Benge
Deputy Chairperson	Councillor Grant Dally
Members	Mayor James Denyer Councillor Darlene Dinsdale
Quorum	Three (3)
Frequency	As required

It is expected that Committee members will have obtained the Making Good Decisions Panel Certificate.

Role:

- To enable effective decision making with regard to Resource Management Act 1991 matters, including district plan changes, private plan changes and resource consent matters.
- To conduct hearings and make decisions of a quasi-judicial nature on regulatory matters through specific hearings and decision-making.

Scope:

Resource Management Act:

- All functions, duties and obligations as set out in the Resource Management Act 1991 relevant to plan changes, private plan changes and district plan reviews and any other matter processed under Schedule 1 of the Resource Management Act 1991, including hearing submissions and making recommendations to Council for the approval of plan changes, private plan changes and plan reviews.
- All functions, duties and obligations as set out in the Resource Management Act 1991 relevant to hearing of submissions and making decisions on notified resource consent applications.
- To make decisions on any other Resource Management Act 1991 matter referred to the Committee by the Chief Executive or the General Manager Regulatory Services.

- To make decisions on any other Resource Management Act 1991 matter referred to the Committee by the Chief Executive or the General Manager Regulatory Services.
- To receive reports on appeals to the Environment Court on Committee or Independent Hearings Commissioner decisions made in relation to plan changes, private plan changes, and notified resource consent applications, and to provide guidance to staff authorised to negotiate and settle appeals on Council's behalf.

Regulatory matters

To conduct hearings and make decisions of a quasi-judicial nature on behalf of the Council on any regulatory matter that the Council is legally;

- Empowered or obligated to hear and determine;
- Permitted to delegate to a subordinate decision making body of Council under the Local Government Act 2002, or any other Act.

To exercise this function in accordance with;

- The applicable legislation;
- Council's corporate strategies, policies, plans and bylaws; – The principles of administrative law and natural justice.

Regulatory matters include (but are not limited to);

- Dog control matters;
- Hearing submissions under the Reserves Act 1977, considering staff reports outlining practicable options for matters relating to reserves, and making recommendations to Council;
- Matters arising from the exercise of Council's enforcement functions;
- Regulatory matters that require a hearing under Council's policies and bylaws.

Matters relating to the sale and supply of alcohol are excluded from the Committee's scope.

Power to Act:

Resource Management Act:

- To hear and make decisions on plan changes, private plan changes and district plan reviews and any other matter processed under Schedule 1 of the Resource Management Act 1991 and to recommend to Council decisions on submissions and approval of plan changes and private plan changes or any other matter, as required.
- To hear and make decisions on notified resource consent applications where submissions have been received. · The power to co-opt expert advice on an 'as

required' basis.

- The power to appoint Independent Hearings Commissioners and to appoint Hearings Panels of appropriately qualified members and/or Independent Hearings Commissioners in accordance with the Appointment of Independent Hearings Commissioner Policy, or any other relevant legislative requirement.
- The power to conduct joint hearings with other local authorities where necessary and expedient to do so, including the power to appoint members and/or Independent Hearings Commissioners to Joint Hearings Committees.
- To make decisions on any resource consent application where the reporting officer is recommending that the application be refused.
- To make decisions on section 357 objections to conditions under the Resource Management Act 1991 where the reporting officer is recommending that the application be declined (either in whole or in part).
- To make decisions where draft consent orders would represent a minor change in policy direction from the District Plan and to authorise settlement of those consent orders with the Environment Council by Council's solicitors acting on behalf of Council.
- The power to establish and amend hearings protocols relating to the general conduct of hearings and hearings-related matters in accordance with the applicable legislation and the principles of administrative law and natural justice.
- To make decisions on any other Resource Management Act 1991 matter referred to the Committee by the Chief Executive or the General Manager Regulatory Services.

Regulatory matters:

All powers, duties and discretion's necessary to conduct hearings and make decisions of a quasi-judicial nature on behalf of Council on any regulatory matters that are within the scope of the Committee, and that the Council is legally empowered or obligated to hear and determine, including but not limited to:

- All powers, duties, and discretion's necessary to hear and make decisions on behalf of Council in respect of any matter that the Council is empowered or obligated to hear and determine under the Dog Control Act 1996, Local Government Act 1974, Local Government Act 2002 or any other Act, bylaw or Council policy, as required.
- The power to establish and amend hearings protocols relating to the general conduct of hearings and hearings related matters in accordance with the applicable legislation and the principles of administrative law and natural justice.
- The power to co-opt expert advice on an 'as required' basis.

Chairperson's Delegations:

The Chairperson of the District Plan and Regulatory Hearings Committee is delegated the power to determine the composition of any hearings panel to be convened under the Committee's terms of reference. Should there be insufficient time for staff to consult with the Committee on any appeal to the Environment Court in relation to a decision made pursuant to the Resource Management Act 1991, the Chairperson may provide guidance to staff, and report back to the next scheduled meeting of the Committee.

Notice is hereby given that a District Plan and Regulatory Hearings Committee Meeting will be held in Council Chambers, 1484 Cameron Road, Tauranga on:

Day One – 1 May 2026 at 10.30am and

Day Two – 4 May 2026 at 9.30am

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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 – NGĀ MEMA KEI KONEI**3 IN ATTENDANCE – I TAE AKE****4 APOLOGIES – NGĀ WHAKAPAHĀ****5 CONSIDERATION OF LATE ITEMS – NGĀ TAKE TŌMURI****6 DECLARATIONS OF INTEREST – NGĀ TUKITUKINGA**

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

7 TRANSFER OF EXCLUDED ITEMS – TE WHITINGA O TE AO MĀRAMA KI NGĀ TAKE MUNA**8 PUBLIC FORUM – WĀHANGA TŪMATANUI**

9 REPORTS - NGĀ PŪRONGO

9.1 DAY ONE - OBJECTION TO MENACING DOG CLASSIFICATION - BLUE - RUAPANI SMITH

File Number: A7241431

Author: Peter Hrstich, Animal Services Team Leader

Authoriser: Alison Curtis, General Manager Regulatory Services

EXECUTIVE SUMMARY

This report seeks a decision from the Committee as to whether the status of the Menacing Dog classification is upheld or not.

RECOMMENDATION

1. That the Team Leader Animal Services' report dated 1 May 2026 and titled 'Day One - Objection to menacing dog classification - Blue - Ruapani Smith, be received.
2. That the District Plan and Regulatory Hearings Committee uphold the menacing classification, however the panel may either:
 - a. Uphold the classification; or
 - b. Rescind the classification

THE SITUATION

1. Ruapani Smith is the owner of an Australian Cattle Dog named Blue.
2. Blue is a male dog and is about 2 years old not neutered.
3. On Wednesday 22 October 2025, there was a worker in an orchard situated at No 3 Road Te Puke. Working close to the border with a neighbouring dwelling located at No 3 Road, Te Puke.
4. At approximately 1.00 pm the worker was attacked from behind by a dog causing bite injuries to his lower left leg.
5. He watched the dog run off in the direction of the neighbouring property at No. 3 Road.
6. Within 30 minutes of the attack, he had reported the incident to his manager and they both visited the neighbouring property next door to the orchard, in the direction of where the dog was headed.
7. Upon arriving at the neighbouring address the worker observed two dogs with their owner: Ruapani Smith. He recognised one of the dogs as the dog that bit him. A

Service Request was created (#86925) with reference to the attack. **(Attachment 1)**

8. As a result of the investigation into the attack, Council classified the dog known as Blue as Menacing, as per section 33A(1) Dog Control Act 1996. This means the owner must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction. The dog must also be desexed. **(Attachment 2)**
9. Ruapani Smith has objected to the Menacing classification of Blue under section 33B(1) Dog Control Act 1996. **(Attachment 3)**

THE OFFENCE

10. A dog attacking a person is an offence under section 57 of the Dog Control Act 1996.
11. The injury to worker's lower left leg caused by the dog bite required medical attention by a doctor which included stitches.

EVIDENTIAL MATTERS

12. The attack was reported to the Council on 24 October 2025.
13. On 29 October 2025 the Animal Services Team visited the neighbouring property at No 3 Road and located two unregistered dogs belonging to Ruapani Smith as described by the victim.
14. Both dogs were seized and impounded due to not being registered, section 42(2)(a) Dog Control Act 1996.
15. The worker provided a written statement to the Animal Services describing how he was attacked and a description of the dog. **(Attachment 4)**
16. Photographs of the injury to his left leg were also provided. **(Attachment 5)**
17. Ruapani Smith was spoken to, 29 October 2025 and he denied his dog was responsible for the attack. He claims his dogs are not aggressive and that two other unknown dogs have been roaming on his property which appear similar in appearance to his dogs. He also believes his dogs do not leave the confines of his property when they are not restrained, and they won't go through the shelter belt. No evidence is available to support this claim.
18. On visiting the property, Animal Services noted the lack of fencing or containment measures between the orchard and the dwelling at No 3 Road, which would prevent the two dogs belonging to Ruapani from roaming into the orchard.
19. On 16 December 2025 two further roaming dogs were reported to be detained at No 3 Road by Ruapani Smith. These dogs were impounded by the Animal services Team.

20. Due to the issues raised by Ruapani Smith regarding the identity of the attacking dog/s; further confirmation was required regarding which dog was responsible for the attack on the orchard worker.
21. On 16 December 2025 photographs were presented to orchard worker showing four dogs including the two dogs belonging to Ruapani and the two later impounded roaming dogs. He identified the dog known as Blue as the dog that bit him. **(Attachment 6)**
22. He made a clear identification of the dog in the photos provided. The Animal Services Team has reasonable grounds to believe the dog known as Blue was responsible for the attack.

OUTCOME

23. The Attack Rating Matrix is a tool used by the Animal Services Team to ensure consistency in decision making.
24. Once all the incident data had been entered, the Matrix provided a score of 48 which equates to a recommendation of a Dangerous Dog classification and an infringement being issued. **(Attachment 7)**
25. Based on the evidence provided, a decision was made to issue an infringement notice for failure to control a dog, and to classify the dog as only Menacing as this was the first recorded incident for this dog.
26. S.33A Dog Control Act 1996 – Territorial authority may classify dog as Menacing:
27. This section applies to a dog that:
 - (a) *A territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of the dog"*

GROUNDS FOR OBJECTION

28. Section 33B of the Act offers a right of objection to a menacing dog classification by lodging a written notice within 14 days after receiving the notice.
29. The criteria Council must apply to this application are set out in Section 33B(2) of the Act:

"When considering any objection, the Committee shall have regard to:

 - a. The evidence which formed the basis for the original classification; and*
 - b. Any steps taken by the owner to prevent any threat to the safety of persons and animals; and*
 - c. The matters advanced in support of the objection; and*
Any other relevant matters – and may uphold or rescind the classification."

30. Council may uphold or rescind the classification only. That is, there is no provision to modify the conditions of the classification.
31. The Dog Control Bylaw 2016 and Dog Control Act 1996 states that Council requires mandatory neutering of dogs classified as menacing.
32. The Dog Control Bylaw 2016 and Dog Control Act 1996 states menacing Dogs must wear a muzzle in public.

ADDITIONAL INFORMATION

33. Additional information:

- (a) Map showing location of incident (**Attachment 8**)
- (b) Email from Ruapani Smith regarding dog behaviour (**Attachment 9**)
- (c) Officer's report (**Attachment 10**)

ISSUES AND OPTIONS ASSESSMENT












Option A	
That pursuant to Section 33B(2) of the Dog Control Act 1996 the Regulatory Hearings Panel upholds the menacing dog classification.	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p>Advantages:</p> <ul style="list-style-type: none"> • Appropriate controls will be required for the dog that will reduce public threat. • Consistent with the Council risk management approach for ensuring public safety measures are in place. • Victims of negative dog behavior can be satisfied that their concerns have been accepted by Council. • Future incidents and complaints about this dog are mitigated. • Clearer for any Court decision should there be further reoffending <p>Disadvantages:</p> <ul style="list-style-type: none"> • Dog owner remains dissatisfied with Council decision – increased compliance cost for owner.
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>Costs of officer's time as follow-ups are required by Council staff to ensure menacing dog requirements are being met.</p>

Option B	
That pursuant to Section 33B(2) of the Dog Control Act 1996 the Regulatory Hearings Panel rescinds the menacing dog classification.	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p>Advantages:</p> <ul style="list-style-type: none"> • Dog owner is satisfied with Council decision - Reduced compliance costs and controls for dog owner. <p>Disadvantages:</p> <ul style="list-style-type: none"> • Increased risk of harm (e.g. bite) as dog may not be muzzled in public place. • Public perception that Council is “soft” on negative dog behavior.
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>Costs of officer’s time to investigate if further incidents occur with the dog.</p>

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
	There are no budgetary or funding impact associated with the recommendations in this report.

ATTACHMENTS

1. **Service request** [↓](#) 
2. **Menacing Classification** [↓](#) 
3. **Objection** [↓](#) 
4. **Statement** [↓](#) 
5. **Photo injuries** [↓](#) 
6. **Photos of dogs** [↓](#) 
7. **Matrix** [↓](#) 
8. **Map of area** [↓](#) 
9. **Email Smith and Council** [↓](#) 
10. **Officer's Report** [↓](#) 
11. **Objector's Evidence and Supporting Statements** [↓](#) 

**Service Request
Summary**

10/02/2026 12:11:57 pm



Request ID: 86925 **Assigned to:** Animal Services Referral Team (ds_team)
Priority: Routine **Location:** [REDACTED] NO 3 ROAD, TE PUKE
Sub Type: PERSON - Dog attacked **Contact:** RUAPANI SMITH
(and made contact)

Request: 24/10/2025 5:57:15 pm
21/11/2025 3:44:00 pm
Closed: 14/11/2025 12:55:56 pm

Default Phone: **Other Phone:** [REDACTED]
Email: [REDACTED]

Description

[REDACTED] No 3 Road, Te Puke.
Dog attack.
The attack occurred on Wednesday 22nd October 2025 at 1pm.
Dog is from the neighboring property.
Dog is from [REDACTED] No 3 Road.
Customer states they were working and near the tree shelterbelt - customer heard the dog barking but customer was working in the orchard and suddenly they felt something in their leg, and they saw the dog was running away from them.
Customers leg was bleeding.
Customer got medical attention - injections and stiches - customer is able to provide a doctor's report (have provided email address with job number to send this through).
Customer states the dog already had another issue with another coworker - it had tried biting through the tree shelter.
Customer states there were several Samoan orchard workers who saw the attack - customer can provide contact details on request.
Customer states they do know the owner of the dog and customer has gone over to the neighbor with their boss to talk about this.
The neighbours said they were pretty sure it was not their dog - but customer did sight the dog that bit them on the property.
The attacking dogs owner's number: [REDACTED]
Description of dog:
Breed: mixed type.
colour: Grey
medium sized.
red collar.
coat type: medium sized.

[REDACTED]
[REDACTED]

1741

**Service Request
Summary**

10/02/2026 12:11:57 pm



Date: 26/10/2025 10:51:33 am **Created by:** Carolyn Bennett-Ouellet
Subject: New SR.86925 'SR.Animal Services.Dog Rush/Attk Person'

Type: Email

Service Request Subtype: SR.Animal Services.Dog Rush/Attk Person

Assigned to: Animal Services Referral Team (ds_team) Morgan Steiner

Zone: Animal ASO OTAWA

Address: ■■■ NO 3 ROAD, TE PUKE

Description: ■■■ No 3 Road, Te Puke. Dog attack. The attack occurred on Wednesday 22nd October 2025 at 1pm. Dog is from the neighboring property. Dog is from ■■■ No 3 Road. Customer states they were working and near the tree shelterbelt - customer heard the dog barking but customer was working in the orchard and suddenly they felt something in their leg, and they saw the dog was running away from them. Customers leg was bleeding. Customer got medical attention - injections and stiches - customer is able to provide a doctor's report (have provided email address with job number to send this through). Customer states the dog already had another issue with another coworker - it had tried biting through the tree shelter. Customer states there were several Samoan orchard workers who saw the attack - customer can provide contact details on request. Customer states they do know the owner of the dog and customer has gone over to the neighbor with their boss to talk about this. The neighbours said they were pretty sure it was not their dog - but customer did sight the dog that bit them on the property. The attacking dogs owner's number: ■■■■■■■■■■ Description of dog: Breed: mixed type. colour: Grey medium sized. red collar. coat type: medium sized. ■■■■■■■■■■

Click here to view Job in Datascape [SR 86925 - SR.Animal Services - SR.Animal Services.Dog Rush/Attk Person - Routine](#)

Date: 28/10/2025 10:06:05 am **Created by:** Hayden Adams
Subject: Further Details:

Type: Note

Spoke with COMP over the phone who stated the facts as per the SR narrative. He is sure he sighted the dog at the address after the attack occurred. I provided him the animal services email to send the doctors report and photos of injuries to. PV required to identify dog and owner.

**Service Request
Summary**

10/02/2026 12:11:57 pm



Date: 29/10/2025 1:40:20 pm **Created by:** Hayden Adams **Type:** Note
Subject: Further Details:

PV conducted and two dogs sighted at address. One matched the description given by COMP. Nil persons home at the time. Nil dogs registered to property. Both dogs seized under s.42 of the DCA. IMP# [REDACTED] [REDACTED].

It was noted that the property is unfenced. The dogs were restrained at the time of the visit on leash in a covered area. Territorial aggression noted upon initial interaction with dogs.

Date: 7/11/2025 1:19:17 pm **Created by:** Hayden Adams **Type:** Note
Subject: Further Details:

Statement taken from COMP - 04/11/2025.

07/11/2025 - Spoke with COMP's boss/manager over the phone [REDACTED] who he reported the incident to at the time. She stated that he reported the facts to her the same as the SR. She stated that she is aware of the dog and so are multiple neighbors due to their roaming. She stated that she arrived on the scene about 1mins after it was reported to her and they visited the offending dog and owner about 10-15min after that.

Date: 14/11/2025 12:56:51 pm **Created by:** Hayden Adams **Type:** Note
Subject: Selected Outcome (Completed)

Report submitted - Infringement and Menacing classification issued.

Date: 16/12/2025 9:27:00 am **Created by:** Shannon Napier **Type:** Note
Subject: Further Details:

[REDACTED] on Tuesday 16/12 at 0927hrs to arrange a time to complete a dog ID as this is being disputed. Left message on answerphone to call Animal Services.

**Service Request
Summary**

10/02/2026 12:11:57 pm



Date: 16/12/2025 3:25:18 pm **Created by:** Shannon Napier

Type: Note

Subject: Further Details:

Offending Dog ID completed by [REDACTED] Te Puke on Tuesday 16/12/25 by Shannon. [REDACTED] identified Dog #1 of the four dog photos provided as the offending dog. This dog resides at the address reported by the complainant.

Documents

application/octet-stream SR.86925 - Animal Services - PERSON - Dog attacked (and made contact) - Unknown Unknown,RUAPANI SMITH - SR 8692

Vetting – Additional Information

Interactions



13 November 2025

Western Bay of Plenty District Council
 Private Bag 12803,
 Tauranga Mail Centre,
 Tauranga, 3143
 P 0800 926 732
 E info@westernbay.govt.nz
 westernbay.govt.nz

Service Request No: **86925**

RUAPANI SMITH
 ■■■ NO 3 ROAD
 RD 3
 TE PUKE 3183

Dear Ruapani,

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

This is to notify you that this dog has been classified as a menacing dog under Section 33A(1) of the Dog Control Act 1996:

Name:	Breed:	Colour:	Sex:	Age:
BLUE	CATTLE, AUSTRALIAN	BLUE	MALE	1 yr 7 mths
Dog Id No: ■■■■				
Authority: Western Bay of Plenty District Council				

Reason for Classification:

Due to reported or observed behaviour of the dog Council has reasonable grounds to believe this dog poses a threat to any person, stock, poultry, domestic animal or protected wildlife.

A summary of the effect of the classification and your right to object is attached; **this includes the requirement for the dog to be neutered.**

Yours faithfully

Peter Hrstich
Animal Services Team Lead

Te Kaunihera a rohe mai i ngā Kuri-a-Whārei ki Ōtamarākau ki te Uru

* 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, or 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.

**Effect of Classification as Menacing Dog
Sections 33E, 33F and 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 the Western Bay of Plenty District Council, within one month after receipt of this notice, a certificate issued by a registered veterinary surgeon certifying that:
- (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) Where a certificate under paragraph (b)(ii) is produced to the Western Bay of Plenty District Council, produce to the Western Bay of Plenty District Council, within one month after the date specified in that certificate, a further certificate under paragraph (b)(i).

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).

As from 1 July 2006, you are also required, for the purpose 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 the Western Bay of Plenty District Council in accordance with the reasonable instructions of the Western Bay of Plenty District Council for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

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 not to 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 conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

**Right of Objection to Classification under Section 33C
Section 33(B), Dog Control Act 1996**

You may object to the classification of your dog as menacing by lodging with the Western Bay of Plenty District Council a written objection within 14 days of receipt of this notice setting out the ground 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.

Peter Hrstich

From: Peter.Hrstich@westernbay.govt.nz
 Subject: FW: Dog Infringement Waiver Request

From: do.not.reply@westernbay.govt.nz <do.not.reply@westernbay.govt.nz>
 Sent: Friday, 21 November 2025 9:13 am
 To: Animal Admin <dogadmin@westernbay.govt.nz>
 Subject: Dog Infringement Waiver Request

WBOPDC Website - Dog Infringement Waiver Request

We have received the below Dog Infringement Waiver Request. Please process accordingly.

Date Submitted 21/11/2025

Infringement Notice Details

Infringement Notice Number(s) 3957
 Offence Date 22/10/2025
 Dog Name Blue
 Dog Breed Australian Cattle
 Dog Colour Blue

Owner's Details

Full Name Ruapani Smith
 Physical Address: [REDACTED] No 3 Road, RD 3, Te Puke 3183
 Postal Address (if different) N/A
 Date of Birth [REDACTED]
 Email [REDACTED]
 Contact Phone Number [REDACTED]

Explanation

Please provide reasons for your waiver request

CSR - Shaun filling on behalf.
 Please refer to SR. 89390

Ruapani wishes to dispute this infringement by requesting the camera footage for the site visit. He believes that his dogs don't attack and only bark at visitors. He also stated that there are two other dogs in the property - another grey Australian Cattle and a grey ridgeback and he believes it was these dogs that implicated him for the waiver.

He also wants clarification around the menacing

1

categorisation of his dog as he believes that his dog does not fit the criteria. He opposes de-sexing the dog as he states that is a pedigree and he wants to breed from this dog.

Please upload any supporting documentation or photos
Certification

N/A

- I hereby certify that, to the best of my knowledge and belief, the information provided above is true and correct.

Dog Infringement Waiver Request Sphere Reference
Number

DOG251145909

Personal Statement Continued – Statement of [REDACTED]

SR 86925

I would describe the male who identified himself as the owner of the dog as Maori, tall, medium build and had short dark hair.

My boss and I left the property where the dog were, and I sought medical treatment.

I received multiple stitches and an injection from the doctors due to the injuries from the attack.

On the 24th of October 2025, I reported the attack on the Western Bay of Plenty District Council to make Animal Services aware of the offending.

I have since provided Western Bay of Plenty District Council Animal Services with photos I took of my injuries at the time of the incident and when at the doctors and a doctor's report.

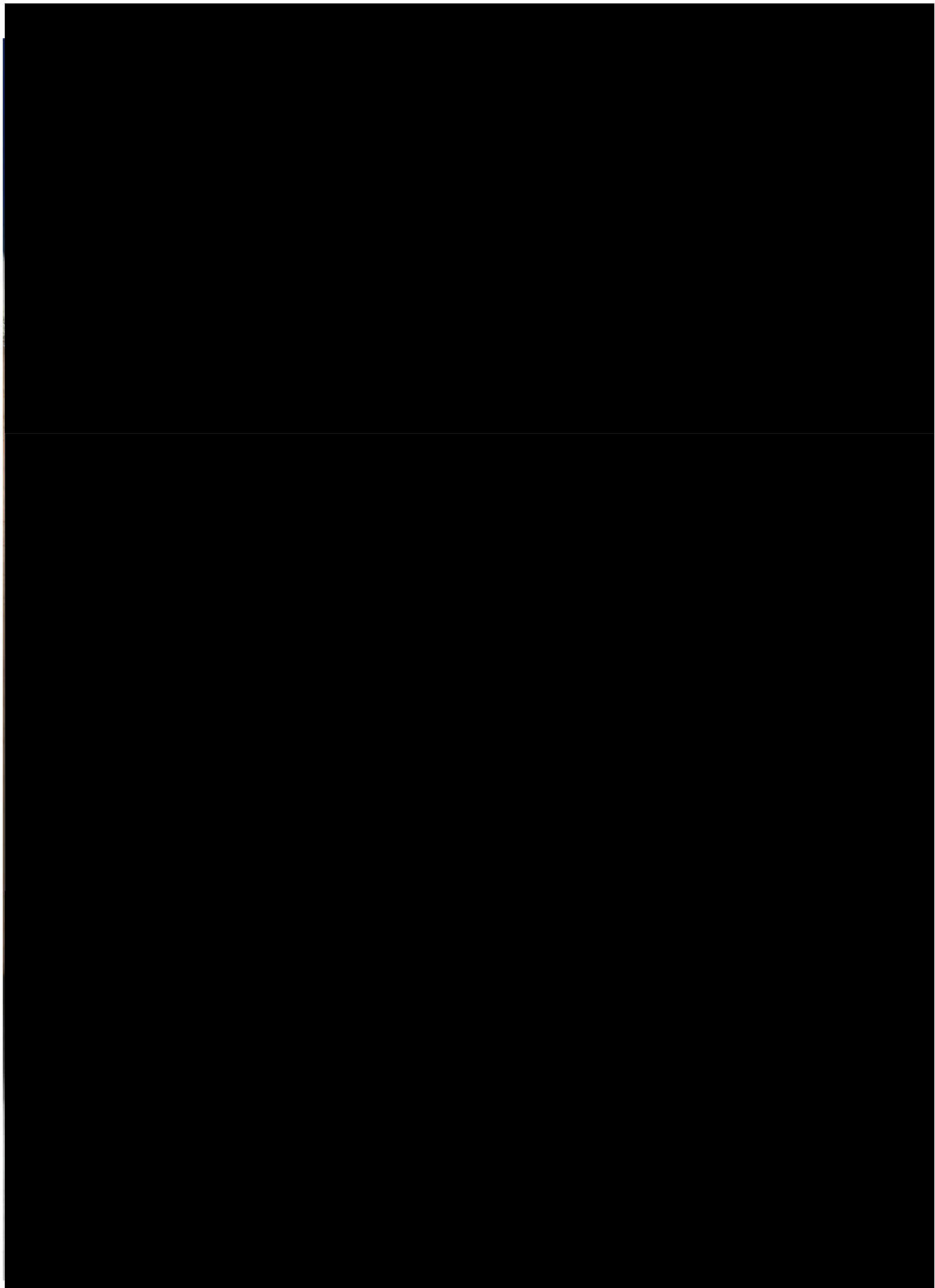
Signe

[REDACTED SIGNATURE]

Date 4/11/2025

[REDACTED INITIALS]





Dog Identification Form



a rohe mai i
Ngā Kuri-a-Whārei ki
Otamarakau ki te Uru

Service Request #

Name (Full)

Address

Date of Birth

[Redacted area with dotted lines for input]

From the photos of the dogs shown to me by SHANNON from Western Bay of Plenty District Council, the offending dog(s) are in the photos numbered

1

For the incident that occurred on the

on date

~~16/12/25~~ [REDACTED] 22/10/25

at location

[Redacted location]

Nº 3 RD,
TE PUKE

By completing this form, I affirm that, to the best of my knowledge, the information identifying the offending(s) is true and accurate.

Signed

[Redacted signature]

Date

16/12/25

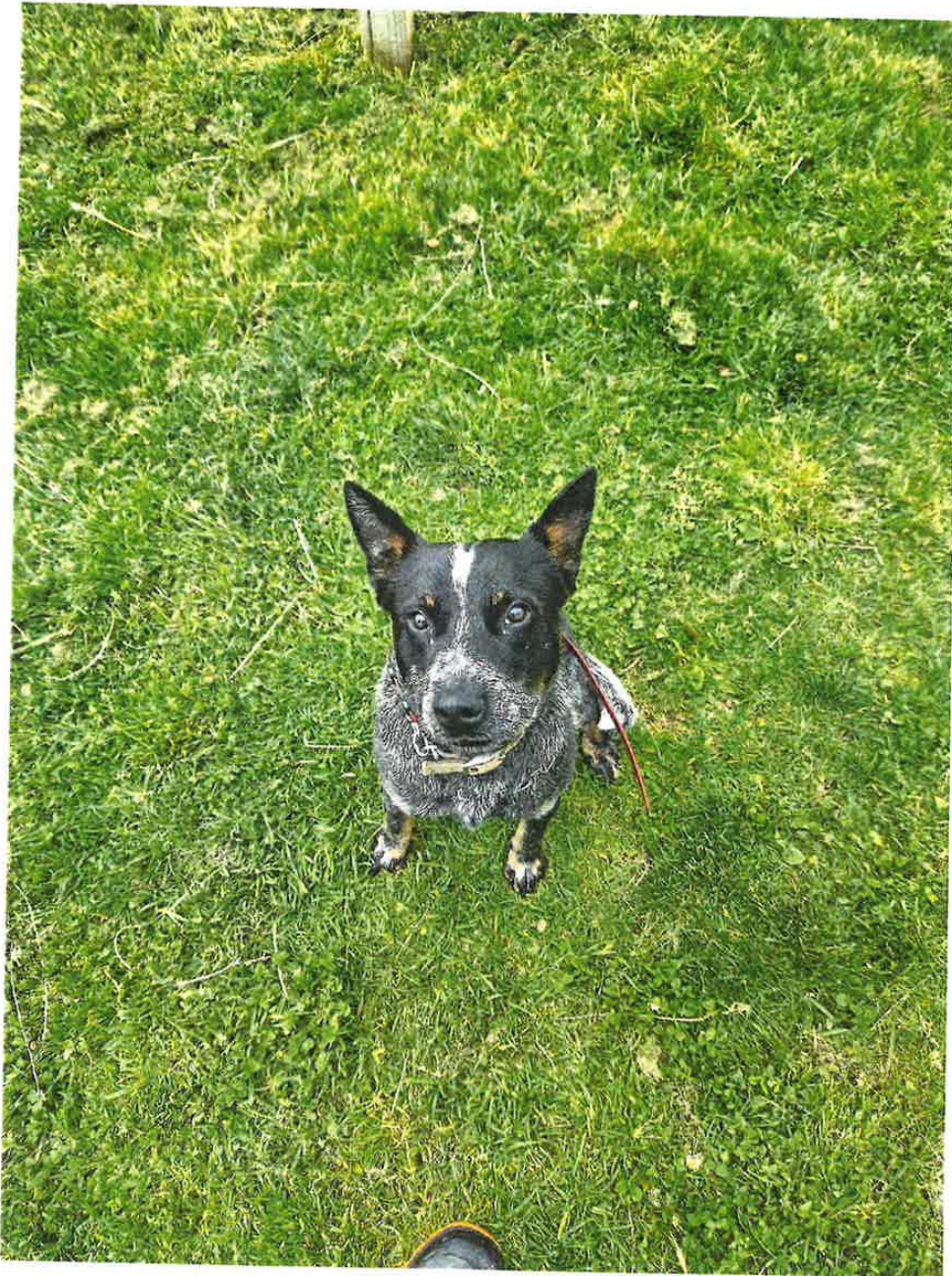


Photo 1



Photo 2

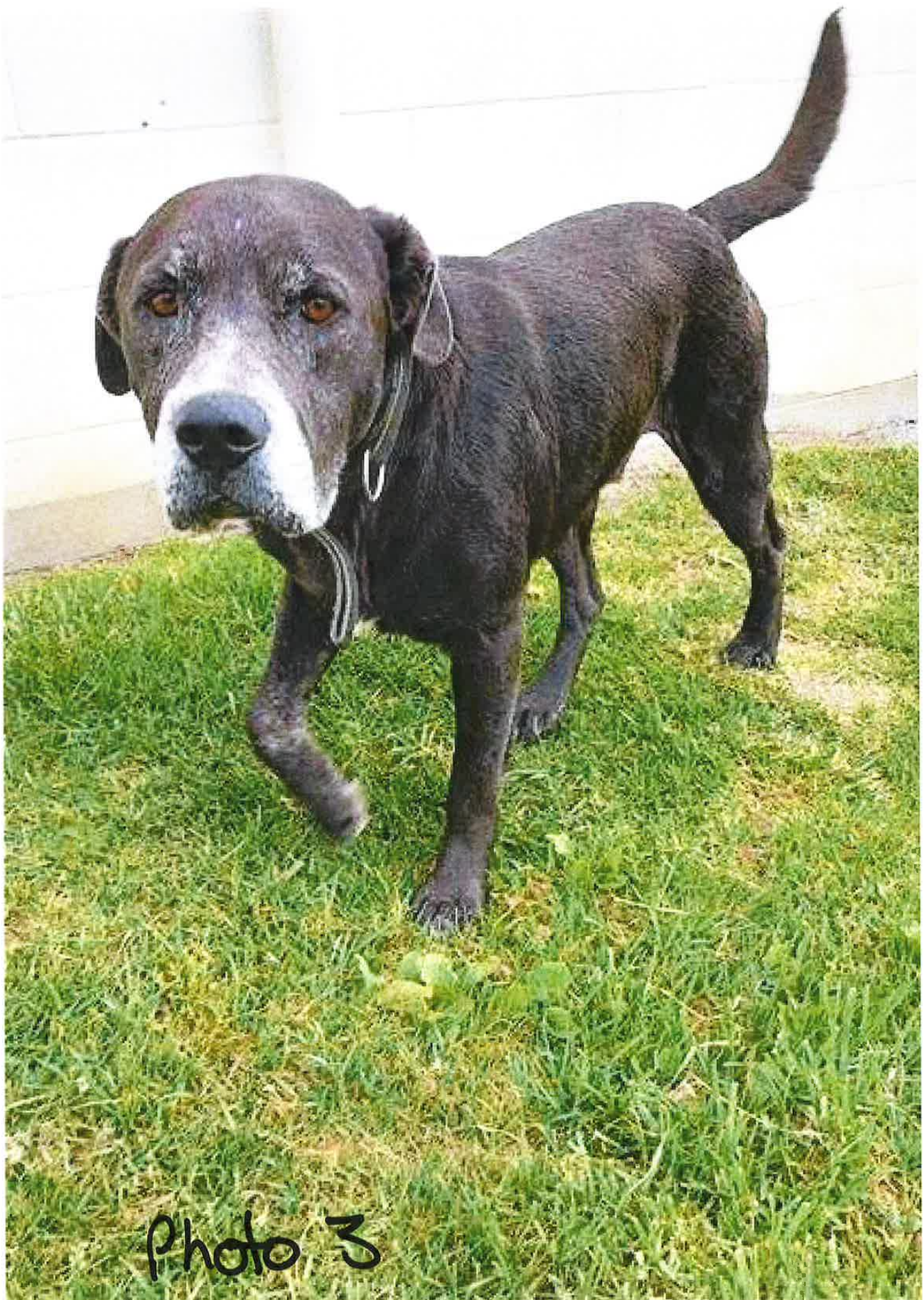




Photo 4

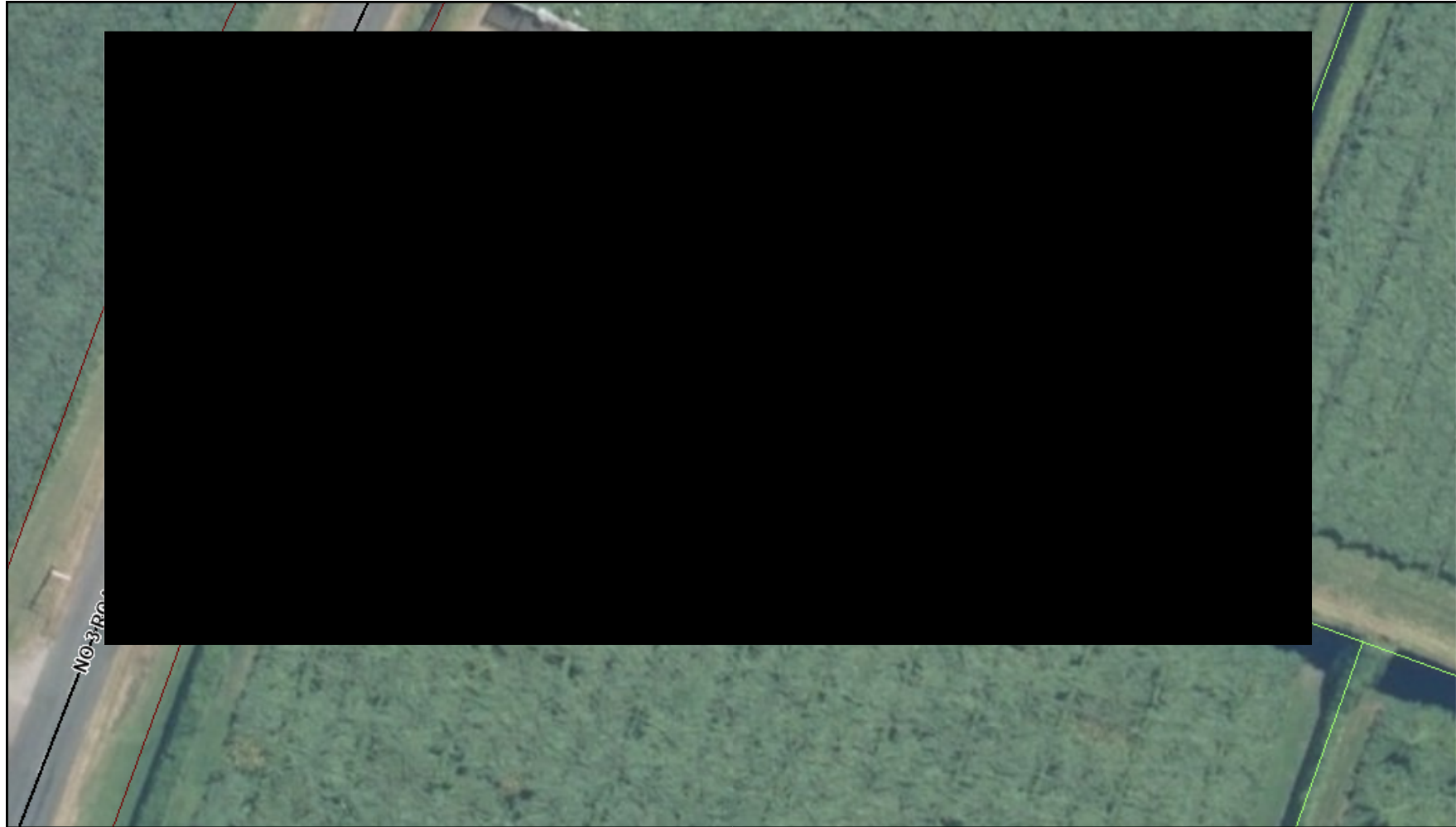
ATTACK RATING REPORT

OFFENDER NAME: Ruapani Smith
SERVICE REQUEST 86925

SERIOUSNESS	Attack person – minor injuries, first aid required	25
VICTIM IMPACT	The victim has suffered minor physical and/or mental trauma + financial loss.	3
DOG SURRENDERED / DESTROYED	The dog has not been surrendered for destruction.	4
OBSERVED AGGRESSION (PEOPLE) <i>(Based on the Officer's observation only)</i>	Some aggression but backs off	1
NEGLIGENCE	The incident is the direct result of minor negligence/carelessness	2
CO-OPERATION	Cooperative and forthcoming with information, no contrition shown	1
REGISTRATION	Unregistered	4
PREVIOUS HISTORY - DOG	No history	0
PREVIOUS HISTORY - PERSON	No history	0
BREACH OF CLASSIFICATION CONDITIONS	N/A	0
RESTRAINT	The dog was at large (unknown by owner)	2
RECURRENCE LIKELIHOOD	Recurrence possible	2
DAMAGES	Damages unpaid	2
POTENTIAL FOR HARM	Medium dog	2
TOTAL		48

Result Dangerous dog and infringement

<25 = Warning Letter and/or Infringement
 <34 = Menacing dog classification and/or infringement
 <50 = Dangerous dog and infringement
 50+ = Dangerous dog and infringement or prosecution



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Location of services is indicative only. Council accepts no liability for any error.
Archaeological data supplied by NZ Archaeological Assoc/Dept. of Conservation.

Date: 10/02/2026 Operator: Peter Hrstich

0 25 50 m



Dog Attack Map
SR 86925



Peter Hrstich

From: Peter.Hrstich@westernbay.govt.nz
Subject: FW: Dog infringement and Classification

Kia ora Peter,

There have been two allegations against my two dogs Bear (Kelpie x Blue Heeler) and Blue (Purebred Blue Heeler). From these two allegations of attacks, I as the owner of Bear and Blue have had no opportunity to defend them or have been given the opportunity to show the council the true nature of them. I understand that every dog is different and there can be circumstances that arise where dogs are provoked to attack, but this has never happened in the 4 years (Bear) and 2 years (Blue) that I have owned them.

I do understand the severity of dog attacks and that they can/do happen. However, I believe this is due to poor training of dogs and a lack of care and understanding of the dogs owned.

I have been given no evidence of these alleged attacks by my dogs and the events that have been explained to me that have happened before the alleged attacks and thereafter do not add up, and I have not been given the opportunity to explain why.

I have owned Bear for 4 years and Blue for 2 years. In this time I have never had any instances where they have caused harm or made anyone fearful. Bear and Blue are very well behaved dogs who listen well to commands and instructions, regardless of whether I am the one dealing with them. They are soft natured dogs and cower when they are scared, they do not attack. They have been taught to bark when someone comes onto our property or surrounding neighbouring properties when they are close to the boundary but they know not to wander past the boundaries unless instructed too or are with me. This is security for my family and I.

I would appreciate the chance to explain the nature of my dogs or have someone witness them, and why I don't believe that they should be classed as a menacing dog and how these alleged attacks are completely out of character for Bear and Blue.

I look forward to hearing back from you and hope that we can find a resolution for all of this.

Ngā mihi,

Ruapani Smith
[REDACTED]

On Fri, 28 Nov 2025 at 11:18 AM, Peter Hrstich <Peter.Hrstich@westernbay.govt.nz> wrote:

Hi Ruapani

Thank you for sending the information through. We will review the case and get back you regarding a hearing which would be sometime in the new year.

Regards

Peter

From: Ruapani Smith [REDACTED]
Sent: Thursday, 27 November 2025 9:24 pm
To: Peter Hrstich <Peter.Hrstich@westernbay.govt.nz>
Subject: Re: Dog infringement and Classification

Kia ora Peter,

Apologies for my delayed email.

As discussed on the phone I wish to attend a hearing to support an objection to the menacing classification on my dog, Blue.

My dog Blue is soft natured and will cower when he is scared, not attack.

My partner received a phone call on the afternoon of Wednesday 22 October from [REDACTED] (orchard manager) stating that one of her workers had been attacked by my dog Blue. My partner had called me straight away to notify me and I have gone to see where my dogs are, they were asleep on the deck where they had been since we got back from a run at the park, not long before I received this phone call. My partner questioned [REDACTED] about what her worker did to result in our dog being accused of attacking to which she replied that her workers are trained to throw their arms up in the air and to yell and scream at the dogs to make them scared and run away. This training is wrong and I have been in contact with another orchard manager at Seeker regarding this training and he has told us that this is incorrect.

You have stated that the victim and his boss entered our property after the attack to sight the dog in question. However, when people or vehicles enter our property that are not known to our dogs they bark and continue to bark until we reassure them that it is ok. This did not happen and as stated above my dogs were on the deck sleeping after our run at the park.

There has been one roaming dog, a Thai Ridgeback that has been sighted by our neighbours who have also notified us that they have too seen it come onto our property. I believe this is the dog who has attacked, my dogs do not attack they are trained to bark to notify us of anyone entering our property or if they hear or see anyone in the neighbouring properties.

I also object to paying the infringe notice for reasons started above.

Ngā mihi,

Ruapani Smith
[REDACTED]

On Wed, 26 Nov 2025 at 3:19 PM, Ruapani Smith [REDACTED] wrote:

Kia ora Peter,

Sorry been flat out I'll get that sorted and to you tonight. Thank you for your patience.

Ngā mihi,

Ruapani Smith

██████████

On Mon, 24 Nov 2025 at 9:32 AM, Peter Hrstich <Peter.Hrstich@westernbay.govt.nz> wrote:

Hello Ruapani,

We have received your infringement waiver request submitted on your behalf by our Customer Services team.

The infringement and classification are the result of a dog attack. The dog attack on the person happened in the orchard only meters away from your property. The victim saw the dog that bit him head back to your place after the attack.

Shortly after, the victim went to your property with his boss, and he sighted the dog again. With the victim's injury and the proximity of the attacking dog during and after the incident Council is satisfied that we have correctly identified of the offending dog.

You have mentioned two other roaming dogs reported being sighted on and around property, this is unsubstantiated and with the evidence we have it does not change the outcome.

Even though the visit to your property was the result of the reported dog attack your two dogs were removed under section 42(2)(a) Dog Control Act 1996 for not being registered and was not directly related to the attack.

If you wish to contest the infringement notice, as council will not grant a waiver for the aforementioned reasons, you can request a court hearing as detailed in the information on the back of the infringement notice.

If you wish to object to the menacing dog classification, please follow this information which is on the back of the notice.

"You may object to the classification of your dog as menacing by lodging with the Western Bay of Plenty District Council a written objection within 14 days of receipt of this notice setting out the ground 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."

This will give you an opportunity to present your case to a panel of elected Council members in a public hearing.

The classification was not issued from what the officers sighted when the dogs were picked up but it is the result of the dog biting a person.

You mentioned that you wish to breed from your dog and questioned the desexing requirement of the classification. Desexing applies to any dog classified as menacing or dangerous under the Dog Control Act in the Western Bay of Plenty district.

If you have further questions you can contact me via email or on 07 5718008.

Regards

Peter Hrstich**Team Lead – Animal Services**

Kaiārahi Ratonga Kararehe

**Western
Bay of Plenty**
District Council**For our
people****E** peter.hrstich@westernbay.govt.nz**P** 07 571 8008 | **FP** 0800 926 732[1484 Cameron Road, Greerton, Tauranga](#) 3112westernbay.govt.nz | [Facebook](#) | [Instagram](#) | [LinkedIn](#)

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Incident Report

Attention
Team Lead Animal Services
Western Bay of Plenty District Council

Report date 07/11/2025
Incident date 22/10/2025

Service Request 86925

Complainant: [REDACTED]
Address: [REDACTED]

Offender: Ruapani SMITH
Address: [REDACTED] No 3 Road, Te Puke
Dog: BLUE – Australian Cattle – Male – Entire – 1year 7months
Dog ID [REDACTED] – Unregistered at time of incident

SUMMARY OF FACTS

1. At approximately 1300hrs on the 22nd of October 2025, [REDACTED] O was working on the northern side of an orchard located at [REDACTED] No 3 Road, Te Puke.
2. [REDACTED] heard barking come from behind a shelter belt on the boundary of the orchard and [REDACTED] No 3 Road, Te Puke.
3. As [REDACTED] continued working, he suddenly felt a pain in the lower part of his left leg.
4. As [REDACTED] turned around to see what happened, he sighted the dog, BLUE running away from him back towards the shelter belt where he heard the barking originating from.
5. [REDACTED] received a deep laceration to his left lower calf area due to the dog biting him.
6. [REDACTED] reported the incident to his boss who, at about 1330hr, accompanied BAYO to [REDACTED] No 3 Road, Te Puke where they spoke with a male who identified himself as the owner of the dogs present.
7. [REDACTED] recognised one of the dogs present, BLUE, as the dog that had bite him.
8. [REDACTED] then attended the doctors where he received treatment for his injuries.
9. On the 24th of October 2025, [REDACTED] contacted Western Bay of Plent District Council to report the offending to Animal Services.

Evidence

- Statement from Victim – [REDACTED] – Outlines sighting the dog immediately after receiving the injury and shortly after at the dog owner's address.
- Body Worn Camera footage – property visit to [REDACTED] No 3 Road.
- Photos of Injuries at the scene and at the doctors.
- Doctors report confirming attendance.
- Attack matrix – recommends Dangerous Classification and Infringement.

Dog/Owner Background and history

- The dog, BLUE has no previous recorded history however when [REDACTED] boss was spoken to over the phone she stated that she and other neighbours of the dogs are aware of the dogs from [REDACTED] No 3 Road, Te Puke due to multiple unreported roaming incidents.
- On the 29th of October 2025, Western Bay of Plenty District Council Animal Services conducted a property visit at [REDACTED] No 3 Road, Te Puke as part of this investigation and found two unregistered dogs, one being BLUE. Both dogs were seized under Section 42 of the Dog Control Act 1996 and subsequently released to Ruapani SMITH as the owner.
- During the aforementioned property visit, the attending Animal Services Officer's initially noted moderate territorial aggression from both dogs present until rapport was built with the dogs.
- When spoken to over the phone with Animal Services Officers, SMITH stated that the workers next door are liars. [REDACTED] also stated in his statement, SMITH stated to him he was pretty sure it wasn't his dog that attacked.
- It is noted that there were other workers on site however no other workers saw the attack itself. Just the dog running back towards the property of [REDACTED] No 3 Road, Te Puke. No details of these workers have been provided and no statements taken.

Conclusion and recommendation

Due to the aggravating factor of previous unreported roaming incidents, the severity attack and acknowledging the recommendation of the Attack Report Matrix, I recommend:

- Menacing classification be issued for the dog, BLUE under Section 33A(b)(i) of the Dog Control Act 1996
- An infringement notice for failing to control the dog, BLUE under Section 53 of the Dog Control Act 1996 – Failing to keep dog under control.



Red ADAMS
Senior Animal Services Officer
Western Bay of Plenty District Council

Team Lead comments

The evidence of injury indicates that the victim was bitten. He clearly saw the dog and identified again on its own property after seeing it return in that direction.

The claim made by the dog owner of the victim being bitten being a liar, makes no rational sense. The victim had not reason to make a false claim.

I approve of the recommendation.



Peter Hrstich
Team Lead Animal Services

Ruapani Smith's Submissions – Bear (ID [REDACTED]) and Blue (ID [REDACTED])

I respectfully object to the menacing dog classification of Bear under section 33A of the Dog Control Act 1996. With respect to this I say:

1. Both Bear and Blue are soft-natured, well-behaved, and highly obedient dogs. They are friendly with adults, children of all ages, and other dogs.
2. They may bark to alert us when vehicles or people arrive, but they do not display aggressive behaviour and have never attacked anyone.
3. They are well socialised and regularly interact without issue with visitors and orchard workers who enter our property.

First Alleged Incident

4. On the date of the first alleged attack, we had just returned home from approximately a 10km run at the beach. Both dogs were exhausted and asleep on the deck near the door, in clear view of me at all times.
5. The [REDACTED] contact my partner (who was in Melbourne at the time) alleging that one of our dogs (Blue – blue-heeler) had attacked someone. My partner immediately contact me, and I confirmed that both dogs were still asleep in the same position on the deck and had not moved. They had not barked or left the property at the time the alleged incident supposedly occurred.
6. Several weeks later, while we were away from home, the dogs were tied up (as is our normal practice when they are unsupervised) and were collected by Animal Services. They were tied at the time they were taken.
7. Subsequently, Peter Hrstich from Animal Services informed us that Blue had been classified as a menacing dog and issued a fine. We formally advised that we object to both the infringement and the menacing dog classification, as we firmly believe our dog was not involved in the alleged incident.

Second Alleged Incident – 02 December 2025

8. A second allegation was made on 02 December 2025, this time concerning our black and tan dog, Bear (kelpie x blue-heeler).
9. It was alleged that Bear approached the [REDACTED] from behind and attacked her, damaging her clothing. We were notified of this by a neighbour.
10. We categorically deny that our dog was involved in this alleged attack.
11. On the day of this alleged attack, both of my dogs were not at our property. They were with me at my workplace for the duration of the day. It is not possible that Bear was involved in such attack.

Subsequent Incident Involving Other Dogs

12. On 11 December 2025, while returning home from work (our dogs accompany me to work daily), our dogs were attacked when I let them out of the truck by two dogs matching the description of the dogs reportedly involved in the incidents next door.

13. I stood between the dogs, and Blue and Bear and directed Blue and Bear to go to their beds on the deck, while I managed to draw the two other dogs near my truck with food and water so that I could secure them to my truck with leads.
14. I then contacted Animal Services, and the dogs were collected.
15. I have received no follow-up information regarding those dogs. Myself and my partner later saw a Facebook Post on 22 February 2026 (**attached** is a screenshot) reporting two similar dogs roaming on No 4 Road, Te Puke ([REDACTED]).
16. In addition, roaming dogs are not uncommon in our area. We have video footage of unknown dogs entering our property, and neighbours have also witnessed dogs in the vicinity.

Lack of Evidence and Process Concerns

17. My partner and I have repeatedly requested:
 - a. Evidence supporting both alleged attacks
 - b. Information regarding our dogs behaviour when collected and impounded
 - c. Video footage from the pound facility
18. To date, we have not been provided with any such requested evidence.
19. I have also asked that Animal Services personally assess and characterise our dogs temperament. We were advised this would not assist us.
20. I feel unfairly targeted as the neighbouring property to the orchard where the alleged incidents occurred.
21. While I acknowledge that dogs can be unpredictable in general, I maintain that our dogs have consistently demonstrated gentle, friendly temperament. They regularly interact appropriately with orchard workers and visitors. If someone indicates they are uncomfortable around dogs, we proactively secure them.

Conclusion

22. I respectfully submit that:
 - a. There is no direct evidence linking our dogs to the alleged incidents.
 - b. At the time of the first allegation, our dogs were asleep on our property in my clear and direct view.
 - c. Roaming dogs matching the description of those involved in the incidents have been seen in the area, and also entered my property.
 - d. No supporting evidence has been provided despite repeated requests.
 - e. Our dogs have no demonstrated history of aggression and we well known in the community as friendly, well-behaved dogs.
23. For these reasons, we respectfully request that the menacing dog classification under section 33A of the Dogs Control Act 1996 be reconsidered and removed for both Bear and Blue.

Reference Letter for Dogs

To Whom It May Concern

I am pleased to provide this reference letter on behalf of Rua, who has been building our house extension for [REDACTED] since December last year. I am writing specifically in relation to his responsibility and care for his dogs.

While working on our property Rua has had both his dogs on site and off leads. During this time these dogs have been exposed to my family including my 3 children – ages 7 to 11, numerous other tradesman and workers on the renovation as well as my elderly father in law and his dogs. Our property borders a working dairy farm and therefore has a lot of people and animal traffic along our property boundary.

At no time during this time have I seen to dogs bark at any people or be aggressive in their behaviour towards any person or other animal. The dogs are demonstrating behaviours indicating they have been well trained and are well-behaved.

Based on my observations, I am confident in Rua's abilities as a caring and responsible dog owner and that the dogs are not dangerous pets.

Please feel free to contact me at [REDACTED] should you require any further information.

Sincerely,

[REDACTED]

[REDACTED]

Home Owner,

[REDACTED]

Tauranga

9.2 DAY ONE – OBJECTION TO MENACING DOG CLASSIFICATION – BEAR – RUAPANI SMITH

File Number: A7248584

Author: Peter Hrstich, Animal Services Team Leader

Authoriser: Alison Curtis, General Manager Regulatory Services

EXECUTIVE SUMMARY

This report seeks a decision from the Committee as to whether the status of the Menacing Dog classification is upheld or not.

RECOMMENDATION

1. That the Team Leader Animal Services report dated 1 May 2026 and titled 'Day One – Objection to Menacing Dog Classification – Bear – Ruapani Smith', be received.
2. That the Regulatory Hearings Panel uphold the menacing classification, however the panel may either:
 - a. Uphold the classification; or
 - b. Rescind the classification

THE SITUATION

1. Ruapani Smith is the owner of an Australian Cattle Dog named Bear.
2. Bear is a male dog and is about 5 ½ years old and not neutered.
3. On Wednesday 2 December 2025 an incident was reported to the Council where a dog attacked a person. Bear was described as the attacking dog. A Service Request was created (#90568) with reference to the attack. **(Attachment 1)**
4. As a result of the investigation into the attack, Council classified the dog known as Bear as Menacing, as per section 33A(1) Dog Control Act 1996. This means the owner must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction. The dog must also be desexed. **(Attachment 2)**
5. Ruapani Smith has objected to the Menacing classification of Bear under section 33B(1) Dog Control Act 1996. **(Attachment 3)**
6. On Tuesday 2 December 2025, a person was working within an orchard situated at No 3 Road, in an area of the orchard close to the border with a neighbouring dwelling located at No 3 Road, Te Puke.

7. At approximately 3.55pm the victim was rushed at by two dogs and attacked by one of them.
8. The attacking dog bit and held on to the work pants and released once kicked.
9. After screaming at the dogs, the victim watched the dog run to the nearby property on No 3 Road.
10. The person then immediately went to the Orchard owner's house and told him what happened and he said that he would call the dog owner.
11. The victim recognised the two dogs, as one of her employees was recently bitten by one of the dogs and she went to the property with that victim after that incident and saw the dogs at the address with the dog owner, Ruapani Smith.

THE OFFENCE

12. A dog attacking a person is an offence under section 57 of the Dog Control Act 1996.
13. A dog rushing at, or startles, any person or animal in a manner that causes – any person to be killed, injured, or endangered; or any property to be damaged or endangered is an offence under section 57A of the Dog Control Act 1996.
14. A puncture hole was made in the pants worn by the victim.

EVIDENTIAL MATTERS

15. The attack was reported to the Council on 3 December 2025.
16. On 5 December 2025 the Animal Services Team visited the property at No 3 Road to speak to the dog owner Ruapani Smith. He was not home and the dog owner's partner was spoken to.
17. She stated that the dogs were home with her sister on the day of the incident. The sister was told if she heard the dogs barking to make sure she knows where the dogs are and to call them back.
18. The purpose of the visit was to speak to Ruapani Smith and to take a statement.
19. The victim provided a written statement to the Animal Services Team describing how she was attacked and a description of the dogs involved.
20. Photographs of the damage to the trouser leg was also provided. (**Attachment 4**)
21. Ruapani Smith was spoken to on 8 December 2025 by the Team Leader of Animal Services and he denied his dogs were responsible for the attack. He believes his dogs are not aggressive and claims two other unknown dogs have been roaming on his property which appear similar in appearance to his dogs. He also believes his dogs do not leave the confines of his property when they are not restrained, and they won't go through the shelter belt. No evidence could be found to support this claim.

22. On visiting the property, Animal Services noted the lack of fencing or containment measures between the orchard and the house on No 3 Road, which would keep the two dogs belonging to Ruapani from roaming into the orchard.
23. On 16 December 2025 two further roaming dogs were reported to be detained at the property on No 3 Road by Ruapani Smith. These dogs were impounded by the Animal services Team.
24. To avoid any questionable discrepancy regarding the identity of the attacking dog; further determination was taken regarding which dogs were responsible for the attack and rushing on the victim.
25. On 22 December 2025 photographs were presented to the victim showing four dogs including the two dogs belonging to Ruapani and the two later impounded roaming dogs. She identified the dogs known as Bear and Blue as the dogs that bit and rushed at her. **(Attachment 5)**
26. The victim's clear identification of the dogs that bit and rushed at her gave the Animal Services Team reasonable grounds to believe that the dog known as Bear was responsible for the attack.

OUTCOME

27. The Attack Rating Matrix is a tool used by the Animal Services Team to ensure consistency in decision making.
28. Once all the incident data had been entered, the Matrix provided a score of 35 which equates to a recommendation of a Dangerous Dog classification and an infringement being issued. **(Attachment 6)**
29. Based on the evidence provided, a decision was made to issue an infringement notice for failure to control a dog, and to classify the dog as Menacing.

The Matrix does not mandate the outcome but assists in reviewing all the factors around the incident. This lesser menacing classification was decided upon due to it being the first reported offence of the dog and the score was only one point about a Menacing classification.
30. S.33A Dog Control Act 1996 – Territorial authority may classify dog as Menacing:
31. This section applies to a dog that:
 - (a) *A territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of the dog"*

GROUND FOR OBJECTION

32. Section 33B of the Act offers a right of objection to a menacing dog classification by lodging a written notice within 14 days after receiving the notice.
33. The criteria Council must apply to this application are set out in Section 33B(2) of the Act:

“When considering any objection, the Committee shall have regard to:

- a. The evidence which formed the basis for the original classification; and*
- b. Any steps taken by the owner to prevent any threat to the safety of persons and animals; and*
- c. The matters advanced in support of the objection; and*
Any other relevant matters – and may uphold or rescind the classification.”

- 34. Council may uphold or rescind the classification only. That is, there is no provision to modify the conditions of the classification.
- 35. The Dog Control Bylaw 2016 and Dog Control Act 1996 states that Council requires mandatory neutering of dogs classified as menacing.
- 36. The Dog Control Bylaw 2016 and Dog Control Act 1996 states menacing Dogs must wear a muzzle in public.

ADDITIONAL INFORMATION

37. Additional information:

- (a) Map showing location of incident (**Attachment 7**)
- (b) Email from Ruapani Smith regarding dog behaviour (**Attachment 8**)
- (c) Officer’s report (**Attachment 9**)

ISSUES AND OPTIONS ASSESSMENT





Option A	
That pursuant to Section 33B(2) of the Dog Control Act 1996 the Regulatory Hearings Panel upholds the menacing dog classification.	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p>Advantages:</p> <ul style="list-style-type: none"> • Appropriate controls will be required for the dog that will reduce public threat. • Consistent with the Council risk management approach for ensuring public safety measures are in place. • Victims of negative dog behavior can be satisfied that their concerns have been accepted by Council. • Future incidents and complaints about this dog are mitigated. • Clearer for any Court decision should there be further reoffending.






	Disadvantages: <ul style="list-style-type: none"> • Dog owner remains dissatisfied with Council decision • Increased compliance cost for owner.
Costs (including present and future costs, direct, indirect and contingent costs).	Costs of officer's time as follow-ups are required by Council staff to ensure menacing dog requirements are being met.
Option B	
That pursuant to Section 33B(2) of the Dog Control Act 1996 the Regulatory Hearings Panel rescinds the menacing dog classification.	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	Advantages: <ul style="list-style-type: none"> • Dog owner is satisfied with Council decision – Reduced compliance costs and controls for dog owner. Disadvantages: <ul style="list-style-type: none"> • Increased risk of harm (e.g. bite) as dog may not be muzzled in public place. • Public perception that Council is “soft” on negative dog behavior.
Costs (including present and future costs, direct, indirect and contingent costs).	Costs of officer's time to investigate if further incidents occur with the dog.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
	There are no budgetary or funding impact associated with the recommendations in this report.

ATTACHMENTS

1. Service Request [↓](#) 
2. Classification [↓](#) 
3. Objection [↓](#) 
4. Photo of pants damage [↓](#) 

5. **Photo ID of dogs** [↓](#) 
6. **Matrix** [↓](#) 
7. **Map of area** [↓](#) 
8. **Report** [↓](#) 
9. **Objector's Evidence and Supporting Statements** [↓](#) 

**Service Request
Summary**

13/02/2026 2:47:04 pm



Request ID: 90568 **Assigned to:** Animal Services Referral Team (ds_team)
Priority: Routine **Location:** [REDACTED] NO 3 ROAD, TE PUKE
Sub Type: PERSON - Dog attacked (and made contact) **Contact:** [REDACTED]
[REDACTED]
TE PUKE 3119

Request: 3/12/2025 8:57:00 am
17/12/2025 8:57:00 am
Closed: 11/12/2025 8:15:34 am

Default Phone: [REDACTED] **Other Phone:** [REDACTED]
Email: [REDACTED]

Description

[REDACTED] No.3 Road
Refer to SR.86925
Customer was attacked by the dog that lives on [REDACTED] No.3 Road around 3.56pm.
She said her employee got attacked before by on this property.
It was a black mixed breed dog. The grey dog tried to attack her as well, however she managed to scare it.

Interactions

**Service Request
Summary**

13/02/2026 2:47:04 pm



Date: 3/12/2025 8:57:13 am **Created by:** Stella Indawati
Subject: New SR.90568 'SR.Animal Services.Dog Rush/Attk Person'

Type: Email

Service Request Subtype: SR.Animal Services.Dog Rush/Attk Person

Assigned to: Animal Services Referral Team (ds_team) Morgan Steiner

Zone: Animal ASO OTAWA

Address: ■■■ NO 3 ROAD, TE PUKE

Description: ■■■ No.3 Road Refer to SR.86925 Customer was attacked by the dog that lives on ■■■ No.3 Road around 3.56pm. She said her employee got attacked before by on this property. It was a black mixed breed dog. The grey dog tried to attack her as well, however she managed to scare it. ■■■
■■■

Click here to view Job in Datascape [SR 90568 - SR.Animal Services - SR.Animal Services.Dog Rush/Attk Person - Routine](#)

Date: 4/12/2025 8:26:51 am **Created by:** Morgan Steiner
Subject: Further Details:

Type: Note

Further Details: Spoken to COMP on 03/12/25 at 0917 hours. COMP confirmed events as per narrative with dogs stated to have come from ■■■ No 3 Road. COMP'S description of dogs involved in attack match dogs from ■■■ No 3 Road. 'BEAR' - ■■■ and 'BLUE' - ■■■. Video interview arranged for 1400 hours in afternoon at COMPS home address.

**Service Request
Summary**

13/02/2026 2:47:04 pm



Date: 5/12/2025 8:06:00 am **Created by:** Morgan Steiner **Type:** Note
Subject: Further Details:

Further Details: Video interview conducted on 03/12/25 at 1405 hours. Formal statement to be signed by COMP. PV to be conducted at DO address to advise of incident and ongoing investigation.

Date: 8/12/2025 9:28:28 am **Created by:** Morgan Steiner **Type:** Note
Subject: Further Details:

Further Details: Statement signed by COMP on 05/12/25 uploaded to Objective. Report to follow.

Date: 8/12/2025 9:29:14 am **Created by:** Morgan Steiner **Type:** Note
Subject: Further Details:

Further Details: PV conducted at [REDACTED] No 3 Road - DO address on 05/12/25 at 1601 hours. DO partner [REDACTED] spoken to at address. Dogs 'BEAR' and 'BLUE' sighted at address and photographed. [REDACTED] confirmed dogs to be bear and blue. [REDACTED] made aware of impending investigation regarding dog attack and stat she was aware of this. [REDACTED] continued to state that the orchard workers know to wave their hands in the air and yell at the dogs if seen on the orchard. [REDACTED] was advised that it is owners responsibility to ensure dogs are under control and on own property at all times and that orchard owners should not have to take these measures as dogs should be on own property. Business card given to [REDACTED] to pass on to Ruapani SMITH if he wishes to discuss matter further and or make any statement regarding this attack incident, [REDACTED] advised we will be in touch regarding outcome of investigation.

Date: 8/12/2025 1:03:20 pm **Created by:** Morgan Steiner **Type:** Note
Subject: Further Details:

Further Details: Report submitted to Team Leader for review and further actioning.

**Service Request
Summary**

13/02/2026 2:47:04 pm



Date: 8/12/2025 3:46:06 pm **Created by:** Peter Hrstich **Type:** Note
Subject: Further Details:

Further Details: Spoke to the dog owner over the phone. He does not believe his dogs were involved in the attack. He feels that his dogs would not attack people.

He mention several people that have worked on his property and the orchard who say that his dogs are ok. He wanted us to come out to look at the dog to provide that they were not aggressive.

He also believes that these two dog attacks is the result of being targeted. He asked me if I can explain all this and still believe that his dogs were involved. I said yes and explained that a dog's behaviour can change due to number of factors and just because that his dog may appear to be ok with visitors or other workers nearby does not mean that will not be aggressive towards others off the property.

I advised him that he will be receiving a menacing dog classification for his other dog Bear and two more infringements for not keeping his dogs under control. He was not happy and said that he did not want to see me again.

Date: 11/12/2025 8:16:32 am **Created by:** Morgan Steiner **Type:** Note
Subject: Selected Outcome (Completed)

Matter completed with menacing classification notice of dog and infringements for failing to control hand delivered to DO address by ASO Morgan on 10/12/25 at 1605 hours. COMP contacted with VM left advising that appropriate enforcement action taken and in future if dogs seen not under control on orchard to please photograph and contact us again.

Date: 16/12/2025 9:10:00 am **Created by:** Shannon Napier **Type:** Note
Subject: Further Details:

Ph [REDACTED] on Tuesday 16/12 at 0910hrs. Arranged to meet at her home address on Monday 22/12/25 at 0930hrs to complete a photo ID for attacking dogs.

**Service Request
Summary**

13/02/2026 2:47:04 pm



Date: 22/12/2025 11:42:34 am **Created by:** Shannon Napier

Type: Note

Subject: Further Details:

[REDACTED] completed dog ID. She ID'd photo #1 & 4. Dog ID form completed, scanned and saved in Objective.

Documents

application/octet-stream SR.90568 - Animal Services - PERSON - Dog attacked (and made contact) - [REDACTED] - :

Vetting – Additional Information



Western Bay of Plenty District Council
 Private Bag 12803,
 Tauranga Mail Centre,
 Tauranga, 3143
 P 0800 926 732
 E info@westernbay.govt.nz
 westernbay.govt.nz

10 December 2025

Service Request No: **90568**

RUAPANI SMITH
 ■ NO 3 ROAD
 RD 3
 TE PUKE 3183

Dear Ruapani,

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

This is to notify you that this dog has been classified as a menacing dog under Section 33A(1) of the Dog Control Act 1996:

Name:	Breed:	Colour:	Sex:	Age:
BEAR	AUSTRALIAN KELPIE	BLACK & TAN	MALE	5 yrs 3 mths
Dog ID No: ■				
Authority: Western Bay of Plenty District Council				

Reason for Classification:

Due to reported or observed behaviour of the dog Council has reasonable grounds to believe this dog poses a threat to any person, stock, poultry, domestic animal or protected wildlife.

A summary of the effect of the classification and your right to object is attached; **this includes the requirement for the dog to be neutered.**

Yours faithfully

Peter Hrstich
Animal Services Team Lead

Te Kaunihera a rohe māi i ngā Kuri-a-Whārei ki Ōtamarākau ki te Uru

* 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, or 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.

**Effect of Classification as Menacing Dog
Sections 33E, 33F and 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 the Western Bay of Plenty District Council, within one month after receipt of this notice, a certificate issued by a registered veterinary surgeon certifying that:
- (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) Where a certificate under paragraph (b)(ii) is produced to the Western Bay of Plenty District Council, produce to the Western Bay of Plenty District Council, within one month after the date specified in that certificate, a further certificate under paragraph (b)(i).

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).

As from 1 July 2006, you are also required, for the purpose 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 the Western Bay of Plenty District Council in accordance with the reasonable instructions of the Western Bay of Plenty District Council for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

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 not to 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 conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

**Right of Objection to Classification under Section 33C
Section 33(B), Dog Control Act 1996**

You may object to the classification of your dog as menacing by lodging with the Western Bay of Plenty District Council a written objection within 14 days of receipt of this notice setting out the ground 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.

Peter Hrstich

Subject: FW: Dog Classifications

Kia ora Peter,

Thank you for your email.

Yes, I confirm I still wish to have my submission heard in a hearing for the two classifications for my two dogs which I wish to attend in person.

Can you please explain to me how the hearing will take part?

Ngā mihi,

Ruapani Smith
[REDACTED]

On Thu, 15 Jan 2026 at 13:43, Peter Hrstich <Peter.Hrstich@westernbay.govt.nz> wrote:

Season Greetings Ruapani

I have been speaking to our Governance team regarding Council regulatory hearings for objections.

We are looking at March at this stage.

I need to confirm that you still wish to have your submission heard in a hearing for the two classifications for your dogs.

If so, did you wish to attend in person or do you wish to only have a written submission to be reviewed by the panel?

Their decision will be final regarding the objection for the classifications.

I look forward to your prompt reply.

Kind regards

Peter

Peter Hrstich

Team Lead – Animal Services

Kaiārahi Ratonga Kararehe



E peter.hrstich@westernbay.govt.nz
P 07 571 8008 | FP 0800 926 732
1484 Cameron Road, Greerton, Tauranga 3112

westernbay.govt.nz | [Facebook](#) | [Instagram](#) | [LinkedIn](#)









Dog Identification Form



Te Kaunihera
a rohe mai i
Ngā Kuri-a-Whārei ki
Otamarakau ki te Uru

Service Request # SR90568

Name (Full)

Address

Date of Birth




From the photos of the dogs shown to me by Shannon from Western Bay of Plenty District Council, the offending dog(s) are in the photos numbered

1 and 4

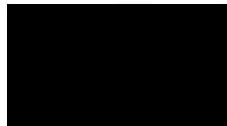
For the incident that occurred on the

on date 02.12.2025

at location  No 3 Rd - Te Puke.

By completing this form, I affirm that, to the best of my knowledge, the information identifying the offending(s) is true and accurate.

Signed



Date

22.12.25

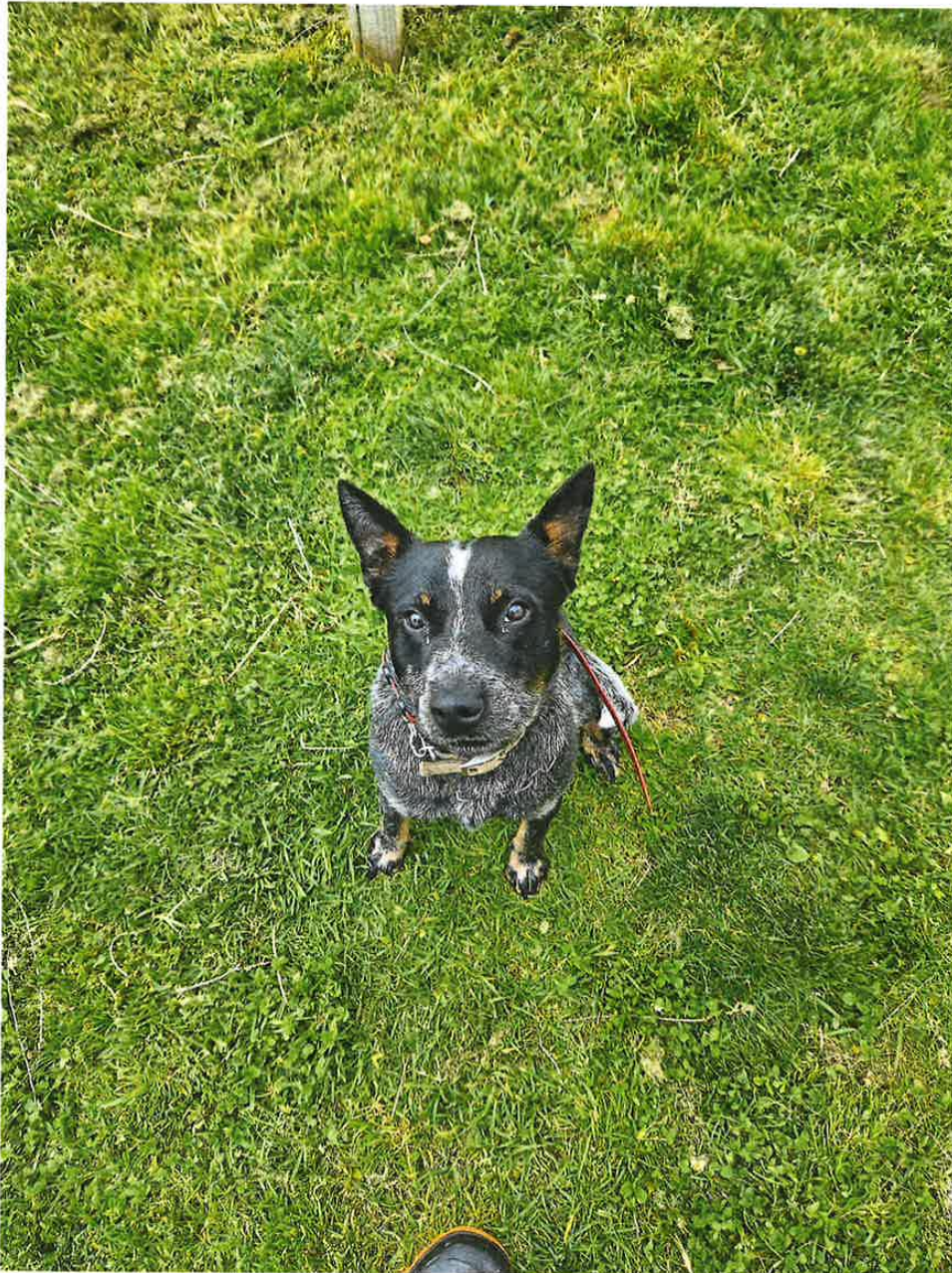


Photo 1



Photo 2

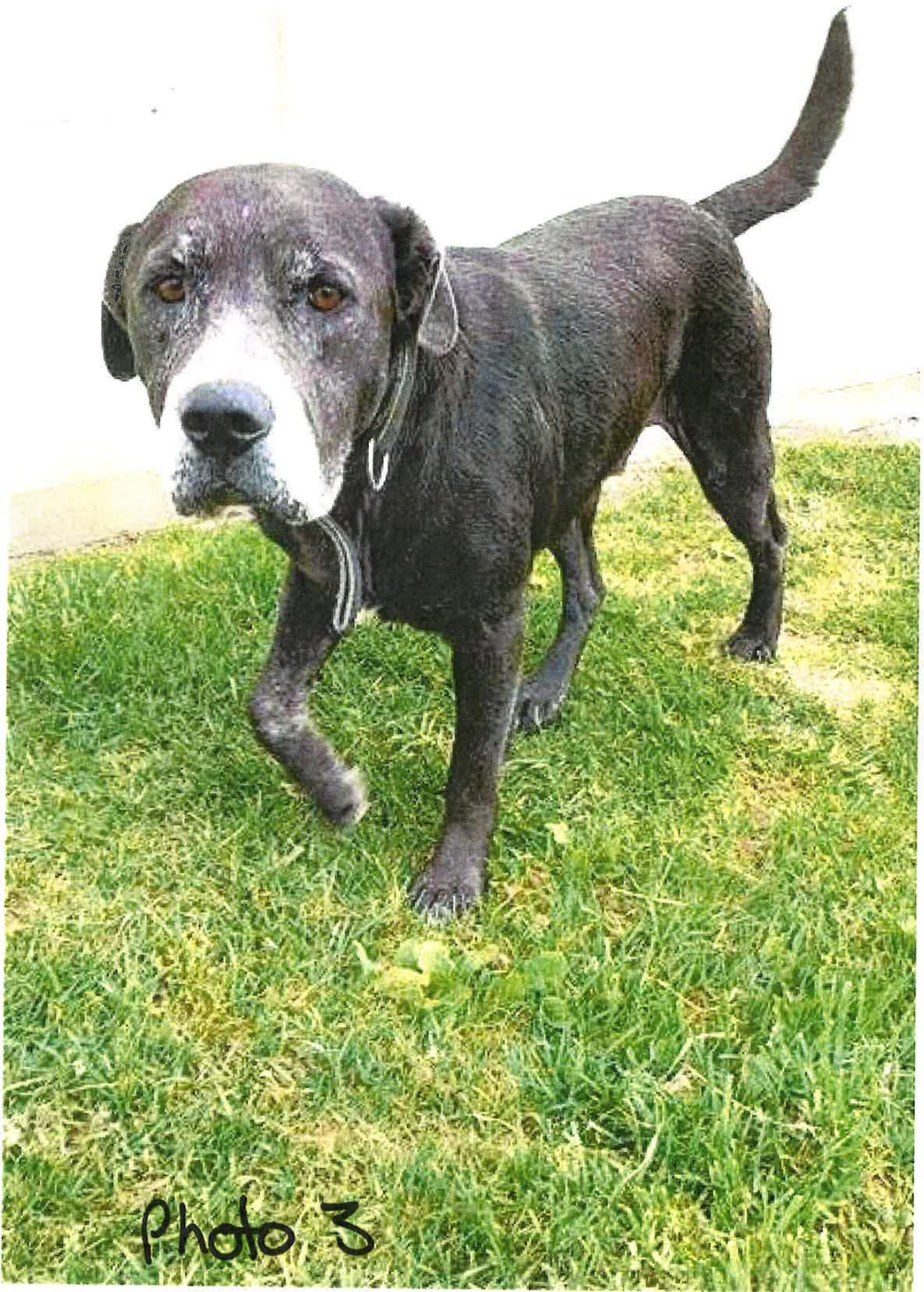


Photo 3

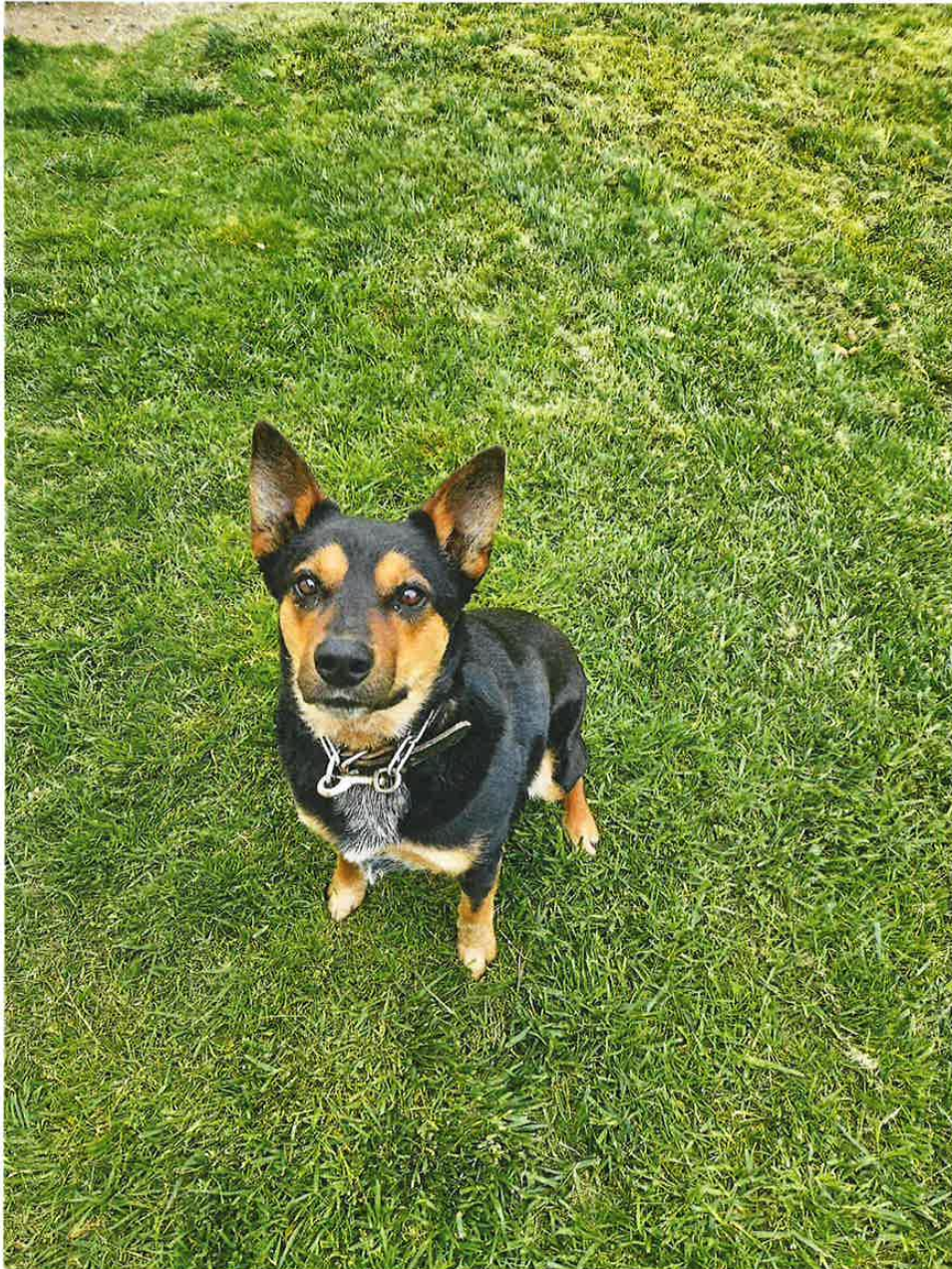


Photo 4

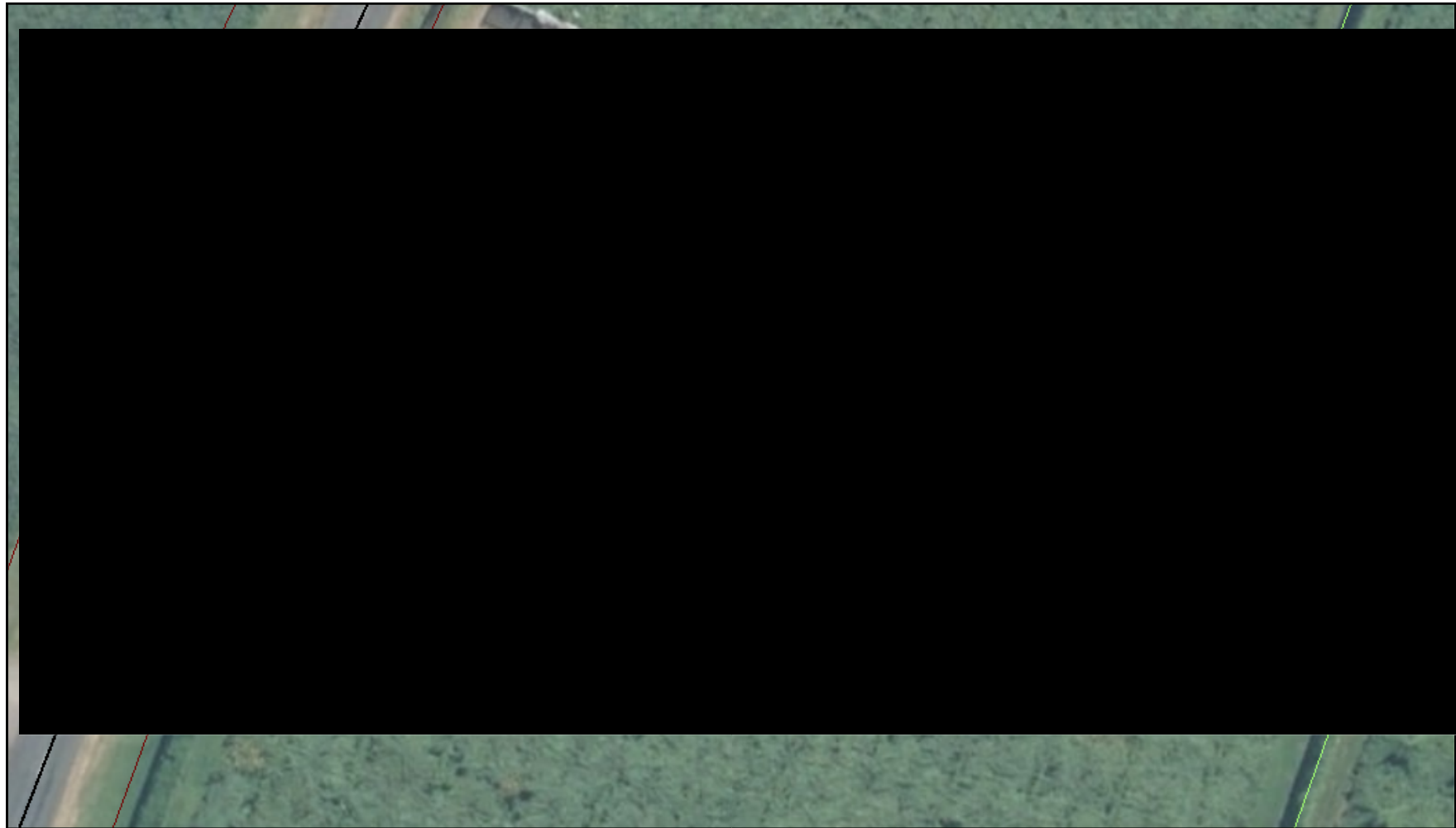
ATTACK RATING REPORT

OFFENDER NAME: Ruapani SMITH
SERVICE REQUEST 90568 Dog Bear

SERIOUSNESS		
Attack person – no visible / significant injury	▼	15
VICTIM IMPACT		
The victim has suffered minor physical and/or mental trauma. No financial loss.	▼	2
DOG SURRENDERED / DESTROYED		
The dog has not been surrendered for destruction.	▼	4
OBSERVED AGGRESSION (PEOPLE) <i>(Based on the Officer's observation only)</i>		
Some aggression but backs off	▼	1
NEGLIGENCE		
The incident is the direct result of gross negligence	▼	4
CO-OPERATION		
Cooperative and forthcoming with information, no contrition shown	▼	1
REGISTRATION		
Registered	▼	0
PREVIOUS HISTORY - DOG		
No history	▼	0
PREVIOUS HISTORY - PERSON		
No history	▼	0
BREACH OF CLASSIFICATION CONDITIONS		
N/A	▼	0
RESTRAINT		
The dog was at large (unknown by owner)	▼	2
RECURRENCE LIKELIHOOD		
Recurrence is highly likely	▼	4
DAMAGES		
No damages or damages paid voluntarily	▼	0
POTENTIAL FOR HARM		
Medium dog	▼	2
TOTAL		35

Result Dangerous dog and infringement

- <25 = Warning Letter and/or Infringement
- <34 = Menacing dog classification and/or infringement
- <50 = Dangerous dog and infringement
- 50+ = Dangerous dog and infringement or prosecution



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Archaeological data supplied by NZ Archaeological Assoc/Dept. of Conservation.

Date: 10/02/2026 Operator: Peter Hrstich

0 25 50 m



Dog Attack Map
SR 90568



Incident Report

Attention
Team Lead Animal Services
Western Bay of Plenty District Council

Report date 08/12/2025
Incident date 02/12/2025

Service Request 90568

Complainant: [REDACTED]
Address: [REDACTED]

Offender: Ruapani SMITH
Address: [REDACTED] No 3 Road, Te Puke

Dog 1: "BEAR" – Australian Kelpie – Male – Desexed – Black/Tan – 5 years – 3 Month
Dog ID [REDACTED] – Current Registration

Dog 2: "BLUE" – Cattle Dog – Male – Entire – Blue – 1 year – 8 Month
Dog ID [REDACTED] – Current Registration

SUMMARY OF FACTS

1. At about 1555 hours on Tuesday the 2nd of December 2025, J [REDACTED] [REDACTED] the complainant in the matter, was working at [REDACTED] Orchard located at [REDACTED] No 3 Road, Te Puke.
2. [REDACTED] is the manager [REDACTED]
3. [REDACTED] was conducting a site evaluation of the orchard at the northwestern end of the property, adjacent to the property boundary of [REDACTED] No 3 Road.
4. [REDACTED] was at the end of a kiwifruit row, bent down inspecting the rows wire assembling's when she received a phone call.
5. [REDACTED] answered the phone call and was alerted by the sound of dogs barking behind her.

6. [REDACTED] turned around and saw two dogs BEAR and BLUE running through the tree line boundary from [REDACTED] No 3 Road, onto the orchard.
7. There were no people in control of BEAR and BLUE at the time.
8. The dogs were about 10 meters away from [REDACTED].
9. BEAR was in front, with BLUE trailing behind.
10. The dogs were rushing toward [REDACTED] acting aggressively which was displayed by barking aggressively with a low body posture and teeth showing.
11. [REDACTED] attempted to seek cover, moving backwards toward a post and shade cloth to her immediate left.
12. During this movement the dog BEAR contacted [REDACTED] left leg from the side, biting her loose fitting black pants.
13. The bite did not contact the skin.
14. [REDACTED] kicked the dog BEAR with her right leg, causing BEAR to let go of the pants.
15. The dog BLUE simultaneously rushed toward [REDACTED] in an aggressive manner to within one meter but did not make contact.
16. [REDACTED] began to scream at the dogs in [REDACTED], her native language.
17. The dogs reacted to the scream and returned to [REDACTED] No 3 Road.
18. On the 3rd of December 2025 at 0857 hours, [REDACTED] contacted Western Bay of Plenty District Council to report the incident.
19. Animal Services identified the dogs as BEAR and BLUE.
20. The dog's owner is Ruapani SMITH.
21. The week prior to this incident [REDACTED] stated the orchard owner contacted the dog's owner to advise of work being conducted near [REDACTED] No 3 Road to ensure the safety of staff.
22. On this occasion the dog owner was not notified.

Evidence

- BWC interview of complainant [REDACTED]
- Formal written statement – Signed by [REDACTED]
- 4 X Photographs of bite to black pants – Taken by ASO MHS
- Map of scene – Signed and detailed by [REDACTED]
- Photograph of dogs BEAR and BLUE – Taken during property visit by ASO SMN

Background and history

- Dog BLUE was involved in a similar attack incident on 22/10/25 at the same orchard location which resulted in infringement for failure to keep dog under control on private property under Section 53(1) Dog Control Act 1996. A menacing classification under Section 33A(1)(b)(i) Dog Control Act 1996 was also issued, this is currently in process of objection by the dog owner Ruapani SMTH.
- Dogs BEAR and BLUE were both seized and impounded on 29/10/25 at Te Puke Shelter under Section 42 Dog Control Act 1996. Impound # [REDACTED] and # [REDACTED]. Dog owner Ruapani SMITH paid release fees and collected the dogs.

Conclusion and recommendation

Due to summary of facts outlined above I recommend:

- An infringement notice for failing to keep the dog, "BEAR" under control on private property – Section 53(1) Dog Control Act 1996.
- An infringement notice for failing to keep the dog, "BLUE" under control on private property – Section 53(1) Dog Control Act 1996.
- A menacing classification for the dog BEAR under Section 33A(1)(b)(i) Dog Control Act 1996. Due to the territorial authority considers this dog may pose a threat to any person because of observed or reported behaviour of the dog.



Morgan STEINER
Animal Services Officer
Western Bay of Plenty District Council

Team Lead comments

Approve the recommendations. This is the second incident of one of the owners attacking a person in the orchard right next to his property. The dog owner refutes the first incident which is a very similar event, but the dogs are clearly identified due to the victim knowing them. The incidents support the reported aggressive behaviour of the dogs.

The matrix for Bear and Blue recommends the low end of Dangerous dog and infringement.

The dog Blue which was already classified as menacing was considered to be classed as Dangerous, but the owner has submitted an objection to the classification up for objection.



Peter Hrstich
Team Lead Animal Services

Ruapani Smith's Submissions – Bear (ID [REDACTED]) and Blue (ID [REDACTED])

I respectfully object to the menacing dog classification of Bear under section 33A of the Dog Control Act 1996. With respect to this I say:

1. Both Bear and Blue are soft-natured, well-behaved, and highly obedient dogs. They are friendly with adults, children of all ages, and other dogs.
2. They may bark to alert us when vehicles or people arrive, but they do not display aggressive behaviour and have never attacked anyone.
3. They are well socialised and regularly interact without issue with visitors and orchard workers who enter our property.

First Alleged Incident

4. On the date of the first alleged attack, we had just returned home from approximately a 10km run at the beach. Both dogs were exhausted and asleep on the deck near the door, in clear view of me at all times.
5. The [REDACTED] contact my partner (who was in Melbourne at the time) alleging that one of our dogs (Blue – blue-heeler) had attacked someone. My partner immediately contact me, and I confirmed that both dogs were still asleep in the same position on the deck and had not moved. They had not barked or left the property at the time the alleged incident supposedly occurred.
6. Several weeks later, while we were away from home, the dogs were tied up (as is our normal practice when they are unsupervised) and were collected by Animal Services. They were tied at the time they were taken.
7. Subsequently, Peter Hrstich from Animal Services informed us that Blue had been classified as a menacing dog and issued a fine. We formally advised that we object to both the infringement and the menacing dog classification, as we firmly believe our dog was not involved in the alleged incident.

Second Alleged Incident – 02 December 2025

8. A second allegation was made on 02 December 2025, this time concerning our black and tan dog, Bear (kelpie x blue-heeler).
9. It was alleged that Bear approached the [REDACTED] from behind and attacked her, damaging her clothing. We were notified of this by a neighbour.
10. We categorically deny that our dog was involved in this alleged attack.
11. On the day of this alleged attack, both of my dogs were not at our property. They were with me at my workplace for the duration of the day. It is not possible that Bear was involved in such attack.

Subsequent Incident Involving Other Dogs

12. On 11 December 2025, while returning home from work (our dogs accompany me to work daily), our dogs were attacked when I let them out of the truck by two dogs matching the description of the dogs reportedly involved in the incidents next door.

13. I stood between the dogs, and Blue and Bear and directed Blue and Bear to go to their beds on the deck, while I managed to draw the two other dogs near my truck with food and water so that I could secure them to my truck with leads.
14. I then contacted Animal Services, and the dogs were collected.
15. I have received no follow-up information regarding those dogs. Myself and my partner later saw a Facebook Post on 22 February 2026 (**attached** is a screenshot) reporting two similar dogs roaming on No 4 Road, Te Puke ([REDACTED]).
16. In addition, roaming dogs are not uncommon in our area. We have video footage of unknown dogs entering our property, and neighbours have also witnessed dogs in the vicinity.

Lack of Evidence and Process Concerns

17. My partner and I have repeatedly requested:
 - a. Evidence supporting both alleged attacks
 - b. Information regarding our dogs behaviour when collected and impounded
 - c. Video footage from the pound facility
18. To date, we have not been provided with any such requested evidence.
19. I have also asked that Animal Services personally assess and characterise our dogs temperament. We were advised this would not assist us.
20. I feel unfairly targeted as the neighbouring property to the orchard where the alleged incidents occurred.
21. While I acknowledge that dogs can be unpredictable in general, I maintain that our dogs have consistently demonstrated gentle, friendly temperament. They regularly interact appropriately with orchard workers and visitors. If someone indicates they are uncomfortable around dogs, we proactively secure them.

Conclusion

22. I respectfully submit that:
 - a. There is no direct evidence linking our dogs to the alleged incidents.
 - b. At the time of the first allegation, our dogs were asleep on our property in my clear and direct view.
 - c. Roaming dogs matching the description of those involved in the incidents have been seen in the area, and also entered my property.
 - d. No supporting evidence has been provided despite repeated requests.
 - e. Our dogs have no demonstrated history of aggression and we well known in the community as friendly, well-behaved dogs.
23. For these reasons, we respectfully request that the menacing dog classification under section 33A of the Dogs Control Act 1996 be reconsidered and removed for both Bear and Blue.

Reference Letter for Dogs

To Whom It May Concern

I am pleased to provide this reference letter on behalf of Rua, who has been building our house extension for [REDACTED] since December last year. I am writing specifically in relation to his responsibility and care for his dogs.

While working on our property Rua has had both his dogs on site and off leads. During this time these dogs have been exposed to my family including my 3 children – ages 7 to 11, numerous other tradesman and workers on the renovation as well as my elderly father in law and his dogs. Our property borders a working dairy farm and therefore has a lot of people and animal traffic along our property boundary.

At no time during this time have I seen to dogs bark at any people or be aggressive in their behaviour towards any person or other animal. The dogs are demonstrating behaviours indicating they have been well trained and are well-behaved.

Based on my observations, I am confident in Rua's abilities as a caring and responsible dog owner and that the dogs are not dangerous pets.

Please feel free to contact me at [REDACTED] should you require any further information.

Sincerely,

[REDACTED]

[REDACTED]

Home Owner,

[REDACTED]

Tauranga

9.3 DAY ONE – OBJECTION TO MENACING DOG CLASSIFICATION – LEESA GREENALL

File Number: A7239285

Author: Peter Hrstich, Animal Services Team Leader

Authoriser: Alison Curtis, General Manager Regulatory Services

EXECUTIVE SUMMARY

This report seeks a decision from the Committee as to whether the status of the Menacing Dog classification is upheld or not.

RECOMMENDATION

1. That the Team Leader Animal Services report dated 1 May 2026, and titled Day One – Objection to menacing dog classification – Leesa Greenall, be received.
2. That the Regulatory Hearings Panel uphold the menacing classification, however the panel may either:
 - a. Uphold the classification; or
 - b. Rescind the classification

THE SITUATION

1. Leesa Greenall is the owner of a Staffordshire Bull Terrier, named Koda.
2. Koda is a female dog about 5 years old and is spayed.
3. On Wednesday 13 December 2025 an incident was reported to the Council where a dog had attacked another dog. A Service Request was created (#91686) with reference to the attack. **(Attachment 1)**. Four dogs were at the location at the time of the incident and after Council's investigation KODA was identified as the attacking dog.
4. On Thursday 14 December 2025 the same incident was reported by the alleged offending party, Leesa Greenall. This report alleges the other party was at fault. A Service Request was created (#91691) with reference to the attack. **(Attachment 2)**.
5. As a result of the investigation into the attack, Council classified the dog known as Koda as Menacing, as per section 33A (1) Dog Control Act 1996. This means the owner must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction. The dog must also be desexed.

(Attachment 3)

6. Leesa Greenall has objected to the Menacing classification of Koda under section 33A(1) Dog Control Act 1996. **(Attachment 4)**
7. On Wednesday 13 December 2025, Leesa Greenall was walking two of her dogs which included, Koda, down a shared driveway along side a neighbouring property owned by the complainant. The dogs were not on a leash and she was accompanied by her 6-year-old grandson.
8. The driveway is deemed to a private way under the Dog Control Act 1996.
9. There were two dogs on the complainant's property.
10. Koda is a Staffordshire Bull Terrier; and the other three dogs around the incident are a Staffordshire Bull Terrier cross; a Fox Terrier, and a Wirehaired Fox Terrier.
11. At approximately 8pm an incident occurred and was reported by both parties with different versions of the event.
12. The complainant states that her dogs were inside the fenceline of her property and one of Leesa Greenall's dogs attacked the fence and pulled one of them through the fence onto the driveway and the other dog followed it through the fence then it was attacked by Leesa Greenall's dog.
13. Leesa Greenall states that the complainant's dogs were barking at her dogs and she saw the complainant's dog push himself through the fence and run toward her grandson.
14. Leesa Greenall then states that her dog Koda "bumped" that dog and then pinned it to the ground. Leesa then had to grab Koda and pull him off that dog.

THE OFFENCE

15. A dog attacking a domestic animal is an offence under section 57 of the Dog Control Act 1996.
16. The injury to attacked dog's leg received a puncture wound which was treated at home and was not taken to the vet.

EVIDENTIAL MATTERS

17. The attack was first reported to the Council on 13 December 2025.
18. Photos of injuries on the dog provided. **(Attachment 5)**
19. Statements were taken from the complainant and Leesa Greenall.
(Attachment 6) & (Attachment 7)
20. There are no third-party independent witnesses.
21. The statements are not consistent and therefore the correct chain of events can not be established.
22. Leesa Greenall admitted in her statement that Koda pinned down the other dog.

23. A previously reported incident between these two parties was investigated and it was concluded that the complainant's dog went through the fence directly into Leesa Greenall's property and was attacked by one or both of Leesa Greenall's dogs causing injuries requiring vet treatment. It could not be established which of Leesa Greenall's dogs attacked the dog and no further action could be taken.

OUTCOME

24. The Attack Rating Matrix is a tool used by the Animal Services Team to ensure consistency in decision making.
25. Once all the incident data had been entered, the Matrix provided a score of 29 which equates to a recommendation of a Menacing Dog classification and an infringement being issued (**Attachment 8**).
26. Based on the evidence provided, a decision was not made to issue an infringement notice for failure to control a dog, and to classify the dog as Menacing.
27. S.33A Dog Control Act 1996 – Territorial authority may classify dog as Menacing:
28. This section applies to a dog that:
- (a) *A territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of the dog"*

GROUNDS FOR OBJECTION

29. Section 33B of the Act offers a right of objection to a menacing dog classification by lodging a written notice within 14 days after receiving the notice.
30. The criteria Council must apply to this application are set out in Section 33B(2) of the Act:
- "When considering any objection, the Committee shall have regard to:*
- a. *The evidence which formed the basis for the original classification; and*
- b. *Any steps taken by the owner to prevent any threat to the safety of persons and animals; and*
- c. *The matters advanced in support of the objection; and*
- Any other relevant matters - and may uphold or rescind the classification."*
31. Council may uphold or rescind the classification only. That is, there is no provision to modify the conditions of the classification.
32. The Dog Control Bylaw 2016 and Dog Control Act 1996 states that Council requires mandatory neutering of dogs classified as menacing.
33. The Dog Control Bylaw 2016 and Dog Control Act 1996 states menacing Dogs must wear a muzzle in public.

ADDITIONAL INFORMATION

- (a) Photos showing location of incident and fence (**Attachment 9**)
- (b) Officer's report (**Attachment 10**)

ISSUES AND OPTIONS ASSESSMENT












Option A	
That pursuant to Section 33B (2) of the Dog Control Act 1996 the Regulatory Hearings Panel upholds the menacing dog classification.	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p>Advantages:</p> <ul style="list-style-type: none"> • Appropriate controls will be required for the dog that will reduce public threat. • Consistent with the Council risk management approach for ensuring public safety measures are in place. • Victims of negative dog behavior can be satisfied that their concerns have been accepted by Council. • Future incidents and complaints about this dog are mitigated. • Clearer for any Court decision should there be further reoffending <p>Disadvantages:</p> <ul style="list-style-type: none"> • Dog owner remains dissatisfied with Council decision • Increased compliance cost for owner.
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>Costs of officer's time as follow-ups are required by Council staff to ensure menacing dog requirements are being met.</p>
Option B	
That pursuant to Section 33B (2) of the Dog Control Act 1996 the Regulatory Hearings Panel rescinds the menacing dog classification.	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p>Advantages:</p> <ul style="list-style-type: none"> • Dog owner is satisfied with Council decision • Reduced compliance costs and controls for dog owner. <p>Disadvantages:</p> <ul style="list-style-type: none"> • Increased risk of harm (e.g. bite) as dog may not be muzzled in public place.

	<ul style="list-style-type: none"> Public perception that Council is “soft” on negative dog behavior.
Costs (including present and future costs, direct, indirect and contingent costs).	Costs of officer’s time to investigate if further incidents occur with the dog.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
	There are no budgetary or funding impact associated with the recommendations in this report.

ATTACHMENTS

1. **Service Request 91686** [↓](#) 
2. **Service Request 91691** [↓](#) 
3. **Classification** [↓](#) 
4. **Objection** [↓](#) 
5. **Injury photos** [↓](#) 
6. **Statement** [↓](#) 
7. **Statement** [↓](#) 
8. **Matrix** [↓](#) 
9. **Photos location** [↓](#) 
10. **Officer's report** [↓](#) 
11. **Objector's Evidence and Supporting Statements** [↓](#) 

**Service Request
Summary**

16/02/2026 9:31:04 am



Request ID: 91686	Assigned to: Animal Services Referral Team (ds_team)	Request: 14/12/2025 9:22:09 am
Priority: Routine	Location: [REDACTED] MCLAREN FALLS ROAD, LOWER KAIMAI	16/01/2026 8:09:00 am
Sub Type: ANIMAL - Dog attacked (and made contact)	Contact: [REDACTED]	Closed: 14/01/2026 8:43:40 am

Default Phone: [REDACTED] **Other Phone:** [REDACTED]
Email: [REDACTED]

Description

[REDACTED] McLaren Falls Road
 Dog attack on dog.
 Customer wants something done about this dog.
 This has happened before and because her dad has tried to break the dogs up he has cuts and abrasions
 Attacking dogs were walking with the owner to the mail box not on leashes and the attacking dog pulled the attacked dog through the fence and attacked caller's dog.
 Caller can not find her dog.
 18:50PM 13/12/2025 - SATURDAY
 Exact location of the attack [REDACTED] McLaren Falls Road
 Attacking dog details:
 Large, brown mastiff type
 Unknown male or female.
 This attack was logged with tcc who called their contractor First Security (Ref# 57973139) to attend, FS have advised the following:
 13 DEC 2025 - 10:46pm - Gaylene Kem
 21:30 Paul FS rang through to say Jill will have more information on the Rapid for this job.
 Dogs involved are registered to WBOPDC.
 Owners of the dogs are disputing the facts on how the attack went down.
 13 DEC 2025 - 10:50pm - Gaylene Kem
 FS Paperwork - Officer Paul
 Onsite - 20:30
 Offsite - 21:06
 Rang [REDACTED] (complainant). She's on her way to Auckland
 Both dogs at [REDACTED] are registered with western bay
 [REDACTED] dogs im told are not registered
 . Fence secure
 All dogs bark at each other

**Service Request
Summary**

16/02/2026 9:31:04 am



█ dogs im told can squeeze out of fence .picture on rapid. So fully opposite story from █
Unable to Locate.

Caller's details:

█

Logged retrospectively 09:13 14/12/2025 Hine

Call originally received 18:05 13/12/2025

Interactions

**Service Request
Summary**

16/02/2026 9:31:04 am



Date: 15/12/2025 10:05:58 am **Created by:** Stella Indawati **Type:** Note
Subject: Further Details:

Further Details: Customer has called again regarding this dog attack. She has requested this matter to be dealt today as the situation is quite volatile. She said the DO is quite abusive.

Date: 15/12/2025 12:45:53 pm **Created by:** Michael Kingston **Type:** Note
Subject: Further Details:

Further Details: Customer has called again regarding this dog attack. She has demanded that this matter to be dealt today as the situation is quite volatile. She said the DO is quite abusive.

Date: 15/12/2025 12:04:09 pm **Created by:** **Type:** Email
Subject: SR.91686 - RE: Formal complaint

There has been a subsequent attack over the weekend and I have called dog control yet again, no one has followed up with me!

[REDACTED]

From: Info Tauranga City Council <info@tauranga.govt.nz>
Sent: Wednesday, 17 September 2025 3:48 pm
To: 'info@westernbay.govt.nz' <info@westernbay.govt.nz>; [REDACTED]
Cc: 'mayor@westernbay.govt.nz' <mayor@westernbay.govt.nz>; 'commissioners@tauranga.govt.nz' <commissioners@tauranga.govt.nz>
Subject: Re: Formal complaint

CAUTION: This email originated from outside of the organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

**Service Request
Summary**

16/02/2026 9:31:04 am



Kia ora and hello [REDACTED]

Thank you for your email.

I am sorry to hear about the dog attack and the stress this has caused. Unfortunately you have contacted Tauranga City Council and it appears that this happened under Western Bay of Plenty District Council jurisdiction. I note that you have contacted them as well and I will let them respond directly.

If you have any further enquiries you would like to discuss, please do not hesitate to contact us on Ph: 07 577 7000 or email us at info@tauranga.govt.nz and an Advisor will be available to help you.

Nga mihi and regards

Loren Yeabsley | Advisor: Contact Centre

Tauranga City Council | Phone 07 577 7000 | www.tauranga.govt.nz

21 Devonport Road, Private Bag 12022, Tauranga 3143, New Zealand

From: [REDACTED]

Service Request Summary

16/02/2026 9:31:04 am



copy its contents. Violation of this notice may be unlawful. Views expressed in this e-mail and attachments are those of the author, and not necessarily those of Tauranga City Council. Tauranga City Council does not accept liability for any loss, damage or consequence arising from this email and/or attachments containing any virus, defect, data corruption or transmission error.

Date: 22/12/2025 3:00:30 pm **Created by:** Hayden Adams **Type:** Note
Subject: Further Details:

Statements taken from all parties. Scene examination completed. Report completed and submitted. To be reviewed by TLAS in the new year.

Date: 7/01/2026 9:28:45 am **Created by:** Fitu Tuimauualuga **Type:** Note
Subject: Further Details:

Further Details: [REDACTED] has called requesting a follow-up to see what is happening with the 2 dangerous dogs that attacked her dogs. She would like something to be done about this and would like to call her please.

Date: 7/01/2026 10:50:41 am **Created by:** Hayden Adams **Type:** Note
Subject: Further Details:

Spoke with [REDACTED] over the phone. She wanted an update regarding the investigation. I advised her that the investigation has been completed and report submitted however due to the holiday period that has been a delay in actioning which she accepted. I advised her that the recommendation is menacing. She is expecting the dog to be removed and/or destroyed so she can relax as she alleges the dog rushes her fence aggressively still and cause her and her family stress as they are on edge awaiting another attack. She wanted to know if an attack from the dogs on her neighbours cat had been reported. I neither confirmed or denied this due to privacy reasons.

Date: 13/01/2026 8:45:51 am **Created by:** Morgan Steiner **Type:** Note
Subject: Further Details:

Further Details: Menacing classification notice hand delivered to [REDACTED] McLaren Road on 12/01/26 at 1050 hours. DO of KODA - Leesa was not present. Leesa's daughter handed classification notice and advised of effects of classification and to pass on to Leesa.

**Service Request
Summary**

16/02/2026 9:31:04 am



Date: 14/01/2026 8:44:33 am **Created by:** Hayden Adams
Subject: Selected Outcome (Completed)

Type: Note

Menacing classification issued and hand delivered. Contacted [REDACTED] and advised her of the classification being issued. Also advised her that we have recieved an objection regarding that menacing at this time which we are reviewing and the dog owner has a right to be heard. She was very unhappy about this as she feels they are going to get away with it and her dog is ultimately going to die after it keeps getting attacked.

Date: 15/01/2026 3:26:41 pm **Created by:** [REDACTED] **Type:** Email
Subject: SR.91686 [REDACTED] or Leesa GREENALL - 'Keep it Simple' and brief - and if they request to speak with someone



Peter Hrstich or



Hayden (Red) Adams

**Service Request
Summary**

16/02/2026 9:31:04 am



McLaren Falls Road

Any questions, please sing out

Thank you

Carolyn, Helen, and Jasmine

Documents

[Redacted content]

Vetting – Additional Information

Please detail what action or followup you are taking Watchdog - First Security (FS?)

Vetting – Additional Information

Call an ASO to advise of this and make a note of who you spoke to False

**Service Request
Summary**

16/02/2026 9:14:37 am



Request ID: 91691	Assigned to: Animal Services Referral Team (ds_team)	Request: 14/12/2025 10:20:46 am
Priority: Routine	Location: [REDACTED] MCLAREN FALLS ROAD, LOWER KAIMAI	9/01/2026 4:30:00 pm
Sub Type: ANIMAL - Dog attacked (and made contact)	Contact: [REDACTED]	Closed: 22/12/2025 3:03:21 pm

Default Phone: [REDACTED] **Other Phone:** [REDACTED]
Email: [REDACTED]

Description

[REDACTED] McLaren Falls Road, Lower Kaimais 3171
 Dog attack
 Attack happended at 17:00 potentially later
 Caller and her grandson were walking up the driveway when neighbours dog exited their property and attacked her dog.
 Dog has a cut under eye - DId not require medical attention
 Dogs are from [REDACTED] Mclarens Falls Road
 [REDACTED] was the initial attacker - [REDACTED] did try to join in but customer managed to separate the dogs.
 Offending dogs Terrier type Small White and Grey face Name: [REDACTED]
 White and Tan
 Terrior type
 Small
 Name: [REDACTED]
 Carolyn notified
 WD Emailed: 10:23
 WD Phoned: Dan
 Leesa Greenall
 [REDACTED] McLaren Falls Road
 [REDACTED]
 Jessy 14/12/2025 10:10

Interactions

**Service Request
Summary**

16/02/2026 9:14:37 am



Date: 14/12/2025 10:36:36 am **Created by:** Carolyn Bennett-Ouellet
Subject: New SR.91691 'SR.Animal Services.Dog Rush/Attk Animal'

Type: Email

Service Request Subtype: SR.Animal Services.Dog Rush/Attk Animal

Assigned to: Animal Services Referral Team (ds_team) Tony Wright

Zone: Animal ASOB KAIMAI

Address: ■ MCLAREN FALLS ROAD, LOWER KAIMAI

Description: ■ McLaren Falls Road, Lower Kaimais 3171 Dog attack - Attack happended at 17:00 potentially later - Caller and her grandson were walking up the driveway when neighbours dog exited their property and attacked her dog. - Dog has a cut under eye - DId not require medical attention - Dogs are from ■ Mclarens Falls Road ■ was the initial attacker - ■ did try to join in but customer managed to separate the dogs. Offending dogs Terrier type Small White and Grey face Name: ■ - White and Tan - Terrior type - Small - Name: ■ Carolyn notified WD Emailed: 10:23 WD Phoned: Dan ■ McLaren Falls Road ■ 14/12/2025 10:10

Click here to view Job in Datascape [SR 91691 - SR.Animal Services - SR.Animal Services.Dog Rush/Attk Animal - Routine](#)

Date: 15/12/2025 7:08:43 am **Created by:** Carolyn Bennett-Ouellet
Subject: Further Details:

Type: Note

Further Details:

Watchdog Job no.: 103198 (SR91691)

14/12/2025 10:27 En Route - (PDA) 14/12/2025 10:44 On site - (PDA) 14/12/2025 10:45 Animal Not Located - (PDA) Phone statement taken 14/12/2025 10:45 Clear from site - (PDA) Phone statement taken. 14/12/2025 10:45 Job Completed ■ MCLAREN FALLS ROAD

**Service Request
Summary**

16/02/2026 9:14:37 am



Date: 22/12/2025 3:04:19 pm **Created by:** Hayden Adams

Type: Note

Subject: Selected Outcome (Completed)

Refer to SR 91686 for further action taken after action taken below. Staments taken from all parties. Scene examination completed. Report completed and submitted. To be reviewed by TLAS in the new year.

Documents

Vetting – Additional Information

Please detail what action or followup you are taking Watchdog

Vetting – Additional Information

Call an ASO to advise of this and make a note of who you spoke to False

As ASO has not been contacted, you must send an email to False
animalsservices@westernbay.govt.nz



Western Bay of Plenty District Council
 Private Bag 12803,
 Tauranga Mail Centre,
 Tauranga, 3143
 P 0800 926 732
 E info@westernbay.govt.nz
 westernbay.govt.nz

Service Request No: **91686**

LEESA GREENALL
 ■■■ MCLAREN FALLS ROAD
 RD 1
 TAURANGA 3171

Dear Leesa,

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

This is to notify you that this dog has been classified as a menacing dog under Section 33A(1) of the Dog Control Act 1996:

Name:	Breed:	Colour:	Sex:	Age:
KODA	TERRIER, STAFFORDSHIRE BULL	BLACK	FEMALE	4 yrs 8 mths
Dog ID No: ■■■				
Authority: Western Bay of Plenty District Council				

Reason for Classification:

Due to reported or observed behaviour of the dog Council has reasonable grounds to believe this dog poses a threat to any person, stock, poultry, domestic animal or protected wildlife.

A summary of the effect of the classification and your right to object is attached; **this includes the requirement for the dog to be neutered.**

Yours faithfully

Peter Hrstich
Animal Services Team Lead

Te Kaunihera a rohe mai i ngā Kuri-a-Whārei ki Ōtamarākau ki te Uru

* 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, or 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.

**Effect of Classification as Menacing Dog
Sections 33E, 33F and 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 the Western Bay of Plenty District Council, within one month after receipt of this notice, a certificate issued by a registered veterinary surgeon certifying that:
- (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) Where a certificate under paragraph (b)(ii) is produced to the Western Bay of Plenty District Council, produce to the Western Bay of Plenty District Council, within one month after the date specified in that certificate, a further certificate under paragraph (b)(i).

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).

As from 1 July 2006, you are also required, for the purpose 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 the Western Bay of Plenty District Council in accordance with the reasonable instructions of the Western Bay of Plenty District Council for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

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 not to 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 conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

**Right of Objection to Classification under Section 33C
Section 33(B), Dog Control Act 1996**

You may object to the classification of your dog as menacing by lodging with the Western Bay of Plenty District Council a written objection within 14 days of receipt of this notice setting out the ground 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.

Kia ora,

I am writing in regards to Service Request No:91686 to formally object to the decision to classify my dog, Koda, as a menacing dog by behaviour under section 33A of the Dog Control Act 1996.

I believe this decision does not appropriately reflect the circumstances of the incident, places disproportionate weight on “first contact,” and fails to adequately consider provocation, defence of a child, witness evidence, and my dog’s long-standing history of non-aggressive behaviour.

Background and context:

This objection relates to an incident in which myself , a grandchild, and my two dogs were walking down our driveway when our neighbour’s dog escaped through their fence and ran toward my grandchild while barking aggressively. In response, one of my dogs intervened and pinned the neighbour’s dog to the ground.

This was not an unprovoked incident. The neighbour’s dog was:

- Uncontrolled and at large
- Escaping through fencing
- Running toward a child
- Barking aggressively

My dog’s response was immediate, defensive, and protective in nature. Once the perceived threat was neutralised, the interaction did not escalate further.

Disputed allegation:

The neighbour has alleged that my dog pulled their dog through the fence to attack. This did not occur. This version of events is inconsistent with the physical structure of the fencing. In contrast, we have witnesses who can attest to the neighbour’s dog escaping its property and running toward our child.

Dog’s history and behaviour:

Koda has no history of aggressive or menacing behaviour. She has been raised on a farm environment and has safely lived around:

- Children of all ages
- Livestock including chickens, cows, horses and sheep
- Other dogs and cats

She is, by nature, timid and cautious rather than aggressive.

Notably, a previous council investigation relating to an earlier incident was closed without determination, further indicating the absence of a clear or ongoing pattern of aggression.

Grounds for objection:

I submit that:

- The behaviour observed does not meet the legal threshold of “menacing” under the Dog Control Act
- The response was defensive and protective, not threatening or predatory
- Insufficient weight was given to provocation and the defence of a child
- The neighbour’s repeated failure to contain their dogs has not been adequately addressed
- The requirement for muzzling in all public spaces, including our driveway, is disproportionate and unreasonable in the circumstances

Request:

I respectfully request that:

1. The menacing classification applied to Koda be withdrawn, or
2. At minimum, the decision be formally reviewed with full consideration of witness statements, physical evidence, and the broader context of the incident
3. This is the second incident investigated by Animal Control with Koda not involved in the 1st one. You should be able to go back to the notes taken by Animal control in their

investigation on the 1st incident. The neighbor said the dog fight happened on her property. When Animal control visited the other neighbor overlooking that property the officers were told that the incident definitely happened on our property as they witnessed the whole thing so she was caught fabricating her story to put herself in a better light.

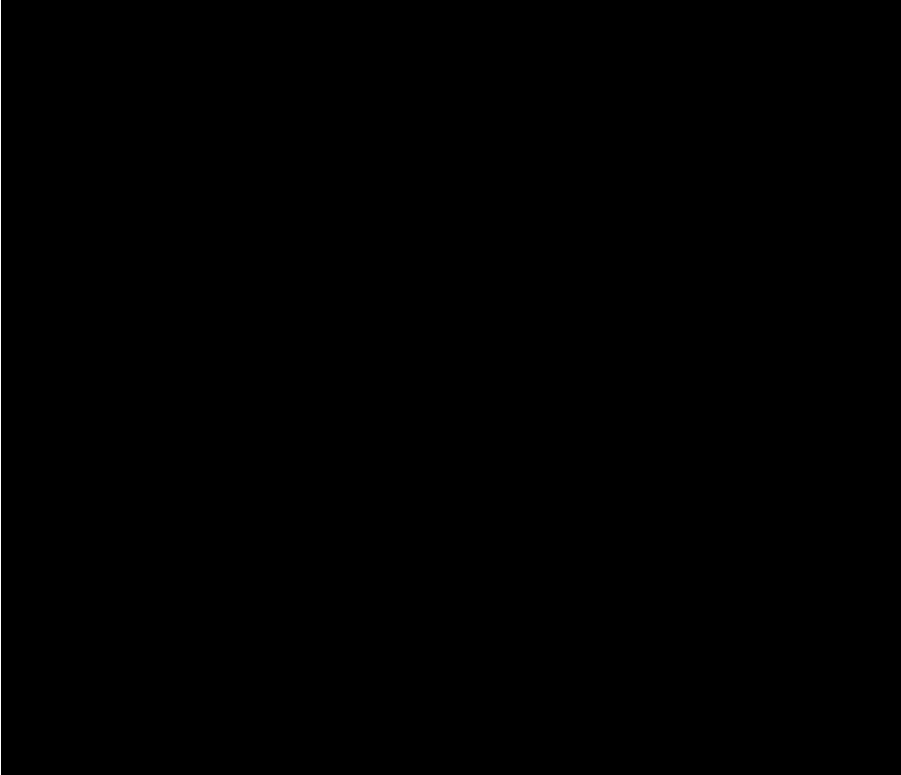
This is not hearsay it was found to be true by the officers whilst investigating.

This current incident with Koda has multiple witnesses who are being ignored over someone known to lie to council.

I am happy to provide written witness statements, photographs of fencing and property layout, and any further information required to assist with a fair reassessment.

Regards

Leesa Greenall



Personal Statement



Western Bay of Plenty District Council

Te Rauwharangi o Te Whānau o Aotearoa
Ngā Kaitiaki Whānau o Te Kaitiaki
O Te Kaitiaki o Te Whānau o Aotearoa

Name: Leesa Marie GREENALL	SR	91691
Address: ■ McLaren Falls Road, Tauranga	Date	17/12/2025
	Time	03:50PM
Date of Birth: ■■■■■ Occupation: ■■■■■		
Location statement taken: ■ McLaren Falls Road STEINER		Animal Services Officer: MHS –
This is my statement, the statement is true, and I make it with the knowledge that it may be used in court proceedings, in compliance of section 82(1)c of the Criminal Procedure Act 2011.		

I Leesa Marie GREENALL state,

This is my full name.

I am speaking to Animal Services Officer Morgan STEINER about the dog attack incident that occurred on the shared driveway of ■ McLaren Falls Road, on Saturday the 13th of December 2025.

I reside at ■ McLaren Falls Road with my two dogs Koda and ■■■■.

Koda is a female, desexed, dark brown coloured Staffordshire Bull Terrier.

■■■■ is a male, desexed, tan coloured Staffordshire Bull Terrier cross.

At about 6:00pm I was walking down the shared driveway to the mailbox to collect my mail.

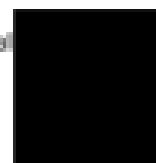
I had Koda and ■■■■ with me; my seven-year-old grandson ■■■■ also came for the walk.

■■■■ was on his push bike; I also had my blow vac and was holding it down the drive as we walked.

Koda raced ahead to the mailbox with ■■■■ on his push bike.

Neither of my dogs were on lead. ■■■■ has been in the lead for the past two months but not on this occasion.

We got down to the mailbox and collected the mail.



Personal Statement Continued – Statement of Leesa Marie GREENALL

SR 91691

On the walk back down the driveway to my house, [REDACTED] had the blow vac and was using it and I was dragging his push bike beside me.

Koda had the mail in her mouth as that's her job and she has always done that.

Koda was about three feet ahead of [REDACTED]. [REDACTED] and I were a further 5 feet behind.

On our return to the house, we were still on the shared driveway walking past the property [REDACTED] McLaren Falls Road and the dogs at that property were consistently yapping at us through the boundary fence.

Those dogs always have that behavior and I've been trying to desensitize [REDACTED] to that.

I then saw Koda drop the mail she had in her mouth and run towards the fence line.

I looked around and saw one of the dogs from [REDACTED] McLaren Falls Road, [REDACTED] out on the driveway and rushing towards [REDACTED].

I did not see any person with him in or in control of him.

I would describe [REDACTED] as white and grey-coloured, long-haired terrier.

Koda shoulder bumped [REDACTED] out of [REDACTED] direction, and they were then aggressively growling at each other with no biting.

Koda then pinned [REDACTED] on the ground.

I then saw another dog from [REDACTED] McLaren Falls Road, I think is called [REDACTED] coming through the fence and towards Koda.

I would describe [REDACTED] as a white and tan coloured, Jack Russell type dog.

I was aware things could go bad quickly and so I told [REDACTED] to stay, he made a few steps forward but did stop.

Koda still had [REDACTED] pinned down. I then grabbed Koda by the scruff of her neck and butt and pulled her away from [REDACTED].

I then looked up and saw my neighbor [REDACTED] from [REDACTED] McLaren Falls Road yelling at me.

[REDACTED] is the owner of the dogs [REDACTED] and [REDACTED].

page 2

initial [REDACTED]

Personal Statement Continued – Statement of Leesa Marie GREENALL SR 91691

█ was on the shared driveway at this point; she must have jumped the fence.

█ told me that she was sick of this shit and that I needed to control my dogs.

I told her she needed to sort her fence out.

Both Koda and █ ran home immediately due to the shouting.

Koda received a small cut under her eye because of the scuffle; it's nothing I would take her to the vet for however.

I then returned home with █ after the incident.

When I returned home, I spoke to my daughter-in-law █ who told me that she saw the whole event.

On Sunday the 14th of December 2025, I called Western Bay of Plenty District Council to advise Animal Services of what happened. The only reason I called was because the First Security person that initially attended told █ that my dogs were on █ property when the attack happened. I wanted to provide my side of the story.

This incident has made me feel really annoyed with █ she has made our lives miserable since the first incident reported between our dogs.

Signed

█

Date: 17/12/2025

█

Personal Statement



Western Bay of Plenty
District Council

Te Kaunihera
a rohe mai i
Ngā Kuri-a-Whārei ki
Otamarakau ki te Uru

Name: [REDACTED]	SR	91686
Address: [REDACTED] McLaren Falls Road, Tauranga	Date	18/12/2025
	Time	03:13PM
Date of Birth: [REDACTED] Occupation: [REDACTED]		
Location statement taken: [REDACTED] McLaren Falls Road STEINER		Animal Services Officer: MHS –
This is my statement, the statement is true, and I make it with the knowledge that it may be used in court proceedings, in compliance of section 82(1)c of the Criminal Procedure Act 2011.		

I [REDACTED] state,

This is my full name.

I am speaking to Animal Services Officer Morgan STEINER about the dog attack incident that occurred on the shared driveway of [REDACTED] McLaren Falls Road, on Saturday the 13th of December 2025.

I reside at [REDACTED] McLaren Falls Road with my two dogs [REDACTED].

[REDACTED] is a male, desexed, grey and white wire-haired fox terrier.

[REDACTED] is a female, desexed, tan and white fox terrier.

My father, [REDACTED] also resides at the address in a separate dwelling with his dog [REDACTED].

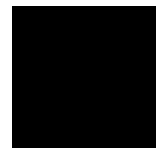
At about 8:00pm I was at home on the deck of my property. [REDACTED] were outside running around in the yard.

The yard is completely fenced off with a plastic mesh netting that is secured to the bottom rail of the fence with cable ties to ensure my dogs cannot get out.

I noticed my neighbor Leesa from [REDACTED] McLaren Falls walking past on the shared driveway.

Leesa had her dogs with her; the dogs were unrestrained, not on a leash.

I think there was a child with Leesa too.



Personal Statement Continued – Statement of [REDACTED]

SR 91686

I would describe the first dog as a large tan coloured dog.

I would describe the second dog as a little brown coloured short stubby thing. I believe its name is Koda.

My dogs went up to the boundary fence to see what was happening. My dogs were not barking at this time.

The large tan dog then rushed up to my dogs and attacked the plastic netting of the fence; there was a scuffle going on which made an opening in the fence so that my dogs could get out.

My dad, [REDACTED] was alerted by the noise at this point and came outside to see what was going on.

The tan dog grabbed [REDACTED] by the neck, pulling him through. [REDACTED] then followed, going out and onto the shared driveway.

[REDACTED] was then attacked by Koda, not until yesterday did I notice that [REDACTED] received a small puncture wound to her shoulder.

I could not do much at the time as I have fracture ribs.

I believe Dad went over to the fence and tried to pull the dogs through managing to get the dogs back onto our property.

Dad was then trying to fix the fence, he got cuts up his arms, he was bleeding and distressed.

All that Leesa had to say was "fix your f[REDACTED]g fence, you c[REDACTED]t."

That was how the incident ended, I also responded with some nasty words as well because I was livid.

[REDACTED] received puncture wounds and lacerations specifically to his hind legs, I do not have money to take him to the vets due to already having a vet bill for the last attack incident involving the same dogs.

I shaved [REDACTED] leg and am treating it myself.



Personal Statement Continued – Statement of [REDACTED]

SR 91686

I then contacted Western Bay of Plenty District Council to report the offending to Animal Services.

This incident has made me feel really distressed, it has created a lot of distress to my dad as well. It was really upsetting; I was meant to be picking my daughter up from the airport which made me late for that. At the time of the attack, I did not know how severe [REDACTED] wounds were, I had to leave him in the care of my family. Thankfully we haven't had to take [REDACTED] to the vet for this incident.

Signed

[REDACTED]

Date: 18/12/2025

[REDACTED]

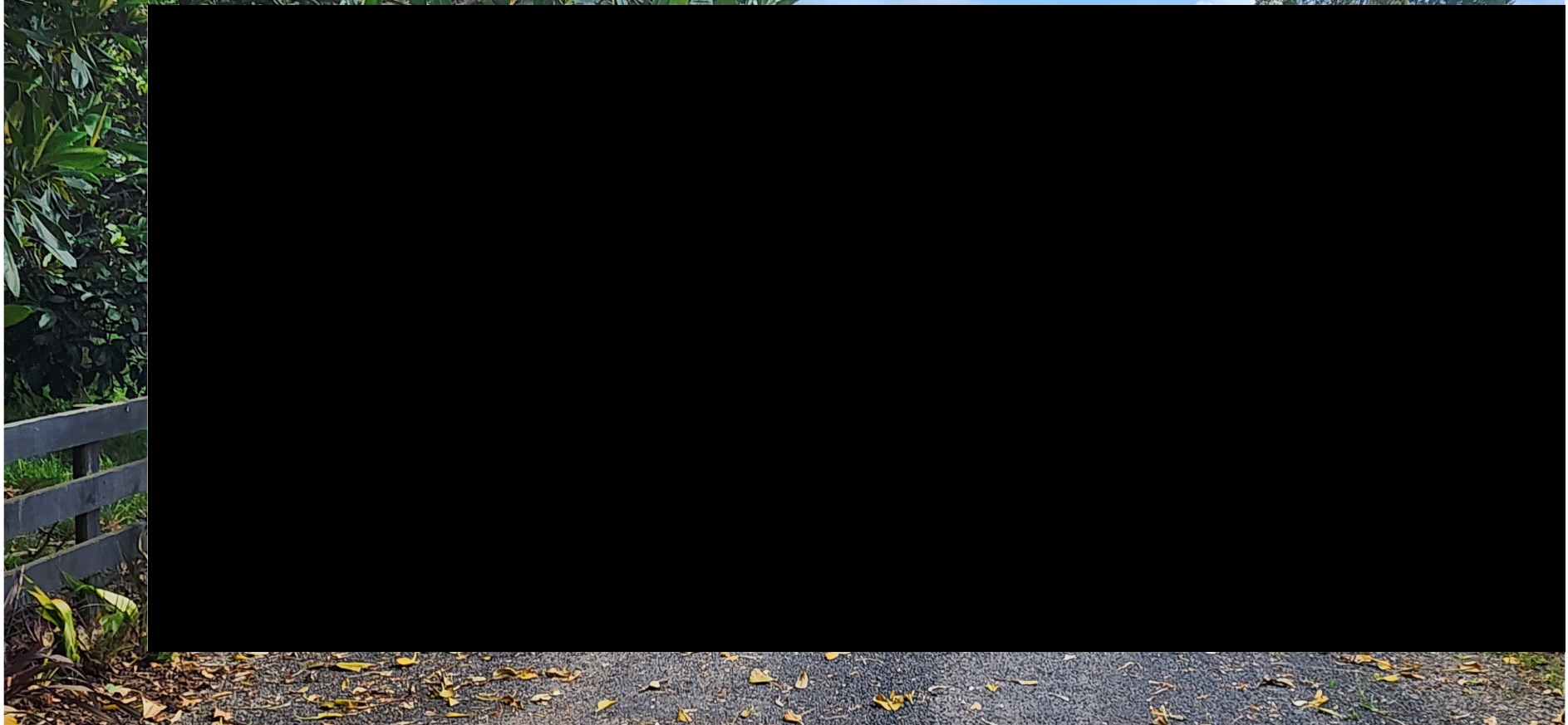
ATTACK RATING REPORT

OFFENDER NAME: Leesa GREENALL
SERVICE REQUEST 91686

SERIOUSNESS		
Domestic pet injured - minor injuries	▼	10
VICTIM IMPACT		
The victim has suffered minor physical and/or mental trauma. No financial loss.	▼	2
DOG SURRENDERED / DESTROYED		
The dog has not been surrendered for destruction.	▼	4
OBSERVED AGGRESSION (PEOPLE) <i>(Based on the Officer's observation only)</i>		
No signs of aggression	▼	0
NEGLIGENCE		
The incident is the direct result of minor negligence/carelessness	▼	2
CO-OPERATION		
Cooperative and forthcoming with information, no contrition shown	▼	1
REGISTRATION		
Registered	▼	0
PREVIOUS HISTORY - DOG		
History with aggression (under on year old)	▼	4
PREVIOUS HISTORY - PERSON		
No history	▼	0
BREACH OF CLASSIFICATION CONDITIONS		
N/A	▼	0
RESTRAINT		
The dog was under inadequate restraint i.e. could have been accidentally approached or could	▼	1
RECURRENCE LIKELIHOOD		
Recurrence possible	▼	2
DAMAGES		
Did not voluntarily offer to pay or partially paid	▼	1
POTENTIAL FOR HARM		
Medium dog	▼	2
TOTAL		29

Result Menacing dog classification and/or infringement

- <25 = Warning Letter and/or Infringement
- <34 = Menancing dog classification and/or infringement
- <50 = Dangerous dog and infringement
- 50+ = Dangerous dog and infringement or prosecution







Incident Report

Attention
Team Lead Animal Services
Western Bay of Plenty District Council

Report date 22/12/2025
Incident date 14/12/2025

Service Request 91686

Complainant: [REDACTED]
Address: [REDACTED] McLaren Falls Road, Lower Kaimai
Dog1: " [REDACTED] " – Wire Fox Terrier – Male – Desexed – 4years 6months
Dog ID [REDACTED] – registered

Dog2: " [REDACTED] " – Smooth Fox Terrier – Female – Desexed – 10years 4months
Dog ID [REDACTED] – registered

Offender: Leesa GREENALL
Address: [REDACTED] McLaren Falls Road, Lower Kaimai
Dog 1: "KODA" – Staffordshire Bull Terrier – Female – Desexed
4years 7 months – Dog ID [REDACTED] – registered

Dog 2: " [REDACTED] " – Staffordshire Bull Terrier x English Pointer – Male – Entire
1years 3months – Dog ID [REDACTED] – registered

Witness: [REDACTED]
Address: [REDACTED] McLaren Falls Road, Lower Kaimai
Relationship: Complainant's father

SUMMARY OF FACTS

1. At approximately 2000hr on Saturday the 13th of December 2025, Leesa GREENALL was walking her two dogs, [REDACTED] and KODA down the shared driveway locate at [REDACTED] McLaren Falls Road, Lower Kaimai with her grandson.
2. Whilst walking back to her address at [REDACTED] McLaren Falls Road the two dogs from [REDACTED] McLaren Falls Road, [REDACTED] and [REDACTED] have approached the fenceline and interacted with [REDACTED] and KODA.
3. At some point during the interaction KODA has attacked and pinned down [REDACTED] in the shared driveway area.

4. The two dogs have been separated by GREENALL, and an argument has ensued between GREENALL and [REDACTED], [REDACTED] and [REDACTED] owner, who witnessed the whole interaction.
5. [REDACTED] received minor lacerations to his left rear area which were treated by [REDACTED] and her family.
6. [REDACTED] and GREENALL both contacted Western Bay of Plenty District Council to report the incident to Animal Services.

Evidence

- Statement from Victim – [REDACTED]
- Statement from Witness – [REDACTED]
- Statement from Offender – Leesa GREENALL
- Body Worn Camera footage – property visit
- Photos of Injuries – Taken by [REDACTED]
- Photos of Injuries – Taken by Team Leader Animal Services HRSTICH
- Attack matrix

Dog/Owner Background and history

The dog KODA is linked to one previous Service Request in Aug 2025 where it was alleged that one of GREENALL's dogs attacked [REDACTED] on the property of [REDACTED] McLaren Falls Road. Evidence confirmed an attack/fight had occurred due to the injuries that [REDACTED] had obtained however evidence suggested the attack occurred on the property of [REDACTED] McLaren Falls Road and Animal Services were unable to clearly identify which of the two dogs, KODA or [REDACTED], were involved. This resulted in a verbal warning regarding control of dogs for all parties involved.

A statement was obtained from [REDACTED], [REDACTED] father, as it was suggested by [REDACTED] that he witnessed the attack. It was found after talking to him and completing the statement this was not the case and only was involved after the attack had occurred. [REDACTED] lives at [REDACTED] McLaren Falls Road but in a separate dwelling from [REDACTED]. He also has recently suffered a stroke which makes speech for him difficult but not to the point that would impede obtaining a statement.

Statements were obtained from GREENALL and [REDACTED] however there are considerable differences between each recalling of events. [REDACTED] states that the dog that attacked [REDACTED] was [REDACTED] and that KODA attacked [REDACTED]. However, GREENALL states that [REDACTED] was not involved and alleged [REDACTED] rushed at her grandson who was present and admitted that KODA then pinned [REDACTED] to the ground. There is also a difference between the statements of what time this incident occurred however there is no argument that it occurred in the afternoon of the 13th of December 2025. It also is alleged by GREENALL that [REDACTED] escaped and was on the shared driveway when [REDACTED] states that [REDACTED] was pulled through the fence by one of GREENALL's dogs.

Despite the difference the statements there is no contention that [REDACTED] was attacked by one of the dogs and received injuries.

The completed attack report matrix returned a result of 29 which recommends a menacing classification and/or infringement be issued.

Conclusion and recommendation

The evidence shows that [REDACTED] was attacked due to the injuries he occurred and both parties confirming the fact he was attacked. Both parties allege different dogs are responsible for the attack however GREENALL being the owner of KODA and [REDACTED] and closer to the attack is more likely to know which of the dogs was involved, which identifies KODA as the offending dog.

There is no evidence to corroborate any additional facts regarding the time or exact location of the incident in either party's account. It is only established that the attack occurred on the shared driveway. How [REDACTED] came to be there is disputed and unsubstantiated by both parties.

It has been considered to issue an infringement to GREENALL under section 53 of the Dog Control Act 1996 for failing to keep dog, being KODA under control. However, due to the disputed fact of [REDACTED] also not being under control it could be seen as unfair to issue one against KODA and not [REDACTED] also.

Due to all the above conclusion, I recommend KODA be classified as menacing under Section 33A of the Dog Control Act 1996. If the classification is issued and the requirements are met, then any further similar incidents in the future will result in minimal to no injuries.



Red ADAMS
Senior Animal Services Officer
Western Bay of Plenty District Council

Team Lead comments

Approve recommendation. GREENALL admitted that her dog Koda pinned down the dog [REDACTED] who sustained dog bite injuries. GREENALL belief that KODA's action was justified as [REDACTED] was allegedly running towards the grandson is an unrealistic assumption and does not take away that it attacked another dog and caused injuries. As mentioned in the report KODA sustained dog attack injuries from a previous attack from one or both of GREENALL's dogs.



Peter Hrstich
Team Lead Animal Services

Selina McIntyre
Bachelor of Applied Animal
Technology

Dog Behavioural Consultant &
Author



www.dogsbestfriend.co.nz



To whom it may concern,
I visited Leesa Greenall at her home address, meeting her dog Koda, on Wednesday the 4th of February 2026.

There were absolutely no signs of aggression or reactivity at any point in my extended visit, whatsoever. In fact, neither Koda nor Leesa's other dog barked upon my entry into the property.

I would describe Koda's behaviour as friendly – her tail being held mid-way down her body and wagging, her eyes 'soft,' (no dilation – no sign of adrenaline present) and there was never any tension in her body when she was interacting with me.

From my assessment, Koda in my expert opinion, does not fit the classification of a 'Menacing Dog.'

For context, I work week in, week out, on cases of various forms of aggression, with most of my caseloads being dog-to-dog or territorially aggressive. I have been in business since 2004 and have worked with around 3000 dogs. I am a published author on dog behaviour, with my book, 'Big Dog, Small Dog – Make Your Dog Happier by Being Understood' being published with Harper Collins Publishers and have also worked on multiple court cases, being cited as an expert on canine behaviour.

It is evident Leesa has put extensive effort into socialising Koda. As part of her continuing efforts with her dog, she meets up regularly with a dog walking group in Yatton Park, Tauranga, with dogs of various sizes and their guardians. Lisa also has multiple species of animals on the lifestyle property she resides, that Koda is exposed to also – including a horse that Koda is fond of. Leesa's grand children reside on the property.

Koda is used as a Therapy Dog, visiting multiple families in a therapeutic capacity, as well as serving this vital role to Leesa's family, supporting Leesa's severely Autistic, non-verbal, grandchildren .

Koda wears a harness and one-metre lead when out working in this capacity.

Leesa demonstrated some of her training commands in my presence with Koda and with this, I believe she has good verbal command of her.

Leesa Greenall is a responsible and competent dog owner, who in my opinion, should only be commended and encouraged for how hard she works to be such, Selina McIntyre, Dogs Best Friend.



5/02/2026

To whom it may concern,

I Bob [REDACTED] write this not as Leesa Greenall's partner but as a statement of my history in animal care. In the early 1990s my parents [REDACTED] [REDACTED] built the Athenree Cat and Dog boarding kennels. My father was still in his last few years of the merchant navy so I was asked to manage the dog side side of the business. At full capacity we could house 28 dogs. The kennels were built to the Kennel Association guidelines which made it reasonably easy to manage on my own. I did this for 3 to 4 years gaining considerable experience in dogs traits and behaviours. While doing this I was also employed by the WBOPDC in a part time call out position in the Animal control area.

I was tasked to pick up problem dogs in the Waihi Beach, Bowentown, Athenree area and then feed and exercise them twice a day at the Waihi Beach dog pound. I dealt mostly with Betty during this time. I fast forward to now where as a grandfather with 8 grandchildren you can imagine I would never expose them and 2 special needs kids, to a dog with any behaviour that would put them at risk. Koda has a special place in all their hearts and they fail to comprehend the menacing dog classification. I hope this sheds light on her true character.

Regards

Bob [REDACTED]

Koda reference x

Friday, April 17, 2026
3:41 PM

Subject Koda reference x
Link to Outlook Item [Click here](#)
From Mel [REDACTED]
To Bob [REDACTED]
Sent 17/04/2026, 3:10:16 pm

Hi guys

Just sending you a note re: Koda - as you know we have known her since she was a tiny puppy.

She is gentle and calm mannered and a beautiful dog. She plays super well with our dog Odin and whilst she used to come and visit us (which we never minded) as well as is fine with our kids, and she has not come over at all in the last 2+ years since you guys fixed the fencing.

We adore Koda and can vouch for her temperament - we have young kids and a cat, both of which she is absolutely fine with. She is not aggressive at all, she is a great and well trained dog and she absolutely has our support, as do you guys.

She does not need a muzzle and is not a dangerous dog at all.

To this end, I would happily have Koda at our place if you ever needed someone to have her, and as you know I have a toddler and a 5 year old so I don't say that lightly! I am 100% confident in her temperament and the effort you have both put into training her.

I also confirm that I was home when on the 25th of August Otis went next door and there was a dog fight which I believe took place on your property when Otis went into your section. I told [REDACTED] via text that I believe it happened when Otis went on your section and I did not see either of your dogs on our side of the fence that day - and I also confirmed this to animal control. I did hear her dog yelping and witnessed him running back under the fence by the magnolia tree back to his house.

Otis often roams and has been on both of our sections on multiple occasions. I believe Otis was on this occasion on your property.

Whilst in early days we often had visits from Koda as she was cheeky and a good escape artist you have both done a wonderful job keeping her within the boundaries of your section in the last 2 years and when we come over for a kids play date, she is the best dog ever!

Thanks,

Mel [REDACTED]

Sent from my iPhone

[REDACTED]

My name is Rebecca [REDACTED]

I am a registered nurse. My [REDACTED] is diagnosed with Autism and ADHD. We have been visiting Leesa at her property for the past 2.5 years Tuesdays and every 2nd Thursday. Initially this was for horse riding as an outlet for his aggression but he quickly formed a bond with Koda and this was the highlight of his week. Over a short period it improved his empathy behaviour and speech. Over time i became confident to leave [REDACTED] in Leesas care so every Thursday she was bringing [REDACTED] and Koda home , stopping at the local park.

After the menacing dog classification where Koda had to wear a muzzle, the muzzle affected the Koda's personality and caused her anxiety which instantly had a negative effect on [REDACTED]. It was decided that we keep them both at the farm . I hope for [REDACTED] progress and happiness this classification can be lifted and [REDACTED] get his buddy back to normal.

Regards

Rebecca

9.4 DAY TWO – OBJECTION TO MENACING DOG CLASSIFICATION – DARREN MILLS

File Number: A7239300

Author: Peter Hrstich, Animal Services Team Leader

Authoriser: Alison Curtis, General Manager Regulatory Services

EXECUTIVE SUMMARY

This report seeks a decision from the Committee as to whether the status of the Menacing Dog classification is upheld or not.

RECOMMENDATION

1. That the Team Leader Animal Services report dated 1 May 2026 and titled 'Day Two - Objection to menacing dog classification - Darren Mills', be received.
2. That the Regulatory Hearings Panel uphold the menacing classification, however the panel may either:
 - a. Uphold the classification; or
 - b. Rescind the classification

THE SITUATION

1. Darren Mills is the owner of a German Shepherd cross named Meg and three other German Shepherds.
2. Meg is a female dog aged 6 ½ years old and is not spayed.
3. On Wednesday 9 December 2025 an incident was reported to the Council where a dog had attacked another dog. Meg was described as the attacking dog. A Service Request was created (#91186) with reference to the attack. **(Attachment 1)**
4. As a result of the investigation into the attack, Council classified the dog known as Meg as Menacing, as per section 33A(1) Dog Control Act 1996. This means the owner must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction. The dog must also be desexed. **(Attachment 2)**
5. Darren Mills has objected to the Menacing classification of Meg under section 33 B (1) Dog Control Act 1996. **(Attachment 3)**
6. On Tuesday 9 December 2025, the complainant was on his property on McLaren Falls Road.
7. He lives next door to Darren Mills's property on McLaren Falls Road.

8. At approximately 8.30am the complainant saw two dogs from the Mills's property attacking his dog in the gully of his property.
9. The one of the attacking dogs who has been identified as Meg, was biting his dog on the neck and the other dog owned by Darren Mill's was biting the hind quarters of his dog.
10. As he yelled and ran towards the dogs, they broke away from his dog.
11. Then he and his dog were then rushed at by Meg before she retreated to her property fenceline.
12. Animal Services officers visited Darren Mill's property twice on the 9 December.
 - (a) In the morning Mill's dogs were sighted inside the fenceline of their property next to the gully, however the wire fencing did not appear sufficient to contain the dogs.

(Video link 1 - [REDACTED])

- (i) Officers at scene discussed entering the property to secure the dogs to ensure that they could not cause further harm; however, it was deemed too dangerous due to the dogs' aggressive behaviour and at the time all four of Mill's dogs being loose on the property.

(Video link 2 - [REDACTED])

- (ii) Darren Mills did not appear to be home at the time and phone calls were made, but officers were unable to contact him.
- (b) Later that afternoon; Meg was observed outside the gate to Darren Mills's property on the shared driveway, which is deemed a private way under the Dog Control Act.
 - (i) Officers at scene discussed entering the property to secure the dogs to ensure they could not cause further harm; however, it was deemed too dangerous with the dogs' aggressive behaviour and four dogs being loose on the property.

(Video link 3 - [REDACTED])

13. Animal Services officers visited Darren Mills's property again on the 10 December 2025 and found the dogs inside the house.
14. The dogs were displaying territorial aggression through the glass doors.

THE OFFENCE

15. A dog attacking a domestic animal is an offence under section 57 of the Dog Control Act 1996.
16. A dog rushing at, or startling, any person or animal in a manner that causes – any person to be killed, injured, or endangered; or any property to be damaged or endangered is an offence under section 57A of the Dog Control Act 1996.

17. Every person commits an offence being the owner of a dog who fails to keep that dog under control. [S.53 Dog Control Act 1996]

EVIDENTIAL MATTERS

18. The attack was reported to the Council on 9 December 2025.
19. The dog sustained injuries which required vet treatment. **(Attachment 4)**
20. Photos of the dog Meg off its property on a shared driveway taken by Animal Services officers. **(Attachment 5)**
21. Victim statement **(Attachment 6)**
22. Witness statement **(Attachment 7)**
23. The dogs are normally kept inside the dwelling at the MILLS'S address.
24. Darren Mills was spoken to about the incident, and he confirmed that he was not home at the time of the incident, and he stated that he had cameras on his property. He was invited to provide any information to support his defence however nothing was received by Council.

OUTCOME

25. The Attack Rating Matrix is a tool used by the Animal Services Team to ensure consistency in decision making.
26. Once all the incident data had been entered, the Matrix provided a score of 45 which equates to a recommendation of a Dangerous Dog classification and an infringement being issued. **(Attachment 8)**
27. Based on the evidence provided, a decision was made to issue two infringement notices for failure to control a dog, and to classify the dog as Menacing.

The Matrix does not mandate the outcome but assists in reviewing all the factors around the incident. This lesser menacing classification was decided upon due to it being the first reported offence of the dog and the effects would be sufficient to mitigate the risks posed by the dog.

28. S.33A Dog Control Act 1996 – Territorial authority may classify dog as Menacing:
29. This section applies to a dog that:
 - (a) *A territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of the dog"*

GROUNDS FOR OBJECTION

30. Section 33B of the Act offers a right of objection to a menacing dog classification by lodging a written notice within 14 days after receiving the notice.

31. The criteria Council must apply to this application are set out in Section 33B(2) of the Act:
- “When considering any objection, the Committee shall have regard to:*
- a. The evidence which formed the basis for the original classification; and*
 - b. Any steps taken by the owner to prevent any threat to the safety of persons and animals; and*
 - c. The matters advanced in support of the objection; and*
Any other relevant matters - and may uphold or rescind the classification.”
32. Council may uphold or rescind the classification only. That is, there is no provision to modify the conditions of the classification.
33. The Dog Control Bylaw 2016 and Dog Control Act 1996 states that Council requires mandatory neutering of dogs classified as menacing.
34. The Dog Control Bylaw 2016 and Dog Control Act 1996 states menacing Dogs must wear a muzzle in public.

ADDITIONAL INFORMATION

- (a) Officer’s report (**Attachment 9**)
- (b) Vet report (**Attachment 10**)
- (c) Map showing location of incident (**Attachment 11**)
- (d) Photos of location of attack (**Attachment 12**)
- (e) Video of dog in gully:
(**Video link 4 - [REDACTED]**)
- (f) Video of dogs by fenceline:
(**Video link 5 - [REDACTED]**)

ISSUES AND OPTIONS ASSESSMENT

Option A	
That pursuant to Section 33B(2) of the Dog Control Act 1996 the Regulatory Hearings Panel upholds the menacing dog classification.	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p>Advantages:</p> <ul style="list-style-type: none"> • Appropriate controls will be required for the dog that will reduce public threat. • Consistent with the Council risk management approach for ensuring public safety measures are in place. • Victims of negative dog behavior can be satisfied that their concerns have been accepted by Council. • Future incidents and complaints about this dog are mitigated. • Clearer for any Court decision should there be further reoffending <p>Disadvantages:</p> <ul style="list-style-type: none"> • Dog owner remains dissatisfied with Council decision • Increased compliance cost for owner.
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>Costs of officer's time as follow-ups are required by Council staff to ensure menacing dog requirements are being met.</p>
Option B	
That pursuant to Section 33B(2) of the Dog Control Act 1996 the Regulatory Hearings Panel rescinds the menacing dog classification.	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p>Advantages:</p> <ul style="list-style-type: none"> • Dog owner is satisfied with Council decision • Reduced compliance costs and controls for dog owner. <p>Disadvantages:</p> <ul style="list-style-type: none"> • Increased risk of harm (e.g. bite) as dog may not be muzzled in public place.

	<ul style="list-style-type: none"> Public perception that Council is “soft” on negative dog behavior.
Costs (including present and future costs, direct, indirect and contingent costs).	Costs of officer’s time to investigate if further incidents occur with the dog.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
	There are no budgetary or funding impact associated with the recommendations in this report.

ATTACHMENTS

1. **Service Request** [↓](#) 
2. **Classification** [↓](#) 
3. **Objection** [↓](#) 
4. **Photos injuries** [↓](#) 
5. **Photos** [↓](#) 
6. **Statement victim** [↓](#) 
7. **Statement Witness** [↓](#) 
8. **Matrix** [↓](#) 
9. **Officer's Report** [↓](#) 
10. **Vet Report** [↓](#) 
11. **Map** [↓](#) 
12. **Location Photos** [↓](#) 

**Service Request
Summary**

19/02/2026 3:34:11 pm



Request ID: 91186
Priority: Routine
Sub Type: ANIMAL - Dog attacked
(and made contact)

Assigned to: Animal Services Referral Team (ds_team)
Location: [REDACTED] MCLAREN FALLS ROAD, OMANAWA
Contact: [REDACTED]
[REDACTED] MCLAREN FALLS ROAD RD 1
TAURANGA 3171

Request: 9/12/2025 8:57:45 am
23/01/2026 2:25:00 pm
Closed: 16/01/2026 11:01:50 am

Default Phone: [REDACTED] **Other Phone:** [REDACTED]
Email: [REDACTED]

Description

[REDACTED] McLaren Falls Road
The dogs on the property have been let out again over the last few days.
This Morning one of the dogs has come onto her property and attacked her dog. Her horse has also been spooked.
Photos & video to be provided.

Interactions

**Service Request
Summary**

19/02/2026 3:34:11 pm



Date: 9/12/2025 8:57:55 am **Created by:** Michael Kingston
Subject: New SR.91186 'SR.Animal Services.Dog Rush/Attk Animal'

Type: Email

Service Request Subtype: SR.Animal Services.Dog Rush/Attk Animal

Assigned to: Animal Services Referral Team (ds_team) Tony Wright

Zone: Animal ASOB KAIMAI

Address: ██████ MCLAREN FALLS ROAD, OMANAWA

Description: ██████ McLaren Falls Road The dogs on the property have been let out again over the last few days. This Morning one of the dogs has come onto her property and attacked her dog. Her horse has also been spooked. Photos & video to be provided. ██████

Click here to view Job in Datascape [SR 91186 - SR.Animal Services - SR.Animal Services.Dog Rush/Attk Animal - Routine](#)

**Service Request
Summary**

19/02/2026 3:34:11 pm



Date: 9/12/2025 9:00:14 am **Created by:** **Type:** Email
Subject: SR.91186 - Dog attack from [REDACTED] McLaren Falls road

[Some people who received this message don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Hi there,

When [REDACTED] went down to rescue his dog, the brown dog went to attack him so he shot the dog with his air rifle to protect himself. This needs immediate attention please.

Thanks

Sent from my iPhone

Date: 9/12/2025 3:40:26 pm **Created by:** Shannon Napier **Type:** Note
Subject: Further Details:

Spoke to complainant [REDACTED] 0910hrs Tues 09/12/25. She advised that the neighbours dog attacked [REDACTED] dog [REDACTED] on her property earlier this morning. [REDACTED]. [REDACTED] didn't see the dog attack, but heard the barking, but by the time she got to that part of the paddock, the brown dog from next door was still on her side of the fence. [REDACTED] was obviously injured. She described the

Page 3

**Service Request
Summary**

19/02/2026 3:34:11 pm



offending dog as a large brown/tan dog, Alsatian cross and it belonged to [REDACTED]. She said it was vicious, barking and foaming at the mouth. She stated that [REDACTED] shot at the dog with a slug gun, unsure if the dog was hit as it continued to bark. [REDACTED] sent video and photo via sharefile that were taken directly after the attack. Photos uploaded to Objective.

[REDACTED] Left message for him to make contact.

PV conducted at [REDACTED] McLaren Falls Rd at 1030hrs on Tuesday 09/12/25. **Spoke to [REDACTED]** He stated that his dog [REDACTED] got attacked by the neighbours brown dog [REDACTED]. He identified the dog as the one standing by the fenceline, barking while we were at the address. This is also the same dog as the one in the video supplied by [REDACTED]. [REDACTED] was attacked twice by the tan dog in this incident. [REDACTED] saw the first attack, got his .22 rifle and went down into gully to get [REDACTED]. Tan dog advanced on him and he shot at it twice. Thinks he may have hit the dog in the shoulder once and the other bullet missed.

[REDACTED] saw another of the neighbours dogs on his property, it was black german shepherd with red collar and a diamond shaped white patch on it's chest.

[REDACTED] to send videos and photos he took via sharefile.

PV conducted at [REDACTED] McLaren Falls Road, the property of offending DO Darren MILLS at 1103hrs Tues 09/12/25. There was 4 dogs barking at the closed driveway gate. We identified the tan shepherd and the black shepherd from the fenceline ID and descriptions. The tan shepherd was particularly aggressive behind the gate. Nowhere to leave Contact Notice and could not locate letterbox.

2nd PV at [REDACTED] McLaren Falls Rd on Tues 09/12 at 1338hrs. The same 4 dogs barking at gate. No response from anyone inside the property. The tan shepherd got under the gate and followed us out along the shared driveway barking. we could not secure the dog safely and drove forward to the address again. The dog followed the ute and at 1352hrs the dog slipped under the left hand side of the main driveway gate and returned to the property.

**Service Request
Summary**

19/02/2026 3:34:11 pm



Date: 10/12/2025 2:41:41 pm **Created by:** Shannon Napier **Type:** Note
Subject: Further Details:

PV to [REDACTED] McLaren Falls Rd at 1204hrs on 10/12/25. All 4 dogs sighted inside the dwelling. Dogs were aggressive, jumping at glass, growling, teeth showing, trying to get through glass door. Darren MILLS not home. Contact Notice left attached to front door requesting he call Animal Services re: dog attack.

Date: 10/12/2025 2:47:27 pm **Created by:** Shannon Napier **Type:** Note
Subject: Further Details:

PV to [REDACTED] McLaren Falls Road on Wed 10/12/25 at 1225hrs. Took written statement from COMP [REDACTED] saved in objective folder.

Date: 10/12/2025 3:21:00 pm **Created by:** Shannon Napier **Type:** Note
Subject: Further Details:

Darren MILLS phoned on 10/12/25 at 1521hrs. Advised him of the complaint re: tan dog attacking another dog outside his boundary fence at around 8.30am on Tuesday 09/12/25. Also advised Darren that the tan dog 'MEG' was outside his property, on the shared driveway when we visited around 1.45pm and that we saw MEG re-entering the property by ducking under the LHS of the front gate where the piece of wood has been attached just before we left. Reminded Darren that he needs to keep his dogs secure and contained within his property. Darren advised that he has a trailcam on the boundary fenceline and I asked that he forward this footage to us and that I would send a sharefile request to his email [REDACTED].

Date: 11/12/2025 8:27:59 am **Created by:** Shannon Napier **Type:** Note
Subject: Further Details:

Sent sharefile request to Darren MILLS at [REDACTED] for trailcam footage.

**Service Request
Summary**

19/02/2026 3:34:11 pm



Date: 11/12/2025 3:15:00 pm **Created by:** Shannon Napier **Type:** Note
Subject: Further Details:

PV at █████ McLaren Falls Road. Written statement taken from █████ re: dog attack on █████. Statement signed and saved in Objective. █████ also supplied Vet records and some hard copies of attacking dogs and █████ injuries.

Date: 14/01/2026 2:12:21 pm **Created by:** Shannon Napier **Type:** Note
Subject: Further Details:

Emailed copies of menacing classification and 2x infringement notices to Darren MILLS (owner of MEG) on Wed 14/01/26.

Date: 14/01/2026 3:54:40 pm **Created by:** Shannon Napier **Type:** Note
Subject: Further Details:

I phoned █████ on Wed 14/01/25 and advised him that Animal Services investigation is complete and the appropriate enforcement action has been taken. █████ He stated he hasn't seen the dogs on the fenceline since the dog attack. █████ has healed well and is staying away from the fenceline. I advised █████ to take a photograph and contact council should he see any of MILL's dog out of the property in the future.

Date: 16/01/2026 11:02:49 am **Created by:** Shannon Napier **Type:** Note
Subject: Selected Outcome (Completed)

Menacing Classification notice and s53(1) & s52A infringements posted on 18/12/25. Copies of all documentation also emailed to Darren MILLS on 14/01/26. Complainant █████ was advised that the appropriate enforcement action has been taken.

Documents

message/rfc822 SR.91186 - Animal Services - ANIMAL - Dog attacked (and made contact) - █████ - Email.eml



18 December 2025

Western Bay of Plenty District Council
 Private Bag 12803,
 Tauranga Mail Centre,
 Tauranga, 3143
 P 0800 926 732
 E info@westernbay.govt.nz
 westernbay.govt.nz

Service Request No: **91186**

DARREN MILLS
 ■■■■■ MCLAREN FALLS ROAD
 RD 1
 TAURANGA 3171

Dear Darren,

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

This is to notify you that this dog has been classified as a menacing dog under Section 33A(1) of the Dog Control Act 1996:

Name:	Breed:	Colour:	Sex:	Age:
MEG	SHEPHERD, GERMAN CROSS	TAN	FEMALE	6 yrs 5 mths
Dog ID No: ■■■■■				
Authority: Western Bay of Plenty District Council				

Reason for Classification:

Due to reported or observed behaviour of the dog Council has reasonable grounds to believe this dog poses a threat to any person, stock, poultry, domestic animal or protected wildlife.

A summary of the effect of the classification and your right to object is attached; **this includes the requirement for the dog to be neutered and microchipped.**

Yours faithfully

Peter Hrstich
Animal Services Team Lead

Te Kaunihera a rohe mai i ngā Kuri-a-Whārei ki Ōtamarākau ki te Uru

* 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, or 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.

**Effect of Classification as Menacing Dog
Sections 33E, 33F and 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 the Western Bay of Plenty District Council, within one month after receipt of this notice, a certificate issued by a registered veterinary surgeon certifying that:
- (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) Where a certificate under paragraph (b)(ii) is produced to the Western Bay of Plenty District Council, produce to the Western Bay of Plenty District Council, within one month after the date specified in that certificate, a further certificate under paragraph (b)(i).

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).

As from 1 July 2006, you are also required, for the purpose 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 the Western Bay of Plenty District Council in accordance with the reasonable instructions of the Western Bay of Plenty District Council for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

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 not to 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 conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

**Right of Objection to Classification under Section 33C
Section 33(B), Dog Control Act 1996**

You may object to the classification of your dog as menacing by lodging with the Western Bay of Plenty District Council a written objection within 14 days of receipt of this notice setting out the ground 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.

Peter Hrstich

From: Peter Hrstich
Sent: Monday, 2 February 2026 7:41 am
To: [REDACTED]
Subject: RE: Objection to Menacing Dog Classification - Service Request 91186

Hello Darren

Thank you for my prompt reply. We will be back in touch with a date and time for the hearing.
Regards
Peter

From: [REDACTED] <[REDACTED]>
Sent: Sunday, 1 February 2026 9:01 pm
To: Peter Hrstich <Peter.Hrstich@westernbay.govt.nz>
Subject: Re: Objection to Menacing Dog Classification - Service Request 91186

Peter

I wish to proceed with presenting my grounds for objection to the hearing, in person
Darren

Sent from my iPhone

On 30/01/2026, at 13:38, Peter Hrstich <Peter.Hrstich@westernbay.govt.nz> wrote:

Hello Darren,

I am writing to acknowledge receipt of your objection regarding the menacing classification of your dog, Meg.

The classification was issued following an incident where Meg was reported to have attacked another dog. While your statement that Meg does not harm animals on your property is noted, it does not provide sufficient grounds for the Council to amend its decision.

However, you have the right to present your case. The regulatory hearing panel is scheduled to convene in March. You may choose to attend the hearing in person or provide a written submission to support your objection.

Please let us know how you would like to proceed with your objection. We look forward to your response.

Warm regards,

Peter Hrstich
Team Lead – Animal Services
Kaiārahi Ratonga Kararehe

<image002.png>

E peter.hrstich@westernbay.govt.nz
P 07 571 8008 | FP 0800 926 732
1484 Cameron Road, Greerton, Tauranga 3112

westernbay.govt.nz | [Facebook](#) | [Instagram](#) | [LinkedIn](#)

From: [REDACTED] >
Sent: Thursday, 29 January 2026 7:14 pm
To: Customer Service <info@westernbay.govt.nz>
Subject: Service Request 91186

<image001.jpg>

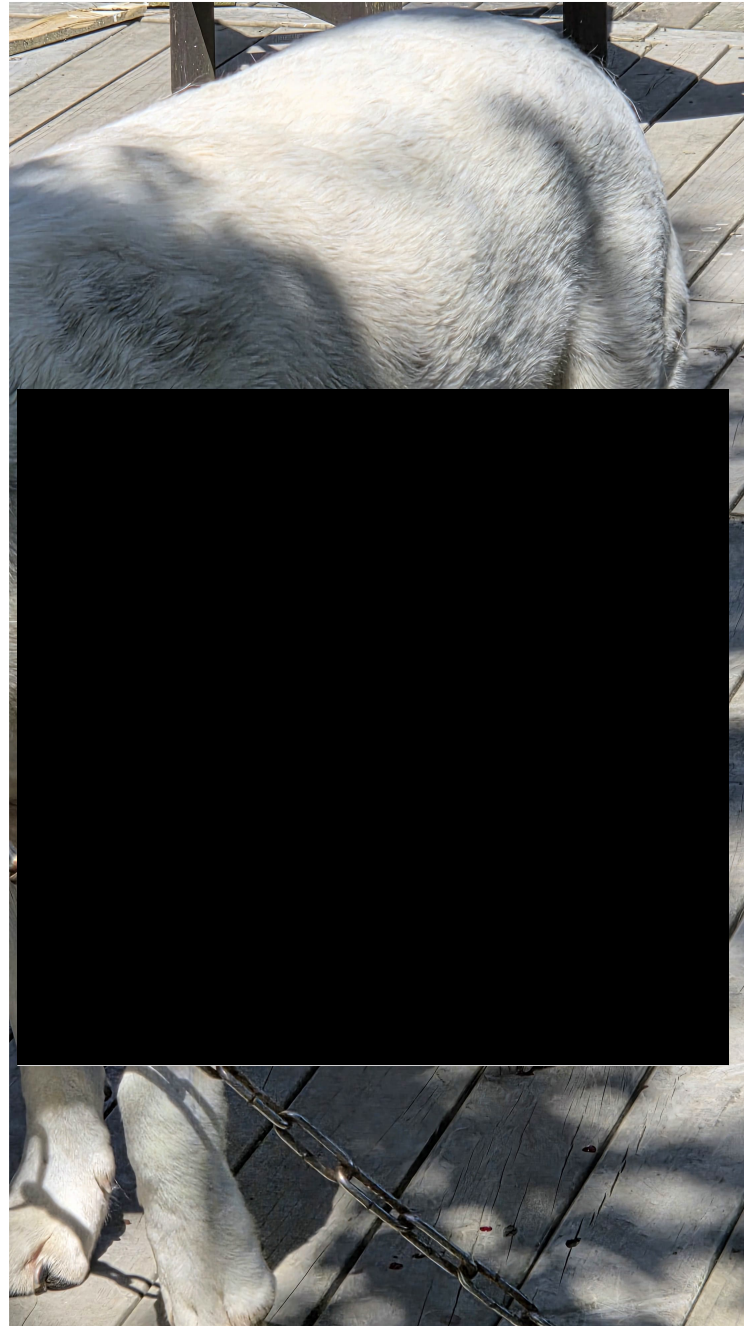
Sent from my iPhone

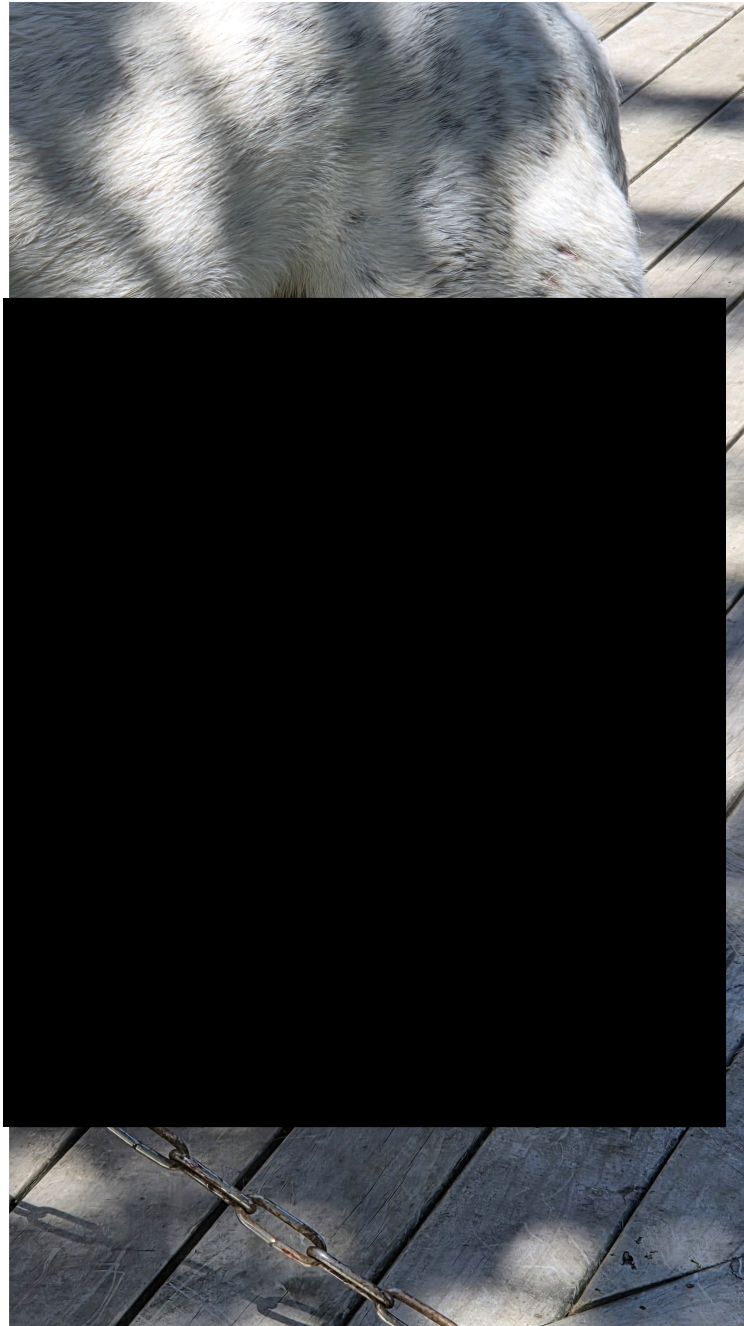
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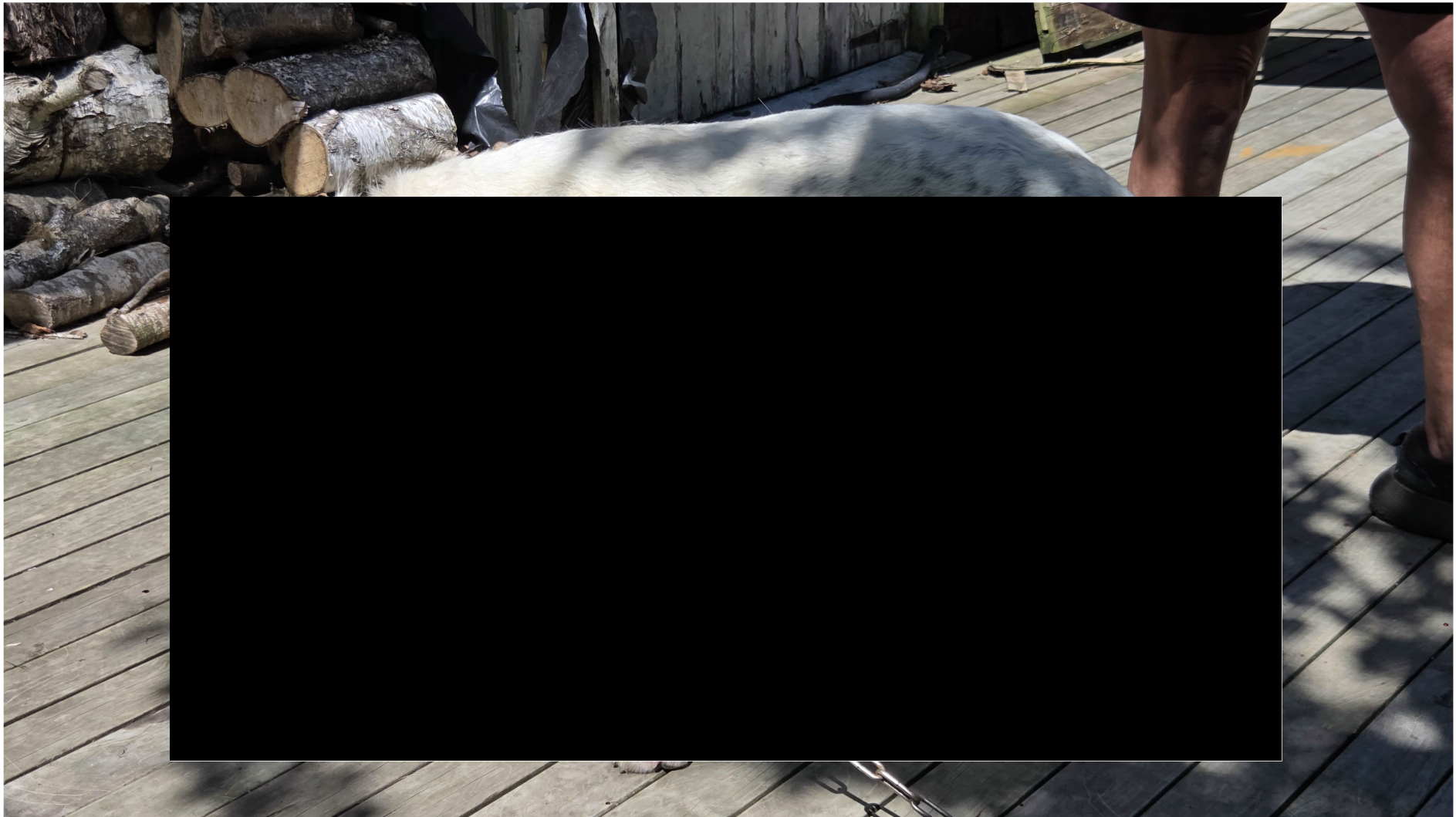
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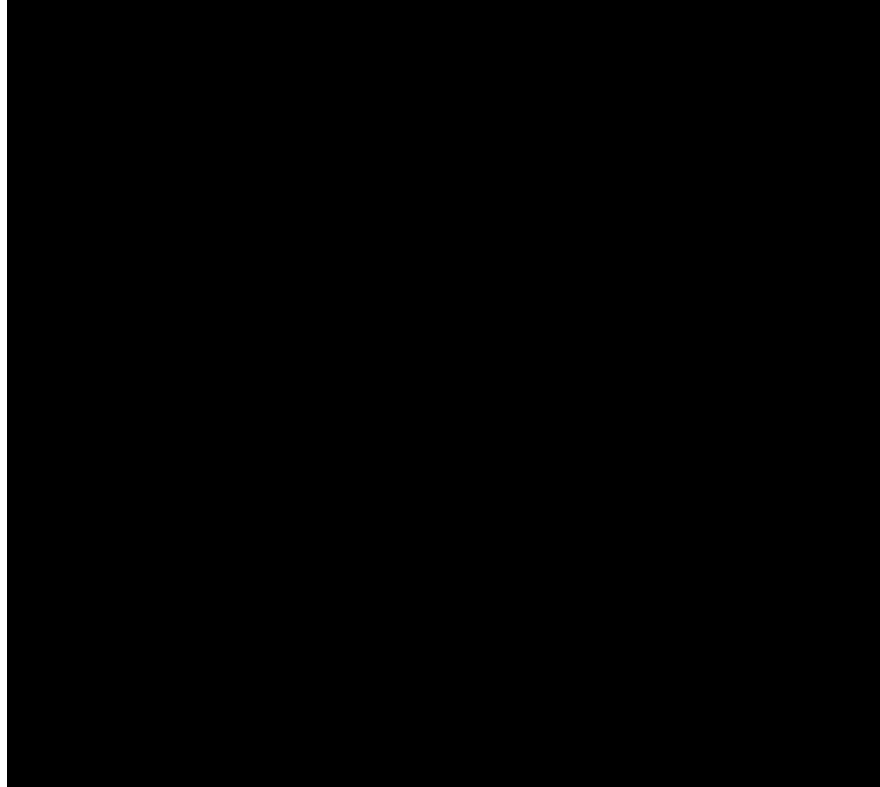
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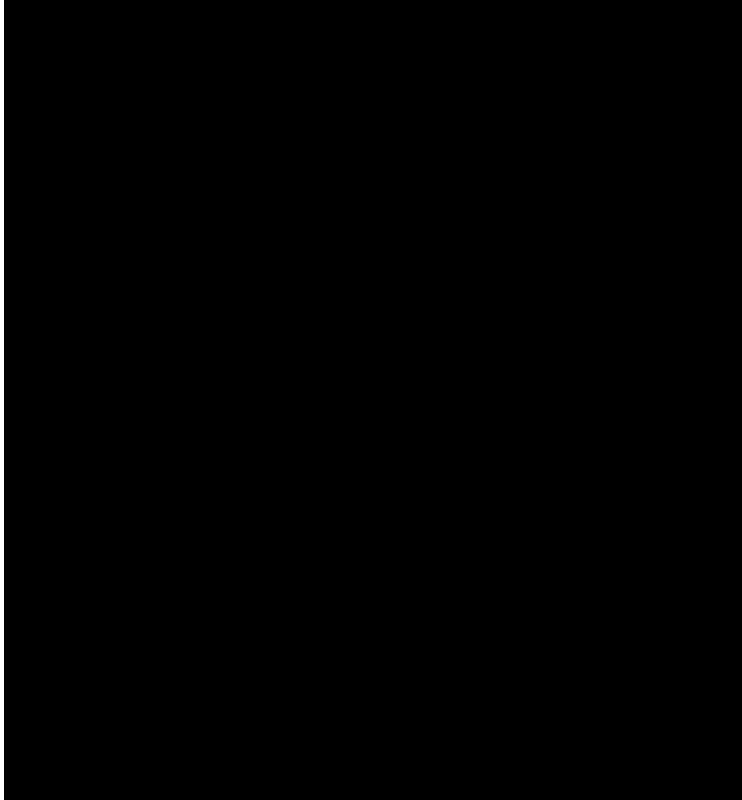
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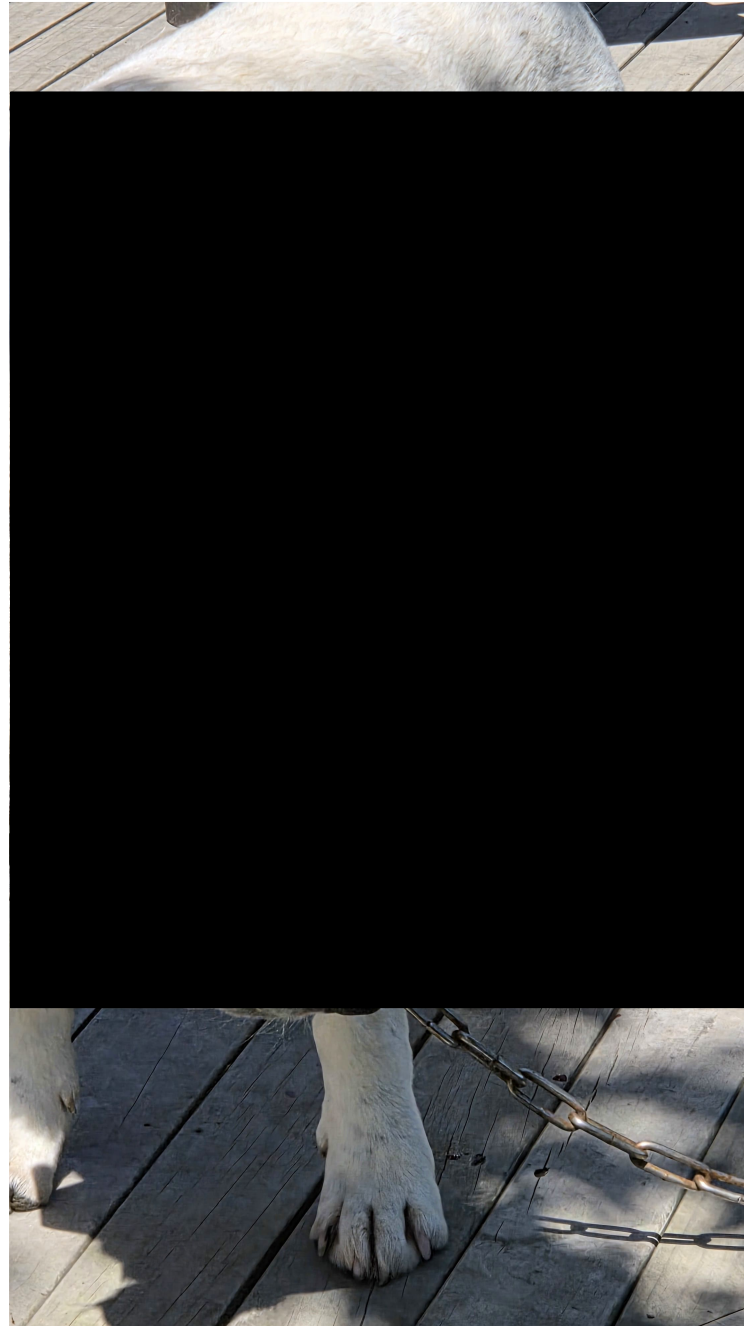


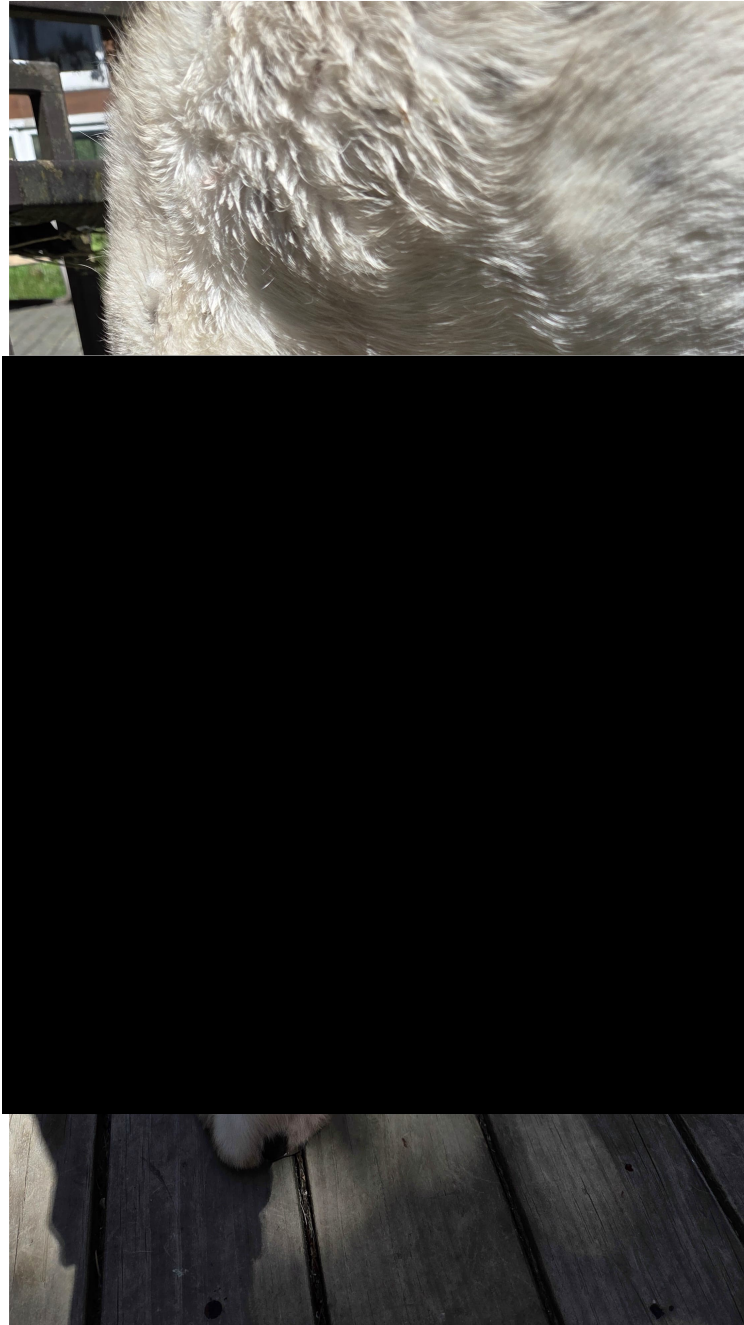


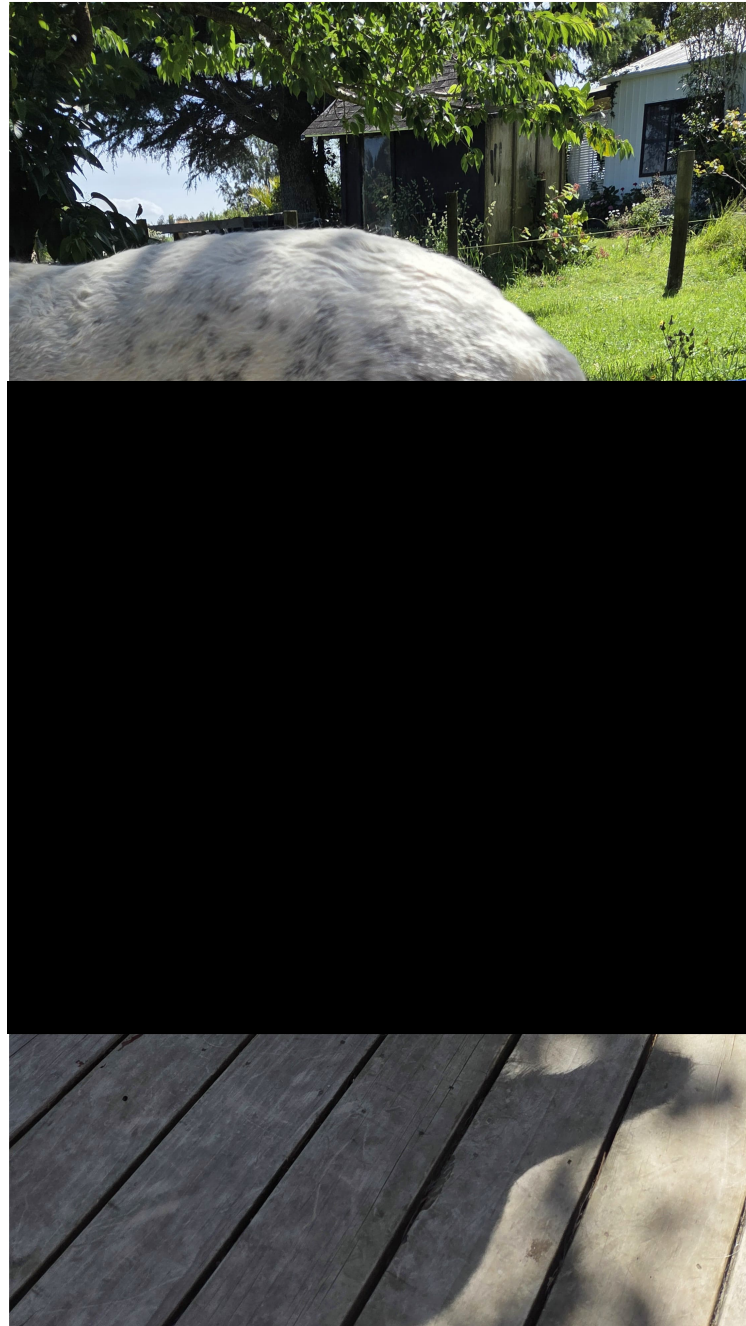


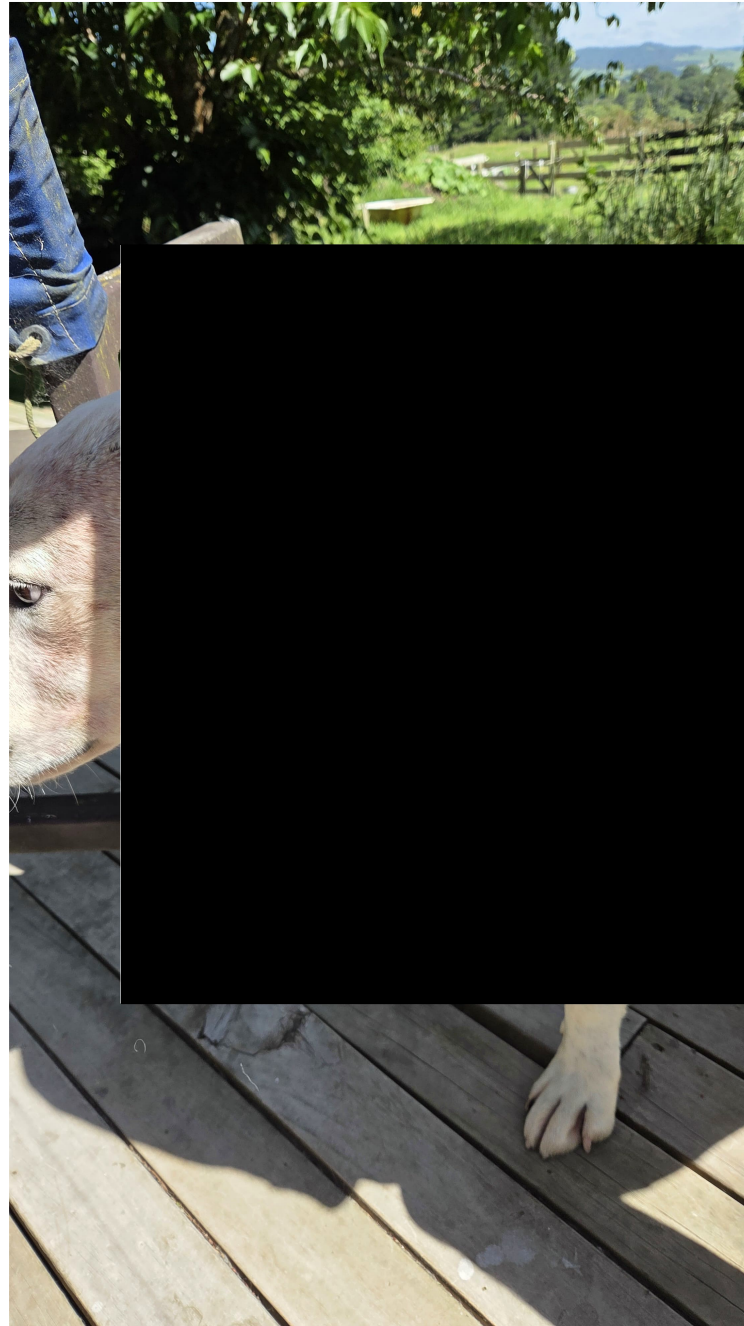


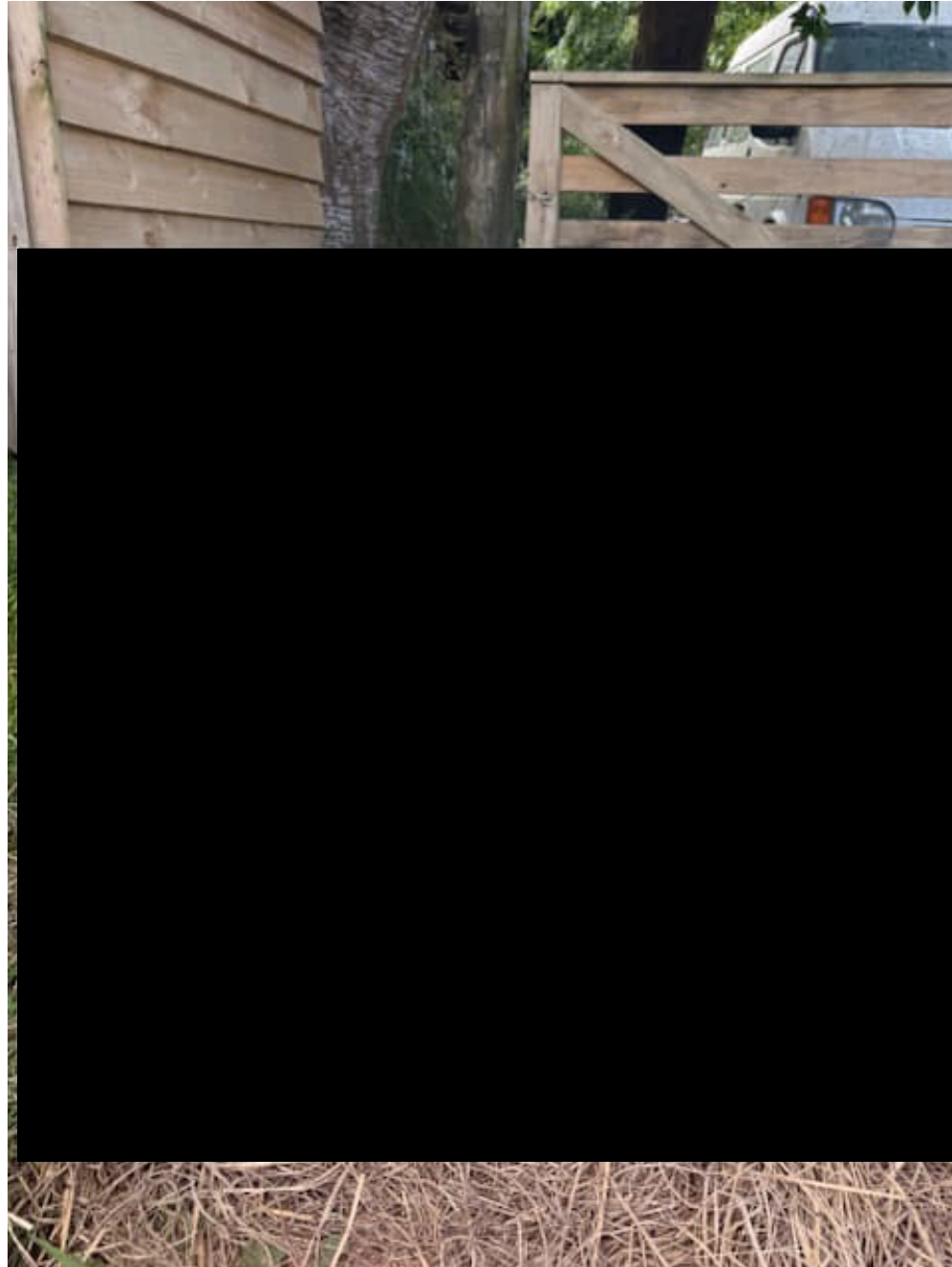






















Personal Statement



Te Kaunihera
a rohe mai i
Ngā Kuri-a-Whārei ki
Otamarakau ki te Uru

Name: [REDACTED]	SR	SR91186
Address: [REDACTED] Tauranga	Date	11/12/25
	Time	3.24pm
Date of Birth: [REDACTED] Occupation: [REDACTED]		
Location statement taken : [REDACTED] Tauranga. Animal Services Officer: SMN1		
This is my statement, the statement is true, and I make it with the knowledge that it may be used in court proceedings, in compliance of section 82(1)c of the Criminal Procedure Act 2011.		

I, [REDACTED], state:

I am speaking to Animal Services Officer Shannon Napier about a dog attack that occurred on my property at [REDACTED], Tauranga on Tuesday 9th December 2025 at about 8.30am.

I reside at this address and am in joint ownership of the property with [REDACTED]. I reside in a separate dwelling with my dog [REDACTED].

[REDACTED] is a Staffordshire bull terrier cross dalmatian. He is white with black flecks. He is about 10-11 years old. He is generally in good health.

I was having a cup of coffee inside my house. I saw [REDACTED] going for a walk in the paddock. I thought [REDACTED] had gone for a walk with them. He hadn't returned after about 10 minutes, I wondered where they had gone.

I walked towards the cabin. I saw [REDACTED] standing on the ridge above the gully. [REDACTED] wasn't with her. I asked her what was happening. She said Darren's dogs are out and they are attacking [REDACTED].

I asked her why she was standing there. She replied "She was not going down there with those dogs". I saw two of Darren's dogs attacking [REDACTED] on our property, about 5 metres on our side of the boundary fence.

I ran past [REDACTED] towards the gully, shouting at the dogs to stop.



Personal Statement Continued – Statement of [REDACTED] SR 91186
Darren's property address is [REDACTED] McLaren Falls Road. The boundary fence separates our gully paddock from Darrens land.

I would describe the first dog as tan, part Alsatian cross, in the past Darren has called Tara or Tamara. She is a bit darker around her muzzle and has long fur.

The second dog was a blacky grey mottled colour with a white diamond on his chest. He has long fur. I think this one is a male.

The tan dog was biting [REDACTED] neck and [REDACTED] was trying to defend himself. The black dog was attacking [REDACTED] from behind, biting his flank, and [REDACTED] was trying to fend both of them off.

I shouted loudly at them to stop, while running towards them, down into the gully. I was at the bottom of the gully when the black dog heard me, and stopped. The black dog had moved off.

I then ran towards [REDACTED] and tan dog. The tan dog was still latched onto [REDACTED] neck. I ran to about 6m from them, still yelling at them. The tan dog looked at me and continued to bite at [REDACTED] neck.

I ran closer to about 3m from them, still yelling at the dog to stop. The tan dog stopped, looked at me and snarled at me. She then backed away.

I took [REDACTED] by the collar and pulled him away and took him back up to our side of the gully. I was about ¼ of the way up the gully when I heard a dog snarling behind me. I turned around and saw the tan dog rushing at me. She was baring her teeth, growling and snarling at me. She got to about 5m of me, still rushing. I let go of [REDACTED], and took a couple of steps towards the tan dog, waving my arms yelling "Get back!" She moved back about 3m. I took [REDACTED] up to the top of the gully. The tan dog stayed at the bottom of the gully. She was standing her ground, still snarling and growling at me, baring her teeth.

My priority was getting [REDACTED] to safety back onto the workshop deck, away from the tan dog.

I saw [REDACTED] and she told me she would ring the Council.

I got some water to give to [REDACTED]. When I got to the deck, he wasn't there.

I went back inside and got my air rifle. It shoots slug pellets.

Personal Statement Continued – Statement of [REDACTED] SR 91186
I went to the top of the gully, calling out to [REDACTED]. I saw [REDACTED] about 5m in front of me, walking down the gully towards the tan dog. The tan dog was jogging towards [REDACTED]. I shouted at them again, and went running down into the gully. [REDACTED] stopped, and the tan dog turned around and started running away from me. I ran to the bottom of the gully, the tan dog was about halfway up the other side of the gully towards the boundary fence.

I turned around and walked back towards [REDACTED] and up towards our shed. I walked about 3 – 4m and I heard the dog barking again, and she came rushing towards us again. She was snarling, growling and baring her teeth while running towards me and [REDACTED].

I let go of [REDACTED] and chased the tan dog back down the gully, yelling at her. She retreated more than half way up the gully towards the boundary fence again.

I thought she was far enough away, so I went back to [REDACTED], grabbed him and took him up to our side of the gully again.

I looked back again and saw the tan dog coming down to the bottom of the gully again, still snarling, coming towards me. I attempted to take a photo, but cannot locate it at this stage.

The dog continued up our side of the gully, walking towards me. I tried to scare her back, but she persisted and kept coming at me.

At this point I believed the dog was about to attack me. I grabbed my air rifle and shot at her chest area. She yelped and then retreated to about 5m from the boundary fence. She then started barking again and coming back towards me again. She was running this time, she was nearly at the bottom of the gully again. I took a second shot. I am unaware if this shot connected.

The tan dog then ran back under the boundary fence back onto Darren's property.

Darrens four dogs then sat at the boundary fence and barked for the rest of the day until Darren got home.

I took [REDACTED] to Koru Vets in Tauriko at 11.32am that same day. The vet treated [REDACTED] injuries and provided an explanation of his care. The cost of [REDACTED] treatment was \$366.05, which my daughter [REDACTED] paid for me. I have provided Western Bay District Council with a copy of [REDACTED] vet records, and photos and videos I took of his injuries on the day.

Personal Statement Continued – Statement of [REDACTED] SR 91186
This is not the first time the tan dog has attacked [REDACTED] and myself.

This incident has made me feel really anxious, I think about it quite a bit and am very emotional about it. I have ignored this dogs behaviour before, but not this time.

The tan dog needs to be taken away and destroyed before she attacks [REDACTED] or another dog or person again. The black motley coloured dog needs to be rehomed at the least. I want justice this time. I am hoping that Darren comes to the party and is fair and understands that the tan dog needs to be destroyed.

Signed [REDACTED]

Date 11/12/25

Initial [REDACTED]

Personal Statement



Name: [REDACTED]	SR	SR 91186
Address: [REDACTED] Tauranga	Date	10/12/2025
	Time	1234hr
Date of Birth: [REDACTED] Occupation: [REDACTED]		
Location statement taken: [REDACTED] Tauranga Animal Services Officer: SMN1		
This is my statement, the statement is true, and I make it with the knowledge that it may be used in court proceedings, in compliance of section 82(1)c of the Criminal Procedure Act 2011.		

I, [REDACTED], state:

This is my full name.

I am speaking to Animal Service Officer Shannon Napier about a dog attack that occurred on my property at [REDACTED] McLaren Falls Road, on Tuesday 9th December 2025 at about 8.30am.

I reside at this address and am in joint ownership of the property with [REDACTED]. [REDACTED] resides in a separate dwelling with his dog [REDACTED].

[REDACTED] is a white and black staffy cross, I think he is crossed with Dalmatian.

I was initially alerted to my horse running around in the paddock, I went to the edge of the lawn where the hot wire is before the gully, up by the cabin.

I saw [REDACTED] in the paddock on our side of the boundary fence.

The boundary is adjacent to the property owned by Darren Mills.

There was blood on [REDACTED]'s head, I could see that he had been attacked.

I then noticed there were 3 dogs on Darren's side of the boundary fence. I would describe these dogs as a tan shepherd, with long hair, and black around it's face area. It is an aggressive dog. The second dog is a German Shepherd potential cross, medium length fur, with a red collar and a white patch of fur on its chest area. The third dog that I presume is a shepherd, is a bit motley coloured with black/brown mottled fur. They were all barking and snarling.

Personal Statement Continued – Statement of [REDACTED]

SR 91186

I then went inside to grab my phone, as I am aware that the council requires photographs.

I saw [REDACTED] coming out to see what I was shouting about.

[REDACTED] headed down the gully to rescue [REDACTED].

I grabbed the phone, and then went back outside. In this time [REDACTED] had returned to his section with [REDACTED]. They were up by [REDACTED]'s fenceline.

I then saw and would describe [REDACTED]'s injuries as extreme, there was blood smeared across his head, multiple bite marks on his legs, one big bite on the inside of his back leg. He was limping.

I went over to have a look into the gully again and saw the tan coloured dog coming through the fenceline and onto our property.

At approximately 8.37am I videoed the dog entering my property through the fence and into the paddock. The other two dogs were still on Darren's property.

I then called the Western Bay Council to report the dog attack. I provided the videos taken by me to the Council.

This incident was a bit frightening and to be honest frustrating as it has been an ongoing issue for years. If the tan dog was removed, I think that it is more likely that the issue would be resolved, as it is the dog that keeps coming onto our property.

Signed

[REDACTED]

Date 10/12/25

[REDACTED]

ATTACK RATING REPORT

OFFENDER NAME: MEG
SERVICE REQUEST 91186

SERIOUSNESS		
Domestic pet injured - minor injuries	▼	10
VICTIM IMPACT		
The victim has suffered significant physical and/or mental trauma + financial loss.	▼	5
DOG SURRENDERED / DESTROYED		
The dog has not been surrendered for destruction.	▼	4
OBSERVED AGGRESSION (PEOPLE) <i>(Based on the Officer's observation only)</i>		
Very aggressive	▼	4
NEGLIGENCE		
The incident is the direct result of gross negligence	▼	4
CO-OPERATION		
Cooperative and forthcoming with information, no contrition shown	▼	1
REGISTRATION		
Registered	▼	0
PREVIOUS HISTORY - DOG		
History with aggression (Over one year old)	▼	3
PREVIOUS HISTORY - PERSON		
Infringement / Prosecution (aggression / control)	▼	4
BREACH OF CLASSIFICATION CONDITIONS		
N/A	▼	0
RESTRAINT		
The dog was at large (unknown by owner)	▼	2
RECURRENCE LIKELIHOOD		
Recurrence is highly likely	▼	4
DAMAGES		
Damages unpaid	▼	2
POTENTIAL FOR HARM		
Medium dog	▼	2
TOTAL		45

Result Dangerous dog and infringement

- <25 = Warning Letter and/or Infringement
- <34 = Menacing dog classification and/or infringement
- <50 = Dangerous dog and infringement
- 50+ = Dangerous dog and infringement or prosecution

Incident Report

Attention
Team Lead Animal Services
Western Bay of Plenty District Council

Report date 17/12/2025
Incident date 09/12/2025

Service Request 91186

Complainant: [REDACTED]
Address: [REDACTED] Tauranga
Dog: [REDACTED] – American Staffordshire Terrier – Male – Desexed
9 years 5 months – Dog ID [REDACTED] – Registered

Offender: Darren James MILLS
Address: [REDACTED] McLaren Falls Road, Tauranga
Dog 1: MEG – German Shepherd Cross – Female – Entire
6 years 5 months – Dog ID [REDACTED] – Registered

Dog 2: KOBI – German Shepherd Cross – Female – Entire
6 years 5 months – Dog ID [REDACTED] – Registered

Witness: [REDACTED]
Address: [REDACTED] Tauranga

SUMMARY OF FACTS

1. At approximately 0830hrs on the 9th of December 2025 [REDACTED] was at his property of [REDACTED] Tauranga when he walked outside looking for his dog [REDACTED].
2. When [REDACTED] got to the Eastern side of the gully paddock that runs along the boundary of [REDACTED] McLaren Falls Road, he saw two of Darren MILLS' dogs. His description of the dogs allowed us to identify MEG and KOBI. They were attacking [REDACTED] about five metres from the boundary fenceline.
3. [REDACTED] states that MEG was biting [REDACTED]'s neck and KOBI was biting his hind quarters.
4. [REDACTED] ran towards the attack, yelling loudly at the dogs to stop.
5. As [REDACTED] got to the bottom of the gully, KOBI stopping attacking [REDACTED] and ran back towards MILLS' property.

6. █████ continued to yell as he approached the attacking dog.
7. When █████ was about three metres away, MEG stopped attacking █████ and backed away snarling.
8. █████ grabbed █████ by the collar and started to walk him home.
9. MEG continued acting aggressively towards █████ and █████, by continuing to snarl and rush at them both.
10. █████ managed to get █████ back to his dwelling but did not secure him.
11. As █████ went to get water for █████, █████ returned to the gully where MEG was.
12. █████ noticed █████ was gone and went to find him, whilst armed with an air rifle that shoots pellets for his safety.
13. When █████ got to the gully, he saw █████ and MEG both walking down into the gully from opposite sides. █████ ran towards them yelling again.
14. MEG ran back towards MILLS' property, allowing █████ to grab █████.
15. As █████ started walking █████ back towards home, MEG rushed at them both, acting aggressively by snarling and growling.
16. █████ turned and yelled at her again and MEG retreated again towards MILLS' property.
17. █████ again attempted to walk █████ home and again MEG rushed at them, despite █████ trying to scare her back.
18. █████ shot twice at MEG using his air rifle causing MEG to yelp and retreat back to MILLS' property.
19. Due to MEG fully retreating, █████ took █████ home safely.
20. █████ who witnessed some of what happened contacted Western Bay of Plenty District Council to advise Animal Services of the incident.
21. █████ took █████ to Koru Vets in Tauriko for treatment for his injuries.
22. █████ had laceration wounds around his right armpit, multiple puncture wounds to left shoulder, and right thigh.

Evidence

- Statement from Victim – [REDACTED]
- Statement from Witness – [REDACTED]
- Body Worn Camera footage – property visit
- Vet Report
- Photos of [REDACTED] Injuries taken by ASO NAPIER
- Videos of MEG on the property [REDACTED] McLaren Falls Road taken by SMITH
- Photo of MEG on shared driveway taken by ASO NAPIER
- Attack matrix – Recommending Dangerous and Infringement notice

Dog/Owner Background and history

- The dog MEG is linked to five previous service requests since April 2020, the latest being February 2024. Four of the complaints are for rushing and attacks, and one for general roaming. These resulted in three infringements, two being under section 20 and one being under section 52A of the Dog Control Act 1996.
- The latest infringement was issued in May 2023 under section 42 of the Dog Control Act 1996 for failing to register dogs.
- Statement taken from [REDACTED] as the original complainant and as [REDACTED] stated she had likely sighted the attack. However, she was reluctant to elaborate on points of clarification when questioned. Her statement does not fully corroborate [REDACTED]'s statement as she stated she did not see the attack. [REDACTED] refused to provide statement whilst Animal Services Officers had their body worn cameras operating.
- Whilst conducting enquiries Animal Services sighted the offending dogs and noted their high territorial aggression. Despite being on her own property, MEG attempted to get through the boundary fence between the two properties where the attack happened. However, she was stopped by an electrified portion of the fence. It was stated by [REDACTED] over the phone that the fence was not electrified when the attack happened, however this cannot be substantiated. The aggression was captured on body worn camera.

- Whilst conducting the initial property visit and enquiries on the day of the attack, it was noted that where MEG was sighted there was a clear track made from regular use that appeared to go between the properties under the fence. This was captured through photos.
- When Animal Services Officers attempted to conduct a property visit at MILLS' address [REDACTED] McLaren Falls Road on the 9th December the high territorial aggression was noted again. When a later property visit that day was conducted, MEG was sighted and photographed on the shared driveway after escaping under the front gate. Animal Services Officers intention was to seize and impound the dog under section 52A for not being confined to a property but were unable to do this as there were concerns for officer safety. At 1352 hrs the dog went back under the gate onto her own property but was still not confined. During both property visits MILLS wasn't home.
- On the final attempt to contact MILLS at his address, all four dogs were contained within the dwelling. They were displaying the same high territorial aggression to the point that they started to fight one another inside the dwelling. Again, MILLS wasn't home and was later spoken to via phone.
- During a phone conversation with an Animal Services Officer, MILLS stated that he had a trail camera set up along the fenceline between the two properties. On request MILLS has not provided this footage to Animal Services. He also stated that no one, but him and his daughter could get near his dogs.
- In [REDACTED]'s statement he stated an additional dog was also attacking [REDACTED]. However, due to lack of evidence this cannot be substantiated as only MEG has been photographed and videoed off the property.

Conclusion and recommendation

Due to the evidence collected of the injuries to [REDACTED], [REDACTED]'s statement stating he sighted the attack, videos of MEG off her property shortly after the attack and the high territorial aggression sighted by Animal Services Officers I recommend:

- Menacing classification for the dog MEG section 33A (b)(i) of the Dog Control Act 1996.
- Infringement notice issued for Offence of failing to keep dog "Meg" under control under section 53(1) of the Dog Control Act 1996.

Attack report matrix recommended a Dangerous classification and infringement notice to be issued. A Dangerous classification was considered; however, I recommend menacing due to there being no previous classification.



Shannon NAPIER
Animal Services Officer

Team Lead comments

I approve the recommendation but also include another infringement being issued for when the dog was sighted in the shared driveway by officers and it was able to freely go in and out of the property under the gate, section 53. The first infringement will be for the dog Meg in the paddock as photographed by witnesses, section 53.

The behaviour of the dogs especially Meg clearly showed excessive territorial aggression. The owner has stated to officers that only he and his daughter can handle the dogs. Unless the owner intentionally developed the dog's territorial aggressive behaviour, which is not recommended, then the behaviour was learnt through lack of responsible ownership.

There is no room for mistakes in confining these dogs and the owner must take necessary steps to ensure that the public and other animals are safe whilst using the driveway and neighbouring padlocks.



Peter Hrstich
Team Lead Animal Services

Koru Vets - Tauriko

47 a Taurikura Drive
Tauranga
Tauranga, Bay of Plenty 3110



Tel: 075724202
Email: tauriko@koruvets.co.nz

Client [REDACTED] NEW ZEALAND | Bay of Plenty | Tauranga - 3171

Patient [REDACTED] | Male Neutered | Dog | DOB: 09 Dec 2014 | Weight: 30 Kg

Encounter List	First Active	Last Active
Dog Attack	Dec 09 2025 11:32	Dec 10 2025 12:33

Tue 09 Dec 2025

Soap Note Tue, 09 Dec 2025 12:23 Stephanie Hpa | Stephanie Hpa | Koru Vets - Tauriko

Subjective : Dog attack

Happen couple hours ago

2-3 dogs came over from neighbours property and attacked [REDACTED]

Has happened multiple times before

had meeting with council then came straight down

Very sore and lethargic. Not really walking

O said would not be able to fully examine [REDACTED] wounds

Laceration wound around R armpit, multiple of legs, and in groin

Objective : Reluctantly walked into clinic, very sore

MM pk CRT <2s

Panting, able to listen to lung fields and sound fine. No obvious wound to chest

Unable to auscultate heart

Dog not allowing full examination of wounds.

- graze/ inflamed skin behind ears

- Multiple puncture wounds to lateral LF shoulder

- RH leg - multiple puncture wounds to lateral thigh

- Unabel to visualise laceration at L axillary or groin puncture wounds

Unable to take temp

Assessment : Multiple puncture wounds

Dog seems CV stable

Plan : Advised stabilisation, IVFT, pain relief. Then ideally sedation to clip, clean, and examine wounds fully - O declined at this stage

Meloxicam, bimotoxyl, methadone given SQ

TGH clav tabs + meloxicam oral + iodine wash

Discussed risks of internal damage (chest +/- abdo), as well as sheering of internal structures around puncture wounds. Discussed non healing of potential high mobile area laceration

O to keep good supply of clean fresh water. To monitor gum colour, pain, energy levels, eating. Keep well rested for at least 1 week (no running around)

RV if any concerns

Plan Tue, 09 Dec 2025 11:55 Stephanie Hpa | Stephanie Hpa | Koru Vets - Tauriko

Diagnostic**1.0 Focused Exam with Consultation**

Note :

Treatment**1.0 Medical Consumables**

Note :

8.0 Meloxicam Dog Oral (per ml)

Prescription : Please give ONE syringe (2mls) every 24hours with food. Stop if any vomiting, diarrhoea or anorexia presents. Start tomorrow evening.

Note :

10.0 Clavaseptin Tablet 500mg (per tab)

Vendoritem : Clavaseptin Tablet 500mg 100 | Manufacturer : Vetoquinol | Lot no. : 07931C | Expiry : Fri, 16 Apr 2027 | Prescription : Please give ONE tablet TWICE daily until complete, starting Thursday morning

1.0 Methadone Injection (per ml)

Vendoritem : Methadyne Inj 10mg/ml 10ml | Manufacturer : Jurox | Lot no. : 799731 | Expiry : Mon, 28 Feb 2028 | Prescription :

Note :

1.2 Meloxicam Injection 5mg/ml (per ml)

Vendoritem : Meloxicam Ilium Inj 5mg/ml 20ml | Manufacturer : Ilium | Lot no. : 241031A | Expiry : Thu, 30 Sep 2027

Note :

3.0 Bimoxyl LA injection (per ML)

Vendoritem : Bimoxyl-LA inj 250ml | Manufacturer : Ethical Agents | Lot no. : 24001493 | Expiry : Sun, 31 Jan 2027

Date	Weight	Temperature	Heart Rate	Respiratory Rate	Capillary Refill	Mucous Membrane
12/09/2025 11:36						

Reminder

Plan Items	Perform Date	Due date	Provider
No Reminder Details			

Koru Vets - Tauriko
 47 a Taurikura Drive
 Tauranga
 Tauranga, Bay of Plenty 3110



Date : Dec 09, 2025
 Tel : 07-572-4202
 tauriko@koruvets.co.nz

Invoice #114835
 Total Due : NZ\$366.05

[Redacted]
 Tauranga, Bay of Plenty 3171
 Tel : [Redacted]

[Redacted] 11.0 Y
 Male Neutered, Dog,
 Large breed mixed
 30.00 kg = 66.14 lb

Description	Qty	Extension	
EMR :Dog Attack			
Focused Exam with Consultation	1.0	85.00	
Medical Consumables	1.0	45.00	
Meloxicam Dog Oral (per ml)	8.0	47.68	
Clavaseptin Tablet 500mg (per tab)	10.0	58.90	
Methadone Injection (per ml)	1.0	51.92	
Meloxicam Injection 5mg/ml (per ml)	1.2	44.17	
Bimoxyl LA injection (per ML)	3.0	33.38	
			Sub Total
			NZ\$366.05
			Total Amount
			NZ\$366.05

Current/Future Appointments

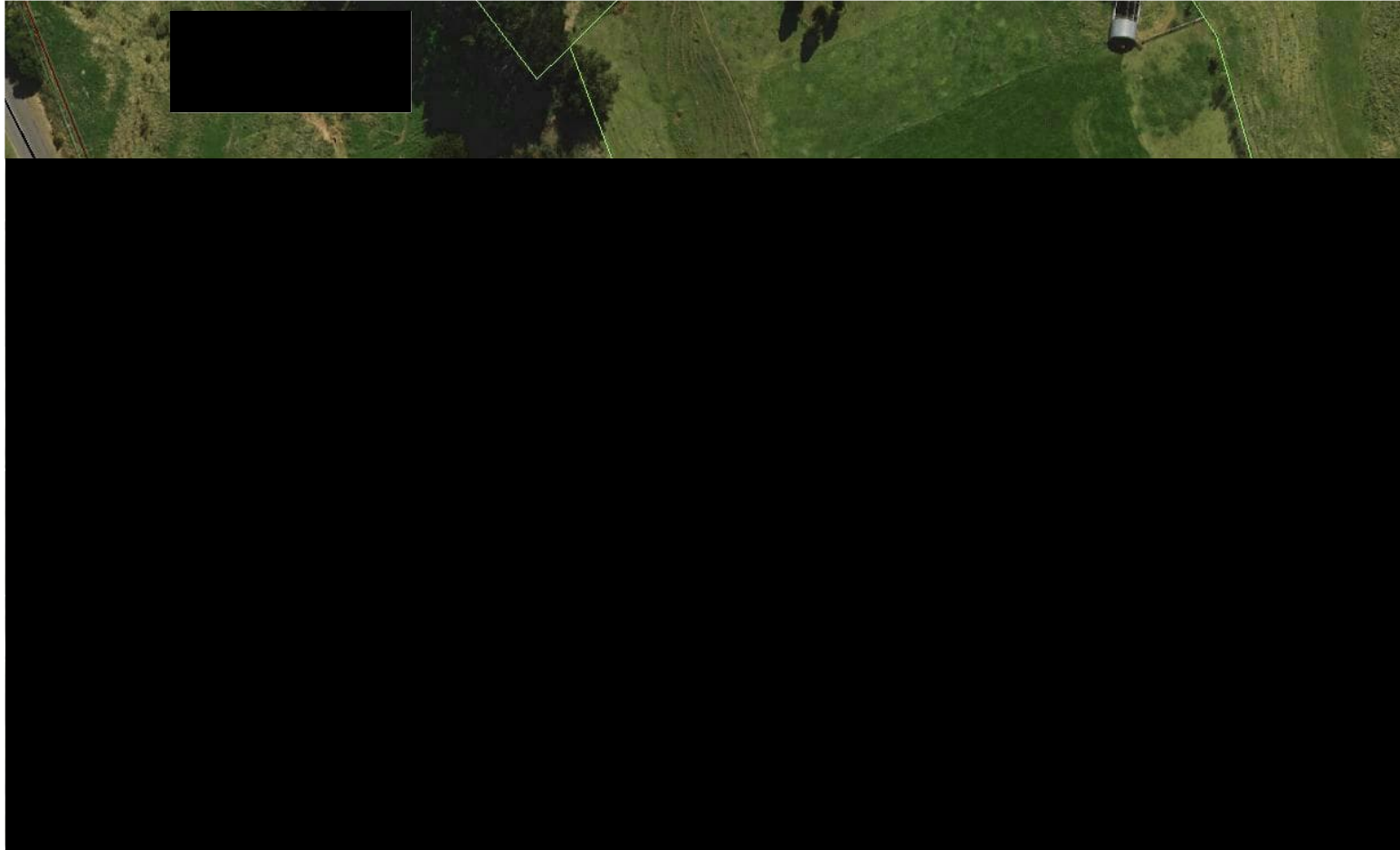
Patient Name	App-From	App-To
	No Appointment found	

GST Number: 143-823-172


Account - Mt. Maunganui - Branch: ASB 12-3476-0035990-04

Account - Tauriko - Branch: ASB 12-3476-0035990-03

Account Name: Vets Central (New Zealand) Limited



X = Approximate location of attack

 = Where Meg was sighted by Animal Services Officers on the driveway











9.5 DAY TWO – OBJECTION TO MENACING DOG CLASSIFICATION – NICHOLAS HYLAND**File Number:** A7239320**Author:** Peter Hrstich, Animal Services Team Leader**Authoriser:** Alison Curtis, General Manager Regulatory Services**EXECUTIVE SUMMARY**

This report seeks a decision from the Committee as to whether the status of the Menacing Dog classification is upheld or not.

RECOMMENDATION

1. That the Team Leader Animal Services report dated 1 May 2026, and titled Day Two – Objection to menacing dog classification – Nicholas Hyland, be received.
2. That the Regulatory Hearings Panel uphold the menacing classification, however the panel may either:
 - a. Uphold the classification; or
 - b. Rescind the classification

THE SITUATION

1. Nicholas Hyland is the owner of the dog of an American Staffordshire Bull Terrier named Finn.
2. Finn is a male dog and is about 4 ½ years and is neutered and is kept at Hyland's Lockington Road address.
3. A second dog is kept at this address but was not involved with the incident.
4. It was reported to Council that Finn rushed at a person walking a dog on Lockington Road. A Service Request was created (#87573) with reference to the incident. **(Attachment 1)**
5. As a result of the investigation into the attack, Council classified the dog known as Finn as Menacing, as per section 33 A (1) Dog Control Act 1996. This means the owner must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction. The dog must also be desexed. **(Attachment 2)**
6. Nicholas Hyland has objected to the Menacing classification of Finn under section 33 B (1) Dog Control Act 1996. **(Attachment 3)**
7. On Monday 3 November 2025, a person (victim) was walking their dog along Lockington Road, Katikati.

8. As she walked past the Lockington Road address, which is the address of Nicholas Hyland and his two dogs; she heard the dogs barking and saw them running along the fenceline.
9. This victim grew concerned as she knew the dogs from this address could escape, as they had done previously, so she tried to put some distance between her and the property.
10. The dog, identified as Finn, escaped from the property, and started running towards the victim and her dog on the road.
11. Before the victim turned and challenged the dog, she left her dog behind. She then yelled and waved her walking pole at the dog rushing towards her.
12. The dog continued to bark at the victim but stopped approaching her.
13. Another person (witness 1) was driving home with her partner (witness 2) when the incident took place.
14. They observed the dog Finn being warded off by the victim and believed the dog was acting aggressively towards her.
15. They manoeuvred their car into a position between the dog and walker to protect her from the dog to allow her to carry on walking home.
16. Animal Services officers visited the address later that day after receiving the complaint. Hyland's dogs were on the property behind the fence.
17. Due to the aggressive nature of the dogs, the Animal Services Officers decided it wasn't worth the risk to enter the property. No persons from the property made themselves available to talk to at the time.

THE OFFENCE

18. Dogs rushing at persons, animals, or vehicles is an offence under section 57A of the Dog Control Act 1996.

EVIDENTIAL MATTERS

19. The incident was reported to Council on 3 November 2025.
20. Photos taken by victim of the dog showing a dog not under control on the road. **(Attachment 4)**
21. Video of dog on side of road taken by one of the people in the car. *Only available in the confidential agenda.*
22. Statement was taken from the complainant victim. **(Attachment 5)**
23. Statement was taken from witness 2. **(Attachment 6)**
24. No persons made themselves available at the address at the time of the incident.
25. Hyland advised Animal Services over the phone that he was not at his address at the time of the incident.

OUTCOME

26. The Attack Rating Matrix is a tool used by the Animal Services Team to ensure consistency in decision making.
27. Once all the incident data had been entered, the Matrix provided a score of 30 which equates to a recommendation of a Menacing Dog classification and an infringement being issued. **(Attachment 7)**
28. Based on the evidence provided, a decision was made to issue an infringement notice for failure to control a dog, and to classify the dog as Menacing.
29. S.33A Dog Control Act 1996 – Territorial authority may classify dog as Menacing:
30. This section applies to a dog that:
 - (a) *A territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of the dog"*

GROUND FOR OBJECTION

31. Section 33B of the Act offers a right of objection to a menacing dog classification by lodging a written notice within 14 days after receiving the notice.
32. The criteria Council must apply to this application are set out in Section 33B(2) of the Act:

"When considering any objection, the Committee shall have regard to:

 - a. *The evidence which formed the basis for the original classification; and*
 - b. *Any steps taken by the owner to prevent any threat to the safety of persons and animals; and*
 - c. *The matters advanced in support of the objection; and*
Any other relevant matters – and may uphold or rescind the classification."
33. Council may uphold or rescind the classification only. That is, there is no provision to modify the conditions of the classification.
34. The Dog Control Bylaw 2016 and Dog Control Act 1996 states that Council requires mandatory neutering of dogs classified as menacing.
35. The Dog Control Bylaw 2016 and Dog Control Act 1996 states menacing Dogs must wear a muzzle in public.

ADDITIONAL INFORMATION

36. Officer Report **(Attachment 8)**

ISSUES AND OPTIONS ASSESSMENT










Option A	
That pursuant to Section 33B(2) of the Dog Control Act 1996 the Regulatory Hearing Panel upholds the menacing dog classification.	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p>Advantages:</p> <ul style="list-style-type: none"> • Appropriate controls will be required for the dog that will reduce public threat. • Consistent with the Council risk management approach for ensuring public safety measures are in place. • Victims of negative dog behavior can be satisfied that their concerns have been accepted by Council. • Future incidents and complaints about this dog are mitigated. • Clearer for any Court decision should there be further reoffending <p>Disadvantages:</p> <ul style="list-style-type: none"> • Dog owner remains dissatisfied with Council decision • increased compliance cost for owner.
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>Costs of officer’s time as follow-ups are required by Council staff to ensure menacing dog requirements are being met.</p>
Option B	
That pursuant to Section 33B(2) of the Dog Control Act 1996 the Regulatory Hearing Panel rescinds the menacing dog classification.	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p>Advantages:</p> <ul style="list-style-type: none"> • Dog owner is satisfied with Council decision • Reduced compliance costs and controls for dog owner.

	<p>Disadvantages:</p> <ul style="list-style-type: none"> • Increased risk of harm (e.g. bite) as dog may not be muzzled in a public place. • Public perception that Council is “soft” on negative dog behavior.
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>Costs of officer’s time to investigate if further incidents occur with the dog.</p>

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
	<p>There are no budgetary or funding impact associated with the recommendations in this report.</p>

ATTACHMENTS

1. **Service Request** [↓](#) 
2. **Classification** [↓](#) 
3. **Objection** [↓](#) 
4. **Photos** [↓](#) 
5. **Statement Victim** [↓](#) 
6. **Statement witness** [↓](#) 
7. **Matrix** [↓](#) 
8. **Incident Report** [↓](#) 
9. **Objector's Evidence and Supporting Statements** [↓](#) 

**Service Request
Summary**

20/02/2026 11:21:50 am



Request ID: 87573
Priority: Routine
Sub Type: ANIMAL - Dog
Agressive/Rushed
towards

Assigned to: Animal Services Referral Team (ds_team)
Location: LOCKINGTON ROAD, AONGATETE
Contact: [REDACTED]
[REDACTED]
KATIKATI 3181

Request: 3/11/2025 8:34:25 am
28/11/2025 3:27:00 pm
Closed: 26/11/2025 9:55:42 am

Default Phone: [REDACTED] **Other Phone:** [REDACTED]
Email:

Description

[REDACTED] Lockington Rd, Katikati - 2 x silvery dogs live at this address
[REDACTED] was walking her dog when 1 x dog from the above property chased her and her dog.
She had to whack the dog with her walking stick to make it go away then was assisted by another person driving past.
They are often out roaming even though there is a fence on the property

Interactions

**Service Request
Summary**

20/02/2026 11:21:50 am



Date: 3/11/2025 8:34:41 am **Created by:** Valeta Duncan
Subject: New SR.87573 'SR.Animal Services.Dog Rush/Aggr Animal'

Type: Email

Service Request Subtype: SR.Animal Services.Dog Rush/Aggr Animal

Assigned to: Animal Services Referral Team (ds_team) Tony Wright

Zone: Animal ASOC AONGATETE

Address: LOCKINGTON ROAD, AONGATETE

Description: [REDACTED] Lockington Rd, Katikati - 2 x silvery dogs live at this address [REDACTED] was walking her dog when 1 x dog from the above property chased her and her dog. She had to whack the dog with her walking stick to make it go away then was assisted by another person driving past. They are often out roaming even though there is a fence on the property

Click here to view Job in Datascape [SR 87573 - SR.Animal Services - SR.Animal Services.Dog Rush/Aggr Animal - Routine](#)

Date: 3/11/2025 8:35:20 am **Created by:**
Subject: SR.87573 - Dog attack from [REDACTED] Lockington Rd

Type: Email

[Some people who received this message don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]



3/11/25 at 0818 while walking my dog past this property. One of the two dogs (same breed) escaped its boundary and attacked. I managed to fend it off with my large walking stick.

Sent from my iPhone

**Service Request
Summary**

20/02/2026 11:21:50 am

**Date:** 3/11/2025 1:49:52 pm**Created by:** Tony Wright**Type:** Note**Subject:** Phone Call

3/11/25 Spoke to the comp and they stated that they were walking their dog down Lockington road and when they got to [REDACTED] Lockington road a dog came out of the property and rushed her. The comp then chased the dog down the road with a walking stick she was carrying yelling and screaming at the dog at the same time. The people who live opposite the property drove over the hill and saw what was going on and helped the comp to chase the dog back home. The com[p stated that these dogs are always escaping the property and barking.

Date: 3/11/2025 2:41:45 pm**Created by:** Tony Wright**Type:** Note**Subject:** Property visit

3/11/25 Conducted a property visit the dog owners were not home however the dogs were at the front gate when ASO arrived. The dogs were barking consistently for the 10 minutes the ASO's were on site. The ASO could not find anywhere the dogs could escape. The neighbor stated that the dogs could get out between the top of the netting fence and the top wire of the fence. The female dog was not as aggressive as the male dog.

**Service Request
Summary**

20/02/2026 11:21:50 am



Date: 21/11/2025 3:05:33 pm **Created by:** **Type:** Email
Subject: Escalation: SR.87573 has exceeded its COMPLETION milestone target.

This is an escalation notification. The completion milestone target on this record has been exceeded.

Service Request Subtype: SR.Animal Services.Dog Rush/Aggr Animal

Location: LOCKINGTON ROAD, AONGATETE

Assigned to: Animal Services Referral Team (ds_team)

Accepted by: Tony Wright

Click here to view Job in Datascape [SR 87573 - SR.Animal Services - SR.Animal Services.Dog Rush/Aggr Animal - Routine](#)

Date: 25/11/2025 9:30:31 am **Created by:** Tony Wright **Type:** Note
Subject: Update

25/11/25 On further discussion between ASO's it is concluded that the behavior of the dogs on the property warranted concern for a menacing classification. The dog's behavior was to stand their ground at the fence line and become aggressive, and not move. Finn the male dog was more aggressive than [REDACTED]

Date: 26/11/2025 9:56:40 am **Created by:** Tony Wright **Type:** Note
Subject: Selected Outcome (Completed)

Report submitted and supported.



Western Bay of Plenty District Council
Private Bag 12803,
Tauranga Mail Centre,
Tauranga, 3143
P 0800 926 732
E info@westernbay.govt.nz
westernbay.govt.nz

Service Request No: **87573**

NICHOLAS HYLAND
 ■ LOCKINGTON ROAD
 RD 4
 KATIKATI 3181

Dear Nicholas,

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

This is to notify you that this dog has been classified as a menacing dog under Section 33A(1) of the Dog Control Act 1996:

Name:	Breed:	Colour:	Sex:	Age:
FINN	TERRIER, STAFFORDSHIRE BULL	WHITE & BEIGE	MALE	4 yrs 4 mths
Dog ID No: ■■■■■				
Authority: Western Bay of Plenty District Council				

Reason for Classification:

Due to reported or observed behaviour of the dog Council has reasonable grounds to believe this dog poses a threat to any person, stock, poultry, domestic animal or protected wildlife.

A summary of the effect of the classification and your right to object is attached; **this includes the requirement for the dog to be neutered.**

Yours faithfully

Peter Hrstich
Animal Services Team Lead

Te Kaunihera a rohe mai i ngā Kuri-a-Whārei ki Ōtamarākau ki te Uru

* 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, or 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.

**Effect of Classification as Menacing Dog
Sections 33E, 33F and 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 the Western Bay of Plenty District Council, within one month after receipt of this notice, a certificate issued by a registered veterinary surgeon certifying that:
- (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) Where a certificate under paragraph (b)(ii) is produced to the Western Bay of Plenty District Council, produce to the Western Bay of Plenty District Council, within one month after the date specified in that certificate, a further certificate under paragraph (b)(i).

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).

As from 1 July 2006, you are also required, for the purpose 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 the Western Bay of Plenty District Council in accordance with the reasonable instructions of the Western Bay of Plenty District Council for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

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 not to 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 conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

**Right of Objection to Classification under Section 33C
Section 33(B), Dog Control Act 1996**

You may object to the classification of your dog as menacing by lodging with the Western Bay of Plenty District Council a written objection within 14 days of receipt of this notice setting out the ground 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.

Peter Hrstich

From: [REDACTED] . <[REDACTED]>
Sent: Friday, 12 December 2025 4:15 pm
To: Peter Hrstich
Subject: Re: 87573 menacing dog OBJECTION and 3971 infringement notice Wavier

Kia ora Peter,

Thank you for confirming that my objection has been accepted and that the information request is being processed. I look forward to receiving the documentation early next week.

Kind regards,

[REDACTED] Nicholas

On 12 Dec 2025, at 4:03 PM, Peter Hrstich <Peter.Hrstich@westernbay.govt.nz> wrote:

Hello Nicholas

I can confirm that your objection for the menacing classification on Finn has been accepted and you will be contacted in the new year when a hearing date is arranged.

Your information request is currently being processed as a privacy act request which was received by Council on the 28th November 2025.

Due to the request coming through via the infringement waiver request form it bypassed the process of the acknowledgement email being sent out, which states, "Council will respond as soon as practical, no later than 20 business days from receipt of your request".

However, we are expediting the request and hopefully it will be sent out early next week.

Regards
Peter

From: [REDACTED] . <[REDACTED]>
Sent: Friday, 12 December 2025 3:10 pm
To: Peter Hrstich <Peter.Hrstich@westernbay.govt.nz>
Cc: Alison Curtis <Alison.Curtis@westernbay.govt.nz>
Subject: 87573 menacing dog OBJECTION and 3971 infringement notice Wavier

Kia ora Peter and Alison

1

As per my last emails i am objecting to the menacing dog charge- section 33A. I am writing to formally lodge my legal objection to the menacing-dog classification issued for my dog finn under the Dog Control Act 1996.

Please record this email as my official objection and confirm that it has been received and entered into your system.

I also request that the matter now proceed to the appropriate Regulatory Hearing as required under the Act.

I look forward to written confirmation that my objection has been recorded.

Evidence follow up

It has now been over a week since I was told the evidence relied upon was going to be received , yet I have still not received anything. As this information is required for me to properly respond and prepare for the regulatory process, I need to know when I can expect to receive it.

Could you please provide a clear date by which the full evidence and documentation will be supplied?

Kind regards,

 Nicholas

On 12 Dec 2025, at 2:31 PM, Peter Hrstich
<Peter.Hrstich@westernbay.govt.nz> wrote:

Hello Nicholas

We are currently preparing the information you requested and will provide it to you shortly.

We understand that after receiving this information you have requested, you will decide on whether you wish to request hearing in court for the Infringement which was issued because your dog was off your property. Your options for the infringement are on the Notice.

In your initial communication via our online form, you mentioned preparing a formal objection. I assume this pertains to the classification of your dog as menacing.

We have not received any objection to the classification at this stage therefore and it will stay in effect unless there is an objection, and then a regulatory hearing will decide on an outcome on the classification in the new year.

Regards

Peter

From: [REDACTED]
Sent: Friday, 12 December 2025 1:23 pm
To: Peter Hrstich <Peter.Hrstich@westernbay.govt.nz>
Subject: Dog Infringement Waiver Request and menacing dog objection

Kia ora Peter and Alison,

I am following up as I have received no reply to my previous email regarding the dog infringement and my formal objection.

I am seeking confirmation on the status of the infringement notice and proposed menacing-dog classification. I have submitted my response but have received no acknowledgement or evidence to date.

Please confirm whether my correspondence has been received, and whether the matter is currently on hold, waived, or otherwise withdrawn. I cannot progress this matter without confirmation of its current standing.

I request a prompt reply.

Ngā mihi,
[Your Name]

I would appreciate a response at your earliest convenience.

Ngā mihi,
[Your Name]

Get [Outlook for iOS](#)

From: [REDACTED]
Sent: Wednesday, December 3, 2025 1:01 PM
To: Peter Hrstich <Peter.Hrstich@westernbay.govt.nz>
Subject: Dog Infringement Waiver Request and menacing dog objection

Hello Peter,

Thank you for your correspondence.

I note that the Council has declined my request for withdrawal or withholding of the infringement. However, this decision has been made without providing me with any of the evidence the Council claims to rely upon, There is also no proof he is a menacing dog in which i hold my objection to this matter.

I must emphasise that it is not procedurally fair or legally reasonable to require me to accept, respond to, or defend an allegation when none of the evidential material has been disclosed to me, despite several requests.

Before any person can be expected to make an informed decision regarding an infringement, they must be given the opportunity to review the evidence said to justify it. This requirement arises from:
Natural justice,
Procedural fairness, and
The fundamental right to a fair and transparent process.

A determination to decline withdrawal is premature when I have not been shown the photograph, the statements, or any context surrounding the alleged event. I cannot meaningfully respond to an allegation that has not been substantiated.

For clarity, I again formally request immediate disclosure of the following:
All photographs relied upon;
All complainant statements or officer observations;
The exact date, time, and location of the alleged incident;
Any internal notes or reports relevant to the matter.

Until this information is provided, I maintain my position of denying liability, and I expect that no further action will be taken, including escalation, without full disclosure.

Please confirm when the requested evidence will be supplied, as I am unable to progress this matter without it.

Regards,
Nicholas

On 2 Dec 2025, at 12:43 PM, Peter Hrstich
<Peter.Hrstich@westernbay.govt.nz> wrote:

Hello Nicholas

This email is to acknowledge your form submission.

You have used an infringement waiver request form. If your intention was to request a waiver you are omitting to the offence for which the infringement notice was issued for.

Your other options for the Infringement notice are on the back page of the notice under Further Action.
There is no option to formally object to an infringement, but you can raise a matter for us to consider or deny liability and

request a court hearing or admit liability and request the court to consider a written submission.

You will receive further correspondence regarding your request for information.

Regards

Peter Hrstich
 Team Lead – Animal Services
 Kaiārahi Ratonga Kararehe

<image001.png>

E peter.hrstich@westernbay.govt.nz
 P 07 571 8008 | FP 0800 926 732
 1484 Cameron Road, Greerton, Tauranga 3112

westernbay.govt.nz | [Facebook](#) | [Instagram](#) | [LinkedIn](#)

From: do.not.reply@westernbay.govt.nz <do.not.reply@westernbay.govt.nz>
 Sent: Friday, 28 November 2025 10:08 am
 To: Animal Admin <dogadmin@westernbay.govt.nz>
 Subject: Dog Infringement Waiver Request

WBOPDC Website - Dog Infringement Waiver Request

We have received the below Dog Infringement Waiver Request. Please process accordingly.

Date Submitted	28/11/2025
Infringement Notice Details	
Infringement Notice Number(s)	3971
Offence Date	25/11/2025
Dog Name	FINN
Dog Breed	TERRIER ,STAFFORDSHIRE BULL
Dog Colour	White and beige

Owner's Details

Full Name	Hyland nicholas mark
Physical Address:	████ Lockington Road, RD 4, Katikati 3181
Postal Address (if different)	N/A
Date of Birth	██████████
Email	██
Contact Phone Number	██████████

Explanation

Please provide reasons for your waiver request

Hello,
 I am requesting all evidence relating to the ii issued against me, including:
 - Any statement(s) made by complainants
 - Details of the alleged incident
 - Any photos, videos, or officer notes
 - Date, time, and location of the alleged beh:

I am preparing a formal objection and requir information.

Thanks,

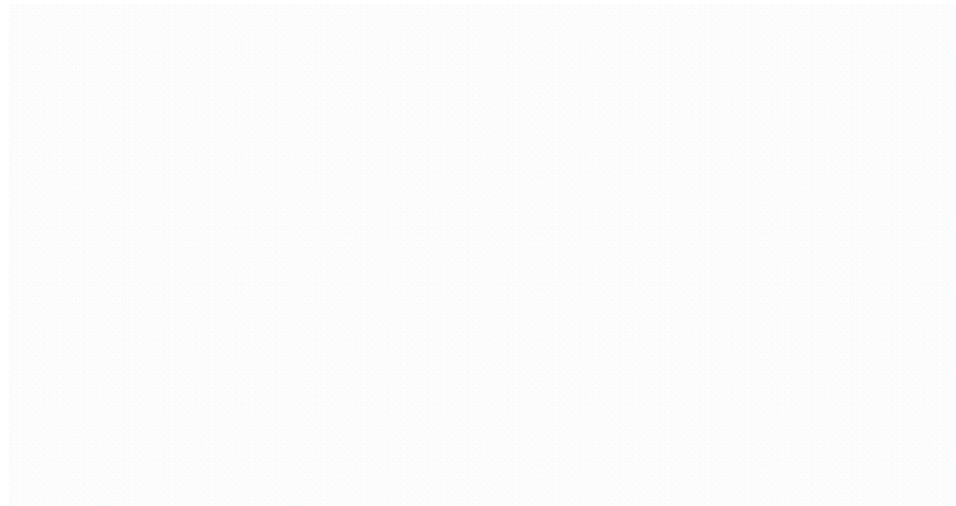
Please upload any supporting documentation or photos Certification

N/A

1. I hereby certify that, to the best of r and belief, the information providec and correct.

Dog Infringement Waiver Request Sphere Reference Number

D ██████████



The information contained in this message (and any accompanying documents) is CONFIDENTIAL and may also be LEGALLY PRIVILEGED,







Personal Statement



Te Kaunihera
a rohe mai i
Ngā Kuri-a-Whārei ki
Otamarakau ki te Uru

Name: [REDACTED]	SR	87573
Address: [REDACTED] Katikati	Date	5/11/25
	Time	4.38pm
Date of Birth: [REDACTED] Occupation: [REDACTED]		
Location statement taken: [REDACTED]		Animal Services Officer: TWW
This is my statement, the statement is true, and I make it with the knowledge that it may be used in court proceedings, in compliance of section 82(1)c of the Criminal Procedure Act 2011.		

I, [REDACTED], State:

1. On Monday 3rd November 2025 at 8.00am I was taking my dog [REDACTED] (a standard poodle) for her daily walk along Lockington road. As we passed [REDACTED] Lockington road the two dogs that reside there started to bark at myself and [REDACTED] as they usually do.
2. I heard these dogs barking for the entirety of my walk up to the end of the road and on our return.
3. As we were walking home passed [REDACTED] Lockington Road the dogs continued barking and running along the fence line. When we were passed the property one of the dogs stopped barking and I could hear it running along the bottom fence line of the property.
4. At this point I thought it was time to remove myself and [REDACTED] from near the property as the dogs had escaped out onto the road previously and I was worried about the safety of [REDACTED] and myself.
5. What I believe to be the female of the two dogs, a bluey maybe tan dog had escaped from [REDACTED] Lockington Road by the letterbox of the property and was running up the road barking at myself and [REDACTED].
6. I ran up the road towards [REDACTED] Lockington Road driveway and told [REDACTED] to sit and stay, which she did.
7. I then turned and faced the dog running back down the road towards the direction the dog was coming from yelling for it to go home and waving the walking pole I had with

Personal Statement Continued – Statement of SR
me. The dog was barking aggressively at me, however, stopped where it was and did not make contact with me or [REDACTED].

8. At this time a vehicle drove down the road and stopped to offer assistance. The occupants of the vehicle were the neighbor's that live opposite [REDACTED] Lockington Road and are aware of the behavior of the two dogs that live at the address.
9. The dog at this stage had withdrawn to the letterbox/gateway of their property where the second dog was still secure behind the fence and the two of them continued to bark.
10. It was at this time the vehicle left, and I continued my walk home with [REDACTED].
11. At no time during this interaction did anyone appear from the property at [REDACTED] Lockington Road or call the dogs back home.
12. I then contacted Western Bay of Plenty District Council to advise Animal Services of what had happened and supplied the photos I had taken of the dog of the property on the road.

Signed

[REDACTED]

Date

7 Nov 2025

Personal Statement



Western Bay of Plenty District Council

Te Kaunihera a rohe mai i Ngā Kuri-a-Whāreī ki Otamarakau ki te Uru

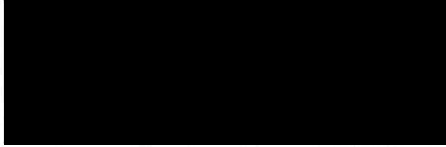
Name: [REDACTED]	SR	87573
Address: [REDACTED] Katikati	Date	11/11/25
	Time	4.35pm
Date of Birth: [REDACTED] Occupation:		
Location statement taken: [REDACTED]		Animal Services Officer: TWW
This is my statement, the statement is true, and I make it with the knowledge that it may be used in court proceedings, in compliance of section 82(1)c of the Criminal Procedure Act 2011.		

I, [REDACTED], State:

1. On Monday 3rd November 2025 at 8.20am My self and my partner were returning home from having coffee in Katikati. As we rounded the corner on Lockington Road close to our property, we saw [REDACTED] sitting on the road close to [REDACTED] Lockington Road.
2. Further down the road was [REDACTED], [REDACTED] owner, she was trying to ward off the dog from [REDACTED] Lockington Road by waving her stick at it as the dog was trying to launch itself at [REDACTED].
3. We placed our vehicle between [REDACTED] and the aggressive dog.
4. The dog was light brown, not tan in color with a white chest and white paws of medium size.
5. At this point we stopped and asked [REDACTED] if she was ok and if she had been bitten.
6. [REDACTED] stated the dog had chased her up the road. I observed when [REDACTED] turned her back towards the dog its behavior was indicating that it wanted to try and chase [REDACTED] again.
7. At no point did I feel it was safe to get out of our vehicle because of the aggressive nature of the dog.
8. [REDACTED] then took some photos of the dog.
9. While we were still parked up [REDACTED] returned to [REDACTED] and headed towards their driveway.
10. As we left the scene and drove home, I took a video of the dog off the property.

- Personal Statement Continued – Statement of SR
11. When I got home, I rang Council and reported the incident to Animal Services.
 12. By this time the dog had been secured inside its property by someone who was home.

Signed



Date 18/11/25

Intial



ATTACK RATING REPORT

OFFENDER NAME: Nicholas HYLAND
SERVICE REQUEST 87573

SERIOUSNESS	
Rushing person	7
VICTIM IMPACT	
The victim has suffered minor physical and/or mental trauma. No financial loss.	2
DOG SURRENDERED / DESTROYED	
The dog has not been surrendered for destruction.	4
OBSERVED AGGRESSION (PEOPLE) <i>(Based on the Officer's observation only)</i>	
Very aggressive	4
NEGLIGENCE	
The incident is the direct result of minor negligence/carelessness	2
CO-OPERATION	
Cooperative and forthcoming with information, no contrition shown	1
REGISTRATION	
Registered	0
PREVIOUS HISTORY - DOG	
History without aggression	1
PREVIOUS HISTORY - PERSON	
Warning issued (aggression/control)	2
BREACH OF CLASSIFICATION CONDITIONS	
N/A	0
RESTRAINT	
The dog was at large (unknown by owner)	2
RECURRENCE LIKELIHOOD	
Recurrence possible	2
DAMAGES	
No damages or damages paid voluntarily	0
POTENTIAL FOR HARM	
Large dog	3
TOTAL	30

Result Menacing dog classification and/or infringement

- <25 = Warning Letter and/or Infringement
- <34 = Menacing dog classification and/or infringement
- <50 = Dangerous dog and infringement
- 50+ = Dangerous dog and infringement or prosecution

Incident Report

Attention
Team Lead Animal Services
Western Bay of Plenty District Council

Report date 07/11/25

Service Request 87573 of 03/11/25

Complainant: [REDACTED]
Address: [REDACTED] Aongatete
Dog 1: [REDACTED]
[REDACTED]

Offender: Nicholas HYLAND
Address: [REDACTED] Lockington Road Aongatete
Dog 1: FINN – Staffordshire Bull Terrier – Male – Desexed – 4yrs 4 mths
Dog ID [REDACTED] – registered

Witness: [REDACTED]
Address: [REDACTED] Katikati

SUMMARY OF FACTS

1. [REDACTED] claims that, at approximately 0820hrs on the 3rd of November 2025, she was returning home from a walk with her dog, [REDACTED] on Lockington Road.
2. As [REDACTED] was passing [REDACTED] Lockington Road, [REDACTED] heard and noted two dogs on the property.
3. [REDACTED] suddenly heard the dog, (FINN) rushing aggressively behind her and [REDACTED] and it chased them up the road in a north direction.
4. [REDACTED] managed to get far enough ahead of FINN to enable her to get [REDACTED] to safety and make her sit on the roadside.
5. Once [REDACTED] was secure [REDACTED] turned around and chased FINN back towards his property as he continued to act aggressively and bark at her.

A vehicle arrived on scene and parked between [REDACTED] and FINN, creating a barrier between the pair.

6. Now there was a barrier between her and FINN, [REDACTED] walked back up the road and collected [REDACTED] and returned home. [REDACTED] called Western Bay of Plenty District Council to report the offending to Animal Services.

Evidence

- Statement from Victim – [REDACTED].
- Statement from Witness – [REDACTED].
- Body Worn Camera footage – visiting the property.

- Photo of FINN uncontrolled off property.
- Video of FINN uncontrolled off property.

Background and history

- The dog, FINN is linked to one previous Service request in August 2025. The complaint was of FINN getting out of the property and chasing the postman. There was no further action taken in this matter as the complainant was unable to substantiate the complaint.
- Animal Services visited the property, [REDACTED] Lockington Road, on the 3rd of November 2025 and sighted two dogs on the property. The dogs displayed high territorial aggression by barking and growling aggressively much of the visit. Due to safety and the displayed behaviour of the dogs, Animal Services did not enter the property.
- The witness, [REDACTED] has stated that the victim, [REDACTED] name is [REDACTED] however after a further discussion with Animal Services a positive identification of [REDACTED] was established.
- Both [REDACTED] and [REDACTED] stated to Animal Services that the offending by FINN is an ongoing thing but has not been reported to Animal Services.

Conclusion and recommendation

There is no previous reported substantiated history for the dog, FINN. However, due to the noted unreported behaviour and the behaviour sighted by Animal Services Officers I recommend:

- Menacing classification for the dog FINN under s33A(1)(b) of the Dog Control Act 1996

Due to the evidence provided of FINN being in a public space with no persons nearby in control of him I also recommend.

- An infringement notice under Section 20 of the Dog Control Act 1996 – Breach of Bylaw being a dog in a public place and not under control.



Tony Wright
Animal Services Officer

Team Lead comments

The evidence is clear for the dog not being under control using the provided media. The reported behaviour during the incidents by two parties via statements is sufficient to confirm the dog's aggressive behaviour.

This is breach of section 57A Dog Control Act 1996, Dogs rushing at persons, animals, or vehicles. This is given weight by the officer's observations when visiting the property.

The dog Finn is already desexed so a menacing classification main requirement would be muzzling when the dog is at large or in a public place. If the dog is kept under control from this point the impact of the effects would be minimal.

Officer's recommendation approved.

A handwritten signature in black ink, appearing to read 'P. Hrstich', with a stylized flourish at the end.

Peter Hrstich
Team Lead Animal Services

Impact Statement of Jeremy [REDACTED]

I, **Jeremy [REDACTED]**, provide this impact statement in relation to the enforcement action taken against dog, Finn, including the infringement fine and the proposed “menacing dog” classification under the Dog Control Act 1996.

This statement outlines the personal, procedural, and fairness impacts that this process has had on me and my family.

From the outset, I consider that the Council has **failed to conduct a fair, balanced, and independent investigation**. The process has been characterised by:

- A lack of clear communication regarding requirements, timelines, and evidential expectations;
- An over-reliance on allegations from a single complainant with a known history of conflict with our family; and
- A failure to properly seek or consider our account prior to forming conclusions.

A significant concern is that **most, if not all, of the evidence relied upon appears to originate from a neighbour who is demonstrably biased**. We have had longstanding and well-documented disputes with this individual. Their conduct toward me has included repeated verbal abuse, intimidation, and threatening behaviour.

This neighbour frequently positions themselves across from our driveway and actively observes, records, and listens for any activity that could form the basis of a complaint. This pattern of behaviour strongly indicates an **ongoing agenda directed at our household**, rather than legitimate or objective concern.

Despite this, the Council appears to have accepted this material at face value, without sufficient scrutiny as to credibility, motive, or context.

I am also concerned that any so-called “independent assessment” of Finn was not conducted in a procedurally fair manner. It is my understanding that observations were made **from outside the property**, without:

- Any engagement with us as the owners;

- Any attempt to understand the dog's normal behaviour in a controlled setting; or
- Any opportunity for us to provide context or respond.

This falls short of what I would reasonably expect of an **independent and impartial assessment**, particularly where the outcome carries significant legal consequences.

The conduct of Council representatives, including the escalation of the matter by the Animal Services Team Leader, has added unnecessary pressure to an already difficult situation. My family was dealing with **serious personal circumstances at the time**, including a family member being in hospital and my partner being pregnant and [REDACTED].

During this period, I was required to devote significant time and effort to responding to Council communications, gathering information, and attempting to understand a process that was not clearly explained. At the same time, we were faced with **threats of timelines and court action**, which created substantial stress.

The cumulative effect has been that **the process itself has become punitive**, regardless of the actual merits of the case.

I strongly dispute that the circumstances relied upon justify either:

- The issuance of a \$300 infringement; or
- The classification of Finn as a menacing dog.

In my view, the alleged incident was **minor, brief, and has been significantly exaggerated**. The response by Council is **disproportionate** when assessed against the legal threshold required under the Dog Control Act 1996.

It is also important to emphasise that we are **responsible and proactive dog owners**. We have taken active steps to ensure containment and safety, including implementing improvements such as **double fencing**. Rather than receiving guidance or support, we have been made to feel as though we are irresponsible, which is both inaccurate and unfair.

For context, our current rural environment is significantly quieter and more controlled than previous living situations where our dog was kept without issue in a town setting for an extended period. The

problems we are now experiencing have arisen **only in connection with this particular neighbour.**

The stress and pressure caused by this situation have had a **real and ongoing impact** on me personally. I have found the process to be overwhelming, unjust, and unnecessarily adversarial. It is deeply concerning to me that a process intended to promote public safety has instead resulted in what feels like **a one-sided and predetermined outcome.**

I sincerely hope that no other individuals are subjected to a similar experience, where **the process itself becomes the punishment,** rather than a fair and objective assessment of facts.

For these reasons, I respectfully submit that:

- The enforcement action taken is **not supported by reliable or impartial evidence;**
- The process followed has been **procedurally unfair and lacking in independence;** and
- The outcome sought is **disproportionate and unjustified.**

I therefore request that the infringement be withdrawn and that no menacing classification be imposed.

I confirm that this statement is true and correct to the best of my knowledge and belief.

Jeremy [REDACTED]

17/4/26

Over the past six months, our family has experienced significant stress and disruption as a result of how this matter has been handled by Council Dog Control. Instead of receiving guidance and support, we have felt that the process has made an already difficult situation more challenging.

During this time, I was 32 weeks pregnant, which made the lack of clear communication and direction especially distressing. The uncertainty and inconsistency in how the situation was managed had a direct impact on my wellbeing and our family's overall sense of stability.

We are particularly concerned that proper procedures do not appear to have been followed, and that the situation has not been handled in a fair or appropriate manner. This has contributed to ongoing confusion and frustration, and has made it difficult for us to understand our responsibilities and rights.

Our dog, Finn, has always been a gentle and affectionate member of our family. He has never harmed anyone, and his behaviour does not reflect the negative portrayal that has arisen from a neighbour dispute. It is upsetting to see his character misrepresented in this way, especially when it appears to stem from a personal conflict rather than objective evidence.

Additionally, the behaviour of the neighbour involved has made me feel uncomfortable in my own home. We feel as though we are constantly on high alert, anticipating further complaints. We have evidence that suggests the neighbour has been actively attempting to get us into trouble regarding our dogs, which has added to the ongoing stress and anxiety we have experienced.

Overall, this situation has had a meaningful emotional impact on our family at a particularly vulnerable time. We would have expected a more balanced, transparent, and supportive approach from Council Dog Control, and we hope that this can be taken into consideration moving forward.

Regards

Briana [REDACTED]

17/4/26

Contact information



10 INFORMATION FOR RECEIPT – KŌRERO TE WHIWHIA**11 RESOLUTION TO EXCLUDE THE PUBLIC – WHAKATAU KI TE PORO I TE MAREA****RESOLUTION TO EXCLUDE THE PUBLIC****RECOMMENDATION**

That the public be excluded from the following parts of the proceedings of this meeting.

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
11.1 - Day One - Objection to menacing dog classification - Blue - Ruapani Smith	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
11.2 - Day One - Objection to Menacing Dog Classification - Bear - Ruapani Smith	s6(a) - the making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
11.3 - Day One - Objection to menacing dog classification - Leesa Greenall	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of

	that of deceased natural persons	information for which good reason for withholding would exist under section 6 or section 7
11.4 - Day Two - Objection to menacing dog classification - Darren Mills	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
11.5 - Day Two - Objection to menacing dog classification - Nicholas Hyland	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7