

## Notice of Meeting:

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

**Date:** Tuesday 3 September 2024  
**Time:** 9.30 am  
**Venue:** Council Chambers, Dunedin Public Art Gallery, The Octagon,  
Dunedin

Sandy Graham  
Chief Executive Officer

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## Hearings Committee

### Objection to Dog Classification

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#### MEMBERSHIP

|                                   |   |                  |
|-----------------------------------|---|------------------|
| <b>Chairperson</b>                | Cr Kevin Gilbert                          |                  |
|                                   | Cr Sophie Barker                          | Cr Andrew Whiley |
| <b>Senior Officer</b>             | Ros MacGill, Manager Compliance Solutions |                  |
| <b>Governance Support Officer</b> | Wendy Collard                             |                  |

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Wendy Collard  
Governance Support Officer

Telephone: 03 477 4000  
Wendy.Collard@dcc.govt.nz  
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**Note:** Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.



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| <b>PART A REPORTS (Committee has power to decide these matters)</b> |                                |             |
| 2   | Menacing Classification Appeal | 8           |

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## DECLARATION OF INTERESTS

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### EXECUTIVE SUMMARY

1. Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.
2. Elected members are reminded to update their register of interests as soon as practicable, including amending the register at this meeting if necessary.

### RECOMMENDATIONS

That the Committee:

- a) **Notes/Amends** if necessary the Elected Members' Interest Register attached as Attachment A; and
- b) **Confirms/Amends** the proposed management plan for Elected Members' Interests.

### Attachments

|                    | <b>Title</b>             | <b>Page</b> |
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| <a href="#">↓A</a> | Declaration of Interests | 5           |

| Hearings Committee   |   |   |  |  |
|--|---|---|--|--|
| Councillor Register of Interest - Current as at 21 August 2024 |   |   |  |  |
| Name   | Responsibility (i.e. Chairperson etc)         | Declaration of Interests                                | Nature of Potential Interest   | Member's Proposed Management Plan  |
| Cr Sophie Barker   | Director                                      | Ayrmed Limited  | No conflict identified   | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|  | Shareholder                                   | Various publicly listed companies                       | No conflict identified   | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|  | Property Owner                                | Residential Property Owner - Dunedin                    | No conflict identified   | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|  | Beneficiary                                   | Sans Peur Trust (Larnach Castle)                        | No conflict identified   | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|  | Mentor  | Business Mentors NZ                                     | No conflict identified   | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|  | Member  | Southern Heritage Trust                                 | No conflict identified   | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|  | Member  | Friends Otago Museum                                    | No conflict identified   | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|  | Member  | Otago Peninsula Trust                                   | No conflict identified   | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|  | Member  | Orokonui Ecosanctuary                                   | No conflict identified   | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|  | Volunteer                                     | Blue Penguins Pukekura                                  | No conflict identified   | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|  | Member  | Dunedin Vegetable Growers Club                          | No conflict identified   | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|  | Committee Member                              | Otago Anniversary Day Dinner                            | No conflict identified   | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|  | Chairperson                                   | Dunedin Heritage Fund (Council Appointment)             | No conflict identified   | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|  | Member  | Dunedin Gasworks Museum Trust (Council Appointment)     | No conflict identified   | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|  | Member  | Dunedin Otaru Sister City Society (Council Appointment) | No conflict identified   | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|  | Member  | Hereweka Harbour Cone Trust (Council Appointment)       | No conflict identified   | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| Deputy Chair   | Dunedin Food and Drink Tourism Story Group    | No conflict identified                                  | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |  |
| Member   | Te Ao Tūroa Partnership (Council Appointment) | No conflict identified                                  | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |  |
| Member   | Connecting Dunedin (Council Appointment)      | No conflict identified                                  | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |  |
| Cr Kevin Gilbert   | Owner   | Gipfel Limited - Bakery                                 | No conflict identified   | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|  | Trustee                                       | Schlubert Trust - Residential Property                  | No conflict identified   | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
|  | Trustee                                       | Schlup Family Trust                                     | No conflict identified   | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |





## PART A REPORTS

### MENACING CLASSIFICATION APPEAL

Department: Customer and Regulatory

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#### EXECUTIVE SUMMARY

- 1 This report details the Dunedin City Council's (DCC) decision to classify the appellant's two dogs as menacing pursuant to section 33A(2) of the Dog Control Act 1996 (The Act).
- 2 This report is prepared in response to the appellant's objection to the menacing classification and details the process by which the menacing classification was made and contains the evidence gathered by the DCC Animal Services team in respect of that decision.
- 3 The Hearings Committee in accordance with the Council's Committee Structure and Delegations Manual has the delegation to hear and determine objections for classification of dogs as menacing under the Dog Control Act 1996. The objection will be heard under the provisions of Section 33B(1) of the Act and the owner of the dog has right to be heard in support of the objection.
- 4 The role of the Committee is to consider whether to uphold or to rescind the menacing dog classification.

#### RECOMMENDATIONS

That the Committee:

- a) **Upholds** the decision to classify the appellant's two dogs; River and Charlie as menacing pursuant to section 33B(2) of the Dog Control Act 1996.
- b) **Provides** the appellant, as soon as practicable, with a written decision which contains the reasons for its determination.

#### BACKGROUND

- 5 Section 33A(1) of the Act provides that Council may classify a dog as menacing that has not been classified as a dangerous dog under section 31; where the Council considers the dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of the dog. If a dog is classified as a menacing dog under Section 33A, the dog is required to be muzzled in public places unless they are in a cage, confined in a vehicle, inside a dwelling house, inside the dog owner's property, or inside another person's fenced property with the consent of that person. The Council can also require that dogs classified as menacing are neutered and require the owner to provide a certificate issued by a



vet to certify this has occurred. The appellant in this matter is Miss Michaela Anderton. Miss Anderton is the registered owner to two dogs: River, an entire male Huntaway-Golden retriever Cross aged two years and six months and Charlie, a female un-neutered Labrador Retriever aged one year and two months.

- 6 On Saturday 01 June 2024 at 10:36am the DCC afterhours service received a Lost Dog report from Miss Anderton advising that her two dogs, River and Charlie had gone missing from the Tomahawk Beach area at approximately 8:30am.
- 7 Later that same day at 2:03pm the DCC afterhours service received a Dog Attack-Other Request for Service from the complainants in this matter. The report advised that two dogs had been secured at their property, and they reported that the dogs had attacked sheep.
- 8 The Request for Service was attended by an Armourguard Dog Ranger who secured the dogs in his van and contacted Animal Control Officer (ACO) Janine Day to meet him at the DCC pound. [Armourguard is contracted to the DCC for the provision of dog control and other services and relevant staff are warranted as Dog Rangers under s12 of the Act.]
- 9 The two dogs were impounded by ACO Day and she started an investigation into the incident.
- 10 On Tuesday 04 June 2024 the DCC received further information from a witness who had been present at Tomahawk Lagoon the previous day. He stated that he had seen the dogs running up the track at Tomahawk Lagoon catchment and he saw the dogs enter the complainants' paddock. He stated he had found a dead swan at the Tomahawk Lagoon catchment.
- 11 On Tuesday 04 June 2024 the DCC received an email from the Otago Regional Council (ORC) reporting that a total of six dead swans had been found in the Tomahawk Lagoon area and were believed to be showing evidence of dog bites. ORC has provided the DCC with photos taken of the dead swans on 03 June 2024 which are included in the Animal Attack Pack.
- 12 As part of the investigation into this complaint, ACO Day spoke to the complainant, the dog owner Michaela Anderton and the witness who had alerted the complainant to the dogs being on his property. ACO Day completed the DCC Attack Pack. This pack contains the complainant details, dog owner details, dog details, emailed communication from the witness and dog owner, assessments and recommendations and outcome. (Attachment 1)
- 13 On 04 June 2024 ACO Day issued the dog owner with a \$200 infringement under s53 of the Act for failing to keep dog under control. This was paid on 04 July 2024
- 14 On Tuesday 04 June 2024, after reviewing the investigation details with ACO Day, the Animal Services Team Leader Cazna Savell determined that the two dogs should be classified and issued the two dogs with a Menacing Classification under s 33A of the Act.
- 15 A Notice of classification was prepared and is dated 04 June 2024.
- 16 The Menacing Classification Notice together with information regarding the effects of classification and advising of the right to object to classification was posted to Miss Anderton on 11 June 2024.
- 17 A statement outlining the facts leading to the issuing of the Menacing Dog Classification has been prepared by ACO Day; The officer's statement which annexes the Attack Pack, DCC records is attached to this report. (Attachment 2)



*Disadvantages*

- There are no known disadvantages.

**Option Two –**

27 Rescind the decision to classify the appellant’s two dogs: River and Charlie as menacing pursuant to section 33B (2) of the Dog Control Act 1996.

*Advantages*

- There are no known advantages.

*Disadvantages*

- River and Charlie may continue to be a risk to the public and other animals.

**NEXT STEPS**

28 The Committee must give written notice to the appellant of:

- its determination of the objection; and
- the reasons for the determination

**Signatories**

|             |   |
|-------------|---|
| Author:     | Cazna Savell - Animal Services Team Leader                        |
| Authoriser: | Paul Henderson - General Manager Customer and Regulatory (Acting) |

**Attachments**

|                    | <b>Title</b>   | <b>Page</b> |
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| <a href="#">↓A</a> | Attachment 1: Attack Pack Documents 1A-1H  | 14          |
| <a href="#">↓B</a> | Attachment 2: Statement of ACO Janine Day  | 42          |
| <a href="#">↓C</a> | Attachment 3: General Statement of Complainant   | 46          |
| <a href="#">↓D</a> | Attachment 4: Sections 33A and 33B of the Dog Control Act 1996                                   | 48          |
| <a href="#">↓E</a> | Attachment 5: Letter of objection to Menacing Classification from dog owner<br>Michaela Anderton | 50          |

**SUMMARY OF CONSIDERATIONS**

***Fit with purpose of Local Government***

This decision enables democratic local decision making and action by, and on behalf of communities.

***Fit with strategic framework***

|   | Contributes              | Detracts                 | Not applicable |
|---|--------------------------|--------------------------|----------------|
| Social Wellbeing Strategy               | <input type="checkbox"/> | <input type="checkbox"/> | ✓              |
| Economic Development Strategy           | <input type="checkbox"/> | <input type="checkbox"/> | ✓              |
| Environment Strategy                    | <input type="checkbox"/> | <input type="checkbox"/> | ✓              |
| Arts and Culture Strategy               | <input type="checkbox"/> | <input type="checkbox"/> | ✓              |
| 3 Waters Strategy                       | <input type="checkbox"/> | <input type="checkbox"/> | ✓              |
| Future Development Strategy             | <input type="checkbox"/> | <input type="checkbox"/> | ✓              |
| Integrated Transport Strategy           | <input type="checkbox"/> | <input type="checkbox"/> | ✓              |
| Parks and Recreation Strategy           | <input type="checkbox"/> | <input type="checkbox"/> | ✓              |
| Other strategic projects/policies/plans | <input type="checkbox"/> | <input type="checkbox"/> | ✓              |

***Māori Impact Statement***

There are no known impacts for Māori

***Sustainability***

There are no implications for sustainability

***LTP/Annual Plan / Financial Strategy /Infrastructure Strategy***

There are no implications for the LTP/Annual Plan/Financial Strategy/Infrastructure Strategy

***Financial considerations***

There are no financial considerations

***Significance***

While the public will have a general interest in the objects of the Dog Control Act 1996, specific community interest in this case is low. This decision is considered low in terms of the Council's Significance and Engagement Policy

***Engagement – external***

There has been no external engagement

***Engagement - internal***

There has been no internal engagement

***Risks: Legal / Health and Safety etc.***

There are no identified risks

***Conflict of Interest***

There is no conflict of interest





































































































