



# AGENDA

## Regulatory Hearings Panel meeting Monday, 23 September 2024

I hereby give notice that a Regulatory Hearings Panel meeting will be held on:

**Date:** Monday, 23 September 2024

**Time:** 9.00am

**Location:** Tauranga City Council  
Ground Floor Meeting Rooms 1 & 1b  
306 Cameron Road  
Tauranga

*Please note that this meeting will be livestreamed and the recording will be publicly available on Tauranga City Council's website: [www.tauranga.govt.nz](http://www.tauranga.govt.nz).*

**Marty Grenfell**  
Chief Executive



# Terms of reference – Regulatory Hearings Panel

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## Membership

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<b>Chairperson</b>	Mary Dillon
<b>Members</b>	Puhirake Ihaka Terry Molloy Alan Tate
<b>Quorum</b>	At least two members
<b>Meeting frequency</b>	As required

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## Role

- To conduct hearings and make decisions of a quasi-judicial nature on regulatory matters through specific hearings and decision-making.

## Scope

### 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;
  - the Council's corporate strategies, policies, plans and bylaws; and
  - the principles of administrative law and natural justice.
- Regulatory matters include (but are not limited to):
  - dog control matters;
  - matters arising from the exercise of Council's enforcement functions; and
  - regulatory matters that require a hearing under Council's policies (including, without limitation, Council's Gambling Venues Policy) and bylaws.

### Matters excluded from scope

- The following are excluded from the scope of the Regulatory Hearings Panel:
  - matters relating to the sale and supply of alcohol;
  - matters under the Resource Management Act 1991; and
  - matters the Council is precluded from delegating to a subordinate decision-making body by the Local Government Act 2002, or any other Act.

## Power to act

### Regulatory matters

- All powers, duties and discretions necessary 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, including (but not limited to):
  - All powers, duties and discretions necessary to hear and make decisions on behalf of the Council in respect of any matter that the Council is empowered or obligated to hear and determine under the Dog Control Act 1996, the Local Government Act 2002, the Local Government Act 1974 and any regulatory matters that require a hearing under Council's policies and bylaws.
- For the avoidance of doubt, the above delegation includes authority to hear and make decisions on appeals under Council's Gambling Venues Policy, including to decline an application to appeal.
- 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.

### Matters excluded from power to act

- For the avoidance of doubt, the Regulatory Hearings Panel does not have the power to hear:
  - matters relating to the sale and supply of alcohol;
  - matters under the Resource Management Act 1991; or
  - matters that the Council is precluded from delegating to a subordinate decision-making body by the Local Government Act 2002, or any other Act.

## Power to recommend

- The Regulatory Hearings Panel is unlikely to need to make recommendations to the Council as it has the power to conduct hearings and make decisions of a quasi-judicial nature on behalf of Council as per its powers to act. However, the Panel may make recommendations to the Council if, in the circumstances of a matter, it considers it appropriate to do so.

### **Note:**

*The Regulatory Hearings Panel is established as a subordinate decision-making body of Council and delegated the powers specified in its Terms of Reference under clauses 30 and 32 of Schedule 7 Local Government Act 2002 respectively. It is not a committee or subcommittee of Council.*

# Regulatory Hearings Panel

## Summary of hearings procedure



### Who is involved in a hearing?

- Regulatory Hearings Panel – these are independent persons who make the decision
- Tauranga City Council staff – staff who write the report and attend the hearing
- Applicant/objector or their representative – those who will present their evidence
- Witnesses/experts – called by staff or applicant/objector



### What happens before the hearing?

- The applicant/objector will be given at least seven days' notice of the date, time and place of the hearing.
- An agenda with the staff report and any documents will be sent to the panel members and the applicant/objector before the hearing.
- The applicant/objector can organise evidence and call witnesses in support of their application/objection.
- If the applicant/objector can't be present at the hearing they can organise a representative to attend on their behalf.

### What happens at the hearing?

- The hearings will be conducted without a lot of formality and will make sure that all parties and witnesses receive a fair hearing.
- Staff will present Council's case (including evidence and any witnesses) in support of its decision that is the subject of the application/objection.
- The applicant/objector presents their case (including any evidence and any witnesses).
- Council staff have a right of reply but can't submit any new evidence or call any further witnesses.
- The chairperson and panel members may ask questions from any party or witness.
- Other persons may ask the chairperson to put a question to any party or witness on their behalf but that is at the discretion of the chairperson as to whether the question is put.

- No cross examination is permitted.
- The chairperson's rulings on any matter is final.
- The hearing is generally open to the public unless there is good reason to have the hearing with the public excluded.

### What happens after the hearing?

- The panel will usually deliberate in private immediately after the hearing and make their decision.
- The panel may, but is not required to, deliver its decision in the open section of a meeting. A notice of decision will be given (or sent) in writing to the applicant/objector as soon as practicable after the panel has made its decision.
- The chairperson will then close the hearing.
- If the chairperson has allowed further information to be provided before the hearing is closed, then the hearing will be adjourned, and the panel will reserve its decision until it has considered the further information.
- Where the applicant/objector has a right to appeal the panel's decision, that will be advised in writing.
- No discussions or communication of any kind will happen outside of the hearing between the panel, the parties or witnesses until a decision is issued, including during any site visits, adjournment or break.
- Minutes of the meeting will be kept as evidence of the hearing.



## Order of Business

<b>1</b>	<b>Opening karakia</b> .....	<b>9</b>
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<b>6</b>	<b>Closing karakia</b> .....	<b>45</b>





- 1 OPENING KARAKIA**
- 2 APOLOGIES**
- 3 DECLARATION OF CONFLICTS OF INTEREST**

## 4 BUSINESS

### 4.1 Objection to Disqualification as Dog Owner - Alison Brayshaw

**File Number:** A16484316

**Author:** Brent Lincoln, Team Leader: Animal Services

**Authoriser:** Sarah Omundsen, General Manager: Regulatory and Compliance

#### PURPOSE OF THE REPORT

1. To hear an objection from Alison Brayshaw opposing her disqualification as a dog owner.

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#### RECOMMENDATIONS

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection to Disqualification as Dog Owner - Alison Brayshaw".
- (b) It is recommended that the panel uphold the disqualification, however the panel may either:
  - (i) Uphold the disqualification; or
  - (ii) Bring forward the date of termination; or
  - (iii) Terminate the disqualification.

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#### EXECUTIVE SUMMARY

2. Alison Brayshaw is currently the registered owner of two female Siberian Huskies. Lucy is a 12-year-old dog that is classified as a dangerous dog, Gidgit is 7 years old and is a classified menacing dog.
3. Lucy and Gidgit were classified in June 2018 along with a third dog (Ninja) which was classified as dangerous when all the dogs were in the possession of Alison when they attacked a child at a park.
4. An additional dog, Bear, a 2-year-old Siberian Huskey, also resides at the property and while registered to a third party, is normally under the care and control of Alison.
5. Since February 2023. Council has received 3 complaints about dogs in Alison's care roaming in a public place and one occasion of a dog roaming on private property. On one of these occasions, the dog Bear ran down the street and attacked another dog. On another occasion Bear and the classified Dangerous dog, Lucy were roaming and chased a dog on the street. Lucy was not muzzled as required by her classification. (*Attachment 1 – Schedule of Complaints*)
6. As a result of these offences, Alison was issued with 5 infringements over this period. Since 2017, she has been issued with 9 infringements for allowing her dogs, or dogs in her possession to either attack people, other dogs, roam or for failing to register them. (*Attachment 2 – Schedule of Infringements*)
7. Section 25 of the Dog Control Act 1996 ("the Act") requires Council to disqualify a person from owning a dog if they receive three or more infringements within a two-year period and the infringements have either been paid or filed with the Court.

8. As a result, on 23 May 2024, she was issued with a notice disqualifying her from owning a dog for a period of three years from the offence date of the third infringement, namely until 16 January 2027. (*Attachment 3 – Notice of disqualification*)
9. A disqualified owner may object to the disqualification and that objection shall be heard by the Hearings Panel. Alison submitted an objection to the disqualification on 28 May 2024. (*Attachment 4 – Objection to disqualification*)

## BACKGROUND

10. Council doesn't have to disqualify the person if they are satisfied the circumstances of the offence are such that:
  - (a) The disqualification is not warranted; or
  - (b) Council may classify the owner as probationary.
11. After considering the extensive negative history associated with this dog owner, the fact that some of the offending involved a classified dangerous dog and that offending has continued after the notice of disqualification was issued, we believe the disqualification was appropriate. Council doesn't operate a probationary owner scheme.
12. Normal practice is to disqualify an owner for 3 years when they incur three or more infringements.
13. In considering any objection under this section, the territorial authority shall have regard to:
  - (a) the circumstances and nature of the offence or offences in respect of which the person was disqualified; and
  - (b) the competency of the person objecting in terms of responsible dog ownership; and
  - (c) any steps taken by the owner to prevent further offences; and
  - (d) the matters advanced in support of the objection; and
  - (e) any other relevant matters.
14. It is not the purpose of this panel to rule on the legality of each infringement, that is a matter for the Court should the dog owner chose to defend each infringement. Once the infringement has been paid or filed with the Court, the offence is deemed to have been proved. This panel must consider the objection in the terms of paragraph 13 above, as provided by section 26(3) of the "Act".
15. When an infringement is issued the recipient can either:
  - Pay the infringement; or
  - Defend the infringement in Court; or
  - Do nothing.
16. If the person does nothing, a reminder will be sent in 28 days and then after a further 28 days the infringement will be filed with the District Court.
17. Only infringements which have either:
  - Been paid; or
  - A conviction entered (if they defended the infringement); or
  - Filed with the Courtcan be counted when disqualifying a person.
18. The four infringements highlighted in yellow (see attachment one) are the ones which triggered this disqualification. An additional infringement has also been issued but has not yet been filed with the court.

19. Prior to disqualifying a person, we have created a process whereby we write to the dog owner and advise them that the “Act” requires them to be disqualified however before we make a final decision, they may write to Council with any information they would like to be taken into consideration. (*Attachment 5 – Notification of pending disqualification*)
20. No response was received and a notice to disqualify was delivered to the home of Alison on 23 May 2024.
21. Alison has owned or been in control of 7 dogs since 2018, of these, two dogs have been classified as Dangerous, one has been classified as menacing, two have received a muzzle order for aggression, two have received a written warning for aggression. (*Attachment 6 – Record of Dog Ownership or Control*)
22. During this period, dogs in her possession have been impounded on 6 occasions.
23. The objector may appeal the decision of the panel to the District Court if dissatisfied.













## SIGNIFICANCE

24. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council’s Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.
25. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
  - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
  - (b) any persons who are likely to be particularly affected by, or interested in, the .
  - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
26. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of low significance.

## ENGAGEMENT

27. Taking into consideration the above assessment, that the decision is of low significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

## ATTACHMENTS

1. **Attachment 1 - Schedule of Complaints - A16625987**  
2. **Attachment 2 - Schedule of Infringements Issued - A16625990**  
3. **Attachment 3 - Notice of Disqualification - A16625988**  
4. **Attachment 4 - Objection to Disqualification - A16625989**  
5. **Attachment 5 - Notice of pending disqualification - A16625986**  
6. **Attachment 6 - Record of dog ownership or control - A16625991**  

<b>OFFENCES COMMITTED BY ALISON BRAYSHAW</b>			
<b>Complaint</b>	<b>Offence</b>	<b>Outcome</b>	<b>Dog</b>
1141319 16 Jul 2024 05:04am	Roaming Private Property	Infringement 27776	Bear
1106637 18 Jan 2024 09:27am	Domestic Animal Attack	Infringement 27605	Bear
1071212 06 Jul 2023 06:57am	Roaming Public Place	Infringement 26969	Bear
1041491 08 Feb 2023 07:55am	Roaming Public Place	Infringement 26738 and 26739	Bear and Lucy
946096 21 Sep 2021 12:30pm	Unregistered dog	Coco and Ninja Impounded	
945520 17 Sep 2021 11:09pm	Domestic Animal Attack	Infringement 25792 - breach of Dangerous dog requirements	Lucy
910669 25 Mar 2021 01:30pm	Roaming Dog	Ninja impounded	
839240 03 Mar 2020 08:41am	Barking Dog	Educational letter sent	
830955 23 Jan 2020 04:03pm	Barking Dog	Discussed complaint with dog owner	
829817 17 Jan 2020 06:29pm	Domestic Animal Attack	Infringement 25082 and 25083	Mayo and Gidgit
825484 21 Dec 2019 04:11pm	Barking Dog	No Further Action	
727096 17 Jun 2018 04:40pm	Person Attacked	Dogs impounded. Ninja and Lucy classified dangerous dogs	
685509 09 Nov 2017 11:49am	Person and dog attacked	Infringement 24243 - Unregistered	Gidgit
655088 04 May 2017 02:03pm	Barking Dog	Educational letter sent	
609082 24 Aug 2016 01:08pm	Person Rushed at	Section 62 notice requiring Yogi to be muzzled in public	
590430 28 Apr 2016 06:35pm	Aggressive dog	Behavioural letter sent	

INFRINGEMENTS ISSUED TO ALISON BRAYSHAW				
Infringement	Offence Date	Status	Dog	Offence
27776	16 July 2024	ENTERED	BEAR	Roaming Private Property
27605	17 January 2024	FILED WITH COURT	BEAR	Roaming public place
26969	6 July 2023	FILED WITH COURT	BEAR	Roaming public place
26739	8 February 2023	PAID	BEAR	Roaming public place
26738	8 February 2023	PAID	LUCY	Fail comply dangerous dog
25792	17 September 2021	WAIVED	LUCY	Fail comply dangerous dog
25083	17 January 2020	FILED WITH COURT	MAYO	Roaming public place
25082	17 January 2020	WAIVED	GIDGIT	Roaming public place
24243	9 November 2017	FILED WITH COURT	GIDGIT	Unregistered
3734	27 May 2003	PAID	UNKNOWN	Failed to advise change of address
3733	27 May 2003	PAID	UNKNOWN	Unregistered













## 4.2 Objection to Disqualification as Dog owner - Liam Newth

**File Number:** A16493300

**Author:** Brent Lincoln, Team Leader: Animal Services

**Authoriser:** Sarah Omundsen, General Manager: Regulatory and Compliance

### PURPOSE OF THE REPORT

1. To hear an objection from Liam Newth opposing his disqualification as a dog owner.

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### RECOMMENDATIONS

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection to Disqualification as Dog owner - Liam Newth".
- (b) It is recommended that the panel uphold the disqualification, however the panel may either:
  - (i) Uphold the disqualification; or
  - (ii) Bring forward the date of termination; or
  - (iii) Terminate the disqualification.

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### EXECUTIVE SUMMARY

2. Liam Newth was the owner of Marli, a 4-year-old entire female Mastiff Cross dog which he has owned since July 2023. During this period, he has amassed six infringements for failing to control or register the dog.
3. There have been ten complaints about the dog roaming both in public and on private property and two complaints relating to aggression where the dog attacked another dog and rushed at a person in a separate event. (*Attachment 1 – Schedule of Offences*)
4. Five infringements have been filed with the Court and one is due to be filed by 7 September 2024. (*Attachment 2 – Schedule of Infringements*)
5. Section 25 of the Dog Control Act 1996 ("the Act") requires Council to disqualify a person from owning a dog if they receive three or more infringements within a two-year period and the infringements have either been paid or filed with the Court.
6. As a result, on 12 July 2024, Liam was issued with a notice disqualifying him from owning a dog for a period of three years from the offence date of the third infringement, namely until 24 March 2027. (*Attachment 3 – Notice of disqualification*)
7. A disqualified owner may object to the disqualification and that objection shall be heard by the Hearings Panel. On 30 July 2024 Liam came into Council to register his dog and query his disqualification and the enquiry was documented and forwarded to Animal Services. (*Attachment 4 – Correspondence and Objection to disqualification*)
8. Council responded by email on 31 July 2024 and subsequent verbal discussions his message of 30 July was accepted as an objection to the disqualification.

## BACKGROUND

9. Council doesn't have to disqualify the person if they are satisfied the circumstances of the offence are such that:
  - (a) The disqualification is not warranted; or
  - (b) Council will classify the owner as probationary.
10. We believe the disqualification is appropriate as staff have engaged with Liam on many occasions to encourage and assist him to stop his dog roaming. Despite this there have been a significant number of complaints, which include aggression, and have occurred within a short period of time.
11. Council doesn't operate a probationary owner scheme.
12. Normal practice is to disqualify an owner for 3 years when they incur three or more infringements.
13. In considering any objection under this section, the territorial authority shall have regard to:
  - (a) the circumstances and nature of the offence or offences in respect of which the person was disqualified; and
  - (b) the competency of the person objecting in terms of responsible dog ownership; and
  - (c) any steps taken by the owner to prevent further offences; and
  - (d) the matters advanced in support of the objection; and
  - (e) any other relevant matters.
14. It is not the purpose of this panel to rule on the legality of each infringement, that is a matter for the Court should the dog owner chose to defend each infringement. Once the infringement has been paid or filed with the Court, the offence is deemed to have been proved. This panel must consider the objection in the terms of paragraph 12 above, as provided by section 26(3) of the "Act".
15. When an infringement is issued the recipient can either:
  - Pay the infringement; or
  - Defend the infringement in Court; or
  - Do nothing.
16. If the person does nothing, a reminder will be sent in 28 days and then after a further 28 days the infringement will be filed with the District Court.
17. Only infringements which have either:
  - Been paid; or
  - A conviction entered (if they defended the infringement); or
  - Filed with the Courtcan be counted when disqualifying a person.
18. There are four qualifying infringements as the two infringements dated 14 December 2023 are regarded as one for the purpose of the disqualification. An additional infringement has been issued but has not yet been filed with the court.
19. Although not legally required, we write to a dog owner when they have received two infringements warning them of the consequence of incurring further infringements. (*Attachment 5 – Notification of potential disqualification*)
20. Prior to disqualifying a person, we also write to the dog owner and advise them that the "Act" requires them to be disqualified. They are invited to write to Council with any information they

would like to be taken into consideration before we make a final decision. (*Attachment 6 – Notification of pending disqualification*)

21. No response was received and a notice to disqualify was delivered to the home of Mr Newth on 12 July 2024.
22. In considering this objection the panel may either:
  - Uphold the disqualification; or
  - Bring forward the date of termination; or
  - Immediately terminate the notice.
23. The objector may appeal the decision of the panel to the District Court if dissatisfied.
24. The dog is not currently registered, Mr Newth has rehomed the dog pending the outcome of this hearing.










## SIGNIFICANCE

25. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council's Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.
26. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
  - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
  - (b) any persons who are likely to be particularly affected by, or interested in, the .
  - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
27. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of low significance.

## ENGAGEMENT

28. Taking into consideration the above assessment, that the decision is of low significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

## ATTACHMENTS

1. **Attachment 1 - Schedule of Offences - A16626214**  
2. **Attachment 2 - Schedule of Infringements - A16626213**  
3. **Attachment 3 - Disqualification from Dog ownership - A16451049**  
4. **Attachment 4 - Correspondence and Accepted Objection - A16626256**  
5. **Attachment 5 - Notice of Second Infringement - A16626268**  
6. **Attachment 6 - Notification of Pending Disqualification - A16626270**  

























### 4.3 Objection By Phillip Tukaokao Opposing the Menacing Classification for his Dog Luna

**File Number:** A16625349

**Author:** Brent Lincoln, Team Leader: Animal Services

**Authoriser:** Sarah Omundsen, General Manager: Regulatory and Compliance

#### PURPOSE OF THE REPORT

1. To hear an objection from Phillip TuKaokao opposing the menacing classification for his dog Luna

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#### RECOMMENDATIONS

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection By Phillip Tukaokao Opposing the Menacing Classification for his Dog Luna".
- (b) It is recommended that the panel uphold the menacing classification, however the panel may either:
  - (i) Uphold the classification; or
  - (ii) Rescind the classification.

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#### EXECUTIVE SUMMARY

2. Phillip Tukaokao is the owner of the registered dog Luna, a 3-year-old female Shar Pei Cross.
3. The property is fenced but there was no gate and Luna has been allowed to frequent the berm and road immediately in front of 97 Kingswood Street, Brookfield. (*Attachment 1 – Schedule of complaints*)
4. As a result, she has developed an aggressive defensive attitude around this area and frequently roams and rushes at passers-by. This type of aggression is a common development of dogs that are allowed to roam and is likely to evolve into an actual attack as the dog becomes more possessive of this area.
5. For the period 3 June 2023 to 14 July 2024 Council has received 7 formal complaints about Luna rushing people and 8 formal complaints about her roaming. Staff have also received many calls and texts advising that the dog was out roaming. The dog has been impounded on three occasions and five infringements have been issued.
6. In addition, a section 62 notice, requiring the dog to be muzzled and under lead control was issued on 5 July 2023 and Luna was subsequently classified as a menacing dog on 1 August 2024 which has resulted in this hearing. (*Attachment 2 – Section 62 notice and Attachment 3 – Notice of Menacing Classification*)
7. The owner of a dog may object to that classification within 14 days of receiving the notice. On 5 and 6 August 2024 Council received an e-text and an email from Phillip contesting the classification. (*Attachment 4 – Objection to Menacing Classification*).
8. The classification requires the owner to neuter the dog and ensure the dog is muzzled when in a public place. The panel may either uphold the classification or revoke the classification.

## BACKGROUND

9. On 3 June 2023 Luna ran from the property and chased a father and his two children who were cycling past the address. They had to stop cycling and used their bikes as a barrier. The dog then chased a passing car down the road and the complainant, and his children were able to leave the area.
10. 13 June 2023 Luna ran from her property and chased a cyclist for 50 metres, growling and nipping at the cyclist. As a result, Phillip was issued with an infringement and a notice pursuant to Section 62 of the Dog Control Act 1996. The notice issued on 5 July 2023, required Luna to be muzzled and under lead control in a public place.
11. On 10 July 2023, Luna was seen sitting on the berm outside its property and rushed at another person as he cycled past. The dog chased him for approximately 50 to 100 metres, and he felt he would have been attacked if he wasn't on an e-bike and able to get away. Council issued Phillip with an infringement.
12. On 30 May 2024 Luna was sitting on the berm in front of its property, the complainant said *"in the past fortnight, it has chased me down the road twice when I ride past to work on a motorcycle. its running straight up towards my boots barking and clearly agitated. Today it ran me onto the opposite side of the road, and I had to push it away with my foot. I am becoming very concerned about riding to work."* Council issued Phillip with an infringement.
13. On 24 June 2024 a cyclist was walking with her push bike along the edge of the Kingswood Road. As she approached 97 Kingswood, she saw Luna, sitting outside the property boundary. Luna rushed at her, barking, and growling aggressively and circling her before returning to its property. She had encountered the dog before so videoed the incident. (*Attachment 5 – Video*)
14. An attack rating report was completed. This is a guide to assist staff when deciding the most appropriate outcome. The report totalled 31 which placed incident in the category of classifying the dog as dangerous. As the dog hadn't made physical contact with the complainant, it was decided to classify the dog as menacing instead. (*Attachment 6 – Attack Rating*)
15. Despite this classification, Luna was out again, and a witness saw her stopping a cyclist on 15 July and rushing a mother and her children on the 22 July 2024. Luna was also unregistered, and staff executed a search warrant at 97 Kingswood and seized and impounded Luna.
16. During this period, staff have engaged with Mr Tukaokao on numerous occasions encouraging him to control the dog and suggested options to do so. He has been in denial that his dog is aggressive and has been slow to respond.
17. In March 2024 we began the process to disqualify him as a dog owner because of the number of infringements issued. As a result of a discussion with Mr Tukaokao and his undertaking to control the dog, we did not proceed with that disqualification.
18. Even though the dog has been required to be muzzled since July 2023, Luna has never been seen wearing a muzzle and has not been under lead control in any of the reported events.
19. When considering an objection against a menacing classification, the panel may uphold or rescind the classification, and in making its determination must have regard to:
  - (a) the evidence which formed the basis for the classification; and
  - (b) any steps taken by the owner to prevent any threat to the safety of persons or animals; and
  - (c) the matters relied on in support of the objection; and
  - (d) any other relevant matters.

20. Section 33A of the Act provides that Council may classify a dog as menacing if they consider the dog may pose a threat to any person, stock, poultry, domestic animal or wildlife because of any observed or reported behaviour.
21. While there have been no further incidents since 14 July 2024, Luna has demonstrated a high level of aggression to many people. Today's process is about whether Luna poses a threat to any person, and it is our view that she does. There is no doubt that the next opportunity that Luna is off her property, she will rush at another person.
22. Mr Tukaokao is in denial that his dog acts aggressively.
23. Rushing can have significant consequences and there is currently a matter from New Plymouth where a prosecution was initiated after a dog (with a history of roaming and rushing) rushed from a property causing cyclists to crash. One person suffered a collapsed lung, broken ribs and complications associated with the crash. A destruction order for the dog has been issued by the Court.






## SIGNIFICANCE

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25. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
  - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
  - (b) any persons who are likely to be particularly affected by, or interested in, the .
  - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
26. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of low significance.

## ENGAGEMENT

27. Taking into consideration the above assessment, that the decision is of low significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

## ATTACHMENTS

1. **Attachment 1 - Schedule of Complaints - A16625372** [↓](#) 
2. **Attachment 2 - Section 62 letter - Phillip Tukaokao - A16625369** [↓](#) 
3. **Attachment 3 - Menacing Dog Classification - A16625370** [↓](#) 
4. **Attachment 4 - Objection to Menacing Classification - A16625371** [↓](#) 
5. **Attachment 6 - Attack Rating - A16625494** [↓](#) 

Note: Attachment 5 is a video and therefore not shown here





















## 5 PUBLIC EXCLUDED SESSION

### Resolution to exclude the public

#### RECOMMENDATIONS

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
<b>4.1 – Deliberations - Alison Brayshaw – Objection to Dog Disqualification</b>	To enable the Panel to deliberate in private on the objections heard.	s48(1)(d) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in any proceedings before a Council where the Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings.
<b>4.2 – Deliberations - Liam Newth – Objection to Dog Disqualification</b>	To enable the Panel to deliberate in private on the objections heard.	s48(1)(d) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in any proceedings before a Council where the Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings.
<b>4.3 – Deliberations - Phillip Tukaokao – Objection to Menacing Dog Classification</b>	To enable the Panel to deliberate in private on the objections heard.	s48(1)(d) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in any proceedings before a Council where the Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings.

## 6 CLOSING KARAKIA