



# **AGENDA**

## **Regulatory Hearings Panel meeting Monday, 18 August 2025**

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

**Date: Monday, 18 August 2025**

**Time: 9:30AM**

**Location: Tauranga City Council Chambers  
L1, 90 Devonport 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

---

## Membership

---

<b>Chair</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

---

## 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>7</b>
<b>2</b>	<b>Apologies .....</b>	<b>7</b>
<b>3</b>	<b>Declaration of conflicts of interest .....</b>	<b>7</b>
<b>4</b>	<b>Confirmation of minutes.....</b>	<b>8</b>
4.1	Minutes of the Regulatory Hearings Panel meeting held on 1 May 2025.....	8
<b>5</b>	<b>Business.....</b>	<b>17</b>
5.1	Objection to Menacing Classification - Kim Crosby .....	17
<b>6</b>	<b>Closing karakia .....</b>	<b>35</b>



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

## **4 CONFIRMATION OF MINUTES**

### **4.1 Minutes of the Regulatory Hearings Panel meeting held on 1 May 2025**

**File Number:** A18647496

**Author:** Anahera Dinsdale, Governance Advisor

**Authoriser:** Anahera Dinsdale, Governance Advisor

---

### **RECOMMENDATIONS**

That the Minutes of the Regulatory Hearings Panel meeting held on 1 May 2025 be confirmed as a true and correct record.

---

### **ATTACHMENTS**

#### **1. Minutes of the Regulatory Hearings Panel meeting held on 1 May 2025**





# **MINUTES**

## **Regulatory Hearings Panel meeting Thursday, 1 May 2025**

**Order of Business**

<b>1</b>	<b>Opening Karakia .....</b>	<b>3</b>
<b>2</b>	<b>Apologies .....</b>	<b>3</b>
<b>3</b>	<b>Confirmation of minutes.....</b>	<b>3</b>
4.1	Minutes of the Regulatory Hearings Panel meeting held on 10 April 2025.....	3
<b>4</b>	<b>Declaration of conflicts of interest .....</b>	<b>4</b>
<b>5</b>	<b>Business.....</b>	<b>4</b>
5.1	Objection to Disqualification as Dog owner - Lupe Poe .....	4
5.2	Objection to Retention of Dog in Pound - Miriama Te Wheoro .....	4
5.3	Jesse Hartley - Objection to Disqualification as Dog owner .....	5
<b>6</b>	<b>Public excluded session puhī and terri.....</b>	<b>5</b>
6.1	Public Excluded Minutes of the Regulatory Hearings Panel meeting held on 10 April 2025.....	5
<b>5</b>	<b>public session continued.....</b>	<b>7</b>
5.1	Objection to Disqualification as Dog owner - Lupe Poe .....	7
5.2	Objection to Retention of Dog in Pound - Miriama Te Wheoro .....	7
5.2	Objection to Retention of Dog in Pound – Jesse Hartely .....	7
<b>7</b>	<b>Closing Karakia.....</b>	<b>8</b>

**MINUTES OF TAURANGA CITY COUNCIL  
REGULATORY HEARINGS PANEL MEETING  
HELD AT THE GROUND FLOOR MEETING ROOM 1, 306 CAMERON ROAD, TAURANGA  
ON THURSDAY, 1 MAY 2025 AT 9:00 AM**

**MEMBERS PRESENT:** Mrs Mary Dillon (Chairperson), Mr Puhirake Ihaka, Mr Terry Molloy

**APOLOGIES:** Mr Alan Tate

**IN ATTENDANCE:** Brent Lincoln (Team Leader: Animal Services) and Caroline Irvin (Governance Advisor)

**EXTERNAL:** Applicants as listed in the minutes.

## **1 OPENING KARAKIA**

Mr Puhirake Ihaka opened the meeting with a karakia.

## **2 APOLOGIES**

### **APOLOGY**

#### **COMMITTEE RESOLUTION RHP/25/0/1**

Moved: Mr Puhirake Ihaka

Seconded: Mr Terry Molloy

That the apology for absence received from Mr Alan Tate be accepted.

**CARRIED**

## **3 CONFIRMATION OF MINUTES**

### **4.1 Minutes of the Regulatory Hearings Panel meeting held on 10 April 2025**

#### **COMMITTEE RESOLUTION RHP/25/0/2**

Moved: Mrs Mary Dillon

Seconded: Mr Puhirake Ihaka

That the Minutes of the Regulatory Hearings Panel meeting held on 10 April 2025 be confirmed as a true and correct record.

**CARRIED**

## 4 DECLARATION OF CONFLICTS OF INTEREST

Nil

## 5 BUSINESS

### 5.1 Objection to Disqualification as Dog owner - Lupe Poe

**Staff** Brent Lincoln

#### Key Points

- Due to Ms Poe not attending the hearing, the panel unanimously decided to address the matter on the papers.
- The Team Leader: Animal Services provided the panel with a summary of his report and the purpose for hearing the matter.

#### In response to questions

- The Team Leader: Animal Services confirmed the dog in question was a Shar Pei cross, that complaints about the dog had started a long time ago and there had been night time barking since March 2024. He also advised that the current disqualification expired in August 2027 and could not be extended.

### 5.2 Objection to Retention of Dog in Pound - Miriama Te Wheoro

**Staff** Brent Lincoln

**External** Ms Miriama Te Wheoro

#### Key Points

- The Team Leader: Animal Services provided the panel with a summary of his report and the purpose for hearing the matter about Ms Te Wheoro's dog Kola.

#### In response to questions

- Ms Te Wheoro confirmed that she had found the dog as a puppy, badly injured after being attacked by other dogs.
- Ms Te Wheoro advised that her mokopuna left the gate open at her property which allowed the dog Kola to get out. It could also jump fences.
- The Team Leader: Animal Services advised if the dog had been socialised at an earlier age it may have been able to be better socialised with other dogs. The dog was now six years old and attacking other dogs was ingrained behaviour.
- The Team Leader: Animal Services acknowledged it was a sad situation and that it was unfortunate that the dog Kola had imprinted aggression towards other dogs. He advised the prosecution was going ahead and that the dog had been put in the pound in March 2025

#### Discussion points raised

- Chair Mary Dillon clarified that the only purpose of today's hearing was for the panel to decide if the dog could be released from the pound.

### 5.3 Jesse Hartley - Objection to Disqualification as Dog owner

**Staff** Brent Lincoln

**External** Jesse Hartley and Shannon Dunford

#### Key Points

- The Team Leader: Animal Services provided the panel with a summary of his report and the purpose for hearing the matter about Mr Hartley's dog, Tuff Cookie. He advised that a dog may remain with its owner when a disqualification had been given and the matter had been disputed.

#### In response to questions

- Mr Hartley told the panel that his dog had only been in the pound once, and that he had bought a muzzle and his property was now properly fenced. He provided the panel with photos of this.

#### Discussion points raised

- The Team Leader: Animal Services advised that the dog had been classified as menacing after attacking a neighbour and provided the panel with an explanation as to the process involved to classify a dog as menacing.

At 11.31am the meeting adjourned.

At 11.40am the meeting reconvened.

## 6 PUBLIC EXCLUDED SESSION PUHI AND TERRI

### Resolution to exclude the public

#### COMMITTEE RESOLUTION RHP/25/0/3

Moved: Mr Puhirake Ihaka

Seconded: Mr Terry Molloy

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>6.1 - Public Excluded Minutes of the Regulatory Hearings Panel meeting held on 10 April 2025</b>	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural	s48(1)(a) - 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

	persons	
<b>5.1 – Lupe Poe - Objection to disqualification as dog owner deliberations</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>5.2 – Miriama Te Wheoro – Objection to retention of dog in pound deliberations</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>5.3 – Jesse Hartley – Objection to disqualification as dog owner deliberations</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.

CARRIED

## 5 PUBLIC SESSION CONTINUED

### 5.1 Objection to Disqualification as Dog owner - Lupe Poe

#### COMMITTEE RESOLUTION RHP/25/0/4

Moved: Mr Puhirake Ihaka

Seconded: Mr Terry Molloy

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection to Disqualification as Dog owner - Lupe Poe".
- (b) Agrees to:
  - (i) Uphold the disqualification.

**CARRIED**

### 5.2 Objection to Retention of Dog in Pound - Miriama Te Wheoro

#### RECOMMENDATIONS MOVE

#### SECOND

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection to Retention of Dog in Pound - Miriama Te Wheoro".
- (b) Agrees to:
  - (ii) Retain the dog Kola in the pound.

The Panel noted that Ms Te Wheoro was not a disqualified dog owner which gave her the opportunity to acquire another dog.

### 5.2 Objection to Retention of Dog in Pound – Jesse Hartely

#### RECOMMENDATIONS MOVE

#### TERRY

#### SECOND PUHI

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection to Disqualification as Dog owner– Jesse Hartely".
- (b) Agrees to:
  - (iii) Terminate the disqualification.

The Panel noted there had been no further infringements with his dog Tough Cookie over the last six months and that Mr Hartley now appeared to have understood his responsibilities and obligations as a dog owner.

At 11.54am, Mr Terry Molloy withdrew from the meeting.

## **7 CLOSING KARAKIA**

Mr Puhirake Ihaka closed the meeting with a karakia.

**The meeting closed at 11.57.**

**The minutes of this meeting were confirmed as a true and correct record at the Regulatory Hearings Panel meeting held on .**

.....  
Mary Dillon  
**CHAIR**



## 5 BUSINESS

### 5.1 Objection to Menacing Classification - Kim Crosby

**File Number:** A18567256

**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 Kim Crosby opposing the classification of her dog Bandit as menacing.

---

#### RECOMMENDATIONS

That the Regulatory Hearings Panel

- (a) Receives the report "Objection to Menacing Classification - Kim Crosby".
- (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

---

#### EXECUTIVE SUMMARY

2. Ms Crosby is the owner of Bandit, a registered, 1year, 2-month-old German Shepherd Siberian Huskey Cross neutered male dog.
3. On 21 May 2025 Crosby had arranged for her regular food delivery to be made to her home address. When the delivery person arrived, Bandit was loose on the property and bit him on the hand. It circled him and then bit him again on the buttocks.
4. While the bites did not puncture the skin, the victim was stressed by the incident.
5. Crosby secured the dog, and the victim left the property.
6. An assessment of the incident resulted in the classification of the dog as a menacing dog based on the reported behaviour of the dog. The classification notice was delivered on 23 June 2025. (*Attachment 1 – Menacing Classification*)
7. An owner has 14 days to object to the notice and an objection was received on 4 July 2025. (*Attachment 2 – Objection to Classification*)

#### BACKGROUND

8. When a dog attacks a person, an assessment of the incident is undertaken and staff complete an attack rating report, this provides guidance on the seriousness of the attack and what is the most appropriate outcome. This attack was rated at 28 points which is at the top end of the scale for classifying the dog as menacing. (*Attachment 3 - Attack Rating Form*)
9. While the physical injuries were not significant in this attack, the victim has suffered some mental shock and stress by the attack.

10. The victim had previously made the dog owner aware about his concerns about the dog's aggression. The owner of Bandit knew the delivery person was coming and had arranged to lock the dog away prior to his arrival but failed to do so. (*Attachment 4 – Victim Statement*)
11. The owner admits in her letter of objection that she is aware that Bandit can become reactive to men in certain situations, and that while the victim is familiar with the dog as he has seen it grow from a puppy, Bandit still bit him.
12. The owners only defence to the attack is that they took all reasonable steps to prevent the attack from happening. On this occasion the owner knew the victim was coming then opened the gate for him but did not secure the dog first. (*Attachment 5 – Dog Owner Statement*)
13. In addition to this classification, section 62 of the Dog Control Act also applies. This is an automatic provision that applies when the dog owner knows their dog has attacked a person. This section provides that the owner must ensure their dog is controlled by a lead and wearing a muzzle in public place or a private way. There is no right of appeal to section 62.
14. The threshold to classify a dog as menacing is quite low. Council just needs to consider that the dog may pose a threat to any person, stock, poultry, domestic animal or protected wildlife because of:
  - (a) Any observed or reported behaviour of the dog; or
  - (b) Any characteristics typically associated with the dog's breed or type.
15. The dog does not need to have attacked to be classified a menacing.
16. On this occasion the dog was classified because it has attacked. Also, based on the statements of both the dog owner and the victim and looking at the specifics of the breed of the dog, Council believes the dog has the potential and in fact the likelihood of biting again given the opportunity.
17. While the specifics of the classification relate to muzzling in a public place, the classification places a strong onus on the owner to ensure the dog is controlled and safe at all times whether on it's own property or in public.
16. In considering this objection, the panel 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.
17. The dog is no longer a puppy; it is 14 months old which makes it a young adult. It has been undergoing training since it has been a puppy but still attacked a person which shows this dog has embedded reactive behaviour and unless contained whenever anyone enters the property is likely to bite again.

## SIGNIFICANCE






18. 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.
19. 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 decision.

- (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
20. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of low significance.

### ENGAGEMENT

21. 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 - Menacing Classification - A18567517** [↓](#) 
2. **Attachment 2 - Objection to Classification - A18567515** [↓](#) 
3. **Attachment 3 - Attack Rating - A18567514** [↓](#) 
4. **Attachment 4 - Victim Statement - A18567518** [↓](#) 
5. **Attachment 5 - Dog Owner Statement - A18567516** [↓](#) 

" gave to bruce Crosby "

## NOTICE OF CLASSIFICATION



### Menacing dog classification – Section 33A, Dog Control Act 1996 (behaviour of the dog)

Date 19/6/2025 CCM 1203675  
 Name KIM CROSBY  
 Address [REDACTED]

#### DELIVERY CONFIRMATION

Recipient name Kim Crosby  
 Signature [Signature]  
 Date 23/06/25 Time 14:07  
 Served by Malcolm Mills  
 Signature [Signature]

#### Dog details

Dog ID	60582	Primary breed	GERMAN SHEPHERD
Microchip No	900*2630*0057*5074	Secondary breed	SIBERIAN HUSKEY
Name	BANDIT	Primary colour	BLACK
Sex	MALE (desexed)	Secondary colour	TAN
Age	1 yr 1 mth		
Address where the dog is kept	[REDACTED]		

#### Classification details

This is to notify you that this dog has been classified as a menacing dog under section 33A (1)(b)(i) of the Dog Control Act 1996 with effect from the date of this notice.

This is because Tauranga City Council considers that the dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife, because of observed or reported behaviour of the dog, namely: On Wednesday 21 May 2025 at 8:40am at [REDACTED] Bandit did bite a person.

A summary of this classification and your right to object is provided on the reverse. Objections must be in writing and can be sent to the addresses provided or delivered to the Tauranga City Council Service Centre.

#### Classification requirements

**Neutering:** Your dog is already Neutered; you are compliant with this requirement.

**Microchip:** Your dog is already microchipped; you are compliant with this requirement.

**Muzzle:** Your dog must now be muzzled when it is at large or in any public place or private way, and it must be kept under control at all times.

The required documents can be sent by mail to: **Animal Services, Tauranga City Council, Private Bag 12022, Tauranga 3143, New Zealand** or by email to: [dog.registration@tauranga.govt.nz](mailto:dog.registration@tauranga.govt.nz)

#### ADDITIONAL INFORMATION

Signature [Signature] Dated: 19/5/2025  
 Name Brent Lincoln  
 Position Animal Services Team Leader

**EFFECT OF CLASSIFICATION AS A MENACING DOG****Sections 33E, 33F and 36A Dog Control Act 1996**

- a) You must not allow your 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; and
- b) You must produce to Tauranga City Council within one month after receipt of this notice a certificate issued by a registered veterinary surgeon certifying:
  - (i) that the dog is or has been neutered; or
  - (ii) that for reasons that are certified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
- c) If your dog is not fit to be neutered before a specific date as mentioned above, then you must produce to Tauranga City Council within one month after that specified date, 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 any of the matters in paragraphs (a) to (c) above. In addition, a dog control officer or dog ranger may seize and remove the dog from you and keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (c) above.

**If applicable**, if not already microchipped, 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 Tauranga City Council in accordance with the reasonable instructions of Tauranga City Council for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with this requirement within 2 months after this notice.

If the dog is in the possession of another person for a period not exceeding 72 hours, you must advise that person of the requirement to not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting, but to allow it to breathe and drink without obstruction.

You will commit an offence and be liable on conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

Full details of the effect of classification as a menacing dog are provided in the Dog Control Act 1996.

**RIGHT OF OBJECTION TO CLASSIFICATION UNDER SECTION 33A****Section 33B, Dog Control Act 1996**

You may object to the classification of your dog as menacing by lodging with Tauranga City Council a written objection within 14 days of receipt of this notice setting out the grounds on which you object.

You have the right to be heard in support of the objection and will be notified of the time and place at which your objection will be heard.

All objections must be in writing and can be sent via email to [dog.registration@tauranga.govt.nz](mailto:dog.registration@tauranga.govt.nz) or by mail to: **Animal Services, Private Bag 12022, Tauranga 3143, New Zealand.**

**Note:** Any objection heard by the Regulatory Hearings Panel is a publicly notified meeting and members of the public, including the media may attend. The details of the Council report and the hearing, including your name and your dog's name, may be published. Your contact details will not be reported.



29 June 2025

Animal Services  
Tauranga City Council  
**Attention: Brent Lincoln**

By email only: [dog.registration@tauranga.govt.nz](mailto:dog.registration@tauranga.govt.nz)

**Objection to classification of dog under section 33A**  
**Dog ID 60582 – Bandit – German Shepherd/ Husky**  
**Age at date of incident 11.5 months**

I refer to the Notice of Classification under s 33A of the Dog Control Act 1996 ('the Act'), issued to me on 23 June 2025 ('the Notice').

I am writing to object to the Notice in accordance with s33B of the Act.

In summary, I am objecting to the Notice because the requirement imposed on us to have Bandit muzzled when 'at large' under s33B is not the appropriate outcome / solution to his behaviour on the day of the incident (which occurred on our property) on 19 May 2025.

You have a copy of my statement on file. I have not been provided with any other information (i.e the complaint) which you relied on to reach your decision.

**Why the requirement for Bandit to be muzzled is not the solution**

All of following information (discussed with Malcolm, Animal Services Officer) is relevant when considering the circumstances of the incident:

1. Bandit is a puppy- he is still learning appropriate behaviour;
2. Bandit has become 'reactive' only to men who meet the following criteria:
  - a. They are unknown to him; and
  - b. They wear who wear tradesmen like boots (i.e steel caps); and
  - c. They are on our property.
3. Bandit has learned to become reactive (i.e barking excessively- and on this one occasion also nipped the man) because, it is our strong belief and understanding, that a tradesman (who fit the above criteria) who once attended our property kicked him (because he didn't like dogs being close to him).
4. We have a completely secure property with an electronic gate, fully fenced. Access by people is only by the secure pedestrian gate which is clearly marked "beware of the dog". Your dog control officer has observed this.

5. Since we have observed Bandit to react this way to men who fit the above criteria, we have established a procedure for when tradesman like people attend our home- i.e the delivery driver. This procedure includes Bandit being put away in a closed garage and locked in his crate 10 minutes before the person arrives, during their time here and for 10 minutes after they leave. He has food and water with him at all times – he often sleeps during this time and is content. He does not bark for long after he hears their vehicle arrive. This has worked well for many months for the delivery driver.
6. As you are aware from my statement, on the day of the incident, the driver attended shortly before the allocated delivery window. I had opened the gate in anticipation of him arriving shortly after. I had not yet put Bandit in his crate and I let him come out the back of the house with me for 30 odd seconds. During this time, unfortunately the driver arrived and Bandit heard him and went to the front of the house.
7. Bandit nipping a person has not ever happened before this incident. We have many friends, males, females, children who attend our property daily. We have two children under 10 of our own. We do not have to restrain Bandit in any way when people come to our home (unless they meet the criteria set out above at 2).
8. Bandit is walked twice daily for 4kms each time. He gets walked in highly populated areas- around parks (Gordon Spratt) and through the Papamoa Water Ways. Bandit also attends our children's sporting games (i.e football) every Saturday- all of these locations are populated with other people walking dogs and children. Bandit has not ever shown any signs of aggression to any other person or any dog- does not bark at anyone unless they attend our home. We also attend regular pack walks with other German Sheppherd dogs- off the lead at Tech Park- he has never shown any signs of aggression.
9. If he was reactive other people or animals we would muzzle him; however, it is simply not the case.

Therefore, the requirement you have imposed on him to be muzzled when 'at large' is not the solution to his behaviour on that day, having regard to the circumstances and nature of Bandit. In particular because he does not, and has not ever, shown signs of aggression outside of being 'territorial' when on our property.

#### **What we are doing to improve Bandit's behaviour**

Since Bandit was a puppy we have:

1. Enrolled him in and attended one on one dog training with dog behavioural specialist, Mish from Roma Dog Academy (who I understand also works with TCC);

2. Work with German Shepherd dog behavioural expert Stuart Roderick (former NZ Police Dog Trainer). We attend the pack walks with Stuart and others with their dogs. We have also spent one on one sessions for up to two hours a time and learnt such things as how to distract Bandit, manage his behaviour, walk him appropriate, control and distract from negative behaviour and show Bandit who 'the boss' is. This includes Bandit sitting on demand, sitting before going through doors and crossing roads, sitting before food and not eating until commanded etc.

We continue to use and practice these skills with Bandit daily- on walks and in social settings.

### **The Law**

Section 33B(2) of the Act gives you the power to rescind the classification having regard to the following

- (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.

We respectfully request that you rescind your classification of Bandit as a menacing dog under s33A of the Act having regard the evidence, the steps taken by us to prevent such an incident happening again (ie. the procedure we have in place for visitors), and all other matters relied on this letter.

If, for any reason you do not make the decision to rescind your classification under s33A then please provide us written reasons as to why and, be on notice that I wish to be heard.

I look forward to hearing from you.

Regards,

Kim Crosby

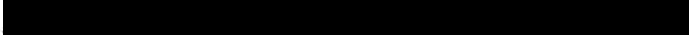
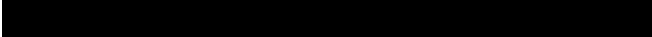
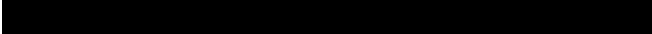
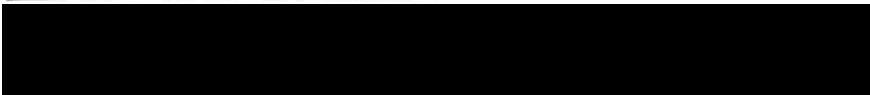

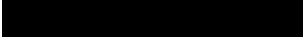
[REDACTED]



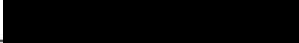
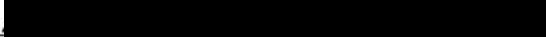
Attack rating report		
<b>CCM number:</b>	<b>1203675</b>	
<b>Name:</b>	<b>Kim CROSBY</b>	
<b>Seriousness</b>		<b>5 to 35 10</b>
(This section relates to the physical seriousness of the attack.)		
Level 5 - 7	Rushing person or domestic animal	
Level 7 - 20	Attacked person (no visible injury) to serious	
Level 8 - 16	Animal injured	
Level 5 - 16	Stock Worried	
Level 17	Animal killed	
Level 21	Serious but not hospitalised (person)	
Level 22+	Admitted to hospital and/or suffers long term effects	
Level 35	Death of a person	
<b>Public interest</b>		<b>0 to 3 1</b>
(Public expectation of how the incident should be managed based on seriousness of incident.)		
<b>Legislative intent</b>		<b>2</b>
(Legislative intent has been factored into the report at a constant at two points.)		
<b>Classified (unleashed or unmuzzled)</b>		<b>0 or 2 0</b>
(Classified menacing by breed - classifications by deed are captured in other aspects of the assessment.)		
<b>Victim impact</b>		<b>0 to 5 1</b>
(This section does not relate to the level of punishment sought by the victim, but the effects on the victim as a result of the attack.)		
Level 0	The victim does not suffer lasting effects following the attack	
Level 5	The victim is likely to continuously suffer as a result of the attack	
<b>Dog surrendered/destroyed</b>		<b>0 to 1 1</b>
(If a dog is surrendered after an attack it will not significantly affect the outcome. Surrendering the dog could be a way of shirking responsibility. It could be an act of taking responsibility. Either way the action was taken too late to prevent the damage done.)		
Level 0	The dog has been surrendered for destruction	
Level 1	The dog has not been surrendered for destruction	
<b>Observed aggression</b>		<b>0 to 2 2</b>
(Based on the officer's observation only. It should be noted that a dog may act aggressively under certain stimuli and show absolutely no signs of aggression without that stimuli.)		
Level 0	No signs of aggression	
Level 2	Very aggressive	
<b>Negligence</b>		<b>0 to 6 3</b>
(Evaluate the degree of negligence.)		
Level 0	Not the result of negligence by the owner	
Level 2	A lack of understanding of the true nature of dogs	
Level 4	The incident is the direct result of carelessness	
Level 6	The incident is a result of planning and encouragement	
<b>Cooperation</b>		<b>0 to 3 0</b>
Level 0	Cooperative and forthcoming with information	
Level 3	Uncooperative to the point that police assistance was required	

<b>Previous history</b>		<b>0 to 5</b>	<b>0</b>
Level 0	No history		
Level 1	History without aggression		
Level 3	History with aggression (over one year old)		
Level 4	History with aggression (under one year old)		
Level 5	Classified as dangerous		
<b>Dog registered at the time of the incident</b>		<b>0 to 2</b>	<b>0</b>
Level 0	The dog is currently registered		
Level 2	The dog is not currently registered		
<b>Restraint</b>		<b>0 to 4</b>	<b>4</b>
Level 0	The dog was under adequate restraint e.g. caged or fenced in		
Level 1	The dog was under inadequate restraint e.g. could have been accidentally approached or could have easily escaped		
Level 2	The dog was at large (unknown)		
Level 4	The dog was at large (known)		
<b>Known by owner to be dangerous</b>		<b>0 to 4</b>	<b>2</b>
Level 0	Not known by the owner to have shown previous aggression		
Level 4	Known by the owner to have previously attacked		
<b>Recurrence likelihood</b>		<b>0 to 3</b>	<b>1</b>
Level 0	The circumstances relating to this incident are such that a reoccurrence is highly unlikely		
Level 3	The circumstances relating to this incident are such that a reoccurrence is highly likely		
<b>Trained to be aggressive</b>		<b>0 to 2</b>	<b>0</b>
Level 0	Not trained at all to be aggressive		
Level 1	Encouraged to be a guard dog		
Level 2	Professionally trained guard dog		
<b>Damages</b>		<b>0 to 1</b>	<b>0</b>
Level 0	No damages or damages paid voluntarily		
Level 1	Did not voluntarily offer to pay/damages unpaid		
<b>Breed characteristics</b>		<b>0 to 4</b>	<b>1</b>
(This section is evaluated mainly based on our experience, however a reference to the Macdonald Encyclopaedia of dogs, breed use, may be used. In the case of a mixed breed, evaluate the most predominant identified breed. For example Pit Bull type dogs are renowned for their propensity to attack.)			
Level 0	Not known for its aggression		
Level 1	Known as a guard dog breed		
Level 4	Notorious for attacking		
<b>Total</b>			<b>28</b>
<b>09 – 29 = Warning notice, menacing class &amp; or infringement</b>			
<b>30 – 36 = Dangerous dog classification &amp; or infringement</b>			
<b>Over 37 = Prosecution</b>			
<b>General comments and recommendation:</b>			
BANDIT is known by CROSBY to have aggression towards men with long pants and boots and she told me during the statement interview, She was expecting a food to be delivered from a woolworths truck and received a text stating the delivery was on the way so she opened the gate and was outside the back of the house hanging up laundry, the truck arrived without the final text and normally with that final text notifying her about the food delivery she puts BANDIT away. BANDIT ran round the house and she went through the house. BANDIT has bailed up [REDACTED] and bitten him on the hand a butt cheek. From my observed behaviour and the statement of Kim CROSBY I recommend classifying the dog as menacing and issuing an infringement fine under s.52A prec code 15. - \$200. 17 June 2025 BL - Agree with recommendation.			


## DOG CONTROL – COMPLAINANT / WITNESS / VICTIM INTERVIEW FORM

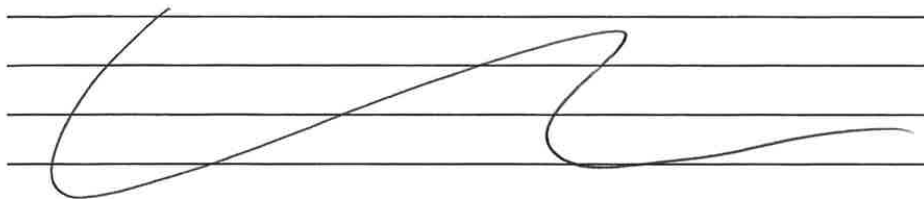
Date: 30 / 05 / 25 Time: 1330 AM / PMCCM Number: 1203675Incident: Person AttackedPlace statement taken: Officer Details: Ibanez Te Morri1. Confirm details on CCM as being correct: YES ☒ NO2. Full Name: 3. Address: 4. Phone: 5. Email: 6. Gender: ☒ MALE ☐ FEMALE 

7. Caregivers details if under 18 years old:

Full Name: Address: Phone: Email: Relationship: I am speaking to (Vic/Compl)  aboutan incident which occurred on 21 / 05 / 25 at about 08:40 AM / PM at(location) 

1. Where were you when the incident happened and what were you doing?

Delivering groceries to   
30/05/25



3. Was your dog on a lead at the time of the incident? No.

4. Where precisely was the offending dog/s when you first saw it /them? \_\_\_\_\_

Coming from the side of the house. I think the owner was at the rear of the property with the dog.

5. Was the offending dog/s on a lead? No.

6. How did the dog leave the property? N/A N/A.

7. Describe the nature of any injuries you/your dog have? N/A \_\_\_\_\_

No grasing or bruising. But the dog did bite me.

8. Did you seek any medical treatment? If so where and do you have the medical records?

N/A N/A

9. Did anyone (appearing to be in charge of the dog) say anything to you? \_\_\_\_\_

The owner said Sorry and asked if the dog 'got you' and said sorry that she didn't hear you arrive.

  
30/5/25

10. Did you hear a person call the dog/s by a name? No.

11. How close did the dog/s actually come to you? Made contact  
bit my hand and bum and pulled  
on my trousers

12. How far did the dog/s chase you? N/A No i didnt have  
the chance to run.

13. How did the incident end? with the owner pulling  
the dog into her garage and me  
leaving the property.

14. Are you familiar with the dog from this property? Yes i have  
delivered to this house since the  
dog was a puppy.

15. Have you had a problem with this dog before? Was it reported? Not reported  
but i have discussed the dogs  
behaviour with the owner when it  
was younger

16. Did you see anyone else in the area that saw what happened? No just  
the owner.

17. How was the dog behaving? Aggressive

Ⓟ  
30/05/25

18. What did you do to the dog? (ie. did you try to pat or kick it?) shoved  
him away with the toilet paper  
I was delivering.

19. Describe the property that the dog came from/returned to? (house colour, brick, wood, Fences etc.). N/A.

20. What number was on the letter box of the property that the dog came from? N/A

21. Can you tell me anything else that will convince me that we have the right dog? \_\_\_\_\_

I know this to be the dog that resides  
at this address.

19. How do you feel about the incident and what action do you believe should be taken?

I'm sad that it happened and it  
will have an effect on my other  
deliveries. I want the owner to be  
educated and perhaps the owner  
needs to get a more secure  
fence. I'd like for the owner to take  
responsibility for her dog.

20. Would you be prepared to go to court as a witness should this matter go that far?

N/A

☒ YES

NO

Ⓟ

30.5.25

## Description of the dog/s:

Breed: Herky type Colour: Brown dark  
Sex: Male / Female / Unknown Age: 1 year  
Size: Small / Medium / Large Build: Skinny / Lean / Med / Solid / Fat  
Markings: Black head and ears. Off blue collar.

Breed: \_\_\_\_\_ Colour: \_\_\_\_\_  
Sex: Male / Female / Unknown Age: \_\_\_\_\_  
Size: Small / Medium / Large Build: Skinny / Lean / Med / Solid / Fat  
Markings: \_\_\_\_\_

## Description of owner/person in charge of dog:

Name: Kim Crosby Ethnicity: European  
Sex: Male / Female / Unknown Age: Early 40's  
Height: 5'6 Build: Small  
Distinguishing features: Glasses

## Vehicle Details:

Make: \_\_\_\_\_ Model: \_\_\_\_\_  
Style: \_\_\_\_\_ Colour: \_\_\_\_\_  
Plate: \_\_\_\_\_ Distinguishing features: \_\_\_\_\_

This statement is true and correct, I have nothing further to add at this time.

Name:  \_\_\_\_\_

Signed:  \_\_\_\_\_ Date: 30/5/25



Statement of: 24. [REDACTED]

continues:

Question 21. What happened during incident?

Answer 21. So when I showed up at the property I listened for the dog that is normally barking in the garage. There was no noise so I knocked on the front door. The owner did not answer so I assumed they were out and left the gate open for me. I went back to the truck and grabbed the groceries and began placing them at the front door. The dog came around the corner of the house. He was not barking but his tail was raised. He started growling and beelined straight through the garden towards me. I picked up the toilet paper and patted the dog with it to keep distance between me and the dog. The dog went around the back of me circling me and bit my right hand then circled again and bit my right bum cheek. The owner came running and told me to stand still. The dog continued to circle me while the neighbour was trying to catch her dog. She grabbed the collar and dragged the dog back into the shed.

This statement is true and correct, I have nothing further to add at this time.

Name: [REDACTED]Signed: [REDACTED]Date: 30 / 5 / 25



I was expecting a food delivery from Woolworths, normally we receive two text messages outlining the arrival of my groceries, we received the first text with the arrival window, shortly before the arrival window I opened the gate. He Drivers arrived roughly 10 seconds after I opened the gate, before I received the second text, saying the Driver is nearly here which in this case I didn't look the day away sooner. The truck pulled into my Driveway "BANDIT" and I went out the back so I didn't see him pull up, my dog just heard it "BANDIT" ran around the house to the front I walked through the garage to open the garage door. I heard barking once the garage door had opened and he saw "BANDIT" barking and ~~my~~ circled the driver who was moving around with things in his hand trying to get "BANDIT" away. I then just grabbed "BANDIT" by his collar and walked him to his crate "BANDIT" had calmed down after that I checked the driver's <sup>car</sup> ~~car~~ what happened and ~~did he~~ <sup>he</sup> if he was OK he said "BANDIT" <sup>my dog</sup> ~~my dog~~ his hand but didn't draw blood. I didn't see any <sup>marks</sup> ~~marks~~ on him. I apologised, he said it was OK and continued to ~~wait~~ <sup>wait</sup> until the groceries and left.

signed by: Kim Crosby  
11 June 2025 - 11:44am

- Time: 0837hrs

- Date: 21 May 2025

Kim Crosby

11/06/2025  
1120hrs



**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>5.1 – Deliberations – Objection to menacing classification – Kim Crosby</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**