



AGENDA

Regulatory Hearings Panel meeting Monday, 11 May 2026

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

Date: Monday, 11 May 2026

Time: 9:00 am

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

**Marty Grenfell
Chief Executive**

Terms of reference – Regulatory Hearings Panel

Membership

Chair	Alan Tate
Deputy Chair	Mary Hill
Members	Puhirake Ihaka Amy Robinson Brent Lincoln
Hearings	Four members to be invited to each hearing on a rotating basis (i.e. Hearing 1, members A, B, C, and D; Hearing 2, members B, C, D and E; Hearing 3, members c, D, E and A; and so on). If one of the four members is unavailable, the fifth member will then be invited. This will not affect the future rotation pattern.
Quorum	At least two members
Meeting frequency	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;

- o matters under the Resource Management Act 1991; and
- o 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):
 - o 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:
 - o matters relating to the sale and supply of alcohol;
 - o matters under the Resource Management Act 1991; or
 - o 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.

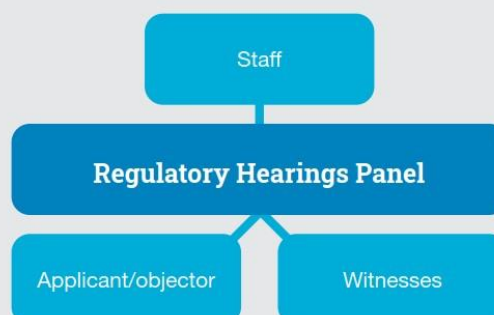
Regulatory Hearings Panel

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.

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- 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 April 2026

File Number: A20220632

Author: Anahera Dinsdale, Governance Advisor

Authoriser: Sarah Holmes, Team Leader: Governance & CCO Support Services

RECOMMENDATIONS

That the Minutes of the Regulatory Hearings Panel meeting held on 1 April 2026 be confirmed as a true and correct record.

ATTACHMENTS

1. Minutes of the Regulatory Hearings Panel meeting held on 1 April 2026



DRAFT MINUTES

**Regulatory Hearings Panel meeting
Wednesday, 1 April 2026**

UNCONFIRMED

Order of Business

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UNCONFIRMED

**MINUTES OF TAURANGA CITY COUNCIL
REGULATORY HEARINGS PANEL MEETING
HELD AT THE TAURANGA CITY COUNCIL CHAMBERS, L1, 90 DEVONPORT ROAD,
TAURANGA
ON WEDNESDAY, 1 APRIL 2026 AT 11:30 AM**

MEMBERS PRESENT: Mrs Mary Dillon (Chair), Mr Terry Molloy, Mr Alan Tate

IN ATTENDANCE: Deidre Ewart (Head of Regulatory Support & Compliance Services), Nigel McGlone (Manager: Compliance Services), Oscar Glossop (Team Leader: Animal Services), Malcolm Mills (Animal Services Officer), Clare Sullivan (Senior Governance Advisor), Anahera Dinsdale (Governance Advisor)

EXTERNAL: Mr Jesse Hartley

1 OPENING KARAKIA

Ms Anahera Dinsdale opened the meeting with a karakia.

2 APOLOGIES

APOLOGY

COMMITTEE RESOLUTION RHP/26/2/1

Moved: Mrs Mary Dillon
Seconded: Mr Terry Molloy

That the apology for absence received from Panel member Mr Puhirake Ihaka accepted.

CARRIED

3 DECLARATION OF CONFLICTS OF INTEREST

Nil

4 CONFIRMATION OF MINUTES

4.1 Minutes of the Regulatory Hearings Panel meeting held on 23 March 2026

COMMITTEE RESOLUTION RHP/26/2/2

Moved: Mr Terry Molloy
Seconded: Mr Alan Tate

That the Minutes of the Regulatory Hearings Panel meeting held on 23 March 2026 be confirmed

as a true and correct record.

CARRIED

At 11.42am the meeting adjourned.

At 12.06pm the meeting resumed in open.

5 BUSINESS

5.1 Regulatory Hearings Panel Report - Objector Jesse HARTLEY

Staff Oscar Glossop, Team Leader: Animal Services

External Mr Jesse Hartley

Key Points

- Presented the background of the case, stating that the disqualification notice was delivered due to repeated non-compliance with dog control requirements, including the dog not being muzzled or kept on the property as required.
- Noted that most recent visits and complaints were initiated by neighbours, not council staff, and that the dog owner had a history of repeat offending.
- Since 2021, Mr Hartley has received 13 infringements and on 1st May 2025 the Panel rescinded his disqualification. He has received a further four infringements since.

In response to questions

- Confirmed Mr Hartley paid the dog registration fee for Tuff Cookie upon getting his dog out of the pound.
- Recommends the five year disqualification as a dog owner and noted the three year in the report was a mistake.

Mr Jesse Hartley

Key Points

- Defended their actions, stating they were unprepared for the hearing and felt targeted by a specific neighbor, alleging that complaints were malicious and motivated by personal animosity.
- Claimed the dog was not dangerous, attributing incidents to the dog's breed and neighbourhood dynamics, and described efforts to comply with regulations, including using muzzles and improving fencing.
- Admitted to previous non-compliance, including not always having the dog on a leash or registered, but explained financial hardship and attempts to arrange payment plans for registration.
- Shared personal circumstances, including health issues, family impact, and emotional distress over the potential loss of the dog.
- Provided details about the dog's behavior, interactions with children, and steps taken to manage the dog in public.

- Questioned the fairness of the process and the accuracy of the complaints, suggesting that only two neighbours were responsible for most complaints.

In response to questions

- Confirmed Tuff Cookie was 80kgs and had been desexed.

Discussion Points Raised

Staff – Oscar Glossop

- If Mr Hartley was disqualified and Mr Hartley's wife assumed ownership of the dog, the dog could not remain at the same address under a new owner.

At 12.47pm the meeting adjourned.

At 12.52pm the meeting resumed in open/public excluded.

6 PUBLIC EXCLUDED SESSION

Resolution to exclude the public

COMMITTEE RESOLUTION RHP/26/2/3

Moved: Mrs Mary Dillon

Seconded: Mr Alan Tate

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
6.1 - Public Excluded Minutes of the Regulatory Hearings Panel meeting held on 23 March 2026	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a) - 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
5.1 – Deliberations – Objection to disqualification as a dog owner Jesse HARTLEY	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.
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CARRIED

5 BUSINESS CONTINUED

5.1 Regulatory Hearings Panel Report - Objector Jesse HARTLEY

COMMITTEE RESOLUTION RHP/26/2/4

Moved: Mr Alan Tate
Seconded: Mrs Mary Dillon

That the Regulatory Hearings Panel:

- (a) Receives the report "Regulatory Hearings Panel Report - Objector Jesse HARTLEY".
- (b) Upholds the disqualification for Mr. Hartley as a dog owner that will expire on 16 October 2028 (**Attachment 1**)

CARRIED

7 CLOSING KARAKIA

Ms Anahera Dinsdale closed the meeting with a karakia.

The meeting closed at 1:10pm.

The minutes of this meeting were confirmed as a true and correct record at the Regulatory Hearings Panel meeting held on 11 May 2026.

5 BUSINESS

5.1 Regulatory Hearings Panel Report - Objection to menacing classification – Riley WILLIAMSON

File Number: A20187841

Author: Oscar Glossop, Team Leader: Animal Services

Authoriser: Sarah Omundsen, General Manager: Regulatory and Community Services

Please note that this report contains confidential attachments.

Public Excluded Attachment	Reason why Public Excluded
Item 5.1 - Regulatory Hearings Panel Report - Objection to menacing classification – Riley WILLIAMSON - Attachment 6 - Public Excluded - Photo of Cat 1	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons.
Item 5.1 - Regulatory Hearings Panel Report - Objection to menacing classification – Riley WILLIAMSON - Attachment 7 - Public Excluded - Photo of Cat 2	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons.
Item 5.1 - Regulatory Hearings Panel Report - Objection to menacing classification – Riley WILLIAMSON - Attachment 8 - Public Excluded - Photo of Cat 3	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons.
Item 5.1 - Regulatory Hearings Panel Report - Objection to menacing classification – Riley WILLIAMSON - Attachment 9 - Public Excluded - Photo of Cat 4	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons.
Item 5.1 - Regulatory Hearings Panel Report - Objection to menacing classification – Riley WILLIAMSON - Attachment 10 - Public Excluded - Victim complaint email	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons.

PURPOSE OF THE REPORT

1. The purpose of this report is to determine an objection lodged under Section 33B, Dog Control Act 1996 against the decision of Tauranga City Council to classify the dog Spud as menacing, following a domestic animal attack incident that occurred on 28 August 2025 near Seychelles Drive, Papamoa.

RECOMMENDATIONS

That the Regulatory Hearings Panel:

- (a) Receives the report "Regulatory Hearings Panel Report - Objection to menacing classification – Riley WILLIAMSON".
 - (b) The Panel may:
 - (i) **Uphold** the menacing classification (Recommended); or
 - (ii) **Cancel** the classification if not satisfied the statutory threshold is met.
 - (c) **Attachment 6, 7, 8, 9 and 10** to remain in public excluded. This is to protect the privacy of natural persons as per Section 7(2)(a), Local Government Official Information and Meetings Act 1987.
-

EXECUTIVE SUMMARY

2. The Objector Riley Williamson is the registered owner of one dog, a two-and-a-half-year-old German Short Haired Pointer Cross named Spud.
3. On 28 August 2025 this dog was being walked off lead by the Objector's mother in a public reserve when it attacked a cat belonging to the Victim.
4. The incident resulted in severe injuries to the cat, which was subsequently euthanised due to complications associated to those injuries.
5. An investigation was undertaken by Tauranga City Council Animal Services. Following review, Animal Services determined that the Objector's dog met the criteria for menacing by deed due to involvement in a domestic animal attack.
6. The Objector disputes the classification.
7. The Panel is required to determine whether the statutory criteria for menacing classification are met, based on the evidence.

BACKGROUND

8. On the afternoon of Thursday, 28 August 2025, Spud was in the care of the Objector's mother and being exercised off-leash along the waterways reserve adjoining Seychelles Drive in Papamoa.
9. During the walk Spud was between some residential properties and the waterway when he approached a domestic cat. Spud grabbed the cat around the torso and began shaking it.
10. As the incident unfolded, both Spud and the person in charge entered the waterway. A member of the public intervened by entering the waterway and assisted in removing the cat from Spud's mouth.
11. The cat sustained severe injuries as a result of the attack and was taken immediately for emergency veterinary treatment by the Victim. The Victim's cat required ongoing veterinary care over the following weeks, including pain management and hospitalisation. Despite treatment, the cat's condition deteriorated. Several weeks after the attack, the decision was made to euthanise the cat due to its deteriorating condition caused by the injuries sustained.
12. The incident was not reported for over two months because the Victim found it difficult to revisit and wished to avoid the painful memory. However, the Victim was concerned that the owners showed little remorse and was worried that Spud might attack again.
13. No formal veterinary report or invoices were provided to Council; however, the complainant supplied written statements and photographs documenting the cat's treatment and decline.

14. Animal Services investigated the attack. Following the investigation, an infringement for failure to control was issued to the person in charge at the time, and the dog was classified as menacing under section 33A(1)(b)(i) of the Dog Control Act 1996.
15. Factors considered included that the dog was off-leash and not under effective control, that the dog was already known to chase other animals, an electric training collar was being used for this purpose however did not prevent the behaviour, and that the person in charge was unable to stop the attack once it commenced but balanced against the fact that they were not the owner.
16. Though a lesser outcome was chosen, it is noteworthy that Animal Services considers there would have been sufficient evidence to charge the person in charge of the dog with an attack, and a reasonable prospect of conviction under section 57, Dog Control Act 1996. Upon conviction for an attack, if the court is satisfied that the dog has committed an attack the court must make an order for the destruction of the dog except in exceptional circumstances.
17. Animal Services considered a menacing classification, requiring Spud to be muzzled in public, would sufficiently manage the risk posed by Spud without the need for a more punitive and definitive outcome.
18. The Objector has provided videos of Spud being recalled and the use of the electronic training collar in response to the dog showing prey interest by “pointing.” Whilst this control and negative stimulus training is a good step, it will not of itself necessarily stop the dog and requires either the dog’s attention or pressing of the right buttons to work. In rapidly unfolding situations this can be very difficult, as evidenced during this attack. It is likely that the dog will not “point” if proximity to the perceived prey overwhelms the dog’s drive. Which means there could be no warning for a human to give commands or push the button.
19. The Objectors have provided letters of support referencing Spud’s temperament, specifically around other dogs. These in no way address the conflicting elements of Spud’s aggressive prey drive and the Objector’s inability to control this risk.

STATUTORY CONTEXT

20. Under Section 33A(1)(b)(i), Dog Control Act 1996, a territorial authority may classify a dog as menacing that the authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of the dog.
21. Owners have the right to object to such a classification under Section 33B, with the objection determined by the Regulatory Hearings Panel.
22. In considering the objection 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.

STRATEGIC ALIGNMENT

23. This contributes to the promotion or achievement of the following strategic community outcome(s):

	Contributes
We are an inclusive city	✓
We value, protect and enhance the environment	<input type="checkbox"/>
We are a well-planned city that is easy to move around	<input type="checkbox"/>
We are a city that supports business and education	<input type="checkbox"/>
We are a vibrant city that embraces events	<input type="checkbox"/>

24. The matter aligns with Tauranga City Council's objectives of **public safety, responsible dog ownership, and effective regulatory enforcement** to minimise harm to people and animals.

OPTIONS ANALYSIS

25. There are two options available to the panel:
- (i) **Uphold** the menacing by deed classifications for both dogs; or
 - (ii) **Cancel** the classification if not satisfied the statutory threshold is met.
26. Each option must be assessed against the evidence and statutory tests.

FINANCIAL CONSIDERATIONS

27. There are no foreseeable financial considerations associated with this decision.

LEGAL IMPLICATIONS / RISKS

28. The decision must be demonstrably based on evidence and statutory authority to withstand judicial review.

TE AO MĀORI APPROACH

29. This matter is a regulatory enforcement issue. No specific Te Ao Māori considerations have been identified as applicable.

CONSULTATION / ENGAGEMENT

30. Engagement has been completed with the Objectors and Victim. Further engagement is not applicable for this matter.

SIGNIFICANCE

31. 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.
32. 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.
33. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of low significance.

ENGAGEMENT











34. 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.

Click here to view the [TCC Significance and Engagement Policy](#)

NEXT STEPS

35. Following the hearing, the Panel's decision will be formally notified to the Objector. Any ongoing compliance or enforcement actions will be undertaken in accordance with the final determination.

ATTACHMENTS

1. **Menacing classification - A20189608**  
2. **Objection to classification - A20189449**  
3. **Letter of support re Spud 1 - A20189722**  
4. **Letter of support re Spud 2 - A20189723**  
5. **Photo of training collar - A19863557**  
6. **Public Excluded - Photo of Cat 1 - A20190300 - Public Excluded**
7. **Public Excluded - Photo of Cat 2 - A19516571 - Public Excluded**
8. **Public Excluded - Photo of Cat 3 - A19516572 - Public Excluded**
9. **Public Excluded - Photo of Cat 4 - A19516573 - Public Excluded**
10. **Public Excluded - Victim complaint email - A20214942 - Public Excluded**



Tauranga City

NOTICE OF CLASSIFICATION

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

Date 23/01/2026 CCM 1236505

Name RILEY JANE WILLIAMSON

Address [REDACTED]

DELIVERY CONFIRMATION

Recipient name [REDACTED]

Signature [REDACTED]

Date 23/01/2026 Time 10:40

Served by Malcolm Mills

Signature [REDACTED]

Dog details

Dog ID [REDACTED]

Primary breed [REDACTED]

Microchip No [REDACTED]

Secondary breed [REDACTED]

Name SPUD

Primary colour [REDACTED]

Sex [REDACTED]

Secondary colour [REDACTED]

Age [REDACTED]

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 Thursday 28 August 2025 at 4:00pm, Spud attacked a cat near the waterways of Seychelles Drive, Papamoa, causing significant injuries to the cat. The cat did not recover and was put down several weeks later.

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

ADDITIONAL INFORMATION

Signature [REDACTED]

Dated: 23/01/2026

Name Oscar Glossop

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 or by mail to: **Animal Services, Private Bag 12022, Tauranga 3143, New Zealand.**

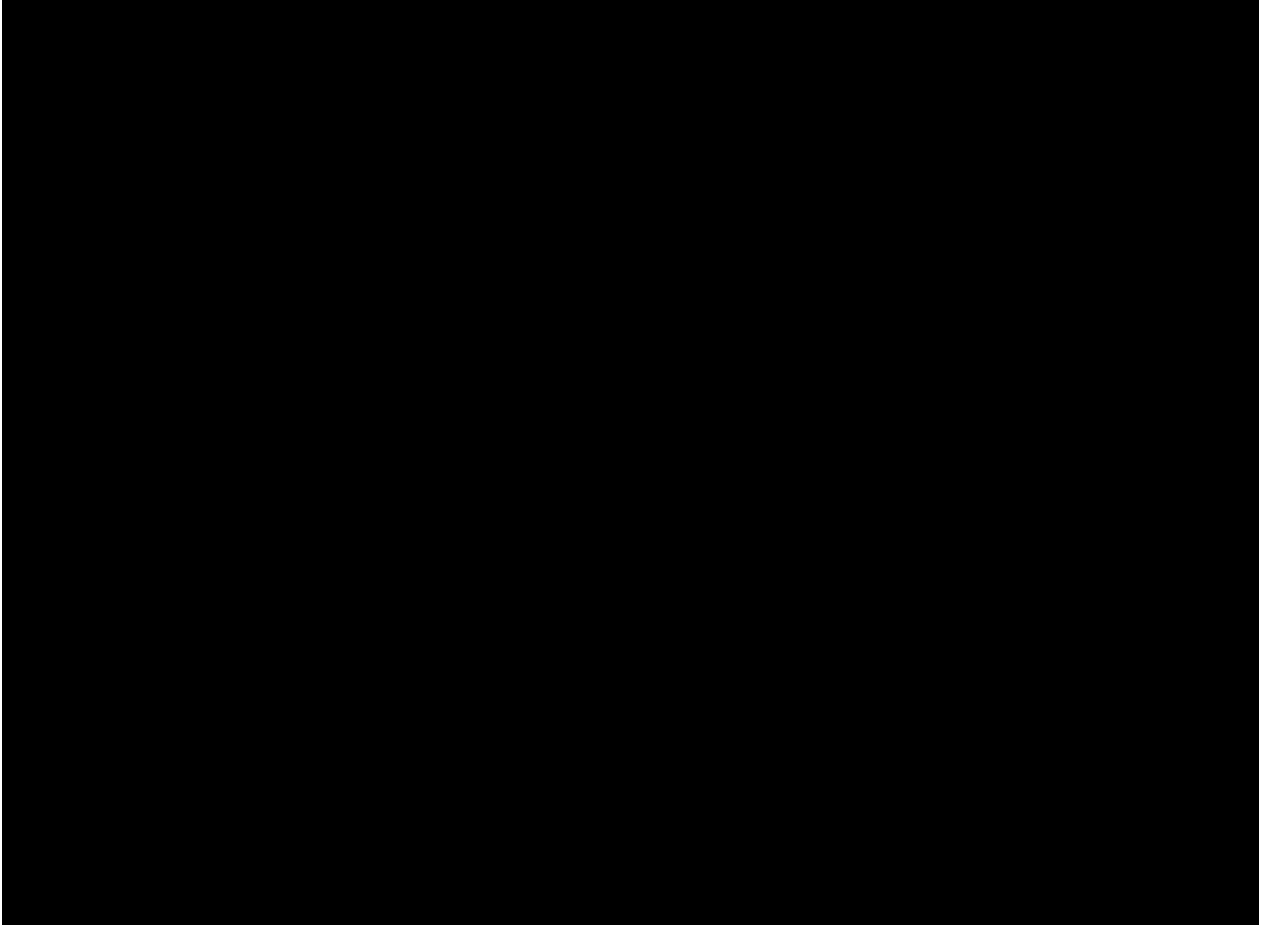
Note: Any objection heard by the Regulatory Hearings Panel is a publicly notified meeting and members of the public, including the media may attend. The details of the Council report and the hearing, including your name and your dog's name, may be published. Your contact details will not be reported.

Objection to classification of menacing dog

Issue with Classification

- Firstly, I am not condoning that our dog attacked a cat in an off leash area, this is unacceptable and I am apologetic about this.
- I was later informed the 19 year old cat had a pneumonia, and had to be put down several weeks later, which I have assumed is a complication of the pneumonia- though I have not seen a vet report that shows the cause of the cats death. I was made aware of this on the 26th January 2026.
- Our dog was adopted from the Rotorua SPCA, so we were aware that he would require quite intensive training and socialisation from a young age, as we were not sure what breed he was or his nature. Our guess was some kind of bird dog as the dominant breed. We were prepared for this. He attended a dog daycare from ~6 months old, and although boisterous and full of energy, not once described as anti-social, aggressive to other dogs (at this point he was not neutered as was too young), or menacing.
- The main reason that I wish to object to the classification of menacing is because of the extensive training we have done with him to ensure that he behaves appropriately both on and off lead. We have done e-collar stimulus training with him, which means that when he shows any behaviour that indicates he scents another animal eg. Bird, cat, he indicates this by pointing (raising one front leg) and his ears go up, he receives the command "LEAVE" and a negative stimulus from the e-collar remote- this is usually a beep which shows to him he needs to stop this behaviour in addition to the command 'LEAVE'. We have trained that if he does not respond to a beep then there is a firm vibration from the collar. To further this, if he does not respond to the vibration and cease his behaviour and the behaviour continues eg, chasing, then he receives a shock. The training for this has been done on a farm with other farm dogs which receive the same training as not to chase stock, birds, rabbits etc, which has been successful.
- The issue the day that the incident occurred 28/08/25, was when my mother was doing a favour to us, and walking the dog. Because she was not attuned to his pointing/gesturing behaviour that he had seen or smelt something, she did not give him the appropriate call and consequent stimulus so Spud chased the cat without my mother giving him the negative stimulus to cease the behaviour.

- I have attached media showing him reacting to the 'LEAVE' command, both on and off lead, and attempted to capture his pointing/alerting behaviour that then requires us to say 'LEAVE' or to give him a beep stimulus if he does not respond.
- I have also attached documentation to from both the daycare he used to attend as a puppy and also from the kennels he stays in- most recently 19/20th February, which is run by a dog trainer, both of which have never noted any aggressive or menacing behaviour while he was in their care.



From: Riley Smith [REDACTED]
Subject: Re: Spud
Date: 27 February 2026 at 10:21 AM
To: [REDACTED]

RS

On 27/02/2026, at 10:17 AM, [REDACTED] wrote:

Hi Riley!

Thank you hope you and spud are too! Crazy I was just thinking about spud the other day!

Great that you're reaching out to ask,

No none at all, never had any issues with grumpy behaviour or anti social let alone aggressive around other dogs.

While he was entire he had times of being hormonal heightened, always in a playful excitement way

Hope all is okay! Let me know if you need anything further.

All the best



On 27 Feb 2026, at 10:09 am, Riley Smith <smith.riley.j.21@gmail.com> wrote:

Hey [REDACTED]

Hope you are well.

Sorry for the email out of the blue, I know it's been a while since Spuddy was there, and I just have a quick question for you. When he was there, did you notice any anti-social or aggressive behaviour from him? We've never seen it but I just wanted to see whether he showed this around the other dogs when he was there.

Thanks so much, have a good day.

Riley

From: [REDACTED]
Subject: Re: [REDACTED]
Date: 27 February 2026 at 10:46 AM
To: Riley Smith [REDACTED]



Hi Riley

Thanks for that!). Nope never once has he been aggressive to anyone - he just seems very much a glass half full dog who loves to get involved in any play that is happening!!!! So that's great especially as he is so big!!

Cheers

[REDACTED]

On Fri, Feb 27, 2026 at 10:15 AM Riley Smith [REDACTED] wrote:

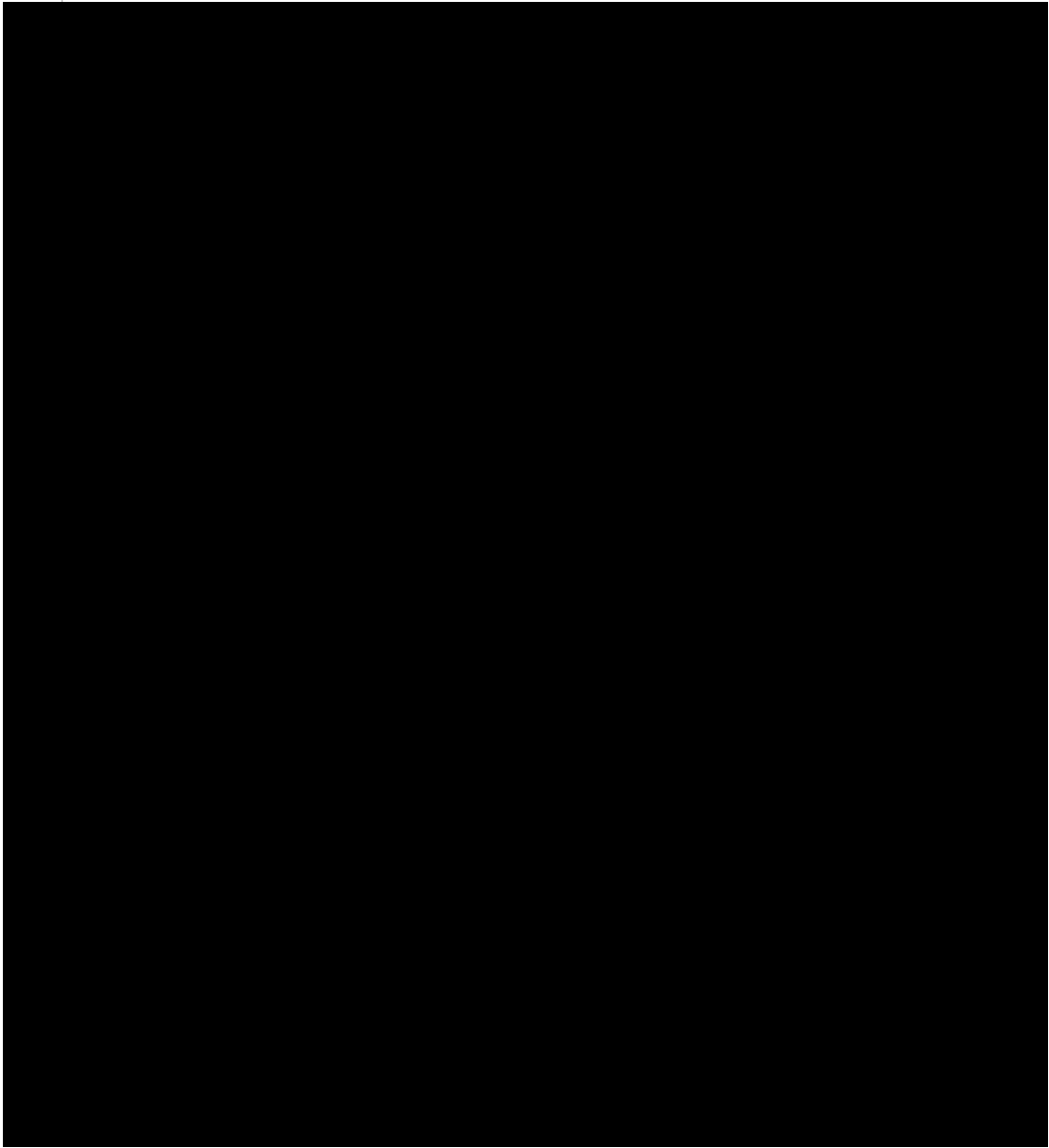
Hi [REDACTED]

Thanks heaps for that, invoice has been paid (screenshot attached).

Just a quick question for you. Has Spuddy ever shown any anti-social, aggressive or menacing behaviour to other dogs when he's there with you? We've never seen any behaviour like this with him and I really don't think it's in his nature but just wanting to check whether you have noted any.

Thanks heaps, have a lovely day.

Riley





5.2 Regulatory Hearings Panel Report - Objection to menacing classifications - Micheal STOCKS & Tanya DRUMMOND

File Number: A20187832

Author: Oscar Glossop, Team Leader: Animal Services

Authoriser: Sarah Omundsen, General Manager: Regulatory and Community Services

Please note that this report contains confidential attachments.

Public Excluded Attachment	Reason why Public Excluded
Item 5.2 - Regulatory Hearings Panel Report - Objection to menacing classifications - Micheal STOCKS & Tanya DRUMMOND - Attachment 4 - Public Excluded - Victim Statement	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons.
Item 5.2 - Regulatory Hearings Panel Report - Objection to menacing classifications - Micheal STOCKS & Tanya DRUMMOND - Attachment 5 - Public Excluded - Offender Statement	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons.
Item 5.2 - Regulatory Hearings Panel Report - Objection to menacing classifications - Micheal STOCKS & Tanya DRUMMOND - Attachment 6 - Public Excluded - Vet Report Victim's Dog 1	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons.
Item 5.2 - Regulatory Hearings Panel Report - Objection to menacing classifications - Micheal STOCKS & Tanya DRUMMOND - Attachment 7 - Public Excluded - Vet Report Victim's Dog 2	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons.

PURPOSE OF THE REPORT

- The purpose of this report is to determine an objection lodged under Section 33B, Dog Control Act 1996 against the decision of Tauranga City Council to classify the dogs Billy and Zia as *menacing by deed*, following a dog attack incident that occurred on 1 March 2026 at Rotary Park, Maungatapu.

RECOMMENDATIONS

That the Regulatory Hearings Panel:

- (a) Receives the report "Regulatory Hearings Panel Report - Objection to menacing classifications - Micheal STOCKS & Tanya DRUMMOND".
 - (b) The Panel may:
 - (i) **Uphold** the menacing classifications for both dogs (Recommended); or
 - (ii) **Uphold** the menacing classification for **one of the dogs** only and cancel the other if not satisfied the statutory threshold is met for one dog.
 - (iii) **Cancel** the classifications for both dogs if not satisfied the statutory threshold is met for both dogs.
 - (c) **Attachment 4, 5, 6 & 7** To remain in public excluded. This is to protect the privacy of natural persons as per Section 7(2)(a), Local Government Official Information and Meetings Act 1987.
-

EXECUTIVE SUMMARY

2. The Objectors Michael Stocks and Tanya Drummond are the owners of three dogs.
3. On 1 March 2026 the Objectors were at Rotary Park, Maungatapu, when a dog attack occurred involving their three dogs, and two dogs owned by the victim.
4. The incident resulted in injuries to the victim's dogs, including the euthanasia of one dog later that day due to severe injuries.
5. An investigation was undertaken by Tauranga City Council Animal Services. There were no independent witnesses identified. Following review, Animal Services determined that two of the Objectors' dogs met the criteria for menacing by deed due to involvement in a domestic animal attack.
6. The Objectors dispute the classifications.
7. The Panel is required to determine whether the statutory criteria for menacing classification are met, based on the evidence.

BACKGROUND

8. Michael Stocks is the owner of Frank, a 6-year-old Bull Mastiff Cross, and Zia, a 6-year-old Whippet Cross. Frank was classified as menacing in 2024.
9. Tanya Drummond is the owner of a Billy, a 6-year-old Whippet Cross.
10. On 1 March 2026, both parties were present at Rotary Park, Maungatapu, with their dogs off lead.
11. It is accepted by all parties that a physical altercation occurred between dogs.
12. It is also accepted that Frank was not muzzled, in a public place, contrary to the conditions of his menacing classification.
13. The victim reported the incident immediately. The Objectors never reported the incident and were only identified through extensive investigation.
14. A veterinary report clearly describes bite injuries to both of the Victim's dogs, one of which was euthanised later the same day due to the nature of the injuries.
15. Where the parties accounts differ is in how the incident began, the extent of injuries and which dogs were involved.

16. The Victim stated that he and his dogs were already present but swimming behind a rock embankment, and that all three of the Objectors' dogs ran towards and attacked his dogs. In a signed statement the Victim clearly described all three of the Objectors' dogs and that all three were still attacking as he tried to pick up his dogs and Mr Stocks was trying to grab his own. This matches the considerable injuries sustained by the victim's dogs and proximate nature of the scene.
17. The Objectors state that when they arrived at the park there were no people or dogs visible, and that one of the Victim's dogs later ran across the park and initiated the altercation by attacking their dogs. They say Zia acted defensively, Frank ran away, and Billy was not involved at all, being elsewhere near the parked vehicles. This is a direct contradiction as to which dogs approached first and how many dogs were involved. This account fails to provide explanation for the serious injuries to both of the Victim's dogs or the location of the other dogs during the attack.
18. There is a difference in accounts regarding the Victim's facial injury. The Victim initially stated he was bitten while trying to intervene and was unsure which dog bit him. The Objectors assert that the Victim was bitten by his own dog after it was handed back to him. Council officers observed the injury appeared consistent with a bite from a smaller dog. The lack of certainty in the evidence relating to an attack on a person lead the council investigation outcome to focus on the dog-on-dog attack.
19. In addition to these differences between the parties, Council identified internal weaknesses within the Objectors' own statements and objection letter.
20. First, the Objectors are very certain that Billy was not involved, yet they also acknowledge that all dogs were off lead, the incident unfolded quickly, and they did not see the victim or his dogs until the situation was already developing. They do not explain how Billy's whereabouts was monitored during this period or how the victim could describe Billy as actively involved in the attack when they claim he was not present.
21. Secondly, the Objectors emphasise responsible ownership by carrying leads and using collars, while also acknowledging that their dogs were roaming freely and that they were unaware of the Victim's presence until the altercation was imminent. They make this emphasis despite a requirement to have Frank muzzled and to have all dogs under control as per the Dog Control Act 1996. In their objection letter, the Objectors also acknowledge that they regularly allow Billy to chase seagulls at Rotary Park. Seagulls can be protected wildlife, and it is an offence in itself to allow a dog to chase them. This admission on its own could be grounds for a menacing classification and further undermines any inclination by the Objectors to maintain effective control.
22. Thirdly, the Objectors describe Zia's behaviour as purely defensive, while at the same time minimising the seriousness of the altercation and questioning whether the victim's dogs were injured at the park at all. These positions are difficult to reconcile given the confirmed veterinary outcome. The caselaw definition of an attack, Section 57, Dog Control Act 1996, is simply "making physical contact." There are no statutory pre-emptive or defensive grounds for an attack not being an offence, only a requirement that the owner must have their dog under effective control. What is clear is that the Objectors did not have their dogs under control when they attacked the Victim's dog causing severe injuries, ultimately resulting in the euthanasia of one of the Victim's dogs.
23. Despite conflicting accounts and evidential limitations, Animal Services concluded that an attack did occur involving all three of the Objectors' dogs.
24. The evidence supports Animal Service's consideration that the dogs Zia and Billy pose a risk sufficient to classify them as menacing.

STATUTORY CONTEXT

25. Under Section 33A(1)(b)(i), Dog Control Act 1996, a territorial authority may classify a dog as menacing that the authority considers may pose a threat to any person, stock, poultry,

domestic animal, or protected wildlife because of any observed or reported behaviour of the dog.

26. Owners have the right to object to such a classification under Section 33B, with the objection determined by the Regulatory Hearings Panel.
27. In considering the objection 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.

STRATEGIC ALIGNMENT

28. This contributes to the promotion or achievement of the following strategic community outcome(s):

	Contributes
We are an inclusive city	<input checked="" type="checkbox"/>
We value, protect and enhance the environment	<input type="checkbox"/>
We are a well-planned city that is easy to move around	<input type="checkbox"/>
We are a city that supports business and education	<input type="checkbox"/>
We are a vibrant city that embraces events	<input type="checkbox"/>

29. The matter aligns with Tauranga City Council's objectives of **public safety**, **responsible dog ownership**, and **effective regulatory enforcement** to minimise harm to people and animals.

OPTIONS ANALYSIS

30. There are three options available to the panel:
- (i) **Uphold** the menacing by deed classifications for both dogs; or
 - (ii) **Uphold** the menacing classification for one of the dogs only and **cancel** the other if not satisfied the statutory threshold is met for one dog.
 - (iii) **Cancel** the classifications for both dogs if not satisfied the statutory threshold is met for both dogs.
31. Each option must be assessed against the evidence and statutory tests.

FINANCIAL CONSIDERATIONS

32. There are no foreseeable financial considerations associated with this decision.

LEGAL IMPLICATIONS / RISKS

33. The decision must be demonstrably based on evidence and statutory authority to withstand judicial review.

TE AO MĀORI APPROACH

34. This matter is a regulatory enforcement issue. No specific Te Ao Māori considerations have been identified as applicable.

CONSULTATION / ENGAGEMENT

35. Engagement has been completed with the Objectors and Victim. Further engagement is not applicable for this matter.

SIGNIFICANCE

36. 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.
37. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
- the current and future social, economic, environmental, or cultural well-being of the district or region
 - any persons who are likely to be particularly affected by, or interested in, the decision.
 - the capacity of the local authority to perform its role, and the financial and other costs of doing so.
38. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of low significance.

ENGAGEMENT







39. 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.

Click here to view the [TCC Significance and Engagement Policy](#)

NEXT STEPS

40. Following the hearing, the Panel's decision will be formally notified to the Objectors. Any ongoing compliance or enforcement actions will be undertaken in accordance with the final determination.

ATTACHMENTS

- 1. Objection Letter - A20207978**  
- 2. Map of incident - Victim - A20207965**  
- 3. Support email - A20208286**  
- 4. Public Excluded - Victim Statement - A20208008 - Public Excluded**
- 5. Public Excluded - Offender Statement - A20207998 - Public Excluded**
- 6. Public Excluded - Vet Report Victim's Dog 1 - A20207981 - Public Excluded**
- 7. Public Excluded - Vet Report Victim's Dog 2 - A20207994 - Public Excluded**

Objection to Classification under section 33B of the Dog Control Act 1996

Owners: Tanya Drummond and Michael Stocks

Dog ID's: 48015 "Billy" 63813 "Zia"

Background

This relates to an incident that happened in Rotary Park in Maungatapu on 1 March 2026 at approximately 8:20am.

We took our dogs to the park as we often do for a swim and a run around. When we got to the park, we saw no people or dogs other than the freedom campers who were in their vans. Our dogs were around the rubbish bin and tree area sniffing when we heard the complainant yelling, in a very panicked voice, "*Grab your dogs mate, she's going to start a fight*". At that time, we saw the complainants dog approaching 2 of our dogs, Frank and Zia. The complainant had emerged from the water and was also heading towards the dogs, but he was across the other side of the park where he had been swimming and could not get to his dog in time to stop her. The complainant was calling his dogs and kept yelling, "*she's going to start a fight, get your dogs!*" Mike ran towards dogs. We were very concerned for their safety as the complainant was clearly aware that his dog was aggressive. When his dog reached ours, she attacked Frank, who ran away and then she launched at Zia. Zia defended herself and a fight ensued between Zia and one of the complainant's dogs. Mike reached the dogs within seconds of the fight commencing. Mike separated the dogs and, as the complainant had only just arrived at the scene, handed the complainant his dog. The complainant's dog then turned and bit him on the face. The complainant's dog was hanging from his chin for a second before he pulled it loose.

Billy was not involved in the altercation at all. He was not in the area of the other dogs; he was in front of the cars parked at the carpark. The complainants second dog also was not involved in the fight, but it did come over to where the dogs were, and it was barking. Frank was the first dog that the complainant's dog attacked, but he managed to avoid the bite and he ran away.

Grounds for appeal

We are appealing Billy's classification on the following grounds:

1. Billy was not involved in the altercation. This has been part of our statement all along. The complainant only saw that we had 3 dogs when we called Billy and put him in the ute with Frank and Zia.
2. Billy is a kind, well trained dog who has always played well with the other dogs. The claim that the complainant has made is not only unfounded and false, but also well out of character for Billy. Billy has never been accused of aggressive or menacing behaviour towards people or other animals.

We are appealing Zia's classification on the following grounds:

1. The complainant's statement of events is false. His dog was the aggressor. He had his 2 hunting dogs, which he clearly knew were aggressive in nature, off lead at a park without collars on and he had no leashes with him.
2. The complainant yelled warnings to us from across the park that his dog would attack. Zia did not attack the complainant's dog. Zia merely defended herself when she attacked.
3. Zia is not an aggressive dog. She is intelligent, kind and well trained. She has never been accused of fighting or attacking any person or animal. She plays well with other dogs. This fight only occurred because the complainant's aggressive dog was off lead and came across the park to attack Zia.

Unfounded and unreliable claims

We have not seen the statement that the complainant gave to the Council so we cannot comment on the statement of events that he has provided to you. However, we have read the article in the Bay of Plenty times in which he recounts his version of events, the majority of which is completely false.

He does admit to swimming with his dogs off lead. Because the complainant and his dogs were in the water behind the rock embankment, we did not see them. The altercation however, took place in the park close to the car park area. The complainant's dogs approached ours from where they were at the water's edge and although he was calling them, he was unable to stop them from approaching us.

I took a video of the complainant at the park which has been provided to Council. In the video I tell the complainant how concerned we were when we heard him yelling "*she's going to start a fight*" at the top of his lungs. The complainant responded, "*yeah well, your dogs should have been under control.*" I further challenged him about his dogs running across the park to ours, without collars and without him having a leash, he did not deny this accusation at all. Our dogs were wearing collars, and we had leashes with us.

In the news article, the complainant claims that one of our dogs bit him in the face and that he had scratches and bites up his arms as a result of trying to remove his dogs from a fight. It is clear, and Council have accepted, that the bite on his face was too small to come from any of our dogs. This bite came from his own dog who turned and bit him on the face when Mike handed the complainant his dog. The video also clearly shows that the complainant had no scratches or bites on his arms at the time of the event. This is because he did not reach the dogs until after Mike had separated them. We did not get an opportunity to take photos of his dogs at the park as he put them in his van very quickly and closed the door.

It is our continued position that only one of his dogs and only one of our dogs were involved in the fight, and none of the dogs were seriously hurt as a result of this incident. The complainant was incredibly aggressive towards us after the incident. He was very much on the attack and did not accept any responsibility for having his dogs off lead, despite knowing

that at least one of his dogs would attack our dogs. As you would have seen from the video taken at the park, the complainant is more concerned with trying to point the finger at us than he is about taking his dogs to the vet.

In the news article, the complainant claims he is from Mount Maunganui and yet he takes his dogs to Hamilton and seeks treatment for the bite his dog inflicted upon him at Waikato Hospital. He claims in the article that one of the dogs was bleeding out and yet he does not seek immediate treatment for the dog in Tauranga?

It is entirely possible that the complainant's dogs were in another fight between Sunday morning and when he sought treatment, or that they turned on each other. There is no proof that the complainant's dogs sustained any injuries as a result of the altercation with our dog Zia at the park on 1 March 2026.

The facts and the evidence do not support the complainant's statement of the events. The complainant's story is contradictory, completely unfounded and false.

Proportionality

We have taken our dogs to Rotary Park once or twice a week for over 2 years. Billy loves swimming, chasing sticks in the water and chasing the seagulls on the mudflats. Zia is a pocket rocket and loves flying along the mud flats with Billy. They have met numerous dogs at the park over the years without incident. We have **attached** an email from a person I met at the park only a week or so before this incident took place. In this email, [REDACTED] attests to playful and non-aggressive nature of Billy and Zia, who were playing with his 2 year old Labrador and 2 other dogs (belonging to another person) for over 45 minutes. Billy, Zia and the other dogs were all off lead, and our dogs had never met [REDACTED] dog or the other dogs at the park before that day.

We respectfully request the panel consider whether a permanent menacing classification is justified in these circumstances for Billy or Zia, neither of whom have shown aggression or been involved in a situation like this before. Billy was not involved in the altercation and Zia was only defending herself against an attack. The incident arose as a result of an attack from the complainant's dog. The complainant's dog would have attacked any dog in the park that day, we were the unlucky ones. The way that the complainant yelled a warning to us from across the park it was obvious that he knew that his dog was aggressive and would attack. Neither of our dogs caused the altercation or attacked any person or any other animal. Billy and Zia do not pose an on-going threat to other dogs or people.

Given the complainant's version of events is inconsistent at best, we ask you to consider whether it be fair or just to classify our dogs as menacing for the rest of their lives based solely on this person's inconsistent, unreliable and false statement.

Owners statement

Mike and I are respectful and honest people, and we are always conscious of the other dogs and people that are at the park at any given time. In most cases, we allow Billy and Zia off lead as they are well socialised and play well with other dogs. If there are other dogs on lead at the park, or if it seems that the other dogs at the park are not friendly, we walk our dogs on lead usually, out on the mud flats, until the other dogs have left. Our dogs always wear collars and we always carry leads.

We have told the complete and full truth about the events of that day, and we fully co-operated with the Council team while they carried out their investigations. Mike visited the park almost every day after the incident to see if he could find anyone who was there on Sunday morning who could bear witness and provide an independent account of events. We choose not to speak to the media in response to the complainant's story, which the reporter themselves acknowledged was dubious and inconsistent. We did not want Council to feel pressured into deciding the fate of any party as a result of a sensationalised news article. We understand and accept due process and just hope that the truth can be heard despite all the noise.

Reflections

We have spent many days and nights reflecting on the events of that day. If we had seen the complainant's dogs running free without collars while the complainant was swimming, we would most likely have kept Billy and Zia on leads. Unfortunately, we did not see the dogs until they were running across the park towards us.

Mike and I spoke about contacting the Council after the event, and the only reason we did not was because the complainant seemed already down on his luck. It looked like he was living out of his van, and his dog had just attacked ours and bitten him in the face. In hindsight, we regret not reporting this incident to Council as his dog would have attacked any dog in the park that day. I also regret not asking him to open his van so that we could take photos of his dogs as evidence of their condition after the event. We, somewhat naively, expected the other party to be truthful about the events of the day, but we will not make that mistake again.

Thank you for taking the time to review our objection.

Yours sincerely

Tanya Drummond and Michael Stocks

Fwd: Billy & Zia



Mike Stocks [redacted]
To: Tanya Drummond

Reply Reply All Forward ...

Fri 20/03/2026 6:32 am

----- Forwarded message -----

From: [redacted]
Date: Thu, 19 Mar 2026 at 10:27 PM
Subject: Re: Billy & Zia
To: Mike Stocks [redacted]

To whom it may concern,

I met Tanya and her dogs Billy and Zia at Rotary Park while I was walking my dog [redacted]. Both Billy and Zia played happily with my dog and 2 other dogs at the park belonging to another person. At no time did I feel that Billy or Zia were dangerous, aggressive or menacing and I would be happy for my dog to play with them again. Tanya also had Frank in her ute, where he stayed the entire time that she was there.

Kind Regards

[redacted]

5.3 Regulatory Hearings Panel Report - Appeal to retention of dogs threatening public safety – Muriwai POPATA-KAITOA

File Number: A20187846

Author: Oscar Glossop, Team Leader: Animal Services

Authoriser: Sarah Omundsen, General Manager: Regulatory and Community Services

PURPOSE OF THE REPORT

1. To consider an application under section 71(4) of the Dog Control Act 1996 (**the Act**) from Muriwai Popata-Kaitoa, for the release of her dogs Sasha and Blue.e which are currently retained by Tauranga City Council pending prosecution.

RECOMMENDATIONS

That the Regulatory Hearings Panel:

- (a) Receives the report "Regulatory Hearings Panel Report - Appeal to retention of dogs threatening public safety – Muriwai POPATA-KAITOA".
- (b) After considering whether it is satisfied that the release of the dogs would not threaten public safety under section 71(5) of the Dog Control Act 1996, resolves to either:
 - (i) **Uphold** the retention of both dogs pending prosecution (**Recommended**); or
 - (ii) Grant the **release** of **one** of the dogs pending prosecution, subject to any lawful conditions, and retain the other.
 - (iii) Grant the **release** of **both** of the dogs pending prosecution, subject to any lawful conditions.

EXECUTIVE SUMMARY

2. The Appellant Muriwai POPATA-KAITOA is the owner of the dogs Sasha, a three-and-a-half-year-old Rottweiler, and Blue.e, a 4-year-old Staffordshire Bull terrier Cross. These dogs are retained under section 71, Dog control Act, pending prosecution for three charges arising from a serious dog attack on people and stock on 14 November 2025.

BACKGROUND

3. Circumstances

On Friday 14th November 2025, at approximately 2:55pm, the Appellant was walking from Gordon Spratt Reserve along Parton Road, Papamoa, heading towards Te Puke with her partner at the time and their 3 dogs each.

4. All six dogs were off lead at the time.

5. They entered the shared carpark of several businesses on the corner of Tara Road and Parton Road, including a dentist, medical centre, pharmacy, physiotherapist, Flooring Xtra, NZ post outlet and a daycare centre.

6. Section 57 – Attack on the Appellant

A confrontation occurred between the Defendants and a male motorist. This escalated into a physical altercation between the motorist and the Appellant's partner.

7. The Appellant joined in the physical altercation as the motorist returned to his vehicle.
8. During the altercation, the dog Sasha attacked the Appellant, biting her multiple times and causing numerous injuries, including deep puncture wounds to both sides of her upper right arm. (Attachment)
9. **Section 57 – Attack on the Victim**
The Victim was driving past after collecting his daughter from daycare. He witnessed the attack on the Appellant and stopped to assist.
10. While attempting to stop the attack, the Victim pulled the dog Sasha away from the Appellant. The Victim was bitten by the dog Sasha on his left wrist, causing a laceration requiring immediate medical treatment and stitches. (Attachment)
11. After several minutes, both the Appellant and her partner began walking back towards Gordon Spratt Reserve, followed by only four of their six dogs.
12. The Appellant's partner hid the dog Sasha by tying her in some bush on the edge of Gordon Spratt Reserve.
13. **Section 57 – Attack on Cattle**
Shortly afterwards, at approximately 3:06 pm the dog Blue.e entered the adjacent paddock at 23 Alice Lane, Papamoa.
14. The dog Blue.e proceeded to chase and attack three cattle, biting and attempting to bite them. One cow sustained a laceration to the face. (Attachment)
15. **Previous attack days earlier**
At the conclusion of this incident, it was noted by police that the Appellant's partner had severe wounds, consistent with being bitten by a dog.
16. When questioned about these wounds, the Appellant explained that her partner had received these wounds after being attacked by the dog Sasha whilst in Whangarei some days earlier. The Appellant provided a photograph of the wounds to her partner. (Attachment)
17. Animal Services investigated and identified that this previous attack had never been reported, despite hospitalisation being required.
18. **Seizure and retention**
All six dogs were seized. The initial fees were paid within the statutory timeframe, and the owners were subsequently issued notice under section 71 of the Act which explains the retention of the dogs due to public safety pending prosecution.
19. Animal Services received an appeal to the retention of the dogs on 10 April 2026 (after the advocate seemingly forgot to include council in an earlier email.)
20. After review of the evidence and filing of charges, alternative enforcement and compliance action has been decided for the other four dogs. Animal Services is no longer retaining the other four dogs due to the prosecution no longer relating to them.
21. **Prosecution**
The Appellant faces three charges of owning a dog that attacked under Section 57 of the Act relating to the attacks by Blue.e and Sasha. Animal Services considers a reasonable prospect of conviction. Upon conviction for an attack, if the court is satisfied that the dog has committed an attack the court must make an order for the destruction of the dog except in exceptional circumstances. Compulsory destruction orders upon conviction show the intention of the Act to keep the community safe from aggressive dogs.

22. The Appellant is also on bail for police charges arising from the same incident, with a current bail condition not to possess dogs.

23. **Assessment under section 71(5) – Public Safety**

Under section 71(5) of the Act, the Panel must be satisfied that the release of Sasha and/or Blue.e at this time would **not threaten the safety** of any person, stock, poultry, domestic pet, or protected wildlife. In assessing this, the Panel may have regard to:

- (a) Both dogs involvement in attacks resulting in bites to victims and stock.
- (b) The nature of these attacks and the serious injuries caused.
- (c) The owner's repeated failure to control these dogs.
- (d) Any evidence provided in support of the application.

24. The application requires a forward-looking assessment of risk, regardless of the eventual outcome of the prosecution.

STATUTORY CONTEXT

25. The Dog Control Act 1996 stipulates functions, duties and powers conferred on Territorial Authorities, such as Tauranga City Council, to facilitate the objects of the Act.

26. This report references several sections of the Dog Control Act 1996 which prescribe obligations and provisions:

- (a) Section 71, Retention of a dog threatening public safety.
- (b) Section 57, Dogs attacking persons or animals.

27. The Tauranga City Council Regulatory Hearings Panel has authority to make decisions by way of delegation as per the Local Government Act 2002.

STRATEGIC ALIGNMENT

28. This contributes to the promotion or achievement of the following strategic community outcome(s):

	Contributes
We are an inclusive city	✓
We value, protect and enhance the environment	<input type="checkbox"/>
We are a well-planned city that is easy to move around	<input type="checkbox"/>
We are a city that supports business and education	<input type="checkbox"/>
We are a vibrant city that embraces events	<input type="checkbox"/>

29. The continued retention of dogs involved in serious attacks aligns with Tauranga City Council's strategic objectives of protecting public safety, reducing harm, and promoting responsible dog ownership through proportionate enforcement.

OPTIONS ANALYSIS

Under section 71(5) of the Act, the Panel must be satisfied that the release of Sasha and/or Blue.e at this time would **not threaten the safety** of any person, stock, poultry, domestic pet, or protected wildlife. The Panel may:

- (iv) **Uphold** the retention of **both** dogs pending prosecution (**Recommended**); or
- (v) Grant the grant the **release** of **one** of the dogs pending prosecution, subject to any lawful conditions, and retain the other.

- (vi) Grant the grant the **release** of **both** of the dogs pending prosecution, subject to any lawful conditions.

FINANCIAL CONSIDERATIONS

30. Release of one or both of the dogs would be subject to statutory requirements to pay outstanding fees.
31. There are no other financial implications considered relevant to this decision.

LEGAL IMPLICATIONS / RISKS

32. Evidence relating to Sasha and Blue.e is supported by CCTV footage, photographs and witness statements.
33. Care must be taken to ensure the Panel's decision is confined to section 71 risk considerations and does not pre-empt criminal proceedings.

TE AO MĀORI APPROACH

34. This is a regulatory enforcement matter. No additional Te Ao Māori considerations have been identified beyond ensuring lawful, fair, and respectful process.

CONSULTATION / ENGAGEMENT

35. Engagement has been limited to statutory notifications and correspondence with witnesses, the dog owners and their advocate.

SIGNIFICANCE

36. 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.
37. 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.
38. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of medium significance.

ENGAGEMENT









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

Click here to view the [TCC Significance and Engagement Policy](#)

NEXT STEPS

40. Following the hearing, the Panel's decision will be formally notified to the Appellant. Any release and ongoing compliance or enforcement actions will be undertaken in accordance with the final determination.

ATTACHMENTS

1. **Appeal Letter 1 - A20218520** [↓](#) 
2. **Appeal Letter 2 - A20218788** [↓](#) 
3. **Map of incident - A20218563** [↓](#) 
4. **Photo of Appellant's Injuries 1 - A19388098** [↓](#) 
5. **Photo of Appellant's Injuries 2 - A19388084** [↓](#) 
6. **Photo of Appellant's Injuries 3 - A19388094** [↓](#) 
7. **Photo of Victim's Injuries - A19388086** [↓](#) 
8. **Photo of Appellant's Partner Previous Attack Injuries - A19388079** [↓](#) 
9. **Section 71 Letter - A20218919** [↓](#) 

From: **Hinerangi Waipouri** [REDACTED]
Date: Mon, 24 Nov 2025, 11:07 am
Subject: Formal Objection Under Section 71 – Request for Immediate Review & Release of Dogs:
Blue Popata [REDACTED], Shadows Popata [REDACTED] & Sasha Popata
To: [REDACTED]

Attn: Team Leader – Animal Services / Animal Management

Tēnā koutou,

I write as the Support Advocate for [REDACTED] and Muriwai Popata, regarding the seizure of their dogs Blue Popata [REDACTED], Shadows Popata [REDACTED] and Sasha Popata on 14/11/25, with notices issued on 16–18/11/25.

This email formally registers an objection under Section 71 of the Dog Control Act 1996 to the dogs being held pending prosecution and the decision made to euthanise them.

This objection is being made within the required statutory timeframe and prior to the 7-day deadline.

1. Grounds for Objection – Summary of Key Facts

A. The incident involved a third party aggressor — not the dogs

Based on the owner's prior written statement provided to Council:

- A male aggressively approached and charged at the couple, sparking the situation.
- Blue gave a warning nip when the male lunged at the whānau.
- The male continued charging, leading to a second nip.
- These behaviours align with protective instinct, not unprovoked aggression.

B. The dogs did NOT attack any random person, child, or member of the public

No dogs ran loose attacking strangers.

No dog pursued anyone beyond the initial altercation.

No bystanders were harmed.

C. Sasha's injury to the owner was accidental

Sasha attempted to protect the female owner when the male grabbed her by her shirt.

Sasha bit the shirt and accidentally caught skin during the struggle.

This aligns with Section 5(1) of the Act, which recognises:

Incidental or accidental injury occurring during restraint attempts does not constitute a menacing or dangerous dog offence.

D. One dog (Shadows) was inside the car the entire time

- Shadows never left the vehicle.
- Shadows did not act aggressively.
- Shadows was still seized without justification, breaching the Act's requirement for reasonable grounds for seizure.

E. Dogs were seized despite their leads being lost in the chaos

The owners and their whānau were chased, panic occurred, and leads were lost due to the crowd running after the dogs. This contributed to the dogs temporarily being loose, but not malicious behaviour.

F. There is evidence of significant misinformation

██████ reports that:

- The news article misreported events.
- The dogs' behaviour was misinterpreted.
- Council has made administrative errors, including:
 - Inconsistent names,
 - Unclear processing,
 - Failure to provide officer names when requested.

This raises concerns about procedural fairness.

2. Relevant Legal Grounds – Why Release Must Be Considered**A. Section 71 – Right to Object**

Owners have the right to object to dogs being held pending prosecution once fees are paid.

This objection is being made in writing, as required.

B. Section 52 – Owner Obligation & Improvements

Owners have expressed full willingness to comply with:

- Registration
- Microchipping
- Containment requirements
- Training conditions
- Re-homing conditions if required

They have not previously been in trouble with Council.

C. Section 55 – Provocation Defence

Where a dog reacts to:

- ☆ Threatening behaviour,
- ☆ Violence,
- ☆ Trespass, or
- ☆ Aggression from a human,

the law recognises that the dog's behaviour may be provoked.

This situation clearly involved provocation.

D. Section 57A – Dangerous Dog Applications Require Strong Proof

A dog cannot be ordered for destruction unless:

- It poses continuing danger to the public, AND
- Less severe measures are insufficient.

The dogs in this case:

- Have no prior history,
- Were protecting their owners,
- Have never bitten or threatened anyone outside this one situation,
- Are described as extremely loyal, gentle, and well-behaved pets.

E. Section 64 – Council Duty to Consider All Circumstances

Council must consider:

- Nature of incident
- Level of provocation
- Dog's past behaviour
- Steps owners can take to prevent risk
- Disability / health context of owners and their whānau
- Whānau dependence on the dogs for emotional wellbeing

Owners have made clear commitments to comply with all conditions.

F. Procedural fairness (Administrative Law Principles)

Council must ensure:

- ☆ Transparency
- ☆ Clear communication
- ☆ Identification of responsible officers
- ☆ Accuracy of notices
- ☆ Opportunity to be heard before extreme decisions

The rushed decision to euthanise breaches the right to fair administrative process.

3. Whānau Vulnerability & Disability Considerations

A. Medical & mental health vulnerabilities of the whānau

- One whānau member suffers from schizophrenia and depression.

Sasha is her primary emotional support animal — the only stable support she has.

- The whānau have been in and out of hospital recently.
- Stress and trauma manifest significantly without their dogs.

Under the Health and Disability Code, Council must consider:

- The right to be supported,
- The right to minimise harm,
- The impact of removal on mental health stability.

B. The dogs are part of a therapeutic support system

These animals provide:

- + Stability
- + Emotional regulation
- + Companionship
- + Safety reassurance

The Dogs' removal has had catastrophic emotional impact.

4. Whānau Explanation for Administrative Issues

The whānau explain:

- They were travelling to return one dog to Wellington.
- Their car overheated.
- They have been dealing with hospital admissions.
- They have not yet updated all jurisdictional or registration details due to the chaos and medical setbacks.

These are mitigating factors, not criminal disregard.

5. Requests to Animal Management

We request:

1. Immediate pause on the euthanasia decision

Pending the outcome of the formal objection & hearing.

2. A Section 71 Objection Hearing

Before an independent panel, as the law requires.

3. Full breakdown of fees required for release**Including:**

- Seizure fees
- Pound fees
- Registration
- Microchipping
- Any other outstanding fees

4. Copies of:

- All statements held on file
- Bodycam footage (if any)
- Photographs
- Incident reports
- Officer name(s) and designation(s)

5. Consideration of release with conditions**Such as:**

- Containment requirements
- Muzzle in public
- Mandatory dog training
- Behavioural assessment
- Secure fencing

The whānau agree to every single condition required.

6. Conclusion**These Fur whānau:**

- Were not a threat to the public,
- Were responding to aggression,
- Have no history,
- Are emotionally significant support animals,
- Belong to a vulnerable whānau needing compassion,
- And deserve a fair and lawful process.

We ask Council to uphold its obligations under the Dog Control Act, natural justice, and humane treatment standards.

Please confirm receipt of this objection and provide the date for the hearing.

Ngā mihi nui,

Hinerangi Waipouri

Support Advocate

██████████

From: Hinerangi Waipouri [REDACTED]
Sent: Friday, 10 April 2026 11:58 am
To: [REDACTED]
Subject: Re: Section 71 Objections – Clarification and Recirculation

CAUTION:External Email.

Tēnā koe [REDACTED]

Thank you for your email.

For clarity, I confirm that the objection previously lodged on 24 November 2025 was intended to apply to the seizure, retention, and proposed destruction of all dogs taken during the incident of 14 November 2025, including Blue Popata [REDACTED], Shadows Popata [REDACTED], Sasha Popata, and the remaining dogs associated with that event.

To ensure there is no ambiguity in Council's records, I confirm that this objection is to be treated as applying to the subsequent Section 71 notices issued on 25 November 2025 and 11 December 2025.

I have reattached the original objection below for ease of reference.

To the extent required, this email also serves to reaffirm and continue that objection in respect of all relevant notices and all dogs subject to those notices.

The objection remains to:

- The continued retention of the dogs pending prosecution
- Any decision or proposal to euthanise the dogs

Please confirm that the objection has now been correctly recorded against all relevant dogs and corresponding Section 71 notices.

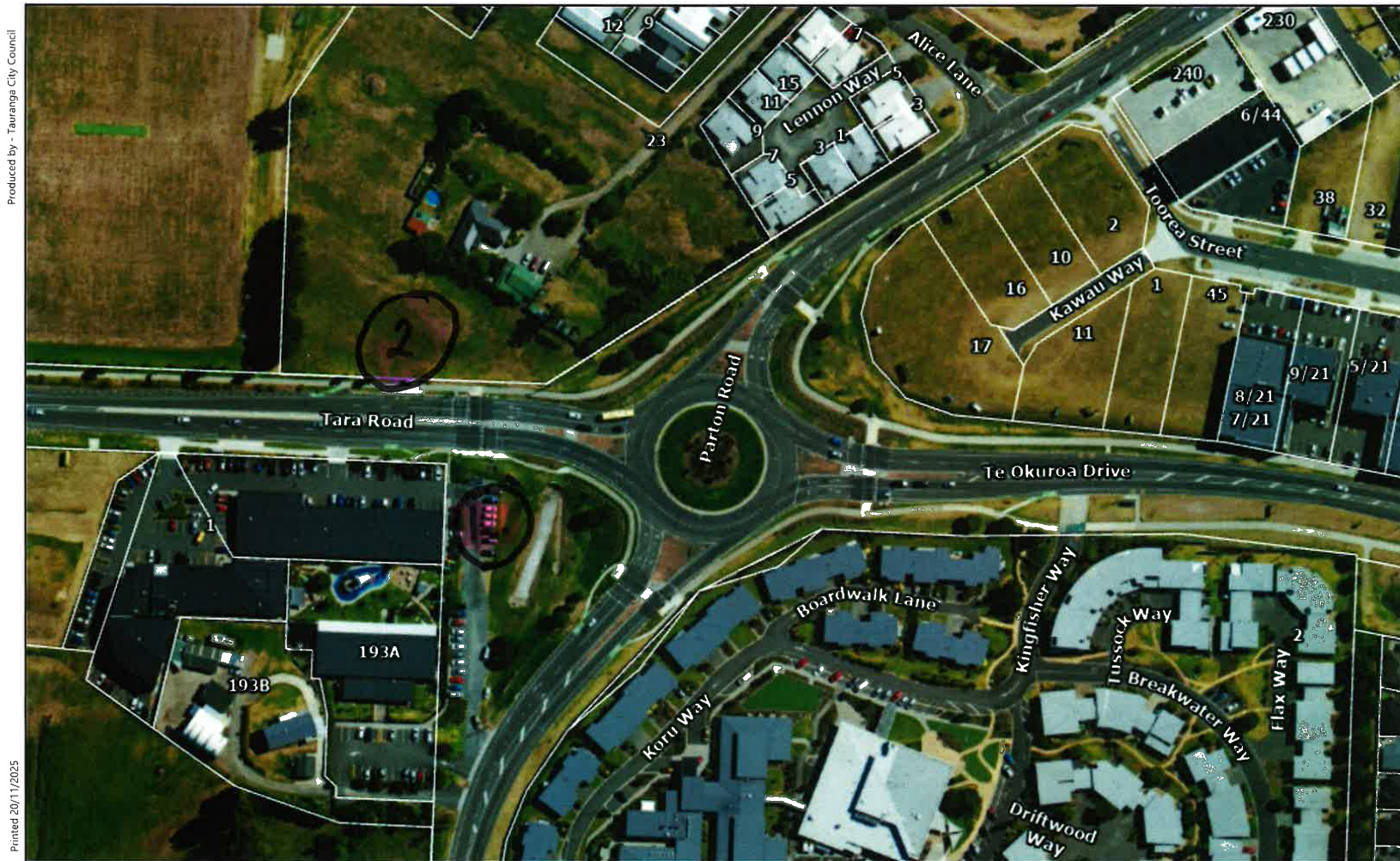
Ngā mihi nui,

Hinerangi Waipouri

Author -Te Ara Kaitiaki

Whānau Support Advocate



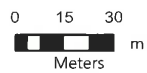


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Tauranga City Council



Scale 1: 1805

CCM 1236031.
 @ PERSON'S ATTACK & STOCK ATTACKED 2.
 14/11/25
 Corner of Parton & Tara Road.



Information shown on this plan is indicative only. The Council accepts no liability for its accuracy and it is your responsibility to ensure that the data contained herein is appropriate and applicable to the end use intended.



is



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25 November 2025



Dear [REDACTED]

**Retention of dog threatening public safety notice
Section 71 Dog Control Act 1996**

**Re dogs: Named SASHA, Female Rottweiler, micro-chip no. [REDACTED]
Named BLU.E, Male Staffordshire Bull Terrier, Micro-chip no. [REDACTED]**

This letter is to inform you that Council intends to proceed with a prosecution in relation to an attack on a person on Friday 14 November 2025 (complaint number 1236031).

We are satisfied on reasonable grounds that the release of the dogs Sasha and Blu.e would threaten the safety of people, stock, poultry, domestic animals or protected wildlife. Therefore, Sasha and Blu.e will be retained in the pound under section 71(2) of the Dog Control Act 1996 while awaiting the outcome of the prosecution against you.

You can apply to Council to have your dog returned pending the outcome of the prosecution and this will be heard by a Council committee. If Council refuses to release the dog, you have the right to apply to the Tauranga District Court for the dog's release.

Please note: If the Court orders the return of your dog at the conclusion of the prosecution you may be required to pay fees for its care and sustenance before it can be released. If the fees are not paid, the dog may be disposed in accordance with the provisions of Section 69 of the Act.

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.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Oscar Glossop'.

Oscar Glossop
Animal Services: team leader
Tauranga City Council
07 577 7000
info@tauranga.govt.nz

5.4 Regulatory Hearings Panel Report - Objection to Barking Abatement - Nicholas Dibley

File Number: A20163272

Author: Oscar Glossop, Team Leader: Animal Services

Authoriser: Sarah Omundsen, General Manager: Regulatory and Community Services

Please note that this report contains confidential attachments.

Public Excluded Attachment	Reason why Public Excluded
Item 5.4 - Regulatory Hearings Panel Report - Objection to Barking Abatement - Nicholas Dibley - Attachment 3 - Barking Diary Returned Public Excluded	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons.

PURPOSE OF THE REPORT

- To determine an objection lodged by Nicholas Dibley against a Barking Abatement Notice issued under section 55 of the Dog Control Act 1996.

RECOMMENDATIONS

That the Regulatory Hearings Panel:

- Receives the report "Regulatory Hearings Panel Report - Objection to Barking Abatement - Nicholas Dibley".
- That the Regulatory Hearings Panel **confirm** the Barking Abatement Notice issued on 12 March 2026.
- The attachments 3 & 4 are to remain in the public excluded section. This is to protect the privacy of natural persons as per Section 7(2)(a), Local Government Official Information and Meetings Act 1987.
- Attachment 3** can be transferred into the open to remain in public excluded for privacy reasons

EXECUTIVE SUMMARY

- Nicholas Dibley is the registered owner of one dog, a 5 year old Hungarian Vizsla named Scooby.
- Scooby has been the subject of repeated barking complaints over the past 3 years, escalating and independently corroborated in early 2026.
- An abatement notice was issued and objected to within 7 days.

BACKGROUND

5. History of barking complaints:

Date Received	Key Issue / Allegation
19/03/2023	Intermittent barking over weeks
27/04/2024	Dogs barking on and off all day
06/09/2024	Loud and persistent barking
18/09/2024	Ongoing barking over weekend
01/10/2024	40 mins barking early morning
17/10/2024	Recurrent barking
20/05/2025	Daily early-morning barking
16/07/2025	Woken most mornings by barking
18/09/2025	Ongoing daily barking
15/02/2026	Persistent barking day and morning
05/03/2026	Barking day and night; WFH impact

6. Animal Services have received 11 complaints about barking from Mr Dibley's address since 2023.
7. Each time, after Mr Dibley was advised of the issue, there has generally been a short period of improvement noted by the complainants before the problem continued.
8. Mr Dibley is recorded as having re-homed one of his dogs around the end of 2024. This was reported by complainants as having a short impact on the barking problem before it persisted once gain.
9. Complaints were primarily from one complainant but more recently have come from two other verified independent complainants.
10. Mr Dibley has claimed that the reports of barking are vindictive and of the nature of a neighbourly dispute. This has been taken into consideration by the Animal Services team in giving Mr Dibley the benefit of the doubt and lower-level compliance actions on numerous occasions. However, upon thorough review of previous complaints and considering the most recent complaints from this year, it is clear that the loud and persistent barking of Scooby is certainly causing a private nuisance to several occupiers of properties nearby.
11. In satisfying the test that the barking of Scooby was in breach of Section 55, Dog Control Act 1996 Animal Services Officers considered whether the barking or howling was:
 - (a) Loud: Defined as - Of sounds - Strongly audible - striking forcibly on the sense of hearing. Officers attended the address and observed the dog barking, assessing the bark as being impactful, above mere annoyance, to nearby occupiers. Officers also received a video recording from a complainant's home showing that the barking was impactful on their enjoyment of their property and;
 - (b) Persistent: Defined as - Of an action or condition: Continuous, constantly repeated. Complainants reported the barking to be of a constantly repetitive nature, and;
 - (c) Causing Private Nuisance: Defined as - Significantly interfering with the property use or enjoyment, going beyond mere annoyance. Complainants reported the barking to be having an unreasonable impact on their ability to sleep and to work from home.

12. On 13 March 2026 a barking abatement notice was issued to Mr Dibley requiring him to use a functioning anti-bark collar on Scooby. (Attachment 1)
13. On 18 March Mr Dibley made a formal Objection to the barking abatement notice. (Attachment 2)

STATUTORY CONTEXT

14. Section 55 of the Dog Control Act 1996 allows Council to issue barking abatement notices where there are reasonable grounds to believe the barking is loud and persistent and constitutes a nuisance.

STRATEGIC ALIGNMENT

15. This contributes to the promotion or achievement of the following strategic community outcome(s):

	Contributes
We are an inclusive city	✓
We value, protect and enhance the environment	<input type="checkbox"/>
We are a well-planned city that is easy to move around	<input type="checkbox"/>
We are a city that supports business and education	<input type="checkbox"/>
We are a vibrant city that embraces events	<input type="checkbox"/>

16. This matter aligns with Council objectives of protecting residential amenity and promoting responsible dog ownership.

OPTIONS ANALYSIS

17. The panel must consider whether reasonable grounds existed for issuing of the abatement notice. The Panel has three options, the panel may:
 - i) Confirm the abatement notice with the existing conditions. **(Recommended)**
Or
 - ii) Confirm the abatement notice with modified conditions as stipulated by the panel.
Or
 - iii) Cancel the abatement notice.

FINANCIAL CONSIDERATIONS

18. No direct financial cost to Council arises from the Panel's decision.

LEGAL IMPLICATIONS / RISKS

19. The decision must be evidence-based and procedurally fair to withstand judicial review.

TE AO MĀORI APPROACH

20. This is a regulatory matter with no identified Te Ao Māori implications.

CONSULTATION / ENGAGEMENT

21. Engagement has occurred through statutory notifications and correspondence with the affected parties. Wider consultation is not relevant to this matter.

SIGNIFICANCE

22. 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.
23. 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.
24. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of low significance.

ENGAGEMENT

25. 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.

NEXT STEPS

26. Following the hearing, the decision will be communicated in writing and enforcement will proceed accordingly.

ATTACHMENTS

1. **Abatement Notice - A20163243**  
2. **Objection Letter - A20162831**  
3. **Barking Diary Returned Public Excluded - A19854183 - Public Excluded**

12 March 2026



Tauranga City

Delivery Confirmation:

Recipient name: Nicholas Dibley
Signature: Served to front door
Date: 13/03/26 Time: 11:51
Served by: S. Swney
Signature: [Redacted]

NICHOLAS DIBLEY

Barking Abatement Notice (Section 55(1) (b), Dog Control Act 1996)

Dear Nicholas

Barking abatement notice – complaint number 1253940

We have completed our investigation into a barking dog complaint involving your dog Scooby.

We have received multiple complaints about your dog Scooby barking and causing a nuisance to others.

I, Stephanie Swney a Dog Control Officer have reasonable grounds to believe that your dog Scooby is causing nuisance by persistent and loud barking or howling and as such **you are now required** to undertake or complete the following actions to abate the dog barking:

- Obtain and use a functioning anti-barking collar ensuring the anti-bark collar is fitted correctly as per manufacturer's instructions. (Available for purchase from us at \$35 or your local vet)

You may also consider one or more of the following to reduce the barking to an acceptable level:

- ensure the dog is kept indoors, in a garage or in an enclosure when no one is at home that will minimise noise (the dog must have ventilation and plenty of fresh water)
- provide adequate exercise before periods of separation
- seek the services of a qualified trainer or animal behaviourist
- consider medication (contact your local vet or animal holistic centre)
- discourage barking at inappropriate times and for inappropriate reasons

- avoid long periods of separation.

If there are any further complaints a new notice could be issued, the requirements of which will apply in addition to the requirements set out above and any objection to that notice will not suspend the requirements set out above.

Your right of objection to the requirements

- You may, within seven days of the receipt of this notice, object in writing to Tauranga City Council against the requirements of this notice.
- Tauranga City Council will consider the objection and may confirm, modify, or cancel the notice.
- You are entitled to seven days notification of the date, time, and place at which Tauranga City Council will consider your objection. You are entitled to be represented and to be heard. You may submit evidence and call witnesses in support of your objection.
- Tauranga City Council shall give written notice to the objector of their decision.
- This notice will be suspended while pending the determination of the objection.

You must either comply with this notice, or object to the requirements. You must also comply with any notice confirmed or modified by us. If you do nothing, you may be subject to legal proceedings and will be liable to a fine not exceeding \$1500.

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.

In the event of a council hearing, all documentation and correspondence may become public.

Your dog is your responsibility – as a dog owner, you have certain obligations under the Dog Control Act 1996. These obligations require you to take all reasonable steps to ensure your dog does not cause a nuisance to any other person, by persistent and loud barking/howling.

Removal of barking dog causing distress

If at any time after this notice has been issued, we receive a further complaint and have reasonable grounds to believe that a nuisance is continuing to cause distress to any person, a dog control officer may enter the property or premises on which the dog is kept and remove and impound the dog or serve a notice requiring you to permanently remove your dog from your property.

Yours sincerely
Animal Services team
Tauranga City Council

07 577 7000
info@tauranga.govt.nz

Nick Dibley
[REDACTED]

18 March 2026

Animal Services
Tauranga City Council

To the manager:

Regarding: Barking Abatement Notice – Complaint number 1253940

I am writing to object to the barking abatement notice served to my front door on 13 March 2026 by Dog Control Officer Stephanie Swney. My objection is based on the rationales outlined below.

The abatement notice referred to above states that the Dog Control Officer has “reasonable grounds to believe that your dog Scooby is causing a nuisance by persistent and loud barking or howling”. I do not believe that the Dog Control Officer has sufficient evidence at all to support the claim; it is based primarily on the testimony of one individual, and is factually incorrect and does not take into consideration previous history on this matter.

I absolutely acknowledge that Scooby occasionally barks, but this is always momentary, at something specific such as a person walking down the driveway, and it is never persistent, nor does he howl. Scooby is both a companion dog and a “guard” dog. It is my expectation that he bark to alert me of / ward off any potential threat to my property. The allegation that Scooby barks *persistently* is false. This has been demonstrated twice in the past by previous Dog Control Officers employed by Tauranga City Council, the details of which I’m sure will be available in your records. In these instances a written questionnaire was distributed to the neighbours in my immediate surroundings. In both cases it was found that Scooby does not bark for a persistent period of time. The manner in which this latest investigation was performed was of lower standard (specifically oral anecdotes) and therefore less evidential than previous investigations. My circumstances have not changed since the previous investigations were conducted so I am unsure why the position of the Tauranga City Council’s has changed.

Furthermore, I am in regular discussion with my adjacent neighbours (all of those whose property borders with mine) about Scooby and whether he is causing them a nuisance. They all respond similarly, indicating that Scooby occasionally barks but not for a sustained period and does not affect their quality of life.

I understand that the TCC is obligated to withhold the details of the complainant for the maintenance of his privacy. However, I have zero doubt that the primary complainant is [REDACTED] who is the same person who has made repeated complaints about my, and other dog owners, dog(s) in the neighbourhood over the last 5 years or

more. This person has demonstrated to be of dubious character and I object to the TCC's decision to uphold and act upon his testimony.

Examples of [REDACTED] questionable behaviour include but are not limited to;

- Yelling from [REDACTED] balcony at dogs that are momentarily barking (on the street or in the park at the end of the street)
- Writing unnamed letters with threatening language
- Writing letters purporting to be someone else on [REDACTED] complaining about Scooby
- Verbally threatening to bodily harm myself and/or my dog

For further context, when I first became aware of [REDACTED] yelling obscenities from [REDACTED] balcony, my first action was to talk to [REDACTED] in person, disappointingly this only resulted in [REDACTED] becoming angry and threatening, referring to [REDACTED] time spent in the army and [REDACTED] ability to use a firearm. I left frustrated that we were unable to come to some resolution. The very next morning [REDACTED] had a friend of [REDACTED] come to my house to serve a trespass notice on me. It is clear to me that his modus operandi is to weaponise the complaint system to achieves [REDACTED] own ends, regardless of whether those ends are reasonable or not. One must ask themselves the question "*Why has one individual made so many complaints and yet no-one else has?*". As I'm sure you are aware, at the bottom of [REDACTED] is a park and a bush track which is regularly used by dog walkers. There is a lot of dog activity in the area and therefore a lot of dog barking. As stated previously, I have heard the complainant yell from [REDACTED] balcony at barking dogs in the park. This is strange behaviour in my view and makes me question [REDACTED] decision making faculties.

I again wonder why, having been through this situation twice previously, that the TCC has changed its position on the matter. I note that the Dog Control Officer who served the abatement notice was someone whom I have not met previously and I assume therefore a new employee with TCC. This has me concerned that I am going to have to through this process every time a new Dog Control Officer is employed at TCC

I kindly request that given the additional information provided above that reconsider the issuing of the aforementioned abatement notice.

Your sincerely



Nick Dibley

6 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
6.1 - Public Excluded Minutes of the Regulatory Hearings Panel meeting held on 1 April 2026	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a) - 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
Confidential Attachment 6 - 5.1 - Regulatory Hearings Panel Report - Objection to menacing classification – Riley WILLIAMSON	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a) 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
Confidential Attachment 7 - 5.1 - Regulatory Hearings Panel Report - Objection to menacing classification – Riley WILLIAMSON	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a) 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
Confidential Attachment 8 - 5.1 - Regulatory Hearings Panel Report - Objection to menacing classification – Riley WILLIAMSON	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a) 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
Confidential Attachment 9 - 5.1 - Regulatory Hearings Panel Report - Objection to menacing classification – Riley WILLIAMSON	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	
Confidential Attachment 10 - 5.1 - Regulatory Hearings Panel Report - Objection to menacing classification – Riley WILLIAMSON	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a) 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
Confidential Attachment 4 - 5.2 - Regulatory Hearings Panel Report - Objection to menacing classifications - Micheal STOCKS & Tanya DRUMMOND	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a) 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
Confidential Attachment 5 - 5.2 - Regulatory Hearings Panel Report - Objection to menacing classifications - Micheal STOCKS & Tanya DRUMMOND	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a) 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
Confidential Attachment 6 - 5.2 - Regulatory Hearings Panel Report - Objection to menacing classifications - Micheal STOCKS & Tanya DRUMMOND	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a) 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
Confidential Attachment 7 - 5.2 - Regulatory Hearings Panel Report - Objection to menacing classifications - Micheal STOCKS & Tanya DRUMMOND	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a) 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
Confidential Attachment 3 - 5.4 - Regulatory Hearings Panel Report - Objection to Barking Abatement - Nicholas Dibley	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a) 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
5.1 – Deliberations – Riley Williamson	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.
5.2 – Deliberations – Tanya Drummond & Michael Stocks	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.
5.3 – Deliberations – Muriwai Popata-Kaitoa	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.
5.4 – Deliberations – Nicolas Dibley	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.

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
?? – Deliberations - Bus shelter objections	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.
?? – Deliberations – Objection to ?????? <i>Dog hearings – add in name of report and Objectors name</i>	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.

7 CLOSING KARAKIA