

ATTACHMENTS

Fences, Roding, Reserves & Dogs Committee Meeting

23 May 2017

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Fences, Roothing, Reserves & Dogs Committee Meeting Minutes

21 March 2017

**TAUPŌ DISTRICT COUNCIL
MINUTES OF THE FENCES, ROADING, RESERVES & DOGS COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, 72 LAKE TERRACE, TAUPŌ
ON TUESDAY, 21 MARCH 2017 AT 10.30AM**

PRESENT: Cr Barry Hickling (in the Chair), Cr John Williamson, Cr John Boddy, Cr Zane Cozens, Cr Anna Park [from 11.00am]

IN ATTENDANCE: Chief Executive, Group Manager: Operational Services, Democracy & Community Engagement Manager, Communications Manager, Senior Communications Advisor, Corporate Solicitor, Infrastructure Manager, Consents & Regulatory Manager, Asset Manager Transportation, Senior Reserves Planner, Community Projects Officer, Landscape Architect and Democratic Services & Legal Officer.

MEDIA AND PUBLIC: Seven members of the public.

Note: Councillor Anna Park entered the meeting at 11.00am. She was not present for resolutions FRD201703/01 – 04.

1 APOLOGIES

FRD201703/01 RESOLUTION

Moved: Cr Zane Cozens
Seconded: Cr John Williamson

That the apologies received from His Worship the Mayor [for absence] and Cr Anna Park [for lateness] be accepted.

CARRIED

2 CONFLICTS OF INTEREST

Nil

3 CONFIRMATION OF MINUTES

3.1 FENCES, ROADING, RESERVES & DOGS COMMITTEE MEETING - 31 JANUARY 2017

FRD201703/02 RESOLUTION

Moved: Cr John Boddy
Seconded: Cr Zane Cozens

That the minutes of the Fences, Roothing, Reserves & Dogs Committee meeting held on Tuesday 31 January 2017 [public and confidential] be confirmed as a true and correct record.

CARRIED

4 REPORTS

4.1 WAIPAPA STREET, KURATAU - ACCESSWAY STOPPING

The Infrastructure Manager showed a video of footage of the accessway taken by a drone [fA164220], along with a current Geocortex aerial photograph. He tabled an email from Mr and Mrs Hofmann, 18 Waipapa Street, Kuratau [A1901929].

In answer to questions the Infrastructure Manager advised that:

- The piece of land in question did not have any Council infrastructure on or under it.
- The owner of 25 Waipapa Street had confirmed they had no interest in acquiring the land.

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- If the accessway was stopped, a market valuation would be obtained and the land sold.
- The process was that if the objections were accepted, no further action would be taken; if the objections were rejected, the matter would go to the Environment Court for a final decision.

Members noted that the next closest beach access ways were some distance away. They asked officers to investigate possible alternative access ways to the beach in the vicinity.

FRD201703/03 RESOLUTION

Moved: Cr Zane Cozens

Seconded: Cr John Williamson

1. That the Fences, Roothing, Reserves & Dogs Committee receives submissions on the proposal to stop the access way adjacent to 27 Waipapa Street, Kuratau.
2. That the Fences, Roothing, Reserves & Dogs Committee does not allow the objections and proceeds with the road stopping process.
3. That investigations be conducted into possible alternative access ways to the beach in the vicinity.

CARRIED**4.2 LICENCE TO OCCUPY EXTENSIONS FOR LAKEFRONT RESERVE CONCESSIONS**

The Senior Reserves Planner advised that since the agenda had been produced, the Mr Whippy operator, Mr Graeme Wilson, had confirmed that he did want to continue to operate from the site on the Lakefront. Mr Wilson had also suggested that a tender process should be followed on the expiry of the lease.

The operators of 3 Little Kiwis / Gelateria Taupō, Mr Jonny and Mrs Victoria Kay were in attendance and addressed the Committee. They advised that they were passionate about their new business and were looking for support from Council to give them confidence to invest further, for example they were considering purchasing some fencing to keep patrons safe.

In answer to a question Mr and Mrs Kay confirmed that they would like the opportunity to operate from the site all year round.

The operators of the Steaming Bean coffee cart, Mr Brent and Mrs Wendy Burton were also in attendance and addressed the Committee, advising that they had been operating the business since they took it over three years ago. They had purchased a new coffee cart last year at a substantial cost.

Members decided to approve the requests for extensions to licences to occupy on the Lakefront Reserve. It was noted that the arrangement with Mr Whippy had been agreed upon at a time when the previous Gelateria operators were not using the site throughout the year.

FRD201703/04 RESOLUTION

Moved: Cr Barry Hickling

Seconded: Cr John Williamson

1. That the Fences, Roothing, Reserves & Dogs Committee approves the request from Steaming Bean for a four year and three month (4 years and 3 months) lease extension for the site that they currently occupy on Lakefront Reserve, Taupō.
2. That the Fences, Roothing, Reserves & Dogs Committee approves the request from 3 Little Kiwis trading as Gelateria Taupō for a five year (5) year lease extension for the site that they currently occupy on Lakefront Reserve, Taupō.
3. That the Fences, Roothing, Reserves & Dogs Committee approves the request from 3 Little Kiwis trading as Gelateria Taupō to extend to a year round operation on the site that they currently occupy on Lakefront Reserve, Taupō upon expiry of the existing Mr Whippy licence to occupy.

CARRIED

Councillor Anna Park entered the meeting at this point [11.00am].

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4.3 LEASE EXTENSION REQUEST - YOUTH ARTS TRUST

The Senior Reserves Planner advised that Council's community engagement team had been discussing possible plans for expanded use of the building on Waipahihi Reserve. Staff had met with representatives of the Youth Arts Trust who had requested an extension to at least the end of 2017 to sort out existing arrangements with sub-tenants. This would also allow time for further investigations into possible uses of the building to be carried out.

With the leave of the Chairman, Youth Arts Trust representative Ms Chris Dolman addressed the Committee. She advised that it was unclear what the building would be used for following expiry of the lease. The Trust had substantial funds in the bank and was itself considering extending the premises to create a 'hub' for new operators starting up in business, for example visual artists. The Trust requested a new long-term lease.

In answer to questions Ms Dolman advised that:

- The dance studio was full because of the sprung dance floor. Other users included home school students and music students [e.g. piano players who used the two available pianos]. The Trust was prepared to invest in the building to make it even better.
- The Youth Arts Trust would face an uncertain future, if the lease was not renewed.

Members decided to approve a five year lease extension for the Taupō Youth Arts Trust to continue to occupy the building on Waipahihi Reserve.

FRD201703/05 RESOLUTION

Moved: Cr John Boddy

Seconded: Cr John Williamson

That the Fences, Roothing, Reserves & Dogs Committee approves a five [5] year lease extension for the Taupō Youth Arts Trust for the Council owned property and building that they currently occupy on Waipahihi Reserve.

CARRIED

4.4 TREE REMOVAL REQUEST - COUNCIL RESERVE AT DOCHERTY DRIVE

Members decided to decline the request from Mrs L White, in accordance with the current Tree & Vegetation Policy 2014. It was noted that the trees were some distance from Mrs White's property, and they had been planted before Docherty Drive had been developed.

In response to a question the Chief Executive advised that Council's policies were not contradictory. Council had a responsibility to act as a good neighbour when undertaking plantings as part of new developments, but there was no obligation on Council to top or remove healthy trees on Council land.

FRD201703/06 RESOLUTION

Moved: Cr Anna Park

Seconded: Cr Zane Cozens

That the Fences, Roothing, Reserves & Dogs Committee declines the request from Mrs L White of 6 Prince Place, Taupō to remove the trees in the Council reserve between Docherty Drive and Acacia Bay Road identified in her request.

CARRIED

Councillor John Boddy requested his dissent to resolution FRD20170306 above be recorded.

4.5 TAUPŌ DISTRICT COUNCIL TRAFFIC CONTROLS– UPDATE, REVIEW, AMEND**FRD201703/07 RESOLUTION**

Moved: Cr Anna Park

Seconded: Cr John Williamson

That, pursuant to the Taupō District Council Traffic Bylaw, Council imposes the following traffic controls and/or prohibitions on roads and/or public spaces in the Taupō District:

Sign/Marking	Why	Where
1. One (1) Stop sign and marking	To change existing 'Giveaway' sign and marking to 'Stop'	Intersection of Poihipi Road and Oruanui Road.
2. Six (6) Mobility parking signs, eight (8) Mobility park markings and 137 metres No Stopping At All Times marking (broken yellow lines)	To add the new regulatory signs and markings into Traffic Control Bylaw Register.	Taupō Events Centre Parking Area.
3. 20 metres No Stopping At All Times marking (broken yellow lines)	To provide better visibility from the entranceway and stop vehicles blocking entranceway.	Southern side of Te Reiti Tamara Grove, Turangi outside Turangi Holiday Park.
4. One (1) Bus Stop Sign	To amend the bus stop restriction time for 2:45pm - 3:30pm Monday-Friday.	Western kerbline of Frederick Street outside Waipahihi School.

CARRIED**4.6 TAUPŌ DISTRICT COUNCIL TRAFFIC CONTROLS - FORMER STATE HIGHWAY ROADS (SH1 & SH5) REGULATORY SIGNS AND MARKINGS****FRD201703/08 RESOLUTION**

Moved: Cr Barry Hickling

Seconded: Cr John Boddy

That the Fences, Roothing, Reserves & Dogs Committee adopts, the controls, prohibitions, restrictions and regulations in the Taupō District Council Traffic Control Device Register, in accordance with the Taupō District Council Traffic Bylaw 2014 powers, as identified in Attachment 1 to the report [A1906648].

CARRIED**4.7 NO TRUCK PARKING SIGNAGE - LAKE TERRACE**

The Asset Manager Transportation presented a mock-up of the proposed 'No Truck Parking' signs. In answer to a question the Chief Executive advised that there was a prescribed size for the signs; anything smaller would not be enforceable; and signs only work if they are enforceable.

Members decided not to approve the installation of the 'No Truck Parking' signs on Lake Terrace, because such signs would have the effect of moving trucks to nearby residential streets and the problems with visual amenity, noise, and damage to infrastructure would be transferred to those streets, rather than solved.

FRD201703/09 RESOLUTION

Moved: Cr Barry Hickling
Seconded: Cr Anna Park

That the Fences, Roothing, Reserves & Dogs Committee does not approve the installation of the signs No Truck Parking along Lake Terrace.

CARRIED

Councillors John Boddy and Zane Cozens requested their dissent to resolution FRD20170309 above be recorded.

4.8 REQUEST FOR REMOVAL OF TREES - WAIRAKEI DRIVE

An A3 map showing proposed tree replacement along the Wairakei Drive corridor was tabled [A1901931].

In answer to a question the Infrastructure Manager advised that the cost to Council of removal of the trees was in the vicinity of \$12,000.

Members expressed concern about the impact on visual amenity following removal of the trees. It was suggested that 2 to 3m high specimen trees could be planted now and the Douglas Fir and Pine trees removed in 12 months' time, to allow the new plantings to establish.

On a motion

Moved: Cr John Williamson
Seconded: Cr Anna Park

That the Fences, Roothing, Reserves & Dogs Committee approves the removal of the stand of Douglas Fir & Pine trees on Wairakei Drive adjacent to Contact Energy land (Karapiti Block);

Councillors John Williamson and Anna Park voted in favour of the motion; and Councillors John Boddy, Zane Cozens and Barry Hickling voted against the motion.

The Chairman declared the motion LOST.

FRD201703/10 RESOLUTION

Moved: Cr Zane Cozens
Seconded: Cr John Boddy

That the Fences, Roothing, Reserves & Dogs Committee approves the purchase of specimen trees to be planted on Wairakei Drive adjacent to Contact Energy land (Karapiti Block) during the planting season 2017, with the stand of Douglas Fir & Pine trees on the site to be removed in March 2018.

CARRIED

5 CONFIDENTIAL BUSINESS

Nil

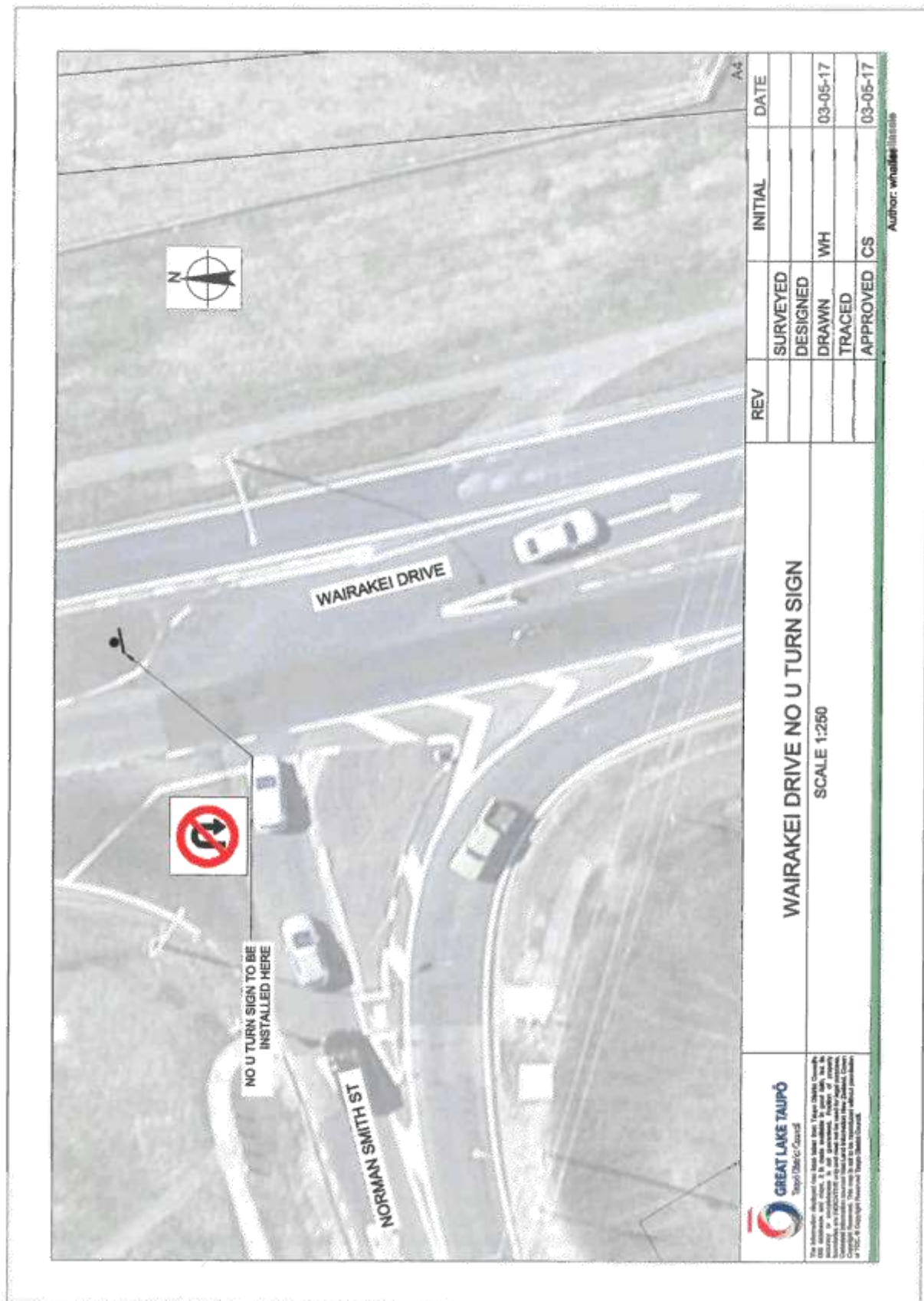
The meeting closed at 12.06pm.

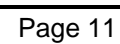
The minutes of this meeting were confirmed at the Fences, Roothing, Reserves & Dogs Committee meeting held on 23 May 2017.

.....
CHAIRPERSON









Assessment of Tilly Matilda Barnes.

Dr Elsa FLINT states

1. I, Dr Elsa Flint, veterinarian of Auckland, swear:
2. **Qualifications**
 3. I hold the degree of Bachelor of Veterinary Science (Massey University, 1991).
 4. I hold a Master of Science (Hons) in Behavioural Zoology (Auckland University, 1987).
 5. I hold a PhD in Veterinary Science (Behaviour) (Massey University, 2013).
6. **Membership of Professional Organisations**
 7. I am a member of the Australian and New Zealand College of Veterinary Scientists Chapter of Veterinary Behaviour.
8. **Current work**
 9. I am a practising veterinarian registered with the Veterinary Council of New Zealand.
 10. I run the Animals with Attitude behaviour clinic in Auckland, where I take animal behaviour cases referred from vets around Auckland. I also attend cases in other regions throughout New Zealand on request.
 11. I am a guest lecturer at Massey University in the field of animal behaviour, and a lecturer at the Vet Nurse Plus veterinary technician training school.
 12. I have published a number of academic papers on animal behaviour.
 13. I am a co-author of six books on animal care and behaviour, including *The Dog Owner's Handbook* (New Holland, 2001), *Understanding Your Dog* (New Holland, 2003), *Your Dog* (New Holland, 2004) and *The Complete Guide to Caring for Your Dog* (New Holland, 2005).
 14. I have worked in the field of animal behaviour since 2001.
15. **Code of Conduct**
 16. I have read the High Court Code of Conduct for Expert Witnesses, with which I agree to comply.
 17. I have previously provided expert evidence for both prosecution and defence teams.

18. On 16 03 2017 I performed a behaviour assessment on Tilly Matilda a speyed female Australian terrier property of Denise Barnes of 8 Carpentras Way Taupo.
19. Upon my arrival, Tilly greeted me enthusiastically alongside Bertie another resident terrier. She barked and then jumped excitedly. She settled and accepted handling all over. She was not reactive to sudden movements and was not aggressive over toys or food.
20. She could be picked up and was not aggressive when caged in the car.
21. Tilly was tested on and off lead with two mature dogs male and female at a local tennis court. She sniffed at one with friendly interest but was generally indifferent towards them preferring to interact with people.
22. She was introduced to a child towards whom she was friendly and keen to interact. When offered treats she was keen to take them snatching at first but then took them gently when reminded to do so.
23. She was fitted with a halti and walked past pedestrians with no problem. She ignored an on lead spoodle that was very interested in her and frequently stared at her and pulled towards her.
24. I find Tilly to be a friendly little dog that appears to have been well socialised with people and other dogs.
25. I have been asked to comment on an incident in which Tilly allegedly bit a dog that approached her while she was collecting for the SPCA with her owner. Apparently, the dog in question approached her and then became reactive when she sniffed it. There was an interaction in which Tilly retaliated by growling and snapping at the other dog and then backed off. It is alleged that the other dog sustained puncture wounds to the neck.
26. There is no veterinary report on this so it appears no treatment was required.
27. I have been shown a photograph of two single marks on a dog's neck. It is impossible to make any useful evaluation with regard to the aetiology of these marks from the photograph.
28. It should be noted that when dogs are on lead they are potentially more reactive should there be a disagreement between them than if free to interact at will. Tilly was on a harness and wearing collection boxes so would certainly have felt at a disadvantage if another dog invaded her personal space and especially if it reacted negatively towards her.
29. The owner's description of the event is consistent with common dog behaviour.
30. I have not seen anything in Tilly's behaviour during assessment to suggest that she should be classified as menacing.

31. I have fitted her with a halti and this gives more than adequate control should there ever be an incident during which Tilly is challenged or feels threatened by another dog.



Elsa Flint (MSc BVSc MANCVS PhD)

Veterinary Behaviourist

4.4 OBJECTION TO DANGEROUS DOG CLASSIFICATION - DOG TAG 163773

Author: Marty Devonport, Compliance Officer

Authorised by: Alan Menhennet, Group Manager: Finance and Strategy

PURPOSE

The purpose of this report is to allow the committee to hear an objection to the classification of a dog.

EXECUTIVE SUMMARY

The dog owned by Ms Victoria Helen Nicoll of 24 Rata Street, Wairakei, Taupō 3332, Owner No. 2429D a Dogue de Bordeaux named 'SYLUS' Registration No. 163773 has been classified as a Dangerous dog in accordance with the Dog Control Act 1996 (the Act) Section 31.

The reason for the Dangerous Classification was on the basis of sworn evidence attesting to aggressive behaviour by the dog in that the dog did attack another dog on the 28th March 2016.

Ms Nicoll as the owner of the dog has objected to the classification under Section 31 (3) of the Act.

Ms Nicoll has stated in her objection that 'SYLUS' is not a vicious or dangerous dog, that she has owned the dog from 10 weeks of age, The dog was bought up with kids and cats, they have had big breed dogs for a number of years and that they are upset that the dog is now classified as dangerous. Ms Nicoll goes on to say that they have complied with the requirements to keep the dog secure in the rear of the section and allow access to the front door of the house. They now have a muzzle for the dog and a kennel and run. The only requirement not complied with to date is the neutering of the dog.

RECOMMENDATION(S)

That the Fences, Roothing, Reserves & Dogs Committee upholds the classification for the dog: Dogue de Bordeaux named 'SYLUS' Registration No. 163773.

BACKGROUND

The proposal has not been presented previously.

A complaint was made on the 28th of March 2016 to the Taupō District Council from Miss Justine Josey that on that day a large brown dog from 24 Rata Street Wairakei Village, Taupō attacked Miss Josey's dog.

Miss Josey was walking her dog a Border Collie namely 'JAYDE' on lead on the footpath on Rata Street, Wairakei Village, Taupō when a dog now known by council to be a Dogue de Bordeaux named 'SYLUS' was not under proper control, was able to leave its property and attacked 'JAYDE' on the neck causing injury including puncture wounds from a bite.

The dog namely 'SYLUS' as a result of the investigation in to the complaint was classified as Dangerous in accordance with the Act on the 28th April 2016.

Ms Nicoll has complied with all obligations imposed with the exception of the neutering of the dog. Ms Nicoll has stated in her written objection that she does not consider the dog to be dangerous.

DISCUSSION

The purpose of the Act is to ensure better provision for the care and control of dogs by making special provisions in relation to dangerous dogs and imposing obligations designed to ensure that dogs do not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife.

The key points recorded by Compliance Officer Marty Devonport during the investigation of the complaint Service Request No. 1606514 are as follows:

- Miss Josey's dog 'JAYDE' was attacked by a dog identified as a large dog, male, Dogue de Bordeaux not under proper control in a public place being the footpath Rata Street, Wairakei Village, Taupō
- Miss Josey identified the attacking dog as a large dog, male, Dogue de Bordeaux from 24 Rata Street, Wairakei Village, Taupō that is owned by Ms Nicoll

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- Ms Nicoll confirmed the dog namely 'SYLUS' had got out of her property and attacked another dog.
- Photos were taken of Miss Josey's dog 'JAYDE' showing the injuries sustained as a result of the attack.
- Mrs Josie witnessed the attack and supplied a Sworn Statement detailing the circumstances.
- Ms Nicoll has complied with all obligations imposed with the exception of the neutering of the dog.

Based on this information it is considered that there are two options, uphold the classification or reduce the classification to Menacing so that all current obligations are enforced but the dog can remain unneutered.

OPTIONSAnalysis of Options

Option 1. Uphold the classification

Advantages	Disadvantages
<ul style="list-style-type: none"> • Upholding the classification to ensure the dog is neutered may reduce aggressive behaviour in the dog. This will go some way to mitigating the risk of any future aggression issues. 	<ul style="list-style-type: none"> • None to Council. Owner would not be able to breed from this dog.

Option 2. Reduce the classification to Menacing

Advantages	Disadvantages
<ul style="list-style-type: none"> • The dog owner remains obligated to most conditions which are the same for both Dangerous and Menacing as they continue to comply and is able to have the dog remain entire. 	<ul style="list-style-type: none"> • By changing the classification to menacing not all steps have been taken to reduce the risk of further aggression from the dog.

Analysis Conclusion:

The preferred option is Option 1.

CONSIDERATIONS**Financial Considerations**

There are no financial considerations.

Legal ConsiderationsDog Control Act 1996

The objects of the Act are—

(a) to make better provision for the care and control of dogs—

(i) by requiring the registration of dogs; and

(ii) by making special provision in relation to dangerous dogs and menacing dogs; and

(iii) by imposing on the owners of dogs, obligations designed to ensure that dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any person; and

(iv) by imposing on owners of dogs obligations designed to ensure that dogs do not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife; and

(b) to make provision in relation to damage caused by dogs.

Dog Control Act 1996 Section 31 (1) (b)

Territorial authority to classify dangerous dogs

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(1)(b) The territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on 1 or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.

Dog Control Act 1996 Section 32 (1) (c)

Effect of classification as dangerous dog

(1)(c) must produce to the territorial authority, within 1 month after the receipt of notice of classification, a certificate issued by a veterinarian and certifying—

- (i) that the dog is or has been neutered; or
- (ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate

Dog Control Act 1996 Section 33A(1)(b)

Territorial authority may classify dog as menacing

(1)(b) a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of—

- (i) any observed or reported behaviour of the dog; or
- (ii) any characteristics typically associated with the dog's breed or type.

Dog Control Act 1996 Section 33E(1)(b)

Effect of classification as menacing dog

(1) If a dog is classified as a menacing dog under section 33A or section 33C, the owner of the dog—

(b) must, if required by the territorial authority, within 1 month after receipt of notice of the classification, produce to the territorial authority a certificate issued by a veterinarian certifying—

Policy Implications

There are no known policy implications.

Risks

By changing the classification to menacing and allowing the dog to remain entire Council will not have taken all measures available to reduce the risk of any possible continued aggressive behaviour.

It is promoted by organisations such as NZ Veterinary Association and the SPCA that a de-sexed animal is often a more relaxed pet. Neutering reduces a pet's desire to roam and fight.

SIGNIFICANCE OF THE DECISION OR PROPOSAL

Council's Significance and Engagement policy identifies the following matters that are to be taken into account when assessing the degree of significance of proposals and decisions:

- a. The level of financial consequences of the proposal or decision;
- b. Whether the proposal or decision will affect a large portion of the community or community of interest;
- c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- e. Whether community interest is high; and
- f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the proposal under consideration is of low importance.

ENGAGEMENT

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

COMMUNICATION/MEDIA

No communication/media is required.

CONCLUSION

The Compliance Team believes that the classification was and remains appropriate.

The objective in this situation is to put in place measures in accordance with the Act to prevent this type of incident occurring again. Council also has a duty of care to the public to take all reasonable steps to ensure the safety of its community.

It is established through admission by the owner and sworn statement by the complainant that the dog 'SYLUS' and was able to leave its property and then attacked the dog 'JAYDE' while not under proper control in a public place.

The classification of Dangerous demands that the owner to have proper control over the dog including being on a lead, muzzling and secure containment along with neutering that may reduce the desire to roam and fight. These requirements should be enforced for the prevention of possible future incidents.

The owner has complied with all obligations except neutering the dog. A responsible dog owner should agree to take steps to ensure there is limitation to any further risk to the community. Neutering as an appropriate method of calming a dog known to be having been aggressive and this may give confidence to both the owner and the general public that they have taken steps to mitigate possible repetition of the behaviour.

ATTACHMENTS

1. Dangerous Classification Letter
2. Objection from Owner
3. Complainant Statement
4. Photograph of Injury to Dog
5. Warning Letter SYLUS
6. Copy of Service Request

Fences, Roothing, Reserves & Dogs Committee Meeting

23 May 2017

**GREAT LAKE TAUPŌ**

Taupō District Council
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Taupō 3352, New Zealand
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28 April 2016

Victoria Helen Nicoll
24 Rata Street
Wairakei
Taupo 3332

Dear Ms Nicoll

Notice of Classification of Dog as a Dangerous Dog - Section 31, Dog Control Act 1996**Your Reference: 2429D****Dog: 153830, SYLUS, DOGUE DE BORDEAUX, TAN/BROWN, MALE ENTIRE**

This is to notify you that the abovementioned dog has been classified as a Dangerous Dog under section 31(1) of the Dog Control Act 1996.

This is because the Taupō District Council has received sworn evidence attesting to aggressive behaviour by your dog on one or more occasions. This refers to an incident on 28th March 2016 when your dog 'Sylus' attacked another dog, inflicting puncture wounds to its neck requiring veterinary treatment.

Taupō District Council has reasonable grounds to believe that your dog constitutes a threat to the safety of the public or other animals.

A summary of the effect of the classification and your right to object is provided below.

Yours Sincerely

Marty Devonport
Compliance Officer

EFFECT OF CLASSIFICATION OF A DANGEROUS DOG
Sections 32 and 36A, Dog Control Act 1996

You are required:

- a. Within one month after receipt of this notice, to ensure that the dog is kept within a securely fenced portion of your property which it is not necessary to enter to obtain access to at least one door of any dwelling on the property; and
- b. Not to allow the dog to be at large or in any public place or in any private way, other than when confined completely within a vehicle or cage, without:
 - (i) the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
 - (ii) the dog being controlled on a leash (except in a designated dog exercise area); and
- c. To produce to the Taupo District Council, within **one month** after receipt of this notice, a certificate issued by a registered veterinary surgeon and certifying:
 - (i) that the dog is or has been neutered; or
 - (ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
- d. Where a certificate under paragraph (c)(ii) is produced to the Taupo District Council, to produce to the Taupo District Council, within **one month** after the date specified in that certificate, a further certificate under paragraph (c); and
- e. In respect of every registration year commencing after receipt of this notice, to pay dog control fees for that dog at 150% of the level that would apply if the dog were not classified as a dangerous dog; and
- f. Not to dispose of the dog to any other person, without the written consent of the Territorial Authority in whose district the dog is to be kept.

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 (f) above. In addition, the Court must order the destruction of the dog unless satisfied that the circumstances of the offence were exceptional and do not justify the destruction of the dog.

A Dog Control Officer or Dog Ranger may seize and remove the dog from you if you fail to comply with all of the matters in paragraphs (a) to (f) above. The Ranger or Officer may keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (f).

You will also commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you sell or otherwise transfer the dog, or offer to do so, to any other person without disclosing that the dog is classified as a dangerous dog.

As from 1 July 2006, you are also required, for the purpose of providing permanent identification of a dog, to arrange within 2 months after classification for the dog to be implanted with a functioning microchip transponder. This must be confirmed by the Taupo District Council. 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.

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

RIGHT OF OBJECTION TO CLASSIFICATION
Section 31(3), Dog Control Act 1996

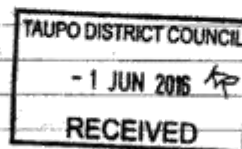
If the dog is classified as a dangerous dog because it is believed to constitute a threat to public safety, you may object to the classification by lodging with the Taupo District Council a written objection within 14 days of receipt of this notice setting out the grounds on which you object. You are entitled to be heard in support of your objection and will be notified of the time and place when your objection will be heard.

Fences, Roading, Reserves & Dogs Committee Meeting

23 May 2017

Victoria Nicoll
214 Rata Street
Haurakei Village
Taupo

21.5.2016



RE: Notice of classification of
Dangerous Dog.

To whom it may concern.

I am writing this letter to request decision of my dog Sylus being classified as a dangerous dog on the grounds stated below.

- * 1st incident (and only incident) 28 March 2016 Marty (Dog control officer) came to discuss a matter of Sylus who chased and bit another dog outside the gate of our property.

Upon having visitors & kids that left gate unlatched - Sylus then pushed gate open & incident happened, whilst talking with Marty we were told that he was giving us a warning only if signs were put up inside & outside property.

Gate latches put on properly

Access to front door without dog access

Appropriate exercise for Sylus.

All things were done immediately to ensure safety of public & above all our family member Sylus.

Since doing so no other incidents has arisen so to my distress on the 12 May 2016

Fences, Roading, Reserves & Dogs Committee Meeting

23 May 2017

whilst in hospital with my Grandson -
 recieved a phone call stating Sylus
 was classified as a dangerous dog & that
 I had to get him neutered, & that
 another letter had been sent out stating
 this. I wasn't sure what he was talking
 about as I had only recieved 1 letter,
 on 6th April.

- * Firstly Marty said at first meeting that we
 were getting a warning & needed to all those
 things previously stated by him, would be
 no further action taken, to now he's a
 dangerous Dog - how can I get a warning
 for an incident & then penalise us & him
 for the same incident

Was a 2nd letter sent to me, that I
 never recieved & only found out about
 when I rung Taupo District Council to find
 out why Sylus was now considered a
 dangerous Dog (after Marty rang me on
 Thurs 12 May to tell me). The lady I
 talked to sent me a copy which I recieved
 on 25 May

As you have guessed I am very upset
 & angry about how Dog control RE:
 Marty (Dog control officer) has handled this
 matter)

- He had given things for me to ensure no
 further incidents would occur that I
 have adhered to the ~~best~~ fullest of my
 ability to keep public & safe.
- accusations of aggressive behaviour, as

Fences, Roading, Reserves & Dogs Committee Meeting

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The dogs have no access to front yard & front gate, since the 28 March, have no idea how that is possible.

- on more than 1 occasion. again no access to front yard or gate so not possible again. Syllus is not a vicious or dangerous dog. We have had him since 10 weeks old & has been brought up by & with kids & cats, and have had big breed dogs for several years, to disbelief my pet - our family member deemed dangerous.

- 14 Day compliance as agreed on first meeting (where Marty was coming back to check ~~we~~ had done everything he asked, that never happened, all steps by dog control / officer were taken very seriously & we've taken steps further for our own piece of mind to chain back gate. We are also in process of picking up our kennel & run for when we are not at home, but Dogs being kept at back at all times anyway.

So all these things were done to no point hence my disapproval this is unnecessary treatment & for one occasion to have harsh punishment for my dog.

Yours sincerely,

V. D. Hill

- KEY POINTS WE'VE DONE
- Can obtain written & signed testimonies of Wairakei Residents if required, stating how many dogs have been raised & how they are on our property & off
- Strict exercise regime - was thery boredom was a contributing factor
- front door & yard not accessible for either dog
- Padlocked back gate
- Kennel & run
- Walking harnesses & leads at all times
- All gates closed at all times.
- There is no other possible action we could ~~take~~ ~~could take~~ take & have held up to our obligations & responsibilities as a dog owner.

6th April 2016

DANGEROUS DOG SWORN EVIDENCE.

I Justine Josey [REDACTED] Taupo, swear that I understand that the dog described below may be classified as Dangerous by the Taupo District Council, and that the owner will be required to meet specific conditions as set out by the Dog Control Act 1996, Section 32.

I also understand that the owner has a right to objection, under Section 31(3) of the Dog Control Act 1996, the hearing of which shall be held by the Taupo District Council by the Fences Reserves and Dogs Committee.

On the 28th March 2016 whilst walking my dog Jayde A border collie, a named Sylus(A male Dog de Bordeaux) at 24 Rata Street, Wairakei Village Taupo, was loose on the footpath and attacked my dog outside of this address.

I screamed for help as it was very aggressive and latched onto my dogs neck causing deep wounds to the back of my dogs neck that are requiring veterinary treatment.

It was an unprovoked attack as I was simply walking along the footpath walking my dog and in no way incited the dog to attack.

I used to walk past this address with my dog but am now scared to do so in case of another attack. The dog is very large and if attacked me I would have no defence.

The school is opposite this address and it growls at the kids and parents.

I believe this dog constitutes a threat to people walking past the property, there are fences at the property capable of containing a dog as large and aggressive as Sylus but the gates are frequently left open and the dog is able to freely leave the property when this occurs .

Sworn by. Justine Sara Josey

At Taupo this 28th day of April

2015 2016
2016

Before:


Jane Richmond
Deputy Registrar
Taupo / Taumarunui



Fences, Roothing, Reserves & Dogs Committee Meeting

23 May 2017

6th april 2016

Victoria Nicoli
24 Rata Street,
Wairakei,
Taupo.



Dear Victoria

**Warning Notice - Dog Control Bylaws Section 20 (5) of the Dog Control Act 1996 and
Taupo District Council Control of Dogs Bylaw 2013 Section 5 (a)(d)(e) and section 12b(iv)
Your Reference: 2429D**

Thank you for taking the time to speak with me in regards to a dog attack incident involving your dog Sylus. Your acceptance and response to this incident is much appreciated.

Your dog, Sylus caused considerable distress, when on the 28th of March 2016 he attacked a dog being walked by a member of the public walking past your property.

Whilst I appreciate that the dog may be acting naturally in protecting its 'domain', the actions have caused distress and injury to another dog belonging to a member of the public going about their lawful business.

Territorial aggression is a potentially dangerous behaviour problem with dogs. Although 'raising an alarm' by barking can sometimes be useful for dog owners, biting is a far more serious problem. An example of serious risk would be if fire, ambulance or police services need to enter the property to assist your self or your family but could not continue because of risk from being bitten.

In response to the incident and as a measure to mitigate any potential future dog attacks, and to address public safety requirements, you are hereby instructed to contain your dog adequately within your property boundary and keep the dog under proper control at all times.

This can be achieved by containing the dog within your section by erecting a fence so the dog is unable to rush aggressively at the boundary gate. Alternatively a kennel and run can be constructed to contain the dog whilst you are not at home. I would also urge you to consider fencing the property in such a way that a visitor can reach a front door without having to meet with the dog.

Allowing the dog to continue with this current behaviour would be in breach of The Taupo District Council Control of Dogs Bylaw 2013. Your co-operation in avoiding any repetition of this offence will prevent further action against you becoming necessary.

Please note that you are warned that it is an offence to:

- Fail to keep your dog under control at all times.

I will be back in touch in due course to ensure that these measures are carried out. I believe it reasonable to give you 14 days in which to complete the tasks, unless you advise otherwise and we can agree on a suitable time frame.

I have copied below information you may find useful in your understanding of your obligations as a dog owner.

If you have any further questions or query please contact me on 07 376 0899.

Fences, Roading, Reserves & Dogs Committee Meeting

23 May 2017

Yours faithfully

Marty Devonport

Environmental Compliance Officer.

Section 20 (5) of the Dog Control Act 1996

(5) A person who commits a breach of any bylaw authorised by this section commits an offence and is liable on conviction to the penalty prescribed by section 242(4) of the Local Government Act 2002.

Taupō District Council Control of Dogs Bylaw 2013**Section 5 Control Definitions and Interpretation**

For the purposes of this Bylaw the following definitions shall apply:

Control in relation to or having responsibility for any dog, means that the owner, or person in possession or charge of the dog, shall have it on a lead, or have the power of directing or commanding the dog whilst it is off the lead and without limiting the generality of the foregoing a dog shall be deemed to be not under control:

- a. If it causes annoyance or distress to any person or animal or damage to property; or
- b. If it is found at large on any land or premises other than a public place or a private way without the consent (express or implied) of the owner, occupier or person in charge of that land or those premises; or
- c. If it is found at large in any public place or in any private way in contravention of any regulation, bylaw or adopted Reserve Management Plan of the Council; or
- d. If it becomes a nuisance or injurious to health; or
- e. If it becomes a nuisance or annoyance to residents in the neighbourhood by barking or howling or by obstructing the lawful passage of persons in public places or by rushing at and frightening such persons.

12. NUISANCES

- a. The owner of any dog or occupier of any premises where upon any dog is kept shall keep every bitch confined but adequately exercised while in season.
- b. Council or any person duly authorised in that behalf by the Council may by notice in writing require the owner or occupier of the premises within a time specified in such notice to do all or any of the following:
 - (i) Reduce the number of dogs kept on any premises
 - (ii) Construct, alter, reconstruct or otherwise improve any kennel or other place of confinement used to house or contain any dog
 - (iii) Require any dog to be tied up or otherwise confined during specific periods
 - (iv) Take such other action as the Council deems necessary to minimise or remove the likelihood of nuisance or injury to health
- c. Any person to whom a notice is given under Sub-Clause [b] of this clause who fails to comply with such notice within the time therein specified commits a breach of this Bylaw

A repetition of this offence may leave you liable to penalties mentioned below.

- 1.) The penalty for this offence is an instant fine of **\$300.00**.
- 2.) Your dog may be seized and impounded.

Fences, Roading, Reserves & Dogs Committee Meeting

23 May 2017

Taupo District Council

72 Lake Terrace, Taupo
Private Bag 2005, Taupo
Telephone (07) 376 0899
Facsimile (07) 378 0118

Request: 1606514**To: Animal Management & Compliance****Attn: Marty Devonport****Priority: 3:High-24 Hours****Deadline: 18/05/17 - 08.50****District: Taupo****Received by: Fiona Connon****Date & time received: 28/03/16 - 11.30****How received: After Hours****Date & time of incident: 28/03/16 - 11.30****Action required: Complaint**

Caller Information

Name Justin Josie**Address** unknown**Phone** [REDACTED]**Email**

Request

Type Attack on person/animal/wildlife**Details** TCC request number 585299

11.37am - Rex

At around 11.30 Justine walked her dog (border collie, female) on lead along Rata Street near intersection of Raukawa Cres a large brown dog attacked the neck of Justine's dog. Hung on and caused a puncture wound to the neck. Justine knows where the dog lives and will phone back with address.

New Information:

28 MAR 2016 - 01:46pm - Greg Standring

Justine Josie reports that the dog's breed is Dogue d Bordeaux, it is extra large and lives at 24 Rata Street. She also found another puncture wound on her dog's neck - right side.

Issue/Service Restored

Date & Time :

Location

Street Rata Street, Wairakei

Dog Details

Owner 2429D : Victoria Helen Nicolli : [REDACTED] : 24 Rata Street, Wairakei, Taupo**Dogs** 153831 : Flick : Dogue de Bordeaux : Female : Tan/Brown

153830 : Sylus : Dogue de Bordeaux : Male : Tan/Brown

Actions

Status Complaint - Business Support - Completed: 28/03/16 - 11.30**Details** Hiya Marty,

This is another attack of yours from the weekend. I haven't called the complainant as assume that you have already spoken to them & I don't want to confuse things!

Status Complaint - Marty Devonport - Completed: 30/03/16 - 16.00

Details Visited property and spoke with dog owner, they were aware of the incident, have stated that I will contact them by mail with a direction to make sure the fencing is set up in such a way to make sure the dogs are properly contained.
have no contact numbers for the C to get a statement or photos.

Request 1606514

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Actions cont..

Status Complaint - Marty Devonport - Completed: 31/03/16 - 15.16
Details Written warning NUPC for the above incident please.
 Cheers.
 more work to follow so please send SR back to me please.

Status Complaint - Business Support - Completed: 01/04/16 - 16.13
Details Just awaiting to see if can get a contact number for the C - I have checked NAX but there is nothing so CS are checking with Afterhours.

Status Complaint - Business Support - Completed: 04/04/16 - 08.09
Details Hi Marty,
 I have received the following information from afterhours: The Callers name was Justine Josey and her contact [REDACTED]
 I'll await your further instruction

Status Complaint - Marty Devonport - Completed: 05/04/16 - 14.35
Details Have photos of dog injuries to save to objective and a better statement and some background of the dogs up the road. C has stated the dogs have been causing trouble in the street and that people are frightened to walk up the road.
 can all the dog Justine's owner file be deleted except for Jayde, they have given them all way now that they are not on the farm. Just the one dog owned now.
 Then please send SR back to me.
 Cheers.

Status Complaint - Business Support - Completed: 06/04/16 - 10.05
Details Transferred out the 3 other dogs as requested.
 Back to you

Status Complaint - Marty Devonport - Completed: 06/04/16 - 11.53
Details Dangerous dog sworn evidence drafted and bylaws letter done and sent out and saved to objective. Justine also now lives at [REDACTED] can her address be updated please.

Status Complaint - Business Support - Completed: 06/04/16 - 16.03
Details Changed address
 Changed location
 Updated urban status

Status Complaint - Marty Devonport - Completed: 07/04/16 - 12.50
Details Left message for J to call in relation to the statement.

Status Complaint - Marty Devonport - Arrived: 12/04/16 - 15.56 - Completed: 12/04/16 - 15.56
Details Marty please can you contact Justine Josey from [REDACTED] she needs to discuss with you the sworn statement she has to complete about the dog attack. Contact number is [REDACTED]

Status Complaint - Marty Devonport - Completed: 27/04/16 - 14.28
Details Arranged to meet C in front of court house tomorrow at 9.30am. to sign off dangerous dog statement.

Request 1606514

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Actions cont..

- Status** Complaint - Marty Devonport - Completed: 28/04/16 - 11.22
Details Can Sylus be classified as dangerous and the appropriate paper work be sent out and the SR sent back to me so I can contact the owner.
- Status** Complaint - Kylie Hansard - Completed: 28/04/16 - 16.33
Details Dangerous dog classification sent to owner. Push SR out to allow time for property to be up to scratch and neutering to be done.
 Kylie
- Status** Complaint - Marty Devonport - Completed: 12/05/16 - 10.51
Details Spoke with Victoria and confirmed that she had received the dangerous classification and advised her to see the SPCA if they had any funding for Desexing.
 Will follow up with requirements of fencing and desexing and muzzle.
- Status** Complaint - Marty Devonport - Completed: 24/05/16 - 15.01
Details Victoria called to query why Marty has told her that her dog has to be neutered. She hasn't received the letter of classification, so I will repost today. I tried to explain to her, however she had someone in the back ground shouting expletives at me. It was impossible to carry on the conversation so I terminated call. Donna unavailable to talk to.
- Status** Complaint - Marty Devonport - Completed: 30/05/16 - 13.51
Details Rang Vicky and left a message to call me back if there is any confusion as to the Desexing requirement of the Dangerous dog classification.
- Status** Complaint - Marty Devonport - Completed: 14/06/16 - 16.13
Details Justine is disputing the dangerous dog classification, can we put the classification on hold until it goes to FRED committee, and Sylus's rego be made \$93.00 until it is upheld or declined by the FRED committee.
- Status** Complaint - Business Support - Completed: 15/06/16 - 09.17
Details Hey, I have spoken to Kylie and we will wait for a decision from Scott.
 The fee for \$139.50 will stay as it is for now.
- Status** Complaint - Marty Devonport - Completed: 24/06/16 - 11.25
Details Hi Marty,
 C has called up to apply for USD & also claims that she is under the understanding that Sylus is no longer dangerous? Can you please call her asap to update her.
 Cheers
 Gill
- Status** Complaint - Marty Devonport - Completed: 24/06/16 - 11.31
Details Victoria has come in and is very upset that Sylus is still listed as a dangerous dog. She said that Marty has told her that he will be taking this off her record and sylus will only be \$93 not \$139. She wants urgent action and would like Marty to please give her a call asap as she wants to pay for the regos
- Status** Complaint - Marty Devonport - Completed: 27/06/16 - 14.50
Details Spoke with dog owner and confirmed that her dog rego is \$139.50.
- Status** Complaint - Marty Devonport - Completed: 21/09/16 - 15.50
Details Preparing Officers report and awaiting next FRED committee.

Request 1606514

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Actions cont..

Status Complaint - Marty Devonport - Arrived: 10/01/17 - 08.17 - Completed: 10/01/17 - 08.17

Details Preparing Officers report and awaiting next FRED committee.

Status Complaint - Marty Devonport - Completed: 19/04/17 - 08.49

Details Report prepared and sent to R McD for review.

This Action

Arrived

Completed

Further action required?