

ATTACHMENTS

Fences, Roothing, Reserves & Dogs Committee Meeting

3 October 2017

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Extraordinary Fences, Roothing, Reserves & Dogs Committee Meeting Minutes

18 July 2017

**TAUPŌ DISTRICT COUNCIL
MINUTES OF THE EXTRAORDINARY FENCES, ROADING, RESERVES & DOGS COMMITTEE
MEETING
HELD AT THE COUNCIL CHAMBER, 72 LAKE TERRACE, TAUPŌ
ON TUESDAY, 18 JULY 2017 AT 10.00AM**

PRESENT: Cr Barry Hickling (in the Chair), Cr John Williamson, Cr Anna Park, Mayor David Trewavas

IN ATTENDANCE: Cr Rosie Harvey (from 10.09am), Chief Executive, Group Manager: Operational Services, Group Manager: Finance & Strategy, Acting Group Manager: Business & Technology, Democracy & Community Engagement Manager, Communications Manager, Senior Communications Advisor, Communications Advisor, Senior Reserves Planner, District Events Manager, Events & Sales Manager, Corporate Solicitor, Asset Manager Transportation and Democratic Services Officer

MEDIA AND PUBLIC: 10 members of the public
Taupō Times

1 APOLOGIES

Nil

2 CONFLICTS OF INTEREST

Nil

3 CONFIRMATION OF MINUTES

3.1 FENCES, ROADING, RESERVES & DOGS COMMITTEE MEETING - 23 MAY 2017

In answer to a question the Chief Executive advised that the proposed bus stop zone at 32 Roberts Street was still in Ruapehu Alpine Lift's hands and no further information about the proposal was available.

FRD201707/01 RESOLUTION

Moved: Cr John Williamson
Seconded: Cr Anna Park

That the minutes of the Fences, Roothing, Reserves & Dogs Committee meeting held on Tuesday 23 May 2017 be confirmed as a true and correct record.

CARRIED

4 REPORTS

4.1 PROPOSED WAKA AMA STORAGE BUILDING ON COUNCIL ADMINISTERED LAND AT FERRY ROAD

In answer to a question Mr Duncan Brown from the Taupō Rowing Club confirmed he was comfortable with the proposed waka ama storage building.

FRD201707/02 RESOLUTION

Moved: Cr Anna Park
Seconded: Mayor David Trewavas

That the Fences, Roothing, Reserves & Dogs Committee approves the construction of a storage building by the Taupō Waka Ama Club as described in the report on the Council administered land they currently occupy

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under a licence to occupy on the lakefront at Ferry Road.

CARRIED

4.2 TAUPŌ ROWING CLUB PROPOSAL

Mr Duncan Brown from the Taupō Rowing Club was in attendance and made a PowerPoint presentation (A2005916). Club members Ms Brenda Wilson and Ms Leonie Marsh were also present.

Cr Rosie Harvey entered the meeting at this point (10.09am).

The following points were noted:

- The Taupō Rowing and Taupō Waka Ama clubs had worked closely to explore options. The site was too small for both clubs and access in summer was problematic. In spite of this, the clubs worked really well together.
- Cheal Taupō had provided a quote of \$70k - \$80k for engineering works – the Rowing Club simply did not have that resource available.
- The Sea Scout location had many of the characteristics of the Ferry Road site, but with better storage and access, and without the engineering challenges.
- The proposed shed would be standalone and would not impinge on the path. There would be enough room for rowing trailers to be stored and turned; and upstairs would be used as a training facility.
- Approval was sought for the club to further explore the proposal and talk to other parties, including Sea Scouts and Waka Ama. It was hoped that the outcome would be a win-win for all.

Staff answered questions and the following points were noted:

- Consultation with the C75 Trust would be required.
- The Sea Scouts building belonged to the club; the land is leased off Council. There are requirements in the lease relating to the appearance and management of the building – staff had been working with the Sea Scouts to make improvements.
- The Sea Scouts Club went through cycles of growth and decline.
- The Rowing Club boats were a lot longer than the Sea Scouts boats, therefore separate storage space was required.

Members supported further investigation of the Rowing Club's proposal. It was noted that the site was highly sensitive and it would be important for appropriate consultation / due diligence to be undertaken.

FRD201707/03 RESOLUTION

Moved: Cr Anna Park

Seconded: Cr John Williamson

That the Fences, Roothing, Reserves & Dogs Committee receives the presentation from the Taupō Rowing Club.

CARRIED

4.3 LEASE REVIEW REQUEST - TAUPŌ MARKET AT RIVERSIDE PARK, TAUPŌ

The Senior Reserves Planner answered questions and the following points were noted:

- The current agreement between Council and the Taupō Market was a licence to occupy.
- The Fences, Roothing, Reserves & Dogs Committee had given approval in principle to the Active Arts organisation to extend its building area on the site. Active Arts were still considering what that may look like.

Mrs Monika and Mr Hermann Geister were in attendance and tabled a Taupō Market brochure and notes to support their submission to the Committee (A2005770). Mrs Geister read the submission aloud.

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Staff answered questions and the following points were noted:

- Investment in a site to be used by the Taupō Market would have to be considered as part of the next Long-term Plan process (2018), along with all other projects on reserves. This would be done in conjunction with the Market owners, with a view to having some contribution from them.
- The segway operators, Pure Kiwi Adventures, were aware of the possibility of the Taupō Market operating from Northcroft Domain in future. Staff were considering possible options for Pure Kiwi Adventures if that does eventuate.
- The current Taupō Market licence was due to expire in December 2019.
- The maximum licence term for Northcroft Domain was 33 years (Reserves Act 1977).

In answer to a question, Mr and Mrs Geister confirmed that they would consider moving the Taupō Market to Northcroft Domain in the future, but they wanted to be able to continue operating in the interim.

The Chief Executive added that the issues with the current site (displacement; maintenance; and traffic management) would continue until alternative arrangements were agreed upon.

In answer to another question, staff confirmed that it may be possible for the Taupō Market to use Northcroft Domain when displaced under the current agreement.

Members decided to instruct the Chief Executive to negotiate a new licence to occupy/lease on Northcroft Domain with the owners of the Taupō Market. The Market could remain in its current location in the meantime.

FRD201707/04 RESOLUTION

Moved: Cr John Williamson

Seconded: Cr Anna Park

That the Fences, Roothing, Reserves & Dogs Committee instructs the Chief Executive to negotiate a new licence to occupy/lease with Monika and Hermann Geister for the Taupō Market to operate on the Northcroft Domain and confirms that the Market can remain in its current location under the same Terms & Conditions of the present licence until a new agreement is signed.

CARRIED**4.4 LICENCE TO OCCUPY - PURE KIWI ADVENTURES AT NORTHCROFT DOMAIN, TAUPŌ**

The Senior Reserves Planner advised that the owner of Pure Kiwi Adventures was unable to attend the meeting, but had confirmed that he would like to remain on Northcroft Domain for as long as possible. If the Taupō Market moved to the site, Pure Kiwi Adventures would like to use the site at all other times, and have an alternative available for the Saturdays the segways would not be able to operate. The ability to discuss possible arrangements for the segway operation had been limited due to the ongoing discussions about the Market.

Members decided to instruct the Chief Executive to negotiate a new licence to occupy with the owners of Pure Kiwi Adventures for the purposes of the segway operation. The new licence would need to be compatible with the proposed Taupō Market relocation to Northcroft Domain.

FRD201707/05 RESOLUTION

Moved: Cr Anna Park

Seconded: Cr John Williamson

That the Fences, Roothing, Reserves & Dogs Committee instructs the Chief Executive to enter into negotiations with Pure Kiwi to enable a new licence compatible with the proposed Taupō Market relocation to Northcroft Domain, and that the matter be brought back to a future Committee meeting for consideration.

CARRIED**4.5 RESERVE TREES COMPLAINT - BETWEEN DOCHERTY DRIVE AND ACACIA BAY ROAD**

The Senior Reserves Planner made a PowerPoint presentation which included photographs of trees in the

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reserve between Docherty Drive and Acacia Bay Road, Taupō. He explained that the gully had been planted out in segments, so that some parts supported water retention and other parts enabled water to flow to the lake. Plantings were exemplary and the vegetation provided erosion protection and was low maintenance.

In answer to a question the Senior Reserves Planner advised that some of the vegetation impinging on the path needed to be tidied up, but overall the reserve contained healthy native trees with some areas of open space.

Mrs White of 6 Prince Place was in attendance and addressed the Committee. The following points were noted:

- The path did need a lot of work done, but that was not the main concern.
- Yes, vegetation is native, but it still needs to be maintained.
- Approximately 15 silver birch trees in the area are not native.
- The trees blocking Mrs White's view should be canopied over, not necessarily removed.
- Vegetation was also becoming a problem on the boundary with Lochaber Drive.
- The trees from Docherty Drive back need to be tidied up.
- Mrs White was prepared to contribute.
- There was very little bird life in the area due to rats – traps should be set.

It was agreed that the self-seeded silver birch trees on the reserve should be removed, and basic maintenance undertaken. This could be done within existing budgets. Mrs White confirmed this would be acceptable to her, as although the silver birch trees were not currently obstructing views they were intrusive and would eventually grow up and block views. Members accepted that the reserve was a major stormwater gully and it had been planted in such a way as to protect the area from erosion. In addition, the Tree & Vegetation Policy precluded removal of healthy trees for views.

FRD201707/06 RESOLUTION

Moved: Mayor David Trewavas

Seconded: Cr John Williamson

That the Fences, Roothing, Reserves & Dogs Committee declines the request to remove or modify any vegetation, apart from the self-seeded silver birches, in the Council reserve between Docherty Drive and Acacia Bay Road.

CARRIED**4.6 DECISION ON TREE REMOVAL AT TAUPAHI ROAD, TURANGI**

Members decided to approve the request from Creel Lodge, Turangi to remove the silver birch tree in the roadside berm outside of the property, to enable parking to be extended, which will in turn make the area safer for the public. It was noted that the landowner would bear the costs for the removal of the tree.

FRD201707/07 RESOLUTION

Moved: Mayor David Trewavas

Seconded: Cr Anna Park

That the Fences, Roothing, Reserves & Dogs Committee approves the request to remove the tree located in the roadside berm outside of the property at 183/187 Taupahi Road, Turangi, at the landowner's expense.

CARRIED**4.7 UPDATES TO TAUPŌ DISTRICT COUNCIL TRAFFIC CONTROLS - HEUHEU STREET**

The Asset Manager Transportation tabled a map of the proposed 90 minute parking restriction zone on Heuheu Street, with neighbouring businesses identified (A2005768).

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In answer to questions the Asset Manager Transportation advised that:

- The proposal would make parking consistent with parking around the Taupō Medical Centre.
- There were currently two mobility car parks outside the Medical Centre. The park identified as #1 on the tabled map could possibly be converted into another mobility car park – the Asset Manager Transportation would investigate and report back.

FRD201707/08 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
90 minutes [Mon-Fri] parking time restrictions	To provide ten 90 minute time restricted parking spaces [Mon-Fri]	South kerb line of Heuheu Street outside numbers 109 and 111

CARRIED**5 CONFIDENTIAL BUSINESS**

Nil

The meeting closed at 11.39am.

The minutes of this meeting were confirmed at the Fences, Roothing, Reserves & Dogs Committee meeting held on 3 October 2017.

.....
CHAIRPERSON

4.1 JAN SMEATON - OBJECTION TO MENACING CLASSIFICATION OF DOG 'SAHARA'

Author: Marty Devonport, Compliance Officer

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

EXECUTIVE SUMMARY

The dog owned by Mrs Jan Smeaton, owner no. 08105 of 37 Whakamoenga Point, Acacia Bay, Taupō, being an Australian Cattle cross named SAHARA, registration no. 172560, has been classified as a menacing dog in accordance with the Dog Control Act 1996 (the Act) Section 33A(1)(b).

The menacing classification was due to SAHARA attacking another dog at 5 Mile Bay on 5 June 2017.

Mrs Smeaton has objected to the classification under section 33B (1) of the Act.

Mrs Smeaton has stated in her objection of the classification of SAHARA that it is unduly harsh; provides no opportunity or incentive for rehabilitation and training; and that it removes the ongoing enjoyment of the dog to herself and family. Mrs Smeaton further states that after adopting SAHARA from the SPCA, she became aware of some anxious attachment tendencies particularly around other dogs. As a result, Mrs Smeaton and SAHARA attended dog obedience sessions at the Taupō Dog Club. Mrs Smeaton also engaged the services of MaryAnne Joyce from Paws in Hand to assist with training and socialisation.

BACKGROUND

This proposal has not been presented previously.

A complaint was made on 5 June 2017 to the Taupō District Council from Mrs Clare Webber alleging that on that day, the dog SAHARA belonging to Mrs Jan Smeaton attacked Mrs Webbers dog LENI.

Mrs Webber stated that whilst walking with her dog LENI at 5 Mile Bay Taupō, there was a group of other dogs walking with their owners. The dogs in the two groups met and were playing when the offending dog SAHARA ran up to LENI and bit her on the side of the body leaving a 10cm gash.

Both LENI and SAHARA were off leash at this time.

As a result of the investigation of this complaint, SAHARA has been classified as menacing by deed in accordance with the Act.

DISCUSSION

The purpose of the Act is to ensure better 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 as recorded in service request no. 1708302 are as follows:

- Mrs Webber identified the dog that attacked LENI as being SAHARA
- Mrs Jan Smeaton as owner admitted that her dog SAHARA had attacked the other dog
- Photos were taken of Mrs Webber's dog LENI, showing the injuries sustained
- Mrs Smeaton stated that SAHARA has shown anxious attachment tendencies and has at times growled at other dogs. Mrs Smeaton had purchased a muzzle for SAHARA because of these issues however, SAHARA was not wearing a muzzle on the day of the alleged incident

OPTIONSAnalysis of Options

Option 1.

Uphold the classification.

Advantages	Disadvantages
<ul style="list-style-type: none"> Upholding the classification to ensure the dog wears a muzzle to mitigate the risk to the general public 	<ul style="list-style-type: none"> None to Council

Option 2.

Rescind the Classification

Advantages	Disadvantages
<ul style="list-style-type: none"> None to Council 	<ul style="list-style-type: none"> Safety risk to the public remains

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 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 rescinding the Menacing Classification Council will not have taken all measures available to reduce the risk of any possible continued aggressive behaviour.

Being muzzled in such a way as to prevent the dog from biting, but allow it to breathe and drink without obstruction will mitigate the risk to the wider public without undue hardship to the dog.

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 both the owner of SAHARA and, the signed statement from the owner of LENI, that the dog SAHARA was able to attack LENI and was not kept under proper control in a public place.

The classification of menacing is not onerous on either the dog or the owner and should be seen as protecting the wider public and conversely, also protecting the dog from the public in that the dog will be unable to be aggravated by external circumstances and expose Mrs Smeaton to further enforcement action from the territorial authority.

When at the owner's home the muzzle is not required to be worn.

ATTACHMENTS

22 June 2017

Dear Marty

Please find here my submission for an appeal to the Menacing classification.

Can you please acknowledge receipt by return email at smeatonjan@gmail.com

I had hoped to include a statement from Liz Cubley, Koru Ridge Kennels, but she is currently away. I will forward it to you by email as soon as it is to hand.

Regards,



Jan Smeaton

Sahara



Jan Smeaton



Taupo

20 June 2017

Compliance Team
Taupo District Council
Private Bag 2005
Taupo Mail Centre

To whom it may concern

I am replying to the unsigned letter dated 14 June regarding:

**Notice of Classification of Dog as a Menacing Dog, Your
Reference 08105 Dog Description: 161669, Sahara, Cattle,
Australian/Cross Tan Female spayed.**

I wish to lodge my objection to this classification on the following basis:

1. *It is unduly harsh.*
2. *It provides no opportunity or incentive for rehabilitation and training*
3. *It removes the ongoing enjoyment of the dog to me and my family*

In support of my objection I enclose statements and opinions from the following:

1. *MaryAnne Joyce, Dog Behaviourist, Paws n Han*
2. *Howard Jones, Dog Trainer, Taupo Dog Club*

3. Rebecca Newth, BVSc, MVM, VetOra, Taupo
4. Liz Cubley, Owner, Koru Ridge Kennels¹

Background

During the past 7 years, I have fostered more than 20 dogs for periods between 3 days and 6 weeks for the SPCA Taupo, Taupo City Council Dog Pound and CARE.

In March 2015, I fostered Sahara from the SPCA for a period of 2 weeks. She had come to be at the SPCA from the Pound. I was told that she would need some training and behavior modification while with me. I set about this diligently as I had with all of the dogs in my care. When she returned to the SPCA, I believed that she was ready to be rehomed.

At the time, my husband and I returned frequently to Australia for business reasons. We left after Sahara returned to the SPCA and returned to Taupo four weeks later. Sahara was still at the SPCA. I offered to foster her again. However, the small issues she had had returned so I set about re-training her.

It was during this time that I became aware of a dog being held at the pound. Maia, a bull-mastiff had been surrendered to the pound pregnant and remained there until she gave birth to 8 puppies and completed weaning. I spoke to Amanda Lou about Maia coming to stay with me for a period until she was adopted to give her a "Post-pregnancy health spa" experience. Maia and Sahara had a wonderful

¹ Ms Cubley is currently away and will submit her statement on 27 June 2017.

time together, running with me and swimming in these wonderful surroundings.

However, I found myself in the middle of a political stoush and the SPCA demanded that I return Sahara immediately. It seemed that I was not to be involved with both organisations at the same time.

I was aware that Sahara needed more time and was concerned about her return to the SPCA so believed that the only option was for me to adopt her.

While this was a wonderful solution for Sahara it came with some significant logistical obstacles. Travelling backward and forward to Australia on a regular basis meant that Sahara needed to be boarded while we were away. I found a wonderful place for her but that ended when the health of the person she was staying with deteriorated. This meant that Sahara spent about 4 weeks in Koru Ridge Kennel.

It was after that long stay that I noticed she had developed some Anxious Attachment tendencies, particularly around other dogs. Sahara subsequently attended Dog Obedience at the Taupo Dog Club and graduated from her beginners course. She then attended a term of Canine Good Citizen and was making fairly good progress.

In October 2016, Sahara underwent Cruciate Ligament surgery. This required her to be crated for a period of six weeks. Following this, she was on very limited movement for another 12 weeks. This meant that she was unable to continue with her training and socialization.

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In March of this year, I engaged the services of MaryAnne Joyce, Paws n Hand, to assist me with my training of Sahara. We had returned to Dog Obedience but I noticed that she was unsettled in this environment and I needed additional support.

The work with MaryAnne was progressing well and her behavior around other dogs had improved markedly. However, as I had still been commuting between Australia and Taupo she still showed signs of Anxious Attachment.

It is my belief, which is supported by the enclosed statements, that now that we are to be in Taupo full time, that Sahara would benefit greatly from continued training and socialization both in one-on-one sessions with a trainer and in a group setting at the Taupo Dog Club.

If Sahara is permanently classified as a Menacing Dog, training in those settings will be difficult if not impossible. I believe that being classified as a Menacing Dog would remove all incentive for me to continue with her training and socialization as being muzzled all of the time in a public setting would render such training as wasted.

Summary

Sahara is much loved family pet who enjoys spending time with her family, playing with her mates, swimming and sleeping in the sun. As a rescue dog, she has had a mixed start to life and had developed an anxious attachment. Her training and socialization have been interrupted by a lengthy recovery from cruciate ligament surgery. However, the commitment to providing Sahara with ongoing training

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and socialization is very strong. I am well supported in my efforts to achieve an appropriate outcome.

I am proposing that Sahara have a temporary classification for a specified period in order for me to undertake significant training. After this period, Sahara could be reassessed to determine whether such a classification should continue.

I hope this appeal and the statements attached are given favourable consideration.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Jan Smeaton', with a large loop at the end.

Jan Smeaton

19th June 2017

To whom it may concern.

I have been asked by Jan Smeaton to supply a supporting statement for her dog Sahara in regards to an alleged incident at 5 mile bay.

I have known Jan Smeaton and her dog Sahara since March of this year when Jan enlisted my services as a Behaviourist/Trainer. Jan was noticing that Sahara was starting to show some signs of anxiety when other people or dogs approached. After my initial assessment with Jan and Sahara I suggested the problem was stemming from Jan's own tension on the lead and that Sahara just needed clear direction and leadership and she would also benefit from socialising with other dogs.

I have been working with Jan and Sahara since then on a regular basis and they both join me at least 5 times a week on my group walks where we can have up to 8 dogs and their owners. These walks are all off leash either at the park or in the forest. Sahara and Jan have both gained confidence on these walks and Sahara has learnt to socialise and meet many people and dogs. We have also been doing weekly on lead walks through town to desensitize Sahara to even more environmental stimuli. Sahara has shown the odd signs of nervousness and anxiety but nothing out of the normal for a rescue dog. It was through this regular training that Jan has become more confident and assertive and Sahara more social towards other people and dogs.

We hadn't had any problems until a couple of weeks ago when I was asked to give feedback about a so called incident reported at 5 mile bay. I am surprised this incident has gone any further because as I told the Council's Animal Control officer, I did not see any attack. I was present when it is alleged that Sahara attacked another dog at 5 mile bay and here follows my account of the incident in question:

"We were on our usual group walk with 3 dogs in the bottom paddocks between 4 and 5 mile bay when a dog came bounding over from the walkway to play with my dog. They were running around crazy having a ball and then the owners called for their dog to come back so it came racing across the paddock, ran past Sahara who was sitting in the long grass then continued to jump over the blackberry and bushes towards its owners. It had gone about 10 metres passed Sahara (who is still sitting in the long grass) when it gave out a yelp then stopped and started crying and looking at its hind. I called it to come towards us (as we were closer than the owners), when it came to me I was able to have a closer look and found a small tear on its side. When the owners got to us I suggested they should either go to their vet to have it assessed or even repair the tear with superglue. No one at the time mentioned anything about what happened or that they thought that one of our dogs had attacked theirs, I assumed it had hurt itself while it was leaping through the bushes. As I have told the Council Inspector I am not able to say that Sahara bit the other dog because I didn't see Sahara make any move towards the dog as it passed her."

It's clear to me that there is insufficient evidence to even suggest that there was a dog attack at all.

MaryAnne Joyce BCCSDip.Adv.Can.Bhv
Ph: 027 944 1150 maryanne@pawsinhand.co.nz www.pawsinhand.co.nz Facebook

As a result of this complaint Jan has told me that Council have now classified Sahara as a "Menacing dog for life" which seems overly harsh in this situation. I believe if any action needs to be taken at all she should be on a 60 day probation period and re-assessed after that time especially when this so called incident is her first.

To help Sahara through this probation period I will commit my time and energy to help with any training issues.

Lastly I would like to state that Jan is a dedicated dog owner and has fostered and cared for many dogs in her time. I respect anyone who can put the time, effort and commitment into caring for abused and unwanted animals.

To discuss this statement or any further information please don't hesitate to contact me.

Regards

MaryAnne Joyce



Taupo Dog Training Club Inc.
89 Centennial Drive
P.O. Box 624, Taupo
Ph: 07 378 3195
Website: www.taupodogtrainingclub.org



June 20th, 2017

To: Taupo District Council
RE: Sahara (Staffordshire Cross)

To whom it may concern,

Jan Smeaton and Sahara graduated from our Basic Obedience Course last year. Since then she has continued to be enrolled in my Canine Good Citizenship Course.

Sahara is a rescue dog about 2 ½ to 3 years old. Initially Sahara displayed some insecurity, this being very common for rescue dogs with an unknown history. However, she made great strides and graduated from the Basic Obedience course.

To increase her socialization Jan has kept her enrolled in classes we offer.

Unfortunately Sahara suffered a cruciate ligament injury last October, which involved a very expensive surgery and extended recovery time. She had to be crated for 6 weeks. In my opinion this has set Sahara back some.

My understanding of the incident in question was that, this was not an attack but rather a reactive snap. A common reaction for an immature, insecure dog.

I do not believe that Sahara is a 'menacing' dog, though the initial use of a muzzle may be helpful in her training. I see that Jan is taking all the right steps to socialize Sahara and build up her confidence again.

By enrolling her in further training and exposure in our classes, I believe that Jan will help Sahara progress into a wonderful, loving, mature dog.

Please feel free to contact me.

Yours sincerely,

Howard Jones
President
Taupo Dog Training Club



To whom it may concern,

Three separate veterinarians, including myself, have seen Sahara, a three-year-old, tan Labrador-cross several times in the clinic over the last 18 months. In my experience, Sahara has always been a pleasure to deal with. She is easily handled and cooperates with her physical exam and is happy being in the clinic. We have individual enclosures in the dog ward, so, Sahara is not mixed with other dogs here; however, she is very well behaved in the ward and does not worry about the other animals.

Regards,


Rebecca Newth BVSc MVM
Vetora Taupo

VETORA TAUPO
9/72 Totara Street
Taupo
Ph 07 929 8564

ROTORUA

Mangere Street
PO Box 340, Rotorua
P 07 348 2153
F 07 346 2550

E rotorua@vetorabop.co.nz

Ngongotaha

10 Western Road
Ngongotaha

P 07 357 2982
F 07 357 2984

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REPOROA

Settlers Road
PO Box 41, Reporoa

P 07 335 8008
F 07 333 8080

E reporoa@vetorabop.co.nz

TAUPO

9/72 Totara Street
Taupo

P 07 396 8006
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E taupo@vetorabop.co.nz

Vetora B.O.P. is a trading name of Vetora B.O.P. Ltd.



care saves lives

Taupo District Council
Great Lake Council Compliance Team

To Whom it may concern

I write in reference to Mrs Smeaton and her dog Sahara.

I have known Mrs Smeaton for 7 years. Whilst I was Operations Manager of the Taupo SPCA she joined the Dog Foster Team, which necessitates carers to be highly responsible and reliable, Jan more than met these requirements and showed immense care and consideration for her canine charges. It had always been such a pleasure to work alongside Jan and her husband Klaas as they are so reliable as well as innovative in their pet care.

Jan and her husband have been diligent, committed and responsible dogs owners for many years, they are fastidious when it comes to their dogs care, in providing for their physical and emotional needs.

Importantly, they understand that not everyone in the community are 'pet lovers' and they have always demonstrated consideration towards others in this regard.

The Taupo community is very fortunate that Jan and her husband have continued to donate their time and resources in the fostering and care for our communities abandoned and mistreated dogs for many years now, with wonderful results.

I understand Jan is currently working on the behavior training of their companion dog Sahara, you can be assured that she has impeccable integrity and will attend to her commitments diligently.

I am available for further comment if required.

Sincerely

Helen Rabinska
Operations Manager
CARE Trust


14 June 2017

Jan Smeaton
[REDACTED]
Taupo 3351



Dear Ms Smeaton

Notice of Classification of Dog as a Menacing Dog - Section 33A, Dog Control Act 1996

Your Reference: 08105

Dog Description: 161669, Sahara, Cattle, Australian/Cross, Tan, Female spayed

This is to notify you* that this dog has been classified as a menacing dog under **Section 33A (2)** of the Dog Control Act 1996.

This is because the Taupo District Council considers this dog may pose a threat to any person, stock, poultry, domestic animal or protected wildlife because of:

- Observed or reported behaviour of the dog in that on the 05/06/2017 your dog Sahara did attack another dog.

A summary of the effect of the classification and your right to object is provided on the following page.

Yours faithfully

Compliance Team
Taupo District Council
(CO-38)

*For the purposes of the Dog Control Act 1996, you are the owner of a dog if—

- You own the dog; or
- You have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, or damage, or distress, or for the sole purpose of restoring a lost dog to its owner); or
- You are the parent or guardian of a person under 16 who is the owner of the dog and who is a member of your household living with and dependent on you.

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

You:

- (a) must 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; and
- (b) may be required to produce to the Taupo District Council, within 1 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 specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
- (c) where a certificate under paragraph (b)(ii) is produced to the Taupo District Council, produce to the Taupo District Council, within 1 month after the date specified in that certificate, 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 all of the matters in paragraphs (a) to (c) above.

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 (c) above. The officer or ranger may keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (c).

As from 1 July 2006, 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 the Taupo District Council in accordance with the reasonable instructions of the Taupo District 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 from 1 July 2006 if your dog is classified as menacing on or after 1 December 2003 but before 1 July 2006; or
- within 2 months after the dog is classified as menacing if your dog is classified as menacing after 1 July 2006.

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 the classification of a dog as menacing 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 the Taupo District 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 your objection and will be notified of the time and place at which your objection will be heard.

Taupo District Council

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

Request: 1708302

To: Animal Management & Compliance

Attn: Marty Devonport

Priority: 3:High-24 Hours

Deadline: 06/07/17 - 12.05

District: Taupo

Received by: After Hours

Date & time received: 05/06/17 - 17.43

How received: After Hours

Date & time of incident: 05/06/17 - 16.30

Action required: Complaint

Caller Information

Name CLARE WEBBER

Address [REDACTED] TAUPO 3330

Phone [REDACTED]

Email

Request

Type Attack on person/animal/wildlife

Details RFS 659935 New After Hours RFS

5.6.2017 17.17hrs Dog Attack on another Dog

[REDACTED] Taupo 3330 Phone [REDACTED] Time of Attack - 16.30hrs Animal

Attacked - Dog Location - On the walkway outside of 5 Mile Bay, Taupo, 500 meters from the carpark. What happened - There was a group of dogs walking with their owners off leads as this is an off lead dog walking area. Caller was coming from the opposite direction, walked towards each other. Callers dog approached one of the other dogs in the group and they were playing, then all of the dogs came over and joined in with the playing. Then the offending dog named Sahara ran up to the callers dog and bit her on the side of the body leaving a 10 cm gash.

Caller said that there dog is well trained and always under control. Caller did not approach the owner so nothing was said. Caller spoke to an eye witness who was with the offending dogs owner and acknowledged that Sahara had bitten Leni the dog. Caller then took Leni back to the car. Caller would like it know that this dog is wellknown for attacking other dogs and people.

TDC should have a record of this.

Issue/Service Restored

Date & Time :

Location

Street Lake Terrace, Taupo

Dog Details

Owner [REDACTED] Jeremy George Webber [REDACTED] Taupo

Dog [REDACTED] Leni : Pointer, German Short Haired : Female : Brown/White

Owner 08105 : Jan Smeaton [REDACTED] Taupo

Dog 161669 : Sahara : Cattle, Australian/Cross : 3 yrs 00 mnths : Female : Tan

Actions

Request 1708302

Page 2

Actions cont...

Status Complaint - Business Support - Completed: 05/06/17 - 17.43

Details Hi Marty- this is an attack from the weekend - are you ok to look into please.
Cheers

Status Complaint - Marty Devonport - Completed: 06/06/17 - 10.50

Details Spoke with victims dog owner. She added to the above that the dog SAHARA has history of aggression (this is not documented on owner file) they were walking with the dogs in the dog exercise area and all the dogs out were playing happily and then SAHARA attacked LENI without any signs of aggression, causing a 10 cm gash in the dogs side. I have asked for photos to be sent as Jeremy has them on his phone but is at work currently.
A dog behaviourist who was with Jan witnessed the incident. Her name is Mary ann, last name unknown. The dog owner said and did nothing but later over the phone offered to pay for the vet bills and accepted responsibility.
Jeremy WEBBER also witnessed the event.

Status Complaint - Marty Devonport - Completed: 06/06/17 - 11.19

Details Spoke with Jan SMEATON, asking for a statement and cautioned her under the bill of rights. She admitted SAHARA attacked the other dog and was upset about that, she considered getting the dog euthanized but was talked out of it but Mary-ann JOYCE, her dog behaviour trainer. J stated that it happened very quick and that she didn't see what happened but SAHARA must have nipped at LENI. (inferring from this that the incident wasn't a prolonged dog fight/attack).
Statement as follows.
Everyone was surprised as SAHARA showed no signs of aggression she has a muzzle but was not wearing it, is going to obedience grows sometimes at the dog s at obedience.
When walking by herself sometimes Sahara gets protective.
Since mid march has been working with a dog behaviourist.

Status Complaint - Marty Devonport - Completed: 06/06/17 - 11.26

Details Mary anne JOYCE is the dog behaviourist have left a message on [REDACTED] for her to call me back.

Status Complaint - Marty Devonport - Completed: 06/06/17 - 11.49

Details Photos received of wound on dog and sent to BS to save to dog owner file.

Status Complaint - Marty Devonport - Completed: 06/06/17 - 16.05

Details Spoke with Mary-anne JOYCE she stated that she didn't see the incident, it happened to fast. She was told the dogs were running around and Sahara snapped at Leni, she then looked over and leni sat sat down and yelped. She is guessing that sahara snapped at Leni as she ran past and caused the wound. (the injury would corroborate this). Her Opinion was that Sahara temperament was really good and has not seen any behavioural issues, no protective or guarding issues. She has recommend that Sahara wear a muzzle when off leash.

Status Complaint - Marty Devonport - Completed: 06/06/17 - 16.31

Details I have run the incident through the Matrix and it come out as 26 but it is very subjective.
RMCD please peer review and advised.

Status Complaint - Ross McDonald - Completed: 06/06/17 - 16.35

Details Note be added. Have arranged with the dog owner to do a behavioural assessment with C Tait 12.00pm 7/6/17

Request 1708302

Page 3

Actions cont...

Status	Complaint - Ross McDonald - Completed: 07/06/17 - 11.57
Details	Unable to be at appointment at 12.00 have let Jan know.
Status	Complaint - Ross McDonald - Completed: 08/06/17 - 14.00
Details	C Tait and myself visited property and observed SAHARA in the dwelling with Jan present, my observation is that Sahara displays classic defensive aggressive behaviour, the dog would appear to very stressed and anxious at the presence of myself and Cam. We didn't aggress the dog but simply observed with the owner. Sahara tried not to make eye contact, showed whale eye, had her hackles up and growled for the first few minutes we were there, she settled down a bit after five minutes but kept her head turned to the side, tail tucked between her back legs, trembling and maintained a fearful body position. The dog would come to me and take food out of my hand but I didn't try to pat the dog as its demeanour was of an unpredictable stressed dog.
Status	Complaint - Cameron Tait - Arrived: 08/06/17 - 15.11 - Completed: 08/06/17 - 15.11
Details	Viewed dog with CO Devonport. After being invited into the dwelling Sahara had to be constantly told to get away by the owner and displayed high anxiety and elevated pre attack behaviour consistent with a fear aggressive dog such as restlessness, lip licking, puff growling, teeth baring, eye rolling while head turned away, flattened ears, raised hackles and tail between the legs. For the first ten minutes Sahara obviously growled and warned to not come near her while often displaying defensive side long posture. Eventually she settled down but for some period preferred to hide under the dining table while growling. Owner had treats in a hip pouch and gave treats to dog irrespective of what the dog was doing. This resulted in the owner (unknowingly) rewarding the dog for displaying aggressive behaviour, thereby confusing it by then rebuking it for the same behaviour.
Status	Complaint - Cameron Tait - Arrived: 08/06/17 - 15.44 - Completed: 08/06/17 - 15.44
Details	Sahara poses a significant risk of reactionary biting behaviour and that her behaviour and anxiety should be professionally assessed. I highly recommend that Sahara be muzzled when exposed to unfamiliar stimuli and situations in the future.
Status	Complaint - Marty Devonport - Completed: 08/06/17 - 16.10
Details	See above, my recommendation is for the dog to be classified as menacing based on the observed behaviour.
Status	Complaint - Ross McDonald - Arrived: 13/06/17 - 12.42 - Completed: 13/06/17 - 12.42
Details	Agree with menacing classification on the basis of reported observations and record of incident.
Status	Complaint - Marty Devonport - Completed: 14/06/17 - 09.29
Details	Spoke with C and Jan has paid the vet bill for them so on the basis of that a classification of MENACING is sufficient. Please classify and send the owner the appropriate documentation.
Status	Complaint - Business Support - Completed: 14/06/17 - 16.29
Details	Menacing by action letter sent as requested. Dog status updated. Cheers, Fiona.
Status	Complaint - Marty Devonport - Completed: 16/06/17 - 15.14
Details	Dog owner updated with Menacing classification. Muzzle has been sighted at owners house. NFA req.

Request 1708302

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Actions cont...

Status Complaint - Marty Devonport - Arrived: 05/07/17 - 12.05 - Completed: 05/07/17 - 12.05

Details	Objection received - Marty please prep file for FRRED's hearing and submit owners objection for hearing
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This Action

Arrived

Completed


Further action required?

Officer

Complainant advised?





TAUPO DISTRICT COUNCIL		
DOG CLASSIFICATION EVALUATION		
SERVICE REQUEST #	1708302	
OWNER # & NAME	08105 JANE SMEATON	
DOG REG #	161669 SAHARA	
NATURE OF INCIDENT		5 to 35 <input checked="" type="checkbox"/>
Level 05	Rushing and or aggressive behaviour on a person or animal.	
Level 07	Attack on a person or animal - no visible injury.	
Level 08	Domestic pet injured	
Level 11	Domestic pet killed	
Level 12	Stock Worried	
Level 13	Attack on a person with minor injury	
Level 25	Attack on a person with serious injury	
Level 40	Death of a person.	
PUBLIC INTEREST (Public interest is factored into report, remains constant @ 2 points)		2 <input checked="" type="checkbox"/>
LEGISLATIVE INTENT (Legislative intent factored into report, remains constant @ 2 points)		2 <input checked="" type="checkbox"/>
CLASSIFIED DOG (unleashed and or un-muzzled) 0 or 5		0 <input checked="" type="checkbox"/>
VICTIM IMPACT 0 to 3		2 <input checked="" type="checkbox"/>
Level 0 The victim is not concerned about the outcome.		
Level 2 The victim is concerned about the outcome.		
Level 3 The victim is likely to continuously suffer as a result of the attack		
DOG SURRENDERED 0 to 1		1 <input checked="" type="checkbox"/>
Level 0 The dog has been surrendered for destruction.		
Level 1 The dog has not been surrendered for destruction.		
OBSERVED AGGRESSION 0 to 2		1 <input checked="" type="checkbox"/>
Level 0 No sign of aggression.		
Level 1 Mild aggression.		
Level 2 Very aggressive.		
NEGLIGENCE 0, 2, 4 or 6		2 <input checked="" type="checkbox"/>
Level 0 Not the result of negligence of the owner.		
Level 2 A lack of understanding of the true nature of dogs		
Level 4 The incident is the direct result of carelessness.		
Level 6 The incident is a result of connivance		
DOG OWNER CO-OPERATION 0 or 3		0 <input checked="" type="checkbox"/>
Level 0 Co-operative and forthcoming with information		
Level 3 Not co-operative would not supply information willingly		


DOGS PREVIOUS HISTORY 0 to 5		<input type="text" value="0"/>
Level 0 No history		
Level 1 History with no aggression		
Level 3 History with aggression outside 24 months of incident		
Level 4 History with aggression within 24 months of incident		
Level 5 Already classified as dangerous or menacing.		
DOG REGISTERED AT THE TIME OF THE INCIDENT 0 or 4		<input type="text" value="0"/>
Level 0 The dog is currently registered		
Level 4 The dog is not currently registered		
RESTRAINT 0 to 4		<input type="text" value="1"/>
Level 0 The dog was under control of a person or secured.		
Level 1 The dog was not under control of a person or secured.		
Level 2 The dog was at large (unknown)		
Level 4 The dog was at large (known)		
KNOWN TO BE DANGEROUS 0 or 2		<input type="text" value="0"/>
Level 0 Not known by the owner or council to have shown previous aggression.		
Level 2 Known by the owner or council to have previously attacked.		
RECURRENCE LIKELIHOOD 0 or 2		<input type="text" value="2"/>
Level 0 Unlikely.		
Level 2 Likely.		
TRAINED AGGRESSION 0 to 2		<input type="text" value="0"/>
Level 0 Not trained to be aggressive.		
Level 1 Encouraged to be a guard dog.		
Level 2 Professionally trained guard dog.		
DAMAGES 0 to 1		<input type="text" value="0"/>
Level 0 No damages or damages paid voluntarily.		
Level 1 Did not offer to pay any damages or damages remain unpaid.		
BREED CHARACTERISTICS 0 to 4		<input type="text" value="0"/>
Level 0 Not known for its aggression.		
Level 1 Known as a guard dog breed.		
Level 4 Known to be naturally aggressive.		
TOTAL		<input type="text" value="22"/>
09 – 23	=	WARNING NOTICE AND OR INFRINGEMENT
24 – 27	=	MENACING DOG CLASSIFICATION AND OR INFRINGEMENT
28 – 35	=	DANGEROUS DOG CLASSIFICATION AND OR INFRINGEMENT
35 – 40	=	PROSECUTION

CLASSIFICATION: NONE MENACING DANGEROUS INFRINGEMENT (CIRCLE OPTION)

Notes:

*Dog history marked as zero - no substantiated reports.
Not known to be dangerous as per above comment*

Officer No. 37

TAUPO DISTRICT COUNCIL		
DOG CLASSIFICATION EVALUATION		
SERVICE REQUEST #	170 8302	
OWNER # & NAME	Jan Sneyton 08105	
DOG REG #	16 1669 - SAMARA	
NATURE OF INCIDENT		5 to 35 <input type="text" value="8"/>
Level 05	Rushing and or aggressive behaviour on a person or animal.	
Level 07	Attack on a person or animal - no visible injury.	
Level 08	Domestic pet injured	
Level 11	Domestic pet killed	
Level 12	Stock Worried	
Level 13	Attack on a person with minor injury	
Level 25	Attack on a person with serious injury	
Level 40	Death of a person.	
PUBLIC INTEREST (Public interest is factored into report, remains constant @ 2 points)		<input type="text" value="2"/>
LEGISLATIVE INTENT (Legislative intent factored into report, remains constant @ 2 points)		<input type="text" value="2"/>
CLASSIFIED DOG (unleashed and or un-muzzled) 0 or 5		<input type="text" value=""/>
VICTIM IMPACT 0 to 3		<input type="text" value="2"/>
Level 0 The victim is not concerned about the outcome.		
Level 2 The victim is concerned about the outcome.		
Level 3 The victim is likely to continuously suffer as a result of the attack		
DOG SURRENDERED 0 to 1		<input type="text" value="1"/>
Level 0 The dog has been surrendered for destruction.		
Level 1 The dog has not been surrendered for destruction.		
OBSERVED AGGRESSION 0 to 2		<input type="text" value="1"/>
Level 0 No sign of aggression.		
Level 1 Mild aggression.		
Level 2 Very aggressive.		
NEGLIGENCE 0, 2, 4 or 6		<input type="text" value="2"/>
Level 0 Not the result of negligence of the owner.		
Level 2 A lack of understanding of the true nature of dogs		
Level 4 The incident is the direct result of carelessness.		
Level 6 The incident is a result of connivance		
DOG OWNER CO-OPERATION 0 or 3		<input type="text" value="0"/>
Level 0 Co-operative and forthcoming with information		
Level 3 Not co-operative would not supply information willingly		

DOGS PREVIOUS HISTORY 0 to 5	4
Level 0 No history Level 1 History with no aggression Level 3 History with aggression outside 24 months of incident Level 4 History with aggression within 24 months of incident Level 5 Already classified as dangerous or menacing.	
DOG REGISTERED AT THE TIME OF THE INCIDENT 0 or 4	0
Level 0 The dog is currently registered Level 4 The dog is not currently registered	
RESTRAINT 0 to 4	1
Level 0 The dog was under control of a person or secured. Level 1 The dog was not under control of a person or secured. Level 2 The dog was at large (unknown) Level 4 The dog was at large (known)	
KNOWN TO BE DANGEROUS 0 or 2	0
Level 0 Not known by the owner or council to have shown previous aggression. Level 2 Known by the owner or council to have previously attacked.	
RECURRENCE LIKELIHOOD 0 or 2	2
Level 0 Unlikely. Level 2 Likely.	
TRAINED AGGRESSION 0 to 2	0
Level 0 Not trained to be aggressive. Level 1 Encouraged to be a guard dog. Level 2 Professionally trained guard dog.	
DAMAGES 0 to 1	0
Level 0 No damages or damages paid voluntarily. Level 1 Did not offer to pay any damages or damages remain unpaid.	
BREED CHARACTERISTICS 0 to 4	0
Level 0 Not known for its aggression. Level 1 Known as a guard dog breed. Level 4 Known to be naturally aggressive.	
TOTAL	25

09 - 23	=	WARNING NOTICE AND OR INFRINGEMENT
24 - 27	=	MENACING DOG CLASSIFICATION AND OR INFRINGEMENT
28 - 35	=	DANGEROUS DOG CLASSIFICATION AND OR INFRINGEMENT
35 - 40	=	PROSECUTION

CLASSIFICATION: NONE MENACING DANGEROUS INFRINGEMENT (CIRCLE OPTION)

Notes: Negligence - Dog was off lead but a dog exercise
area - Observed aggression - Owner admits dog can
be protective and territorial.
Previous history - known confronts of aggression
- usually 5-6 minutes - 1/2 hour - currently
impaired but it was been off dog.

Officer No. 38

4 I Clare Webber of Taupo
[Full Name] [Address]

Swear this is my statement and it true and correct.

Sworn by _____

at _____ this _____ day of
_____ 2017

Before:

[Deputy] Registrar
Solicitor
Justice of Peace

SWORN / NON SWORN STATEMENT

- 1 I understand that the dog described below may be classified as dangerous/menacing 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 31,32 / 33A,E.
- 2 I also understand that the owner of the dog has a right of objection which shall be a hearing held by the Taupo District Council Fences, Reserves and Dogs Committee. [Note: I understand I will have to attend this hearing].
- 3 Describe the incident, where it happened and the dog – colour, breed, etc in as much detail as possible - use a separate page if required.

I am making this statement to _____
at _____ on the _____

On the 5/06/17 1630 [Date and Time] I witnessed aggressive behaviour by

My husband Jeremy myself + our three young children aged 3, 2 + 1 went to the 5 mile bay carpark to take our puppy Leni for a walk. Leni was approx 2 months old at that time. We walked in a northerly direction and after a while, took Leni off the lead and she remained under our control. A group of 3 women approached from the other direction ~~and~~ each with a dog also off lead. One woman was Jan Inceston, who we ~~know~~ are acquainted with socially. A second woman was Maryanne, who is a dog behaviourist that Jan had told me on an earlier occasion, was working with Sahara. Maryanne's dog, a boxer, approached our family first and she + Leni were playing nicely with Lechother and ran around together. All 5 adults had stopped to watch the dogs play. The 2 dogs ran closer to the other dogs and Sahara. As Leni + Sahara approached + sniffed each other, Sahara suddenly lunged ~~at~~ at Leni. Leni yelped + cowered + sat down. We immediately noticed she was ripped on her side + bleeding. Maryanne the behaviourist examined Leni + made a number of comments describing both the wound and the incident where Sahara

Continued over page

had ripped ~~the~~ Leni's skin. Jan Smeaton remained silent throughout while Maramba was examining Leni's injury. It was clear to everyone that Sahara had bitten Leni as we had all been standing watching the dogs.

We immediately took Leni + our children back to our car. As we walked away the women were openly discussing that "Sahara bit Leni" and "ripped her". We ~~never~~ didn't want to enter a discussion at that time as we didn't want our children to ~~become~~ become worried and anxious, and felt like we just needed to leave at that time. Jeremy undertook to discuss the incident with Jan Smeaton over the phone later that evening.

We immediately got in touch with the vet when we got home, and dropped Leni to the clinic. Leni required general anaesthetic, stitches and stayed overnight.

Jeremy told Jan Smeaton directly that Sahara needed to be put down. Jan agreed + paid our vet bill. She made an appointment to at the vet to have Sahara euthanased.

Our vet bill was just under \$500 and Jan paid within 3 days. I lodged a ~~complaint~~ complaint about Sahara with the Tairāh District Council. I have encountered Sahara before while on a social run with Jan and I know from prior conversations with Jan that she is aware that Sahara is aggressive + unmanageable. I lodged a complaint with TDC because I was very angry at the incident that had happened but mostly because I am aware how easily that could have been one of my children. Sahara was not under the control of Jan who aggressive and dangerous. I feel very concerned that a dog like this could be off lead in an area where children play + walk.

Continued over page

4 I Jeremy George Lecker of Taupo
[Full Name] [Address]

Swear this is my statement and it true and correct.

Sworn by _____

at _____ this _____ day of
_____ 2017

Before:

[Deputy] Registrar
Solicitor
Justice of Peace

I made it clear to her that 'Sahara' was a significant risk and should be euthanased.

I was extremely grateful that it was our dog that was injured and not the owner, or somebody else's, dog.

Zeni required an anaesthetic and surgical repair of her wound that same evening.

Sahara's owner paid/reimbursed the full cost the following day.

I understand that the dog owner now suggests Zeni's injury was sustained by blackberry. As an emergency doctor who deals with traumatic lacerations regularly, this injury is not consistent with blackberry.

Continued over page



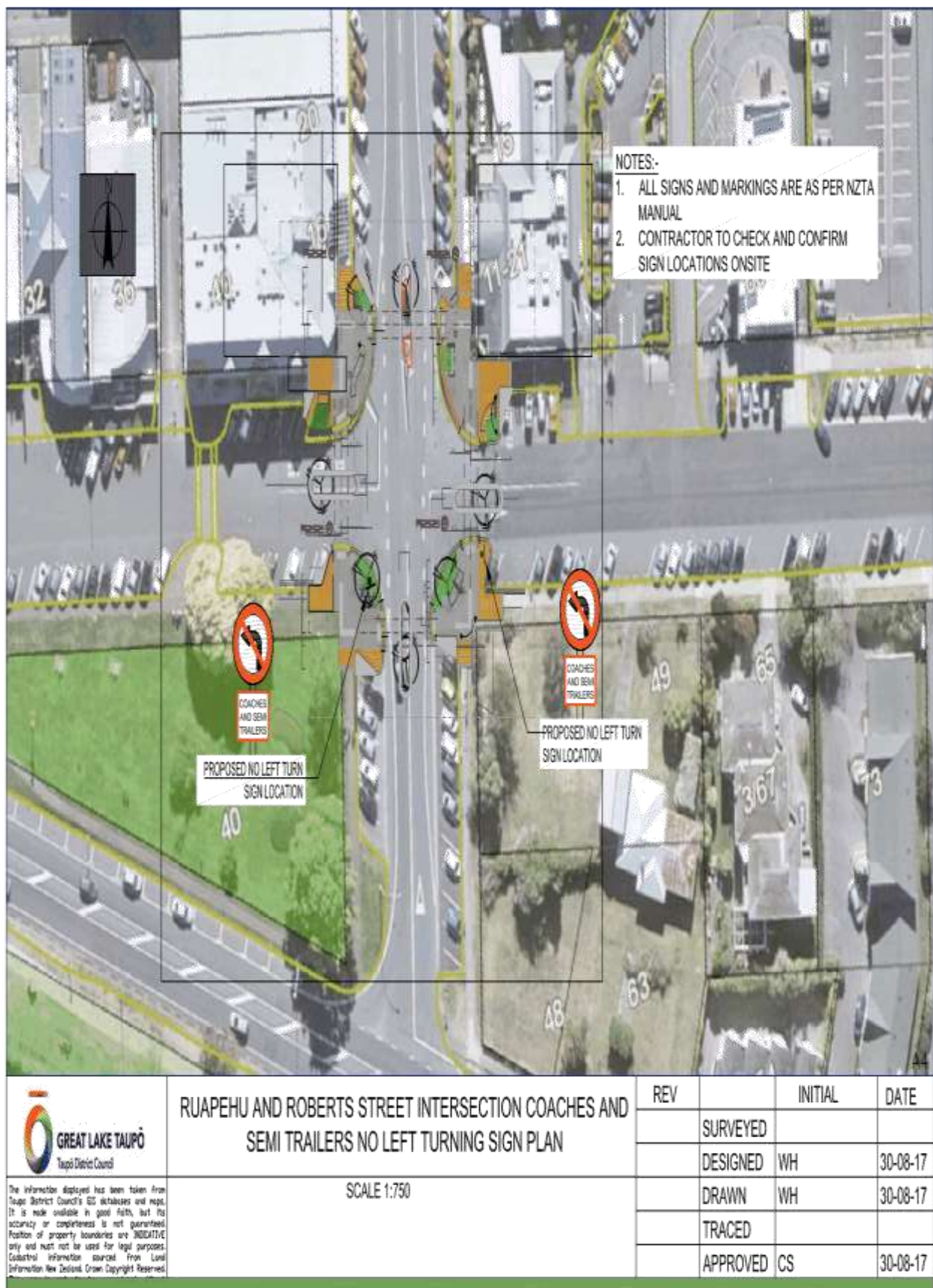
























ENCROACHMENT ON RESERVES

That the Taupo District Council approves a policy for Encroachments on Reserves being the following:

Existing 'Historic' Encroachments as at 1 March 2001

That where and when an encroachment is identified for removal the Taupo District Council will first attempt to regain exclusive occupation of the reserve land through negotiations with the party concerned.

The procedure for asserting occupation and management rights to reserve land will be:

- to notify the party concerned and invite them to discuss the encroachment within a prescribed timetable [30 days]
- to negotiate a settlement with the party concerned ensuring Council regains exclusive occupation of the reserve land within a 30 day period
- should negotiations fail within the specified timetable, Council may consider arbitration or prosecution under the Reserves Act 1977
- That Council consider the revocation of reserve status and sale as a possible solution. All decisions on sale/lease will require public consultation, council and ministerial approval. All costs are to be recovered from the party concerned.

New Encroachments

That no new encroachment shall be permitted on reserves in the Taupo District without prior formal approval of Council.

That unauthorised encroachments shall be removed within the time period prescribed.

That Council shall undertake the following to ensure full reinstatement of the reserve land:

- the person responsible for the encroachment will be given notice requiring immediate termination, removal and reinstatement of the encroachment at their cost within a specified timeframe being no more than one month's notice
- where removal and reinstatement does not occur within the specified timeframe, the Council may then carry out the removal and reinstatement itself and recover costs through the District Court, and/or prosecute the person responsible for the encroachment through the District Court and seek removal, reinstatement and recovery of costs
- alternatively, Council at its absolute discretion, may remove and reinstate the encroachment at its own cost which shall be recovered from the party concerned.

That Council shall not compensate for any encroachment, or damage or modification to any encroachment as a result of public activity or approved works undertaken within the reserve and the party concerned shall meet all costs including reinstatement and Council's overhead costs.

That the Taupo District Council undertakes a programme to identify areas of encroachment with the purpose of regaining occupancy of reserve land.

Corporate Services Committee, 9 February 2001



