



**I give notice that
an Ordinary Meeting of District Dog Control Committee will be held on:**

Date:	Tuesday, 19 August 2025
Time:	11.00am
Location:	Council Chamber Level 1, 67 Horomātangi Street Taupō

AGENDA

MEMBERSHIP

Chairperson Cr Kevin Taylor

Members Cr Kylie Leonard
Mayor David Trewavas
Cr John Williamson
Vacancy

Quorum 3

**Julie Gardyne
Chief Executive**

Order Of Business

- 1 **Karakia**
- 2 **Whakapāha | Apologies**
- 3 **Ngā Whakapānga Tukituki | Conflicts of Interest**
- 4 **Whakamanatanga O Ngā Meneti | Confirmation of Minutes**
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- 5 **Ngā Kaupapa Here Me Ngā Whakataunga | Policy and Decision Making**
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Nil

4.1 ORDINARY DISTRICT DOG CONTROL COMMITTEE MEETING - 25 SEPTEMBER 2023

Author: Shainey James, Governance Quality Manager

Authorised by: Nigel McAdie, Legal and Governance Manager

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That the minutes of the District Dog Control Committee meeting held on Monday 25 September 2023 be approved and adopted as a true and correct record.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. District Dog Control Committee Meeting Minutes - 25 September 2023 [↗](#)

5.1 OBJECTION TO MENACING CLASSIFICATION - LACEY 245158

Author: Cameron Tait, Compliance and Regulatory Manager

Authorised by: Jessica Sparks, Environmental Services Manager

TE PŪTAKE | PURPOSE

This item is presented to the Committee for consideration of whether to uphold or rescind the menacing dog classification issued for “Lacey,” following an objection lodged by the dog’s owner.

WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY

Officers are seeking the District Dog Control Committee’s decision on whether to uphold or rescind the menacing classification issued to “Lacey,” a female Fox Terrier, following an objection from her owner under Section 33B of the Dog Control Act 1996.

The classification was issued on 25 June 2025 after an incident on 12 April 2025 in which a six-year-old child was bitten and scratched while near two tethered dogs in the Tūrangi Town Centre. Although the complainant initially alleged both dogs were involved, CCTV footage confirmed only one dog physically engaged with the child. The owner identified this dog as Lacey. Injuries sustained included a bite to the thigh and scratches to the foot.

Under the Act, a menacing classification is applied where a dog’s behaviour poses a threat to people, animals, or wildlife. The classification imposes enforceable obligations on the owner, including muzzling the dog in public, keeping it under control at all times, and desexing it. Breaches may result in infringements, seizure, or prosecution.

While the investigating officer’s initial classification matrix did not recommend the designation, the Senior Compliance Officer and Compliance and Regulatory Manager determined it was warranted given the nature of the incident, the public setting, and the owner’s regular attendance at markets with her dogs. The owner has objected to the classification but has not provided supporting reasons or evidence of steps taken to mitigate future risk. No further incidents have been reported since.

Two options are available:

1. **Rescind** – removes the restrictions but may expose the public to future risk and criticism of Council’s preventative measures.
2. **Uphold** – reinforces Council’s commitment to public safety and responsible dog ownership but places ongoing restrictions on the owner.

Given the circumstances, the Compliance team recommends upholding the classification. This aligns with the Dog Control Act 1996 and the Taupō District Council Dog Control Policy objectives to minimise danger, distress, and nuisance caused by dogs, and to protect public safety.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That the District Dog Control Committee upholds the menacing dog classification for Lacey

TE WHAKAMAHUKI | BACKGROUND

This proposal has not been previously presented.

The matter arises from a report received by the Council’s Compliance Team regarding an incident in which a six-year-old child was bitten and scratched by dogs tethered near the Tūrangi Town Centre at approximately 9.25 a.m. on Saturday, 12 April 2025. According to the report, the child sustained the following injuries: a bite mark to the inner right thigh, a scratch on the front of her left foot, and another scratch to the back of the same foot.

While the initial report indicated that both dogs were involved in the attack, CCTV footage obtained during the investigation confirms that only one dog physically engaged with the child. The owner, who subsequently identified the attacking dog as “Lacey” in written statements provided to Council.

The dog owner has formally objected to the proposed classification of Lacey as a menacing dog under the Dog Control Act 1996.

NGĀ KÖRERORERO | DISCUSSION

Statutory Framework – Section 33A and 33B of the Dog Control Act 1996

The proposal has been evaluated with regards to a range of legislation. The key legislation applicable to the proposal is the Dog Control Act 1996, in particular section 33B – Objection to classification of dog under section 33A:

- (1) If a dog is classified under section 33A as a menacing dog the owner –
 - (a) May, within 14 days of receiving notice of the classification, object in writing to the territorial authority in regard to the classification; and
 - (b) Has the right to be heard in support of the objection.
- (2) The territorial authority considering an objection under subsection (1) may uphold or rescind the classification, and in making its determination must have regard to –
 - (a) The evidence which formed the basis for the classification; and
 - (b) Any steps taken by the owner to prevent any threat to the safety of persons or animals; and
 - (c) The matter relied on in support of the objection; and
 - (d) Any other relevant matters.
- (3) The territorial authority must, as soon as practicable, give written notice to the owner of –
 - (a) Its determination of the objection; and
 - (b) Reasons for its determination.

The objectives of the Act are to make better provisions for the care and control of dogs. The Act also imposes obligations on dog owners designed to ensure that dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any person.

Should a dog, by action or observed behaviour, be considered to pose a threat, then section 33A of the Act allows the territorial authority to classify a dog as menacing, and section 33B allows the owner to object to the classification and to be heard in support of the objection.

Evidence which formed the basis for the Classification – Section 33B(2)(a)

1. On the 12/04/2025, Council received a complaint that two dogs attacked a 6 year-old child.
2. Although the complainant advised that both dogs attacked, CCTV footage showed that only one dog was involved.
3. The dog owner has identified the dog involved as Lacey.
4. Lacey was not under proper control at the time of the attack.
5. In statements provided to Council, the dog owner has stated that “Lacey is a little timid, she hasn’t been to as many markets as Chemi” and “The pup must have got a fright and was defensive, barking.”

After completing the investigation, a classification matrix was completed. This is based on the information gained from witness interviews, previous history, and evidence found during the investigation. The matrix forms part of the decision to classify a dog as menacing. In this case the classification matrix from the investigating officer did not reflect a menacing classification. However, when the attack file was reviewed by the Senior Compliance Officer and the Compliance and Regulatory Manager, the decision was made to pursue a menacing classification for Lacey.

Steps taken by the Owner to prevent any threat to the safety of persons or animals – Section 33B(2)(b)

Since the reported incident, there have been no further reports to Council in relation to Lacey. Council is unaware of any further steps taken by the owner to prevent any threat to the safety of persons or animals.

Matters relied upon in support of the objection – Section 33B(2)(c)

The dog owner has objected to the menacing classification but has not made any comment to Council in support of her objection.

Other relevant matters – Section 33B(2)(d)

Given the subjective nature of dog attacks and the process of classifying a dog, each incident although seemingly similar will vary as will the enforcement action/options. The outcome is based on evidence that has been presented, the likelihood of reoccurrence, history of the dog, negligence on the part of the person in control of the dog at the time and ensuring the safety of our community from further harm.

Following a review of the file and in accordance with section 33A of the Dog Control Act 1996, a territorial authority may classify a dog as menacing if it considers the dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife due to observed or reported behaviour. Given that the dog owner is a regular vendor at public markets and routinely brings her dogs into public spaces, it was determined that a menacing classification was both warranted and appropriate in this case.

Based on this information it is considered that there are two options:

1. Rescind the menacing classification; or
2. Uphold the menacing classification

NGĀ KŌWHIRINGA | OPTIONS

Analysis of Options

Option 1: Rescind the menacing classification

Advantages	Disadvantages
<ul style="list-style-type: none"> Council is seen to have a fair and robust process when considering an objection. The dog owner will not have to abide by the effects of the classification, including not having to muzzle her dog in public. 	<ul style="list-style-type: none"> Potential for another incident with the dog unmuzzled in public. Should there be another incident, Council may be criticised for not taking all actions available to prevent harm by upholding the menacing classification to ensure the dog is not a threat to the public and other animals.

Option 2: Uphold the menacing classification

Advantages	Disadvantages
<ul style="list-style-type: none"> Council is seen to take any incident seriously when it comes to uncontrolled dogs or owners not abiding by their obligations under the Act. 	<ul style="list-style-type: none"> The dog owner will be required to abide by the effects of the classification and muzzle her dog in public.

Analysis Conclusion:

The preferred option is option 2, that the menacing classification is upheld by the Committee.

NGĀ HĪRAUNGA | CONSIDERATIONS**Ngā Aronga Pūtea | Financial Considerations**

There are no financial considerations.

Ngā Aronga Ture | Legal ConsiderationsLocal Government Act 2002

The matter comes within scope of the Council's lawful powers, including satisfying the purpose statement of [Section 10](#) of the Local Government Act 2002. That section of the Act states that the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. It is considered that social well-being is of relevance to this particular matter.

Ngā Hīraunga Kaupapa Here | Policy ImplicationsTaupō District Council Dog Control Policy 2021

This policy outlines the legal, financial, and practical consequences a dog owner may face when their dog is involved in an attack on a person, in breach of the policy and the Dog Control Act 1996. These implications apply to all dog owners within the Taupō District.

The policy sets out the following relevant objectives:

Objective 2 – To minimise the fear of dogs attacking or intimidating people;

Objective 4 – To minimise danger, distress and nuisance caused by dogs.

Dog owners are expected to take all reasonable steps to prevent harm to others under the policy and the Act.

Te Kōrero tahi ki te Māori | Māori Engagement

Taupō District Council is committed to meeting its statutory Tiriti O Waitangi obligations and acknowledges partnership as the basis of Te Tiriti. Council has a responsibility to act reasonably and in good faith to reflect the partnership relationship, and to give effect to the principles of Te Tiriti. These principles include but are not limited to the protection of Māori rights, enabling Māori participation in Council processes and having rangatiratanga over taonga.

Our statutory obligations outline our duties to engage with Māori and enable participation in Council processes. Alongside this, we recognise the need to work side by side with iwi, and hapū of our district. Appropriately, the report author acknowledges that they have considered the above obligations including the need to seek advice, guidance, feedback and/or involvement of Māori on the proposed recommendation/s, objective/s, project/s or service/s outlined within this report.

Ngā Tūraru | Risks

If the classification is rescinded, there is a risk to Council if Lacey was to be involved in another incident of similar nature. This risk is a reputational one i.e that Council did not use all of its tools to prevent future harm as well as the potential risk to the public.

TE HIRANGA O TE WHAKATAU, TE TONO RĀNEI | SIGNIFICANCE OF THE DECISION OR PROPOSAL

Council's Significance and Engagement Policy identifies matters to be considered when assessing the degree of significance of proposals and decisions.

Officers have undertaken an assessment of the matters in the [Significance and Engagement Policy \(2022\)](#), and are of the opinion that the proposal under consideration is of a low degree of significance.

TE KŌRERO TAHI | 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 the committee making a decision.

TE WHAKAWHITI KŌRERO PĀPAHO | COMMUNICATION/MEDIA

Direct communication has been/will be carried out with affected parties/key stakeholders but no wider communication is considered necessary.

WHAKAKAPINGA | CONCLUSION

It is the responsibility of every dog owner to ensure their dog is always properly controlled and in accordance with the Dog Control Act 1996. Owners must understand and meet their obligations—particularly their obligation to prevent their dog from causing harm or nuisance to others through aggressive or uncontrolled behaviour.

This incident occurred as a direct result of Lacey not being under effective control, which allowed the behaviour that led to the complaint.

Based on the available evidence, the Council's Compliance team considers that the classification of Lacey as a menacing dog is justified under the Act. The Act provides that a territorial authority may classify a dog as menacing if the dog's behaviour has been observed or reported as posing a threat to any person, animal, or protected wildlife.

If the dog owner complies with the requirements of the classification and ensures Lacey is kept under effective control, the risk of future incidents will be significantly reduced, and the intent of the legislation will be met. However, failure to comply may result in further enforcement action, including financial penalties and additional classifications, as permitted under the Act.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Dog Control Act 1996 s33A [⇒](#)
2. Notice of Classification (Sec 33A) Lacey [⇒](#)
3. Service Request 2506743 [⇒](#)
4. Dog owner details National Dog Database [⇒](#)
5. Lacey information National Dog Database [⇒](#)
6. Chemi information National Dog Database [⇒](#)
7. Lacey and Chemi photo with identification [⇒](#)
8. Rego tag 5158 Lacey [⇒](#)
9. Rego tag 5157 Chemi [⇒](#)
10. Initial Statement from dog owner [⇒](#)
11. Compliance Officer notes discussion with dog owner [⇒](#)
12. Discussion with dog owner continued [⇒](#)
13. Dog owner signed statement [⇒](#)
14. Statement from victim's mother [⇒](#)
15. Photo of injury 1 [⇒](#)
16. Photo of injury 2 [⇒](#)
17. Photo of injury 3 [⇒](#)
18. Body diagram [⇒](#)
19. Scene Diagram 1 [⇒](#)
20. Scene Diagram 2 [⇒](#)
21. TDC Dog Classification Matrix SR2506742 CO109 [⇒](#)
22. TDC Dog Classification Evaluation Matrix SR2506743 CO82 [⇒](#)
23. Summary of facts SR2506743 [⇒](#)
24. Warning dog incident letter to dog owner [⇒](#)
25. Infringement Dog Owner s53 Dog Control Act [⇒](#)

26. Objection to classification Lacey from dog owner