



AGENDA

Hearings Committee Meeting Tuesday, 1 September 2026

Date Tuesday, 1 September 2026

Time 10:00 am

Location Council Chambers
District Council Building
2 King George Place
Timaru

File Reference 1865453

Timaru District Council

Notice is hereby given that a meeting of the Hearings Committee will be held in Council Chambers, District Council Building, 2 King George Place, Timaru, on Tuesday 1 September 2026, at 10:00 am.

Hearings Committee Members

Michelle Pye, Nigel Bowen (Chairperson), Scott Shannon and Stacey Scott

Quorum – no less than 2 members

Local Authorities (Members' Interests) Act 1968

Committee members are reminded that if you have a pecuniary interest in any item on the agenda, then you must declare this interest and refrain from discussing or voting on this item, and are advised to withdraw from the meeting table.

Paul Cooper

General Manager Regulatory Development and Growth

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- 1 Apologies**
- 2 Identification of Items of Urgent Business**
- 3 Identification of Matters of a Minor Nature**
- 4 Declaration of Conflicts of Interest**

5 Reports

5.1 Dog Control Act 1996 - Section 25, Objection to Classification of Menacing Dog 'Bilbo'

Author: Joanne Hamilton, Team Leader Animal Control/Parking

Authoriser: Paul Cooper, General Manager Regulatory Development and Growth

Recommendation

That the Hearings Committee Panel, after considering the available evidence, makes a determination under the provisions of the Dog Control Act 1996 to either:

- (a) Rescind the menacing classification of dog Bilbo; or
- (b) Uphold the menacing classification of dog Bilbo

Purpose of Report

- 1 This report relates to an objection received in writing, on 15 June 2026, regarding Notice of Classification of Menacing Dog dated 27 May 2026.

Assessment of Significance

- 2 Council's assessment under its significance and Engagement Policy is that this matter is not applicable.

Background

- 3 The serving of the menacing dog classification notice has followed an investigation into a complaint of a dog attack that took place in Timaru at approximately 1:00 pm on 12 April 2026.
- 4 The complainant and owner of the dog Finn, reported the incident on 13 April advising that their dog Finn was attacked by a German Shepherd, leaving Finn bruised.
- 5 On 15 April 2026, statements were gathered from witnesses. They described that the offending dog saw Finn and ran at him from approximately 10 metres away with aggressive intent, making contact with Finn. It took multiple people to control the situation and break up the encounter.
- 6 23 April 2026 Animal Control received an email from the owner of the offending dog which included an amended statements from witnesses and also a photo of the offending dog advising it had been bitten by Finn. Also included was a statement advising that another dog owned by the offending dog owner was in heat and near where the attack happened.
- 7 On 4 May 2026, another witness emailed their statement.
- 8 On 5 May 2026 signed copy amended statement received from the dog owner.
- 9 On 8 May 2026 a witness that knows the offending dog owner make contact, wanted to amend their statement. No further information provided by this witness.
- 10 On 27 May 2026 Kelly informed the offending dog owner and the complainant of the investigation outcome, being menacing classification and an infringement.

Discussion

- 11 The investigation established that an attack occurred in Timaru. While the other dog did not sustain any obvious physical injury, likely due to the protection afforded by its thick coat, the incident caused distress to both the dog and its owner. Numerous independent witnesses described the offending dog as displaying heightened aggression immediately before and during the attack. The owners also acknowledged their dog is known to be reactive towards other dogs and had been wearing a muzzle for that reason. During the investigation, the owners offered a number of explanations for the incident, including the presence of a dog in season, the offending dog acting protectively, being advised by the judge that it was safe to remove the muzzle, not realising the crate door had been left open, and that the other dog had also bitten their dog. However, none of these explanations diminish the fact that offending dog attacked another dog in a public setting.
- 12 The Timaru District Council considers that the dog poses a threat to other animals because of reported aggressive behaviour. The behaviour of the dog needs to be addressed, and risk eliminated to ensure the safety of other animals and the public. This can be managed by the owners adhering to the effects of the classification, being that they must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but allow it to breathe and drink without obstruction.

Standard of proof

- 13 The Panel will need to determine for itself which recommendation is appropriate, the evidence should be considered on the balance of probabilities. Simply stated this means 'more likely than not'. This recommendation decision should be based on the following:
- Relevant legislation
 - Assessment of the evidence as it relates to the legislation; and
 - Weighting of the evidence

Relevant Legislation, Council Policy and Plans

- 14 Dog Control Act 1996, section 5 – *Obligations of dog owners*
- 15 Dog Control Act 1996, section 33A – Territorial Authority may classify dog as menacing
- 16 Dog Control Act 1996, section 33B – Objection to classification as menacing dog
- 17 Dog Control Act 1996, section 33E – Effect of classification as menacing dog
- 18 Dog Control Act 1996, section 52 – *Control of dogs generally*
- 19 Dog Control Act 1996, section 52A - *Control of dogs on owners*
- 20 Dog Control Act 1996, section 57 - *Dogs attacking persons or animals*
- 21 Timaru District Council Dog Control Policy 2018, Part 3 18.0 - *Enforcement Protocol*
- 22 Timaru District Council Dog Control Policy 2018, Part 3 24.0 – *Dogs attacking or rushing*
- 23 Timaru District Council Consolidated Bylaw 2018 Chapter 6.11 – *Dogs becoming a nuisance or injurious to health*

Financial and Funding Implications

- 24 Councils' assessment of financial and funding implications policy is not applicable in this instance.

Attachments

Nil

6 Consideration of Urgent Business Items**7 Consideration of Minor Nature Matters****8 Exclusion of the Public****Recommendation**

That the public be excluded from—

- *(a)the whole of the proceedings of this meeting; or
- *(b)the following parts of the proceedings of this meeting, namely,—

9.1 Dog Control Act 1996 - Section 33B, Objection to Classification of Menacing Dog 'Bilbo'

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Plain English Reason
9.1 - Dog Control Act 1996 - Section 33B, Objection to Classification of Menacing Dog 'Bilbo'	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	To protect a person's privacy, including the privacy of deceased persons

*I also move that [\[name of person or persons\]](#) be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of [\[specify\]](#). This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because [\[specify\]](#)

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*Delete if inapplicable.

Note

[Section 48\(4\)](#) of the Local Government Official Information and Meetings Act 1987 provides as follows:

- “(4)Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof)—
 - (a)shall be available to any member of the public who is present; and

- (b)shall form part of the minutes of the local authority.”

9 Public Excluded Reports

10 Readmittance of the Public