



# AGENDA

## Hearings Committee Meeting Tuesday, 1 September 2026

**Date** Tuesday, 1 September 2026

**Time** 1:00 pm

**Location** Council Chambers  
District Council Building  
2 King George Place  
Timaru

**File Reference** 1869749

## **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 1:00 pm.**

### **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**

**Order Of Business**

|           |                                                                                                    |           |
|-----------|----------------------------------------------------------------------------------------------------|-----------|
| <b>1</b>  | <b>Apologies .....</b>                                                                             | <b>5</b>  |
| <b>2</b>  | <b>Identification of Items of Urgent Business.....</b>                                             | <b>5</b>  |
| <b>3</b>  | <b>Identification of Matters of a Minor Nature .....</b>                                           | <b>5</b>  |
| <b>4</b>  | <b>Declaration of Conflicts of Interest .....</b>                                                  | <b>5</b>  |
| <b>5</b>  | <b>Reports .....</b>                                                                               | <b>6</b>  |
| 5.1       | Dog Control Act 1996 - Section 33B, Objections to Classification of Menacing<br>Dog 'Cruise' ..... | 6         |
| <b>6</b>  | <b>Consideration of Urgent Business Items.....</b>                                                 | <b>9</b>  |
| <b>7</b>  | <b>Consideration of Minor Nature Matters.....</b>                                                  | <b>9</b>  |
| <b>8</b>  | <b>Exclusion of the Public.....</b>                                                                | <b>9</b>  |
| 9.1       | Dog Control Act 1996 - Section 33B, Objections to Classification of Menacing<br>Dog 'Cruise' ..... | 9         |
| <b>9</b>  | <b>Public Excluded Reports.....</b>                                                                | <b>11</b> |
| <b>10</b> | <b>Readmittance of the Public.....</b>                                                             | <b>12</b> |



- 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 33B, Objections to Classification of Menacing Dog 'Cruise'

**Author:** Joanne Hamilton, Team Leader Animal Control/Parking

**Authoriser:** Paul Cooper, General Manager Regulatory Development and Growth

#### Recommendation

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

- (a) Rescind the Menacing Dog Classification of dog Cruise; or
- (b) Uphold Menacing Dog Classification of dog Cruise

#### Purpose of Report

- 1 This covering report relates to an objection received in writing on 4 August 2026 regarding Notice of Classification of Menacing Dog dated 20 July 2026. The dog's name is 'Cruise'.

#### 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 a public place, being McKenzie Street, Geraldine, between 10:30am - 12 noon on 21 May 2026.
- 4 The incident was reported on 21 May 2026 with the complainant advising they were out running and were approached by a black and tan Rottweiler on McKenzie Street, Geraldine. A member of the public called the dog away. On their return home, they reported witnessing the same dog attack another dog being walked by a member of the public and the large deer gate to the property where the dog resided was wide open.
- 5 Complainant two also reported the incident on 25 May 2026 advising that while out walking their dog on Thursday 21 May 2026, a Black and tan Doberman type dog ran out of a McKenzie Street, Geraldine address and grabbed their dog by the neck. They noted the dog is usually kept to the back of the property, but on that day the gate was open, and the dog was able to escape.
- 6 On 21 May 2026 at 9:35am an Animal Control Officer (ACO), was called regarding a wandering dog on McKenzie Street, Geraldine. She attended and observed a black and tan Rottweiler, known to her as 'Cruise'. When Cruise saw the ACO, he ran up to her on the footpath outside McKenzie Street, Geraldine, address, where she was able to put a lead on him. The ACO then spoke to an occupant at the property, who advised they had just got out of bed, and the dog had been dropped off in the middle of the night and wasn't advised by the owner she was to be responsible for Cruise. The occupant confirmed that the other Rottweiler that usually

resides at the same property was staying elsewhere. The ACO then removed the dog and impounded it.

- 7 On the same day, an ACO, called the dog owner, and notified them that Cruise had been impounded. The owner advised that he was currently visiting a friend and was intending on picking Cruise up from McKenzie Street, Geraldine at 4:00pm that day. The owner called back later on that day to advise they could not afford impoundment fees.
- 8 On 27 May 2026 the ACO took a witness statement from complainant two. During the conversation, they clarified that when he initially called the Council, they said that the dog was a Doberman, however after researching on google, confirmed it was a Rottweiler that attacked their dog. The ACO also took a witness statement from Complainant one.
- 9 On 23<sup>rd</sup> July a menacing classification was issued to the dog owner.

### Discussion

- 10 The investigation established that an attack occurred in a public place, being McKenzie Street, Geraldine. The definition of an attack is where a dog acts in an aggressive manner and makes contact with another animal or person, causing or attempting to cause harm or injury.
- 11 In this incident, Cruise, a Rottweiler, rushed another dog, an 11-year-old English Springer Spaniel, and bit onto its neck. Cruise maintained its grip and did not release until the owner intervened by yelling at Cruise. Following the incident, blood was observed on the Spaniels neck.
- 12 The circumstances of the incident demonstrate that Cruise displayed aggressive behaviour towards another domestic animal and made physical contact resulting in a minor injury.
- 13 Timaru District Council considers that Cruise poses a threat to domestic animals because of reported 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 owner adhering to the effects of the menacing classification, being that they must not allow the dog to be at large or in any public place or any private way, except when confined completely in 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.

### Options and Preferred Option

- 14 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

### Consultation

- 15 Dog Control Act 1996, section 5 – *Obligations of dog owners*
- 16 Dog Control Act 1996, section 33A – *Territorial Authority may classify dog as menacing*
- 17 Dog Control Act 1996, section 33B – *Objection to classification as menacing dog*
- 18 Dog Control Act 1996, section 33E – *Effect of classification as menacing dog*

- 19 Dog Control Act 1996, section 52 – *Control of dogs generally*
- 20 Dog Control Act 1996, section 52A - *Control of dogs on owners*
- 21 Dog Control Act 1996, section 57 - *Dogs attacking persons or animals*
- 22 Timaru District Council Dog Control Policy 2018, Part 3 18.0 - *Enforcement Protocol*
- 23 Timaru District Council Dog Control Policy 2018, Part 3 24.0 – *Dogs attacking or rushing*
- 24 Timaru District Council Consolidated Bylaw 2018 Chapter 6.11 – *Dogs becoming a nuisance or injurious to health*

**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, Objections to Classification of Menacing Dog 'Cruise'**

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                                                     |
|--------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| <b>9.1 - Dog Control Act 1996 - Section 33B, Objections to Classification of Menacing Dog 'Cruise'</b> | 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 [\[specify\]](#)

.

\*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**