



AGENDA

Hearings Committee Meeting Tuesday, 1 September 2026

Date Tuesday, 1 September 2026

Time 3:00 pm

Location Council Chambers
District Council Building
2 King George Place
Timaru

File Reference 1867006

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 3:00 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

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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 33B, Objection to Classification of Menacing Dog 'Zeno'

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 classification of dog Zeno; or
- (b) Uphold the menacing classification of dog Zeno

Purpose of Report

- 1 This covering report relates to an objection received in writing on 2 June 2026, regarding Notice of Classification of Menacing Dog, dated 27 May 2026 that was handed to the dog owner at their property. The dog's name is Zeno.

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 on private property at approximately 11:30 am on the 23 March 2026.
- 4 The victims colleague reported the incident on 2 April 2026, advising that, a meter reader for the company Arthur D Riley was attacked by a German Shepherd type dog when attending the property to read the meter. It was reported that the dog attacked, biting the victim three times – on their backside, arm and leg, leaving grazes and bruising.
- 5 On 2 April 2026 Bevan Ross, Animal Control Officer, called the complainant, the employer of the victim, who passed on the victims details for Bevan to make contact.
- 6 Bevan contacted the victim and arranged to take their statement at the Timaru district Council on 7 April 2026.
- 7 On 7 April 2026, Kama Dick, Animal Control officer, took the victims witness statement.
- 8 The victim explained that they had been to this property before and have met two of the occupants' dogs. Once the victim was inside the property, they made their presence known to the dog owner who was in the back yard, which is fenced off from the front of the section. There were 3 or 4 dogs out the back with her. The dog owner acknowledged the victim was there and has said she would put the dogs away as the victim needed to be able to access the back of the property to read the meter.

- 9 The owner has started to put the dogs away. The sliding door was open which they had not spotted at the time. Whilst the dog owner was trying to put the dogs away 3 of the dogs have rushed through the open sliding door. The Border Collie came out and was barking and jumping around the victim, the German Shepherd has then come through the sliding door and barked at least once before heading straight for the victim, biting their left thigh, left upper arm area and then latched onto their forearm. The dog owner has had to remove the dog off the victim to stop the attack and secure the dog.
- 10 Two weeks had passed between the attack and the victim meeting with Animal Control Officers, and the bruising and grazes has subsided. No photos were taken of the bruising caused at the time they were present on the victim.
- 11 On 10 April, Bevan Ross, spoke with the dog owner. The dog owner advised that the victim had not followed instructions given for accessing the property. An appointment was made to take the dog owner's statement.
- 12 On 13 April 2026, Bevan Ross attended the dog owner's property and met with the dog owner. Upon arrival, all dogs at the property were secured in dog runs. The dog owner explained the lay out of the property, how the victim entered and where the meter was located.
- 13 It was explained that the victim entered the property and took a route to the back of the house. When the dog owner saw the victim, they came out the back door and advised the victim to wait while they put the dogs away inside the house. The victim then retreated behind the gate out of the area where the dogs are kept. The dogs have then come through the house and out the open sliding door into the area where the victim was standing. The dog owner said they were behind their other dog, who they commanded to stop and then went to pick up. While they were doing this, the German Shepherd nipped the victim on the leg and then on the arm. The dog owner then secured the dogs and returned to check on the victim. The dog owner inspected the victims clothing and noted there were no holes in their clothing.
- 14 Bevan took the dog owners statement and completed the attack investigation report.
- 15 27 May 2026, a menacing classification and fencing order were issued to the dog owner, requiring the fencing to be complete by 9 June 2026.

Discussion

- 16 The investigation established that an attack occurred on private property, resulting in the victim sustaining bruising and grazing injuries. Bruising is consistent with a significant level of pressure having been applied by the dog's jaws during the attack.
- 17 The nature of the attack was particularly concerning due to the escalation in the dog's behaviour. The dog initially made two separate nipping attempts before progressing to a sustained bite on the third occasion, during which it latched onto the victim and did not release voluntarily. The dog's owner was required to physically remove the dog from the victim. This pattern of escalating aggression demonstrates a high level of persistence and bite commitment.
- 18 The Timaru District Council considers that the dog, Zeno, poses an ongoing risk to members of the public. This assessment is supported by the fact that the victim was lawfully attending the property when the attack occurred. The dog's behaviour demonstrates a risk to persons who have a legitimate reason to enter the property.
- 19 The Council considers that the risk posed by Zeno is appropriately mitigated through the menacing classification, where it is required that the owner of the dog must not allow the dog

to be at large or in any public place or 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.

- 20 In addition, a fencing order is necessary to reduce the risk to persons lawfully entering the property, ensuring they are able to carry out their duties without being exposed to an unacceptable risk of attack. The fencing order is a separate statutory requirement made under the Dog Control Act 1996 and is not subject to an objection process.

Standard of proof

- 21 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 Bylaws

- 22 Dog Control Act 1996, section 5 – *Obligations of dog owners*
- 23 Dog Control Act 1996, section 33A – *Territorial Authority may classify dog as menacing*
- 24 Dog Control Act 1996, section 33B – *Objection to classification as menacing dog*
- 25 Dog Control Act 1996, section 33E – *Effect of classification as menacing dog*
- 26 Dog Control Act 1996, section 52 – *Control of dogs generally*
- 27 Dog Control Act 1996, section 52A – *Control of dogs on owners*
- 28 Dog Control Act 1996, section 57 – *Dogs attacking persons or animals*
- 29 Timaru District Council Dog Control Policy 2018, Part 3 18.0 – *Enforcement Protocol*
- 30 Timaru District Council Dog Control Policy 2018, Part 3 24.0 – *Dogs attacking or rushing*
- 31 Timaru District Council Consolidated Bylaw 2018 Chapter 6.11 – *Dogs becoming a nuisance or injurious to health*

Financial and Funding Implications

- 32 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 'Zeno'

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 'Zeno'	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