

Agenda for a hearing by Commissioners of the Regulatory Subcommittee for Waikato District Council to be held in Committee Rooms 1 and 2, 15 Galileo Street, Ngaruawahia on **FRIDAY, 13 OCTOBER 2023**, commencing at **10.00am**.

Information and recommendations are included in the reports to assist the Subcommittee in the decision-making process and may not constitute Council's decision or policy until considered by the Subcommittee.

1. APOLOGIES AND LEAVE OF ABSENCE

2. DISCLOSURES OF INTEREST

3. HEARING – DANIEL BARBER

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GJ Ion
CHIEF EXECUTIVE

To	Policy and Regulatory Subcommittee
Report title	Objection to Menacing Classification
Date:	4 October 2023
Report Author:	Phillip Greeves, Acting Animal Control Team Leader
Authorised by:	Roger MacCulloch, General Manager Customer Support

1. Purpose of the report

Te Take moo te puurongo

To provide information to the Policy and Regulatory Subcommittee (“the Committee”) to enable the Committee to hear the objection to a Menacing Classification imposed on the dog, Rollo Barber (“Rollo”) belonging to Daniel Barber (“Mr Barber”).

2. Executive summary

Whakaraapopotanga matua

Section 33A of Dog Control Act 1996 (“the Act”) allows Waikato District Council (“Council”) to classify a dog as menacing if the dog is considered to pose a threat to a person or other animal due to observed or reported behaviour (Sections 33A and Section 33B of the Act annexed as Appendix 1).

Rollo, a black and white Alaskan Malamute, aged approximately 2 years and owned by Mr Barber attacked and killed chickens owned by Mrs Hannah Wilton (“Mrs Wilton”). The attack occurred on 13 June 2023 at Mrs Wilton’s residence at 16 Pinnacle Hill Road, Pokeno (“the Property”), which is a neighbouring property to Mr Barber’s residence at 20 Brljevich Road, Mangatawhiri (“the Brljevich Road Property”).

As a response Mrs Wilton contacted Council’s Animal Control call centre and lodged a service request. Officer Amanda Twiss (“ACO Twiss”) received the request and began an investigation (Service Request annexed as Appendix 2).

Prior to and throughout the investigation Mr Barber claimed full responsibility for Rollo attacking and killing Mrs Wilton’s chickens. (Dog Owner Statement annexed as Appendix 3).

After investigation, Council advised Mr Barber of the decision to classify Rollo as Menacing (Notice of Classification of dog as Menacing Annexed as Appendix 4).

In accordance with section 33B of the Act, Mr Barber formally objected in writing to the menacing classification within the statutory time frame (Objection of Menacing Classification Annexed as Appendix 5).

Council understands that Mr Barber undertook extensive remedial actions following the attack, however, despite these actions Council considers that Rollo poses an ongoing threat to stock, poultry, domestic animals or protected wildlife given the severity of the attack and reported behaviour.

Council submits that for public safety reasons Rollo should remain classified as menacing, requiring Rollo to be muzzled when in public.

3. Staff recommendations

Tuutohu-aa-kaimahi

That the Policy and Regulatory Subcommittee:

- a. confirms the Classification of Rollo under section 33(A)(2) of the Dog Control Act 1996 be upheld.

4. Background

Koorero whaimaarama

On 13 June 2023 at 11:39am, Council's call centre received a complaint from a member of the public, Mrs Wilton. Mrs Wilton advised the call centre that a dog had attacked and killed her six chickens that were confined to the Property.

ACO Twiss contacted Mrs Wilton for a statement after receiving the service request. Mrs Wilton states she did not witness the attack though she explains she received a call from her husband on 13 June 2023 at 10.30am.

Mrs Wilton was informed by her husband Mr Wilton that the neighbours at the Brljevich Road Property called him advising their dog, Rollo, killed six of Mrs Wilton's chickens.

Mrs Wilton expressed herself as extremely upset. Mrs Wilton's concern for her daughter seeing the dead chickens, prompted her to pull to the side of the road as she was not far from her home and contact her neighbour Imogen Johnston ("Mrs Johnston") for assistance in clearing the area. Mrs Johnston was not available to assist so she called Sheryll Foot ("Mrs Foot"), another neighbour to ask for assistance on behalf of Mrs Wilton.

Mrs Wilton waited for Mrs Foot near her driveway and checked her letter box where she found a handwritten apology left by Mr Barber (Correspondence received from the complainant is annexed as Appendix 6). On returning home to the Property Mrs Wilton states when she quickly looked at what had happened, she had seen blood and feathers.

When Mrs Wilton got to the Property, she saw blood and feathers and as she got to her front door there were large dog muddy paw prints. On entering her house on the Property, she noticed that her dog was agitated, panting, and stressed. It was then that she called Council Animal Control. (Complainant statement annexed as Appendix 7).

During her phone call with ACO Twiss, Mrs Wilton advised she no longer had the dead chickens as her neighbour, Mrs Foot, had collected them.

Correspondence received by Council on 13 June 2023 from Mrs Foot relays her interaction with Mrs Wilton and Lynn Barber, Mr Barbers mother ("Ms Barber"). (Correspondence Sheryll Foot annexed as Appendix 8).

At 3:16pm ACO Twiss and Animal Control Officer Phil Greeves ("ACO Greeves") attended the Brljevich Road Property and spoke with Mr Barber. ACO Twiss noted that Mr Barber was very upset and that he had no idea Rollo had got out. ACO Twiss noted details relating to Rollo's registration in that Rollo was currently registered with Auckland Council and Mr Barber informed her that he will re-register Rollo with Council.

Mr Barber continued to advise that he didn't realise the rain had partially eroded the bank where the boundary fence of the Brljevich Road Property is shared with the Property. ACO Twiss notes that she explained to Mr Barber the Menacing classification and infringement. (Pocket book notes annexed as Appendix 9 and Animal Control Officer Statement annexed as Appendix 15)

Correspondence received by Council on 14 June 2023 from Mrs Johnston relays her interaction with Mrs Wilton, observed behaviour of the dog, Rollo, and images of the chicken coop. (Correspondence and images - Imogen Johnston annexed as Appendix 10).

On 16 June 2023 at 9.27am ACO Twiss emailed Mr Barber requesting a detailed account for his statement. At 11.07am Mr Barber replied via email with attachments of statements from himself identified as the owner, and Ms Barber identified as the witness. (Correspondence Dog Owner _Re _Statement annexed as Appendix 11)

Mr Barber states on 13 June 2023 at around 9.31am that he received a text from his mother, Ms Barber, advising him that Rollo was missing. Mr Barber then called Ms Barber. During this phone call Ms Barber states, she had located Rollo in the Wilton's chicken run, lying among the dead chickens. When Mr Barber was made aware of this, he left work and drove home.

Ms Barber states the front gate of the Property was standing ajar and entered. Ms Barber continues to state that she entered the chicken run by the closed access door and leashed Rollo to exit. Ms Barber noticed a flimsy timber piece framed netting propped against the back and assumes that is how Rollo entered the chicken run.

Ms Barber attempted to contact the Wilton's by knocking on the door of the house at the Property several times and after no response took a photo of the contact details for Mr Wilton's business from the trailer in their yard and sent a text message to Mr Wilton. Ms Barber messaged that Rollo had pushed through the fence into the chicken run and killed all six chickens. Ms Barber had also offered to pay damages and apologised. Ms Barber returned home with Rollo and locked him in the garage.

Mr Barber states he returned home to the Brljevich Road Property at around 10am to Rollo locked in the garage and had Ms Barber explain what she found. Mr Barber and Ms Barber then returned to the Property with a black rubbish bag to clear the dead chickens, so the Wilton's did not have to, and placed the bag in a shady corner of the chicken run before attempting to knock on the door again.

Ms Barber in her statement explains she was unsure what the Wilton's would have wanted to do with the chickens and was concerned that removing the chickens would have resulted in theft. Ms Barber also states they left a handwritten note in the Wilton's mailbox (Appendix 7).

Mr Barber returned to work with Rollo and Mr Barber received a call from Mr Wilton at 1:56pm. Mr Barber states that he apologised to Mr Willton and offered to pay for all damages. Mr Barber states that they had a discussion around how Rollo entered the Property. He also states that Mr Wilton raised concerns about Rollo potentially harming or hurting their daughter or their dog and that he assured Mr Wilton that there was nothing to be concerned about. Mr Wilton was grateful they picked up the chickens.

An hour after the call with Mr Wilton, Ms Barber was visited by Ms Foot who placed the dead chickens in the bag at the Brljevich Road Property. Ms Barber then attempted to call Mr Wilton with no response, so she sent a text apologising and requesting a return call.

Mr Barber returned home from work at 12pm and waited for Mr Wilton to respond to his text. Mr Barber states during this time he and Ms Barber ordered a dog run for Rollo and discussed how they would repair the fence and contain Rollo until the delivery of the dog run.

Mr Barber states he received a call from Mr Wilton at 1.56pm with Mr Wilton expressing Mrs Wilton's concern for their daughter and dog. Mr Barber explains and offers reassurance about Rollo's exposure to children and other animals. Mr Barber after apologising and explaining how Rollo accessed the Wilton's property, also offered to repair the fence bordering the Property.

At 3:16pm ACO Twiss and ACO Greeves visit Mr Barber and Ms Barber at the Brljevich Road Property and inform them of the investigation underway. (Statement of Lynne Barber annexed as Appendix 13) (Annexed Appendix 3).

On 18 July 2023 after ACO Twiss' consultation with the Animal Control Team Leader Tracey Oakes presenting all findings relating to the investigation and completion of the decision-making process, Rollo was classified as Menacing. (Decision Making Criteria annexed Appendix 14).

On 20 July 2023 and infringement notice was sent to Mr Barber in respect of the incident. (Infringement Notice annexed as Appendix 12).

On 4 August 2023 the Menacing Classification was hand delivered to Mr Barber (Annexed as Appendix 4).

A formal objection was received by Council on 5 August 2023 which is within the prescribed 14-day objection period under the Act (annexed as Appendix 1).

Having received Mr Barber's written objection to the menacing classification, the objection now needs to be determined in accordance with section 33B of the Act (sections 33A and 33B of the Act annexed as Appendix 1).

5. Discussion and analysis

Taataritanga me ngaa tohutohu

Section 33B(2) of the Act (Appendix 1) provides that in determining this objection the Committee shall 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 matters relied on in support of the objection; and
- d. any other relevant matters.

As a result of this analysis, the Committee will have the following options:

- a. Uphold the classification of Rollo as menacing; or
- b. Rescind the classification.

The Committee must give written notice of its decision and the reasons for it, under section 33B(3) of the Act to the objector.

The option preferred by staff is option A, and the reasons for this recommendation are discussed below.

5.1 Options

Ngaa koowhiringa

Staff recommend option A because:

- The Act states that the Territorial authority may classify a dog as menacing if the territorial authority considers Rollo may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of Rollo.
 - Rollo was free to leave the Brljevich Road Property and was able to access the Property and exhibited behaviour which indicates he may pose a threat to any person or domestic pet. As a result of being able to leave the Brljevich Road Property, Rollo attacked and killed six chickens.
 - Ms Barber was present at the Brljevich Road Property at the time and was unaware that Rollo had left this property.
-

- Since the incident Mr Barber has advised that he has taken the following remedial actions:
 - installation of a large fully enclosed dog run at the Brljevich Road Property where he states Rollo will be contained when no one is at this property to supervise Rollo;
 - Installation of a new fence on the Brljevich Road Property to cut off access to any damaged fencing; and
 - A GPS tracking device has been fitted to Rollo's collar.

Council's position is that despite these actions the menacing classification is still required due to the ongoing threat to stock, poultry, domestic animals or protected wildlife due to the severity of the reported behaviour, being the attack and death of six chickens. This is of particular concern given there is a lot of stock and animals in and around the area where Rollo resides.

- A menacing classification ensures that:
 - Rollo is muzzled when in public to help mitigate the threat Rollo poses; and
 - If Rollo offends again, a menacing classification allows Council's Animal Control Team to take stronger measures of enforcement such as seizure of Rollo until Mr Barber can demonstrate how he is going to prevent further offending.
- A menacing classification will ensure that Mr Barber takes the appropriate steps to ensure any threatening behaviour is mitigated.

5.2 Financial considerations

Whaiwhakaaro puutea

There are no material financial considerations associated with the recommendations of this report.

5.3 Legal considerations

Whaiwhakaaro-aa-ture

Staff confirm that the staff recommendation complies with the Council's legal and policy requirements. Legal Counsel will be available to assist the Committee with the matters of law as required.

5.4 Strategy and policy considerations

Whaiwhakaaro whakamaaherehere kaupapa here

The report and recommendations are consistent with the Council's policies, plans and prior decisions.

5.5 Maaori and cultural considerations

Whaiwhakaaro Maaori me oona tikanga

There are no wider Maaori or cultural considerations involved in the exercise of Council's legislative responsibilities under the Act.

5.6 Climate response and resilience considerations

Whaiwhakaaro-aa-taiao

The matters in this report have no known impact on climate change or resilience for the Council.

5.7 Risks

Tuuraru

Should the Committee uphold the classification and proceed with the staff recommendation, the classification stands with no further recourse for appeal by the objector.

Should the Committee rescind the classification, there is a risk that further breaches of the Act will occur, and members of the public could be further threatened or even harmed.

6. Significance and engagement assessment

Aromatawai paahekoheko

6.1 Significance

Te Hiranga

The decisions and matters of this report are assessed as of low significance, in accordance with the Council's [Significance and Engagement Policy](#).

6.2 Engagement

Te Whakatuutakitaki

This is a regulatory/operational matter concerning an individual and we do not propose to inform more broadly than necessary to give effect to the classification, if upheld.

7. Next steps

Ahu whakamua

Should the classification be upheld, it will apply at a national level.

Council's role will be to update the relevant records and enforce the requirements of the classification.

8. Confirmation of statutory compliance Te Whakatuuturutanga aa-ture

As required by the Local Government Act 2002, staff confirm the following:

The report fits with Council's role and Committee's Terms of Reference and Delegations.	Confirmed
The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages (<i>Section 5.1</i>).	Confirmed
Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy (<i>Section 6.1</i>).	Low
The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance (<i>Section 6.2</i>).	Confirmed
The report considers impact on Maaori (<i>Section 5.5</i>)	Not applicable
The report and recommendations are consistent with Council's plans and policies (<i>Section 5.4</i>).	Confirmed
The report and recommendations comply with Council's legal duties and responsibilities (<i>Section 5.3</i>).	Confirmed

9. Attachments Ngaa taapirihanga

- Attachment 1 – Section 33A and Section 33B of the Act
- Attachment 2 – Service Request
- Attachment 3 – Dog Owner Statement
- Attachment 4 – Notice of Classification of dog as Menacing
- Attachment 5 – Objection to Menacing Classification
- Attachment 6 – Correspondence Complainant
- Attachment 7 – Complainant Statement
- Attachment 8 – Correspondence – Sherryll Foot
- Attachment 9 – Pocket book notes_ Redacted
- Attachment 10 – Correspondence and images - Imogen Johnston
- Attachment 11 – Correspondence Dog Owner _Re _Statement
- Attachment 12 – Infringement Notice
- Attachment 13 – Statement Lynne Barber
- Attachment 14 – Decision making criteria
- Attachment 15 – Animal Control Officer Statement

Menacing dogs

Heading: inserted, on 1 December 2003, by [section 21](#) of the Dog Control Amendment Act 2003 (2003 No 119).

33A Territorial authority may classify dog as menacing

- (1) This section applies to a dog that—
 - (a) has not been classified as a dangerous dog under [section 31](#); but
 - (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.
- (2) A territorial authority may, for the purposes of [section 33E\(1\)\(a\)](#), classify a dog to which this section applies as a menacing dog.
- (3) If a dog is classified as a menacing dog under subsection (2), the territorial authority must immediately give written notice in the prescribed form to the owner of—
 - (a) the classification; and
 - (b) the provisions of [section 33E](#) (which relates to the effect of classification as a menacing dog); and
 - (c) the right to object to the classification under [section 33B](#); and
 - (d) if the territorial authority's policy is not to require the neutering of menacing dogs (or would not require the neutering of the dog concerned), the effect of [sections 33EA](#) and [33EB](#) if the owner does not object to the classification and the dog is moved to the district of another territorial authority.

Section 33A: inserted, on 1 December 2003, by [section 21](#) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 33A(3): amended, on 1 November 2004, by [section 10](#) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 33A(3)(c): amended, on 28 June 2006, by [section 13](#) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33A(3)(d): added, on 28 June 2006, by [section 13](#) of the Dog Control Amendment Act 2006 (2006 No 23).

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 matters 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) the reasons for its determination.

Section 33B: inserted, on 1 December 2003, by [section 21](#) of the Dog Control Amendment Act 2003 (2003 No 119).

Request details for DOGS3290/23

Request Number	DOGS3290/23	Priority
Date Received	13/06/2023	Completed On
Source	Phone	Resp Workgroup
Status	P	Raised By
Group	DOGSCRM	Resp User
Category	DogAggCurr	Call Back?
Process Counter	602994	

Related Property & Customer

DOGS3290/23

Property Address Pinnacle Hill Road

Home Telephone

Mobile Telephone [REDACTED]

Caller Name Hannah Louise Wilton

Caller Address

Caller Email [REDACTED]

Request Details

Description

Resolution Description

Resolution Details

Memo Details

Medium

13/06/2023

Dogs

LANDE001

ATWIS001

True

Work Telephone

16 Pinnacle Hill Road~RD 1~Pokeno 2471

Husky from neighbours at 20 Brljevich Road has attacked and killed 6 chickens within the hour. Owners of husky have left an apology note in Hannahs (chicken owner) letterbox. Another neighbour has helped hannah move the dead chickens because they were in path of view for her 3 yr old. Please call Hannah if any questions [REDACTED] she is very upset and sad on the phone

Completed

13/6/23 Spoke to Hannah, she didn't witness the attack, she explained that the dog owners had called he husband to advise him of what had happened. She no longer has the chickens on her property as he neighbour collected them. Hannah has emailed through txt conversations with her neighbour who helped her remove the chickens and the sorry note from the dog owner. Statement taken from Hannah over phone.

3.16pm Visited 20 Brljevich rd. Spoke to owner Daniel who was very upset about what had happened. He had no idea the dog had gotten out. He didn't realise the all the rain we have been getting at the moment and made part of the bank disappear. Once he realised the dog was s missing he went looking for him. He found the dog in with the chickens. He left a note for the owner and called to apologise. He is now going to take the dog to work with him and is going to organise a run to keep him in as he never wants him to get out again. Refer to memo

8/11/2023 10:18:26 AM

Memo Ctr	Table No	Memo Type	Status	Staff ID	Date Created
886306	602994	CRMAanimals	C		16/06/2023

Notes

He is now going to take the dog to work with him and is going to organise a run to keep him in as he never wants him to get out again. He was really scared he was going to lose his dog

Neighbours sent emails to be included in file re: what they saw and did after incident. There are no photos of the dead chickens as the neighbour dropped the chickens back on the owners driveway before photos were taken

Menacing Classification and infringement to be sent

Dog is currently registered with Auckland Council 623481 Daniel will re register with Waikato

16/6/23 Received statements from Dog Owner and his mother. Compound has been purchased to keep dog contained when owner not at home
Infringement sent.

14 June 2023

Statement

Daniel Barber
20 Brljevich Road
Mangatawhiri

I left for work on Tuesday the 13th of June at my regular time of 7:30AM leaving my dog inside of the house as usual. I received a text from my Mother at 9:31AM where she said she couldn't find the dog, I called her straight away and as soon as the situation became known to us I left work immediately to return home and deal with the situation.

Upon returning home at around 10:00AM I found my dog locked in the garage and had my mum explain what she had found.

We then went over to the Wiltons with a black rubbish and I put the chickens into the bag so that Geoff or Hannah did not have to do so. While in the cage I noticed the area of unsecured netting where my dog had pushed through.

At this time I was completely distraught at what had transpired, my mother sent a text to Mr Wilton explaining what had happened, apologising profusely for the incident and stating that we will make reparations for the chickens and to fix the fence that has lifted which allowed the dog access. She asked him to call as soon as he can.

At this point I decided to return to my workplace in Pukekohe taking my dog with me as I had left in a rush barely explaining the situation to my employers. I received a text from my Mother stating that Mr Wilton had called her and seemed okay.

After returning to work I received a worrying text from my Mother where she said a neighbour of the Wiltons came onto our property and verbally abused my Mother and the actions of my dog. Said neighbour placed the rubbish bag that contained the chickens onto our property.

When I was able I tried calling Mr Wilton and after not being able to reach him I sent a text message at 11:15AM apologising profusely for what had transpired and promising to pay for all damages. I asked him to call me as soon as he could.

At 12:00PM I left work for the day to be able to sort out the situation. Upon returning home my Mother told me what the unknown neighbour had said. Hearing that this person would have no issue shooting my dog was very worrying as I do not know under what circumstances they would do this and has caused me to have concern over my dogs well being.

At this point we were waiting for Mr Wilton to contact either my Mother or I, while we waited we looked up and purchased a secure dog run for \$800. We also made a plan of how we were going to repair the boundary fence between us and the Wiltons. I decided that I would be taking my dog into work with me during the day from now on and not letting him outside of the house unsupervised until I have a secure area inside of the property.

We received word from Mr Wilton at around 1:00 PM that he would contact me shortly.

Mr Wilton called me at 1:56PM were we discussed the situation, I apologised profusely and explained that I will make reparations for the loss of the chickens, repairing the fence and assuring the Wiltons that my dog will be contained within our property. Mr Wilton expressed concerns that his wife had over my dog potentially harming their daughter or their dog. I explained and assured Mr Wilton that my dog is very friendly with other dogs and all humans no matter age, I relayed that my dog has been at one of my friends home based daycares with around 8 children ranging in ages of 1-5, some with special needs and absolutely adores them. My best friend also has a young daughter of around 2 (and a dog) whom my dog regularly sees and is very gentle with her. She can walk around with food in her hands and my dog does not try to take it off her. She is able to take food away from him after she has given it to him.

I felt that Mr Wilton was very reasonable accepting my apology and the offer to fix the fence, he told me he appreciated that I had picked up the chickens and put them in a bag so that his wife did not have to see them. I explained how we believed my dog entered into their property with the ground underneath our shared fence line gradually lowering down allowing gaps to form under the wire. This has been caused by a mixture of erosion of the ground underneath the fence line (caused by recent storms and weather events) and movement of the wooden battens perhaps caused by grazing stock (sheep and horses which sporadically are moved into that field). I also explained how we regularly check and reinforce (when needed) the fence's surrounding our property (especially the wire and batten fences) we are unable to see this particular fence line from our living site with the 1/2 acre of bush covered terrain being very dense, steep and slippery, gaining access from our living site is a challenge. We experienced several land slips in the bush land leading down towards the creek, and the creek itself flooded numerous times causing damaged to the banks on either side. This erosion must be very recent for us to have not seen it, as it would have been repaired straight away if we were to see it or if we had been made aware of it.

Later in the afternoon we received a visit from Amanda and Phil from WDC Animal Control who informed us that a complaint had been made against my dog regarding the incident and that an investigation will be taking place. We are waiting to hear back from them. We were instructed to provide a written statement regarding what had transpired. They indicated that an infringement notice may be issued.

I would like to assure whoever's concerned that every possible step has been taken to ensure my dogs containment within our property with this being a freak occurrence and the first

ever incident to have taken place. Upon moving onto our land we installed 2 additional rows of wire around our post and rail fence to ensure that my dog could not crawl under, we installed electric gates to remove any chance of the gates being left open, opened by visitors or swinging open by the wind. And regular inspections of the fencing, especially after the recent bad weather.

My dog is Registered with Auckland Council (I have just applied for re registration with Waikato District Council) he is Microchipped, desexed and upto date with all vaccinations. He has obedience training and responds to commands such as leave it and drop it. Like mentioned previously my dog has been socialised around humans of all ages, dogs of all breeds and cats also. We have a 17 year old one eyed female cat who my dog is submissive too and greatly respects. He greets whomever comes to our property with a wagging tail and an excited happy attitude, he does not charge, bark or show any intimidation/aggressive behaviour to visitors, we have many tradesman, courier drivers, friends and work colleagues who will attest to this.

Although he did kill the Wiltons chickens I believe that this was a one time incident that had no bad intent behind it, a spur of the moment occurrence with him having never encountered chickens before.

I will make reparations to the Wiltons regarding the loss of their chickens, repair and barricade the eroded fence line, install a secure and contained area for my dog when he is not supervised outside and pay any penalty that the WDC deems reasonable.

Signed:

A handwritten signature in black ink, appearing to be the initials 'i.A.' or similar, written in a cursive style.



District Office		
Private Bag 544	15 Galileo Street	☎ 07 824 8633
Ngaruawahia 3742	Facsimile	☎ 07 824 8091
Huntly Area Office	142 Main Street	☎ 07 828 7551
Raglan Area Office	7 Bow Street	☎ 07 825 8129
Tuakau Area Office	2 Dominion Road	☎ 0800 492 452

OFFICE USE ONLY

CRM: DOGS3290/23

Person ID: 198420

Dog ID: 161894

Daniel Barber
20 Brljevich Road
RDI
Pokeno 2471

Rollo Barber
Alaskan Malamute/Siberian Husky
Male, Black/White

NOTICE OF CLASSIFICATION OF DOG AS MENACING DOG

Section 33A, Dog Control Act 1996

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 reported behaviour of the dog leads us to believe that it may pose a threat to public safety; being any person, stock, poultry, domestic pet, or protected wildlife.

A summary of the effect of the classification and your right to objection is provided overleaf.

.....
Tracey Oakes
Animal Control Team Leader

.....18/07/2023.....
Date

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

- you own the dog
- 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 dependant on you

4/8/23 Hand delivered to letterbox
10.53 am

From: "Tracey Oakes"
Sent: Thu, 10 Aug 2023 11:54:09 +1200
To: [REDACTED]
Subject: Fw: Objection letter to classification

Good morning Daniel,

This is an acknowledgement of your objection to the menacing classification for Rollo Barber that was issued to you on 4 August 2023. You have objected in writing within the 14 day appeal period. The democracy team will be in contact with you regarding the objection and what it entails. There will be a hearing where you put your case forward as to why Rollo Barber should not be classified with a panel of Elected Councillors.

Kind regards,

Tracey Oakes
Animal Control Team Leader

Waikato District Council

Te Kaunihera aa Takiwaa o Waikato

Nama waea: 0800 492 452

Pouaka Poutaapeta: Private Bag 544, Ngaruawahia 3742

Waahi Mahi: 15 Galileo Street, Ngaruawahia



From: Dan Barber [REDACTED]
Sent: Saturday, August 5, 2023 12:19 PM
To: Animal Control <Animal.Control@waidc.govt.nz>
Subject: Objection letter to classification

Objection Letter to Waikato district council

CRM:DOGS3290/23
Person ID:198420
Dog ID: 161894

The following objection letter is written Without Prejudice.

On 4 August 2023 I received a hand delivered notice that my dog has been classified as a menacing dog and I wish to make an objection of this classification as the sole legal owner.

The incident that occurred which prompted this classification took place on Tuesday 13 June and I received a visit from Animal Control Officers Amanda and Phil that same day. I was instructed to write a statement detailing my experience and email that to Amanda. In my statement I wrote what I observed and what I assumed had transpired during my absence from home without any evidence to back up my assumption.

I heard nothing further until 25 July when I received an Infringement Notice, dated 20 July, and a fine of \$200. This notice states the offence is an Alleged infringement . A week and a half later I then received a phone call from Amanda telling me she had hand delivered a Menacing Dog notice on 4 August (the letter is actually dated 18 July). This delay has caused significant stress as i want to resolve this classification before the due date of the infringement notice. She also stated that their was not sufficient evidence for a court case. I will pay the fine, as I acknowledge he left our property without supervision. However I do not accept the menacing dog classification is justified because of the following.

Being that I or no one else was witness to what the council alleges he did to earn that classification, I object the councils decision, how can he be classed as menacing when their is no proof that he is a threat, the basis of this classification is derived from an assumption. For him to be classed as menacing when their is no evidence of him committing what is alleged, is speculation and hearsay.

My dog is well socialised with both people and other dogs. He lives with an elderly cat who he respects and defers to. He mixes regularly with other dogs and shows no aggression towards them. He has mixed with small children, some with special needs, at a friends home day care and has never shown any aggression towards them. He even greets the postie in a friendly manner. He does not bark, charge, growl or lunge at anyone whom he comes in proximity with. Their have been no prior incidents of aggression of any kind with any other animal or person.

In regards to the Alleged infringement I have taken a large number of precautions to ensure that he cannot leave the property again, i have purchased a large fully enclosed dog run for when he has to be left at home unsupervised, i have also installed a brand new fence half way down through our bush section that completely cuts off access to any fences that are continually sinking from land erosion. I have fitted a gps tracking device to his collar also. See attached photos

I would invite whomever is concerned to come and meet with him and see for yourself that he is not a menacing dog, as how can he be classified like this when no representative of the council has met him or seen any evidence other than hearsay.

Thank you.

Please confirm receipt of my email or let me know if i need to send this to a different address.



















Daniel Barber

On 16/06/2023, at 11:07 AM, Dan Barber [REDACTED] wrote:

Hi Amanda, here is mine (owner) and my mothers statement (witness) for the events. Please keep me up to date with what will be happening. I have not been contacted by the Wiltons in regards to what reparations they deem reasonable yet. I have also updated my dogs registration details.

Thank you.

<Statement Daniel Barber.pdf>
<Statement Lynne Barber.pdf>

Regards,
Daniel

On 16/06/2023, at 9:21 AM, Animal Control <Animal.Control@waidc.govt.nz> wrote:

Hi Daniel,

Could you please email me a detailed account of what happened on the 13/6/23 I need this for an owners statement

Kind Regards

Amanda

Animal Control Officer

Ngā mihi

Te Kaunihera aa Takiwaa o Waikato

Nama waea: 0800 492 452

Pouaka Poutaapeta: Private Bag 544, Ngaruawahia 3742

Waahi Mahi: 15 Galileo Street, Ngaruawahia

<image001.jpg>

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Amanda Twiss

From: Hannah Wilton [redacted]
Sent: Tuesday, 13 June 2023 12:06 pm
To: Animal Control
Subject: Re: Hannah Witlon ref 16 pinnacle hill road Chicken attack
Attachments: Screenshot_20230613_120422_Messenger.jpg; 20230613_120218.jpg

Hi Amanda

Thank you for your call.
Here is a pic of the note and the message from my neighbour who talked to the dog owner.

I will ask my neighbor to take a couple of pics and send them to you

Thanks Hannah

Get [Outlook for Android](#)

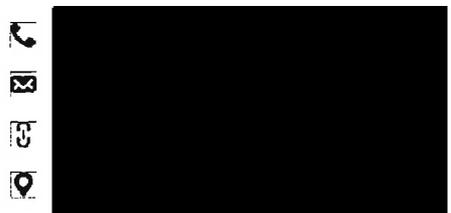
From: Geoff Wilton [redacted]
Sent: Tuesday, December 13, 2022 8:03:18 pm
To: Animal.Control@waidc.govt.nz <Animal.Control@waidc.govt.nz>
Cc: Hannah Wilton [redacted]
Subject: RE: Hannah Witlon ref Dogs 1636/23 [#40AC1B]

Hi Amanda,
Sorry please try these.

<https://my.s> [redacted]

<https://my.s> [redacted]

Geoff Wilton



From: Hannah Wilton [redacted]
Sent: Monday, 12 December 2022 11:47 am

13/6/23

We are so sorry about the chickens.
Our dog got through the fence and
pushed into the chicken run.

We will pay for all damage
and the dog will be secured
from now on.

We will check all the fences as
well, and pay for all repairs.

The Barbers.

20 Birtjevid Road.

Hi Sherryll. Thank you so much for coming to help me.
Did you see the owners?

Honey no problem at all. Yes I did. And although apologetic I don't think she understands the impact that it's having. I said to her that u r now worried about playing outside with yr wee girl and dog and she said oh he would never. I said back to her well he's never gone for chooks before. Told her this is a small farming community. Imogen has chooks cows n sheep plus horses. What's gonna stop him. She said oh I grew up on a farm. I said well then u know the dog will be shot if it's seen anywhere else I said u we're going to animal control n she rolled her eyes so I'm so fricking grumpy at her. They are very weird people. I don't have a phone number for Liz but I think you should give her a call and let her know. I'm gonna phone animal control as well. I just need to get st numbers How u going?



You can now message and call each other and see info like Active Status and when you've read messages.

Oh god. Poor you. I left the chickens at her house I was so grumpy at her. But you def have me as a witness and what I saw. Geoff could pop round as I'm guessing she wouldn't go and move them. I popped the black bag into the yellow bag. Which I left on the side of her driveway. I was so grumpy. You can get the photos of the feathers and my statement for sure. If you want to give me Amanda email I'll send thru what I saw

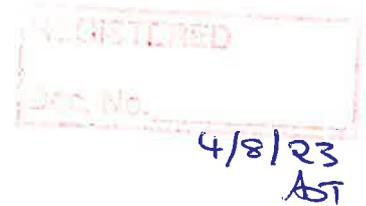
COMPLAINANT STATEMENT

CRM# DOGS3290/23
Animal ID # 161894
Offender ID # 198420
Property ID # 302582

DOCUMENTS

(Tick all that apply)

- Statement & Declaration
- Injury information sheet
- Photos
- Consent to obtain medical / veterinary records
- Medical bills / reports
- Complainant's dog details
- Veterinary bills / reports
- Victim impact statement
- Correspondence



DOG IDENTIFICATION

- Dog not positively identified
- Positive identification of the dog(s) on (date) _____ at (time) _____
- Familiar with the dog(s)
- Seen it / them confined on property at (address) _____
- Positively identified in Animal Control vehicle
- Positively identified at Animal Pound at (address) _____
- Positively identified from photos provided by Animal Control Officer #: _____
- Photo album (if applicable)

DOG OWNER IDENTIFICATION

- Does not know who owns the dog
- Knows the owner of the dog

Description of dog owner (ethnicity, gender, build, approximate age, clothing, vehicle, etc.)	Only in passing as they are new to the area.
--	--

PERSONAL DETAILS

Complainant **Victim** **Victim's parent / guardian** *(select all that apply)*

Title	Mrs	Date of birth	[REDACTED]
Name	Hannah Louise Wilton		
Address	16 Pinnacle Hill Road		
	Pokeno		
Home phone		Work phone	
Mobile phone	[REDACTED]		
Email	[REDACTED]		

DOG DETAILS

Number of dogs involved: 1 2 3 or more *(attach separate sheet)*

Dog 1		Dog 2	
Gender		Gender	Unknown
Size		Size	Medium to large
Ears	Erect	Ears	Unknown
Tail		Tail	Unknown
Breed	Husky	Breed	Unknown
Colour	White/Dark Grey	Colour	Brindle HW
Collar		Collar	Unknown
ID features		ID features	

Date of Incident: 13 June 2023 **Location of Incident:** 16 Pinnacle Hill Road, Pokeno

COMPLAINANT STATEMENT

My name is Hannah Louise Wilton I am the owner of the 6 chickens that were killed by my neighbours Husky today.

On the 13/6/23 at 10.30am I was driving in my car when my husband called me to tell me that he had received a call from the neighbours at 20 Brljevich Road letting him know that their Husky had killed 6 of my chickens. I was extremely upset after hearing this. I wasn't too far away from home, so I pulled over and called my neighbour, Imogen, as I didn't want my little girl to see the dead chickens.

Imogen was unable to come, so she called another neighbour, Sheryl, to come and help. I parked near my driveway to wait for Sheryl, while I was waiting, I checked my letterbox and there was an apology note from the dog owner. Once Sheryll got there. I went to drop cat food off at another neighbour's house while Sheryll removed the chickens.

Once I got home, I quickly looked at what had happened. I saw blood and feathers, this really upset me. As I got to my front door, I saw large dog muddy paw prints and some

Signature:

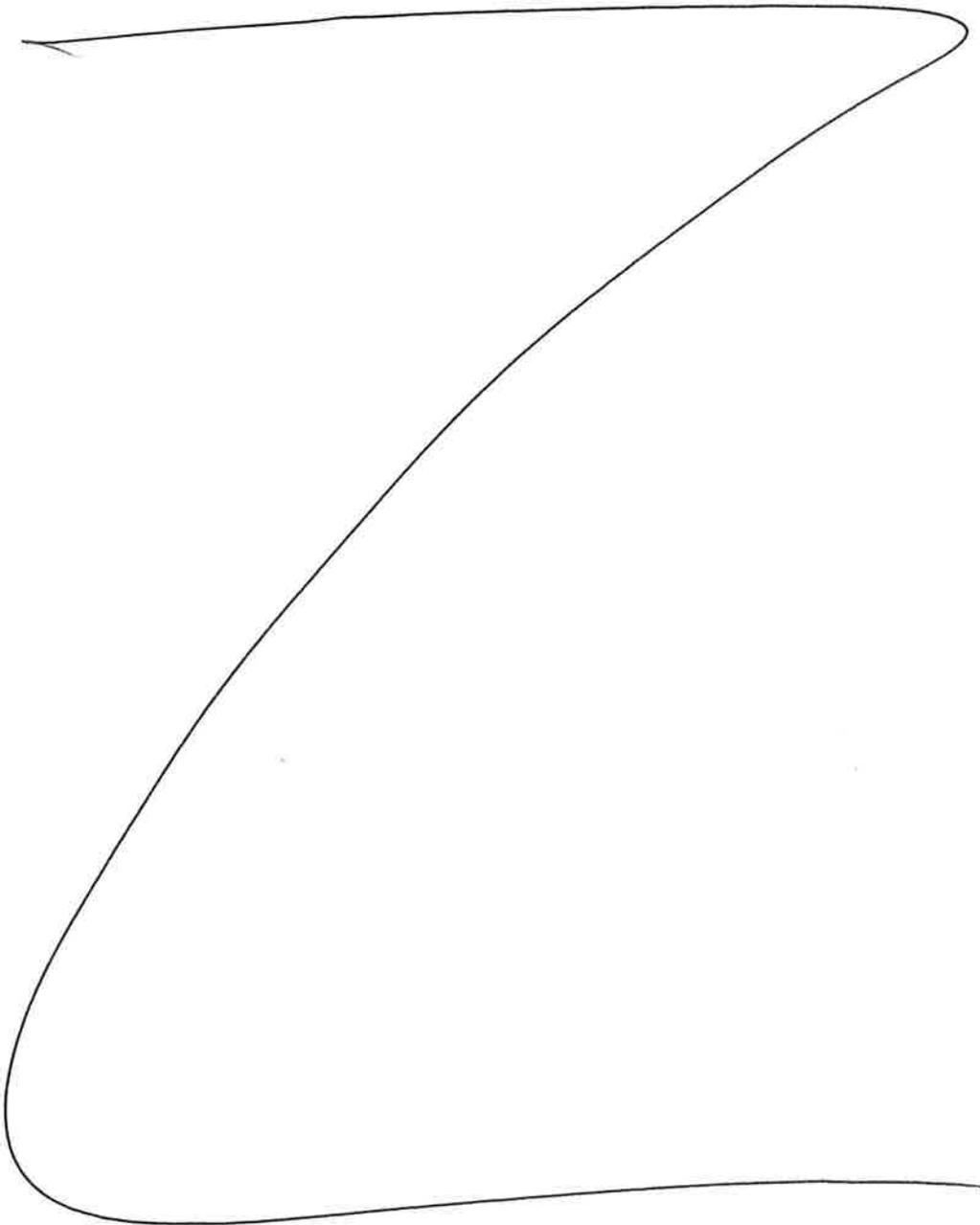
H. Wilton

COMPLAINANT STATEMENT *(continued)*

feathers.

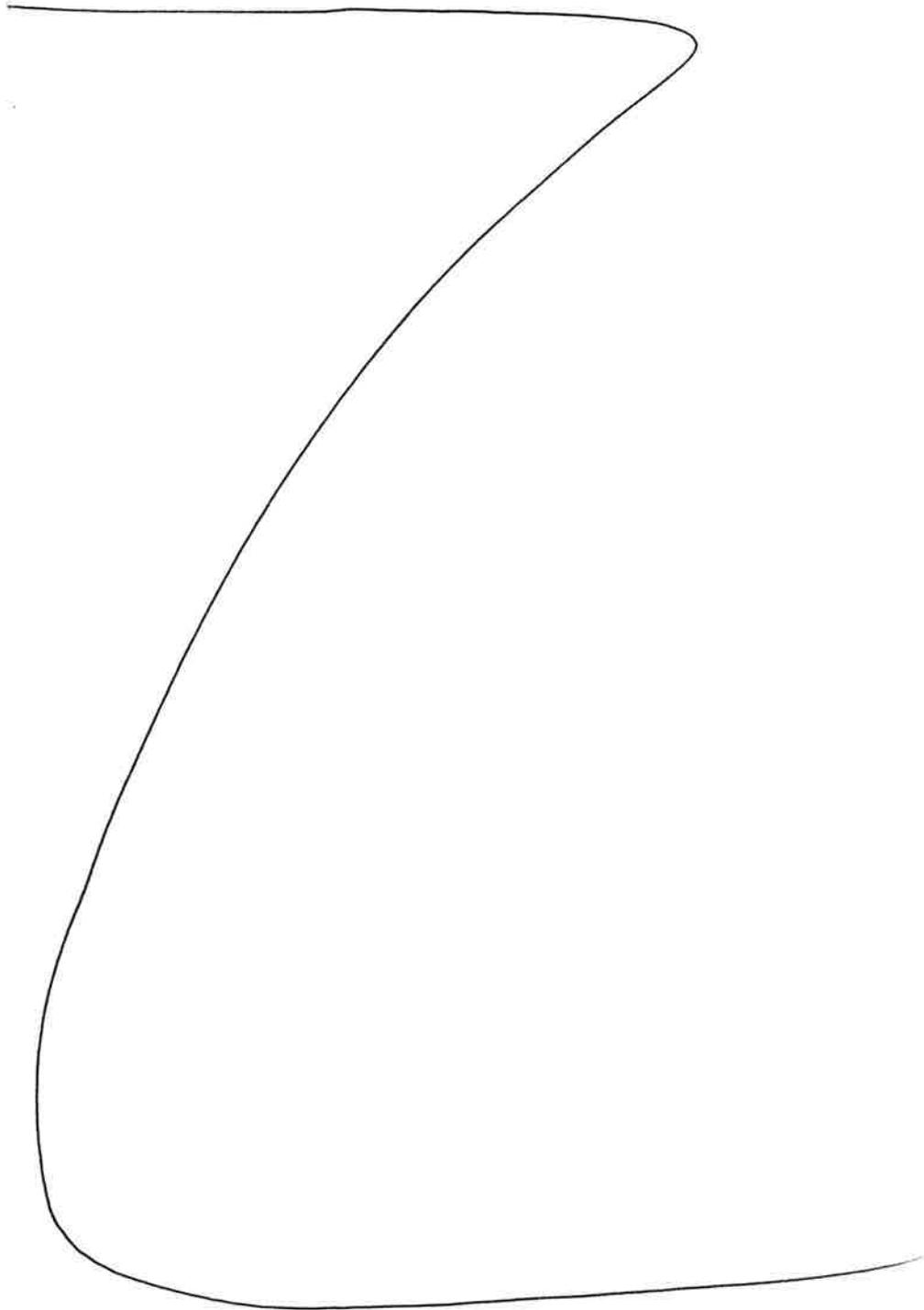
Once I got inside, I noticed my little dog was quite agitated, she was panting and stressed. I called Animal Control to report the incident.

I don't know the owners of the Husky very well; they are new to the area. I then called Animal Control.



Signature: 

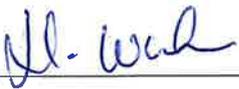
COMPLAINANT STATEMENT *(continued)*



Signature: *H. Wach*

COMPLAINANT DECLARATION

This statement is true, and I have made it with the knowledge that it may be used in court proceedings (pursuant to section 82 of the Criminal Procedure Act 2011).

Name	Hannah Louise Wilton
Signature	
Name of parent / guardian <i>(where complainant is less than 16 years old)</i>	
Signature of parent / guardian <i>(where complainant is less than 16 years old)</i>	
Date	13 June 2023 12/9/23

INTERPRETER DECLARATION *(if applicable)*

- I know *(name of complainant / victim)*
- He / she *(delete one)* is my *(relationship to person)*
- My mother tongue is *(language)*
- I can read and speak in English because I *(give a reason, e.g. attended an English school in NZ, grew up in NZ, etc.)*
- On *(date)*, ACO *(name)* interviewed him / her *(delete one)* in my presence.
- I interpreted and translated all information and the questions put to and the answers given by him / her *(delete one)* from *(language)* into English and vice versa to the best of my skill and ability.
- The officer recorded the information I supplied in writing.
- I translated the completed statement back to *(name of complainant / victim)*
....., who confirmed that the content is true and correct.

Name of interpreter	
Signature of interpreter	
Date	

ACO VERIFICATION

Statement recorded at <i>(place)</i>	2 Dominion Road, Tuakau over the phone		
ACO Full Name	Amanda Shirley Twiss		
ACO Signature			
ACO Number	11	Date	13 June 2023
		Time	12:40pm

INJURY INFORMATION SHEET – PERSON

INJURIES

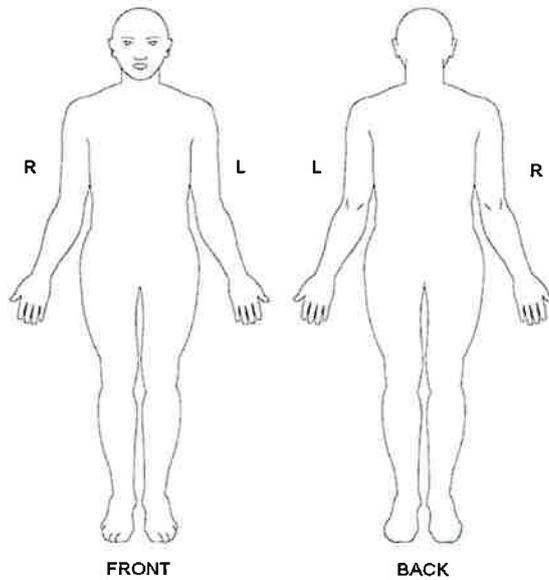
Did you / the victim *(delete one)* receive injuries?

No Yes *(indicate on the diagrams below which body part(s) is/are injured)*

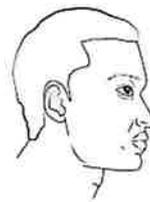
Describe your / the victim's *(delete one)* injuries

Small puncture wounds to both of my hands

DIAGRAMS



LEFT



RIGHT



MEDICAL TREATMENT

Did you / the victim *(delete one)* seek medical treatment following the incident?

No Yes Date _____ Time _____

Where did you / the victim *(delete one)* receive treatment? *(attach medical bills / invoices)*

Medical costs \$

Describe the medical treatment you / the victim *(delete one)* received

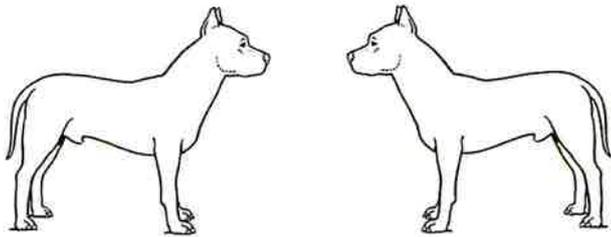
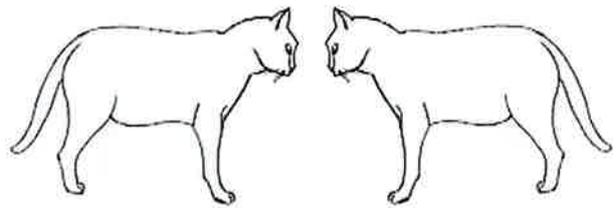
INJURY INFORMATION SHEET – ANIMAL(S)**INJURIES**

Did your animal(s) receive injuries?

 No Yes (indicate on the diagrams below which body part(s) is/are injured)

Describe the nature of the animal's injuries

Chickens killed by dog

DIAGRAMS (Select the type of animal involved)**Domestic animals** Dog Cat Other domestic animal(s) (describe the type)**Livestock**

Animal type Chickens

Number of animals injured

Number of animals deceased

6

VETERINARY TREATMENT

Did you seek veterinary treatment for your animal(s) following the incident?

 No Yes

Date

Time

Where did your animal(s) receive treatment? (attach veterinary bills / invoices)

Veterinary costs \$

Describe the veterinary treatment your animal(s) received

H. Weber

Amanda Twiss

From: Sherryl Foot [REDACTED]
Sent: Tuesday, 13 June 2023 12:37 pm
To: Animal Control
Subject: Hannah's chickens.

Attention: Amanda

Hi. I'm Sherryl. Live at 43 Brljevich Rd and Hannah's neighbour Imogen asked me to go over and take the chooks as Hannah was incredibly distraught. Like completely. There were feathers everywhere and the people that own the dog and picked up all her chooks and put them

Into a black rubbish sack and left it in the Chook area I opened the bag and saw dead chooks. The bag was so heavy. I put it into a yellow rubbish bag and took it to the dogs owners house. I spoke to

The woman and although apologetic rolled her eyes when I said Hannah was going to animal control. And that her son is distraught. Like really. She also said she grew up on a farm and I was like well u know what happens to roaming dogs. Hannah is now scared to go outside and play with her little girl and dog. It's so horrible. I have dogs n chooks, cow n alpaca Imogen has sheep, horses, cows and chooks. The people that live directly across from them have cats. The lady directly above them runs a cat rescue - there are animals everywhere out here and now we are all worried.

I left the bag of chooks on beside her driveway as I felt it was so callous to leave them in the run.

If you need anymore info please don't hesitate to contact me.

Kind regards
Sherryl Foot

Sent from my iPhone

Caller. Hannah.

3.16pm Visited 20 Brijevich

Rol re' aggressive

Daniel Barber

4 The Spinney

Papakura. 2022/623481

021 0790282

DOB 7/3/98

Rollo Husky/malamute

2 years. owner spoken

to. Dog reg to Auckland

owner very upset. Dog

got out in the area where

benz has washed

away. owner getting

Run fe when he's

not home. Made aware

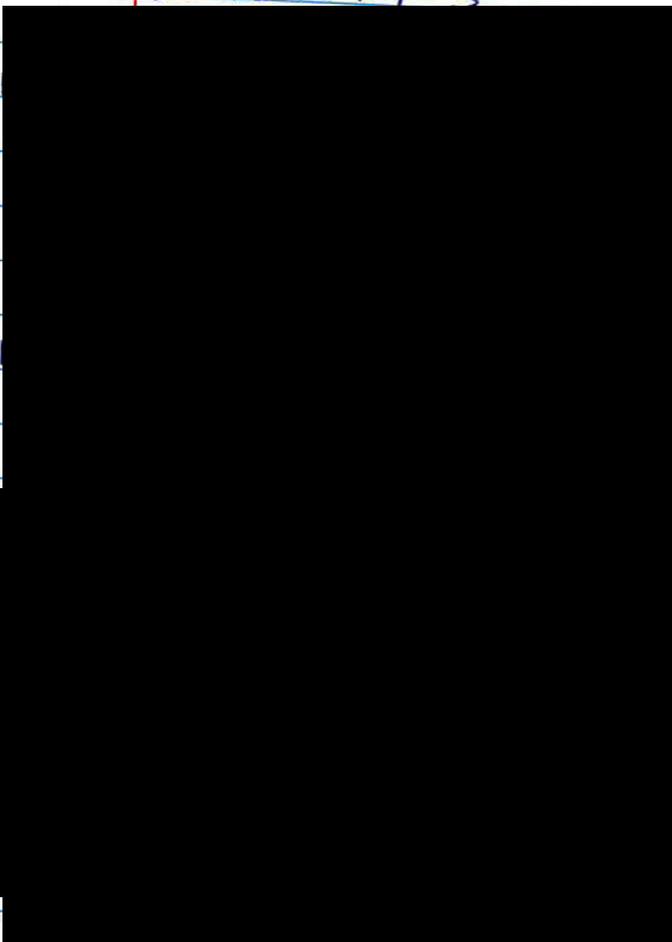
if anything else happens

it could result in

court action. Explained

menacing classification
infringement.

Doc 3290/23



Amanda Twiss

From: imogen johnston [REDACTED]
Sent: Wednesday, 14 June 2023 10:03 am
To: Animal Control
Subject: Loose dog kills 6 chickens at 16 Pinnacle hill rd
Attachments: 20230613_172436.jpg; 20230613_172356.jpg; 20230613_172338.jpg; 20230613_172339.jpg; 20230613_172343.jpg

Good morning

I am emailing on behalf of my neighbour Hannah Wilton at 16 Pinnacle hill rd, RD1 Pokeno as she is extremely traumatized and upset about the incident and it is a bit much for her.

Yesterday late morning 15th of June, Hannah and her husband Geoff were informed by the neighbour at 20 Brljevich rd (who is their boundary neighbour) that their husky had gotten out and killed their 6 chickens. Neither Hannah or Geoff were home at the time. Hannah rang me absolutely distraught as her chickens were in a large coop next to the driveway and she was terrified what she and her daughter would see and if the dog was still there as her daughter is only 3. She was extremely upset at the loss of her chickens and was still crying when I saw her at 6pm last night.

The neighbour whose dog it was came and put the bodies in a bag and left them in the coop but there was a disgusting mess of feathers everywhere. Hannah rang me yesterday morning when it had happened but unfortunately, I was at work and couldn't come home so I asked another neighbour to go help Hannah. The other neighbour Sheryl took the bodies of the chickens to the owner of the husky and told them to deal with it. The woman she spoke to was unapologetic and rude and no one has apologized to Hannah or Geoff or offered to compensate them for the loss of their chickens.

The Husky has shown increasingly intimidating behavior by stalking Hannah's 3 year old daughter up and down the fence while she is playing and lunging and snapping at our sheep when they are in that paddock. It also stalks my horses when I ride them up the road and lunges and barks at them. Hannah is terrified to let her daughter and small dog out to play in the yard now.

I have attached the pictures of the coop with the feathers, the bodies. I believe you have spoken to Hannah about this. The result sounds disappointing and myself and the surrounding neighbours are extremely unimpressed. If this dog gets out again and repeats this behaviour there will not be leniency for the dog as we all have livestock we need to protect.

Sincerely
Imogen Johnston
[REDACTED]

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From: "Dan Barber" [REDACTED]
Sent: Fri, 16 Jun 2023 11:07:31 +1200
To: "Animal Control" <Animal.Control@waidc.govt.nz>
Subject: Re: Statement
Attachments: Statement Daniel Barber.pdf, Statement Lynne Barber.pdf

Hi Amanda, here is mine (owner) and my mothers statement (witness) for the events. Please keep me up to date with what will be happening. I have not been contacted by the Wiltons in regards to what reparations they deem reasonable yet. I have also updated my dogs registration details.

Thank you.

Regards,
Daniel

On 16/06/2023, at 9:21 AM, Animal Control <Animal.Control@waidc.govt.nz> wrote:

Hi Daniel,

Could you please email me a detailed account of what happened on the 13/6/23 I need this for an owners statement

Kind Regards

Amanda

Animal Control Officer

Ngā mihi

Te Kaunihera aa Takiwaa o Waikato

Nama waea: 0800 492 452

Pouaka Poutaapeta: Private Bag 544, Ngaruawahia 3742

Waahi Mahi: 15 Galileo Street, Ngaruawahia

<image001.jpg>

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INFRINGEMENT NOTICE

(ISSUED UNDER AUTHORITY OF SECTION 66 OF THE DOG CONTROL ACT 1996)



NUMBER: E30304
SR No. : DOGS3290/23

Territorial Authority
Waikato District Council
15 Galileo Street, Ngaruawahia
Ph: (07) 824 8633
Fax: (07) 824 8091

Daniel Barber
20 Brljevich Road
RD 1 Pokeno 2471

	Forenames	Surname		
Name of Owner:	Daniel Barber		Person ID:	198420
Date of Birth:	07/03/1998		Animal ID:	161894

ALLEGED INFRINGEMENT OFFENCE DETAILS

Date:	13/06/2023	Time:	9:30:00 AM	Day of Week:	Tuesday
Road/Street:	Brljevich Road		Locality:	MANAGATAWHIRI	

OFFENCE COMMITTED	Infringement Fee (\$)	Offence Code
Failed to keep dog under control	\$200.00	S53(1)

Additional Details of Offence (if any):	Infringement Fee payable
Rollo left your property and was sighted lying in a chicken coop surrounded by dead chickens	\$200.00
Reg No or Description of Dog:	
Licence: 16093	Breed: Alaskan Malamute
Sex: Male	Primary Colour: Black

PAYMENT OF INFRINGEMENT FEE

The infringement fee is payable within 28 days after: 20/07/2023 (earliest date notice delivered personally or posted)	ACO: 11
--	-------------------

Please note that if you have been served with this Infringement Notice for failing to register a dog, payment of the infringement does not include the dog registration fee. You will still need to register your dog without delay and failing to do so may result in the issue of further infringement notices.

Infringement fee may be paid to:
WAIKATO DISTRICT COUNCIL
 15 Galileo Street, Private Bag 544, Ngaruawahia
 Or to the any of the following Waikato District Council Area Offices
Huntly 154 Main Street
Tuakau 2 Dominion Road
Raglan 7 Bow Street
 Cheques or money orders should be "NOT TRANSFERRABLE".

IMPORTANT: PLEASE READ THE SUMMARY OF RIGHTS PRINTED OVERLEAF

13 June 2023

Statement

Lynne Barber
20 Brljevich Road
Mangatawhiri

On the morning of Tuesday 13 June 2023 my son's dog was outside as usual. I had a drainlayer arrive at the property approximately 9 am and I went to open our automatic gates and noticed the dog was not around greeting the visitors as he usually would (even the drainlayer commented on it). Once the drainlayer was started on his work I went looking for the dog as it was unusual for him, as a very social dog, to miss out on being made a fuss of by the numerous tradesman who have been working on our property lately.

I searched the interior of the house and all around the section, climbing down into the bush and along the fence lines and could not find him. I then took a leash from the garage and proceeded to walk down the roads searching and calling for him. At this stage I was very worried that he had got down onto the highway somehow.

I texted my son to let him know that his dog was missing. As I was walking along Pinnacle Hill Road my son phoned me, also worried. While talking to my son I saw the dog inside the Wilton's chicken run lying among the dead chickens. The front gate of the property was standing ajar so I entered the property and called out. I then entered the chicken run by the closed access door, leashed the dog and took him out of the run. I noticed the chicken run had a flimsy timber framed piece of netting propped against the back which the dog had pushed in to gain access to the coop.

I then knocked on the door of the house several times but there was no answer. I saw the "Counties Home Loans" trailer on the lawn and photographed the telephone number and sent a text message informing them of what had happened, offering apologies and reparation, and asking them to call me (screen shots below).

I took the dog back up to our house and locked him in the garage.

My son came home from work immediately and we went down to the Wilton's and picked up the dead chickens and placed them in a black plastic rubbish bag and left it in a shady corner of the chicken run and tried knocking on the door again. We also put a hand written note in the letter box explaining what had happened and to contact us.

We went back home and my son took the dog into work with him.

Mr Wilton phoned me and I explained what had happened and apologized profusely and offered to make reparations. He seemed very reasonable and said he would talk to his wife. My son also phoned Mr Wilton and left messages and text messages for him to contact him so he could apologise and offer reparations.

An hour or so later a "neighbour" knocked on my door, she did not give me her name. She immediately said that we were "mean" for leaving the chickens there, and that she would have no hesitation in shooting my son's dog. I explained that we had already been in contact with Mr Wilton and would be dealing directly with him. The reason I left the chickens (concealed in a black plastic bag) was because I was unsure how they would want to deal with the bodies, also I believe it would have been theft if I had taken them away. I also explained how I had grown up on a farm and was fully aware of the ramifications of dogs entering other people's properties and that we were dealing with it in a responsible manner.

Later that day we had a visit from Amanda and Phil from Animal Control as a complaint had been made, we do not know by who, whether it was the Wilton's or the "neighbour". We explained what had happened and what steps we had taken to try to remedy the situation.

The dog is registered (Auckland Council), microchipped and desexed. He is trained with basic commands of come, sit, stay etc. He is a well-behaved dog towards all people, we have many trades people who have worked on our property who can vouch for this, as well as the Postie and Courier Delivery people who regularly are greeted by a friendly tail wagger looking for a pat on the head. He regularly plays with other dogs and children, one of my son's friends runs an at home day care and he has played in a gentle, friendly manner with pre-school children, some with special needs. The dog lives with an elderly, one eyed cat which he gets on with very well (is submissive to her), however he has never met any chickens.

My son is a responsible dog owner, his biggest fear is that if the dog somehow escaped the premises, he could get down onto SH2 and be run over. We regularly inspect our fence lines and have gone to the expense of installing automatic gates, so callers cannot unintentionally leave the gate open, and running extra No.8 wire along the bottom of the post and rail fences. The baton and wire fences are a little more of a problem due to stock pushing the batons apart with their heads and erosion caused by recent bad weather events. We believe that the recent weather events have created a gap along the bottom of the boundary fence between our property and the Wilton's. This fence is at the very bottom of our section and hidden by a half-acre of bush and a creek on our side, although we do regularly go down there to inspect the fence and make any necessary repairs. The fence is in full view of the Wilton's house and they have never raised any concerns with us about it being insecure.

We have, today, purchased an enclosed dog run for our property for when the dog is here by himself, otherwise my son will take him to work with him. We will go down and block any gaps we can find in the bottom fence. I feel that the Wilton's should also take some responsibility for maintaining the boundary fence, as it is a joint boundary and fully visible from their house, as well as the fact that they keep sheep and horses in that paddock which may cause damage to the fences.

In conclusion, yes the dog was in the wrong of being outside of its home property and entering the chicken run and killing the birds, however we have apologized, taken steps to rectify the matter and offered reparation.

Signed:



3:59 Neighbor Geo...

10:06 am

Texting with Neighbor (SMS/MMS)

Hello, this is your neighbour over the back fence. I am so sorry to tell you that my son's dog has managed to push through the fence and get into your chicken run. He has unfortunately killed all six. I am so so sorry. We will of course pay for all damages. Please call me when you are able. Lynne Barber

My son is absolutely distraught about this and can't apologize enough.

12:37 pm

My son Daniel has tried calling and texting you to apologise. He is distraught and in tears as one

4:00 Neighbor Geo...

about this and can't apologize enough.

12:37 pm

My son Daniel has tried calling and texting you to apologise. He is distraught and in tears as one of the neighbours came here threatening to shoot his dog. Please assure your wife that the dog will be contained from now on. He will also take the dog to work with him daily from now on. We will also check and repair any fences that need it.

12:37 pm • SMS

Hi lynne, sorry I have been in a meeting, I'm out now and have just got home. Can I give him a call in half an hour or so?

Yes that would be good thanks

1:00 pm • SMS

Text message

Text message

Text message

Classification Decision Making Criteria

Owner ID: 198420 Daniel Barber

DOG ID: 161894 Rollo Baber, Husky x Malamute

<u>OWNER RESPONSIBILITY</u>
Owner has taken full responsibility for his dog killing the neighbour's chicken. His mother found the dog in the neighbour's chicken coop surrounded by dead chickens. She left a voice message for one of the chicken owners and also left them an apology note. Once the dog owner got home, he moved the chickens into a black rubbish bag so the chicken owners didn't need to see the chickens. They were unaware that the recent flooding had eroded the bank which had left a gap under the fence.
<u>HISTORY</u> <i>(Any history in Council Database)</i>
No History
<u>SERIOUSNESS OF THE INCIDENT</u> <i>(Was contact made? Was the attack prolonged? What injuries were sustained?)</i>
6 Chickens were killed. Incident no sighted, but dog owners mother saw dog in coop with the dead chickens
<u>VICTIMS VIEWS</u> <i>(Impact of the incident on the Victim, and/or ongoing effects of the incident?)</i>
Hannah the chicken owner is scared that the dog will come back. She is worried for her young daughter and her small dog. She would prefer that the dog is no longer on the property.
<u>EVIDENCE</u> <i>(Witness statement provided? Dog identified?)</i>
<ol style="list-style-type: none"> 1) Complainant Statement. 2) Dog owner statement 3) Witness Statement (Dog Owners mother) 4) Emails from Neighbours 5) Photos of Chicken Coop and feathers
<u>REGISTRATION COMPLIANCE</u> <i>(Was the dog registered at the time? If not, have they registered it since?)</i>
Rollo is currently registered with the Auckland Council. Our records show payment with us for the current year, but no tag has been issued yet

PROPERTY <i>(Is the property suitable to contain this dog?)</i>
Property is fenced with wood and pail fencing with a large wooden gate.
MITIGATING RISK <i>(How the dog owner thinks they can mitigate this sort of behaviour in the future? Physical steps the dog owner has taken?)</i>
The dog owner is now taking the dog to him to work and has purchased an \$800 dog compound to keep dog in when he is not at home. He is going to fix the area where the dog got out.
ACO REASONING BEHIND CLASSIFICATION
I believe that this dog should be classified as menacing due to it killing Chickens. Although the dog owner has put everything in place to insure this will not happen again, there are concerns from the neighbours that there are a lot of stock in the area, and they are worried he will get out and cause more damage. If we classify the dog and it is seen wandering, we will be able to enforce the classification.
<i>While the dog owner has taken full responsibility for what his dog has done, placing a menacing classification ensures the dog is muzzled when it is public to ensure that the dog cannot repeat this offence. If the dog is caught out, a menacing classification give council the ability to seize and hold the dog until the dog owner shows how they will comply with the classification.</i>

OUTCOME**Discussion between ACO and Team Leader****Dog Seized/Impounded** **Yes/No****Menacing Classification** **Yes/No****Dangerous Classification** **Yes/No****Infringement** **Yes/No****Prosecution** **Yes/No****Signed (ACO)****Date**

18/07/2023

Check List

- Witness Statement
- Officers Statement
- Sworn Evidence (If Dangerous)
- Classification
- Copy of signed classification in ECM
- Classification hand delivered or delivered by registered post

ANIMAL CONTROL OFFICER (ACO)



CRM# DOGS2612/23
Animal ID 152347
Offender ID 67534
Property ID 1000932

DOCUMENTS

(Tick all that apply)

- ACO Statement and Declaration
- Scene – photos and key
- Scene – aerial image / map and key
- Scene – sketch diagram and key
- Case notes (if any)
- Correspondence and other
- Photo album (if applicable)

- History
(Tick all that apply)

- P & R printouts
- Infringement notices
- Other:

ACO DETAILS	
ACO Number	11
Date of Birth	
Full Name	Amanda Twiss
Email	amanda.twiss@waidc.govt.nz
Phone	027083809929

ACO STATEMENT

My name is Amanda Twiss, and I am a warranted Animal Control Officer for Waikato District Council. On the 13/6/23 I received an aggressive complaint about a Husky killing chickens at 16 Pinnacle Hill Road, Pokeno.

At 12.40pm I spoke to the complainant, Hannah Wilton, who explained that although she hadn't witnessed the attack; the Dog owner, Daniel Barber, had called Mrs Wilton's husband to tell him that his dog, Rollo, had killed their chickens. There was also a note left in Hannah's letterbox stating the same thing.

I took a statement from Hannah over the phone, she advised that she received a phone call from her husband while she was driving home advising her that the neighbours Husky which resides at 20 Brljevich road had killed 6 of their chickens.

Because Hannah had her young child with her, she pulled over and contacted her neighbour Imogen to see if she could help her. Imogen was unable to help so she called another neighbour Sheryll, who removed the chickens while Hannah waited at the top of the driveway. When Hannah got to her front door, she saw chicken feathers and large muddy dog prints.

Hannah sent photos to me of the chicken coop which still had chicken feathers all through it and the txt message conversations between her neighbour Sheryll and herself.

At 3.16pm I visited the Dog Owners property, 20 Brljevich rd with ACO28. We spoke to the Dog Owner, Daniel; he was very upset by what had happened. He said that he didn't realise that all the rain we had been getting had made the bank disappear and had left a gap under the fence.

He said he would be organising a dog run for his dog when he wasn't at home. He would also fix the fence line. We spoke to Daniel about infringements and menacing classification.

On the 13th and 14th June, I received emails from Sheryll and Imogen who were now concerned about the dog getting into their stock/animals.

On the 16/6/23 I received statements via email from Daniel Barber and his mother Lynne Barber. In her statement, Lynn's stated she had noticed that Rollo, her son's dog, was missing, she txt her son to let him know. She walked along Pinnacle Hill Road and found Rollo in a chicken coop lying among dead chickens at 16 Pinnacle Hill rd. She leashed Rollo and knocked on the door and no one was home. She took a photograph of the trailer on the property which had a number and took Rollo home. She txt the number and explained what happened.

When her son got home, they returned to 16 Pinnacle Hill Road and collected the chickens and put them in a plastic bag, so the owners didn't have to look at the chickens. My son then took Rollo back to work with him. Later Mr Wilton called her, and they discussed what happened. Later that afternoon a neighbour visited Lynn and told her she was mean for leaving the chickens in a plastic bag.

In Daniels statement he stated that he was at work at the time of the incident. His mother txt him to advise him that his dog Rollo was missing. He called his mother and came straight home. Once home his mother told him what she had seen. They went to Pinnacle Hill Road and put the chickens in a plastic bag. Later Daniel received a phone call from Mr Wilton the chicken owner. He apologised and explained about the erosion under the fence line, probably due to the recent rain.

On the 20/7/23 An infringement was posted for the incident and on the 4/8/23 a menacing classification was hand delivered to Daniels letterbox followed by a phone conversation later that day.

Signature:



ACO STATEMENT (continued)

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Signature:


ACO DECLARATION

This statement is true to the best of my knowledge and belief. I have made the statement knowing that it may be used in court proceedings and that I could be prosecuted for perjury for making a statement known by me to be false and intended by me to mislead.

ACO Full Name	Amada Shirley Twiss				
ACO Signature					
ACO Number	11	Date	27/9/23	Time	12 pm.

