



**South Wairarapa District Council**

**HEARINGS COMMITTEE**

Order Paper for a meeting to be held in the Council Chambers at South Wairarapa District Council, 19 Kitchener Street, Martinborough on

**Thursday 10<sup>th</sup> August, 2017 3:00pm**

**Animal Control Hearing**

MEMBERSHIP OF THE COMMITTEE

Her Worship Viv Napier (Chairperson)

Cr B Jephson

Cr C Olds

RECOMMENDATIONS IN REPORTS ARE NOT TO BE CONSTRUED  
AS COUNCIL DECISIONS UNTIL ADOPTED



# AGENDA

## APPLICATION UNDER SECTION 33B OF THE DOG CONTROL ACT 1996

### 1. Welcome

- Apologies
- Hearing procedure Page 1
- Council/Applicant Introductions
- Receipt and confirmation of minutes from 5 May 2017 Hearing Pages 2-5

### 2. Presentation from Applicant

- Council Officers Summary Report Pages 6-25
- Opportunity for Committee to ask questions

In accordance with Section 48(1)(d) of the Local Government Official Information and Meetings Act 1987 the names and addresses of individual complainants have been removed.

### 3. Presentation from Complainants

- Opportunity for Committee to ask questions

### 4. Summing Up

- South Wairarapa District Council summing up (if necessary)
- Applicants right of reply

### 5. Public Excluded

- Deliberation of a hearing conducted under the Animal Control Act

*PROPOSED RESOLUTION:* **That** the public be excluded from the following part of the meeting.

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) and section 48(2) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<b>Report/General Subject Matter</b>	<b>Reason for passing this resolution in relation to the matter</b>	<b>Ground(s) under Section 48(1) for the passing of this Resolution</b>
Receipt and confirmation of public excluded minutes from 5 May 2017	Good reason to withhold exists under section 1(d) and section 2(a)(i)(ii)	Section 48(1)
Deliberation of a hearing conducted under the Animal Control Act	Good reason to withhold exists under section 1(d) and section 2(a)(i)(ii)	Section 48(1)

This resolution is made in reliance on Section 48(1)(d) and Section 48 2(a)(ii)(iii) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the hearing in public are as follows:

<b>Reason for passing this resolution in relation to the matter</b>	<b>Ground(s) under Section 48(1) for the passing of this Resolution</b>
d) that the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.	Section 48 1(d)
a) any proceedings before a local authority where: i) a right of appeal lies to any court or tribunal against the final decision of the local authority in those proceedings or ii) the local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings.	Section 48 2(a)(i)(ii)



## **HEARINGS PROCEDURE**

- (1) The Hearings Committee has full delegated authority to hear the submissions and make the decisions.
- (2) It is the intention that the hearings will be held without unnecessary formality, but not such as will impede progress.
- (3) At the commencement of the hearing those participating in the hearing will be asked to identify themselves and anyone who is giving evidence for them.
- (4) Chairperson shall have the right with or without concurrence of the other members, to terminate a submission in progress.
- (5) No person other than the chairperson or other member of the hearing body may question any party or witness.
- (6) No cross examination is allowed.
- (7) At the conclusion of the submissions the Chairperson will announce that the Committee will reserve its decision and retire to deliberate in accordance with Section 48(1)(d) of the Local Government Official Information and Meetings Act 1987.
- (8) Decisions will be released in written form as soon as practicable.

### **NOTE:**

- (a) The Committee may wish to visit the site at a time arranged to suit all parties.
- (b) Councillors are reminded there should be no discussion with anyone outside of the hearings committee in regard to the submissions until the decisions are made.



# **SOUTH WAIRARAPA DISTRICT COUNCIL HEARINGS COMMITTEE MINUTES**

**5 May 2017**

Minutes of a Hearings Committee meeting held on Friday 5 May 2017, commencing at 9:00am in the South Wairarapa District Council Chambers, 19 Kitchener Street, Martinborough. The meeting was conducted in public between 9:00am and 11:30am except where expressly noted.

Committee: Mayor Vivien Napier (Chair)  
Cr Colin Olds  
Cr Brian Jephson

In Attendance: Andrew McEwan (Bylaws Officer)  
Shane Sykes (Team Leader, Environmental Services)  
Murray Buchanan (Planning and Environment GM)  
Suzanne Clark (Committee Secretary)

Rachel Bartlett (Objector)  
Jenny Keeton (Objector Support)  
Jedd Bartlett (Objector Support)

## **HEARING OPENING**

The Chairperson welcomed attendees to the hearing of an objection lodged by Rachel Bartlett against the issuing of a menacing dog classification relating to the dog known as "Kea" pursuant to the provisions of Section 33C(1) of the Dog Control Act 1996.

The Chair acknowledged additional information tabled; that being a GIS map of Kea's house and location of attack on Regent Street, a report prepared by K9 Wise on Kea dated 19 April 2017, photos of Kea's containment pen built, and letters in support of Rachel Bartlett's objection from Orton Lodge Kennels, James Pittard the Dry River Vineyard Manager, and from employees of Dry River Vineyard.

## **SOUTH WAIRARAPA DISTRICT COUNCIL – TEAM LEADER ENVIRONMENTAL SERVICES**

Shane Sykes, Team Leader Environmental Services presented background to the menacing dog classification status served on Kea from a Council officer's perspective and asked the Hearings Committee to uphold Council officers' recommendation.

In response to questions from the Panel Mr Sykes stated that it was Council officers' position that Kea does pose a risk to the public, however the legal requirement is for the word 'may' to be used and that an alternative resolution was sought in this case to contain the risk. The deadlines for compliance to the alternative resolution measures and the time when the menacing status was applied were clarified. It

was noted that Kea's residence, Dry River Vineyard, was defined as a public space and Kea was required to wear a muzzle at home as well as in public.

### **OBJECTOR – RACHEL BARTLETT**

Ms Bartlett stated K9 Wise had on two occasions been unavailable, that it wasn't made clear by Council officers what type of assessment was required, that financial constraints before Christmas lead to delays in compliance, that the containment pen was in place prior to the 28 February deadline, and that she held concerns about the temperament of the dog Kea was first credited with attacking which may have been a contributing factor.

Ms Bartlett stated that Kea was classified as menacing between the 28 February and the 7 March due to miscommunication between herself, Council officers and K9 Wise.

Jedd Bartlett stated that four dogs were involved in the first incident and that the situation was intense with multiple dogs growling. Mr Bartlett believed that the Council officers' report to the Hearings Committee was not accurate as Ms Bartlett did what she could to make sure Kea was kept contained and was prepared to do more.

Jenny Keeton spoke in support of Ms Bartlett's explanation of miscommunication between 28 February and 7 March, and in support of Kea's temperament. Ms Keeton believed Rachel had behaved responsibly in taking steps to improve Kea's behaviour and supported the removal of Kea's menacing classification.

In response to a query from the panel, Rachel Bartlett said she first engaged K9 Wise before Christmas but did not believe the details of the assessment requirement were clearly explained. Ms Bartlett had met once with K9 Wise and subsequent visits were arranged by Ms Bartlett for the purposes of training Kea.

The panel queried whether Ms Bartlett believed the K9 Wise assessment was a true reflection of Kea and whether Ms Bartlett would be committed to providing continued training to assist Kea. Kea had attended puppy school, Ms Bartlett was committed to continued training and agreed with the K9 Wise assessment.

In response to a query from the panel, Rachel Bartlett said she was not clear on dog control legislation but was aware of owner responsibility regarding licensing and dog containment.

In response to a query from the panel Ms Bartlett advised that a containment pen had been completed in February 2017 but that Council was not immediately advised. Ms Bartlett had not immediately been convinced that the containment pen was the right solution for Kea.

The panel queried whether Ms Bartlett was concerned about potential future attacks causing injury. Ms Bartlett would feel bad but did not believe Kea would initiate another attack. Council officers stated that dog attack statistics suggested that Kea could attack again. Kea's trigger points were unable to be pinpointed and the attacks were random.

The panel and Council officers agreed that Rachel Bartlett was a good dog owner.



**PUBLIC EXCLUDED**

*THE HEARINGS COMMITTEE RESOLVED* (HC2017/01) that the public be excluded from the following part of the meeting.

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) and section 48(2) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<b>Report/General Subject Matter</b>	<b>Reason for passing this resolution in relation to the matter</b>	<b>Ground(s) under Section 48(1) for the passing of this Resolution</b>
Deliberation of a hearing conducted under the Animal Control Act	Good reason to withhold exists under section 1(d) and section 2(a)(i)(ii)	Section 48(1)

This resolution is made in reliance on Section 48(1)(d) and Section 48 2(a)(ii)(iii) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the hearing in public are as follows:

<b>Reason for passing this resolution in relation to the matter</b>	<b>Ground(s) under Section 48(1) for the passing of this Resolution</b>
d) that the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.	Section 48 1(d)
a) any proceedings before a local authority where: i) a right of appeal lies to any court or tribunal against the final decision of the local authority in those proceedings or ii) the local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings.	Section 48 2(a)(i)(ii)

*Moved (Cr Brian Jephson/Cr Colin Olds)*

Carried

The *HEARINGS COMMITTEE RESOLVED* (HC2017/03) to move out of the public excluded section of the meeting.

*Moved (Cr Brian Jephson/Cr Colin Olds)*

Carried

**HEARING COMMITTEE DECISION**

The *HEARINGS COMMITTEE RESOLVED* (HC2017/02) to defer the decision of confirming the classification status of Kea for a period of one month from receipt of notification of this Committee’s decision by Rachel Bartlett.

*Moved (Cr Colin Olds/Cr Brian Jephson)* Carried

The Committee determined that Council officers should write to Rachel Bartlett and advise her that a review of status for her dog Kea was deferred for a period of one month. The Committee was concerned that the containment fence provided by Rachel Bartlett was not of a suitable height to adequately contain Kea. The Committee was also concerned that the area provided for Kea was too small. The committee also considered that Kea was prone to carrying our unpredictable (random) attacks on other dogs and that this had caused distress and trauma to other dog owners. The committee consequently considered it had a duty to ensure that the risk of any such future events was absolutely minimised.

Consequently the following interim decision was made; “that within one month of receipt of the Committee’s decision by Rachel Bartlett, Kea’s menacing dog status would be reviewed and finally determined taking into account the degree of compliance with the following matters; that Rachel Bartlett show to the officers satisfaction that, “Kea has been provided with a suitable and approved (by Council officers) containment area in a location that prevents escape, separates Kea from public areas and that provides for her wellbeing and welfare. In addition the committee resolved that Rachel Bartlett must fully comply, to the satisfaction of Council officers, within one month, and that failure to comply would be taken into account when the committee makes its final decision on the status of Kea”

The Committees further decisions, which must also be complied with were:

1. That Kea’s place of residence, Dry River Vineyard, was correctly assessed as a public place and when out of containment on the property Kea must be muzzled while her classification status was menacing.
2. That if Kea’s menacing status was to be revoked, Rachel Bartlett must agree in writing that Kea is kept on lead when being walked off property.
3. That Kea and Rachel Bartlett undertake an annual refresher behavioural training course from K9 Wise.
4. That should any future attacks by Kea occur this would be viewed extremely seriously.

The Chair declared the hearing closed at 11:30am.

**Confirmed as a true and correct record**

..... (Chair)

..... (Date)

# HEARINGS COMMITTEE

10 August 2017

Agenda item 2

## OBJECTION TO DOG BEING CLASSIFIED AS MENACING

### **Purpose of Report**

To update the Hearings Committee on progress towards implementation of the interim decision of 12 May 2017 and seek further guidance.

### **Recommendations**

1. Officers recommend that the Hearings Committee request the dog owner's to utilise the systems now in place for controlling Kea.
2. If this is agreed to, officers then recommend that the menacing status be formally revoked.

## **1. Executive Summary**

The Hearings Committee met on Friday 5<sup>th</sup> May 2017 to hear an objection from Ms Rachel Bartlett to a menacing classification for her Rhodesian ridgeback, Kea.

The Committee resolved to defer a final decision on confirming/rescinding the classification for one month.

This was to allow Ms Bartlett time to address the Committees concerns as outlined in the interim decision.

Ms Bartlett was advised that the final decision on the classification of Kea will take into account the degree of compliance with other matters in the interim decision.

These are outlined in section 2 of this report along with the officers' observations.

## **2. Compliance with interim decision requirements**

### **2.1 Containment**

Ms Bartlett was required to provide a containment area for Kea that prevents escape, separates Kea from public places and that provides for Kea's wellbeing.

Council's Bylaws Officer was able to schedule a first visit to inspect the completed enclosure on 6<sup>th</sup> June.

The officer was satisfied that the metal fencing installed was of a high standard and sufficient for containing Kea (Figure 1). The new metal fencing was installed flush with the house, behind the veranda and sealed off so that Kea could not go under the veranda (Figure 2).

The officer raised two matters with the containment system that required resolution.

Firstly, it was noted that the lattice fencing that forms two sides of the containment area had some sections where the lattice was missing and not of suitable strength to contain Kea (Figures 3 and 4).

Secondly, the kennel provided for Kea lacked suitable weather protection at its entrance (Figure 5).

These two matters were remedied by providing further metal mesh fencing attached to the lattice framework and by adding a small awning over the kennel entrance (Figures 6 and 7, respectively).

These additions were verified at a second site inspection on 12 June and subsequently approved by officers.

Officers are satisfied that the containment area meets the requirements stipulated by the Hearings Committee.

## **2.2 Timeframe**

Ms Bartlett was required to fully comply with the requirements within one month, to the satisfaction of officers.

Ms Bartlett's partner, Wilco Lam, spoke to officers on 22<sup>nd</sup> May in relation to suitable fencing for the enclosure. The containment was being constructed over the weekend around 2<sup>nd</sup> June.

An inspection was booked for 6<sup>th</sup> June. At this inspection, further work was requested to ensure the containment area was suitable for Kea.

Mr Lam was proactively engaging with Council at the initial contact on 22<sup>nd</sup> May and this has continued.

Mr Lam agreed to the requested amendments immediately and ordered the metal mesh fencing on 7<sup>th</sup> June.

We were advised that delivery times of the product would mean that the fencing may not be completed by the 9<sup>th</sup> of June, which marked the one month period since receiving the Hearings Committee decision on 12 May.

Officers were however fully satisfied with this timeline because Mr Lam had positively engaged with Council and very sound progress was being made.

There were also some delays during the process as Kea's owners sought Council's input on the type of fencing but staff were unable to attend to the matter quickly.

This delay should not have any negative bearing on Kea's owners in this matter. Officers have further taken into consideration that this delay did not result in the owner's failing to take action which is seen as a further positive step.

A further inspection was conducted on 12<sup>th</sup> June to ensure that the final suggested improvements had been made and to an acceptable standard.

Officers are satisfied that Mr Lam, acting on behalf of Ms Bartlett met the timeline constraints required by the Hearings Committee.

### **2.3 Muzzling and containment**

The Hearings Committee accepted that Dry River Vineyard was a public place. As such, whenever Kea was out of containment, Kea must be muzzled while her classification was menacing. The interim decision further stated that the requirement would exist **at least** for the next month.

At the first inspection, officers witnessed that Kea was inside the owner's residence for the entirety of the inspection. Officers were satisfied that at the first inspection, Kea was appropriately contained.

The second inspection however, did not result in the same outcome.

The two officers who attended witnessed Kea un-restrained, un-muzzled, and without direct supervision when they arrived (Figures 8 and 9).

Figure 10 shows an aerial photograph of the property at which Kea resides (highlighted section). Figure 11 shows the approximate location of where Kea was located when staff entered the property (red circle) and where the vehicle was parked (blue rectangle).

Council officers subsequently contacted the owners on 14<sup>th</sup> June and asked for an explanation as to why Kea was out of containment without a muzzle and direct supervision.

An email was received on 19<sup>th</sup> June explaining how this occurred (Figure 12).

In the explanation Ms Bartlett stated that Kea had been muzzled and on a lead, but that Ms Bartlett had removed the muzzle. Her reason for removing the muzzle was because Ms Bartlett knew it was nearly the end of the working day and that Wilco was the only person around.

Section 33E(1)(a) of the Dog Control Act 1996 stipulates that if a dog is classified as menacing, the owner of the dog:

- (a) *must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction.*

The officers' reports on this incident state that the inspection occurred at 3:30 pm. While officers exercise reasonable discretion on time based constraints, section 33E(1)(a) is definitive in that at any time a menacing dog is in any public place and it is not confined within a cage, the dog must be muzzled.

Council officers appreciate that at the first inspection, Kea was appropriately confined.

However, the subsequent inspection revealed that Kea was not contained, not muzzled and not under control.

It would be more understandable if just one of these three requirements had been breached, rather than all three. In relation to this, Council officers note that both previous dog attacks happened very quickly.

As such, if Kea had been triggered into action, there was no system of control that might have prevented an attack.

A second instance of Ms Bartlett failing to comply with muzzling requirements was witnessed by Bylaw Officer Lynne Drake on the afternoon of 17 July 2017 (Figure 13).

On this occasion Ms Bartlett was seen walking Kea along New York Street, Martinborough without a muzzle.

The officer inquired as to whether Ms Bartlett was aware that Kea needed to be muzzled. The officer was informed by Ms Bartlett that she was aware of this requirement. As an explanation, the officer was told that Kea was not used to the muzzle.

The officer advised that a muzzle was required and that this must be complied with as a condition of the menacing classification. No further action was taken by Council officers as they have chosen to report this matter here for consideration by the committee.

Officers consider that this matter in relation to the committee's interim decision, has clearly not been complied with.

## **2.4 Agreements**

The committee stated that, if the menacing classification was to be revoked, Ms Bartlett was required to agree to Kea being kept on a lead whenever being off the property (or contained within a vehicle). The committee further requested that Kea and Ms Bartlett would need to undertake an annual 'refresher' behavioural training course from K9Wise.

Officers received a letter signed by both Ms Bartlett and Mr Lam agreeing to both of the above requirements (Figure 14).

## **2.5 Future attacks**

The committee stated that if any future attacks by Kea occur, this would be viewed extremely seriously. Officers report that we have no knowledge/reports of attacks by Kea occurring over the interim period.

## **3. Officers comments**

Officers would like to take this opportunity to observe that there has been a notable difference in how Mr Lam has engaged with Council as compared to Ms Bartlett.

Officers consider Mr Lam to have been positive, engaging and action focussed, particularly in relation to the development of the containment area. Officers draw the committee's attention to the comments of Mr Lam when he was informed that Kea was loose on the property at the time of the second inspection. It appeared to be a surprise to Mr Lam that Kea was not adequately contained. However, his first action was to quickly and effectively contain Kea. Officers think this reflects highly on the integrity of Mr Lam and his understanding of the seriousness of these matters.

Since the attack of 13 October 2016, officers have been working with Ms Bartlett (Kea's registered owner) to have this matter resolved. Throughout this process, officers have consistently faced communication issues and time delays. These issues have simply not been a factor when dealing with Mr Lam and we credit him for this approach. Additionally, Mr Lam has complied with all matters that he has agreed to, which cannot be said for Ms Bartlett.

#### **4.0 Summary and recommendations**

After considering the above matters, officers maintain that Kea is a risk to the public. However, officers consider that adequate physical steps have now been established to control and minimise this risk.

Officers are satisfied that if the containment is effectively used by Kea's owners and she is under control at all times, then the risk posed by Kea is at a satisfactory level.

For the sake of clarity, it is the officers' opinion that Kea may carry out future attacks if these matters are not actively and adequately controlled by Ms Bartlett.

Officers are therefore recommending the menacing classification be revoked with the knowledge that systems exist that should adequately minimise the risk if utilised effectively not only by Mr Lam, but also and especially Ms Bartlett.

## **7. Appendices**

Appendix 1: Figures

Contact Officers: Lynne Drake Bylaws Officer and Shane Sykes, Team Leader  
Environmental Services

Reviewed By: Murray Buchanan, Group Manager Planning and Environment

**SOUTH WAIRARAPA DISTRICT COUNCIL  
HEARINGS COMMITTEE**

**10 August 2017**

**OBJECTION TO DOG BEING CLASSIFIED AS MENACING**

**APPENDIX 1: FIGURES**



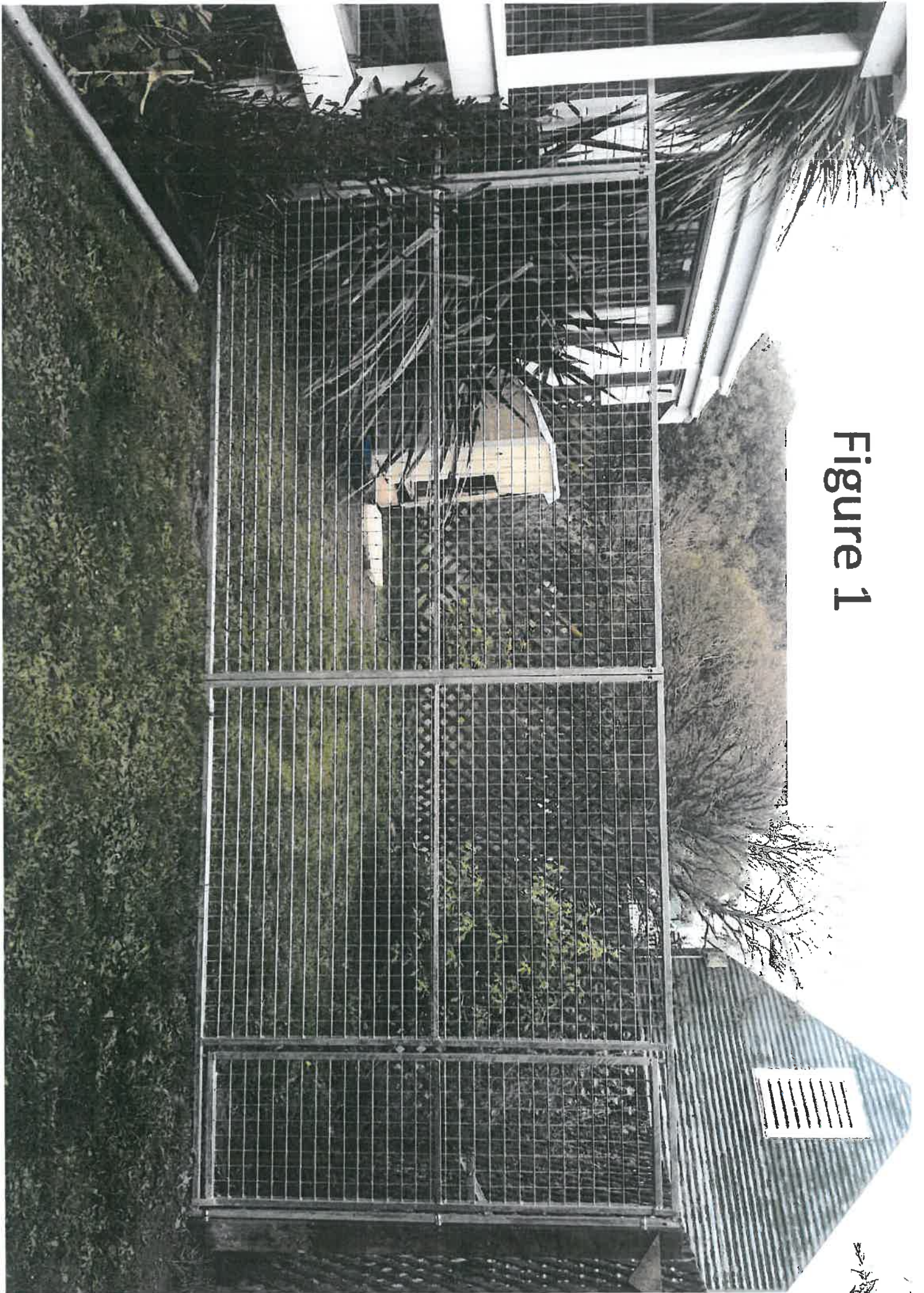


Figure 1



Figure 2

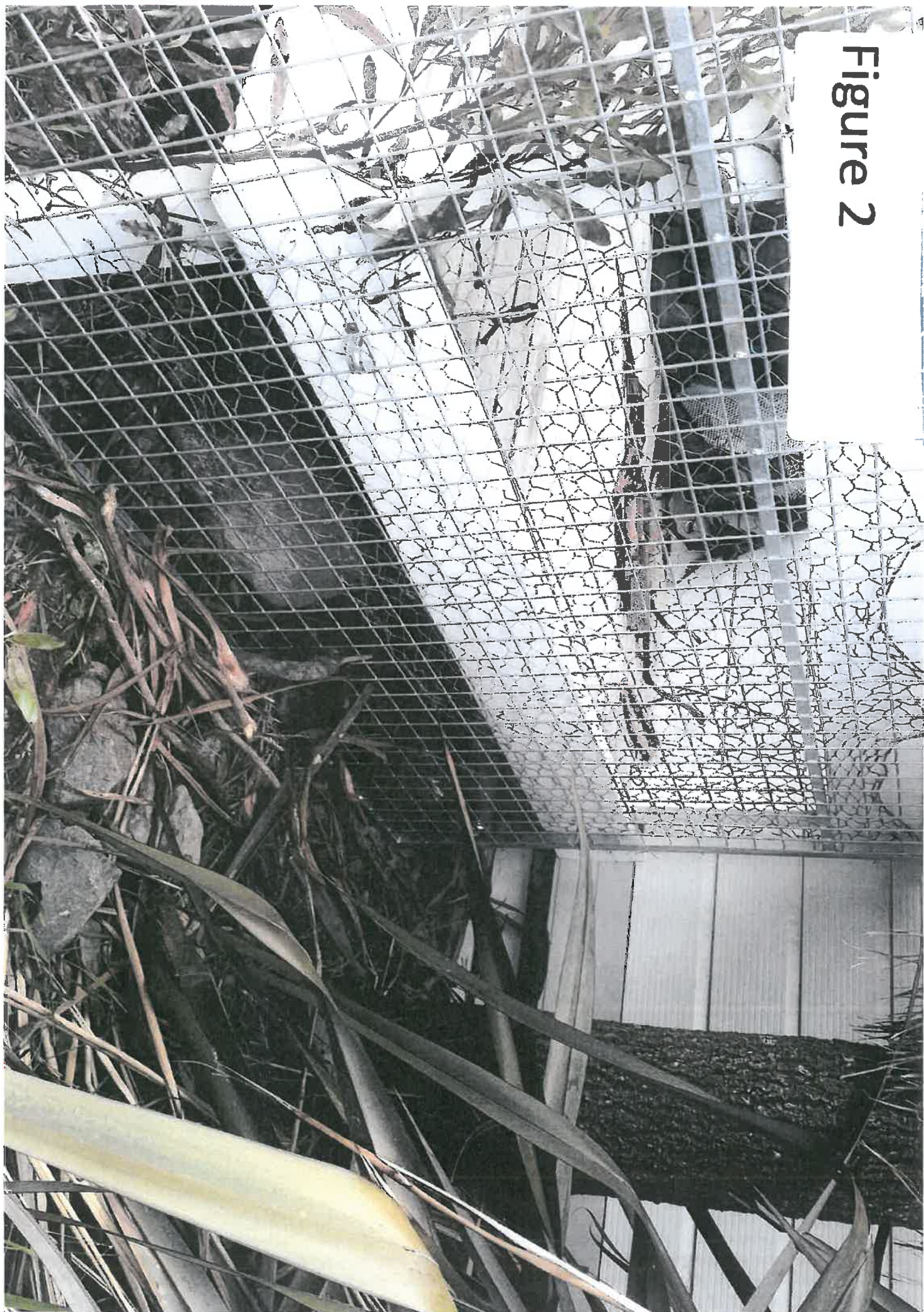




Figure 3

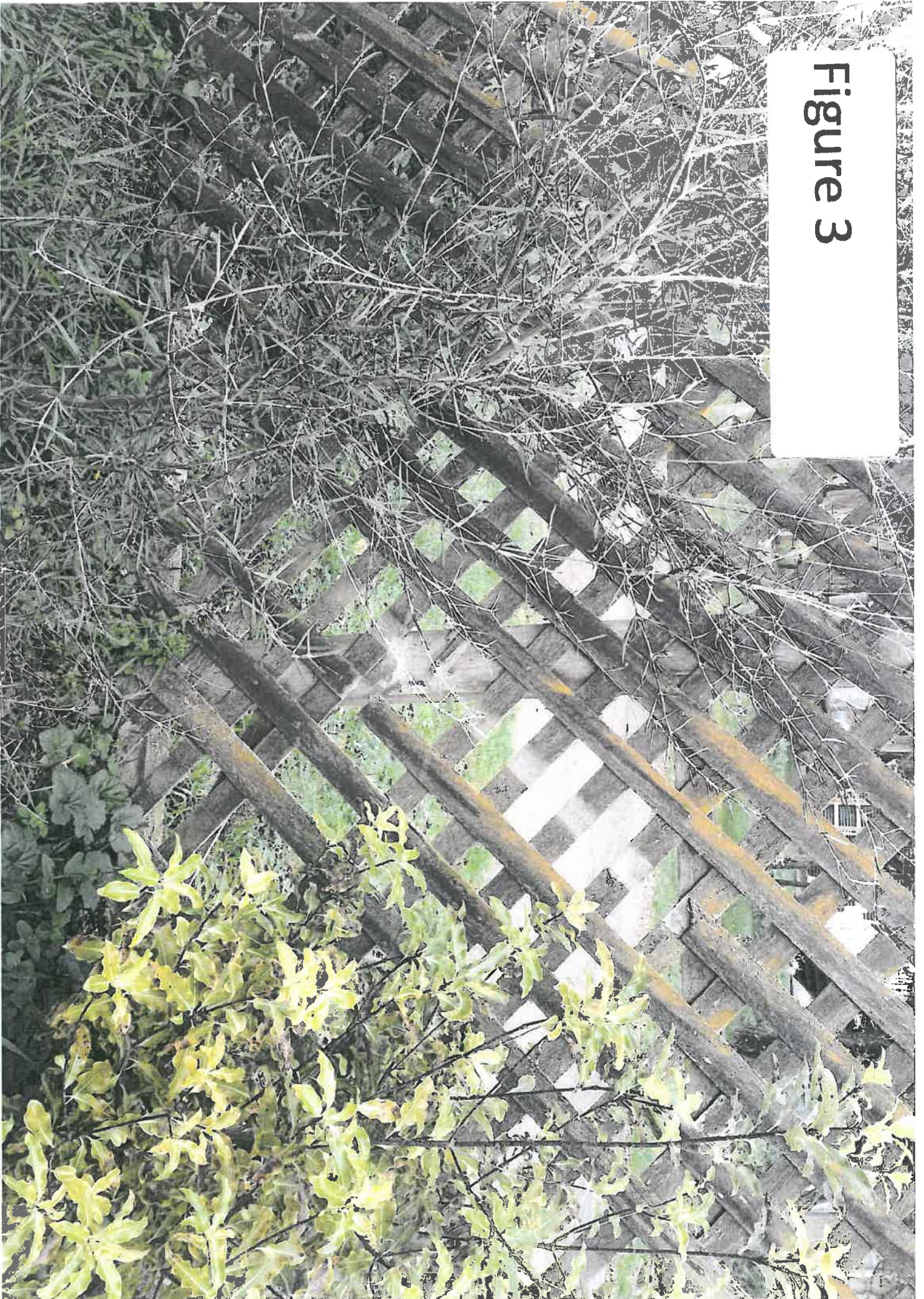




Figure 4





Figure 5

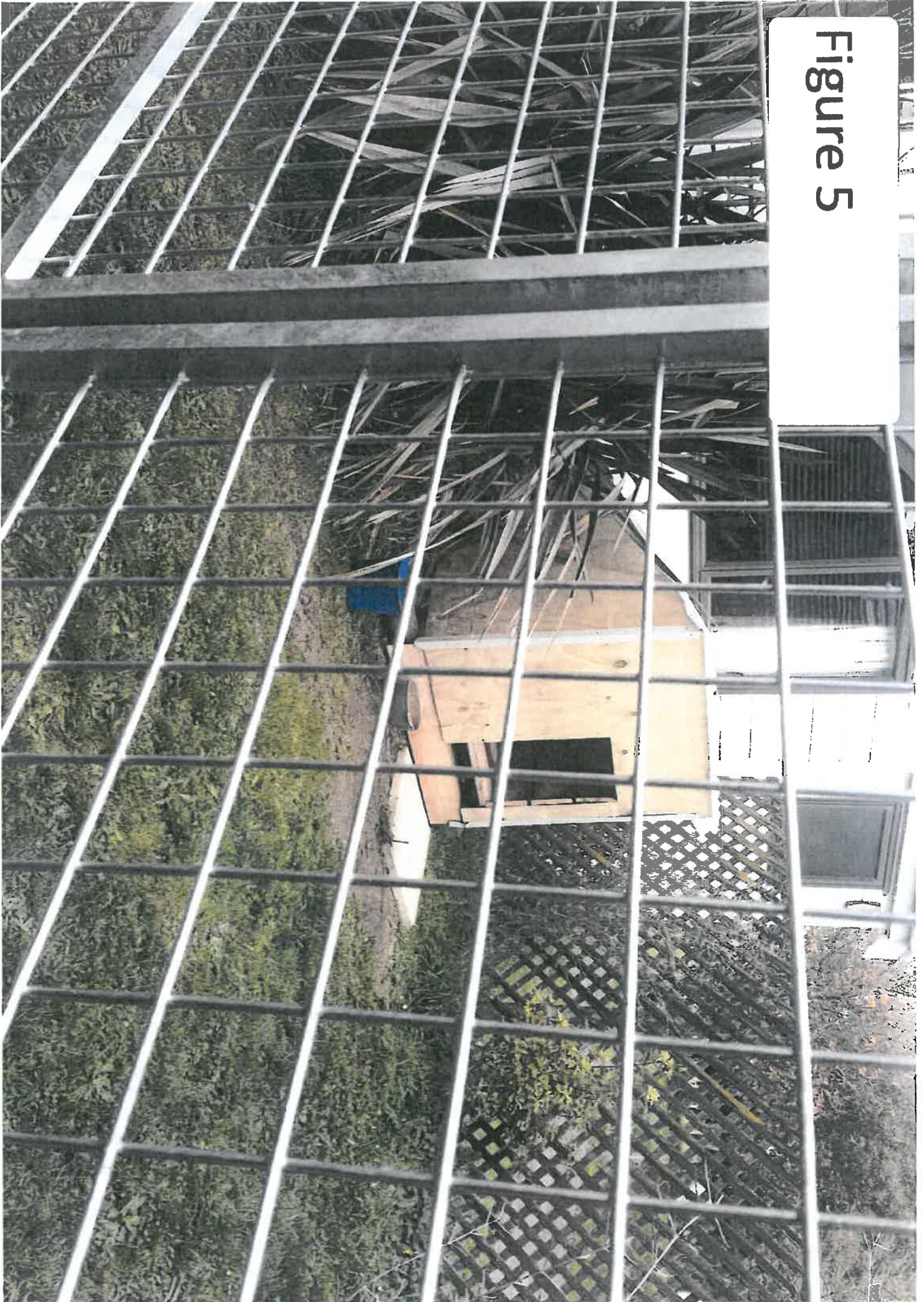




Figure 6





Figure 7



# Figure 8

12/06/17

Fencing check, 192 Regent Street, Martinborough

Arrived at the property at 15:30 on the 12<sup>th</sup> June 2017 to check the fencing for the Ridgeback dog named Kea, registered to Rachel Bartlett.

Upon arrival at the property we noticed the red dog named Kea lying in the sun outside the garage doors to the right of the fork in the driveway. Kea was unmuzzled, unattended and proceeded to bark at the ute. We stopped in the driveway near the house and got out of the ute. Kea had by then followed the ute and was barking at us, she was standing approximately 4 meters away from the ute and was still unattended. I ignored Kea and we walked around the side of the building back to where we first saw her lying in the sun. I called out loudly numerous times to attract attention of Rachel (Bartlett) or Wilco as I assumed they would be with Kea. No one came so we proceeded to walk back past the ute to the house. I saw Kea was snuffing the back of the ute, and barked at us again as we approached. I spoke softly to her trying to calm the dog. We then heard Wilco calling Kea from near the house, he then put Kea inside the house. I mentioned to Wilco that Kea was unattended out by the garage and he said "was Rachel not there?" with which I replied "there was no sign of anyone with Kea".

Rachel and I proceeded to check the fencing which looked better with the chain link fencing up on the inside of the trellis for strengthening. Wilco had put an awning above the kennel door to minimise rain coming into the kennel. I mentioned it would be a good idea to check the kennel after it rains to see if it is getting wet inside the kennel and possibly turn the kennel around if it is wet inside. I took some photos and advised Wilco that it looked good but I would take our findings back to management.

As we were leaving, I mentioned again the Kea should not be left unattended on the property.

Our visit took approximately 15 minutes.



Lynne Drake  
Bylaws Officer



# Figure 9

Rachael Prout, Time 3:30pm

Monday 12<sup>th</sup> June

Events of: Dog unattended/ un-muzzled at home property. Owner Rachel Bartlett.

Arrived at the property at around 3:30pm on the 12<sup>th</sup> June 2017 to follow up on improvements to a contained area/ fencing, involving a classified menacing dog owned by Rachel Bartlett. Lynne and I drove down the driveway and I spotted the dog by the tin shed on the right hand side of what looks like their pottery shed, and asked Lynne *"is that our dog there"*.

The dog was unattended and un-muzzled (laying/sunbathing) and as we pulled up the dog started to bark and came over towards the vehicle. Both Lynne and I stepped out of the vehicle and the dog proceeded to bark. In response to this, I spoke to the dog and said *"settle down, that'll do, quiet"*.

We walked around the property, heading right first around towards where the dog was sunbathing. Lynne was calling for both Rachel and Wilco to see if anyone was surrounding the property.

We proceeded back towards the main house where we heard Wilco come out and call for the dog to contain him inside the house.

Lynne and I started to inspect the new and improved dog kennel and fencing. Wilco joined us outside and went through what improvements he had made and what else he may implement.

- Added roof on dog kennel
- Added plastic corrugated roofing on top of the plywood
- Added chain link to the trellis surroundings

(Much better support and photographic evidence taken for all of the above)

Lynne made a point of asking and making Wilco aware that the dog was roaming unattended on our arrival. To which he replied (along the lines of) *"oh is Rachel not out there?"*

Photos were taken and we both agreed that the improvements were to our satisfaction. Lynne let him know that all new evidence would be taken back to management to discuss and update reports.

The dog was kept in the house throughout our inspection/ conversation with Wilco.

Lynne and I left the property and returned to the council to discuss all evidence and information.





Figure 10



June 23, 2017

1:4,000

Road Labels

- Masterton Property
- Carterton Property
- South Wairarapa Property

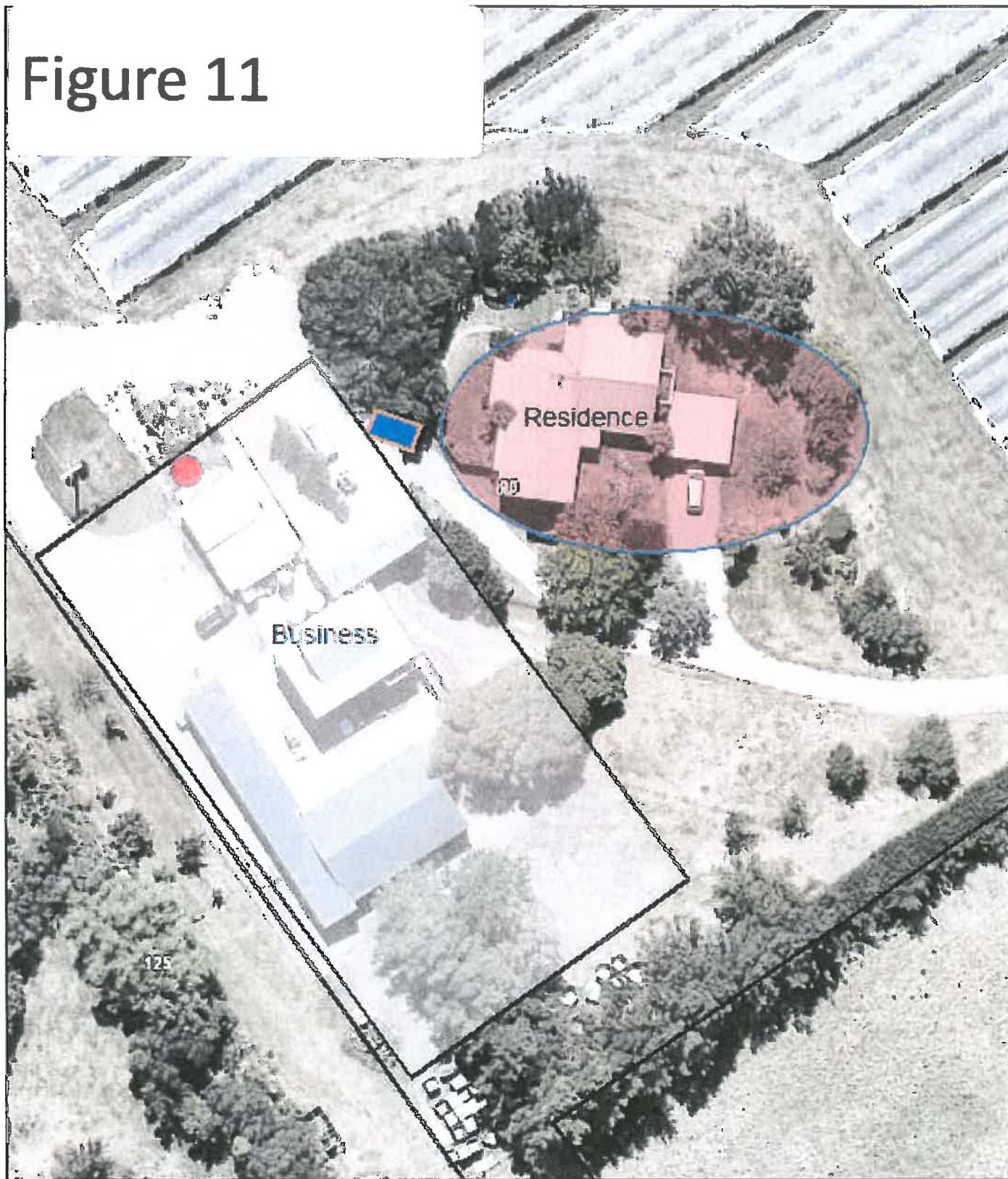
Road Labels



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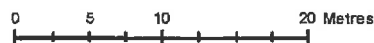


Figure 11



June 23, 2017

1:500



- Masterton
- Carterton
- South Wairarapa
- Road Labels
- Masterton Property
- Carterton Property
- South Wairarapa Property
- Road Labels

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# Figure 12

## Shane Sykes - Team Leader Environmental Service

**From:** Rachel Bartlett <rachelbartlett73@gmail.com>  
**Sent:** Monday, 19 June 2017 7:59 a.m.  
**To:** Shane Sykes - Team Leader Environmental Services  
**Subject:** Kea's classification

Hi Shane,

Thanks for giving me the opportunity to explain.

On Monday I was at home with both of our kids and we had gone to play soccer on another area of Dry River property. Kea was on the lead and muzzled but as it was nearly the end of the working day and I knew Wilco was the only one around I took her muzzle off (she is still getting used to it), I did keep her on the lead. She was attached to a tree and one of our boys undid her lead and I didn't notice her leave and go back to the house which was when Lyn arrived.

I did hear her barking and was gathering naked, muddy children together and heading back to house but ended up missing Lyn.

We've been upholding the conditions vigilantly and really hoping this works out in our and Kea's favour.

I really hope this mistake doesn't blow it.

Thank you, Rachel

# Figure 13

Monday 17<sup>th</sup> July 2017, approx 1445 hrs

Driving down New York Street I saw a lady with 2 children and a dog on a leash. I recognised the dog immediately as KEA, belonging to Rachel Bartlett.

I stopped the vehicle and introduced myself as I had not met Rachel previously. I told Rachel that I knew who she was as I recognised KEA. I said to her “you are aware that KEA is required to be muzzled?” she said she was and that she was having a bit of trouble getting used to the muzzle, I advised her that it is best to get her used to it at home so she feels comfortable with it on when she is out. I advised her that she MUST comply with the classification.

Rachel went on to tell me that she was seeing Deborah Kiernan of K9 Wise, a dog behaviourist. She also asked when the hearing committee were making a decision on the menacing classification. She said that she was aware that it does not look good being caught out twice now without a muzzle. I advised her that I was unsure of when they were to meet again but would let when we have been informed.

I said goodbye and reminded her that she must have KEA muzzled in public.

Rachel was pleasant throughout the conversation.

Lynne Drake  
Bylaws Officer SWDC

# Figure 14

29 May 2017

Mayor and Chair of Hearings Committee

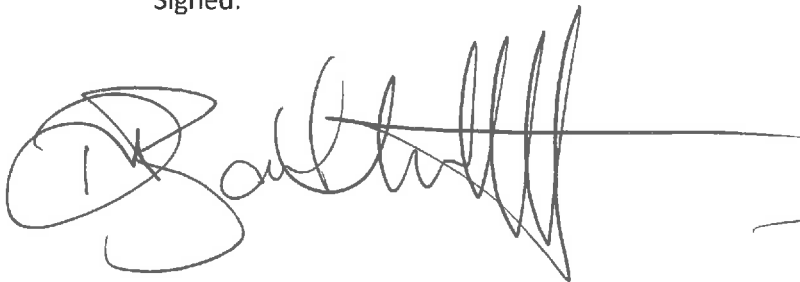
South Wairarapa District Council

Shane Sykes,

Please find below that both Rachel Bartlett and Wilco Lam will agree to the following decisions made by the Committee:

- Committed to have Kea on a lead when off-site in a public area.
- We will undertake an annual refresher course for Kea and ourselves K9 Wise. This will be confirmed at each registration period.
- We will have an approved containment area for Kea that prevents escape and separates Kea from public areas.

Signed:

A handwritten signature in black ink, appearing to read 'Rachel Bartlett', with a long horizontal line extending to the right.

Rachel Bartlett

A handwritten signature in black ink, appearing to read 'Wilco Lam', with a long horizontal line extending to the right.

Wilco Lam