OIR: 2223/517

2 May 2023

[redacted]

Kia ora [redacted],

Request for Information under the Local Government and Official Information and Meetings Act 1987 (the Act) (the LGOIMA)

Thank you for your email of 6 April 2023 requesting the following information:

I have heard that there has been an official report released regarding the Canada geese incident, but I cannot seem to find it. Is there any way you could send that through to me?

Please find attached a copy of the reports as requested.

You will see that the personal details of other parties has been withheld from this information. The decision to withhold this information is made under the following sections of the LGOIMA:

- Section 7(2)(a) - which allows for Council to withhold information in order to protect the privacy of natural persons, including that of deceased natural persons. In the Council's view the reasons for withholding these details are not outweighed by public interest considerations in section 7(1) favouring their release; and
- Section 6(a) - where making available some information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

You have the right to request the Ombudsman to review this decision. Complaints can be sent by email to info@ombudsman.parliament.nz, by fax to (04) 471 2254, or by post to The Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi

Mike Mendonça
Acting Group Manager Place and Space
Te Kaiwhakahaere roopu, Takiwa me te Waahi

Incident Investigation Report

Incident Title: Property Damage involving Firearms

Incident Date: Saturday 28 January 2023

Incident Location: [redacted] State Highway 1, Paraparaumu & Otaraua Park, Paraparaumu

Event Type: Serious/High Risk

Is the activity Controlled, Monitored or Uncontrolled?	Controlled
What risk assessment was conducted for this task?	Contractor: self-assessment Site assessment and H&S briefing on site by contractor No Con3 for this event, but in place for previous culls.
What site standard or procedure exist to control this risk?	Contractor risk procedure in place (workplace) H&S policy on file Site/Event specific assessment not on file with KCDC (Kapiti Coast District Council). Firearms Code, Arms Act 1983 .

Incident investigation team

Name	Position	Reporting to
Sonja Williams	Place & Space Marketing & Events Manager	Mike Mendonca
[redacted]	Senior Health & Safety Advisor	

Section 1. Background

1.1 The increasing numbers of geese in Kapiti has been an issue for many years. Geese numbers are continually growing, and community has an equally growing appetite in support of controlling geese numbers through organised culls. Whilst an attempt at a cull occurred in 2013, no other culls were sanctioned until Council decided in 2021 to engage an experienced and qualified pest control contractor to complete the shooting and carcass removal of geese from Otaraua Park. The contractor engaged was [redacted] had been supplying pest control services to KCDC since 2018.

1.2 Previously, on the early morning of Sunday 1 August 2021, a cull using a .223 supressed rifle and a 20-gauge shotgun, was conducted on Council owned land, in the semi-rural location of Otaraua Park by [redacted]. A Con3, site management programme, carcass removal plan, [redacted] H&S plan and Communications plan which included several layers of notification to over 15 stakeholder groups, were completed.

106 geese were culled in this shoot. No incidents occurred. Neighbours commented on the noise early on a Sunday morning, but no complaints were laid.

Since [redacted] have completed 1 further daytime cull. And 1 thermal scope trial (15 geese culled) at night.

1.3 Since this first shoot an internal restructure of the Place & Space group saw key staff changes, which has resulted in IP and process understanding being lost. Considerable workload pressure was on staff at the time due to under resourcing caused by the restructure, and reliance on contractor expertise based on past successful culls, was occurring.

1.4 Emails between [redacted] and KCDC in 2022 work towards a night-time cull using a thermal scope on a .223 rifle. In several emails KRPC indicate using a "specialised, very quiet rifle, that could be used closer to built up areas." A quote with outline of the night-time cull was sent by [redacted] to KCDC, 10 October 2022, this email again indicated the use of a "specialised, fully supressed (i.e., very quiet) rifle", but no mention of other types of firearms (i.e., shotgun). This quote was the basis of understanding of operations for the cull on January 28, 2023. (See Appendix)

1.5 Early January 2023 a marked increase in complaints by community to Council about the geese numbers at Otaraua Park prompted the need to engage [redacted] and move forward with the planned night-time cull on the 28th. The night-time cull proposal from [redacted] utilised a thermal imaging scope, "this technology enables the user of the scope to see the body heat emitted from any source" which was a more clinical and strategic approach, allowing the geese to be culled while sleeping, resulting in more geese being culled.

Gareth Eloff (Parks, Open Spaces and Environment Manager) reported that [redacted] explained the Cull as a "targeted surgical operation with suppressed .223 targeting sleeping birds".

This was a change in methodology from previous culls. Notification for the Cull was given to selected key stakeholders only, based on the understanding the cull was to be quiet.

Due to success with past shoots Site Safety Management was verbally discussed with [redacted] with the expectation of a Site Safety Management Plan being in place.

1.56 Currently the Parks, Open Spaces and Environment team are completing the review and implementation of the Personnel and Contractor Engagement Policy, which would include a process to identify and prioritise risk, and formalise processes, especially around the expectation of site safety management plans being in place and reviewed by staff for each high risk (cull) event.

Section 2: Description of the Event

2.1 Description from Vault:

Reported by [redacted]

What happened:
At 10.30pm I received a call from the Police regarding "bullets flying everywhere" in relation to the Canada goose shoot contracted by Council occurring at Otaraua Park. I passed on the contractor, [redacted] contact details. No mention at this stage of a house being hit.

At 12.35am I received a text from [redacted] that Police has visited them on site, and they had been informed a house had been hit. They were not given the location. [redacted] went over the health and safety plan with the police at that point.

Around 8.30am Sunday morning I contacted Gareth Eloff and Mike Mendonca via text. I spoke to Gareth shortly after this. At that stage we had no further information as to where the property was.

Early afternoon Mike Mendonca received a call from the property owner, [redacted], who was terribly upset. Mike called me shortly after this.

At 2.14pm I received a call from [redacted] from the Police who is the officer in charge of this incident. He has spoken to his Sergeant, and they are of the opinion that all required health and safety procedures were followed, and this is an unfortunate accident rather than negligence.

The only charge that could be relevant is careless use of a firearm, which Police do not believe is applicable in this instance. Overall, they were comfortable with precautions put in place and would not be pursuing anything further.

[redacted] mentioned that [redacted] (the contractor) was approached by the son of the property owner this morning when [redacted] was onsite tidying up the remaining carcasses. [redacted] tried to apologise but this was not accepted at the time which is understandable. The first I heard of this occurring was from [redacted] on my drive up to the office.

Property owners are [redacted]. [redacted] State Highway 1, Paraparaumu. [redacted]. It is not 100% clear at this stage where the shooters were firing from.

Gareth and I visited the property owners 4.30pm 30/01/2023 and discussed next steps.

2.2 Description of Event – Affected Parties

From Interviews completed by Investigation Team

10pm (approx.) Homeowners [redacted] were on the couch and getting ready for bed when shots/pellets started hitting their roof. They described the experience as "bullets in all directions." They reported hearing shotgun fire plus rifle cracks. [redacted] an experienced shooter and was sure about the sounds [redacted] (shotgun and rifle)

They reported feeling terrified and took cover behind a wall in the house.

Then [redacted] said, "something had hit their window." [redacted] watching tv and [redacted], so had not heard any of the noise. Their cottage window was broken, and window frame damaged. This window was in the same room as the [redacted] were sitting at the time.

They then rang the police, who arrived at their home around 10:30pm.

The police then went down to the park to find the shooters. Police then called [redacted] to obtain contact details for the Contractor – [redacted]. Police then contact [redacted] [redacted] then give [redacted] location at Otaraua Park. Police interview [redacted], and the second hunter [redacted] on site around 11:20pm but did not stop the shoot as they said they were comfortable with the precautions [redacted] taken at the time.

[redacted] account of the shoot mirrors the same time frame. With the cull beginning around 10pm, based at the edge of the pond at Otaraua Park, starting with .223 rifles, then transitioning to shotgun and .223 rifle.

The last phase of the shoot took place in Otaraua Park closer to the Camelot neighbourhood. Later, complaints about noise were received from neighbours, including reports that it sounded like "the battle of the Somme." These neighbours were also concerned they had not been notified, as this meant they had not moved their [redacted] from the park edge paddock it was normally in. They also commented that they had wounded geese on their property after the shoot.

A later report from a neighbour to [redacted], witnessed additional torch lights [redacted] around 11pm, suggesting other people at the Park, but after the incident had occurred.

2.3 Details of Injury/Damage/Impact

1. Damage to window frame, and broken window. Right front window of [redacted] at [redacted] State Highway 1, Paraparaumu.

2. Emotional impact for homeowners at [redacted] State Highway 1, Paraparaumu. and [redacted]

2.4 Immediate Actions Taken by Line Management following Event

[redacted] notified Mike Mendonca (Acting Group Manager, Place & Space) and Gareth Eloff (Parks, Open Space & Environment Manager) early Sunday 29th morning. No contact details of homeowners at this stage.

9:18am - [redacted] ([redacted] Communications & Engagement Advisor) of incident.

Later Sunday Morning Mike Mendonca was also notified by Susan Owens (Communications & Engagement Manager). The homeowners [redacted] called KCDC via Susan Owens. Mike Mendonca then spoke to [redacted] on Sunday (early afternoon). And then spoke to [redacted] relaying their concerns and advising to contact the homeowners the following day.

Sunday 2:15pm - Police advise [redacted] that they are comfortable with [redacted] H&S plan and no charges to lay.

[redacted] contacted [redacted] on Monday 30th and visited them at their home.

Investigation began and Sonja Williams (Investigation Team) contacted [redacted] on Tuesday 31 January and arranged to meet them at their house on Wednesday 1 February (with [redacted], Senior Adviser, Health, and Safety).

Section 3: Key Findings

3.1 Damage caused by [redacted]

Uncertainty remains as to the exact cause of the damage to the windows due to lack of physical evidence; no ammunition shells or pellets were found on site. Heavy rain in the early hours of Sunday morning may have contributed to not finding physical evidence.

However, the level of probability that the window damage was caused by a .223 bullet (probable ricochet) fired by a [redacted] contractor completing the goose cull is very high. The times that the contractor reports the shoot switched to the use of both shotgun and .223 rifle coincides with the time that the homeowners reported the shotgun pellets on the roof and the bullet shot (ricochet) that damaged the window frame and broke the window. And the location of the contractors at the time ([redacted]) locates them within range of shots reaching the [redacted] State Highway 1.

Although there is a report (from a neighbour) of additional torch lights (other people) seen near the [redacted] later in the evening around 11pm, no other shooters were reported to be in the same area at the time the damage to the house occurred. This is confirmed by the [redacted] contractors and by CCTV footage. Footage confirms that only [redacted] hunters were identified as being [redacted] at Otaraua Park at the time the shots landing on the roof and the window damage occurred.

3.2 Contributing factors

Contributing factors could include:

- The overcast dark night, with no additional environmental lights (stars, moon) to see by.
- The time of night, homeowners were on their way to bed, and did not have many lights on to help identify the [redacted]
- Moving targets – geese in flight, only a slight change of angle of firearm following a bird in flight could have brought the shots into the high-risk area, in the moment.

3.3 Technical findings

The type of impact damage on the window frame of the cottage suggests that it was not a direct shot from a .223, rather a ricochet, with a tumbling bullet, causing both the window frame damage and the broken window, which could suggest that this shot may have been taken inside the safe firing zone, but was deflected into the high-risk area to hit the window.

We have established that while the distances are between 430 and 494 meters for 20 gauge shot, and .223 high velocity bullet to travel to hit the houses, these distances are within probable range for both types of ammunition, including if as ricochet (for .223).

As the difference in angle (for the hunter) is less than 30cm between in zone firing and high-risk area firing (towards the direction of the house), it is reasonable to deduce that while all health and safety mitigations were carried out by the contractor an unintentional lapse in situational awareness was the key cause of the shotgun pellets hitting the roof of [redacted] house at [redacted].

3.4 Angles of difference – High risk and in zone

3.5 Emotional Impact on affected parties due to lack of notification

The unexpected sound of gunfire with the corresponding shotgun pellets landing on the roof created a terrifying situation for the homeowners. Combined with the window frame damage and glass breaking, and lack of awareness of the cull happening, an out of context situation was created for the homeowners that night and contributed to the shock of the experience.

Whilst notification would not have prevented the window damage, it may have mitigated the emotional response to hearing gunfire at night. may still have been angry that shots were hitting their roof, and damaging their property, but maybe not terrified.

neighbours need notification to move animals, and to ensure they are not at home when the shooting happens.

An expectation of notification was in place because of past notified culls, which further contributed to the concern felt by neighbours.

3.6 Lack of understand of noise

Misunderstandings from KCDC staff between the noise levels expected on the shoot, and the firearms being used lead to a decision to limit notification to Police, KiwiRail, Ground truth, [redacted] tenant, internal staff, and onsite signage.

The belief by KCDC staff was this was going to be a quiet shoot. [redacted] reported [redacted] said that it was "unlikely to wake someone up." This coupled with the belief that the suppressed .223 rifle, using the thermal rifle scope, was the only firearm going to be used (as per the quote given by the contractor, and by the earlier trial undertaken) lead this decision making.

The idea that the thermal scope with the suppressed .223 would mean the geese would remain on the ground for the shoot, as suggested in an email from the contractor, regarding trial shoot in September (with quote for full night shoot) also reinforced the belief only the .223 would be used, and that all firing would be on the ground, and not at birds in flight.

"The night shooting of the geese at Otaraua Park was very successful. They were unable to see any danger *so stayed put* as I shot 15 of them" + ATTACHED EMAIL

However, it seems the contractor was working inside previous (daytime) shoot frameworks which included the use of a shotgun. And though [redacted] emailed the contractor the list of parties to be notified, [redacted] did not question non- notification of neighbours, which further supported [redacted] belief the shoot would be "quiet." Due to this misunderstanding around noise and what firearms were to be used, the decision not to notify all neighbours was made.

From [redacted] perspective, [redacted] adamant that even a suppressed .223 has a loud crack, nearly as loud as a shotgun, and did not support the view the shoot would be quiet. Correspondingly [redacted] did not raise any red flags about the non-notification of neighbours, something we may have expected from an experienced contractor. Further the use of the shotgun at night (without notification) suggests a lapse of judgement from the contractor.

The shoot obviously was not quiet. Neighbours described it like "the battle of the Somme" and "terrifying." These neighbours were comfortable with geese culling in general, and comfortable with the past notified culls.

3.5 SOP for High-Risk events

Clearer understanding of expectations around the shoots is essential going forward, a checklist or SOP is suggested. And given the learning that all shoots will have some gunshot noise associated with them, the strong recommendation is that all culls involving firearms include comprehensive notification to neighbours.

The contractor is highly experienced and has completed several successful culls for KCDC in the past. [redacted] deeply concerned [redacted] livelihood and reputation are on the line and cannot fathom it was something that [redacted] may have been responsible for. As an outcome of this incident, [redacted]

3.6 Contributing Factors

Based on the evidence to hand, the Investigation Team believe the following were the main contributing factors to the incident:

Absent or Failed Defences

- Lack of notification to neighbours. Notification may have reduced the emotional impact of the shots hitting the house. Awareness of the cull may have given better context to the experience for the homeowners but would not have prevented it.

Individual or Team Actions

- Loss of situational awareness by shooters.
- Use of Shotgun

Task or Environmental Condition

- Overcast dark night (no moon or stars to see by or locate position from)
- Moving Targets – flying geese
- Total amount of geese culled determined success of shoot
- Time of night meant lack of house lights to enable easy location of their position in the dark.

Organisational factors

- New night vision equipment (contractor) determined the cull would be a night shoot
- Lack of clarity between KCDC and Contractor as to what firearms will be used for the shoot
- Assumptions made about level of noise that was going to occur with suppressed firearm
- KCDC resourcing was stretched, and heavy reliance on previous contractor success was in play.
- No formal contract was in place for contractor, or the cull.

Section 4: Conclusions and Observations

The investigation concluded the following findings were or could have been contributory factors to the incident:

- Although it appears every effort was made by contractor for due diligence around health and safety before the cull began on the night, unintentional loss of situational awareness resulted in shots landing on a house roof and damage being caused to a window.
- The contractor's night-time shooting experience is not in question, however factors which contributed to a good environment for the thermal imaging scope (dark night) also contributed to loss of situational awareness.
- Lack of a formal contract for this cull resulted in:
    - Change of parameters between the daytime culls and night-time culls not taken in account by KCDC staff and contractor. Change of scope, change of process, change of environment.
    - Clear understanding of firearms to be used and associated noise was not communicated by contractor to KCDC, nor clarified by KCDC.
    - Lack of understanding about noise levels and consequent impact on the neighbours led to inadequate notification of the cull.
    - Lack of clarity around night-time cull process (especially shooting geese in flight) between KCDC and Contractor resulted in poor understanding of risks with the cull.

All neighbours and affected parties interviewed were happy with the culls happening and understood the necessity to reduce geese population. It could be concluded that the (perceived) risk of negative feedback is much lower than the risks associated with non-notification.

Section 5: Recommendations

5.1 Notification of Neighbours

This event has highlighted the level of noise associated with a cull, even using suppressed weapons. We recommend that regardless of time of day of the cull all neighbours within a gunshot radius (1-2kms) of the cull are to be notified ahead of the cull.

Notification allows for neighbours to move animals and gives context around the sound of gunshots that they will hear during a cull.

Notification should take several forms, including letterbox drop, Facebook posts especially community Facebook pages, potentially face to face, and onsite signage.

This needs to take priority over and above any consideration of adverse reaction that the notification may incur.

5.2 Daytime Culls only

Previous daytime culls have proceeded without incident, or complaint from the neighbours. While cull numbers for the night shoot were higher, the level of risk with a night-time cull increase. The difference in numbers does not outweigh the risks

5.3 Contract in place for every cull (high risk event) with Internal Checklist/Template for Culls using firearms.

SOP that all high-risk undertakings – in this instance a geese cull involving firearms will have a formal contract in place, requiring a site specific and event specific plan to be signed off by KCDC prior to the cull.

Assumptions were made between KCDC and the contractor that contributed to the impact of the incident. A recommendation that we have an internal checklist /template for each shoot that will help ensure consistency of approach across time and covers details such as:

- Time and location of shoot
- Firearms to be used, Risk management & site management plan from Contractors
- Process for carcass removal
- Number of shooters on site
- Comms plan – What do we need the public to know? When and how, FAQ etc
- Briefing to Elected Members
- Key Stakeholders details and checklist. Who else needs to know? who has been told?
  This list would include:
  - Neighbours (1km radius)
  - Elected Members (especially for the area involved)
  - Police
  - KiwiRail (if applicable)
  - Comms team
  - Internal staff – especially customer services (who may also have to field questions)
  - Anybody else we may think will be impacted

Section 6: Significant Learnings

The investigation has raised several key learnings which are covered in the body of the report. The significant learnings for RMIT are:

6.1 Noise levels

A key learning from this incident is around noise associated with shooting. Advice is that a suppressed .223 emits a loud crack near to the same decibel levels as shotgun fire. So even with specialised equipment every shoot will have loud noises associated with it and will be noticed by the neighbours.

Given this information the recommendation is that all culls involving firearms need to be both fully notified and conducted during the day to mitigate the negative perception of gun fire, which can be more intense for some people if experienced at night.

6.2 Full Notification of all Geese Culls using firearms

To mitigate fear and upset around gun fire, to allow neighbours to move or secure animals, to allow Elected Members to support in answering community questions and to ensure complete transparency of a potentially upsetting process, all neighbours, elected members, and key stakeholders should be notified of Culls.

A brief information sheet including the reason for the cull can be provided to EM, and to Communications Team prior to the cull. An advisory letterbox drops to affected neighbours, and on-site signage, as well as notification to key organisations such as Police and Kiwi rail.

6.3 Culls using firearms in daytime only

Initial understanding that night-time culls could be undertaken with minimal noise, or impact on neighbours has been refuted. This combined with the increased risks around:

- visibility,
- negative public perception/experience,
- higher chance of wounded birds being left alive after the cull

leads to the learning that all culls are best conducted during the day. Previous early Sunday morning culls had been successful, with minimal decrease in numbers of geese culled. (103 daytime vs 127 night-time)

Early morning daytime culls combined with full notification has led to our most successful cull outcomes (public feedback/perception + geese culled). (i.e., 1 August 2021).

6.4 Contract with event specific plans needed for every cull

Misunderstanding and assumptions would have been mitigated by the requirement of all high-risk activities requiring a specific contract, including site and event specific plans to be signed off by KCDC. Each high-risk activity could be supported by a checklist or template to ensure staff are aware of requirements for the activity.

Section 7: Actions

	Recommendation	Responsible Department	Responsible Person	Completion Date	Sign Off
1	All culls to be conducted during the day	Parks, Open Spaces and Environment		Prior to next cull	
2	All key stakeholders be notified prior to cull.	Parks, Open Spaces and Environment		Prior to next cull	
3	To include contract for each high risk event. SOP/Template created	Parks, Open Spaces and Environment	Gareth Eloff/ H&S Advisor	Prior to next cull	
4	Decision to reengage contractor to be decided after police investigation is completed.	Parks, Open Spaces and Environment			

Appendix

[redacted]

10 October 2022

[redacted]

Kapiti Coast District Council
PARAPARAUMU

E-MAILED

By emai[redacted]

E-MAILED
10/10/22

[redacted]

RE Canada Goose Control Plan re Otaraua Park

Further to recent conversations and shooting, on 23 September 2022 I trialled night shooting Canada Geese with my thermal rifle scope mounted on a .223 hunting rifle. As per previous correspondence, this technology enables the user of the scope to see the body heat emitted from any heat source.

As envisaged in my letter back in February of this year, the night-shooting of geese at Otaraua Park was very successful. They were unable to see any danger so they stayed put as I shot 15 of them. I could have shot more but this was simply a trial – at no cost to KCDC as agreed.

Moving forward I am pleased to be able to provide the following quote re following up with a full night shoot of the geese at Otaraua Park.

QUOTATION:

Pre site safety inspection; A night shoot – 4.5 hours: two shooters; Retrieval of carcasses from pond and park early the following morning with specially trained gun-dog; disposal of carcasses - $2250 + GST

Travel and ammunition $450 + GST

TOTAL $2700 + GST

Obviously the trial was highly effective, and could be rolled out on other council properties. I have a specialised, fully suppressed (ie very quiet) rifle, that could be used

[redacted]

1 February 2023

Ms Sonja Williams
Manager
Kapiti Coast District Council
PARAPARAUMU

By email: sonja.williams@kapiticoast.govt.nz

Dear Sonja,

RE Report on Canada Goose Control Otaraua Park 28 January 2023

This report is furnished as per you request to me following the Canada Goose cull of 28 January 2023.

Background

[redacted] has been supplying pest control services to KCDC since 2018. This involved rabbit control at Waikanae Park and then developed into Canada Goose culling at Otaraua Park.

In all of the shooting undertaken pursuant to those contracts, including the three previous Canada Goose shoots on Otaraua Park there has never been a health & safety incident. Furthermore [redacted] has never made a claim against its indemnity insurance.

On 16 February 2021 [redacted] wrote to then manage[redacted]s regarding Canada Goose shooting (copy **enclosed);**

On 27 April 2021 [redacted] emaile[redacted] regarding goose culling – copy **enclosed.**

On 3 February 2022 [redacted] wrote [redacted] Canada Goose control, regarding the potential for night shooting with rifles using night vision / thermal equipment, and proposing a trial – copy **enclosed.**

On 10 October 2022 KRPC wrote t[redacted], regarding the trial. Copy **enclosed.**

Following the trial [redacted] authorised a full shoot using .223 rifles equipped with night vision / thermal scopes, on 30 November 2022.

Various dates were discussed and eventually the 28th of January 2023 was settled on.

Initially I hoped to be able to gather a team of myself and three other shooters as we have had in the first two (shotgun) culls on the Otaraoa pond but for a variety of factors was only able to confirm one shooter.

That shooter is [redacted] is a veteran hunter who has held a firearms licence for 35 years and who has extensive experience as a private hunter, plus police specialist firearms training).

I arranged insurance cover go[redacted] during the week leading up to the shoot on 28 January.

On 28 January I conducted a thorough inspection of the two rifles to be used for the shoot [redacted] was using a brand new Howa 5 shot bolt action .223 using an infrared night-vision scope. I sited the rifle in on 28 January and texted [redacted] the results at 12.56pm showing a perfect 'zero' at 100 yards and 150 yards – copies attached. This meant that [redacted] rifle had undergone a thorough safety check and had its accuracy confirmed.

I carried out the same tests on the rifle I was to use – also a Howa .223. (Obviously I didn't text myself the test results, but you can take my word for it that I carried out the same safety check and test fire that I did on [redacted] rifle).

At approximately 4pm on the 28th [redacted] rrived at my property [redacted] and we drove to Otaraua Park for a Health and Safety briefing. We went to the pond (which I am very familiar with, and know to be 165 yards in length) and checked to see where the geese were, and in what sort of numbers. We identified potential hazards, which included:

- Trains passing on a nearby railway line;
- Cars passing on a nearby road;
- Residential dwellings;
- Rural sheds / structures;
- Areas where pedestrians may be – dog walking, exercising etc.

We located all of the above hazards and worked out where our safe shooting zones would be. This was to take into account line of sight hazards and also potential ricochet hazards. We noted that at the western end of the pond, there was a bank of soft mud, which would be safe to fire against as the mud would consume bullets fired into it (in the event of a miss; or a bullet travelling through a goose's body and exiting). We identified that from the norther side of the pond for Phase 2 of the shoot, there was also soft mud and grassland that would absorb shots that were not taken by geese. The meeting took approximately an hour, covering primarily the pond and its environs but also the neighbouring paddocks where a large number of geese had been sited by us and which is included within the boundaries of the park.

We developed an operational plan of three phases: The first was to shoot from our predetermined firing positions; the second to travel along the northern edge of the pond to deal with remaining geese and/or wounded geese; the third to check the paddock with the geese which was at the southern boundary of the Park. Phase on[redacted] .223 rifles; Phase 2 and 3 – [redacted] rifle [redacted] with shotgun and gundog (for retrieval).

Once we were satisfied with the H & S briefing we returned to my property where [redacted] test-fired his rifle and we carried out a final equipment check which included checking that we had:

- Rifles – cleaned and checked as unloaded;
- Sufficient ammunition;
- Head torches;
- First aid kit;
- Weather appropriate clothing;
- Gundog [redacted]

We had a meal (without consuming alcohol).

I had arranged a shooting period with [redacted] of 10pm 28 Jan to 10am 29 Jan.

We left my property at 9.30pm and arrived at the pond at 10pm as planned.

[redacted] had advised police; KiwiRail and others of the cull.

We set up at our predetermined shooting spots and commenced the goose cull. I estimate that I fired approximately 80 rounds and [redacted] approximately 60 rounds. This resulted in 106 geese being shot and killed.

Generally a shot to the chest with a .223 55 grain bullet (which we were using) will kill a Canada Goose but sometimes it wounds them by hitting a wing or inflicting a non-fatal wound. In the case of a wounding a secondary shot is delivered to ensure any suffering is minimised. The outstanding rounds in the above total were used for this purpose.

After we had carried out Phase 1; we went to Phase 2 and I returned to my 4WD (which has a locked gunsafe in it) – and locked away my .223 rifle and retrieved my shotgun and [redacted] before returning to join [redacted] at the Phase 1 shooting site.

We carried out Phase 2 with [redacted] firing a further 20 shots (killing approximately 15 geese) and I fired approx. 8 shotgun shells at wounded geese. [redacted] retrieved a number of geese from the pond at that stage also.

We then carried out Phase 3 in the paddock [redacted] declined to fire [redacted] as the geese had moved to an area where we believed there could be a hazard of hitting a residential home. I fired a further 5 shots from my shotgun killing 2 more geese. (The shotgun having an effective (ie lethal range of around 30 yards; and also I was firing at airborne targets).

Total geese culled – 123.

As we were finishing Phase 3 I received a call from a police officer who told me a member of the public had contacted him and that [redacted] a "broken window" apparently as a result of our shooting. We discussed the situation and he sent photos of the damage.

As the police officer pointed out – it is circumstantial evidence as no bullet or bullet fragment has been found at the scene and there is no 'bullet hole' as such.

If the damage caused was by a bullet fired by [redacted] or I, it appears to have been a ricochet, rather than a direct bullet hit, in that a direct hit with a bullet travelling at terminal velocity results in the classic 'spider web' glass bullet hole; or a bullet hole in the aluminium framing. In this case, as above, if it was a projectile fired by myself or [redacted] the bullet or a bullet fragment has ricocheted off something (a hard surface or pond water), then tumbled through the air and hit the window frame. It was by then travelling at such low speed that it merely dented the soft aluminium frame, resulting in the window beside it to break. Had that bullet or bullet fragment hit a person, in my professional opinion, it would have at most resulted in a bruise.

This is in no way trying to minimise the seriousness of the situation – it is to try and explain the actual danger that arose as a result of the assumed ricochet.

(Ricochets occur when a bullet or bullet fragment is deflected by an object rather than penetrating and becoming embedded in that object. Ricochet behaviour may vary with bullet shape, bullet material, spin, velocity (and distance), target material and the angle of incidence.[3]

High-velocity rifle cartridges have higher probability of bullet penetration, because increased energy released by an identical bullet may fracture or temporarily melt the target at the point of impact. Alternatively, the same energy release may melt and/or disintegrate the bullet to reduce size and range of deflected particles. Ricochets are more likely with handgun cartridges and low velocity rifle cartridges such as .22 Long Rifle).

Once I had spoken on my phone to police I sent them a 'dropped pin' (at 11.07pm) so they could see our location and [redacted] and I met with police onsite at around 11.20pm. We had a good conversation with police, who appeared satisfied with the precautions that we had taken before and during the shoot.

If the damage caused to the window frame was as a result of a bullet fired by [redacted] or I, it was not a direct, negligently fired, shot – it would have been from a ricochet, as discussed above. I, as director of [redacted] take Health and Safety extremely seriously. I have a written H & S policy (which KCDC has a copy of); I adhere to it rigorously, and did so before and during the shoot of 28 January. Personally, when speaking to the police on the night in question, I offered to meet with the house owners whose property had been damaged. During the clean-up operation on the morning of Sunday 29 January I was confronted by [redacted] at the gate of Otaraua Park – one of whom advised [redacted] had been in the house that had the broken window. I apologised and was willing to engage [redacted] to try and explain the safety measures that I had utilised but [redacted]. I did not respond to the [redacted]

[redacted] trying to work out just what went wrong – assuming, as above that it was [redacted] or myself who caused the damage to the window. I have gone over and over in my mind how a ricochet (assuming that's what it was), occurred. We had so carefully planned the three phase night shoot operation, I simply cannot work out what has happened. I suppose the most obvious explanation is that a bullet hit the water, ricocheted and tumbled into the

window frame. I say tumbled because as above, there is no 'bullet hole.' If the damage was caused by a bullet fired by one of us then I am very sorry.
At the end of the day, using firearms is an inherently dangerous activity and whilst you can plan to the nth degree, and take every reasonable precaution (as [redacted] has), one can minimise but not totally eradicate risk.

Please feel free to contact me to discuss anything that arises from this report.

Yours faithfully,

[redacted]

[redacted]

10 October 2022

[redacted]
Kapiti Coast District Council
PARAPARAUMU

E-MAILED

By email: [redacted]

E-MAILED
10/10/22

Dear [redacted]

RE Canada Goose Control Plan re Otaraua Park

Further to recent conversations and shooting, on 23 September 2022 I trialled night shooting Canada Geese with my thermal rifle scope mounted on a .223 hunting rifle. As per previous correspondence, this technology enables the user of the scope to see the body heat emitted from any heat source.

As envisaged in my letter back in February of this year, the night-shooting of geese at Otaraua Park was very successful. They were unable to see any danger so they stayed put as I shot 15 of them. I could have shot more but this was simply a trial – at no cost to KCDC as agreed.

Moving forward I am pleased to be able to provide the following quote re following up with a full night shoot of the geese at Otaraua Park.

QUOTATION:

Pre site safety inspection; A night shoot – 4.5 hours: two shooters; Retrieval of carcasses from pond and park early the following morning with specially trained gun-dog; disposal of carcasses - $2250 + GST

Travel and ammunition $450 + GST

TOTAL $2700 + GST

Obviously the trial was highly effective, and could be rolled out on other council properties. I have a specialised, fully suppressed (ie very quiet) rifle, that could be used

closer to built up areas. Please let me know if the above quote is acceptable and I'll make the necessary arrangements for the shoot.

Yours faithfully,

[redacted]

3 February 2022

[redacted]
Kapiti Coast District Council
PARAPARAUMU

By email [redacted]

Dear [redacted]

RE Canada Goose Control Plan re Otaraua Park

Further to recent conversations and shooting (26February 2022) regarding this issue, I write to further explain another approach that could be trialled at Otararua Park.

Clearly the shotgun shooting of the pond there, followed by rifle shooting of surrounding paddocks and a final pond shoot, is an effective mnethod of control and good numbers of geese have been culled using these methods.

But as discussed, I have just invested in the latest hunting technology that being the most recent version of a thermal rifle scope. This technology enables the user of the scope to see the body heat emitted from any heat source.

I believe that this would give excellent opportunities re night-shooting geese at Otaraua Park.

I propose a trial of this technique. It would be safe, cost effective and I believe potentially even more impactful than the results achieved to date. I would be happy to meet with you to demonstrate this new equipment and run through my plan with you.

As discussed I would be happy to quote for this, including offering to carry out a trial shoot at no cost (if it proved to be ineffectual). If, as I suspect, it will be highly effective, then I could do a quote for that eventuality.

Please let me know your thoughts. Obviously if this was highly effective, it could be rolled out on other council properties. I have a specialised, very quiet rifle, that could be used closer to built up areas.

Yours faithfully,

[redacted]

[redacted]

From: [redacted]
Sent: Tuesday, 27 April 2021 1:23 PM
To: [redacted]
Cc: [redacted]
Subject: Goose cull
Attachments: [redacted]KCDC.Otaraua Park.27 April 202127042021.pdf

Importance: High

[redacted]

Re your email, requiring details of a site management programme I respond as follows:

The proposed area would be at Otaraua Park, as per my letter of 16 February 2021 to [redacted] I have attached a map where I have highlighted the shooting area.

I propose to shoot at dawn ie approx. 5am.

I have a team of up to 5 shooters available to be stationed at the pond by the trees, with shotguns (as the geese fly in there if disturbed). I would shoot at the groups with a [noise] suppressed .22-250 rifle from approx. 200 metres away.

The geese are quiet and settled in the park at present.

The plan is that hopefully I would be able to shoot a number before the take off. They would then land in the pond where the shotgun team would fire on them.

I would hope to be able to shoot at several groups before they fly to the pond.

I would expect the shooting to go on for approx. 30-60 minutes, depending on their reaction.

I have a trained gun-dog who would then be used to retrieve corpses from the pond and around the park. I would then take these and dispose of them.

Myself and my shotgun shooting team are all highly experienced shooters / hunters, aware of the need for safety.

Please let me know if I can be of further assistance.

Cheers,

[redacted]

[redacted]
Sent: Monday, 19 April 2021 11:23 AM

[redacted]

Subject: Geese

[redacted]

As we are wanting to push forward with the Geese situation and get the green light for shooting. We require a site management programme form you on what the process will look like and the area you will be undertaking the shoot and time of day/night and everything pertaining to the process like the removal of carcasses etc. Once we receive this and complete some things from our end we will present to our GM for sign off.

Please feel free to e mail or phone with any queries.

Kind Regards

[redacted]

[redacted]

www.kapiticoast.govt.nz

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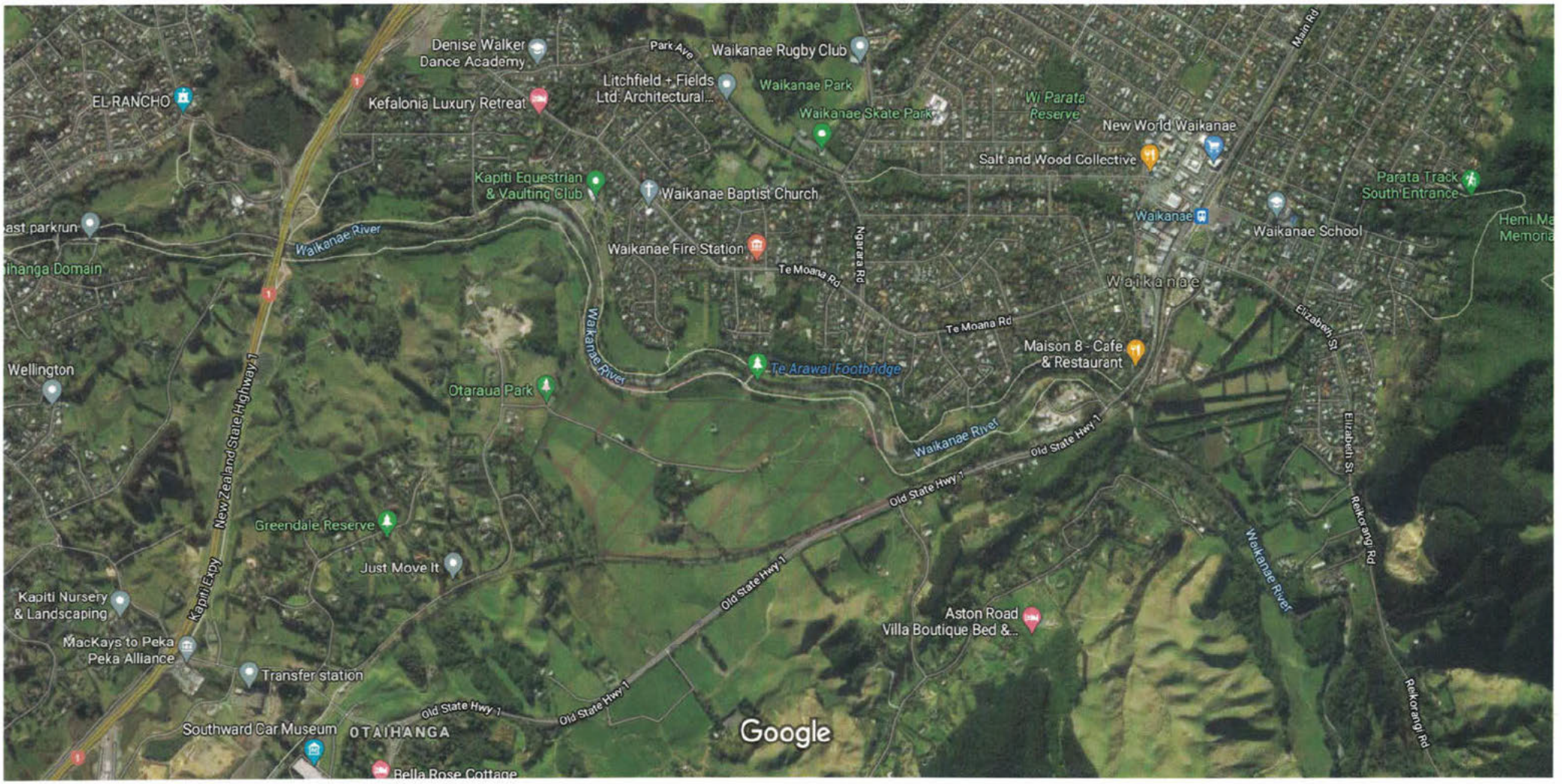
Google Maps



Imagery ©2021 CNES / Airbus, Kapiti Coast District Council, Maxar Technologies, Planet.com, Map data ©2021 200 m


Google Maps
Litchfield + Fields Ltd: Architectural...
Waikanae Park
Waikanae Skate Park
Wi Parata Reserve
New World Waikanae
Salt and Wood Collective
Kefalonia Luxury Retreat
Kapiti Equestrian & Vaulting Club
Waikanae Baptist Church
Waikanae River
Waikanae Fire Station
Waikanae
Te Moana Rd
Maison 8 - Cafe & Restaurant
Otaraua Park
Te Arawai Footbridge
Old State Hwy 1
New Zealand State Highway 1
Kapiti Expy
Greendale Reserve
Just Move It
Transfer station
Aston Road Villa Boutique Bed &...
Google
Map data ©2021
200 m

[redacted]

16 February 2021

[redacted]
[redacted]
Kapiti Coast District Council
PARAPARAUMU

Dear [redacted]

RE Canada Goose Control Plan & Quote re Otaraua Park

Further to recent conversations regarding this issue, I undertook a site visit at Otaraua Park on Friday 12 February 2021, to undertake an evaluation of the site, the pest issues, and to devise a safe and effective culling proposal.

My background and experience: As discussed, I am based [redacted] and do the vast majority of my control work is on the Kapiti Coast, predominantly on farms and lifestyle blocks, relatively close to neighbouring properties, so I am aware of the area and the need for safety. I have 40+ years of firearms experience, including [redacted] for 9 years. I am an effective, humane, safe and reliable shooter. (For further information, check out my website at [redacted]

Below is a plan that:

- Provides a Canada goose control plan within the project area;
- Addresses Health & Safety issues;
- Provides advice on implementation timeline;
- Advises potential results;
- Includes a cost estimate.

The site: Insofar as the site goes, it consists of relatively flat farm land with recently cut hay paddocks, along with pockets of scrub and trees; and the soccer fields. There appears to be a resident population of Canada geese (I counted 210), plus a large number of Pukekos and a heavy rabbit infestation.

The topography of the site is excellent for shooting in that the target geese are visible and there is cover to enable me to shoot from a distance and not be noticed by them, and therefore hopefully they will stay in place. I did note that they would fly a short distance if approached closely by my hunting dog, but appeared to be well settled and not unduly disturbed by human presence. I got within 30 yards of the first flock and they just started at me without flying off.

Shooting plan – Health & Safety Considerations

I intent to use a specialist .204 Ruger rifle in the control work – a powerful and accurate long range rifle. I envisage going in at dawn and a shoot would probably take three hours.

I would approach the block from the sheds by the gates in my 4WD vehicle; park up in a secluded spot away from the geese (up to approximately 150-175 yards from the geese). I will be using a rifle with a suppressor attached which dulls the report and also makes it difficult for animals to determine the direction the shot originated from.

I intend to shoot from a hatch in the roof of my vehicle thereby shooting on a downwards angle so that in the event of a miss, the bullet will strike the ground (rather than carry on if fired from a prone position). As I will be shooting from an angle, into sandy terrain, there is effectively zero chance of ricochets. The bullet I will be using is very light and travelling at very high speeds which renders it highly accurate, effective and safe.

I am highly mindful of the surrounding houses and suggest some form of communication be made by KCDC letting Waikanae police and homeowners / landowners neighbouring or overlooking the park know of the impending cull – time, date and place.

Potential Results

Given the geese are used to people being around and to sudden noise (eg the trains rumbling past), and that I intend to snipe them from cover at a distance, I believe that an excellent result should be attainable after one shoot.

There are a number of variables however, so I suggest that I undertake the shoot and then I report back to you with results afterwards, and we discuss whether any follow up is required.

Cost quote / estimated impact:

- vehicle running costs from Otaki Gorge Rd to the property (52k return trip) @ .79 c/km @ 1 return trip = $41.08 + GST
- 210 geese = 250 rounds of ammunition @ $1.95 per round = $487.50 + GST
- labour & travel time; uplift and disposal of carcasses; = $1,985 + GST.

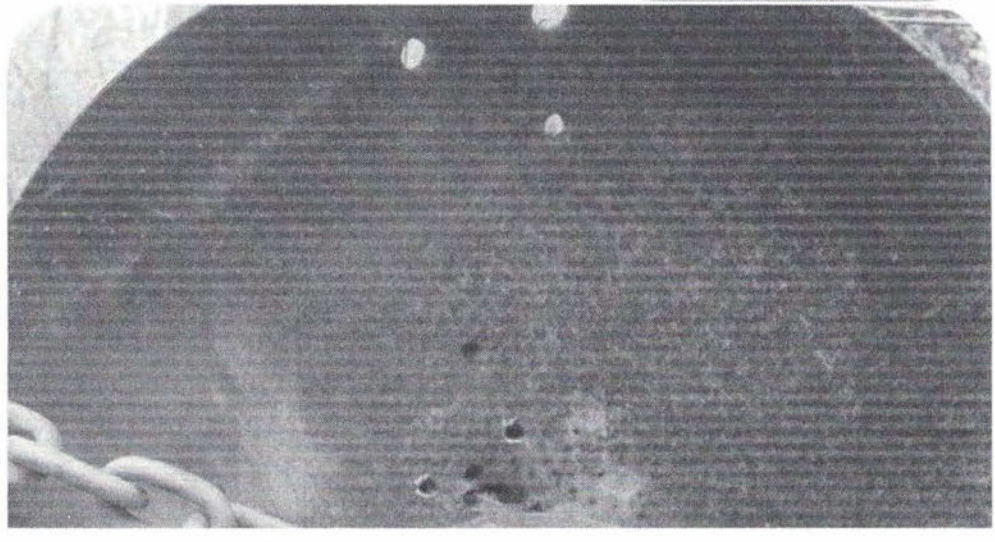
TOTAL $2,513.58 + GST

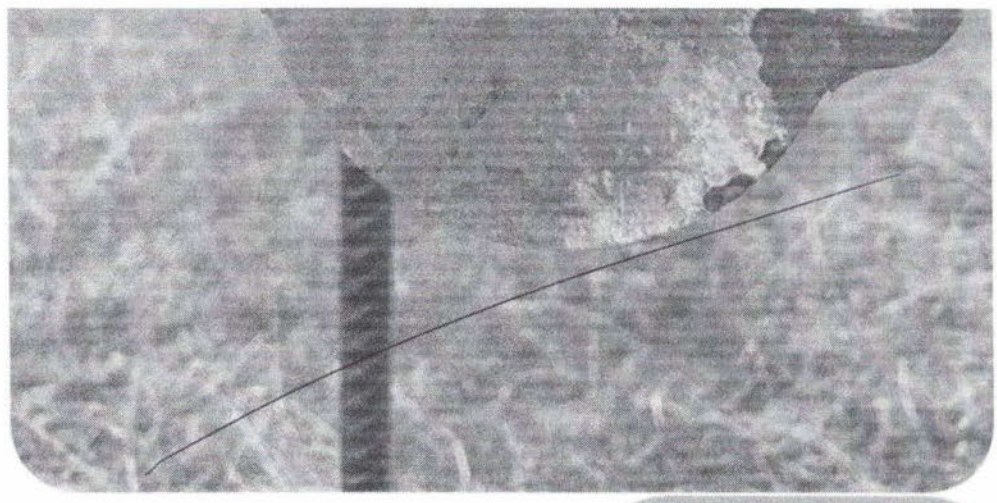
As KCDC is a valued customer, I would be happy to include a 50% discounted rabbit night shoot prior to the Pindone poison being laid. I believe that, as discussed, this would increase the overall impact on the rabbit control issue. I would do that at the same cost as Waikanae Park, so $661.34 x 50% = $330.67 + GST.

Please do not hesitate to contact me if I can be of further assistance re this project.

Saturday 1:49 PM

100 yds





~~100 yds~~

150 yds