

## Incident Report: Totara Park Livestock Incident

**Incident Date and Time: Sunday 5 August 2018**

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| <b>Approver</b>          | <p>Ian Wheeler – Director Portfolio Management, Panuku Development Auckland;<br/> Mace Ward – General Manager Parks, Sports and Recreation, Auckland Council</p>                                                                                                                                                                      |
| <b>Date</b>              | 1 October 2018                                                                                                                                                                                                                                                                                                                        |
| <b>Risk Manager ID</b>   | 27967- Affected member of public injured by cattle                                                                                                                                                                                                                                                                                    |
| <b>Lex Reference No.</b> | 21704                                                                                                                                                                                                                                                                                                                                 |

### 1 Introduction

- 1.1 This report has been prepared at the request of Auckland Council's (**AC**) Legal Services Department. It has been prepared by AC and Panuku Development Auckland (**Panuku**) for the purpose of gaining an understanding of the incident at Totara Park on 5th August 2018 so that lessons can be learned from it and for the purpose of obtaining legal advice.
- 1.2 The focus of the report is to investigate the circumstances that gave rise to the incident, which involved members of the public using a part of AC's recreation reserve that was subject to a grazing licence. Where necessary, recommendations will be made for the improvement of AC and/or Panuku's public safety controls and grazing licence management systems as they operate in recreation reserves such as Totara Park and where cattle are present. The scope of the investigation is limited to AC and Panuku's public safety controls and grazing licence management practices.

## 2 Executive Summary

- 2.1 On 5 August 2018 at approximately 3.30pm, an incident took place involving two members of the public who were struck in two 'events' by cattle grazing in an area described by local mountain bikers as the 'Pony Express'. This area is within Parkland Farms grazing licence, which is situated within the Totara Park reserve in Manukau. As a result of this incident, one person was taken to Middlemore Hospital with suspected multiple fractures, lacerations and bruising to the torso and legs.
- 2.2 Totara Park comprises approximately 216 hectares of which approximately 60 hectares is grazing land. Totara Park is vested in AC as a recreation reserve under the Reserves Act 1977. It is 'mixed use' land comprising farmland, a pony club, a playground and BBQ facilities, and formed mountain bike and walking tracks available for public use. AC granted a reserve licence to Parkland Farms over part of Totara Park for farming purposes. Panuku manages the reserve licence on behalf of AC.
- 2.3 This report considers the functions of the reserve and farming operations in relation to public safety, health and safety, and the specific licence provisions and how they are applied. These factors are considered in light of what Panuku and AC are able to control and influence.
- 2.4 The incident of 5 August 2018 occurred in a paddock used for grazing stock and where a track for mountain biking and walking is located. At the time of the incident, livestock and members of the public were in the paddock. Based on the facts available, no work was being carried out in the paddock by the licensee.
- 2.5 The initial event involved a runner. The runner had run through the same paddock at least twice before on the afternoon of the incident. On their third approach they slowed to a walking pace. By lingering rather than running past, the behaviour of the runner changed in the presence of the cow, and its yearling calf.
- 2.6 The second event took place when a member of the public went to assist the runner affected by the initial event. This affected the behaviour of the cattle.
- 2.7 Statements by two witnesses and users of the park state that they are well aware of the presence of stock, and that the stock had not posed a threat to them in the past. When asked about the stock, one witness stated that the park is open to the public and that they have always felt safe, 'absolutely' safe, in regards to stock.
- 2.8 Two items impacted the behaviour of the cattle in the vicinity of the incident:
  - i. The presence of a cow and yearling calf; and
  - ii. A history of regular human and dog interaction with the cattle.
- 2.9 When considering safety controls onsite, signage and fencing and gate controls were in place and were dismissed as contributing factors to the incident. As part of this review, the age of the cattle, the absence of horns and the castration of cattle were also considered. Each was ruled out as a contributing factor.
- 2.10 A number of statements and feedback including the first injured person, a local mountain biker, member of the public, and two AC farming specialists indicate that these cattle are more placid than most and they are not easily upset by the presence of the public nor scared away. There is a possible correlation between the cattle behaviour and the continuous interaction with the public and dogs - the latter are allowed to traverse the farm off leash.

- 2.11 Signage is posted at both the Redoubt Rd and Wairere Rd entrances stating that public be aware of the cattle. Signage is considered as an administrative safety control and will have limited influence.
- 2.12 Following discussions with affected persons and considering public statements, it is generally accepted that the public are aware that the reserve is also a working farm with cattle present. The public enter each farm paddock either through a gate or over cattle stops. These are engineering safety controls stopping cattle moving beyond the farm paddock into open spaces. These controls segregate farming activities from other open spaces.
- 2.13 Based on existing public accessibility as a reserve, the farm affords limited ability to the farmer to isolate the stock from the public. However, some paddocks by the Redoubt Rd entrance do not have formed walking and mountain bike tracks and this is also the case in other paddocks near the pony club.
- 2.14 Based on a review of the incident, taking into consideration research on human and cattle behaviour, the terms of the reserve licence and the duties of each party under legislation, a number of recommended actions to improve public safety are set out in Section 6.

### 3 Background

#### Totara Park

- 3.1 Totara Park is vested in AC as a recreation reserve under the Reserves Act 1977. Comprising approximately 216 hectares of land, the park is one of the largest areas of public open space in the Manukau area. It is 'mixed use' land that accommodates a wide range of activities, including farmland, a pony club, playground, BBQ facilities, and formed mountain bike and walking tracks available for public use.

#### Management Plan

- 3.2 The Totara Park Management Plan (refer **Appendix A001**) was created in 2001 and provides objectives and policies which guide Council's intentions for the use, development, management and maintenance of the reserve.
- 3.3 The principal purpose of Totara Park is to provide an integrated mix of passive and informal active recreation to cater for the needs of the wider community, while enhancing and protecting the native bush and maintaining the park's farm character.
- 3.4 The primary objectives of the management plan are:
- To provide for and encourage a range of outdoor recreation activities and uses through- out the park
  - To protect and enhance the ecological integrity and natural qualities of the park
  - To extend and enhance the character of Totara Park as a "countryside" park and confine development to specific areas
- 3.5 The Management Plan envisages a range of recreational activities and facilities within the park, including walking tracks, mountain bike tracks, and bridle paths. The plan encourages wider use of the park by spreading activities around, linking them where appropriate.

### 3.6 Management plan policies relating to grazing include:

2.3.4 Manage the farm park land through grazing in a manner compatible with recreational uses and ecological objectives.

- i. Continue to lease the two largest blocks under one lease. Continue to lease smaller land-locked blocks for horses only and provide an extension of the grazing lease area in close proximity to the existing lease area.
- ii. No stock over 2.5 years old to be carried on the leased land.
- iii. Form a partnership with leases to manage and enhance the farm operations and the recreational uses.
- iv. Prevent any entry of farm stock into the reforested areas.

2.3.7 Concentrate farm operations in one central area

2.3.8 Install and maintain stock-proof fencing throughout the park and provide gates and cattle stops to permit free access by the public, subject to the farm calendar.

- 3.7 Stock control by fencing is required for visitor safety, for the farm operation, and to protect the natural features of the park. However, visitors need to be able to cross through, over or around the fences where those fences cross tracks and paths.
- 3.8 The over-riding vision for the park is to retain and enhance its natural and cultural attributes for the use and enjoyment of the public. There is a clear intention that the park will be developed and managed as a “countryside” park, with the emphasis on the enhancement of the significant native bush and the retention of the open pasture areas.

### Reserve Licence

- 3.9 On 9 September 2015, under section 73(1) of the Reserves Act 1977, AC granted a reserve licence to Parkland Farms for farming purposes over part of Totara Park (approximately 60 hectares) (**Reserve Licence**). That area is situated off Redoubt and Wairere Roads in Manukau. Prior to the granting of the current Reserve Licence, Parkland Farms had farmed the same area at Totara Park since 1999 under licence terms with AC and the former Manukau City Council.
- 3.10 The Reserve Licence leaves farming operations to the Licensee. The Licensee may graze cattle and sheep only on the land and cattle must be de-horned and a maximum of two years old. No bulls are allowed to be grazed on the land. (Clause 12.1).
- 3.11 The Licensee is also required to keep the land subject to the Reserve Licence in good repair. This includes keeping all fences, ditches, bridges, stockyards and gates, and things to be erected on the land in good repair and condition (Clause 13.1.1). The Licensee is required to repair, maintain and keep in good order, condition and repair all races, crossings and culverts, gateways and trough surrounds (Clause 13.2.1). Council accepts that these items reflect the farming activities. However, where damage is incurred due to recreational activities or damage by public, and depending on the circumstances of each case, Council or Local Board may contribute support or funding.
- 3.12 The Licensee must stock the pasture on the land in accordance with the rules of good husbandry generally recognised in the area and ensure that ample feed for stock is available at all times such that overgrazing does not occur (Clause 13.4).

- 3.13 Panuku, a Council Controlled Organisation, manages the Reserve Licence on behalf of AC. Panuku's property management expertise is primarily commercial and Panuku has sought farming support when it is required in relation to this and other grazing licences it manages on behalf of AC. Panuku also provides 'place-making' to enhance community environments such as the 'one million Mayoral tree planting initiative', which involves the Totara Park reserve.
- 3.14 Under the terms of the Reserve Licence, the Public at all times is permitted to have access to and from and on foot to all parts of the Land (Clause 11.1).
- 3.15 A full copy of the Reserve Licence is included in **Appendix A002**.
- 3.16 Parkland Farms has a Farm Health and Safety Manual for Parkland Farms (Manual), which relates to Parkland Farms' operations at Totara Park (refer **Appendix A003**).

### Previous incidents

- 3.17 Parkland Farms has recorded one previous incident involving a member of the public and cattle. The incident is dated 12 July 2016. The farmer's incident register states that the farmer was herding cattle, previously scattered by a member of the public. A cattle beast 'rounded' on a man whose dog approached the cattle beast and was off leash. The small heifer chased both man and dog, where the man catapulted himself over the fence. No injury was recorded. No direct health and safety mitigation is recorded.
- 3.18 This incident is substantiated by a witness who is a frequent attendee at the park with his two dogs. AC and Panuku are not aware of any previous incidents involving members of the public and cattle.

## 4 Incident Summary

- 4.1 On 5 August 2018 at approximately 3.30pm an incident took place involving two members of the public who were struck in two 'events' by cattle grazing in an area of Totara Park described by local mountain bikers as the 'Pony Express'. The incident was reported in news media (refer **Appendices A004-A007**).
- 4.2 The first 'event' occurred at around 3.30pm when a member of the public ('First Injured Person') was running on the Totara Park mountain bike and walking tracks - an area of approximately 216 hectares. This incorporates the Parkland Farm, which is a licensed grazing area of approximately 60 hectares comprising fenced and gated paddocks. Photos of the vicinity of the scene of the incident are shown in **Appendix A008**.
- 4.3 According to a statement given by the First Injured Person (see **Appendix A009**), (which is corroborated by this person's partner who was also running in the park) the First Injured Person had run circuits of their training route and had noticed a small group of cattle in the vicinity of the area within the park known as 'The Hub' (refer **Appendix A010**), which backs onto the Pony Express. Each time the First Injured Person had passed the cattle, they noticed they were increasingly inquisitive.
- 4.4 For context, the area in which the cattle were 'milling' about is at a point within a grazing paddock where there is an exit leading to the mountain bike 'Hub' area and there is a cattle-stop isolating the cattle from unintended interactions with the public, preventing the cattle from exiting the grazing paddock. This area could be described as near a 'pinch point' between two open space areas.

- 4.5 The First Injured Person had previously been running, however on their third circuit they were walking as they approached the cattle lingering in the 'pinch point'. A yearling calf and cow were present as later confirmed by the grazier (refer statement at **Appendix A017**).
- 4.6 The movement of other public within the park at that time was described as moderately busy with other runners, walkers and mountain bike riders. The First Injured Person's partner was behind them on the track and they passed a man walking from the opposite direction (later identified as the Second Injured Person).
- 4.7 On approaching the area where the cattle were, which were spread either side of the track, the First Injured Person observed them watching closely and then beginning to get somewhat agitated. As the First Injured Person made their way along the track, some of the cattle moved toward them and using their heads bunted the First Injured Person to the ground.
- 4.8 The First Injured Person screamed and the cattle remained in the vicinity without further aggression toward the First Injured Person.
- 4.9 The second event took place one to two minutes later when another member of the public walking on the tracks (Second Injured person) arrived to assist the First Injured Person. The Second Injured Person moved into the area of the initial event waving a stick and striking a cattle beast. The cattle moved towards the Second Injured Person and at some point, the Second Injured Person went to ground. A witness statement described the Second Injured Person being knocked off his feet (refer statement in **Appendix A013**). The cattle stepped on him (refer statement in **Appendix A011**). The First Injured Person's partner arrived to assist and all three climbed over the nearby fence. Witness 1, who had observed some of the events from a distance, then arrived with his dog to assist (refer radio interview at **Appendix A012** and witness statement at **Appendix A013**).

## 5 Discussion

### Cattle and Human Behaviour

- 5.1 The First Injured Person's shift in behaviour from running to a slow walk appeared to affect the behaviour of the cattle which took a defensive stance in the presence of a calf and cow. There was no further incident regarding the First Injured Person once they were on the ground.
- 5.2 The Second Injured Person moved into an area where the cattle behaviour was 'heightened and defensive', striking one of the cattle beast. The cattle behaviour remained defensive, turning on the Second Injured Person, who fell backward, and then as a grouping the cattle walked over that person. This is an unavoidable consequence once the group shifted toward the Second Injured Person, with the inner cattle most likely unable to avoid stepping on the person.
- 5.3 A statement from a witness suggesting cattle at the scene of the incident engaged in mauling-type behaviour appears unlikely. The injuries inflicted on the Second Injured Person appear consistent with having been stepped on by the cattle, as supported by the Second Injured Person's statement (**Appendix A011**). It is our understanding that this is unlikely to have been intentional, rather as the animals' behaviour appears protective in nature (see **Appendix A014** - UK study) the herd have moved to isolate the potential threat lowering their heads. The cattle moved across the Second Injured Person as he fell backwards and were possibly unable to move around him resulting in the injuries to his upper body and legs. This approach has been backed up by feedback provided by an AC Farming Manager who commented that cattle do not intentionally trample a person once a person is on the ground, rather they would move around that person. In the instance of the Second Injured Person, once he was on the ground, the cattle would have attempted

to go around him. However, they may have been restricted on either side by the proximity of the herd and been unable to avoid stepping on him. The Second Injured Person has suffered broken ribs, multiple lacerations and contusions.

#### **The Reserve Licence - Auckland Council (AC or Council) and Parkland Farms (Licensee)**

- 5.4 The Reserve Licence commenced on 1 November 2015. It places various obligations on Parkland Farms. Each of the relevant clauses containing these obligations are set out and discussed below in terms of the Licensee's compliance with those obligations and how they may relate to the incident.

##### **Clause 11.1**

- 5.5 The Public shall at all times be permitted to have access to and from and on foot to all parts of the Land.
- 5.6 This requirement aligns with Totara Park being a recreation reserve under the Reserves Act and with the Totara Park Management Plan which has the objective of extending and enhancing the character of Totara Park as a 'countryside' park.

##### **Clause 12.1**

- 5.7 The Licensee may during the Term graze cattle and sheep only on the Land (cattle must be dehorned and to be a maximum of two years old) and for no other purposes. No bulls are to be grazed on the land at any time whatsoever.
- 5.8 In their statements and in various media reports, witnesses of the incident describe there being a cow and a calf or yearling in the paddock at the time.
- 5.9 Council and Panuku interviewed the grazier following the incident (refer **Appendix A015 and A016**) and a copy of his statement is attached to this report as **Appendix A017**.
- 5.10 In that interview, the grazier confirmed that at the time of the incident, on 5 August 2018, there were 10-12 cattle in the paddock. When he was asked about the age of the cattle, the grazier said they were "rising two-year olds" which means that the animals will be two years old at their next birthday, in this case September/October.
- 5.11 With reference to the incident on 5 August, all cattle in the direct vicinity of the incident were de-horned. This was verified by AC Farming Manager.
- 5.12 All cattle in the vicinity of the incident had been castrated. The grazier stated he can verify this through Franklin Vets with one cattle beast retaining the 'purse' section. This statement has been visually verified by AC Farming Manager (certificate attached – see **Appendix A018**).
- 5.13 Statements relating to cattle de-horning and de-sexing have been provided by Witness 1 to social media through radio reporting (**Appendix A012** – example Newstalk ZB Audio at 5.45pm, 6 August) and in a formal statement (**Appendix A013**).
- 5.14 Witness 1 and a resident have previously provided photo evidence of horned cattle on the farm, approximately one year earlier. A statement by the previous Portfolio Manager, Margrit de Man (refer **Appendix A019**) advises these cattle beast (two identified) were removed by the licensee at that time. It should be noted that in some instances, cattle do not grow horns, and in other instances horns that are present have been cut (de-horning) yet the stub of the horn remains which may be seen as the presence of a horn.
- 5.15 It is understood from one witness' statement that a cow, with yearling calf, was in the vicinity of the incident. The grazier's statement suggests that the cow and calf were unable to be

removed from the property sooner as the weather conditions made the ground soft and difficult for cattle truck access. Weather conditions over the previous months would partially support this decision.

- 5.16 Two other cattle have since been identified as exceeding the two-year age restriction clause noted in the Reserve Licence requirements. Both have been moved to isolated paddocks away from direct public access. Each of these cattle are with calf.
- 5.17 The presence of calves onsite has not been identified as a specific health and safety risk within the licence. However, the grazier comments that he does not purposely intend to carry calves, and that impregnated cows 'carrying' is not always apparent at the time of purchase. Once the cow begins to show significant signs of 'carrying' then the farmer is faced with the dilemma that neither transportation nor acceptance by the abattoirs is a reasonable option. This needs to be further reviewed and managed.
- 5.18 The licence references the potential use of both cattle and sheep. However, it is understood that there is a significant dog population, which is not controlled i.e., off leash. As opposed to cattle, sheep are more likely to suffer stress in such an environment.
- 5.19 The licence does not specifically outline health and safety risks associated with the contract from AC to the licensee, Parkland Farms. These provisions are written as general context within the Reserve Licence.
- 5.20 The licence does not require the licensee to inform AC of any Notifiable Events which may impact on the Council.
- 5.21 There is no requirement for the licensee to submit a safety plan for review, notification of all incidents and near misses pertaining to the management of the farming business, nor is there requirement by AC to monitor the farming health and safety controls. However, the Parkland Farms Health and Safety Manual references hazards and controls including interaction between cattle and public.

### **Parks Management – Signage and fencing**

- 5.22 Signage warning members of the public using the tracks is posted at both the Redoubt Rd and Wairere Rd entrances to Totara Park. This signage is headed 'Trail User Conduct' and advises 'This is a working farm park. Watch out for stock'. See **Appendix A020 – Totara Park Signage**.
- 5.23 It is recognised that, as an administrative control, signage will have a limited impact on human behaviours. However, signage in this area was assessed by AC Parks, Community Facilities, and Panuku during a site walk-over in June 2017. The adequacy of existing signage was reviewed at that time by [REDACTED], and previous [REDACTED] with a site visit. Both [REDACTED] concluded that the existing signage was acceptable (see **Appendix A019 – interviews with [REDACTED]**).
- 5.24 However, statements made by the injured people and witnesses state that there was no signage or that they were unaware of signage warning trail users. This suggests that the signage may not be large enough or in locations where they are noticed by users of the tracks or those entering these paddocks.

- 5.25 Council's Community Facilities department is responsible for ensuring adequate warning signage is posted in recreation reserves. This report has prompted an initial review of signage by AC Parks including signage updates and is currently underway.
- 5.26 [REDACTED] site review (June 2017) also included the adequacy of fencing and segregation of cattle from waterways. This involved an AC farming specialist.
- 5.27 It is apparent that the farm is fenced and gated throughout. Ensuring the fences are maintained and gates are closed is the obligation of the Licensee. It is acknowledged that the grazier cannot control public behaviour to ensure that gates are closed in all instances.

### **Overview of Organisations involved**

- 5.28 A number of organisations are involved in ensuring the health and safety and public safety of those using this area of the Reserve. They include Parkland Farms, AC (Parks Sport Recreation and Community Facilities Departments), and Panuku. The situation at Totara Park Reserve is unique. It involves an operational farm situated within a reserve visited daily by members of the public, dog walking (off-leash), using mountain-biking and walking tracks in the same area.
- 5.29 Parkland Farms is responsible for farming operations and livestock. It must ensure any risks to the public from the cattle are identified, assessed, and appropriate controls are put in place to eliminate or minimise those risks so far as reasonably practicable.
- 5.30 Panuku is responsible for overseeing and managing the reserve grazing licence. Council's Parks Sport Recreation, and Community Facilities departments are responsible for the planning and provision of services, and the development, utilisation, and maintenance of community assets and infrastructure.
- 5.31 While Parkland Farms has the greatest level of control over farming operations and the ability to control livestock, each of these organisations must consult, co-ordinate, and co-operate with each other to ensure that the safety of those using the park is not put at risk.

## 6 Summary of recommended corrective actions

- 6.1 AC to complete a review of health and safety risks associated with farming licences. This review should take into account the overlapping duties of PCBUs under the Health and Safety at Work Act 2015.
- 6.2 AC with Panuku to undertake a signage review across reserves that are subject to farming operations and commercial grazing licences to determine the adequacy of any applicable safety signage.
- 6.3 AC to risk assess the presence of calves on farms integrated within a public reserve and determine whether there are any controls AC can implement to reduce any identified risks.
- 6.4 Panuku with the support of AC to review the terms and conditions of farming licences to align with its duties under the HSW Act.
- 6.5 Panuku and AC to consider repositioning the farming licences portfolio to a team dedicated to managing farming practices. Such farming specialists may be better positioned to review farming practices.
- 6.6 AC farming specialists to conduct regular reporting on compliance with licence requirements such as de-horning, castration, fencing, run-off to waterway, animal husbandry etc.
- 6.7 Panuku, with the support of the AC farming specialist team, to ensure current farming practices are in accordance with existing Totara Park Farm licence.
- 6.8 AC to review the 'Dog unleashed protocols' for Totara Park.
- 6.9 AC [legal services] to consider whether Reserve Licences for grazing should be amended to include specific Health and Safety provisions, including communication of notifiable events to AC.
- 6.10 AC to undertake a risk assessment of public safety in this section of Totara Park and other parks where members of the public may come into contact with cattle and other grazing livestock.
- 6.11 AC and Panuku to consider a review of public, external response protocols.

## Appendices A: Reference Material

| Unique # | Description                                                                                                                                                                                                                                                                                                                                                       |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A001     | Totara Park Management Plan                                                                                                                                                                                                                                                                                                                                       |
| A002     | Reserve Licence Totara Park dated 9 September 2015 between Auckland Council and Parkland Farms                                                                                                                                                                                                                                                                    |
| A003     | Parkland Farms Health and Safety Manual                                                                                                                                                                                                                                                                                                                           |
| A004     | NZ Herald article 'Woman floored by cows in Auckland park speaks about experience with protective herd'<br><a href="https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&amp;objectid=12101828">https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&amp;objectid=12101828</a>                                                                                  |
| A005     | NZ Herald article 'Cow and calf sent to slaughterhouse after attack on two people in Auckland park'<br><a href="https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&amp;objectid=12102110">https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&amp;objectid=12102110</a>                                                                                      |
| A006     | News Hub article 'Auckland mad cow attack survivor used 'wild karate' in fight for life'<br><a href="https://www.newshub.co.nz/home/new-zealand/2018/08/auckland-mad-cow-attack-survivor-used-wild-karate-in-fight-for-life.html">https://www.newshub.co.nz/home/new-zealand/2018/08/auckland-mad-cow-attack-survivor-used-wild-karate-in-fight-for-life.html</a> |
| A007     | Stuff article 'Cow and calf slaughtered after attacking two people at Auckland park'<br><a href="https://www.stuff.co.nz/national/106056702/cow-and-calf-slaughtered-after-attacking-two-people-at-auckland-park">https://www.stuff.co.nz/national/106056702/cow-and-calf-slaughtered-after-attacking-two-people-at-auckland-park</a>                             |
| A008     | Photographs taken at the scene of the incident on Friday 10 August                                                                                                                                                                                                                                                                                                |
| A009     | Statement from First Injured person                                                                                                                                                                                                                                                                                                                               |
| A010     | Aerial photographs of Totara Park                                                                                                                                                                                                                                                                                                                                 |
| A011     | Statement from Second Injured person                                                                                                                                                                                                                                                                                                                              |
| A012     | Radio Interview, 6 August 2018                                                                                                                                                                                                                                                                                                                                    |
| A013     | Witness Statement                                                                                                                                                                                                                                                                                                                                                 |
| A014     | UK Study 'Fatal incidents involving cattle'. 15 June 2001                                                                                                                                                                                                                                                                                                         |
| A015     | Questions and responses from Grazier, 7 August                                                                                                                                                                                                                                                                                                                    |
| A016     | Questions and responses from Grazier, 23 August                                                                                                                                                                                                                                                                                                                   |
| A017     | Statement from Grazier                                                                                                                                                                                                                                                                                                                                            |
| A018     | Vet Certification                                                                                                                                                                                                                                                                                                                                                 |
| A019     | Individual Commentaries and Statements                                                                                                                                                                                                                                                                                                                            |
| A020     | Totara Park Warning Signage                                                                                                                                                                                                                                                                                                                                       |
| A021     | WorkSafe Information Sheet                                                                                                                                                                                                                                                                                                                                        |
| A022     | WorkSafe NZ Notification                                                                                                                                                                                                                                                                                                                                          |

## Appendix B: Event Timeline

### Pre-Incident

| Date/Time       | Comments                                                                                                                                                                                                                                                                                    |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1960's          | <i>Grazing started at Totara Park</i>                                                                                                                                                                                                                                                       |
|                 | <i>Manukau City Council manages Totara Park and licensing arrangements</i>                                                                                                                                                                                                                  |
| 1999            | <i>Parkland Farms commenced grazing operation at Totara Park</i>                                                                                                                                                                                                                            |
| Nov 2010        | <i>Auckland Council Property Limited inherits the management of the licensing arrangement post amalgamation of Auckland Council</i>                                                                                                                                                         |
| Sept 2015       | <i>Development Auckland (retitled Panuku Development Auckland) formed and takes over management of the licensing agreements</i>                                                                                                                                                             |
| Sept 2015       | <i>Current licence signed between Panuku and Parkland Farms</i>                                                                                                                                                                                                                             |
| July 2016       | <i>Cow and public incident recorded in Parkland Farms incident register</i>                                                                                                                                                                                                                 |
| May 2017        | <i>Parkland Farms submits unsigned safety plan which identifies the following hazard. Hazard – Attack on public by cattle. Control – stock small quiet animals with not cows and calves.</i>                                                                                                |
| June 2017       | <i>Panuku property manager and portfolio manager review farming signage at Totara Park</i>                                                                                                                                                                                                  |
| October 2017    | <i>Calf born</i>                                                                                                                                                                                                                                                                            |
| 1 November 2015 | <i>Reserve Licence term commences.</i>                                                                                                                                                                                                                                                      |
| December 2017   | <i>Calf steered (castrated) at approximately three months of age by Franklin Vets</i>                                                                                                                                                                                                       |
| 2018            | <i>Calf not weaned due to facilities unavailable to keep mother and son apart. Original plan (before the incident) was to sell the cow and put calf with replacement stock in spring (one month)</i>                                                                                        |
| May 2018        | <i>Witness 1 reported to the grazier that the cow and calf had been attacked by dogs. 94 cattle are spread over 60 hectares due to winter conditions at Totara Park. Approximately 10 cattle in a group including 1 heifer with an eight month calf in the paddock before the incident.</i> |
| August 2018     | <i>Sunday afternoon, the first injured person ran two times along the track that passes through the paddock containing the cattle prior to the incident</i>                                                                                                                                 |

### Incident

| Date/Time            | Comments                                                                                                                                                                                                                                                                                                                                                                       |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sunday 5 August 2018 | <i>First injured person on third time walking along track about five metres away from the cattle. She is taking a breather from her run.</i>                                                                                                                                                                                                                                   |
| 3.30 pm              | <i>Two cows bunted first injured person knocking her over, calls out</i>                                                                                                                                                                                                                                                                                                       |
| 3.30 pm              | <i>Witness heard a woman scream. Had a clear unobstructed view of woman in adjacent paddock with a bush gully approximately 200m to the west. Saw first injured person standing just off the track known as Pony Express, as it climbs out of the hub. She was dressed in athletic clothing and standing tall, with her arms crossed over her chest in a protective manner</i> |
| 3.30 pm approx.      | <i>Second injured person approaches with stick in his hand waving and hitting a cattle beast. Second injured person is knocked to the ground and cows trample him. He receives leg and shoulder injuries.</i>                                                                                                                                                                  |

## Post-Incident

| Date/Time                | Comments                                                                                                                                                                       |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.40pm                   | <i>First injured person phones the Emergency Services</i>                                                                                                                      |
| 3.47pm                   | <i>Ambulance sent to Totara Park (statement from St Johns in news article)</i><br><br><i>Second injured person admitted to Middlemore Hospital in stable condition</i>         |
| 4.59pm                   | <i>Witness 1 phones grazier to tell him about the incident</i><br><br><i>Grazier's wife calls Witness 1 to request further information</i>                                     |
| Monday 6 August, 07.56am | <i>Head of AC Parks Services informed of the incident and incident review commenced</i>                                                                                        |
| 7 August                 | <i>Licensee contacts WorkSafe to notify of incident (refer <b>Appendix A022</b>). Later correspondence from WorkSafe confirming no investigation to be undertaken by them.</i> |

## Appendix C: Analysis

| FACTORS                                                                                                                                                                                                                                                                      | FINDING                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | FAILURE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | RECOMMENDATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Risk Management (RM)</b></p> <p>Hazard ID. not systematic or thorough Lack of appropriate competencies and experience</p> <p>Inadequate or poorly conducted risk management process.</p> <p>Inappropriate selection or poor implementation of risk control measure</p> | <p><u>Licence</u></p> <p>A systematic approach to risk management not applied</p> <p>There is consideration in the licence to control some hazards, e.g. dehorning of cattle.</p> <p><u>Parkland Farms Health and Safety Manual</u></p> <p>Parklands Farm Health and Safety Manual was not required under the licence. However, it was a tool for the farmer to systematically manage and communicate the risks on farm. Although the Manual appears to reflect the previous Health and Safety in Employment Act 1992, it remains the responsibility of the farmer to manage the plan and risks as the PCBU with greatest influence and control.</p> <p><u>Ongoing review of the risks</u></p> <p>Ongoing review of the risks did not identify the changing behaviour of the cattle. The cattle behaviour may have changed over time due to ongoing stressors including off-leash dogs in the grazing area. A previous dog attack on the cow and calf was reported in May 2018 and this may have affected the cattle's behaviour.</p> <p>When the calf was born and now on the farm the controls in safety plan were not adhered to. The safety plan states that cows and calf are not be stocked on the farm</p> | <p>Licence Clause 11.1</p> <p>Removes the farmers ability to restrict public from areas of the farm and isolate the hazard</p> <p>Licence Clause 14.7</p> <p>Removes the farmers ability to directly communicate hazards and apply administrative controls</p> <p>When the calf was born and now on the farm the controls in safety plan were not adhered to. The safety plan states that cows and calf are not be stocked on the farm</p> <p>Safety Plan had been reviewed on 23 June 2017 and advised it is insufficient to manage the activity or current legalisation by the contract manager. Unclear how this identified risk was managed and monitored after this point</p> <p>Safety Plan lists a control stating that cows and calves will not be kept on the farm. This control was not applied by the farmer or reviewed when the conditions changed</p> <p>Failure to apply ongoing review and management of the risk.</p> | <p>6.1 AC to complete a review of health and safety risks associated with farming licences. This review should take into account the overlapping duties of PCBUs under the Health and Safety at Work Act 2015.</p> <p>6.2 AC to undertake a signage review across reserves that are subject to farming operations and commercial grazing licences to determine the adequacy of any applicable safety signage.</p> <p>6.3 AC to risk assess the presence of calves on farms integrated within a public reserve and determine whether there are any controls AC can implement to reduce any identified risks</p> <p>6.4 AC to review the terms and conditions of farming licences to align with its duties under the HSW Act.</p> <p>6.5 AC to consider repositioning the farming licences portfolio to a team dedicated to managing farming practices. Such farming specialists may be better positioned to review farming practices.</p> <p>6.7 Panuku, with the support of the AC farming specialist team, to ensure current farming practices are in accordance with existing Totara Park Farm licence.</p> <p>6.9 AC legal department to consider whether Reserve Licences for grazing should be amended to include specific Health and Safety provisions, including communication of notifiable events to AC.</p> <p>6.10 AC Parks to undertake a risk assessment of public safety in this section of Totara Park and other parks where members of the public may come into contact with cattle and other grazing livestock.</p> |

| FACTORS                        | FINDING                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | FAILURE                                                                                                                                                                                                                                                                                                                                                                                           | RECOMMENDATION                                                         |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| <b>Incompatible Goals (IG)</b> | <p><i>Licence</i></p> <p><i>Some clauses in the licence could not be implemented due to incompatible goals.</i></p> <p><i>Licence Clause 11.1 Public Access</i></p> <p><i>This restriction could be related to the Reserves Act 1977 and/or Totara Park Management plan which is required under the Reserves Act.</i></p> <p><i>Licence Clause 12.1 Restrictions on Grazing</i></p> <p><i>Schedule 2 of Auckland Council's Dog Management Bylaw 2012 provides specific dog access rules by local board area. In the Manurewa local board area dogs are allowed to be under control off-leash in the park areas of Totara Park that are not picnic or playground areas.</i></p> | <p><i>1) Licence Clause 11.1</i></p> <p><i>Removes the farmers ability to restrict public from areas of the farm limiting the controls that can be applied to manage the hazard.</i></p> <p><i>2) Licence Clause 12.1</i></p> <p><i>allows for farming of sheep and cattle, however off-leash dog use is permitted in the grazed area. This effectively removes the option to farm sheep.</i></p> | <p>6.8 AC to review the 'Dog unleashed protocols' for Totara Park.</p> |

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|                                                                                                                                | Multiple groups operating in the same area with overlapping duties and potentially conflicting users                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                        |                                                                                                                                                                                    |
| <b>Organisational Culture (OC)</b><br><br>Lack of compliance, monitoring and review                                            | <u>Licence</u><br><br>Cow is potentially over two years of age. No known advice to Panuku of breach of Clause 12.1 by the licensee<br><br>Licensor had a duty to verify compliance with the licence during the period of the licence<br><br>Farmers Safety Plan stated no cows and calves onsite. Control not adhered to or reviewed<br><br>No requirement for the licensee to provide reporting or update against the licence. |                                                                                                                                                                                                        | 6.6 AC farming specialists to conduct regular reporting on compliance with licence requirements such as de-horning, castration, fencing, run-off to waterway, animal husbandry etc |
| <b>Management of Change (MC)</b>                                                                                               | The absence of failure of systemic assessment and implementation of change; to operations, processes, personnel, plant and equipment, products and services, premises etc. Change should be assessed for risk and appropriate planned action should be taken to existing performance levels not conceded                                                                                                                        | a. Agreements between parties MOU etc. with MTB club location of tracks and impact upon farming operations and other users<br><br>b. Assessing and managing the risk when land use has multiple uses.  |                                                                                                                                                                                    |
| <b>Communication (CO)</b><br><br>Lack of clear communication structure<br><br>Inability to communicate with the correct person | Incident response did not inform Auckland Council until the following via a media enquiry through the Auckland Council Communications team.                                                                                                                                                                                                                                                                                     | a. Licensee did not inform Panuku contact when the incident had occurred<br><br>b. Lack of formalized post-incident communications process to inform the relevant stakeholders once an incident occurs | 6.11 AC and Panuku to consider a review of public, external response protocols.                                                                                                    |

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|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|--|
| <b>Organisation (OR)</b><br><br><i>Lack of clear communication structure</i><br><br><i>Inability to communicate with the correct person</i> | <i>Deficiencies in either the structure of the organisation or the way it conducts its business that allow safety responsibilities and accountabilities to become ill-defined and warning signs to be overlooked</i> | c. |  |
|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|--|