

# AGENDA

**Council**

**Tuesday 16 July 2019 at 10.30am**

## Northland Regional Council Agenda

Meeting to be held in the Council Chamber  
36 Water Street, Whangārei  
on Tuesday 16 July 2019, commencing at 10.30am

**Recommendations contained in the council agenda are NOT council decisions. Please refer to council minutes for resolutions.**

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<p><b>ACC</b> - Accident Compensation Corporation</p> <p><b>AHB</b> - Animal Health Board</p> <p><b>ALGIM</b> - Association of Local Government Information Management</p> <p><b>AMA</b> - Aquaculture Management Area</p> <p><b>AMP</b> - Asset Management Plan/Activity Management Plan</p> <p><b>BOI</b> - Bay of Islands</p> <p><b>BOPRC</b> - Bay of Plenty Regional Council</p> <p><b>CAPEX</b> - Capital Expenditure (budget to purchase assets)</p> <p><b>CBEC</b> - Community, Business and Environment Centre</p> <p><b>CDEM</b> - Civil Defence Emergency Management</p> <p><b>CEG</b> - Co-ordinating Executive Group – Northland Civil Defence management team</p> <p><b>CEO</b> - Chief Executive Officer</p> <p><b>CIMS</b> - Co-ordinated Incident Management System (emergency management structure)</p> <p><b>CMA</b> - Coastal Marine Area</p> <p><b>CPCA</b> - Community Pest Control Areas</p> <p><b>CRI</b> - Crown Research Institute</p> <p><b>DHB</b> - District Health Board</p> <p><b>DOC</b> - Department of Conservation</p> <p><b>DOL</b> - Department of Labour</p> <p><b>DPMC</b> - Department of Prime Minister and Cabinet</p> <p><b>ECA</b> - Environmental Curriculum Award</p> <p><b>ECAN</b> - Environment Canterbury</p> <p><b>EE</b> - Environmental Education</p> <p><b>EECA</b> - Energy Efficiency Conservation Authority</p> <p><b>EEZ</b> - Exclusive Economic Zone</p> <p><b>EF</b> - Environment Fund</p> <p><b>EMA</b> - Employers and Manufacturers Association</p> <p><b>EMC</b> - Environmental Management Committee</p> <p><b>EOC</b> - Emergency Operations Centre</p> <p><b>EPA</b> - Environmental Protection Authority</p> <p><b>FDE</b> - Farm Dairy Effluent</p> <p><b>FNDC</b> - Far North District Council</p> <p><b>FNHL</b> - Far North Holdings Limited</p> <p><b>FPP</b> - First Past the Post – voting system for NRC elections</p> <p><b>GE</b> - Genetic Engineering</p> <p><b>GIS</b> - Geographic Information System</p> <p><b>GMO</b> - Genetically Modified Organism</p> <p><b>HSNO</b> - Hazardous Substances &amp; New Organisms Act</p> <p><b>HBRC</b> - Hawke's Bay Regional Council</p> <p><b>HEMP</b> - Hapū Environmental Management Plan</p> <p><b>Horizons</b> - Brand name of Manawatu-Wanganui Regional Council</p> <p><b>HR</b> - Human Resources</p> <p><b>HSWA</b> - Health and Safety at Work Act 2015</p> <p><b>IEMP</b> - Iwi Environmental Management Plan</p> <p><b>IPPC</b> - Invited Private Plan Change: a process to allow Aquaculture Management Areas to be established</p> <p><b>IRIS</b> - Integrated Regional Information System</p> <p><b>KDC</b> - Kaipara District Council</p> <p><b>KPI</b> - Key Performance Indicator</p> <p><b>LATE</b> - Local Authority Trading Enterprise</p> <p><b>LGA</b> - Local Government Act 2002</p> <p><b>LGNZ</b> - Local Government New Zealand</p> <p><b>LGOIMA</b> - Local Government Official Information and Meetings Act 1987</p> <p><b>LGOL</b> - Local Government Online</p> <p><b>LTP</b> - Long Term Plan</p> <p><b>LTFS</b> - Long Term Financial Strategy</p> <p><b>MCDEM</b> - Ministry of Civil Defence &amp; Emergency Mgmt</p> <p><b>MFE</b> - Ministry for the Environment</p> <p><b>MHWS</b> - Mean High Water Springs</p> <p><b>MMH</b> - Marsden Maritime Holdings Limited</p> <p><b>MNZ</b> - Maritime New Zealand</p> <p><b>MOH</b> - Ministry of Health</p>	<p><b>MOT</b> - Ministry of Transport</p> <p><b>MPI</b> - Ministry for Primary Industries</p> <p><b>MSD</b> - Ministry of Social Development</p> <p><b>NCMC</b> - National Crisis Management Centre</p> <p><b>NES</b> - National Environmental Standards</p> <p><b>NDHB</b> - Northland District Health Board</p> <p><b>NZRC</b> - New Zealand Refining Company (Marsden Point)</p> <p><b>NGO</b> - Non-Governmental Organisation</p> <p><b>NIF</b> - Northland Intersectoral Forum</p> <p><b>NIWA</b> - National Institute of Water and Atmosphere</p> <p><b>NORTEG</b> - Northland Technical Advisory Group</p> <p><b>NZCPS</b> - New Zealand Coastal Policy Statement</p> <p><b>NZTA</b> - New Zealand Transport Agency</p> <p><b>NZQA</b> - New Zealand Qualifications Authority</p> <p><b>NZWWA</b> - New Zealand Water and Wastes Association</p> <p><b>OFI</b> - Opportunity for Improvement</p> <p><b>ORC</b> - Otago Regional Council</p> <p><b>OSH</b> - Occupational Safety &amp; Health (now Ministry of Business, Innovation and Employment)</p> <p><b>PCBU</b> - Person Conducting Business or Undertaking</p> <p><b>PDF</b> - Portable Document Format</p> <p><b>PPE</b> - Personal Protective Equipment</p> <p><b>RAP</b> - Response Action Plan</p> <p><b>RAQP</b> - Regional Air Quality Plan</p> <p><b>RCP</b> - Regional Coastal Plan</p> <p><b>RFI</b> - Request for Information</p> <p><b>RFP</b> - Request for Proposal</p> <p><b>RTC</b> - Regional Transport Committee</p> <p><b>RLTS</b> - Regional Land Transport Strategy</p> <p><b>RMA</b> - Resource Management Act 1991</p> <p><b>RMG</b> - Resource Managers Group (Regional Councils)</p> <p><b>RMZ</b> - Riparian Management Zone</p> <p><b>ROI</b> - Return on Investment</p> <p><b>RPMS</b> - Regional Pest Management Strategy</p> <p><b>RPS</b> - Regional Policy Statement</p> <p><b>RSG</b> - Regional Sector Group</p> <p><b>RTO</b> - Regional Tourism Organisation</p> <p><b>RWASP</b> - Regional Water and Soil Plan</p> <p><b>SIPO</b> - Statement of Investment Policy and Objectives</p> <p><b>SITREP</b> - Situation Report</p> <p><b>SMF</b> - Sustainable Management Fund</p> <p><b>SOE</b> - State of Environment (or) State Owned Enterprise</p> <p><b>SOLGM</b> - Society of Local Government Managers</p> <p><b>SPARC</b> - Sport &amp; Recreation New Zealand</p> <p><b>SRC</b> - Southland Regional Council (Environment Southland)</p> <p><b>STV</b> - Single Transferable Vote</p> <p><b>SWAG</b> - Surface Water Allocation Group</p> <p><b>SWPA</b> - Sustainable Water Programme of Action</p> <p><b>TA</b> - Territorial Authority: City &amp; District Councils</p> <p><b>TAG</b> - Technical Advisory Group</p> <p><b>Tier 1</b> - Site level plan or response for an oil spill</p> <p><b>Tier 2</b> - Regional level plan or response to an oil spill</p> <p><b>Tier 3</b> - National level plan or response to an oil spill</p> <p><b>TLA</b> - Territorial Local Authority – City &amp; District Councils</p> <p><b>TMP</b> - Treasury Management Plan</p> <p><b>TOR</b> - Terms of Reference</p> <p><b>TPK</b> - Te Puni Kōkiri (Ministry of Maori Development)</p> <p><b>TRAION</b> - Te Rūnanga a Iwi o Ngāpuhi</p> <p><b>TRC</b> - Taranaki Regional Council</p> <p><b>TROTR</b> - Te Rūnanga o Te Rarawa</p> <p><b>TUANZ</b> - Telecommunications Users Association of NZ</p> <p><b>WCRC</b> - West Coast Regional Council</p> <p><b>WDC</b> - Whangarei District Council</p> <p><b>WHHIF</b> - Whangarei Harbour Health Improvement Fund</p> <p><b>WRC</b> - Waikato Regional Council</p> <p><b>WSMP</b> - Workplace Safety Management Practices</p> <p><b>WWTP</b> - Wastewater Treatment Plant</p>
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**TITLE:** Health and Safety Report  
**ID:** A1208421  
**From:** Beryl Steele, Human Resources Manager

### Executive summary/Whakarāpopototanga

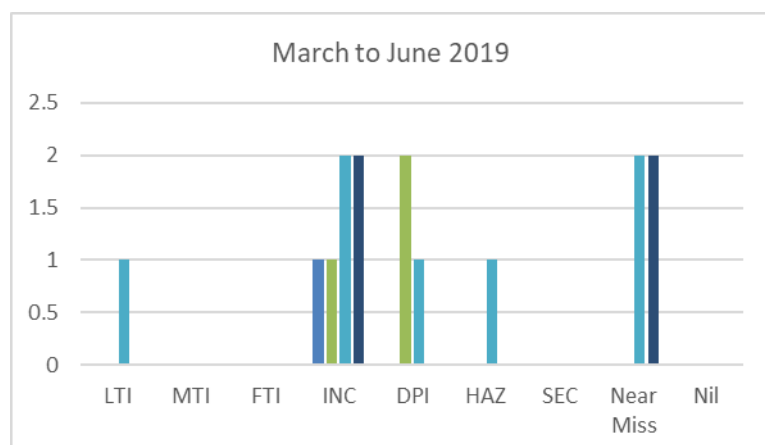
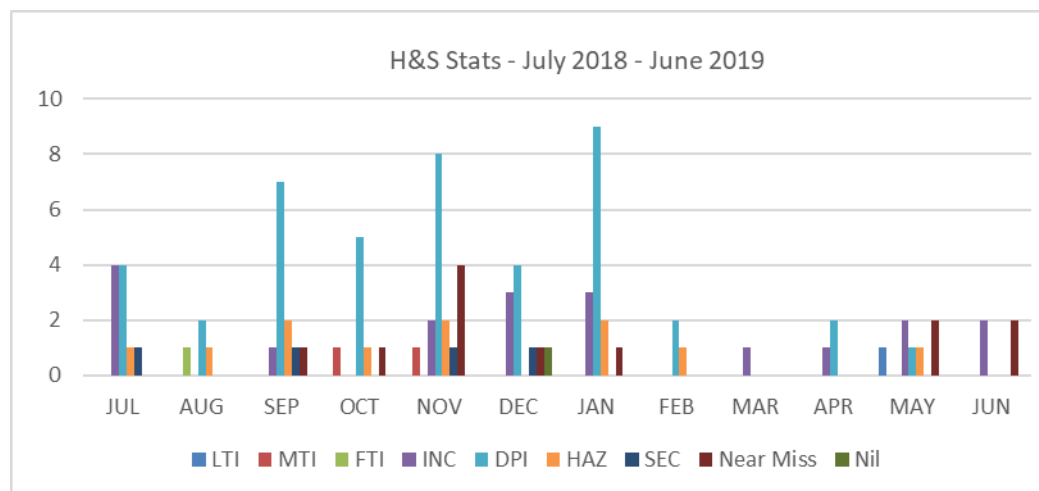
This report provides an overview of health and safety activity during the month of June 2019.

Reporting has improved with the implementation of the online reporting system. Considerable work has been put into the risk and hazard register, training matrix, monitoring programme, orientation, policy and traffic management plans. In some areas, some tidying up is still necessary but the bulk of the work has been completed. The traffic management plan process is taking a bit longer than initially anticipated but it is progressing well.

### Recommendation

That the report 'Health and Safety Report' by Beryl Steele, Human Resources Manager and dated 2 July 2019, be received.

### Background/Tuhinga



## YTD results:

### Legend

LTI – Lost Time Injury	1
MTI – Medical Treatment Injury	2
FTI – First Aid Treatment	1
INC – Incident	19
Nil – No injury (but recorded)	1
DPI – Discomfort, Pain and Injury	44
HAZ – Hazard	11
SEC – Security	4
Near Miss	12

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YTD Total 95

## Items of note

- Reporting is improving with the new online reporting form.
- There was an agrichemical spill in front foyer by stairwell. The lid was not on properly after being dropped off by the courier. The courier has been spoken to re the location for dropping off of chemicals (to be at the rear of the building). Also, staff will check that lids are on properly before moving them.

## Health and Safety Manual / Policies / Documentation

- Health and Safety Strategy draft re-visited by committee – remains WIP.
- All updated policies will have been reviewed by the end of the first week of July and should be ready to go to the H&S Committee for feedback before going to OMT and then ELT.

## Risk Management, Equipment, Legislation Review

### Risks

- The new H&S Risk Register is about to be implemented replacing the old one. Once implemented there will be a project to ensure all risks are reviewed by the relevant department.

## Health and Safety visits, training and other

### Training

- We are still working on getting evidence of training. We have changed the process for moving forward to increase ability to record evidence.
- An initial traffic controller course has been completed. We will be booking in another course for remaining staff that need to attend along with Site Traffic Management Supervisor training.
- 4WD training has been booked.

## General

- General H&S Update Presentation to be given at OMT.
- Traffic Management Plan (TMP) – following up with person who is putting together our generic plans. As at the time of writing the report a response had not be received.
- Contractor Engagement training on Cognise is up and running. Feedback to date is positive.
- The H&S Induction module on Cognise should be ready to go live the first week of July.
- We are looking into the potential for measles vaccinations.

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## Attachments/Ngā tapirihanga

Nil

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## Authorised by Group Manager

**Name:** Dave Tams  
**Title:** Group Manager, Corporate Excellence  
**Date:** 02 July 2019

**TITLE:** Confirmation of Minutes - 18 June 2019

**ID:** A1208454

**From:** Chris Taylor, Governance Support Manager

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**Recommendation**

That the minutes of the council meeting held on 18 June 2019 be confirmed as a true and correct record.

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**Attachments/Ngā tapirihanga**

Attachment 1: Council Minutes - 18 June 2019 [↓](#)

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**Authorised by Group Manager**

**Name:** Chris Taylor

**Title:** Governance Support Manager

**Date:** 10 July 2019

Council Meeting  
18 June 2019

## Northland Regional Council Minutes

Meeting held in the Council Chamber  
36 Water Street, Whangārei  
on Tuesday 18 June 2019, commencing at 10.30am

### Present:

Chairman, Bill Shepherd

Councillors:

Justin Blaikie

Paul Dimery

Mike Finlayson (*left meeting from 11.39am to 12.07pm*)

Penny Smart

Rick Stolwerk

Joce Yeoman

### In Attendance:

#### Full Meeting

Independent Financial Advisor

Chief Executive Officer

GM - Environmental Services

GM - Regulatory Services

Governance Support Manager

#### Part Meeting

GM – Strategy, Governance and Engagement

GM – Corporate Excellence

Finance Manager

Community Engagement Manager

Communications Manager

Organisational Project Manager

Financial Accountant

GIS Officer

Policy Specialist

Policy Specialist – Water

Economist

The Chair declared the meeting open at 10.30am

### Apologies (Item 1.0)

Moved (Shepherd/Blaikie)

That the apologies from Councillors Bain and Sinclair for non-attendance be received.

Carried

Council Meeting  
18 June 2019

### **Declarations of Conflicts of Interest (Item 2.0)**

It was advised that councillors should make declarations item-by-item as the meeting progressed.

### **Table Item for council meeting – 18 June 2019 (Item 2.0A)**

ID: A1203117

Report from Simon Crabb, Finance Manager

Moved (Shepherd/Smart)

That as permitted under section 46A(7) of the Local Government Official Information and Meetings Act 1987 the following tabled report be received:

- Externally Managed Funds – Strategy to De-risk Portfolio Prior to Financial Year-end.

Carried

### **Presentations - GIS Civil Defence ALGIM Award (Item 3.0)**

ID: A1194774

Report from Rebecca Norman, GIS Officer

GIS Officer, Rebecca Norman, was in attendance to present the 'Northland Civil Defence Operational Overview' project which had won the GIS Project of the Year award at the recent ALGIM awards.

Council complimented the achievement through a vote of acclamation.

### **Health and Safety Report (Item 4.0)**

ID: A1198631

Report from Beryl Steele, Human Resources Manager

Moved (Yeoman/Dimery)

That the report 'Health and Safety Report' by Beryl Steele, Human Resources Manager and dated 4 June 2019, be received.

Carried

### **Confirmation of Minutes - 21 May 2019 and 4 June 2019 (Item 5.1)**

ID: A1198166

Report from Chris Taylor, Governance Support Manager

Moved (Finlayson/Stolwerk)

That the minutes of the council meeting held on 21 May 2019, and the extraordinary council meeting held on 4 June 2019 be confirmed as a true and correct record.

Carried

Council Meeting  
18 June 2019

### **Receipt of Action Sheet (Item 5.2)**

ID: A1199892

Report from Chris Taylor, Governance Support Manager

Moved (Dimery/Smart)

That the action sheet be received.

Carried

### **Working Party Updates and Chairpersons' Briefings (Item 5.3)**

ID: A1197713

Report from Sally Bowron, Strategy, Governance and Engagement Team Admin/PA

Moved (Yeoman/Blaikie)

That the report 'Working Party Updates and Chairpersons' Briefings' be received.

Carried

### **Financial Report to 31 May 2019 (Item 6.1)**

ID: A1199659

Report from Vincent McColl, Financial Accountant

Moved (Smart/Yeoman)

That the report 'Financial Report to 31 May 2019' by Vincent McColl, Financial Accountant and dated 5 June 2019, be received.

Carried

*Secretarial Note: The Independent Financial Advisor advised of the 'pleasing' year-end position and extended appreciation to council / staff for delivering a positive outcome given the under performance of its externally managed funds for a time.*

### **Operating Costs Reserve Policy (Item 6.2)**

ID: A1199369

Report from Simon Crabb, Finance Manager

Moved (Yeoman/Smart)

1. That the report 'Operating Costs Reserve Policy' by Simon Crabb, Finance Manager and dated 5 June 2019, be received.

Carried

It was further moved (Finlayson/Yeoman)

2. That the Operating Costs Reserve Policy [presented in Item 6.2 of the 18 June 2019 council agenda] is adopted.

Carried

It was further moved (Yeoman/Smart)

3. That an Operating Costs Special Reserve is established.

Carried

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ID: A1202896

3

Council Meeting  
18 June 2019

### **Externally Managed Funds – Strategy to De-risk Portfolio Prior to Financial Year-end (Tabled Item 6.3)**

ID: A1202809

Report from Simon Crabb, Finance Manager

Moved (Yeoman/Smart)

1. That the report 'Externally Managed Funds - Strategy to De-risk Portfolio Prior to Financial Year-end' by Simon Crabb, Finance Manager and dated 14 June 2019, be received.
2. That \$2,600,000 is redeemed from the fund managers recommended by EriksensGlobal, prior to 30 June 2019, and transferred into 30-day fixed term deposits.
3. That the Investment Subcommittee and Jonathan Eriksen are consulted, and assess the prevailing economic conditions and funding requirements prior to deciding whether to transfer any of the \$2,600,000 back into Managed Funds.

Carried

*Secretarial Note: The Independent Financial Advisor endorsed the recommendation as presented in Tabled Item 6.3.*

### **Update to Delegations (Item 7.1)**

ID: A1197578

Report from Vincent McColl, Financial Accountant and Kyla Carlier, Corporate Planning Manager

Moved (Yeoman/Stolwerk)

1. That the report 'Update to Delegations' by Vincent McColl, Financial Accountant and Kyla Carlier, Corporate Planning Manager and dated 29 May 2019, be received.
2. That council approve the updated bank and cheque signatory delegations, as outlined in Attachment 1 pertaining to Item 7.1 of the 18 June 2019 council agenda.
3. That council approve the updated delegation for the remission of administrative charges, as outlined in Attachment 2 pertaining to Item 7.1 of the 18 June 2019 council agenda.<sup>1</sup>

Carried

*Secretarial Note: Post meeting an error was identified in the proposed delegations being the GM Strategy, Governance and Engagement being deleted as an authoriser for Direct Credit to Pay Creditors and Payroll Payments.*

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<sup>1</sup> As a result of this recommendation, staff will need to review the process of issuing remissions to ensure that a clear statement is made about the three year review period.

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ID: A1202896

4



Council Meeting  
18 June 2019

### **Project Plan for Implementing the Water Quality Planning Requirements of the National Policy Statement for Freshwater Management (Item 7.2)**

ID: A1198403

Report from Ben Tait, Policy Specialist

Moved (Finlayson/Blaikie)

1. That the report 'Project Plan for Implementing the Water Quality Planning Requirements of the National Policy Statement for Freshwater Management' by Ben Tait, Policy Specialist and dated 31 May 2019, be received.
2. That council approves the following timetable for preparing a plan change to give effect to the freshwater quality planning requirements of the National Policy Statement for Freshwater Management:
  - a. Define freshwater management units (May – June 2019).
  - b. Assess and decide on an appropriate modelling tool(s) for:
    - a) predicting water quality in the freshwater management units; and
    - b) determining what catchment interventions (and costs) are needed to achieve aspirational water quality objectives (June – October 2019).
  - c. Provide the evidence base to underpin the plan change and any accompanying new non-regulatory initiatives (November 2019 – March 2021).
  - d. Engage with iwi and hapū throughout the process.
  - e. Draft the plan change and a RMA section 32 evaluation report (July 2020 – July 2021).
  - f. Notify the Proposed Water Quality Plan Change (by 31 December 2021).
  - g. Engage with key stakeholders and the wider community throughout the process.

Carried

*Secretarial Note: With the approval of the mover and seconder (as per Standing Order 22.4) the original recommendation 2d was amended and recommendation 2g added.*

### **Appoint Councillors to Environmental Leaders' Funding Panel (Item 7.3)**

ID: A1199331

Report from Kim Wall, Events and Engagement Coordinator

Moved (Smart/Finlayson)

1. That the report 'Appoint Councillors to Environmental Leaders' Funding Panel' by Kim Wall, Events and Engagement Coordinator, and dated 5 June 2019, be received.

Carried

It was further moved (Dimery/Smart)

2. That council appoint Councillors Blaikie and Finlayson to participate on the Environmental Leaders' Funding judging panel.

Carried

ID: A1202896

5

Council Meeting  
18 June 2019

*Secretarial Note:*

- *With the approval of the mover and seconder (as per Standing Order 22.4) the original motion to appoint Councillors Blaikie and Stolwerk was amended.*
- *The Chairman advised (as per Standing Order 11.4) that one member of the public had been permitted to record the following Item 7.4; provided it did not disrupt the meeting.*

**Alleged Breach of Code of Conduct: Councillor Finlayson (Item 7.4)**

ID: A1201342

Report from Malcolm Nicolson, Chief Executive Officer

Moved (Smart/Yeoman)

1. That the report 'Alleged Breach of Code of Conduct: Councillor Finlayson' by Malcolm Nicolson, Chief Executive Officer and dated 11 June 2019, be received.

Carried

*Secretarial Note: As per council's Code of Conduct, before making a decision on the investigator's report the council gave Councillor Finlayson (the respondent) an opportunity to speak in his defence. Councillor Finlayson then left the meeting (at 11.39am).*

It was further moved (Smart/Yeoman)

2. That the council undertake a workshop to collate advice to the incoming council and recommend that the Code of Conduct be reviewed.

Carried

It was further moved (Blaikie/Stolwerk)

3. That council dismiss the complaint against Councillor Finlayson as it relates to the alleged breach of health and safety legislation.

Carried

It was further moved (Dimery/Blaikie)

4. That council request the development of a policy on the use of controlled and hazardous substances as a pest management tool for its consideration.

Carried

*Secretarial Note: With the approval of the mover and seconder (as per Standing Order 22.4) the original motion was amended; replacing 'sodium fluoroacetate' with 'controlled and hazardous substances'.*

It was further moved (Blaikie/Yeoman)

5. That council agree to workshoping the setting of guidelines around the use of council resources and staff at councillor-initiated events (as part of recommendations to the Code of Conduct review).

Carried

ID: A1202896

6

Council Meeting  
18 June 2019

*Secretarial Note: With the approval of the mover and seconder (as per Standing Order 22.4) the original motion was amended; replacing 'rules' with 'guidelines' and adding 'as part of recommendations to the Code of Conduct Review'.*

**It was further moved (Dimery/Smart)**

6. That council consider the further recommendations of the independent investigator.

**Carried**

*Secretarial Note: In putting the motion the Chair called for an expression of interest by show of hands, the result being Councillors Stolwerk, Blaikie, Yeoman and Smart in support and Councillor Dimery against.*

**It was further moved (Yeoman/Blaikie)**

- 6a. That a letter be sent to Councillor Finlayson reminding him of his obligations to separate out his official duties from his personal opinion. That consideration be given to reminding all elected members of their obligations in this respect under sections 6.2 and 6.3 of the Code of Conduct.

*Secretarial Note: With the approval of the mover and seconder it was agreed to address recommendation 6a in two parts as follows:*

**It was further moved (Yeoman/Blaikie)**

- 6a(i). That a letter be sent to Councillor Finlayson reminding him of his obligations to separate out his official duties from his personal opinion (as per sections 6.2 and 6.3 of the Code of Conduct).

**Lost**

**It was further moved (Yeoman/Dimery)**

- 6a(ii). That a letter be sent to all members reminding them of their obligations to separate out their official duties from their personal opinion (as per sections 6.2 and 6.3 of the Code of Conduct).

**Carried**

*Secretarial Note:*

- *The independent investigator's final recommendation for council consideration; 'A request for an apology. This apology could be private and could be made direct to the complainants if the council thought that most appropriate. Conversely, if the council has any concerns about its position – particularly in relation to the drinking of water – the members may need to consider the benefits of a public apology' lapsed for lack of a mover and seconder.*
- *The meeting adjourned at 12.07pm and reconvened at 12.46pm.*

Council Meeting  
18 June 2019

### **Enterprise IT System Indicative Business Case (Item 7.5)**

ID: A1199960

Report from Linda Harrison, Organisational Project Manager

Moved (Stolwerk/Smart)

1. That the report 'Enterprise IT System Indicative Business Case' by Linda Harrison, Organisational Project Manager and dated 6 June 2019, be received.
2. That the Enterprise IT System Project Indicative Business Case be approved by council and used to formally establish the Enterprise IT System Project.
3. That the preferred option is a syndicated procurement agreement leveraging the syndication of Waikato Regional Council systems and processes.
4. That the Enterprise IT System Project Team continue negotiations with the preferred supplier to develop a detailed business case to be bought back to council in early 2020.

Carried

### **Chair's Report to Council (Item 8.1)**

ID: A1197869

Report from Bill Shepherd, Chairman

Moved (Shepherd/Stolwerk)

That the report 'Chair's Report to Council' by Bill Shepherd, Chairman and dated 3 June 2019, be received.

Carried

### **Chief Executive's Report to Council (Item 8.2)**

ID: A1196506

Report from Malcolm Nicolson, Chief Executive Officer

Moved (Shepherd/Stolwerk)

That the report 'Chief Executive's Report to Council' by Malcolm Nicolson, Chief Executive Officer and dated 31 May 2019, be received.

Carried

### **Northland Inc. Limited: Reporting Against Statement of Intent - Quarter Three 2018/19 (Item 8.3)**

ID: A1199132

Report from Darryl Jones, Economist

Moved (Stolwerk/Dimery)

That the report 'Northland Inc. Limited: Reporting Against Statement of Intent - Quarter Three 2018/19' by Darryl Jones, Economist and dated 4 June 2019, be received.

Carried

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ID: A1202896

8

Council Meeting  
18 June 2019

### Receipt of Committee Minutes (Item 9.0)

ID: A1199889

Report from Chris Taylor, Governance Support Manager

Moved (Stolwerk/Dimery)

That the unconfirmed minutes of the:

- Investment Subcommittee – 28 May 2019

be received.

Carried

### Business with Public Excluded (Item 10.0)

Moved (Shepherd/Yeoman)

1. That the public be excluded from the proceedings of this meeting to consider confidential matters.
2. That the general subject of the matters to be considered whilst the public is excluded, the reasons for passing this resolution in relation to this matter, and the specific grounds under the Local Government Official Information and Meetings Act 1987 for the passing of this resolution, are as follows:

Item No.	Item Issue	Reasons/Grounds
10.1	Confirmation of Confidential Minutes - 21 May 2019	The public conduct of the proceedings would be likely to result in disclosure of information, as stated in the open section of the meeting.
10.2	Human Resources Report	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to protect the privacy of natural persons, including that of deceased natural persons s7(2)(a).

3. That the Independent Financial Advisor be permitted to stay during business with the public excluded.

Carried

### Conclusion

The meeting concluded at 1.15pm.

**TITLE:** Receipt of Action Sheet  
**ID:** A1208400  
**From:** Chris Taylor, Governance Support Manager

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**Executive summary/Whakārapopototanga**

The purpose of this report is to enable the meeting to receive the current action sheet.

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**Recommendation**

That the action sheet be received.

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**Attachments/Ngā tapirihanga**

Attachment 1: Action Sheet - July 2019 [↓](#)

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**Authorised by Group Manager**

**Name:** Chris Taylor  
**Title:** Governance Support Manager  
**Date:** 10 July 2019

**Outstanding Actions as at 9/07/2019**

Id	Meeting	Target Date	Description	Request Details	Most Recent Comment
4964	Council 19/03/2019	31/09/19	Health and Safety Group Membership	That further consideration be given to the composition of the Risk and Health and Safety Working Party (governance) versus that of the Health and Safety Strategy Steering Group (operational). The ELT in first instance then a workshop with council.	ELT has discussed the matter. Will be considered as part of the governance review.
5126	Council 18/06/2019	31/09/19	Information from TTMAC	That advice be sought from TTMAC/MTAG as to how to improve the dissemination of information from TTMAC into the community.	Work in progress.
5132	Council 18/06/2019	31/09/19	Code of Conduct Review	That a workshop be scheduled to allow council to collate advice to the incoming council regarding the Code of Conduct. This discussion to include guidelines around the use of council resource and staff at councillor-initiated events.	Workshop yet to be scheduled.

**Actions completed in the last month**

<b>Id</b>	<b>Meeting</b>	<b>Date Completed</b>	<b>Description</b>	<b>Request Details</b>	<b>Most Recent Comment</b>
5122	Council 18/06/2019	2/07/19	Presentations - GIS Civil Defence ALGIM Award	That consideration be given to including information on the NRC website regarding the GIS civil defence tool.	This has already been considered by staff. Information sent to councillors on 21 June 2019.
5128	Council 18/06/2019	2/07/19	Operating Costs Reserve Policy	That consideration be given to moving 'Receipt of Committee Minutes' to the fore of council agendas.	Agendas are structured so that the key decision making items are addressed first. If specific reference needs to be made to a set of committee/subcommittee minutes they should be included in the actual agenda item.
5129	Council 18/06/2019	2/07/19	Update to Delegations	That the delegations manual be updated to reflect the resolutions of council with regard to bank/cheque signatories and remission of administrative charges.	The delegation manual has been updated accordingly.
5139	Council 18/06/2019	9/07/19	Policy on the use of controlled and hazardous substances.	That a policy on the use of controlled and hazardous substances as a pest management tool be developed for council consideration.	Draft policy is included in the July council agenda for consideration.
5140	Council 18/06/2019	9/07/19	Alleged Breach of Code of Conduct: Councillor Finlayson	That a letter be sent to all elected members reminding them of their obligations to separate out their official duties from their personal opinion (as per sections 6.2 and 6.3 of the Code of Conduct).	Complete. Letter sent to councillors.



**TITLE: Working Party Updates and Chairpersons' Briefings**

**ID:** A1197719

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**Recommendation**

That the report 'Working Party Updates and Chairpersons' Briefings' be received.

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**Planning Working Party**

**(Chair: Cr Joce Yeoman)**

The Planning Working Party met on 5 June 2019. The topics for discussion included:

- Planning Work Programme
- Coastal Occupation Charging
- National Planning Standards
- Proposed Regional Plan - update on appeals
- Whangārei District Council Urban Plan Changes

Following discussion, the working party provided advice on the following next steps:

- Email draft submission on WDC plan changes to all councillors for comment.
- Present to the CEs' Forum about hazards mapping, RPS obligations and risks from inaction to all councils (including legal advice around the risks).
- Provide risk advice to the Risk and H&S Working Party.
- Present to council about the levers NRC has available to manage the risks of development if district council plan changes do not include hazard maps and associated rules.

**Risk and Health and Safety Working Party (Councillor Joce Yeoman)**

The Risk and Health and Safety Working Party met on 11 June 2019. The topics for discussion included:

- Review Risk Register

Risk of cyber security – New system should help alleviate risk. Deloitte being engaged as part of yearend audit process to look at IT maturity model. Cyber Insurance to increase from \$1M to \$2M upon renewal.

- Manage Funds update
- Sustainable Solvents
- Health & Safety update
- TAs ignoring our flood inundations maps

Following discussion, the Risk and Health and Safety Working Party provided advice on the following next steps:

- To be continued, Traffic management, ProMapp, Hazardous substance, Occupational Health Monitoring, 12-month review schedule.

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**Authorised by Group Manager**

**Name:** Jonathan Gibbard

**Title:** Group Manager - Strategy, Governance and Engagement

**Date:** 10 July 2019

**TITLE:** Proposed Regional Plan - Decisions on Genetically Modified Organisms Submissions

**ID:** A1198905

**From:** Ben Lee, Strategic Policy and Planning Manager and Jonathan Gibbard, Group Manager - Strategy, Governance and Engagement

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### Executive summary/Whakarāpopototanga

The Proposed Regional Plan for Northland (Proposed Plan) was notified in September 2017. At the same time, council delegated authority to a Hearing Panel of three to conduct the hearing into submissions on the Proposed Plan and make recommendations to council on the Proposed Plan in response to submissions.

At its meeting on 20 March 2018, council withdrew the delegation to conduct the hearing for the submissions seeking the addition of provisions for genetically modified organisms. The effect of this was that full council heard those submissions.

Council adopted the recommendations of the Hearing Panel at its 16 April 2019 meeting.

Council has now considered all submissions on the addition of provisions for genetically modified organisms in the Proposed Regional Plan for Northland. This report presents two potential decision reports for council – one to include provisions to manage genetically modified organisms in the coastal marine area, and the other to not include any provisions to manage genetically modified organisms.

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### Recommendation(s)

1. That the report 'Proposed Regional Plan - Decisions on Genetically Modified Organisms Submissions' by Ben Lee, Strategic Policy and Planning Manager and Jonathan Gibbard, Group Manager - Strategy, Governance and Engagement and dated 28 June 2019, be received.
2. That council adopts Attachment \_\_\_\_\_ as its decisions on the submissions on the addition of provisions for genetically modified organisms in the Proposed Regional Plan for Northland in accordance with Clause 10, Schedule 1, Resource Management Act 1991.
3. That notification of the council decisions on submissions on the addition of provisions for genetically modified organisms in the Proposed Regional Plan for Northland be on or before 6 August 2019.

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### Background/Tuhinga

Council began the process of preparing the new regional plan in 2014. It started with a review of the current three regional plans (Air, Water and Soil and Coastal), which included a series of workshops hosted by council and attended by over 100 people.

The Draft Regional Plan for Northland was released for public feedback in August 2016. Nearly 290 people and organisations provided feedback.

The Proposed Regional Plan for Northland (Proposed Plan) was publicly notified in September 2017, with further submissions notified in March 2018. Over 400 submissions and further submissions were received.

Over 80 submissions were on the inclusion of provisions for genetically modified organisms. This was despite a statement in the notified version of the Proposed Plan that council had reserved its decision on including provisions to regulate genetically modified organisms.

The Northland Regional Council delegated the function of hearing the submissions on the Proposed Plan and making recommendations to the council to a Hearing Panel. The exception was the submissions on the addition of provisions for genetically modified organisms - the full council heard these submissions separately.

Hearings on the Proposed Plan (excluding genetically modified organisms) were held between August and October 2018. Hearings for submissions on the addition of provisions for genetically modified organisms were held on 30 and 31 October 2018, and reconvened on 26 February 2019. The hearing was then adjourned for council to go into public excluded deliberations. During the course of the deliberations council requested further information (issued via formal minutes).

All the information presented to council, including the staff Section 42A report, audio from the hearings and council issued minutes, is on the council's public website – [www.nrc.govt.nz/newregionalplan](http://www.nrc.govt.nz/newregionalplan).

Two potential decision reports are presented for council:

- **Attachment 1** is a decision report to support the inclusion of provisions to manage genetically modified organisms in the coastal marine area and to not include provisions to manage genetically modified organisms on land.
- **Attachment 2** is a decision report to support *not* including any provisions to manage genetically modified organisms

The recommendation is that council adopt one of the decision reports as its decisions on the submissions for the addition of provisions for genetically modified organisms.

Council is legislatively required to make its decisions by 6 September 2019 (two years after the date of notification of the Proposed Regional Plan for Northland)<sup>1</sup>.

Assuming council makes its decision, the next step will be to publicly notify the decisions. This will be done in the three weeks following the council meeting. Submitters will then have 30 working days to lodge appeals (if they consider it necessary) with the Environment Court.

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<sup>1</sup> Clause 10, Schedule 1, Resource Management Act 1991

## Considerations

### 1. Options

No.	Option	Advantages	Disadvantages
1	Make a decision to adopt Attachment 1 or Attachment 2 as the council decisions on submissions on the addition of provisions for genetically modified organisms.	<p>Meets legal requirements (Clause 10, Schedule 1, Resource Management Act 1991).</p> <p>Consistent with submitter expectations that council will make a decision.</p> <p>Avoids risk of legal challenge, Minister for the Environment investigation and reputational risk associated with not making a decision (see option number 2).</p>	<p>The decision to include or not provisions regulating genetically modified organisms has not been the subject of the consultation etc. as prescribed by clauses 2-3C of Schedule 1 of the RMA as would normally occur for regional plan provisions.</p> <p>There is an estimated low risk of legal challenge to council accepting that the submissions on genetically modified organisms are in scope.</p>
2	Do not make a decision to adopt Attachment 1 or Attachment 2 as the council decisions on submissions on the addition of provisions for genetically modified organisms.	Maintains position as set out in the statement in the notified version of the Proposed Plan that council has reserved its decision on including provisions to regulate genetically modified organisms.	<p>High risk of successful legal challenge that council is not meeting its legal obligations to make a decision under Clause 10, Schedule 1, Resource Management Act 1991. Would incur costs (legal and staff) that have not been budgeted.</p> <p>Potential risk of Minister for the Environment formally investigating council for not performing its legal duty.</p> <p>Potential reputational risks of council not following proper process.</p>
3	Make a decision on the submissions on the addition of provisions for genetically modified organisms that is	Uncertain (would depend on the decision).	The decision would not satisfy Clause 10, Schedule 1, Resource Management Act 1991, which requires that a decision must include the reasons for accepting or

	different to either Attachment 1 or 2.		<p>rejecting the submissions and must include a further evaluation of the proposed policy statement or plan undertaken in accordance with section 32AA.</p> <p>Risk of successful legal challenge (the level of risk would depend on the decision).</p> <p>Potential reputational risks of council not following proper process.</p>
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While there are risks with each option, staff recommend that council makes a decision (Option 1) because on balance it carries the least risk and costs.

## 2. Significance and engagement

In relation to section 79 of the Local Government Act 2002, the decision (as set out in the recommendations) is considered to be of low significance when assessed against council's Significance and Engagement Policy, because it has followed a legislatively prescribed consultation process. The Proposed Plan has been prepared under the Resource Management Act 1991, which involves a public consultative process (Schedule 1).

Being of low significance under council's Significance and Engagement Policy does not mean that this matter is not of significance to tangata whenua and/or individual communities, but that council is able to make decisions relating to this matter without undertaking further consultation or engagement.

Should council follow Option 2 or Option 3, it is not considered a significant decision in accordance with council's Significance and Engagement Policy, as the decision does not meet any of the criteria that would automatically deem it a significant decision, and it only triggers one of the thresholds<sup>2</sup> (the high level of legal risk). Therefore, council could make these decisions without needing to undertake further public consultation.

## 3. Policy, risk management and legislative compliance

The preparation and notification of the Proposed Plan was subject to various sections of the Resource Management Act 1991, including sections 30, 32, 34A, 39B, 63–70 and Schedule 1. The decisions being recommended are consistent with the relevant sections of the Resource Management Act.

There is the inevitable risk of the council decision being appealed to the Environment Court – this cannot be avoided as it is right conferred by legislation. The costs of council participating in the appeals process have been accounted for in the Long Term Plan.

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<sup>2</sup> The council's Significance and Engagement Policy states that it must trigger two or more of the thresholds to be a significant decision.

As outlined in Options 2 and 3 above, an alternative decision is likely to be subject to legal and reputational risks. The legal costs to council could be high and have not been accounted for in the Long Term Plan.

## **Further considerations**

### **4. Community views**

As discussed, the inclusion or not of provisions for genetically modified organisms has not followed the normal RMA process (including requirements for consultation prior to notification). The community did, however, have the ability to make further submissions in response to the original submissions seeking the inclusion of provisions for genetically modified organisms.

This has resulted in a significant portion of the community not being adequately engaged with.

People who formally submitted on the Proposed Plan will have the ability to lodge an appeal to the Environment Court once the decisions have been publicly notified. In addition, those persons or groups that have an interest greater than the public generally also have the ability to become a s274 party to appeal proceedings whether they lodged an original submission or not (s274 parties only have the ability to support or oppose appeals).

### **5. Māori impact statement**

Māori have consistently raised concerns about the use of genetically modified organisms. However, the manner in which the process has unfolded means that due to legislative and timing constraints council has not unfortunately been able to meet council's normal standards for engagement and involving Māori in its RMA decision making processes.

One avenue for iwi and hapu to challenge the decision, if they have missed the opportunity to lodge an original submission or further submission, is to become a s274 party to any appeal proceedings through the Environment Court.

### **6. Financial implications**

There have been significant costs associated with preparing and notifying the Proposed Plan. However, these costs have been accounted for in the Long Term Plan and procedurally, council was legally obliged to notify the plan and follow the process outlined in Schedule 1 of the Resource Management Act 1991.

If council decides to include provisions to regulate genetically modified organisms in the Proposed Plan, there is the possibility of financial implications from implementation. However, these have not been quantified due to considerable unknown variabilities and will require further consideration.

Should council proceed with Option 2 or 3 then the additional costs (legal and staff time) of dealing with legal challenges has not been accounted for in the Long Term Plan.

### **7. Implementation issues**

If the decision is to not include provisions for genetically modified organisms, then there will be no implementation issues other than likely ongoing pressure and lobbying to include provisions through future processes (e.g. annual plan and long term plan).

If provisions are included, council will be required to implement the provisions. There is a very low likelihood that council will have to process resource consents for the use of genetically modified organisms in the coastal marine area (based on current evidence for demand within the life of the plan). There may be some elevated community pressure (but no legal requirement) on council to pay for the clean-up of any accidental or illegal release of genetically modified organisms in the coastal marine area.

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**Attachments/Ngā tapirihanga**

Attachment 1: Council decision on GMO submissions - Option supporting inclusion of provisions for genetically modified organisms [↓](#)

Attachment 2: Council decision on GMO submissions - Option not supporting inclusion of provisions for genetically modified organisms [↓](#)

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**Authorised by Group Manager**

**Name:** Malcolm Nicolson  
**Title:** Chief Executive Officer  
**Date:** 10 July 2019



## DECISION OPTION 1 – NEW PROVISIONS

### **Decisions in response to submissions on the Proposed Regional Plan for Northland Genetic Engineering and Genetically Modified Organisms**

#### **Section 1 Introduction**

- [1] On 6 September 2017 the Northland Regional Council ('the Council' or 'NRC') notified the Proposed Regional Plan for Northland ('the Plan' or 'pRPFN'). This Decision relates specifically to the submissions that were received on Genetic Engineering and Genetically Modified Organisms (GE / GMO).
- [2] The hearing and consideration of submissions on GE / GMO function was a function retained by the Council and was addressed through a separate hearing process to the hearing and consideration of other submissions on the Plan. For the avoidance of doubt, the Council affirms that throughout the performance of its duties on this matter it has been objective in considering and making decisions on the submissions.

#### *Hearings Process*

- [3] A total of 83 submitters made submissions on GE / GMO<sup>1</sup>. The relevant Council summary of submissions is Part K.1 of the Summary of decisions requested (March 2018). The pRPFN as notified did not contain provisions, including rules, of the scope sought by the primary submitters. While many submissions referred to what had occurred in Northland and Auckland Plans, and previous work that was carried out by a joint council working party, no specific s32 analysis or detailed set of proposed provisions was provided. The Hearing Panel issued Minute 1 on 30 January 2018 which requested that s32 Evaluations be prepared for provisions which were not assessed by the Council. In response to that Minute, s32 evaluations and provisions were submitted by David Badham, consultant planner on behalf of the Whangarei District Council and Far North District Council and Vern Warren, consultant planner on behalf of (originally) the Soil & Health Association, GE Free Tai Tokerau and many other submitters<sup>2</sup>.
- [4] The Council appointed Mr Peter Reaburn, an experienced and independent consultant town planner, to prepare the s42A report. Via Minute 7, the Council set in place a process by which the s42A report was made available to submitters approximately one month in advance of the

<sup>1</sup> Noting that there was some doubling-up of submissions in the submissions summary

<sup>2</sup> The submitters are listed in Vern Warren's s32 evaluation report.

date by which expert evidence on behalf of submitters was to be provided. It was also encouraged through the Minute that non-expert evidence be provided. In accordance with the Minute, a s42A Addendum report was provided approximately two weeks before the hearing.

- [5] The hearing was held at Northland Regional Council, 36 Water Street, Whangārei, on Tuesday 30 October 2018 and Wednesday 31 October 2018. The hearing was then adjourned. During the hearing, Council members asked questions of submitters to enhance the Council's understanding of their requests, the grounds for them, and advice given in the s42A reports. The Council endeavoured to conduct the hearings with a minimum of formality to an extent that allowed for fairness to all submitters.
- [6] In Minute 8 following the hearing the Council indicated that it had, after considering all relevant material, arrived at a preliminary view (that is, not the Council's final decision), that:
- The Proposed Regional Plan will not include provisions for the management of GMOs on land (outside the coastal marine area).
  - The Proposed Regional Plan will include provisions for the management of GMOs in the coastal marine area.
- [7] It was further noted that Council had received recommended provisions from each of the expert planners (Vern Warren, David Badham and Peter Reaburn) which were similar. The expert planners were directed to work together with the goal of coming up with an agreed set of provisions. These were subsequently provided to submitters for further comment prior to a reconvened hearing, which was held on 26 February 2019. The planners were invited to attend and answer questions. Submitters were also able to attend, although not to participate.
- [8] The hearing was then adjourned for Council to go into public excluded deliberations (on the same day). Following deliberations, Council requested further information and directed Council staff to facilitate them:
- Minute 10:
- i. A legal opinion to answer the question - would the inclusion of provisions in the Regional Plan to regulate GMOs increase Council's legal liability to clean-up or otherwise address the illegal use or introduction of a GMO in the coastal marine area?
  - ii. Advice from Aquaculture New Zealand on any actual or anticipated use by the aquaculture industry of genetically modified veterinary vaccines.
- Minute 11:
- i. A legal opinion to answer the question: If the Regional Plan included rules regulating GMOs in the coastal marine area, what would council's responsibility be to monitor and enforce the rules?

- ii. Would it increase Council's legal liability to clean-up or otherwise address the accidental release of a GMO resulting from an 'act of god' on an otherwise authorised use of GMOs (for example, a tsunami destroying a contained GMO field trial undertaken on a wharf)?
  - iii. What have other councils (that have GMO provisions in their respective plans) budgeted for the potential clean-up of the accidental or illegal release of GMOs and the costs (including staff time) of monitoring and enforcement of GMO use?
- [9] All responses were placed on the Council's website, and submitters who submitted on the inclusion of GMO provisions and wished to be heard, were notified of the responses.
- [10] Overall, the Council was assisted by all the requests and suggestions by submitters and their witnesses and by the s42A report author which have substantially assisted the Council in its deliberations and in the Council's decision-making. The submissions and reports have all contributed to an effective and fair process for which Part 1 of Schedule 1 of the RMA provides.

#### *The Decisions report*

- [11] At the conclusion to the hearing the Council notes that the expert planners had agreed on the provisions that they supported for inclusion into the pRPFN. The Council has no substantial disagreement with the analyses undertaken by the s42A author. This Decisions report contains a summary only of the conclusions the Council has reached in relation to the issues raised in submissions. To avoid further unnecessary duplication and repetition the Council affirms that, except where the detailed findings in this Decisions report vary from the s42A Reports, the Council adopts those reports, which should be read as forming part of this Decision report. Further, to the extent that the commentary is relevant to the GE / GMO matter, the Council adopts the following parts of the Hearing Panel's recommendation report<sup>3</sup> made on all other submissions to the pRPFN.
- Section 2 The Resource Management Act
  - Section 3 Higher Order and other Relevant Instruments
  - Section 5 Council's Approach to the Plan
  - Section 6 Tangata Whenua
  - Section 7 Additional Objective and Policies (General Approach)
- [12] Appendix A shows the content of relevant parts of the pRPFN incorporating the Council's Decisions in relation to it. Having considered the evidence presented to the Council, the Council finds that the provisions recommended by the expert planners are appropriate.

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<sup>3</sup> The hearing of all other submissions (all but the GE/GMO submissions) was delegated to a Hearing Panel to make recommendations to Council.

## Section 2

### Issues Raised in Submissions

[13] All primary submissions supported inclusion of restrictive, precautionary or prohibitive provisions into the pRPFN for managing GE / GMO in the region, or parts of the region. In summary, the submissions sought that the pRPFN be amended to:

- give effect to the GMO 6.1.2 policy in the Northland Regional Policy Statement 2016 ('RPS');
- provide a region-specific approach to managing GMOs, taking into account environmental, economic, cultural and social well-being considerations and including strong precautionary and prohibitive GE provisions, policies and rules for all environments - land, inland waterways and coastal – and all possible vectors of such organisms;
- add provisions in the Coastal, Land and Water and Tangata Whenua parts of the PRP to address concerns to tangata whenua and potential adverse effects on biosecurity, indigenous biodiversity, existing non-GM primary producers and public health from outdoor use of GMOs; and
- include provisions consistent with / align with / be the same as provisions in the Auckland Council Unitary Plan, and the Far North District Council and Whangarei District Council plan changes.

[14] With one exception, the further submissions received supported the primary submissions. The one exception was the further submission from Federated Farmers. That further submission opposed all of the primary submissions on the basis that:

- *There is no scope to include the provisions sought in the Proposed Regional Plan.*
- *Even if there was scope, there is no justification (in terms of RMA s32) for including the provisions sought in the Proposed Regional Plan.*

[15] The key questions evaluated in this Decisions Report include:

1. Is there a legal basis for including GE / GMO provisions in the Proposed Regional Plan?
2. Is there a legal constraint to including GE / GMO provisions in the Proposed Regional Plan?
3. Is there a legal obligation to include GE / GMO provisions in the Proposed Regional Plan?
4. Is there an evidential basis to include GE / GMO provisions in the Proposed Regional Plan?

5. Would the inclusion of provisions in the Regional Plan to regulate GMOs increase Council's legal liability to clean-up or otherwise address the illegal use or introduction of a GMO in the coastal marine area?

### Section 3 Evaluation

#### *Legal Basis for Regional Plan Provisions*

- [16] There was a consensus amongst the parties, including from Federated Farmers, that s12(3) of the RMA provides a statutory basis for the inclusion of GE/ GMO provisions in the CMA.
- [17] There was less certainty in relation to whether GE / GMOs constituted a "contaminant" under s15 of the RMA. The evidence in general concluded that, considering the large range of circumstances that may be presented, a particular form of GE / GMO may or may not be considered a contaminant. While s15 may not apply in all cases, it is likely to in some and on that basis the Council finds that it is appropriate to refer in the provisions to s15 as being a statutory basis for the inclusion of GE/ GMO provisions in the PRPFN.

#### *Legal constraints in relation to Regional Plan Provisions*

- [18] The Council was referred to a number of Court decisions that have addressed whether there is jurisdiction to include GE / GMO provisions in a regional plan. Consistent with those Court decisions the Council is satisfied that there is no express exemption for consideration of control of new organisms under the RMA in either the RMA or the Hazardous Substances and New Organisms Act 1996 ('HSNO'). The Council notes in particular the High Court's finding that, while there was an overlap between the HSNO Act and the RMA:

*"...there is nothing present in these pieces of legislation to prevent the establishment of objectives, policies and methods to achieve integrated management of natural and physical resources in the broad terms directed by the RMA.... I consider that there is a readily identifiable policy reason for that in these pieces of legislation, read together. Once having been approved for import and release into New Zealand under HSNO, regional authorities can provide for use and protection of them together with other resources in a fully integrated fashion, taking account of regional needs for spatial management that might differ around the country for many reasons, not the least of which might include climatic conditions, temperatures, soils, and other factors that might drive differing rates of growth of new organisms and/or of other organisms, as just a few of perhaps many examples. I agree with the opposition parties that the RMA and HSNO offer significantly different functional approaches to the regulation of GMOs<sup>4</sup>."*

<sup>4</sup> Federated Farmers of New Zealand v Northland Regional Council CIV-2015-488-0064 [2016] NZHC 2036 Paragraphs 48 and 49

- [19] In relation to the justification required under RMA s32 for including provisions in the pRPFN, the notified pRPFN s32 document did not assess GE / GMO provisions further than noting this was a matter that may be addressed at a later date. As noted in Section 1 above, the Council requested through Minute 1, s32 evaluation reports for the provisions sought to be introduced by submissions, and two s32 reports were subsequently provided. The Council has had particular regard to those Section 32 Reports.<sup>5</sup> Section 32AA of the RMA requires a further evaluation of any further changes made, which can be the subject of a separate report, or referred to in the decision-making record.<sup>6</sup> If it is referred to in the decision-making record, it should contain sufficient detail to demonstrate that a further evaluation has been duly undertaken.<sup>7</sup>
- [20] An assessment of the efficiency and effectiveness of amendments to the pRPFN must involve identifying and assessing the benefits and costs of the anticipated effects of implementing them, including opportunities for economic growth and employment. If practicable, the assessment should quantify those benefits and costs; and assess the risk of acting or not acting if there is uncertain or insufficient information about the subject-matter. This Decisions report, including the Section 32 documentation provided, the s42A reports the scientific, economic and cultural evidence provided at the hearing and Appendix A is intended to form part of the Council's decision-making record. The Council adopts this material as evaluations under s32 and s32AA.

*Legal obligations in relation to Regional Plan Provisions*

- [21] The Council has carefully considered the s42A report, the submissions and the evidence relating to Council's obligations under Section 67(3) of the RMA, and in particular the New Zealand Coastal Policy Statement and the Northland Regional Policy Statement ('RPS'). A number of submitters considered that there was an obligation under these higher order documents for the regional plan to manage GMOs. However, the conclusion reached by the author of the s42A report, informed by legal advice received by the Council, was that there was no legal obligation. In that respect Council notes that the EPA is legislatively mandated to control GMOs, and their role includes having regard such matters as effects on the natural environment and on issues of concern to tangata whenua. However, Council finds that it is necessary to adopt a regional (albeit only CMA) layer of regional management recognising the particular social, cultural and economic concerns that apply specifically to the regional community. There is insufficient confidence that these matters can be adequately addressed solely through the EPA processes. On the basis of the considerable evidence Council heard supporting the inclusion of provisions in the CMA the Council has decided that GE / GMO provisions will be introduced into the pRPFN. While it may not be a legal requirement inclusion of those provisions is nevertheless consistent with the precautionary approach encouraged in the RPS.

Accordingly, it has not been necessary to make a definitive finding on this issue.

<sup>5</sup> RMA, s66(1)(e).

<sup>6</sup> RMA, s 32AA(1)(d) and (2).

<sup>7</sup> RMA, s 32AA(1)(d)(ii).

*Evidential Basis for Including Provisions in the Regional Plan*

- [22] At the hearing scientific evidence was given by Professor Jack Heinemann on behalf of Whangarei District Council / Far North District Council and Professor Andrew Allan on behalf of Federated Farmers. Professor Heinemann and Professor Allan were some distance apart in their views on the risks associated with GMOs, Professor Allan being much more confident that GM is safe. Professor Allan also criticised the evidence to date as not having had regard to gene editing, an issue responded to by Professor Heinemann at the hearing. The evidence indicated that the scientific community does not have consensus on this issue. This uncertainty in relation to scientific opinion is a basis for taking a precautionary approach consistent with the RPS and NZCPS.
- [23] The only expert economic evidence was from Dr John Small, on behalf of Whangarei District Council / Far North District Council. For the reasons put forward in his evidence Dr Small concluded that introducing GE / GMO provisions into the pRPFN would provide net benefits and should be approved. As a part of this analysis, Dr Small stated that there appears to be no GMO close to release for which there is a realistic prospect of release in the Northland Region over the 10-year life of the Plan. He was of the view that, if precautionary approach provisions were introduced now, the absence of any likely prospect of GMO applications meant opportunity costs would be very low. The Council has accepted Dr Small's evidence as appropriately balancing the opportunity costs of not using a GMO and the risks, and concluding that a precautionary approach is justified.
- [24] The proposed provisions include imposition of a bond. Council finds that this is a key mechanism for addressing the risk of escape of GMOs from approved GMO facilities. Council remains concerned that calculating a bond could well be a speculative exercise and to cover off uncertainties could be so high that it would make proposals untenable, thus having an economic consequence that at present is unclear. Council finds that the extent to which this becomes an issue may only be able to be examined through the future administration of the GE / GMO provisions, but is not a reason to not have provisions, including for bonding.
- [25] Expert cultural evidence was given by Dr Benjamin Pittman and Tui Shortland. The Iwi and Hapū Management Plans<sup>8</sup> that exist in relation to Northland iwi and hapū contain a strong signal that GMOs are culturally inappropriate. Dr Pittman explained why the introduction of GE / GMO would be offensive to the principles of tikanga and seriously damage the mauri of the environment.
- [26] The expert planning evidence, from the s42A author Peter Reaburn, David Badham, consultant planner on behalf of the Whangarei District Council and Far North District Council and Vern Warren, consultant planner on behalf of the Soil & Health Association, was largely in alignment. Informed by the other specialist evidence, all planners considered that it was appropriate to introduce GE / GMO provisions into the CMA for precautionary reasons. Mr Warren additionally referred to parts of the statutory framework, including the NZCPS and RPS, as requiring the introduction of provisions. As noted earlier in this Decision report, the

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<sup>8</sup> As recognised under s.66(2A) RMA

planners were ultimately agreed on the wording of CMA provisions to be introduced into the pRPFN.

[27] The evidence from Gavin Forrest on behalf of Federated Farmers, while not expert planning evidence, raised a number of questions regarding whether there should be GE / GMO provisions at this time, and the reasoning given to date for RMA provisions, at least of the type proposed, being necessary given other options available. Council has made the following findings in relation to the questions Mr Forrest raised:

1. While the pRPFN as notified did not contain provisions, including rules, of the scope sought by primary submitters the Council is satisfied that there is jurisdiction to do so. The general theme of primary submissions was clearly that provisions based on the Auckland Unitary Plan should be introduced into the pRPFN. The Council has taken a careful approach to ensure that submitters and further submitters are aware of what provisions could be introduced, including through inviting submitters in Minute 1 to provide provisions, and s32 analyses of those provisions. This was done, by two major submitter parties and was thus available for all parties from an early stage in the hearings process for the parties to consider and provide comment on. Further information and evidence was provided throughout the hearings process. It is an accepted response to s32 that the process is iterative and includes information provided right up to the stage of final consideration by the decision-maker. The Council has had sufficient information on which to decide whether further provisions should be included in the pRPFN at this stage and has taken care to ensure that the provisions introduced by this Decision are robust.
2. While the evidence appears to confirm that there are no current or imminent risks that would require immediate decisions, it is clear from other evidence that there may well be risks "on the horizon". The Council is satisfied, having regard to all of the evidence received, that there is a basis for introducing CMA provisions now.
3. The use of Pest Management Plans and / or Regional Pathway Management Plans prepared under the Biosecurity Act to manage the adverse effects of GE / GMO are not a replacement for provisions considered and introduced under the RMA.
4. It is not accepted that the evidence presented by those favouring pRPFN provisions consistent with other plans is out of date, however it is accepted that the Federated Farmers evidence presents another view, and that has added to the information on which decisions have been considered and made.

[28] A number of submitters continued to seek land-based provisions throughout the hearings process. While acknowledging submitters' desire that provisions be adopted that are as comprehensive as possible, the Council has determined that it is not appropriate for land-based provisions to be included in the pRPFN, for a number of reasons:

1. As noted by the s42A author, land based provisions would need to rely on s15 RMA as the statutory basis. Section 15 RMA would apply only if GE / GMOs was regarded as



being a contaminant. The consensus in evidence was that, while some GE / GMOs could potentially be defined as a contaminant, this would be case-dependent. In order to provide a statutory basis, it would therefore be necessary to specify what forms of GE / GMO would be a contaminant, and therefore subject to regional plan land-based management. Given the potential range of GE / GMOs is substantial this would be a very difficult exercise.

2. No submitter proposed provisions to address this concern or indeed any land-based provisions for Council's consideration.
3. The Council agrees with submitters that concerns relating to GE / GMOs apply as much, or even potentially more, to the land as the CMA, and that GMOs do not recognise CMA / land boundaries. It is appropriate to achieve consistency across the region. RPS Policy 6.1.2 (Precautionary Approach) applies to both regional and district councils. The NRC is solely responsible for the CMA and it is appropriate for the NRC to regulate and monitor any potential contained GMO trials there. However, Method 6.1.5 specifically envisages district councils as taking a role in applying the policy. As an example, the Council was advised that the Auckland Unitary Plan provisions relied upon by many submitters are not regional plan provisions – they are CMA and district plan provisions. In relation to land-based concerns this strongly suggests that provisions are better addressed in district plans, where there is no question that s9 RMA provides a statutory basis. In that respect, Whangarei District Council and Far North District Council already have GE / GMO provisions and the Council was advised that the Kaipara District Council is currently considering introduction of provisions into its district plan.
4. The provisions that have been sought for inclusion in the pRPFN are essentially the same as those that have already been introduced by the Whangarei District Council and Far North District Council into their respective district plans. No submitter identified how the same land-based provisions in the pRPFN would provide any additional benefits to sustainable management of the environment. To the contrary, separate processes would be confusing, inefficient and potentially even conflicting which could result in uncertain and costly outcomes for applicants and the community.

[29] In addition to the above, the Council has carefully considered all other evidence presented, including that by lay witnesses.

[30] The Council recognises that it may be shown later that a particular proposal for GE / GMOs will not result in adverse effects or that the EPA process will adequately manage potential adverse effects. It is further recognised, if it is later found that it is appropriate to amend the provisions, this will incur time and monetary costs. Council finds however that this must be balanced against the risks of not introducing provisions covering the CMA, consistent with that which has already been adopted on land by two of the three district councils in Northland. In that respect it is of advantage to have, as is proposed, complementary provisions across both land and the CMA. There will always be potential for land-based releases to have consequential effects on the CMA and it is prudent to have such effects addressed in a

consistent way. It is also important to note that the provisions to be introduced are based on considerable research. This includes permitting specified use of GMOs and allowing applications to be made for trials. It also provides the opportunity for the NRC to regulate future GMO trials and for the public of Northland to have a say on notified applications.

- [31] The response Council received from Aquaculture NZ stated that they see no need in the immediate or foreseeable uptake of GMOs or GMO based vaccines into the NZ aquaculture industry and that a precautionary approach was supported. The response has been taken into account in Council's considerations, noting that Aquaculture NZ did not make any particular comment about the form proposed provisions should take.
- [32] The Council finds overall that the evidence is rational and sufficient in indicating a significant degree of scientific uncertainty, including uncertainties that may not be resolved for some time. Uncertainties include whether possible adverse effects are able to be managed or contained and that there are unknowns, including a potential for irreversible adverse effects. The CMA is part of the public domain and is a threatened environment. Particular areas of the CMA will also be ecologically threatened or otherwise of special value, including to mana whenua. If rules are not included in the pRPFN to regulate the use of GMOs in the coastal marine area, most GMO activities would likely be able to be undertaken without resource consent. This would prevent the Council having any regulatory control over whether or not the activity should be approved or how the potential environmental effects of the activity should be managed. For example, the Council would not be able to assess the sensitivity of the environment in the proposed location and the conditions that might be imposed on any resource consent (including emergency response measures and performance bonds).
- [33] Accordingly, in assessing all of the evidence the Council prefers the evidence that seeks the introduction of GE / GMO provisions in the CMA. There is significant community concern, as evidenced by the universal desire for further pRPFN provisions expressed in primary submissions. Taking this into account as well as the important aspects of social, cultural and economic wellbeing, the Council prefers the primary submitter evidence that there is a basis for RMA management through the pRPFN and that a precautionary approach is appropriate.
- [34] Having regard to s66(2)(d) of the RMA the Council finds that provisions introduced now will also achieve consistency with the adjoining region, Auckland, which has GE / GMO provisions managing its CMA. The Council further finds that the CMA provisions that have been decided upon are consistent with the statutory framework. This includes Objective 2 and Policies 2 and 3 of the NZCPS 2010, and Policy 6.1.2 and Method 6.1.5 of the RPS.

#### *Council liability*

- [35] The Council has obtained legal opinions from its lawyers Wynn Williams in relation to matters of legal liability on the Council arising from the introduction of GE / GMO provisions. The opinion concludes that the inclusion of provisions in the Proposed Regional Plan to regulate GMOs will not increase the Council's legal liability to clean-up or otherwise address the illegal

use or introduction of GMOs in the coastal marine area. Council is satisfied that the potential cost of regulation and monitoring will be carried by the applicant/consent holder.

- [36] Notwithstanding legal liability Council remains concerned that there may be an expectation on the part of the community to address adverse effects arising from unlawful or accidental use of GMOs. This would become a “social cost”. The extent to which that expectation may be enhanced through explicit regulation of GMOs in the pRPFN is a matter of concern to the Council, particularly as there is a separate management regime through the EPA that may prove effective itself in managing GMOs and would, in the event of an issue arising, focus responses at the national, rather than regional, level.
- [37] Council has also taken into account the substantial community interest (addressing social, economic and cultural wellbeing), exhibited by the large number of submissions and substantial body of evidence supporting regulation. This included:
- Evidence presented by both the Far North and Whangarei district councils, which both currently include GMO provisions in respective district plans, and which sought complementary supported provisions in the CMA. These councils represent the majority of ratepayers in Northland, and their district plan provisions have already been through publicly notified processes.
  - Evidence presented by Dr Benjamin Pittman regarding the Māori view of genetic engineering and GMOs, indicating that a significant proportion of Northland’s population is opposed to the use of GMOs in Tai Tokerau.
- [38] Council has also considered liability from the perspective of a number of agencies potentially being involved in the management of GMOs, and the risk of conflicts and / or inadequate coverage or co-ordination of compliance, monitoring and enforcement opportunities. While recognising this concern, this situation is not unique to GMOs and Council recognises its obligations to ensure adequate co-ordination on such matters.
- [39] After considering and balancing all of the above matters, the Council has concluded that it can rely on its legal advice in relation to liability and is satisfied that having regulation through the pRPFN will unlikely result in any further responsibility or burden on the region, including in relation to “social costs”, than would exist without that regulation. The Council recognises its role as an environmental guardian, often providing leadership in like matters in the region. Marine biosecurity is one area in which NRC is leading by example and regulation adopted by the council is now being used as an opportunity for comprehensive nationwide rules.

#### *Conclusion*

- [40] In summary, the Council finds that:
1. The evidence is rational and sufficient in indicating a significant degree of scientific uncertainty, including uncertainties that may not be resolved for some time.

2. Adopting a precautionary approach to the uncertainty demonstrated in evidence, rules included in the pRPFN are necessary to enable Council to have regulatory control over whether or not an activity involving GE / GMOs should be approved, or how the potential environmental effects of the activity should be managed, including having regard to the sensitivity of the environment in the proposed location and the conditions that might be imposed on any resource consent (such as emergency response measures and performance bonds).
3. There is no basis or justification for GE / GMOs to be managed by the pRPFN on land, particularly given the district plan management that already exists over most of Northland. However, NRC is the only council body that is able to manage GE / GMOs in the CMA and it is appropriate this be done to complement the existing land-based management frameworks.
4. Inclusion of provisions relating to the management of GE / GMOS in the CMA responds to significant community concern, as evidenced by the widespread desire for further pRPFN provisions expressed in primary submissions.
5. Social, cultural and economic effects particular to the Northland community are better addressed through regional management, rather than relying on the EPA processes alone.
6. Having regard to s66(2)(d) of the RMA provisions introduced now will also achieve consistency with the adjoining region, Auckland, which has GE / GMO provisions managing its CMA.
7. The CMA provisions that have been decided upon are consistent with the statutory framework. This includes Objective 2 and Policies 2 and 3 of the NZCPS 2010, and Policy 6.1.2 and Method 6.1.5 of the RPS.

## **Section 4**

### **Decision**

- [40] The Council has considered and deliberated on GE / GMO provisions in the pRPFN; the submissions lodged on it; and the reports, evidence and submissions made and given at the public hearing. In reaching its decisions the Council has sought to comply with all applicable provisions of the RMA. The Council has had particular regard to the evaluations and further evaluations of the amendments to the pRPFN it has decided upon. The relevant matters the Council has considered, and its reasons for them, are summarised in the s42 reports, the main body of this report and in Appendix A. The Council is satisfied that the amendments decided upon are the most appropriate for achieving the purpose of the RMA and for giving effect to the higher-order instruments, including the RPS and the NZCPS.
- [40] The Council makes amendments to the Proposed Regional Plan for Northland contained in Appendix A for the reasons set out in the main body of this Decisions report. Relief sought in submissions is accepted or accepted in part to the extent incorporated in Appendix A.

## Appendix A – Provisions to be introduced into the Proposed Regional Plan for Northland Relating to Genetic Engineering and Genetically Modified Organisms

### B Definitions

<i>Genetically Modified Organism (GMO)</i>	<p>Unless expressly provided otherwise by regulations, any organism in which any of the genes or other genetic material:</p> <p>(a) have been modified by in-vitro techniques; or</p> <p>(b) are inherited or otherwise derived, through any number of replications, from any genes or other genetic material which has been modified by in-vitro techniques.</p> <p>This does not apply to genetically modified products that are not viable and are no longer genetically modified organisms, or products that are dominantly non-genetically modified but contain non-viable genetically modified ingredients, such as processed foods.</p>
<i>Genetically Modified Organism Field Trials</i>	The carrying on of outdoor trials, on the effects of the organism under conditions similar to those of the environment into which the organism is likely to be released, but from which the organism, or any heritable material arising from it, could be retrieved or destroyed at the end of the trials.
<i>Genetically modified organism release</i>	<p>To allow the organism to move within New Zealand free of any restrictions other than those imposed in accordance with the Biosecurity Act 1993 or the Conservation Act 1987.</p> <p>A Release may be without conditions (s34, HSNO Act) or subject to conditions set out in s38A of the HSNO Act.</p>
<i>Genetically Modified Veterinary Vaccine</i>	A veterinary vaccine that is a genetically modified organism as defined in this Plan.
<i>Genetically modified medical applications</i>	The manufacture, trialling or use of viable and/or non-viable genetically modified organisms for medical purposes recognised as medicines under the Medicines Act 1981 and approved as safe to use by the Ministry of Health, including Environmental Protection Authority approved releases, except for the outdoor cultivation of pharmaceutical producing organisms.
<i>Viable Genetically Modified Veterinary Vaccine</i>	A genetically modified veterinary vaccine that could survive or replicate in the environment or be transmitted from the inoculated recipient.

## C Rules

### C.1.8 Genetically Modified Organisms

#### C.1.8.1 Genetically modified organisms in the coastal marine area – permitted activities

The following activities in the coastal marine area involving genetically modified organisms are permitted activities:

1. research and trials within bio-contained laboratories, and
2. medical applications (including vaccines) involving the use of viable and / or non-viable genetically modified organisms, and
3. veterinary applications of genetically modified organisms (including vaccines) provided that any veterinary application of viable genetically modified organism vaccines is supervised by a veterinarian.

For the avoidance of doubt this rule covers the following RMA activities:

- Use of genetically modified organisms in the coastal marine area (s12(3)).
- Discharge of genetically modified organisms in the coastal marine area that are “contaminants” under the definition in s2 of the RMA (s15(1)).

#### C.1.8.2 Genetically modified organism field trials - discretionary activity

A genetically modified organism field trial in the coastal marine area is a discretionary activity provided:

1. The genetically modified organism field trial has the relevant approval from the Environmental Protection Authority and the application is consistent with Environmental Protection Authority approval conditions for the activity.
2. A Risk Management Plan is provided that addresses all matters set out in Policy D.5.33.
3. Details of a performance bond, with an approved trading bank guarantee, is provided that addresses all matters set out in Policy D.5.32.

#### Notification:

Any application for resource consent under rule C.1.8.2 must be publicly notified.

For the avoidance of doubt this rule covers the following RMA activities:

- Use of genetically modified organisms in the coastal marine area (s12(3)).
- Discharge of genetically modified organisms in the coastal marine area that are “contaminants” under the definition in s2 of the RMA (s15(1)).

#### C.1.8.3 Viable genetically modified veterinary vaccines - discretionary activity

The use of any viable genetically modified veterinary vaccine that is not a permitted activity under rule *C.1.8.1 Genetically modified organisms in the Coastal Marine Area – permitted activities*, is a discretionary activity, provided:

1. The genetically modified veterinary vaccine has the relevant approval from the Environmental Protection Authority and the application is consistent with Environmental Protection Authority approval conditions for the activity.
2. Details of a performance bond, with an approved trading bank guarantee, is provided that addresses all matters set out in Policy D.5.32.

**Notification:**

Any application for resource consent under rule C.1.8.3 must be publicly notified.

**For the avoidance of doubt this rule covers the following RMA activities:**

- Use of genetically modified organisms in the coastal marine area (s12(3)).
- Discharge of genetically modified organisms in the coastal marine area that are “contaminants” under the definition in s2 of the RMA (s15(1)).

**C.1.8.4 Genetically modified organism releases – prohibited activity**

Any:

1. genetically modified organism release (conditional or full), or
2. genetically modified organism field trial, or
3. use of any viable genetically modified veterinary vaccine,

that is not a permitted or discretionary activity in Section C.1.8 of this Plan, is a prohibited activity.

**For the avoidance of doubt this rule covers the following RMA activities:**

- Use of genetically modified organisms in the coastal marine area (s12(3)).
  - Discharge of genetically modified organisms in the coastal marine area that are “contaminants” under the definition in s2 of the RMA (s15(1)).
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**D Policies**

**D.5 Coastal**

**D.5.28 Precautionary approach to managing genetically modified organisms**

Adopt a precautionary approach to assessing and managing the:

1. risks, and
2. uncertainty and lack of information, and
3. significance, scale and nature of potential adverse effects,

associated with the use of genetic engineering or the release of genetically modified organisms in the coastal marine area.

**D.5.29 Adaptive approach to the management of genetically modified organism**

Adopt an adaptive approach to the management of the outdoor use, storage, cultivation, harvesting, processing or transportation of a genetically modified organism, including through periodic reviews of the genetically modified organism provisions, particularly if new information on the benefits and/or adverse effects of a genetically modified organism activity becomes available.

**D.5.30 Avoiding adverse effects of genetically modified organism field trials**

Ensure that any resource consent granted for genetically modified organism field trials avoids, as far as can reasonably be achieved, risk to the environment, adverse effects on indigenous flora and fauna, and the relationship of tangata whenua with flora and fauna from the use, storage, cultivation, harvesting, processing or transportation of a genetically modified organism.

**D.5.31 Liability for adverse effects from genetically modified organism activities**

Require consent holders for a genetically modified organism activity to be liable, including financial accountability, (to the extent possible) for any adverse effects caused beyond the site for which consent has been granted for the activity.

**D.5.32 Bonds for genetically modified organism activities**

Require bonds as a condition of resource consents for the use of genetically modified organisms to provide for the redress of any adverse effects (including any adverse economic effects on third parties) that become apparent during or after expiration of a consent, including consideration of (but not limited to) the following:

1. (a) the significance, scale, nature and timescale of potential adverse effects, and
2. (b) the proposed measures to be taken to avoid those effects, and
3. (c) the monitoring proposed to establish whether an adverse effect has occurred or whether any adverse effect has been appropriately remedied, and
4. (d) the likely scale of costs associated with remediating any adverse effects that may occur.

**D.5.33 Risk management plan for genetically modified organism field trials**

A Risk Management Plan for genetically modified organism field trials must include, but is not limited to, the following:

1. The species, characteristics and lifecycle of the genetically modified organism.
2. All research undertaken that characterises and tests the genetically modified organism, and the certainty associated with the accuracy of that information.
3. The areas in which the genetically modified organism, including discharges, is to be confined.
4. Proposed containment measures for the commencement, duration and completion of the proposed field trial.
5. The actual and potential adverse effects to the environment, cultural values and economy associated with the field trial, including in the event the genetically modified organism escapes from the contained area.
6. The proposed measures, including contingency measures, that will be taken to avoid, remedy or mitigate actual and potential adverse effects.
7. Details of the monitoring to be undertaken, including how and by whom monitoring will be undertaken.
8. Reporting requirements.
9. Recommended conditions of resource consent covering the matters listed above.
10. Provision for the systematic review and approval of any amendments to the Risk Management Plan by Council.



**F Objectives**

**F.0.15 Use of genetic engineering and the release of genetically modified organisms**

The coastal marine area is protected from adverse effects on the environment associated with the use of genetic engineering and the release of genetically modified organisms.

## DECISION OPTION 2 – NO NEW PROVISIONS

### **Decisions in response to submissions on the Proposed Regional Plan for Northland Genetic Engineering and Genetically Modified Organisms**

#### **Section 1 Introduction**

- [1] On 6 September 2017 the Northland Regional Council ('the Council' or 'NRC') notified the Proposed Regional Plan for Northland ('the Plan' or 'pRPFN'). This Decision relates specifically to the submissions that were received on Genetic Engineering and Genetically Modified Organisms (GE / GMO).
- [2] The hearing and consideration of submissions on GE / GMO function was a function retained by the Council and was addressed through a separate hearing process to the hearing and consideration of other submissions on the Plan. For the avoidance of doubt, the Council affirms that throughout the performance of its duties on this matter it has been objective in considering and making decisions on the submissions.

#### ***Hearings Process***

- [3] A total of 83 submitters made submissions on GE / GMO<sup>1</sup>. The relevant Council summary of submissions is Part K.1 of the Summary of decisions requested (March 2018). The pRPFN as notified did not contain provisions, including rules, of the scope sought by the primary submitters. While many submissions referred to what had occurred in Northland and Auckland Plans, and previous work that was carried out by a joint council working party, no specific s32 analysis or detailed set of proposed provisions was provided. The Hearing Panel issued Minute 1 on 30 January 2018 which requested that s32 Evaluations be prepared for provisions which were not assessed by the Council. In response to that Minute, s32 evaluations and provisions were submitted by David Badham, consultant planner on behalf of the Whangarei District Council and Far North District Council and Vern Warren, consultant planner on behalf of (originally) the Soil & Health Association, GE Free Tai Tokerau and many other submitters<sup>2</sup>.
- [4] The Council appointed Mr Peter Reaburn, an experienced and independent consultant town planner, to prepare the s42A report. Via Minute 7, the Council set in place a process by which

<sup>1</sup> Noting that there was some doubling-up of submissions in the submission's summary

<sup>2</sup> The submitters are listed in Vern Warren's s32 evaluation report.

the s42A report was made available to submitters approximately one month in advance of the date by which expert evidence on behalf of submitters was to be provided. It was also encouraged through the Minute that non-expert evidence be provided. In accordance with the Minute, a s42A Addendum report was provided approximately two weeks before the hearing.

- [5] The hearing was held at Northland Regional Council, 36 Water Street, Whangārei, on Tuesday 30 October 2018 and Wednesday 31 October 2018. The hearing was then adjourned. During the hearing, Council members asked questions of submitters to enhance the Council's understanding of their requests, the grounds for them, and advice given in the s42A reports. The Council endeavoured to conduct the hearings with a minimum of formality to an extent that allowed for fairness to all submitters.
- [6] In Minute 8 following the hearing the Council indicated that it had, after considering all relevant material, arrived at a preliminary view (that is, not the Council's final decision), that:
- The Proposed Regional Plan will not include provisions for the management of GMOs on land (outside the coastal marine area).
  - The Proposed Regional Plan will include provisions for the management of GMOs in the coastal marine area.
- [7] It was further noted that Council had received recommended provisions from each of the expert planners (Vern Warren, David Badham and Peter Reaburn) which were similar. The expert planners were directed to work together with the goal of coming up with an agreed set of provisions. These were subsequently provided to submitters for further comment prior to a reconvened hearing, which was held on 26 February 2019. The planners were invited to attend and answer questions. Submitters were also able to attend, although not to participate.
- [8] The hearing was then adjourned for Council to go into public excluded deliberations (on the same day). Following deliberations, Council requested further information and directed Council staff to facilitate them:
- Minute 10:
- i. A legal opinion to answer the question - would the inclusion of provisions in the Regional Plan to regulate GMOs increase Council's legal liability to clean-up or otherwise address the illegal use or introduction of a GMO in the coastal marine area?
  - ii. Advice from Aquaculture New Zealand on any actual or anticipated use by the aquaculture industry of genetically modified veterinary vaccines.

Minute 11:

- i. A legal opinion to answer the question: If the Regional Plan included rules regulating GMOs in the coastal marine area, what would council's responsibility be to monitor and enforce the rules?
  - ii. Would it increase Council's legal liability to clean-up or otherwise address the accidental release of a GMO resulting from an 'act of god' on an otherwise authorised use of GMOs (for example, a tsunami destroying a contained GMO field trial undertaken on a wharf)?
  - iii. What have other councils (that have GMO provisions in their respective plans) budgeted for the potential clean-up of the accidental or illegal release of GMOs and the costs (including staff time) of monitoring and enforcement of GMO use?
- [9] All responses were placed on the Council's website, and submitters who submitted on the inclusion of GMO provisions and wished to be heard, were notified of the responses.
- [10] Overall, the Council was assisted by all the requests and suggestions by submitters and their witnesses and by the s42A report author which have substantially assisted the Council in its deliberations and in the Council's decision-making. The submissions and reports have all contributed to an effective and fair process for which Part 1 of Schedule 1 of the RMA provides.

*The Decisions report*

- [11] The Council has no substantial disagreement with the analyses undertaken by the s42A author noting that Mr Reaburn's conclusions in relation to whether or not provisions should be introduced were "finely balanced" This Decisions report contains a summary only of the conclusions the Council has reached in relation to the issues raised in submissions and highlights matters of particular concern that have led to the decision made. To avoid further unnecessary duplication and repetition the Council affirms that, except where the detailed findings in this Decisions report vary from the s42A Reports, the Council adopts those reports, which should be read as forming part of this Decision report. Further, to the extent that the commentary is relevant to the GE / GMO matter, the Council adopts the following parts of the Hearing Panel's recommendation report<sup>3</sup> made on all other submissions to the pRPFN.
- Section 2 The Resource Management Act
  - Section 3 Higher Order and other Relevant Instruments
  - Section 5 Council's Approach to the Plan
  - Section 6 Tangata Whenua
  - Section 7 Additional Objective and Policies (General Approach)

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<sup>3</sup> The hearing of all other submissions (all but the GE/GMO submissions) was delegated to a Hearing Panel to make recommendations to Council.

## Section 2

### Issues Raised in Submissions

[12] All primary submissions supported inclusion of restrictive, precautionary or prohibitive provisions into the pRPFN for managing GE / GMO in the region, or parts of the region. In summary, the submissions sought that the pRPFN be amended to:

- give effect to the GMO 6.1.2 policy in the Northland Regional Policy Statement 2016 ('RPS');
- provide a region-specific approach to managing GMOs, taking into account environmental, economic, cultural and social well-being considerations and including strong precautionary and prohibitive GE provisions, policies and rules for all environments - land, inland waterways and coastal – and all possible vectors of such organisms;
- add provisions in the Coastal, Land and Water and Tangata Whenua parts of the PRP to address concerns to tangata whenua and potential adverse effects on biosecurity, indigenous biodiversity, existing non-GM primary producers and public health from outdoor use of GMOs; and
- include provisions consistent with / align with / be the same as provisions in the Auckland Council Unitary Plan, and the Far North District Council and Whangarei District Council plan changes.

[13] With one exception, the further submissions received supported the primary submissions. The one exception was the further submission from Federated Farmers. That further submission opposed all of the primary submissions on the basis that:

- *There is no scope to include the provisions sought in the Proposed Regional Plan.*
- *Even if there was scope, there is no justification (in terms of RMA s32) for including the provisions sought in the Proposed Regional Plan.*

[14] The key questions evaluated in this Decisions Report include:

1. Is there a legal basis for including GE / GMO provisions in the Proposed Regional Plan?
2. Is there a legal constraint to including GE / GMO provisions in the Proposed Regional Plan?
3. Is there a legal obligation to include GE / GMO provisions in the Proposed Regional Plan?
4. Is there a sufficient evidential basis to include GE / GMO provisions in the Proposed Regional Plan?

5. Would the inclusion of provisions in the Regional Plan to regulate GMOs increase Council's legal liability to clean-up or otherwise address the illegal use or introduction of a GMO in the coastal marine area?

### Section 3 Evaluation

#### *Legal Basis for Regional Plan Provisions*

- [16] There was a consensus amongst the parties, including from Federated Farmers, that s12(3) of the RMA provides a statutory basis for the inclusion of GE/ GMO provisions in the CMA.
- [17] There was less certainty in relation to whether GE / GMOs constituted a "contaminant" under s15 of the RMA. The evidence in general concluded that, considering the large range of circumstances that may be presented, a particular form of GE / GMO may or may not be considered a contaminant. While s15 may not apply in all cases, it is likely to in some and on that basis the Council finds that it is appropriate to refer in the provisions to s15 as being a statutory basis for the inclusion of GE/ GMO provisions in the pRPFN.

#### *Legal constraints in relation to Regional Plan Provisions*

- [18] The Council was referred to a number of Court decisions that have addressed whether there is jurisdiction to include GE / GMO provisions in a regional plan. Consistent with those Court decisions the Council is satisfied that there is no express exemption for consideration of control of new organisms under the RMA in either the RMA or the Hazardous Substances and New Organisms Act 1996 ('HSNO'). The Council notes in particular the High Court's finding that, while there was an overlap between the HSNO Act and the RMA:

*"...there is nothing present in these pieces of legislation to prevent the establishment of objectives, policies and methods to achieve integrated management of natural and physical resources in the broad terms directed by the RMA.... I consider that there is a readily identifiable policy reason for that in these pieces of legislation, read together. Once having been approved for import and release into New Zealand under HSNO, regional authorities can provide for use and protection of them together with other resources in a fully integrated fashion, taking account of regional needs for spatial management that might differ around the country for many reasons, not the least of which might include climatic conditions, temperatures, soils, and other factors that might drive differing rates of growth of new organisms and/or of other organisms, as just a few of perhaps many examples. I agree with the opposition parties that the RMA and HSNO offer significantly different functional approaches to the regulation of GMOs<sup>4</sup>."*

<sup>4</sup> Federated Farmers of New Zealand v Northland Regional Council CIV-2015-488-0064 [2016] NZHC 2036 Paragraphs 48 and 49

- [19] In relation to the justification required under RMA s32 for including provisions in the pRPFN, the notified pRPFN s32 document did not assess GE / GMO provisions further than noting this was a matter that may be addressed at a later date. As noted in Section 1 above, the Council requested through Minute 1, s32 evaluation reports for the provisions sought to be introduced by submissions, and two s32 reports were subsequently provided. The Council has had particular regard to those Section 32 Reports.<sup>5</sup> Section 32AA of the RMA requires a further evaluation of any further changes made, which can be the subject of a separate report, or referred to in the decision-making record.<sup>6</sup> If it is referred to in the decision-making record, it should contain sufficient detail to demonstrate that a further evaluation has been duly undertaken.<sup>7</sup>
- [20] An assessment of the efficiency and effectiveness of amendments to the pRPFN must involve identifying and assessing the benefits and costs of the anticipated effects of implementing them, including opportunities for economic growth and employment. If practicable, the assessment should quantify those benefits and costs; and assess the risk of acting or not acting if there is uncertain or insufficient information about the subject-matter. This Decisions report, including the Section 32 documentation provided, the s42A reports the scientific, economic and cultural evidence provided at the hearing and Appendix A is intended to form part of the Council's decision-making record. The Council adopts this material as evaluations under s32 and s32AA.

*Legal obligations in relation to Regional Plan Provisions*

- [21] The Council has carefully considered the s42A report, the submissions and the evidence relating to Council's obligations under Section 67(3) of the RMA, and in particular the New Zealand Coastal Policy Statement and the Northland Regional Policy Statement ('RPS'). A number of submitters considered that there was an obligation under these higher order documents for the regional plan to manage GMOs. However the conclusion reached by the author of the s42A report, informed by legal advice received by the Council, was that there was no legal obligation. In that respect Council notes that the EPA is legislatively mandated to control GMOs, and their role includes having regard to such matters as effects on the natural environment and on issues of concern to tangata whenua. The extent to which the EPA processes would address matters that could only be addressed by the pRPFN was the subject of some debate, including as to whether the EPA process would reach decisions that aligned with community views, or would otherwise be sufficiently robust to avoid environmental risks. Overall, the Council has found that it is for it, as the decision-maker, to consider and determine whether, after taking a precautionary approach in its considerations, it is necessary to add another layer of GMO management as part of the pRPFN.

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<sup>5</sup> RMA, s66(1)(e).

<sup>6</sup> RMA, s 32AA(1)(d) and (2).

<sup>7</sup> RMA, s 32AA(1)(d)(ii).

*Evidential Basis for Including Provisions in the Regional Plan*

- [22] At the hearing scientific evidence was given by Professor Jack Heinemann on behalf of Whangarei District Council / Far North District Council and Professor Andrew Allan on behalf of Federated Farmers. Professor Heinemann and Professor Allan were some distance apart in their views on the risks associated with GMOs, Professor Allan being much more confident that GM is safe. Professor Allan also criticised the evidence to date as not having had regard to gene editing, an issue responded to by Professor Heinemann at the hearing. The evidence indicated that the scientific community does not have consensus on this issue. To the extent that this may suggest a precautionary approach is therefore justified, the Council finds this is a relevant, although not determining factor. Other relevant considerations include the apparent lack of urgency associated with this issue, the comfort that an EPA process must be conducted regardless of any pRPFN provisions and Council's concerns about the absence of some key information and the process that has been adopted to this point. These are all matters further addressed below.
- [23] The only expert economic evidence was from Dr John Small, on behalf of Whangarei District Council / Far North District Council. For the reasons put forward in his evidence Dr Small concluded that introducing GE / GMO provisions into the pRPFN would provide net benefits and should be approved. As a part of this analysis, Dr Small stated that there appears to be no GMO close to release for which there is a realistic prospect of release in the Northland Region over the 10-year life of the Plan. He was of the view that, if precautionary approach provisions were introduced now, the absence of any likely prospect of GMO applications meant opportunity costs would be very low. While accepting this evidence, as far as it went, Council was left with the question as to why it was necessary to introduce provisions into the pRPFN which would unlikely be used in the life of the plan, particularly considering the process by which those provisions has been arrived at. In that respect, the Council is concerned that the provisions proposed have not been developed through Council's own RMA section 32 process, are translated provisions rather than bespoke to the Northland CMA, and have not had the robust comment and analysis that may have been conducted through the normal public notification process.
- [24] An additional costs concern for Council, not recognised in Dr Small's evidence, relates to what the introduction of the proposed provisions may mean in respect of Council's monitoring, compliance and enforcement obligations.
- [25] The proposed provisions include imposition of a bond. Council agrees that this would be a key mechanism for addressing the risk of escape of GMOs from approved GMO facilities. However Council finds that calculating a bond is too speculative and could well be so high that it would make proposals untenable.
- [26] Expert cultural evidence was given by Dr Benjamin Pittman and Tui Shortland. The iwi and hapū management plans<sup>8</sup> that exist in relation to Northland iwi and hapū contain a strong signal that GMOs are culturally inappropriate. Dr Pittman explained why the introduction of GE / GMO would be offensive to the principles of tikanga and seriously damage the mauri of

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<sup>8</sup> As recognised under s.66(2A) RMA



the environment. These are relevant and important. The question remaining is the extent to which these concerns would otherwise be satisfactorily addressed as part of the EPA process. The Council finds that there may be benefits in having the opportunity for iwi and hapū input at the regional (as opposed to national) level, and that gives some justification for introducing a management regime at the regional level. This benefit must be weighed against other factors.

- [27] The expert planning evidence, from Peter Reaburn, the s42A author, David Badham, consultant planner on behalf of the Whangarei District Council and Far North District Council and Vern Warren, consultant planner on behalf of the Soil & Health Association, was largely in alignment. Informed by the other specialist evidence, all planners considered that it was appropriate to introduce GE / GMO provisions into the CMA for precautionary reasons. Mr Warren additionally referred to parts of the statutory framework, including the NZCPS and RPS, as requiring the introduction of provisions. As noted earlier in this Decision report, the planners were ultimately agreed on the wording of CMA provisions to be introduced into the pRPFN.
- [28] The evidence from Gavin Forrest on behalf of Federated Farmers, while not expert planning evidence, raised a number of questions regarding whether there should be GE / GMO provisions at this time, and the reasoning given to date for RMA provisions, at least of the type proposed, being necessary given other options available. Council has made the following findings in relation to the questions Mr Forrest raised:
1. While the pRPFN as notified did not contain provisions, including rules, of the scope sought by primary submitters the Council is satisfied that there is jurisdiction to do so. The general theme of primary submissions was clearly that provisions based on the Auckland Unitary Plan should be introduced into the pRPFN. The Council has attempted to take a careful approach to ensure that submitters and further submitters are aware of what provisions could be introduced, including through inviting submitters in Minute 1 to provide provisions, and s32 analyses of those provisions. This was done, by two major submitter parties and was thus available for all parties from an early stage in the hearings process for the parties to consider and provide comment on. Further information and evidence was sought and provided throughout the hearings process. It is an accepted response to s32 that the process is iterative and includes information provided right up to the stage of final consideration by the decision-maker. However, while Council accepts there is jurisdiction, it also accepts that there may be some doubt as to whether the issue has been thoroughly tested with the public and in that respect greater confidence could have been gained if the pRPFN as notified had contained provisions, including rules, relating to GE / GMOs.
  2. The evidence confirmed that there are no current or imminent risks that would require immediate decisions. There is no particular activity or use of GE / GMOs that is currently more than a theoretical possibility in Northland's CMA. In that respect, while Professor Heinemann identified some possibilities, there is a major question as to whether these are "real" prospects, at least in the foreseeable future. The Council finds that greater

specificity of potential activities, uses, risks and effects is required so that provisions, if found to be necessary at all, are devised in a more targeted manner. On the basis of current information that there is no short term risk, the Council finds there is time to further consider whether GMO provisions need to be developed and, if there is that need, how they can be appropriately developed so that they are bespoke to Northland, and then have the robust examination enabled through the normal public notification process.

3. The use of Pest Management Plans and / or Regional Pathway Management Plans prepared under the Biosecurity Act to manage the adverse effects of GE / GMO are not a replacement for provisions considered and introduced under the RMA.
4. It is not accepted that the evidence presented by those favouring pRPFN provisions consistent with other plans is out of date, however it is accepted that the Federated Farmers evidence presents another view, and that has added to the information on which decisions have been considered and made.

[29] A number of submitters continued to seek land-based provisions throughout the hearings process. While acknowledging submitters' desire that provisions be adopted that are as comprehensive as possible, the Council has determined that it is not appropriate for land-based provisions to be included in the pRPFN, for a number of reasons:

1. As noted by the s42A author, land-based provisions would need to rely on s15 RMA as the statutory basis. Section 15 RMA would apply only if GE / GMOs was regarded as being a contaminant. The consensus in evidence was that, while some GE / GMOs could potentially be defined as a contaminant, this would be case-dependent. In order to provide a statutory basis, it would therefore be necessary to specify what forms of GE / GMO would be a contaminant, and therefore subject to regional plan land-based management. Given the potential range of GE / GMOs (on land) is substantial this would be a very difficult exercise.
2. No submitter proposed provisions to address this concern or indeed any land-based provisions for Council's consideration.
3. The Council agrees with submitters that concerns relating to GE / GMOs apply as much, or even potentially more, to the land as the CMA, and that GMOs do not recognise CMA / land boundaries. RPS Policy 6.1.2 (Precautionary Approach) applies to both regional and district councils. Method 6.1.5 specifically envisages district councils as taking a role in applying the policy. As an example, the Council was advised that the Auckland Unitary Plan provisions relied upon by many submitters are not regional plan provisions – they are CMA and district plan provisions. In relation to land-based concerns this strongly suggests that provisions are better addressed in district plans, where there is no question that s9 RMA provides a statutory basis. In that respect, Whangarei District Council and Far North District Council already have GE / GMO provisions and the Council was advised that the Kaipara District Council is currently considering introduction of provisions into its district plan. To the extent that land-based GMO proposals may have

a potential effect within the CMA, provisions within the CMA are not necessary to ensure those effects are addressed and appropriately managed.

4. The provisions that have been sought for inclusion in the pRPFN are essentially the same as those that have already been introduced by the Whangarei District Council and Far North District Council into their respective district plans. No submitter identified how the same land-based provisions in the pRPFN would provide any additional benefits to sustainable management of the environment. To the contrary, separate processes would be confusing, inefficient and potentially even conflicting which could result in uncertain and costly outcomes for applicants and the community.

[30] In addition to the above, the Council has carefully considered all other evidence presented, including that by lay witnesses.

[31] The Council recognises that it may be shown later that a particular proposal for GE / GMOs will not result in adverse effects or that the EPA process will adequately manage potential adverse effects. It is further recognised, if it is later found that it is appropriate to amend the provisions, including to provide for any GMO that may be found to have benefits without adverse effects, this will incur time and monetary costs. In any case, the evidence is that proposals for GE / GMOs is unlikely over the life of the pRPFN. Council has accordingly found it is not necessary to introduce provisions into the pRPFN at this stage. Further development of the knowledge and science associated with GMOs, and the extent to which regional control may be required, will ensure that there is no unnecessary extra level of management in the meantime.

[32] The response Council received from Aquaculture NZ stated that they see no need in the immediate or foreseeable uptake of GMOs or GMO based vaccines into the NZ aquaculture industry and that a precautionary approach was supported. The response has been taken into account in Council's considerations, noting that Aquaculture NZ did not make any particular comment about the form proposed provisions should take.

#### *Council liability*

[33] The Council has obtained legal opinions from its lawyers Wynn Williams in relation to matters of legal liability on the Council arising from the introduction of GE / GMO provisions. The opinion concludes that the inclusion of provisions in the Proposed Regional Plan to regulate GMOs will not increase the Council's legal liability to clean-up or otherwise address the illegal use or introduction of GMOs in the coastal marine area.

[34] Notwithstanding legal liability Council has remained concerned that there may be an enhanced expectation on the part of the community to address adverse effects arising from unlawful or accidental use of GMOs. This would become a "social cost". The extent to which that expectation may be enhanced through explicit regulation of GMOs in the pRPFN is a matter of serious concern to the Council, particularly as there is a separate management regime through the EPA that may prove effective itself in managing GMOs and would, in the

event of an issue arising, focus responses at the national, rather than regional, level. It would also focus responsibility for monitoring and enforcement on fewer agencies, thus minimising the risk of not having a co-ordinated response.

### *Conclusion*

[35] In summary, the Council finds that:

1. There is no basis or justification for GE / GMOs to be managed by the pRPFN on land, particularly given the district plan management that already exists over most of Northland.
2. The evidence shows that there is no prospect of GE / GMOs being introduced into Northland's CMA over the expected life of the pRPFN. This gives the opportunity for a more robust analysis of the need for, and means of, addressing regional level regulation of GE / GMOs.
3. Management of GE / GMOs by the EPA, particularly in relation to the CMA, may still be shown to be sufficient, without an extra layer of regional plan management.
4. The proposed provisions have been adapted from other Council's generic provisions and are not appropriately targeted to what may be a more focused and relevant management regime for Northland's CMA. Any future plan changes that may be shown to be necessary, including in respect of a GMO that may be shown to have significant benefits, could involve significant cost and time.
5. The proposed provisions requiring imposition of a bond to address the risk of escape of GMOs, while essential, involve significant uncertainties in relation to calculating a sufficient bond amount, and could well be so high that it would make proposals untenable.
6. Further experience of the EPA processes, at least as they relate to the CMA, need more time to evolve to see whether they prove effective itself in managing GMOs. This will, in the event of an issue arising, focus responses at the national, rather than regional, level, including in relation to monitoring and enforcement on fewer agencies, thus minimising the risk of not having a coordinated response.
7. Having regard to the above, and having taken a precautionary approach in its considerations, Council finds there is insufficient basis to introduce further provisions relating to GE / GMOs into the pRPFN at this time.
8. The Council is confident that its findings are not inconsistent with Objective 2 and Policies 2 and 3 of the NZCPS 2010, or Policy 6.1.2 and Method 6.1.5 of the RPS.

[34] In making this decision Council has given serious consideration to the considerable community interest (addressing social, economic and cultural wellbeing), exhibited by the many submissions and substantial body of evidence supporting regulation. Council recognises, that in making the decision it has, the communities represented by submitters will be

disappointed. However, the Council in balancing the weight of community concern with the issues it has identified in this decision has found that there has been insufficient analysis and that there is insufficient justification to introduce further provisions relating to GE / GMOs into the pRPFN at this time. The Council will however continue to monitor this issue and is prepared to review its position in future if further information becomes available.

#### **Section 4**

#### **Decision**

- [35] The Council has considered and deliberated on GE / GMO provisions in the pRPFN; the submissions lodged on it; and the reports, evidence and submissions made and given at the public hearing. In reaching its decisions the Council has sought to comply with all applicable provisions of the RMA. The Council has had particular regard to the evaluations and further evaluations of the amendments to the pRPFN it has decided upon. The relevant matters the Council has considered, and its reasons for them, are summarised in the s42 reports and the main body of this report. The Council is satisfied that its decision is the most appropriate for achieving the purpose of the RMA and for giving effect to the higher-order instruments, including the RPS and the NZCPS.
- [36] Relief sought in submissions is not accepted for the reasons outlined in this Decisions Report.

**TITLE:** Proposed Regional Plan - Appeals

**ID:** A1208110

**From:** Michael Day, Natural Resources Policy Manager

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### Executive summary/Whakarāpopototanga

The Proposed Regional Plan for Northland – Decisions Version (Proposed Plan) was publicly notified on 4 May 2019. There was a 30-working day period for submitters to lodge appeals to the Environment Court against the council’s decision. This concluded on Monday 17 June 2019.

A total of 23 appeals were received. These appeals canvas many parts of the Proposed Plan (rules, objectives, policies and maps) but there are a number of rules that are not subject to appeal. Pursuant to s86F of the Resource Management Act 1991, all rules that are not subject to appeal must now be treated as operative.

This report provides an update on key points of appeal, appeal resolution process and concludes with the recommendation that one councillor and the Group Manager – Strategy, Governance and Engagement be delegated the ability to make decisions on council’s behalf for resolving appeals on the Proposed Regional Plan.

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### Recommendations

1. That the report ‘Proposed Regional Plan - Appeals’ by Michael Day, Natural Resources Policy Manager and dated 1 July 2019, be received.
2. That Councillor Yeoman and the Group Manager – Strategy, Governance and Engagement be delegated the ability to make decisions on council’s behalf for resolving appeals on the Proposed Regional Plan for Northland that are generally aligned with the direction already set by council.

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### Background/Tuhinga

The Proposed Regional Plan for Northland (Proposed Plan) was notified in September 2017. At the same time, council delegated authority to a Hearing Panel of three members (Councillor Yeoman and two independent commissioners - Rob van Voorthuysen<sup>3</sup> and Miria Pomare) to conduct the hearing into submissions on the Proposed Plan and make recommendations to council on the Proposed Plan in response to submissions<sup>4</sup>.

At the April 2019 council meeting, council accepted and adopted the recommendations of the Hearings Panel on decisions and provisions and matters raised in submissions to the Proposed Plan. The Decisions Version of the Proposed Plan was publicly notified on 4 May 2019. Any person who made a submission on the Proposed Plan had the chance to appeal the council’s decision in respect of those matters noted<sup>5</sup>. The last day for lodging appeals with the Environment Court was 17 June 2019.

### Appeals

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<sup>3</sup> Rob van Voorthuysen acted as Chair of the three-member Hearing Panel

<sup>4</sup> Excluding those submissions that requested the inclusion of provisions on genetically modified organisms

<sup>5</sup> There is a 30 working day period within which appeals must be lodged with the Environment Court and served on the regional council

A total of 23 appeals were received. These can be viewed on the council's public website - <https://www.nrc.govt.nz/your-council/about-us/council-projects/new-regional-plan/council-decision/appeals-to-proposed-regional-plan-council-decision/>.

Any person who has an interest greater than the general public can join the proceedings as a s274 party. Importantly, they cannot expand the scope of the appeals (a s274 party essentially supports or opposes a primary appeal). The closing date for becoming a s274 party was 8 July 2019. Staff will provide a verbal update at the council meeting relating to numbers of s274 parties.

Key points about the appeals:

- Whilst we have only received 23 appeals, their scope and range vary greatly. They cover the rules, objectives, policies and maps. There are also appeals asking for new (additional) provisions to be inserted into the Proposed Plan.
- The vast majority of coastal (s12 RMA) provisions (policies and rules), freshwater (s13 RMA) rules and wetland rules are all subject to appeal.
- In relation to policies, there are quite a few appeals on the coastal policies and policies that relate to managing adverse effects on natural character, outstanding natural landscapes and features as well as indigenous biodiversity. However, there are many policies that have not been appealed.
- There are also many rules, especially in the Discharges to Land and Water section (C.6) and the Discharges to Air section (C.7) that have not been appealed.

Procedurally, pursuant to s86F of the Resource Management Act 1991, all rules that are not subject to appeal must now be treated as operative. An 'Appeals Version' of the Proposed Plan is in the process of being created and will be uploaded onto the regional council's public website shortly. This will clearly set out which provisions (of the plan) are subject to appeal and who has appealed the provisions.

### **Resolving appeals – process**

The Environment Court has indicated that it wishes to proceed with addressing the appeals promptly. To this end, it has directed that the regional council prepare a memorandum which:

- proposes a topic structure for the efficient case management of the proceedings which identifies the relevant issues for resolution, the council's suggested course of action for each topic, and the relationship between the proposed topics and the appeals and case parties;
- identifies the appropriateness of any preliminary group meetings (charrettes) to identify an order to deal with matters for mediation;
- identifies those topics and appeals that may be conveniently case managed together;
- identifies any preliminary legal issues that may need to be addressed prior to mediation; and
- identifies any matters unsuitable for mediation which require a timetable to hearing.

The memorandum must be filed with the Court and served on all case parties by 26 July 2019. Additionally, a preliminary callover conference has been scheduled for Wednesday 14 August 2019. This is essentially to ascertain from parties the status of proceedings and to discuss with parties the possible use of Court conducted mediation or other alternative dispute resolution.

In relation to mediation, the Court strongly encourages participants to have the mandate to make decisions at these meetings. Council can resolve appeal matters through informal negotiations, but the Court will only sign off on an appeal matter if all the relevant parties are in agreement. This avenue is often used for minor matters and/or when there are only a small number of parties.

Any matter not resolved by mediation or negotiation will then go to a Court hearing.

## Resolving appeals – council representation

Council needs to decide how it will represent its position and make decisions through the appeal negotiations and mediations process. It is recommended that this be delegated to one Councillor and the Group Manager – Strategy, Governance and Engagement. The persons with this delegation will need to be available to attend meetings or are available by phone during these negotiations to confirm council position and provide direction.

Two people are preferable to one, to ensure the decisions are generally consistent with council direction and it means that if one is unavailable for a meeting, then the other will hopefully be able to attend. It is also administratively efficient to have a small number of people, such as to get urgent agreement on mediated provisions. The decision makers will be supported by staff, legal and any specialist advice required on the matters under appeal.

It is further recommended that the scope of this delegation be limited to confirming agreements with appellants that are generally aligned with the direction already set by council. Any significant departure from the direction already set by council will need to come back to a full council meeting for consideration. Including a senior staff member with these delegations will reduce the workload on individual councillors and enable the negotiations to progress during the election period and help with continuity of decision making. Following elections, staff will bring a further report back to council to both update council on progress and reconfirm its approach to resolving appeals.

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## Considerations

### 1. Options

The options analysis below relates to the number of councillors that will be delegated the ability to make decisions on council's behalf for resolving appeals on the Proposed Regional Plan.

No.	Option	Advantages	Disadvantages
1	Delegate to one councillor and Group Manager – Strategy, Governance and Engagement, the ability to resolve appeals	<p>Nimble decision-making process to resolve appeals that are generally aligned with council direction.</p> <p>Provides the ability for decision makers to confer with one another to ensure appropriate decisions are made.</p> <p>Allows the negotiations process to proceed during the election period.</p>	None apparent.
2	Delegate this responsibility to two councillors	Similar advantages to those in option 1.	Will put a high workload on two councillors and may cause disruption to negotiations during the election period.



3	No delegation (full council consideration)	Ensures all councillors are evenly involved.	<p>Would become administratively inefficient for multiple councillors to be involved.</p> <p>Administrative burden – all consent orders would have to be considered in publicly excluded council meetings. This is very resource and time inefficient.</p> <p>It is highly likely that negotiations will be occurring during the election period, meaning this option really isn't practical.</p>
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The staff's recommended option is **1**.

## 2. Significance and engagement

In relation to section 79 of the Local Government Act 2002, this decision is considered to be of low significance when assessed against council's Significance and Engagement Policy, because it has previously been consulted on, is provided for in council's Long Term Plan, and is part of council's day-to-day activities. As the Proposed Regional Plan has been prepared under the Resource Management Act 1991, it is subject to the Schedule 1 process, which involves a robust and thorough public consultative process.

Being of low significance under council's Significance and Engagement Policy does not mean that this matter is not of significance to tangata whenua and/or individual communities, but that council is able to make decisions relating to this matter without undertaking further consultation or engagement.

## 3. Policy, risk management and legislative compliance

The preparation and development of the Proposed Plan (including the current appeals phase) is subject to various sections of the Resource Management Act 1991, including sections 30, 32, and Schedule 1. Procedurally, the decisions being recommended are consistent with the relevant sections of the Resource Management Act.

Being a purely administrative matter Community Views, Māori Impact Statement, Financial Implications, and Implementation Issues are not applicable.

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**Attachments/Ngā tapirihanga**

Nil

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**Authorised by Group Manager**

**Name:** Jonathan Gibbard  
**Title:** Group Manager - Strategy, Governance and Engagement  
**Date:** 04 July 2019

**TITLE:** Enhanced Marine Protection for Mimiwhāngata

**ID:** A1205082

**From:** Justin Murfitt, Strategic Policy Specialist and Jonathan Gibbard, Group Manager - Strategy, Governance and Engagement

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### Executive summary/Whakarāpopototanga

Ngātiwai has expressed a desire to build on existing marine protection already in place at Mimiwhāngata with a view to enhancing the ecological and cultural values of the marine environment for the benefit of both Māori and the wider community. While the marine park in place at Mimiwhāngata prohibits commercial fishing, and provides partial protection from the effects of recreational fishing, the Ngātiwai seeks to build on this existing mechanism using traditional tikanga approaches.

Council staff and Ngātiwai have been in discussions as to how this could be progressed collaboratively (council has allocated resource specifically to support such initiatives in the 2018-2028 Long Term Plan). This paper provides an update to council and seeks council support to continue progressing these discussions.

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### Recommendation(s)

1. That the report 'Enhanced Marine Protection for Mimiwhāngata' by Justin Murfitt, Strategic Policy Specialist and Jonathan Gibbard, Group Manager - Strategy, Governance and Engagement and dated 21 June 2019, be received.
2. That staff continue to work with Ngātiwai to discuss opportunities to further enhance marine protection at Mimiwhāngata.
3. That regular updates / progress reports are provided to the Natural Resources Working Party.

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### Background/Tuhinga

Creating new marine protected areas in New Zealand has historically proven difficult primarily due to the limited mechanisms and flexibility provided by current legislation (such as the Marine Reserves Act 1977). Northland, while having a unique and highly valued marine environment, has a relatively low area of its coastal marine area under formal protection from fishing / harvest activity (about 0.12% in marine reserve and 0.06% in marine park). We are also aware that several communities have struggled to progress proposals for enhanced marine protection despite thorough research and consultation and a high level of public support. For these reasons, council confirmed its support for greater marine protection through the allocation of resources for supporting marine protected area proposals in its 2018-2028 Long Term Plan.

Council's view is that the most practical way to advance marine protection is to support / partner with community led initiatives that can demonstrate environmental, cultural, social and economic benefits and contribute to a national and regional marine protected area network. The Marine Management Working Party (now disestablished) previously considered several community-led proposals in Northland against a set of criteria – these were:

- Cost (to get proposal operative)
- Time (to become operative)
- The capability behind the proposal (expertise and resourcing)

- Buy-in (from Māori, community, commercial and recreational fishers)
- Impact (ecological, economic and recreational).

Of the three proposals assessed against these criteria, Mimiwhāngata proved to be the most feasible option, provided tangata whenua were supportive and ready to proceed (results of this assessment are available on request. The Ngātiwai Trust Board has advised that iwi and hapu are keen to proceed and investigate opportunities to further enhance marine protection at Mimiwhāngata.

Also, in response to a letter sent by the CEO's of both Ngātiwai Trust Board and council to the Minister of Conservation (Hon. Eugenie Sage) in April of this year, the Northland conservancy of the Department of Conservation has also indicated a willingness to participate in the project.

The first key steps would be to establish a project team with representatives from Ngātiwai, the Department of Conservation and council (and possibly other stakeholders / agencies). This would then be followed by development of a detailed project plan.

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## Considerations

### 1. Options

No.	Option	Advantages	Disadvantages
1	Council support the Mimiwhāngata proposal	Greater likelihood of enhanced marine protection.  Opportunity to further strengthen council relationship with Ngātiwai.	Limited council resources will not be available to support potential future marine protected area proposals.
2	Council do not support / participate in the project	No demand on staff time or council resources.	Less likely enhanced marine protection will be provided in Northland.  Resources allocated would be underutilised.

The staff's recommended option is Option 1.

### 2. Significance and engagement

In relation to section 79 of the Local Government Act 2002, this decision is considered to be of low significance when assessed against council's Significance and Engagement Policy because it has previously been consulted on and provided for in council's Long Term Plan. This does not mean that this matter is not of significance to tangata whenua and/or individual communities, but that council is able to make decisions relating to this matter without undertaking further consultation or engagement.

**3. Policy, risk management and legislative compliance**

The decision is consistent with policy and legislative requirements given the allocation of resources to support marine protected area proposals were consulted on and allocated in the 2018-2028 Long Term Plan.

**Further considerations**

**4. Community views**

There are likely to be a range of community views on enhanced marine protection – if the proposal proceeds in a formal sense, there will be opportunity for the public / community to have their say. In addition, council has signalled and consulted on such initiatives in its 2018-2028 Long Term Plan.

**5. Māori impact statement**

Māori have a strong interest in marine protected area proposals given potential impacts on access to customary resources and their role as kaitiaki. The intention is to partner with Ngātiwai and support a tangata whenua led process that ensures tangata whenua views are actively reflected in the process and any proposal developed as a result. Any formal marine protected area proposal would also include an engagement and consultation process.

**6. Financial implications**

Resources have been allocated for this purpose in the 2018-2028 Long Term Plan. While marine protection can be complex and contentious, staff do not envisage the need for additional resources at this time.

**7. Implementation issues**

Progressing marine protected area proposals has been problematic under the current legislative regime and there are a number of community-led initiatives that have struggled to proceed. This is one of the reasons council elected to allocated resources in its 2018-2028 Long Term Plan. The degree of implementation complexity will depend to a large degree on the design of the proposal and support by local hapu, community and other interested parties.

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**Attachments/Ngā tapirihanga**

Nil

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**Authorised by Group Manager**

**Name:** Jonathan Gibbard  
**Title:** Group Manager - Strategy, Governance and Engagement  
**Date:** 04 July 2019

**TITLE:** Draft Submission - Climate Change (Zero Carbon) Amendment Bill

**ID:** A1205566

**From:** Justin Murfitt, Strategic Policy Specialist

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### Executive summary/Whakarāpopototanga

The Government has released the Climate Change Response (Zero Carbon) Amendment Bill (the Bill). The Bill sets out the framework to develop and implement climate change policies, including greenhouse gas emissions reduction targets, emission budgets, adaptation measures and the establishment of an independent Climate Change Commission. The Bill is likely to have implications for local government and Northland in general once enacted. The Bill is open for submissions to the Environment Select Committee until 16 July 2019. Staff recommend council lodge a submission on the Bill and have prepared a draft for consideration and approval by Council (**Attachment 1**).

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### Recommendation(s)

1. That the report 'Draft Submission - Climate Change (Zero Carbon) Amendment Bill' by Justin Murfitt, Strategic Policy Specialist and dated 24 June 2019, be received.
2. That council approve the draft submission in Attachment 1 (pertaining to Item 5.4 of the 16 July 2019 council meeting agenda).
3. That the submission to be lodged with the Environment Select Committee.

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### Background/Tuhinga

The Bill amends the current Climate Change Response Act 2002 to include four key new elements:

- Set a new greenhouse gas emissions reduction target to: reduce all greenhouse gases (except biogenic methane) to net zero by 2050; reduce emissions of biogenic methane within the range of 24–47 per cent below 2017 levels by 2050, including to 10 per cent below 2017 levels by 2030.
- Set a series of emissions budgets to act as stepping stones towards the long-term target.
- Require the Government to develop and implement policies for climate change adaptation and mitigation.
- Establish a new, independent Climate Change Commission to provide expert advice and monitoring to help keep successive governments on track to meeting long-term goals.

Implementation of the Bill (once enacted) is likely to have significant implications for council, especially in relation to the climate change adaptation measures proposed. The greenhouse gas emissions targets, budgets and emission reduction plans are also likely to have socio-economic implications for Northland and the country as a whole. The key adaptation proposals include a requirement to develop National Climate Change Risk Assessments (every six years), and a National Adaptation Plan, with associated monitoring and reporting functions. While greenhouse gas reduction targets and budgets will be set in accordance with the process established in the Bill, much of the implementation will be through settings in the Emissions Trading Scheme (ETS), which sets a price on greenhouse gas emissions and sequestration (offsets).

Staff have prepared a draft submission on the Bill for consideration by council. The key submission points are summarised below following the structure used in the Bill:

### Climate change commission

- Support for the establishment of the Climate Change Commission but highlight the need for good networks between the commission, local government, Māori and industry, and the need for the commission to be extremely well resourced to ensure the advice provided to government is robust.

### Mitigation

- Support for the emission reduction targets being set in the Bill but note the targets for biogenic methane are ambitious given currently limited reduction measures and an earlier review of the methane targets is recommended.
- Support the intent to meet emissions budgets using domestic reductions / removals but retaining some ability to use offshore mitigation, given this will reduce the risk of emissions 'leakage' to offshore jurisdictions with more lenient regimes.
- Recommend stronger consultation requirements in setting emissions budgets.
- Support for the contents of emission reduction plans, the matters to be considered when developing these plans, and the requirement for consultation, but recommend that emissions budgets and reduction plans be developed in parallel (rather than the reduction plan being developed after the budget is set).

### Adaptation

- Support the requirement for National Risk Assessments and consultation process, but suggest the six-year interval between assessments may be too long and recommend provision for a 'rapid review / stocktake' three years after the completion of each assessment.
- Adding specific requirements to assess risks to infrastructure / lifelines into the risk assessment provisions and a reference to climate change predictions (not just 'trends').
- Stronger requirement to assess the impact of adaptation measures on communities, sectors and organisations.
- Clarification of the 'enforceability' of national adaptation plans – a particular concern if communities, sectors or agencies are expected to fund and implement adaptation measures.
- Concern over the potential cost and practicality of local government responding to Ministerial information requests.

### General comments

- Concern at the potential for landscape scale land use change driven by incentives for afforestation offsets.
- A recommendation that the ETS settings be used to maximise the potential range of offsetting methods rather than relying solely on afforestation.
- That proceeds from ETS auctions be used for investigating the potential for additional forms of offsets / sequestration and reduction technology.

Submissions on the Bill close 16 July 2019. Staff recommend the draft submission in Attachment 1 be approved by council and lodged with the Environment Select Committee.

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## Considerations

### 1. Options

No.	Option	Advantages	Disadvantages
1	Lodge a submission on the Bill (as per attached)	Council's view is provided on the Bill and can be considered by the select committee.  Council is seen to be supporting the Bill while proactively representing Northland's interests.	None
2	Council does not lodge a submission	None	Council is perceived as having no position on climate change.  Council's views and Northland's interests are not available to the committee.
3	Lodge an amended submission with changes directed by council	A potentially more thorough / comprehensive submission.	Timeframe – the submission period closes on the day of the council meeting.

The staff's recommended option is Option 1

### 2. Significance and engagement

In relation to section 79 of the Local Government Act 2002, this decision is considered to be of low significance when assessed against council's Significance and Engagement Policy because it is part of council's day to day activities. This does not mean that this matter is not of significance to tangata whenua and/or individual communities, but that council is able to make decisions relating to this matter without undertaking further consultation or engagement.

### 3. Policy, risk management and legislative compliance

The decision is consistent with policy and legislative requirements and is considered low risk being a submission on a proposed Bill and does not require a significant programme of work or financial / resourcing implications.

## Further considerations



**4. Community views**

The Northland 'community' has a broad range of views on climate change mitigation and adaptation which is the focus of the Bill, however, it is not considered necessary for council to canvas these views prior to lodging a submission on the Bill – nor is there any legal requirement to do so. Individuals and communities also have the opportunity to lodge submissions expressing their own views on the Bill.

**5. Māori impact statement**

Māori have a range of views on climate change mitigation and adaptation, however, it is not considered necessary for council to consult on these views prior to lodging a submission – nor is there an express requirement to do so. It should be noted that Māori also have the opportunity to lodge a submission expressing their views.

**6. Financial implications**

There are no ongoing financial implications associated with the decision to lodge a submission on the Bill.

**7. Implementation issues**

There are no ongoing implementation issues associated with the decision to lodge a submission on the Bill.

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**Attachments/Ngā tapirihanga**

Attachment 1: Draft NRC submission on climate change response amendment bill [↓](#)

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**Authorised by Group Manager**

**Name:** Jonathan Gibbard  
**Title:** Group Manager - Strategy, Governance and Engagement  
**Date:** 04 July 2019



## **Submission**

**To:** Committee Secretariat  
Environment Committee  
Parliament Buildings  
Wellington  
[zerocarbon@parliament.govt.nz](mailto:zerocarbon@parliament.govt.nz)

**By:** Northland Regional Council  
Private Bag 9021  
Whangārei Mail Centre  
WHANGĀREI 0148

**On:** Climate Change Response (Zero Carbon) Amendment Bill

### **Introduction**

1. The Northland Regional Council (council) is grateful for the opportunity to comment on the Climate Change Response (Zero Carbon) Amendment Bill (the Bill). This submission is made in the interests of promoting a sustainable environment and economy in Northland and with council's statutory functions and roles under the Local Government Act 2002 and other relevant legislation in mind.
2. Council has concerns about the potential impact on Northland region if the emission targets and / or budgets and price settings in the Emissions Trading Scheme (ETS) do not recognise limitations on the ability for society to change. Northland (like many other rural regions) has areas of high socio-economic deprivation, many remote communities with high reliance on private vehicles for transport. It also depends heavily on agricultural production for employment and regional GDP. We also note the agricultural sector currently has a limited ability to mitigate or offset emissions, particularly methane. So, Northland is particularly vulnerable to the socio-economic impact of emissions reduction targets and the price of 'carbon'.
3. That said, council supports the intent of the government to transition to a zero carbon economy and considers the Bill provides a good framework for this to occur. We have some suggestions on the content of the Bill which are outlined in more detail below.

### **Submission**

#### **Climate Change Commission**

4. Council supports the establishment of an independent climate change commission with an advisory and monitoring role. The provisions of Bill that establish the commission (Clauses 5A – 5I) appear logical – the matters listed in 5H relating to the collective skills of the commission members in particular are supported, especially those that relate to experience with local and central government and socio-economic understanding. We consider a robust understanding of socio-economic impacts will be critical to successful climate change mitigation and adaptation.
5. The functions of the commission seem logical. We strongly support the inclusion of economic effects, recognition of regional / sector circumstances and the explicit requirement to consider the distribution of benefits, costs and risks between generations in the matters the commission must consider in performing its functions (Clauses 5L(c), (d) and (e)). We would however suggest including a further requirement in Section 5L for the commission to consider the ability of sectors, regions or communities to fund and / or implement climate change mitigation and adaptation measures (such as emissions reduction plans and national adaptation plans).
6. Council also strongly supports Section 5N that requires the commission to act independently as this will provide some consistency and limit the potential for dramatic changes in policy settings and / or approaches to emissions budgets as a result of changes in government.
7. An important factor in the ability of the commission to fulfil its functions will be the interaction between it and local government, Māori and industry. There needs to be clear communication channels available in both directions – the Bill as it stands provides for Ministerial requests for information under Section 5ZV, but there appears to be no avenues for dialogue directly with the commission, noting consultation by the commission is discretionary for the most part under Section 5M. We also consider that given the crucial role of the commission it must be extremely well resourced, with access to robust socio-economic advice and climate change science.

#### **Emissions reduction**

8. Council supports emissions reduction targets being stated in the Bill as this will provide certainty for industry, investment and society generally. We note the targets set in Section 5O are ambitious given limited current emission reduction technology (especially for biogenic methane) and uncertainty generally around the achievability of the targets. We therefore strongly support the provisions providing the ability to review and amend targets (Section 5P, 5P, 5Q and 5R). However, given the interim target for biogenic methane (10% less than 2017 emissions by 2030), it may be prudent to require a review of biogenic methane targets earlier than the first mandatory review required in Clause 5P(1)(a) being 2036 – otherwise the first mandatory review occurs after the interim biogenic methane target date of 2030. We'd suggest a review of both the 2030 and 2050 biogenic methane targets by 2025 given this is likely to be the most problematic greenhouse gas. There also needs to be caution exercised in the methane targets (and other) to ensure that it does not result in perverse outcomes, whereby food production is driven offshore to jurisdictions where emissions regimes are more lenient, but production is less efficient resulting in higher global GHG emissions (i.e. emissions leakage). This is especially relevant for methane given the currently limited options for reduction / offsetting (other than reducing stock numbers).

9. The matters listed in Clause 5Q (2) setting out the circumstances whereby the 2050 targets may be amended are supported. However, we recommend adding a further clause allowing a review of the targets in the circumstances where emission budgets and / or emission reduction plans demonstrate targets can either be achieved earlier or, the targets are not achievable / affordable (either as a whole or in relation to particular greenhouse gases).
10. The provisions relating to the setting and programming of emissions budgets appear logical and the requirement to have one current and two prospective budgets is supported as this will provide some advance warning of the emissions reduction / removals required. While we support the intent that emissions budgets be met through domestic reductions and removals, we consider there should be some ability to use offshore mitigation on the basis that this may be the only option for some emitters (at least in the short term). Allowing some ability to use offshore mitigation limits the potential for emissions leakage (whereby large emitters with limited ability to offset or reduce emissions relocate to offshore jurisdictions with less onerous regimes) and consequential impacts on New Zealand's economy. We therefore support the term "as far as possible" in Clause 5W(1), although "as far as practicable" may be more pragmatic. We also note the government has control over the volume and quantity of international units in the New Zealand market through the ETS and can reduce the ability to use off-shore credits over time to both encourage innovation and investment at a pace that reflects the availability of mitigation technology. We therefore support the Clauses in 5X(1) that require the commission to advise the Minister on the degree to which budgets can be met using offshore mitigation (Clauses 5X (1)(d) and (e)) and the limit on the amount of offshore mitigation that may be used to meet the budget.
11. Section 5Z sets out the matters to be considered in setting emissions budgets, which are generally supported, especially those that require consideration of:
- technical and economic feasibility
  - impacts of actions to achieve the 2050 targets and their distribution across regions, communities and generations
  - economic circumstances and implications for taxation, public spending and borrowing.
- Clause 5Z(2)(b)(v) requires regard be had to the results of public consultation on an emissions budget however we note there seems to be no requirement for this consultation (other than the requirement to consult a representative of each political party in 5ZA(1)). We recommend including a requirement to consult publicly in preparation of emissions budgets, especially for those sectors particularly exposed and / or constrained in terms of the ability to offset and / or reduce emissions.
12. We support the ability and procedure set out in the Bill to revise emissions budgets for the same reasons we support the ability to review targets. We also support the ability to 'bank' or 'borrow' across budgets, although the 1% limit on borrowing from future budgets may be unduly restrictive. Instead we recommend that the Minister rely on advice from the commission on the extent banking or borrowing can occur (as required in 5ZC(4)(a)) and that the 1% limit in Clause 5ZC (2) be removed. An alternative would be to provide for a phased reduction in the ability to borrow across budgets (i.e. a 'sinking lid'), recognising that there will higher uncertainty in earlier budgets which will diminish as the 'system' matures.

13. We support the requirement for preparation of an emissions reduction plan and the contents of such plans as set out in 5ZD (2). The requirement in Clause 5ZD(3)(c) to include a strategy to mitigate the impacts of emissions reductions and removals on workers, regions, iwi, Māori and wider communities is strongly supported but should be expanded to include industry / sectors. We note the emissions reduction plan is to be developed after the setting of the emissions budget (Clause 5ZD(2)(a)) which seems counterintuitive – i.e. the budget is set before considering how it is to be achieved. The concern being an emissions reduction budget may be set that the subsequent emissions reduction plan cannot deliver with current policy or pricing 'levers', or has inequitable impacts on particular sectors. We strongly recommend that the emissions budgets and reduction plans be prepared in parallel – this would better ensure the emissions budget is actually achievable within socio-economic constraints. An alternative would be to develop the emissions reduction plan first (with reference to the matters in Section 5Z(2)) and then use this to inform the emissions budget(s).
14. We support the requirement for the commission to consult publicly before advising the Minister on the content of the emissions reduction plan (Clause 5ZE(3)(a)) and the requirement to consider the matters in 5Z(2) – this will be vital as the emissions reduction plan is likely to be where impacts are 'realised' for industry, communities and New Zealanders generally. We also support the requirement in Clause 5ZF(1)(b) that the Minister must ensure the consultation undertaken by the commission is adequate and if not, must undertake further consultation. We note there is no specific requirement to implement the emissions reduction plan, although this may be addressed by the commission's role in monitoring progress (Sections 5ZG – 5ZI). In relation to monitoring, we recommend that the scope of Sections 5ZH - 5ZI not be limited to reporting on progress towards meeting emissions budget but also require the commission to identify any perverse outcomes and / or significant unforeseen impacts on communities, sectors, industries or other similar concerns resulting from implementation of the budgets and / or emissions reduction plan.
15. It is notable that the Bill effectively indemnifies the government (and other parties) from a failure to meet the 2050 targets or an emissions budget and that these are not enforceable in the courts (5ZJ). Given the uncertainty at this stage, we understand the rationale for this and for similar reasons support the exemptions in 5ZK for persons / bodies – our interpretation is that Clause 5ZK(2) would apply to also indemnify local government.

### **Adaptation**

16. The requirement to develop a national climate change risk assessment (NCCRA) in Section 5ZM is supported, however the six-year frequency may be too long. We recommend a requirement be added to undertake a 'rapid review / stocktake' at three year intervals to assess any significant change in risk profiles or new risks. An alternative would be to include this in the national adaptation progress reporting requirements (in Section 5ZS).
17. Clause 5ZN (2)(a) uses very broad terms – we'd suggest adding more specific factors and in particular reference to infrastructure and lifeline utilities. The risks to local government infrastructure generally has been highlighted in the study by Local Government New Zealand: *Vulnerable: The quantum of local government infrastructure exposed to sea level rise* (January

2019). To us this suggests a national risk assessment should include a specific requirement to assess risks to local government and central government infrastructure given the socio-economic well-being these services provide.

18. Clause 5ZN (2)(e) should also include reference to climate change predictions (such as IPCC reports) rather than being limited to 'long term trends'.
19. The requirement for national adaptation plans in response to each NCCRA (Section 5ZQ) is pleasing to see, however we think Clause 5ZQ (2) should include a requirement to set out the measures / indicators used to assess risk and changes in risk 'profile' and any significant change in vulnerability of communities, sectors or organisations - these could then be reported on in progress reports required every 2 years under Section 5ZS. These indicators could also then be used to inform regional or local risk assessments.
20. We consider Clause 5ZQ(4) needs strengthening to ensure the impacts of adaptation policies, strategies or actions on communities, organisations, and sectors are appropriately considered. As it reads, the national adaptation plan could in effect dictate how communities undertake adaptation with limited consideration of socio-economic impacts (as it stands, Clause 4(f) only considers the ability of communities or organisations to undertake adaptation action). We recommend adding clauses into 5ZQ(4) to ensure the Minister also takes into account:
  - *the impacts of adaptation policies, strategies or actions on communities, organisations and sector groups (such as local government) and the costs / benefits of such actions.*
  - *Any disproportionate impacts of adaptation policies, strategies or actions on sectors, communities, industry or organisations.*(or words to similar effect). We suggest this content also be required to be included in the national adaptation plan (under Clause 5ZQ(2)) so communities, organisations and stakeholders can consider the implications and provide informed feedback on the draft.
21. We strongly support the requirement in Clause 5ZQ (6) that the Minister publicly consult on draft national adaptation plans – this is vital as communities, sector groups (such as local government), Māori and industry need the opportunity to consider and provide feedback on adaptation plans and test affordability given they are likely to have a significant role in implementation.
22. The Bill indemnifies government and other persons / bodies in the event of a failure to meet a target or emissions budget, but is silent on obligations to implement / the enforceability of national adaptation plans. We recommend this be clarified to the extent that it is not enforceable on the basis that:
  - There is limited ability to influence content of the national adaptation plan and the Bill does not specify any rights to challenge ministerial decisions (we assume a judicial review is available).
  - There are likely to be significant implications for agencies / sectors / communities (including local government) and the mechanisms for funding implementation are unclear.
  - Agencies / sectors / communities (including local government) have limited ability to fund implementation.

- National adaptation actions / priorities may not reflect those held by a community or those identified in a regional / local risk assessment.

23. Section 5ZV enables the Minister to request information from the reporting organisations listed in Clause (4) and make regulations for this purpose. We recommend Clause 5ZV (1) be amended to the effect that it is specific to climate change *adaptation*, rather than referring to '*addressing the effects of climate change*' which is extremely broad and appears beyond the scope of the adaptation provisions (for example this could conceivably include greenhouse gas mitigation).
24. These requests for information could also impose a significant burden on reporting organisations – the costs of supplying such information is an unknown and the information sought may not currently be available – it would be beneficial if the type of information likely to be requested could be signalled as early as possible. Clause 5ZV (2) would benefit from some qualification on the timeframe for a response – we'd suggest adding "as soon as reasonably practical". We strongly support the requirement to consult reporting organisations before making regulations for the provision of information.

#### General comments

25. We see real risks to society of a rapid increase in the price of greenhouse gas emissions (the price of NZU's). The ETS settings are fundamental to managing this risk. While we acknowledge the government has signalled amendments to the ETS to ensure better control over prices, this should be complemented by other offsetting options to ensure an equitable regime.
26. The Bill will rely heavily on settings in the ETS to deliver the changes sought and delivering on emissions budgets and targets. As things stand, meeting the 2050 CO<sub>2</sub> targets relies to a large degree on carbon offsetting through afforestation with tree species – while this has logic, not all emitters have the opportunity to use this form of offset. Nor do we see landscape scale change in land use to forestry as a sustainable solution in many areas given the potential effect on communities in terms of job losses and / or a shift away from food production. Northland has had some experience of landscape scale change from agriculture to forestry at the detriment of local communities – examples include the Mangakahia Valley and North Hokianga areas, where conversion to forestry resulted in people leaving the area due to job losses. There have also been examples cited in the media where land use change from agriculture to forests has concerned rural communities (such as the Wairarapa and Gisborne). We note the Parliamentary Commissioner for the Environment's commentary on the potential impacts of these policy settings<sup>1</sup>. This is likely to be compounded by entry of agriculture into the ETS, adding a financial disincentive for agriculture onto a strong incentive for afforestation.
27. We consider the ETS should maximise the potential for a range of offsetting methods, rather than as is the current case relying solely on afforestation which in our view is risky given the potential risks of pests, disease (such as Phytophthora), a drying climate and events such as wildfire. For example, there appears to be a significant opportunity to also recognise the carbon

<sup>1</sup> <https://www.pce.parliament.nz/publications/farms-forests-and-fossil-fuels-the-next-great-landscape-transformation>



sequestration potential of soils, wetlands and possibly crops grown for non-consumable fibre or building materials (E.g. hemp). Other examples include recognition of the carbon sequestration in existing stands of native bush, riparian / soil conservation plantings and browsing pest control – we would be happy to assist the climate change commission by providing data on the potential area under such land use / management. We note possums have been estimated to consume about 21,000 tonnes of vegetation per day (300 g wet weight per possum x 70 million possums)<sup>2</sup>, this in addition to the impacts of other browsing pests such as goats. The ability to earn NZU's for control of such pests would complement and support a range of biodiversity outcomes sought by both the government (Predator Free 2050) and communities.

28. Diversifying the offsets available to emitters provides an opportunity to maximise the co-benefits available (particularly water quality and biodiversity) and will enable a more equitable transition to a low carbon economy especially in relation to agriculture, which we see as a particularly vulnerable sector. We consider such mechanisms could be incorporated into existing land uses / current farm systems without major disruption. These measures would ideally be incorporated into the ETS as soon as practical.
29. We understand the government is still contemplating use of ETS auction proceeds – in our view investment into other forms of carbon sequestration outlined above would be a good use of these funds. Another area we would like to see investment in is the potential for reduction of methane emissions from ruminants and nitrous oxide from agricultural practices by way of either new fodder crops or other farm system changes – we understand there has been significant progress in this area which should be maintained.

## Conclusion

30. Council is grateful for the opportunity to comment on the Bill. We look forward to further opportunity for input into the outputs generated by the Bill once enacted and would encourage the commission to actively engage with stakeholders and in particular local government which will play a fundamental role in New Zealand's climate change responses.

Signed on behalf of the Northland Regional Council by:

Northland Regional Council  
Private Bag 9021  
Whangārei Mail Centre  
WHANGĀREI 0148

<sup>2</sup> Nugent, G Landcare Research:

[https://www.landcareresearch.co.nz/\\_data/assets/pdf\\_file/0006/42000/possum\\_native\\_vege.pdf](https://www.landcareresearch.co.nz/_data/assets/pdf_file/0006/42000/possum_native_vege.pdf)



**TITLE:** Amendments to Elected Members' Expenses and Allowances Policy

**ID:** A1206701

**From:** Chris Taylor, Governance Support Manager

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### Executive summary/Whakarāpopototanga

The Local Government Members (2019/20) Determination 2019, which sets the base remuneration, allowances and expenses payable to elected members, came into force on 1 July 2019. The two key changes, from the previous determination, that have effect immediately are the revised annual remuneration figures and vehicle mile allowance rates. Also, for the first time, the Remuneration Authority (RA) has introduced the ability to pay a childcare allowance.

This report provides further information on the RA's review of the remuneration framework and facilitates the necessary amendments to the 'Elected Members' Expenses and Allowances Policy' to give effect to the new determination and council's decision on childcare allowances.

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### Recommendations

1. That the report 'Amendments to Elected Members' Expenses and Allowances Policy' by Chris Taylor, Governance Support Manager and dated 26 June 2019, be received.
2. That council declines the inclusion of childcare allowances in the 'Elected Members' Expenses and Allowances Policy'.
3. That section 7.1 'Vehicle Mileage Allowance' of the 'Elected Members' Expenses and Allowances Policy' be amended as detailed in **Appendix One** [pertaining to Item 5.5 of the 16 July 2019 council meeting agenda].

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### Background/Tuhinga

Under the Local Government Act 2002, the Remuneration Authority (RA) must set the base remuneration, allowances and expenses payable to elected members.

Over the last two years the RA has conducted a 'refresh' of the remuneration framework, which can be broken down into three stages as follows:

- Stage One: In 2018 the RA completed a comprehensive review of the remuneration of elected members of local government. As a result, all councils were 're-sized' (to determine relativity between the various councils) and a local government pay scale was developed using parliamentary remuneration as a comparator. The first tranche of changes was included in the 2018/19 Determination.
- Stage Two: The second tranche of changes to adjust remuneration has been included in the 2019/20 Determination (accessible via the link <http://legislation.govt.nz/regulation/public/2019/0135/latest/LMS211368.html?src=qs>) and took effect on 1 July 2019. This includes remuneration changes for all elected members, based on the current 'partial pool' approach (whereby the RA determines base councillor pay and each council has a pool to 'top up' remuneration for councillors holding positions of responsibility). With regard to the Northland Regional Council the changes in remuneration for elected members is shown in the table over page:

**Table 1: Changes to remuneration**

Office	Annual Remuneration 18/19	Annual Remuneration 19/20
<b>Chairperson</b>	\$119,834	\$122,056
<b>Deputy Chairperson</b>	\$78,062	\$79,153
<b>Committee Chair/Portfolio Leader (7)</b>	\$68,502	\$69,459
<b>Councillor</b>	\$55,758	\$56,537

The Determination includes an update to the vehicle mileage allowance rates to reflect the new kilometre rates published by the Inland Revenue Department and also introduces the provision for childcare allowances at the discretion of each council.

- Stage Three: The final suite of changes take effect from the day after the date on which the official result of the 2019 election of members for the council is declared by public notice. At this time, there will be a move to a 'full pool' approach whereby each council is allocated a pool relating to the ranking of the council on the size index. Each council will provide a proposal to the RA on the councillor base pay and the additional pay for positions of responsibility and the whole of the pool allocated. However, the pool will not apply to the remuneration of the Chair which will continue to have their pay set directly by the RA.

### Childcare allowances

This year, for the first time, the RA has introduced a childcare allowance for members who have responsibility for caring for children under the age of 14 years. The allowance is a contribution towards expenses incurred by the member for the provision of childcare while the member is engaged in local authority business. The allowance is capped and is subject to certain conditions.

It is purely at each council's discretion whether or not it includes a childcare allowance.

Council workshopped the concept of childcare allowances on 21 May 2019. At this time a range of opinions were expressed, including but not limited to:

- Early Childhood Education already provided 20 hours of free childcare.
- The proposed childcare allowances would assist young parents entering local government.
- In the past parents took care of their own childcare and some members were unconvinced the ratepayer should pick up this cost.

If council elected to introduce childcare allowances the necessary inclusion into the 'Elected Members' Expenses and Allowances Policy' is included as **Attachment Two**.

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### Considerations

#### 1. Options

Given that council must give effect to the 2019/20 Determination the only matter at council's discretion is whether to include the provision to pay childcare allowances. The table below reflects this:

No.	Option	Advantages	Disadvantages
1	Introduce childcare allowances	<ul style="list-style-type: none"> <li>• Reduces the barriers to parents entering into elected positions in local government.</li> </ul>	<ul style="list-style-type: none"> <li>• Not currently budgeted for.</li> <li>• Would provide an inconsistent policy</li> </ul>

		<ul style="list-style-type: none"> <li>• Opens opportunities for local government to access the ideas, talent, skills, insights, contacts and passion that young parents could bring to local government.</li> <li>• Provides certainty for candidates prior to elections.</li> </ul>	approach between council employees and elected members
2	Do not introduce childcare allowances	<ul style="list-style-type: none"> <li>• No additional budget required.</li> <li>• Provides certainty for candidates prior to elections.</li> <li>• Maintains a consistent approach to council support for employees and elected members.</li> </ul>	<ul style="list-style-type: none"> <li>• Does not address barriers to parents entering into elected positions in local government.</li> </ul>
3	Defer the decision on childcare allowances to the incoming council.	<ul style="list-style-type: none"> <li>• Does not tie the incoming council to a decision on allowances.</li> </ul>	<ul style="list-style-type: none"> <li>• Does not provide certainty for candidates prior to elections whether there will be childcare allowances which could deter parents from standing.</li> </ul>

The staff's recommended option is Option 2.

## 2. Significance and engagement

In relation to section 79 of the Local Government Act 2002, this decision is considered to be of low significance when assessed against council's Significance and Engagement Policy because it is an administrative function as part of council's day to day activities. This does not mean that this matter is not of significance to tangata whenua and/or individual communities, but that council is able to make decisions relating to this matter without undertaking further consultation or engagement.

## 3. Policy, risk management and legislative compliance

This report gives effect to Section 6, Schedule 7 of the Local Government Act 2002 which states that the Remuneration Authority must determine the remuneration, allowances and expenses payable to elected members.

## 4. Financial implications

If council approves the recommendations in the report then the only financial implications will be in relation to changes to vehicle mileage allowances. This is estimated (based on the mileage of councillors during the 2018/19 financial year) to be \$1,800 and can be accommodated within existing budgets.

If council elects to include childcare allowances it could require an additional \$6,000 per annum per child and would not be able to be accommodated within existing budgets (i.e. council would need to seek additional funding through the 2019/2020 Annual Plan consultation process).

Being an administrative matter, further consideration of Community Views, a Māori Impact Statement and Implementation Issues is not required.

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### Attachments/Ngā tapirihanga

Attachment 1: Amended Section 7.1: Vehicle mileage allowances [↓](#)

Attachment 2: Optional New Section 9: Childcare allowances [↓](#)

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### Authorised by Group Manager

**Name:** Jonathan Gibbard  
**Title:** Group Manager - Strategy, Governance and Engagement  
**Date:** 04 July 2019

#### 7.1 Vehicle Mileage Allowance

1. A vehicle mileage allowance may be claimed in accordance with the Local Government Elected Members Determination for an elected member's use of their own vehicle, including travel to and from the member's residence, if the travel is:
  - (a) In the member's own vehicle; and
  - (b) By the most direct route that is reasonable in the circumstances; and
  - (c) On the local authority's business.
2. The vehicle mileage allowance is payable to elected members at the following rates:
  - (a) for a petrol or diesel vehicle, -
    - (i) ~~796~~ cents per kilometer for the first 14,000 kilometres of eligible travel in the determination term; and
    - (ii) ~~3026~~ cents per kilometer after the first 14,000 kilometres of eligible travel in the determination term:
  - (b) for a petrol hybrid vehicle, -
    - (i) ~~796~~ cents per kilometer for the first 14,000 kilometres of eligible travel in the determination term; and
    - (ii) ~~198~~ cents per kilometer after the first 14,000 kilometres of eligible travel in the determination term:
  - (c) for an electric vehicle, -
    - (i) ~~796~~ cents per kilometer for the first 14,000 kilometres of eligible travel in the determination term; and
    - (ii) 9 cents per kilometer after the first 14,000 kilometres of eligible travel in the determination term.
3. Mileage claims must be made monthly.
4. A local authority's business is defined as:
  - (a) Council, Committee/Sub-Committee, Working Party/Working Group meetings as noted in the formal meeting calendar. Claims will only be paid for travel to such public meetings at which an elected member has been elected or appointed to the forum concerned to represent the council, unless policy statement 4(c) below applies.
  - (b) Council, Committee/Sub-committee, Working Party/Working Group workshops, as noted in the formal meeting calendar. Claims will only be paid for travel to such workshops at which the elected member has been elected or appointed to the forum concerned, unless policy statement 4(c) below applies.
  - (c) Attendance at other meetings or workshops, conferences, site visits relating to an appointed portfolio, and civic functions. Travel claims outside of these areas will only be approved if there is evidence of prior approval of the Chairman (or Deputy Chairman in the Chairman's absence) or the Chief Executive Officer.

## **9 Childcare Allowance**

1. A childcare allowance may be claimed in accordance with the Local Government Elected Members Determination for childcare provided while the member is engaged in local authority business (as defined in section 7.1(4)).
2. A member is eligible to be paid childcare allowance in respect of childcare provided for a child only if:
  - (a) the member is a parent or guardian of the child, or is a person who usually has the responsibility for the day-to-day care of the child (other than on a temporary basis); and
  - (b) the child is aged under 14 years of age; and
  - (c) the childcare is provided by a person who –
    - (i) is not a family member of the member; and
    - (ii) does not ordinarily reside with the member; and
  - (d) the member provides evidence satisfactory to the local authority of the amount paid for childcare.
3. The maximum amount payable for childcare allowances to a member that total more than \$6,000 per annum, per child.
4. A family member of the member is defined as:
  - (a) a spouse, civil union partner, or de facto partner;
  - (b) a relative, that is, another person connected with the member within two degrees of a relationship, where by blood relationship or by adoption.

**TITLE:** Regional Software Holdings Limited Statement of Intent 2020-2022

**ID:** A1207021

**From:** Dave Tams, Group Manager, Corporate Excellence

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### Executive summary/Whakarāpopototanga

The purpose of this report is to lay before council the Regional Software Holdings Limited (RSHL) Statement of Intent 2020-2022.

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### Recommendation(s)

1. That the report 'Regional Software Holdings Limited Statement of Intent 2020-2022' by Dave Tams, Group Manager, Corporate Excellence and dated 27 June 2019, be received.
2. That council accept the Regional Software Holdings Limited Statement of Intent 2020-2022 as set out in **Attachment 1** (pertaining to Item 5.6 of the 16 July 2019 council meeting agenda).

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### Background/Tuhinga

Attached is Regional Software Holding Limited's Statement of Intent 2020-2022.

RSHL provide a statement every year to cover their activities. Council has seen the draft previously.

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### Considerations

#### 1. Options

No.	Option	Advantages	Disadvantages
1	Agree to Statement of Intent for RSHL	SOI for RSHL is agreed by council. Council's investment is managed appropriately.	None
2	Do not agree to Statement of Intent for RSHL	None	SOI for RSHL is not agreed by council. Council's shareholding may not be managed appropriately.

The staff's recommended option is 1.

#### 2. Significance and engagement

In relation to section 79 of the Local Government Act 2002, this decision is considered to be of low significance when assessed against council's Significance and Engagement Policy because it is part of council's day to day activities.

#### 3. Policy, risk management and legislative compliance

This decision is consistent with council's policy as a shareholder of RSHL.

Being a purely administrative matter, Community Views, Māori Impact Statement, Financial Implications and Implementation Issues are not applicable.

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**Attachments/Ngā tapirihanga**

Attachment 1: Regional Software Holdings Limited Statement of Intent 2020-2022 [↓](#)

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**Authorised by Group Manager**

**Name:** Dave Tams  
**Title:** Group Manager, Corporate Excellence  
**Date:** 01 July 2019



## Regional Software Holdings Limited

### Statement of Intent 2020/2021/2022

June 2019  
Version 0.3

#### 1 Introduction

This Statement of Intent is a public declaration of the activities and intentions of Regional Software Holdings Limited (RSHL). The statement outlines the Directors' accountabilities to the shareholders for corporate performance, as is intended by Schedule 8 of the Local Government Act 2002.

RSHL has no subsidiaries or joint ventures.

##### 1.1 Vision

To provide a high quality shared service for the Regional Council sector (and associated agencies) that delivers value to shareholders, customers and the sector.

##### 1.2 Mission

Sponsor collaboration through the Regional Council special interest groups and provide a vehicle for delivering shared solutions and services to the sector in accordance with our values and in a manner that achieves:

- Consistent, common and efficient regional council specific processes and functions
- Value through economies of scale
- Reduced risk through ensuring continuity of supply and control of the destiny of Regional Council sector specific software
- Greater influence with central government through demonstration of a more cohesive and collaborative sector

##### 1.3 Nature and Scope of Activities to be Undertaken

RSHL provides a framework for collaboration between the shareholders and across the wider regional council sector. It supports the procurement or development of shared software services and products in a manner that provides greater consistency in how we operate our core processes and a more cost effective alternative than individual councils can achieve on their own.

The company operates through managed contractual arrangements, and by facilitating collaborative initiatives between councils' staff. Some councils are both customers of RSHL and providers of service to RSHL.

RSHL seeks to reduce costs to the existing shareholders and increase its influence in Regional Council sector information systems by increasing the user base for IRIS and by expanding the common product suite.

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Doc # 13625620

Whilst the current flagship of RSHL is the Integrated Regional Information System (IRIS), the scope of activities for RSHL is not limited to the IRIS application suite. Future activities will be identified by Shareholder Councils. New opportunities will be identified, and priorities set in the Business Plan, other opportunities may arise and be investigated on a case by case basis. New activities will require explicit Board approval.

#### 1.4 Values

In all RSHL decisions and interactions the Board and staff together with member council participants who may be working within the RSHL framework will observe the following values and ethos:

- The best decision is that which provides the best end result, primarily for our shareholder councils but also our customer councils, and indirectly the communities they serve.
- We are forward thinking and innovative
- We are responsive and deliver value
- We are professional and accountable
- We are flexible and open
- Our solutions will be practical, appropriate to the scale of the problem and affordable
- Where appropriate we will utilise codes of practice and standards produced by industry groups
- All parties to any decision or interaction will be treated with respect, dignity, integrity, and honesty.

#### 1.5 Possible New Customers and Shareholders

RSHL seeks to reduce costs to the existing shareholders and increase its influence in Regional Council sector information systems by increasing the user base for IRIS and expanding the product suite.

RSHL responds to requests from Councils and organisations that show potential interest in using the IRIS software.

The potential market for the IRIS application is New Zealand Regional Councils and Unitary Authorities.

RSHL seeks to extend its collaboration framework and service delivery beyond the scope of the IRIS software product. In line with this intention, RSHL will sponsor collaboration through the Regional Council special interest groups and provide a vehicle for delivering shared solutions and services to the sector in order to achieve consistent, common and efficient regional council specific processes and value through economies of scale. RSHL will work alongside the special interest groups to agree and deliver the collaborative work programme and this will operate on a cost recovery basis.

## 2 Objectives

The principal objective of RSHL is to deliver on the vision, mission and values.

The secondary objective of RSHL is to:<sup>1</sup>

- a) achieve the objectives of its Shareholders, both commercial and non-commercial as specified in this Statement of Intent;

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<sup>1</sup> From: Constitution of regional Software Holdings Ltd, Section 1.1

- b) be a good employer;
- c) exhibit a sense of social and environmental responsibility by having regard to the interests of the community in which the Company operates and by endeavouring to accommodate or encourage these when able to do so.

### 3 Board's Approach to Governance

Members of RSHL's Board of Directors are appointed by the shareholders to govern and direct RSHL's activities. The Shareholders Agreement states that each shareholder has the right to appoint one Director, and that person will be the CEO, or a person nominated by the CEO.<sup>2</sup> The Constitution allows each Director to appoint an alternative director.<sup>3</sup> The Constitution also allows the Shareholders to appoint independent directors.<sup>4</sup> The Constitution requires that the Board collectively must have relevant knowledge and experience of finance, public bodies, management, governance, and IT management.<sup>5</sup>

The Board is the overall final body responsible for all decision-making within the company. The Board is accountable to its shareholders for the financial and non-financial performance of the company.

Directors' behaviour is to comply with Institute of Directors' standards for Code of Conduct. The purpose of the code is to clarify how the Board of Directors shall define and deal with:

- The role and fundamental obligations of the Board
- Independence and conflict of interest, including conflict with management
- Board procedures, including the role of the Chairman and interaction with the General Manager
- Reliance on information and independent advice
- Confidentiality of company information
- Board and Director performance review and development

RSHL will conduct itself in accordance with its Constitution, its annual Statement of Intent agreed with shareholders, the provisions of the Local Government Act 2002 and the Companies Act 1993.

### 4 Ratio of Consolidated Shareholder's Funds to Total Assets

It is intended that the proportion of equity to total assets be in excess of 60%.

### 5 Accounting Policies

The financial statements of RSHL have been prepared in accordance with the requirements of the Local Government Act 2002 and the Companies Act 1993, which include the requirement to comply with New Zealand Generally Accepted Accounting Practice (NZGAAP).

The financial statements have been prepared in accordance with Tier 3 Public Benefit Entity (PBE) Standards.

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<sup>2</sup>RSHL Shareholders Agreement clause 4.1

<sup>3</sup> RSHL Constitution clause 8.3

<sup>4</sup> RSHL Constitution clause 8.4

<sup>5</sup> RSHL Constitution clause 8.6

Appendix 1 includes RSHL's Accounting Policies

## 6 Performance Targets and Other Measures

Performance targets by which the success of the company may be judged in relation to its objectives are:

		2019/20	2020/21	2021/22
Non Financial	Undertake an annual survey of users and shareholder/customer Councils in relation to product performance, Datacom support and RSHL support. Baseline to be developed following the completion of the first survey.	Applies each year		
	Develop, approve, communicate and refine the annual roadmap for RSHL major enhancement projects. Draft annual roadmap presented to the Board by 31 December of each year for the following year. Adoption by the Board by 30 June of each year.	Applies each year		
	Major Enhancement projects identified on the Annual Roadmap are all completed within approved budget or (for items in progress) on track against their agreed timeline and budget at 30 June of each year.	Applies each year		
	Budgets for support and minor enhancements are approved by the Board by 30 June each year and delivery within these budgets is effectively managed by the Advisory Group.	Applies each year		
	User Groups and business representatives are engaged in the development of the Major Enhancement Annual Roadmap.	Applies each year		
Financial	RSHL will operate within 5% (plus or minus) of its shareholder approved annual budget.	Applies each year		
	Annual charges for shareholders and customers to be at level approved by the Board and Shareholder Councils based upon the approved operating budget and budgets for major and minor enhancements.	Applies each year		

Growth	Monitor the regional council sector market and explore/respond to opportunities to expand the customer and/or shareholder base of RSHL.	Applies each year
	Consider, evaluate and, if appropriate, implement new service areas or areas outside of the current scope of IRIS <sup>6</sup>	Applies each year
	Be a service delivery agent for wider regional council sector and related bodies information management projects (ReCoCo) and related shared services. Projects to be delivered on time and on budget as agreed in each of the Statements of Work between RSHL and the Regional Council Corporate Services SIG.	Applies each year

## 7 Distribution of Profits to Shareholders

RSHL does not have an objective to make a profit. It seeks to provide products and services at lower costs, and / or higher levels of service than shareholder councils can achieve on their own.

In order for RSHL to be subject to tax, generally it must meet the business test. Fundamental to this is a profit motive. Given the basis under which this CCO operates is to minimise the costs and generally operate on a cost recovery basis and that a pecuniary profit is not intended and highly unlikely, the lack of a profit motive is real.

The RSHL Shareholders Agreement states "If Operating Expenses for a fiscal year are less than the budgeted amount for such year, the Company will retain the funds for application to Operating Expenses for the subsequent fiscal year"<sup>7</sup>. Therefore there will not be a profit available for distribution.

## 8 Information to Be Provided to the Shareholders

The company will deliver the following Statements to shareholders:

- Within two months of the end of the first half of the financial year the following unaudited statements: Statement of Financial Performance, Statement of Financial Position, Statement of Cashflows and Service Performance.
- Within two months of the end of the financial year the following audited statements: Statement of Financial Performance, Statement of Financial Position, Statement of Cashflows, Service Performance plus a summary of how the company has fared against its objectives and prospects for the next financial year, and a report on the company's medium to long-term plans.
- The Directors shall approve by 1 March of each year a Draft Statement of Intent for the consideration of shareholders. The Directors must then consider any comments on the Draft Statement of Intent that are made to it within two months of 1 March by the shareholders and deliver the completed Statement of Intent to the shareholders by 30 June
- Preparation of a draft Business Plan will begin each November, for the financial year that commences on the following June. This early preparation is to allow Shareholder Councils

<sup>6</sup> Consider does not mean commit to do, but to identify & evaluate one or more opportunities

<sup>7</sup> Shareholders Agreement, clause 7.4

the ability to include any changes in Annual Fees, or any other form of financial impact, in their Council's budget processes. The Board are to approve the business plan by the end of March prior to the commencement of the new financial year.

- Any new developments which have not been covered in the statement of corporate intent for the year. Including, but not limited to, an update on any outcomes arising from any changes in shareholding, including the effect on individual Council's shareholdings and apportionment of costs.
- Details of possible scenarios that might be foreseen that could result in annual fees increasing above the CPI index.
- Any other information which would normally be available to a shareholder, thereby enabling the shareholder to assess the value of its investment in the company.

## **9 Procedures for Major Transactions and Other Acquisitions and Disposals**

The Company will not enter into major transactions as defined in Section 129(2) of the Companies Act 1993 without the consent of the shareholders.

## **10 Procedures for Issue of Shares**

The RSHL shareholder agreement requires the approval of the Shareholders holding at least of 75% of the shares for "the issuing or acquisition of any Shares or any change to the rights attaching to any Shares"<sup>8</sup>.

## **11 Activities for Which Compensation Is Sought**

Payment of an Annual Fee for IRIS will be sought from all customers of RSHL, which includes Shareholder Councils, for annual support and development fees, as set out in the License Agreement. The IRIS annual support fee also includes funding to cover the cost of running RSHL.

It is noted that other products or services may be delivered by RSHL. Any such services will only be delivered after the Directors have considered each individual business case including the proposed budget and agreed that the proposed service meets the objectives of RSHL. When providing other services over the Sector RSHL seeks to recover any costs incurred.

Any ongoing activities to identify develop or procure additional products or services will be budgeted for in advance, subject to the business case. The subsequent recovery from one or more shareholder or customer councils will be agreed by the Directors on a case by case basis in accordance with the RSHL Constitution.

All activities for which compensation is sought will be undertaken at arms-length with recovery of all associated costs.

## **12 Estimate of Commercial Value of The Shareholder's Investment**

The Directors' estimate of the commercial value of the Shareholders' investment in RSHL is equal to the Shareholders' equity in the Company. Reassessment of the value of this shareholding shall be undertaken on or about 30 June each year.

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<sup>8</sup> *RSHL Subscription & Shareholders Agreement* Section 5.1 (b)

The technologies used to develop the IRIS product will eventually reach the end of their useful life. From time to time, RSHL will need to reinvest to ensure the underlying technology remains fit for purpose and current. Whilst there is currently no outstanding need for reinvestment, future statements of intent will identify and provide for this reinvestment

### 13 Shareholding

Regional Software Holdings Limited (RSHL) was formed on 17 October 2012. At the time of formation the company issued 10,000 shares to its shareholders based on a previously agreed sizing formula. The following shareholding was agreed:

Shareholder	Percentage	# of shares
Waikato Regional Council	32.75%	3,275
Northland Regional Council	16.75%	1,675
Horizons Regional Council	15.50%	1,550
Taranaki Regional Council	15.50%	1,550
Southland Regional Council	15.50%	1,550
West Coast Regional Council	4.00%	400

**Statement of Intent 2019-2020**  
**Regional Software Holdings Limited**  
**Statement of Financial Performance**  
**For the 12 Months to 30 June**

2018-19 Budget		2019/20 SOI	2020/21 Indicative	2021/22 Indicative
<b>Income</b>				
1,117,579	Members Contribution	1,139,931	1,163,869	1,188,311
1,117,579		1,139,931	1,163,869	1,188,311
<u>Other Income</u>				
600	Interest Received	600	600	600
62,750	Council Specific Funding	65,905	67,289	68,702
500,000	Regional Sector Share Services	210,000	210,000	210,000
148,463	User Funding	151,432	154,612	157,859
<b>1,829,392</b>	<b>Total Income</b>	<b>1,567,868</b>	<b>1,596,371</b>	<b>1,625,472</b>
<b>Expenditure</b>				
<u>Administration costs</u>				
2,825	Administration costs	9,125	9,153	9,179
	Accounting & Technical			
23,295	Support	29,395	29,515	29,637
11,100	Audit & Legal fees	5,900	6,024	6,150
178,000	Datacom Support Services	208,260	212,633	217,099
50,000	Technical Services	150,000	153,150	156,366
10,500	Environment Charges	20,000	20,420	20,849
157,500	Management Fees	50,400	50,400	50,400
-	Personnel Costs	155,000	155,000	155,000
10,000	Promotional Costs	1,600	1,600	1,600
30,000	Independent Director's Fees	30,600	31,243	31,899
7,000	Travel & Meeting Costs	9,000	9,000	9,000
500,000	Regional Sector Share Services	110,000	110,000	110,000
62,750	Other Direct Software	77,905	79,541	81,211
1,042,970	<i>Total administration costs</i>	857,185	867,678	878,389
<u>Sundry other costs</u>				
786,423	Depreciation	827,855	967,115	1,058,921
<b>1,829,393</b>	<b>Total expenditure:</b>	<b>1,685,040</b>	<b>1,834,793</b>	<b>1,937,310</b>
-	<b>Surplus/(deficit) before Tax</b>	(117,172)	(238,423)	(311,838)
	Income Tax Expenses			
-	<b>Surplus/(deficit) after Tax</b>	(117,172)	(238,423)	(311,838)



**Regional Software Holdings Limited**  
**Statement of Financial Position**  
As at 30 June

2018-19 Budget		2019/20 SOI	2020/21 Indicative	2021/22 Indicative
	<b>ASSETS</b>			
	<b>Current assets</b>			
137,932	Bank Accounts and Cash	513,548	292,241	39,323
-	Debtors and Prepayments	-	-	-
	<b>Non Current Assets</b>			
5,202,007	Property, Plant & Equipment	4,703,489	4,686,374	4,627,454
<u>5,339,939</u>	<b>Total Assets</b>	<u>5,217,038</u>	<u>4,978,615</u>	<u>4,666,777</u>
	<b>LIABILITIES</b>			
	<b>Current liabilities</b>			
-	Creditors and Accrued Expenses	-	-	-
-	Income Received in Advance	-	-	-
<u>-</u>	<b>Total liabilities</b>	<u>-</u>	<u>-</u>	<u>-</u>
<u>5,339,939</u>	<b>NET ASSETS</b>	<u>5,217,038</u>	<u>4,978,615</u>	<u>4,666,777</u>

**Represented by:**

2018-19 Budget		2019/20 SOI	2020/21 Indicative	2021/22 Indicative
	<b>Equity</b>			
5,149,150	Equity	5,149,150	5,149,150	5,149,150
-	Current Year Earnings	(117,172)	(238,423)	(311,838)
190,790	Retained Earnings	185,059	67,887	(170,536)
<u>5,339,939</u>	<b>Total Equity</b>	<u>5,217,037</u>	<u>4,978,614</u>	<u>4,666,776</u>

**Regional Software Holdings Limited**  
**Statement of Cash Flows**  
**For the 12 Months to 30 June**

<b>2018-19 Budget</b>		<b>2019/20 SOI</b>	<b>2020/21 Indicative</b>	<b>2021/22 Indicative</b>
	<b>Cashflows from Operating Activities</b>			
	<b>Cash received from:</b>			
711,213	Receipts from customers	361,432	364,612	367,859
1,117,579	Shareholder contributions	1,205,836	1,231,158	1,257,013
600	Interest	600	600	600
-	Income Tax Paid (refunded)	-	-	-
<b>1,829,392</b>	<b>Total Operating Receipts</b>	<b>1,567,868</b>	<b>1,596,371</b>	<b>1,625,472</b>
	<b>Cash applied to:</b>			
1,042,970	Payments to suppliers	857,185	867,678	878,389
-	Income Tax Paid (refunded)	-	-	-
-	Interest W/holding tax paid	-	-	-
<b>1,042,970</b>	<b>Total Operating Payments</b>	<b>857,185</b>	<b>867,678</b>	<b>878,389</b>
<b>786,422</b>	<b>Net cash from operating</b>	<b>710,683</b>	<b>728,692</b>	<b>747,083</b>
	<b>Cashflow from Investing Activities</b>			
	<b>Cash received from:</b>			
-	Sale of Fixed Assets	-	-	-
-	Investment Maturities	-	-	-
<b>-</b>	<b>Total Investment Receipts</b>	<b>-</b>	<b>-</b>	<b>-</b>
	<b>Cash applied to:</b>			
785,248	Purchase of Fixed/ Intangible assets	600,000	950,000	1,000,000
-	Investment deposits	-	-	-
<b>785,248</b>	<b>Total Investment Payments</b>	<b>600,000</b>	<b>950,000</b>	<b>1,000,000</b>
<b>(785,248)</b>	<b>Net cash from investing</b>	<b>(600,000)</b>	<b>(950,000)</b>	<b>(1,000,000)</b>
	<b>Cashflow from Financing Activities</b>			
	<b>Cash received from:</b>			
-	Capital contributions	-	-	-
-	Investment maturities	-	-	-
<b>-</b>	<b>Total Financing Receipts</b>	<b>-</b>	<b>-</b>	<b>-</b>
	<b>Cash applied to:</b>			
-	Capital repaid	-	-	-
-	Total Financing Payments	-	-	-
<b>-</b>	<b>Net cash from financing</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>1,175</b>	<b>Net increase (decrease) in cash-flow for the year</b>	<b>110,683</b>	<b>(221,308)</b>	<b>(252,971)</b>
136,758	Opening cash balance	402,865	513,548	292,241
<b>137,932</b>	<b>Closing cash balance</b>	<b>513,548</b>	<b>292,241</b>	<b>39,323</b>
	<b>Made up of:</b>			
25,000	Current account	25,000	25,000	25,000
112,932	Auto-call account	488,548	267,241	14,323
<b>137,932</b>		<b>513,548</b>	<b>292,241</b>	<b>39,323</b>

## **Appendix 1: Accounting Policies**

### **1 General Information**

#### **Reporting Entity**

Regional Software Holdings Limited (RSHL) is a Council Controlled Organisation (CCO), owned by Waikato Regional Council (32.75%) Northland Regional Council (16.75%) Horizons Regional Council (15.50%) Taranaki Regional Council (15.50%) Southland Regional Council (15.50%) and West Coast Regional Council (4.00%.) RSHL was incorporated on 17 October 2012.

RSHL was primarily incorporated for the purposes of managing the investment and development of IRIS Software, and has designated itself a Public Benefit Entity (PBE), in keeping with the designation of the shareholders.

#### **Public Benefit Entity Simple Format Reporting**

RSHL qualifies for Public Benefit Simple Format Reporting – Accrual (PBE-SFR-A) on the basis that the Company does not have publically accountable (as defined) and has total annual expenses of less than \$2 million.

#### **Basis of Preparation of the Financial Statements**

The prospective financial statements have been prepared on the going concern basis, and the accounting policies have been applied consistently throughout the period. The financial statements will be prepared on a historical cost basis.

#### **Statement of Compliance**

The prospective financial statements of RSHL have been prepared in accordance with the requirements of the Local Government Act 2002 and the Companies Act 1993, which include the requirement to comply with New Zealand Generally Accepted Accounting Practice (NZGAAP).

The financial statements have been prepared in accordance with Tier 3 Public Benefit Entity (PBE) Standards.

These prospective financial statements comply with PBE Standards.

#### **Presentation Currency and Rounding**

The prospective financial statements have been prepared in New Zealand dollars and there will be rounding in the numbers in the financial statements, as the financial model used calculates to the cent but the annual report is rounded to the nearest dollar.

The functional currency of RSHL is New Zealand dollars.

The reporting period for these prospective financial statements is the year ending 30 June.

## **2 Summary of Significant Accounting Policies**

### **Revenue**

Revenue is measured at the fair value of consideration received or receivable.

Members Contributions and Other forms of Revenue (excluding investment revenue), including fees, charges, and other revenues are recognised on an accrual basis.

Interest revenue is recorded as it is earned.

### **Expenditure**

Expenditure is recognised on an accrual basis when the service was provided, or the goods received.

Costs associated with maintaining the IRIS software suite are recognised as an expense when incurred.

### **Bank Accounts and Cash**

Cash and cash equivalents include cash on hand, on demand or call deposits, other short-term deposits with original maturities of three months or less, and bank overdrafts.

Bank overdrafts are presented as a current liability in the Statement of Financial Position.

### **Debtors**

Debtors are initially recorded at the amount owed. When it is likely the amount owed (or some portion) will not be collected, a provision for impairment is recognised and the loss is recorded as a bad debt expense.

### **Inventories**

Inventory is initially recorded at cost. Goods held for sale are subsequently measured at the lower of cost and their selling process. Goods for use or distribution are subsequently measured at cost and written down if they become obsolete.

### **Goods and Services Tax (GST)**

RSHL is registered for GST; these financial statements are presented net of GST, except for receivables and payables which are inclusive of GST. Where GST paid is not recoverable, due to it relating to exempt items, the GST inclusive amount is recognised as part of the related asset or expense including the GST relating to investing and financing activities.

The net amount of GST recoverable from, or payable to, the IRD is included as part of receivables or payables in the statement of financial position.

The net GST paid to, or recovered from, the Inland Revenue Department is recognised as an item in operating cash flow in the statement of cash flows.

Commitments and contingencies are disclosed exclusive of GST.

### **Income Tax**

Income tax expenses calculated using the taxes payable method. As a result no allowance is made for deferred tax. Tax expense includes the current tax liability and adjustments to prior year tax liabilities.

### **Creditors and Accrued Expenses**

Creditors and accrued expenses are measured at the amount owed.

### **Property, Plant and Equipment**

#### *Software acquisition and development*

Costs that are directly associated with the development of the IRIS software suite are recognised as property, plant and equipment.

#### *Depreciation*

Depreciation begins when the asset is available for use and ceases at the date that the asset is derecognised. The depreciation charge for each period is recognised through the Statement of Financial Performance.

The carrying value is depreciated on a straight-line basis over its useful life. The useful life and associated depreciation rate for the IRIS software suite is 10 years and 10%.

Where software in this category is replaced, upgraded or determined by RSHL to be of no further operational benefit, a change in value will be recognised through the Statement of Financial Performance. This change in value will be the difference between the carrying value of the original item and its fair value.

### **Critical Accounting Estimates and Assumptions**

In preparing these financial statements, RSHL has made estimates and assumptions concerning the future. These estimates and assumptions may differ from the subsequent actual results. Estimates and assumptions are continually evaluated and are based on historical experience and other factors, including expectations or future events that are believed to be reasonable under the circumstances.

### **Additional Disclosure**

The Companies Act 1993 requires disclosure of the amount of donations, audit fees, fees for other services from the auditor, and the number of employees of the company who received remuneration and other benefits above \$100,000 per annum, in brackets of \$10,000.

Note For Info: Requirements for Statement of Intent  
Source: Office of the Auditor General  
<http://www.oag.govt.nz/2007/corporate-intent/appendix2.htm>

Item	Section
Statement of intent	This document
Coverage over three financial years and updated annually	1 & 8 & 6
Objectives of the group	2
A statement of the board's approach to governance	3
Nature and scope of the activities to be undertaken	1
Ratio of consolidated shareholders' funds to total assets, and the definitions of those terms	4
Accounting policies	5
Performance targets and other measures by which the performance of the group may be judged in relation to its objectives	6
An estimate of the amount or proportion of accumulated profits and capital reserves that is intended to be distributed to the shareholders	7
The kind of information to be provided to the shareholders/ shareholding Ministers by the organisation during the course of the next three financial years	8 (Shareholders)
Procedures to be followed before any member or the group subscribes for, purchases, or otherwise acquires shares in any company or other organisation	9
Any activities for which the board seeks compensation from any local authority, Harbour Board, or the Crown (whether or not the relevant entity has agreed to provide the compensation)	11 (Local authority)
The board's estimate of the commercial value of the Crown/shareholders' investment in the group and the manner in which, and the times at which, that value is to be reassessed	12 (Shareholders)
Other matters that are agreed by the shareholders/ shareholding Ministers and the board	none (Shareholders)
Annual report should contain information that is necessary to enable an informed assessment of the operations of the parent entity and its subsidiaries, including a comparison of performance with the relevant statement of intent or statement of corporate intent	8 (Plus explanation of material variances)

**TITLE:** Inter-regional Marine Pest Management - Consultation Results and Next Steps

**ID:** A1207340

**From:** Justin Murfitt, Strategic Policy Specialist and Don McKenzie, Biosecurity Manager

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### Executive summary/Whakarāpopototanga

The Inter-Regional Marine Pest Pathway Discussion Document on the management of marine pests across the four regions at the top of the North Island was released for public feedback on 18 March 2019 (council approved release of the discussion document at the February 2019 council meeting). This consultation project was developed by the Top of the North Biosecurity Group as a collaborative project between Bay of Plenty Regional Council, Waikato Regional Council, Auckland Council, Northland Regional Council, Ministry for Primary Industries / Biosecurity NZ (MPI) and the Department of Conservation (DOC). The discussion document sought feedback on a number of options to manage marine pests, including the option to develop consistent rules across the four regions. The discussion document received 370 submissions – this feedback has been collated and is presented in the attached report (**Attachment 1**). Staff recommend that the feedback received be assessed and a preferred option be identified by the Top of the North Biosecurity Group. This preferred option and supporting evidence would then be presented to all four councils (and partner agencies) for consideration in early 2020.

---

### Recommendation(s)

1. That the report 'Inter-regional Marine Pest Management - Consultation Results and Next Steps' by Justin Murfitt, Strategic Policy Specialist and Don McKenzie, Biosecurity Manager and dated 28 June 2019, be received.
2. That council authorise staff in collaboration with the Top of the North Biosecurity Group partners to progress with the options analysis to identify a preferred option (and supporting evidence) for marine pest management.
3. That a preferred option for the management of marine pests across the four partner regions and supporting evidence be presented to council for consideration in early 2020.
4. That council approve public release of the consultation results report, subject to formatting and other minor edits to improve 'readability'.

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### Background/Tuhinga

The threat of marine pest incursions is particularly high in the coastal waters of northern New Zealand. Northland's coastal waters are particularly susceptible to incursions of marine pests given the range of habitats available, relatively benign climate and the high number of visiting and resident vessels that are a vector for spread (the movement of 'fouled' vessels is the biggest pathway for the spread of marine pests). Northland also has significant cultural, natural heritage and economic values that are potentially impacted by marine pests. These issues are also faced by neighbouring regions such as Auckland, Waikato and Bay of Plenty, which in combination with Northland accommodate the majority of New Zealand's vessel movements. Controlling marine pests once established is extremely difficult and preventing their arrival is far more cost-effective. Restricting the spread of marine pests is likely to be more effective if a coordinated and consistent multi-region approach is adopted – there are also likely to be efficiency gains in implementation.

## The consultation

The discussion document presented four options for the overall direction on managing marine pests, being:

- Status quo – continue current efforts and work towards a national approach (with each region retaining the option to develop their own rules for managing marine pests);
- Lead the way with consistent rules requiring clean vessel hulls across the four biggest boating regions – Northland, Auckland, Waikato, and Bay of Plenty;
- Go further - make rules for other pathways too like ballast water, aquaculture, bilge water and marine equipment; or
- None of the above.

People were also asked for feedback on options for hull-fouling rules, this being the key pathway for the spread of marine pests. Engagement processes across the four regions and through MPI/Biosecurity NZ and DOC channels included:

- Email distribution to each agencies tangata whenua / stakeholder lists;
- Media releases;
- Public events / hui.
- Printed material (discussion document and pamphlets) provided to stakeholders; and
- Social media.

For a more detailed summary of the engagement see Appendix B in **Attachment 1**.

## The results

The consultation attracted 370 submissions from a wide range of interests across New Zealand. Table 1 below shows submitters by location and whether they owned a boat stored 'on-water'.

**Table 1**

Survey completed	Number of submitters	Boat ownership
Northland	120	89 (74%)
Auckland	123	70 (57%)
Waikato	22	12 (55%)
Bay of Plenty	49	23 (47%)
Elsewhere in NZ	22	10 (45%)
Overseas	1	1 (100%)
No region given	4	—
<b>Incomplete submissions</b>		
No region given	29	—
<b>Total responses considered</b>	<b>370</b>	—

Key themes identified largely through comments in submissions were:

- The importance of protecting marine environments;
- Practicality and compliance issues;
- Managing other pathways is also important (not just hull fouling);
- The practicality of current tools (e.g. effectiveness of anti-foul, lack of haul-out facilities, and in water cleaning rules);

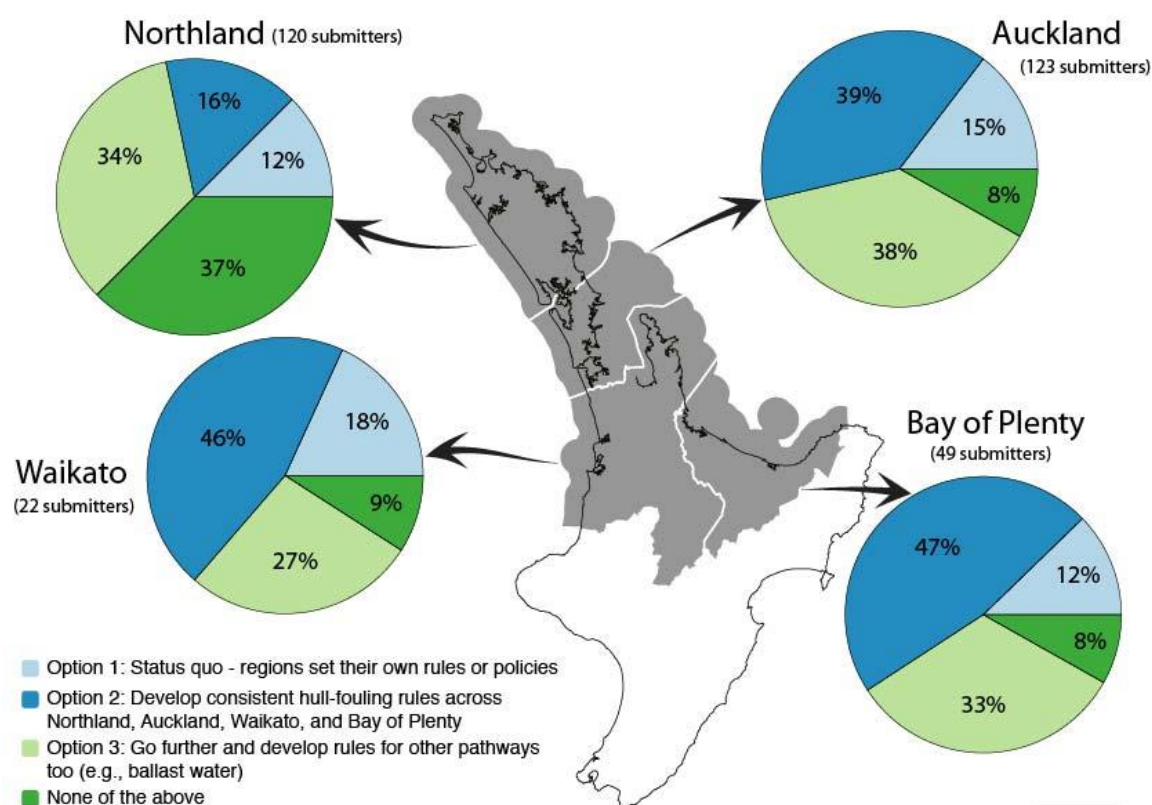


- The allocation / distribution of costs;
- Need for a national approach to managing marine pests;
- Pests having already established; and
- 'Stationary vessels' (i.e. low risk of spread).

The number of submitters that owned boats stored on-water was between 45% and 57% for all regions, except Northland where boat-owners made up 74% of respondents. This likely reflects that the issue has been recently debated through the Northland Marine Pest Pathway Plan and associated charging regime.

Feedback on the three primary options is summarised below in Figure 1:

**Figure 1**

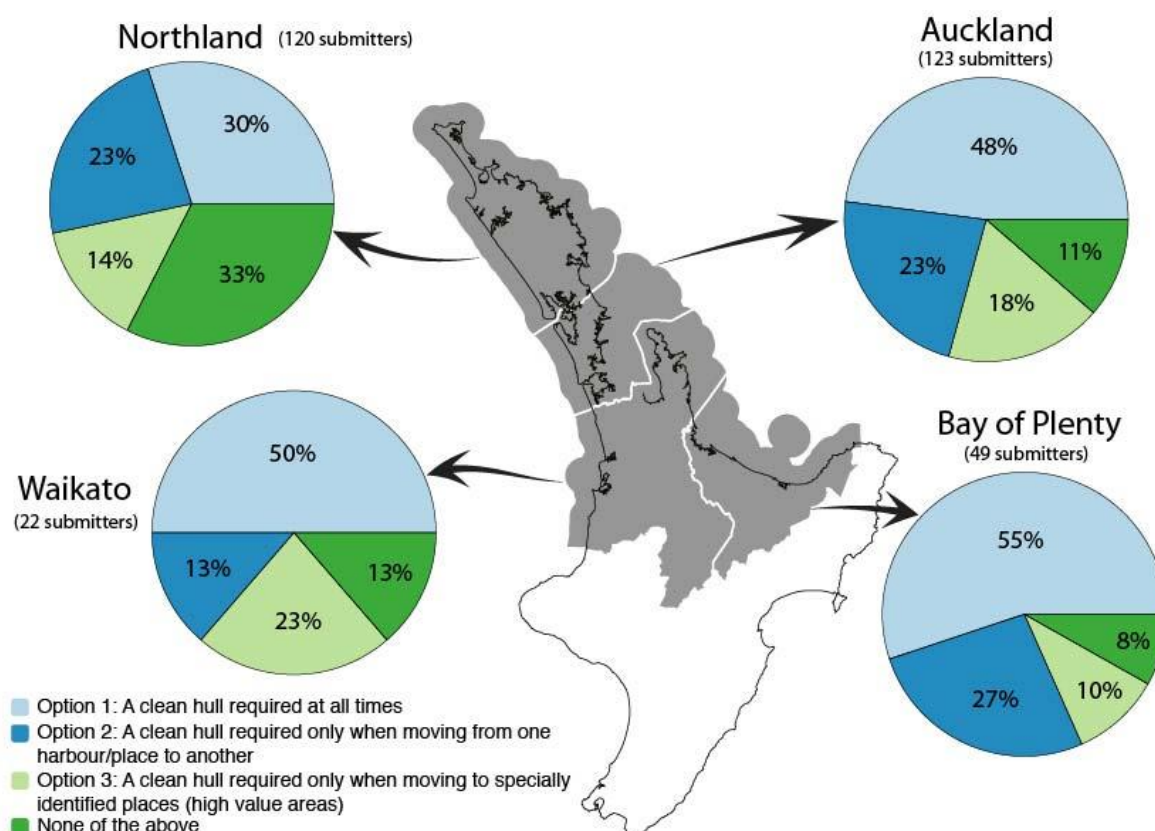


Note: The total number of submitters who responded to this question is 314 (a number of submitters did not complete the question or were either from elsewhere in NZ, from overseas, or did not identify a region).

Responses from Northland differed from other regions in that a higher proportion (37%) preferred the 'none of the above' option compared with 8-9% in the other regions. Lower numbers of submissions from Bay of Plenty and Waikato may reflect the fact that marine pests are a less prominent issue and that there has been more debate on the matter recently in the Auckland and Northland regions – it may also reflect a lower percentage of owners of vessels stored 'in-water' in the Bay of Plenty and Waikato regions. Overall, the majority of responses sought more action on marine pest management by selecting either Option 2 or 3. This was slightly lower in Northland where Options 2 and 3 were supported by 50% of submitters who answered this question.

There were also regional variations in the response to the options for hull-fouling rules as shown in Figure 2.

Figure 2



Overall, the results indicate there is support from those who responded for further efforts to manage marine pests across the four regions, with a significant percentage supporting some form of control on hull-fouling (although this is notably more muted in Northland than the other regions with 33% opposed to hull-fouling rules).

### Next steps

The consultation has provided useful feedback on the issue of marine pest management. It is recommended that staff (in collaboration with the Top of the North Biosecurity Group partners) undertake a detailed options analysis to identify a 'preferred' approach and report back in early 2020. This would include:

- A preferred option for marine pest management;
- An indicative cost / benefit assessment and rationale;
- An indicative implementation programme and associated costs; and
- An outline of the process should the preferred option be pursued.

At this point council(s) could direct that:

- Further consultation be undertaken;
- More information on implementation approaches and / or costs be provided;
- Further investigation into the merits of other options be undertaken;
- A formal proposal under the Biosecurity Act should proceed; or
- No further action be taken.

In the event council (and partner agencies) support proceeding with a formal proposal under the Biosecurity Act, a draft proposal, full cost / benefit analysis and other supporting information required under the Act would be developed - this would require further approval from participating councils prior starting the formal process. It should be noted that each council / participating agency

has discretion over whether to proceed and over how implementation costs are allocated (the allocation of implementation costs may therefore vary across each region).

There is clearly some appetite for more action to address marine pests across the 'top of the north' regions from both the individuals and the agencies that responded. There are also likely to be benefits arising from a consistent approach across the top of the north regions which staff recommend be explored further (including lower risk of pest incursions and clarity / simplicity for vessel owners). It is therefore recommended that council (and partners) maintain momentum on progress to date by investigating the future options for marine pest management and report back in early 2020 with a preferred approach, indicative costs and supporting evidence, at which time councils can provide further direction.

Costs of developing the options analysis and supporting evidence are not expected to be significant and can be met within existing budgets and utilise tools / information already available (such as the cost / benefit model used in development of the Northland Marine Pest Pathway Plan and the experience with implementation to date, both of which can be extrapolated to other regions).

## Considerations

### 1. Options

No.	Option	Advantages	Disadvantages
1	No further action is taken	No cost / resourcing required.	The status quo remains with inconsistent approaches across the four regions.  Less effective response to the risk of marine pests.  Momentum on the issue is lost.
2	Further options analysis is undertaken to identify a common preferred option (and evidence base) and reported back to council(s) and agencies in 2020	The effectiveness and costs and benefits of the options are clearly identified.  Council(s) have greater confidence in deciding next steps particularly if a formal proposal is pursued.	Further time and resource required.
3	Council identifies a preferred option now	Clear direction on marine pest management.	The benefits of an inter-regional approach are less likely to arise if council does not act in unison with partners.  A robust analysis of the options (and their implications) would not have been considered.

The staff's recommended option is Option 2.

## 2. Significance and engagement

In relation to section 79 of the Local Government Act 2002, this decision is considered to be of low significance when assessed against council's Significance and Engagement Policy because it is part of council's day to day activities. This is on the basis that the work can be met with existing budgets and does not commit council to a particular course of action. This does not mean that this matter is not of significance to tangata whenua and/or individual communities, but that council is able to make decisions relating to this matter without undertaking further consultation or engagement.

## 3. Policy, risk management and legislative compliance

The decision is consistent with policy and legislative requirements in that it would provide council with a robust basis for future decision making. In addition, the decision relates to non-statutory processes and is consistent with the principles in the Biosecurity Act 1993.

## Further considerations

## 4. Community views

The consultation document provides an indication of community views on the issue and suggests there is a desire for more action on managing marine pests across a range of interests. In the event a formal proposal is progressed (subject to a future council decision) further consultation is required under the Biosecurity Act.

## 5. Māori impact statement

Māori have had an opportunity to make their views on the matter known through submissions on the discussion document (and a number of Māori have done so). The Te Taitokerau Maori and Council Working Party has been briefed on the issue and has indicated support for inter-regional approaches to marine pest management.

## 6. Financial implications

The further options analysis, identification of a preferred option and associated evidence base can be met within existing budgets.

## 7. Implementation issues

There are no significant implementation issues expected given the decision relates to provision of further information to support future council decisions rather than implementation.

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## Attachments/Ngā tapirihanga

Attachment 1: Consultation Results Report [↓](#)

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## Authorised by Group Manager

**Name:** Bruce Howse  
**Title:** Group Manager - Environmental Services  
**Date:** 10 July 2019



### Consultation results

Better ways to stop marine pests?

Ētahi tikanga pai atu mō te āria orotā o te moana?

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## 1 Executive summary

### Background

This report summarises the views of 370 submitters on the discussion document '*Better ways to stop marine pests?*'. The report has been prepared by the Top of the North (TON) Marine Biosecurity Partnership and is intended to provide an overview of the preferences of submitters in relation to questions posed.

The report summarises the overall preferences of submitters and examines the differences between regions (Northland, Auckland, Waikato, Bay of Plenty, and elsewhere in New Zealand or overseas) and according to boat ownership. It also outlines key themes identified in submitter comments and highlights points made by majority groups and notable submitters. It is not intended to be a comprehensive presentation of all points made by submitters.

Feedback was collected via an online survey hosted on Bionet.nz as well as in hardcopies made available from a range of places including regional council offices, iwi workshops, marinas, and boat clubs (See Appendix Table 4 for a full summary of the publicity and engagement activities each region, Biosecurity New Zealand, and DOC conducted to publicise and attract submissions). Email submissions were also accepted.

### Summary of feedback

#### 1. Which is your preferred option for managing marine pests, and why?

The preferred option was Option 3 (go even further and make rules for other pathways too; 37%), followed by Option 2 (lead the way with consistent rules for clean hulls; 30%), 'none of the above' (20%), and finally Option 1 (the status quo; 13%).

The majority of submitters (60%) were boat owners and, overall, their most commonly selected preference was Option 2 (31%) whereas the vast majority of submitters who do not own a boat that lives in the water selected Option 3 (60%).

#### 2. If hull-fouling rules were developed, which option do you think is best, and why?

The preferred option for hull-fouling rules was Option 1 (clean hull at all times; 42%), followed by Option 2 (clean hull required only when moving; 24%), 'none of the above'; 19%), and finally Option 3 (clean hull required only when moving to specially identified places; 15%).

Overall, boat owners were not polarised on this issue, with relatively equal numbers of submitters choosing each of the four options. Specifically, boat owners preferred 'none of the above' (29%), Option 1 (27%), Option 2 (24%), and Option 3 (20%), whereas the vast majority of submitters (65%) who do not own a boat selected Option 1.

### Themes

There were nine key themes that were identified during the analysis of submitters comments, based on the questions posed in the discussion document. These were: 1) The importance of protecting marine environments; 2) Practicality and compliance issues; 3) Regional differences require local management; 4) Managing other pathways is also important (not just vessel hull biofouling); 5) The



practicality of current tools (e.g., the effectiveness of anti-fouling, a lack of haul-out facilities, and in-water cleaning rules); 6) The allocation and distribution of costs (e.g., international/commercial vessels and ballast water issues); 7) The need for a national pathways plan; 8) Pests having already established; and 9) Exemptions are needed for stationary vessels.

#### Key messages

Overall, there was a clear call for greater action to address marine pests across the TON regions from both the individuals and the agencies that responded, some of which represent considerable numbers of marine users. In addition, there is likely to be benefit in implementing a consistent approach across the regions because issues around practicality and the ease or difficulty of compliance were of high importance to many submitters.

Results also indicate there is a significant percentage of submitters who support some form of control on hull-fouling, although this is notably more muted in Northland than the other regions with 33% either opposed to hull-fouling rules or seeking further detail about their implementation.

The differences in submitter responses and comments seen in Northland compared with the other TON regions likely reflect both a higher level of boat ownership and the recent introduction of the Northland Marine Pest Pathway Plan with an associated charging regime. While it seems clear that further engagement with boat owners is required, it is encouraging that many already support the introduction of new hull-fouling rules and desire consistency in these rules across the regions.

## 2 Introduction

### 2.1 The Top of the North Marine Biosecurity Partnership

For several years, Auckland Council, Gisborne District Council, Northland, Bay of Plenty Toi Moana, Waikato, and Hawkes Bay Regional Councils alongside Biosecurity New Zealand (part of the Ministry for Primary Industries) have worked together to prevent the spread of marine pests in New Zealand's northernmost regions. Together these organisations have formed the Top of the North (TON) Marine Biosecurity Partnership.

The four northernmost regions are home to the largest boating populations in the country and there is extensive vessel movement (recreational and commercial) throughout. However, the rules and management approaches for marine pests currently vary between the TON councils:

- Northland Regional Council has had marine pest-led rules in place since 2010 and recently introduced pathway rules requiring a clean hull when entering the region or moving from place to place. The pest-led rules are implemented through a surveillance programme which inspects more than 2000 hulls each year. The pathways plan rules are yet to be fully implemented, however the pathways approach is a proactive way to manage the impacts of marine pests rather than a reactive measure of managing pests once they are already established.
- Auckland Council has risk-based rules in the Unitary Plan to manage the spread of harmful and invasive organisms, which include marine pests, via fouled hulls.
- Waikato Regional Council currently has no marine pests or pathway plan rules in place but is active in managing the impacts and risks of marine pest species.
- Bay of Plenty Regional Council has pathway-style rules in the Proposed Regional Pest Management Plan, and currently has small-scale management programmes for *Sabella* and *Styela*.

### 2.2 Public Consultation and Engagement process

A key area of focus for the TON Partnership is the management of risk pathways that have the potential to introduce or spread marine pest populations in the TON regions, and throughout New Zealand. Feedback on the discussion document '*Better ways to stop marine pests?*' was gathered to help the TON Partnership understand people's views on how to prevent the spread of marine pests. To explore whether inter-regional hull-fouling rules could be a better way forward, a public consultation was run to assess answers to the following questions:

#### 1) Which is your preferred option for managing marine pests, and why?

- Option 1 – Status quo  
Continue our combined efforts and work towards a collaborative national pathway approach. In the meantime, each region keeps its own rules or policies for managing marine pests.
- Option 2 – Lead the way with consistent rules for clean hulls  
Develop consistent rules on managing hull-fouling across the four biggest boating regions – Northland, Auckland, Waikato and Bay of Plenty.
- Option 3 – Make rules for other pathways too  
Along with rules for hull-fouling, develop rules for other pathways like ballast water, aquaculture, bilge water, and marine equipment.

- None of the above

2) If hull-fouling rules were developed, which option do you think is best, and why?

- Option 1 – Clean hull required at all times  
All vessel hulls required to have no more than a slime layer and/or barnacles at all times.
- Option 2 – Clean hull required only when moving  
No more than a slime layer and/or barnacles permitted when moving from one harbour/place to another. This rule is already in place for Northland.
- Option 3 – Clean hull required only when moving to specially identified places  
No more than a slime layer and/or barnacles permitted when moving to specially identified high value places.
- None of the above

See Appendix (Table 4) for a summary of the publicity and engagement activities each region, MPI, and DOC conducted to publicise and attract submissions.

The feedback received on the *‘Better ways to stop marine pests?’* has been collated and is presented in this report. This information will be used to help the relevant agencies decide whether to formally proceed with developing shared rules within the Northland, Auckland, Waikato, and Bay of Plenty regions. If new rules were proposed, these would need to follow the public consultation and decision-making processes set out in the Biosecurity Act 1993. This would include consideration of implementation, including roles and responsibilities, where costs should lie, and how these should be funded.

### 3 Methodology

#### 3.1 Survey collection

Feedback was collected via an online survey hosted on Bionet.nz as well as in hardcopies distributed to:

- Regional council offices
- Iwi workshops
- Marinas
- Harbour master offices
- Haul-out facilities
- Boat clubs
- Boat ramps
- Community groups
- Mooring holders
- Hutchwilco New Zealand Boat Show

Email submissions were also accepted. All email submissions which did not answer the questions posed in the survey, and all paper surveys that were incomplete, were recorded and

comments were included in qualitative analyses. See Appendix Table 4 for a full summary of the publicity and engagement activities each region, Biosecurity New Zealand, and DOC conducted to publicise and attract submissions.

### 3.2 Analysis

Quantitative data are presented as counts and percentages, in total and per region, as well as according to boat ownership. Qualitative data from submitters' comments were categorised and quantified according to common themes identified and a general discussion of key points from submitter's comments is included.

## 4 Results

### 4.1 Number of responses

Overall, 370 responses were received; 341 submitters completed the survey and responded to the main questions, and an additional 29 submitters responded but did not provide an answer to one or both of the main survey questions. These additional submitters responded via email or by sending incomplete paper surveys and their comments are included in the report (Table 1).

**Table 1.** Number of submitters from each key region and the percentage of those from each region who owned a boat.

Survey completed	Number of submitters	Boat ownership
Northland	120	89 (74%)
Auckland	123	70 (57%)
Waikato	22	12 (55%)
Bay of Plenty	49	23 (47%)
Elsewhere in NZ	22	10 (45%)
Overseas	1	1 (100%)
No region given	4	–
<b>Incomplete submissions</b>		
No region given	29	–
<b>Total responses considered</b>	<b>370</b>	–

### 4.2 Submitter types

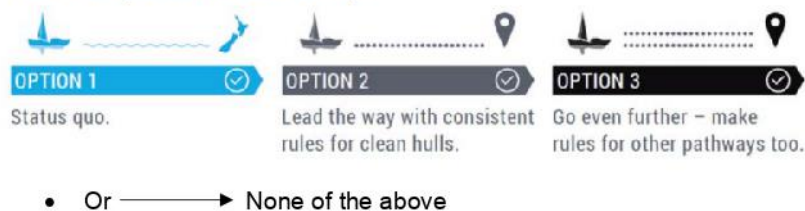
Submitters mainly included individuals from across New Zealand but also a range of notable organisations including maritime/boating interest groups (Aquaculture New Zealand, the New Zealand Defence Force (NZDF), Far North Holdings Limited, Coromandel Marine Farmers Association (CoroMFA), New Zealand Marina Operators Association, New Zealand Federation of Commercial Fisherman, Sanford Limited, New Zealand Marine Industry Association, Russell Mooring Owners and Ratepayers, Bay of Islands Maritime Park Incorporated Society), Iwi (Te Kawerau Iwi Tribal Authority, Te Rūnanga o Ngāti Whātua), Regional and District Councils (Greater Wellington Regional Council, Thames-Coromandel District Council, Waikato Regional Council Coromandel Catchment Committee), conservation groups/societies (New Zealand Marine Sciences Society, Royal Forest and Bird Protection Society of New Zealand Inc.).

#### 4.3 Key themes identified in submitter comments

There were nine key themes identified during the analysis of submitter comments, based on the questions posed in the discussion document:

1. The importance of protecting marine environments
2. Practicality and compliance issues
3. Regional differences require local management
4. Managing other pathways is also important (not just vessel hull biofouling)
5. The practicality of current tools, including:
  - The effectiveness of anti-fouling
  - A lack of haul-out facilities
  - In-water cleaning rules
6. The allocation and distribution of costs, including:
  - International/commercial vessels
  - Ballast water
7. The need for a national pathway plan
8. Pests having already established
9. Exemptions for stationary vessels (relevant to Question 2 only)

## 5 Question 1: Which is your preferred option for managing marine pests, and why?



### 5.1 Overall feedback

Of the 341 submitters who completed the survey and responded to this question: 44 (13%) agreed with Option 1; 102 (30%) agreed with Option 2; 126 (37%) agreed with Option 3; and 69 (20 %) agreed with 'none of the above' (Figure 1). Eight of the additional 29 submitters who did not provide direct answers to the survey questions preferred Option 2, three preferred Options 1 and 3, respectively, and one preferred 'none of the above'. Preferences of the remaining additional submitters were not clear from their comments.

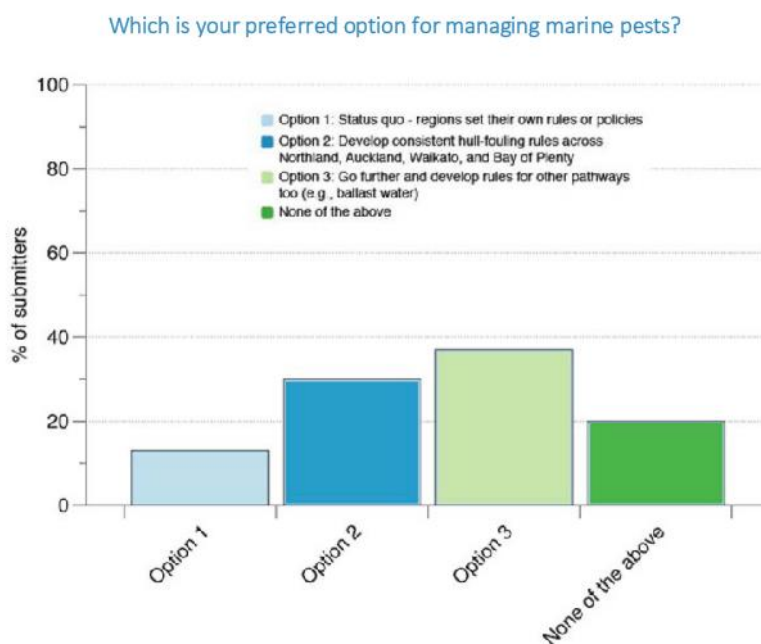


Figure 1. Submitter responses to the question: What is your preferred option for managing marine pests, and why? The total number of submitters was 341.

## 5.2 Feedback according to region

There were regional differences, with the preferences of Northland submitters being notably different to the other TON regions. In particular, only 16% of Northland submitters chose Option 2 compared with 39%, 46%, and 47% of submitters from Auckland, Waikato, and Bay of Plenty, respectively. In contrast, 37% of Northland submitters chose 'none of the above' compared with only 8–9% of those from the other TON regions (Figure 2). In addition, 64% of submitters from elsewhere in New Zealand selected Option 3 (22 submitters). The total number of submitters who responded to this question was 314 (a number of submitters either did not complete the question or were from elsewhere in NZ, overseas, or did not identify a region).

### Which is your preferred option for managing marine pests?

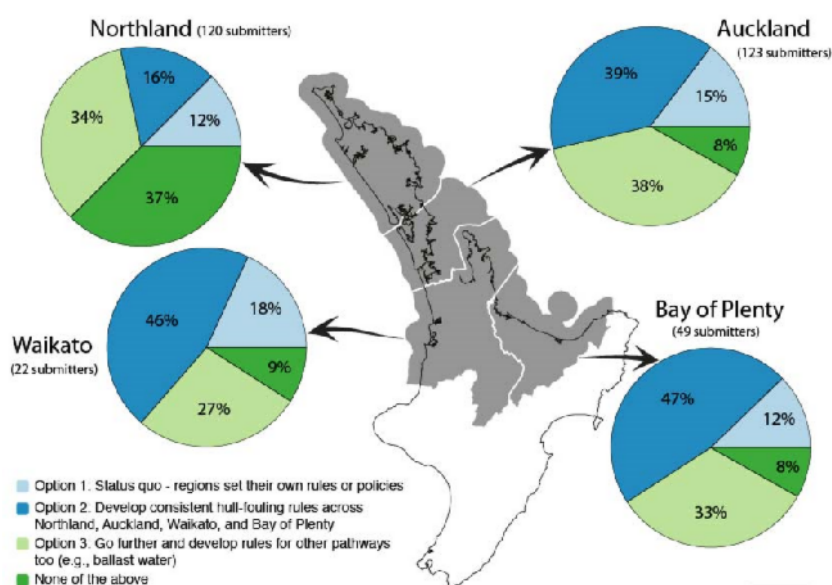


Figure 2. Preferred options for managing marine pests by region.

## 5.3 Feedback according to boat ownership

In total, 331 of the 341 submitters responded to the question of whether or not they owned/co-owned a boat that lives in the water. The majority (205, 60%) were boat owners, and most kept their boats in Northland (82 submitters) and Auckland (57 submitters). Overall, the most commonly selected preference by boat owners was Option 2 (64, 31%), followed by 'none of the above' (61, 30%) and Option 3 (46, 22%), whereas the vast majority of submitters who do not own a boat that lives in the water preferred Option 3 (76, 60%) (Figure 3). There were also regional differences in the preferences of boat owners, as shown in Figure 4. Most notably, boat owners in Northland were more likely to prefer 'none of the above' whereas the majority of those from the other TON regions preferred Option 2. All submitters who do not own a boat showed similar preferences across the regions.

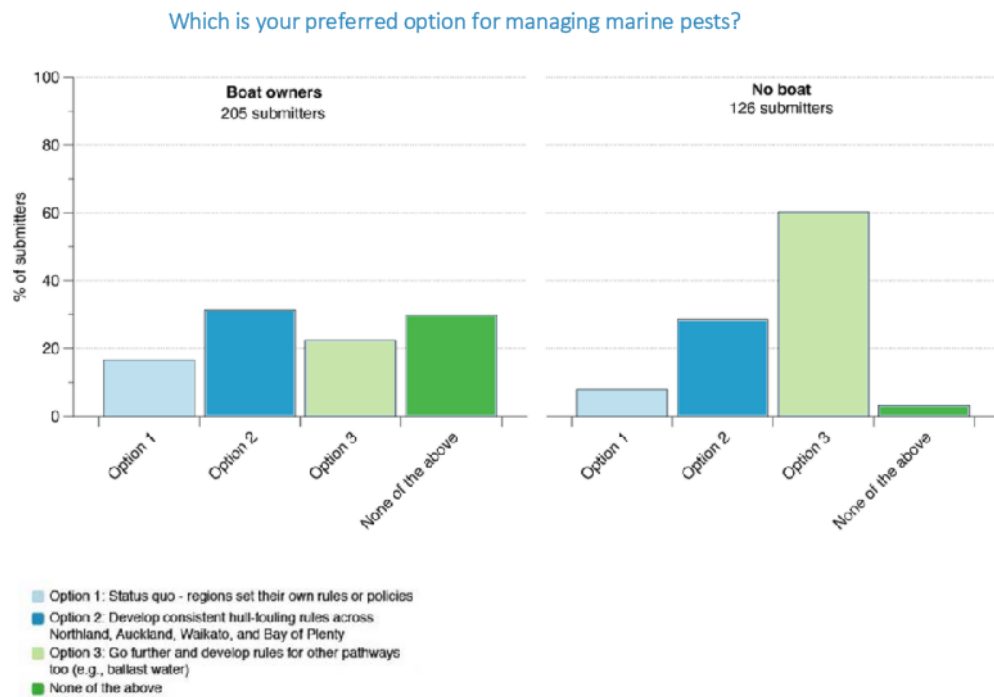


Figure 3. Preferred option for managing marine pests, according to boat ownership.



Which is your preferred option for managing marine pests?

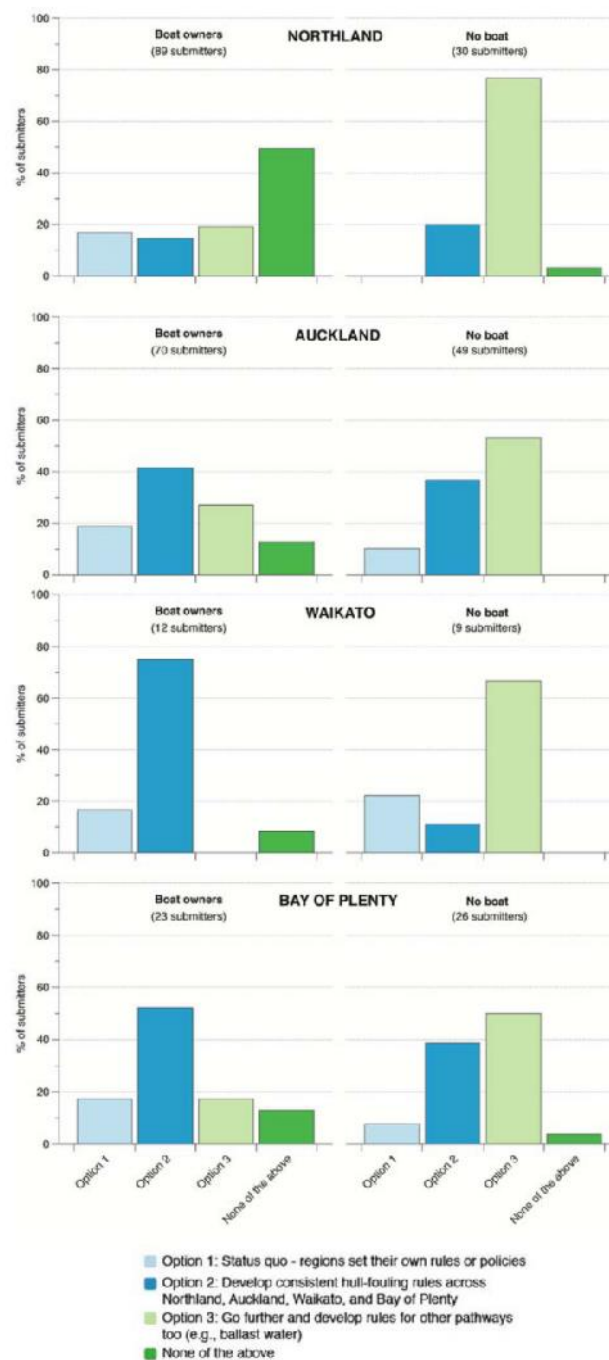


Figure 4. Regional feedback according to boat ownership in response to the question: What is your preferred option for managing marine pests, and why?

#### 5.4 Summary of comments explaining preferred Option

Overall, 258 submitters (76%) provided a comment with their answer to Q1 (96 from Northland, 82 from Auckland, 14 from Waikato, 41 from Bay of Plenty, 21 from elsewhere in New Zealand and 1 from overseas (Table 2). In addition, there were relevant comments from the majority of the 29 submitters who did not complete the survey. Similar themes were addressed in comments across all options; however, the same theme could be presented either in general support of, or in general opposition to, the new rules initiative depending on the option selected. For example, several submitters who selected Option 3 and 'none of the above' cited concern regarding international vessels and ballast water. The former submitters were more likely to suggest the need for as robust rules as possible across all pathways, while the latter were more likely to suggest no rules were worthwhile at all, least of all regional hull-fouling rules, because they felt marine biosecurity was impossible to control.

**Table 2.** Total number of submitter comments in relation to the question: Which is your preferred option for managing marine pests, and why? from each of the four northernmost Top of the North (TON) regions according to the key themes identified.

Theme	Submitter comments relating to key themes					
	Northland	Auckland	Waikato	Bay of Plenty	Elsewhere in NZ	Overseas
Practicality and compliance	20	31	4	24	4	0
Marine protection important	4	11	2	3	3	0
Regional differences	4	4	0	2	1	0
All pathways are important	8	6	1	1	5	0
Distribution of costs						
International/commercial vessels	24	4	1	3	2	0
Ballast water	9	7	0	3	1	1
No practical tools						
Anti-fouling ineffective	9	1	1	1	0	0
Haul-out facilities	5	1	0	0	0	0
In-water cleaning	2	0	0	0	0	0
Pests already established	7	5	1	2	0	0
National plan required	16	7	1	1	5	0
Total number of submitters	120	123	22	49	22	1
Total number of comments made	96	82	14	41	21	1

#### Option 1: Status quo – regions set their own rules or policies

Of the 44 submitters who preferred Option 1, 28 made a comment. The Thames-Coromandel District Council (TCDC) cited the need for a National Pathways Plan, and the New Zealand Defence Force (NZDF) commented that decisions about pathway rules should be made at a national level:

*"NZDF supports Option 1, which proposes to continue combined efforts and work towards a collaborative national pathway approach, yet in the meantime allow each region to keep its own rules or policies for managing marine pests. Although NZDF agrees that consistent*

*pathway rules across the country would create certainty for vessel operators, such decisions should be made at a national level following detailed consideration of the practicalities of their implementation for larger vessels with unique operating profiles. The approach would also need to consider the possible effects on the RNZN fleet, so that the operational capability of the NZDF is not restricted."*

*"TCDC submits that marine biosecurity is of such critical significance to New Zealand that as a matter of urgency, central government, working collaboratively with regional councils and other key stakeholders, should lead the development of a national pathway approach for coastal waters."*

The majority of the comments relating to Option 1 highlighted regional differences in pest species (9 comments), the importance of international and/or commercial vessels as a vector of invasive species (5 comments), and that pests are already established, particularly on marinas and permanent structures (5 comments). For example, a private submitter from the Bay of Plenty suggested *"the one rule fits all denies local situations"*, and two other submitters thought that *"the spread of pests across all regions is inevitable"* and *"the resident boating public are the injured parties through lack of border controls."*

#### *Option 2: Develop consistent hull-fouling rules across Northland, Auckland, Waikato and Bay of Plenty*

Of the 102 submitters who chose Option 2, 68 made a comment. The majority who commented (52) suggested this was the best option because it would be the most practical and would achieve the greatest level of compliance. For example, an individual submitter from Northland suggested:

*"Consistent rules make compliance and enforcement easier for all parties. The issues are the same throughout the regions."*

Key stakeholders that supported Option 2 included Aquaculture New Zealand, the New Zealand Marine Industry Association and the Coromandel Marine Farmers Association. Aquaculture New Zealand commented:

*"Acknowledging the risks of spreading organisms between operational regions, the aquaculture industry is developing biosecurity standards for the salmon, mussel, and oyster industries that will set rules for the pathways that are within its control, particularly between Operational Regions (e.g. Top of the North; Top of the South, Banks Peninsula, Southland etc.). Given that aquaculture is setting its own biosecurity standards, it seems appropriate that other pathways in the marine environment have consistent rules and standards applied."*

Similarly, the Coromandel Marine Farmers Association commented:

*"Given that marine Biosecurity is desirable and important, our CoroMFA supports; Firstly, that there be consistent hull-fouling rules as per Option 2, and which appears to be the key risk pathway. Secondly, that there be further consideration and consultation re the Option 3 matters of "rules for other pathways" in the marine environment."*

Peter Busfield, Executive Director of the NZ Marine Industry Association, was also supportive of Option 2 and commented:

*"We like the concept of the 4 noted regions working together to have one set of rules for vessels in each of and moving to and from each region. We do wish to make sure that any rules are fair, practical, easily understood and easy to comply with by boat owners."*

In addition, Thomas Malcolm, of Auckland, cited the need for a National Pathways Plan, commenting:

*"Having run a workshop for Auckland Council with Mana whenua from the area, there was a strong sense that something needed to be done. Option 2 was the bottom line for the majority of the people present, but some wanted option 3. I feel that some of the mana whenua will not have time to make a submission. That being said, I would like to see ToN develop the IRMPPP based on option 2 whilst holding MPI accountable for their lack of national direction."*

#### *Option 3: Go further and develop rules for other pathways too (e.g., ballast water)*

The largest proportion of submitters (126, 37%) selected Option 3 and 94 also made a comment. Overall, the most common themes identified in these comments were practicality and compliance (28 comments), followed by the importance of marine protection (21 comments), all pathways are important (20 comments), ballast water (9 comments) and international/commercial vessels (8 comments) as vectors of pest species, and that a national pathway approach is required (7 comments).

There was a high level of support for this option by the notable individuals and organisations who submitted. For example, the New Zealand Marine Sciences Society (NZMSS) supported Option 3, highlighting the importance of all pest pathways:

*"We do not believe option 2 will be effective as it does not consider all pathways (e.g. aquaculture). In the management of marine pests it is important to consider all of the ways in which pests can enter and be spread within New Zealand. Pathway management should not just concentrate on vessel hulls. The transport of invasive species in ship ballast water and through movement of aquaculture infrastructure (vessels, buoys, harvesting and processing equipment) has been widely demonstrated. Furthermore, structures within harbours, ports and marinas, such as buoys, pontoons, moorings, platforms, walls and boat traffic, are known to harbour and spread a range of marine pests. These aspects therefore all need to be included in pathway management."*

Similarly, an individual submitter from Nelson suggested:

*"The most prudent approach is to fill all gaps in pathway management as much as resources allow. This will take longer to implement than other options, and involve stakeholder consultation to optimize strategies and management tools without unnecessary impact on user groups. But significant gaps in vector management can (is likely to) undermine progress made on other pathways. The cost of implementation should diminish over time as a culture of pathway management is ingrained. This approach is the most comprehensive long-term management vision, which can be developed and implemented over time in a step-wise approach as resources allow."*

In addition, the Greater Wellington Regional Council "strongly supports development of the comprehensive national marine pathway management plan", as does the Royal Forest and Bird Protection Society of New Zealand Inc.:

*"We support the inclusion of pathways into an inter-regional pest management approach, either under a National Pest Pathway Plan or through a coordinated approach to developing and implementing Regional Pest Pathway Plans. We want a pathway plan(s) that is proactive, sets requirements for Councils to designate harbours and popular anchorages as discrete 'places' (as per the Northland RPMP) in order to control the introduction and spread of marine pests and to protect our significant indigenous marine biodiversity. We agree with the consultation documents that there is a risk that councils will delay action while considering this approach. We have already seen evidence of this in Auckland where their recently adopted regional pest plan refers to a possible inter-regional pathway plan as a reason for not including pathway management at this time in that plan. This means that the Ministry for Primary Industries needs to be very clear in pursuing an inter-regional approach that this should not delay current responsibilities of councils which can be addressed under a regional pest plan in the interim. MPI needs to move faster, too often we have seen delays and inaction which result in the spread of pests and disease. Whatever option is adopted we consider that Councils need to have responsibility for implementing and enforcing rules and that the pathway management plan be completed by the end of 2020."*

Tame teRangi, on behalf of Te Rūnanga o Ngāti Whātua, commented:

*"The arrival of invasive marine-pests in any of the waterways is deemed culturally inappropriate. The significance of iconic places across the extent of the Ngāti Whātua tribal rohe also carries the upper-most obligation to ensure the environmental integrity of those areas including the marine environment. [This] submission states that the classification of managing invasive marine pests be assigned the highest of priorities with strict enforceable penalties for any such breaches of unwonted disregard. That such prohibition be applied to any public marine place including those waterways where wild-catch wild-harvest activities occur."*

Several individuals from places in New Zealand outside the TON regions also commented on the importance of a national plan. For example, a submitter from Nelson commented:

*"Considering that the Marlborough Sounds has such a significant percentage of NZ coast it should be one of the areas on the survey. Being a 'lifetime boatie' I am only too willing to help but it needs help from all sides - not just from the 'easy victims'."*

With regards to practicality and compliance, five independent submitters all supported Option 3 with a replicated submission, stating their reasons as:

*"1) Boats move readily between regions, especially from Auckland and Waikato to Northland. It is logical that there be consistent rules for hull fouling between regions; and 2) It is more cost-effective if the same message is promoted in the four regions as many boat-owners will not know about, or refer to, the different regional marine biosecurity plans."*

Comments that related to international and/or commercial vessels usually highlighted concern over the distribution of costs. For example, an individual submitter from Nelson suggested:

*"We cannot ignore foreign shipping or NZ Based commercial fishing vessels The recreational boating community always gets the short end of the stick."*

*None of the above*

All but one of the 69 submitters who chose 'none of the above' also provided a comment as to why they preferred this option. The majority of comments related to the importance of international and/or commercial vessels (22 comments) as vectors of pest species, the need for a national pathways approach (20 comments), ballast water (10 comments), the ineffectiveness of anti-fouling paint (10 comments), and the feeling that pests were already established, particularly on permanent structures and marinas (9 comments).

Just under 20% (13 submitters) were comments according to a template document distributed by the Russell Mooring Owners & Ratepayers group. These submitters felt that:

*"Councils impose considerable compliance costs on recreational boaties who by and large care for the marine environment, and yet boaties' efforts are stymied by the lack of rules on the commercial sector. New Zealand should have consistent domestic rules across the country that apply to both commercial and recreational vessels for methods that mitigate the biosecurity risk aspects of their vessels and gear."*

Submitters who were concerned about ballast water generally felt the risks from this pathway, and others, overruled any posed by domestic boat travel. For example, an individual submitter from Northland commented:

*"Without including ballast water in the regulations there is no sense in doing anything. And even including ballast water is simply delaying (at great cost) the inevitable. Perhaps allowing more toxic bottom paint is a more economical and effective way to slow the spread of undesirable organisms. Punishing yachts when the marine pests are moving by other means is not only unfair but pointless. If you are serious about controlling marine pests you must consider all pathways including natural within the ocean."*

Several submitters mentioned the ineffectiveness of current anti-fouling options, and suggested superior alternatives, or highlighted the lack of other practical tools such as cleaning grids. For example, an individual submitter from Northland asked:

*"Where have all the cleaning grids gone? Don't expect clean hulls if you deny boat owners affordable access to cleaning facilities."*

Those who mentioned anti-fouling paints almost unanimously cited their ineffectiveness, for example:

*"The rules on hull fouling are frustrating, the effective paint additives have been removed, then boat owners are required to somehow have clean hulls (barnacles excluded)."*

However, a number of submitters also suggested implementing alternative solutions, such as:

*"Need[s] some lateral thinking. Antifouling paint is poisonous, expensive, short-term only. I was owner of the scow Alma (75ft) in 1980's, we moved her into "fresh water" in the Waima river, to kill teredo worm and all marine pests, worked well. Fresh water canals/basins, should be a part of all marina developments. (Think Marsden Cove (inland canal development), Hatea River)."*

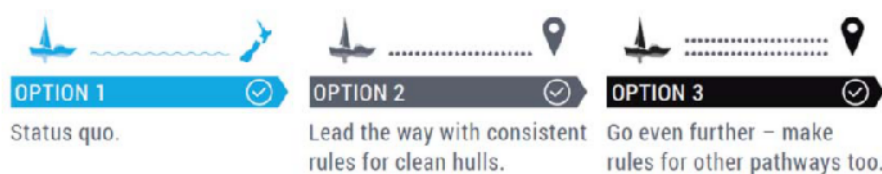
Many of these submitters expressed a desire to protect the environment and comply with council to control marine pests, however they believe any plans should be ratepayer funded. The incursion of the

*Sabella* was central to many comments, particularly those that felt pests were already established. For example, an individual submitter from Northland suggested:

*“What’s the point? They are here to stay, perfect example is Marsden Cove stopped trying to get rid of the fan worm, was too hard and expensive. It will be everywhere in a few years no matter what is done. Stop burdening the boat owners with a solution that won’t stop the outcome.”*



## 6 Question 2: If hull-fouling rules were developed, which option do you think is best, and why?



- Or —————> None of the above

### 6.1 Overall feedback

Overall, 341 submitters completed the survey and responded to this question: 144 (42%) agreed with Option 1; 80 (24%) agreed with Option 2; 51 (15%) agreed with Option 3; and 66 (19%) agreed with 'none of the above' (Figure 5). In addition, two of the 29 additional submitters (who did not answer the survey questions directly) provided clear feedback in accordance with a preference for Option 1, while the remaining comments from this cohort did not provide a clear answer.

If hull-fouling rules were developed, which option do you think is best?

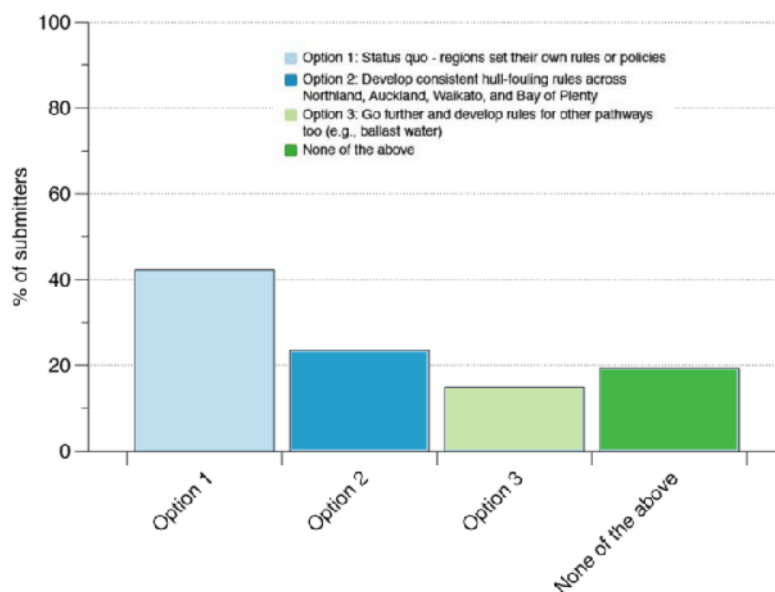


Figure 5. Submitter responses to the question: If hull-fouling rules were developed, which option do you think is best and why? The total number of submitters was 341.



## 6.2 Feedback according to region

As was the case for Question 1 detailed above, the preferences of Northland submitters were notably different to the other regions. Specifically, while only 8–14% of submitters from Auckland, Waikato, and Bay of Plenty chose 'none of the above', the greatest proportion of Northland submitters (33%) selected this option. Instead, the vast majority of submitters from these former regions selected Options 1, 2, or 3 (Figure 6). The 22 submitters from elsewhere in NZ, and one from overseas, who answered this survey question selected Option 1 (9 submitters), Option 2 (8 submitters), Option 3 (1 submitter) and 'none of the above' (5 submitters).

If hull-fouling rules were developed, which option do you think is best?

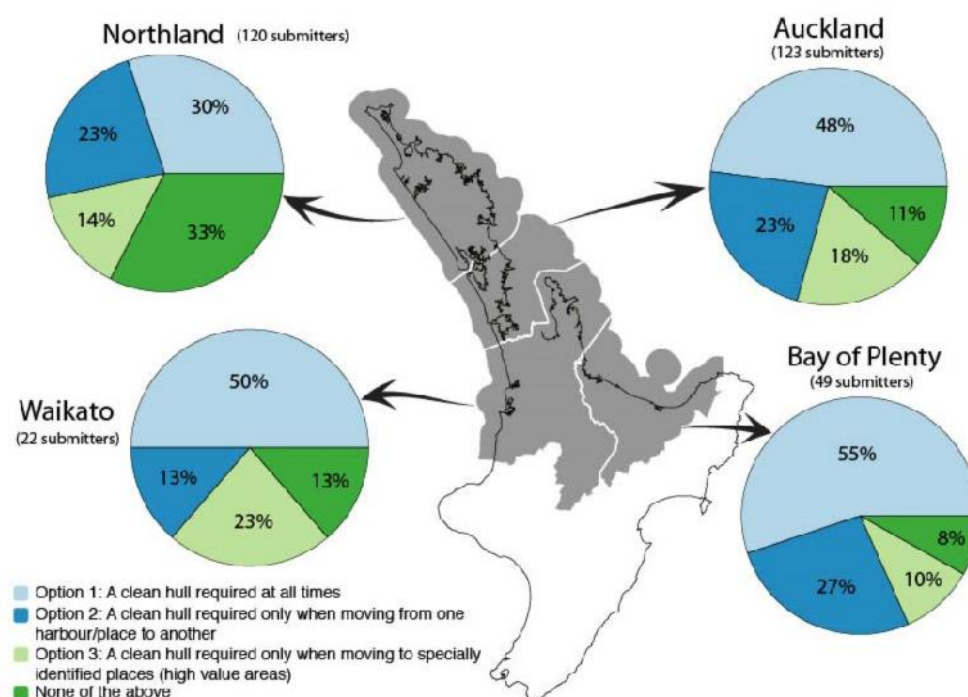
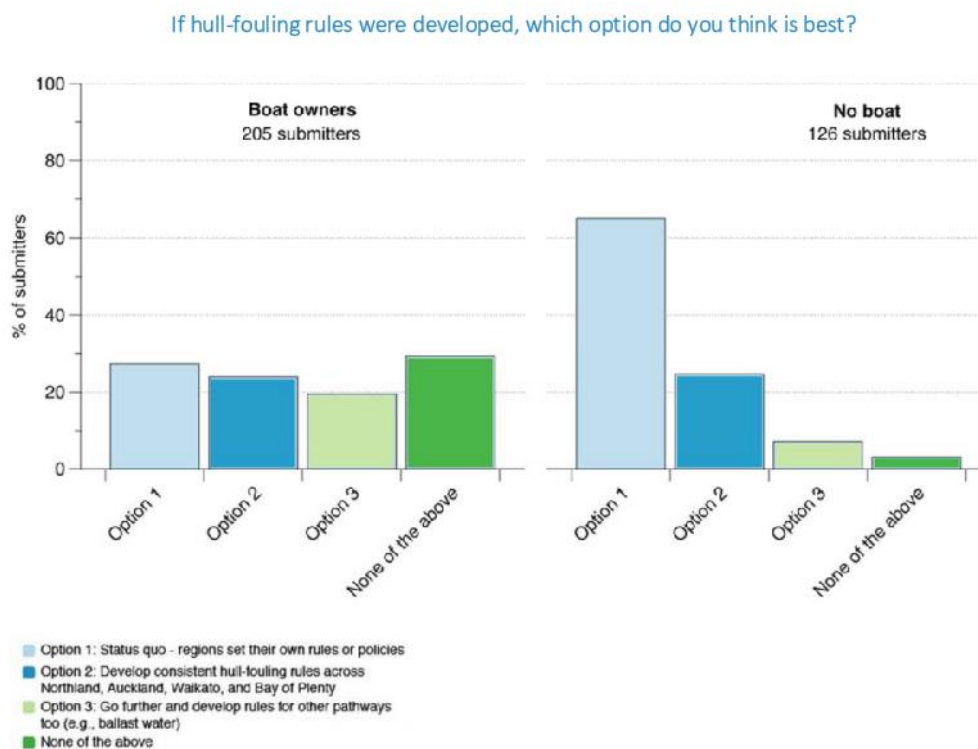


Figure 6. Preferred option for hull-fouling rules by region.

### 6.3 Feedback according to boat ownership

Overall, the most commonly selected preference by boat owners was 'none of the above' (60, 29%), followed by Option 1 (56, 27%), Option 2 (49, 24%), and Option 3 (40, 20%), whereas the vast majority of submitters (82, 65%) who do not own a boat selected Option 1 (Figure 7).



**Figure 7.** Survey feedback according to boat ownership in response to the question: If hull-fouling rules were developed, which option do you think is best and why?

Notable regional differences included Northland boat owners showing a clear preference for 'none of the above' while boat owners from Waikato favoured Option 3. In contrast, boat owners from Auckland and the Bay of Plenty had less clear preferences between the options but overall the majority selected Option 1 (Figure 8).

If hull-fouling rules were developed, which option do you think is best?

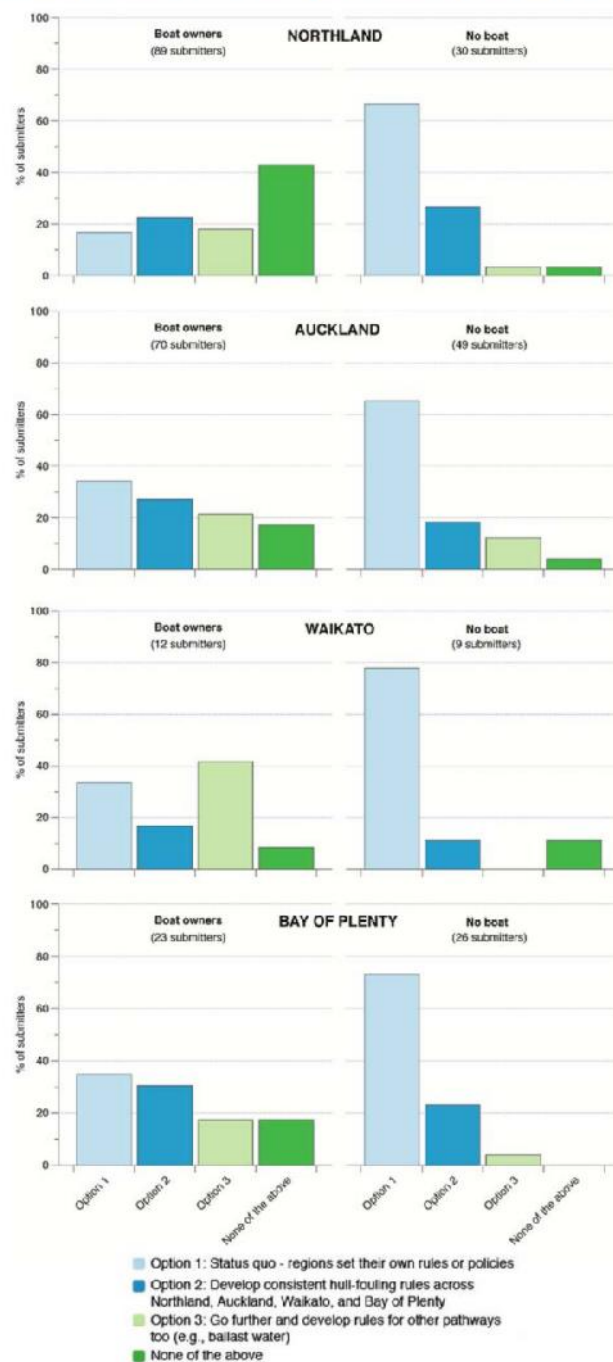


Figure 8. Regional feedback according to boat ownership in response to the question: If hull-fouling rules were developed, which option do you think is best and why?

## 6.4 Summary of comments explaining preferred Option

In total, 232 (68%) submitters provided an answer to why they preferred their chosen option, and approximately half of the additional 29 submitters also provided relevant comments.

### *Option 1: A clean hull required at all times*

The majority of submitters preferred Option 1 (144, 42%), with 92 providing comments. Two thirds of these comments related to practicality and compliance (60 comments). Other themes were the importance of marine protection (15 comments), and issues around practical tools, e.g., a lack of haul-out facilities (6 comments) and ineffective anti-fouling paints (5 comments).

Amongst the majority of submitters that cited practicality and compliance in support of the option of enforcing a clean hull at all times were NZMSS and the Greater Wellington Regional Council, the latter also commenting on the need for a national pathways approach:

*“Northland require a clean hull, we suggest the other three regions match this – if it is a standard that is working in one area, it should be successful when applied to the whole region. It is also the least confusing rule, with no exceptions, and on that basis is likely to be the easiest option to carry out surveillance activities for, bearing in mind that funding must be available to police it. Again, the marine biosecurity will only truly benefit if a national marine pathway management plan is in place.”*

In addition to supporting the development of a national plan, NZMSS suggested clarification on the definition of a ‘clean hull’ citing concern over the allowance of ‘barnacles’:

*“Option 1 is clearly the best option in terms of clarity, compliance, enforcement and minimising the spread of invasive marine species. The other options will be less effective as they are considerably more difficult from a compliance and enforcement perspective. From a practical perspective Option 1 could be implemented by issuing boats that are fouled with a notice that means they cannot be used or moved until they have been cleaned. This will mean that boats are not being used do not incur a fine, but prevent movement of that boat until it is cleaned. This will be more effective than Option 2 as it means boats can be inspected within ports and marinas. Option 3, which only requires clean hulls in high value areas, is highly problematic and not a practical solution due to the highly dispersive nature of marine species and high connectivity in the marine environment. NZMSS believes it is important to clarify the rules regarding a standard for a ‘clean’ hull’. It appears that these have changed recently and we encourage the development of a standard that is fit for purpose. It should therefore include specific information on all of the types of organisms likely to foul boats. Slime is a very vague term and a more precise definition is needed. Furthermore, we are concerned that “barnacles” are generally incorporated in the allowable clean hull standard as (a) there are numerous species and (b) they provide a complex surface for other biofouling species to be associated with them, providing increased opportunity for marine pests to settle. NZMSS believes a comprehensive ‘clean’ hull standard needs to be developed that is easy to use and allows regulators to assess the level of biofouling on a vessel. The efficacy of implementing an inter-regional pathway management plan is currently unknown so monitoring will be essential to evaluating the uptake of the rules and assessing the effectiveness of the plan in preventing the introduction and spread of marine pests.”*

The Royal Forest and Bird Protection Society of New Zealand Inc. expressed similar questions/concerns as NZMSS above:

*"Clean hull requirements need to be in place at all times to ensure that boating does not contribute to an increase in marine pests where they already exist or the introduction of marine pests into areas where they are currently not established. However it is not clear at what level of slime cover or barnacle infestation cleaning is required. Even at low levels there can be an unacceptable risk of spreading pests to new areas/harbours and to our high value areas."*

Three submitters using a shared template also highlighted concerns over exemptions for boats not moving for long periods and the ineffectiveness of anti-fouling paints:

*"There needs to be an easy way to apply for an exemption if a boat is not being moved for two months or longer (e.g. on-line form addressing dates, place of mooring (including mooring number or marina berth), owner details, boat name and type, New Zealand contact details if different, time period for exemption up to a maximum). There needs to be careful consideration as to what constitutes a "clean hull" especially for boats in the Opuha-lower Waikare-Veronica Channel area. Pacific oysters and barnacles grow very quickly in this area and there are abundant sources of local oyster spat. Boats moored in this locality and hauled and antifouled in December 2018, had extensive and rapid barnacle regrowth and some oyster regrowth after less than six weeks. From then the hulls have required significant in-water cleaning approximately every four weeks. It seems that irrespective of the hull material and the antifouling paint used, the application of new anti-fouling paint has not made much difference to the hull fouling rates in this location."*

In contrast to the above comments, other submitters suggested that though option 1 was their preferred choice, they thought it may not be the most practical option, e.g., an individual submitter from Auckland commented that option 1 was:

*"... obviously the best, however impractical."*

Several submitters who selected Option 1 also mentioned a desire to protect the marine environment. For example, a Northland resident commented:

*"The weight of recreational values should not outweigh the importance of water quality and the marine environment."*

#### *Option 2: A clean hull required only when moving from one harbour/place to another*

Following Option 1, the next highest number of submitters chose Option 2 (80 submitters, 24%), with 53 of these providing comments. Themes were identified in much the same pattern as for Option 1, with the greatest proportion relating to practicality and compliance (25 comments), followed by a lack of practical tools (haul-out facilities [5 comments] and ineffective anti-fouling paint [2 comments]), and international and/or commercial vessels as a vector for pests (4 comments).

Several submitters noted this seemed much more affordable than Option 1 for boat owners, which would result in higher compliance. For example, the following three comments were provided by individual submitters from across different regions:



*"This will be much more affordable for boaties which will hopefully result in higher uptake and compliance."*

*"Easier to enforce (but this does need to be enforced to work, particularly at entry point with right of refusal for entry) and simpler to understand for boaties. Does not penalize so much boaties while they are not going anywhere and deals with inconsistency between requiring boaties to maintain a clean hull whilst moored in places (e.g., marinas) with existing extensive biofouling and NIS."*

*"Pro-active vector management (option 2) promotes a clean hull culture; addresses the compounding effects of pest spread among marinas (and high-value sites); focuses on biofouling associated with moving vessels (the core problem); and provides flexibility to address biofouling (any time at home marinas or at the point of pre-departure [for boaters] and at arrival [for managers]). Adopting a pathway management plan that reduces 'export', as well as 'import', of pests provides the strongest basis for minimizing pest spread."*

**Option 3: A clean hull required only when moving to specifically identified places (high value areas)**

Of the 51 submitters who preferred Option 3, 27 comments were provided. These mostly related to practicality and compliance (7 comments), lack of haul-out facilities (3 comments), and the feeling that pests were already well established in the environment (3 comments).

Notable submitters who agreed with Option 3 and cited practicality issues included the NZDF and Tom Hollings, Executive Officer of the Coromandel Marine Farmers Association.

NZDF commented:

*"This option is the most pragmatic and achievable. It ensures that rules are developed having regard to the different marine environments of the specific regions, and gives the RNZN comfort that ships can return to their home port at DNB without having to be cleaned off-shore (which is not a preferred option by MPI)."*

The Coromandel Marine Farmers Association felt:

*"Having clean hulls when moving between regions is valuable and it is planned to very soon be incorporated into Aquaculture industry biosecurity standards. That concept is likewise seen as valuable for all northern coastal vessels. We suggest the need is to identify and minimise the higher risk movements and that moving around nearby is not per se the issue but rather the issue is as per option 3, moving from where (define) to where (define)."*

Those submitters concerned about practical tools for keeping hulls clean most commonly mentioned prohibitive costs and accessibility. For example, two individual submitters from Auckland and Waikato respectively commented:

*"It is difficult to get a lift out even in Auckland at short notice as well as expensive to get a hull cleaned may be as often as monthly."*

*"I agree with action needing to be taken, I also feel the affected areas and councils must take practical steps to ensure relatively easy access to haulout facilities to allow boat owners the opportunity to keep their boat hulls clean and regularly anti fouled."*

Finally, the feeling that pests are already established in the marine environment concerned several submitters who made points such as:

*“Marine pests of the type this discussion is subject to are already established in many Marinas, infrastructure structures and vessel bottoms in Auckland and Northland. The cost of compliance if a blanket regulation was enacted will be excessive. New Zealand is very under supplied with marine service industries and locations that can cope with the implications of the suggested requirements for continual clean bottom. Particularly larger craft in excess of 100 tonne.”*

#### *None of the above*

The majority of respondents who selected ‘none of the above’ also provided a comment (60 comments made by 66 submitters). More than a third of these cited a lack of practical tools (including the ineffectiveness of current anti-fouling paint options [23 comments] and lack of haul-out facilities [13 comments]), and another third (21 comments) questioned the fairness of targeting small boat owners, specifically mentioning international and/or commercial vessels and ballast water as important vectors of pest species. The incursion of the *Sabella* was also central to many of these comments, with 11 submitters stating that pests were already well established. Only 6 comments related to practicality and compliance, in contrast to the majority of comments made in support of each of the previous options.

Notable submitters who selected this option were not necessarily opposed to new rules, but tended to request clarification on the possible new rules or provide practical ideas on how they saw the rules being enforced. For example, Chris Galbraith, of the New Zealand Marina Operators Association, commented:

*“We would like to discuss options but need to be clear on how structure/facility owners are affected by the rules that would be decided for vessels and how these would be policed and who would pay the costs of enforcement.”*

Sanford Limited commented:

*“Sanford supports the concept of a yearly clean hull pass that is issued to all boats both commercial and recreational prior to summer similar to a warrant of fitness. It is important that the certificate is easy to obtain and keep updated - for example the certificate can be stored on a smart phone and linked to the name of the boat. Not carrying a certificate could be subject to minor infringement notices, that escalate in penalty and consequence for repeated non-compliance. The aim of the programme should be to improve boat owner awareness and encourage responsibility. Sanford also supports the clean hull pass being part of a wider pest management awareness education programme and voluntary compliance.”*

Aquaculture New Zealand highlighted the importance of all pathways:

*“Given that aquaculture is setting its own biosecurity standards, it seems appropriate that other pathways in the marine environment have similar rules and standards applied. As such AQNZ would support the development of a rule that ensured clean hull requirements on movements between operational regions and look forward to further consideration and consultation on the development of such a rule. One option would be to develop a 'clean vessel pass' for all watercraft that are anchoring in areas of special significance (or moving*

*between operational regions). The pass would be kept on the boat and renewed each year (e.g. between August-December). It could be free for recreational boats, and for commercial ones they would need to have it certified by a registered dive company. Not carrying it would result in an infringement notice with more serious penalties on repeated non-compliance."*

Finally, the TCDC commented on the need for a national pathways plan:

*"TCDC does not have a view on which of these options is the best approach, Rather, it considers that central government, in collaboration with regional councils and other stakeholders should lead the development of a consistent national rule framework for coastal waters that includes rules, standards, management systems and timeframes for implementation across various pathways. This approach needs to be fully integrated with the frameworks for managing international vessels and aquaculture-related movement of marine pests if effective biosecurity is to be achieved."*

The submitters who highlighted practicality and compliance were all highly concerned that any new rules would be impractical and unachievable. For example, a resident of Northland commented:

*"How could you possibly achieve any of these options without astronomical costs? It seems to me the process is almost self limiting."*

In addition, approximately half of the comments (12) relating to the lack of practical tools and concern over international and/or commercial vessels were based off a template document distributed by the Russell Mooring Owners & Ratepayers group. The individuals from this group stated:

*"My preferred option is that boat owners should be required to ensure their vessel is antifouled and maintained according to manufacturer's specifications and provide evidence to a regional council when requested, such as copies of invoices etc. The cost to boat owners of meeting the unachievable standard, if it meant they had to antifoul their vessels at a shorter interval than recommended by the manufacturer, would be prohibitive. It would also be a waste of boat owners' money because councils are proposing no rules to cover other pathways."*

## 7 Conclusion

Overall, 370 responses were received; 341 submitters completed the survey and responded to the main questions, and an additional 29 submitters responded (by email or a hardcopy version of the survey) but did not provide an answer to one or both of the survey questions.

There were nine key themes that were identified during the analysis of submitters comments, based on the questions posed in the discussion document. These were: 1) Marine protection is important; 2) Practicality and compliance; 3) Regional differences; 4) All pathways are important; 5) No practical tools (including sub-themes of the effectiveness of anti-fouling, a lack of haul-out facilities, and in-water cleaning rules); 6) Distribution of costs (including sub-themes of international/commercial vessels and ballast water); 7) National Plan needed; 8) Pests already established; and 9) Stationary vessels.

Of the 341 submitters who completed the survey, the preferred option for managing marine pests was Option 3 (go even further and make rules for other pathways too) for 126 submitters (37%), followed by Option 2 (lead the way with consistent rules for clean hull) for 102 submitters (30%), 'none of the



above' for 69 submitters (20%), and finally Option 1 (the status quo) for 44 submitters (13%). There were some regional differences, with the preferences of Northland submitters being notably different to the other regions. Only 16% of Northland submitters preferring Option 2 compared with 39%, 46% and 47% of submitters from Auckland, Waikato, and Bay of Plenty, respectively. In contrast, 37% of Northland submitters chose 'none of the above' compared with only 8–9% of those from the other TON regions. The majority of submitters (205, 60%) were boat owners, and overall, their most commonly selected preference was Option 2 (64, 31%), followed by 'none of the above' (61, 30%) and Option 3 (46, 22%), whereas the vast majority of submitters who do not own a boat that lives in the water selected Option 3 (76, 60%).

The preferred option for hull-fouling rules, if they are to be developed, was Option 1 (clean hull at all times) for 144 submitters (42%), Option 2 (clean hull required only when moving) for 80 submitters (24%), 'none of the above' for 66 submitters (19%), and finally Option 3 (clean hull required only when moving to specially identified places) for 51 submitters. Again, the preferences of Northland submitters were notably different to the other regions. Specifically, while only 8–14% of submitters from Auckland, Waikato, and Bay of Plenty chose 'none of the above', the greatest proportion of Northland submitters (33%) selected this option. Overall, boat owners were not polarised on this issue, with relatively equal numbers of submitters choosing each of the four options. Specifically, boat owners preferred 'none of the above' (29%), Option 1 (27%), Option 2 (24%), and Option 3 (20%), whereas the vast majority of submitters (65%) who do not own a boat selected Option 1.

#### *Key messages*

Overall, there was a clear call for greater action to address marine pests across the TON regions from both the individuals and the agencies that responded, some of which represent considerable numbers of marine users. In addition, there is likely to be benefit in implementing a consistent approach across the regions because issues around practicality and the ease of compliance were of high importance to many submitters.

Results also indicate there is a significant percentage of submitters who support some form of control on hull-fouling, although this is notably more muted in Northland than the other regions with 33% either opposed to hull-fouling rules or seeking further detail about their implementation.

The differences in submitter responses and comments seen in Northland compared with the other TON regions likely reflect both a higher level of boat ownership and the recent introduction of the Northland Marine Pest Pathway Plan with an associated charging regime. While it seems clear that further engagement with boat owners is required, it is encouraging that many already support the introduction of new hull-fouling rules and desire consistency in these rules across the regions.

## 8 Appendix A – List of submitters

Table 3. Full names and organisations\* of submitters grouped according to their main region of residence.

\*Not all listed organisations are officially represented by the listed individual and these must therefore be taken as private submissions.

### NORTHLAND

Full name	Organisation
Steve Sinclair	S.V.Crazyhorse
Irene Middleton	Ramboll New Zealand
Robert Powell	
Nigel Brown	
Lorinda Robinson	
Scott Gavin	
Donna Marie Buck	
Nico Sieling	
Mark Huggins	
Max Haag	
David Dalziel	
Don Barker	
Antony Lydiard	
Tim Bingham	
Anonymous	
Geoff Cunningham	
Gary Tettelbach	
Mariao Hohaia	
Bridget Marsh	
Matthew	
Richard Israel	Northland Sea Kayaking
James McGlone	Outward Bound Fishing
Guy Carnaby	
Jack Hamilton	
Gregory Hayes	NZ Federation of Commercial Fisherman
Michael Paul Bowker	
Isabel Krauss	
Amanda Griffin	
Carl Mather	
Tony Milicich	
Bruce Cartwright	
Tim Workman	
B J Chetham	Patuharakeke
Antje Muller	
Gary Brian Reti	
Hori Puturangi Mahanga	
Gillian Durham	
John Durham	
Jeanette Harris	

Klaus-Peter Kurz	Russell Mooring Owners & Ratepayers
Warwick Goldstone	
Guy Wilson	
Anonymous	
Peter Williams	Kerikeri Cruising Club
Gary John Underwood	Russell Boat Club NZ
Richard Duley	
Neil Forrester	
David and Avril Warren	
Wayne Monk	
Pip Todd	
Lucy Bilyard	
Warwick Petty	
Tai Petersen	
Clive Nothling	
Anne Walker	
Allan Luckman	
Ross Wagener	
John Buck	
Kevin Philpott	
Graham Gallagher	Northland Fish and Game
Charles Stephen Western	Kingfisher Yacht Charters
Brian Candy	
Jim Ashby	
Margaret Bishop	
Samara Nicholas	Experiencing Marine Reserves
Steve Croft	
John Grant	
Kim Borgstrom	
Lance Dent	
Donald Beillingham	
William Harold Moloney	
John Fugler	
Philip Lissaman	
Bruce Taylor	
Chris Galbraith	Far North Holdings Limited
Victor Claud Holloway	
Arnold Maunsell	Nga Hapu ki Waitangi
A W Newton	
Peter Boyd	
Karl Fuller	
Garth Craig	
Dean Wright	
Michael John McGlynn	
Jan Henry	Fish Forever
Alan Martienssen	
Rolf Mueller-Glodde	
Kelly Mabee	
Gareth Doull	

Scarlett Bodnar	
Anna Clarke	
Cynthia Matthews	
Pete Richards	
Ben Tombs	
Robert Van pierce	
Rowan Tautari	Te Whakapiko hapu
Ali Judd	
Anne Russell	
Bruce William Mauchline	
Sarah Granich	
David Tiller	
Rene De Vries	
Kerry Payne	
Robyn Parker	
John Martin	Sail South Pacific
F D Godbert	Fish Forever
Stephen Rush	Te Runanga o Whaingaroa
Rodney Dey	
Michael Ludbrook	
Doug Buchan	
Anthony Paul Dunlop	
Vibeke Wright	Marsden Maritime Holdings Ltd
Claire Braiden	
Ian Blackwell	
Caitlin Gray	
K Crosbley	
Ron Cousins	
John Booth	
Hilton Ward	
Victoria Froude	Bay of Islands Maritime Park Incorporated Society
Nicholas Wells	
Judy McHardy	Bushmans friend. LTD

#### AUCKLAND

Full name	Organisation
Keith Ingram	
Matt Paulin	Neptunes Gear Ltd
Murray Arthur	
Mels Barton	
Shaun Lee	
Brittany Mathis	
Dean	
Michael Backhurst	
Wayne Radford	RnR Charters Ltd
Stephanie Railey	RnR Charters Ltd
H K	
Carina Sim-Smith	
Colin Graham Swabey	

Jonathan Cole	Hobsonville Marina
Mike Ure	
John Snashall	
K W Salmon	K W Salmon
Neil K Williams	
Michael McKeown	
Martin Baker	
Keren Spong	
Catherine Lea	
Brett Green	
Kimberley Margaret	
Edwin Ainley	
Zoe Annys Allan	
Alienor Izri	
Christopher John Field	
C Hawkins	
Roderick Vickery	
Edward (Ted) Marcus Bosch	yachtclub
Neville Mace	
Pani Gleeson	Nga Maunga Whakahii o Kaipara (Ngati Whatua o Kaipara)
Scott Lomas	Te Kawerau Iwi Tribal Authority
Scott Trask	Western Computers
Andy Winter	
Simon Briscoe	
Boud Hammelburg	Weiti Boating Club
John Wicks	
Antony Barker	
Anonymous	
Dennis George	
Nerine Walbran	
Anonymous	
Chris Hamblin	
Christopher Hood	
Laura Richardson	
Malcolm Woolmore	Tainui
Bob Hessey	
Maria Heer	Waiheke High School
Taryn Wilks	Sustainable Aotea
Thomas Malcolm	Puna Consultants Ltd
Chad Thompson	
David Melrose	David Melrose Design Marine Ltd.
Evert B Metz	
Allen Moore	
richard hart	
Ann Franich	
Anonymous	
Lucy Underwood	
Grant Brown	Sandspit Marina Society
Hugh O'Reilly	
Justin Hamilton	

Mike Leyland	
D Dolbel	
John Ellingham	
John Welsford	Engineering and Marine Design Ltd
Shaun Holmes	
Shane Wright	UoA
Dan Breen	AUT
Neil Bramley	
Sharron Todd	
James Thompson Hudson	
Anonymous	
Simon Adamson	
James	
Joe Nowak	Marathon Products Ltd
Graeme Haszard	
Anonymous	
Marea Gorter	
Iain Newton	
Lyn Happy	
Wayne Blair	
Kat Garrett	
Pieter deBuis	
Jerome Pretorius	
Bryan Connell	Riko Boat Charters
Simba Mtakwa	
Mila Mionnet	
Quentin Allan	AUT
Danny Brown	
Ben Skelton	
Terry McCarthy	
Matthew Macdonald	
David Charles Smith Roberts	
Arielle Rae Aguilar	
Patrick O'Meara	Tamaki Estuary Protection Society Inc
Darren Knott	
Andrew Wardman	
Kim McNamara	
Aamon Chetty	Isthmus
Elizabeth Norquay	
Helen Gegan	
Steve Davies	
Brian Feldtman	
James Andrews	Ngati Paoa
Warren Edwin Crook	
Nick Beveridge	Royal Forest and Bird Protection Society of New Zealand Incorporated
Tina Paye	
Peter Crane	
Tony Simpson	

Tayla-Paris Tabrum	
Jenny Dare	
Peter Sharps	
Zack Fell	
Poi Teei	
Glenn Aguitar	Unitec
David Hollingsworth	Marina Consultants Ltd
Chris Galbraith	NZMOA
Kevin Pugh	
Marcus Cameron	Tonkin+Taylor
Ian Duncan	
New Zealand Defence Force	New Zealand Defence Force
Alison Undorf-Lay	Sanford Limited

#### WAIKATO

Full name	Organisation
Chris pevreal	
Glenn Clough	Marine Protection Solutions
Anonymous	
Joe Kuizinas	
Lionel Gibbs	
Mitch Pascoe	
Guy Banhidi	Dive Revive Ltd
John Sanford	Waikato Regional Council Coromandel Catchment Committee
Mitchell Edwards	Thames Sailing Club
Anne Stewart Ball	Nil
Elizabeth M Young	
Bruce McKenzie	
David Munday	Whitianga Marina Society Inc
Brian Gilliland	TYPBC
Alison Denton	
Peter Abrahamson	Whitianga Canal Management Ltd
Paula Thompson	Ngati Paoa
Messina Waitaci	
Luke Turner	
Dr Kate James	
Leslie Vyfhuis	Thames-Coromandel District Councill
Tom Hollings, Exec. Officer	Coromandel Marine Farmers Association

#### BAY OF PLENTY

Full name	Organisation
William Dyck	
Bill Faulkner	
Gregg Marchant	Ocean Protection Foundation
Helen Coatsworth	
Peter Goad	
Murray John McAlonan	

Andy Price	
Murray Grainger	
Sam Dunlop	
Russ Hawkins	Fat Boy Charters Ltd
Reuben Fraser	Bay of Plenty Regional Council
Keith Taylor	Carson Taylor Co Ltd
Philippa Judith Howcroft	
Te Peara Webster	All Iwi
Richard James (Chair)	Tauranga Forest and Bird
Kate Graeme	
Sunny Peeters	
Karan Alten	
Cara Venter	PVT
Andrew Knowles	
Peter Hughes	
Roger John Rushton	TYPBC
Adam yates	
Ramon Carter	
Graeme burton	
Bruce Goodwin	
Anna Barnes	
Geoff Inwood	
Talbot Munro	
Christopher Noel Battershill	University of Waikato
Rex Fairweather	Self employed
Kevin B Johnson	Florida Tech/University of Waikato
Paul Mitchell	
Peter Vitasovich	Whakatohea Mussels (Opotiki) Ltd.
John Wilson	Whakatohea Mussels (Opotiki) Ltd.
Tracey Blackwell	
Carl Smith	
Doug Esterman	
Gun Caundle	
Bill van der Vlerk	
Ray Findlay	
Nick Wrinch	Kensington Gardens
Tracy Scherer	Seahorse Equipment Ltd.
Jo Robertson	
Tony Arnold	Tauranga Bridge Marina
John Gray	
Julie Bailey	
John Crisp	
Sam Weiss	
Phil Wardale	Tauranga City Council

ELSEWHERE IN NEW ZEALAND

Name	Organisation/iwi
James Higgins	Sanford
Peter Lawless	The Lawless Edge Ltd
Jeannine Fischer	
Chris Woods	NIWA



David Webb	Marlborough District Council
Craig Nasey	
David Owen	
Jono Underwood	Marlborough District Council
Rob Greenaway	
Viki Moore	
Bruce polkinghorne	
Richard Morris	
Paul Wilson	
David John Clark	
Alice McNatty	Hawke's Bay Regional Council
Alex Halliwell	Student, Victoria University of Wellington
Davor Bejakovich	Greater Wellington Regional Council
Lu Maultsaid	
Graham Sullivan	Environment Canterbury
Ian Davidson	Cawthron
New Zealand Marine Sciences Society	
Dave Taylor	Aquaculture New Zealand

OVERSEAS/REGION NOT GIVEN

Full name	Organisation/Iwi
Nigel Fox	
Omer Aksoy	
Juliane Chetham	Patuharakeke Te Iwi Trust Board
Klaus Kurz	
Adrian Pettit	
Hugh Rihari	
Mere Kepa	
Colin Summers	
Fritz Scharnweber	
Toni Lloyd	
Pete McNabb	
Ray Chaprieu	
Sabbir	
Daniel Ross	
Lee Cahill	
Duke George	
Ashneha	
David Collins	
Toni Stevenson	
Anthony Good	
Steven Farrar	
Peter Lord	
Akioti Rishal Lal	
Bill Maxwell	
Malcolm Kidd	

<b>Tony Cox</b>	
<b>Peter Busfield</b>	Executive Director, NZ Marine Industry Association
<b>Nigel Tutt</b>	
<b>Tame teRangi</b>	For and on behalf of Te Rūnanga o Ngāti Whātua
<b>Sandra Barber</b>	
<b>Peter Charles Rolfe</b>	
<b>U Schmutzler</b>	
<b>Vic Campbell</b>	
<b>Denise Campbell</b>	
<b>John Booth</b>	

## 9 Appendix B – Engagement summary

**Table 4.** Summary of publicity and engagement activities each region, Biosecurity New Zealand, and DOC conducted to publicise and attract submissions.

Stakeholder	Date(s)
<b>Email</b>	
MPI national stakeholder list	<ul style="list-style-type: none"> <li>18/03/2019</li> </ul>
Marine biosecurity partnerships (Fiordland and TOS)	<ul style="list-style-type: none"> <li>18/03/2019</li> </ul>
Internal MPI to all MPI marine experts	<ul style="list-style-type: none"> <li>18/03/2019</li> <li>4/04/2019</li> </ul>
Internal DOC to all marine and biosecurity staff	<ul style="list-style-type: none"> <li>2/05/2019</li> </ul>
Auckland Council stakeholder email list	<ul style="list-style-type: none"> <li>15/03/2019</li> <li>24/05/2019</li> </ul>
Mahurangi Harbour marine farmer email list	<ul style="list-style-type: none"> <li>16/04/2019</li> </ul>
Auckland Council iwi representative list	<ul style="list-style-type: none"> <li>19/03/2019</li> </ul>
Northland mooring register list + Northland Regional Council iwi and stakeholder list + Northland territorial authorities	<ul style="list-style-type: none"> <li>20/03/2019</li> <li>7/05/2019</li> </ul>
Waikato marine stakeholder and iwi email list	<ul style="list-style-type: none"> <li>April</li> </ul>
Bay of Plenty Regional Council Toi Moana to Tame Malcom	
<b>Media release</b>	
Auckland Council website	<ul style="list-style-type: none"> <li>19/03/2019</li> </ul>
Northland Regional Council website	<ul style="list-style-type: none"> <li>18/03/2019</li> </ul>
Bay of Plenty Regional Council Toi Moana website	<ul style="list-style-type: none"> <li>21/03/2019</li> </ul>
Waikato Regional Council website	<ul style="list-style-type: none"> <li>18/03/2019</li> </ul>
<b>Printed Material</b>	
Discussion documents and pamphlets distributed at all Auckland high-use boat ramps and marinas through an extensive outreach programme	<ul style="list-style-type: none"> <li>Throughout consultation</li> </ul>
Discussion documents and pamphlets distributed to all Northland marinas, some boating/fishing clubs and haul outs	<ul style="list-style-type: none"> <li>Throughout consultation</li> </ul>
Discussion documents and pamphlets distributed to all Northland Regional Council offices, posters at key sites	<ul style="list-style-type: none"> <li>Throughout consultation</li> </ul>
Discussion documents and pamphlets distributed to Waikato mooring holders, community groups and industry	<ul style="list-style-type: none"> <li>During April</li> </ul>

Available from all Waikato Harbour Masters and Waikato Regional Council reception	<ul style="list-style-type: none"> <li>Throughout consultation</li> </ul>
<b>Public Event</b>	
Orewa Community Centre (Auckland)	<ul style="list-style-type: none"> <li>17/04/2019</li> </ul>
Westhaven Marina (Auckland)	<ul style="list-style-type: none"> <li>18/04/2019</li> </ul>
Buckland and Eastern beaches Memorial Hall (Auckland)	<ul style="list-style-type: none"> <li>10/04/2019</li> </ul>
Henderson Council Chamber (Auckland)	<ul style="list-style-type: none"> <li>2/05/2019</li> </ul>
Bay of Plenty Regional Council Toi Moana hosted public drop-in workshops	<ul style="list-style-type: none"> <li>29 April and 1 May – Tauranga</li> <li>30 April – Whakatane</li> <li>2 May - Rotorua</li> </ul>
Hutchwilco boatshow stand, Auckland	<ul style="list-style-type: none"> <li>16–19 May</li> </ul>
<b>Social Media</b>	
Biosecurity New Zealand Facebook page and Ko Tatou “This is Us”	<ul style="list-style-type: none"> <li>19/03/2019</li> </ul>
Northland Regional Council Facebook page	<ul style="list-style-type: none"> <li>12 April + reminders:</li> <li>19, 29 April</li> <li>15, 23 May</li> </ul>
Waikato Regional Council Facebook page	<ul style="list-style-type: none"> <li>19/03/2019</li> </ul>
Bay of Plenty Regional Council Toi Moana Facebook page	<ul style="list-style-type: none"> <li>14/05/2019</li> </ul>
Auckland Council Biodiversity Facebook page	
Sailword Facebook page	
Westhaven Marina Facebook Page	
<b>Webpage</b>	
Sailworld.com	<ul style="list-style-type: none"> <li>17/04/2019</li> </ul>
bionet.com with links to further information	<ul style="list-style-type: none"> <li>Throughout consultation</li> </ul>
<b>Other</b>	
Auckland	<ul style="list-style-type: none"> <li>2/04/2019</li> </ul>
Auckland Council iwi hui	
Bay of Plenty Regional Council Toi Moana Key Stakeholder workshop	<ul style="list-style-type: none"> <li>14/05/2019</li> </ul>
Waikato iwi	
Waikato territorial authorities	<ul style="list-style-type: none"> <li>April</li> </ul>

**TITLE:** NRC Appointment of Trustee onto Northland Events Centre Trust

**ID:** A1205024

**From:** Jonathan Gibbard, Group Manager - Strategy, Governance and Engagement

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### Executive summary/Whakarāpopototanga

This paper seeks Northland Regional Council (NRC) agreement to request an amendment to the Northland Events Centre Trust (NECT) Deed to remove the responsibility of NRC to appoint a representative onto the NECT Board. This would be timed to coincide with the end of NRC's current representative's term to the NECT board on 31 December 2019.

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### Recommendation(s)

1. That the report 'NRC Appointment of Trustee onto Northland Events Centre Trust' by Jonathan Gibbard, Group Manager - Strategy, Governance and Engagement and dated 20 June 2019, be received.
2. That the council agree that the Whangarei District Council and Northland Events Centre Trust Board (NECT) be asked to amend the NECT deed to remove council's power to appoint one trustee, as provided in cl 22.3(i), and that this be progressed prior to the end of the current NRC appointee, Mr Alistair Wells, being 31 December 2019.

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### Background/Tuhinga

Council established the Regional Recreational Facilities Rate, through the Long Term Plan 2006-2016, which provided funding for the Northland Events Centre (NEC). Council funding for the NEC finished in early 2018.

In May 2010, the NECT was established to own and manage the multi-purpose sporting and cultural venue built at Okara Park, Whangārei.

As part of a Handover Agreement to transfer the Northland Events Centre to Whangarei District Council, among other things, it was agreed that Northland Regional Council should have a representative on the Board of NECT. This was sought on the basis that council continued to strike a rate to fund the facility and to ensure that the facility had good governance and was supported as a regional facility.

Accordingly, in March 2013, an amendment was made to Clause 22 of the Northland Events Centre Trust Deed which specified under clause 22.3(i) that one Trustee be appointed by council.

Mr Alistair Wells is the trustee appointed by council to the Board of NECT in 2011 and has been re-appointed most recently at council's March meeting, until 31 December 2019.

Given council funding support is completed it is recommend to council that Whangarei District Council and NECT be asked to change the Trust Deed to remove council's requirement to appoint a trustee.

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## Considerations

### 1. Options

No.	Option	Advantages	Disadvantages
1	Continue to have the ability to appoint a trustee to the NECT Board	NRC continues to have limited input into the running of the NEC through the appointment of one trustee.	Administrative and political time taken to appoint one trustee to a WDC owned facility with limited to no real benefit.
2	Do not continue to have the power to appoint a trustee to the NECT Board	NRC would no longer be required to have a process to appoint a trustee to the NECT Board, reducing staff and governance time, and better reflects WDC's responsibility for management of the facility.	Removed council's ability to provide limited influence over the future of NEC through the appointment of one trustee.

Staff recommend option 2. The NEC is appropriately owned by Whangarei District Council and managed by NECT. Council's ability to appoint one trustee is no longer considered necessary nor achieving any benefit.

### 2. Significance and engagement

In relation to section 79 of the Local Government Act 2002, this decision is considered to be of low significance when assessed against council's Significance and Engagement Policy because it is part of council's day to day considerations and activities. This does not mean that this matter is not of significance to tangata whenua and/or individual communities, but that council is able to make decisions relating to this matter without undertaking further consultation or engagement.

### 3. Policy, risk management and legislative compliance

There are no known policy matters, risks or legislative compliance issues associated with this decision.

## Further considerations

### 4. Community views

While no recent community views have been sought, Northland ratepayers supported the funding of the Northland Events Centre on the basis that this is a regional facility – not solely a Whangārei centric facility.

### 5. Māori impact statement

There are no known specific impacts on Māori that are different to those of the wider community.

### 6. Financial implications

There are no known financial impacts from the decision proposed in this report.

### 7. Implementation issues

There are no known implementation issues from this decision.

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**Attachments/Ngā tapirihanga**

Nil

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**Authorised by Group Manager**

**Name:** Jonathan Gibbard  
**Title:** Group Manager - Strategy, Governance and Engagement  
**Date:** 04 July 2019

**TITLE:** Northland Inc. Limited: Statement of Intent 2019-2022

**ID:** A1208405

**From:** Darryl Jones, Economist

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### Executive summary/Whakarāpopototanga

The purpose of this report is to present to council Northland Inc. Limited's (Northland Inc.) final Statement of Intent (SOI) for 2019–2022. The Northland Inc. Board has chosen to incorporate almost all changes and additions suggested by council following the review of the draft SOI 2019–2022 in March/April 2019. Under section 65(2) of the Local Government Act (LGA) 2002 council must agree to the SOI, or if it does not agree take steps to require the SOI to be modified. Officers recommend that council agree to the SOI 2019–2022 as attached.

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### Recommendation(s)

1. That the report 'Northland Inc. Limited: Statement of Intent 2019-2022' by Darryl Jones, Economist and dated 2 July 2019, be received.
2. That council agree to Northland Inc. Limited's Statement of Intent 2019-2022 as set out in Attachment 2 pertaining to Item 5.9 of the 16 July 2019 council agenda.

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### Background/Tuhinga

In February 2019, Northland Inc. provided a draft SOI 2019–2022 for council's consideration. Council discussed the draft SOI at a workshop on 5 March and at the quarterly council/Northland Inc. workshop on 12 March. The draft SOI was formally received at the council meeting on 16 April 2019 where council agreed to delegate authority to the Chief Executive Officer (CEO), in consultation with council Chairman and Deputy Chairman, to provide feedback to Northland Inc. on the draft in line with the recommendations in the report.

A written formal response was sent to Northland Inc. on 30 April 2019 (**Attachment 1**).

Council received a Northland Inc. Board approved final version of the SOI 2019–2022 (**Attachment 2**) on 27 June 2019, before the 30 June deadline required by Schedule 8(3) of the Local Government Act 2002. Staff have reviewed the SOI and confirm that it complies with the requirements of Schedule 8 of the LGA 2002.

Staff have also reviewed the final SOI against the formal response provided by council and conclude that almost all the changes and additions suggested by council have been taken on board and incorporated into the final SOI. These include, among others, giving priority ordering to council's objectives; refocusing the destination management and marketing activity on visitor promotion only (NB: investment promotion now combined with Investment and PGF activity); stretch targets for some KPIs; and maintaining activity expenditure for destination management and marketing beyond the life of the extended regional promotions project funding provided by council. The letter from the Board Chair (**Attachment 3**) accompanying the SOI answers some of the other questions raised.

The main point not included is the request for the SOI to show that a portion of council's baseline operational funding for Northland Inc. includes a contribution towards the destination management and marketing activity. Overall staff consider that considerable progress has been made by Northland Inc. to accommodate the feedback received.

There are four major changes of note:



1. The number of work programme areas have been reduced from five to four, with the merging of the 'Tai Tokerau Northland Economic Action Plan' area with the 'Investment and Infrastructure' area to create a new 'Investment and PGF' work programme.
2. The 'Māori Economic Development' work programme no longer has specific reference to the activity of supporting the ICEC to establish a work programme to implement the tikanga based principles of 'He Tangata, He Whenua, He Oranga: the Taitokerau Māori Economic Growth Strategy'.
3. The 'Business Innovation and Growth' work programme is now called "Engagement Collaboration and Visibility", and a number of activities have been removed including 'supporting the landing pad programme'
4. and 'lead and co-ordinated the delivery of the Digital Enablement Plan'.
5. The 'Destination Management and Marketing Plan' work programme (previously called 'Promoting the Region') no longer has an activity related to delivering narratives which communicates positive attributes of Northland but has a new activity for leading the development of a regional tourism strategy.
6. The key performance indicators relating to the value of NZTE and Callaghan Innovation grant funding facilitated (both total and specifically for Māori) has been reduced as changes to R&D tax credits and how they impact the availability of grants has lowered the anticipated value of uptake of these grants.

The first change creates greater alignment with the first priority area identified in section 3 of the SOI and supported by council. The other changes appear to have been made to give greater weight to the more important activities actually being done within each of the work programme areas.

As shareholders of Northland Inc., council has a requirement under section 65(2) of the LGA 2002 to agree to the SOI, or if it does not agree, to take practicable steps to require a modification to the SOI. Under clause 5 of Schedule 8, the shareholders of a council-controlled organisation may, by resolution, require the board to modify the SOI by including or omitting any provision or provisions of the kind referred to in clause 9(1)(a) to (i), and any board to whom notice of the resolution is given must comply with the resolution.

Northland Inc. Board members and staff will attend the council meeting.

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## Considerations

### 1. Options

No.	Option	Advantages	Disadvantages
1	Agree to Northland Inc.'s SOI 2019–2022 as set out in Attachment 2	Allows Northland Inc., to begin operating in 2019/20 without uncertainty.	Don't get all the changes requested by council incorporated into the SOI.
2	Not agree to Northland Inc.'s SOI 2019–2022 as set out in Attachment 2 and formally request modifications	Get all changes requested by council incorporated into the SOI.	Creates antagonism with Northland Inc.

The staff's recommended option is Option 1, that council agrees to the SOI 2019–2022 received from Northland Inc. as set out in Attachment 2. The Northland Inc. Board has chosen

to incorporate almost all of council's recommendations into the final SOI, and those not incorporated are not considered significant enough to warrant council formally requesting modifications.

## **2. Significance and engagement**

In relation to section 79 of the Local Government Act 2002, this decision is considered to be of low significance when assessed against council's Significance and Engagement Policy because it has previously been consulted on and provided for in council's Long Term Plan 2018–2028 and previous decisions of council to set up Northland Inc. Limited as its council controlled organisation. They are part of council's normal operations. This does not mean that this matter is not of significance to tangata whenua and/or individual communities, but that council can make decisions relating to this matter without undertaking further consultation or engagement.

## **3. Policy, risk management and legislative compliance**

The decision is consistent with policy and legislative requirements.

## **Further considerations**

### **4. Community views**

The community have not been specifically consulted with regard to the Northland Inc. SOI. While there was no specific proposal regarding Northland Inc. in council's proposed Long Term Plan 2018–2028, a number of submitters made comments supporting council's involvement in economic development through Northland Inc. However, concerns were raised by other submitters about the level of funding provided to Northland Inc.

### **5. Māori impact statement**

Māori have not been specifically consulted with on the development of the latest Northland Inc. SOI. The SOI includes a specific work programme supporting Māori economic development and there are four key performance indicators for this work area.

### **6. Financial implications**

An annual allocation of funding to Northland Inc. for operational expenditure is set out and provided for in council's Long Term Plan 2018–2028. For 2019/20, the annual level of operational funding is \$1,335,876 (plus GST). This funding stream is allocated from council's Investment and Growth Reserve (IGR), and is paid quarterly on receipt of an invoice from Northland Inc.

In addition to operational funding, the criteria and procedures for the allocation of funding from the IGR (IGR criteria) provides the Board of Northland Inc. the delegated ability to allocate up to \$300,000 per annum for project development. In 2018/19, \$249,200 was used for this purpose. Northland Inc. also receives IGR Enabling Investment funding from council for projects that it is responsible for delivering. It currently receives funding for two such projects: Extension 350 (a six-year programme worth \$832,600 in total ending 2021/22) and extended regional promotions (\$200,000 per annum for three years ending 2020/21). Funding for these projects, and any future project allocations, are made by specific council decision in line with IGR.

### **7. Implementation issues**

Northland Inc. is responsible for implementing its SOI. Council does not provide any direction to Northland Inc. on how its operational funding is spent across the four work programmes. It is up to the Board of Northland Inc. to prioritise the allocation of its operation funding across the work programmes. Council receives a report each quarter from Northland Inc. on progress made in achieving the performance measure targets.

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**Attachments/Ngā tapirihanga**

Attachment 1: Letter from council to Northland Inc. providing comments on their draft SOI 2019-2022 [↓](#)

Attachment 2: Northland Inc. Limited Statement of Intent 2019-2022 [↓](#)

Attachment 3: Letter from Northland Inc. accompanying final SOI [↓](#)

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**Authorised by Group Manager**

**Name:** Jonathan Gibbard

**Title:** Group Manager - Strategy, Governance and Engagement

**Date:** 04 July 2019



30 April 2019

Sarah Petersen, Chair  
Northland Inc Limited  
PO Box 1762  
Whāngārei 0140

Dear Sarah

**Northland Inc Limited: Draft Statement of Intent 2019-2022**

1. The purpose of this letter is, as the shareholders of Northland Inc, to provide you with comments on the draft Statement of Intent (SOI) for the three-year period 2019/20 – 2021/22 in accordance with Schedule 8 Clause 3(a) of the Local Government Act 2002.
2. Thank you for the opportunity over the last few months to have various conversations with Northland Inc regarding the draft SOI, including a presentation on the content of the draft SOI at our quarterly workshop on 12 March 2019. The quarterly workshops have been particularly helpful in improving dialogue between council and Northland Inc as well as providing early signals and avoiding the advent of any surprises down the line.
3. Our feedback is arranged in four areas: general comments on the draft SOI; comment on the objectives, governance, activities and performance measures; comment on the financial information; and some other matters.

**General Comments**

4. We appreciate that Northland Inc have drafted the SOI with our letter of expectation in mind which we sent to you on 19 December 2018. For instance, there is now a discussion around 'inclusive growth' which is welcome.
5. Nevertheless, we would like to see council's priorities recognised in the document as a 'first order priority' for Northland Inc, ahead of other organisations priorities and initiatives. To this end we request that:
  - a. It is made clear that council is the 'shareholder' referred to in the document by changing references to the 'shareholder' to 'Northland Regional Council'.
  - b. In the introduction section (p2-3), it should be made clearer that Northland Inc is a Council Controlled Organisation and is the model through which council chooses to provide economic development services to the region.



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- c. In the context section (p2-3) council's objectives should come first as presently they are at the end of the discussion around context, behind the Te Taitokerau Northland Economic Action Plan. Northland Forward Together and its collective objectives should be added to the list of initiatives that guide Northland Inc's agenda.

#### Comments on Objectives, Governance, Activities and Performance Measures

##### 6. Objectives:

- a. Council agrees with the three priority areas in the objectives section (p4) however we request Northland Inc consider as to how they align with the description of activities in section 5.
- b. We appreciate the alignment of Northland Inc objectives with those of council (p4). Whilst the first four identified 'regionally significant sectors' are those that council wishes Northland Inc to focus on using our financial support, the final three are not as they do not align with our Long Term Plan nor Northland Inc's current SOI. We therefore request that they either be deleted or separated into a separate section and it be noted that funding is to be sourced from elsewhere to progress them.

##### 7. Governance:

- a. We are supportive of the additional content in the governance section (p6) that has strengthened the SOI. We would however like to be kept informed of the progress the Board makes in developing the 'clear strategic plan' for the organisation (bullet pt. 2 in the second list).
- b. Council requests that this section of the SOI be updated to clearly outline how the Northland Inc Board meets its legislative data governance responsibilities.

##### 8. Activities:

- a. Council would like a clear line of sight, and shared understanding, on Northland Inc RTO functions and associated funding allocations articulated within the SOI. We therefore request that the 'destination marketing and management' activity (p6-7) be narrowed to focus solely on the Regional Tourism Organisation (RTO) function rather than the much wider 'promoting the region for investment' (p.6) / 'encourage investment and market development' (p.7) in the draft SOI. To be clear, council is not requesting that the non-RTO functions stop but that they are included under a separate workstream within the SOI.
- b. Bullet pt 2. of 'Supporting Maori economic development' needs clarification. The second sentence is new and appears to duplicate the first sentence.



- c. Council would like an update at a future quarterly workshop on the establishment of a work programme for 'He Tangata' and the 'Annual Tactical Marketing Plan'.

9. Performance Indicators:

- a. The table of performance indicators (p9) needs to be updated by including the latest 2018/19 results (even if just provisional) and targets for 2021/22.
- b. Council requests that Northland Inc consider stretch targets for 2021/22.
- c. The Action Plan performance indicator should be changed or deleted. While council would like to be regularly updated on progress to implement the Action Plan milestones, the Action Plan is the regions Action Plan, not councils' action plan and therefore should not be a measure of Northland Inc's performance.

**Financial Information**

10. Destination management and marketing:

- a. Council wishes to ensure an appropriate level of programme expenditure for destination management and marketing is provided within Northland Inc's baseline Opex budget across all three years of the SOI. Council requests that the Board review the prospective Statement of Finance Performance and make it clear what level of programme expenditure on destination management and marketing is being proposed. Council wishes to avoid the situation that arose when the previous Extended Regional Promotions funding stopped, noting that the current Extended Regional Promotions funding is budgeted to stop at the end of 2020/21.
- b. Council acknowledges that this will require redirection of existing budgets. However, council considers that this expectation has been clearly communicated with Northland Inc for some time and now requests that this be included as a specific line of expenditure.
- c. Council also wishes it to be shown that a portion of council's baseline Opex funding for Northland Inc includes a contribution towards the destination management and marketing activity. We want it to be made clear that our funding for this activity is more than the amount provided through the NRC-Extended Regional Promotions contribution.

11. Operational expenditure:

- a. The forecast NRC Opex income for 2021/22 is incorrect. It should be the lower number of \$1,330,720 reflecting the fact that the additional payment for the increase in directors from five to seven has been budgeted for just three years



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ending 2020/21. Council will undertake a review of director numbers and associated budget provision during 2019/20.

- b. Council requests an explanation as to why there has been such a significant increase in budgeted Overheads. For example, in the current SOI 2018–2021 forecast Overheads for 2019/20 is \$542,308, while in the draft SOI 2019–2022 forecast Overheads for 2019/20 is \$642,993, an increase of \$100,685 or 19%.
- c. Council also queries a constant budgeted Orchard income of \$144,420 given the targeted growth in Orchard occupancy rates and request Northland Inc provide some commentary on this.

12. Need for more detailed information:

- a. Council would like to receive the breakdown of income and expenditure by workstream for all the years requested in the Letter of Expectations. The information provided for 2019/20 was helpful in this regard.

**Other matters**

- 13. Council supports the bringing together of the three shareholder related references into one section aids transparency and is supported (p8).
- 14. Additional wording is needed (p10) to clarify that any report submitted by Northland Inc for council's formal consideration needs to be accompanied by advice from council's Chief Executive and that the request for confidentiality must meet the requirements of section 7(2) of the Local Government Official Information and Meetings Act 1987.
- 15. We would like to emphasise that we will work with Northland Inc to assist with its efforts to be outward focussing, particularly in terms of its engagement with other councils.
- 16. If useful, I would be happy to meet with you to clarify or discuss any of the details of this letter.
- 17. Finally, on behalf of council I would like to acknowledge the enormous contribution that David Wilson has made to the work of Northland Inc and to economic development in Northland.
- 18. We look forward to working with the new Chief Executive and the Northland Inc Board to deliver on the content of this SOI.



Yours sincerely

A handwritten signature in black ink, appearing to read "Bill Shepherd".

**Bill Shepherd**  
**Chairman**

A1187657

CC:  
Malcolm Nicolson, CEO Northland Regional Council  
Vaughan Cooper, Acting CEO, Northland Inc Limited





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## 1 Introduction

The Board of Directors of Northland Inc Ltd. (Northland Inc) present this Statement of Intent as a public declaration of the activities and intentions of Northland Inc Ltd in accordance with the requirements of Clause 9 of Schedule 8 of the Local Government Act 2002.

Northland Inc is a Company registered under the Companies Act 1993, a reporting entity for the purposes of the Financial Reporting Act 1993. It is a wholly owned subsidiary of Northland Regional Council (NRC) and, by virtue of their right to appoint directors, is a council-controlled organisation as defined under Section 6 of the Local Government Act 2002. It was established by the Northland Regional Council as their preferred method of delivering economic development services to the region.

Accordingly, Northland Inc is Northland's Regional Economic Development Agency and Regional Tourism Organisation. It also forms part of the Government's Regional Business Partner Network (RBP).

Northland Inc is funded by an operational contribution from NRC and is project funded through other public and private agencies, with central government being the next largest contributor. Northland Inc acknowledges that many parts of the Northland economy could use further support, and is committed to identifying partnerships and collaborations that help to increase funding and resources to support economic growth.

The organisation is governed by a board of seven directors appointed for three years (or as otherwise specified from time to time by NRC). The Board Chair is elected by the Directors. Operational activity is led by the Chief Executive Officer. Northland Inc currently has no subsidiaries or joint ventures.

This Statement of Intent is the guiding governance tool and terms of reference for Northland Inc and defines the key performance indicators (KPIs) as agreed by NRC. It outlines the Directors' accountabilities to NRC for corporate performance.

## 2 Context

Northland Inc works with organisations and institutions in Northland and the public and private sectors with a common purpose to grow, strengthen and diversify Northland's economy.

NRC's 2018 Long-Term Plan (LTP) sets out NRC's objectives, community outcomes, values and areas of focus. Collectively this provides a statement about the direction NRC wishes to take in making a meaningful contribution to the region, and this is relevant for guiding Northland Inc's objectives, approach and activities. Northland Inc and NRC have deliberately aligned their objectives for economic development (see Objectives outlined below).

Northland Inc also has regard to the collective objectives of Northland Forward Together, which outlines shared regional aspirations which incorporate economic development.

Most recently, the introduction of the Provincial Growth Fund (PGF) has been a critical Central Government policy that Northland Inc needs to respond and adapt to. The PGF is intended to lift productivity in the provinces and to enhance economic development opportunities. It provides a significant opportunity for Northland economic development interventions to be accelerated and we need to ensure our objectives maximise benefit for Northland communities.



Several other government and local initiatives guide Northland Inc's economic development agenda and long-term context for Northland Inc, including;

- Tai Tokerau Northland Economic Action Plan (Action Plan)
- He Kai Kei Aku Ringa (the Crown-Māori joint strategy for Māori economic development); and
- He Tangata, He Whenua, He Oranga, the Tai Tokerau Māori Growth Strategy developed by the Tai Tokerau Iwi CEOs Consortium.

Northland Inc is committed to the principles of 'Inclusive Growth' which are attracting an increasing focus in Economic Development practice worldwide. Central Government is developing the new Living Standards Framework and well-being measures. These foci are strong policy contexts that will influence what and how Northland Inc works. Northland Inc will continue to develop and support economic development strategies and actions that incorporate the principles of Inclusive Growth and look to provide alignment with the living standards framework as it is developed.

### 3 Northland Inc Vision, Mission and Objectives

#### Vision

Northland is one of the most prosperous regions in New Zealand delivering employment and business opportunities for locals in a fair and equitable society balancing economic development with sustainable environmental management.

#### Mission

To strengthen, diversify and grow the Northland economy.

#### Objectives 2020-2022

1. Advocate and promote the establishment and development of infrastructure that underpins regional economic growth.
2. Attract, facilitate and support investment opportunities in regionally strategic sectors.
3. Promote Northland as a progressive and positive place to visit, do business and live.
4. Provide and facilitate business support services that enable Northland businesses to grow.
5. Increase innovation and entrepreneurship in Northland.
6. Partner with Māori to develop and implement economic development projects for the benefit of Northland.
7. Support and facilitate the implementation of the Tai Tokerau Northland Economic Action Plan.
8. Support tourism product development and infrastructure as enablers of Northland's tourism sector.

To deliver maximum impact, Northland Inc will prioritise activities in three key areas:

1. Investment and Provincial Growth Fund (PGF) - the PGF is a short-term opportunity which needs to be prioritised for maximum impact:
  - Providing leadership to highlight and drive transformational opportunities
  - Collaborating, leading and supporting ongoing work programmes to ensure impact extends past the life of the PGF
2. Māori Economic Development – a central driver of improving well-being:
  - Empower, support and partner with Māori organisations and businesses

- Collaborating to leverage resources and funding
- 3. Engagement Collaboration and Visibility - increase focus on collaboration for the benefit of the region:
  - Improved visibility of progress and outcomes across the region
  - Continue work to extend our presence and reach across the region tailored to needs of individual communities

In terms of the focus for investment activity, the 'Regionally Strategic Sectors' are:

- Agriculture and Horticulture
- Digital
- Tourism
- Marine

## 4 Governance

The Board will effectively represent and promote the interests of NRC by seeking to fulfil its mandate as described above. The Board will discharge their duties in accordance with Northland Inc's Board Charter.

In undertaking its activities, Northland Inc will seek to:

- Achieve the objectives of NRC, both commercial and non-commercial as specified in this Statement of Intent;
- Demonstrate ethical and good behaviour in dealing with all parties;
- Achieve active partnerships with Māori, and other key stakeholders within the region, promoting effective communication where appropriate;
- Comply with all relevant legislative requirements, including those relating to the principles of the Treaty of Waitangi;
- Maintain an open and transparent approach to decision-making with NRC while respecting the need for commercially sensitive information to be protected;
- Be a good employer; and
- Exhibit social and environmental responsibility.

The Board will adopt the following approach to its fiduciary responsibilities to ensure good governance:

- Prepare a 3-year SOI setting out its strategic goals for agreement with NRC, as shareholder;
- Establish a clear business plan which reflects the agreed SOI;
- Establish a clear performance framework and job description for the Chief Executive Officer;
- Approval of detailed operating, capital and cashflow budgets;

- Attend regular meetings to review performance and progress towards set objectives and budgets; and
- Operation of appropriate Board subcommittees to appropriately manage Risk, Compliance, Remuneration and Board performance.

The Board believes regular communication with NRC is important to ensure good governance. The Board and Chief Executive will use their best endeavours to communicate in a regular and timely manner and ensure that matters are raised so there will be 'no surprises'. Established processes will be maintained to ensure regular contact between the Board, management and NRC, and informal meetings will be encouraged to ensure regular communication flows regarding matters of mutual interest.

## 5 Nature and scope of activities to be undertaken by Northland Inc

Northland Inc focusses on the following 4 work programs to achieve the organisational objectives:

1. Investment and PGF - Leveraging economic growth in the region through the strategic co-ordination, management and allocation of available public and private sector funding, including NRC's Investment and Growth Reserve. This includes promoting the region for investment and supporting the implementation of the Action Plan;
2. Māori Economic Development – Empower, support and partner with Māori organisations and businesses and collaborate to leverage resources and funding;
3. Engagement Collaboration and Visibility - Focus on collaboration for the benefit of the region and to continually improve the performance, productivity and profitability of Northland businesses; and
4. Destination Management and Marketing (previously called Regional Tourism Office) - Promoting the region for visitors, and increase the contribution from visitors through supporting product development and regional dispersal.

The nature and scope of activities relevant to each work program are listed below.

1. Investment and PGF - Leveraging economic growth in the region through the strategic co-ordination, management and allocation of available public and private sector funding, including the PGF and NRC's Investment and Growth Reserve; promoting the region for investment and supporting the implementation of the Action Plan:
  - Actively supporting and facilitating investment in strategic sectors in the Northland economy and developing investment ready propositions
  - Delivering a promotional programme to encourage investment and market development of Northland's strategic growth sectors
  - Leveraging the Investment and Growth Reserve to increase investment into the Northland economy
  - Supporting and facilitating the development of new and enabling infrastructure such as UFB, roads, rail and water
  - Supporting the implementation of the Action Plan by Leading a region wide Working Group and providing Portfolio and Project Management support for the Action Plan

- Deliver the Extension 350 Programme
2. Māori Economic development - Empower, support and partner with Māori organisations and businesses and collaborate to leverage resources and funding:
- Work across all of Northland Inc work programmes to take advantage of opportunities for Māori economic development
  - Engage and partner with iwi, hapū, marae and the Māori community to advance their aspirations in economic development and enable investment, business growth and completion of economic development projects
  - Work with, advocate for and support Māori businesses with their aspirations for growth
3. Engagement Collaboration and Visibility - Collaborate for the benefit of the region and continually improve the performance, productivity and profitability of Northland businesses:
- Delivering business advice effectively across the region to support innovation, capacity and capability development through incubation services and the Regional Business Partnership; New Zealand Trade & Enterprise, Callaghan Innovation and Business Mentors New Zealand
  - Developing clusters, business networks or associations to take advantage of market development opportunities that leverage Northlands key sectors and comparative advantages
  - Building and sharing specialist knowledge through a business events programme and provide opportunities to access a range of capital support mechanisms for Northland businesses
  - Expansion of The Orchard business and event hub for regional impact
4. Destination Management and Marketing - Promoting the region for visitors, and increase the contribution from visitors through supporting product development and regional dispersal:
- Identifying, and where appropriate, assisting with the development of infrastructure, products, services and sub-regional destinations which grow the value derived from visitors
  - Improving regional dispersal, length of stay, expenditure and the appeal of off peak travel particularly through leverage of the Twin Coast Discovery programme as a region wide development framework for tourism
  - Leading the development of a regional tourism strategy
  - Co-ordinate, and where appropriate, lead the implementation of an Annual Tactical Marketing Plan for destination marketing, in alignment with the direction of national tourism organisations and in conjunction with the Northland tourism sector.

## 6 Shareholders' funds, distributions and the value of shareholders' investment

Shareholders' funds (being retained surpluses plus share capital) at June 2018 was as follows:

	June 2018
Total Assets \$	1,451,316
Total Liabilities \$	1,328,845
Shareholders' Funds \$	122,471
Shareholders' Funds as % of Total Assets	8.4%

Northland Inc forecasts small surpluses year-on-year. Accordingly, Shareholders' Funds as % of Total Assets will remain approximately at this level.

Northland Inc is not required to make any distributions to NRC as the shareholder.

The value of the shareholders' investment in Northland Inc is estimated by directors to be equal to current shareholders' funds being \$120,000.

## 7 Accounting policies

The accounting policies that have been adopted are detailed in the company's 2017/18 Annual Report. A copy is included as **Appendix A**.



## 8 Performance targets

Key performance indicators are:

Work programme area	Proposed measures and targets				
	How we will measure	2018/19 Provisional results	2019/20	2020/21	2021/22
Investment and PGF	Percentage of IGR business case decisions (by the Board) made within 90 days of receiving application	100%	100%		
	Number of inward delegations hosted	4	4	4	4
	Investment recommendations are accompanied by a robust business case	100%	100%		
	Number and value of high impact projects that are implemented	3	3	3	3
Māori Economic Development	Number of unique Māori businesses assisted (by TA and industry)	32	50	55	60
	Number and value of high impact projects that are implemented	1	1	2	3
	Value of NZTE and Callaghan Innovation grant funding facilitated for Māori businesses	\$25,000	\$25,000		
	Client satisfaction (as measured by Net Promoter Score for Māori businesses)	Not Available	75% (NPS 50)		
Engagement Collaboration and Visibility	Number of unique businesses assisted (by TA and industry)	230	230		
	Value of NZTE and Callaghan Innovation grant funding facilitated	\$0.9M <sup>1</sup>	\$1.0M		
	Client satisfaction (as measured by Net Promoter Score)	93%	90% (NPS 50)		
	Orchard occupancy rate	80%	85%	85%	85%
Destination Management and Marketing	Visitor spend from target markets	\$1,124M	\$1,175M	\$1,228M	\$1,283M
	Value of industry investment in regional promotion activity	\$350,000	\$350,000		
	Equivalent Advertising Value achieved from destination marketing	\$25M <sup>2</sup>	\$16.5M		
	RTO Net Promoter Score	45	45		

Note: Northland Inc has prepared a separate supporting document (Appendix C) which explains the rationale and recording methodology behind each of the Key Performance Indicators.

<sup>1</sup> Changes to R&D tax credits and how they impact availability of grants has affected achievement of this target.

<sup>2</sup> Air New Zealand Campaign resulted in this target being significantly over-achieved this year.

## 9 Information to be provided to the Shareholders

Directors will formally report progress against the SOI to NRC quarterly via a written report submitted within six weeks of the end of the 1<sup>st</sup> and 3<sup>rd</sup> quarters, and attendance at a Council meeting thereafter as per the NRC schedule.

In compliance with Clause 66 of Part 5 the Directors will, within two months after the end of the first half of each financial year, deliver to NRC an unaudited half year report containing:

- a Statement of Performance, Position and Cash flow as at the half year balance date
- financial forecasts for the full year and comparison to approved budgets
- commentary on progress to meeting performance targets and the expected year end position.

In accordance with Section 2 of Schedule 8 the Directors will deliver a draft SOI to NRC as the shareholder by 1<sup>st</sup> March of each year for the subsequent three-year period.

In accordance with Section 3 of Schedule 8 the Directors will deliver a Board approved SOI to NRC as the shareholder on or before the 30<sup>th</sup> June of each year.

In compliance with Clause 67 of Part 5 the Directors will, within three months of the end of the financial year, deliver to NRC an audited Annual Report which meets the requirements of Section 68 and Section 69 of Part 5. In addition, the Annual Report is to contain a declaration by the Board as to the compliance with the Act and specifically that the requirements of Schedule 8 have been met.

## 10 New entries, acquisitions and sales

Directors may not create any new legal entity, acquire shares or any equity interest in any existing legal entity or sell any interest held by Northland Inc without the specific approval of the NRC as the shareholder.

## 11 Activities for which local authority funding is sought

Northland Inc reserves the right to seek compensation from time to time for the necessity to provide any service required by the NRC where funding has not been previously agreed.

## 12 Any other matters

Northland Inc can request NRC hold a confidential Council meeting for discussion about commercially sensitive matters, subject to this request meeting the requirements of section 7(2) of the Local Government Official Information and Meetings Act 1987. Any report submitted by Northland Inc for NRC's formal consideration needs to be accompanied by advice to Council from NRC's Chief Executive.

### **13 Financial information**

A prospective statement of financial performance is included as Appendix B.

## Appendix A: Northland Inc Accounting Policies

### 1. Statement of Accounting Policies

#### ***BASIS OF PREPARATION***

The financial statements have been prepared in accordance with Tier 2 Public Benefit Entity (PBE) Financial Reporting Standards as issued by the New Zealand External Reporting Board (XRB). They comply with New Zealand equivalents to International Public Sector Accounting Standards Reduced Disclosure Regime (NZ PBE IPSAS with RDR) and other applicable Public Benefit Entity Financial Reporting Standards as appropriate to Public Benefit Entities.

The entity is eligible to report in accordance with Tier 2 PBE Accounting Standards on the basis that it does not have public accountability and is not large. The entity transitioned to PBE Standard Tier 2 from 1st July 2016.

The financial statements have been prepared accordance with the Local Government Act 2002, which requires compliance with generally accepted accounting practice in New Zealand ("NZ GAAP"). [LGA. 111].

The entity is deemed a public benefit entity for financial reporting purposes, as its primary objective is to provide services to the community for social benefit and has been established with a view to supporting that primary objective rather than a financial return.

#### ***CHANGES IN ACCOUNTING POLICIES***

Previously adopted Public Benefit Entity Simple Format Reporting - Accrual (Not-For-Profit). The impact of new and amended standards and interpretations applied in the year was limited to additional note disclosures.

Appendix B: Prospective Statement of Financial Performance

NORTHLAND INC Forecast Prospective Statement of Financial Performance			
Income	2019/20 Forecast	2020/21 Forecast	2021/22 Forecast
NRC Funding	\$ 1,335,876	1,365,266	1,395,302
Orchard	\$ 144,420	144,420	144,420
NZTE & Callaghan	\$ 339,531	339,531	339,531
WDC	\$ 105,000	105,000	105,000
FNDC & KDC	\$ -	-	-
NIF	\$ 59,000	59,000	59,000
		-	-
I&GR Project Development Fund	\$ 300,000	300,000	300,000
Extended Regional Promotions (NRC)	\$ 200,000	200,000	-
DMM Website Income	\$ 27,000	27,000	27,000
Industry (International Marketing Group)	\$ 37,500	37,500	37,500
Extension 350 Project Funding	\$ 578,700	436,700	244,300
MBIE (Action Plan)	\$ 200,000	-	-
Education NZ	\$ 50,000	-	-
Funding TBC	\$ -	-	198,000
<b>Total Income</b>	<b>\$ 3,377,027</b>	<b>\$ 3,014,417</b>	<b>\$ 2,850,053</b>
<b>Project Expenses</b>			
NIF	\$ 60,000	\$ 60,000	\$ 60,000
I&GR Project Development Fund	\$ 300,000	\$ 300,000	\$ 300,000
Extension 350 Project Delivery	\$ 438,875	\$ 294,200	\$ 173,050
Business Mentors	\$ 30,000	\$ 30,000	\$ 30,000
<b>Total Project Expense</b>	<b>\$ 828,875</b>	<b>\$ 684,200</b>	<b>\$ 563,050</b>
<b>Activity Expenses</b>			
Destinational Management & Marketing	\$ 147,000	\$ 147,000	\$ 147,000
Business Awards	\$ 7,000	\$ 7,000	\$ 7,000
The Orchard	\$ 7,000	\$ 7,000	\$ 7,000
<b>Total Project Expense</b>	<b>\$ 161,000</b>	<b>\$ 161,000</b>	<b>\$ 161,000</b>
<b>Salaries &amp; Overheads</b>			
Salaries (Direct & Indirect)	\$ 1,740,759	\$ 1,543,570	\$ 1,502,271
Overheads	\$ 645,625	\$ 625,067	\$ 622,367
<b>Total Salaries &amp; Overheads</b>	<b>\$ 2,386,384</b>	<b>\$ 2,168,637</b>	<b>\$ 2,124,638</b>
<b>Total Net Surplus</b>	<b>768</b>	<b>580</b>	<b>1365</b>

## Appendix C: Supporting Information for Northland Inc Statement of Intent

### Introduction

The Statement of Intent for Northland Inc contains Key Performance Indicators (KPI's). The rationale for choosing the KPI's and the method in which these indicators are reported on is not always clear, and therefore this document provides more detail around the KPI and the method of reporting.

### Rationale

KPI's need to have a solid rationale, clear line of site back to the activities of Northland Inc, be simple to understand and be measurable. The KPI's within the Statement of Intent are a mixture of Inputs, Outputs and Outcomes. Some are under the direct control of Northland Inc and some are influenced by Northland Inc activity. It is important to have a least one indicator for each work programme area and where possible a mixture of the different type of indicators. A brief explanation of the rationale for each KPI is provided below.

### KPI's

The KPI's are as follows:

(Note these have been numbered for ease of reference within this document)

1. Investment and PGF
  - a. Percentage of IGR business case approvals (by the Board) made within 90 days of receiving application
  - b. Number of inward delegations hosted
  - c. Investment recommendations are accompanied by a robust business case
  - d. Number and value of high impact projects that are implemented
2. Māori economic development
  - a. Number of unique Māori businesses assisted (by TA and industry)
  - b. Number and value of high impact projects that are implemented
  - c. Value of NZTE and Callaghan Innovation grant funding facilitated for Māori businesses
  - d. Client satisfaction (as measured by Net Promoter Score for Māori businesses)
3. Engagement Collaboration and Visibility
  - a. Number of unique businesses assisted (by TA and industry)
  - b. Value of NZTE and Callaghan Innovation grant funding facilitated
  - c. Client satisfaction (as measured by Net Promoter Score)
  - d. Orchard occupancy rate
4. Regional promotion and tourism
  - a. Visitor spend from target markets
  - b. Value of industry investment in regional promotion activity
  - c. Equivalent Advertising Value achieved from destination marketing
  - d. RTO Net Promoter Score

### Rationale and Methodology for Individual KPI's

- 1.a Rationale: Output measure – indicates the efficiency within which the project management office receives, processes and outputs work.

Methodology: Evidence for KPI is Northland Inc Board minutes.

- 1.b Rationale: Input measure – indicates that the region is attractive for inward investment. Suggests that the Landing Pad and regional promotion activity are functioning.

Methodology: Evidence for KPI is the number of meetings held and details of attendees.

Inward delegation is a reference to an expression of interest from a reputable company (national or international) who is interesting in investing in the region. The KPI is achieved when Northland Inc participates in the hosting (meeting) of the company's representatives (delegates). Note that often Chinese delegates are hosted jointly with Councils as this is the preferred way to establish a relationship with Chinese culture.

- 1.c Rationale: Outcome measure – measures the quality of the project management office procedures and assessment.

Methodology: Evidence for KPI is Northland Inc board minutes recording decision to recommend investment (either to Council for the Investment and Growth Reserve or to another investment fund). Note that this KPI is intended to include applications to the Provincial Growth Fund that Northland Inc supports. Evidence of robust business case is that no further work is required on the business case to make a decision.

- 1.d Rationale: Outcome measure – ensures the work area is aligned with the vision and mission.

Methodology: High Impact projects are projects that are likely to make a significant contribution to their sector in one or more of the following areas: employment, training, GDP, household income, sector strength diversity, research and development. All projects are assessed using standardised internal processes to understand the potential impact/contribution.

- 2.a Rationale: Input measure – measures the volume of work being generated and processed.

Methodology: Evidence for KPI is recorded in Northland Inc's CRM database. Breakdown of data is to be presented by TLA and industry.

- 2.b Rationale: Outcome measure – ensures the work area is aligned with the Northland Inc vision and mission.

Methodology: High Impact projects are projects that are likely to make a significant contribution to their sector in one or more of the following areas: employment, training, GDP, household income, sector strength diversity, research and development. All projects are assessed using standardised internal processes to understand the potential impact/contribution.

- 2.c Rationale: Output measure – provides evidence that the engagements in the previous KPI are resulting in positive activity.

Methodology: Evidence for KPI is recorded in Northland Inc's CRM database.

- 2.d Rationale: independent verification that the services within this work programme are of success.

Methodology: A widely used customer loyalty or satisfaction metric used to measure success across NZTE services. It is an index ranging from -100 to 100 that measures the willingness of customers to recommend a company's products or services to others.

- 3.a Rationale: Input measure – measures the volume of work being generated and processed.
- Methodology: Evidence for KPI is recorded in Northland Inc's CRM database. Breakdown of data is presented by TLA and industry.
- 3.b Rationale: Output measure – provides evidence that the engagements in the previous KPI are resulting in positive activity.
- Methodology: Evidence for KPI is recorded in Northland Inc's CRM database. (Recommended that the annual report include comparison against other similar regions)
- 3.c Rationale: Outcome measure – independent verification that the services within this work programme are of success.
- Methodology: A widely used customer loyalty or satisfaction metric used to measure success across NZTE services. It is an index ranging from -100 to 100 that measures the willingness of customers to recommend a company's products or services to others.
- 3.d Rationale: Outcome measure – indicates the level of support within the Economic Development sector in Whangarei for the Orchard co-working space.
- Methodology: Orchard occupancy rate is based on the percentage hours per week that desk space is occupied for, using a 40 hr working week as standard. Northland Inc and the Chamber of Commerce (both being tenants in the Orchard space) are not included in this calculation.
- 4.a Rationale: Outcome measure – indicates sector wide trends and indicates if the Regional Promotion and Tourism work programme area is achieving change (although not suggesting a direct link)
- Methodology: Visitor spend is recorded through the MBIE monthly regional tourism expenditure estimates. Target markets are broken into two categories; Domestic (Auckland) and International (Australia, USA, Europe and UK).
- 4.b Rationale: Input measure - Indicates industry support for the work programme area.
- Methodology: Evidence for KPI is recorded through direct payments to Northland Inc for joint marketing activity undertaken and/or payments made to contracted companies for website, media, print material.
- 4.c Rationale: Output measure – indicates direct value add from work programme activity
- Methodology: Equivalent Advertising Value is calculated using standard methods utilised in the public relations and communications industries. These methods measure the size of the coverage gained, its placement and calculates what the equivalent amount of space would cost.
- 4.d Rationale: Independent verification that the services within this work programme are of success.
- Methodology: Evidence for KPI is recorded through the AA Travel Monitor RTO Net Promoter Score (Which Northland Inc pays to receive). Respondents are asked to rate, on scale of 1 (very unlikely) to 10 (very likely), how likely they are to recommend each



destination they reported visiting as a place to visit. Those providing a score of 6 or less are classified as 'Detractors', 7 or 8 as 'Neutrals', and 9 or 10 as 'Promoters'. The Net Promoter Score is calculated by subtracting the percentage of visitors who are detractors from the percentage who are promoters.



Growing Northland's Economy  
Kia tupu ai te ōhanga o Te Tai Tokerau

27 June 2019

Bill Shepherd  
Chairman  
Northland Regional Council  
36 Water Street  
Whangarei

Dear Bill

#### **Northland Inc Statement of Intent 2019/22**

We are pleased to submit the final Northland Inc Statement of Intent for the three-year period 2019-22. This Statement of Intent was adopted by the Board at our meeting today and accordingly, is formally submitted to Council.

Thank you for the feedback in your letter dated 30 April 2019 and the recent workshop with NRC in May 2019. We have valued these opportunities to discuss our shared objectives and approach towards delivering economic development and tourism promotion across the region.

As you will see in the attached Statement of Intent, we largely agree with NRC's feedback and the requested changes, and have incorporated these accordingly. We provide further details as below in response to key feedback raised in your letter of 30 April.

#### **Nature and Scope of Activities (Section 5)**

We appreciate your support of the three priority areas reflected in our Objectives. We have taken this opportunity to revise the detail included within the nature and scope of activities (Section 5) to better align our description of activities with this strategic direction.

#### **Destination Management and Marketing**

This Statement of Intent demonstrates our commitment to maintain the level of funding into the Destination Management and Marketing function over the relevant three-year period, as evidenced within the Financial Information provided. We are committed to identifying additional funding to enable our continued operations within existing business areas to deliver this.

#### **Additional Financial Information**

You had requested further information regarding the increase in Overheads compared to the current year. We note this increase is primarily due to increased Director numbers and the associated costs, increased vehicle costs to support our regional presence and a general increase in Orchard operating costs.

Our forecast financial performance includes steady income from the Orchard as we believe we have reached capacity of the Orchard, which is reflected in the amendment to the Orchard KPI.



**NorthlandInc**

Growing Northland's Economy

Kia tupu ai te ōhanga o Te Tai Tokerau

#### Other Matters

We note the requests within your letter to provide further updates on specific matters. We welcome the opportunity for our continued conversations and dialogue regarding our operations, and look forward to updating NRC on these matters at our scheduled workshops. Please let us know if there are any other matters you wish to cover within these sessions, as we value the opportunity for open and regular communication between our organisations.

Thank you for your continued support and funding of Northland Inc. We look forward to working with NRC Councillors and management to deliver this Statement of Intent and our shared regional objectives.

Kind regards



Sarah Petersen  
Chair



P 09 438 5110 A The Orchard, corner Cameron and Walton Streets, Whangarei 0110

[www.northlandnz.com](http://www.northlandnz.com)

**TITLE:** Policy on Hazardous and Controlled Substances for Pest Control

**ID:** A1209127

**From:** Bruce Howse, Group Manager - Environmental Services

---

### Executive summary/Whakarāpopototanga

On 18 June 2019 council resolved to '*request the development of a policy on the use of controlled and hazardous substances as a pest management tool for its consideration*'.

A draft policy on hazardous and controlled substances for pest control is **attached** for council's consideration and adoption.

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### Recommendation(s)

1. That the report 'Policy on Hazardous and Controlled Substances for Pest Control' by Bruce Howse, Group Manager - Environmental Services and dated 3 July 2019, be received.
2. That council adopts the '*Northland Regional Council Policy on Hazardous and Controlled Substances for Pest Control*'.

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### Background/Tuhinga

Nil

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### Considerations

#### 1. Options

No.	Option	Advantages	Disadvantages
1	Adopt the policy	Council has a policy position on hazardous and controlled substances for pest control, which supports council's pest free aspirations.	Nil.
2	Reject the policy	Nil.	Council does not have a policy position on hazardous and controlled substances for pest control.

The staff's recommended option is Option 1.

## 2. Significance and engagement

In relation to section 79 of the Local Government Act 2002, this decision is considered to be of low significance when assessed against council's significance and engagement policy because pest control is part of council's day to day activities. This does not mean that this matter is not of significance to tangata whenua and/or individual communities, but that council is able to make decisions relating to this matter without undertaking further consultation or engagement.

## 3. Policy, risk management and legislative compliance

The policy is consistent with policy and legislative requirements.

The policy is explicit in stating that the use of hazardous and controlled substances for pest control is subject to compliance with New Zealand law, hence there is no compliance risk in adopting the policy on this basis.

Being a purely administrative matter, Community Views, Māori Impact Statement, Financial Implications and Implementation Issues are not applicable.

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### Attachments/Ngā tapirihanga

Attachment 1: Policy on Use of Hazardous and Controlled Substances for Pest Control [↓](#)

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### Authorised by Group Manager

**Name:** Bruce Howse  
**Title:** Group Manager - Environmental Services  
**Date:** 10 July 2019

**Date of Draft Policy: 1/07/2019**

**Northland Regional Council Policy on Hazardous and Controlled Substances for Pest Control**

Northland Regional Council advocates for effective pest management to promote the social, economic, cultural and environmental wellbeing of communities in the present and for the future.

The Biosecurity Act 1993, the Resource Management Act 1991 and the Local Government Act 2002, provide the mandate and national framework for council's pest management activities.

**Use of Hazardous and Controlled Substances for Pest Control**

Pest control requires the use of a range of management techniques and tools, including the use of hazardous<sup>1</sup> and controlled<sup>2</sup> substances (hereafter referred to as 'substances') that are approved for use in pest management.

Council supports the use of these substances for pest control, subject to:

- The substances being used for pest management are approved for use in pest management by New Zealand law.
- The use of substances for pest management is undertaken in accordance with New Zealand law, including the Hazardous Substances and New Organisms Act 1996, the Health and Safety at Work Act 2015 and any other applicable New Zealand law.









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<sup>1</sup> Section 2(1) of the Hazardous Substances and New Organisms Act 1996

<sup>2</sup> Those substances for which a controlled substance licence is required as defined by the Health and Safety at Work (Hazardous Substances) Regulations 2017.

**Notes relating to policy:**

EPA and Worksafe are the lead regulators of hazardous and controlled substances as defined in the following graphic:

Hazardous Substances Reforms - the Role of WorkSafe and the Environmental Protection Authority				
	 Hazardous substance rules to PROTECT PEOPLE from WORKPLACE activities <small>SET UNDER HSWA ACT</small>	 Hazardous substance DISPOSAL rules and rules to protect the ENVIRONMENT in WORKPLACES* <small>SET UNDER HSWA ACT</small>	 Hazardous substance rules at the IMPORTERS, MANUFACTURERS and SUPPLIERS** <small>SET UNDER HSWA ACT</small>	 Hazardous substance rules to PROTECT PEOPLE and the ENVIRONMENT in NON-WORKPLACES <small>SET UNDER HSWA ACT</small>
Regulator	<b>WORKSAFE</b>	 Environmental Protection Authority Te Mana Rauhi Taiao	 Environmental Protection Authority Te Mana Rauhi Taiao	 Environmental Protection Authority Te Mana Rauhi Taiao
Enforced by	<b>WORKSAFE</b>	<b>WORKSAFE</b>	 Environmental Protection Authority Te Mana Rauhi Taiao	<b>COUNCILS***</b>

\* There are other hazardous substance environmental and disposal rules set under the Resource Management Act and local council bylaws. These rules are enforced by local, district and regional councils.  
\*\* Such as the classification framework, labelling, packaging, safety data sheets and restrictions on ingredients in certain hazardous substance products.  
\*\*\* City and district councils.

**TITLE:** Rates Resolution - Typographical Error  
**ID:** A1209216  
**From:** Dave Tams, Group Manager, Corporate Excellence

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### Executive summary/Whakarāpopototanga

An error was made in exercising the council's power under section 23 of the Local Government (Rating) Act 2002, which authorises the rates to be set by resolution. Under section 13 of the Interpretation Act 1999 the council may exercise its power to correct an error or omission in a previous exercise of statutory power even though the power is not generally capable of being exercised more than once.

This paper provides for the council to correct the typographical error found in the rates resolution adopted during the council meeting held on 4 June 2019.

---

### Recommendations

1. That the report 'Rates Resolution – Typographical Error' by GM -Corporate Excellence, Dave Tams, and dated 5 July 2019, be received.
  2. That council resolves to correct an error in the rates resolution by altering the amount of the targeted land management rate for the Whangārei district as set on 4 June 2019 from \$0.000991 per dollar of land value to \$0.0000991 per dollar of land value.
  3. That the matters in section 24 of the Local Government (Rating) Act 2002 (the financial year to which the rate applies and the due dates of each instalment) as resolved on 4 June 2019 continue to apply in respect of the amended targeted land management rate for the Whangārei district.
- 

### Background/Tuhinga

It was found that a typographical error had occurred in the rates resolution adopted by council during the meeting held on 4 June 2019. In the recommendations the Land Management rate for Whangarei District Council shows as \$0.000991 per dollar of land value, however in the background information which contains the rates summary table it is shown as \$0.0000991. Upon review of the rates calculation spreadsheet it was found that the summary table contained in the background information is correct and a zero had been dropped from the figure contained in the recommendations. See extracts from resolution below.

Information as contained in the rates resolution recommendations:



A targeted rate as authorised by the LGRA. The rate is assessed on the land value of each rateable rating unit in the region. The rate is set per dollar of land value. The rate per dollar of land value is different for each constituent district because the rate is allocated based on projected land value, as provided for in section 131 of the LGRA. The rate is set as follows:

**Including GST**

Far North District	\$0.0001168 per dollar of land value
Kaipara District	\$0.0001063 per dollar of land value
Whangārei District	\$0.000991 per dollar of land value

Information as contained in the supporting summary table in the rates resolution:

Extraordinary Council Meeting  
4 June 2019

ITEM: 3.3

Budgeted Rates 2019/20 (including GST)	Far North District	Kaipara District	Whangārei District	Total \$ (gross)	Total \$ (net)
Rate per \$ of Actual LV			\$0.0000991	1,400,168	1,351,234
				<b>2,837,387</b>	<b>2,769,407</b>

## Considerations

### 1. Options

No.	Option	Advantages	Disadvantages
1	Adopt the recommendations presented in this report	Correct a typographical error in the rates resolution making the rate legally correct.	Do not correct the typographical error and have the rate not meet legal requirements.
2	Do not adopt the recommendations presented in this report	None.	Rates resolution will remain incorrect.

The staff's recommended option is to adopt no 1 recommendations presented in this report.

## Attachments/Ngā tapirihanga

Attachment 1: Rates Resolution Memo [↓](#)

## Authorised by Group Manager

**Name:** Dave Tams  
**Title:** Group Manager, Corporate Excellence  
**Date:** 10 July 2019

# MEMO



Date: 5/07/2019.

To: Malcolm Nicolson, Chief Executive Officer, Northland Regional Council

From: Dave Tams, Group Manager, Corporate Excellence

Subject: Typographical Error in Rates Resolution

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## Background/Tuhinga

It was found that a typographical error had occurred in the Rates Resolution adopted by Council during the meeting held on the 4<sup>th</sup> June 2019. In the recommendations the Land Management rate for Whangārei District Council shows as \$0.000991 per dollar of land value, however in the Background information which contains the rates summary table it is shown as \$0.0000991. Upon review of the rates calculation spreadsheet it was found that the summary table contained in the background information is correct and a zero had been dropped from the figure contained in the recommendations. See extracts from Resolution below.

Information contained in the Rates Resolution recommendations:

A targeted rate as authorised by the LGRA. The rate is assessed on the land value of each rateable rating unit in the region. The rate is set per dollar of land value. The rate per dollar of land value is different for each constituent district because the rate is allocated based on projected land value, as provided for in section 131 of the LGRA. The rate is set as follows:

### Including GST

Far North District	\$0.0001168 per dollar of land value
Kaipara District	\$0.0001063 per dollar of land value
Whangārei District	\$0.000991 per dollar of land value

Information contained in the supporting summary table in the rates resolution:

Extraordinary Council Meeting  
4 June 2019

ITEM: 3.3

Budgeted Rates 2019/20 (including GST)	Far North District	Kaipara District	Whangārei District	Total \$ (gross)	Total \$ (net)
Rate per \$ of Actual LV			\$0.0000991	1,400,168	1,351,234

# MEMO



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## Recommendation

Under section 13 of the Interpretation Act 1999 the Council may exercise its power to correct an error or omission in a previous exercise of statutory power even though the power is not generally capable of being exercised more than once.

I recommend that you approve this report tabled before Council and the matter be rectified as per the above.

I Malcolm Nicolson approve that the above matter be put to Council to be resolved as per the agenda item provided:

A handwritten signature in black ink, appearing to read "Malcolm Nicolson", written over a horizontal line.

Malcolm Nicolson

5 July 2019

Dated

**TITLE: Manea Footprints of Kupe - Confirmation of Definitions**

**ID:** A1209718

**From:** Darryl Jones, Economist

---

**Executive summary/Whakarāpopototanga**

At its meeting on 19 February 2019, council agreed to allocate \$500,000 from the Investment and Growth Reserve as an Enabling Investment funding allocation for the Manea Footprints of Kupe (Manea) project at Opononi. One of the conditions of the allocation is that the funding agreement between Te Hau o te Kāwariki Trust (the Trust), Manea Footprints of Kupe Limited and Far North Holdings Limited (FNHL) must include 'an undertaking that Manea will be held in perpetuity for the benefit of the local community and that should it ever be sold into private ownership that council will be refunded its \$500,000 funding allocation.' This paper is prepared to seek council confirmation on the definitions of the 'Manea Footprints of Kupe' project and 'public ownership' for the purposes of the funding agreement.

---

**Recommendation(s)**

1. That the report 'Manea Footprints of Kupe - Confirmation of Definitions' by Darryl Jones, Economist and dated 4 July 2019, be received.
2. That council confirm that the Manea Footprints of Kupe project consists of the land, buildings and improvements that occur on it.
3. That council confirms that Te Hua o te Kāwariki Trust and Far North Holdings Limited are considered to be public ownership for the purposes of the funding agreement.

---

**Background/Tuhinga**

Following council's decision to allocate funding for the Manea Footprints of Kupe project, staff have been involved in discussions with the Trust on the funding agreement. Two definitional issues have arisen that staff are seeking council confirmation on: the definition of what is the Manea project that must be held in perpetuity and what constitutes private ownership.

The ownership of the project is complex. Under the terms of the project, FNHL will purchase and own the land on which the centre will be developed. FNHL will construct a building on that land which it will own and lease to the Trust. The Trust will develop and own the internal fit out of the building in which the visitors will receive the experience. The agreement to lease between FNHL and the Trust includes an irrevocable option for the Trust to purchase the property in Lot 1 DP 195242 CT NA123B/576 from FNHL when it is able to do so. Staff recommend that the Manea project be defined as the land, buildings and improvements that occur on it.

The Trust has raised the issue that they could be considered as 'private ownership'. It was never intended that they be captured by the definition of 'private ownership' as the Trust has been established, as set in both its Deed and Constitution, to be for the benefit of the community rather than private individuals. For clarity purposes, staff recommend that both the Trust and FNHL not be considered private ownership for the purposes of the funding agreement.

---

## Considerations

### 1. Options

No.	Option	Advantages	Disadvantages
1	Agree to the definitions	Provides certainty in the funding agreement.	None.
2	Don't agree to the definitions	None.	Could create uncertainty in the funding agreement.

The staff's recommended option is Option 1.

### 2. Significance and engagement

In relation to section 79 of the Local Government Act 2002, this decision is considered to be of low significance when assessed against council's Significance and Engagement Policy as the ability to allocate funding from the IGR has been specifically considered and provided for in council's Long Term Plan.

### 3. Policy, risk management and legislative compliance

The activities detailed in this report are in accordance with the IGR criteria, the Long Term Plan 2018–2028, and council's decision-making process as prescribed in the Local Government Act 2002.

Being a purely administrative matter, Community Views, Māori Impact Statement, Financial Implications and Implementation Issues are not applicable.

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## Attachments/Ngā tapirihanga

Nil

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## Authorised by Group Manager

**Name:** Jonathan Gibbard  
**Title:** Group Manager - Strategy, Governance and Engagement  
**Date:** 05 July 2019

**TITLE:** Mt Tiger Harvest Results - 1991 Stand

**ID:** A1210817

**From:** Nicole Inger, Property Officer

---

### Executive summary/Whakarāpopototanga

This report is provided to council giving the results and summary of council's recent Mt Tiger forest harvest.

Council's forestry consultant, Mr Ian Jenkins, will be present at the meeting to further discuss the harvest outcomes with councillors, if required.

---

### Recommendation(s)

1. That the report 'Mt Tiger Harvest Results - 1991 Stand' by Nicole Inger, Property Officer and dated 9 July 2019, be received.
2. That the harvest's net revenue be deposited into the Equalisation Reserve.

---

### Background/Tuhinga

At the 11 December 2018 council meeting, the following approvals were provided:

1. That councillors give approval in principle to the Property Subcommittee recommendation that the Forest Harvest Plan and harvest of the 1991 Mt Tiger Forest Block goes ahead.
2. That councillors give the Chief Executive Officer authority up until 30 June 2019 to make the final decision when to harvest.
3. That the harvest will be subject to market conditions, contractor availability, be undertaken in line with budget, and meet high health, safety and employment and environmental standards.
4. The Property Subcommittee recommendations that:
  - the areas unable to be harvested be left standing and a long-term plan developed to ultimately convert these areas to native forest; and
  - the harvested area be replanted in suitable species in the 2020 winter.be accepted.

The Mt Tiger Forest 1991 block consists of 23.4 hectares (a. 11,700 tonne) of pruned radiata pine. The harvest of this block was originally budgeted for the NRC 2019/20 budget year - subject to market conditions and final approval by council.

The previous harvest at Mt Tiger Forest was the 1985 block, completed in June 2016 after being delayed some 18 months owing to market conditions and difficulty in sourcing a suitable cable harvesting contractor. Owing to these difficulties with the last harvest, the 1991 Block pre-harvest planning was undertaken earlier in order to have it 'harvest ready' and thus provide more flexibility and allow prompt harvest start-up.

As a result of the detailed pre-harvest planning it was found that:

- Only 18.5 ha of the 1991 block (80%) is physically/economically able to be harvested.
- Consequently, the expected volume will only be some 7,974 m3.
- A number of challenges exist and will need to be managed accordingly, this includes public roads, powerlines, traffic, security, kiwi, environmental, archaeological and adjacent kauri area.

Whilst harvest was not scheduled (and budgeted) until summer 2019/20, in late 2018 high export and domestic log prices and the fact that Northland Forest Managers Limited (NFML), the council's contracted Forest Manager, had a harvest crew available in March 2019 meant that council could take this opportunity to harvest the 1991 block.

NFML presented a Harvesting and Marketing Proposal for the 1991 Block via council's forestry consultant to the Property Subcommittee (and subsequently council) in November 2018 which outlined:

- That full harvest be undertaken in March 2019.
- Prior to full harvest, road-lining is required in December 2018, and road and landing construction in January 2019.

NFML's proposal estimated the net return from the harvest of the 1991 area at approx. \$471,000 (7,974 m3, Gross Price \$135.97/m3, Harvest Costs \$76.90/m3, Stumpage \$59.08/m3).

Whilst the area and volume able to be harvested were down by some 20% on the original NRC budget, the high log prices and similar costs mitigated this to some extent, with the projected result being 13% below budget.

On this basis, council approval to progress the harvest was granted. NFML undertook the road-lining in January 2019, and road and landing construction in February 2019.

Council's CEO was delegated the authority to make the final decision when to undertake the harvest - to allow for any changes in market conditions, etc. This was subsequently given 12 February 2019, based upon an updated and more favourable forecast of the net harvest revenue.

The updated forecast was as shown below:

Variable	Budget 2019-20	Previous Estimate (NFML H&M Proposal- Nov 2018)	Current Estimate (NFML) Feb2019
Area (ha) economic	23.4	18.5	18.5
Volume (cubic metre)	11,700	7,974	7,974
Gross price (per m3)	\$120.50	\$135.97	\$144.81
Harvest cost (per m3)	\$74.50	\$76.90	\$77.96
Stumpage return (per m3)	\$46.00	\$59.08	\$66.85
Net Total Return	\$538,200	\$471,104	\$533,062

Again, it was noted that the area and thus volume able to be practically, environmentally and profitably harvested is down some 20% on the original budget. However, the more recent projected net income, as at the February 2019 update, had further improved and was now very close to budget (and a year earlier).

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Full scale harvest commenced 18 February 2019.

Harvesting was completed on 12 April 2019, after which post-harvest clean-up and site shutdown was undertaken, culminating with full harvest sign-off on 23 May 2019.

**Final harvest outcomes:****Health and Safety:**

Prior to harvest, the forestry consultant went through rigorous H&S checks with NFML, to ensure council's interests/risk was covered off. In conjunction with council's H&S Officer, NFML's H&S systems, their contractor induction, and specific actions regarding the Mt Tiger operation were reviewed. This included ensuring NFML had done hazard ID, new site induction meetings, etc., to ensure the contractors were meeting all their requirements.

The whole harvest operation from road lining through to site clean-up was undertaken extremely well from an H&S perspective. During the harvest there were no Lost Time Injury incidents. There were no incidents reported and no reported critical rule breaches reported during the harvest period.

**Environmental:**

The harvest of the 1991 block was a permitted activity under the NES-PF. NFML submitted and obtained the pre-requisite pre-start requirements from NRC under the NES-PF Regulations.

An NRC environmental monitoring inspection was undertaken on 20 March 2019, one month into full scale harvest, and was fully compliant.

At harvest end, for council's own satisfaction and to be seen to be operating under best practice and at or above its own forest industry monitoring standards, the council's Environmental Monitoring Officer was asked to carry out a final post-harvest inspection. An excellent result was achieved with full compliance.

Overall, the harvest was undertaken to a high environmental standard and at least consistent with best practice.

**Archaeological site:**

There was one small archaeological site (Q07/989) within the 1991 stand harvest area that required careful management as part of the harvest.

A Heritage New Zealand authority was obtained (in February 2019) and the forester harvest crew undertook the harvest around this site appropriately. The pine trees immediately on the site were carefully felled to waste at the end of the harvest. The site has been undamaged.

An archaeologist inspected the site during and after harvest and has now prepared his final post-harvest report (favourable outcome) and submitted it to Heritage New Zealand.

**Overall Harvest Financial Results:**

The final outcome for the harvest of the 1991 block is described below, resulting in a final net return to council of \$523,000.00.

The total \$ net return at \$523,000 is only 3% below the original 2019/20 budget (\$538,000), and 2% below the pre-start estimate (Feb 2019) of \$533,000, and has also been achieved a year earlier.



To understand the final harvest result more fully, it is also useful to examine it in terms of \$/t unit figures as per the Table below.

Variable	Budget 2019-20	Pre-Start Estimate (NFML) Feb2019	Final Harvest Result (Jan- May 2019)
Area (ha) economic	23.4	18.5	18.5
Volume (m3/ha)	500	431	382
Total Volume (t)	11,700	7,974	7,074

Gross price (per t)	\$120.50	\$144.81	\$148.31
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Infrastructure (per t)	\$4.92	\$15.07	\$11.75
Log and load (per t)	\$48.22	\$44.99	\$44.69
Cartage (per t)	\$14.45	\$12.84	\$12.82
Other (per t)	\$1.91	\$0.57	\$0.58
H&M Agent fees (per t)	\$5.00	\$4.50	\$4.50
Total Harvest cost (per t)	\$74.50	\$77.96	\$74.34

Stumpage return (per t)	\$46.00	\$66.85	\$73.97
Net Total Return	\$538,208	\$533,063	\$523,213

There are two comparisons to be made from the above data, actual versus budget (2019/20) and actual versus the pre-start estimate (Feb 2019).

Key points of comparison are as follows:

The actual total net return of \$523,000 is an excellent result.

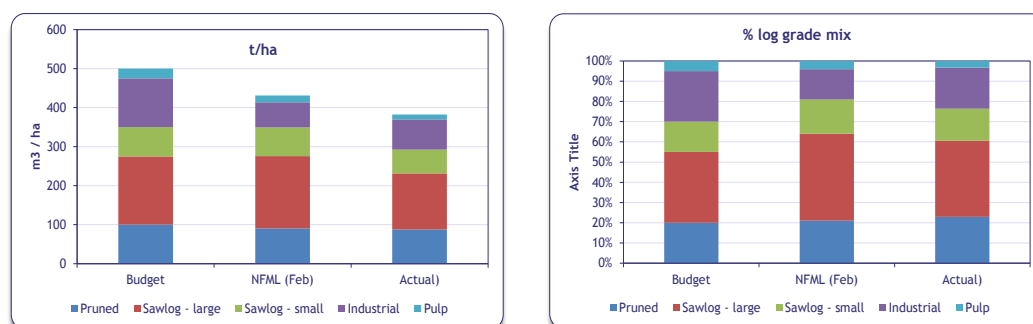
As noted earlier, once the harvest planning was completed, the area actually able to be harvested was 21% less than the original budget (18.5 ha vs 23.4 ha) and hence the budgeted total net return (all other things being equal) should have been unachievable.

The budget volume of 500 m<sup>3</sup>/ha was a ballpark estimate based on previous NRC harvests and upon a harvest not until 2019/20 (age 28 years). The inventory found the 1991 area to be not as well stocked and the inventory was undertaken at age 26 over the whole 23.4 ha stand. The inventory PLE (probable limits of error, ie reliability) was +/- 17% showing the stand to be variable. Thus, the inventory at 431 m<sup>3</sup>/ha and 14% lower than budget was understandable, as it was a measured result.

The actual volume harvested per ha, was 382m<sup>3</sup>/ha, and thus 11% below inventory. The consultant has confirmed that all volume has been accounted for, all produce has been invoiced, there is no significant merchantable volume left on the landing or on the cutover. Any material on the cutover is windthrown and non-merchantable or within industry norms. The reason for the volume under-achievement is in part because inventory is only a sample estimate and not always precise (PLE range), and the reduced area able to be harvested was not the same as the sample area, with possibly better areas left behind. Further, industry harvest reconciliations often show 5-10% less actual volume than inventory. This variance is also more common in small harvest areas due to the 'edge' effect, i.e. for small irregular

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stands the impact of accurately mapping and inventorying the forest boundary can be more pronounced.

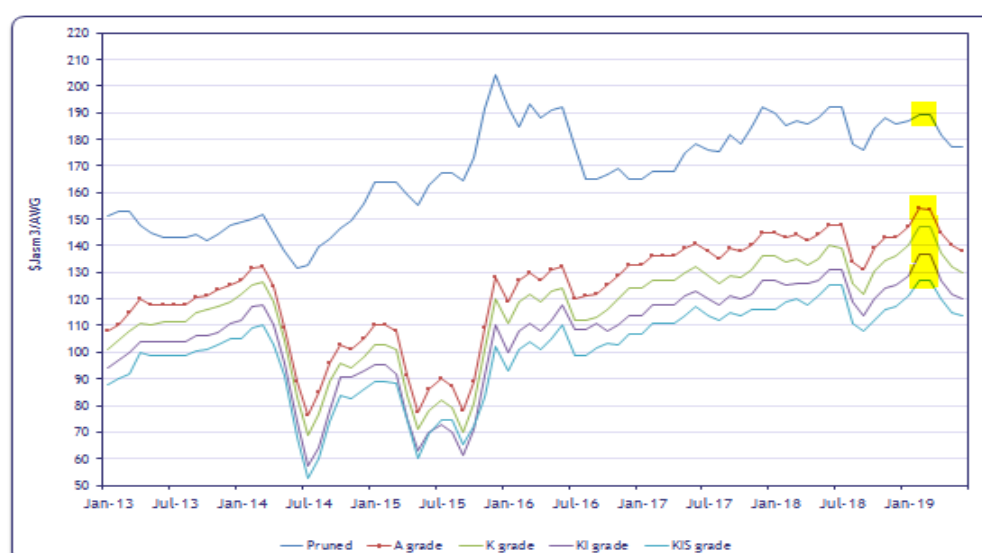


The volume per ha comparison is shown in the figure above. The left chart shows the volume by log grade per hectare and the right chart shows the log grade mix in percentage terms.

So overall, area and yield recovery per hectare combined, the actual total harvest volume at 7,074t was only 60% of the budget (2019/20) figure of 11,700t, and was 11% below the pre-start estimate (Feb 2019) of 7,974t.

As can be seen in the right-hand figure above, in percentage terms - the actual harvest log grade mix was slightly under the inventory based pre-start estimate (Feb 2019) with less large log and more industrial grades, but was slightly superior to the budget (2019/20) ballpark estimate. Overall the actual grade outturn from harvest was a good result.

The actual unit \$/t gross price achieved (\$148.31/t) was 23% better than the budget (2019/20) of \$120.50/t and in line with (2% above) the pre-start estimate (Feb 2019) of \$144.82/t. The better log grade recovery achieved contributed to this slightly, but it was mainly a result of the better log prices prevailing during harvest as compared to the budget estimates. In fact, whether by luck or good management, the 1991 harvest (as indicated by the yellow highlight) was undertaken at the absolute peak in export market prices, as shown in the graph below.



Actual unit \$/t total costs (\$74.34/t) are almost identical to the budget (2019/20) of \$74.50/t and 5% below the pre-start estimate (Feb 2019) of \$77.96/t.

As can be seen in the table above, there are variations in the harvest cost components.

Infrastructure (roads and landings) was more expensive than the budget (2019/20) due to the new harvest plan and less volume to spread the costs. However, the outcome was 22% below the pre-start estimate (Feb 2019) despite the lower volume.

The actual log and load costs of \$44.69/t were as expected close to the pre-start estimate (Feb 2019) as they were negotiated and set pre-start, but they were some 7% below the budget (2019/20) of \$48.22/t.

The infrastructure costs are high by industry standards, as is the log and load rate - the result of harvesting a small area with a cable hauler.

The actual average cartage cost of \$12.82/t was as expected close to the pre-start estimate (Feb 2019) as the rates were also negotiated and set pre-start, but they were some 11% below the budget (2019/20) of \$14.45/t due to competitive rates being obtained and with more wood going to the CHH domestic mill as compared to the longer and higher cartage rate to Marsden Point export.

Other costs (e.g. forest industry levy, weighbridge, etc.) and NFML's harvesting and marketing fee were slightly under budget.

As a result of the above, the final net stumpage return at \$73.97/t was an excellent outcome, being 61% above the budget (2019/20) of \$46.00/t and 11% above the pre-start estimate (Feb 2019) of \$66.85/t. A result of higher returns and lower costs.

Therefore, these high unit stumpage returns almost completely offset the significantly lower volume achievement to result in the final net return at \$523,000 falling just short of the budget (2019/20) of \$538,000 and the pre-start estimate (Feb 2019) of \$533,000.

### **Concluding Comments:**

The 1991 block at Mt Tiger Forest has now been successfully harvested.

The area able to be actually harvested was 18.5 ha and less than the planted area (23.4 ha), a result of practical harvesting realities, which were not taken into account at planting.

The volume/ha achieved was also less than budget, but the log grade mix was reasonably well aligned.

The harvest timing was superb and captured very high export log prices. The unit rates for revenue were thus well above budget. Generally, harvest costs were lower than budget.

The overall total net return at \$523,000 is an excellent result given the significantly less volume (40% less) harvested. Also, the income has been achieved a year earlier than planned.

NFML has done a good job in undertaking their H&M contract on behalf of council and should be commended.

### **Replanting:**

As per the Forest Management Plan, this block will be replanted in the winter of 2020 for its second rotation. This will provide sufficient time for the initial regenerating weeds and pine regen to be sprayed and controlled, to provide a clean planting site.

After due consideration of options, including the need to re-establish the 1991 harvested site from an environmental perspective as quickly as possible, along with the area being part of a council commercial asset which should be making an investment return, and physical and practical challenges with other land uses, this area is best replanted in commercial plantation.

It is likely to be replanted in radiata pine to grow another commercial tree crop, but other species will be considered prior to a final decision being made.

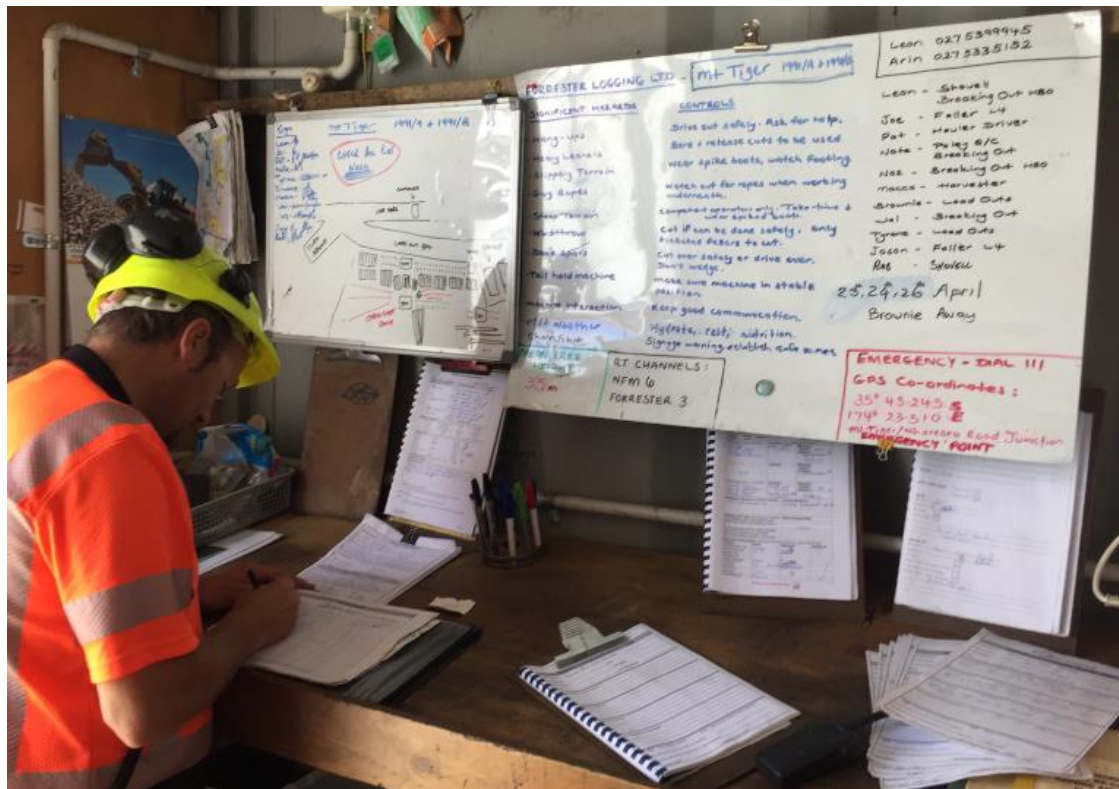
**Residual Area:**

At present the approximately 5 hectares of the 1991 stand that could not be physically/economically harvested remains standing.

It is recommended that these areas be left standing in the medium term. This will help mitigate the environmental impacts of harvest (i.e. 20% less area harvested, and these trees will act as a buffer at the lower elevations of the block). They will continue to grow happily for at least another 30 years. They might be harvestable next rotation (assuming the main block is replanted in radiata pine, see below) with equipment/technology developments.

It is not recommended to fell these areas to waste in one operation due to the difficulties this would create with future land use. However, it might be a consideration longer term to 'convert' these areas to native vegetation through the gradual removal of the pine crop (e.g. ringbarking/poisoning) to allow the native understory to develop in a staged manner.

Pictures taken during harvest for interest:



*Health and Safety was top priority and well managed, checking crew H&S documentation*



*Cable hauler extracting logs*





*Loading out logs for transport to Marsden Point*



*Cutover after harvest, with residual unharvestable area in background*



*Cutover, with archaeological site prior to final tree felling*

## Considerations

### 1. Options

No.	Option	Advantages	Disadvantages
1	Deposit harvest revenue into the Equalisation Reserve	Complies with Council's 'usual process' for harvest revenue.	Nil
2	Do not deposit revenue into the Equalisation Reserve	Nil	Does not comply with Council's 'usual process' for harvest revenue.

The staff's recommended option is to deposit the harvest revenue into the Equalisation Reserve.

### 2. Significance and engagement

This matter is deemed to be of low significance when assessed against council's Significance and Engagement Policy given it is an administrative matter.

### 3. Policy, risk management and legislative compliance

This report complies with council's reserves 'usual process' whereby any net forestry income is transferred to the Equalisation Fund.

Being a purely administrative matter, Community Views, Māori Impact Statement, Financial Implications and Implementation Issues are not applicable.

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**Attachments/Ngā tapirihanga**

Nil

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**Authorised by Group Manager**

**Name:** Phil Heatley  
**Title:** Strategic Projects Manager  
**Date:** 09 July 2019



**TITLE:** Chair's Report to Council

**ID:** A1207935

**From:** Bill Shepherd, Chairman

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### Purpose of Report

This report is to receive information from the Chair on strategic issues, meetings/events attended, and correspondence sent for the month of June 2019.

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### Recommendation

That the report 'Chair's Report to Council' by Bill Shepherd, Chairman and dated 1 July 2019, be received.

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### Strategic issues

#### Last Chair's Report for this Triennium

This will be my last Chair's Report for this Triennium as we enter the pre-election hiatus when sitting councillors are no longer able to express views in council publications.

#### Māori in Local Government

I attended the Tai Tokerau Māori in Local Government Symposium in Waitangi on 27 June. My compliments to the team of organisers from Te Huinga and Te Taitokerau Māori and Council (TTMAC) Working Party of the Northland Regional Council.

It was a very well organised event designed mainly to encourage Māori to participate in local government, first by registering as electors, then encouraging good Māori candidates to stand, and then finally supporting their people by voting.

Northland Regional Council has had a number of very good Māori councillors over the years. With support from the Māori community it could do so again.

### Meetings/events attended

During this period, I attended the following meetings/events/functions:

- Meetings attended with the council's CEO, Malcolm Nicolson:
  - UNISA Mayors and Chairs meeting held in Auckland.
  - Celebration of progression of Awanui flood infrastructure works and Business After Five event in partnership with the Northland Chamber of Commerce.
  - Meeting with Murray Jagger, Chairman, Marsden Maritime Holdings – director appointment.
  - Attended function in Kawakawa and had a brief discussion with Hon Shane Jones.
  - Northland | Forward Together Strategic Planning Workshop.
  - Marsden Maritime Holdings director interviews. Councillors David Sinclair and Joce Yeoman also participated on the interview panel.
- Regular Northland Mayoral Forum conference call.
- Friends of the Chamber informal mid-winter get together.

- Tai Tokerau Māori in Local Government Symposium held in Waitangi
- Kaipara Moana negotiations held in Warkworth. Councillor Penny Smart also attended.

### Correspondence

During June I sent out the following correspondence:

Date	Addressed To	Subject
05.06.19	Jordan MacDonald	NRC Environment Awards
24.06.19	Boyda Wikaira Chairperson Whirinaki Water Board Inc.	Building a meaningful and enduring relationship

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### Attachments/Ngā tapirihanga

Nil

**TITLE:** Chief Executive's Report to Council

**ID:** A1205970

**From:** Malcolm Nicolson, Chief Executive Officer

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## Recommendation

That the report 'Chief Executive's Report to Council' by Malcolm Nicolson, Chief Executive Officer and dated 30 June 2019, be received.

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### 6.2.1 HIGHLIGHTS

#### Northland Civil Defence Emergency Management

The establishment of the Emergency Management Assistance Teams is progressing at a national level with a two-week residential training course scheduled for August. The EMAT is a national surge capacity capability to be used in responding to emergency events. Shona Morgan from the Northland CDEM Group has been selected to attend the training, and should be congratulated for this recognition of her work.

#### Predator Free Taitokerau

Council's Predator Free Taitokerau proposal was successful in receiving a significant amount of funding from Predator Free 2050 Ltd (PF2050 Ltd). PF2050 Ltd has conditionally awarded council funding of up to \$6M over five years to eradicate possums from Whāngarei Heads or Bay of Islands Peninsulas. The original proposal requested \$10.5M over five years, leaving a shortfall of \$4.5M (\$900,000 per annum). Council is currently working through options with key stakeholders to identify which area and communities are best placed to make a start towards becoming predator free.

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### 6.2.2 CEO'S OFFICE

#### Upper North Island Strategic Alliance (UNISA)

Mayors and Chairs met on 7 June 2019. Minister David Parker discussed the Upper North Island Supply Chain Study (ports, rail and roads), water quality and water infrastructure financing, and climate change impacts amongst other topics. NZTA Acting Chief Executive, Mark Ratcliffe, provided an update on NZTA funding and priorities.

UNISA Councils continue to support an Upper North Island marine pest management pathway plan promoted by council. UNISA is a key contributor to the Refinery Pipeline Enquiry.

#### Council Property Update

A Sale & Purchase Agreement to purchase a Hihiaua Precinct property has settled.

A Sale & Purchase Agreement to Purchase of a Waipapa property has been signed and due diligence satisfied, settlement is later in the year.

The decision to proceed with redevelopment at 8 Kensington Avenue is before the 16 July 2019 council meeting.

KDC councillors have approved a KDC-NRC lease agreement 'in principle' for the Kaipara Service Centre, Chief Executives to negotiate terms.

The Mt Tiger Forest harvest and clean-up is complete and the report is before 16 July 2019 council meeting.

### Current Legal Proceedings

Department	Description	Status
Consent decision appeal	To construct a boardwalk as part of a coastal walkway in Back Bay, Mangawhai Estuary	Parties agreed to an alternative route to the proposed boardwalk. Appeal resolved by consent order issued by the Environment Court on 17 June 2019.
Consent decision appeal	Seventeen groundwater takes for horticultural irrigation at Houhora, Motutangi, and Waiharara	Awaiting the Court to make a final decision or provide further directions.
Consent decision appeal	Replacement consents for, and new consents for an expansion of, Doug's Opuā Boat Yard in Walls Bay, Ōpuā.	Awaiting the Court's decision on the applications.

### 6.2.3 CORPORATE EXCELLENCE

#### Year-end Draft Accounts

The finance team are currently working hard towards completing the 2018/19 year-end draft accounts for audit review. These draft annual accounts will be presented to the August council meeting. Deloitte will be on site from 19 August until early September completing their review of the final accounts. The final accounts are set to be given audit clearance and be adopted by council at the council meeting on 25 September 2019.

#### Fraud Declaration

I am not aware of any fraud nor am I investigating any incidence or suspected incidence of fraud at this time.

### 6.2.4 REGULATORY SERVICES

#### CONSENTS IN PROCESS

During June 2019, a total of 52 Decisions were issued. These decisions comprised:

- Moorings 2
- Coastal Permits 6
- Air Discharge Permits 0
- Land Discharge Permits 12
- Water Discharge Permits 0
- Land Use Consents 24
- Water Permits 6
- Bore Consents 2

The processing timeframes for the June 2019 consents ranged from:

- 546 to 2 calendar days, with the median time being 29 days;
- 346 to 2 working days, with the median time being 20 days.

27 applications were received in June 2019.

Of the 107 applications in progress at the end of June 2019:

- 35 were received more than 12 months ago (most awaiting further information);
- 24 were received between 6 and 12 months ago (most awaiting further information);
- 48 less than 6 months.

### Appointment of Hearing Commissioners

No commissioners were appointed in June 2019.

### Consents Decisions and Progress on Notified Applications in Process, Objections and Appeals

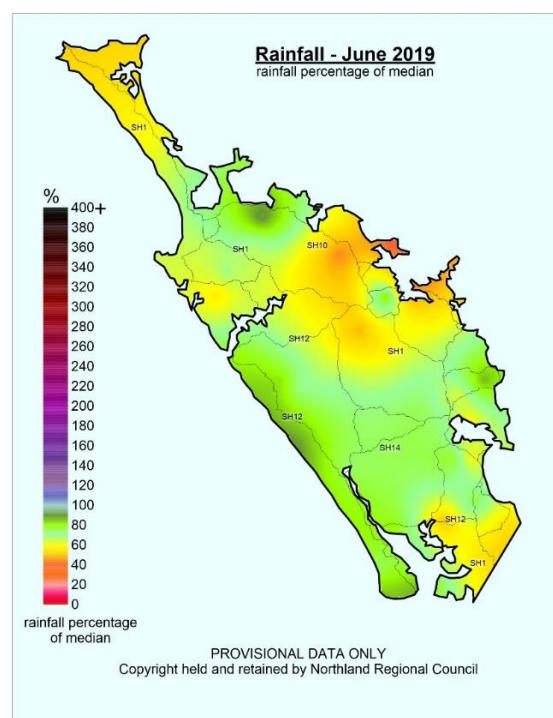
The current level of notified application processing activities at the end of June 2019 is (by number):

- |  |   |
|--|---|
| • Applications Publicly/Limited Notified During Previous Month | 0 |
| • Progress on Applications Previously Notified                 | 4 |
| • Hearings and Decisions                                       | 3 |
| • Appeals/Objections   | 3 |

## HYDROLOGY

### Rivers / Rain Situation

- Northland rainfall totals were below the expected average amount for June 2019. The highest rainfall totals were received in the Parataiko and Tutāmoe Ranges to the west. The east of the Far North, from the Bay of Islands upwards were the driest areas for the month.
- River flows have generally been higher during June due to the frequent small rainfall events over the month. River flows will continue to be monitored closely. For more detailed information, please refer to the Hydrology Climate reports uploaded on the NRC website.



### Hydrology Projects

- A backup water level sensor was installed at the key flood monitoring site 'Awanui at School Cut', to increase the resilience of this station.
- The Selwyn Swamp, Awanui Spillway and Waipapa at Doonside Road water level recorders were upgraded to a IRIS270 datalogger, compatible with the new telemetry system. A new staff gauge was also installed at the Waipapa at Doonside Road site to mitigate a health and safety issue associated with getting reference measurements.
- The water level recorder on the Takahue River was repaired after a large tree fell on it and damaged the communication aerial.
- Traffic controller training was completed by all of the Hydrology Team on 21 June 2019.
- Groundwater SOE sampling runs were carried out.

- The Hydrology Team made improvements to its Quality Management System.

#### **NATURAL RESOURCES DATA**

- Coordinating LAWA requests (key dates for delivery across May – September 2019):
  - LAWA Groundwater Quality Module (EMaR) and National Environment Reporting (MfE) – currently reviewing the status of the data feeds and data provided. The module’s “Go-live” date is September 2019.
  - LAWA Annual Refresh of Lakes, Rivers, Can I Swim water quality and Water Quantity data. All raw data was supplied for refresh at the end of June 2019. Council needs to confirm final datasets and load them for LAWA by August 2019 and Go-live in September 2019.
- Survey 123 for electronic data collection: This will be trialled alongside the traditional paper forms for the River Water Quality Run in July 2019.
- The Water Meter Online System is now finalised. The online system will allow consent holders to enter their water use records directly via the NRC website. Go-live is early July 2019 and the Data Management Team is working closely with the Compliance and Online Services teams regarding communication to the consent holders on the new service.
- Discussions were held with other councils around a national QMS proposal, including setting up national quality objectives, reports on what councils are/are not meeting the specified objectives, audit processes and NEMS.

#### **NATURAL RESOURCES SCIENCE**

##### **Coastal**

A water quality buoy was deployed in the Ruakāka estuary for 30 days and collected water temperature, salinity, dissolved oxygen, turbidity and chlorophyll-*a* data every fifteen minutes. The data will complement information collected from our discrete sampling site in the estuary and will help us to understand how water quality varies over tidal cycles and following high rainfall events.

##### **Freshwater quality / Freshwater ecology**

- NIWA’s final report analysing the first three years of periphyton monitoring data has been received. The report will be used to inform a proposed plan change in 2021 for deriving appropriate in-stream nutrient concentrations and limits/criteria for Northland rivers. The report also contains a review of the current periphyton monitoring programme. Recommendations will be reviewed and actioned where appropriate.
- The annual fish monitoring programme has been completed for the year following the NZ National Fish Monitoring Protocols (Joy et al, 2013). A total of 18 sites was sampled including 15 RWQMN/priority catchments sites and three randomly selected sites and
- The 2018 macroinvertebrate data has been passed on to the data management team for the latest LAWA update.
- An investigation into elevated ammoniacal nitrogen levels at one of the Doubtless Bay Catchment sites was initiated this month, in collaboration with the Land Management Team.

##### **Air quality**

- Ambient PM<sub>10</sub> monitoring results for May 2019 for the Whangārei and Marsden Point airsheds show that compliance was met with the National Environmental Standards for Air Quality (NESAQ). PM<sub>2.5</sub> monitoring results for Whangārei were within the Ambient Air Quality Guideline value.
- The Mobile PM<sub>10</sub> monitor has been moved to Kawakawa from Kaikohe. The first results from the Kawakawa monitoring site will be presented in next month’s report.

- Energy and Technical Services (Energy TS) Limited has started to track council's carbon emissions. Login information to e-Bench and an initial report is expected to be available within next few weeks.

#### Coastal/Water Quality Field Operations

- Coastal water quality sampling of the Whangārei, Bay of Islands and Kaipara harbours and southern estuaries (Mangawhai, Waipū and Ruakāka) was carried out.
- The continuous water quality monitoring station on Tikinui wharf was re-established after going through a redesign of the monitoring equipment. This site collects water quality data every 15 minutes year-round to greatly improve our understanding of the water quality in the Wairoa Catchment and greater Kaipara Harbour.
- Three continuous dissolved oxygen freshwater monitoring sites were validated and calibrated for the first time. The sites require monthly validations and quarterly calibrations. A further three sites are yet to be established.

#### COMPLIANCE MONITORING

The results of compliance monitoring for the period 1 – 30 June 2019 (and final figures for 2018/2019) are summarised in the following table and discussed below.

Classification	Total	Full compliance	Non-compliance	Significant non-compliance	Not exercised during period
Air discharges	36	26	7	0	3
Coastal permit	69	47	6	0	16
Discharge permit	154	101	31	2	20
Land use consent	126	103	4	0	19
Water permit	122	85	30	0	7
<b>Total</b>	<b>507</b>	<b>362</b>	<b>78</b>	<b>2</b>	<b>65</b>
<b>Percentage</b>		<b>71.4%</b>	<b>15.4%</b>	<b>0.4%</b>	<b>12.8%</b>
<b>YTD</b>	<b>10,611</b>	<b>8,184</b>	<b>1,243</b>	<b>319</b>	<b>865</b>
<b>Percentage</b>		<b>77.1%</b>	<b>11.7%</b>	<b>3.0%</b>	<b>8.2%</b>

#### Coastal

- The majority of consents monitored during the reporting period related to coastal discharges (treated municipal sewage, industrial and boat maintenance facilities) and coastal structures.

#### Hazardous substances

- Four incidents involving the discharge of hazardous substances and 22 enquiries regarding contamination.

#### Water, Waste, Air and Land Use Compliance Monitoring

During the month of June compliance staff were involved in:

- Attending the forestry workshop lead by the Land Management team held at Barge Park.
- Attending a 'drop in' day held by the Kerikeri Kiwifruit Growers Association. The purpose was to encourage residents to drop in and discuss any concerns or questions they may have regarding spraying, other related activities and regional plan rules. Disappointingly, the session was not well attended by the community; possibly due to the timing of the event and venue choice.

- A liaison meeting was held with the Whangarei District Council compliance staff to discuss issues involving both Councils and to share information. This forum is proving valuable to both teams. Topics discussed included stormwater management, asbestos and sites that contain hazardous substances.
- A “meet and greet” was held between the Kaipara District Council (KDC) compliance staff and our compliance staff. We aim to meet with KDC compliance staff on a regular basis.

Ongoing training of Armourguard officers continued in June with more officers from the outer Armourguard offices in attendance.

### Environmental incidents

There were no incidents recorded during the reporting period that resulted in a significant environmental impact.

### ENFORCEMENT

#### Abatement notices, infringement notices and formal warnings

The following enforcement actions were taken during the period:

Nature of Offence	Infringement Notice		Abatement Notice		Total	
	No. Offences	No. Notices	No. Offences	No. Notices	No. Offences	No. Notices
Burning & smoke nuisance	1	1	5	5	5	6
Illegal activity in coastal marine area	1	1	0	0	1	1
Illegal use of lake bed or river bed	1	1	1	1	1	2
Other air discharge	0	0	2	2	2	2
Other water discharge	1	1	1	1	1	2
Sediment	1	1	3	3	3	4
Sewage	0	0	2	3	2	3
<b>Total</b>	<b>5</b>	<b>5</b>	<b>14</b>	<b>15</b>	<b>15</b>	<b>20</b>

#### Other Enforcement

- *Dumping and burning of demolition waste, Kaikohe*  
No new developments/change since previous update.
- *Enforcement Order – Paihia wastewater treatment plant*  
No new developments/change since previous update.
- *Farm dairy effluent – Waipū*

Charges have been laid against a Waipū farmer for offending which occurred in July and December 2018. The offences related to discharges of untreated effluent from breakages in irrigation lines. The farm has a poor history of compliance with regional rules for animal effluent disposal. Guilty pleas to all charges were entered on 18 April 2019. Sentencing has been adjourned to 22 July 2019.

- *Farm dairy effluent – Maungakaramea*

Charges have been laid against a farmer owner and his company as well as the farm manager for offences which occurred in September 2018. The farm has a poor history of compliance with



regional rules for animal effluent disposal. Adjourned until 17 July 2019, when pleas should be entered.

- *Farm dairy effluent – Maromaku*

Charges have been laid against a farm owner and his company as well as the farm manager for offences which occurred in September 2018. The farm has a poor history of compliance with regional rules for animal effluent disposal. Adjourned until 17 July 2019, when pleas should be entered.

## **6.2.5 ENVIRONMENTAL SERVICES**

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### **LAND MANAGEMENT**

#### **Environment Fund Update**

Within this financial year \$997,000 of e-fund projects have been completed. A full summary will be reported in the next CEO's report once a final reconciliation has been completed.

#### **Farm Environment Plans (FEP) – 2018/19**

This financial year 152 FEPs have been commenced covering 24,896 hectares and 104 FEPs completed totalling 10,405 hectares. The KPIs for the LTP have met and exceeded the baseline 25,000 ha, per annum, of farm plans to be commenced or completed in each financial year.

#### **Nursery Expansion and Harvest Update**

Harvest is now complete with approximately 5,000 poplar and willow poles delivered to 53 properties across Northland for soil conservation purposes. The 2018/19 Nursery expansion is reaching its final week with approximately 3.5ha of land planted out with new poplar and willow pegs. Thirty thousand additional poplar and willow pegs will be planted.

#### **Kaipara Hill Country Erosion Project**

The Kaipara Hill Country Erosion Project was completed in June 2019. The four-year project achieved its goals with 125 Kaipara Hill Country Erosion Farm Plans produced for properties within the Kaipara catchment that have areas of high erosion risk, totalling 33,875.5 ha of land under plans, 128 ha of erosion prone land retired, 10,091 poplar and willow poles delivered to 126 properties and \$935,636.65 of the NRC Environment Fund allocated to 204 properties.

#### **Hill Country Erosion Fund – Sustainable Hill Country and Regional Priorities**

NRC is still awaiting MPI to sign the contract. As the project is agreed in principle NRC has commenced the recruitment process of 4 FTE (1 Project Co-ordinator and 3 Land Management Advisors) to implement this project. An implementation plan will be presented in September to Council.

#### **Hill Country Erosion Fund Boost Year Fund**

This project was completed in June 2019 and all work submitted to MPI. The project final report will be distributed to partners and stakeholders and NRC staff in due course. This has been an excellently executed project that was initially designed to take 12 months, but was delivered to a high standard in seven months and \$135k under budget.

#### **Northern Wairoa FIF Project**

With all funding projects completed we have signed off 41km of fencing, totalling \$160K. We have met our KPI for FEPs completed and winter planting projects are well underway with a successful planting day with Te Horo School in Phipiwi.

#### **Hātea Project**

Milestone 4 was reported on 17 June. There is one final milestone to report at the end of the project in March 2020. So far approximately 11km of fencing has been completed, 17 stock troughs funded and 5,000 plants funded.

Final push for better uptake over the last 10 months has seen quotes underway for four large planting projects on large blocks or those with high visibility or specific need. We're also partnering with fencing contractors to ease the process of fence completion for landowners, including increased funding rates to ensure uptake of grants. Currently we have approximately 6.5kms of fencing being scoped for e-fund applications.

## BIODIVERSITY

### CoastCare

A CoastCare dune planting day was held at Waipū Cove with Waipū Primary School and Camp Waipū Cove. 1,450 spinifex and pingao, provided through the Environment Fund, were planted at the northern end of the dunes managed by the Waipū Cove Domain Board.

NRC CoastCare has been working with Tane's Tree Trust on a three-year indigenous coastal forest buffers project. The Northland trial sites, north of Waipapkauri, were planted in June with just over 2,000 trees, 750 of which were provided through the NRC Environment Fund. Most of the plants were grown by Bushlands Trust in their nursery at Kaitiāia Intermediate and the school helped with the planting.

The final report was submitted for the 2018-19 Far North Kaitiaki ranger programme and a funding application has been submitted to run an expanded collaborative programme in the Far North over the upcoming summer.

### Wetlands and biodiversity plans

Four biodiversity plans have been completed in the last month covering 140 hectares of land, including Takou Bay Estuary and surrounding area for Takou Bay Reserve Trust and Ngā Whenua Rahui, and three other landowners. Ecological advice was provided for an appealed consent application for a boardwalk through mangrove-saltmarsh at Mangawhai, which was resolved and withdrawn from Environment Court. Advice was also given to Mangawhai Golf Club on protecting/enhancing their wetland and to assist with their PGF application.

### Dune Lakes FIF Project

Objective	Progress Update	% complete
Pest Plants and Fish	Year Three planning around herbicide operation in spring 2019 included sending out information and a letter to ask adjacent landowners about water takes close to two lakes planned for treatment. Planning for discussion day at Lake Ngatu on 21 July. Electric fishing training undertaken by one FIF staff member and the Te Roroa Kaiwhakahaere.	10%
Stock exclusion	Lake Shag fully fenced and water reticulation set up. Water reticulation set up for Lake Midgely ready for fencing 2019/20	90%
Sediment detention bunds	Set for Year 4. Planning started.	0%
Matauranga Maori	Four "Get to know your dune lake" days were run in conjunction with Enviroschools and Te Aho Tu Roa at Lakes Waikare (Kai Iwi), Waiporohita (Karikari) and Kanono (Pouto). Nearly 200 students from a total of 12 schools from all over the region participated in these marae based education days. Many of the students were from farming families. One goal is to increase the number of young people, especially Māori, pursuing careers in science, business and the environment. Students were involved in planting and activities based around water quality, plants, fish and invertebrates.	25%

Other	A final draft of the FIF Dune Lakes Project Work Plan was agreed with Ministry for the Environment and has been submitted.	N/A
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## BIOSECURITY

### Biosecurity Partnerships

#### • *Tutukaka High Value Area (HVA) Highlights*

- Biodiversity and kiwi monitoring: The first opportunity to contribute to the National Kiwi Listening Survey closed with around half the listening sites completed and further listening is planned for the end of June. There are reports of pairs of kiwi calling being heard in Whale Bay, Horseshoe Bay, and North Gable Bay.
- Kauri Dieback Protection: Community members have made good progress working to reduce the risk of kauri dieback on the Te Araroa Trail. This includes rerouting and up grading tracks, and installing wash stations.



*Newly installed hygiene station on the Te Araroa Trail.*

- Weed Control: Site led surveys with North Tech students have been completed with a tally of 910 observations including 149 species of pest plants.
- Species Enhancement: Increasing numbers of pateke and Royal Spoonbills are being reported along the Ngunguru river and estuary. Visiting kākāriki, bellbirds, and kākā have been recorded from coastal forest between Ngunguru and Sandy Bay.
- *Whangārei Heads High Value Area Highlights*
  - Kiwi Monitoring: Kiwi listening is well underway at 21 sites to establish long term population trends. Members of the kiwi listening group attended the National Kiwi Hui held in Hawkes Bay.
  - Weed Control: A contractor is working on elaeagnus, moth plant, woolly nightshade, and tree privet in Waitangata Stream area.
- *Western Northland Pest Control Area Highlights*
  - Whirinaki, Waiotermarama, and Pakanae Pest Control Initiative: Within the Hokianga there are three adjoining groups that are interested in pest control. The groups are in the process of determining boundaries, target pests, and control methods. Once this is determined they will begin planning the trapping and bait station network.

- *Mid North High Value Area Highlights*

- Trapping: Trap deployment is underway on Upokorau Farm, Summit Takou Block, and the Summit Whitehills and Shepherds Blocks. Further traps have been added to Taronui Pest Control Area, Purerua Pest Control Area, Waitangi Iwi Kiwi, Kerikeri Peninsula CPCA, Bay Bush Action, and the Waipapa West Trap Library. More traps boxes are being made at NZ Corrections in Ngāwhā for bio-fund agreements.



*New traps ready for deployment in the  
Mid North HVA.*

- *Piroa-Brynderwyns High Value Area Highlights*

- Trapping: Expansion of trapping networks throughout the HVA has continued with 889 predator trap sites installed to date. The sites are being added into TrapNZ for monitoring and reporting purposes.
- National Kiwi Listening Survey: The survey is underway with further five-minute bird count surveys planned for November 2019.
- Kiwi Aversion Training: Training for dogs and their handlers is scheduled for July 2019.
- Weed Control: The weed action group and coordinator have conducted targeted weed activities and events including school visits.
- Budget and Expenditure: The budget is on track for end of financial year.

- *Kiwi Coast Partnerships Highlights*

- National Kiwi Listening Survey: The Annual Northland Kiwi Call Count Survey is now in full swing. Kiwi Coast is working closely with council biosecurity staff and the Department of Conservation to provide support and training to all the groups and projects involved, ensure as many sites as possible are successfully monitored, and assist with analysing the data from the Kiwi Listening Devices. This outcome monitoring is crucial for determining if the work done is having the desired result, and if kiwi populations are declining, stable, or increasing across the region.
- Annual Partnership Event: Council and Kiwi Coast have been working together to organise the annual partnership event – the Northland Regional Pest Control Wananga/Workshop being hosted this year by Ngati Hau on 30 June on the Akerama Marae at Towai. The wananga/workshop will bring together 150 people from community and iwi-led projects, agencies, and organisations from across Northland for networking, skill sharing, and capacity building. This year's wananga/workshop features updates on some of the landscape scale pest control initiatives underway in the region, practical demonstrations of new and innovative pest control traps, tools and technology, and skill sharing from some of Northland's top professional trappers.
- Budget and Expenditure: With the end of the financial year looming, Kiwi Coast has also been supporting groups and projects (including the High Value Areas) with administrative processes to ensure they are on track to complete their annual workplans, finalise budgets, and ensure they are on track to prepare their annual reports and meet funding requirements.

- National Kiwi Hui: Kiwi Coast's Mid North Coordinator also attended the National Kiwi Hui run by Kiwis for Kiwi. The aims of the hui are to keep those involved informed and updated of national kiwi strategies; provide an opportunity to network with community and agency led projects from around NZ; and bring back the latest ideas and information to Northland.

### Biosecurity Fund Projects

Eighty-seven Biofund projects have been signed off by the Chairman this month (up from the 71 projects approved last year) and \$186,127 has been allocated to date. Biosecurity staff are now in the process of writing up agreements for these successful applicants.

### KAURI DIEBACK

#### Kauri Protection Fencing Fund

\$72,401 of MPI funding has been allocated to 10 landowners. Four landowners have completed their fences and the remaining six will be completed when weather permits.

#### Ground Truthing

Staff are continuing to ground truth potential kauri dieback sites. Results to date are presented in Table 1.

**Table 1: Kauri Dieback Ground-Truthing Results 2018/2019**

Month	No. Sites / Properties Inspected					No. Samples Taken	Sample Results		
	Surveyed	Positive	Priority 1	Priority 2	Landowner Requests		Positive	Negative	Pending
October	5	3	0	2	3	17	6	11	0
November	11	1	3	2	6	38	2	36	0
December	11	4	8	3	0	44	10	34	0
January	15	2	7	3	5	40	6	33	0
February	1	0	0	1	0	2	0	2	0
March	8	1	0	1	7	15	1	14	0
April	2	0	0	0	2	4	0	4	0
May	2		0	0	2	5			9
June	2			2	0	5			5
<b>YTD Total</b>	<b>57</b>	<b>11</b>	<b>18</b>	<b>14</b>	<b>24</b>	<b>170</b>	<b>25</b>	<b>134</b>	<b>14</b>

#### Ground Truthing Contractor

Biosense have completed their fieldwork and are in the process of handing in their final report. Ground truthing was done on 130 sites identified by the aerial surveillance programme.

#### Management Plans

Kauri dieback management plans continue to be developed for all positive sites as well as negative sites that are identified as medium – high risk sites. All site occupiers receive advice and a basic management plan about how to best protect their kauri and forest from kauri dieback and other diseases.

#### Cleaning Stations

Two barrel and grate cleaning stations were established at A.H.Reed Memorial Reserve. All the reserve entrances now have a cleaning station including the disabled/maintenance entrance. One barrel and grate cleaning station was provided to the Kowhairoa CPCA in the Whangaroa area. The Ministry for Primary Industries (MPI) intend to establish a barrel and grate cleaning station in the



Warawara area and have purchased a barrel and grate cleaning station from NRC to speed up the process.

### Pig Hunting Competition

Council kauri dieback staff attended the Northland Pig Hunting club's Pat White Memorial competition on 2 June 2019 at Hukerenui. Council staff created and sponsored two extra divisions to include a heaviest sow division and a hygiene division with first, second, and third prizes in each division. The aim of council's involvement in these competitions is to establish a positive ongoing relationship with pig hunters (a potential kauri dieback vector) which will enable the promotion of hygiene practices and wild pig eradication.



*Biosecurity Officer Gavin Clapperton explaining best hygiene practices for hunters at a Northland Pig Hunting Club competition.*

## MARINE BIOSECURITY

### Hull Surveillance Programme

The 2018/19 Hull Surveillance Programme has been running since October 2018 and was completed on 11 June, with the target of 2,000 vessel hulls exceeded. The final hull surveillance activities for the season took place in Marsden Cove on 25 May 2019 with 12 hulls checked and in Tutukaka Marina on 10 and 11 June 2019 with 50 vessel hulls checked, bringing the total number of hulls checked to 2,037. No marine pests were detected on any of the vessel hulls checked this last month (inspection results are shown in Table 2).

**Table 2: Hull Surveillance Programme Results (25/5/19 – 11/6/19)**

2018/2019 Hull Surveillance Programme Results (25/5/19 – 11/6/19)	
Number of vessels surveyed	62
Total year to date	2,037
Number of Vessels with Marine Pests Found in Surveillance	
Vessels detected with fanworm (Sabella)	0
Vessels detected with Styela sea squirt	0
Vessels detected with Japanese kelp (Undaria)	0
Vessels detected with Australian droplet tunicate (Eudistoma)	0
Vessels detected with Pyura sea squirt	0
Pathways plan compliance for the month *	52% of vessels

*\* If the vessels surveyed were to move to a new designated place then 52% would be compliant with the pathways plan rule.*

In total, the 18/19 hull surveillance programme resulted in 107 Notices of Directions issued by NRC's marine biosecurity team to vessel owners for the presence of *Sabella* and one for *Undaria*. These vessel owners worked with the marine biosecurity officers to develop a plan for removal of the marine pests before the vessel was authorised to move.

### **Ōpua Fanworm Incursion**

- An Ōpua *Sabella* incursion workshop was conducted at NRC on 7 June 2019.
- Experts in marine biosecurity from Cawthron Institute, MPI, and NRC, along with experienced scientific and commercial divers and the Ōpua Marina manager met for a one-day workshop.
- This meeting brought together a range of expertise to review the Ōpua *Sabella* incursion and the data available to date with the aim to: (1) clearly identify the rationale for selecting an option going forward, and (2) determine what the preferred option is for the next step of the incursion response.
- The recommendation of the group was to go ahead with another round of diving with the purpose of 'local elimination' and to establish adequate data with which to create an appropriate decision-tree for continuing the eradication attempt or changing focus to a long-term management programme.
- A council workshop on the findings is being planned for July.

### **NRC Internal Marine Pest Training**

The Marine Biosecurity Team delivered a marine pest training workshop on 30 May 2019 to the council's Maritime Team (based in Whangārei and Ōpua). The training upskilled the Maritime Team in the identification of marine pests, knowledge of the rules under the Biosecurity Act, and the Northland Regional Pest and Marine Pathways Management Plan, as well as how to inspect structures and moorings for marine pests. A refresher workshop will be provided to this team every year, and offered to other NRC teams working in marine and coastal environments.

### **Far North Marine Biosecurity Charter meeting**

On 13 June, council organised a meeting for members of the Far North Marine Biosecurity Charter. The meeting was attended by several marina managers and other representatives of marinas in Northland. Council staff presented the latest update on the Hull Surveillance Programme and the Ōpua *Sabella* incursion response. The group also discussed implementation of the marine pathways plan and whether the Charter Group should be extended to include haul-out operators and other interested marine industry groups. The next meeting is planned for September.

### **Tutukaka and Whangaroa *Sabella* incursion surveillance**

Following an incursion of *Sabella* at Tutukaka Marina in 2015 and removal of several specimens from the substrate there, an annual surveillance programme has been conducted (with the exception of 2016). No *Sabella* has been found during these surveys. The surveillance is carried out in collaboration with MPI, who contributes financially. A dive contractor is currently (started 19 June) conducting checks on all marina structures and all moorings in the harbour for this year's surveillance. Next year (2020) will be the fifth survey and if no *Sabella* is found then, eradication will be deemed successful.

In 2017, a vessel was found with mature *Sabella* on its hull in the Bay of Islands that had also previously spent several months in Whangaroa Harbour. MPI and NRC initiated a surveillance programme to ensure no *Sabella* was introduced in Whangaroa Harbour. The survey for year 3 is planned to be completed in June/July 2019 with a dive contractor engaged to check all structures at the marina. No *Sabella* has been found during the two previous years which is a positive sign that there was no incursion at this site.

## PEST PLANTS

### Eradication Plants

Control work has been undertaken for Evergreen Buckthorn, Mickey Mouse Plant, and Yellow Flag Iris. Te Ngahere (contractors) have found new Evergreen Buckthorn sites at Sandy Bay, where previously it was thought there were only 2 sites. Te Ngahere were also contracted to search and control Batwing Passionflower in the Kamo Reserves. They completed searching of three reserves and found (and controlled) several adult plants. Another contract is required to complete searches of the rest of the reserves.

Site visits to control the eradication plant Evergreen Buckthorn were completed in the month for all management sites except those in Matakoho. Te Ngahere was contracted to complete abseiling cliff work for Evergreen buckthorn at Sandy Bay, and while they were there they have discovered more management sites in the area, for council staff to follow up.

Ochna eradication management sites are being worked through with the largest regime in the programme (Kamo) completed. The whole programme is scheduled to be completed next month.

### Sustained Control Plants

The Stop Wild Ginger Stake holder bi-annual meeting was held this month. The meeting covered latest Biocontrol host-testing results and impacts on contract negotiations and future funding streams. The initial host-testing failure of the stem mining fly will mean greater focus on the weevil and identified hispine beetle species. Further information is available at the Stop Wild Ginger website (<http://www.stopwildginger.co.nz/updates>).

### Weed Workshops

Staff are now preparing for Weed Workshops which will be held around Northland next month.

### Manchurian Wild Rice

Manchurian Wild Rice contractors completed the autumn spray round and post spray monitoring is in progress. The annual report to Ministry of Primary Industries on the programme is being prepared.

## RIVERS

### River Contract Works

Priority Rivers	Work	Status	Comments
Awanui	OpEx	100% complete	Mid-Awanui stop-bank re-alignment.
Awanui	CapEx	100% complete	Te Ahu stopbank stabilization works and grade control.
Awanui	CapEx	100% complete	Bell's Hill Benching
Kaihu	OpEx	100% complete	All proposed works completed.
Kaeo	OpEx	100% complete	All proposed works completed.
Minor Rivers	OpEx	100% complete	All funding committed.

### LTP Projects

Rivers	Comments
Awanui	A celebration event was held on 19 June recognizing the successful completion of Bell's Hill and Te Ahu bank stabilization projects. The event was well attended with Councillors, Working Group members, Iwi and members of the public.
Matangirau	A Kaeo Working Group meeting was held on 5 June at the Matangirau Marae. The recommendations were taken to the community at a 23 June Marae Hui. Archaeologist assessment is scheduled for 26 June



Rivers	Comments
Kawakawa - Taumarere	6 June meeting with Otiria Marae Working Group to progress Turntable Hill works and waiting confirmation to address the full Marae meeting.
Whangārei	Demolition and removal of the abandoned building has been completed. Rip-rap has been placed and works layout and pre-cast of the flood wall has begun.
Panguru	A Working Group meeting was held on 20 June and a second hui is scheduled for 30 June to present the latest 10-year modelling results to the community.

## NATURAL HAZARDS

Work Streams	Status	Comments
Priority Rivers Flood Hazard Maps for Waipū and Paparoa	100%	Final flood maps went live and landowners notified. Eight responses for more information or hard copies.
Awanui Flood Model	90%	Staff have requested additional work to verify catchment run off using HIRDS4 and to better represent SH-1 overflow from the Awanui River to the Tarawhataroa catchment.

### Northland LiDAR Capture

LiDAR capture phase remains tantalisingly close to completion. Capture reported at 95.5% as at 24th June 2019. Crews remain focussed on infill of missing sections, however RPS has reported shortened flight times due to winter weather patterns.

While RPS has indicated batch processing of captured data has now commenced, it has yet to report *actual* progress in this phase. NRC has requested weekly updates from RPS for this stage in an effort to maintain programme.

NRC is liaising with LINZ to discuss QA/QC process and hosting of deliverables. NRC QA/QC team is also assembled and has tentative dates for QA/QC workshop (at RPS offices) set for late July 2019.

## 6.2.6 STRATEGY, GOVERNANCE AND ENGAGEMENT

### PROPOSED REGIONAL PLAN

An item is included in this agenda relating to Appeals on the Proposed Regional Plan.

### NATIONAL INITIATIVES

The Productivity Commission will release its draft report on Local Government Funding and Financing on 4 July 2019, including the Commission's initial findings and recommendations for feedback. The deadline for submissions has yet to be confirmed. The final report to Government is due 30 November 2019.

### DISTRICT PLANNING

At the time of writing, staff are putting together a submission on Whangārei District Council's suite of 'Urban and Services' Plan Changes (submissions due to close on 03 Jul).

### ECONOMIC DEVELOPMENT

#### Investment and Growth Reserve – Projects Report

Project	June update	Future developments/ reporting
Resources Enterprise Limited (REL)	June interest payment sent along with request for March interest payment and an update on new potential investor.	Continue engaging with REL to obtain interest payments.

Project	June update	Future developments/ reporting
<b>Hundertwasser Art Centre (Whangārei)</b>	Nothing new to report.	Expect the second payment of \$500,000 (due at 50% completion) to be delayed.
<b>Manea Footprints of Kupe</b>	Meet with Trust representatives to discuss funding agreement.	Finalise funding agreement.
<b>Northland Water Storage and Use</b>	RFP for Pre-feasibility Demand Assessment and Design Study placed on GETS.	Waiting for signed funding agreement to begin implementation.
<b>Te Hononga / Kawakawa Hundertwasser Park Centre</b>	Progress report received and second invoice (for \$100,000) paid.	Awaiting receipt of progress report and third invoice.
<b>Extension 350</b>	Final invoice for 2018/19 (Q4) received and paid.	Continue receiving progress reporting and invoicing as per funding agreement
<b>Extended Regional Promotion</b>	Nothing new to report.	Next report due August 2019 for second sixth months 2018/19.
<b>Twin Coast Cycle Trail (TCCT)</b>	Nothing new to report.	Awaiting further progress report on remaining four easements to complete funding commitment. Maybe Q4.

#### Investment and Growth Reserve – Project Development funding by Northland Inc

- Expanding marine sector capacity – additional funding for completion of a inshore fishing fleet business case - \$12,500.
- Northland Indigenous Wood Products Pilot Study – second year of committed funding to help support research study – \$50,000.
- The total allocation of funding for project development in 2018/19 was \$249,200. This represents 83% of possible annual funding available through this IGR category.

#### Other Activities

- 24th issue of Northland Economic Quarterly released 27 June and available online at [www.nrc.govt.nz/economicquarterly](http://www.nrc.govt.nz/economicquarterly)
- Letter to Minister of Broadcasting, Communications and Digital Media and others on the results of the 2017/18 Northland internet speed survey.
- Northland Inc/Council quarterly workshop held on 11 June 2019.

#### ONLINE CHANNELS

**Most popular post on Facebook** – The May rainfall map for Northland. The Natural Resources Monitoring team provide a wrap up of the areas that received the highest and lowest rainfall levels in Northland. This post reached over 5,000 people.

Key Performance Indicators	Feb-19	Mar-19	Apl-19	May-19	Jun-19
<b>WEB</b>					
# Visits to the NRC website	24,500	28,000	26,100	25,200	23,100
E-payments made	3	6	4	5	2
# subscription customers (cumulative)	1,173	1,179	1,191	1,176	1,184
<b>SOCIAL MEDIA (CUMULATIVE)</b>					

Key Performance Indicators	Feb-19	Mar-19	Apl-19	May-19	Jun-19
# Twitter followers	1,428	1,430	1,439	1,444	1,448
# NRC Facebook fans	7,816	7,968	8,130	8,515	8,641
# NRC Overall Facebook Reach	168,100	219,300	189,900	267,900	138,600
# NRC Engaged Daily Users	11,700	27,000	8,314	16,200	4,753
# CDEM Facebook fans	16,500	16,600	16,700	16,700	16,900
# CDEM Overall Facebook Reach	43,800	31,900	45,400	15,400	49,800
# CDEM Engaged Daily Users	4,925	2,132	2,710	1,172	6,514
# Instagram followers	689	712	736	755	802

## ENVIROSCHOOLS / EDUCATION

### Dune lakes action days

Four dune lakes action days were held at lakes Waiparera (Waiharara), Waikare (Kai Iwi), Waiporohita (Karikari) and Kanono (Poutō) during June. These days included riparian planting, pest and indigenous fish and dune lakes plants investigations, and water quality testing. Local schools, iwi, catchment group and other community members took part in this Freshwater Improvement Fund Dune Lakes Project education initiative.

### Enviroschools Reflection celebration

On 5 June – World Environment Day – Manaia Kindergarten (Parua Bay) celebrated achieving Enviroschools Bronze.

### Whangārei Project Pest Control assessment workshop

On 10 June, Tauraroa Area School, Te Kura Kaupapa O Te Rawhitiroa and Whangārei Boys' High students were put through their paces at Barge Park. Participants shared their skills through practical assessments and their knowledge through completing theory assessments.

### First Enviroschools eNewsletter

The Enviroschools newsletter went digital in June. Articles featured environmental learning and action happening throughout Northland, council's planting campaign and upcoming events.

### Tiakina Whangareï pest control workshop

On 20 June, an after school pest control workshop for urban Whangārei teachers and caretakers was held at council. Biosecurity and Enviroschools staff supported Tiakina Whangareï in teaching about trapping and pest monitoring in school environments.

### School communities facilitated

Over 20 school communities were visited by Enviroschools facilitators during June.

## MARKETING AND ENGAGEMENT

### Awanui Flood Infrastructure Works event (19 June)

A community event was held to showcase and celebrate the progress of the Awanui Flood works. The event included presentations and updates on the progress of the project and concluded with a site visit. The event was attended by around 40 people.

### Business After 5 Event in Kaitia (19 June)

Council hosted its first business after 5 event in collaboration with the Chamber of Commerce. The event theme was 'Building thriving, resilient and connected communities'. Topics covered included the FarNorth Link passenger transport service and the Awanui River flood works. The event was attended by around 30 people.

### Northland Regional Council Environmental Awards

Council is continuing to leverage and promote the positive mahi of our community through an 8-page spread in the Northern Advocate and a 4-page wrap around the paper.

Our videographer is working on editing the eight winners' videos which will be used on social media to continue to share their success stories.

A winner's field day will be held at Comrie Park Kindergarten on Thursday 18 July from 1.00pm – 3.00pm.

### Environmental Leaders Fund

This will be reported on in August as schools will be notified in July.

## MĀORI ENGAGEMENT

### Kaiārahi Māori – Cultural Advisor

Our team is excited to announce we have filled this position successfully. Arama Morunga of Ngāpuhi and Te Hikutu has demonstrated in regard to his career experience a familiarity with local Iwi and hapū dynamics and ability to uphold tikanga Māori in a variety of settings. In his role at the Northland District Health Board he developed a cultural competency framework to deliver a kaupapa Māori training to educate doctors and nurses of the needs of Māori patients. His pōwhiri, supported by Te Parawhau, will be held on Monday 8 July.

### Training and Capability Programme – Responsiveness to Māori

#### *Te Ataarangi Te Reo Māori Training*

Six week te reo training facilitated by Te Puna o te Ao Marama Trust completed. 100% of those that completed the evaluation survey would recommend the class to a friend or colleague.

Recommendations for improvement included a careful consideration of scheduling to account for busy times in council.

#### *Te Tiriti o Waitangi Training*



A number of Council staff completed the Tiriti workshop held on Monday 24 June, 2019 facilitated by Moea Armstrong and Mariameno Kapa-Kingi.

It was a great day of learning and reflecting on the history of Aotearoa, exploring the current environment of He Wakaputanga o te Rangatiratanga o Nu Tirenī / Declaration of Independence of New Zealand 1835 within Te Taitokerau.

*He mihi rangatira kia koutou katoa, ngā kaimahi o Te Kaunihera o Te Taitokerau mo tō mahi tika i ako i te Tiriti o Waitangi.*

### Te Taitokerau Māori Advisory Working Party

Ongoing work of the Māori Technical Advisory Group (MTAG) has continued with progress on the following projects:

- Mana Whakahono a Rohe for multiparty hapū to join and be endorsed by TTMAC with and to be presented at council, with a recommendation that council adopt the multiparty agreement as the basis for which to enter into Mana Whakahono a Rohe with hapū.
- Resource consent processes and better engagement with hapū.

- Completion of a report to review Te Taitokerau Māori and Council Working Party 2016 – 2019 to be presented to council for consideration in its overall governance review.
- Te Taitokerau Māori in Local Government Symposium well attended at Waitaha Conference Centre with strong line up of speakers and an acknowledgment of the leadership within TTMAC raising this as an important conversation for Te Taitokerau.

#### LOCAL GOVERNMENT OFFICIAL INFORMATION (LGOIMA) REQUESTS

Month	LGOIMA requests received 2017/18	LGOIMA requests received 2018/19
July	7	15
August	10	20
September	16	7
October	15	5
November	12	10
December	14	9
January	12	11
February	14	15
March	12	9
April	14	12
May	15	19
June	18	11
<b>TOTAL LGOIMA REQUESTS RECEIVED</b>	<b>159</b>	<b>143</b>
<b>Total LGOIMA requests not responded to within 20 working days*</b>	<b>15</b>	<b>1*</b>

In June there were no LGOIMA requests that were not responded to within 20 working days.

#### 6.2.7 CUSTOMER SERVICE – COMMUNITY RESILIENCE

##### CUSTOMER SERVICES

##### Telephone Inbound Call Statistics

	June 2019	Target
Call volume	2081	
Conversion rate	97.9%	>95%
Average wait time	6 sec	
Calls answered in under 30sec	96.1%	>90%

The volume of inbound calls during June was over 20% down on May, and on the same month last year. There is no obvious explanation for this. There have been some problems with occasional calls 'dropping off' but this is not a contributing factor to the lower number of calls. The dropped calls are being managed by the customer services team, who call back the customer immediately. The issue has been raised with the service provider who are being pressured to rectify this problem quickly.

## Satisfaction Monitoring

- *Feedback Cards, Compliments and Complaints*

Feedback cards have been included with compliments and complaints, as appropriate.

Compliments received	Total
Service provided by a specific person <ul style="list-style-type: none"><li>• O Khanal - Resource Science</li><li>• B Tait - Policy &amp; Planning</li><li>• T Bullock, S Henderson &amp; P Graham - Biosecurity</li></ul>	3
Quality of Information <ul style="list-style-type: none"><li>• Biodiversity team</li></ul>	1
<b>Total compliments recorded</b>	<b>4</b>

Three of the compliments relate to activities that involved community engagement either working with and/or seeking community feedback which demonstrates the value our customers place on these interactions.

The Biosecurity team was complimented on the dune lake education day at Lake Waiporohita in collaboration with Te Aho Tu Roa's noho taiao.

Complaints received	Total
Standard of service provided	3
Disagree with decision or process	1
Issue has occurred repeatedly for me	1
Staff or contractor behaviour / attitude	2
Lack of information or communication	1
<b>Total complaints recorded</b>	<b>8</b>

Four of the complaints related to bus services, and in two of these it is likely the customer played a part in the issue arising. All bus service complaints have been resolved and communicated to the contractor company.

Two complaints were due to perceived behaviour or attitude issues. Both of these complaints were about people associated with the council, not council staff.

## Customer Service Centre (CSC) Enquiries

Biosecurity and non-NRC calls make up over 50% of all new enquiries made by phone or social media. Of the biosecurity enquiries, by far the majority area about land-based pest animals with rat related issues make up a large volume of these enquiries.

## CIVIL DEFENCE EMERGENCY MANAGEMENT

### Warnings and activations

On 5 June 2019 a small tornado caused damage to 12 houses in Coopers Beach. Damage to ten of the houses was superficial, with two houses roofs being blown off. Fire and Emergency New Zealand coordinated the response, with CDEM personnel assisting.

### National Tsunami Warning

On Sunday 16 June at approximately 10.50am a magnitude 7.4 earthquake occurred in the Kermadec Islands. An initial assessment by the Pacific Tsunami Warning Centre minutes after the earthquake indicated that small tsunami less than 0.3 meters was possible within 300km of the

epicentre. MCDEM issued three advisories of warnings, initially indicating that there was a marine and beach threat and then quickly changing to no threat. CDEM personnel, including the duty officer, responded to and monitored the developing situation.

### **Minister of Civil Defence**

On the 27 June, the Prime Minister announced changes to her Ministerial portfolio list and appointed Hon Peeni Henare as the Minister of Civil Defence.

### **CDEM Group and Coordinating Executive Group (CEG)**

The Northland CDEM Group and Coordinating Executive Group met for their quarterly meetings on Monday 17 June.

### **Emergency Management System Reforms**

In the Budget 2019, funding has been announced to strengthen the emergency management system with \$3 million for the establishment of a new National Emergency Management Agency, by 30 June 2020, to replace the existing Ministry of Civil Defence. A further \$1.5 million to improve the resilience of response capability has also been announced and will be targeted at replacing the National Crisis Management Centre in the basement of the Beehive.

Amongst further proposed changes is a change in name, with the words Civil Defence being replaced with Emergency Management.

### **Service Level Agreements**

The 2019/20 CDEM Service Level Agreements (SLA) between the Northland Regional Council and the three district Councils have now been finalised.

### **Lifelines Utility Group**

The Northland Lifelines Utility Group meet on 1 July. Forty personnel from various utility organisations attend the meeting, which included a review and update of the protocols for reporting to CDEM during an emergency, presentations from NZTA on roading resilience projects in the region, the First Gas network in Northland and the CDEM GIS portal.

## **TRANSPORT**

### **Regional Land Transport Planning**

- *Regional Road Safety Action Plan*

A workshop was held on 12 June 2019 to discuss regional road safety initiatives undertaken to date and progress made. Twenty-five invitees attended the workshop that was run by an external facilitator. The invitation list included Mayors, the Northland Regional Council Chair, Regional Transport Committee Members, senior management and transportation staff from the three district councils, Northland Regional Council and the New Zealand Transport Agency (NZTA).

The group agreed on the Vision and Requirements for road safety in Northland and that these are to be included in a submission on the Draft National Road Safety Strategy scheduled for release in the middle of this year.

The information gathered at the workshop is being correlated and will be released early July 2019 for comment. The agreed course of action to be taken on a regional level is to reduce the number of deaths and serious injuries

- *Draft National Road Safety Plan.*

The Ministry of Transport has recently announced that, subject to Cabinet confirmation, they expect the Draft National Road Safety Strategy (RSS) will be released in early July 2019 for consultation. This consultation will be primarily an on-line process and will seek views on:

- a proposed vision,
- principles to guide decision making and investment,



- a proposed 10-year target,
- focus areas for the next 10 years, and
- a plan of priority interventions for the first action plan, as well as priority interventions for future action plans.

The consultation period has been set for one month following release of the document.

## PASSENGER TRANSPORT ADMINISTRATION

### Total Mobility

Total Mobility (TM) figures are reported one month in arrears, due to the required information being unavailable at the time of the agenda deadline.

	Total Clients	Monthly Actual Expend	Monthly Budget Expend	Variance	Year/Date Actual Expend	Year/Date Budgeted Expend	Variance
May	1,498	\$20,199	\$25,000	-\$4,801	\$197,909	\$275,000	-\$77,091

### Total Mobility awareness campaign

As part of the ongoing Total Mobility (TM) awareness campaign, the TM Scheme was advertised on local radio stations during June.

### Total Mobility Coordinator's meeting

All regional TM Coordinators attended a national meeting in Wellington on Thursday 20 June 2019. This meeting included:

- Ministry of Transport updates;
- NZTA feedback on proposed trademarking Total Mobility;
- Ridewise II (RW2) Transaction Specification – update for regional councils;
- Supplier's confirmation of upgrades to support RW2, and their expected timeframes for development/testing etc.

### Operational Statistics

Due to the short period provided, the statistics for June 2019 are unavailable.

May 2019 (revenue ex GST)	Actual	Budget	Variance	Year/Date Actual	Year/Date Budgeted
City Link Passengers	34,907	30,425	+4,482	299,860	283,517
CityLink Revenue	\$44,914	\$58,639	-\$13,725	\$516,183	\$563,184
Mid North Link Passengers (revised 1 May 2019)	179	280	- 101	1,954	4,420
Mid North Link Revenue (revised 1 May 2019)	\$658	\$1,245	-\$587	\$7,072	\$27,599
Hokianga Link Passengers	60	78	- 18	338	456
Hokianga Link Revenue	\$683.00	\$1,017	-\$334	\$4,769	\$5,789
Far North Link Passengers	611	699	- 88	6,213	6,955
Far North Link Revenue	\$1,592	\$1,748	-\$156	\$14,789	\$17,388

The passenger numbers on the Citylink service have continued to show a positive trend since the implementation of the \$1.00 and \$2.00 "Gold Coin" fares.



Council have approved that this fare structure remains in place till early 2020 when it will be reviewed.

### **MARITIME**

The six-weekly Whangārei harbour safety meeting was held, with a stakeholder joint self-assessment completed for the safety systems. This is a requirement under the Port and Harbour safety code. A number of system improvements came out of the meeting which will be implemented, including improvements to the incident reporting and recording system.

Fourteen incidents were recorded for June, made up of the usual speeding, light failures, and vessels dragging anchor. The Ōpua maritime team responded to a stranded 16m vessel in danger of becoming a wreck with consequent pollution and managed to float it off without further damage.

The council vessel Waikare has been slipped in Whangārei and is receiving an engine room refurbish and engine reconditioning. Shipco 360 are carrying out the work with maritime staff monitoring. The work is reported as progressing well, and to a high standard.

A number of staff have attended training recently including management, Microsoft and CIMS and the Harbourmaster assisted with the running of the Regional on Scene Commanders course in Auckland.

Rolling maintenance of ATON is on-going, and the maritime team provided on water monitoring services to other departments. Work is ongoing to make the data from the wave-rider buoy available.

A maritime officer attended the annual Maritime NZ Recreational Education funding workshop in Wellington. Further funding has been applied for the coming year.

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### **Attachments/Ngā tapirihanga**

Nil

**TITLE:** Receipt of Committee Minutes  
**ID:** A1208169  
**From:** Chris Taylor, Governance Support Manager

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### Recommendation

That the unconfirmed minutes of the:

- Regional Transport Committee – 5 June 2019;
- Civil Defence Emergency Management – 17 June 2019;
- Civil Defence Emergency Management Coordinating Executive Group – 17 June 2019;
- Property Subcommittee – 2 July 2019;

be received.

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### Attachments/Ngā tapirihanga

Attachment 1: RTC unconfirmed meeting minutes - 05 June 2019 [↓](#)

Attachment 2: CEG unconfirmed meeting minutes - 17 June 2019 [↓](#)

Attachment 3: CDEM group unconfirmed meeting minutes - 17 June 2019 [↓](#)

Attachment 4: PSC unconfirmed meeting minutes - 2 July 2019 [↓](#)

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### Authorised by Group Manager

**Name:** Chris Taylor  
**Title:** Governance Support Manager  
**Date:**

Regional Transport Committee  
5 June 2019

## Regional Transport Committee Minutes

Meeting held in the Council Chamber  
36 Water Street, Whangārei  
on Wednesday 5 June 2019, commencing at 10.00am

### Present:

Chairman, Councillor John Bain  
Deputy Chairman, Councillor Paul Dimery – Arrived at 10.17am  
FNDC Councillor Ann Court  
KDC Councillor Julie Geange  
WDC Councillor Greg Martin  
NZTA Representative Jacqui Hori-Holt

### In Attendance:

#### Full Meeting/Part Meeting

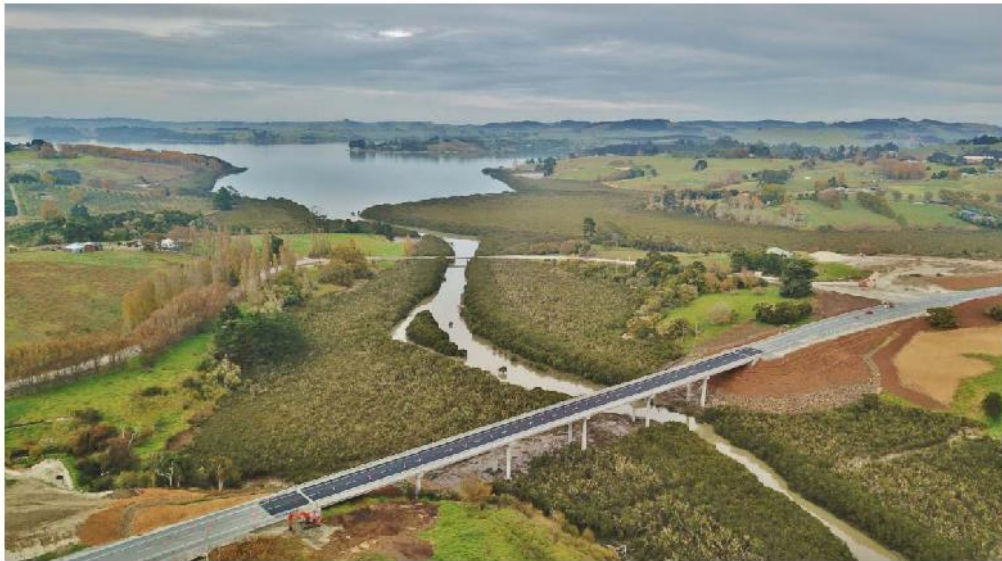
NRC Chairman – Bill Shepherd  
NRC Chief Executive – Malcolm Nicolson (Arrived at 10.10am)  
GM - Customer Service - Community Resilience – Tony Phipps  
Meeting Secretary – Evania Arani  
Media – Kirsten Edge  
NTA – Calvin Thomas  
NRC - Michael Payne  
NRC/NTA – Dean Mitchell  
NRC/NTA – Sharlene Selkirk  
NRC/NTA – Ian Crayton Brown  
NRC/NTA – Chris Powell  
Police – Senior Sargent Wayne Ewers and Detective Sargent Renee O’Connell  
KDC Councillor – Del la Varis Woodcock  
FNDC – Andy Finch  
WDC – Jeff Devine  
KDC – Bernard Petersen

Members of the Public

The Chair declared the meeting open at 10.00am

*Secretarial note: It has been brought to our attention that the photo of the SH1 Matakohe Bridges Realignment on page 61 in the RTC Agenda dated Wednesday 5 June 2019 was incorrect. Please see the correct photo on the following page.*

Regional Transport Committee  
5 June 2019



### **Apologies (Item 1.0)**

#### **Moved (Bain /Geange)**

That the apologies from NZTA representative, Steve Mutton for non-attendance be received

**Carried**

### **Declarations of Conflicts of Interest (Item 2.0)**

It was advised that members should make declarations item-by-item as the meeting progressed.

### **Confirmation of Minutes - 03 April 2019 (Item 3.1)**

**ID: A1193362**

**Report from Evania Arani, Executive Assistant Customer Services - Community Resilience**

#### **Moved (Court/Bain)**

That the minutes of the Regional Transport Committee meeting held on 03 April 2019, be confirmed as a true and correct record.

**Carried**

Regional Transport Committee  
5 June 2019

### **Northland Regional Land Transport Plan 2018 - 2021 Funding Uptake (Item 4.1)**

**ID: A1194655**

**Report from Chris Powell, Transport Manager - Northland Transport Alliance**

**Moved (Martin/Geange)**

That the report 'Northland Regional Land Transport Plan 2018 - 2021 Funding Uptake' by Chris Powell, Transport Manager - Northland Transport Alliance and dated 20 May 2019, be received.

**Carried**

*Secretarial note: The chair requested that a paper be tabled at the next meeting on what is available for the disabled community in Northland. Mr Powell advised that there is an upcoming investigation into the availability of transport for the disabled in the region and work will commence within the next couple of months. Cr Bain asked that this work try to be brought forward and reported on.*

### **Northland Regional Road Safety Update (Item 5.1)**

**ID: A1195192**

**Report from Ian Crayton-Brown, Transport Projects Officer**

**Moved (Bain/Geange)**

1. That the report 'Northland Regional Road Safety Update' by Ian Crayton-Brown, Transport Projects Officer and dated 21 May 2019, be received.
2. That the RTC hold a Road Safety Workshop on 12 June 2019 to agree on a road safety vision and priorities for action to achieve that vision for inclusion in a Northland RTC submission on the Northland Road Safety Strategy.

**Carried**

*Secretarial note: Councillor Court requested that roadside drug testing be added to the agenda for the 12 June Regional and National Road Safety workshop. She queried if the committee needs to be putting the questions to the crown on the correlation of roadside deaths relating to drugs and where the legislation might be heading.*

### **New Zealand Transport Agency Update (Item 5.2)**

**ID: A1197872**

**Report from Steve Mutton, NZTA - Director Regional Relationships Upper North Island**

**Moved (Dimery/Geange)**

That the presentation 'New Zealand Transport Agency Update' by Steve Mutton, NZTA - Director Regional Relationships Upper North Island and dated 30 May 2019, be received.

**Carried**

*Secretarial note: NZTA has estimated 87% of speed limits on NZ roads are too high. Cr. Geange requested that NZTA provide the committee with the data around this and where we sit as a region?*

*Discussion from the committee around the Northland Land Transport Plan – 12 million dollars' worth of projects being cut in Northland. The NZTA rep advised that project cuts have been made all throughout the country and not just Northland. Cr Geange requested the data on the total figure of projects removed from the list for the entire country.*

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ID: A1198815

**3**

Regional Transport Committee  
5 June 2019

## **Provincial Growth Fund Applications for Funding for Land Transport Related Projects. (Item 5.3)**

**ID: A1195606**

**Report from Chris Powell, Transport Manager - Northland Transport Alliance**

**Moved (Dimery/Geange)**

That the report 'Provincial Growth Fund Applications for Funding for Land Transport Related Projects.' by Chris Powell, Transport Manager - Northland Transport Alliance and dated 23 May 2019, be received.

**Carried**

*Secretarial note: Cr Court requested that a centralised database be put together which captures all the RCA workstreams in Northland and that the data contains the buckets of money in play, projects in play and where we might aim. It has also been requested that the data captures what applications have been put forward, what's been approved and what hasn't as well as the projects that have been considered. This is to be tabled at the next committee meeting.*

## **Request to Vary the Northland RLTP 2015/21 – Northland Transport Alliance PGF Projects (Item 6.1)**

**ID: A1195091**

**Report from Calvin Thomas, Northland Transport Alliance Manager**

**Moved (Martin/Geange)**

1. That the report 'Variation to the 2015/2021 Regional Land Transport Programme – Northland Transport Alliance – Mangawhai Shared Path and Robert/Walton Intersection Improvements' by Calvin Thomas – Northland Transport Alliance Manager, dated 14 May 2019 be received
2. That the Regional Transport Committee approves the request to vary the Regional Land Transport Plan 2015/21 to make the following changes:

### Kaipara District Council

- Include the Mangawhai Shared Path project with a 2018/21 budget of \$1,550,000.
- Reduce the Low Cost/Low Risk programme for 2018/21 by \$1,550,000

### Whangarei District Council

- Include the Robert Street/Walton Street Intersection Improvements project with a combined budget of \$1,613,660.
- Remove the Bank Street/Dent Street Intersection Improvements project with a combined budget of \$1,613,660.

**Carried**

## **Conclusion**

**The meeting concluded at 11.32am**

CDEM Coordinating Executive Group Meeting  
17 June 2019

## CDEM Coordinating Executive Group Meeting Minutes

Meeting held in the Council Chamber  
36 Water Street, Whangārei  
on Monday 17 June 2019, commencing at 9.30am

### Present:

Group Manager - Customer Service - Community Resilience Tony Phipps (Chair)  
WDC Representative, Ms S Boardman  
KDC Representative, Mr J Burt  
FNDC Representative, Mr A Finch  
NDHB Representative, Ms S Hoyle – arrived at 09.40 am  
St John Ambulance Representative, Mr A Gummer  
Welfare Coordination Group Chair, Mrs C Nyberg  
FENZ Representative Asst Area Commander G Quensell  
NZ Police Representative Inspector M Ruth  
Northland Lifelines Group Representative, Mr R Watson  
MCDEM Representative, Mr John Titmus (Observer Status)

### In Attendance:

NRC Meeting Secretary, Evania Arani  
Northland CDEM, Graeme MacDonald  
Northland CDEM, Sharon Douglas  
Northland CDEM, Jenny Calder  
Northland CDEM, Tegan Capp  
Northland CDEM, Murray Soljak  
Northland CDEM, Shona Morgan  
Northland CDEM, Sarah Boniface – arrived at 10.30 am  
NZ Defence Force, Lt. Rob Badger  
FNDC, Alister Wells  
FENZ, Colin Kitchen  
NZ Army, Ben Penney  
NZ Army, Juan Harris-Hagley

The Chair declared the meeting open at 9.33am.

### Apologies (Item 1.0)

#### Moved (Burt/Boardman)

That the apologies from NDHB Medical Officer of Health Dr J Ortego-Benito for non-attendance be received.

#### Carried

*Secretarial note: NDHB's representative, Dr J Ortego-Benito is away for six months. Dr Katherine Jackson will be the temporary representative for the committee until Dr J Ortego-Benito returns.*

CDEM Coordinating Executive Group Meeting  
17 June 2019

### **Declarations of Conflicts of Interest (Item 2.0)**

It was advised that members should make declarations item-by-item as the meeting progressed.

### **Confirmation of Minutes - 06 March 2019 (Item 3.1)**

**ID: A1193230**

**Report from Evania Arani, Executive Assistant Customer Services - Community Resilience**

**Moved (Boardman/Nyberg)**

That the minutes of the CDEM Coordinating Executive Group meeting held on 06 March 2019 be confirmed as a true and correct record.

**Carried**

### **Items for Information and Discussion (Item 4.1)**

**ID: A1193245**

**Report from Evania Arani, Executive Assistant Customer Services - Community Resilience**

**Moved (Finch/Boardman)**

1. That the report 'Items for Information and Discussion' by Evania Arani, Executive Assistant Customer Services - Community Resilience and dated 16 May 2019, be received.
2. That the recommendations included in the reports numbered 5.1 – 7.1 be moved as one.

**Carried**

### **Monthly update from Director of Ministry of Civil Defence & Emergency Management (Item 5.1)**

**ID: A1199364**

**Report from Graeme MacDonald, Civil Defence Emergency Management Manager**

**Recommendation**

That the report 'Monthly update from Director of Ministry of Civil Defence & Emergency Management' by Graeme MacDonald, Civil Defence Emergency Management Manager and dated 5 June 2019, be received.

*Secretarial Note: There was a group discussion on the NEW controllers course. Members of the group raised the question of what this meant for the recognised controllers now.*

*Action: Write a letter to MCDEM on the above matter seeking clarification.*

### **Emergency Management Reforms (Item 5.2)**

**ID: A1199316**

**Report from Graeme MacDonald, Civil Defence Emergency Management Manager**

**Recommendation**

That the report 'Emergency Management Reforms' by Graeme MacDonald, Civil Defence Emergency Management Manager and dated 5 June 2019, be received.

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ID: A1201022

**2**



CDEM Coordinating Executive Group Meeting  
17 June 2019

### **Northland CDEM Group Work Programme 2019 (Item 6.1)**

**ID: A1199541**

**Report from Graeme MacDonald, Civil Defence Emergency Management Manager**

#### **Recommendation**

That the report 'Northland CDEM Group Work Programme 2019 ' by Graeme MacDonald, Civil Defence Emergency Management Manager and dated 5 June 2019, be received.

### **CEG Chair's Report (Item 6.2)**

**ID: A1192341**

**Report from Graeme MacDonald, Civil Defence Emergency Management Manager**

#### **Recommendation**

That the report 'CEG Chair's Report ' by Graeme MacDonald, Civil Defence Emergency Management Manager and dated 14 May 2019, be received.

### **Welfare Coordination Group Work Programme 2019 (Item 6.3)**

**ID: A1193223**

**Report from Claire Nyberg, Civil Defence Emergency Management - Welfare**

#### **Recommendation(s)**

1. That the report 'Welfare Coordination Group Work Programme 2019' by Claire Nyberg, Civil Defence Emergency Management - Welfare and dated 16 May 2019, be received.
2. That the 'Welfare Coordination Group Work Programme 2019/2020' be accepted.

### **Northland CDEM Group Shared Services Update (Item 6.4)**

**ID: A1192291**

**Report from Graeme MacDonald, Civil Defence Emergency Management Manager**

#### **Recommendation**

That the report 'Northland CDEM Group Shared Services Update' by Graeme MacDonald, Civil Defence Emergency Management Manager and dated 14 May 2019, be received.

### **Recovery Update (Item 6.5)**

**ID: A1194700**

**Report from Jenny Calder, CDEM Group Recovery Manager**

#### **Recommendation**

That the report 'Recovery Update' by Jenny Calder, CDEM Group Recovery Manager and dated 20 May 2019, be received.

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ID: A1201022

**3**

CDEM Coordinating Executive Group Meeting  
17 June 2019

## **2019 Northland CDEM Forum (Item 6.6)**

**ID: A1200101**

**Report from Kim Abbott, Civil Defence Emergency Management Officer**

### **Recommendation**

That the report '2019 Northland CDEM Forum' by Kim Abbott, Civil Defence Emergency Management Officer and dated 6 June 2019, be received.

*Secretarial note: Kim Abbott acknowledged WDC for sponsoring the venue for the event.*

## **CDEM, CEG & Group Appointments (Item 6.7)**

**ID: A1193249**

**Report from Graeme MacDonald, Civil Defence Emergency Management Manager**

### **Recommendation**

1. That the report 'CDEM, CEG & Group Appointments' by Graeme MacDonald, Civil Defence Emergency Management Manager and dated 16 May 2019, be received.

*Secretarial note: Sandra Boardman from WDC is missing off the group controllers list.*

## **Northland Tsunami Readiness (Item 7.1)**

**ID: A1193015**

**Report from Victoria Harwood, Civil Defence Emergency Management Officer**

### **Recommendation**

That the report 'Northland Tsunami Readiness' by Victoria Harwood, Civil Defence Emergency Management Officer and dated 16 May 2019, be received.

## **Conclusion**

**The meeting concluded at 10.40am.**

Civil Defence Emergency Management Group Meeting  
17 June 2019

## Civil Defence Emergency Management Group Meeting Minutes

Meeting held in the Council Chamber  
36 Water Street, Whangārei  
on Monday 17 June 2019, commencing at 11.00am

### Present:

FNDC Councillor, Colin Kitchen (Chair)  
KDC Councillor, Anna Curnow  
WDC Mayor, Sheryl Mai  
NRC Councillor, Rick Stolwerk  
MCDEM Representative, Ms John Titmus (Observer Status)  
FENZ Representative, Commander Wipari Henwood  
NZ Police Representative, Inspector M Ruth

### In Attendance:

NRC Meeting Secretary, Evania Arani  
GM - Customer Service - Community Resilience, Tony Phipps  
Northland CDEM, Graeme Macdonald  
Northland CDEM, Tegan Capp  
Northland CDEM, Shona Morgan  
Northland CDEM, Murray Soljak  
Northland CDEM, Sarah Boniface  
Northland CDEM, Claire Nyberg  
Northland CDEM, Jenny Calder  
FNDC, Alister Wells – Left at 12.10pm  
FNDC, Andy Finch  
WDC Councillor, Sue Glenn

The Chair declared the meeting open at 11.05am.

### Apologies (Item 1.0)

#### Moved (Ruth/Mai)

That the apologies from FENZ Representative Commander Brad Mosby and NZ Police Representative Superintendent Tony Hill for non-attendance be received.

#### Carried

### Declarations of Conflicts of Interest (Item 2.0)

It was advised that members should make declarations item-by-item as the meeting progressed.

Civil Defence Emergency Management Group Meeting  
17 June 2019

### **Confirmation of Minutes - 06 March 2019 (Item 3.1)**

**ID: A1200692**

**Report from Evania Arani, Executive Assistant Customer Services - Community Resilience**

**Moved (Curnow/Kitchen)**

That the minutes of the Civil Defence Emergency Management Group meeting held on 06 March 2019 be confirmed as a true and correct record.

**Carried**

### **Monthly update from Director of Ministry of Civil Defence & Emergency Management (Item 4.1)**

**ID: A1200653**

**Report from Graeme MacDonald, Civil Defence Emergency Management Manager**

**Moved (Stolwerk/Ruth)**

That the report 'Monthly update from Director of Ministry of Civil Defence & Emergency Management' by Graeme MacDonald, Civil Defence Emergency Management Manager and dated 10 June 2019, be received.

**Carried**

*Secretarial Note: There was a group discussion around NEMA and what the impact will be for Northland under the proposed new structure.*

*Action: Invite someone to speak to the group about the new NEMA structure and what it means for Northland. Invite to be extended out to the CE's/Mayoral forum.*

### **Emergency Management Reforms (Item 4.2)**

**ID: A1200654**

**Report from Graeme MacDonald, Civil Defence Emergency Management Manager**

**Moved (Stolwerk/Ruth)**

That the report 'Emergency Management Reforms' by Graeme MacDonald, Civil Defence Emergency Management Manager and dated 10 June 2019, be received.

### **Northland CDEM Group Work Programme 2019 (Item 5.1)**

**ID: A1200656**

**Report from Graeme MacDonald, Civil Defence Emergency Management Manager**

**Moved (Ruth/Curnow)**

That the report 'Northland CDEM Group Work Programme 2019' by Graeme MacDonald, Civil Defence Emergency Management Manager and dated 10 June 2019, be received.

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ID: A1201017

2

Civil Defence Emergency Management Group Meeting  
17 June 2019

### **Welfare Coordination Group Work Programme 2019 (Item 5.2)**

**ID: A1200676**

**Report from Claire Nyberg, Civil Defence Emergency Management - Welfare**

**Moved (Mai/Kitchen)**

1. That the report 'Welfare Coordination Group Work Programme 2019' by Claire Nyberg, Civil Defence Emergency Management - Welfare and dated 10 June 2019, be received.
2. That the 'Welfare Coordination Group Work Programme 2019/2020' be accepted.

**Carried**

### **Northland CDEM Group Shared Services Update (Item 5.3)**

**ID: A1200680**

**Report from Graeme MacDonald, Civil Defence Emergency Management Manager**

**Moved (Stolwerk/Kitchen)**

That the report 'Northland CDEM Group Shared Services Update' by Graeme MacDonald, Civil Defence Emergency Management Manager and dated 10 June 2019, be received.

**Carried**

### **Recovery Update (Item 5.4)**

**ID: A1200682**

**Report from Jenny Calder, CDEM Group Recovery Manager**

**Moved (Henwood/Curnow)**

That the report 'Recovery Update' by Jenny Calder, CDEM Group Recovery Manager and dated 10 June 2019, be received.

**Carried**

### **2019 Northland CDEM Forum (Item 5.5)**

**ID: A1200685**

**Report from Kim Abbott, Civil Defence Emergency Management Officer**

**Moved (Henwood/Curnow)**

**Recommendation**

That the report '2019 Northland CDEM Forum' by Kim Abbott, Civil Defence Emergency Management Officer and dated 10 June 2019, be received.

**Carried**

*Secretarial note: Kim Abbott acknowledged WDC for sponsoring the venue for the event.*

*Mayor Mai made a suggestion that if the budget allows if the future forums could be recorded as it will be a good addition to the training tool kit.*

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ID: A1201017

**3**

Civil Defence Emergency Management Group Meeting  
17 June 2019

### **CDEM, CEG & Group Appointments (Item 5.6)**

**ID: A1200686**

**Report from Graeme MacDonald, Civil Defence Emergency Management Manager**

**Moved (Stolwerk/Kitchen)**

1. That the report 'CDEM, CEG & Group Appointments' by Graeme MacDonald, Civil Defence Emergency Management Manager and dated 10 June 2019, be received.

**Carried**

*Secretarial note: Sandra Boardman from WDC is missing off the group controllers list.*

*NDHB's representative, Dr J Ortego-Benito is away for six months. Dr Katherine Jackson will be the temporary representative for the committee until Dr J Ortego-Benito returns.*

### **Northland Tsunami Readiness (Item 6.1)**

**ID: A1200690**

**Report from Victoria Harwood, Civil Defence Emergency Management Officer**

**Moved (Mai/Kitchen)**

That the report 'Northland Tsunami Readiness' by Victoria Harwood, Civil Defence Emergency Management Officer and dated 10 June 2019, be received.

**Carried**

### **CEG Chair's Report to the CDEM Group (Item 6.2)**

**ID: A1192341**

**Report from Graeme MacDonald, Civil Defence Emergency Management Manager**

**Moved (Stolwerk/Curnow)**

That the report 'CEG Chair's Report' by Graeme MacDonald, Civil Defence Emergency Management Manager and dated 14 May 2019, be received.

**Carried**

*Secretarial Note/Action: Investigate ways of doing a follow up of past attendees of the YES programme to see if any of the attendees go into any of the emergency fields based on the skills they obtained from the programme.*

### **Conclusion**

**The meeting concluded at 12.25pm.**

Property Subcommittee  
2 July 2019

## Property Subcommittee Minutes

Meeting held in the Kaipara Room  
36 Water Street, Whangārei  
on Tuesday 2 July 2019, commencing at 8.30am

### Present:

Chair, Councillor Penny Smart  
Councillor Bill Shepherd (Ex-Officio)  
Councillor David Sinclair

### In Attendance:

#### Full Meeting

NRC Chief Executive  
Strategic Projects Manager  
Property Officer

#### Part Meeting

Ian Jenkins – Jenksmax Consulting Limited

The Chair declared the meeting open at 8.40am.

### Apologies (Item 1.0)

#### Moved (Shepherd/Sinclair)

That the apologies from Councillor Bain and Councillor Stolwerk for non-attendance be received.

**Carried**

### Declarations of Conflicts of Interest (Item 2.0)

It was advised that members should make declarations item-by-item as the meeting progressed.

### Confirmation of Minutes - 8 May 2019 (Item 3.1)

ID: A1206235

Report from Nicole Inger, Property Officer

#### Moved (Sinclair/Shepherd)

That the minutes of the Property Subcommittee meeting held on 8 May 2019 be confirmed as a true and correct record.

**Carried**

Property Subcommittee  
2 July 2019

### Mount Tiger Forest Quarterly Report April - June 2019 (Item 4.1)

ID: A1206214

Report from Nicole Inger, Property Officer

Moved (Sinclair/Shepherd)

1. That the report 'Mount Tiger Forest Quarterly Report April - June 2019' by Nicole Inger, Property Officer and dated 25 June 2019, be received.
2. That the draft report '2019 Mt Tiger Forest Harvest Results' be approved for presentation to Council.

Carried

It was further moved (Sinclair/Shepherd)

3. That Council's Forestry Consultant along with Council Forestry Management Team initiate a draft 2019 – 2024 Strategic Forest Management Plan to present to the Property Subcommittee on 3 September 2019.

Carried

### Business with Public Excluded (Item 5.0)

Moved (Shepherd/Sinclair)

1. That the public be excluded from the proceedings of this meeting to consider confidential matters.
2. That the general subject of the matters to be considered whilst the public is excluded, the reasons for passing this resolution in relation to this matter, and the specific grounds under the Local Government Official Information and Meetings Act 1987 for the passing of this resolution, are as follows:

Item No.	Item Issue	Reasons/Grounds
5.1	Confirmation of Confidential Minutes - 8 May 2019	The public conduct of the proceedings would be likely to result in disclosure of information, as stated in the open section of the meeting -.
5.2	Sale of Council's Interest in Adjacent Whangarei's CBD Properties	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to enable council to carry out, without prejudice or disadvantage, commercial activities s7(2)(h) and the withholding of which is necessary to enable council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) s7(2)(i).
5.3	Sale of Council's Lessor's Interest of a Hihiaua Precinct Property	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to enable council to carry out, without prejudice or disadvantage, commercial activities s7(2)(h) and the withholding of which is necessary to enable council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) s7(2)(i).
5.4	Presentations - Kaipara Service Centre Update	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to enable

ID: A1209292

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Property Subcommittee  
2 July 2019

		council to carry out, without prejudice or disadvantage, commercial activities s7(2)(h) and the withholding of which is necessary to enable council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) s7(2)(i).
5.5	Presentations - Kensington Redevelopment	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information s7(2)(b)(ii), the withholding of which is necessary to enable council to carry out, without prejudice or disadvantage, commercial activities s7(2)(h) and the withholding of which is necessary to enable council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) s7(2)(i).
5.6	Receipt of Action Sheet	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to enable council to carry out, without prejudice or disadvantage, commercial activities s7(2)(h).

3. That the Argyle Representative be permitted to stay during business with the public excluded to address item 5.5.

**Carried**

*Secretarial Note: The meeting adjourned at 10am and reconvened on 3 July 2019 at 12.45pm.*

## Conclusion

**The meeting concluded at 1.15pm, 3 July 2019.**

## TITLE: Business with the Public Excluded

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### Executive Summary

The purpose of this report is to recommend that the public be excluded from the proceedings of this meeting to consider the confidential matters detailed below for the reasons given.

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### Recommendations

1. That the public be excluded from the proceedings of this meeting to consider confidential matters.
2. That the general subject of the matters to be considered whilst the public is excluded, the reasons for passing this resolution in relation to this matter, and the specific grounds under the Local Government Official Information and Meetings Act 1987 for the passing of this resolution, are as follows:

Item No.	Item Issue	Reasons/Grounds
8.1	Confirmation of Confidential Minutes - 18 June 2019	The public conduct of the proceedings would be likely to result in disclosure of information, as stated in the open section of the meeting.
8.2	Receipt of Confidential Committee Minutes	The public conduct of the proceedings would be likely to result in disclosure of information, as stated in the open section of the meeting.
8.3	Human Resources Report	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to protect the privacy of natural persons, including that of deceased natural persons s7(2)(a).
8.4	The Kensington Redevelopment Project	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information s7(2)(b)(ii), the withholding of which is necessary to enable council to carry out, without prejudice or disadvantage, commercial activities s7(2)(h) and the withholding of which is necessary to enable council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) s7(2)(i).
8.5	Marsden Maritime Holdings Ltd - Appointment of Directors	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to protect the privacy of natural persons, including that of deceased natural persons s7(2)(a).

3. That the Independent Financial Advisor be permitted to stay during business with the public excluded.
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### Considerations

#### 1. Options

Not applicable. This is an administrative procedure.

## **2. Significance and Engagement**

This is a procedural matter required by law. Hence when assessed against council policy is deemed to be of low significance.

## **3. Policy and Legislative Compliance**

The report complies with the provisions to exclude the public from the whole or any part of the proceedings of any meeting as detailed in sections 47 and 48 of the Local Government Official Information Act 1987.

## **4. Other Considerations**

Being a purely administrative matter; Community Views, Māori Impact Statement, Financial Implications, and Implementation Issues are not applicable.