

AGENDA

RĀRANGI TAKE

Huihuinga O Te Kāhui Māori O Taitokerau

**Te Taitokerau Māori and Council Working Party
Thursday 12 September 2019 at 11am**

Rārangi Take O Te Kāhui Māori O Taitokerau **(Te Taitokerau Māori and Council Working Party Agenda)**

Meeting to be held in the Council Chamber
36 Water Street, Whangārei
on Thursday 12 September 2019, commencing at 11am

Please note: working parties and working groups carry NO formal decision-making delegations from council. The purpose of the working party/group is to carry out preparatory work and discussions prior to taking matters to the full council for formal consideration and decision-making. Working party/group meetings are open to the public to attend (unless there are specific grounds under LGOIMA for the public to be excluded).

NGĀ MANA WHAKAHAERE **(MEMBERSHIP OF THE TE TAITOKERAU MĀORI AND COUNCIL WORKING PARTY)**

Co-Chair, Te Rūnanga o Ngāti Hine, Pita Tipene

Co-Chair, Councillor Paul Dimery

Councillor Mike Finlayson	Councillor Bill Shepherd	Councillor Penny Smart
Councillor Joce Yeoman	Patuharakeke Te Iwi Trust Board, Juliane Chetham	Te Uri o Hau Settlement Trust, Georgina Connolly
Ngāti Kuta, Patukeha, Michelle Elboz	Ngāti Kuta Patukeha, Shirley Hakaraia	Hokianga o Ngā Hapū Whānau, Patu Hohepa
Te Rūnanga-Ā-Iwi-O-Ngāpuhi, Mike Kake	Ngātiwai Trust Board, Henry Murphy	Te Parawhau Hapū Authority Charitable Trust, Mira Norris
Te Rūnanga O Ngāti Rehia, Nora Rameka	Te Rūnanga-Ā-Iwi-O-Ngāpui, Fred Sadler	Te Whakapiko Hapū, Rowan Tautari
Hokianga o Ngā Hapū Whānau, Rudy Taylor	Ngā Hapū o Ngāti Kuri/Te Hiku O Te Ika Marae Trust, Bundy Waitai	Te Uri o Hau Settlement Trust, Malcolm Welsh
Ngāti Tara, Victor Holloway	Te Rūnanga O Ngāti Hine Jaycee Tipene-Thomas	Te Rūnanga O Ngāti Rehia, Kipa Munro

KARAKIA / WHAKATAU

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TITLE: **Record of Actions – 11 July 2019**

ID: A1229879

From: Sally Bowron, Strategy, Governance and Engagement Team Admin/PA

Executive summary

The purpose of this report is to present the Record of Actions of the last meeting (attached) held on 11 July 2019 for review by the meeting.

Attachments/Ngā tapirihanga

Attachment 1: Record of Actions for 11 July 2019 [!\[\]\(05be7c7a8995decd503647c99211f7c2_img.jpg\) !\[\]\(16cd6e1a39784ecf52b4db09f4865f40_img.jpg\)](#)

Authorised by Group Manager

Name: Ben Lee

Title: Acting Group Manager - Strategy, Governance and Engagement

Date: 3 September 2019

Te Taitokerau Māori and Council Working Party
11 July 2019

Tuhituhi o ngā Mahi O Te Kāhui Māori O Taitokerau **Te Taitokerau Māori and Council Working Party Record of Actions**

Meeting held in the Council Chamber
36 Water Street, Whangārei
on Thursday 11 July 2019, commencing at 11am

Tuhinga (Present):

Co-Chair, Te Rūnanga o Ngāti Hine, Pita Tipene
Co-Chair, Councillor Paul Dimery
Councillor Mike Finlayson
Councillor Bill Shepherd
Councillor Joce Yeoman
Patuharakeke Te Iwi Trust Board, Julianne Chetham
Ngāti Kuta, Patukeha, Michelle Elboz
Hokianga o Ngā Hapū Whānau, Patu Hohepa
Ngātiwai Trust Board, Henry Murphy
Te Rūnanga O Ngāti Rehia, Nora Rameka
Te Rūnanga-Ā-Iwi-O-Ngāpui, Fred Sadler
Te Whakapiko Hapū, Rowan Tautari
Hokianga o Ngā Hapū Whānau, Rudy Taylor
Ngā Hapū o Ngāti Kuri/Te Hiku O Te Ika Marae Trust, Bundy Waitai
Te Uri o Hau Settlement Trust, Malcolm Welsh
Ngāti Tara, Victor Holloway
Te Rūnanga O Ngāti Hine Jaycee Tipene-Thomas

I Tae Mai (In Attendance):

Huihuinga i te katoa (Full Meeting)

NRC Chief Executive
GM – Strategy, Governance and Engagement

Huihuinga i te wahanga (Part Meeting)

Kaiwhakahaere Hononga Māori – Māori Relationships Manager
Kaiahi – Kaupapa Māori
Kaiahi – Tikanga Māori
Marketing and Engagement Manager
Policy Specialists
Biosecurity Manager
Consents Manager

The meeting commenced at 11.10am.

Secretarial Note: Te Taitokerau Māori and Council Working Party and Māori Technical Advisory Group are abbreviated as TTMAC and MTAG respectively throughout this Record of Actions.

Te Taitokerau Māori and Council Working Party
11 July 2019

Karakia / Whakataua

The opening karakia and mihi by members Hohepa, Sadler and Waitai were held at the beginning of the non-elected members caucus session. At the start of the formal session, Arama Morunga was introduced and welcomed as NRC's new Kaiarahi – Tikanga Māori.

Whakapahā/Apologies (Item 1.0)

Te Uri o Hau Settlement Trust, Georgina Connelly
Te Rūnanga-Ā-Iwi-O-Ngāpuhi, Mike Kake
Te Parawhau Hapū Authority Charitable Trust, Mira Norris
Councillor Penny Smart

Whakapuakanga o mua (Declarations of Conflicts of Interest) (Item 2.0)

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

Record of Actions – 2 May 2019 (Item 3.1)

It was agreed that the Record of Actions was an accurate representation of the meeting.

Tai Tokerau Māori in Local Government Symposium (Item 3.2)

Presented by: Member Julianne Chetham presented on the Te Taitokerau Māori Representation Symposium held at the Copthorne Waitangi on 27 June 2019. The symposium was opened by Minister Nanaia Mahuta, with the kaupapa focusing on how to encourage Tai Tokerau Māori to vote and stand for local body elections, and models of Māori representation in local government. After covering the day's achievements, with thanks to council for funding support and to member Chetham and her team for their mahi, the next steps were identified as how to continue the kōrero through a dedicated website and how that mahi might be resourced.

Agreed action points:

- Promote the symposium mural by Pepper Curry through NRC pānui.

Update: Local Elections 2019 (Item 3.3)

Presented by: Group Manager – Strategy, Governance and Engagement provided an overview of the upcoming triennial local body elections covering key dates, positions available, being eligible to vote, electoral systems, candidate information meetings, the Northland joint electoral campaign and sources of information. Councillors took the opportunity to voice that they would welcome being invited to speak at candidates meetings on marae.

Agreed action points: Nil.

Update: Māori Technical Advisory Group (Item 3.4)

Presented by: Strategy, Policy and Planning Manager, Consents Manager, and Kaiarahi – Kaupapa Māori provided updates on Māori Technical Advisory Group (MTAG) mahi on Mana Whakahono a Rohe (MWR), Resource consent processes, and the review of the Te Taitokerau Māori and Council Working Party 2016 – 2019 respectively.

Mana Whakahono a Rohe – TTMAC endorsed the Draft Mana Whakahono a Rohe (for multiparty hapū to join) and nominated members Chetham and Tautari to finalise the agreement before it is presented

Te Taitokerau Māori and Council Working Party
11 July 2019

to council, with a recommendation that council adopt the agreement as the basis for which to enter into Mana Whakahono a Rohe with hapū.

Resource consent application form – TTMAC endorsed the updated resource consent application form to implement Policy D.1.1 of the Proposed Regional Plan (as part of a wider review of the consent process).

TTMAC review – TTMAC accepted all recommendations in the review and that the review be presented to council for consideration in its overall governance review, with the additional feedback:

- That there be an annual strategic planning session to develop a work programme that then cascades through the agenda
- That the working party model is preferred because it allows for a Co-Chair
- That members be resourced to attend regional hui
- That council capacity building needs to happen at two levels – Te Ao Māori and Tiriti o Waitangi training for councillors and staff, and also hapū-specific training for staff as appropriate.

Agreed action points:

- For members Chetham and Tautari to work with staff to finalise the Draft MWR and that the MWR then be presented to council
- For staff to present the review of TTMAC to council for consideration in its overall governance review.

Implementing the Water Quality Planning Requirements of the National Policy Statement for Freshwater Management (Item 3.5)

Presented by: Policy Specialist advised that the council is about to start a process to prepare a plan change to implement the water quality planning requirements of the National Policy Statement for Freshwater Management. TTMAC's recommendations were sought (within tight timeframes) on how best to involve iwi and hapū in developing the plan change. It was agreed that staff will work with the Māori Technical Advisory Group to develop recommendations on:

- how tangata whenua perspectives are sought and considered, and
 - how tangata whenua are involved in decision making
- in the development of the plan change to implement the water quality planning requirements of the National Policy Statement for Freshwater Management and report this to a subsequent TTMAC meeting.

It was also agreed that council staff seek the feedback of MTAG on the draft freshwater quality management units.

Agreed action points:

- Staff to work with MTAG to develop recommendations on how to identify tangata whenua values and interests in wai māori, how to reflect tangata whenua values and interests in decision-making regarding the plan change, and to seek MTAG feedback on the draft freshwater quality management units.

Wetland Mapping (Item 3.6)

Presented by: Policy Specialist presented on the council's project to map Tai Tokerau wetlands using a sophisticated GIS based sensing methodology which uses radiometric survey images and satellite images. Once wetlands are mapped, development of management options and priorities will involve staff from across council and working parties including TTMAC.

Agreed action points: Nil.

Te Taitokerau Māori and Council Working Party
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Proposal to control Sydney Golden Wattle (Item 3.7)

Presented by: Biosecurity Manager advised that the council will be applying to the Environmental Protection Authority (EPA) for approval to introduce two new insects as biocontrol agents for Sydney Golden Wattle (SGW). TTMAC's views were sought on the proposal and how best to engage tangata whenua for the purpose of informing the application to the EPA.

TTMAC supported the recommendation that MTAG be convened to provide advice on the application, with a large dose of caution/tūpato and the note that it would be helpful to have the EPA process explained.

Agreed action points:

- That MTAG be convened to provide advice on the application to the EPA for Sydney Golden Wattle biocontrol agents.

Environmental Awards 2019 (Item 3.8)

Presented by: Group Manager – Strategy, Governance and Engagement took this report as read and the opportunity to thank member Kake for participating in the judging panel. The report summarised the inaugural Northland Regional Council Environmental Awards winners in each category.

Agreed action points: Nil.

Update: Annual Plan 2019/20 | Mahere-a-Tau 2019/20 (Item 3.9)

Presented by: Group Manager – Strategy, Governance and Engagement. This report was taken as read. It advised that council adopted the Annual Plan 2019/20 | Mahere-a-Tau 2019/20 on 4 June 2019.

Agreed action points: Nil.

Working Party Updates (Item 3.10)

Presented by: members Finlayson and Murphy gave verbal reports on the Pest Management Working Party held on 18 April and Natural Resources Working Party on 12 June respectively.

Agreed action points: Nil.

Nominations for TTMAC membership (Item 3.11)

Presented by: Co-Chairs Tipene and Dimery advised that two hapū nominations for having representatives on TTMAC had been received for their consideration.

The nominations raised wider questions about members appointment and reconfirmation, if there are gaps in representation, and the need for staff to have a strategic process for advising on hapū seeking representation.

Given it was close to the end of the triennium, it was agreed to defer making a decision on the two nominations and to add an item on membership process appointment to the next TTMAC agenda.

Agreed action points:

- Put TTMAC membership process and strategy on the next TTMAC agenda
- SGE staff to write letter to hapū advising of deferment of decision.

Conclusion

The meeting concluded at 2.39pm.

TITLE: Presentation: Northland Inc

ID: A1229881

From: Auriole Ruka, Kaiwhakahaere Hononga Māori – Māori Relationships Manager

Whakarāpopototanga/Executive summary

This paper introduces Sarah Peterson, Chair and Kris MacDonald, Director from Northland Inc., who will be making a presentation and provide an update to Te Taitokerau Māori and Council Working Party on Northland Inc's strategic priorities.

Sarah is a Chartered Accountant, and began her career in public practice. She has previous management and leadership roles in finance and business functions within the telecommunications and professional services sector and has governance roles in the not-for-profit sector.

Kris is from Matapouri Bay, Tutukākā Coast and is of Ngātiwai iwi. Currently the CEO of Ngātiwai Trust Board and Deputy Chair of Amokura Iwi CEOs, he has worked in banking, housing and Māori development and held management roles in the health and education sectors and the State Senate of Hawai'i.

Ngā mahi tūtohutia/Recommended actions

1. That the report 'Presentation: Northland Inc' by Auriole Ruka, Kaiwhakahaere Hononga Māori – Māori Relationships Manager and dated 16 August 2019, be received.

Ngā tapirihanga/Attachments

Nil

Authorised by Group Manager

Name: Ben Lee

Title: Acting Group Manager - Strategy, Governance and Engagement

Date: 3 September 2019

TITLE: Presentation: Tane Whakapiripiri project
ID: A1231406
From: Auriole Ruka, Kaiwhakahaere Hononga Māori – Māori Relationships Manager

Whakarāpopototanga/Executive summary

This paper introduces a presentation on the Tane Whakapiripiri project by TTMAC member Julianne Chetham and Project Lead Jason Cooper.

The purpose of the Tane Whakapiripiri project and the subsequent report is to lift ngā hapū o Whangārei capacity to engage with local government in matters of importance relating to natural resource protection, management and any associated economic opportunities. (Chetham, J. Cooper, J. Tautari, R. 2019)

Ngā mahi tūtohutia/Recommended actions

1. That the report 'Presentation: Tane Whakapiripiri project' by Auriole Ruka, Kaiwhakahaere Hononga Māori – Māori Relationships Manager and dated 21 August 2019, be received.

Ngā tapirihanga/Attachments

Nil

Authorised by Group Manager

Name: Ben Lee
Title: Acting Group Manager - Strategy, Governance and Engagement
Date: 3 September 2019

TITLE: Presentation: Te Puni Kokiri Whenua Māori Programme
ID: A1233990
From: Auriole Ruka, Kaiwhakahaere Hononga Māori – Māori Relationships Manager

Whakarāpopototanga/Executive summary

This paper introduces Tania Anderson, Senior Advisor Te Puni Kokiri Whenua Māori Programme who is responsible for the co-ordination of the programme.

The Whenua Māori Programme will support the sustainable development of whenua Māori, increase the knowledge and skills of Māori landowners, generate wealth and strengthen the connection between Māori and their whenua.

The Programme is co-led by Te Puni Kōkiri and the Ministry of Justice. It recognises that Māori freehold landowners face a complex regulatory environment and have difficulty accessing information and resources about Māori freehold land.

The Programme addresses these challenges by:

- enabling on-the-ground support for Māori landowners in key regions
- amending Te Ture Whenua Māori Act 1993
- providing new and enhanced Māori Land Court services
- modernising Māori Land Court information systems; and
- creating a Whenua Knowledge Hub and website designed in collaboration with Māori.

NRC is represented on the interagency roopu to support, assist and inform the project in collaboration with MPI, Te Uru Rākau (1 Billion Trees), MBIE and PDU (Provincial Growth Fund), Māori Land Court, Reconnecting Northland, and FNDC.

Ngā mahi tūtohutia/Recommended actions

1. That the report 'Presentation: Te Puni Kokiri Whenua Māori Programme' by Auriole Ruka, Kaiwhakahaere Hononga Māori – Māori Relationships Manager and dated 29 August 2019, be received.

Ngā tapirihanga/Attachments

Nil

Authorised by Group Manager

Name: Ben Lee
Title: Acting Group Manager - Strategy, Governance and Engagement
Date: 3 September 2019

TITLE: **Continuity of Māori Technical Advisory Group**

ID: A1229905

From: Auriole Ruka, Kaiwhakahaere Hononga Māori – Māori Relationships Manager

Whakarāpopototanga/Executive summary

This paper seeks endorsement and support from TTMAC for the Māori Technical Advisory Group (MTAG) to continue over the recess period between the outgoing council and establishment of the new governance structure.

The Māori Technical Advisory Group (MTAG) offers an enhanced avenue for Māori participation in council and provides significant benefit to council as it enables a Māori worldview to be applied to better inform council programmes of work, policy and procedures.

Staff recommend that it would be beneficial for MTAG to continue to have input into council processes and technical work streams over the council recess period. We are also cognisant that TTMAC will not be re-established by the incoming council until February 2020 if the recommendation to retain TTMAC is endorsed.

Identified workstreams that require ongoing input from MTAG include:

- Development and implementation of Mana Whakahono A Rohe
- Development of resource consent processes, including more consistent protocol relating to cultural impact assessments
- Inter-regional marine pest management project
- Review of the Resource Management Act
- Reviewing the freshwater quantity limits for fully allocated water bodies
- Implementing the National Policy Statement for Freshwater requirements for setting water quality objectives and limits.

Aligned with council agenda deadlines, staff have put a paper to the 17 September 2019 council meeting asking that MTAG not be discharged following the October 2019 triennial elections, and that council resolve to reconvene MTAG for up to five meetings.

Staff now seek TTMAC's support for the paper going to council. If TTMAC choose not to endorse MTAG continuing over the recess period, staff will provide that information to the council meeting for their consideration.

Ngā mahi tūtohutia/Recommended actions

1. That the report 'Continuity of Māori Technical Advisory Group' by Auriole Ruka, Kaiwhakahaere Hononga Māori – Māori Relationships Manager and dated 16 August 2019, be received.
2. That Te Taitokerau Māori and Council Working Party (TTMAC) support MTAG not being discharged at the election nor the coming-into-office of the members of the council

elected at the October 2019 triennial elections, and being able to be reconvened for up to five meetings.

Ngā tapirihanga/Attachments

Nil

Authorised by Group Manager

Name: Ben Lee
Title: Acting Group Manager - Strategy, Governance and Engagement
Date: 3 September 2019

TITLE: MTAG: Update on Mana Whakahono a Rohe

ID: A1229887

From: Ben Lee, Strategic Policy and Planning Manager

Whakarāpopototanga/Executive summary

At its 11 July 2019 meeting, TTMAC endorsed the draft Hapū Mana Whakahono ā Rohe (draft Hapū MWR) and agreed that it be presented to council, with a recommendation that council adopt the multiparty agreement as the basis for which to enter into MWR with hapū.

Council considered the draft Hapū MWR at a workshop (20 August 2019). Staff recommended various amendments to fill in gaps, improve the structure of the document and some minor changing to the wording – most of which council agreed with.

Council agreed to formally present the **attached** draft Hapū MWR to the new council (after the council elections in October) with a recommendation to start the process of signing the draft Hapū MWR with hapū.

Changes to the text in the draft Hapū MWR endorsed by TTMAC are clearly shown in the attached.

Endorsement is sought from TTMAC on the **attached** draft Hapū MWR. There are still gaps in the document – the karakia, whakatauaki, mihi and translation of headings. The proposal is that the Māori Technical Advisory Group (MTAG) be tasked with filling these. Minor amendments may also be required to tidy up the document before it is formally presented to council – it is proposed member R Tautari and J Chetham have the endorsement of TTMAC to agree to minor amendments before formally presenting the draft Hapū MWR to council.


Assuming the new Council agree, the proposed next step will be to approach hapū who have taken an active interest in having a MWR with council. The thought at this stage is that the MWR is not actively advertised, but rather take the approach of signing with the known interested hapū as a pilot. It can then gauge after six months or so how things are going, and then make a decision on whether we should be actively promoting it with hapū more widely.

Ngā mahi tūtohutia/Recommended actions

1. That the report 'MTAG: Update on Mana Whakahono a Rohe' by Ben Lee, Strategic Policy and Planning Manager and dated 16 August 2019, be received.
2. That the Māori Technical Advisory Group assist council staff with the karakia, whakatauaki, mihi and translation of headings in the draft Hapū Mana Whakahono a Rohe.
3. That R Tautari and J Chetham work with council staff to make any minor amendments to the draft Hapū Mana Whakahono a Rohe prior to its formal presentation to council
4. That the draft Hapū Mana Whakahono a Rohe, including additions made the Māori Technical Advisory Group and minor amendments agreed by R Tautari and J Chetham, be endorsed by Te Taitokerau Māori and Council Working Party, with a recommendation that council adopt the multiparty agreement as the basis for which to enter into Mana Whakahono a Rohe with hapū.
5. That Te Taitokerau Māori and Council Working Party endorse the approach of initially working with hapū that have indicated an interest in signing a Hapū Mana Whakahono a

Rohe with council, with a review in four to six months on whether there should be a more active roll out.

Ngā tapirihanga/Attachments

Attachment 1: Mana Whakahono a Rohe - Hapu template - 21 August 2019 [↓](#) 

Authorised by Group Manager

Name: Ben Lee

Title: Acting Group Manager - Strategy, Governance and Engagement

Date: 3 September 2019

Hapū Mana Whakahono ā Rohe

Guide to this document

- The original wording is what was informally agreed by Council as a starting point for discussions.
- The tracked changes (underlining and ~~strike through~~) are the changes proposed by TTMAC.
- The **green** tracked changes are further changes recommended by staff.
- Very minor changes or structural changes haven't been shown as tracked changes.
- Staff recommend council adopt the changes proposed (unless otherwise stated).

Definitions

"The hapū" – means an individual hapū signatory

1. Karakia

<Add text>

2. Whakataauaki

<Add text>

3. Mihi

<Add text>

4. <Add translation> | Agreement foundations

▪ 4.1 Te Tiriti o Waitangi

Te Taitokerau hapū are extremely passionate about their heritage and give regard to Te Tiriti o Waitangi as the founding document of this country. It recognises a partnership between Māori and the Crown, and for Māori, further cements the intent of He Whakaputanga o Te Rangatiratanga o Nū Tīreni (1835 Declaration of Independence).

He Whakaputanga o Te Rangatiratanga o Nū Tīreni (Declaration of Independence) and Te Tiriti o Waitangi provide the foundation doctrines of authority and partnership that are being sought by hapū in Government, including Local Government.

4.2 Te Pae Tawhiti | Vision

“He waka hourua, eke noa” - “A re-~~adzed~~ double hulled ~~voyaging~~ canoe ~~upon which everyone may~~ embarking on a voyage ~~with~~ of unity”

This whakatauki is a metaphor that represents:

- Partnership.
- A challenging journey requiring determination and collaboration.
- The application of Te Ao Māori in our journey e.g. the wairua dimension.
- Understanding, caring for and adapting to our natural environment.
- Self-reliance and a sustainable economy.

4.3 Kaupapa | Context

Te Mana Whakahono ā Rohe is a binding statutory arrangement that provides for a structured relationship under the Resource Management Act 1991 (RMA) between tangata whenua and councils.

The intent of Te Mana Whakahono ā Rohe is to improve working relationships between Tangata Whenua and Councils, and to enhance Māori participation in RMA decision-making processes, acknowledging that statutorily RMA decision making resides with councils.

Te Mana Whakahono ā Rohe does not replace the legal requirements for Te Mana Whakahono ā Rohe between the Northland Regional Council and Iwi authorities.

Te Mana Whakahono ā Rohe cannot limit any statutory requirements set out in Māori settlement legislation or any other legislation that provides a role for Māori in processes under the RMA (e.g., particular rights recognised under the Marine and Coastal Area Act 2011).

4.4 <Add translation> | Parties

Te Mana Whakahono ā Rohe is between the Northland Regional Council the following hapū:

- ~~signatory x~~, date of signing: <add date> - refer Schedule 1 for the statement by <add hapū>
- ~~signatory y~~, date of signing: <add date> - refer Schedule 2 for the statement by <add hapū>

4.5 <Add translation> | Relationship statement – Northland Regional Council

<Add text>

~~4.6 <Add translation> | Relationship statement – hapū Hapū statement~~

~~This section is where each hapū can make their own statements. This could include:~~

- ~~• their view of the relationship with council,~~
- ~~• the reasons for entering the agreement,~~
- ~~• any caveats to entering the agreement, or~~

- ~~references to existing agreements with council (e.g. an MOU) and an explanation of the existing agreement relates to the manawhakahono ā rohe.~~

▪ 4.7 Relationship principles

These are the principles that have guided the development of Te Mana Whakahono ā Rohe and will continue to guide the relationship between the Northland Regional Council and the signatories:

- working together in good faith and in a spirit of co-operation
- communicating with each other in an open, transparent, and honest manner
- recognising and acknowledging the benefit of working together by sharing each other's respective vision, aspirations and expertise
- the Treaty of Waitangi Principles¹

5. <Add translation> | Agreement

The Northland Regional Council and the hapū agree:

- to meet all the obligations and commitments made in Te Mana Whakahono ā Rohe.
- cover their own costs to meet the obligations and commitments (unless otherwise stated).

Any obligation or commitment in a particular circumstance may be varied with the agreement of the Northland Regional Council and the relevant hapū.

6. <Add translation> | Regional plan and regional policy statement - processes and participation

Regional plans and regional policy statements are the primary regulatory tools in the Northland Regional Council's tool box for managing the use of natural and physical resources in Northland ~~and include objectives, policies and methods relevant to tangata whenua.~~

Regional policy statements provide an overview of the significant resource management issues of the region and objectives, policies and methods to achieve integrated management of the natural and physical resources of the region. It includes direction on tangata whenua participation in decision making plan development, consents and monitoring.

~~The~~ Regional Plans ~~includes~~ objectives, policies and rules for the following matters:

- Soil conservation
- Water quality and quantity
- Aquatic ecosystems

¹ Refer Waitangi Tribunal principle of the Treaty - <https://www.waitangitribunal.govt.nz/treaty-of-waitangi/principles-of-the-treaty/>

- Biodiversity
- Natural hazards
- Discharge of contaminants
- Allocation of natural resources

- **Assessing impact on tangata whenua values.**

▪ 6.1 <Add translation> | **Hapū Environmental Management Plans (HEMPs)**

6.1.1 <Add translation> | Background

Hapū Environmental Management Plans (HEMPs) may include:

- Whakapapa (genealogy) and rohe (area of interest)
- environmental, cultural, economic and spiritual aspirations and values
- areas of cultural and historical significance
- outline how the hapū expects to be involved in the management, development and protection of resources
- expectations for engagement and participation in RMA processes.

The RMA requires HEMPs to be taken into account when preparing or changing regional policy statements and regional and district plans - provided they have been recognised by an iwi authority and lodged with the council. They can also provide important guidance in the assessment of resource consent applications and other council functions.

6.1.2 <Add translation> | The agreement

The Northland Regional Council will:

- Provide a contestable fund of at least \$20,000 per year as a fund to assist Tangata Whenua to develop or review their **hapū** environmental management plans ².
- Set criteria for applications to the fund.
- **If the hapū has lodged a HEMP with the Northland Regional Council:**
 - When preparing a plan change³, the Northland Regional Council will provide the hapū with a written assessment of how the HEMP was taken into account in a draft plan change, and will provide at least 20 working days for the hapū to provide written comment back to the Northland Regional Council on the assessment and the draft plan change.
 - Record in the Section 32 report for all plan changes how relevant HEMPs have been taken into account when preparing or changing a policy statement or plan (as

² The funding is not limited to signatory hapū. It is a contestable fund open to tangata whenua of Taitokerau.

³ **"Plan change" includes variations, changes to the regional plan or regional policy statement, and a new regional plan or regional policy statement.**

required by sections 61 and 66, RMA), and will report on any comments made by the hapū on the draft plan change in relation to the HEMP.

- The Northland Regional Council will, in all resource consent decision documents for activities within the rohe of the hapū, record the HEMP and will provide a summary of how the HEMP was considered.

The hapū will:

- If applying to the contestable fund, demonstrate how the application meets the criteria.
- Provide the Northland Regional Council with a copy of any draft HEMP the hapū develops **(and intends to lodge with the Northland Regional Council)** and allow the Northland Regional Council at least 20 working days to provide comment.
- Provide the Northland Regional Council with an electronic copy of any HEMP they produce **and want to be taken into account in resource management decisions.**
- **Provide evidence of endorsement from the hapū of any HEMP they provide to the Northland Regional Council.**
- ~~Provide evidence that the relevant iwi authority recognises the EMP.~~
- Agree to the Northland Regional Council recording on its website an electronic copy of **any** ~~their~~ HEMP **provided to the Northland Regional Council** and a map showing the geographic extent of the HEMP.

6.2 <Add translation> | Identifying sites or areas of significance (SOS)

6.2.2 <Add translation> | Background

The Regional Plan includes:

- (a) a set of rules and policies for the protection of SOS.
- (b) criteria a SOS must meet to be considered and/or included in the Regional Plan.
- (c) maps of SOS.

The Regional Plan can only include SOS in freshwater or the coastal marine area. SOS on land are covered in district plans.

There are currently only a few SOS recorded in the Regional Plan. Hapū may want to add additional SOS to the Regional Plan to get the benefit of protection from the rules and policies.

The only way a SOS can be added to the Regional Plan is by a plan change. A plan change is a process set out in the RMA which requires notification, ability for people to make submissions and hearings.

6.2.3 <Add translation> | The agreement

The Northland Regional Council will:

- Provide the hapū with advice on the preparation of the processes and documentation required to meet the **SOS** criteria in the Regional Plan.

- Provide GIS assistance to the hapū to map their SOS (noting that staff resources may be limited at times through availability).
- Include any SOS provided by the hapū to the Northland Regional Council, which meets the Regional Plan criteria (as determined by the Northland Regional Council) and has the necessary supporting documentation, in the next relevant plan change to the Regional Plan as determined by the Northland Regional Council.

The hapū will:

- Give at least 40 working days notice of any request by the hapū for GIS assistance to map SOS. This will allow time for the Northland Regional Council to plan the work around other commitments.
- Ensure that any SOS provided to the council for inclusion in the Regional Plan includes:
 - Documentation to demonstrate how the SOS meets the criteria in the Regional Plan (Policy D.1.5)
 - A map of the SOS
 - A worksheet for the SOS consistent with the worksheet used for existing SOS in the Regional Plan.
- Provide the Northland Regional Council a minimum of 20 working days for the opportunity to comment on the draft documentation supporting a SOS before it is formally lodged with the Northland Regional Council.
- When submitting a proposed SOS to be included in the Regional Plan, provide at least one contact who will be available to talk with people who may be impacted by the SOS.
- Put forward an expert on the SOS who will be available to provide advice (at no cost to the Northland Regional Council) on the SOS e.g. at a hearing or preparing evidence for the Environment Court.

6.3 <Add translation> | Policy statement and plan-change prioritisation

6.3.2 <Add translation> | Background

The Northland Regional Council prioritises the preparation or change of a policy statement or plan based on many factors including environmental risks, national requirements ~~and~~ available resourcing. ~~Another factor is~~ and the priorities expressed by the community and tangata whenua.

6.3.3 <Add translation> | The agreement

The Northland Regional Council will:

- Provide an opportunity to hapū to share their views with the Northland Regional Council on their priorities for changes to the Regional Plan or Regional Policy Statement. This opportunity will be provided every three years prior to the notification of the draft Long Term Plan for submissions. (The Long Term Plan sets out the Northland Regional Councils services, activities and finances. It is updated every three years).

- Upon request of the hapū, provide a written statement summarising how changes to the Regional Plan or Regional Policy Statement set out in the Long Term Plan were determined.

The hapū will:

- If providing the Northland Regional Council with their views on priorities for changes to the Regional Plan or Regional Policy Statement, set out:
 - An explanation of why the hapū consider the changes are a priority.
 - Provide suggested wording changes to the Regional Plan or Regional Policy Statement (even if just in general terms) that are consistent with the form and structure of the Regional Plan or Regional Policy Statement.

~~e— Evidence of endorsement from the hapū.~~

6.4 Consultation when preparing or change of a proposed policy statement or plan

6.4.2 <Add translation> | Background

There are many benefits to consultation with Tangata Whenua including:

- identifying resource management issues of relevance
- identifying ways to achieve Tangata Whenua objectives in RMA plans
- providing for their relationship with their culture and traditions with ancestral lands, water, sites, wāhi tapu, and other taonga as set out in s6(e) of the RMA
- ensuring all actual and potential environmental effects are identified
- providing Tangata Whenua with active involvement in the exercise of kaitiakitanga

The Treaty of Waitangi provides for the exercise of Kawanatanga, while actively protecting Tino Rangatiratanga of Tangata Whenua in respect of their natural, physical and spiritual resources. When acting under the RMA councils and Tangata Whenua must take into account the principles of the Treaty of Waitangi (s8). Similar obligations are imposed on councils under the Local Government Act 2002 (LGA).

Statutory obligations and case law developed under the RMA have helped to translate how the obligations under the Treaty of Waitangi are to be given effect to in practice. Consultation, or the need to consult, arises from the principle of partnership in the Treaty of Waitangi - this requires the partners to act reasonably and to make informed decisions.

6.4.3 <Add translation> | The agreement

For every regional plan or regional policy statement change or preparation, the Northland Regional Council will:

- Ask hapū for their views on how consultation with Tangata Whenua should be carried out. This will occur prior to the first time the Northland Regional Council carries out any public consultation (e.g. release of an issues and options paper or draft plan change) and ideally during the project planning for the change or preparation.

- Prepare a Tangata Whenua consultation plan which sets out how the Northland Regional Council will consult with tangata whenua (either stand alone or part of a wider consultation or engagement plan).
- Provide a copy of the draft Tangata Whenua consultation plan to hapū and provide 20 working days for the hapū to make any comments.
- Provide a copy of the final tangata whenua consultation plan to hapū ~~upon request~~.

The hapū will:

- Provide any comments on the draft Tangata Whenua consultation plan to the Northland Regional Council no later than **20 working 10** days after receipt.

6.5 Regional plan and policy statement hearing panel

6.5.2 <Add translation> | Background

The role of the hearing panel is to make recommendations to council on what changes should be made to the proposed wording of a change to a regional plan or regional policy statement.

In most instances, the hearing panel will include hearings commissioners, who are people with specialist expertise (e.g. water quality, planning and /or Te Ao Māori and Tikanga Māori).

6.5.3 <Add translation> | The agreement

The Northland Regional Council will:

- Maintain a set of criteria to be used **when** appointing **ing** an independent Māori commissioner (e.g. a commissioner with an understanding of Te Ao Māori/ Māori concepts and values associated with natural and physical resources, knowledge of tikanga Māori and a process for identifying conflict of interests).
- When preparing or reviewing the criteria to be used **to when** appointing **ing** a Māori commissioner, invite the hapū to provide their views on the criteria.
- If the Northland Regional Council chooses to appoint a Māori commissioner:
 - The hapū will be invited to nominate one candidate.
 - The Northland Regional Council will assess all the candidates (including those nominated by the hapū) against the criteria.
 - The Northland Regional Council will inform the hapū of the selection of the successful candidate.
- **If the Northland Regional Council intends to not appoint a Māori commissioner, then the Northland Regional Council will communicate this to the hapū including the reasons why a Māori commissioner is not intended to be appointed.**

The hapū will:

- ~~If requesting that a Māori commissioner be appointed, outline the reasons why.~~
- If nominating a candidate for a Māori values commissioner, include an assessment of the candidate against the criteria.

6.6 Regional plan and policy statement hearings

6.6.2 <Add translation> | Background

The RMA provides a lot of flexibility for the running of hearings for regional plans and regional policy statements. This includes where hearings are held and the process for running the hearing.

The RMA requires that when a hearing is held, tikanga Māori must be recognised where appropriate, and evidence can be written or spoken in Māori⁴.

It is common practice for councils to hold some of the hearings on a marae.

6.6.3 <Add translation> | The agreement

The Northland Regional Council will, for any regional plan or regional policy statement hearing:

- Ask the hapū whether the hearings (or part of) should be held on a marae, and if so, which marae.
- Consider the advice from hapū when making a decision as to when and if part or all of a hearing will be heard on a marae and which marae.

The hapū will, if proposing a particular marae for a hearing:

- Outline the reasons why all or part of a hearing should be heard on the marae.
- Take into account the submitters (e.g. the number of submitters likely to attend if part of the hearing is on the marae, the geographic spread of the submitters and the costs to submitters of attending the hearing).
- Set out any particular tikanga that should be observed (e.g. because of the subject matter, people involved, or location).

7. <Add translation> | Monitoring opportunities

7.1 State of the environment and Mātauranga Māori monitoring

7.1.2 <Add translation> | Background

The Northland Regional Council monitors the state of Northland's environment. Northland Regional Council does not currently have a Mātauranga Māori-based environmental monitoring programme in place.

The use of Mātauranga Māori is a key opportunity for greater recognition of the role of hapū in the management of natural and physical resources. Opportunities for hapū to operationalise Mātauranga Māori in contemporary environmental monitoring allows them to realise a number of aspirations including fulfilling their obligations as kaitiaki and providing for the retention and transfer

⁴ Section 39.

of traditional knowledge to successive generations. When hapū are leading these discussions they can ensure that Mātauranga Māori is protected from misuse and misappropriation.

7.1.3 <Add translation> | The agreement

~~Should the Northland Regional Council decide to develop a Mātauranga Māori-based environmental monitoring framework it will provide opportunities for hapū signatories to have input into its development.~~

The Northland Regional Council will:

- **Upon request of the hapū, Hapū may request to meet with the hapū Northland Regional Council to discuss:**
 - The state of the environment monitoring (current and planned) in their rohe
 - **Any aspirations the hapū has to undertake** Undertaking state of the environment monitoring on council's behalf
 - **The potential to accompany** Accompanying council officers when they undertake state of the environment monitoring
 - **Any aspirations the hapū has for council** How council can support of **mātauranga Māori based environmental monitoring, including:**
 - Financial support
 - Input into the design of any council supported regional Mātauranga Māori based environmental monitoring framework
 - Providing information and advice to assist hapū with their mātauranga Māori based environmental monitoring
 - Providing training to hapū
 - Incorporating the results and recommendations of hapū monitoring in council's monitoring reports.
- **The meeting will include** Ensure the Northland Regional Council's Group Manager responsible for state of the environment monitoring **attends the meeting.**
- Provide a written response to the matters discussed at the meeting, no later than 30 working days after the meeting.

Note: To be clear - the Northland Regional Council is not committing to deliver on any of the monitoring matters the hapū wishes to discuss.

- Should the Northland Regional Council decide to support a regional Mātauranga Māori-based environmental monitoring framework, it will ensure the hapū have opportunities to have input into its development and implementation.

7.2 Resource consent monitoring

7.2.2 <Add translation> | Background

The Northland Regional Council must monitor compliance with resource consent conditions and their impact on the environment. There is the ability to involve hapū in resource consent monitoring including (for example) undertaking monitoring on council's behalf or accompanying council officers to monitor compliance. However, for this to happen there are issues that would need to be worked through, including capacity, health and safety requirements and legal issues of delegating authority to undertake council's monitoring functions.

7.2.3 <Add translation> | The agreement

The Northland Regional Council will:

- Upon request of the hapū, may request to meet with the hapū - Northland Regional Council to discuss the potential for people nominated by the hapū to be involved in monitoring compliance with resource consent conditions. This could include undertaking monitoring on council's behalf or accompanying council officers to monitor compliance.
- Ensure the meeting will include the Northland Regional Council's Regulatory Services Group Manager responsible for resource consent monitoring attends the meeting.
- Provide a written response to the request no later than 30 working days after the meeting.

The hapū will:

- provide a report to the Northland Regional Council at least 10 working days prior to the meeting with the Northland Regional Council, the hapū will which outlines:
 - The proposal.
 - The reasons for the proposal.
 - If the proposal includes undertaking resource consent compliance monitoring on council's behalf, it must include an outline of capability and capacity to undertake the monitoring and what the benefits would be for undertaking the monitoring (instead of council staff).

The Northland Regional Council will provide a written response to the request no later than 30 working days after the meeting.

7.3 Review of the regional plan and regional policy statement

7.3.2 <Add translation> | Background

The Northland Regional Council is required by the RMA to review the Regional Plan and the Regional Policy Statement every five years (section 35). The review assesses whether the provisions are fit for purpose and whether any changes should be made. One of the matters considered when undertaking a review are Hapū Environmental Management Plans (HEMPs).

7.3.3 <Add translation> | The agreement

The Northland Regional Council will:

- **The Northland Regional Council will** Fund an independent⁵ planner with expertise in Māori perspectives to undertake a review of the Regional Plan and Regional Policy Statement when required by the RMA. The scope of the independent planner's review will be to assess the efficiency and effectiveness of the document being reviewed to implement Tangata Whenua aspirations.
- **Invite the** hapū **will be invited** to nominate one candidate for the independent planner's role.
- **The Northland Regional Council will** Assess all the candidates **(there may a range of candidates e.g. nominated by other hapū or iwi organisations) (including those nominated by hapū).**
- **Appoint** the independent planner **will be appointed by the Northland Regional Council.**
- **The Northland Regional Council will** Inform the hapū of the selection of the successful candidate and the reasons for that decision.
- **Invite** the hapū **will be invited** to a hui to discuss the document being reviewed. The outcomes from the hui will be recorded as part of the independent planner's review.
- **Ask the** hapū **will also be asked** to provide any written comments they may have on the document being reviewed. The hapū will have up to 30 working days to provide written comments from the date of the invitation for written comments.
- The independent planners review will include an assessment of the hui outcomes, HEMPs, and any other relevant information that may inform tangata whenua perspectives of the document being reviewed (e.g. settlement legislation).
- The draft report from the independent planner will be circulated to hapū who will have 20 working days to provide comments. The independent planner will consider the comments in finalising the report.

8. Decision making and other opportunities

8.1 Delegation of functions, powers or duties

8.1.2 <Add translation> | Background

Section 34A of the RMA enables the Northland Regional Council to delegate any of its RMA functions, powers or duties (with some exceptions).

8.1.3 <Add translation> | The agreement

Northland Regional Council will:

- **Upon request, meet with** the hapū **may request to meet with the Northland Regional Council** to discuss the delegation of any of the Northland Regional Council's RMA functions, powers

⁵ Independent from the Northland Regional Council.

or duties to the hapū (in accordance with section 34A of the RMA). The meeting will include the Northland Regional Council's chief executive officer and chair.

- The Northland Regional Council will Provide a written response to the delegation request no later than 30 working days after the meeting.

The hapū will:

- Prior to the meeting with the Northland Regional Council, provide a report which outlines:
 - The proposed function, power or duty to be delegated and any conditions of the delegation
 - The costs and benefits of exercising the proposed delegation compared to the Northland Regional Council exercising the functions, powers or duty
 - The capability and capacity of the hapū to exercise the delegation

8.2 Resource consent hearing panels

8.2.2 <Add translation> | Background

The Northland Regional Council regularly delegates decision making on notified resource consent applications to a hearing panel. In most instances, the hearing panel will include hearings commissioners, who are people with specialist expertise (e.g. water quality, planning and /or tikanga Māori).

8.2.3 <Add translation> | The agreement

The Northland Regional Council will:

- Maintain a list of preferred independent Māori commissioners⁶.
- Consider a nomination from the hapū to be added to the list of preferred independent Māori commissioners.
- Provide a written decision on whether the nominee will be added to the list of preferred independent Māori commissioners **within 40 working days of receiving the nomination**. If the decision is to decline the nomination, the written decision will outline the reasons why.
- Decide whether a Māori commissioner is appointed to the hearing panel for notified resource consent application. If a Māori commissioner is to be appointed, it will be from the list, unless there is good reason not to (e.g. due to unavailability or potential conflict of interest).
- If requested by the hapū, provide a written response **within 20 working days of receiving the request** outlining the reasons for its decision, **for a notified resource consent application**, to:
 - Include a Māori commissioner on the hearing panel.

⁶Commissioners with an understanding of Te Ao Māori/ Māori concepts and values associated with natural and physical resources, knowledge of tikanga Māori and a process for identifying conflict of interests

- Select a particular Māori commissioner.

The hapū will:

- If it wishes, nominate a Māori commissioner to be appointed to the list. The person nominated must, as a minimum, have a current Ministry for the Environment hearing commissioner's accreditation.
- As part of the nomination, provide a written report outlining why the person is nominated and what skills and/or expertise they have.

8.3 Resource consent application processing

8.3.1 <Add translation> | Background

The Northland Regional Council has the responsibility to process and make decisions on resource consent applications. Hapū can be involved in various ways including engagement with applicants prior to applications being lodged, receiving copies of resource consent applications within their rohe, or being an 'affected party' and making submissions on notified consents.

8.3.2 <Add translation> | The agreement

Circulation of resource consent applications

The Northland Regional Council will:

- Encourage resource consent applicants to talk with hapū if the application is within the rohe of the hapū.
- Provide a copy of all resource consent applications within the rohe of the hapū after the application has been formally received.
- Provide hapū 12 working days to respond to the Northland Regional Council from the date the Northland Regional Council sent the copy of the resource consent application.
- If the hapū responds, the Northland Regional Council will talk with the hapū representative (phone or meeting, followed by email) to get a better understanding of the hapū concerns or to let the hapū know what the Northland Regional Council's response is to the concerns raised (with an explanation). This is to occur prior to a formal request for further information from the resource consent applicant, or before the decision on the resource consent application if no formal request for further information is made.

The hapū will include in any response to the Northland Regional Council circulation of a resource consent application:

- A brief description of the cultural values of concern and the effects of the proposal on them.
- A hapū representative and their contact details with whom the Northland Regional Council can discuss the resource consent application with.

Fund for assisting hapū with their participation in significant resource consent applications

The Northland Regional Council will:

- Maintain a fund of \$20,000 per year⁷ to assist hapū with funding their participation in significant resource consent applications (e.g. notified applications)⁸.
- Set the criteria for the fund, including that it can only be used for providing evidence of cultural impacts and it cannot be used to support an appeal against a council resource consent decision.
- Make the decision on whether to fund a hapū application.

The hapū will:

- When applying to the fund, demonstrate how the application meets the criteria.

8.4 Training

8.4.2 <Add translation> | Background

An important way to increase the capability of hapū to participate in resource management is to provide training. The number of Māori RMA technicians that have had any formal training is limited, and they are often expected to provide expert advice on a variety of complex planning and technical issues across a range of specialist areas.

The aim of the hearing commissioner's accreditation course is to provide participants with the skills and knowledge to guide them through the ethical, legal and practical requirements of decision making under RMA. Participants may not necessarily aspire to be hearing commissioners – the course provides a good overview of the RMA and how decisions are made.

8.4.3 <Add translation> | The agreement

Resource Management Act training

The Northland Regional Council will:

- Host a minimum of two and a maximum of four hui or wananga a year to provide training to hapū about the RMA and RMA processes.
- Provide up to \$500 to support hosting each hui or wananga and make available staff to give presentations.
- Ask the hapū their views on venue, dates and the details of the hui or wananga.
- ~~At the request of the hapū, provide staff resources to give presentations and/or hold wananga with the hapū on the RMA and RMA processes (limited to one hui or wananga every two years)~~
- ~~Provide up to \$500 to support the hapū hosting the hui or wananga (limited to one hui or wananga every two years)~~

⁷ This is in addition to the fund supporting the review and preparation of HEMPs

⁸ The funding is not limited to signatory hapū. It is a contestable fund open to tangata whenua of Taitokerau.

Hearing commissioner accreditation

The Northland Regional Council will:

- Maintain a contestable fund to cover the course costs⁹ of three (3) Tangata Whenua per year to attend a Ministry for the Environment's "Making Good Decisions" course (the courses to achieve certification to be a commissioner under the RMA)¹⁰.
- Set criteria for the fund which will include eligibility and accountability criteria (e.g. must attend the full course and demonstrate capability to pass the course).
- Refuse to fund any nominee if they do not adequately meet the criteria as determined by the Northland Regional Council ~~it is considered that there would not be an overall benefit of the nominee attending the course or they are judged not to have the capability to pass the course.~~
- Upon request, discuss how the Northland Regional Council may be able to provide successful candidates assistance or support in their preparation for the course.

The hapū will:

- Include the reasons why the person wants to do the course and demonstrate that they have the capability to pass the course in a nomination to receive funding from the contestable fund.

Training for monitoring

Xxxx

9. Conflicts of interest

Te Mana Whakahono ā Rohe must include a process for identifying and managing conflicts of interest (S58R, RMA).

A conflict of interest is where a person's position could be used to unfairly gain benefit for another interest.

Any council staff making a decision relating to the implementation of Te Mana Whakahono ā Rohe will abide by council policies for managing conflicts of interest.

Any councillor making a decision relating to the implementation of Te Mana Whakahono ā Rohe will abide by the council's Code of Conduct.

The risk of conflicts of interest arising for the hapū implementing Te Mana Whakahono ā Rohe is considered very low. The Northland Regional Council is the decision maker for actions where there may otherwise be such a risk (such as allocation of funding). However, if the Northland Regional Council is of the view that there is an undue risk of a person representing the hapū or a person receiving any benefit arising from the implementation of Te Mana Whakahono ā Rohe having a

⁹ \$2,148 excl gst per person as at January 2019.

¹⁰ The funding is not limited to signatory hapū. It is a contestable fund open to tangata whenua of Taitokerau.

conflict of interest, the Northland Regional Council may ask for evidence of endorsement from the hapū of the person. The Northland Regional Council may withhold from implementing the relevant action until the Northland Regional Council is satisfied with the evidence of the endorsement.

1. A conflict of interest does not arise for a person representing the hapū or receiving any benefit arising from the implementation of Te Mana Whakahono ā Rohe merely because they are a member of the hapū.

2.

10. Dispute resolution

Should a dispute or disagreement arise about the implementation of Te Mana Whakahono ā Rohe, the hapū and the Northland Regional Council relevant parties will undertake to work together in good faith to resolve the dispute or disagreement in the first instance. If the dispute or disagreement cannot be resolved, the Northland Regional Council will be the final arbiter.

If the dispute cannot be resolved, the following steps will be taken:

- (a) Any dispute may be referred to mediation in which an independent mediator will facilitate a negotiation between the hapū and the Northland Regional Council between the Parties. Mediation may be initiated by either party by notice in writing to the other party and must identify the dispute which is proposed for mediation.
- (b) Upon receiving notice of the mediation, the other party will set out their position in relation to the dispute or disagreement in writing no later than 20 working days after receiving the notice.
- (c) A suitable representative from the hapū and the Northland Regional Council with authority to resolve the dispute must attend the mediation.
- (d) The mediation is to occur between 40 and 60 working days after the notice of mediation is received.
- (e) The parties will agree on a suitable person to act as a mediator, or alternatively will request the Arbitrators and Mediators Institute of New Zealand Inc to appoint a mediator.
- (f) If the dispute is not resolved by mediation, then it shall remain unresolved, and neither party is obliged to carry out any action relating to the dispute.
- (g) Each party to pay for their own costs for the mediation, except the Northland Regional Council will pay for the mediator.

11. Review

Regular reviews of Te Mana Whakahono ā Rohe will ensure it works effectively and remains fit for purpose. The RMA requires a review every six years from the signing of Te Mana Whakahono ā Rohe as a default (section 58T).

11.1.2 Agreed review process

- (a) The first review will start no later than in the six ~~three~~ months following the ~~five~~ ~~four~~-year anniversary of the first hapū signing Te Mana Whakahono ā Rohe (hereon referred to as the review start date).

- (b) ~~The Northland Regional Council will undertake a~~ the review ~~which~~ will include (but is not limited to)
- An analysis of the extent the obligations and commitments of have been met.
 - An assessment of whether the obligations and commitments are still effective and remain fit for purpose.
 - A recommendation on what changes (if any) should be made to Te Mana Whakahono ā Rohe. This may include the termination of Te Mana Whakahono ā Rohe either in its entirety or with individual hapū.
- (c) The Northland Regional Council will ~~undertake its own review of Te Mana Whakahono ā Rohe and~~ provide a written copy of its ~~review analysis~~ to the hapū. This must be provided to the hapū no later than ~~60~~ 40 working days after the review start date.
- (d) The hapū will undertake their own review and provide a written copy of it no later than ~~80~~ 100 working days after the review start date.
- (e) The Northland Regional Council will organise a hui at a geographically central marae to discuss ~~the reviews~~ the assessments of all the parties:
- i) The hui will be held between ~~no later than 140~~ 90 and 120 working days ~~after of~~ the review start date. The hui will be facilitated by an independent facilitator¹¹.
 - ii) ~~The hui will be with all the hapū.~~
 - iii) The Northland Regional Council will appoint the facilitator and will aim to appoint someone with experience in tikanga, Māori perspectives and the RMA.
 - iv) The Northland Regional Council will cover the costs of ~~hosting~~ the hui ~~(but not the costs of the hapū attendance)~~ and the independent facilitator.
 - v) The chief executive officer and the chair of the Northland Regional Council will attend the hui.
 - vi) The equivalent of the chief executive officer and/or chair of each hapū will attend the hui.
 - vii) A key objective of the hui will be to ~~get a clear understanding of the respective views of the parties, including matters of agreement and disagreement.~~ seek agreement on the changes (if any) that should be made to Te Mana Whakahono ā Rohe.
 - viii) At the end of the hui, the ~~outcomes matters of agreement and any disagreement~~ will be recorded and each party will confirm that it is an accurate record.
- (f) ~~The record of the outcomes matters of agreement and any disagreement~~ will be reported to the Northland Regional Council at a full council meeting ~~and the governance body for the hapū.~~ Direction from council will also be sought on the next steps, with the objective of reaching agreement between the Northland Regional Council and the hapū - but recognising

¹¹ The facilitator is a dispute resolution practitioner who helps the parties reach their own resolution in mediation, but does not decide the outcome. The facilitator must be impartial and independent, fairly and objectively listen to the areas of disagreement and help the parties to identify common ground and areas where agreement can be reached.

that this may not be possible. The Northland Regional Council will decide what changes (if any) should be made to the Mana Whakahono a Rohe.

12. Amendments

Te Mana Whakahono ā Rohe may be amended at any time with the agreement (in writing) of the hapū and the Northland Regional Council.

13. Termination

Te Mana Whakahono ā Rohe shall conclude six years from the date of signing, unless otherwise agreed by the hapū and the Northland Regional Council.

Schedule 1 – Statement of <Add hapū name>

This section is where each hapū can make their own statements. This could include:

- *their view of the relationship with council,*
- *the reasons for entering the agreement,*
- *any caveats to entering the agreement, or*
- *references to existing agreements with council (e.g. an MOU) and an explanation of the existing agreement relates to the manawhakahono a rohe.*
- *map of rohe hapū*

Schedule 2 – Statement of <Add hapū name>

This section is where each hapū can make their own statements. This could include:

- *their view of the relationship with council,*
- *the reasons for entering the agreement,*
- *any caveats to entering the agreement, or*
- *references to existing agreements with council (e.g. an MOU) and an explanation of the existing agreement relates to the manawhakahono a rohe.*
- *map of rohe hapū*

TITLE: TTMAC review and membership

ID: A1233554

From: Auriole Ruka, Kaiwhakahaere Hononga Māori – Māori Relationships Manager

Whakarāpopototanga/Executive summary

The purpose of this paper is to:

- consider the process of appointing and reconfirming membership to TTMAC, and
- to provide an update on the presentation to council of TTMAC's recommendations from their review of the past triennium, as part of the wider council governance review.

Ngā mahi tūtohutia/Recommended actions

1. That the report 'TTMAC review and membership' by Auriole Ruka, Kaiwhakahaere Hononga Māori – Māori Relationships Manager and dated 28 August 2019, be received.
2. That Te Taitokerau Māori and Council Working Party provide advice on the composition of its membership, including but not limited to, appointment, reconfirmation, and how hapū and iwi are mandated, which can then be provided to the incoming council for their consideration.
3. That Te Taitokerau Māori and Council Working Party provide any further feedback that may help inform the incoming council, including but not limited to the Terms of Reference and other aspects of the working party.

Tuhinga/Background

Membership

At TTMAC's 11 July 2019 meeting, working party members asked that an item be added to the next agenda about the composition of membership and whether it was fit for purpose to achieve enduring relationships between tāngata whenua and council, including but not limited to:

- the process for appointment of new members
- how existing member appointments are reconfirmed
- a strategic approach to representation and how hapū and iwi are mandated.

Any advice and guidance will be added to that given to the incoming council. To inform the discussion, TTMAC's current Terms of Reference and a map indicating hapū and iwi representation are **attached**.

Update on TTMAC review

At TTMAC's 11 July meeting, members endorsed the recommendations in MTAG's report "A term in review: Te Taitokerau Māori and Council Working Party 2016/2019". Those recommendations then formed the basis of a staff presentation to the 13 August council workshop. The workshop was to discuss the council's wider governance review, which will assist and inform the incoming council in setting up their governance structure.

The recommendations made to the council workshop are produced below. The one point on which staff advice varied from the spirit of TTMAC's recommendations was that the non-elected members workshop session be shorter (highlighted below).

Participation of Māori in council decision-making - Recommendations

- *That council retain Te Taitokerau Māori and Council Working Party*
- *That council retain the Te Taitokerau Māori and Council Working Party as a working party to provide for a Co-Chair arrangement.*

Non-elected members workshop session – Recommendations

- *That the non-elected members workshop session be retained with the following changes:*
 - *The workshop session be shortened*
 - *Ensure, through the Terms of Reference (TOR), that during the formal meeting, the non-elected members provide the background and discussion pertaining to the perspectives and positions taken on particular subjects.*

Regional marae based hui – Recommendations

- *A change to a six (regional marae based) hui calendar (April, May, July, August, October and November) and reduction to quarterly formal TTMAC meetings*
- *That all non-elected members are able to attend the regional hui and remunerated to attend*
- *That a process is developed and agreed to streamline and reflect a more regional approach to the hui.*

Operational improvements – Recommendations

- *That TTMAC formal meeting calendar change to quarterly (formal) meetings (March, June, September and December)*
- *That council undertake a review of the membership and nomination process section of the TOR:*
 - *Review the criteria for membership and strengthen the mandating and validation process;*
 - *Implement a structure incorporating an equitable regional representation model;*
 - *A process to reconfirm membership, and their mandate, to represent iwi or hapū.*
- *That full council participate in formal quarterly Te Taitokerau Māori and Council Working Party meetings*
- *That a review of TOR include provision for an annual planning workshop conducted at the start of each year to determine a priority work programme.*

Māori Technical Advisory Group – Recommendations


- *That the Māori Technical Advisory Group (MTAG) be retained*
- *That staff are able to manage the number of meetings within the allocated budget without having to bring a paper to a formal meeting of council*
- *That the fee for attendance at MTAG meetings be raised to \$200pp.*

TTMAC representation on other working parties – Recommendations

- *That council retains the ability for TTMAC to be represented on its other working parties as an efficient and effective mechanism to provide for a Māori perspective to be provided within council processes*
- *That the TOR for TTMAC include the process for selection, attendance obligations and reporting requirements back to the formal TTMAC meeting.*

Ngā tapirihanga/Attachments

Attachment 1: Te Taitokerau Maori and Council Working Party Terms of Reference 2016 - 2019 [↓](#) 

Attachment 2: Map of Tai Tokerau [↓](#) 

Authorised by Group Manager

Name: Ben Lee

Title: Acting Group Manager - Strategy, Governance and Engagement

Date: 3 September 2019

Ngā Kupu Pānga | Terms of Reference

Te Taitokerau Māori-Kaunihera Rōpū Mahi Tahi | Te Taitokerau Māori and Council Working Party



Date: 1/09/2017
Author: Rachel Ropiha

Created: 19/07/2017
Document ID: A967298

Modified : 18/10/2018

Terms of Reference
Te Taitokerau Māori and Council
Working Party

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1. Kupu whakataki | Background

There are specific legislative obligations for Local Government to:

- Take appropriate account of the principles of the Treaty of Waitangi and;
- To maintain and improve opportunities for Māori to contribute to local government decision making processes.

Recognising this, in the 2016 – 2019 triennium, council sought to establish a formal working party of council as one means to achieve this.

This Terms of Reference recognises that this agreement is not intended to be a legally binding document, but rather a document that encourages and supports a long-term relationship between Northland Regional Council and Māori of Taitokerau.

It also recognises that although two distinct partners, each bringing their own particular perspective to the table, that Māori and council may share some common aspirations in regards to the environmental, social, cultural and economic future of our shared region.

This agreement also appreciates that it will be through goodwill and cooperation that trust will develop and therefore a relationship based on mutual respect.

2. Ngā rōpū | The Parties

This agreement is between Māori of Taitokerau and Northland Regional Council.

Taitokerau Māori

Northland Māori are extremely passionate about their heritage and give regard to Te Tiriti o Waitangi as the founding document of this country and recognises a partnership between Māori and the Crown, for Māori, further cementing the intent of He Whakaputanga o Te Rangatiratanga o Nū Tīreni (1835 Declaration of Independence).

The statement of intent in regards to these for Māori is:

He Whakaputanga o Te Rangatiratanga o Nū Tīreni (Declaration of Independence) and Te Tiriti o Waitangi provide the foundation doctrines of authority and partnership that are being sought by hapū in Government, including Local Government.

Northland Regional Council

The Northland Regional Council (council) is the regional authority with responsibilities defined in the Local Government Act 2002, which provide for its obligations to Māori under the Treaty of Waitangi.

3. Te Kaupapa | Mission Statement

He tumu herenga waka | The anchorage of canoes

This whakatauki is a metaphor that represents a:

- Forum that emphasises and advocates the Māori world view
- Means by which to integrate the Māori perspective into processes and policy
- Stable platform for whānau, hapū and iwi to connect and communicate with
- Safe haven for open and forthright discussion

- Provides strong leadership in consultation with Māori communities.

4. Te Pae Tawhiti | Vision Statement

He waka hourua, eke noa | A re-adzed voyaging canoe upon which everyone may embark

This whakatauki is a metaphor that represents:

- Partnership
- A challenging journey requiring determination and collaboration
- The application of Te Ao Māori in our journey eg. the wairua dimension
- Understanding, caring for and adapting to our natural environment
- Self-reliance and a sustainable economy.

5. Vision, mission and areas of focus (Long Term Plan 2018-28)

Our Northland – together we thrive. Working together to create a healthy environment, strong economy and resilient communities.

This working party will contribute directly to the following areas of focus:

- Continuous improvement in water quality and security of supply
- Enhancement of indigenous biodiversity and biosecurity
- Enduring relationships with tangata whenua.

6. Ngā tikanga | Values

The following engagement principles will guide the committee in the pursuit of its purpose:

- He kanohi Māori – Application of the Māori World View.
- Mahi tahi – Increased collaboration.
- Me whakatau mā roto i te kōrero – a willingness to talk things through.
- Kaitiakitanga – Dedicated stewardship.
- Ngākau pono - Being true to the cause.

7. Ngā whainga | Purpose

To advance a model of Māori engagement that supports environmental and economic priorities across the region:

- Monitor and advise on council's compliance to its obligations to Māori under the Local Government Act 2002 and the Resource Management Act 1991 (assurance and compliance function)
- Provide advice to council on topics referred to it by council
- To develop pathways (and processes) that will achieve lasting and meaningful relationships between Māori and council
- To ensure the views of Māori are taken into account in the exercise of council functions.

Te Taitokerau Māori and Council Working Party members can provide advice based only on information presented. Council acknowledges that iwi and hapū representative members' advice does not usurp the mana of iwi and hapū of Taitokerau to make decisions and representations to council on issues of importance to them.

8. Ngā tāngata | Membership

The working party will comprise up to 30 members in total consisting of:

- Five elected members, and
- Twenty five non-elected members from Taitokerau Māori.

The twenty four non-elected members, as a priority, are to be made up from:

- One member from each of the 9 Mandated Iwi Authorities¹,
- One member from each of the hapū Treaty settlement entities², and
- One member from each of the following Taitokerau tangata whenua groupings*:

Ngāti Hine,	Te Whakapiko,
Ngāti Manu	Te Waiariki, Ngāti Kororā, Ngāti Takapari
Hokianga O Ngā Hapū	Ngāti Kuta, Patukeha
Ngāti Rēhia	
Te Parawhau	Te Hiku o Te Ika Marae

**(These tangata whenua groupings have shown a commitment to the kaupapa from the initial conception of the working party and represent a broad cross section of Northland Māori and will remain in place.)*

It is to be noted that these terms of reference, as they pertain to membership, are subject to change as the working party evolves.

Nominations received from iwi or hapū not currently represented on the working party will be presented to council for ratification following consultation with the working party co-chairs. Such nominations must be accompanied with documentation, to the satisfaction of the co-chairs, that the nominee has formally been mandated by iwi or hapū to represent them on the working party.

The following procedure will be followed once working party membership reaches 30 and a nomination is received from iwi or hapū not currently represented on the working party:

1. Priority will be provided for one member from each group as indicated above.
2. The working party will seek to achieve as wide and even representation as possible.
3. Those groups with two representatives on the working party will need to reduce their representation to one.
4. Once full representation is achieved from all priority groups listed above, then new membership is only available by attrition.

Tangata whenua can provide an alternate nomination to act on behalf of absent members.

¹ Ngāti Kuri Trust Board, Te Rūnanga Nui o Te Aupōuri, Te Rūnanga o Ngāi Takoto, Te Rūnanga-a-Iwi O Ngāti Kahu, Te Rūnanga o Te Rarawa, Te Rūnanga O Whaingaroa, Te Rūnanga A Iwi O Ngāpuhi, Ngātiwai Trust Board and Te Rūnanga o Ngāti Whātua.

² Te Uri o Hau, and Ngāti Manuhiri Settlement Trusts.

9. Hurahia me whakapi | Removal and replacement of members

Each respective entity (as noted in section 7) will undertake its own selection and mandating process to identify representatives for the working party.

When selecting its members, entities are encouraged to consider gender equality, and the range of skills and experience required for the group to adequately perform their role.

Changes to member representation needs to be formally notified to council. As the entity already has a position on the working party, a change in personal does not require endorsement as required in section 7. For clarity, section 7 relates to new entities seeking to join the working party.

Membership of the group shall cease if a member:

- Resigns, or
- Fails to attend at least three consecutive meetings over the period of one year without tabling an apology or request for leave of absence.

A member can be removed from the working party by council, following receipt of a recommendation passed by 75% of members of the working party present and voting, under exceptional circumstances where the behaviour of the member is considered detrimental to the effective operation of the group.

If a member resigns or is removed from the group, the working party will work to fill any vacancies as soon as possible.

10. Ngā heamana | Co-chair's

Provision has been made for this working party to have a co-chair arrangement. The following process will be undertaken to fill the position of co-chairs:

Council will appointment one elected member (and proxy) as their representative to act as co-chair. The non-elected members of the working party will appoint a co-chair (and proxy), from the non-elected members. Both recommendations are to be endorsed by council.

At least one co-chair must be present at the formal meetings and marae based hui of the working party.

Besides chairing meetings, the co-chairs (or proxy) will be responsible for:

- Attending agenda preview meetings and reviewing working party actions prior to circulation
- Be available to vet prospective applications for membership onto the working party
- Assist in mediation if and when required, in the first instance.

11. Te wahanga | Term of appointment

The standard term of appointment will be three years – consistent with the term of local and territorial authorities – in this case, the 2016-2019 local body triennium. The term of appointment can be less than three years if a member:

- Resigns

- Misses three consecutive meetings, or
- The working party is disbanded.

A member can be appointed for a second term should their representative group re-endorse their selection and nomination.

12. Whakamahinga | Operation

Council's Chief Executive Officer (CEO) is the senior manager responsible for this working party and shall attend all meetings and hui in this capacity.

The CEO or such person as he may from time to time appoint and other council staff designated by him will be responsible for the maintenance and servicing (provision of venue, minute-taking, catering) of the group.

Support of the committee extends to council's controlled organisation, NorthlandInc through the CEO and staff.

13. Arataki tangata | Member induction

All new members joining the working party will receive an induction pack which will include the Terms of Reference, relevant policies and procedures and information outlining the council's function and processes.

14. Papā o te pānga | Conflict of interest

Members will be asked to complete a conflict of interest form at the beginning of each year they sit on the group. A conflict of interest log will be maintained by the officer responsible for liaising with the group.

15. Hokohitanga o ngā hui | Frequency of meetings

The working party will meet up to a maximum of 10 times a year. These will alternate between a formal meeting of the working party which will be held at the council's office in Whangārei and workshops at marae focusing on local issues (i.e. up to five formal meeting and five marae based workshops.)

While any working party member is welcome to attend the marae based workshops, these workshops will not constitute a formal working party meeting and therefore no working party actions can be agreed. Working party members hosting regional hui are eligible for meeting fee allowances.

When the full working party meets at the Whangārei office of the regional council a meeting room will be made available before or after the meeting of the working party in order for the Māori members of the working party to meet.

16. Kotangitanga | Quorum

The following quorum will apply:

- At least a third of the elected members (councillors), and
- At least a third of non-elected members.

This ratio will apply to those seats that are currently filled and not include vacant positions.

17. Utunga | Payment

Payments for non-elected members of the working party (tangata whenua) for meeting attendance and mileage will be in accordance with the councils 'Appointed Members Allowance Policy' and in accordance with this Terms of Reference.

Payments include

- Meeting allowance for formal meetings of the Working Party
- Mileage (one claim for vehicle)
- Attendance at regional hui for those of the regional hui rohe, and
- Delegated sub-working parties endorsed by council.

18. Whakapai ngā tautohe | Conflict resolution

Should conflict occur, the co-chairs and the group will be responsible for working together to resolve the conflict in the first instance. If the conflict persists, the council will only intervene at the request of the majority of the working party members.

19. Pūrongorongo | Reporting - accountability

The working party, through the co-chairs will provide a summary report to the council following each meeting.

Committee members are expected to report back to and liaise regularly with their respective communities – providing information to their constituents and seeking their feedback.

Officers of council will be responsible for promoting the working party and any initiatives developed (once considered and approved by council), to the wider public through a range of media including print and radio promotion, the council's website and social media.

20. Arotakenga | Review

The Terms of Reference will subsequently be reviewed as required. All changes to the Terms of Reference will be subject to the approval of Northland Regional Council through a recommendation made by the working party.

21. Tuku mana | Delegations

The working part has no delegated authority from council.



WHANGĀREI 36 Water Street, Private Bag 9021, Whangarei Mail Centre,
Whangarei 0148; P 09 470 1200 | F 09 470 1202

DARGAVILLE 42 Hokianga Road, Dargaville; P 439 3300 | F 09 439 3301

KAITĀIA 192 Commerce Street, Kaitiāia; P 09 408 6600 | F 09 408 6601

ŌPUA Unit 10, Industrial Marine Park, Ōpua; P 09 402 7516 | F 09 402 7510

WAIKAPA Shop 9, 12 Kīlinac Lane, Waikapa 0295; P 09 470 1200 | F 09 470 1202

Freephone 0800 002 004 | **24/7 Environmental Hotline** 0800 504 639 | **Email** mailroom@nrc.govt.nz

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www.twitter.com/NRCExpress

www.nrc.govt.nz



Map sourced from Te Puni Kōkiri: <http://www.tkm.govt.nz/region/te-tai-tokerau/>

TITLE: Funding for Scholarships and for Iwi and Hapū Environmental Management Plans

ID: A1234111

From: Auriole Ruka, Kaiwhakahaere Hononga Māori – Māori Relationships Manager

Whakarāpopototanga/Executive summary

Council has funding to assist in the development or review of environmental management plans developed by Māori, and for scholarships. Staff will provide a brief presentation on the funding, allocation process and the communication plan.

Ngā mahi tūtohutia/Recommended actions

1. That the update on 'Funding for Scholarships and for Iwi and Hapū Environmental Management Plans' by Auriole Ruka, Kaiwhakahaere Hononga Māori – Māori Relationships Manager, be received.

Ngā tapirihanga/Attachments

Nil

Authorised by Group Manager

Name: Ben Lee

Title: Acting Group Manager - Strategy, Governance and Engagement

Date: 3 September 2019

TITLE: Water Storage and Use Project

ID: A1203661

From: Darryl Jones, Economist and Andrew Carvell, Project Development Manager

Whakarāpopototanga/Executive summary

This report provides an overview of the Northland Water Storage and Use project.

Ngā mahi tūtohutia/Recommended actions

1. That the report 'Water Storage and Use Project' by Darryl Jones, Economist and Andrew Carvell, Project Development Manager and dated 26 August 2019, be received.
-

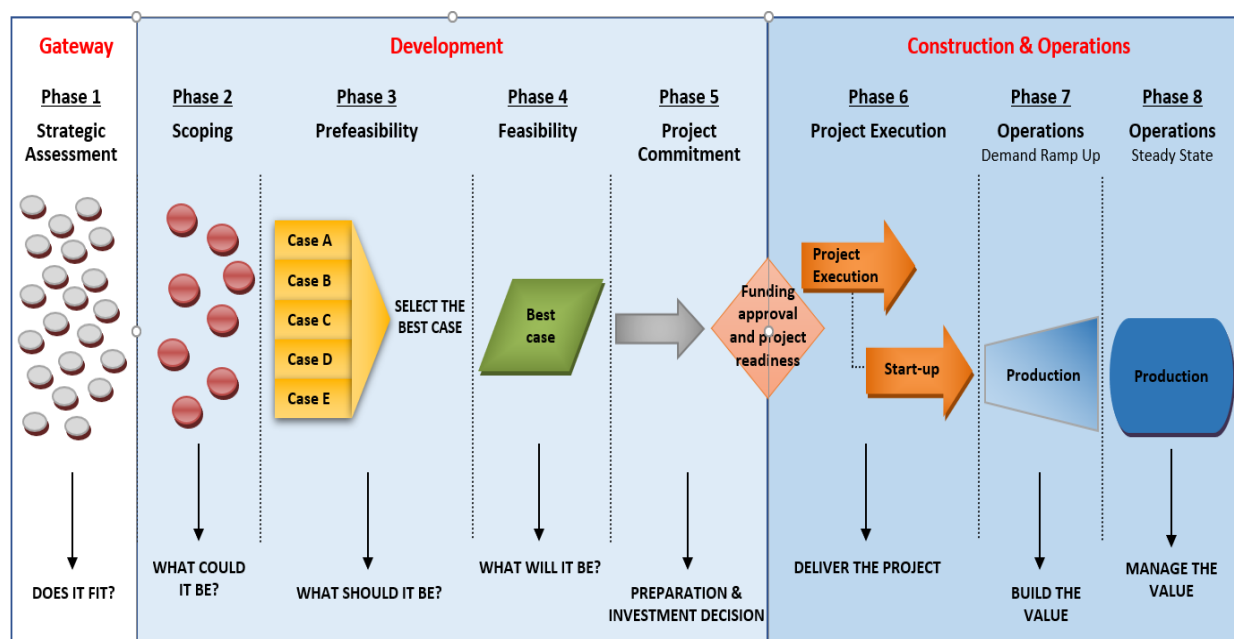
Tuhinga/Background

Northland Regional Council (NRC) undertook two studies between 2014 and 2017, a strategic assessment and a scoping study, into the water use potential within the region. These studies identified potential water supplies areas that have soil types favoured for their high horticultural potential. These included approximately 6300 ha in the Kaipara District, 1600 ha to the south of Kaikohe (Mid North A) and 1700 ha to the west of Lake Ōmāpere (Mid North B). Copies of the background reports can be found at www.nrc.govt.nz/waterstorage.

Following this work, NRC, in conjunction with the Far North and Kaipara District Councils, applied for funding through the provincial growth fund to undertake the next steps to investigate, and if viable, develop one or more of the schemes.

This funding agreement, between the Ministry of Business, Innovation, and Employment (MBIE) and NRC, was signed in July 2019. NRC, Kaipara District Council and Far North District Council also have co-funding obligations. Up to \$18.5m is available, with grant funding available to the project commitment phase and the balance available as a loan for construction. An overview of the project stages is shown in Figure 1. The funding agreement ends 31 March 2023.

Figure 1: Project Phases



The purpose of the current phase, which is the pre-feasibility demand assessment and design study (phase 3), is to look closer at the three areas and determine:

- what may be some of the options for horticulture use given the soil types and topography in each command area;
- what amount of water is sustainably available while considering environmental constraints;
- whether there are people interested in the water and potential land conversion;
- what would be the indicative cost for water supply.

Under the funding agreement the above aspects need to be considered in line with the PGF Investment Principles for Water. These include Economic, Community, Environment and Climate Change. A copy of the principles is appended to this report.

Williamson Land and Water Advisory Ltd have been contracted by the NRC to undertake the prefeasibility assessment. Their specific tasks will be to:

- Assess water user/grower demand;
- Lead grower engagement;
- Develop water take and storage options;
- Undertake a high-level cultural impact and environmental assessment;
- Undertake concept level design engineering;
- Support NRC to engage and build key stakeholder relationships; and
- Rank the areas with regard to viability by the end of March 2020.

The funding agreement also sets out a requirement for a governance structure. This was developed based on previous projects, using experience from within northland as well as the crown agencies.

The final structure approved by MBIE includes a Project Steering Group, comprising the chief executive officers from NRC, Kaipara District Council and Far North District Council. Two crown appointees, Murray McCully and Dover Samuels, also sit on the Steering Group.

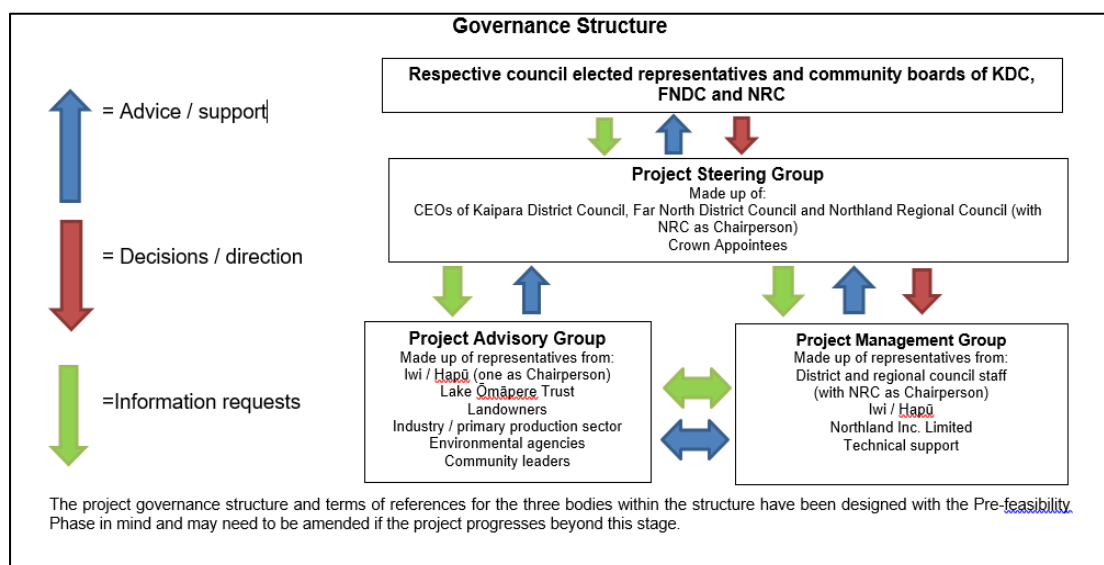
An Advisory Group has also been set up comprising Iwi and hapū from Kaipara and Mid-North, and representatives from Lake Ōmāpere, Department of Conservation, Fish and Game NZ, Horticulture NZ, Irrigation NZ, and Federated Farmers. Community and landowner representatives have also been selected and the Integrated Kaipara Harbour Management Group have been included. The terms of reference of the Project Advisory Group are appended to this report.

The role of the advisory group is to:

- provide advice on cultural, community, farming/growing and environmental matters;
- provide feedback on work as it develops through the project; and
- provide guidance on engagement with the wider community and helping make sure the right people are being informed or involved.

An overview of the governance structure for the pre-feasibility stage is provided as Figure 2. The governance structure may change for future stages should viable schemes be determined.

Figure 2 Pre-feasibility Stage Governance Structure



Next steps

Between now and the end of February 2020 council staff will be working with its advisors and the community to assess the viability of water storage and use schemes in each of the three areas so that the Steering Group can be informed about which, if any, of the schemes could be progressed to the feasibility stage. This recommendation is due to be delivered at the end of March 2020.

Ngā tapirihanga/Attachments

- Attachment 1: Plan of Kaipara Command Area [↓](#)
- Attachment 2: Plan of Mid- North A Command Area [↓](#)
- Attachment 3: Plan of Mid-North B Command Area [↓](#)
- Attachment 4: PGF Investment Principles for Water Projects [↓](#)
- Attachment 5: Project Advisory Group Terms of Reference [↓](#)

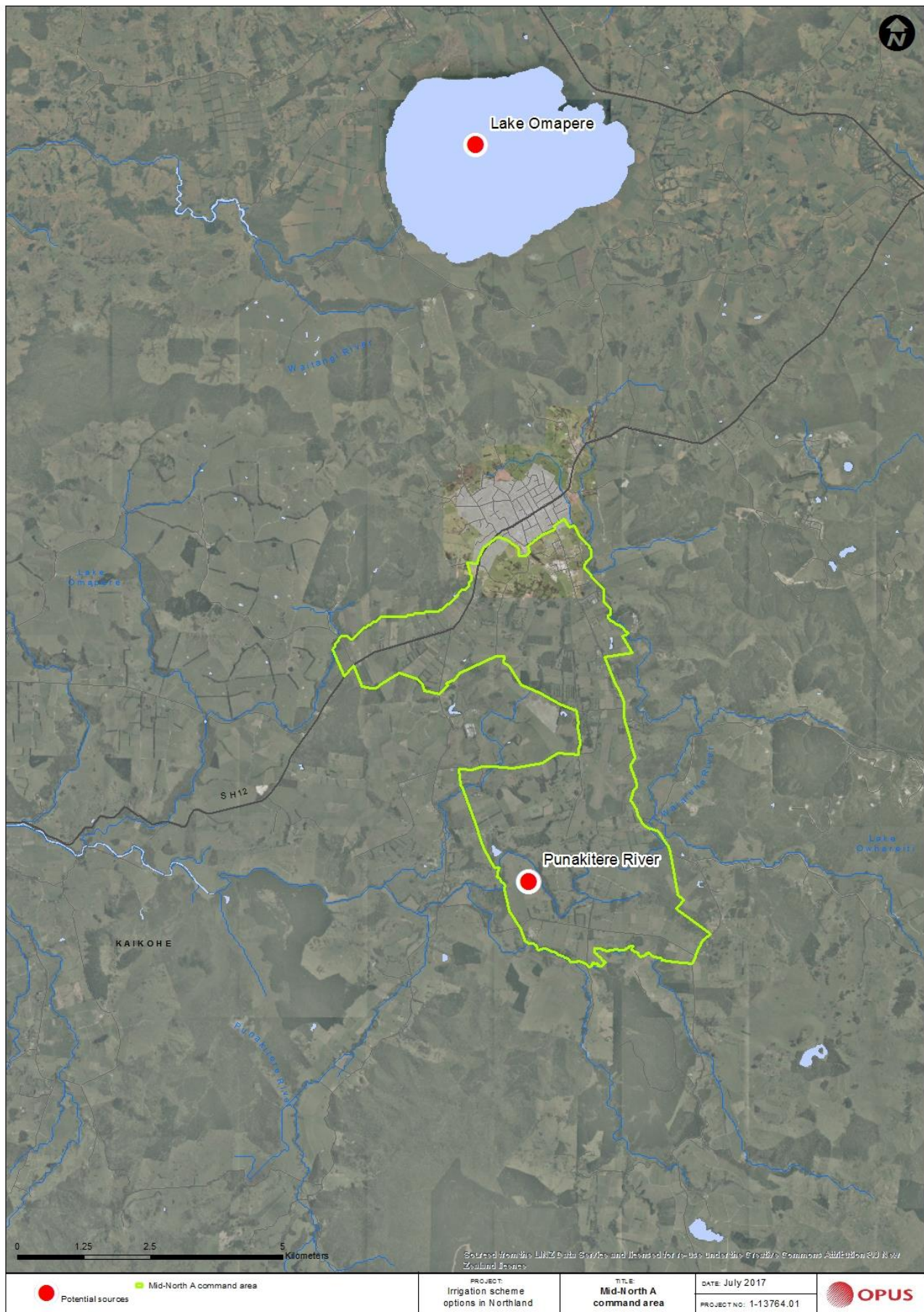
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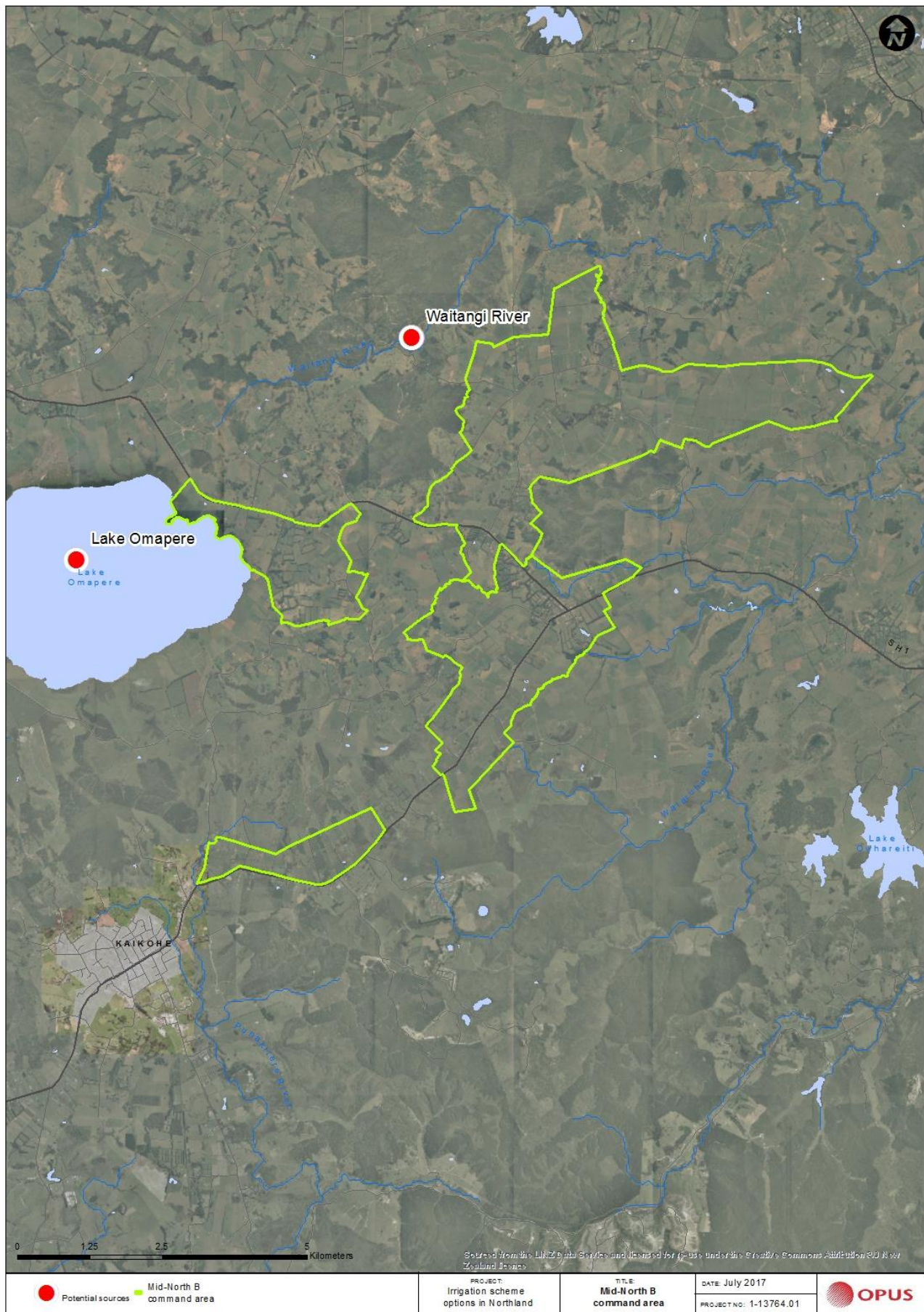
Name: Ben Lee

Title: Acting Group Manager - Strategy, Governance and Engagement

Date: 3 September 2019







FUNDING AGREEMENT – PROVINCIAL GROWTH FUND

ANNEXURE TWO

PGF investment principles for water storage (Water Principles)

Economic

- Water storage will strengthen regional economies by shifting land use to higher value, sustainable uses, while avoiding increases in livestock intensification.
- Water storage will help address disparities in Māori access to water for land development.

Community

- Small scale community level projects will be supported rather than mega irrigation schemes.
- There must be public benefit from government funding of a project.
- Projects will involve stronger partnerships at the local level, including with regional councils.
- The Crown Irrigation Investments Limited (CIIL)'s programme of work will not be progressed, although communities that were involved in CIIL initiatives can submit PGF proposals that align with PGF objectives.

Environment

- Water storage proposals should demonstrate that they will support land use that does not increase - and ideally reverses - negative impacts on water quality.
- Proposals should maintain the health of waterways.
- Water storage will not be used to increase the intensity of ruminant agriculture or other land uses in a catchment where this puts greater cumulative pressure on water and risks compromising water quality.
- Water storage proposals should incorporate activities that improve water quality – e.g. activities that improve E. coli levels and ecological health, restoration and protection projects such as improvements in wetlands, fish and wildlife habitats, riverbanks, biodiversity activities, soil health and sediment control.

Climate change

- Where practicable, proposals should contribute positively to the target of reducing greenhouse gases, and demonstrate how they will contribute to mitigating or adapting to climate change effects and a just transition to a low emissions economy.
- Proposals should consider the potential to contribute to community resilience to climate change. Strengthening municipal water supply is not an objective of PGF funding. However, the PGF will work with councils to include municipal supply as a component of wider water initiatives, if it enables councils to contribute more to regional water management.

Advisory Group: Terms of Reference

Status

The Project Advisory Group provides advice to both the Project Steering Group and Project Management Group on cultural, community and environmental perspectives associated with the project. It has no delegated authority in relation to the project.

Purpose and responsibilities

- 1) Provide advice to the Project Steering Group and Project Management Group on Māori, community, landowner, industry / sector and agency perspectives, priorities or concerns relating to the project.
- 2) Provide advice to the Project Steering and / or Project Management Group meetings and relevant members to attend these meetings as necessary.
- 3) Discussions and information provided to the Project Advisory Group, and Project Advisory Group recommendations / advice is confidential.
- 4) Members may comment publicly on the work of the Project Advisory Group only with the prior approval by the Chair of the Project Steering Group.
- 5) Subject to prior written approval by the Chair of the Project Steering Group, members may share information with others in their networks for the purpose and solely to the extent necessary for the conduct of the business of the Project Advisory Group.
- 6) Members are to conduct their dealings with each other and members of other project groups in good faith.
- 7) Members are to attend all Project Advisory Group meetings. If unable to attend they may delegate attendance to another person from the body they represent with the prior permission of the Chair of the Project Advisory Group.

Membership

Iwi / Hapū representatives x4:	One representing Kaipara iwi, one representing Kaipara hapū, one representing Mid-North iwi, and one representing Mid-North hapū. Representation to be determined by iwi / hapū.
Lake Ōmāpere Trust x1	One representative from the Lake Ōmāpere Trust.
Industry representatives x3	One representative appointed by each of the following: Horticulture NZ, Federated Farmers of NZ; Irrigation NZ.
Landowner representatives x2:	One for Kaipara and one for Mid-North, to be appointed from farmers participating in the E350 programme.
Environmental agency representatives x2:	One representative appointed from each of: Department of Conservation, Fish & Game (Northland).
Community leaders x2:	One for Kaipara and one for Mid-North, to be determined by Project Steering Group.
Advisory Group Chair	To be elected at the first meeting from one of the iwi / hapū representatives.
Quorum	At least 50% of members of the Project Advisory Group shall be present to form a quorum and must include the Chair.

Updated 4/7/19

Meeting frequency

Every three months from project commencement until project completion (unless otherwise agreed by both the Project Advisory Group and Project Steering Group).

The Chair of the Project Management Group is to assist the Chair of the Project Advisory Group in preparing meeting agendas. The Chair of the Project Advisory Group is to approve the agenda prior to circulation for the meeting.

Service of meetings

Documentation and logistical support for the Project Advisory Group meetings is coordinated by staff from the Recipient (Northland Regional Council). Draft minutes will be recorded and circulated to the members for correctness following a meeting. Minutes will be confirmed at the following meeting. Points noted as approved for action are to be forwarded to relevant people.

Remuneration

Representatives will be paid accordance with NRC's Appointed Members' Allowances Policy: a maximum daily meeting allowance of \$170 for attending Project Steering Group meetings, plus a vehicle allowance of \$0.79 per kilometre for the first 14,000 kilometres of qualifying mileage travelled in any one year, and \$0.30 per kilometre thereafter for a petrol or diesel vehicle, \$0.19 per kilometre thereafter for a petrol hybrid vehicle, and \$0.09 per kilometre thereafter for an electric vehicle. This remuneration will be made provided the recipient is not otherwise remunerated for their attendance by their relevant organisation.

TITLE: Update: Inter-regional marine pest management discussion document

ID: A1230023

From: Justin Murfitt, Strategic Policy Specialist

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. This consultation project was developed by the Top of the North Biosecurity Group - a collaborative project between Bay of Plenty Regional Council, Waikato Regional Council, Auckland Council, Northland Regional Council, Biosecurity NZ and the Department of Conservation (DOC). The Māori Technical Advisory Group also provided input into the development of the discussion document.

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. A total of 370 submissions were received. The feedback has been collated and is presented in the attached report (**Attachment 1**). All four councils and partner agencies have since agreed to identify a preferred option for managing marine pests across the four council jurisdictions and report back in early 2020.

Recommended actions

1. That the report "Update: Inter-regional marine pest management discussion document" by Justin Murfitt, Strategic Policy Specialist be received.
2. That the Te Taitokerau Māori and Council Working Party endorse engagement between staff and the Maori Technical Advisory Group on the identification of a preferred option for marine pest management.

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 potential 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	—
Incomplete submissions		
No region given	29	—
Total responses considered	370	—

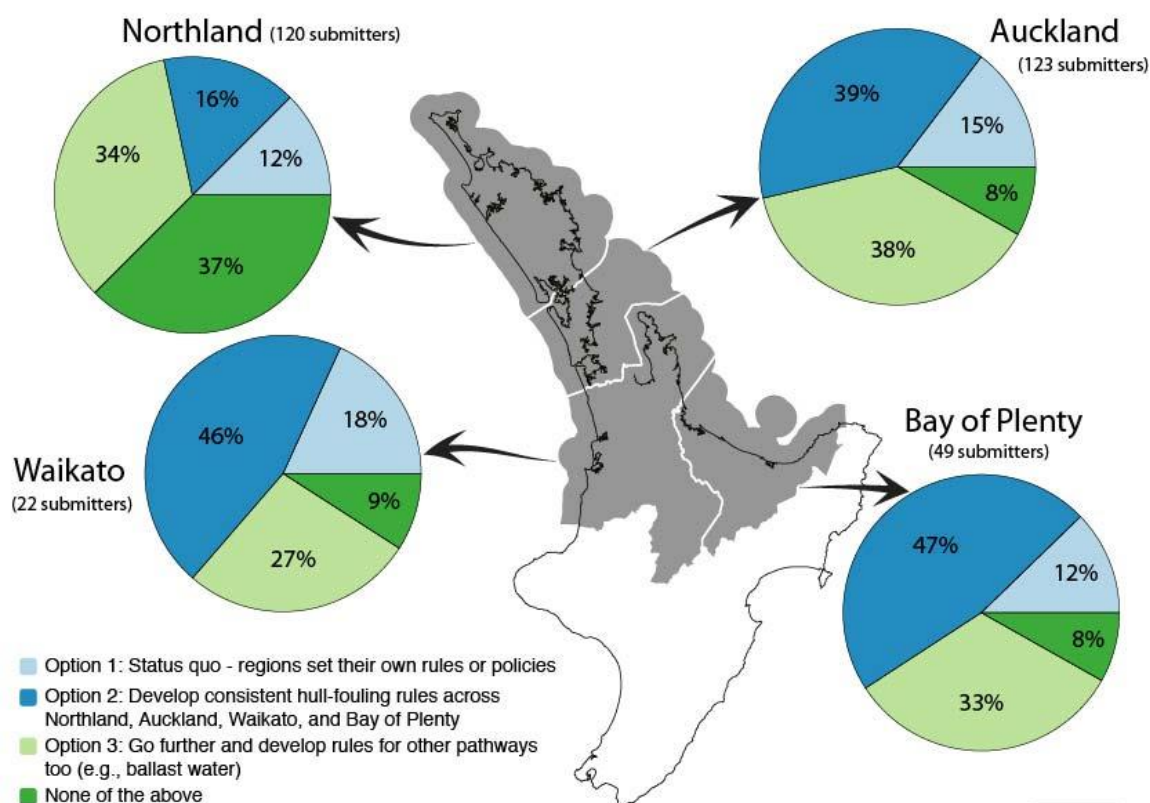
Key themes identified largely through comments in submissions were:

- 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

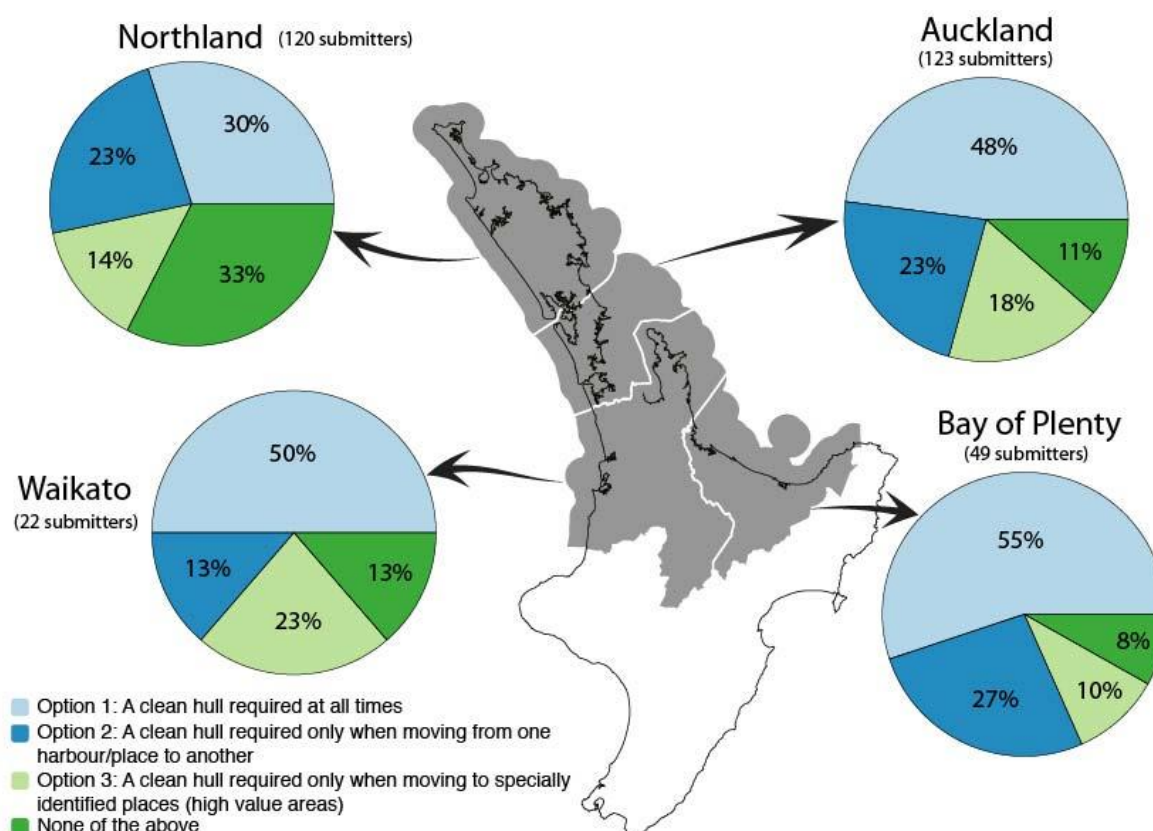


Note: The total number of submitters who responded to this question is 314 (a number of submitters did not complete the question or were either from elsewhere in NZ, from overseas, or did not identify a region).

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. Council has since approved staff (in collaboration with the Top of the North Biosecurity Group partners) to 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.

Staff recommend that the Maori Technical Advisory Group be engaged to assist and provide input into the options analysis process outlined above.

After considering the options and supporting information council(s) could then decide whether:

- 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).

Attachments/Ngā tapirihanga

Attachment 1: 2019-07-02_FINAL IRMPP consultation report (A1207542) [↓](#) 

Authorised by Group Manager

Name: Ben Lee
Title: Acting Group Manager - Strategy, Governance and Engagement
Date: 3 September 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	—
Incomplete submissions		
No region given	29	—
Total responses considered	370	—

4.2 Submitter types

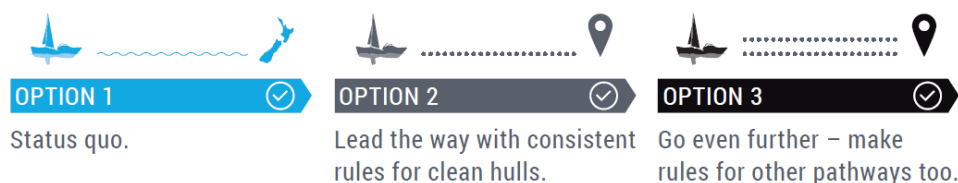
Submitters mainly included individuals from across New Zealand but also a range of notable organisations including maritime/boating interest groups (Aquaculture New Zealand, the New Zealand Defence Force (NZDF), Far North Holdings Limited, Coromandel Marine Farmers Association (CoroMFA), New Zealand 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?



- Or —————> None of the above

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.

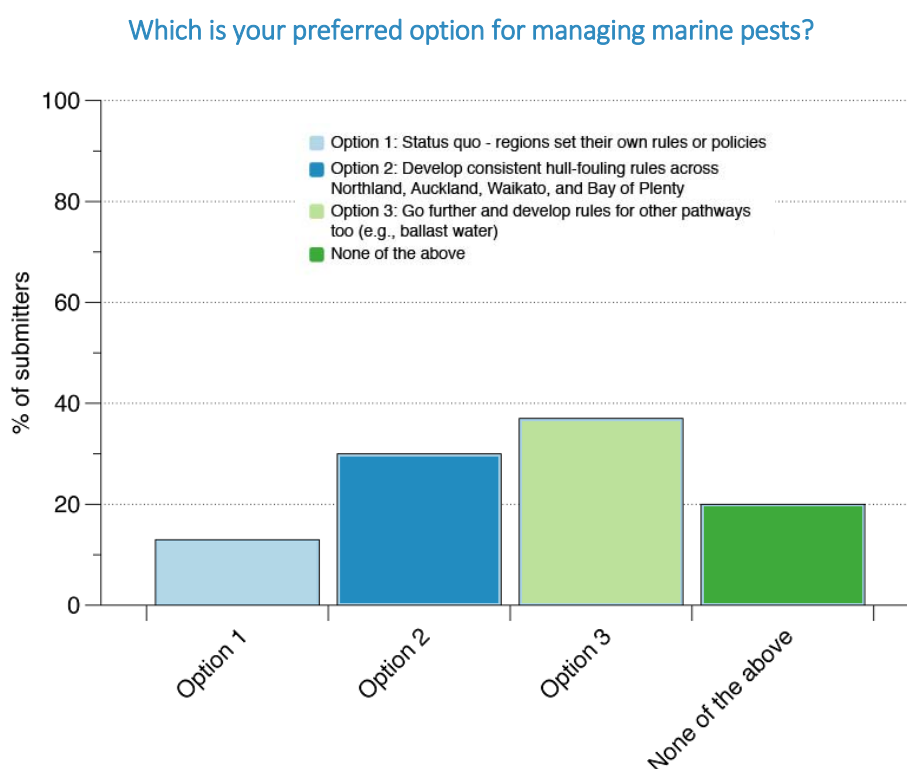


Figure 1. Submitter responses to the question: What is your preferred option for managing marine pests, and why? The total number of submitters was 341.

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?

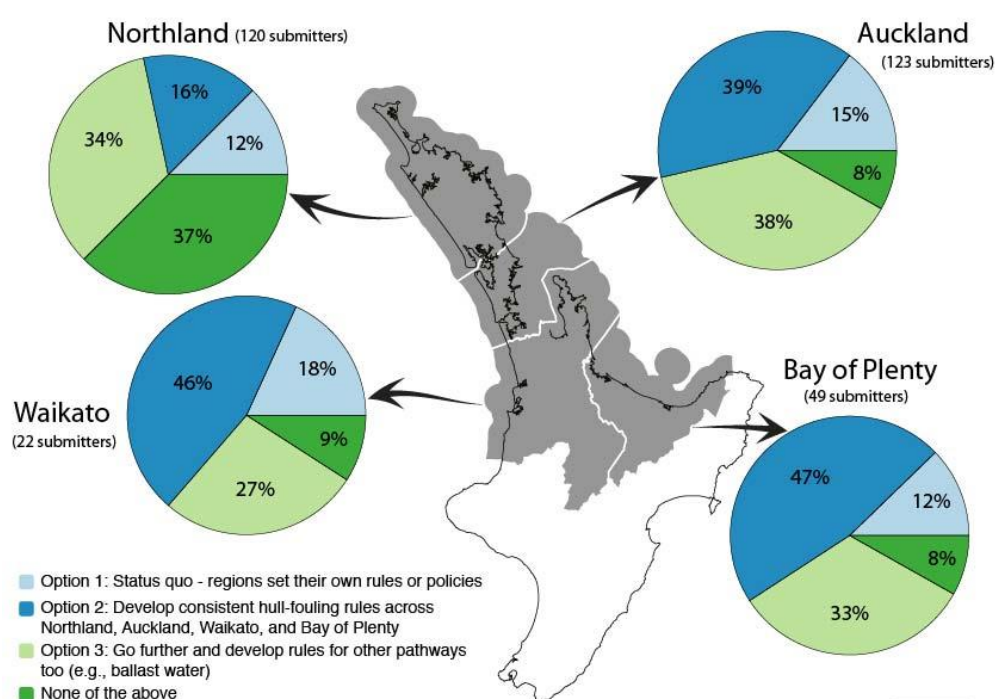


Figure 2. Preferred options for managing marine pests by region.

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.

Which is your preferred option for managing marine pests?

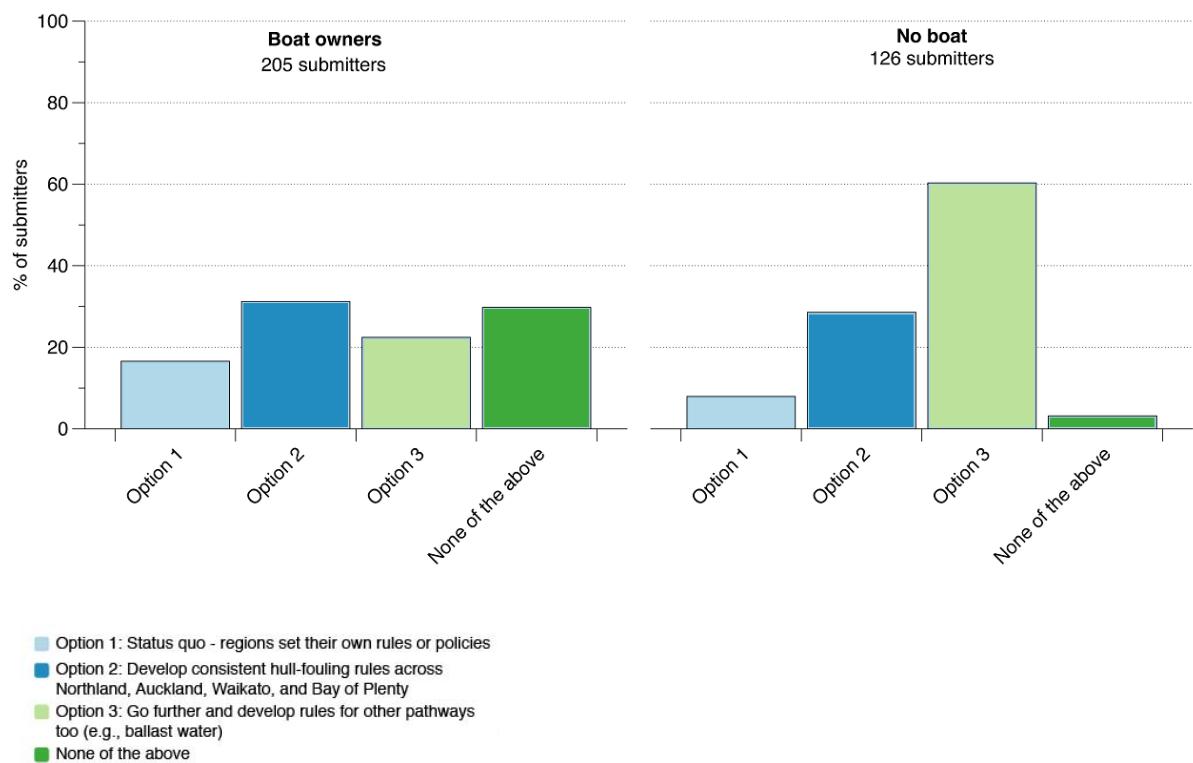


Figure 3. Preferred option for managing marine pests, according to boat ownership.

Which is your preferred option for managing marine pests?

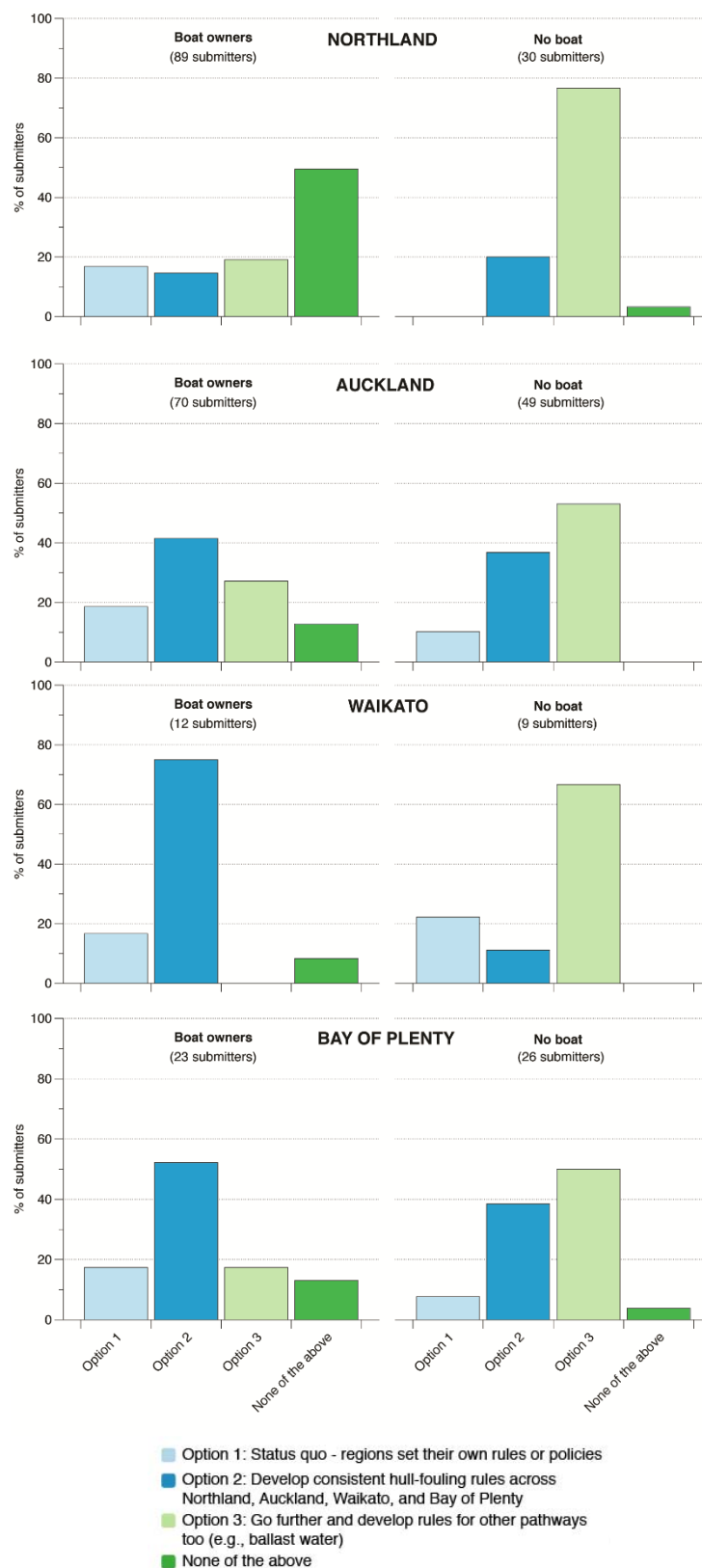


Figure 1. Regional feedback according to boat ownership in response to the question: What is your preferred option for managing marine pests, and why?

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.

Submitter comments relating to key themes						
Theme	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:

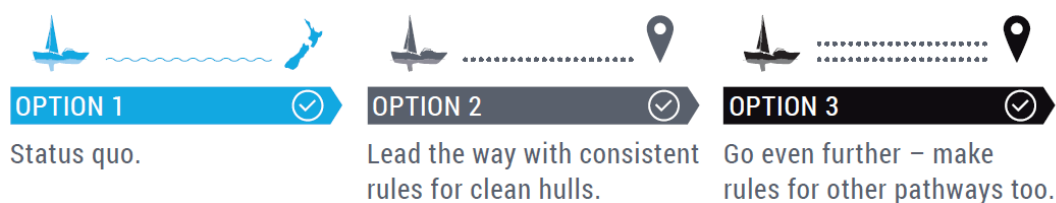
"Need[s] some lateral thinking. Antifouling paint is poisonous, expensive, short-term only. I was owner of the scow Alma (75ft) in 1980's, we moved her into "fresh water" in the Waima river, to kill teredo worm and all marine pests, worked well. Fresh water canals/basins, should be a part of all marina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

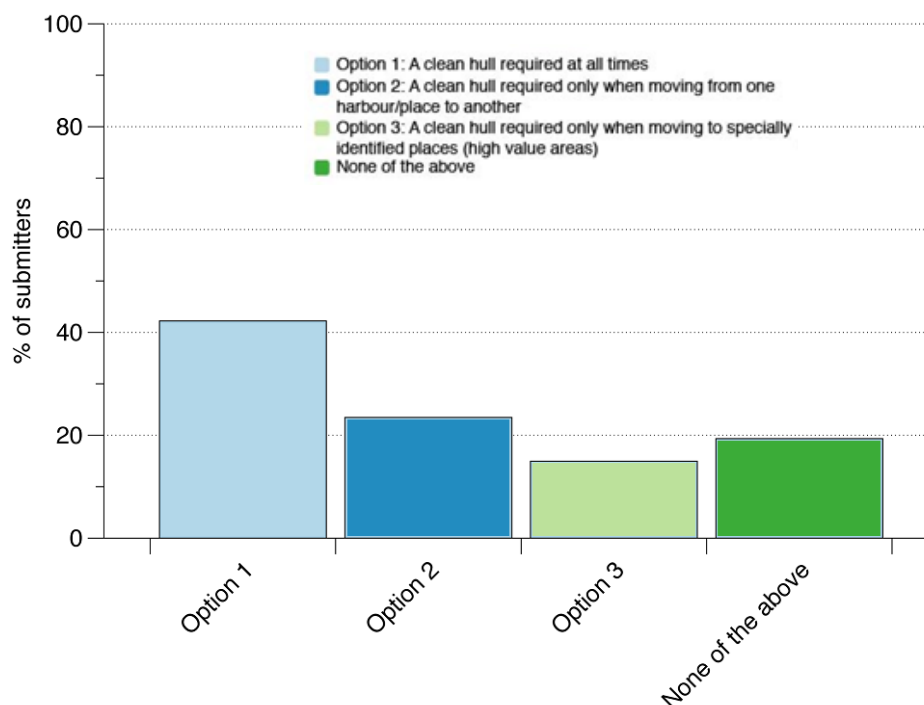


Figure 5. Submitter responses to the question: If hull-fouling rules were developed, which option do you think is best and why? The total number of submitters was 341.

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?

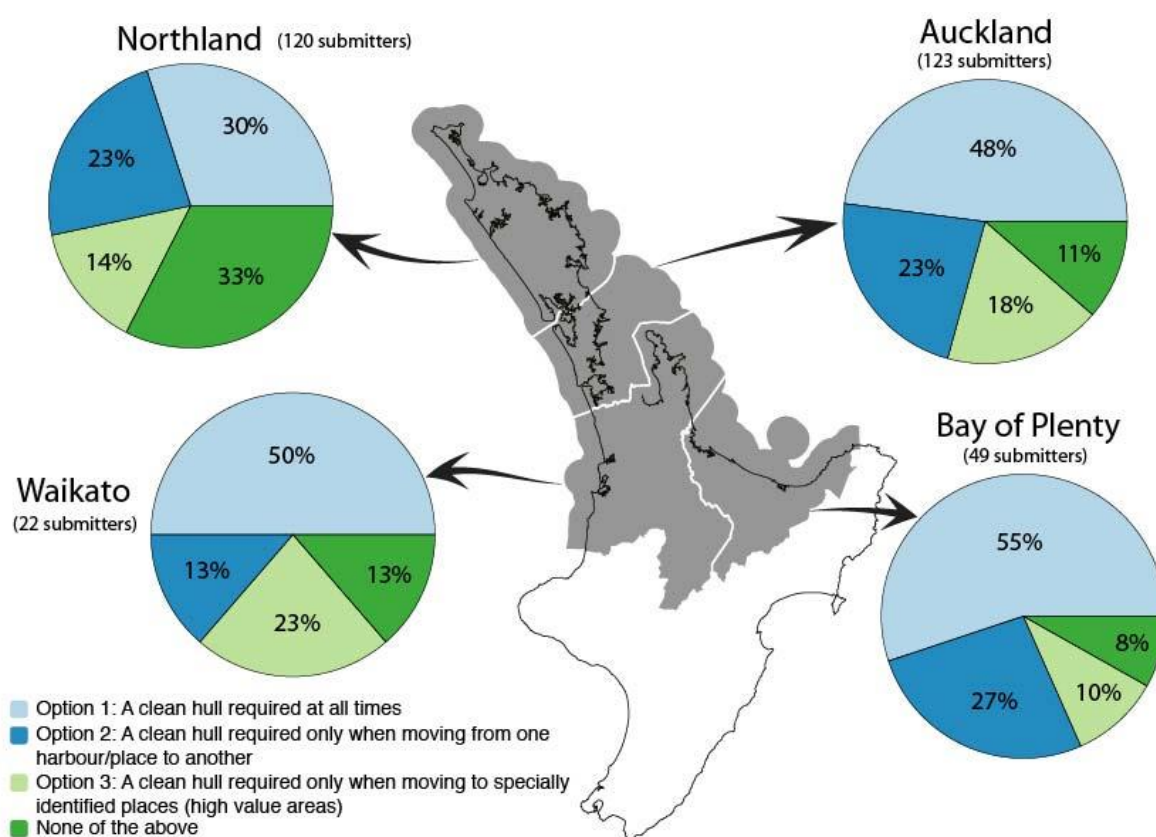


Figure 6. Preferred option for hull-fouling rules by region.

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).

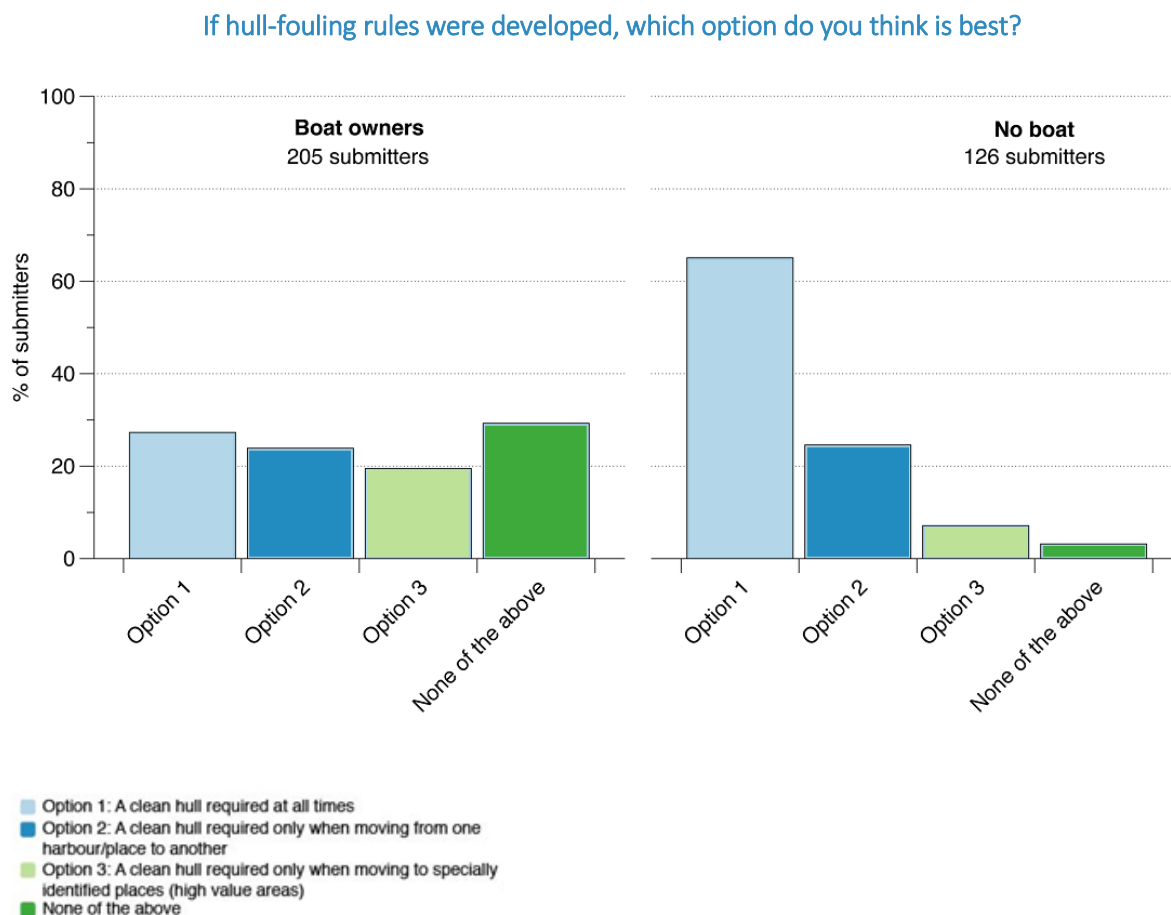


Figure 7. Survey feedback according to boat ownership in response to the question: If hull-fouling rules were developed, which option do you think is best and why?

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?

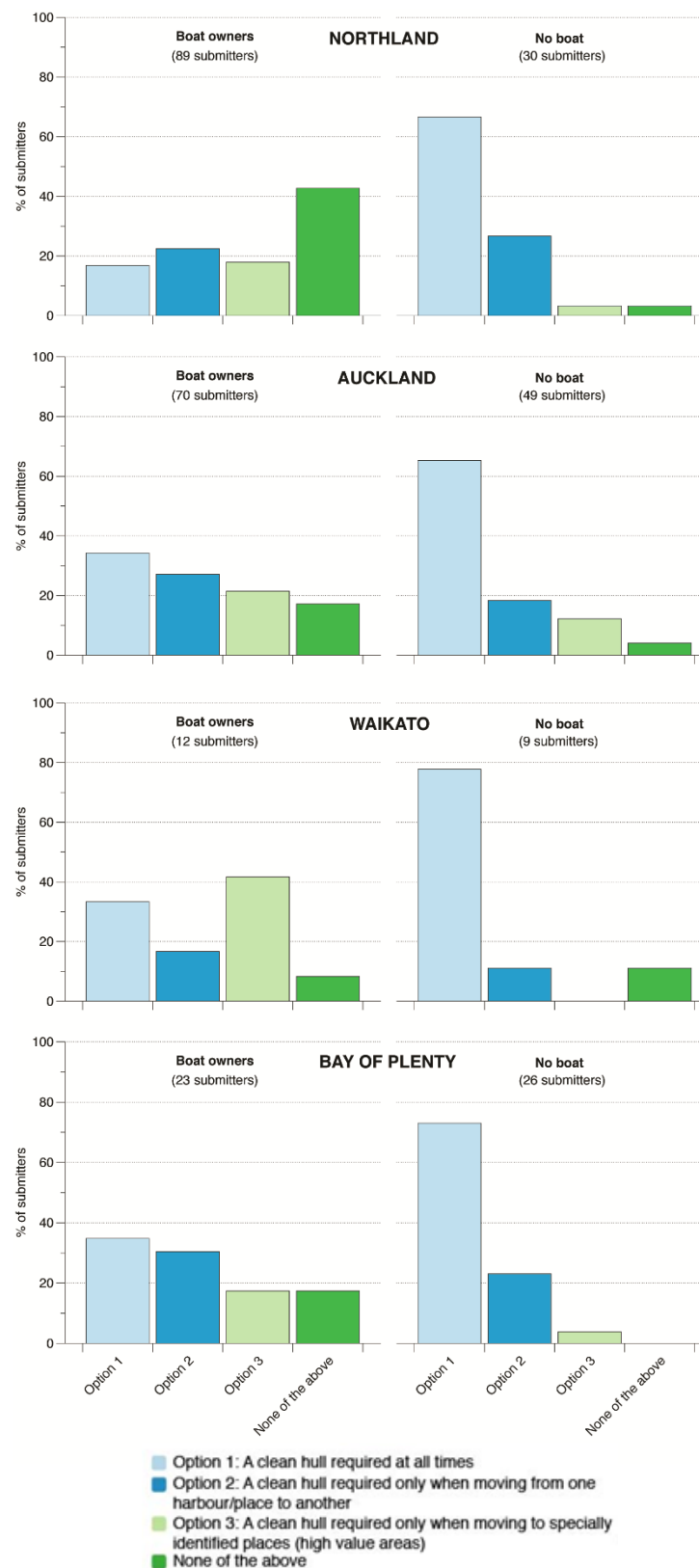


Figure 8. Regional feedback according to boat ownership in response to the question: If hull-fouling rules were developed, which option do you think is best and why?

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 Opuā-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 unpractical 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	
Mario 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 deBruit	
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 Gregan	
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 Council
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	
Malcalm Kidd	
Tony Cox	
Peter Busfield	Executive Director, NZ Marine Industry Association
Nigel Tutt	
Tame teRangi	For and on behalf of Te Rūnanga o Ngāti Whātua
Sandra Barber	
Peter Charles Rolfe	
U Schmutzler	
Vic Campbell	
Denise Campbell	
John Booth	

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

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

TITLE: **Update: Climate Change**

ID: A1230839

From: Justin Murfitt, Strategic Policy Specialist

Whakarāpopototanga/Executive summary

This paper introduces Justin Murfitt, Strategic Policy Specialist and Matt de Boer, Natural Hazards Advisor who will be making a presentation to Te Taitokerau Māori and Council Working Party on climate change predictions, their possible impact on Tai Tokerau and council's response.

Ngā mahi tūtohutia/Recommended actions

1. That the report 'Update: Climate Change' by Justin Murfitt, Strategic Policy Specialist and dated 20 August 2019, be received.

Ngā tapirihanga/Attachments

Nil

Authorised by Group Manager

Name: Ben Lee

Title: Acting Group Manager - Strategy, Governance and Engagement

Date: 3 September 2019

TITLE: **Reviewing Freshwater Quantity Limits for Fully Allocated Water Bodies**

ID: A1232045

From: Ben Tait, Policy Specialist - Water

Whakarāpopototanga/Executive summary

The National Policy Statement for Freshwater Management (NPS-FM) directs regional councils to set freshwater quantity limits (minimum flows/levels and allocation limits) for all water bodies in their regions. It also directs regional councils to avoid over-allocation, which is the situation where water has been allocated to users beyond a limit.

The Proposed Regional Plan (the Plan) for Northland gives effect to the freshwater quantity planning requirement of the NPS-FM. That is, it contains freshwater quantity limits and policy direction on avoiding over-allocation. Because of the nature of the freshwater quantity limits in the Plan, 11 aquifers and approximately 25 surface water catchments are fully allocated. The council cannot allocate any more water from the water bodies.

The council has started a project to review and if appropriate revise the freshwater quantity limits for river and aquifers that are fully allocated based on the allocation limits set in the Proposed Regional Plan for Northland.

The purpose of this report is to provide a brief overview of the project and seek Te Taitokerau Māori and Council Working Party's (TTMAC) recommendations on how best to involve iwi and hapū.

Ngā mahi tūtohutia/Recommended actions

1. That the report 'Reviewing Freshwater Quantity Limits for Fully Allocated Water Bodies' by Ben Tait, Policy Specialist - Water and dated 23 August 2019, be received.
2. That council staff work with the Māori Technical Advisory Group to develop recommendations on how tangata whenua values and interests are identified and reflected in the assessment of freshwater quantity limits for fully allocated water bodies.

Tuhinga/Background

In 2017, the council notified the Proposed Regional Plan for Northland (the Plan). The Plan was drafted and notified to, among other things, give effect to the freshwater quantity planning requirements of the National Policy Statement for Freshwater Management (NPS-FM). The Plan contains freshwater quantity objectives, freshwater quantity limits¹² (minimum flows and levels, and allocation limits), and methods to avoid over-allocation. It also contains provisions to improve and maximise the efficient allocation and efficient use of water.

¹² A freshwater quantity limit describes the amount of water in a freshwater management unit which is required to meet freshwater objectives. For rivers and stream, it includes an allocation limit and a minimum flow (or other flow/s). For other aquifers and lakes, it must include an allocation limit a minimum water level (or other level/s).

In April 2019, council accepted and adopted the recommendations of the independent hearing panel on changes to the Plan. There were no appeals to the Environment Court against the freshwater quantity limits, and therefore they can be considered operative.¹³

The Plan groups Northland's water bodies into freshwater quantity management units based on their similar values and sensitivities to water abstraction. The freshwater quantity limits set for the freshwater quantity management units (aside from the Aupouri Aquifer) are based on (a) a 'regional' assessment of trade-offs between reliability and availability of supply of water for use, and (b) protection of ecological values (and preventing saline intrusion in aquifers). As such, the limits (aside from the Aupouri Aquifer) are not specifically tailored to individual water bodies. They should be considered 'default limits'.

On paper, based on these 'default limits', 11 mapped aquifers and 26 surface water catchments (small to large) are fully allocated (see [Indicative Surface Water Allocation Map](#) and [Indicative Groundwater Allocation Map](#)). The council cannot allocate any more water to be taken from fully allocated water bodies and must not make a decision that will likely result in future over-allocation.

Council staff have started a project to prioritise fully allocated water bodies for evaluation of their allocation limits, and if appropriate, make a recommendation to council on whether to develop a plan change with alternative, waterbody-specific limits and associated planning provisions for prioritised catchments. The prioritisation will be based, primarily, on two matters: (a) the significance of reasonably foreseeable demand pressures, and (b) the significance of adverse environmental effects resulting from the current water allocation.

Further, evaluation of these priority water bodies will include an assessment of all management options available. This could, for example, identify that a more appropriate approach is to review existing conditions of water take consent(s) to provide additional water instream for other extractive use or to protect environmental values.

The two principal areas of work to deliver the project are:

1. **Providing the evidence base** – This involves:
 - a. obtaining the technical evidence to prioritise water bodies based on the criteria;
 - b. working with water users (district councils, industry and sector groups, companies, relevant government agencies, and Māori) to determine the significance of reasonably foreseeable (10-15 years) pressures for water in the catchments of highly and/or fully allocated water bodies; and
 - c. determining and applying methodologies to assess the likely consequences of alternative, waterbody-specific limits.
2. **Developing a plan change (if appropriate)** – This involves, drafting a plan change and the accompanying RMA section 32 evaluation report.

The purpose of the project is to determine if alternative limits are required to address (a) any significant adverse environmental effects resulting from the current allocations, or (b) reasonably foreseeable future demand pressures.

The proposed project timetable is:

- Prioritise fully allocated water bodies for the assessment of alternative freshwater quantity limits, including by engagement with stakeholders (August 2019 – February 2020).
- Identify any additional resourcing requirements needed to support benefit-cost analyses of alternative limits and other policy options (August 2019 – February 2020).

¹³ However, Horticulture New Zealand has appealed against the advice notes under the limits which set out how the allocation limits will be determined and applied.

- Assess the benefits and costs of alternative limits and other policy options (March 2020 onwards, noting that it could take several years depending on the water body).

Given the importance of water management to tangata whenua, it is suggested that council staff work with the Māori Technical Advisory Group to determine how best to identify and reflect tangata whenua values and interests in the assessment of freshwater quantity limits for fully allocated water bodies

Ngā tapirihanga/Attachments

Nil

Authorised by Group Manager

Name: Ben Lee
Title: Acting Group Manager - Strategy, Governance and Engagement
Date: 3 September 2019

TITLE: Appeals to the Proposed Regional Plan for Northland

ID: A1232131

From: Michael Day, Natural Resources Policy Manager

Executive summary/Whakarāpopototanga

The Proposed Regional Plan for Northland – Decisions Version (Proposed Plan) was publicly notified on 4 May 2019¹⁴. A total of 23 appeals (to the Environment Court) 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. In the “Tangata whenua” policy section, only one of the five policies have been appealed.

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. We received notices from 40 separate submitters wishing to become a party to the proceedings. These 40 submitters served approximately 200 separate notices across the various appeals (a single s274 party is able to become a party to multiple appeals).

No iwi or hapū groups made an appeal. However, s274 notices were lodged by:

- Te Parawhau ki Tai Whangarei,
- Te Uri o Hikihiki,
- M Kepa,
- Ngati Kuri Trust,
- Ngati Kuta ke Te Rawhiti Hapu, and
- Patuharakeke Te Iwi Trust Board.

The appeals that these parties have joined tend to relate to the following sections of the plan:

- policies and rules for activities in the coastal marine area,
- policies and mapping of significant ecological areas and requests for new provisions in the plan relating to protection of marine biodiversity and, in particular, the imposition of controls on fishing.

Procedurally, the process to resolve appeals is now with the Environment Court. The Court has set down a timetable between September and November to undertake mediation (between all parties).

Additionally, the council, at its meeting on 16 July, made decisions on the Proposed Regional Plan in relation to matters raised in submissions on the addition of provisions for genetically modified organisms (GMOs). The council decided to not include provisions in the Proposed Plan for GMOs.

¹⁴ This did not address the merits of the Proposed Plan managing the use of GE/GMOs.

There is a 30 working day period for submitters to appeal the decision to the Environment Court.
The closing date for lodging appeals is 14 September 2019.

Recommended actions

1. That the report 'Appeals to the Proposed Regional Plan' by Michael Day, Natural Resources Policy Manager, and dated 23 August, be received.

Attachments/Ngā tapirihanga

Nil

Authorised by Group Manager

Name: Ben Lee
Title: Acting Group Manager - Strategy, Governance and Engagement
Date: 3 September 2019

TITLE: Report: Te Taitokerau Maori and Council Working Party marae-based hui

ID: A1203643

From: Sally Bowron, Strategy, Governance and Engagement Team Admin/PA

Whakarāpopototanga/Executive summary

The August marae-based regional hui for 2019 was hosted by Ngāti Kuri at Waiora Marae on 8 August. Key issues centred around:

- Resource consents
- Water-takes and monitoring
- Fencing of wetlands
- Māori engagement and participation in local government.



Working party members in attendance were Bundy Waitai (host), Co-chair Paul Dimery and Councillors Shepherd and Finlayson. The hui was also attended by senior managers and council staff.

Thanks and acknowledgements are extended to Waiora Marae for hosting TTMAC and to member Waitai for hosting the hui.

Ngā mahi tūtohutia/Recommended actions

1. That the report 'Report: Te Taitokerau Maori and Council Working Party marae-based hui' by Sally Bowron, Strategy, Governance and Engagement Team Admin/PA and dated 17 June 2019, be received.

Ngā tapirihanga/Attachments

Attachment 1: Record of Actions from TTMAC regional marae-based hui at Waiora Marae on 8 August 2019  

Authorised by Group Manager

Name: Ben Lee

Title: Acting Group Manager - Strategy, Governance and Engagement

Date: 3 September 2019

Te Taitokerau Māori and Council Working Party
8 August 2019

Tuhituhi o ngā Mahi O Te Kāhui Māori O Taitokerau **Te Taitokerau Māori and Council Working Party Record of Actions**

Meeting held in the Regional marae-based hui
on Thursday 8 August 2019, commencing at 10am

Tuhinga (Present):

Co-Chair, Councillor Paul Dimery
Councillor Mike Finlayson
Councillor Bill Shepherd
Ngā Hapū o Ngāti Kuri/Te Hiku O Te Ika Marae Trust, Bundy Waitai

I Tae Mai (In Attendance):

Huihuinga i te katoa (Full Meeting)
NRC Chief Executive
GM – Strategy, Governance and Engagement
Area Manager – Kaitiāia
Consents Manager
Kaiwhakahaere, Hononga Māori
Kaiahi – Tikanga Māori
PA/Team Admin Strategy, Governance and Engagement
Biodiversity Manager

Karakia / Whakataua

The meeting commenced at 10.30am after pōwhiri and kapu tī.

Ngā Whakapahā/Apologies (Item 1.0)

Co-Chair Pita Tipene, Councillors Yeoman and Smart, TTMAC members Kake, Hohepa, Holloway, Norris, Welsh, Rameka.

Nga whakapuakanga (Declarations of Conflicts of Interest) (Item 2.0)

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

Secretarial Note: The following abbreviations are used:

- TTMAC – Te Taitokerau Māori and Council Working Party
- MTAG – Māori Technical Advisory Group (ten TTMAC members nominated to provide additional technical advice to council).

Report back on 7 June 2018 hui at Waiora Marae, Ngataki (Item 3.1)

Group Manager – Strategy, Governance and Engagement provided a progress update on the issues raised at the previous year's TTMAC hui at Waiora Marae on 7 June 2018. Key points included:

- The Māori Technical Advisory Group (MTAG) are reviewing Resource Management Act (RMA) processes and systems to improve Māori input into them

Te Taitokerau Māori and Council Working Party
8 August 2019

- NRC is developing a cultural competency framework for staff, especially when looking at RMA applications
- NRC has made contact with Ngāti Kuri about how to support and raise RMA capability, with an opportunity again today to discuss
- Opportunities for Māori to influence council decision-making and support aspirations include:
 - Ngāti Kuri's Environmental Management Plan, which has been lodged with council, responses made and a meeting organised
 - Input into council systems and processes through TTMAC representatives, e.g., on Mana Whakahono a Rohe, resource consents processes, governance review, and various plans, including the regional plan, and marine pest pathway plan.

Agreed action points:

- Circulate the Record of Actions from the 7 June 2018 TTMAC hui at Waioara Marae and the report to the September TTMAC meeting of this hui (8 August 2019)
- Ngāti Kuri kaumatua will re-send the letter to council regarding a change of name from the Te Aupōuri aquifer to Te Hiku a Ika, for council's response.

Council and Māori engagement and Māori decision-making (Item 3.X)

Key points included:

- The need to building genuine, honest relationships knowingly and with trust, and being able to talk as equals – "if truly a relationship, where is our equity in that?"
- Māori fought for citizenship and have paid a great price for it
- The place of Te Tiriti o Waitangi – while Māori are a treaty partner with the Crown, councils have a fiduciary and moral duty to act with integrity and do the best possible by Māori
- Points of contact – Dune Lakes, wai māori – at an operational level, there is great trust for council staff but less so at governance level
- Council needs to change its mindset – shouldn't be consulting with Māori, Māori should be participating in decision-making. Forty percent of the population in Tai Tokerau are Māori and with existing Māori land ownership and future settlements, comes power. Build the relationship now
- Māori aren't listened to about dusty, dangerous roads our tamariki travel (FNDC issue)
- Māori have spoken the same message for 250 years. We are caused by Westminster law to fight and cause harm to ourselves expending unnecessary energy
- What would happen if you did listen to Māori? Why not believe that what is good for Māori is good for everyone? Waikato, Ngai Tahu and Bay of Plenty have adopted forms of Māori representation. "Without the fish's tail moving, we don't get any movement in the fish"
- We have shared values around kaitiakitanga – NRC increased their rates by \$60 to help the community with indigenous biodiversity, with pest control and doubled resources around water – shared values is a path to working together and building trust
- NRC has to work within legislative constraints and we have worked hard to improve our relationships with tangata whenua. It is useful to come here and understand what is causing mistrust with councils
- NRC assures you that we do listen but don't always make the decisions you want, or get it right all the time
- Council does work with other local authorities – Northern Transport Alliance, digital infrastructure are two examples

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- Part of NRC's Māori Engagement team's work is to lead and role model building whanaungatanga and effect change through engaging hearts and minds. We need to walk in both Māori and pakeha worlds but we reassure you that we are not a silent voice in the council whare and it is a voice that is respected.

Agreed action points:

- TTMAC Co-Chair Dimery to contact FNDC Clr Court about sealing the road to Te Hapua.

Resource consents (Item 3.5)

Key points included:

- The Resource Management Act (RMA) as it's currently written provides a process rather than a veto ability
- There are significant changes coming to the RMA, for which NRC will proactively prepare
- TTMAC and MTAG are working to ensure that consent staff are as culturally competent and knowledgeable about Te Ao Māori as possible, and apply that to cultural impact assessments and other RMA processes
- Tangata whenua find it difficult to work with council because Māori speak in the language of mana whenua and mana moana, while council speaks in the language of RMA
- More mahi is needed to support building RMA capability in tangata whenua and to improve staffs' cultural competency to enable everyone to participate and work better together
- What are working relationships like with other organisations developing policy? You need to talk to each other more so there are consistent messages/processes given to tangata whenua
- NRC is contradictory – water take was a limited notification consent. It affects the whole of the north but it was limited to Pukenui
- Papatuānuku doesn't ask for rent and too many people are abusing that. Don't give consents to enable them
- There's apathy about making submissions because we're not going to be listened to
- Limited notification about water takes for the avocado orchards is like a sledgehammer saying 'no' to trust.

Agreed action points: Nil.

Fencing of wetlands (Item 3.3)

- Waterways suffer degradation from swans and horticultural growers chemicals and more
- Motutangi creek and Kaimaumu wetlands are significant to all of New Zealand | Aotearoa
- An attendee wrote a letter to Eugenie Sage about the widening of Motutangi Creek from 6m to 12m by FNDC, who now want to push all the spoil back. Awaiting a response.

Agreed action points:

- Check whether NRC Chairman got a copy of the letter to Eugenie Sage.

Genetically modified organisms (Item 3.4)

Key points included:

- We are positioned, like water, to feel the pain

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- How has NRC listened? – there were eighty-three submissions to the GMO provisions in the Regional Plan, eighty-two submissions advocated a cautionary approach yet council decided not to include the provisions. The people spoke but were not listened to
- How will GMO impact on Ngāti Kuri? Transgenics, DNA, genetic mutations. How does this affect Ngāti Kuri whakapapa?
- Don't doubt that good work is being done for well-being but doubt the process and decision-making protocol that excludes Māori from that.

Agreed action points: Nil.

Water takes and monitoring (Item 3.6)

Key points included:

- Council monitors water flows through tamperproof (as required by legislation) electronic meters. The data is downloaded and, if non-compliant, enforcement action can be taken under the Resource Management Act. Normally an abatement notice is the first step
- There is no 'off' button that can stop the water take on the meters
- A consent is a contract and parties are legally bound to it
- District and Regional councils have different roles in monitoring water quality and water quantity. NRC measures State of Environment water quality from bores and information is available from NRC's website or can be requested
- NRC takes a fairly precautionary approach. However there will be more pressure from commercial enterprises for water take and over-allocation may become an issue. We are happy for kaitiaki rangers to come with us and see what we are doing
- When considering the meaning of "effects should be no more than minor" a factor to consider is management of environmental effect. A baseline for saline intrusion is set and, if exceeded, the causes are investigated and, if appropriate, an order to cease taking. Concept of adaptive management – when you can revert something back to its natural baseline state.
- Climate change issues will be mainly around rainfall change and recharge
- There are a lot of assumptions being made about the aquifer volume. If salinity doesn't revert back fast, how does that affect us and our wetlands? We suffer the consequences of any trigger breach
- Need to have a kōrero now about stopping the consents. Who is accountable if your assumptions are wrong? NRC to return for a conversation about risk management.

Agreed action points:

- Consents Manager to email Karen with up-to-date allocation figures
- Consents Manager to return for a further hui about water takes and consents

Māori representation and tino rangatiratanga (Item 3.7)

Key points included:

- Māori see no value in participating in or standing for council because there is a history of not being listened to and not being treated as an equal Treaty partner
- People generally are not engaging in local government because it's not being perceived as sufficiently relevant to them or that councils are giving value to ratepayers, especially when rates increase significantly and services do not
- Fundamental belief is that local government is here to serve the people and its current form has been exclusive and non-participatory – there needs to be a fundamental debate

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- NRC has tried to build a more participatory model by asking in the last Long Term Plan consultation document what people wanted to do in the community, which was distilled into water quality, pest control and community resilience (eg floodworks)
- Local government will lose its social licence and right to exist if it doesn't stay relevant
- NRC partly funded the recent Tai Tokerau Māori in Local Government Symposium, the theme for which was encouraging Māori to register, vote and stand for local body elections, and models of representation for Māori in local government
- Can see council progress through the lens of TTMAC members who have built trust and learned to listen better. The representation review was a very close split vote for two Māori seats on the council. Small incremental steps will get us there
- The elephant in the room – we are in this situation because the Crown has abdicated their responsibility to councils. You are not the treaty partner, we are. We can do this process every year but still walk away with nothing
- Like council, all the attendees here today are representing others not just themselves. Willow-Jean Prime expended huge energy getting into Parliament. Why? Because we matter
- I won't vote for people I don't trust and enjoy a good relationship with. However, I trust your staff we work with on the ground, we have honest relationships
- We want to move forward with hope and energy – to know that money is spent on fencing, that our native species are doing well, that our relationship with kura and tamariki are doing well. These values are generated from a different world view
- I want to trust you and believe you have good intentions but I need to see connections and trust your actions
- I don't vote for these men to be my kaumatua, they just are. Why need to vote for Māori to be on council? They just should be
- What are NRC timeframes for achieving cultural competency? When that happens, then we will see ourselves reflected in council and be more responsive to voting and participating in local body elections.

Agreed action points: Nil.

Secretarial Note:

At the conclusion of the hui, thanks was given to Waiora Marae, member Waitai and Ngāti Kuri for hosting the hui. Thanks was also given to Matua Petera whose generosity and kindness for enriching NRC's understanding of tangata whenua needs. Likewise, thanks was given to the council for coming and answering questions and agreeing to return to discuss water takes and monitoring further.

Conclusion

The meeting concluded at 1.30pm.

TITLE: Working Party Updates

ID: A1203607

From: Sally Bowron, Strategy, Governance and Engagement Team Admin/PA

Ngā taunaki/Recommended actions

1. That the report 'Working Party Updates' by Sally Bowron, Strategy, Governance and Engagement Team Admin/PA and dated 17 June 2019, be received.

Rīpota/Report

Reports from the 12 June Natural Resources Working Party (attended by member Murphy) and the 5 June Planning Working Party (attended by member Holloway) will be reported at the next formal meeting.

Authorised by Group Manager

Name: Ben Lee

Title: Acting Group Manager - Strategy, Governance and Engagement

Date: 3 September 2019