



AGENDA

Policy & Planning

Tuesday 1 February 2022, 10.30am

Policy and Planning Committee

01 February 2022 10:30 AM

Agenda Topic	Page
Purpose of Committee and Health and Safety	3
Apologies Chris Young, Stacey Hitchcock	
Notification of Late Notices	
1. Confirmation of Minutes	4
2. Submission on the Proposed Dog Control Policy and Dog Control Bylaw 2021	9
3. Update on Old man's beard control programme	64
4. Ngāruahine Kaitiaki Plan	69
5. Nitrogen Cap Requirements - Essential Freshwater	161
6. Future for Local Government Review Panel Visit	166
7. Order Paper Template	178
Closing Karakia and Karakia for kai	180



Purpose of Policy and Planning Committee meeting

This committee attends to all matters of resource management, biosecurity and related environment policy.

Responsibilities

Prepare and review regional policy statements, plans and strategies and convene as a Hearing Committee as and when required for the hearing of submissions.

Monitor plan and policy implementation.

Develop biosecurity policy.

Advocate, as appropriate, for the Taranaki region.

Other policy initiatives.

Endorse submissions prepared in response to the policy initiatives of organisations.

Membership of Policy and Planning Committee

Councillor C L Littlewood (Chairperson)	Councillor N W Walker (Deputy Chairperson)
Councillor M G Davey	Councillor M J McDonald
Councillor D H McIntyre	Councillor C S Williamson
Councillor E D Van Der Leden	Councillor D N MacLeod (ex officio)
Councillor M P Joyce (ex officio)	

Representative Members

Councillor C Young (STDC)	Councillor S Hitchcock (NPDC)
Councillor G Boyde (SDC)	Mr P Moeahu (Iwi Representative)
Ms B Bigham (Iwi Representative)	Ms L Tester (Iwi Representative)

Health and Safety Message

Emergency Procedure

In the event of an emergency, please exit through the emergency door in the committee room by the kitchen.

If you require assistance to exit please see a staff member.

Once you reach the bottom of the stairs make your way to the assembly point at the birdcage. Staff will guide you to an alternative route if necessary.

Earthquake

If there is an earthquake - drop, cover and hold where possible.

Please remain where you are until further instruction is given.



Date 1 February 2022

Subject: **Confirmation of Minutes - 23 November 2021**

Approved by: A D McLay, Director - Resource Management
S J Ruru, Chief Executive

Document: 2961721

Recommendations

That the Policy and Planning Committee of the Taranaki Regional Council:

- a) takes as read and confirms the minutes and resolutions of the Policy and Planning Committee of the Taranaki Regional Council held in the Taranaki Regional Council Boardroom, 47 Cloten Road, Stratford on Tuesday 23 November 2021 at 10.30am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 14 December 2021.

Matters arising

Appendices/Attachments

Document 2920435: Minutes Policy and Planning Committee - 23 November 2021



Date 23 November 2021, 10.30am

Venue: Taranaki Regional Council Boardroom, 47 Cloten Road, Stratford

Document: 2920435

Members	Councillor	C L Littlewood	Committee Chairperson
	Councillor	N W Walker	Committee Deputy Chairperson
	Councillor	M G Davey	
	Councillor	M J McDonald	
	Councillor	D H McIntyre	
	Councillor	C S Williamson	<i>Zoom</i>
	Councillor	E D Van Der Leden	
	Councillor	D N MacLeod	ex officio

Representative

Members	Councillor	G Boyde	Stratford District Council
	Councillor	S Hitchcock	New Plymouth District Council <i>Zoom</i>
	Councillor	C Young	South Taranaki District Council
	Ms	L Tester	Iwi Representative <i>Zoom</i>
	Ms	B Bigham	Iwi Representative <i>Zoom</i>
	Mr	P Moeahu	Iwi Representative

Attending	Councillor	D L Lean	
	Mr	S J Ruru	Chief Executive
	Mr	A D McLay	Director - Resource Management
	Ms	A J Matthews	Director - Environment Quality
	Mr	D R Harrison	Director - Operations
	Mr	C Spurdle	Planning Manager
	Mr	C Wadsworth	Strategy Lead
	Ms	L Ingham	Data Scientist
	Ms	K Blakemore	Environmental Scientist - Freshwater Ecology
	Miss	L Davidson	Committee Administrator

Two members of the media (Taranaki Daily News and Te Korimako Radio).

Apologies Apologies were received and sustained from Councillor M P Joyce and Mr P Muir – Federated Farmers Representative.

1. Confirmation of Minutes – 12 October 2021

Resolved

That the Policy and Planning Committee of the Taranaki Regional Council:

- a) takes as read and confirms the minutes and resolutions of the Policy and Planning Committee of the Taranaki Regional Council held in the Taranaki Regional Council Boardroom, 47 Cloten Road, Stratford on Tuesday 12 October 2021 at 10.30am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 2 November 2021.
Littlewood/MacLeod

Matters arising

There were no matters arising.

2. Freshwater Programme Update

- 2.1 Mc C Wadsworth, Strategy Lead, spoke to the memorandum providing the Committee with a Freshwater implementation project update.
- 2.2 The updated Freshwater Project Plan will be brought back to the Council in the new year for adoption.
- 2.4 Engagement with Iwi is ongoing. There are discussions happening as to the type of engagement and how this can be resourced.

Recommended

That the Taranaki Regional Council:

- a) receives the update on Freshwater implementation programme.
MacLeod/Van Der Leden

3. Submission on Draft Emissions Reduction Plan Discussion Document

- 3.1 Mr C Wadsworth, spoke to the memorandum informing the Committee of the Taranaki Mayoral Forum's submission on the Draft Emissions Reduction Plan Discussion Document ("ERP").

Recommended

That the Taranaki Regional Council:

- a) receives the Memorandum and endorses the *Submission on Draft Emissions and Reduction plan Discussion Document*.
Van Der Leden/Boyde

4. Recreational Use of Coast, Rivers and Lakes in Taranaki. SEM Report 2019-2020

- 4.1 Ms A Matthews, Director – Environment Quality, spoke to the memorandum and introduced Ms L Ingham, Data Scientist, who provided a presentation on the state of recreational use of Taranaki's coast, rivers and lakes.
- 4.6 A review of the Council's approach to this survey will be undertaken, giving consideration to design, frequency and engagement with Iwi/Hapū and other community groups.

Recommended

That the Taranaki Regional Council:

- a) receives the memorandum noting the preparation of a report into the state of the recreational use of coast, rivers and lakes in Taranaki
- b) notes the recommendations contained therein.
- Van Der Leden/Young

5. Lake Rotorangi SEM Annual Monitoring Reports

- 5.1 Ms A Matthews, Director – Environment Quality, spoke to the memorandum providing a report on state and trends in water quality and ecosystem health for Lake Rotorangi. Ms K Blakemore, Environmental Scientist – Freshwater Ecology answered questions arising.

Recommended

That the Taranaki Regional Council:

- a) receives this memorandum noting the preparation of reports into the state of the water quality and biological programme of Lake Rotorangi as determined in monitoring during 2019-2020 and 2020-2021 and notes the specific recommendations therein
- b) notes that scoping of a state of environment lakes monitoring programme is underway, to align with NPS-FM requirements.
- Van Der Leden/McIntyre

6. Natural and Built Environments Bill Select Committee Report

- 6.1 Mr C Wadsworth, Strategy Lead, spoke to the memorandum informing Members of the recent report from the Environment Select Committee on the Exposure Draft for the Natural and Built Environments Bill.

Recommended

That the Taranaki Regional Council:

- a) receives the memorandum *Natural and Built Environments Bill Select Committee Report*.
- MacLeod/Boyde

7. Te Kāhui o Taranaki Trust Taiao Briefing

- 7.1 Due to an environmental issue Taranaki Iwi Taiao Team were unable to make it to present the item. They will come to the meeting in February 2022.
- 7.2 A meeting was held last week with Taranaki Iwi and officers are confident that work can be done together to look at the issues they raise.

8. Towards Predator-Free Taranaki Project

- 8.1 Mr S Ellis, Environment Services Manager, spoke to the Memorandum, and introduced Ms S Haultain, Programme Lead – Towards Predator Free Taranaki, who provided a presentation on the progress of the Taranaki Taku Tūranga Our Place - Towards Predator-Free Taranaki project.

Recommended

That the Taranaki Regional Council:

- a) receives this memorandum *Taranaki Taku Tūranga Our Place - Towards Predator-Free Taranaki project*
- b) notes the progress and milestones achieved in respect of the urban, rural and zero density possum projects of the *Taranaki Taku Tūranga Our Place - Towards Predator-Free Taranaki project*.

Walker/Boyde

There being no further business the Committee Chairman, Councillor C L Littlewood, declared the meeting of the Policy and Planning Committee closed at 11.40am. The meeting closed with a karakia.

Confirmed

Policy and Planning

Chairperson: _____

C L Littlewood

1 February 2022



Date 1 February 2022

Subject: **Submission on the Proposed Dog Control Policy and Dog Control Bylaw 2021**

Approved by: D Harrison, Director - Operations
S J Ruru, Chief Executive

Document: 2943697

Purpose

1. The purpose of this memorandum is to seek Members' endorsement of the submission on the New Plymouth District Council (NPDC) *Statement of proposal dog control policy and dog control bylaw 2021* (the Proposal).
2. The deadline for submissions precluded a draft submission being presented to this meeting.

Executive summary

3. NPDC have undergone a review of the *Dog Control Policy* and *NPDC Bylaw 2010: Part 2 Dog Control* (the Bylaw). The review proposes changes to the Bylaw to better address perceived problems that arise in relation to dogs in the New Plymouth district.
4. The Proposal includes changes to the Bylaw that include:
 - Protecting coastal biodiversity through proposing two additional leashed control areas at two of the Back Beach car parks.
 - Providing for the urgent safe-guarding of protected wildlife.
 - A proposed prohibited area with a leashed control walk through at the Back Beach lower car park.
 - Reducing the daylight saving prohibitions at some popular beaches.
 - Improving dog-walking opportunities at Lake Mangamahoe.
 - Removing the current prohibition of dogs in the New Plymouth Central Business Area.
 - Proposing for leashed control of dogs at cemeteries.
5. For further information on the proposal please see attached the *Statement of proposal dog control policy and dog control bylaw 2021 November 2021* in Appendix I.

6. A submission on the Proposal was prepared by officers on the behalf of the Council. The deadline for the submission on the Proposal was 14 December 2021.
7. Attached in Appendix II for Members' information and endorsement is a copy of the Council's submission. In brief, the submission is largely supportive of the proposed changes. However, the submission recommends minor changes to further improve biodiversity protection in the coastal environment.

Recommendations

That the Taranaki Regional Council:

- a) receives this Memorandum entitled Submission on the *Proposed Dog Control Policy and Dog Control Bylaw 2021*
- b) receives and endorses the attached submission on the Proposal
- c) determines that this decision be recognised as not significant in terms of section 76 of the *Local Government Act 2002*
- d) determines that it has complied with the decision-making provisions of the *Local Government Act 2002* to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Background

8. The Council makes this submission as an advocate for indigenous biodiversity in Taranaki and as partial fulfilment of commitments identified in the Regional Policy Statement for Taranaki, the Proposed Coastal Plan for Taranaki and the Taranaki Regional Council Biodiversity Strategy. The Council undertakes a number of programmes to protect and enhance significant indigenous biodiversity in the coastal environment.
9. NPDC are reviewing the current *Dog Control Policy* and *NPDC Bylaw 2010: Part 2 Dog Control* in accordance with the *Dog Control Act 1996* and *Local Government Act 2002*.
10. NPDC have taken this review as an opportunity to consider changes, which may be better suited to address the perceived problems that arise in relation to dogs in the New Plymouth district. NPDC had regard to the following when undertaking the review:
 - The need to minimise danger, distress, and nuisance to the community generally.
 - The need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not they are accompanied by adults.
 - The importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs.
 - The exercise and recreational needs of dogs and their owners.
11. NPDC are proposing to remove the current prohibition of dogs in the New Plymouth Central Business Area and replacing it with the leashed control of dogs in this area

(excluding dangerous and menacing dogs). This proposal is supported by NPDCs pre-consultation and a trial will be undertaken before a decision is made.

12. There is currently leashed control restrictions in place to protect wildlife (and dogs) on the coast during breeding season from August to April at Bell Block Beach, Waiiti Beach, Tapuae Marine Reserve, and Paraninihi Marine Reserve. NPDC are proposing a new prohibited area comprising of the rockwall between Te Henui Stream and East End Beach and the sand dune area between East End Beach and the Waiwhakaiho Groyne (ie no dogs at all). The aim of this proposal is to protect penguins that nest in these areas all year around.
13. Currently, dogs must be under leashed control between Tapuae Stream to the Herekawe Stream between August and April. Two additional leashed control areas are proposed at Back Beach lower car park and Back Beach upper car park and the adjoining reserves. This proposal is to protect blue penguins, seals and other wildlife known to frequent these areas.
14. New clauses are further proposed to provide for the urgent temporary safeguarding of protected wildlife. This new clause will enable NPDC to temporarily identify an area as prohibited (up to 60 days) when there is an urgent need to protect wildlife. For example, shore birds such as Tūturiwhatu/NZ dotterel tend to nest in known locations however, they may on occasion nest outside these normal and protected nesting areas where dogs are permitted. An urgent safeguarding clause will allow for prohibited 60 day areas to be established to ensure dogs do not disturb or damage the nests.
15. NPDC propose that a new prohibited area with leashed control walk through on the beach area immediately adjacent to the Back Beach lower car park. The prohibition is proposed from 10am to 6pm from Labour weekend to Easter Monday. This proposal is made due to the area being heavily congested in some seasons creating an increased potential for dog control issues.
16. Under the current Bylaw dogs are prohibited from specific areas at East End/Fitzroy beaches, Ōakura Beach, Corbett Park/Ōakura River area and Onaero Beach between 9am and 6pm during daylight saving (last weekend of September to first weekend of April). NPDC proposes to reduce the time of the prohibition from 10am to 6pm and the duration of the prohibition to occur from Labour Weekend (commencing Saturday) to Easter Monday. This will seek to provide for the recreational needs of dogs and their owners and was supported through the pre-consultation.
17. NPDC also seek to improve dog walking opportunities at Lake Mangamahoe by changing the current prohibition of dogs, whilst also maintaining the protection of the water and wildlife. It is proposed that a lake circuit for dog walkers consisting of leashed control and off-leash areas be made. NPDC also propose a change for cemeteries from off-leash and under control to leashed control.
18. For further information, please refer to Appendix I for a copy of the Proposed document.

Key submission points

19. Officers reviewed and prepared the submission on the Proposal document. The closing date for submissions was 14 December 2021. The submission (refer Appendix II) was forwarded to NPDC on that date.
20. The Council notes that while the focus of the review is on responsible dog ownership and public health and safety considerations, the Proposed Bylaw has the potential to

significantly contribute to the better protection of coastal biodiversity in the New Plymouth District if it is maintained and enforced.

21. In brief, the submission is generally very supportive of the proposed amendments, subject to minor recommendations to improve biodiversity outcomes. Set out below are the key submission points on the Proposal that have been incorporated in the submission.
 - The submission notes Policy 15 of the *Proposed Coastal Plan for Taranaki* and Council's efforts to identify, map and protect indigenous biodiversity in the coastal environment, including the mapping of important nesting and feeding areas for coastal seabirds.
 - The submission notes that the Council support the need to consider greater protection of wildlife in particular areas that have significant biodiversity values. The proposal to include additional leashed control restrictions is supported by the Council at all the proposed locations. The Council suggests that these restrictions can better protect threatened and rare species such as kororā, red-billed gulls and white fronted terns that are vulnerable to dog attacks or disturbance.
 - The submission seeks minor changes to the Proposed Bylaw whereby restrictions are extended all year round for the leashed control areas (as opposed to the current 'August to April' restrictions). The submission suggests that significant indigenous biodiversity may be present at these areas all year around and higher levels of protection are warranted.
 - In addition to the establishment of two new-leashed control areas, the Council strongly recommends that dogs also be prohibited off leash after dark at significant penguin nesting and roosting sites all year round. The Council recommends that NPDC officers should consider sites mapped on the TRC Biodiversity portal to complete this exercise.
 - The submission notes Council support for the inclusion of clauses providing for the temporary safeguarding of protected wildlife. This will provide for clear communication to the public and give NPDC the flexibility to act quickly to protect wildlife.
 - The submission notes Council support for amendments to include two new prohibited areas to enhance protection of kororā (little blue penguin).
 - The submission notes that Council is supportive of NPDC encouraging responsible dog ownership within the New Plymouth District through public education and enforcement of the NPDC Bylaw, and other relevant legislation. It is suggested that NPDC must be proactive and clear with their messaging to the public and provide plenty of opportunities for the public to be educated about responsible dog ownership and biodiversity values that may be present in their area.
 - The submission encourages NPDC to use the Council's Biodiversity Portal located on Local Maps to focus educational efforts such as through signage to identify important nesting and feeding sites and promote responsible dog owner behaviours. It is further recommended that NPDC further review the Biodiversity Portal to locate areas with significant biodiversity values where restrictions might be appropriate.
22. Please see Appendix II for a full copy of the submission.

Financial considerations—LTP/Annual Plan

23. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

24. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

25. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Community considerations

26. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum.

Legal considerations

27. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

Document 2944062: Statement of proposal dog control policy and dog control bylaw 2021
November 2021

Document 2939440: Submission on the proposed dog control policy and dog control bylaw
2021

New Plymouth District Council

Proposed Dog Control Policy and Dog Control Bylaw 2021

Statement of Proposal November 2021



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth
District Council**

Introduction

The Council is reviewing the Dog Control Policy (the current Policy) and the New Plymouth District Council Bylaw 2010: Part 2 Dog Control (the current Bylaw) in accordance with the Dog Control Act 1996 (DCA) and the Local Government Act 2002 (LGA).

The Council is required by the DCA to have a policy on dogs and to have a bylaw that gives effect to the policy. The bylaw is able to regulate and control dogs in public places and to regulate the keeping of dogs as well as for other purposes relating to the welfare and control of dogs. The policy must cover whether menacing dogs are required to be neutered and shall cover various aspects of dog control including identify those areas of the district where dogs are prohibited, required to be controlled on a leash, and areas where there are no restrictions.

When reviewing the policy the Council has had to have regard to:

- The need to minimise danger, distress, and nuisance to the community generally.
- The need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not they are accompanied by adults.
- The importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs.
- The exercise and recreational needs of dogs and their owners.

The current Policy and current Bylaw were last reviewed in 2010. The Council has taken the review as an opportunity to revisit the previous approach adopted in 2010 by proposing changes to better address the perceived problems that arise in relation to dogs within the district.

To inform the review of the current Policy and current Bylaw, the Council carried out a pre-consultation survey with the community, receiving 930 responses in relation to dogs at popular beaches and other areas within the district. In addition, the Council had discussions with some key stakeholders in relation to wildlife preservation and other key aspects of the current Policy and current Bylaw. The information gained from these consultations, as well as Council service request and dog control data, has helped to inform the development of the Proposed Dog Control Policy (the proposed Policy) and the Proposed Dog Control Bylaw (the proposed Bylaw).

The proposed Policy and proposed Bylaw regulates the keeping of dogs for the protection of the health and safety of the public. Many of the current regulations controlling dogs are retained with additional regulations proposed to better address the perceived problems that arise in relation to dogs within the district.

The proposed Policy and proposed Bylaw would replace the current Policy and current Bylaw. A copy of the proposed Policy and proposed Bylaw are included in this Statement of Proposal.



Where can I get more information?

For more information about this consultation visit the Council's website: npdc.govt.nz/HaveYourSay or phone us on 06-759 6060.

A copy of this document is available for viewing at the Civic Centre, Liardet Street, New Plymouth or library and service centres at Bell Block, Inglewood and Waitara.

Determinations

To aid the Council in determining whether to review the bylaw a Regulatory Impact Assessment (RIA) was undertaken. The assessment sets out the authority to make a bylaw, the perceived problems or nuisances the bylaw addresses, and the options available to the Council to deal with these problems.

The RIA was informed by:

- Council service request data;
- Animal Control Team dog control data;
- Engagement with key stakeholders including the Taranaki Regional Council (TRC) and the Department of Conservation (DoC);
- Information from the Council's satisfaction survey; and
- A pre-consultation survey carried out over three weeks from July to August 2021.

The RIA shows that there are ongoing problems with dogs roaming/wandering, dogs fouling, aggressive behaviour from dogs and other issues. This is highlighted by the 4,151 service requests received in the 2020/21 year, indicating that the bylaw still has an important regulatory role to play in controlling dogs in the district.

Reasons for reviewing the current Policy and current Bylaw

The current Bylaw is due for review by 9 April 2022. Without a review it will be revoked under section 160A of the LGA on 9 April 2022. Under Section 10AA of the DCA a local authority's dog control policy must be reviewed if the bylaw implementing the policy requires review.



Options

Two options were considered during the review of the current Policy and current Bylaw:

Option 1: Review and amend the current Policy and current Bylaw (preferred option).

Option 2: Retain the status quo and make no changes to the current Policy and current Bylaw.

When determining the best approach, reviewing and amending the current Policy and current Bylaw was considered the most appropriate.

A summary of the options analysis is shown below.

1

Review and amend the current Policy and current Bylaw (preferred option)

This option involves reviewing the current Policy and current Bylaw in light of learnings from the operation of the Bylaw since it was last reviewed, and in response to pre-consultation that has taken place. This is the preferred option. It is recommended that the review should also remove the current Bylaw from the Consolidated NPDC Bylaw and create a standalone bylaw, consistent with the Council's current approach to bylaw reviews.

Advantages

- Provides the Council with a tool to control dogs within the district, to ensure they do not create a nuisance or endanger public health and safety.
- Allows the Council to take into consideration any new information in the sector since the last review, and to address any matters within the current Bylaw.
- A bylaw review taking into account public feedback from a consultation process can address some of the perceived community concerns regarding the regulation of dogs in the district, and create an updated and fit for purpose regulatory instrument.
- Consistent with the Council's previous approach.
- Rules will be in one place, clear and known to key stakeholders and the public.
- Proactive approach to regulation.
- Community views and preferences will be collected.

Disadvantages

- Council resources required to undertake review.
- There are costs and issues associated with monitoring and enforcing a bylaw.
- There is a risk of over regulation, as there is a limit to how far a bylaw can go to regulate dogs before it becomes an overly restrictive restraint.
- Regulation of the proposed Bylaw, with some changes to regulated areas, would require increased resource for the Animal Control Team.

2**Retain the status quo and make no changes to the current Policy and current Bylaw**

This option reflects the status quo and would involve the Council retaining the current Policy and current Bylaw in their current form with no amendments.

Advantages

- Retain consistency in approach to regulation.
- The public and key stakeholders have certainty in what the regulations are.
- A bylaw clearly articulates the Council's position which gives regulatory certainty to dog owners.
- This approach would not require any change to the current regulatory approach. Any increase in resource would be in response to an increasing number of registered dogs, or a change in regulatory approach.

Disadvantages

- The Council's dog control regulation approach may be outdated in terms of area controls and focus of the current Bylaw.
- Feedback from pre-consultation indicates there is desire for some change to the regulation approach from within the community.
- The bylaw will remain part of the consolidated bylaw.
- Approach not consistent with findings of the options analysis and the RIA.

Option 1 is the preferred option. Under this option it is proposed to amend the current Policy and create a standalone Bylaw to provide the Council with a tool to control dogs in the district to ensure they do not create a nuisance or endanger public health and safety.

**5**

Key proposals in the proposed Policy and proposed Bylaw

The main changes to the proposed Policy and proposed Bylaw are outlined below.

Removing the current prohibition and replacing it with leashed control in the New Plymouth Central Business Area (CBA)

Dogs are currently prohibited from the CBA. The proposed Bylaw proposes to remove this prohibition and allow dogs (excluding dangerous and menacing dogs) in the CBA under leashed control. Dogs classified as menacing or dangerous would remain prohibited from the CBA.

This proposal has been the subject of public requests for dogs to be permitted in the CBA and was supported by the results of the pre-consultation (72 per cent support for leashed control dogs in the CBA, with 23 per cent supporting the current prohibition of all dogs).

A trial allowing dogs under leashed control in the CBA will be carried out for four weeks from 13 November in conjunction with the consultation period on the proposed Policy and proposed Bylaw. This approach would allow submitters on the proposed Policy and proposed Bylaw review to include feedback on the trial in their submissions. The trial will also provide the Council with important operational information in terms of issues that arise, the regulatory approach required and subsequent staffing needs. It is considered that the trial will therefore provide for a more informed decision on the final policy and bylaw

Protection of wildlife (and dogs)

The current Policy and current Bylaw have leashed control restrictions in place to protect wildlife (and dogs) on the coast during the breeding season from August to April in the following four locations – Bell Block Beach, Waiiti Beach, Tapuae Marine Reserve, and Parininihi Marine Reserve. The proposed Policy and proposed Bylaw proposes to further enhance the protection of wildlife (and dogs) in two locations in addition to retaining these current restrictions. It is important to note that the protection of wildlife also partially assists with the protection of dogs given that both the DCA and the Conservation Act 1987 provide for the destruction of a dog found to have caused death or serious injury to protected wildlife.

Informal discussions with DoC and TRC during the review of the current Policy and current Bylaw has highlighted the increasing awareness and focus on biodiversity within the New Plymouth District. The discussions have raised the potential to consider a need for greater protection of wildlife (and dogs) in particular areas across the district. Many of these areas require further investigative work to better determine the need and type of potential regulatory control required if any. Pre-engagement with communities would also help improve educational understanding of the risk to wildlife from dogs and requirements for potential regulatory controls. It is however proposed to initially test in formal consultation the inclusion of dog controls at specific areas at Back Beach and Fitzroy and East End beaches in the proposed Policy and proposed Bylaw. It is also proposed to include a new provision in the proposed Policy and proposed Bylaw to provide for the temporary urgent safeguarding of protected wildlife. These are further described below.

Waiwhakaiho Groyne to Te Henui Stream - sand dunes and rock wall area

Under the current Bylaw there are no regulations regarding the protection of wildlife for this area.

A new prohibited area is proposed comprising of the rockwall between the Te Henui Stream and East End Beach, and the sand dune area between East End Beach and the Waiwhakaiho Groyne bordered on the landward side by the Coastal Walkway. The rationale for this prohibition is to protect blue penguins that nest in this area year round. In 2020 a Penguin survey was undertaken by TRC which identified evidence of penguins nesting within the rockwall and sand dunes.

Refer Map 3 of the proposed Bylaw.

Protection of wildlife (and dogs)

Back Beach

Under the current Bylaw, dogs must be leashed controlled between Tapuae Stream to the Herekawe Stream (Tapuae Marine Reserve) between August and April (breeding season).

Two additional leashed control areas are proposed:

1. Proposed leashed control area. Back Beach lower car park and the adjoining reserve and stream area. The rationale for this leashed control area is to protect blue penguins and other wildlife in response to previous dog attacks on blue penguins, a grey faced petrel and a shag in this area.
2. Proposed leashed control area. Back Beach northern end car park and adjoining reserve and beach area between the bottom of the access steps, Round Rock and Paritutu. The rationale for this leashed control area is to protect seals in this area as it is an important seal haul out area. The Sugar Loaf Islands are a known breeding location for seals and they are often present on the rocky outcrops surrounding Paritutu Rock and the islands which are accessible from the beach. This is in response to dog attacks on seals including two recent attacks.

Refer to Map 4 of the proposed Bylaw.

The Council will continue to investigate, in consultation with key stakeholders, the potential requirements for the protection of wildlife (and dogs) in the district that may require subsequent future additional bylaw amendments to be considered at a later time.

Policy and Bylaw updates to provide for the urgent safeguarding of protected wildlife

The proposed Policy and proposed Bylaw include new clauses to recognise the importance of, and provide for, the urgent temporary safeguarding of protected wildlife. These clauses enable Council to temporarily identify an area as prohibited (for up to 60 days) in order to protect wildlife in the area. It will enable the Council to act quickly when there is an urgent need to protect wildlife. The provision provides the ability to erect signage and fencing at these areas that will help to inform dog owners and other beach users of the wildlife present in these areas and will reduce the potential for disturbance or destruction of the wildlife or habitat. This provision is particularly beneficial to the protection of oyster catchers and dotterels who nest on beaches.

Refer to statement 7.4.1 of the proposed Policy and clause 12 of the proposed Bylaw.



Prohibition with leashed control walk through for the beach area immediately adjacent to the Back Beach lower car park

Other than seasonal leashed control related to the Tapuae Marine Reserve the current Policy and current Bylaw has no dog control restrictions for Back Beach. The proposed Policy and proposed Bylaw proposes a new prohibited area with leashed control walk through on the beach area immediately adjacent to the Back Beach lower car park. The prohibition is proposed from 10am to 6pm from Labour Weekend (commencing Saturday) to Easter Monday. Dogs would be permitted to be led on a leash through the prohibited area to access the rest of Back Beach, which would remain as an off-leash area for dogs (with seasonal leashed control related to Tapuae Marine Reserve) and their owners to enjoy.

The rationale for this proposal is that the beach area immediately adjacent to the Back Beach lower car park is seasonally a very high congestion point for people and dogs with a significantly increased potential for dog control issues. Back Beach is a very popular beach with families and other recreational users including walkers, dog walkers and surfers and the proposed prohibited area is often crowded in the peak summer months. The proposal also recognises that the majority of the greater Back Beach area is suitable for dogs without the need for regulatory control with the exception of the seasonal leashed control related to Tapuae Marine Reserve.

Refer to Map 4 of the proposed Bylaw.

Reducing the daylight saving prohibitions at popular beaches

Under the current Bylaw dogs are prohibited from specific areas at East End/Fitzroy beaches, Ōākura Beach, Corbett Park/Ōākura River area and Onaero Beach between 9am and 6pm during daylight saving (last weekend of September to first weekend of April).

The proposed Policy and proposed Bylaw proposes to reduce the time of the prohibition to 10am to 6pm and the duration of the prohibition to occur from Labour Weekend (commencing Saturday) to Easter Monday. These proposals would allow dog walkers an extra hour in the morning before the prohibition begins and also provide an approximate four week reduction in the duration of the seasonal prohibition in spring when sea water temperatures are cooler (reducing the potential for bathing) and the weather is typically more unsettled. It is also recognised that changing the autumn ending will have some years with a longer prohibition where Easter falls after the first weekend in April.

The proposed changes seek to find a balance between providing for the exercise and recreational needs of dogs and their owners whilst maintaining dog free areas for the use of the public. Its supported by a large amount of feedback received during the pre-consultation survey noting that the current prohibition is too long and that these beach areas are not highly used before November/December and that the daily hours are too long.



Improving dog walking opportunities at Lake Mangamahoe

Under the current Bylaw dogs are prohibited in the lake and the land within 200 metres of the lake. This prohibition was established to protect the water and the wildlife that are present in and around the water.

The proposed Bylaw proposes a change to the current prohibition to enhance the dog walking opportunities at Lake Mangamahoe whilst maintaining the protection of the water and wildlife. The proposal will provide a lake circuit route for dog walkers consisting of a mix of leashed control and off-leash areas. The proposal also prohibits dogs from the lake and the land lake ward of the access road and the lower walking tracks around the lake. This approach ensures that wildlife using the grassed areas adjacent to the lake continue to be protected from the impacts of dogs.

Refer to Map 2 of the proposed Bylaw.

Leashed control for Council cemeteries

Under the current Bylaw all Council cemeteries are off-leash and under control. Both the Parks and Open Spaces Team and Animal Control Team receive dog nuisance complaints relating to cemeteries.

The proposed Bylaw proposes a change for cemeteries from off-leash and under control to leashed control. The proposal will continue to allow people to visit cemeteries with their dogs while also respecting the use of the cemeteries by other members of the community.

Other changes to the proposed Policy and proposed Bylaw

In addition to the above proposed changes to the proposed Policy and proposed Bylaw, the following changes are also proposed:

- Creating a standalone bylaw which is a consistent approach to other recent Council bylaw reviews. The proposed Bylaw has new definitions and general clauses to clarify obligations and offences to assist in the interpretation of the bylaw provisions and to enable the bylaw to be separated from the Council's Consolidated Bylaw.
- Clarifying that off-leash is the default rule in public areas unless otherwise specified.
- New requirement to prohibit the ability to exercise dogs with motor vehicles. This is a new rule added in response to issues and complaints regarding uncontrolled dogs running next to moving motor vehicles.
- Clarifying the Council's position on neutering menacing dogs.
- Simplifying the area controls (including prohibited and leashed control areas) by moving them into a schedule for ease of reference. The proposed schedule replaces the area maps in the current Bylaw, except for a select few that were deemed necessary to help clarify complex area rules. This helps to improve the readability and accessibility of the bylaw.
- Controls for playgrounds. Dogs must now be led around, not through playgrounds.
- Controls for sports fields. Dogs must now be set back from pitches and immediate areas being used by spectators during organised events (including training).
- Controls for Bell Block, Westtown and Moturoa shopping areas: Clarification of leashed control description to improve interpretation and understanding in these areas.
- Refinement and clarification of the demarcation points for the East End and Fitzroy seasonal prohibitions to align with pedestrian beach access points.



Have your say!

The proposed Dog Control Policy and Proposed Dog Control Bylaw 2021 is now open for public consultation. This is your chance to let the Council hear your views and preferences about the proposals, so please take the time to get involved and have your say.

There are several ways you can have your say. A submission form is provided with this document or you can fill in your submission online.

To get your submission to us, either:

Do it online: npdc.govt.nz/HaveYourSay

Email it to: submissions@npdc.govt.nz

Post it to: NPDC Dog Control Submissions, Reply Paid DX, DX Box NX10026,
New Plymouth 4342

Deliver it to: Civic Centre, Liardet Street, New Plymouth or to a library and service centre
in Bell Block, Inglewood or Waitara

**Be sure to get your submission to the Council by 5pm on
Tuesday 14 December 2021**

Late submissions will not be accepted

Proposed Dog Control Policy and Dog Control Bylaw 2021 Submission Form

Save time by filling in your submission online at npdc.govt.nz/HaveYourSay

Full Name: _____

Organisation: _____

Address: _____

Email: _____

Phone (Day): _____

Do you want to speak to the Council in support of your submission? Yes No

If one of the boxes is not ticked, we'll assume you don't want to be heard.

1. New Plymouth Central Business Area (CBA)

Do you support the proposal of changing the current prohibition of dogs in the CBA to leashed control, but retaining the prohibition for menacing and dangerous dogs? (please tick one)

- Yes
- Yes, but also allow leashed control for dangerous and menacing dogs
- No, retain current ban of dogs in the CBA

Comments:
.....
.....
.....
.....
.....

2. Protecting wildlife (and dogs)

a) Do you support the proposed leashed control area at the northern end of Back Beach (car park, adjoining reserve and beach area)? (please tick one)

- Yes
- No

Comments:
.....
.....
.....
.....

All submissions (including your name, address and contact details) are provided to Council officers and elected members for the purpose of analysing feedback. Your personal information will also be used for the administration of the engagement and decision-making process. Submissions (with individuals names only) will be available online. If requested, submitter details may be released under the Local Government Official Information and Meetings Act 1987. If there are good reasons why your details and/or submission should be kept confidential please contact our Privacy Officer on 06-759 5688 or through enquiries@npdc.govt.nz



b) Do you support the proposed leashed control area at the southern end of Back Beach (car park, adjoining reserve and stream area)? (please tick one)

- Yes
- No

Comments:

.....

.....

.....

c) Do you support the proposed prohibition for the sand dunes and rock wall area from the Waiwhakaiho Groyne to the Te Henui Stream? (please tick one)

- Yes
- No

Comments:

.....

.....

.....

3. Back Beach

Do you support the proposed seasonal* prohibition (with leashed control walk through) for the beach area immediately adjacent to the lower car park? (please tick one)

*10am to 6pm from Labour Weekend (commencing Saturday) to Easter Monday

- Yes
- No

Comments:

.....

.....

.....

4. Reducing the daylight saving prohibitions at popular beaches

Do you support the proposed seasonal* prohibitions at East End/Fitzroy beaches, Ōākura Beach, Corbett Park/Ōākura River area and Onaero Beach? (please tick one)

*10am to 6pm from Labour Weekend (commencing Saturday) to Easter Monday

- Yes
- No, retain current daylight saving ban (9am to 6pm)

Comments:

.....

.....

.....

New Plymouth District Council

Proposed Dog Control Policy 2021

1. Purpose

- 1.1. The purpose of this policy is to outline how the Council will regulate the keeping of dogs for the protection of the health and safety of the public.
- 1.2. This policy meets the requirements of the Dog Control Act 1996 ('the Act'). The Council is required to adopt a Dog Control Policy under section 10 of the Act.
- 1.3. The Council's obligations in relation to dog control are set out in the Act, and this policy should be read in conjunction with the Act.

Note: This Policy will be supplied to the owner of every registered dog.

2. Scope

- 2.1. The policy applies to all dogs within the district, including those not registered by the New Plymouth District Council.
- 2.2. The policy should be read and implemented concurrently with the Dog Control Bylaw 2021.

3. Application of the Bylaw

- 3.1. The Council gives effect to this policy by adopting the New Plymouth District Council Dog Control Bylaw 2021 ('the Bylaw').
- 3.2. The Bylaw includes the following provisions:
 - a) Keeping of dogs.
 - b) Off-leash areas.
 - c) Leashed control areas.
 - d) Prohibited areas.
 - e) No exercising dogs with vehicles.
 - f) Menacing dogs.
 - g) Urgent safeguarding of protected wildlife.
 - h) Temporary exemptions from dog controls.
 - i) Nuisances.
 - j) Fouling in public places.
 - k) Offences and penalties.

Note: The Council will report on the administration of this Policy annually and will make this report publicly available.

4. **Definitions**

4.1. In this Policy, unless the context otherwise requires:

Act means the Dog Control Act 1996.

Animal means any member of the animal kingdom, including birds, reptiles, livestock and poultry, but it does not include human beings.

Beach means the foreshore and any adjacent area that can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation, but not including any grassed areas or other green spaces that are adjacent to the beach. For clarification, estuary areas that fit this definition are considered a beach under this policy.

Bylaw means the New Plymouth District Council Dog Control Bylaw 2021.

Council means the New Plymouth District Council.

Dog Control Officer has the meaning given to that term by section 2 of the Act.

Dog Ranger has the meaning given to that term by section 2 of the Act.

Owner – in relation to any dog, has the same meaning given to that term in section 2 of the Act.

Policy means the New Plymouth District Council Dog Control Policy 2021.

Protected wildlife includes the definition of 'protected wildlife vulnerable to dogs' in the Conservation Act 1987.

Public place has the meaning given to that term by section 2 of the Act and, to provide certainty, includes any road under the control of the Council.

Reserve has the meaning given to that term by section 2 of the Reserves Act 1977.

Under control means having a dog off leash under command control of a person (for example, by voice, signal, whistle or other similar means) who is in fact controlling the dog so as to prevent it being an annoyance or a nuisance.

5. **Fees and Infringement Notices**

5.1. Fees for the registration of dogs are set by the New Plymouth District Council from time to time, pursuant to sections 37 and 38 of the Dog Control Act 1996. When setting fees, the Council may take into consideration the following outcomes:

a) Promoting responsible ownership by all dog owners.

- b) Recognising and rewarding good behaviour in dogs.
 - c) Recognising that working dogs are an integral and necessary part of the rural community and setting the fees accordingly.
 - d) Encouraging owners to de-sex their animals to reduce the incidence of roaming, aggressive behaviour and abandoned dogs.
 - e) Supporting the funding of the animal control activities of the Council primarily from the registration fee for dogs, while recognising that rates funding is appropriate for those costs which should not be borne by registered dog owners or where there is a direct community benefit from the activities.
- 5.2. Pound fees are set by the New Plymouth District Council from time to time, pursuant to section 68 of the Dog Control Act 1996. These fees can include:
- a) The seizure of dogs by dog control officers or dog rangers.
 - b) The sustenance of any dog impounded under this Act.
 - c) The destruction of any dog impounded under this Act.
- 5.3. In setting pound fees the New Plymouth District Council may:
- a) Set different fees for registered and unregistered dogs;
 - b) Set a graduated scale of fees for the repeated impounding of the same dog;
 - c) Require the fee to be paid before the dog is released from the pound.
- 5.4. The New Plymouth District Council considers the issuing of infringement notices to be a valuable tool toward encouraging responsible ownership and control of dogs. The use of infringement notices is to be used additional to or in place of Court action alternatives. Infringement fees are set out in Schedule 1 of the Dog Control Act 1996.

6. Objectives

Objective 1

- 6.1. Encourage responsible dog ownership.

Objective 2

- 6.2. Minimise danger, distress and nuisance to the community generally.

Objective 3

- 6.3. Avoid the inherent danger in allowing dogs uncontrolled access to public places that are frequented by children.

Objective 4

- 6.4. Enable as far as is practicable the public to use the streets and public amenities without fear of attack or intimidation by dogs.

Objective 5

- 6.5. Minimise the negative impact of dogs on protected wildlife and their habitats, including in coastal areas.

Objective 6

- 6.6. Recognise the exercise and recreational needs of dogs and their owners.

7. Policy Statements

7.1. Welfare of Dogs

- 7.1.1 The New Plymouth District Council recognises the benefits of good and proper dog care. Owners have an obligation to ensure their dog is kept within the minimum standards as described in the Bylaw. This includes a requirement of dog owners to provide a dog with:

- a) Adequate housing;
- b) Access to sufficient food and clean water at all times; and
- c) Regular and adequate exercise.

- 7.1.2 Where vehicles are driven into or through dog prohibited areas, and dogs are therefore not allowed out of vehicles, consideration should be given to the welfare of dogs left in vehicles and whether it would be more appropriate to leave the dog(s) at home.

- 7.1.3 All dog owners are expected to plan and prepare for the care and welfare of their dog(s) in anticipation of an emergency. While a state of emergency is in place dog owners must keep their dog under effective control at all times and ensure that their dog(s) does not injure, endanger or cause distress to any person.

7.2. Responsible dog ownership

- 7.2.1 The Council will encourage responsible dog ownership within the New Plymouth District through public education and enforcement of the Council's Bylaw, and other relevant legislation.

- 7.2.2 Responsible ownership requires owners to have an understanding of how to appropriately care for their dogs and how to control their dogs in public places as to not cause a nuisance or risk to the safety of other animals, or members of the public.

- 7.2.3 The Council encourages dog obedience courses to dog owners.

- 7.2.4 New Plymouth District is a carry leash community. This means every dog owner in a public place with a dog must carry a leash with them at all times. This includes in off-leash areas.

- 7.2.5 The Act sets out specific obligations of all dog owners. These are also enforced through the Bylaw. In summary, every dog owner is obligated to ensure the dog:

- a) is registered;
- b) is under control at all times;

- c) has proper care, attention, food, water, and shelter;
- d) has adequate exercise
- e) does not cause a nuisance;
- f) does not injure, endanger, intimidate or distress any person; and
- g) does not injure, endanger or distress animals.

7.3. Areas of dog control in public places

7.3.1 The New Plymouth District Council may designate dog exercise areas (off-leash areas) for the adequate recreational and exercise needs of dogs and their owners. Dogs in exercise areas must at all times be kept under control of a person responsible for the dog.

Note: At the time of writing there are no designated dog exercise areas.

7.3.2 All public places are designated as off-leash exercise areas, unless they are specified as leashed control or prohibited areas in Schedule 1 of the Bylaw.

7.3.3 The Council designates specific public places within the District where dogs must be kept on a leash at all times (leashed control areas). This is for the safety of the public and protected wildlife, and to ensure dogs do not cause an unnecessary nuisance. Dogs in leashed control areas must at all times be kept under control of a person responsible for the dog.

7.3.4 The Council designates specific areas within the district where dogs are prohibited (prohibited areas) This is for the protection of public safety, to ensure dogs do not cause a public nuisance in areas of high community use, and to safeguard protected wildlife. Dogs must not be allowed within prohibited areas.

7.3.5 General areas where dogs are prohibited, where dogs must be on leash, or are designated as off leash dog exercise areas are listed in the table at Appendix 1.

7.3.6 The Bylaw gives effect to these controls stipulated for each of the areas.

7.4. Temporary changes to dog controls

7.4.1 The Council recognises that protected wildlife may not always be in the areas we expect them to be. As a result, the Council may need to temporarily alter the dog control areas to ensure adequate protection of protected wildlife. The Council may, in accordance with clause 12 of the Bylaw, install temporary dog restrictions in areas for the urgent safeguarding of protected wildlife.

7.4.2 From time to time, it may be desirable to make temporary changes to dog control rules in specific areas to hold specific events. The Council may, in accordance with clause 13 of the Bylaw, lift certain dog controls, or introduce new dog controls, for a limited period of time.

7.4.3 Any person is able to apply to the Council for a temporary change to dog control area rules. The process for doing this is outlined in the Dog Control Bylaw clause 13.

Identification of 'Controlled' and 'Open' dog areas

7.4.4 The Council recognises the need to inform all dog owners of lands administered by the Department of Conservation which may be declared as:

- a) A controlled dog area, where dogs are banned unless provided with a permit from the Department of Conservation. National Parks are controlled dog areas.
- b) An open dog area, where permits are not required, but conditions may be imposed.

7.4.5 For clarity, Te Papakura o Taranaki (Egmont National Park) is a National Park and is a controlled dog area.

7.5. Control of menacing dogs

Note: Problems exist with a small section of the dog population, which pose a significant threat to the community through aggressive behaviour. These are dogs that attack or threaten people, animals, or protected wildlife. It is important to the Council that where dogs are identified as menacing, the appropriate actions are taken to control them.

7.5.1 The Council must classify those dogs listed in Schedule 4 of the Act as menacing.

7.5.2 Dogs that are identified and classified as menacing by the New Plymouth District Council may be required to be neutered.

7.5.3 Dogs that are identified and classified as menacing by another territorial authority may be required to be neutered once they become registered within the New Plymouth District boundary, or are found to be residing within the boundary without being registered.

7.5.4 When deciding whether or not to require a menacing dog to be neutered, the Council will take into account the following matters:

- a) Whether the Council considers that the dog may pose a threat to any person animal, or protected wildlife because of:
 - i) Any observed or reported behaviour of the dog; or
 - ii) Any characteristics typically associated with the dog's breed or type.
- b) the history of the owner of the dog, including (but not limited to) any relevant history about the behaviour of dogs kept by the owner, any impounding records, and any previous offences under the Dog Control Bylaw;
- c) any safety risk posed to the public by the dog; and
- d) anything else the Council considers relevant.

8. Review of Policy

8.1. This policy shall be reviewed from time to time in accordance with the Act, including any time that the Bylaw is reviewed.

Appendix 1: Area Rules

The table below lists general areas of dog control in the District. The Bylaw gives effect to these controls for each of the areas.

Note: Refer to Dog Control Policy clause 4 for relevant definitions including beach, public place, and reserve.

Area and description	Rules
District wide	
All public places not described elsewhere in this table	Off leash and under control
Playgrounds – as defined in the Bylaw	Prohibited
Sports parks – the area defined in the Bylaw	Leashed control
Cemeteries and Crematorium – as defined in the Bylaw	Leashed control
New Plymouth	
New Plymouth Central Business Area – as defined in the Bylaw – dangerous and menacing dogs	Prohibited
New Plymouth Central Business Area – as defined in the Bylaw – all other dogs, excluding dangerous and menacing dogs	Leashed control
Coastal Walkway areas - as defined in the Bylaw	Leashed control
Lake Rotomanu - the island in the middle of Lake Rotomanu	Prohibited
Peringa Park/Lake Rotomanu wetlands – the area defined in the Bylaw	Leashed control
Lake Mangamahoe – lake waters and grassland as defined in the Bylaw	Prohibited
Lake Mangamahoe - Lake Mangamahoe Road (the access road near the lake)	Leashed control
Te Henui Walkway – the area defined in the Bylaw	Leashed control
Fitzroy shopping area - as defined in the Bylaw	Leashed control
Moturoa shopping area - as defined in the Bylaw	Leashed control
Westown shopping area - as defined in the Bylaw	Leashed control
Pukekura Park/Brooklands Park – playgrounds and event areas - as defined in the Bylaw	Prohibited
Pukekura Park/Brooklands Park – all other areas as defined in the Bylaw	Leashed control
Rotokare (Barrett) Domain – pond and wetland areas as defined in the Bylaw	Prohibited
Rotokare (Barrett) Domain – access road as defined in the Bylaw	Leashed control

Area and description	Rules
Fitzroy	
Fitzroy Seaside Park swimming pool and adjacent playground – the area defined in the Bylaw	Prohibited
Fitzroy and East End beaches – foreshore and beach area defined in the Bylaw	Prohibited at certain dates and times as specified in the Bylaw
Fitzroy and East End beaches – dune area as defined in the Bylaw	Prohibited
Back Beach/Centennial Park	
Back Beach - the beach area as defined in the Bylaw	Prohibited at certain dates and times as specified in the Bylaw
Back Beach – the area defined in the Bylaw	Leashed control
Back Beach/Centennial Park to Tapuae Stream	
Tapuae Marine Reserve – the area defined in the Bylaw	Leashed control at certain dates and times as specified in the Bylaw
Port Taranaki	
Ngāmotu Beach and Reserve – the area defined in the Bylaw	Prohibited
Lee Breakwater/Port area – as defined in the Bylaw	Leashed control
Bell Block	
Hickford Park cycling facilities – area as defined in the Bylaw	Prohibited
Bell Block shopping area - as defined in the Bylaw	Leashed control
Bell Block Beach – the area defined in the Bylaw	Leashed control at certain dates and times as specified in the Bylaw
Waitara	
Waitara main shopping area - as defined in the Bylaw	Leashed control
Inglewood	
Inglewood shopping area - as defined in the Bylaw	Leashed control
Ōākura	
Ōākura Beach – foreshore and beach area as defined in the Bylaw	Prohibited at certain dates and times as specified in the Bylaw
Ōākura River/Corbett Park – the area defined in the Bylaw	Prohibited at certain dates and times as specified in the Bylaw
Ōākura shopping area as defined in the Bylaw	Leashed control
Ōkato	
Ōkato shopping area - as defined in the Bylaw	Leashed control

Area and description	Rules
Onaero	
Onaero Domain and adjoining beach – the area defined in the Bylaw	Prohibited at certain dates and times as specified in the Bylaw
Pukearuhe	
Parininihi Marine Reserve – the area defined in the Bylaw	Leashed control at certain dates and times as specified in the Bylaw
Urenui	
Urenui Domain and beach – the area defined in the Bylaw	Prohibited
Waiiti	
Waiiti Beach – the area defined in the Bylaw	Leashed control at certain dates and times as specified in the Bylaw
Tongapōrutu	
Tongapōrutu Domain – the area defined in the Bylaw	Leashed control
Te Papakura o Taranaki (Egmont National Park)	
Te Papakura o Taranaki (Egmont National Park) – the area defined in the Bylaw <i>Note: Dogs are banned from Te Papakura o Taranaki (Egmont National Park) under the National Parks Act 1980, administered by the Department of Conservation</i>	Prohibited

New Plymouth District Council

Proposed Dog Control Bylaw 2021



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth
District Council**

New Plymouth District Council
Proposed Dog Control Bylaw 2021

The purpose of this bylaw is to give effect to the Council's Dog Control Policy by regulating the keeping of dogs for the protection of the health and safety of the public.

1. Title and commencement

- 1.1. This bylaw is the New Plymouth District Council Dog Control Bylaw 2021.
- 1.2. This bylaw comes into force on [date].
- 1.3. This bylaw is due to be reviewed in accordance with section 158 of the Local Government Act 2002 by [date].

2. Authority

- 2.1. This bylaw is made under:
 - a) Section 20 of the Dog Control Act 1996; and
 - b) Section 145 of the Local Government Act 2002.
- 2.2. This bylaw should be read in conjunction with the Act and all other relevant bylaws of the Council. It is not intended to restrict, limit, or constrain any obligations and responsibilities under the Act.
- 2.3. Consistent with section 20(2) of the Act, this bylaw does not confer any power of entry onto any land or premises without the occupier's consent to any dog control officer, dog ranger or other person.

3. Purpose

The purpose of this bylaw is to give effect to the Policy by regulating the keeping of dogs for the protection of the health and safety of the public.

- 3.1. More specifically, this bylaw also has the following purposes:
 - a) conserve public health and prevent or abate nuisances;
 - b) regulate and control dogs in public places;
 - c) prescribe minimum standards for the accommodation of dogs;
 - d) require the owner of any dog that defecates in a public place to immediately remove the faeces;
 - e) provide for the impounding of dogs; and
 - f) provide for any other purpose necessary or desirable to further the control of dogs.

4. Application of this bylaw

- 4.1. This bylaw applies to the Council's entire District.
- 4.2. Despite clause 4.1, this bylaw does not apply to reserves that are administered, managed and controlled, and maintained by the Department of Conservation.

5. Interpretation

Definitions

- 5.1. In this part unless the context otherwise requires:

Act means the Dog Control Act 1996.

Animal means any member of the animal kingdom, including birds, reptiles, livestock and poultry, but does not include human beings.

Beach means the foreshore and any adjacent area that can reasonably be considered part of the beach environment, including areas of sand, pebbles, shingle, dunes or coastal vegetation, but not including any grassed areas or other green spaces that are adjacent to the beach. For clarification, estuary areas that fit this definition are considered a beach under this bylaw.

Building has the meaning given to that term by sections 8 and 9 of the Building Act 2004.

Bylaw means the New Plymouth District Council Dog Control Bylaw 2021.

Car park means the off street area set aside to park vehicles and all buildings, equipment, signs, access ways, land, fences, chattels and structures used or connected in any way with the area.

Council means the New Plymouth District Council.

Disability assist dog means a dog trained, or in training, to assist a person with a disability, as certified by one of the following organisations:

- a) Assistance Dogs New Zealand;
- b) Hearing Dogs for Deaf People New Zealand;
- c) K9 Medical Detection New Zealand;
- d) K9 Search Medical Detection;
- e) Mobility Assistance Dogs Trust;
- f) Royal New Zealand Foundation of the Blind Incorporated;
- g) New Zealand Epilepsy Assist Dogs Trust;
- h) Perfect Partners Assistance Dogs Trust; or
- i) an organisation specified in an Order in Council made under section 78D of the Act.

District means the district of the Council.

Dog control officer has the meaning given to that term by section 2 of the Act.

Dog ranger has the meaning given to that term by section 2 of the Act.

Dwelling means any separately occupied household unit used in whole or in part for human habitation, and includes:

- a) any building, tent, vehicle or other structure, whether permanent or temporary, and whether attached to the soil or not; and
- b) any land associated with the dwelling.

Footpath means as much of any street or public place that is laid out or constructed by authority of the Council for pedestrian use.

Leashed control means that the dog is kept on a secure leash held by a person who is in total control of the dog at all times so as to prevent it being a nuisance or annoyance.

Month means a calendar month.

Motor vehicle has the meaning given to that term in section 2(1) of the Land Transport Act 1998.

Nuisance means any unreasonable interference with a person or property, and includes a statutory nuisance as defined in section 29 of the Health Act 1956.

Occupier means the inhabitant of any premises or, in any case where any premises are uninhabited, the owner of those premises.

Owner

- a) in relation to any dog, has the meaning given to that term by section 2 of the Act; and
- b) in relation to any land or premises, means any person who would be entitled to receive the rack rent of the property, if the property was let to a tenant at a rack rent, and where any person is absent from New Zealand, includes that person's attorney or agent, or any other person acting on their behalf.

Policy means the New Plymouth District Council Dog Control Policy.

Premises means all or part of:

- a) a property or allotment which is held under a separate record of title or for which a separate record of title may be issued and in respect to which a building consent has been or may be issued; or
- b) a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a record of title is available; or
- c) land held in public ownership (reserve) for a particular purpose; or
- d) individual units in buildings which are separately leased.

Public notice has the meaning given to that term by section 13 of the Legislation Act 2019.

Public place has the meaning given to that term by section 2 of the Act and, to provide certainty, includes any road under the control of the Council.

Reserve has the meaning given to that term by section 2 of the Reserves Act 1977.

Road has the meaning given to that term in section 315 of the Local Government Act 1974.

Temporary dog prohibited area means a public place that is subject to a current designation under clause 12.1 of this bylaw and for which public notice has been given under clause 12.3(a) of this bylaw.

Under control means having a dog off leash under command control of a person (for example, by voice, signal, whistle or other similar means) who is in fact controlling the dog so as to prevent it being an annoyance or a nuisance.

Urban means any land contained within New Plymouth, Bell Block, Waitara, Inglewood, Ōākura, Ōkato, Lepperton, Egmont Village, Onaero and Urenui, and that has reticulation services for water supply, sewage, or stormwater disposal available to it (even if the services are not currently connected or used).

Working dog has the meaning given to that term in section 2 of the Act, which includes a disability assist dog.

- 5.2. Any undefined words, phrases or expressions in this bylaw have the same meaning as in the Act or the Local Government Act 2002, unless the context plainly requires a different meaning.
- 5.3. Part 2 of the Legislation Act 2019 applies to the interpretation of this bylaw.
- 5.4. Every schedule to this bylaw forms part of this bylaw.
- 5.5. Every appendix to this bylaw does not form part of this bylaw, and may be inserted, amended, or removed at any time without any formal process. Appendices are provided for information purposes only, and may include a copy of statutory definitions referenced in clause 5.1.

6. Keeping of dogs

Minimum Standards

- 6.1. The owner of any dog must provide a kennel or place of shelter that, at a minimum, is:
 - a) of sufficient height and size to allow the dog to freely stand, move, stretch out, recline and lie down in a natural position;
 - b) fully shaded, dry and ventilated;
 - c) able to protect the dog from extreme heat and cold;
 - d) built on dry ground;
 - e) provided with a floor at or above ground level;
 - f) built so that surfaces can be easily cleaned;

- g) kept in a clean, dry and sanitary condition, including not allowing accumulation of faeces and urine;
- h) kept supplied with clean water at all times; and
- i) situated no closer than one metre from the boundary and in such a position that when the dog is confined, it cannot get closer than one metre to the boundary of any adjoining property.

Bitch in season

- 6.2. The owner of every bitch shall, whilst the bitch is in season, ensure that:
- a) the bitch is adequately confined on the owner's premises; and
 - b) when taken from the premises for any reason, the bitch is kept under leashed control at all times.

Limit on dogs in urban area

- 6.3. No person may keep a dog that is over the age of three months at a dwelling in an urban area so as to exceed the maximum number of dogs permitted under clause 6.4 or a consent granted under clause 6.7, whichever is the greater.
- 6.4. Except as authorised under clause 6.7, no more than two dogs may be kept at a dwelling at any one time.
- 6.5. Any person may apply to the Council for its consent to keep more than two dogs at a dwelling.
- 6.6. The application under clause 6.5 must be in writing, accompanied by any prescribed fee, and include:
- a) information about how the dogs will be housed or sheltered, exercised, and confined to the dwelling;
 - b) information about other control measures to ensure the prevention of a nuisance;
 - c) identification of neighbouring owners and occupiers who could be affected by the proposal, and the results of any consultation or discussion that has taken place with those persons;
 - d) information about the owner's history with dogs, including any previous welfare or nuisance issues, which may have occurred in the Council's District or elsewhere;
 - e) information about any particular needs of any of the dogs to be kept at the dwelling; and
 - f) any other information that the Council considers relevant.
- 6.7. Within 20 working days of receiving an application (with complete supporting information), the Council may grant, in writing, a consent to keep more than two dogs at a dwelling and impose any conditions on the consent that it considers appropriate.

- 6.8. In considering whether to grant a consent under clause 6.7, the Council must have regard to:
- a) the adequacy of the kennel or place of shelter that will be provided, provision for exercise, and measures for confining the dogs at the dwelling;
 - b) the likelihood of noise, waste or other nuisance being created by keeping of more than two dogs;
 - c) the views and preferences of neighbouring owners and occupiers;
 - d) the history of the owner of the dog, including (but not limited to) any relevant history about the welfare of other dogs kept by the owner, and any nuisance created by dogs kept by the owner (for example, noise, faecal deposits, wandering or threatening behaviour of dogs), and any impounding records;
 - e) any particular needs of any of the dogs to be kept at the dwelling; and
 - f) anything else the Council considers relevant.

7. Off-leash areas

- 7.1. An off-leash area is any public place (or part) that is not a leashed control area under clause 8.1, a prohibited area under clause 9.1, or a temporary dog prohibited area under clause 12.1.
- 7.2. No owner of a dog may allow the dog to be in an off-leash area unless:
- a) the dog is kept under control by the owner;
 - b) the owner carries a leash (if the dog is not under leashed control); and
 - c) all other lawful requirements are met (including, but not limited to, relevant requirements in the Act, the Conservation Act 1987, and the Wildlife Act 1953).
- 7.3. Clause 7.2 does not apply to:
- a) any dog contained or securely confined within or on any motor vehicle so as to not constitute a nuisance or endanger any person; or
 - b) any event for which an exemption has been granted under clause 13.
- 7.4. Clause 7.2(b) does not apply to any working dog carrying out its duties.

8. Leashed control areas

- 8.1. A leashed control area is any public place (or part) identified as a leashed control area in the Schedule during the dates and times set out in the Schedule, but does not include a temporary dog prohibited area under clause 12.1.
- 8.2. No owner of a dog may allow the dog to be in a leashed control area unless:
- a) the dog is kept under leashed control; and
 - b) all other lawful requirements are met (including, but not limited to, relevant requirements in the Act, the Conservation Act 1987, and the Wildlife Act 1953).

- 8.3. Clause 8.2 does not apply to:
- a) any dog contained or securely confined within or on any motor vehicle so as to not constitute a nuisance or endanger any person;
 - b) any event for which an exemption has been granted under clause 13.
- 8.4. Clause 8.2(a) does not apply to any working dog carrying out its duties.

9. Prohibited areas

- 9.1. A prohibited area is any public place (or part) identified as a prohibited area in the Schedule during the dates and times set out in the Schedule.
- 9.2. No owner of a dog may allow the dog to be in a prohibited area.
- 9.3. Clause 9.2 does not apply to:
- a) any dog contained or securely confined within or on any vehicle so as to not constitute a nuisance or endanger any person;
 - b) any disability assist dog carrying out its duties;
 - c) any event for which an exemption has been granted under clause 13.

10. No exercising dogs with motor vehicles

- 10.1. No owner of a dog may travel in a motor vehicle in a public place and allow the dog to run or walk behind, beside or in front of that motor vehicle.

11. Menacing dogs

- 11.1. If the Council or another territorial authority has classified a dog as menacing under section 33C of the Act (due to the dog belonging wholly or predominantly to one or more breed or type of dog listed in Schedule 4 of the Act), the Council must, in a written notice, require the owner of the dog to have the dog neutered.
- 11.2. If the Council or another territorial authority has classified a dog as menacing under section 33A of the Act (due to the actions of the dog), the Council may, in a written notice, require the owner of the dog to have the dog neutered.
- 11.3. Any owner who receives a written notice from the Council under clause 11.1 or 11.2 must, by the date specified in the Council's notice:
- a) comply with the notice and provide to the Council a certificate issued by a veterinarian certifying that the dog has been neutered; or
 - b) provide the Council with a certificate issued by a veterinarian certifying that, for the reasons specified in that certificate, the dog will not be in a fit condition to be neutered before a date specified in that certificate.

12. Urgent safeguarding of protected wildlife

- 12.1. The Council may, from time to time, designate a public place to be a temporary dog prohibited area for the urgent safeguarding of protected wildlife for a period of up to 60 days from the date that public notice is given under clause 12.3(a).
- 12.2. The Council may designate a public place to be a temporary dog prohibited area under clause 12.1 only where:
 - a) the public place is either an off-leash area or leashed control area (not a prohibited area);
 - b) protected wildlife is present in the public place (for example, nesting in the public place);
 - c) the presence of dogs in the public place would pose a serious risk to the welfare of the protected wildlife; and
 - d) the risk is urgent and cannot reasonably wait to be addressed through the establishment of a new prohibited area.
- 12.3. Where it designates a public place to be a temporary dog prohibited area under clause 12.1, the Council:
 - a) must give public notice of the temporary dog prohibited area, and the length of time the prohibition will remain in place; and
 - b) may, where practicable, install temporary signage, barriers or fencing around some or all of the public place.
- 12.4. No owner of a dog may permit the dog to be present in a temporary dog prohibited area.
- 12.5. A dog control officer or dog ranger may direct the owner of a dog to immediately remove the dog from a temporary dog prohibited area.
- 12.6. An owner of a dog who receives a direction from a dog control officer or dog ranger under clause 12.5 must immediately comply with that direction.

13. Temporary exemptions from dog controls

- 13.1. Any person may apply to the Council for an exemption from clauses 7.2, 8.2 or 9.2 for the purposes of holding an event.
- 13.2. The application under clause 13.1 must:
 - a) be in writing;
 - b) be made at least 21 working days before the proposed event;
 - c) be accompanied by any prescribed fee;
 - d) include details of the proposed event, including its dates and times; and
 - e) provide any other information that the Council considers relevant.
- 13.3. Within 20 working days of receiving an application (with complete supporting information), the Council may grant, in writing, an exemption to clauses 7.2, 8.2 or 9.2 and impose any conditions on the exemption that it considers appropriate.

- 13.4. In considering whether to grant an exemption under clause 13.3, the Council must have regard to:
- a) whether the application is consistent with and gives effect to the Policy, placing particular weight on:
 - i) Objective 2 (minimising danger, distress and nuisance to the community generally);
 - ii) Objective 5 (minimising the negative impact of dogs on protected wildlife and their habitats); and
 - iii) Objective 6 (recognising the exercise and recreational needs of dogs and their owners);
 - b) the views of any owners or occupiers of the land on which the event will be held or of any neighbouring land;
 - c) how the applicant proposes to manage any effects arising from the event; and
 - d) any other relevant information.

14. Nuisances

- 14.1. Every owner of a dog must ensure that the dog does not create a nuisance, including, without limitation, by:
- a) **Roaming**
roaming or otherwise being at large, including on any private property, without the consent of the occupier or person in charge of the land or premises concerned;
 - b) **Obstructing people**
obstructing the lawful passage of any person in a public place or on private property;
 - c) **Distress to people**
rushing at, chasing, frightening, intimidating or causing any person in a public place or lawfully on private property to suffer injury or distress;
 - d) **Refuse**
destroying, tearing or otherwise interfering with any refuse container, whether the container is on private property or in a public place;
 - e) **Property**
interfering with any other person's property, whether on private property or in a public place;
 - f) **Nuisance to animals**
rushing at, chasing, frightening, obstructing or causing injury or distress to any animal, including protected wildlife, whether on private property or in a public place;
 - g) **Noise**
barking, howling and/or whining in a persistent and loud manner; or
 - h) **Vehicles**
rushing at any vehicle.

15. Fouling in public places

- 15.1. The owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner must immediately remove the faeces from that place and dispose of it in a sanitary manner into a suitable receptacle.

16. Offences and penalties

- 16.1. A failure to comply with any prohibition, obligation, or other requirement in this bylaw constitutes a breach.
- 16.2. Any person who breaches this bylaw commits an offence under section 20(5) of the Act, and at the Council's discretion may be:
- a) proceeded against by filing a charging document under section 14 of the Criminal Procedure Act 2011 and be liable for a fine not exceeding \$20,000; or
 - b) served with an infringement notice providing for a \$300 infringement fee.
- 16.3. A dog control officer or dog ranger may impound a dog, if the dog is found at large in breach of this bylaw, whether or not they are wearing a collar with the proper label or disc attached.
- 16.4. Taking action under clause 16.2 or 16.3 will not necessarily prevent further action being undertaken by a dog control officer or dog ranger in accordance with the provisions of the Act. These actions may include, but are not limited to, issuing an abatement notice, seizing and impounding the dog, and, in some cases, destroying the dog.

Schedule 1: Area Rules

Area and description	At all dates and times	At specific dates and times
District wide		
All public places not described elsewhere in this schedule	Off leash and under control	
Playgrounds, including: <ul style="list-style-type: none"> • Any area set aside as a children’s play area by the Council, for the recreation of children. • Play equipment for this purpose. 	Prohibited	
Sports parks <ul style="list-style-type: none"> • That part of a sports park being used during an organised event by players, spectators, and other associated activities (including training) undertaken by a recognised club, school, or organisation. <i>Note: When there are no organised events dogs are permitted to be off leash and under control.</i>	Leashed control	
Cemeteries and Crematorium <ul style="list-style-type: none"> • Cemeteries controlled by the Council. • The area of land defined as the Taranaki Crematorium. <i>Note: Dogs may be permitted inside the Taranaki Crematorium building subject to Council approval.</i>	Leashed control	
New Plymouth		
New Plymouth Central Business Area, all public places within the area bounded by and including: <ul style="list-style-type: none"> • Ariki Street and Gill Street between Egmont Street and Gover Street. • Devon Street between Robe Street and Gover Street. • Egmont Street from Ariki Street to Devon Street. • Liardet Street from Leach Street to Molesworth Street/St Aubyn Street. • Puke Ariki Landing. Dangerous and menacing dogs.	Prohibited	

Area and description	At all dates and times	At specific dates and times
<p>New Plymouth Central Business Area, all public places within the area bounded by and including:</p> <ul style="list-style-type: none"> • Ariki Street and Gill Street between Egmont Street and Gover Street. • Devon Street between Robe Street and Gover Street. • Egmont Street from Ariki Street to Devon Street. • Liardet Street from Leach Street to Molesworth Street/St Aubyn Street. • Puke Ariki Landing. <p>All other dogs, excluding dangerous and menacing dogs.</p>	Leashed control	
<p>Coastal Walkway and areas, including:</p> <ul style="list-style-type: none"> • Formed walkway areas. • Rock embankment and grassed area adjoining the walkway from the western end of the formed car park in Kawaroa Park to the eastern end start of the walkway at Lee Breakwater car park. • Port Taranaki to the eastern end of the formed walkway at Tiromoana Crescent. • Bell Block, including the Hickford Park car park. • Waiwhakaiho River Mouth car park. • Fitzroy camping site. • Buller Street car park. • Molesworth Street car park. • Wind Wand car park at the seaward end of Egmont Street. • All of that part of Kawaroa Park seaward of the access road, including the road and car park. 	Leashed control	
<p>Lake Rotomanu</p> <ul style="list-style-type: none"> • The island in the middle of Lake Rotomanu. 	Prohibited	
<p>Peringa Park/Lake Rotomanu wetlands area</p> <ul style="list-style-type: none"> • Within the boundaries of the fenced wetland area located on the western side of Lake Rotomanu, • The walkway linking with Weka Street. <p><i>Note: Refer to Map 1 for clarity of the above description.</i></p>	Leashed control	

Area and description	At all dates and times	At specific dates and times
<p>Lake Mangamahoe</p> <ul style="list-style-type: none"> • Lake Mangamahoe waters. • The grassland between Lake Mangamahoe Road (the access road) and the lake, with the exception of dogs being allowed to be led on leash along the gravel path through the grassed area between the first swing bridge and the main car park. • The grassland area between the lake and the lower walking tracks on the northern and eastern side of the lake. <p><i>Note: Refer to Map 2 for clarity of the above description.</i></p>	Prohibited	
<p>Lake Mangamahoe</p> <ul style="list-style-type: none"> • Lake Mangamahoe Road (the access road) near the lake. <p><i>Note: Refer to Map 2 for clarity of the above description.</i></p>	Leashed control	
<p>Te Henui Walkway</p> <ul style="list-style-type: none"> • That part of Te Henui Walkway, including the formed walkway, adjoining grassed areas and the Te Henui Stream itself, located between the lower foot bridge (nearest to the mouth of Te Henui Stream) and the overhead motor vehicle bridge on Devon Street East, New Plymouth, as indicated by signs. 	Leashed control	
<p>Fitzroy shopping area</p> <ul style="list-style-type: none"> • The road and formed footpath on both sides of Devon Street East from its intersection with Beach Street through to its intersection with Darnell Street. 	Leashed control	
<p>Moturoa shopping area</p> <ul style="list-style-type: none"> • The road and formed footpath on both sides of Breakwater Road and St Aubyn Street between Whitely Street and Rainsford Street. 	Leashed control	
<p>Westown shopping area</p> <ul style="list-style-type: none"> • The road and formed footpath on the southern side of Tukapa Street in front of the commercial premises from the intersection of Dartmoor Avenue to approximately 100 metres north-east of Sanders Avenue (i.e. 37 Tukapa Street). 	Leashed control	
<p>Pukekura Park/Brooklands Park</p> <ul style="list-style-type: none"> • Pukekura Park playgrounds near Rogan Street and Gilbert Street intersecting Victoria Road, the Fernery and Brooklands Zoological enclosure. 	Prohibited	

Area and description	At all dates and times	At specific dates and times
<p>Pukekura Park/Brooklands Park</p> <ul style="list-style-type: none"> • Pukekura Park in the areas used for the Festival of Lights lighting display and its associated events, or other organised event programmes. 		<p>Prohibited for the duration of the lighting display and/or event between the hours of 7pm and midnight.</p> <p>At all other times leashed control.</p>
<p>Pukekura Park/Brooklands Park</p> <ul style="list-style-type: none"> • All other areas within the boundaries of Pukekura Park, Brooklands Park and gardens. 	Leashed control	
<p>Rotokare (Barrett) Domain</p> <ul style="list-style-type: none"> • The pond water and wetland areas. • Wetland areas around the lagoon. 	Prohibited	
<p>Rotokare (Barrett) Domain</p> <ul style="list-style-type: none"> • Access route from Rotokare Crescent/Kororako Grove. 	Leashed control	
Fitzroy		
<p>Fitzroy Seaside Park, swimming pool enclosure and adjacent playground</p>	Prohibited	
<p>Fitzroy and East End beaches, foreshore and beach area between:</p> <ul style="list-style-type: none"> • The first pedestrian access to the west of the East End Surf Life Saving Club. • The pedestrian beach access nearest to the Surfing Taranaki building adjacent to the entrance to the Fitzroy Campground. 		<p>Prohibited 10am to 6pm from Labour Weekend (commencing Saturday) to the end of Easter Monday.</p>
<p>Fitzroy and East End beaches, dune and rock wall, including:</p> <ul style="list-style-type: none"> • Te Henui Stream mouth to the eastern boundary of the Fitzroy Beach Holiday Park. • Dune and wetland area seaward of the Coastal Walkway between the eastern side of the Fitzroy Beach Holiday Park to the Waiwhakaiho Groyne. <p><i>Exception: Dogs may be led on leash along access ways to the unrestricted areas of the beach.</i></p> <p><i>Note: Refer to Map 3 for clarity of the above description.</i></p>	Prohibited	

Area and description	At all dates and times	At specific dates and times
Back Beach/Centennial Park		
<p>Back Beach southern end, the beach area adjoining the lower car park, bounded by:</p> <ul style="list-style-type: none"> • The lower car park. • The northern headland. • The southern headland. <p><i>Note: Dogs may pass quickly through this prohibited area under leashed control to access the adjacent leashed control and/or off leash area.</i> <i>Note: Refer to Map 4 for clarity of the above description.</i></p>		<p>Prohibited 10am to 6pm from Labour Weekend (commencing Saturday) to the end of Easter Monday.</p>
<p>Back Beach southern end, stream, beach, foreshore and adjoining reserve area bounded by and including:</p> <ul style="list-style-type: none"> • The lower car park and access road. • The adjoining grass area up to the underpass tunnel and across to the grassed river bank on the true left side of the Herekawe Stream. <p><i>Note: Refer to Map 4 for clarity of the above description.</i></p>	Leashed control	
<p>Back Beach northern end, the foreshore, beach, dunes and adjoining reserve areas bounded by and including:</p> <ul style="list-style-type: none"> • The sand dune beach access from Centennial/Paritutu Park. • The southern side of Mataora/Round Rock. • The southern side of Paritutu Rock. <p><i>Note: Refer to Map 4 for clarity of the above description.</i></p>	Leashed control	
Back Beach/Centennial Park to Tapuae Stream		
<p>Tapuae Marine Reserve</p> <ul style="list-style-type: none"> • The area between the Tapuae Stream boundary to the Herekawe Stream boundary. 		<p>Leashed control during breeding season 1 August to 30 April.</p>
Port Taranaki		
<p>Ngāmotu Beach and Reserve, foreshore, beach, reserve and playground area, bounded by and including:</p> <ul style="list-style-type: none"> • Eastern side of the Blyde Wharf reclamation area. • Western side of the industrial reclamation area. • All land on the seaward side of Ocean View Parade. 	Prohibited	

Area and description	At all dates and times	At specific dates and times
<p>Lee Breakwater/Port area</p> <ul style="list-style-type: none"> From the edge of the carpark leaving the formed area of the walkway for the entire length of the breakwater of the Port area, as indicated by signs. 	Leashed control	
Bell Block		
<p>Hickford Park cycling facilities, all areas bounded by and including:</p> <ul style="list-style-type: none"> Taranaki Cycle Park. New Plymouth BMX track at Hickford Park. The areas of the velodrome. Children's cycle park. 1.2km cycle track. BMX track. 	Prohibited	
<p>Bell Block Court shopping area, bounded by and including:</p> <ul style="list-style-type: none"> That area of formed footpath in front of the commercial premises on the northern side of Bell Block Court. East side of Nugent Street from Bell Block Court to Jeffery Lane. The formed car park and footpaths adjoining the commercial area on Bell Block Court. 	Leashed control	
<p>Bell Block Beach, bounded by and including:</p> <ul style="list-style-type: none"> The Bell Block foreshore, beach and reserve at the end of Mangati Road. Toilet block and picnic area to the west. Beach access ramp to the east. 		Leashed control during breeding season 1 August to 30 April.
Waitara		
<p>Waitara main shopping area, bounded by and including:</p> <ul style="list-style-type: none"> The road, verge and formed footpath on both sides of McLean Street from Browne Street to West Quay. Queen Street from Whitaker Street to the south side of the Waitara Library and Service Centre. 	Leashed control	

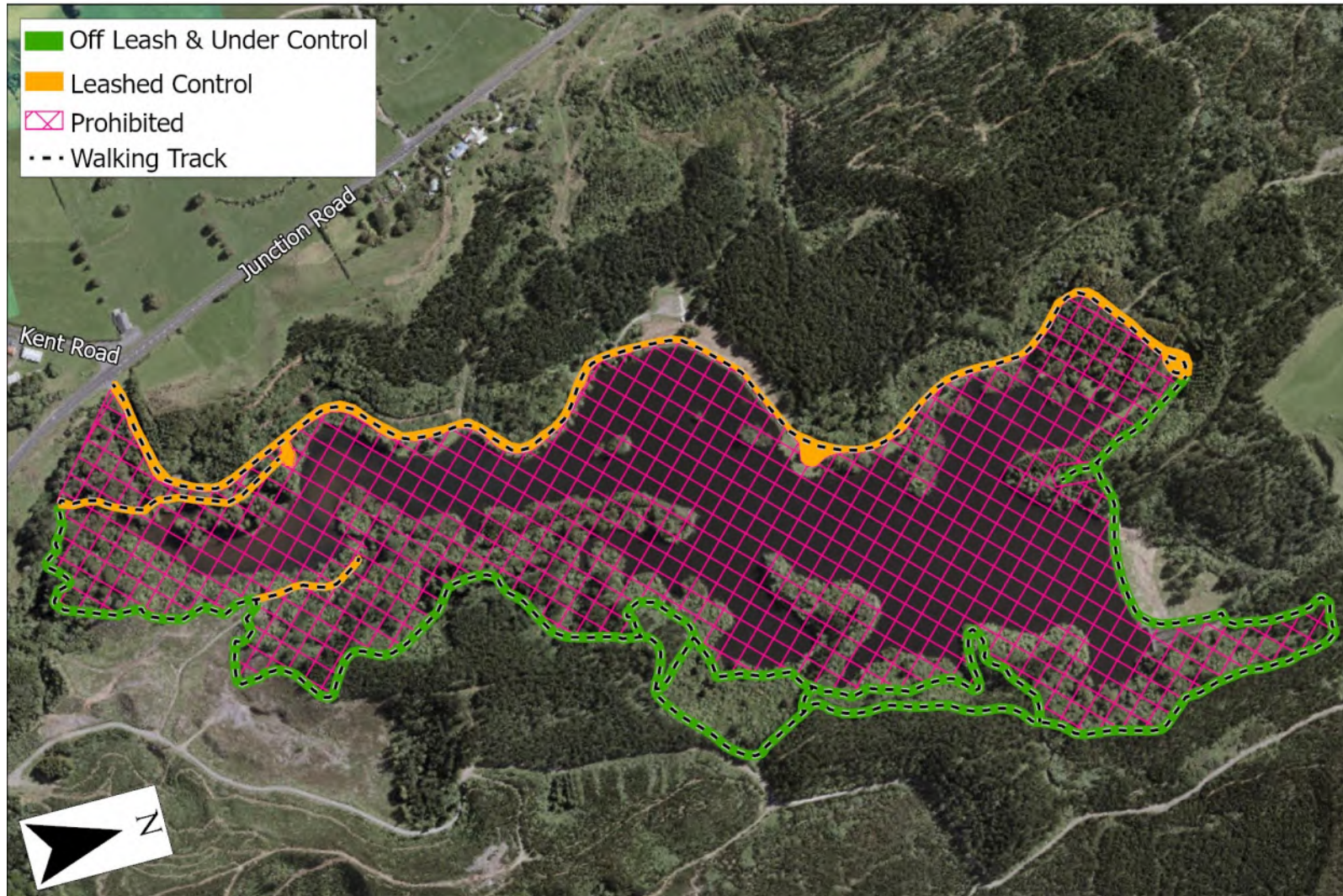
Area and description	At all dates and times	At specific dates and times
Inglewood		
<p>Inglewood shopping area, bounded by and including:</p> <ul style="list-style-type: none"> The road, verge and formed footpath on both sides of Rata Street from its intersection with Standish Street to its intersection with Brown Street. Matai Street from its intersection with Brookes Street to its intersection with Rata Street. 	Leashed control	
Ōākura		
<p>Ōākura Beach, the foreshore and beach area between:</p> <ul style="list-style-type: none"> The intersection between Tasman Parade and the road access leading to the Ōākura Camp to the intersection between Tasman Parade and Wairau Road. 		Prohibited 10am to 6pm from Labour Weekend (commencing Saturday) to the end of Easter Monday
<p>Ōākura River/Corbett Park, river, beach, foreshore and adjoining land bounded by:</p> <ul style="list-style-type: none"> State Highway 45 road bridge. True left bank of the river (Ōākura village side). Eastern edge of the formed vehicle access Corbett Park on the east side of the river (New Plymouth side). Across the river, and the area contiguous with and parallel to the seaward side of the building housing the changing rooms/public toilets. 		Prohibited 10am to 6pm from Labour Weekend (commencing Saturday) to the end of Easter Monday
<p>Ōākura shopping area</p> <ul style="list-style-type: none"> The road, verge and formed footpath on both sides of State Highway 45 from its intersection with Dixon Street to its intersection with The Outlook. 	Leashed control	
Ōkato		
<p>Ōkato shopping area</p> <ul style="list-style-type: none"> The road, verge and formed footpaths from the roundabout on the corner of South Road and Carthew Street through to the corner of Gossling Street and Carthew Street. 	Leashed control	

Area and description	At all dates and times	At specific dates and times
Onaero		
<p>Onaero Domain and adjoining beach, including, as indicated by signs:</p> <ul style="list-style-type: none"> • Campgrounds on both sides of the Onaero River adjoining the beach and foreshore <i>Excluding the area occupied by the baches.</i> 		Prohibited 10am to 6pm Labour Weekend (commencing Saturday) to the end of Easter Monday.
Pukearuhe		
<p>Parininihi Marine Reserve</p> <ul style="list-style-type: none"> • The area between the Waipingau Stream to the Clifton Road boundary. 		Leashed control during breeding season 1 August to 30 April.
Urenui		
<p>Urenui Domain and beach, including:</p> <ul style="list-style-type: none"> • All the domain area on the northern side of the Urenui River. • Adjoining foreshore and beach extending to the eastern headland in front of the area leased by the Golf Club and including the estuary area adjacent to the Urenui Domain. <i>Excluding the areas leased by the Golf Club.</i> 	Prohibited	
Waiiti		
<p>Waiiti Beach, the area known as Waiiti Beach</p>		Leashed control during breeding season 1 August to 30 April.
Tongapōrutu		
<p>Tongapōrutu Domain</p> <ul style="list-style-type: none"> • All the Tongapōrutu Domain area seaward of the State Highway 3 bridge. 	Leashed control	
Te Papakura o Taranaki (Egmont National Park)		
<p>Te Papakura o Taranaki (Egmont National Park)</p> <ul style="list-style-type: none"> • All areas of road reserve within the boundaries of Te Papakura o Taranaki (Egmont National Park). • Area between Egmont Road (Rahiri Cottage) to Egmont Camp House. <p><i>Note: Dogs are banned from Te Papakura o Taranaki (Egmont National Park) under the National Parks Act 1980, administered by the Department of Conservation.</i></p>	Prohibited	

Map 1 Peringa Park / Lake Rotomanu wetlands area



Map 2 Lake Mangamahoe



Map 3 Fitzroy / East End dune area



Map 4 Back Beach



14 December 2021

Document:

New Plymouth District Council
via email to submissions@npdc.govt.nz

Submission on Proposed Dog Control Policy and Dog Control Bylaw

Introduction

The Taranaki Regional Council (the Council) thanks the New Plymouth District Council (NPDC) for the opportunity to make a submission on the *Proposed Dog Control Policy and Dog Control Bylaw 2021* (the Proposed Bylaw).

The Council makes this submission in recognition of its:

- functions and responsibilities for indigenous biodiversity under the *Resource Management Act 1991* (RMA), the *Biosecurity Act 1993* (BSA), and the *Local Government Act 2002* (LGA);
- regional advocacy responsibilities whereby the Council represents the Taranaki region on matters of regional significance or concern; and
- experience in implementing regulatory and non-regulatory programmes maintaining and enhancing indigenous biodiversity in the Taranaki region.

The Council has also been guided by its Mission Statement '*To work for a thriving and prosperous Taranaki*' across all of its various functions, roles and responsibilities, in making this submission.

General comments

The Council commends NPDC in undertaking the review of the *Dog Control Policy* and the *New Plymouth District Council 2010: Part 2 Dog Control bylaw*, including the pre-consultation survey and engagement with key stakeholders of the community.

The Council notes that NPDC, in undertaking the review of its policy, has had particular regard to:

- The need to minimise danger, distress, and nuisance to the community generally.
- The need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not they are accompanied by adults.
- The importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs.
- The exercise and recreational needs of dogs and their owners.

The Council notes that while the focus of the review is on responsible dog ownership and public health and safety considerations, the effects of the review can also enhance biodiversity outcomes for the region. In particular, the Council suggests that the Proposed Bylaw has the potential to significantly contribute to the better protection of coastal biodiversity in the New Plymouth District.

The Council notes Policy 15 of the *Proposed Coastal Plan for Taranaki* (Coastal Plan), which sets out a stronger policy and regulatory approach for coastal management, including the identification and mapping of those elements and values of the coastal environment that are truly unique and worthy of added protection. Policy 15 reads as follows:

Policy 15: Significant indigenous biodiversity

Protect significant indigenous biodiversity in the coastal environment by:

- a) *avoiding adverse effects of activities on:*
 - i. *indigenous taxa that are nationally threatened or at risk, or regionally distinctive, including those identified in Schedule 4A;*
 - ii. *taxa that are internationally threatened including those identified in Schedule 4A;*
 - iii. *indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare, including those identified in Schedule 4A;*
 - iv. *habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;*
 - v. *areas containing nationally significant examples of indigenous community types; and*
 - vi. *areas set aside for full or partial protection of indigenous biological diversity under other legislation;*
- b) *avoiding significant adverse effects and avoiding, remedying and mitigating other adverse effects of activities on:*
 - i. *areas of predominantly indigenous vegetation in the coastal environment;*
 - ii. *habitats in the coastal environment that are important during the vulnerable life stage of indigenous species including:*
 - iii. *estuaries;*
 - iv. *spawning areas (e.g. snapper-trevally spawning area in the North Taranaki Bight between Mōhakatino River and Pariokariwa Point);*
 - v. *areas that provide passage for diadromous species;*
 - vi. *marine mammal resting, feeding and breeding areas; and*
 - vii. *bird roosting and nesting areas;*
 - viii. *indigenous ecosystems and habitats found only in the coastal environment and which are particularly vulnerable to modification including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass, saltmarsh, and sensitive marine benthic habitats including those identified in Schedule 4B;*

- ix. *habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;*
 - x. *habitats, including areas and routes, that are important to migratory species; and*
 - xi. *ecological corridors and areas important for linking or maintaining biological values identified under this policy; and*
- c) *avoiding, remedying or mitigating the adverse effects of activities in significant marine animal and seabird areas consistent with (a) and (b) above.*

An important feature of the Coastal Plan is the identification and mapping of significant indigenous biodiversity in the coastal environment, including links to important nesting and feeding areas for coastal seabirds through the biodiversity portal. The Coastal Plan has elevated the status of significant indigenous biodiversity, which includes native coastal bird species.

The Council is therefore very supportive of NPDC's preferred option of reviewing and amending its Bylaw. The Council makes the following specific comments on key areas of particular interest and concern, including highlighting a small number of minor changes to promote biodiversity outcomes arising from the Proposed Bylaws.

Protection of wildlife (and dogs)

The Council support the need to consider greater protection of wildlife (and dogs) in particular areas across the New Plymouth district that have significant biodiversity values (7.4.1 Proposed Policy and clause 12 Proposed Bylaw).

As noted on page 6 of the Statement of Proposal, the current Policy and Bylaw already have leashed control restrictions in place to protect wildlife (and dogs) on the coast at four locations (Bell Block Beach, Waiiti Beach, Tapuae Marine Reserve, and Parininihi Marine Reserve). The Council supports restrictions at these current locations.

The Council further supports leashed control restrictions proposed for Waiwhakaiho Groyne to Te Henui Stream and Back Beach. These areas contain threatened and rear species such as kororā, red-billed gulls and white fronted terns that are vulnerable to dog attacks or disturbance.

By ensuring all dogs are leashed, incidences of dogs harassing and on occasion killing and maiming nesting and roosting protected coastal birds should be reduced. These new areas, combined with the existing locations, enhance protection of biodiversity in coastal areas. Notwithstanding its support for the restrictions relating to the 'breeding season between August and April', the Council notes that this only provides protection for shorebirds. The 'seasonal' restriction affords only partial protection for nesting and roosting penguins, which can be found, and are vulnerable to dog attacks, all year round at Bell Block and Waiiti. Therefore the Council recommends that restrictions be extended year round at these sites.

The Council further support the inclusion of the new proposed clauses for the temporary urgent safeguarding of protected wildlife. The clause will provide for clear communication to the public and give NPDC flexibility to act quickly when there is an urgent need to protect wildlife. The Council agree that this clause is important for the protection of nesting shorebirds including tūturiwhatu (New Zealand dotterel) and tōrea (oyster catcher).

Other areas

As previously discussed with NPDC and Department of Conservation officers in pre-engagement consultation, other biodiversity hotspots also warrant further investigations on the appropriateness for better regulatory control for dogs and/or educational opportunities to promote awareness and responsible behaviours by dog owners in or near areas of significant indigenous biodiversity. The Council recommends that further review should be undertaken by NPDC to locate areas with significant biodiversity values using the [Taranaki Regional Council Biodiversity Portal](#) located on Local Maps.

Prohibited areas

The Council supports amendments to the Bylaws for the inclusion of two new proposed prohibited areas for dogs comprising of the rockwall between the Te Henui Stream and East End Beach, and the sand dune area between East End Beach and the Waiwhakaiho Groyne bordered on the landward side by the Coastal Walkway.

The Council's support recognises the importance of the proposed prohibited areas for the protection of kororā (little blue penguin). As noted in the Statement of Proposal, the prohibited areas are important nesting sites for the kororā (and as confirmed via the findings of the 2020 NPDC Penguin survey which identified evidence of penguins nesting within the rockwall and sand dunes).

Leashed control

The Council further supports the establishment of two new leashed control areas at Back Beach northern end car park and adjoining reserve and the beach areas between the bottom of the access steps, Round Rock and Paritutu. As noted in the Statement of Proposal New Zealand fur seals, kororā and other nesting coastal birds are commonly found in these areas and protection from unleashed dogs is essential.

However, in addition to the above, the Council strongly recommend that dogs also be prohibited off leash after dark at significant penguin nesting and roosting sites, all year round. These sites can be identified in the [Taranaki Regional Council Biodiversity Portal](#) located on Local Maps. The Council notes that penguins are especially at risk between dusk and dawn when they are moving to and from the sea and their burrows.

Education

The Council support clause 7.2.1 which states '*The Council will encourage responsible dog ownership within the New Plymouth District through public education and enforcement of the Council's Bylaw, and other relevant legislation*'.

The Council recommends that NPDC be proactive and clear with their messaging to the public and provide plenty of opportunities for the public to be educated on the value of places in and around the district, and the importance of these places for coastal biodiversity and the potential risks to native bird species.

The Council's Biodiversity Portal may help to inform NPDC on places to focus educational efforts such as through signage identifying important nesting and feeding sites of protected coastal birds across the district. Educational tools such as signage promote responsible dog owner behaviours and awareness of the risk their dog may pose to wildlife.

Summary and conclusion

The Council thanks NPDC for the opportunity to comment on the Proposed Bylaw.

The Council supports the proposed changes as it aligns well with biodiversity objectives of the Council and provisions of the *Proposed Coastal Plan for Taranaki* and *Regional Policy Statement for Taranaki*. Notwithstanding that support, the Council seeks some minor changes to improve biodiversity outcomes and encourage further significant site review.

Recommendations made in this submission only seek to build on synergies and alignment across regional and district council functions and responsibilities and ensure a high level of protection for coastal biodiversity.

If you require any additional information on this submission, please contact Adelaide Campbell, Planning Officer (Adelaide.Campbell@trc.govt.nz or 06 765 7127).

The Council does not wish to be heard in regard to this submission.

Yours faithfully
S J Ruru
Chief Executive



per: D R Harrison
Director - Operations



Date: 1 February 2022

Subject: **Update on Old man's beard control programme**

Approved by: D Harrison, Director - Operations
S J Ruru, Chief Executive

Document: 2961971

Purpose

1. The purpose of this memorandum is to update Members' on the progress that the Taranaki Regional Council (the Council) has made with the implementation of the Old man's beard control programme along the Waingongoro River.

Executive summary

2. Old man's beard is currently listed as a sustained controlled pest in the *Regional Pest Management Plan for Taranaki* (Pest Plan) with rules requiring its control in all areas except within 50 metres of two of the region's rivers, namely the Patea River and the Waingongoro River downstream of State Highway 3 and Opunake Road respectively.
3. Following the successful 'roll back' of infestations of Old man's beard along the Kaupokonui Stream by the application of a 'self-help' programme, the Waingongoro River is now being targeted for initial control. This 'self-help' concept involves the Council undertaking initial control of Old man's beard infestations to very low levels, with the land occupiers then assuming responsibility for on-going control on their properties.
4. Since 2017, contractors have successfully undertaken control operations to clear Old man's beard along 27 kilometres of the Waingongoro River, which completes five of ten stages along the length of the catchment. The control involves multiple treatments and it is estimated that the initial control will be completed by 2026.
5. Since 2020, progress has been slow but steady as the programme focuses on areas with approximately 200km of near vertical and inaccessible riverbanks and which required the assistance of specialist abseil contractors.
6. Following initial control, monitoring was undertaken to identify any areas requiring re-treatment. For some 'hotspots', additional treatment was required.
7. Hot spot (retreatment) control continues over the catchment where and when required.
8. In accordance with the Pest Plan, once the initial control has been successful, landowners are required via regional rules to control any new infestations in the treated areas.

Recommendations

That the Taranaki Regional Council:

- a) receives the Memorandum entitled *Update on Old Man's Beard control programme*

Background

9. Old man's beard is one of the most damaging and invasive climbing plants in New Zealand and is a significant threat to indigenous biodiversity values in the Taranaki region. It is particularly troublesome in riparian margins and in second growth or damaged indigenous forests, of which there are some remnant areas on the Taranaki ring plain.
10. The plant is found throughout the Taranaki region, particularly around New Plymouth and Stratford. However, the worst and largest infestations occur in the riparian margins along the Waingongoro and Pātea rivers.
11. Through the development and enforcement of land occupier rules, the Council has been successful in preventing Old man's beard becoming an intractable environmental weed, as is the case in many other regions across New Zealand. Pursuant to the Pest Plan, land occupiers in Taranaki are required to control infestations of Old man's beard with the exception of any infestations within 50 metres of the Pātea River and the Waingongoro River downstream of State Highway 3 and Ōpunake Road respectively. The rationale for excluding those waterways from land occupier obligations at that time was that the imposition of land occupier obligations was considered overly onerous and unreasonable given the high levels of infestation in these areas.
12. In accordance with the Pest Plan, the Council is seeking to further 'roll back' Old man's beard infestations in the region by incrementally reducing infestations (and applying land occupier rules) along the Pātea and Waingongoro rivers over the life of the Pest Plan. The Council's approach is to assume responsibility for initially reducing infestations to very low levels, with the land occupiers then assuming responsibility (through land occupier rules) for the on-going control of infestations on their properties.
13. As part of the programme, all landowners are contacted before the commencement of the operation to discuss access to the land and control methods. The Council has an ongoing role providing advice and information, undertaking inspections, and monitoring to identify any remedial action that needs to be undertaken. Quality control auditing of the success of the initial control is undertaken through on-site inspections and the receipt of GPS data confirming the areas that have been treated.
14. Following the successful 'roll back' of infestations of Old man's beard along the Kaupokonui Stream by the application of a 'self-help' programme, the Waingongoro River is now being targeted for initial control.

Control programme for the Waingongoro River

15. Members will note that the Old man's beard control programme for the Waingongoro River commenced in spring 2017. It is a rolling programme involving approximately 100 properties over a 70-kilometre stretch within an eight to ten year period. Multiple planned retreatments will be required.
16. Affected landowners who had signed up to undertaking the ongoing control of Old man's beard on their properties had discussions and were consulted with by Council

officers. Following these discussions Council commissioned contractors to commence stage one of the Waingongoro River Old man's beard programme.

17. **Stage one** control involved initial control measures of ten properties along a seven-kilometre stretch of the Waingongoro River between Ōpunake Road and Finnerty Road for a minimum of two seasons. The aim is to reduce Old man's beard infestation by at least 95%.
18. Following control, Council officers surveyed the outcome of the initial control to assess its effectiveness. The survey identified live Old man's beard within the treatment area where retreatment was required. Re-growth was not unexpected as the process to reduce infestation levels of the pest generally requires multiple treatments. Contractors later re-worked the area to address any 'hot spots'.
19. In late 2017, again following discussions with and agreement from affected landowners, the Council commenced stage two of the programme targeting the next section of river from Finnerty Road to Eltham Road.
20. **Stages two and three** control areas run for a distance of approximately 18 kilometres through 37 properties. Land occupiers on that stretch of the river also signed-up to the two-part agreement to allow the Council contractors to perform the work and, following the initial control, to undertake on-going maintenance.
21. Re-treatment of 'hot spots' across all sections is inevitably required but overall the programme has been a success. There are a number of factors that require areas to be re-treated, these include problems of access due to near-vertical river banks, other obstacles to access such as blackberry, barberry, boxthorn, barbed wire, and the density of Old man's beard infestation. It is not uncommon for three or four retreatments to be required before handing control back to landowners.
22. Work has slowed significantly over the past two control seasons due to particularly heavy infestation in largely inaccessible areas that required the assistance of specialist abseil contractors. However, progress has been steady with stage four and five control areas, where almost 1,700 metres of intractable and physically inaccessible areas have been treated. This area is likely to require additional ongoing control and support to the landowners.
23. Council and contractors have trialled the use of drones and spraying in hard to reach areas, but have concluded that cutting and pasting remains the best option for Old man's beard control.
24. Contractors have now undertaken control mainly on foot along approximately 27 kilometres of the Waingongoro River with a further 43 km yet to be controlled.

Table 1: Waingongoro Riverbank controlled by stages

Stage	One	Two	Three	Four	Five	Remaining
Distance Controlled	7.5km	11km	7km	0.7km	1km	43km
Landowners	10	30	7	2	2	

25. Through the Old man's beard control programme the Council anticipates it will successfully reduce all Old man's beard along the Waingongoro River (from Ōpunake Road to the coast) to very low levels. After the initial control operation is completed, the current exemption for land occupiers to control old man's beard along the Waingongoro

River will no longer apply. The Council will work with land occupiers to ensure that they are supported to maintain low levels of Old man's beard.

Financial considerations—LTP/Annual Plan

26. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

27. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

28. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.
29. In addition to the above, Council contacted Ngaruahine and Ngati Ruanui about the Old man's beard control programme, including an invite to discuss any issues or concerns they might have.

Community considerations

30. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum.

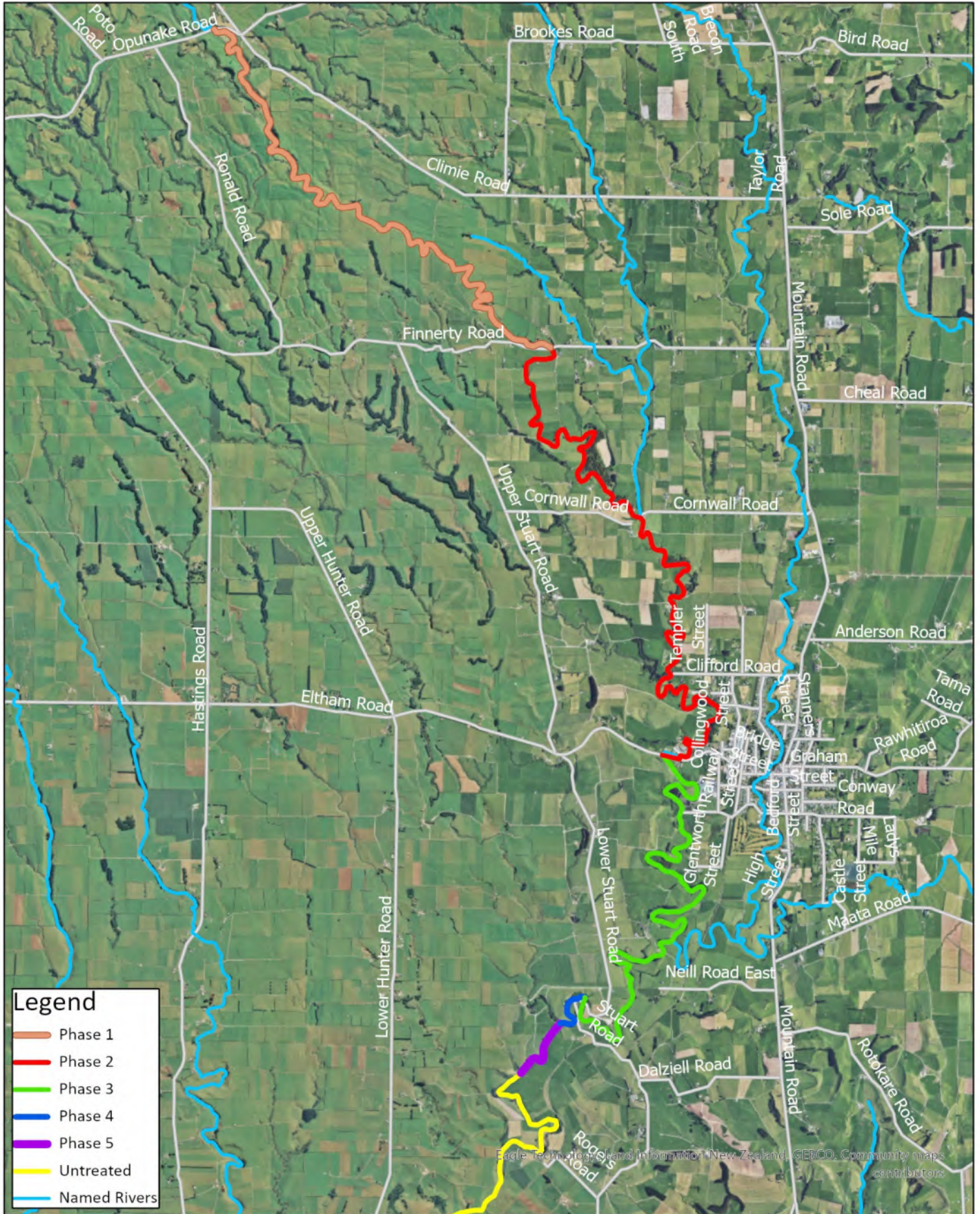
Legal considerations

31. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

Document 2964923: Old Man's Beard Phases 1 to 5

Waingongoro Old Mans Beard



Legend

- Phase 1
- Phase 2
- Phase 3
- Phase 4
- Phase 5
- Untreated
- Named Rivers

Scale: 1:50,000
 0 0.5 1 2
 Kilometers
 Date: 13 August 2020



The information displayed has been taken from the Taranaki Regional Council databases and maps. The information is made available in good faith but the councils do not warrant the accuracy or completeness of the information. The information must only be used as a guide. Users who rely on the information provided without obtaining independent verification, do so at their own risk. To the extent permitted by law, the council (including their employees, agents and contractors), will not accept responsibility or liability for any costs, damages or loss suffered by any person, either directly or indirectly, as a result of reliance on any information or for any error, inadequacy or deficiency in or omission from the information provided.
 Aerial photography was flown in 2016.



Date 1 February 2022

Subject: **Ngāruahine Kaitiaki Plan**

Approved by: A D McLay, Director - Resource Management
S J Ruru, Chief Executive

Document: 2967399

Purpose

1. The purpose of this memorandum is to present for the Members information an Iwi management plan recently produced by Te Korowai o Ngāruahine Trust entitled Ngāruahine Kaitiaki Plan 2021, Te Uru Taiao o Ngāruahine (the Plan).
2. A copy of the Plan is attached to this agenda item.
3. Representatives of Te Korowai o Ngāruahine Trust will present the Plan and answer any questions.

Executive summary

4. Five iwi management plans have been presented to the Council by the respective iwi of Taranaki. We also have received a copy of the Maniapoto Environmental Plan.
 - 4.1. Ngāti Ruanui Environmental Management Plan (2012)
 - 4.2. Kītahi Puutaiao Management Plan (2013), Ngāa Rauru Kītahi
 - 4.3. Ngāti Mutunga Environmental Plan (2016)
 - 4.4. Taiao, Taiora Environmental Management Plan (2018), Taranaki Iwi
 - 4.5. Tai Whenua, Tai Tangata Tai Ao, Te Atiawa Environmental Plan (2020).
5. Today Te Korowai o Ngāruahine Trust launched the Plan to the regional and district councils within its rohe (area). The Plan is dedicated to Tihi Anne Daisy Noble, for her efforts as a fearless advocate and defender of Ngāruahine rights and interests. The Plan clarifies Ngāruahine expectations of those undertaking the use, management and care of the taiao (environment). Additional points to take into account are the Plan does not remove the requirement to engage with the hapū of Ngāruahine and that the relationship between Ngāruahine uri (the people) and the environment is strongly connected.
6. The purpose of the Plan is to:
 - 6.1. Describe the values and principles underpinning the relationship between Ngāruahine and the natural environment;

- 6.2. Identify the primary issues associated with natural resource management in the takiwā (rohe) from the perspective of Ngāruahine;
 - 6.3. Affirm Ngāruahine continuity between the past (those that came before us), the present (our natural resource mahi today) and the future (those that will come after us);
 - 6.4. Identify objectives, policies and in some instances methods to achieve sustainable and culturally appropriate management of resources important to Ngāruahine;
 - 6.5. Provide a pathway for Ngāruahine Uri, Whānau and Hapū to uphold and enhance their mana motuhake;
 - 6.6. Outline their expectations for consultation and engagement with local authorities, developers, central government agencies and resource consent applicants to secure meaningful and practicable environmental outcomes for current and future generations of Ngāruahine; and
 - 6.7. Advocate on behalf of Ngāruahine at a local, national and international level.
7. The Plan is formally recognised under the Resource Management Act 1991 (RMA) and must be taken into account when reviewing Taranaki Regional Council (the Council) policy and planning documents. The Plan is also for those individuals or organisations that want to develop and use the natural resources in the Te Korowai o Ngāruahine takiwā (rohe).
 8. The Council welcomes the release of the Plan as a positive step forward in clarifying the expectations of Te Korowai o Ngāruahine on a range of environmental and other matters in the policy context and operationally through the consent process. As new environmental and resource management issues emerge Te Korowai o Ngāruahine Trust will update and review the Plan as appropriate.
 9. A workshop for Council staff may be held, to further explain the guiding principles, values, cultural expertise and the practical implementation of the Plan.

Recommendations

That the Taranaki Regional Council:

- a) receives the memorandum and the Ngāruahine Kaitiaki Plan 2021 - Te Uru Taiao o Ngāruahine;
- b) notes that the Plan outlines the expectations and the position of Te Korowai o Ngāruahine on matters relating to the environment in their takiwā (rohe);
- c) notes that the Plan will be taken into account during the review of the Council's Resource Management Act policy documents concerning air, freshwater, soil and coastal resources;
- d) recognises that the Plan is a positive step forward in clarifying the expectations and policy position of Te Korowai o Ngāruahine on environmental matters;
- e) determines that this decision be recognised as significant or not significant in terms of section 76 of the *Local Government Act 2002*; and
- f) determines that it has complied with the decision-making provisions of the *Local Government Act 2002* to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further

information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Background

10. The Resource Management Act 1991 (RMA) requires regional councils to take into account any relevant planning document recognised by an Iwi Authority when developing or amending policy statements and plans (Sections 64 and 66). These documents are commonly referred to as Iwi Management Plans.
11. Part 2 of the RMA requires the interests of tangata whenua to be considered in achieving the sustainable management of natural and physical resources. In particular, Section 6(e) recognises Māori interests as a matter of national importance to be recognised and provided for, while Section 7(a) requires the Council to have particular regard to kaitiakitanga, and Section 8 allows for the principles of the Treaty of Waitangi to be considered in the Council's exercise of functions and powers in relation to managing the use, development, and protection of natural and physical resources.
12. All Iwi Management Plans are presented to the Council. Senior Council officers provided feedback on a draft Plan.

Iwi Management Plan

13. The Council recently received a copy of the final Ngāruahine Kaitiaki Plan 2021 "Te Uru Taiao o Ngāruahine". The Plan will be introduced to regional and district councils and others.
14. The Plan is dedicated to Tihi Anne Daisy Noble, for her efforts as a fearless advocate and defender of Ngāruahine rights and interests. The Plan clarifies Ngāruahine expectations of those undertaking the use, management and care of the taiao (environment). Additional points to take into account are the Plan does not remove the requirement to engage with the hapū of Ngāruahine and that the relationship between Ngāruahine uri (the people) and the environment is very closely connected.
15. The Council had a long, positive, association with Daisy Noble over the years before her sad passing in 2021.
16. The Plan framework is similar to Resource Management Act Plans with an introduction that provides background information, purpose, views on resource management and the problems, from an Iwi perspective, and a description of what constitutes environmental management for Ngāruahine, including an expression of iwi values. Following sections then set out the issues, objectives and policies for Papatūānuku (land), Ranginui (air and atmosphere), Tangaroa (coast and marine environment), Tanē (biodiversity and conservation management), Wai Maori (freshwater), Te Horanuku Ahurea o Ngāruahine (cultural landscape), Ōhangatanga o Ngāruahine (development), Engagement (social inclusion), and Plan Implementation and Review.
17. Each policy includes an identification of who the implementation partners are which identifies the organisations with legislative and other responsibilities.
18. A workshop for Council staff may be held, to further explain the guiding principles, values, cultural expertise and the practical implementation of the Plan. The workshop will further develop the relationship between the Council and Ngāruahine.

Implications for Council

19. The Council supports the release of the Plan and its future use by Council staff and members of the public as a starting point for discussions with Te Korowai o Ngāruahine Trust regarding the use of resources in their takiwā (rohe).
20. The Plan will be used to inform future discussions with Te Korowai o Ngāruahine Trust regarding resource management matters including the review of all the Council's plans.
21. The goals and values reflected in the Plan largely complement what the Council is trying to achieve in respect of the environment for the Taranaki region. Operational type policies provided in the Plan set out detailed guidance that will be taken into account in the Plan review process and ultimately when making decisions on resource consent applications. .
22. The non-RMA components of the Plan will be of interest to the Council, but will not be considered as part of taking into account the Plan provisions when reviewing RMA policy.

Financial considerations—LTP/Annual Plan

23. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

24. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

25. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Community considerations

26. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum.

Legal considerations

27. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

Document 2894907 Ngāruahine Kaitiaki Plan 2021.



TE KOROWAI O
NGĀRUAHINE
TRUST



NGĀRUAHINE KAITIAKI PLAN 2021
TE URU TAIAO O NGĀRUAHINE



KARAKIA

E te koro Taranaki e,
Te maunga o Tītōhea
Kua riro atu rā i te ringa raupatu o te Kāwanatanga
Ko tō pūtake, ko tō tihi
Ko tō rekereke, ko tō katoa
He puna oranga mō te iwi
Ko ō rerenga wai, ko ō awa
He puna oranga mō Papatūānuku
Ka whanga mātou ki tō hokinga mai
Hoki mai e koro, Hoki mai rā e!

ACKNOWLEDGEMENTS

Many thanks to Louise Tester, Andrea Rowe, Bart Jansma, and Dion Luke for their valuable contributions to this plan.

We also acknowledge the guidance of our whanaunga Iwi of Taranaki Maunga.

DISCLAIMER

This plan does not constitute engagement. It is intended to guide users on the expectations and values of Ngāruahine regarding all aspects of the Taiao. It will be reviewed, amended and developed as a living document by Te Korowai o Ngāruahine Trust. All intellectual and cultural property is held by the Trust in association with the six Hapū of Ngāruahine.

KUPU WHAKATAKI

Whakarongo ake e ngaa iwi e takoto I te marae nei

Taku pakanga e pakanga nei au I roto I ngaa tau maha, e pakanga ana au mō Te Rangimaarie, mō te Maungaarongo ki runga ki te whenua, ki runga ki te tangata

Ka hooatu e au tooku kaha me tooku reo,

Hei reo whakahaere moou ki teenei whakatapuranga,

Hei taangata whakaaraara koe moo ngaa iwi e rua,

E kore toou reo e taaea te peehi e ngaa maunga nunui o teenei whakatapuranga,

E kore toou maangai e taaea te koopani e ngaa maunga nunui e ngaa pukepuke o te motu nei,

Putā noa I ngā maunga nunui, I ngaa pukepuke o te aao,

Ka haaepapa I toou reo ka whakahaere tikanga koe moo te kino kia mate te pai

Listen people gathered on this marae,

My war which I fought throughout the many years is one I fight for peace,

For the foundation of peace upon the land and upon the people,

I give over my resilience and my voice,

As a voice of leadership for you this generation,

That you may cause to be an inspiration to the two peoples,

Your voices will never be suppressed by the great powers of this generation,

Your mouths will never be shut by the great powers and forces of this country,

Nor by the powers and forces of the entire world will your voices be extinguished,

You provide the means to overcome the immoral with resolute virtue.

The above is one of many speeches made by Tohu Kākahi as he addressed the people of Parihaka during a visit by Ministers of the Crown to Parihaka in 1895. These speeches were recorded by Te Kāhui Kararehe.

KUPU WHAKATAKI - FOREWORD

The history of Ngāruahine is rich in narratives of loss, disconnection and trauma. The effects of colonisation have been a source of grief and frustration for multiple generations. The Crown's settlement of historical treaty claims has provided further challenges as we begin the process of healing. This requires us to restore and reinvigorate our relationships – both with each other and the Taiao. The plan's name – Te Uru Taiao o Ngāruahine – identifies the unique relationship of Ngāruahine with the Taiao. Uru comes from our many Aotea waka karakia and speaks of encompassing the Taiao from Ranginui to Papatūānuku and everything in between.

This plan is dedicated to our beloved Rangatira, Tihi Anne Daisy Noble. It is through her efforts as a fearless advocate and defender of Ngāruahine rights that a path has been established to enable current and future generations to honour our mātua and tūpuna. Te Uru Taiao o Ngāruahine is a tool to hold relevant central government, local government and industry groups to account. The plan is not a guide to our tikanga, but it does clarify Ngāruahine expectations to those undertaking the use, management and care of the Taiao. Our Hapū will have further expectations in addition to what is in this plan, the

plan does not remove the requirement to engage with our Hapū. This is a living document and may be reviewed from time to time.

Te Uru Taiao o Ngāruahine challenges the mainstream worldview that people and the environment are separate and must be forced to fit within colonial systems of management and control. Te Korowai o Ngāruahine Trust looks forward to a future where the wellbeing of our environment and people are restored to ensure future generations can live in peace and prosperity.

Ngā mihi, nā



Paula Carr
Pouwhakarae / Board Chair
Te Korowai o Ngāruahine Trust
August 2021

GLOSSARY

Atua

Atua are regarded as ancestors with influence over particular domains. These Atua were also a way of rationalising and perceiving the world. Normally invisible, Atua may have visible representations. Often translated as 'god' and now also used for the Christian God; this is a misconception of the real meaning. Atua is also the moon on the thirteenth night of the lunar month.

Hau

For a person, Hau can be a quality comprised of their personality and aura. This could be interpreted also as reputation, virtue, or fame. For the Taiao, Hau is the vital essence which is gifted by our Atua and exists (i.e. in a forest or river) and remains for as long as the mauri is maintained. Both of these aspects of Hau reciprocity and integrity.

Kararehe

An animal, beast or quadruped.

Kawa

Protocols, customs, and ceremonial processes.

Kāwanatanga

Governorship, dominion, official status, and political power. Government characterised by centralised leadership, administration, and social control.

Kōkōwai

A red ochre clay which is usually found in areas rich in iron and aluminium silicates. Once burnt and mixed with shark oil the clay is used as a pigment for woodwork and weaving materials.

GLOSSARY

Māhakitanga

To be inoffensive, mild, calm, quiet, unassuming, humble or tolerant. Humility and modesty are also known as māhaki.

Ngāruahinetanga

The culture, beliefs, practices and way of life of Ngāruahine. The Ngāruahine way of being.

Perpetual Liability

The term perpetual liability is a way to define the liability of a corporation that exists as an entity with the same rights as a natural person with the benefits of limited liability and a perpetual existence. Therefore, for legal purposes, a corporation is the same as a person in terms of the law.

Precautionary Principle

The precautionary principle consists of four central components: taking preventive action in the face of uncertainty; shifting the burden of proof to the proponents of an activity; exploring a wide range of alternatives to possibly harmful actions; and increasing public participation in decision making (Kriebel et al., 2001).

Post Colonial/Post Colonialism

The ultimate goal of post-colonialism is accounting for and combating the residual effects of colonialism on cultures. It is not simply concerned with salvaging past worlds, but learning how the world can move beyond this period together, towards a place of mutual respect.

Rākau

A tree, stick, timber or wood. Can also refer to a weapon or a challenge laid down to a distinguished visitor.

Rangatiratanga

The right to exercise chiefly authority or leadership of a group. Includes resource ownership and the rights guaranteed under Article 2 of Te Tiriti o Waitangi and the ability to make decisions based on outcomes defined and maintained by Ngāruahine.

RMA

Resource Management Act 1991.

Rohe

Boundary, district, region, territory, area or boundary.

Rongoā

A remedy, medicine, cure, treatment or solution to a problem.

Sites of Significance

Includes but is not limited to urupā, marae, tauranga waka, wāhi tapu, wāhi taonga, coastal waters, mātaītai and all waterways or areas identified by statutory acknowledgement in Schedules 1 and 2 of the Ngāruahine Claims Settlement Act 2016.

Socio-structural

Related to the structure of society.

Taiao

Nature, the environment, the natural world, earth, country, or world.

Takiwā

Vicinity, space, area, season, time or also territory.

Taonga

Applied to anything considered to be of value including socially or culturally valuable objects, resources, phenomenon, ideas and techniques.

Taonga tuku iho

Cultural property, heritage. A heirloom or anything handed down.

Te Ika ā Maui

The North Island.

Tikanga

Rule, code, way, practice, convention, protocol or correct procedure. A customary set of values and practices that have been developed over time and are deeply embedded in the social context.

Tohu

Sign, mark, symbol or emblem. Can also mean directions, a distinguishing feature or signature.

Tohungatanga

Expertise, proficiency, or competence. The term tohunga refers to an expert in a particular field.

Tūpuna

Ancestors or grandparents (plural).

Tūrangawaewae

The place where one belongs through kinship and whakapapa. This includes the right to stand and rights of residence.

Uri

Descendant, offspring, relative, kin, progeny or successor.

Urupā

Graveyard, cemetery, burial ground.

Wai Māori

Freshwater, clear water, natural water.

Wairuatanga

Spirituality.

Whakapapa

A central principle of all Māori institutions, whakapapa can be the basis of leadership, fishing rights and land tenure. The main use of whakapapa is to define kinship and status amongst individuals and groups.

Whakatauāki

Significant saying, proverb or aphorism used to urge or stress a type of behaviour or philosophical thought.





INTRODUCTION



THE ORIGINS OF NGĀRUAHINE

“Oral accounts recall that Ngā Ruahinerangi and their descendants claim descent from the celestial realms to inhabit these lands. Their coastal boundaries start at the Taungātara River in the west to the Waingongoro River to the east and stretching inland to the tip of the mountain. Upon the arrival of the various migrating ancestral vessels from around the Pacific to these shores over the generations, Ngā Ruahinerangi became a more diverse collection of Hapū through intermarriage and strategic alliances. At the time of the Deed of Settlement, there were six distinctive Hapū groupings or collectives; Ngāti Tamaahuroa-Tītahi, Ngāti Hāua Piko, Ngāti Tū, Ngāti Manuhiakai, Ōkahu-Inuāwai, and Kānihi-Umutahi.

The Hapū of Ngā Ruahinerangi can claim lineage to a host of ancestral vessels that settled this coast including Te Wakaringaringa captained by Makaweroa, Te Rangiamutu captained by Tamatea Rōkai and Aotea Utanganui captained by Turi Arikini who re-named many of the places along the west coast from Kāwhiā Moana to settle in the present town of Pātea as instructed by the explorer Kupe”.

The Ngāruahine Worldview

Ngāruahine culture and identity is created by the natural environment of which we are a part. The Ngāruahine worldview is shaped by religious beliefs, cultural values, and kinship ties to the environment. It has also been shaped by personal and collective experiences of dispossession, marginalisation, and cultural oppression. Ngāruahine were an economically successful and prosperous people prior to 1860, in full possession of our lands and resources. Land was not a commodity, but it was the means of sustenance, heritage, and continuity. Tenure was exercised by those who had both the skill and whakapapa needed with land management systems ranging from crop production to gathering mahinga kai at the appropriate times of the year.

This also meant that settlements could be temporary or semi-permanent depending on what was being harvested and the season. This adaptable but systematic land use did not fully exploit available abundance but maintained the integrity of land and other resources to regenerate and provide food continuously. However, European settler demand for Māori land resulted in the creation of unsubstantiated allegations to justify the wholesale confiscation of 1.2 million acres in Taranaki under the New Zealand Settlements Act 1863. Acts such as this and the Suppression of Rebellion Act 1863 facilitated the legal theft of collective Ngāruahine land rights exercised for over a millennium. These lands were and continue to be the means of production. Ownership was transferred to the Crown who benevolently returned some lands to

those it considered loyal to her Majesty the Queen, albeit under a fabricated individual title regime. As with other Iwi throughout Aotearoa New Zealand, Ngāruahine has been subject to economic underdevelopment and non-development for over 160 years. Our rights, resources and aspirations for self-determination have been subsumed by a state created without our meaningful input.

The effects of colonisation have been as constant as they have been destructive. The words of Koro Ron are again employed below to describe some of those effects:

“Peace upon the earth and goodwill to all people. The land confiscations campaign began in 1863, with the crossing of the Waitōtara river by settler militia, their guns, and cannons. Until this time, we had retained autonomy and authority over our mountains, waterways, lands, forests, coastal areas, resources, culture, meeting places, cultivations, villages, and sacred places. Ultimately, our relationship with many of these has been destroyed – and all our lands been taken”.

“For ten years our parents and grandparents lived in poverty, unable to grow food, to fish, collect seafood and unable to exercise their chiefly authority. Our matriarchs have decreed that the effects of this on their kin will not be forgotten by their descendants. Our elders guided the young to the forests where they survived on eel and the foods they collected therein. The mothers lived in fear that they, their children, and grandchildren would be detected by the soldiers and killed. This is the loss, torment and trauma inflicted upon our ancestors by the confiscation campaign. The pain and anguish they suffered remains with us still, with our children and our grandchildren. It is a pain that will never be forgotten”.

The well-known Crown acts and omissions of the 19th and 20th centuries have negatively impacted many areas of Ngāruahine life. Multiple generations of Ngāruahine have suffered from the effects of resource dispossession which manifest as circumstances of poverty, poor housing, and degraded physical and spiritual health. Despite this situation, generations were inspired to survive and persevere by the words of Titokowaru, prominent chief of Ngāruahine in 1868.

*‘E Kore au e mate, ka mate ko te mate,
ka ora au’*

*‘I will not die, death itself will die before
I perish’.*

¹ Unless otherwise cited and referenced, any quotes, such as this historical account on the origins of Ngā Ruahinerangi from Koro Ron Hudson, have been taken from the Ngāruahine Deed of Settlement 2014.

NGĀRUAHINE TODAY

According to 2013 census data, the median age of Ngāruahine Uri is 24.3 years compared with 24.4 years for the total population of Māori and 38.0 years for the total New Zealand population². The unemployment rate for people affiliating to Ngāruahine is 13.2 percent overall and for those aged 15-24 the rate is 25.9 percent.

Townships

- | | | |
|--------------------|-------------|-----------------------------|
| • Arakamu (Eltham) | • Kapuni | • Oeo |
| • Awatuna | • Matapu | • Okaiawa |
| • Auroa | • Manaia | • Tokaora |
| • Kaponga | • Mangatoki | • Whakaahurangi (Stratford) |

Tauranga Waka

- | | | |
|------------|-----------------|----------------|
| • Ahikuku | • Orangituapeka | • Otumatua |
| • Inaha | • Otāmare | • Te Rangatapu |
| • Motumate | • Ohounuku | • Te Kawau |
| | | • Waiohata |

Significant Rivers

- Kaupokonui
- Waingongoro

Reserves

- Te Ngutu o Te Manu
- Kaupokonui Recreational Reserve

Hapū

- Kanihi-Umutahi me ētehi atu
- Ōkahu-Inuāwai me ētehi atu
- Ngāti Manuhiakai
- Ngāti Tū
- Ngāti Haua Piko
- Tamaahuroa-Titahi

Marae

- Kanihi-Mawhitiwhiti Marae and Te Rangatapu Marae
- Aotearoa Marae and Te Rangatapu Marae
- Te Aroha o Titokowaru Marae
- Waiokura Marae
- Tawhitinui Marae and Okare ki Uta Marae
- Oeo Marae

The unemployment rate for Ngāruahine females (15.1 percent) was higher than the rate for Ngāruahine males (11.1 percent). Most Ngāruahine members live in the Taranaki region (37.0 percent) with Wellington (16.5 percent) and Auckland (12.7 percent) having large Ngāruahine populations. Home ownership or part ownership for people aged 15 years and over affiliating with Ngāruahine is around 29.5 percent. This compares with around 50 percent nationally³. However, the resilience of Ngāruahine people remains with a young, growing population and an increase in the number of Uri with formal qualifications. The level of proficiency in te reo Māori among Ngāruahine people is high compared to Māori across New Zealand.

Efforts by earlier generations to survive and overcome the injustices of the late 1800's achieved momentum through the work of organisations such as the Taranaki Māori Trust Board, Ngāruahine Iwi Authority, Ngāruahine Muru me te Raupatu, and Ngā Hapū o Ngāruahine.

² <https://www.stats.govt.nz/assets/Uploads/2013-Census-iwi-individual-profiles/69-iwi-profiles-Nga-Ruahine.pdf>

³ <https://www.stats.govt.nz/assets/Uploads/Retirement-of-archive-website-project-files/Reports/2013-Census-QuickStats-about-housing/quickstats-housing.pdf>



TE KOROWAI O NGĀRUAHINE TRUST BACKGROUND AND RESPONSIBILITIES

Te Korowai o Ngāruahine Trust (TKoNT) was established in 2013 and mandated as the post settlement governance entity (PSGE) for Ngāruahine under the Ngāruahine Claims Settlement Act 2016. The settlement contains an apology from the Crown and a statement of historical events as agreed by Ngāruahine and the Crown.

"The Crown hopes that this settlement and this apology will relieve the burden of grievance that Ngāruahine has carried for so many years and will assist Ngāruahine to heal the wounds of the past. The Crown looks forward to building a relationship of mutual trust and cooperation with Ngāruahine founded on respect for the Treaty of Waitangi and its principles⁴."

Further contents of the settlement are summarised as follows:

Settlement Redress

Cultural

Contents

- Fee simple title to 4 selected Crown owned properties.
 - Multiple statutory acknowledgement areas and deeds of recognition for rivers, streams, tributaries, and reserves.
 - Conservation Protocol.
 - Fisheries Protocol.
 - Taonga Tūturu Protocol.
 - Whāriki o Ngāruahine (coastal and river bank marginal strips).
- Financial and Commercial
- Cash.
 - Right to purchase 11 Crown deferred selection properties.
 - First refusal right to purchase surplus Crown owned properties.

⁴ Clause 3.23 Ngāruahine Deed of Settlement.

Te Korowai o Ngāruahine Trust's vision of "Ka ora taku toa" is inspired by the aforementioned whakatauaiki of Tītokowaru. It reminds us that to honour the sacrifices of our tūpuna, we must thrive and flourish. Ka ora tāku toa is a uniting call for our Whānau and Hapū to work alongside

TKoNT to determine a positive pathway forward which inspires and enables current and future generations of Ngāruahine Uri to fulfil our mission of a healthy, wealthy, and culturally vibrant Iwi.

TRUST TOHU

The Trust adopted this new logo in 2019 after extensive engagement and feedback from Ngāruahine Uri. The weave design is comprised of many strands, pulled together by considerate and diverse weavers. Each strand can stand on its own, but together they create a kete of

opportunity for abundance. Each strand has a role within the overall pattern, but they rely on one another to maintain their strength and integrity. The tohu symbolises the interdependence of Ngāruahine Hapū on each other and the Taiao.



Besides giving effect to the Ngāruahine Settlement Legislation, the Trustees of TKoNT also have a responsibility to:

- **Foster spiritual values, unity, support and cooperation amongst uri of ngāruahine.**
- **Advance the cultural, physical, social, and economic wellbeing of ngāruahine iwi members.**
- **Hold and apply the treaty settlement in accordance with the provisions of the trust deed.**
- **Be the voice and representative body for ngāruahine iwi.**
- **Perform the functions of a mandated iwi organisation and iwi aquaculture organisation in accordance with the māori fisheries act and the māori aquaculture act, respectively.**





PLAN DEVELOPMENT AND PURPOSE



STRATEGIC OBJECTIVES

TKoNT's Five Year Strategy 2021 – 2026 contains four key objectives for the Taiao and sets out our Taiao outcomes which are based on land, waterways and our coastal environment:

Key Taiao Objectives

Mauri Ora - Restoration: We support whānau and hapū in leading targeted restoration initiatives.

Te Korowai Whakahirahira - Protection: We work with our Hapū, Whānau and Uri to protect our taiao.

Pupuke te Mahara - Capability Building: Our Uri are highly skilled and experienced to lead our rejuvenation efforts.

Te Whakatinanahia - Research: Our Uri are leading active research programmes.

Taiao Outcomes

Tairangi: Our atmosphere and climate contributes to the wellbeing of our environment.

Taiwhenua: Our Maunga, tongi, wāhi tapu and taonga are protected. We have many sources of mahinga kai for our Whānau.

Taiawa: Our awa are healthy, our mokopuna can swim, and there is an abundance of kai.

Taimoana: Our moana is healthy, our tikanga ensures there is a sustainable level of kaimoana.

The strategy sets out our approach to establish a lasting foundation for achieving our vision of Ka Ora Taku Toa.

2022 – Archive, mapping and monitoring programme development.

2023 – Initiation of monitoring programme, and Hapū Kaitiaki roles.

2024 – Identification of taiao restoration priorities.

2025 – Initiation of taiao restoration programme.

2026 – Our natural environment is protected for generations to come.

⁴ Clause 3.23 Ngāruahine Deed of Settlement.

PLAN DEVELOPMENT

As set out in the Ngāruahine Deed of Settlement, the Board of Trustees may prepare a Kaitiaki Plan and lodge it with the relevant local authority. When a relevant local authority prepares or reviews a policy statement or plan under the RMA, it must take into account the Kaitiaki Plan, to the extent that the plan's content has a bearing on the resource management issues of the Kaitiaki Area (Figure 1) within the relevant local authority's jurisdiction. The Ngāruahine Kaitiaki Area consists of the Ngāruahine area of interest and the Ngāruahine Coastal Marine area.

The Ngāruahine rohe sits wholly within the jurisdiction of the Taranaki Regional Council and partially within the jurisdiction of the following District Councils in order of significance:

- South Taranaki District Council;
- Stratford District Council;
- New Plymouth District Council.

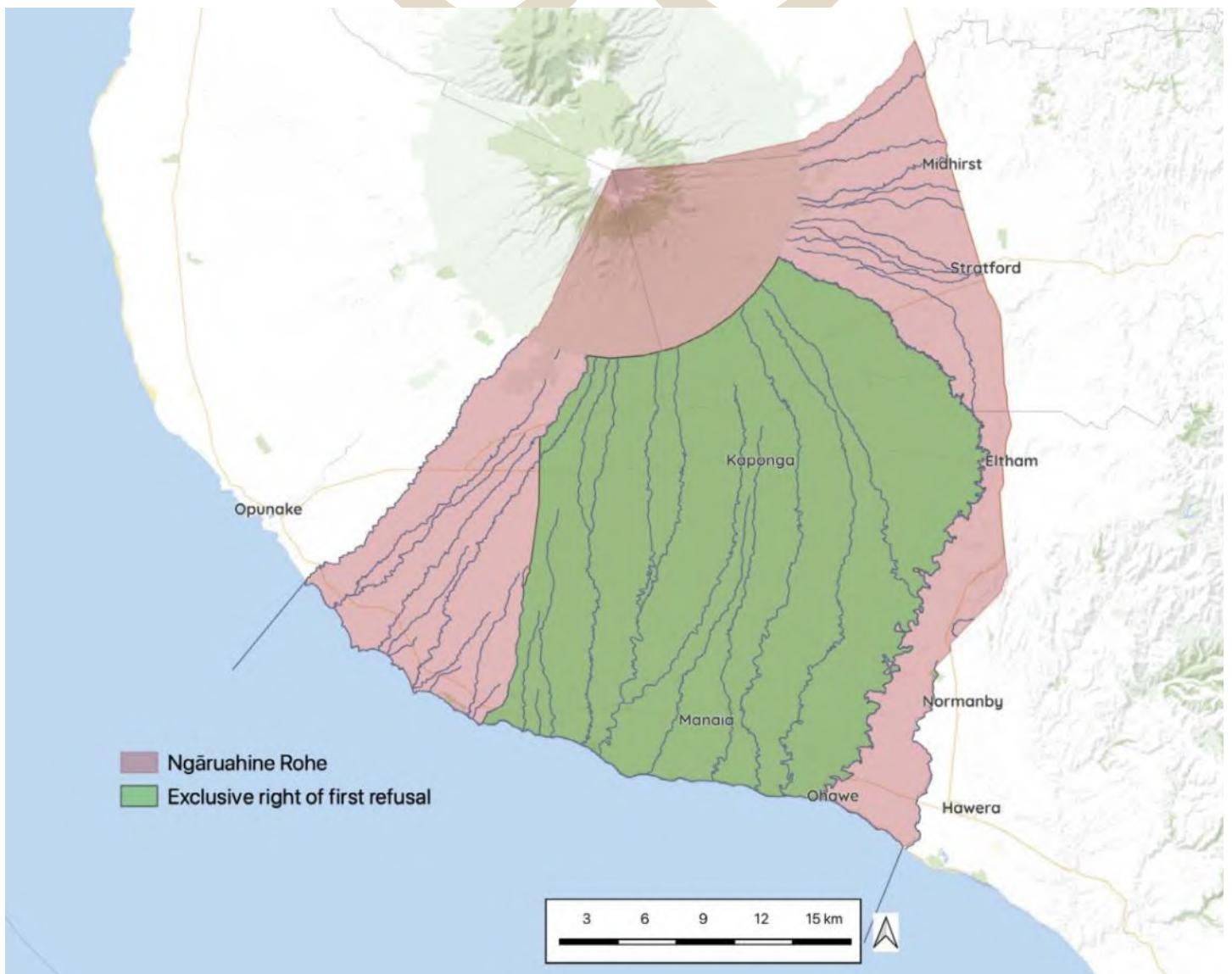


Figure 1 The Ngāruahine Kaitiaki Area

Consultation with our Hapū has been ongoing throughout the development of the plan which has a necessarily

broad focus reflecting the diverse and maturing views that each of them has.

PURPOSE

The purpose of this plan is to:

- Describe the values and principles underpinning the relationship between Ngāruahine and the natural environment;
- Identify the primary issues associated with natural resource and environmental management in the takiwā, from the perspective of Ngāruahine;
- Affirm Ngāruahine continuity between the past (those that came before us), the present (our natural resource mahi today), and the future (those that will come after us);
- Identify objectives, policies and, in some instances methods, to achieve sustainable and culturally appropriate management of resources important to Ngāruahine.
- Provide a pathway for Ngāruahine Uri, Whānau and Hapū to uphold and enhance their mana motuhake;
- Outline our expectations of consultation and engagement with local authorities, developers, central government agencies and resource consent applicants to secure meaningful and practicable environmental outcomes for current and future generations of Ngāruahine.
- Advocate on behalf of Ngāruahine at a Local, National, and International level.

The plan is designed to guide central government agencies, regional councils, and district councils to understand the issues of significance to Ngāruahine and manage all resource consent processes, policies, plan development, reviews and changes in a manner which affirms Ngāruahine values and interests (by giving effect to Part 2 of the RMA, particularly sections 6(e), 6(f), 6(g), 7(a) and 8).

Statutory weight is also given to this plan under the following sections of the RMA:

- 35A Duty to keep records about Iwi and Hapū;
- 61 Matters to be considered by regional council (policy statements);
- 66 Matters to be considered by regional council (plans);
- 74 Matters to be considered by territorial authority (plans);
- 108 Conditions of resource consents.

The Plan shall also be considered next to other documents, including National Policy Statements, Regional Policy Statements, plans, strategies, environmental management plans and bylaws related to the Taranaki Regional Council, South Taranaki District Council, Stratford District Council, New Plymouth District Council, Department of Conservation, Ministry for the Environment, Heritage New Zealand Pouhere Taonga, and any other consenting authority.

This Kaitiaki Plan also sits alongside and recognises the following Environmental Management Plans published by our whanaunga Iwi in the Taranaki Region:

- Ngāti Ruanui Environmental Management Plan – Te Rūnanga o Ngāti Ruanui Trust (2012)
- Kīitahi Puutaiao Management Plan – Te Kaahui o Rauru (2013)
- Ngāti Mutunga Iwi Environmental Management Plan – Te Rūnanga o Ngāti Mutunga (2016)
- Taiāo, Taiora – Environmental Management Plan – Te Kāhui o Taranaki (2018)
- Rautaki Tiaki Whenua Reserves Management Plan 2019-2029 – Te Kāhui o Taranaki (2019)
- Tai Whenua, Tai Tangata, Tai Ao - Te Ati Awa Iwi Environmental Management Plan (2020)

While this plan has been developed with the assistance of the six Hapū of Ngāruahine, it does not endeavour to represent or supplant their views, interests, values, or aspirations. It is anticipated that in time Hapū will prepare their own planning documents as their capacity and capability is developed. As this occurs, this plan will be reviewed to align with Hapū planning documents. If there is a discrepancy between a policy in this plan and a Hapū plan, TKoNT will recognise the more stringent of the two to be that which stands.

⁴ Where a plan or activity involves an area where there is a shared interest with any other Iwi, wānanga may be required to ensure that all parties are in agreement of the preferred engagement outcomes.

CONTENTS

Chapter 1: Introduction		1
	The Origins of Ngāruahine	3
	Ngāruahine Today	4
	Te Korowai o Ngāruahine Trust	5
	Background and Responsibilities	5
	Trust Tohu	6
Chapter 2: Plan Development and Purpose		7
	Strategic Objectives	9
	Plan development	10
	Purpose	11
	How to use this plan	12
	Term Definitions	14
Chapter 3: Resource Management		15
	Western Worldview and Ideology	17
	Resource Management Settings	17
	Problem Identification	18
Chapter 4: Ngāruahine Environmental Management		19
	Ngāruahine Bottom Lines	21
	Ngāruahinetanga	21
	Resource Management Tools	21
Chapter 5: Taiao		25
	Ngāruahine Taiao Values	27
	Ngāruahine Environmental Management	28
	Papatūānuku - Land	29
	Ranginui - Air and Atmosphere	35
	Tangaroa - Coastal and Marine Environment	39
	Tanē - Biodiversity and Conservation Management	45
	Wai Māori - Freshwater	51
	Te Horanuki Ahurea o Ngāruahine - The Ngāruahine Cultural Landscape	57
	Ōhangatanga o Ngāruahine - Development	63
Chapter 6: Engagement with Ngāruahine		67
	Social Inclusion	69
Chapter 7: Plan Implementation and Review		71
	Plan Implementation and Review	73
Appendix A: Treaty Settlement Provisions		75
	Ngāruahine Maps	75
	Statutory Acknowledgements and Deeds of Recognition	76
	Crown Agency Protocols	76
Appendix B: Ngāruahine Environmental Management Procedures		77
	Suggested Financial Contributions	77
	Additional Documents	77
Appendix C: Relevant Documents		78
	Primary Legislation	78
	Secondary Legislation	78
	Strategies, Policies and Plans	78
	Bibliography	79

HOW TO USE THIS PLAN

Resource management issues of significance to Ngāruahine are contained within the Taiao chapter. Each Taiao section contains:

- An initial statement or statements providing context to the resource;
- Issues: An outline of Ngāruahine concerns around the resource;
- Objectives: The preferred outcomes of Ngāruahine;

- Policies: Numbered policies identify the approach taken by TKoNT to achieve preferred outcomes. These include stakeholders (Implementation Partners) considered critical to the implementation of policies through collaboration, partnership, and engagement (Table 1).
- Methods are actions which TKoNT will pursue to implement policy and are considered fundamental to achieving our preferred outcomes. These are contained in Chapter 7. TKoNT engagement expectations are contained in chapter 6.

Table 1 Abbreviations used for stakeholders.

CRI	Crown Research Institute	MPI	Ministry for Primary Industries
DoC	Department of Conservation	NPDC	New Plymouth District Council
EECA Authority	Energy Efficiency and Conservation	NZPM	New Zealand Petroleum & Minerals
EPA	Environmental Protection Agency	SDC	Stratford District Council
F&G	Fish and Game New Zealand	STDC	South Taranaki District Council
HNZPT	Heritage New Zealand Pouhere Taonga	TEI	Tertiary Education Institute
LINZ	Land Information New Zealand	TMP	Taranaki Maunga Project
MBIE	Ministry of Business, Innovation & Employment	TPK	Te Puni Kōkiri (Ministry of Māori Development)
MfE	Ministry for the Environment	TRC	Taranaki Regional Council

TERM DEFINITIONS

The terms used in objectives, policies and methods are defined here to assist users of the Plan. The definitions are related to any local or central government strategies, policies, rules, regulations, or bylaws which impact on Ngāruahine Taiao values. These definitions may also be useful for those applying for a resource consent.

OPPOSE

An activity or action, rule, or regulation that TKoNT will strongly insist does not occur.

REQUIRE

An action or activity that must be carried out by an organisation to fulfil Ngāruahine expectations of partnership, protection and participation in matters relating to the environment within our rohe.

PROMOTE

An activity, action, or initiative that TKoNT will work on collaboratively with other agencies to protect and advance Ngāruahine values and guiding principles.

ENCOURAGE

An action or activity which is supported by TKoNT which is to be carried out by other agencies

DISCOURAGE

An action or activity which is generally not supported by TKoNT without severe restrictions.

IDENTIFY

An action or activity, programme, or initiative which TKoNT will work on independently or in collaboration with other agencies to develop, resource and carry out.

SUPPORT

An action, activity, policy, or rule which is encouraged by TKoNT. This may include supporting the implementation and improvement of actions, activities, policies, and rules of other agencies.

AVOID

TKoNT favours the avoidance of negative adverse effects on our environmental, cultural, and spiritual values. Mitigation and remediation can be useful if the right questions are being asked and should be considered on a case-by-case basis, not as a default solution to competing values.

ADVOCATE

An action or activity which TKoNT will actively pursue and encourage where it has the potential for broad benefits to the long term wellbeing of our Uri and the wider community.





RESOURCE MANAGEMENT

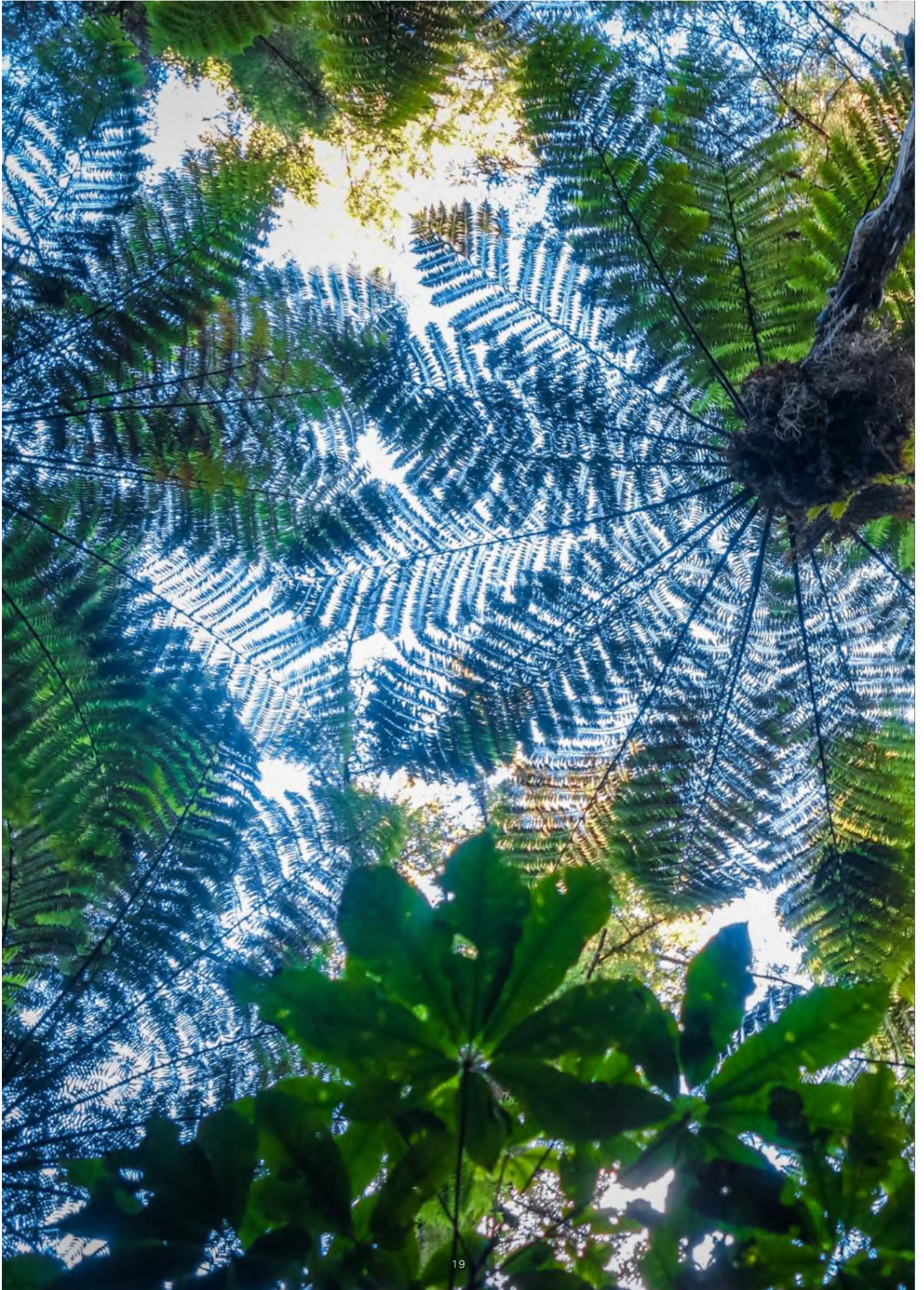


PROBLEM IDENTIFICATION



The use of Māori concepts and terms is problematic when the purpose and holistic nature of relationships to the environment are omitted. This decontextualisation allows for important matters of mana, rangatiratanga and proprietary rights to be dismissed thereby controlling the limits of discussion regarding the effective management of natural resources. The questions asked will relate directly to cultural understandings of what is considered important which in turn is based on ontological (what

is the nature of being?) and epistemological (what is the nature of knowing?) assumptions. Conservation is an example of how cultural assumptions have become 'facts'. Although the term may be used widely, it should not be assumed that all peoples share the same understanding of the concept. Mainstream conservation planning is often disconnected from the values of local communities and indigenous groups (Bockstael and Birkes, 2017; Peterson, Hanazaki & Birkes, 2020).





NGĀRUAHINE ENVIRONMENTAL MANAGEMENT



NGĀRUAHINE ENVIRONMENTAL MANAGEMENT

Ngāruahine Bottom Lines

- TKoNT absolutely opposes the direct discharge of wastewater, farm dairy effluent or contaminants to all water bodies within the rohe of Ngāruahine.
- Ngāruahine refuse to be restricted to the cultural and spiritual categories created to define our interests by the New Zealand state. We are much more than this. We are social, political, and economic beings, with the history and mana to pursue outcomes we determine.
- Only mana whenua are capable and qualified to conduct cultural monitoring and the measurement of mauri within the rohe of Ngāruahine. The appropriate persons to conduct such monitoring will be determined by our Hapū with the support and endorsement of TKoNT.
- All mātauranga, traditions and information pertaining to Ngāruahine are the rightful property and taonga of the respective Ngāruahine Hapū. The communication of these taonga is at their discretion and any use without their permission may be subject to legal action and rāhui.
- Kāwanatanga and Rangatiratanga are respected and acknowledged as mutually valid and legitimate institutions underpinning the use, development, and protection of natural and physical resources.
- A precautionary approach is the default where information on the environmental effects of an activity is inadequate or uncertain.
- TKoNT supports the development of local government policies and rules that halt the degradation of both biodiversity and the mauri of the Taiao.

Ngāruahinetanga

As Ngāruahine, we are renowned for our unconventional approach to all things and ability to think outside the box. We will be uncompromising in challenging those who seek to oppress us or disregard our rights but will offer support and kindness to those same people without hesitation. This we call māhakitanga and it is central to our identity and behavior. This can be difficult for others to grasp and is often confused with timidity, passiveness, or apathy. It has been developed over centuries of invasion, both from Northern Māori and more recently settler colonialism. Forced separation of Whānau and our whenua have been constant intergenerational events for Ngāruahine.

Māhakitanga comes from deep within our collective memories and experiences and is based on our spiritual strength to remember, endure, and survive. While we may not exclaim our achievements or opinions loudly, we are always working with a quiet confidence, always thinking critically and always learning. As we enter the post settlement era, it is important that we retain the lessons learnt by our Tūpuna and look forward to a future of

our own making. To do this we must leave behind the grieving, confrontational and rigid mindset that was needed to survive the cultural and economic terrorism of 19th and 20th century colonialism. In this positive future, māhakitanga ceases to be a means of survival and becomes instead a process of liberating ourselves and our Pākehā community. We will ensure that Uri of Ngāruahine are secure in their identity and valued for being Ngāruahine by not only their Whānau and communities, but by the region, the nation, and the world.

Resource Management Tools

Depending on the scale and location of an activity or proposal, any of the following may be required by TKoNT to assess the potential effects on Ngāruahine values and enable kaitiakitanga.

Cultural Impact Assessment

TKoNT or Hapū may request the development of a Cultural Impact Assessment (CIA) at cost to the regulatory authority or consent applicant. These assessments shall identify tangata whenua cultural, historical, and environmental values associated with a particular site, area, or activity. A CIA can provide:

- increased certainty and understanding of effects on cultural values and reduced risk of unintentional or unexpected effects from consented activities;
- consensus between tangata whenua and the applicant on how to avoid, remedy or mitigate potential adverse effects on tangata whenua;
- improved relationships and communication that facilitates more effective future contact and outcomes for each party;
- a basis for formal relationship agreements between tangata whenua and applicants
- improved tangata whenua understanding of the proposal and suggestions of what conditions could be applied if a consent is granted;
- satisfaction for local authority consultation requirements under the Local Government Act 2002;
- increased public awareness of the relationship of Māori with natural and physical resources and the importance of Māori as a partner in the resource management process.

Cultural Health Monitoring

Cultural Health Monitoring shall be undertaken to identify and articulate values and perspectives of environmental change, and to assess the mauri of freshwater, soils, coastal water quality, mahinga kai and mātaītai. Monitoring is undertaken by Hapū to provide a tangata whenua perspective on changes to the Taiao based on traditional oral baselines of mauri. Using mātauranga Māori links

NGĀRUAHINE ENVIRONMENTAL MANAGEMENT

the health of the environment to the health of the people and provides important information which can be used in parallel to western science monitoring. Indicators used in cultural health monitoring will be determined by Hapū with the support of TKoNT.

Cultural Values Statement

TKoNT and Hapū may develop a Cultural Values Statement (CVS) to identify and explain the cultural values associated with a specific area or resource. TKoNT and Hapū may request the development of a CVS at cost to the regulatory authority or consent applicant.

Cultural Monitoring

Cultural monitoring is undertaken by Hapū to protect and manage sites of significance at a cost to the regulatory authority or consent applicant. TKoNT or Hapū may request the engagement of cultural monitors under various circumstances including when:

- a. it is a recommendation arising from a Cultural Impact Assessment;
- b. it is a condition of a resource consent;
- c. earthworks are to occur within 200m of a site of significance;
- d. recommended by a qualified archaeologist who is familiar with the area; or
- e. earthworks/land disturbance activities identify that cultural monitoring may be required.

Cultural Monitoring Protocols contained in Appendix C set out the requirements for monitors, councils, and resource consent applicants.

Kaitiaki Reports

These are 'state of the environment' reports for the takiwā o Ngāruahine. Kaitiaki reports will interpret the results of monitoring undertaken by Hapū to give an overall assessment of our whenua, waterways, mahinga kai and coastal marine environments according to Ngāruahine values. As monitoring data is collected, Kaitiaki reports will allow us to determine trends, identify issues and subsequently what actions and resources are required to address those issues. The level of TKoNT and Hapū participation in resource management decision making will also be measured and evaluated.

Outcomes Based Focus

Building environmental capacity and capability of Ngāruahine is the preferred outcome and focus of this plan. This will enable Ngāruahine to express kaitiakitanga and contribute to achieving our vision of 'Ka ora taku toa'. The Ngāruahine rohe is abundant in natural resources.

These materials provide for the social and economic wellbeing of Ngāruahine Uri and the wider community. We welcome economic development which aligns with our cultural and environmental values. When we talk

about kaitiakitanga, we are mindful of the mutually beneficial relationship between Ngāruahine and the natural world. Strong relationships with our treaty partners, industries and communities will be crucial to restoring kaitiakitanga.

Kaitiakitanga

While mainstream definitions and perspectives see kaitiakitanga as the exercise of guardianship by tangata whenua in relation to natural and physical resources, for Ngāruahine it is multifaceted in both concept and practice. Within this understanding all life is connected through the kinship of the spiritual, human, and natural world. Humans are a part of this natural order. This can be expressed by three fundamental notions:

Atua Kaitiaki – All natural resources are regarded as being gifts from Atua Kaitiaki. These Atua are the spiritual guardians of the elemental domains they represent, and all lifeforms contained within – including human beings. These guardians were central to the lives of our tūpuna and remain culturally significant to our Hapū and Whānau today.

Tangata Kaitiaki – A Kaitiaki can be a person or group recognised by tangata whenua as a guardian or trustee of a natural resource such as a forest or lake. Their responsibility is to ensure the wise use of the resource so it can provide for the ongoing sustenance of the people. A Kaitiaki may also maintain guardianship of tangible and intangible taonga such as whakapapa or physical objects such as family heirlooms.

Kararehe Kaitiaki – Certain species are also considered Kaitiaki with their presence or absence indicating the mauri of the natural environment. Observations of species such as tuna (NZ short finned and long finned eel), kina and kererū have long been used as signs of the health or distress of mauri. Kaitiaki species are key indicators and have a considerable impact on other species and maintain the reciprocity needed to ensure a stable relationship.

To enable kaitiakitanga, tangata whenua input is needed at all levels of environmental management – not just at the implementation phase. It is therefore essential that Ngāruahine are meaningfully and continuously engaged in decision making at the strategy, policy, and planning stages of managing the Taiao.

The following table provides an overview of the long-term outcomes TKoNT expects to enable kaitiakitanga.¹

T?TOHI 2

Example	Current Practice	TKoNT Kaitiaki Expectations
Resource Consent Applications	Comments and responses as an interested person or affected party	Shared decision making with consenting authority
Project Development		CIA, Cultural Monitoring, CVS, Economic participation (Investment)
Subdivision Applications	Comments and responses as an interested person or affected party	CIA, Cultural Monitoring, CVS, Enhanced access to waterways
National Policy Statements		Iwi Chairs co-development with Crown Ministers
Regional Policy Statement, Strategies, Policies, & Plans	Pre-notification to Iwi authority consulted under RMA schedule 1	Co-development as a treaty partner
District Council Plans		Co-development as a treaty partner
Regional Pest Management Strategy	Submissions to hearings as part of consultation process	Co-development as a treaty partner
Freshwater Monitoring (Western)		Hap? participation as Kaitiaki
Cultural Health Monitoring of waterways	Sporadic and uncoordinated in Taranaki	Co-design, co-planning and shared implementation by Hap?. TKoNT and TRC
Activities in the EEZ		Shared decision making with consenting authority
Biodiversity/Biosecurity Management	Inclusion as community of interest	Partnership with central and local government as treaty partners







TAIAO



NGĀRUAHINE TAIAO VALUES

Kaitiakitanga

Kaitiakitanga is an expression of rangatiratanga based on whakapapa and mana. Stewardship is often conflated with Kaitiakitanga, but the term lacks the cultural context of a Te Ao Māori view and is based on the assumptions of tending to a landlord's assets prevalent in Western culture. The individual and collective Hapū are the customary owners, guardians and trustees for all things and matters pertaining to their respective social, economic, and political development including how they manage their taonga tuku iho.

Kotahitanga

The existence of solidarity, togetherness, and collective action. Kotahitanga is important to ensure an integrated and unified approach to enhancing the Taiao and the persistence of Ngāruahine language, traditions, and Mana Motuhake. The collective Hapū recognise the value of unity as Ngāruahine Iwi and pursuing common objectives together. Collective understanding and action will also be sought with our whanaunga Iwi throughout Taranaki.

Mana Motuhake

For Ngāruahine, mana Motuhake means that the collective Hapū will determine their own future and govern their own development, respectively.

Mana Moana

Each Hapū, as hau kāinga, holds authority, mandate, and decision-making power over all mātaītai, tauranga waka, moana, takutai, wai and kawa within its takiwā.

Mana Whenua

Each Hapū, as hau kāinga, holds authority, mandate and decision-making power over all lands and waterways within its takiwā.

Mauri

Mauri is often described as an essential quality or the vitality of an object, a person, or a system. Mauri is the life-giving ability of an ecosystem, the essence that binds the physical and spiritual elements of all things together, regenerating and upholding all life through Hau. Without knowledge based on an intimate understanding of mauri, the survival of our Whānau, Hapū and Iwi would always have been in doubt. Ngāruahine Whānau and Hapū are the kaitiaki of this knowledge. As cultural property it remains their inalienable right to use it as they deem fit.

Ngāruahinetanga

The unique tikanga, reo and taonga tuku iho of Ngāruahine and the maintenance, expression, and preservation of this collective mātauranga for future generations of Ngāruahine wherever they may reside. The ways in which Uri, Whānau

and Hapū do this will be diverse, innovative, and constantly evolving.

Tikanga

The Tikanga of Ngāruahine Iwi and each Hapū is to be upheld.

Ūkaipōtanga

A sense of ownership or belonging. The security and awareness that comes from knowing that sustenance and wellbeing can always be found in your Tūrangawaewae and kinship ties.

Whanaungatanga

Collective Hapū and members of Ngāruahine have close and historical links with each other. Ngāruahine, as a whole, has close and historical links with our whanaunga Iwi.

General Issues

1. For Ngāruahine, the Taiao is connected to our collective wellbeing. The mauri, or state of the Taiao, is a direct reflection of our behaviour. The capacity and ability of our mokopuna to harvest and live well is an indicator of the mauri of the Taiao. Prior to colonisation, the rohe of Ngāruahine was cloaked in dense native forest, shrub land and bush.
2. The combination of forced land appropriation, deforestation and introduced land use practices have resulted in the destruction of a uniquely Ngāruahine landscape. This has been accompanied by the loss of knowledge and familiarity with important species that Ngāruahine once relied on for survival. Remaining pockets of native inland and coastal forests represent only a glimpse of what our tupuna knew of our indigenous flora and fauna.
3. Residential and commercial development continue to modify our rohe severely affecting the ability of Ngāruahine Uri to exercise kaitiakitanga, particularly where our rights and interests are not adequately recognised or provided for in environmental decision-making processes. Remaining sites of significance may be compromised or destroyed, and each new development places more pressure on our freshwater resources.
4. Contemporary use of the term taonga species is a construct designed to coerce Māori into the compartmentalisation of a western world view. For Ngāruahine, taonga is used to describe anything considered to be of value. It includes culturally or socially valuable objects, resources, ideas, phenomenon, and techniques. This broad definition indicates the importance of context and the need to differentiate between what is valued, why and by whom. All

NGĀRUAHINE ENVIRONMENTAL MANAGEMENT

plant, animal and fish species are taonga tuku iho to Ngāruahine.

5. The mainstream conservation model sees the solution to biodiversity crises as the exclusion of harmful activities and those who perform them. This model perpetuates a myth that indigenous peoples pursue or welcome cultural stasis as a precondition of their participation in conservation management.
6. Inadequate planning and management practices mean that our waterways have been used as drains for chemical and biological contaminants. The use of dilution as a panacea to pollution fails to consider the holistic and interconnected nature of our Taiao.

General Principles

1. We will work with central and local government agencies to ensure that the partnership principle of the Treaty of Waitangi is at the heart of environmental decision making.
2. Where the effects of activities are not fully understood or quantifiable, a precautionary approach is used as default.
3. The mana moana and mana whenua status of Hapū is acknowledged, protected, and enhanced for future generations.

General Objectives

1. A whole of eco system approach to managing land, freshwater and the coastal marine environment is adopted and promoted in regional council and territorial authority strategies, policies, planning documents, rules, and regulations.
2. Mahinga kai, including access, are enhanced throughout the rohe of Ngāruahine.
3. The mauri of all waterways within the rohe of Ngāruahine is enhanced according to cultural health indicators determined by TKoNT and Hapū.
4. TKoNT will work collaboratively with industry, central and local government, community groups and whanaunga Iwi to restore and protect the mauri of Papatūānuku.
5. Revitalisation of the takutaimoana as a place where Ngāruahine histories and connections are once again shared with our younger generations.
6. Ngāruahine Uri are enabled to fulfil their role as Kaitiaki within the rohe of Ngāruahine with active, continuous participation in the development and implementation of all Taiao strategies, policies, and actions within the Ngāruahine Kaitiaki Area.
7. While we welcome the progression of government policy and strategy to recognise and build Māori knowledge into growth opportunities, it is the aspiration

of Ngāruahine to restore our role as a major player within the regional economy.

General Policies

1. Land uses which result in a reduction of mahinga kai, mātaītai, native vegetation, native species, or natural soil fertility will not be supported.
2. Continuous cultural health monitoring of waterways mahinga kai, soils and coastal areas is established and sustained by Ngāruahine Uri as Kaitiaki .
3. TKoNT will advocate for Ngāruahine rights and interests by developing and presenting submissions on environmental issues to central and local government.
4. The direct discharge of contaminants to ground waters, surface waters or coastal waters is avoided.
5. Consenting authorities are encouraged to include the following in the financial contribution's sections of their planning documents to support Ngāruahine kaitiakitanga and ensure positive effects on the environment:
 - a. add "where responses or comments of Iwi or Hapū has been required" as a circumstance where financial contributions may be imposed when granting a resource consent;
 - b. incorporating enabling kaitiakitanga as a purpose in order to provide positive effects by enhancing the ability of Iwi and Hapū to take a meaningful role in the resource consenting process;
 - c. add compensation as a matter to determine the amount of financial contributions which offsets the costs incurred by Iwi and Hapū and supports the participation, active protection, and partnership principles of the Treaty of Waitangi/Te Tiriti o Waitangi.
6. Mitigation plans co-designed with mana moana and mana whenua are normalised as processes which address their concerns and interests for minerals and hydrocarbon exploration and extraction activities.
 - A Decommissioning Plan for hydrocarbon extraction activities;
 - A Remediation Plan for hydrocarbon or mineral exploration activities;
 - A Mine Closure Plan for mineral extraction activities.





PAPATŪĀNUKU - LAND



TE KOROWAI O
NGĀRUAHINE
TRUST

PAPATŪĀNUKU

Papatūānuku is the whenua (land). Papatūānuku and Ranginui had many children who became the ancestors of everything in the world today.

As Papatūānuku and Ranginui are such key ancestors, we have an obligation to protect their interests above all others. It is their health that determines the wellbeing of all beings that live between them.

The health and wellbeing of Papatūānuku is essential for her to be able to provide for us. As kaitiaki, Ngāruahine are responsible for protecting the mauri of Papatūānuku and enhancing it where it has been degraded by inappropriate use and development. This reciprocal relationship is repeated throughout our whakapapa and is the foundation of our kawa and tikanga.

Intensive farming and industrial practices have contributed to widespread contamination and degradation of the whenua. Minerals exploration and extraction is another sector that introduces potential risks to the quality of land, freshwater, and atmosphere. On-going development of land for residential and commercial purposes is likely to exacerbate environmental pressures affecting the health and mauri of our Taiao. These issues impact on the ability of Ngāruahine Uri to exercise kaitiakitanga, particularly where our rights and interests are not adequately recognised or provided for in environmental decision-making processes. Remaining sites of significance may be compromised or destroyed, and each new development places more pressure on our freshwater resources.

Issues

The following land uses have actual and potential impacts of on the cultural and kinship values or interests of Ngāruahine:

- The use of hazardous substances;
- Intensive farming practices;
- Industrial activities;
- Residential development;
- Waste and Stormwater management;
- Mineral and hydrocarbon exploration and extraction;
- Alternative energy generation;
- New cemeteries and crematoriums;
- Subdivision, including land amalgamation and boundary adjustments;
- The establishment of Significant Natural Areas (SNA's);
- Freedom camping.

While Papakāinga development is a permitted activity under relevant District Council plans, there are still several barriers to realising Papakāinga within our rohe including:

- A lack of Papakāinga specific objectives in regional and territorial planning documents;
- The costs of infrastructure provision to marginal, Māori land;

- Access to central government assistance for Papakāinga development.

The importance of the mauri of Papatūānuku to all living things is not recognised or protected for current or future generations by current RMA processes.

Objectives

- 1** Resource consent decisions, plans and management related to land use prioritise:
 - a. the enhancement of soil fertility, water quality and native biodiversity;
 - b. a reduction in the use of hazardous substances;
 - c. recognition of the interconnections between land, air, freshwater and coastal environments;
 - d. the monitoring of soil health;
 - e. a reduction in soil erosion;
 - f. Ngāruahine cultural values and interests, including Papakāinga development and mahinga kai.
- 2** Adverse environmental effects arising from onshore minerals and petroleum prospecting and extraction are interalised by permit operators.
- 3** Support alternative energy technologies and initiatives where these:
 - a. Can be shown to reduce negative impacts on the environment and our communities;
 - b. Do not reduce the ability of Ngāruahine to maintain its Cultural Landscape and associated mātauranga.

POLICIES

Policy Ref.	Policy	Implementation Partners
1.1	<p>Land users and consent authorities are encouraged to engage with TKoNT to understand the impacts on the mauri of Papatūānuku for the following:</p> <ul style="list-style-type: none"> a. Waste management, contaminants and contaminated land; b. Pest Management; c. The use of hazardous substances. 	All relevant consenting authorities, Land owners, Resource consent applicants
1.2	<p>Where there is resource consent application for the following within, adjacent to or directly impacting upon a statutory acknowledgement area, or within 200m of any significant Ngāruahine site, TKoNT will consider themselves a Section 95E affected party and may require a CIA:</p> <ul style="list-style-type: none"> a. Earthworks; b. Discharge of contaminants to land; c. Management of contaminated soils; d. Removal of structures in, on or under a waterway. 	All relevant consenting authorities, Resource consent applicants
1.3	<p>TKoNT will advocate for:</p> <ul style="list-style-type: none"> a. the planned long-term reduction in the use of hazardous substances, waste and land disturbance; b. the enhancement of access to mahinga kai; c. recognition of the cumulative and incremental effects of activities within Rural Industrial zones; d. an objective in the Taranaki Regional Policy Statement which sets an increase in the quantity of Papakāinga throughout the region as a goal; e. policies and rules in territorial plans which meet the Papakāinga objectives of the Taranaki Regional Policy Statement 	TKoNT, TRC, SDC, STDC, NPDC, Land owners, Resource consent applicants, Business community
1.4	<p>Work with all territorial authorities to ensure that subdivision, land amalgamation, and boundary adjustments activities:</p> <ul style="list-style-type: none"> a. are classified as Restricted Discretionary; b. allow for the provision of esplanade reserves or strips which increase Ngāruahine access to mahinga kai and statutory acknowledgement areas; c. do not give rise to adverse effects on wāhi tapu, urupā, or Ngāruahine cultural values, rights and interests. 	All relevant consenting authorities, Resource consent applicants
1.5	<p>Identify opportunities to support and collaborate regarding alternative land uses which require less external inputs including but not limited to:</p> <ul style="list-style-type: none"> a. regenerative or organic dairy farming; b. horticulture; c. land based aquaculture; d. indigenous forestry; e. rongoā plantations; f. marae based or community based maara kai. 	TKoNT, Business community, Communities, Landowners, STDC, SDC, NPDC

POLICIES

Policy Ref.	Policy	Implementation Partners
1.6	<p>Where resource consent applications require land disturbance, applications should be assessed with a view to avoiding adverse effects on:</p> <ul style="list-style-type: none"> a. Known and unknown Māori heritage; b. Statutory acknowledgement areas; c. Areas of cultural, natural and spiritual significance; d. Indigenous biodiversity and taonga species; e. Natural landforms and topography. 	Relevant consenting authorities, Resource consent applicants
1.7	<p>If a resource consent application requires land disturbance which affects the values in policy 1.6, the consenting authority shall require that TKoNT, together with the relevant Hapū, conduct one or more of the following as a condition of the consent being granted:</p> <ul style="list-style-type: none"> a. Site walkover; b. Archaeological Assessment; c. Cultural Impact Assessment; d. Cultural Monitoring. 	Relevant consenting authorities, Resource consent applicants, TKoNT, Hapū
1.8	<p>Ensure stormwater is managed on site and not discharged directly into rivers, streams or natural wetlands. Potential natural solutions and green infrastructure such as constructed wetlands or swales are encouraged.</p>	Landowners, Resource consent applicants, Relevant consenting authorities
1.9	<p>TKoNT will require a CIA for all permits for onshore mineral and petroleum prospecting or extraction activities within the rohe of Ngāruahine which:</p> <ul style="list-style-type: none"> a. takes place within 1km of any marae, kohanga reo, kura kaupapa, urupā, tauranga waka site, wāhi tapu or statutory acknowledgement area; b. does not include a mitigation plan that has been co-designed and agreed with the respective Hapū; c. does not contain a condition requiring the provision of 20% of projected profit as bond; or d. does not require the permit holder to have perpetual liability insurance as a condition of the permit. 	MBIE, NZPM, EPA, Permit applicants
1.10	<p>New landfills, cemeteries or crematoriums, SNA's, Freedom camping zones, and alternative energy initiatives should be located within areas which:</p> <ul style="list-style-type: none"> a. Do not reduce or obstruct Ngāruahine access or relationship to wāhi tapu, mahinga kai, mātaītai or coastal waters; b. Reduce the potential for culturally offensive behaviour such as littering; c. Do not negatively alter the Ngāruahine Cultural Landscape; d. Provide manuhiri with facilities which enhance the manaakitanga experienced by visitors; e. Are determined appropriate by mana whenua. 	Relevant consenting authorities







RANGINUI - AIR AND ATMOSPHERE



TE KOROWAI O
NGĀRUAHINE
TRUST

RANGINUI

Ngāruahine considers the air and atmosphere to be a manifestation of Ranginui, although all atua are connected through the air. Ranginui is valued for the life supporting properties provided and as a connector element/atua between land, freshwater, and the sea. Ranginui includes

the stars and all the space between himself and Papatūānuku. It is the interface between these two vital atua that provides the conditions for life. The mauri of this taonga is affected by excess light, noise, odours, and atmospheric discharges.

Air, atmosphere, and any contaminants they carry are not constrained by administrative borders. Contaminants can be the result of human activities such as motor vehicle use, industrial and agricultural activities, or natural events such as forest fires. These can have major implications for the health and effective functioning of living beings depending on the type and amount of contaminant. Air quality in the Taranaki region is regarded as quite high according to standards set by the Ministry for the Environment. These standards use concentrations of particulate matter, chemicals, and metals to indicate the quality of our air.

Degraded mauri manifests itself in poor visibility and irregular winds. Clarity of the night sky is critical to utilising the maramataka for fishing, harvesting, and planting activities. No other element/atua displays the transboundary effects of poor environmental behaviour better than the air/Ranginui. To further clarify the importance of air we need look no further than the use of the term Hau.

Te Mauri o Te Hau

Hau can be understood as a force, reciprocity, vitality, or fame and is commonly translated as wind or breath. Hau facilitates the process of understanding and inspiration, of thought and expression. The Pai Mārire faith established by Te Ua Haumēne uses Hau to determine appropriate responses to events in the natural world. The use of the niu (flagpole) and flags emphasised the power of Te Hau which represented the spirit of God and transmitted prophecies or news to followers. Titokowaru interpreted the air and winds as signs from the atua Uenuku which were used to guide decisions and strategies.

Hau kāinga refers to our home people, local people of the marae or our true home. The ceremonial offering of food and an incantation to an atua is known as Whāngai Hau.

Hauora is a state by which the health of an individual or group of individuals is determined. Ensuring hauora is at an adequate level is essential to ensure that the tribe survives and functions to the best possible level.

Hauora is achieved and sustained using:

- Karakia (ritual for healing the sick and linking the person to the atua);
- Rongoā (traditional medicine from the natural environment);
- Romiromi, mirimiri, tāmiri: traditional practices of massaging and healing the body;
- Waiata: traditional songs for healing purposes;
- Taonga pūoro: traditional Māori instruments for sound healing.

Tohunga are central to all these aspects of hauora.

Issues

The quality of air is affected by numerous discharges including:

- Agricultural, domestic and industrial contaminants;
- Artificial noise;
- Artificial lighting;
- Alternative energy generation activities.

The risks posed by climate change are well known. One of the biggest concerns of Ngāruahine Uri is the need for sustainable practices which become a normal part of our daily lives. Our tūpuna travelled the expanse of the Pacific Ocean to establish a home for themselves and their descendants. Today, our whanaunga in the Pacific are abandoning their home islands due to the threat of rising sea levels. As Ngāruahine we have continuously adapted to the disastrous effects that have accompanied colonisation.

While we are well aware of the risks that climate change presents, we are also aware of the damage government policy and legislation has historically inflicted upon us. Current climate change research and solutions do not adequately address the unique impacts which continue to affect indigenous peoples. This needs to be addressed at an international and domestic level with indigenous people leading the policy and strategy process to accurately define the problems and solutions required.

Objectives

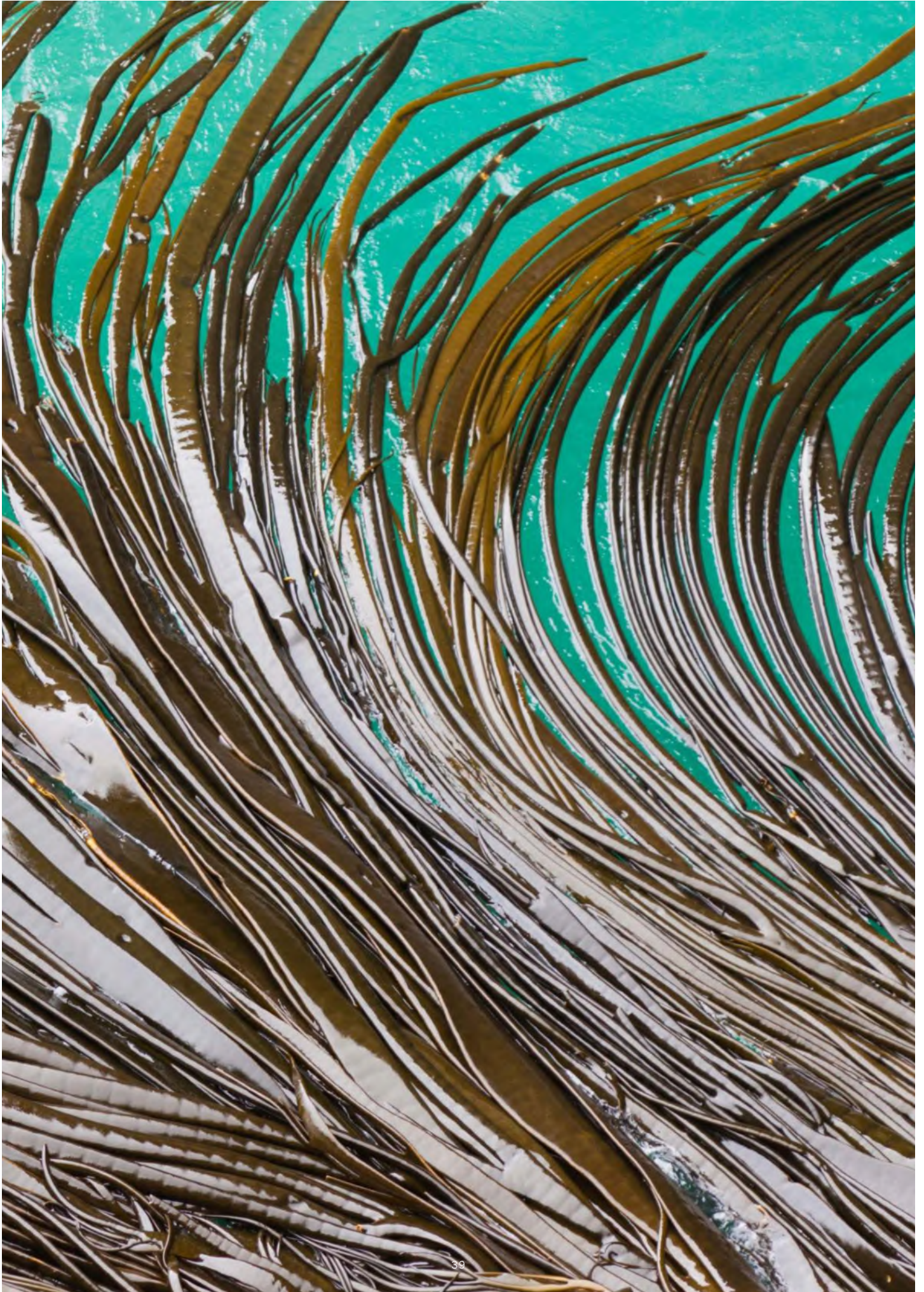
- 4** The mauri of Ranginui is protected and enhanced by:
- Avoiding an increase in noise and visual pollution;
 - Maintaining or improving the visual clarity of the Ngāruahine Cultural Landscape and the night sky;
 - The sanctity and sanctuary offered by significant Ngāruahine sites is preserved for current and future generations.
 - Recognition of Ngāruahine values and mātauranga as valid indicators in air quality strategies, plans and monitoring.

5 Due to the complex nature of climate change, we must all play our part in addressing the risks we face. We need to 'walk the talk'.

6 Advocate for the inclusion of Ngā Iwi o Taranaki in all aspects of regional climate change strategy, policy, and planning.

POLICIES

Policy Ref.	Policy	Implementation Partners
2.1	TKoNT encourages the following conditions when assessing resource consent applications for activities which have adverse effects on the visual clarity of Ngāruahine Cultural Landscapes and the night sky: <ol style="list-style-type: none"> The use of CIA's; The planting of native tree species; Requiring artificial lighting to minimise glare and light trespass. 	All relevant consenting authorities, Resource consent applicants
2.2	Cumulative and incremental effects of residential, commercial, industrial and agricultural activities are recognised and taken into account when addressing noise pollution.	All relevant consenting authorities
2.3	The following are supported by TKoNT: <ol style="list-style-type: none"> The use of best practice farming methods and emissions reducing technologies in the dairy industry; The recognition of air and hau as taonga in the Taranaki Regional Policy Statement and Taranaki Air Quality Plan (or Natural Resources Plan); The early adoption and development of clean air technologies is incentivised and encouraged to reduce adverse effects on air quality. 	MBIE, Business community, TRC, Relevant territorial authorities
2.4	TKoNT will identify quality information which can be used to determine actions to address climate change.	TKoNT
2.5	Support collaborative submissions with our whanaunga Iwi o Taranaki on climate change approaches and initiatives.	TRC, SDC, STDC, NPDC, Whanaunga Iwi, TKoNT
2.6	Encourage and support all Marae within the rohe of Ngāruahine to develop and adopt energy use reduction measures including but not limited to: <ol style="list-style-type: none"> Sourcing services, goods, and materials from providers as close to the marae as possible; The use of solar and wind generation to provide energy for marae; Identifying the embedded emissions of goods and services and promoting less harmful alternatives. 	TKoNT, EECA, Ngāruahine Marae, MBIE, TPK





**TANGAROA – COASTAL AND
MARINE ENVIRONMENT**



TE KOROWAI O
NGĀRUAHINE
TRUST

TANGAROA

The New Zealand Coastal Policy Statement (NZCPS) is the key statement of national policy that guides planning and resource consent decisions for the coastal environment. Local authorities are obliged to give effect to the provisions of the NZCPS by ensuring consistency when reviewing or amending their own plans. The Regional Coastal Plan for Taranaki defines coastal management areas which extend outward twelve nautical miles to the limit of the territorial sea. It sets out policies,

objectives and methods of implementation for the coastal marine area. The takiwā of Ngāruahine is classified as an open coast management area with the mouth of the Kaipokonui Stream being an Estuary Management Area. The South Taranaki District Council is responsible for identifying and mapping coastal protection areas, outstanding natural features, historic sites, archaeological sites and significant natural areas.

The coastal environment of Ngāruahine contains many wāhi tapu, Tauranga waka, places of ritual and sources of mātaitai. Safe and secure access to these areas is required to maintain our culture and traditions and pass them on to our future generations. The coastal environment is also an important area for recreational and social activities to the wider community. The effects of sea level rise due to climate change may accelerate the already considerable erosion processes which occur in our rohe.

For centuries various resources were extracted from the coastal and marine environment including sand, peat, driftwood and hangi stones. Tamure, shark, and kahawai were caught year round and eaten fresh. Stingray and octopus would be caught seasonally then dried and preserved for the winter months when fishing was less productive. Inanga and plant species such as karengo were also gathered seasonally. Other important species include tunaheke, piharau, pakotea and kokopu.

Ngāruahine iwi shares an intimate spiritual, cultural, social, and historical association with the coastal waters and takutai moana (foreshore and seabed) spanning approximately 48 kilometres of the South Taranaki coastline. Tangaroa i te Tupetu is the Atua Kaitiaki of the sea, other waterbodies and all the lifeforms within. The domain of Tangaroa extends from the source of our awa – te tihi o e Koro Taranaki – to the ocean for as far as you can see forming a single entity that includes the rivers, streams, catchments and the sea. The resources of Tangaroa have long nourished our people who occupied the many settlements along the coastline. Tangaroa is a source of Rongoā, a highway for travel and source of physical and spiritual sustenance. The connection between mana and mauri is perhaps best communicated in the following excerpt from the Ngāruahine Deed of Settlement:

“The mauri for kahawai of the awa were three small brown stones which were particularly unique in character and unlike any other stone that could be found in the region. The stones were used for a ceremony entrusted to a young man whose task it was to place the mauri into the river mouth and ensure that kahawai would always come into the river and be plentiful for the people”.

Mana moana is held and exercised by each hapū of Ngāruahine. Customary management practices of harvesting tuna followed their lifecycle with gathering regulated according to the seasons. A complex system of Whānau and hapū rights operated and the gathering and processing of tuna was itself a customary practice of exercising and strengthening whanaungatanga. In this way, the places tuna were harvested became important cultural and social sites. Ngāruahine tikanga has, until recently, always been strictly observed. This tikanga can summarised in two distinct features:

1. Knowledge and respect for Hapū boundaries and rights – one preserves their traditional associations with their coastlines and fisheries; and
2. Understanding that the resources must be protected and conserved – after harvesting from a particular area the Whānau or Hapū would not return to gather for some time.

These conventions allowed for food stocks to regenerate and continuous Hapū assertion of kaitiakitanga and mana moana over these resources. Our tikanga stipulates that we only gather from those areas to which we belong and maintain. Conflict could be expected when these rights were ignored by others.

Mana Moana rights, practices and development continue to be exercised in the coastal takiwā. These practices include but are not limited to:

- Karakia
- Protecting and harvesting Mātaitai
- Resource management and conservation (rāhui and kaitiakitanga)
- Use of tauranga waka and navigation of ancestral waters
- Providing gifts to manuhiri
- Whakawhanaungatanga

Issues

The Exclusive Economic Zone Act and Continental Shelf (Environmental Effects) Act 2012 is an example of the assumed legal authority maintained by the New Zealand state. The minimal consultation and consideration that occurs does not meet the expectations of tangata whenua throughout the land. The Māori Advisory Committee set up to address Māori interests is inadequate to protect the interests of Ngāruahine. Currently the EPA only advises lwi authorities, customary marine title groups and protected customary rights groups if it considers they may be affected. Any participation and the expression of kaitiakitanga is via submissions at hearings, along with all other interested parties. This arrangement does not reflect the principles of partnership or good faith as would be expected of the Crown treaty partner.

Contaminant discharges in the coastal and marine environment are generally diffuse in nature. Vegetative margins and alternative discharge methods are not used effectively to reduce the impacts of existing discharges on our coastal waters. Further pressures are placed on coastal waters from:

- Increasing residential and commercial development, and subsequent increase in stormwater and wastewater discharges;

- Seabed exploration and activities such as sand extraction;
- Increased recreational use;
- Intensive, unsustainable land use practices.

Objectives

- 7** TKoNT seeks to revitalise the takutaimoana as a place where our histories and connections are once again shared with younger generations. We want to see these special places used as they were in our past to sustain the spiritual, cultural, and physical wellbeing of Ngāruahine Uri.
- 8** Activities in the coastal and marine environment are coordinated to ensure the multiple values and interests of Ngāruahine are fully understood and recognised by other stakeholders. All structures are recognised as temporary and shall not be located within sites of significance.
- 9** Mana moana of Hapū is recognised, protected, and strengthened.



POLICIES

Policy Ref.	Policy	Implementation Partners
3.1	TKoNT will promote and advocate for the establishment of Taiāpure under the Fisheries Act 1996 to enable Marae and Hapū to monitor, protect and enhance the kaimoana available to support manaakitanga and their status as mana whenua and mana moana.	MPI, TKoNT, TRC, DoC
3.2	TKoNT reserves the right, in consultation and with the agreement of the relevant Hapū, to impose rāhui upon Kaimoana gathering areas as determined according to tikanga. Situations where a rāhui may be imposed are: <ul style="list-style-type: none"> • In the event of a death within or close to an area used for gathering Kaimoana; • The depletion of mauri, or poor health of a Kaimoana resource; • The potential of a land uses or events on land to introduce hazardous substances to the takutaimoana. 	TKoNT, Hapū, Communities, Relevant consenting authorities, Resource consent applicants
3.3	The effect of a rāhui ranges from minor restrictions on the gathering of Kaimoana to total prohibition of any activities within an identified area. TKoNT strongly encourages the inclusion of mana moana in: <ol style="list-style-type: none"> a. The design and development of Natural Hazard protection in the coastal marine area; b. The monitoring of water quality and habitats in the coastal marine environment; c. Decision making on the discharge of contaminants or water (including stormwater) to coastal environments, marine consent applications; d. The co-design of mitigation plans for offshore mineral and petroleum extraction activities. 	TRC, STDC, Hapū, TKoNT, EPA, MBIE, NZPM
3.4	TKoNT will encourage: <ol style="list-style-type: none"> a. The restoration of dune lands, indigenous coastal vegetation and wetlands to filter diffuse contaminants at the coastal margin; b. The removal or discontinuation of structures and activities which impede Ngāruahine access to significant sites, including mātaītai; c. The consideration of cumulative and incremental effects when assessing consents in the coastal marine area; d. Mana moana to be considered affected parties for all marine consent applications. 	All relevant consenting authorities, Business community, MBIE, EPA

Policy Ref.	Policy	Implementation Partners
3.5	<p>TKoNT will discourage:</p> <ul style="list-style-type: none"> a. Structures and lighting which obstruct views of or from the coast; b. Restricted access to sites of significance or mātaītai; c. Development on or adjacent to tauranga waka or other significant sites which does not protect or enhance Ngāruahine cultural values; d. Any activity which has actual or potential adverse effects on mātaītai species. 	<p>All relevant consenting authorities, Land owners, Resource consent applicants</p>
3.6	<p>The use of a CIA prepared by the relevant Hapū is a requirement for all:</p> <ul style="list-style-type: none"> a. Exploration or mining permit renewals or grants of Block Offers issued by NZPM under the Crown Minerals Act 1991; b. Applications to the Environmental Protection Authority for marine consents; c. Assessments of Environmental Effects undertaken for activities in the coastal marine area and the EEZ. 	<p>MBIE, NZPM, EPA, TRC</p>
3.7	<p>The following minimum conditions are encouraged for marine consents involving offshore mineral and fossil fuel exploration and extraction activities:</p> <ul style="list-style-type: none"> a. A bond commensurate with 20% of expected earnings of the project; b. Perpetual liability insurance which covers the full cost of a worst case scenario accidental environmental pollution event; c. A mitigation plan which has been co-designed with mana moana. 	<p>EPA, MBIE, NZPM, Hapū, TKoNT</p>
3.8	<p>The expertise, role and responsibilities of DoC for managing biodiversity in the coastal marine area are acknowledged and respected.</p>	<p>TKoNT, Hapū, Communities</p>
3.9	<p>In the event of a marine mammal stranding, TKoNT will:</p> <ul style="list-style-type: none"> a. Ensure that Hapū are contacted in the first instance; b. Notify DoC contacts as soon as possible; c. Ensure that processes and responses are undertaken in accordance with the accepted tikanga and kawa of Ngāruahine and the affected Hapū, including the harvesting of cultural materials and the burial of deceased mammals. 	<p>DoC, TKoNT, Hapū, Communities</p>





**TĀNE – BIODIVERSITY AND
CONSERVATION MANAGEMENT**



TE KOROWAI O
NGĀRUAHINE
TRUST

TĀNE – INDIGENOUS BIODIVERSITY AND CONSERVATION MANAGEMENT

Tāne separated Papatūānuku and Ranginui to enable comprehension and self-awareness (Te Ao Mārama). Many terms are used to characterise the manifestations of Tāne. Tānenuiarangi describes the ascent through a series of trials to obtain Ngā kete

wānanga (the three baskets of knowledge) and return them to earth for the benefit of all humankind. Tāne te Waiora refers to life, prosperity, welfare, and sunlight. Tāne Mahuta and Tāne te Waotu signify his connection to trees, forests, and birds.

With development and growth, wetlands, forests, and bush have been lost, contributing to further disconnection of Ngāruahine with our natural environment. Ngāruahine language, culture and identity is connected intricately to our relationship with indigenous flora and fauna. New Zealand prides itself on being a good global citizen and is active in the development and implementation of international treaties, conventions, and protocols. Two such agreements are the Convention on Biological Diversity (CBD) 1992 & United Nations Framework Convention on Climate Change 1992.

Implementation of these agreements at the country level occurs through national policy documents, endangered species classification systems and legislation – with minimal input from Māori or other indigenous peoples.

Bioprospecting can be defined as the organised, systematic search for useful products derived from bioresources including plants, microorganisms and animals which can be further developed for commercialisation and their overall benefits to society. Biopiracy is the practice of

commercially exploiting naturally occurring biochemical or genetic material, often by obtaining patents which restrict their future use, while failing to pay fair compensation to the community from which it originates.

Te Mana o te Taiao

TKoNT supports the direction and approach of Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy (ANZBS) 2020. While the proposed National Policy Statement for Indigenous Biodiversity has yet to be confirmed at the time of this plans development, the intention of the ANZBS to strengthen the Treaty Partnership between Māori and the Crown is seen as a positive course which empowers Ngāruahine to work with central government agencies, local government, and communities. It is also heartening to see a holistic perspective in the domains of land, freshwater, marine and the EEZ contained in the Department of Conservations approach to managing biodiversity.

Issues

Biodiversity and nature have been in decline for centuries correlating with the dispossession of indigenous peoples and imposition of the doctrines of progress, waste, and efficiency. Biodiversity is in trouble because indigenous people are in trouble.

Ngāruahine is not actively involved in the management or the development of strategy and policy around pest control or native species restoration. This prevents Uri from fulfilling their role as Kaitiaki and perpetuates the disconnection of Ngāruahine to Papatūānuku.

The materials required for traditional Ngāruahine art forms, cultural rituals, construction and rongoā are no longer available in the quantities or locations where they were once accessible. The current biodiversity crisis is not a new phenomenon.

The current approach to controlling invasive pest animal and plant species is based on an eradication/retribution ethos. Any use of toxic substances is of great concern to Ngāruahine particularly where terrestrial and fresh water mahinga kai resources may be harmed or contaminated. Such uncertainty requires an approach which is cautious and considers a holistic perspective regarding the mauri of our Taiao.

Bioprospecting regulation in New Zealand is currently incapable of protecting mātauranga Māori. In order to obtain a patent, all a bio prospector is required to do is to isolate specific chemicals such as those produced by plants. This assigns intellectual property rights to an individual, without the permission of tāngata whenua and in contradiction of the collective rights embedded in our tikanga.

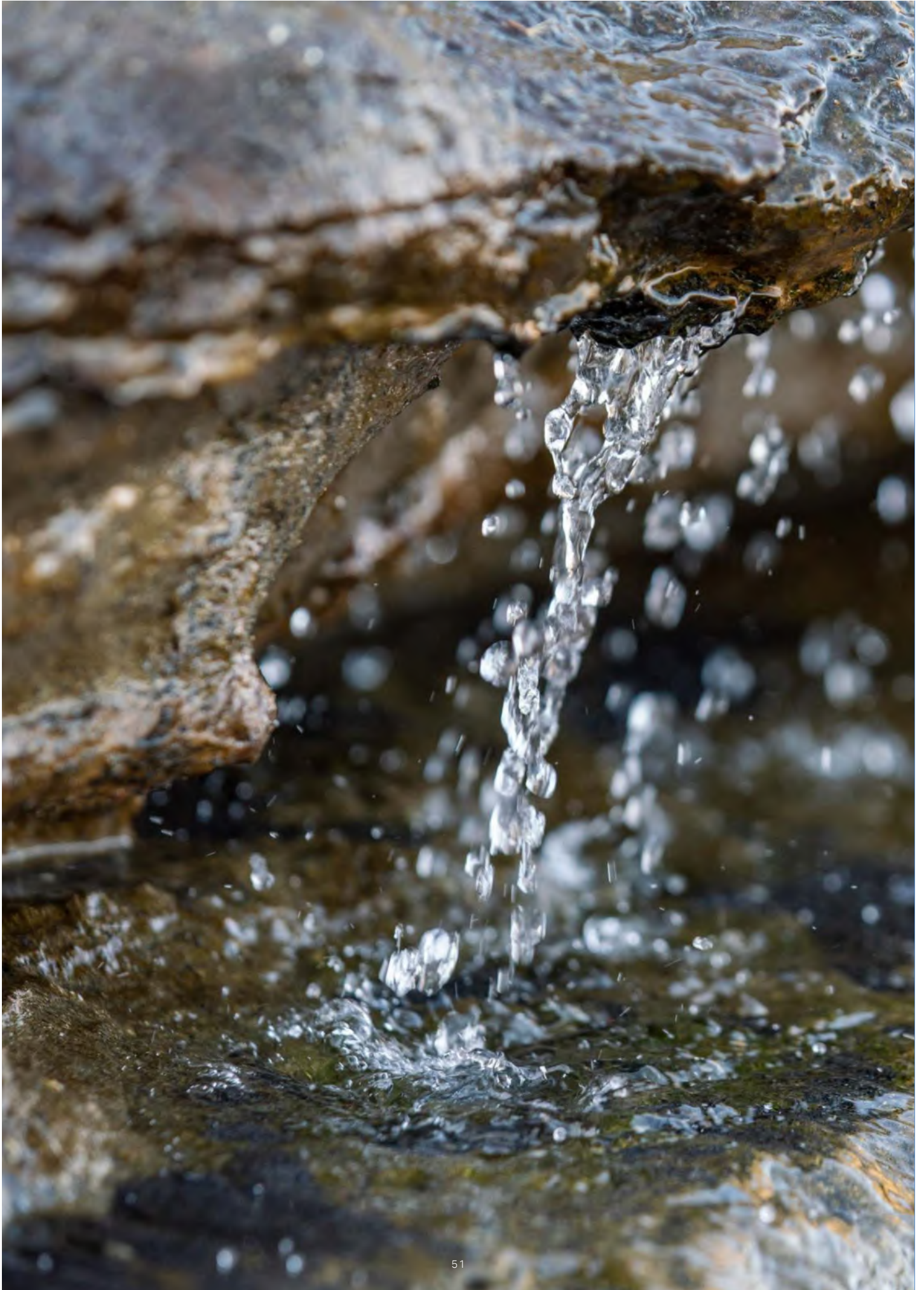
Objectives

- 10** The capacity and capability of Ngāruahine Uri to fulfil their role as Kaitiaki is enhanced by:
- The ongoing relationship with DoC;
 - Active participation in the development and implementation of all strategies, policies, and actions within the Ngāruahine Kaitiaki Area;
 - The protection, maintenance, and transfer of mātauranga māori associated with Tāne.
- 11** Conservation policy and practices identify and acknowledge that:
- 'Heritage' and 'Conservation' management are political processes underpinned by systems of power and the exclusion of indigenous peoples;
 - Kaitiakitanga is a legitimate and historical expression of Ngāruahine mana, whakapapa and rangatiratanga.
- 12** The cultural and spiritual importance of native biodiversity to Ngāruahine is recognised and provided for in native biodiversity protection and restoration activities.
- 13** Ngāruahine mātauranga and collective cultural property rights related to native biodiversity are recognised and actively protected.

Policies

Policy Ref.	Policy	Implementation Partners
4.1	TKoNT maintains its commitment to the development and establishment of a positive, collaborative, and enduring relationship with DoC that gives effect to the principles of the Treaty of Waitangi under section 4 of the Conservation Act 1987 as set out in the Conservation Protocol.	TKoNT, Hapū, DoC
4.2	The management of indigenous species and habitats recognises and provides for the traditional and continuing relationship Ngāruahine has with them as taonga tuku iho.	DoC, MfE, TRC, STDC, SDC, NPDC
4.3	Tendering processes for pest control programmes show local and central government treaty partners have attempted to build the capability and capacity of Ngāruahine to actively participate in the control and management of pest animal and plant species.	DoC, TRC, MPI, MfE
4.4	Locally sourced seed and vegetative material is used for the reestablishment and restoration of indigenous plant species.	Landowners, Business community, TRC, MfE
4.5	No aerial applications of toxic substances occur within the Ngāruahine Kaitiaki Area without the permission of TKoNT and Hapū.	Business community, TRC, DoC, Landowners
4.6	The status of indigenous species within the Ngāruahine Kaitiaki Area is monitored, evaluated, and reported by Ngāruahine Uri.	DoC, TRC, MfE, TKoNT, Hapū
4.7	The capacity and capability of Ngāruahine Uri to actively participate in monitoring activities for indigenous biodiversity is developed and sustained.	DoC, TRC, MPI, TKoNT, Hapū
4.8	Biopiracy of any genetic material from indigenous species or the genetic engineering of indigenous species is opposed within the Ngāruahine Kaitiaki Area.	Business community, DoC, Concession applicants, Resource consent applicants, MPI
4.9	Ngāruahine cultural and intellectual rights to indigenous taonga species are recognised and protected by the Crown.	CRI's, DoC, MfE, TRC, TEI's
4.10	The release, propagation, or establishment of genetically engineered organisms within the Ngāruahine rohe is opposed, unless it can be shown that no cross breeding with indigenous species can occur. (This policy does not prevent the use of genetic engineering for pest control activities.)	MPI, MfE, DoC
4.11	Bioprospecting that is conducted in collaboration with TKoNT and Hapū is supported where mutually agreeable benefits are clearly defined.	TKoNT, Hapū, Business community, Concession applicants, Resource consent applicants, CRI's, TEI's
4.12	The collective rights of tāngata whenua to protect and, where appropriate, commercially exploit their traditional knowledge of indigenous species are recognised and protected.	DoC, Business community, CRI's, TEI's,







WAI MĀORI - FRESHWATER



TE KOROWAI O
NGĀRUAHINE
TRUST

TE MANA O TE WAI O NGĀRUAHINE

Ngāruahine are inextricably connected to our waterways. The various awa located within the takiwā of Ngāruahine have great spiritual importance and are “the blood and veins of the takutaimoana”. The waters that flow through these awa symbolise the link between the past and the present, each with its own mauri and wairua - connecting each Hapū to the awa by providing both physical and spiritual sustenance. These waterways abound in wāhi tapū

and wāhi taonga. Once plentiful, clean Wai Māori has historically provided abundant and easily accessible gifts of mahinga kai. Wai Māori (untainted freshwater) is rongoā. Where a waterway suffers from contamination, modification, and disruption, we feel the effects. The health of the water is bound to the health of Ngāruahine people, and we have an obligation to protect its mauri as kaitiaki.

Mautohe Mātua - Priority Issue

Iwi and Hapū throughout Aotearoa have not ceded freshwater rights. Te Tiriti o Waitangi continues to be the launching point for the debate on proprietary rights in freshwater. The Crown has been unusually quiet on the point of Māori rights to freshwater, preferring to avoid the polarising debate over ownership. Ngāruahine expectations of rangatiratanga regarding freshwater resources includes mutual respect, full participation in decision-making and an equitable share in the benefits derived from freshwater. Water allocation amounts to an assumption of ownership by the Taranaki Regional Council. We are comfortable in sharing the allocation and care for water resources with our communities, councils, and businesses. Co-governance is the minimum expected role for Ngāruahine regarding freshwater. Any co-management arrangements will naturally flow from this foundation.

Other Issues

- The mauri and quantity of our freshwaters continue to be compromised by human-made structures, discharges and modifications to waterbodies affecting instream life and habitats, human health, and the environments in which we live.
- Many of our rivers and streams are no longer safe for swimming and we are no longer able to access and gather food from our traditional sources.
- Many of New Zealand’s regional councils operate an institutional culture established and reproduced to maintain status quo power structures which exclude Māori from natural resource rights guaranteed under Article 2 of Te Tiriti o Waitangi. Barriers such as this will need to be addressed in order for the environmental benefits of the NPSFM to be realised.
- We are concerned by the over allocation and extraction of our freshwater and the commodification and privatisation of freshwater in favour of the commercial user. Our small streams feel the greatest effect from these abstractions.
- Intensified land use practices have resulted in increased surface water temperatures and a loss of wetland and stream habitats.

Objectives

- Once wai Māori has been taken from a river or stream and used it is no longer fit to be used as wai Māori. The mauri has been modified and it is no longer fit for use. It must not be returned directly to the stream but should be given to Papatūānuku and Tāne Mahuta to cleanse and restore its quality.

14 Our long-term vision for freshwater is:

- a. that all waters are drinkable, fishable, and swimmable;
- b. that water quality is achieved which is at a minimum, the same as that prior to the land confiscations initiated by the New Zealand Settlements Act 1863.

15 Resource users, central government and local authorities recognise, respect, and protect:

- a. the taonga tuku iho status of all freshwater;
- b. groundwater, surface water and coastal waters as interconnected resources; and
- c. the right of mana whenua to determine the mauri of their waterways.

16 TKoNT acknowledges the challenges that changing freshwater policy has for regional councils. We are committed to working constructively alongside our whanaunga iwi to ensure that Te Mana o Te Wai is clearly defined according to our collective understanding and agreement.

17 Ngāruahine expectations of freshwater co-governance are recognised and provide for the taonga tuku iho status of wai māori enabling many to benefit from its cultural, ecological, recreational, and economic value.

18 The precautionary principle is applied for all water permit applications.

Freshwater Allocation Policies

Policy Ref.	Policy	Implementation Partners
5.1	<p>Allocation of freshwater shall:</p> <ul style="list-style-type: none"> a. Be determined on a case-by-case basis, guided by catchment or FMU specific limits and not diverted outside of natural catchments; b. Be consistent with the hierarchy of Te Mana o Te Wai – the health and wellbeing of the wai comes first; c. Consider cultural values, issues and impacts equally alongside environmental concerns; d. Prioritise efficiency measures when applications for increased water takes are received; e. Be responsive to seasonal fluctuation and demands; f. Be granted for a period not exceeding 5 years to allow for the review and revision of minimum flows and allocation limits; g. Enhance mahinga kai resources. 	TRC, Resource consent applicants, MfE
5.2	<p>Minimum flow shall be set at 110% of the 1- day Mean Annual Low Flow (MALF) for any commercial or private gain enterprise, unless there is adequate mitigation proposed, upon which minimum flow will be no less than 100% of the 1- day MALF.</p>	TRC, Resource consent applicants
5.3	<p>Allocation of freshwater shall not result in:</p> <ul style="list-style-type: none"> a. the loss of freshwater habitat or; b. a reduction in the abundance and richness of native species; or c. an increase in the water temperature of a waterbody; <p>to a point where it impacts upon mauri as determined by Ngāruahine.</p>	TRC, Resource consent applicants
5.4	<p>TKoNT encourages a shift away from surface water abstractions to:</p> <ul style="list-style-type: none"> a. Groundwater abstractions where replenishment rates are faster than takes; b. The utilisation of storage to harvest high flows. 	DoC, TRC, TKoNT, Hapū, MfE

Freshwater Management

The National Policy Statement for Freshwater Management 2020 (NPSFM) applies to all freshwater (including groundwater) and, to the extent they are affected by freshwater, to receiving environments (which may include estuaries and the wider coastal marine area). Te Mana o Te Wai establishes a hierarchy for water use to ensure that natural and physical resources are managed in a way that prioritises:

- (a) first, the health and well-being of water bodies and freshwater ecosystems;
- (b) second, the health needs of people (such as drinking water);
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

The NPSFM places an obligation on all regional councils to ensure that:

- Freshwater is managed in a way that gives effect to Te Mana o te Wai
- Tangata whenua are actively involved in freshwater

management (including decision-making processes), and Māori freshwater values are identified and provided for.

TKoNT acknowledges and supports Te mana o te wai as a founding policy which helps to develop all further policies.

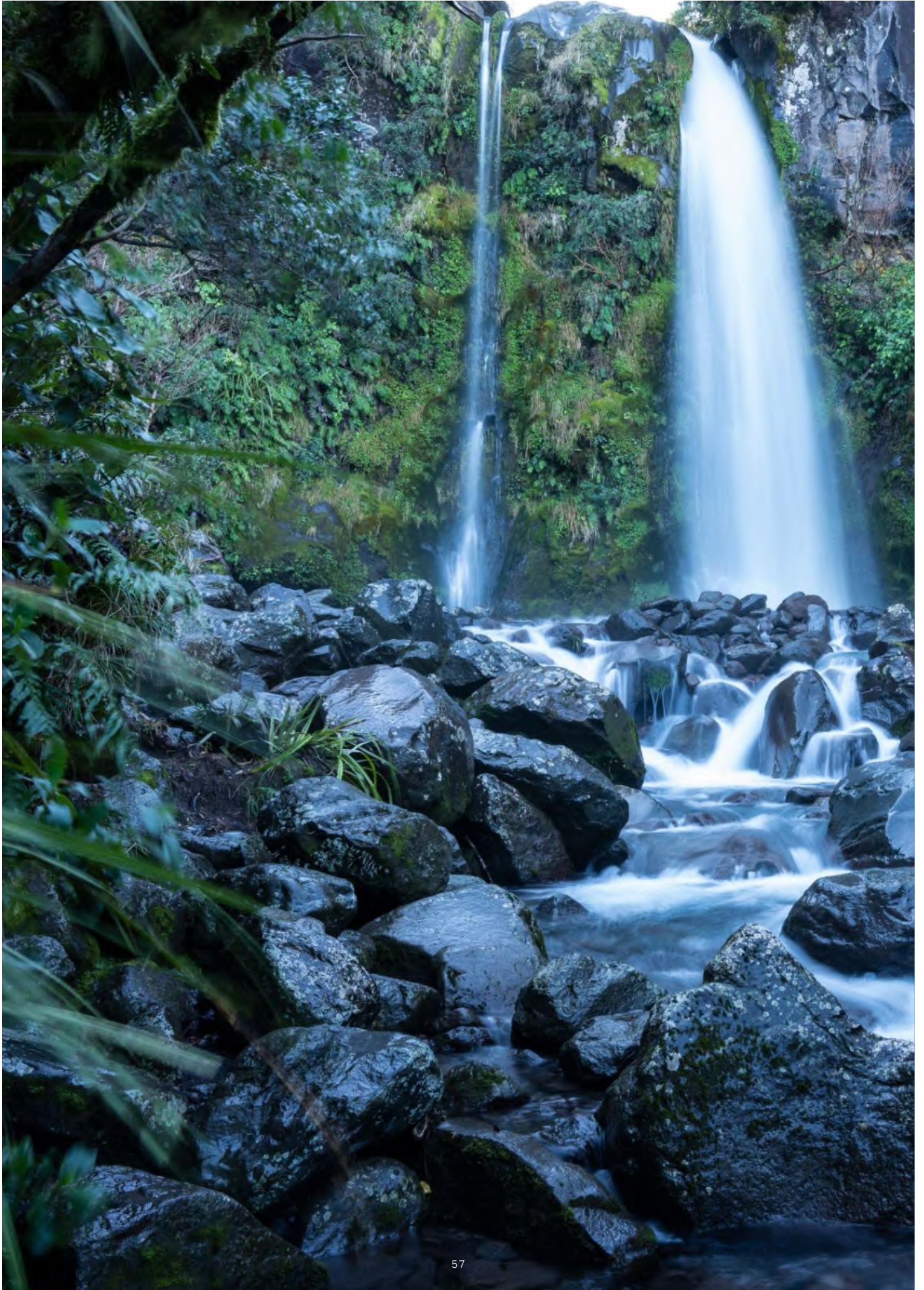
Freshwater Management Policies

Policy Ref.	Policy	Implementation Partners
5.5	Metering of water takes is a minimum requirement of granted consents.	Resource consent applicants, TRC
5.6	Mahinga kai is included as an indicator in State of the Environment monitoring and reporting.	MfE, TRC
5.7	Regional freshwater management policies, plans and regulations protect the relationship of Ngāruahine to all freshwater within the Ngāruahine Kaitiaki Area by: <ul style="list-style-type: none"> a. Recognising freshwater as a taonga tuku iho; b. Classifying the direct discharge of all contaminants to freshwater as a prohibited activity; c. Supporting Ngāruahine Uri to undertake stream health monitoring using both western and tikanga based methods. 	TRC, MfE, Hapū, Communities

Natural Water Bodies and Access Policies

Policy Ref.	Policy	Implementation Partners
5.8	The flow of the wai, fish movements, native vegetation, and the course of all awa occurs as naturally as possible.	Resource consent applicants, MfE, DoC, Landowners
5.9	Ngāruahine access to sites of significance including mahinga kai and ceremonial sites shall be secured by: <ul style="list-style-type: none"> a. Requiring esplanade strips as part of subdivision consent applications; b. The identification and restoration of unformed roads; c. Formal access agreements with landowners. 	STDC, NPDC, SDC, Landowners, Resource consent applicants, LINZ
5.10	TKoNT objects to: <ul style="list-style-type: none"> a. The piping of waterways or alterations to a stream or river course; b. The loss of riparian vegetation; c. New structures (including culverts, weirs, dams, floodgates) in beds and margins of waterways which restrict indigenous fish passage, minimum low flows, or habitat quality (including spawning habitat). 	Landowners, All relevant consenting authorities, Resource consent applicants







**TE HORANUKU AHUREA O NGĀRUAHINE –
THE NGĀRUAHINE CULTURAL LANDSCAPE**



TE KOROWAI O
NGĀRUAHINE
TRUST

TE HORANUKU AHUREA O NGĀRUAHINE – THE NGĀRUAHINE CULTURAL LANDSCAPE

The concept of landscape comes from the 16th century European tradition of painting nature rather than people. The World Heritage Committee defines cultural landscapes as embracing a diversity of manifestations of the interaction between humankind and its natural environment¹. The continued existence of traditional forms of land-use supports biological diversity in many regions of the world. The protection of traditional cultural landscapes is therefore

helpful in maintaining biological diversity. Culture is an innate force which shapes the visible features of the earth's surface in delimited areas (Mathewson, 2016). The cultural landscape is fashioned from a natural landscape by a cultural group. Culture is the agent, the natural area is the medium, the cultural landscape is the result, and the physical environment retains central significance as the medium through which human cultures act.



Figure 4 The pou erected on Taranaki Maunga

The Ngāruahine Cultural Landscape is a combination of natural, man-made and historical features within the Ngāruahine Kaitiaki Area. This landscape includes the kōrero of Ngāruahine tupuna and the land, waterways and coastal areas which are embedded in our Ngāruahine identity. Physical heritage includes burial sites, pā, pits, terraces, oven stones, midden, stone/rock structures, rock-art, house sites, and marae buildings including their contents. Natural heritage sites include natural features associated with traditional activities and our history including all sources of streams and rivers, kokowai, native flora and fauna, springs, hot pools, caves, and tribal landmarks, swamps, and Taranaki Maunga. View corridors from our Marae and Kura

to our Tupuna Maunga form an integral part of our sense of place and identity for past, present, and future generations of Ngāruahine. These are all considered significant sites.

Taranaki Maunga is considered our tupuna and has borne witness to the historical injustice that has occurred throughout the region. Ngāruahine are bound to our whanaunga Iwi by our common reverence and regard for Taranaki Maunga. As well as being of immense spiritual and cultural significance, Taranaki Maunga supports ecosystems and is the source of many of the region's freshwater bodies. These streams, rivers and groundwaters are essential to support indigenous habitats and species throughout the region.

¹ <https://whc.unesco.org/en/culturallandscape/#1>

The Ngāruahine kōrero around our Tupuna Maunga is similar to that of our whanaunga Iwi o Taranaki narrative. In this narrative, Taranaki once resided in the centre of Te Ika o Māui along with the mountains Tongariro, Ruapehu, Ngāuruhoe, Pihanga, Tauhara, and Putauaki. Taranaki was involved in conflict with Tongariro for the affections of Pihanga. In the popular narrative, the two Maunga fought and Tongariro defeated Taranaki who left in sadness headed for the west coast. He was guided by Te Toka o Rauhoto who led him to the Ngāere swamp where he rested, before eventually settling next to two maunga who welcomed him. These maunga were Pouākai and Patuhā.

The Ngāruahine narrative differs in that Taranaki left the centre of Te Ika o Māui not after being defeated but in order to prevent unrest, disorder, and violence. This was important to ensure that he maintained the peace required by his tapu. To express his defiance, he tore his own shoulder off and left it as a reminder of his commitment to peace. It is from this event that we retain our understanding of Maunga a rongo - long lasting peace.

"This pou kōrero o ngā Rangatira depicts a number of Rangatira that connect with the history of Ngāruahine as an Iwi (Figure 4). It is a statement of the history and rights of Ngāruahine. Standing at the top of the pou facing south is Titokowaru, regarded by historians as one of the greatest military strategists of his time but by us as a seeker of peace, truth, and justice. Titokowaru looks out beyond his mountain retreat to his pā, Te Ngutu o te Manu, from where he preached peace and reconciliation and was attacked by the Crown forces.

Supporting Titokowaru is Tāwhiao, the second Māori King. His presence symbolises the strong bond between Ngāruahine and the Kingitanga. Supporting both Tāwhiao and Titokowaru is our tohunga Te Ua Haumēne who developed the Pai Mārire faith. Facing north-west towards Parihaka are the tohunga Te Whiti O Rongomai and Tohu Kākahi and at the bottom of the pou, lest we forget, is the word raupatu".

At the time of this plans writing, Treaty of Waitangi settlement negotiations for Taranaki Maunga were incomplete. It is anticipated that at the conclusion of negotiations, governance, and management of our Tupuna Maunga will be shared amongst Ngā Iwi o Taranaki and the Department of Conservation to ensure appropriate protection of our greatest wāhi tapu.

Ngāruahine Expectations for Taranaki Maunga

- Ngāruahine reo, kōrero and mātauranga associated with Taranaki Maunga is acknowledged and protected as the intellectual and cultural property of Ngāruahine.
- Access and activities upon Taranaki Maunga are a privilege which Ngāruahine reserves the right to prohibit should the tapu of our Tupuna be transgressed.
- Mana whenua and Kaitiaki roles regarding Taranaki Maunga are a common responsibility shared by Ngāruahine and our whanaunga Iwi.

Issues

Much of the Ngāruahine Cultural Landscape has been destroyed or modified by colonisation. This destruction has been maintained by contemporary land use practices and resource management processes.

Many sites of significance within the rohe of Ngāruahine are not actively protected due to a lack of faith from Whānau and Hapū around the statutory heritage processes involved. It is often the case that significant sites are located on private land.

Ngāruahine Uri are no longer confident about the quality and abundance of the food in and around our rivers or that it is safe to eat.

The ability of Ngāruahine to grow and obtain food has been severely impacted by state land appropriation legislation, habitat loss and pollution. Food sovereignty emphasises placing the control of food back with local communities.

Objectives

- 19** Due to the level of reverence Ngāruahine have for Taranaki Maunga, management and use requires a higher level of respect and mindfulness by all.
- 20** To ensure that the special relationship and kōrero of Ngāruahine regarding Taranaki Maunga is recognised and strengthened by the Department of Conservation and preserved for future generations.
- 21** Significant Ngāruahine sites, and their accompanying mātauranga, are identified in order to establish adequate protection according to Hapū wishes.
- 22** Recognition is given to the cultural and spiritual importance of mahinga kai to Ngāruahine and is provided for in protection and restoration activities.
- 23** Co-governance between Iwi and DoC is established for Taranaki Maunga/Te Papakura o Taranaki.
- 24** Ngāruahine Uri, Hapū and Whānau are empowered as Kaitiaki of their cultural heritage within the Ngāruahine Kaitiaki Area.

Policies

Policy Ref.	Policy	Implementation Partners
6.1	Priority is given to the reintroduction of traditional place names throughout the Ngāruahine Kaitiaki Area.	STDC, SDC, NPDC, DoC
6.2	Unobstructed views from all Marae and Kura Kaupapa to our Tupuna Maunga within the rohe of Ngāruahine are protected and maintained according to the preferences of the respective Hapū.	All relevant consenting authorities
6.3	Mahinga kai areas, species and access are recognised, provided for, and protected in local and central government strategies, policies, and plans.	TRC, STDC, SDC, NPDC, MfE, DoC
6.4	TKoNT will identify and promote opportunities to increase the awareness and understanding the wider community has concerning the relationship of Ngāruahine to Taranaki Maunga.	TKoNT, Communities, TMP, DoC
6.5	TKoNT will advocate and promote the restoration and development of Ngāruahine Uri as Kaitiaki of the Ngāruahine Kaitiaki Area.	TKoNT, DoC, TRC, MfE
6.6	Active protection of significant sites located on private land is established and maintained.	TKoNT, STDC, SDC, NPDC, MfE, Landowners, TPK
6.7	Where TKoNT and/or Hapū agree to the mapping of wāhi tapū and sites of significance, central and local government recognise that the on-going ownership of information resides with the Iwi, Hapū or Marae group that provided the knowledge.	DoC, TRC, STDC, SDC, NPDC, MfE, HNZPT
6.8	Opportunities and actions to increase food security across Ngāruahine Whānau and Hapū are identified and supported.	TKoNT, MPI, TRC, STDC, SDC, NPDC, TPK, DoC
6.9	Where an Archaeological Authority is granted, TKoNT and Hapū shall co-develop the conditions of the authority, including the appointment, induction and protocols relating to cultural monitors and accidental discovery protocols and procedures.	HNZPT, Resource consent applicants, STDC, SDC, NPDC







ŌHANGATANGA O NGĀRUAHINE - DEVELOPMENT



TE KOROWAI O
NGĀRUAHINE
TRUST

ŌHANGATANGA O NGĀRUAHINE - DEVELOPMENT

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) affirms economic development as a key element for self-determination of indigenous people.

“Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities” (The United Nations General Assembly, 2007, art. 20).

The ability of International agreements, such as UNDRIP, to strengthen Māori rights to development is not strong but still places a moral obligation upon the Crown. TKoNT notes the ongoing work undertaken by Te Puni Kōkiri to implement programmes which align with UNDRIP and attempt to address the outstanding issues raised in the WAI 262 claims.

Given the Ngāruahine worldview that people and the environment are not separate, it is crucial that we focus on consolidating and strengthening Ngāruahinetanga to improve our Taiao. The Ngāruahine rohe is abundant in natural resources. These materials provide for the social and economic wellbeing of Ngāruahine Uri and the wider community. We welcome economic development which aligns with our cultural and environmental values. When we talk about kaitiakitanga, we are mindful of the mutually beneficial relationship between Ngāruahine and the natural world. It is through the development of our Uri that we will enact kaitiakitanga and restore the mauri of our Taiao.

Issues

Ngāruahine have been systematically excluded from developing the natural resources of our rohe for well over a century. During the 1840's and 1850's, Ngāruahine were prosperous and economically successful. As with other South Taranaki Iwi, Ngāruahine traded flax, milled flour, bread, and tons of potatoes with Europeans. The moana, takutaimoana (coastal area), awa and ngahere provided enough resources for Ngāruahine to meet their needs and exchange goods with European settlements and traders. The widescale land dispossession of the 19th and 20th centuries has devastated the Ngāruahine economic base and forced our Uri into the wage labour paradigm normalised in western capitalist societies.

Ngāruahine governance, management and leadership will face multiple challenges in attempting to build the capacity and capability of our Uri. From a commercial perspective, these include:

- Incorporating Ngāruahine tikanga within modern business objectives and concepts;
- Balancing the demands of current generations with the need to sustain and improve capability and meet the requirements of future generations;

- Achieving dual legitimacy between the New Zealand legal system and Ngāruahine tikanga;
- Meeting the requirements of Crown accountability and Iwi membership aspirations.

Multiple authors suggest the success of Māori enterprises and economic development requires strategy and policy which is firmly focused on kaupapa Māori (Smith, Tinirau, Gillies & Warriner, 2015; Awatere, Mika, Hudson, Pauling, Lambert & Reid, 2017). Such an approach identifies the need for economic development to recognise the inadequacy of profit maximisation as the only purpose of doing business. Instead, reducing externalities to the Taiao and increasing community well-being become accepted long-term objectives which provide socially equitable outcomes.

Objectives

- 26** The individual and collective capability of Ngāruahine to fully participate in developing natural resources according to Ngāruahine tikanga, is restored and protected for future generations.
- 27** The right of TKoNT and Hapū to develop natural resources is recognised by central and local government, the Business community, and other stakeholders.
- 28** Positive social, cultural, and economic outcomes are coupled to the health and enhanced mauri of the Taiao.

Policies

Policy Ref.	Policy	Implementation Partners
7.1	Economic development which supports the ability of Ngāruahine Whānau, Uri and Hapū to exercise kotahitanga, wairuatanga and kaitiakitanga will be identified, encouraged, and supported by TKoNT.	TKoNT, Hapū, TPK, Business community
7.2	TKoNT will advocate for and support economic development which enhances the ability of Ngāruahine Whānau, Hapū and Uri to exercise tino rangatiratanga	TKoNT, TPK, MBIE, MPI, DoC, Resource consent applicants
7.3	TKoNT encourages investment which supports kaupapa Māori based outcomes for the region.	Business community, TEI's, Resource consent applicants, TPK
7.4	Economic development which has broad collective benefits for Ngāruahine Uri and can be sustained over generations will be prioritised.	TPK, Business community, Resource consent applicants







ENGAGEMENT WITH NGĀRUAHINE



TE KOROWAI O
NGĀRUAHINE
TRUST

SOCIAL INCLUSION

As Cornell & Jorgensen (2019) state, despite its seemingly liberal motives, social inclusion initiatives can meet with opposition if directed at indigenous peoples. The notion of inclusion pigeon-holes indigenous people as another minority group and assumes that they have a desire to be assimilated into mainstream culture and society. Social inclusion has been developed by

colonial states to address poor outcomes in health, education and employment for low-income communities and indigenous peoples. Coercive 20th century policies of suppressing Māori culture and language are well known but more recently the government has focused on engagement with Māori communities to achieve a less draconian integration.

Dual Notification and Engagement Process

Activities, including local authority strategies, policies, and plans, within or adjacent to statutory areas identified in Appendix A require us to assess their effects on the values and longstanding relationships Ngāruahine has with these areas. Where TKoNT is considered to be an affected party due to environmental concerns and statutory acknowledgements, then the relevant Hapū must also be considered as affected mana whenua. TKoNT, Marae and Hapū contact details can be found on our website and are updated regularly or email policy@ngaruahine.iwi.nz.

This plan does not constitute engagement. It is the preference of TKoNT that resource consent applicants, DoC concession applicants, developers, consultants, councils, and central government agencies engage directly with TKoNT and Hapū.

Principles of Meaningful Engagement

While TKoNT are committed to working towards better outcomes for our Taiao, we are conscious of the need to prioritise our actions to ensure engagement is both efficient and effective. The financial redress received during our treaty settlement has been identified as the means to drive the restoration and development of Ngāruahine Whānau, Uri and Hapū. It will not be used to underwrite the policies and strategies of central and local government. Accordingly, we have established a guide for cost contributions regarding resource consent or concession applications which is included in Appendix B. Any costs will be discussed and agreed on a case-by-case basis prior to any work commencing.

The nature and extent of our engagement will depend on the magnitude and complexity of the activity and the extent to which any issues may affect the cultural needs, interests, wellbeing, and priorities of TKoNT and Hapū.

When working with TKoNT and Hapū, any engagement should be:

- Timely – The earlier you engage, the more likely you are to locate the right people who then have sufficient time to deliberate and respond. Positive outcomes are best achieved by adopting early engagement with us.
- Informed – We expect that you have read and understood

the values, issues and aspirations contained in this plan before you engage with us.

- Clear – Any information you provide will determine our response. A summary should be easily communicated and understood by our Hapū and Uri. Technical reports and any assessments should always be included as an attachment.
- Constructive - Our focus is on long term and sustainable outcomes. We are actively looking to build and maintain positive, ongoing relationships.
- Genuine - Mutual respect is the basis of engagement. Engagement with TKoNT and Hapū presumes that our contribution will both inform and influence a decision for the benefit of the environment. Meaningful engagement does not include 'ticking the boxes' to meet compliance requirements. Together we can work towards mutually agreed goals and outcomes. Let us know if there are changes to your project or plan.

TKoNT will not support the identification and integration of Mātauranga Māori by local or central government where there is no discernable benefit for our Uri. The Ngāruahine context required to use Mātauranga Māori is te reo and tikanga of which Hapū are the Kaitiaki .

Resource Consents Applications

Initial engagement consists of:

- The proposal summary, the timeframe envisaged, its location, reasoning and any alternatives considered.
- How the proposal aligns with this plan's objectives.
- Potential adverse effects on Ngāruahine values and interests and proposed measures to address them i.e., mitigation or remedy conditions you will propose.

Further engagement will be assessed on the following criteria:

- Does the proposal protect or enhance mauri?
- Does the proposal enable cultural, social, and economic development of Ngāruahine Uri?
- Is the proposal sustainable with local, long term benefits?

Council Engagement

TKoNT expects council decision making and planning processes to reflect just how Ngāruahine values, issues and objectives have been considered. This includes the use of schedule 1(3B)(d) regarding Iwi Authority consultation and documenting how councils respond to advice from Iwi Authorities during any plan change process as required under section 32(4A).

The preparation or review of the following will also require engagement with TKoNT:

- Non-statutory strategies, policies or plans such as catchment management, hazards, or signage;

- Statutory strategies including pest management, waste management and land transport;
- District bylaws;
- Annual and Long-Term Plans prepared under the Local Government Act;
- Action plans prepared for the purpose of implementing the National Policy Statements;
- Definition or identification of freshwater management units (FMU's).

Table 3 shows how TKoNT prioritises engagement with local authorities and central government agencies.

TKoNT Priority	Input Level	Engagement Type	Purpose	Effect	Example of TKoNT participation	Treaty Partnership
High	Active					
	Responsive	Adaptive	Sustainability and risk reduction	<ul style="list-style-type: none"> • Mutual respect, collaboration and reconciliation • Institutional Innovation 	<ul style="list-style-type: none"> • Two way communication based on common goal(s) • Treaty settlement provisions 	Kāwanatanga with acknowledgement of Rangatiratanga
	Passive	Consulting	Symbolic Inclusion	<ul style="list-style-type: none"> • Participation as one of many communities of interest • No input into decision making 	<ul style="list-style-type: none"> • Iwi responses to proposals or resource consents 	Kāwanatanga only
Low						





PLAN IMPLEMENTATION AND REVIEW



PLAN IMPLEMENTATION AND REVIEW

This plan is a living document and will be reviewed and revised as needed to:

- ensure it remains relevant to changing political, environmental, economic, and regulatory circumstances; and
- ensure on-going relevance and responsiveness to the needs, issues, and priorities of Ngāruahine Whānau, Uri and Hapū.

The effectiveness of this Plan and its implementation will be evaluated by TKoNT at a maximum of five yearly intervals to inform strategic planning into the future.

Methods

The following methods will be developed to implement the policies of this plan. Further methods and actions will emerge as the environmental capacity and capability of Ngāruahine progresses.

Method 1

TKoNT will advocate and support the co-development of a Cultural Materials Plan with DoC to support the retention and transfer of mātauranga associated with:

- a. the identification, protection and sustainable use of flora and fauna;
- b. obtaining and propagating plant stock for cultivation outside of the conservation estate;
- c. monitoring levels of cultural materials within the Conservation Protocol Area.

Method 2

TKoNT will work with our Hapū and Marae to develop plans which enhance their food security which includes but is not limited to:

- a. the establishment and maintenance of maara kai;
- b. the propagation of native plants for cultural, rongoā and construction purposes;
- c. the monitoring, protection, and sustainable use of terrestrial, freshwater and mātaimai species;
- d. the identification and support of tohunga to lead initiatives.

Method 3

TKoNT encourages all district councils to work with Hapū to determine the appropriate locations for Papakāinga housing development. It is our expectation that zoning in the District Plans will reflect collaboration and a long-term vision for the development of Papakāinga in our rohe.

Method 4

TKoNT will identify and promote collaborative opportunities for mana whenua to monitor and report on the mauri of the Taiao within the Ngāruahine Kaitiaki Area. This includes:

- a. Coastal water quality and mātaimai;
- b. Surface, groundwaters and mahinga kai;
- c. Soil health;
- d. Evaluating local government protection and enhancement of all the above.

Method 5

TKoNT will advocate for the interests of Ngāruahine Uri via the developing relationships with MBIE, NZPM and permit applicants for onshore mineral and petroleum prospecting, exploration, and mining.

Method 6

TKoNT will work with local and central government agencies and our whanaunga lwi to develop standards and policies which protect the mauri of air and Hau in the region.

Method 7

TKoNT will identify and promote the renaming of places within our rohe which reflect the history and tikanga of mana whenua.

Method 8

TKoNT will adopt practices, technologies and strategies which actively reduce its carbon footprint. This will begin with our operational activities to provide learnings which can be shared with Ngāruahine Marae and lwi members in the short term. Research and quality information will be used to identify best practice options for TKoNT procurement and investment options over time which will reduce our contribution to GHG emissions and ensure long term sustainability for our Uri.

Method 9

TKoNT will identify opportunities to participate in climate change policy development and response. This includes but is not limited to:

- a. engagement and discussion with local communities within the rohe of Ngāruahine;
- b. participation in local and central government discussions and consultation on climate change;
- c. Māori fora on climate change issues;
- d. indigenous forums on climate change adaptation and mitigation.

Method 10

Coastal Development Guidelines will be designed in collaboration with STDC. These will help to inform resource consent applicants and consenting authorities of Ngāruahine expectations for coastal development.

Method 11

Te Korowai will identify and support opportunities to undertake spatial planning to increase protection of significant terrestrial and coastal marine sites.

Method 12

TKoNT will advocate for and support Hapū to identify and protect customary fishing areas under the Kaimoana Customary Fishing Regulations 1998. Potential arrangements include but are not limited to:

- a. notifying the Minister of proposed Tangata Kaitiaki for customary food gathering areas;
- b. the establishment of mātaítai reserves;
- c. the establishment of taiāpure in areas which are significant for kaimoana and cultural resources;
- d. ensuring Tangata Kaitiaki have the capacity to develop sustainability and management measures for the rohe moana for which they have been appointed;
- e. preparation of management strategies or plans by Tangata Kaitiaki for the rohe to which they have been appointed.

Method 13

TKoNT will identify and support opportunities for economic development including but not limited to:

- a. marine based aquaculture,
- b. land based aquaculture;

c. high seas mussel farming;

d. seaweed farming and harvesting.

Method 14

Continuous Hapū monitoring programmes for water bodies and mahinga kai, either in partnership with local authorities or independently, will be developed and supported by TKoNT to restore and uphold kaitiakitanga.

Method 15

TKoNT is committed to supporting Hapū to develop Kaitiaki reports based on cultural health monitoring of soils, awa, mahinga kai and mātaítai.

Method 16

TKoNT will work with consenting authorities and our whanaunga Iwi to determine reasonable and appropriate financial contributions to support kaitiakitanga which can be integrated into regional and district planning documents.

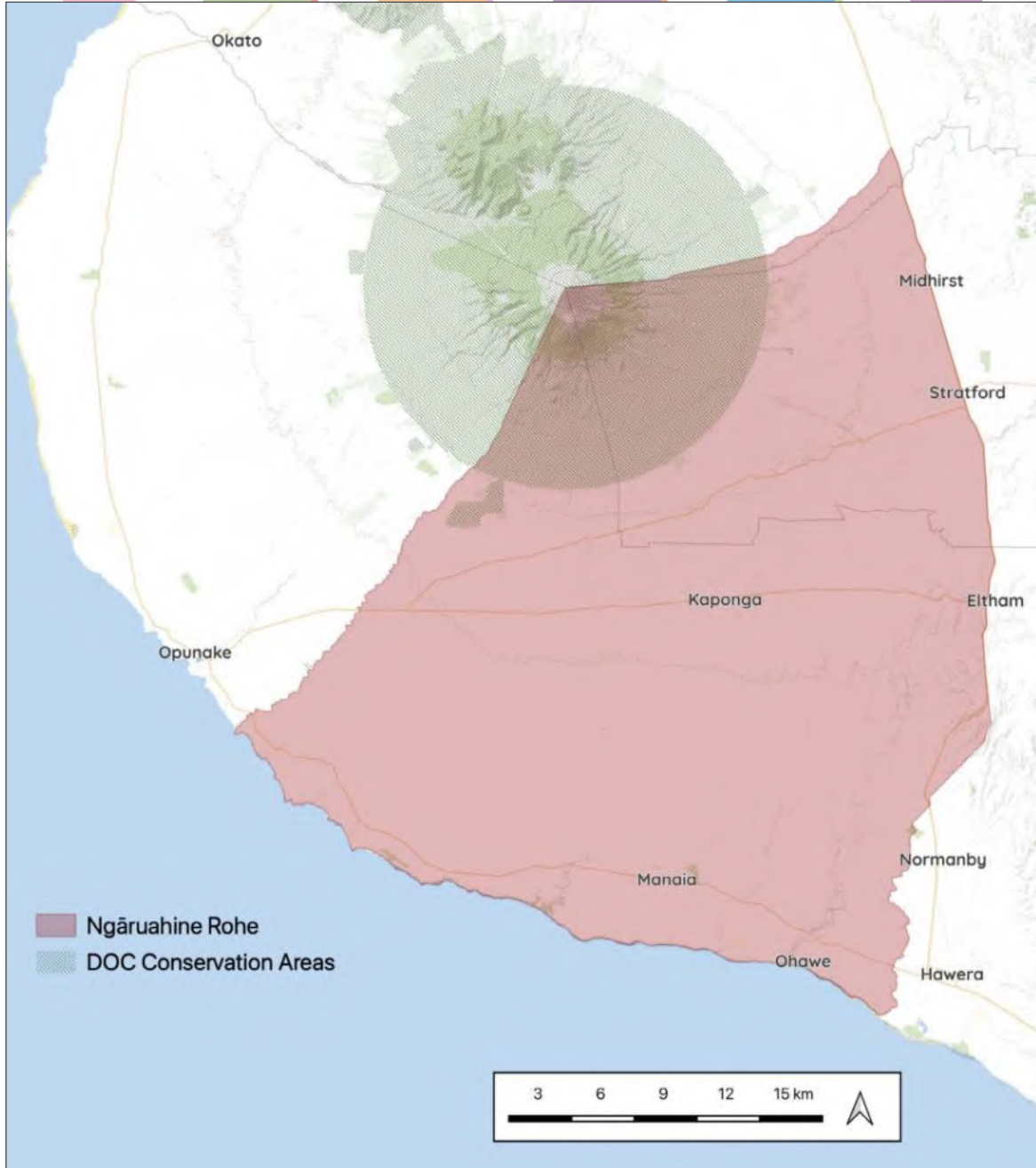
Method 17

TKoNT will work with DoC to ensure the principles and values identified for the Whāriki o Ngāruahine are acknowledged and protected in the conservation management strategies and plans of the Taranaki/Whanganui Conservation Board.

APPENDICES

Appendix A Treaty Settlement Provisions

Ngāruahine Area of Interest Conservation Lands within the Ngāruahine Rohe



STATUTORY ACKNOWLEDGMENT AREAS AND DEEDS OF RECOGNITION

All Statutory Acknowledgement Areas and Deeds of Recognition can be accessed here <https://www.legislation.govt.nz/act/public/2016/0093/latest/whole.html#DLM6537106>

Crown Agency Protocols

Protocols form part of the cultural redress contained in the Ngāruahine Deed of Settlement 2014 and are summarised below. The full deed document can be found here: <https://www.govt.nz/assets/Documents/OTS/Ngaruahine/Ngaruahine-Deed-of-Settlement-Documents-Schedule-1-Aug-2014.pdf>

Taonga Tūturu Protocol (Ministry for Culture and Heritage)

TKoNT is the body representative of the Whānau, Hapū and Iwi of Ngāruahine who have an interest in the matters covered under this protocol.

The Chief Executive of the Ministry:

- recognises that Ngāruahine have a significant interest in relation to the preservation, protection and management of Taonga Tūturu through their tino rangatiratanga and kaitiakitanga and as tangata whenua of the protocol area.
- Will invite organisations relevant to this protocol to establish a relationship with TKoNT in regard to allowing Ngāruahine access to their Taonga Tūturu, repatriation of Ngāruahine Taonga Tūturu to Ngāruahine and any other matters of importance to Ngāruahine.

Relationship principles to be used by Ngāruahine, the Minister and the Ministry Chief Executive when implementing this protocol and exercising their various roles and functions under it include:

- Working together to preserve, promote, protect and enhance Taonga Tūturu;
- Working in a spirit of co-operation;
- Ensuring early engagement on matters relating to this protocol;
- Operating a 'no-surprises' approach;
- Acknowledging that the relationship is evolving, not prescribed.

Conservation Protocol (DoC)

- The protocol provides for Ngāruahine to have meaningful input into relevant policy, planning and decision-making processes in the Department's management of conservation lands and fulfilment of statutory responsibilities within the Ngāruahine protocol area.

- TKoNT accepts a responsibility as Kaitiaki in accordance with Ngāruahine tikanga to preserve, protect and manage those natural and historic resources with which they have cultural, spiritual, traditional, and historic associations (land, waters and indigenous flora and fauna).

- The two parties commit to the development and establishment of a positive, collaborative, and enduring relationship that gives effect to the principles of the Treaty of Waitangi as provided in S 4 of the Conservation Act 1987. Those principles provide the basis for an ongoing relationship to achieve over time the conservation policies, actions and outcomes sought by both the parties to the protocol.

Fisheries Protocol (Ministry for Primary Industries)

The Fisheries Protocol sets out how the Ministry will interact with TKoNT and includes the following:

- management of Taonga species;
- recognition of the interests of Ngāruahine in all species of fish, aquatic life or seaweed that exist in the Fisheries Protocol Area that are subject to the Fisheries Act 1996;
- development of a Ngāruahine Iwi fisheries plan;
- rāhui;
- contracting for services;
- participation in Iwi fisheries forums;
- input into and participation in the Ministry's national fisheries plans; and
- customary non-commercial fisheries management.

Whāriki o Ngāruahine

The Whāriki o Ngāruahine is a combination of coastal and river marginal strips defined in Schedule 2 of the Ngāruahine Claims Settlement Act 2016. The Crown is required to acknowledge the statements of values for these areas. The New Zealand Conservation Authority or a Conservation Board must have particular regard to the protection principles and statement of values for a Whāriki o Ngāruahine area when considering a conservation management strategy, conservation management plan or national park management plan.

Appendix B Ngāruahine Environmental Management Procedures

List of Contributions Towards Costs

Complexity Level	Charges (2021-2026)	Description	Comments
Low	\$125 (plus GST) per hour	Minimum 1.5 hours to complete. May include requests for affected party approvals – agreement to pay does not imply approval will be given.	Even simple applications may take more than 1.5 hours, including reporting & internal communications, so this is a contribution towards costs incurred only.
Medium	Provide estimate via exchange of letters. \$125 (plus GST) per hour senior and \$65 per (plus GST) hour junior staff. Additional costs for travel or hosting meetings may be agreed.	No fee for first meeting. Estimate may be renegotiated as a variance for significant scope changes. For minor exceedances, no additional charge made – our cost to carry. For delivery significantly underestimate, the charge will be reduced downwards. Contingency fee of 5% recommended.	Likely for councils' own applications, e.g., wastewater plant upgrades, some private companies. Clarify with applicant whether any costs for marae/Hapū are likely and how they will be managed (independent or facilitated) or include the hours/ payment within the scope.
High	Contract established covering all aspects of scope. Likely to result in CIA report or a section within an AEE.	Costs to include a 10% fee for project management. Contract will include a clause to allow variations for scope changes. Costs may include recovering costs on behalf of marae/Hapū. Contingency fee of 5% recommended.	Likely for major developments. Hours required will be dependent on the scale and scope of the project. Required hours for marae/Hapū to be agreed for initial scope.

Additional Documents

The following are available from TKoNT:

- Cultural Monitoring Guidelines and Protocol.
- Coastal Development Guidelines.

To request an electronic copy of these documents, please email policy@ngaruahine.iwi.nz or visit our website ngaruahine.iwi.nz

Appendix C Relevant Legislation, Strategies, Policies and Plans

Primary Legislation

- Resource Management Act 1991
- Conservation Act 1987
- Environment Act 1986
- Te Ture Whenua Act 1993
- Crown Minerals Act 1991
- Wildlife Act 1953
- Reserves Act 1977
- Fisheries Act 1996
- Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977
- Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012
- Crown Proceedings Act 1950
- Biosecurity Act 1993
- Heritage New Zealand Pouhere Taonga Act 2014
- Protected Objects Act 1975
- Climate Change Response Act 2002
- Environmental Protection Authority Act 2011
- Treaty of Waitangi (Fisheries Claims) Settlement Act 1992
- Ngāruahine Claims Settlement Act 2016
- Local Government Act 2002
- Local Government Act 1974

Secondary Legislation

- Burial and Cremation Act 1964
- Hazardous Substances and New Organisms Act 1999
- Health and Safety at Work Act 2015
- Kāinga Ora – Homes and Communities Act 2019
- Urban Development Act 2020
- Trusts Act 2019
- Tohunga Suppression Act 1907 (repealed 1962)
- Local Government Official Information and Meetings Act 1987
- Crown Entities Act 2004
- Civil Aviation Act 1990
- Māori Commercial Aquaculture Claims Settlement Act 2004

National Direction Instruments, Regulations and Notices

- New Zealand Coastal Policy Statement 2010
- National Policy Statement for Freshwater Management 2020
- National Policy Statement on Urban Development 2020

- National Policy Statement for Renewable Electricity Generation 2011
- Resource Management (National Environmental Standards for Air Quality) Regulations 2004
- Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007
- Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
- Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020
- Fisheries (Kaimoana Customary Fishing) Regulations 1998
- Fisheries (Notification of Tāngata Kaitiaki/Tiaki for Area/Rohe Moana of Titahi-Ngāruahine) Notice 2018
- Resource Management (National Standards for Freshwater) Regulations 2020
- National Planning Standards 2019

Central Government Strategies

- New Zealand Aquaculture Strategy
- New Zealand Food Safety Strategy
- National Policy Direction for Pest Management 2015
- Predator Free 2050 Strategy and Action Plan

Relevant Regional and District Documents

- Regional Coastal Plan for Taranaki 1997
- Regional Policy Statement for Taranaki
- Regional Fresh Water Plan for Taranaki 2001
- Regional Soil Plan for Taranaki 2001
- Regional Air Quality Plan for Taranaki 2011
- Regional Pest Management Plan for Taranaki 2018
- Taranaki Regional Council Biosecurity Strategy 2018 - 2038
- 2018/2028 Long Term Plan Taranaki Regional Council
- Taranaki Regional Council 2020/2021 Annual Plan
- Taranaki Region Council Marine Oil Spill Contingency Plan 2020
- Taranaki Regional Council Resource Management Act Enforcement Policy 2017
- Taranaki Regional Council Biodiversity Strategy 2017
- Stratford District Council Long Term Plan 2018 - 2028
- Stratford District Council Waste Management and Minimisation Plan 2018
- Stratford District Council Economic Development Strategy 2012 - 2015
- Stratford District Council Community Development Strategy (n.d.)

- Stratford District Council Annual Plan 2020/21
- Stratford District Plan 2014
- South Taranaki District Council Annual Plan 2020/21
- South Taranaki District Council Long Term Plan 2018 - 2028
- Proposed South Taranaki District Plan 2015

- Water and Wastewater Connections Policy South Taranaki District Council
- South Taranaki District Council Freedom Camping Bylaw 2016
- Taranaki Regional Economic Development Strategy 2017

Bibliography – Background readings and reference material

Andreassen, B. A., & Crawford, G. (Eds.). (2013). *Human rights, power, and civic action: Comparative analyses of struggles for rights in developing societies*. ProQuest Ebook Central <https://ebookcentral.proquest.com>

Arnstein, S. R. (1969). *A Ladder of Citizen Participation*. *Journal of the American Institute of Planners*, 35(4), 216-224.

Awatere, Shaun, Mika, Jason, Hudson, Maui, Pauling, Craig, Lambert, Simon, & Reid, John. (2017). Whakatipu rawa ma nga uri whakatipu: Optimising the "Maori" in Maori economic development. *AlterNative: An International Journal of Indigenous Peoples*, 13(2), 80-88.

Bockstael, E. and F. Berkes. 2017. Using the capability approach to analyze contemporary environmental governance challenges in coastal Brazil. *International Journal of the Commons* 11(2): 799–822.

Cornell, Stephen, and Miriam Jorgensen. 2019. "What Are the Limits of Social Inclusion? Indigenous Peoples and Indigenous Governance in Canada and the United States." *The American Review of Canadian Studies* 49(2):283–300. doi: 10.1080/02722011.2019.1613790.

Eyben R, 2003, "The rise of rights", IDS Policy Briefing 17, May. https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/768/pb_rights.pdf?sequence=1&isAllowed=y

Ianniello, Mario, Iacuzzi, Silvia, Fedele, Paolo, & Brusati, Luca. (2018). Obstacles and solutions on the ladder of citizen participation: A systematic review. *Public Management Review*, 21(1), 21–46.

Institute for Economics and Peace (2015). *Global peace index 2015: Measuring peace, its causes, and its economic value*. Retrieved from <http://economicsandpeace.org/>.

Jolly, D. (2013). *Mahaanui Iwi Management Plan, 2013*. Christchurch : Ngāi Tūāhuriri Rūnanga, Te Hapū o Ngāti Wheke Rāpaki, Te Rūnanga o Koukourārata, Ōnuku Rūnanga, Wairewa Rūnanga, Te Taumutu Rūnanga.

Kirk, Norman E. 1974. Speech of 5 July. *New Zealand Parliamentary Debates* 391:2691. In Sibley, C. G. (2010). The Dark Duo of Post-Colonial Ideology: A Model of Symbolic Exclusion and Historical Negation. *International Journal of Conflict and Violence (IJCV)*, 4(1), No 1: Collective Memories of Colonial Violence-12

Kriebel D, Tickner J, Epstein P, et al. The precautionary principle in environmental science. *Environmental Health Perspectives*. 2001;109(9):871-876. doi:10.1289/ehp.01109871

Mathewson, K. (2016). To pass on a good earth: The life and work of Carl O. Sauer. *Journal of Latin American Geography*, 15(1), 165-169. Retrieved from <https://www-proquest-com.ezproxy.lincoln.ac.nz/scholarly-journals/pass-on-good-earth-life-work-carl-o-sauer/docview/1784561324/se-2?accountid=27890>

Moeke-Pickering, T. (2015). Understanding Māori food security and food sovereignty issues in Whakatāne. *MAI Journal*, 4(1), 29-42.

Newton, Helena J, Sibley, Chris G, & Osborne, Danny. (2018). The predictive power of post-colonial ideologies: Historical Negation and Symbolic Exclusion undermine support for resource-based bicultural policies. *International Journal of Intercultural Relations*, 62, 23-33. Retrieved from https://www.researchgate.net/publication/316079550_The_predictive_power_of_post_colonial_ideologies_Historical_Negation_and_Symbolic_Exclusion_undermine_support_for_resource-based_bicultural_policies

Peterson, D, Hanazaki, N, & Berkes, F. (2020). Do We All Speak the Same Language When Talking Conservation? Caicara Understandings of Conservation in their Landscape. *Conservation and Society*, 18(3), 238-251.

Rokeach, Milton. 1968. *Beliefs, Attitudes, and Values*. San Francisco: Jossey-Bass.

Sibley, C. G. (2010). The Dark Duo of Post-Colonial Ideology: A Model of Symbolic Exclusion and Historical Negation. *International Journal of Conflict and Violence (IJCV)*, 4(1), No 1: Collective Memories of Colonial Violence-12. Retrieved from <https://core.ac.uk/download/pdf/276528744.pdf>

Smith, Graham Hingangaroa, Tinirau, Rāwiri, Gillies, Annemarie, & Warriner, Virginia. (2015). *He mangōpare amohia*. Whakatāne, Aotearoa/New Zealand: Te Whare Wānanga o Awanuiāangi.

Te Rūnanga o Ngāti Awa. (2019). *Te Mahere Whakarite Matatiki Taiao o Ngāti Awa – Ngāti Awa Environmental Plan*. Te Rūnanga o Ngāti Awa.

The United Nations General Assembly. (2007). *Declaration on the Rights of Indigenous People*. Retrieved from <http://www.un.org/Docs/journal/asp/ws.asp?m=A/RES/61/295>

Ahakoā he iti tāku iti, mā wai au
hei whakahē

E kore au e mate, kā mate anō te
mate kā ora anō āhau.

He kākano i ruia mai i Rangiatea
Kei Hukurangi āhau, kei te whai
ao āhau.

Tihei mauri ora!

Though small in stature I may be,
who is there to contradict me

I shall never die, death itself shall
die, but I shall remain.

I am as a seed sown from within
Rangiatea

I am at Hukurangi, here in the
world of light.

Let life prevail !

Notes



Notes





NGĀRUAHINE KAITIAKI PLAN 2021
TE URU TAIAO O NGĀRUAHINE



TE KOROWAI O
NGĀRUAHINE
TRUST

PO Box 474, Hāwera, Taranaki 4640

+64 (6) 278 7411
policy@ngaruahine.iwi.nz
ngaruahine.iwi.nz

© 2021



Date: 1 February 2022

Subject: **Essential Freshwater - Nitrogen Cap Provisions**

Approved by: A D McLay, Director - Resource Management
S J Ruru, Chief Executive

Document: 2967264

Purpose

1. The purpose of this memorandum is to provide the Committee a background on the provisions relating to nitrogen fertiliser application limits and reporting under the Essential Freshwater implementation package. It will also provide some details on the current work being undertaken by Council and nationally towards that implementation.

Executive summary

2. The Essential Freshwater package released by the government in August 2020 included provisions seeking to cap the application of synthetic nitrogen fertiliser ("Syn-N") to agricultural land. Those provisions, generally known as N-Cap, apply to all types of farming, but set particular reporting requirements on dairy farmers – who must provide fertiliser application details to regional councils each year. Additionally, any farm that exceeds the N-Cap limits must apply for resource consents (with strict terms around accompanying fertiliser plans).
3. The regional sector has been working collaboratively to develop systems to facilitate the provision of the dairy farm data to councils. The system is in some ways a test bed for the eventual systems that are intended to be developed for farm plans. The current development also involves a number of industry players, including the fertiliser companies (who arguably hold the best information about fertiliser application).
4. As well as being a part of this regional working group, Officers are beginning activities to ensure that the dairy sector in Taranaki is aware of the N-Cap reporting requirements. The goal is to ensure that the sector is as prepared as possible to meet those requirements from the July 2022 deadline for data submission.

Recommendations

That the Taranaki Regional Council:

- a) receives this Memorandum.

Background

5. The Essential Freshwater package released by the government in August 2020 led to the development of the National Environmental Standards for Freshwater (“NES”), which was given effect to by way of then Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (“Regulations”).
6. The NES includes a number of provisions relating to farming activities that impact freshwater, wetlands, reclamation and structures in waterways. Amongst the farming related provisions are a number of provisions relating to the regulation of Syn-N application on farm land.
7. The relevant provisions of the Regulations (rr 32 – 36) definite the scope of the nitrogen rules, set limits and processes and, for dairy farmers, set reporting requirements.
8. The response to the Regulations is a combination of regional sector wide initiatives (in conjunction with some key industry players), as well as some specific Taranaki focused elements.
9. The following section of this Memorandum sets out both the requirements and the responses.

Discussion

Regulatory Requirements

10. The key parameters of the Regulations are:
 - 10.1. They apply to any “contiguous landholding” within a farm of over a minimum size (20ha for most uses, and 5ha for horticulture). Contiguous landholding has been the focus of some debate and discussion, with questions like the effects of roads through the middle of titled blocks and where to draw boundaries on rivers.
 - 10.2. They establish a “nitrogen cap” of 190 kg/ha/year – measured both as an annual average over a farm and on a per hectare basis on any land that is not used to grow forage crops.
 - 10.3. They only apply to “synthetic nitrogen fertiliser”, which must:
 - 10.3.1. Have more that 5% w/w of nitrogen
 - 10.3.2. Includes any manufactured urea, diammonium phosphate or sulphate of ammonia which meets that 5% threshold
 - 10.3.3. But explicitly excludes products that are derived from plant or animal waste/residue and “minimally processed” products.
 - 10.4. They apply to “pastoral land”, which explicitly excludes grazing on stubble crops after harvest. This definition is important, as it captures a very large proportion of agricultural land use – which can often be missed as a requirement, given the focus on dairying in later parts of the regulation.
11. Application of Syn-N by any means on pastoral land that stays below the nitrogen cap is a permitted activity. Effectively, save for the potential of the reporting requirements for dairy farmers, for these farmers, nothing changes from pre-NES requirements.
12. For those farmers who exceed the nitrogen cap, fertiliser application becomes a non-complying activity. In applying for a consent to continue that application, the farmer must either:

- 12.1. Provide an expert's report to the Council that states that the level of application is best practice and will not enter water at a greater rate than would be expected from working to the 190 kg cap on the same land. A consent granted under this option can only be for up to five years.
- 12.2. If the farmer is unable to meet the conditions described in 10.1, there is an option to grant a consent if the applicant also provides a plan that will be able to reduce nitrogen application to the cap level by 1 July 2023 (a "synthetic nitrogen reduction plan"). This option comes with annual fertiliser use reporting requirements – irrespective of farming type – and a maximum consent term up to 1 July 2023.
13. Dairy farmers also have a reporting requirement under section 36 of the Regulations. They are required to report to the Council by 31 July each year a number of parameters about the types and quantities of Syn-N applied, where it was applied and specific dates. They are also required to provide receipts. There is no indication in the Regulations of what the Council is to do with this information once received – although any farmer who provides evidence of exceeding the cap will trigger one of the two consent pathways noted above (or enforcement activities, if they do not comply with those consent requirements).
14. All of these provisions take effect for fertiliser applications in the 1 July 2021 – 30 June 2022 year.

N-Cap System In Practice

15. As can be seen from the description above, the proposed N-Cap system is neither straightforward nor simple. There are a multitude of factors to be interpreted and assessed before a farmer can know what obligations they have under it.
16. To help explain the system, Ministry for the Environment ("MfE") have prepared a number of guide documents targeted to councils, farmers and others in the system. An example of one of those documents is attached.
17. While they are a good idea, in practice, they potentially add to some of the confusion that exists as they appear to be based more on aspirational ideas of how to operate the N-Cap rather than the requirements of the legislation.
18. For example, the guidance documents say that, if farmers can't meet the cap, Councils will discuss with them how they can meet it and will effectively give them some leeway to do so. While this is a practical suggestion, it is also counter to the Regulations, which state that any breach automatically triggers the consent requirements.
19. It is possible that some of this confusion is due to the fact that the intent of the N-Cap provisions are not clear across government. Specifically, the question of whether the provisions are an end in themselves or an interim measure while farm plans are being developed creates some confusion.
20. Other factors that are already or are likely to create some issues include the definition of "contiguous land holding" noted above. The reporting year also doesn't align with "Moving Day", which may hold a current farmer (not the landholder) to the actions of the previous operator of that farm – let alone the simple logistical challenge of needing to get information from a previous operator.
21. Against this background, the regional sector is pooling efforts and attempting to develop a centralised standard system to collect, hold and (following MfE's direction) disseminate the required dairy reporting data. The efforts, called N-Cap 16, are being led

by the IT specialists at Environment Canterbury and Waikato Regional Council who are also developing the overall RC-16 system to handle farm plan reporting.

22. The rationale of the N-Cap 16 project is that there are advantages for all players in the system if there is some level of centralisation and alignment of the data provided and the format that it is provided in.
23. Seeking to develop a centralised system makes sense for councils and farmers. It can also enable taking advantage of the fact that the most comprehensive sources of the required data are the fertiliser companies – who have indicated a willingness to act as a data provider to that system (subject to individual farmer approval for their data to be shared).
24. There are however, some important questions and concerns around the N-Cap 16, most especially the fact that its (planned) focus on IT means that key elements around operationalising the system (such as farmer engagement and support) are still being left to individual councils. As part of those operational elements are dependent on the system being developed, that somewhat limits how much action councils have been able to take to date.
25. Additionally, the fertiliser companies have expressed concerns at the amount of time that is allowed for them to design data transfer protocols and for them and the N-Cap 16 project team to do the necessary systems testing. According to some in the broader project, there is a real concern that the system may not be available by the required July “go live” date.

Council’s Activities to Implement N-Cap

26. Officers met with farmers (including industry groups), fertiliser companies and dairy companies in May 2021 to discuss ways to get the necessary data to meet the Regulations. As the N-Cap 16 project also subsequently discovered, the best source was the fertiliser companies. As a result, from May to October, Officers worked with the companies on the mechanics of how to meet the Regulations.
27. When N-Cap 16 took a greater profile, and then brought the fertiliser companies in, Council and the companies shifted focus to that space. Officers are now keeping a watching engagement in N-Cap 16 and are following the timeline that it is setting.
28. In parallel, Officers are beginning to implement farmer engagement on the Regulations’ requirements. The expectation is that the Compliance team will be a key lead in that space – as they are already engaging with dairy farmers. Part of that engagement will discuss backstop measures for providing the N-cap data if the N-Cap 16 system is not in place.
29. Officers believe that, for a number of reasons, the first year of farmer reporting and council assessment may not be perfect. If that is the case, there are likely to be changes to the regulations, as has occurred for other provisions of the freshwater package.
30. For this first year, Officers will also focus heavily on using education (to the extent possible under the consenting and other requirements in the Regulations) to help any farmers who exceed the cap to come into compliance.
31. There is provision in the Councils RMA charging provisions to monitor compliance with the N-Cap regulations.
32. Officers will update the Committee further as the implementation part of this project continues.

Financial considerations—LTP/Annual Plan

33. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

34. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

35. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Community considerations

36. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum.

Legal considerations

37. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

Document: Link to Nitrogen Cap Guidance for Regional Councils (Ministry for the Environment)

<https://environment.govt.nz/assets/publications/N-Cap-guidance-for-councils.pdf>



Date 1 February 2022

Subject: **Future for Local Government Review Panel Visit**

Approved by: S J Ruru, Chief Executive

Document: 2951016

Purpose

1. The purpose of this memorandum is to seek input on the concepts that Council might seek to advance for consideration by the Future for Local Government (FFLG) panel during its upcoming visit to Taranaki.

Executive summary

2. The Future for Local Government Panel will be visiting Council on 17 March 2022 seeking input into their review. The visit is part of a commitment that the Panel has made to visit each local authority prior to releasing its draft report.
3. The issues/challenges facing local government and communities in general are well known and have been canvassed in a number of different fora in recent years. The Panel has provided a summary of how they see these issues in the Interim Report (https://www.futureforlocalgovernment.govt.nz/assets/Uploads/DIA_16724_Te-Arotake-Future-of-Local-Government_Interim-report_22.pdf) that they released in September 2021.
4. Against this background it is considered appropriate that the Council should focus on identifying the 'top changes' that they would like to see reflected in any future model of community governance and model of local government that might be implemented in the future.
5. The attached paper provides a summary of what staff consider to be the most relevant issues, which the Council should discuss with the panel during their visit. It is recommended that the Committee endorse the proposals included in the paper for discussion with the FFLG panel.

Recommendations

That the Taranaki Regional Council:

- a) receives the Memorandum *Future for Local Government Review Panel Visit*
- b) notes that the *Future for Local Government Review Panel* will be visiting the Taranaki Regional Council on 17 March 2022

- c) agrees that the strategic level concepts discussed in the attached paper should be referred to during the discussion that Council is having with Council on 17 March 2022.
- d) determines that this decision be recognised not significant in terms of section 76 of the *Local Government Act 2002*
- e) determines that it has complied with the decision-making provisions of the *Local Government Act 2002* to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Background

6. The current model of local government was established through the 1989 reforms. Given the significant changes that have occurred since this time including the fact that local government has become much more complex and has seen allocated increased responsibilities from central government with little or no increase in funding or capability.
7. There are also major reform processes underway in relation to resource management and three waters which raises questions about what the broader functions and roles of local government might be as we look to the future. The changes also, potentially, have significant implications for local governance and wellbeing.
8. Against this background the Minister of Local Government established the FFLG review in April 2021. Through the review process the Minister is seeking recommendations on how to achieve:
 - a resilient and sustainable local government system that is fit for purpose and has the flexibility and incentives to adapt to the future needs of local communities
 - public trust/confidence in local authorities and the local regulatory system that leads to strong leadership
 - effective partnerships between mana whenua, and central and local government in order to better provide for the social, environmental, cultural, and economic wellbeing of communities
 - a local government system that actively embodies the Treaty partnership, through the role and representation of iwi/Māori in local government, and seeks to uphold the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles through the work that the sector does.
9. The terms of reference for the review indicate that its purpose is to:

...identify how our system of local democracy needs to evolve over the next 30 years, to improve the well-being of New Zealand communities and the environment, and actively embody the Treaty partnership.
10. In September the FFLG panel released an interim report that summarised the key issues that the panel see affecting the sector and outlined the key questions that the panel would seek to address through its review. These questions are:
 - How should the system of local governance be reshaped so it can adapt to future challenges and enable communities to thrive?
 - What are the future functions, roles and essential features of NZ's system of local government?

- How might a system of local governance embody authentic partnership under the treaty, creating conditions for shared prosperity and well-being?
 - What needs to change so local government and its leaders can best reflect and respond to the communities they serve?
 - What should change in local governance funding to ensure viability and sustainability, fairness and equity, and maximum well-being?
11. While the interim report records that a number of the services delivered by local government contribute to community well-being it also notes that:
- “Under the current system local authorities hold few of the levers that drive well-being and prosperity in their communities. Many of those levers are held by central government, the business sector, iwi, or others. Future responses will require new approaches that bring together the many organisations that contribute to local well-being, to align and coordinate their responses to well-being issues.”*
12. The reality that local government does not control ‘many of the levers’ that can actually make a difference is telling and emphasises why the current review is needed. Equally it can also be argued that this reality also highlights the opportunity that exists for the local government sector become ‘the convenor or systems leader’ that can pull all of the relevant agencies together in an integrated way and create a focus on delivering the range of services that are needed to make a difference in each community or place.
13. The FFLG panel will be visiting all local authorities during March and April 2022. They are scheduled to visit this Council on Friday 17 March 2022. The visit will consist of a two hour workshop during which the panel will be seeking input on the issues that this Council considers that the Panel should be considering as they look to the future role and function of local government.

Issues

14. Council needs to decide on the range of issues/factors that it wishes to see put forward to the FFLG panel on the factors that it considers relevant to determining the future role and functions of the local government sector.

Discussion

15. Given the limited time that the Council will have with the panel it is seen as important that Council seek to maximise its time with the Panel. Given that issues relating to the national environment within which the sector works and the challenges facing the sector have already been well documented it is suggested that there is little ‘value add’ from canvassing a number of these generic issues. Rather the focus should be on the five key questions that the Panel is seeking to address and any specific changes that Council would like to see made to the future role of local government. In this regard it is suggested that Council might like to consider addressing the following questions:
- What are the ‘big shifts’ needed to move to a new reimagined role for local government?
 - What is the model of community governance that we see as appropriate for Taranaki in the future?
 - What should the functions, form and funding of local government look like in the future?
 - What is the nature of the relationship that should exist between central and local government in the future?

- What does the transition pathway look like?

Financial considerations—LTP/Annual Plan

16. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

17. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

18. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. This is considered a routine organisational governance matter and so Iwi have not been specifically consulted about this proposal.

Community considerations

19. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum. In particular, it is expected that the community would see this as a routine governance matter for the Council to determine.

Legal considerations

20. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

Document 2947589: Future for Local Government TRC Priorities for Future Model

Future for Local Government Issues Paper

Background

The Future for Local Government Review (FFLG) Panel will be visiting Council on 17 March seeking input as to what the Council see as important changes or significant shifts that should be considered as the panel progresses its work to define a new model of local governance and local government that will be 'fit for purpose' for the next 30 years.

This paper provides an outline of suggested principles and/or changes that Council might propose be considered by the FFLG panel as they progress their work. The perspectives that the Council puts forward will likely reflect the perspective that it brings as a regional council serving the Taranaki community. This should not, however, limit the range of views that it might want to put forward.

Community Well-being and System Leadership

The purpose of local government is defined in section 10 of the Local Government Act 2002 as including promotion of the social, economic, environmental and cultural well-being of communities and enabling local democratic decision-making **by** and **on behalf** of communities. The purpose is supported by the section 11 provision which states that the role of local government is to give effect to its purpose.

It is suggested that promotion of the four well-beings at the community level should remain as the '*raison detre*' for local government. It is a purpose that links well with the Living Standards and Sustainable Development Goal frameworks that have been endorsed by central government and that can also focus the work of local authorities on meeting the needs (and therefore improving outcomes) for the communities they serve. Importantly, the purpose provision reinforces the local governance concept by recognizing that action and democratic decision-making can and does occur within communities themselves, outside of the formal structures of local government.

Through the services that they deliver local authorities make an important contribution to different aspects of community well-being. Local government is, however, only one of the agencies that contribute to well-being. As a result it only has, which can be a source of frustration for the sector at times, an influence over some of the services, particularly those delivered by the wider public sector, that have an impact of overall well-being.

The FFLG panel's interim report noted that:

"Under the current system local authorities hold few of the levers that drive well-being and prosperity in their communities. Many of those levers are held by central government, the business sector, iwi, or others. Future responses will require new approaches that bring together the many organisations that contribute to local well-being, to align and coordinate their responses to well-being issues."

The reality that local government does not control many of the levers that can actually make a difference highlights the opportunity that exists for the local government sector to become the 'convenor or leader' that pulls agencies together and establishes integrated planning and service delivery mechanisms that are focused on delivering the services needed to improve outcomes for the local communities they serve. There are a number of examples¹ of such models being used in

¹ Some of the lessons to be learnt about the role that local authorities can play in coordinating innovative outcomes across multiple agencies are explored in a SOLGM report, *Through the Looking Glass, What SOLGM saw and learned in England, Scotland and Wales, April 2018*.

overseas jurisdictions, which the panel should consider for implementation in a NZ context. These include Public Service Boards in Wales and Local Outcome Improvement Planning in Scotland. A critical part of these models is the importance of being able to generate collective 'system leadership' across the agencies involved across the broader system.

A number of the integrated service planning models that are utilised overseas could easily be seen as being a natural extension to the regional spatial planning model being proposed for NZ as part of the current resource management reforms. In this regard it is envisaged that a regional spatial planning process could, with some minor changes and extension of what is currently envisaged, easily provide the long term vision and strategic framework within which integrated service plans would be developed for a region.

While local government can have a key role to coordinate both the regional spatial planning and integrated service planning models there is an argument for a new 'regional entity', such as the Public Service Boards used in Wales, being formed with responsibility for being the decision-making entity in relation to both regional spatial plans and integrated service plans. Responsibility for the delivery of the actual services proposed for each region/community would continue to rest with the service delivery agency that currently has that responsibility in the first instance. Alternative service delivery and budget holding responsibilities, such as commercial partnerships or transfer of powers, could be explored over time as relationships between the agencies develop and as innovative opportunities are identified.

For any move to regional spatial plans and an integrated service planning model to be successful it will be important that there are specific obligations created for all public service entities to contribute to and be involved in the process. Mandating the involvement of wider public sector entities in this way is critical to creating a more 'joined up' public sector governance and service delivery structure at the local level. It is important to recognize that, while policy and strategy may be set at the national and/or regional level that ultimately all services are delivered 'on the ground' in local communities of interest. For that delivery to be effective it is important that the specific needs of individual communities are recognized.

Delivery of community well-being, either by communities themselves or with the support of public sector agencies, should continue to be the primary objective for local governance and local government. Delivery of this end purpose requires a 'whole of system' approach that explicitly recognises the needs of individual communities and requires the active involvement of all public sector entities. Within a Taranaki context this should include planning and action at a regional level and require input to, for example, an integrated Regional Spatial and Service Planning model. Under this model a regional leadership group would be established and given joint responsibility for the outcomes achieved.

Equity of Outcomes

If community well-being is to truly become the *raison d'être* for local governance and the work of local government moving forward it is important that this be done in an appropriate and equitable way that actively addresses the increasing disparities which exist in NZ society.

There is, for example, a significant difference in the outcomes achieved for Maori relative to non-Maori. While the outcomes, against social and economic measures of well-being, have improved for Maori over the last thirty years the gap between Maori and non-Maori has not changed. Addressing these gaps would significantly improve outcomes for NZ as a whole and enable more efficient use of resources. In this regard reducing the rate of imprisonment of Maori to the national average, for

example, would reduce the overall prison population by close to 50%² resulting in improved outcomes for all.

The Waitangi Tribunal has previously found that the Treaty places a duty on the Crown to act with fairness and justice to all citizens and that it has an obligation to positively promote equity³. In making this finding it has also noted⁴ that:

... equity of service may differ from equality of outcome. A policy or a service that establishes equal standards of treatment or care across the whole population may still result in inequitable outcomes for Māori. This could be the case, for instance, if other barriers (such as cost, geography, or racism) prevent Māori from accessing services, treatment, or care.

The Treaty principles of equity and active protection therefore require the Crown to make every reasonable effort to eliminate barriers to services that may contribute to inequitable health outcomes. This, as discussed previously in this chapter, may require additional resources, proportionate to address the inequities that exist. The Tribunal accordingly found in the Napier Hospital and Health Services Report that failing to remove such barriers would be inconsistent with the principle of equity.

As noted in the Tribunal decisions above equity is quite different to equality. The later, means treating all people the same irrespective of need and has been the dominant approach for service delivery in most local authorities (and indeed many public sector entities) for a long time.

The principle of equity should be an explicit obligation/principle enshrined in legislation for any new local governance structures (including any new model of local government) to strive for in supporting the delivery of services to improve community well-being. All public service entities involved with the production of regional spatial and integrated service plans would be required to include a section outlining the strategies that they intend following to increase equity of outcomes over time.

Governance v Representative Leadership

Enabling democratic decision making **by** and **on behalf** of local communities is included as part of the purpose of local government in section 10 of the Local Government Act 2002. There are two aspects or dimensions to this provision. These are:

- A representative leadership dimension in which elected members make decisions
- A local community decision-making (or action) dimension in which members of the communities take actions directly, albeit that they may receive a level of support from the local authority.

Representative leadership is about elected members (eg councilors and community board members) fulfilling their role as the formal democratic leaders of their communities. Communities see their elected leaders being there as an advocate/champion for their communities particularly during the

² Do we need more prisons?, Chapter 12, The Big Questions, What is New Zealand's Future?, Jarrod Gilbert, 2018

³ Waitangi Tribunal, The Napier Hospital and Health Services Report, pp48, 62 ; Waitangi Tribunal, Report on the Crown's Foreshore and Seabed Policy (Wellington : Legislation Direct, 2004), p133 ; Waitangi Tribunal, The Mohaka ki Ahuriri Report (Wellington: Legislation Direct, 2004), p27 ; Waitangi Tribunal, The Te Arawa Mandate Report (Wellington: Legislation Direct, 2004), p94; Waitangi Tribunal, The Offender Assessment Policies Report (Wellington: Legislation Direct, 2005).

⁴ Waitangi Tribunal, Hauora report, page 33.

'good times' (eg ceremonial events) and the 'not so good' times such as during pandemics, natural disasters and emergencies. They also see their representative leaders as being enablers who can 'make things happen' in terms of facilitating and/or advocating for the delivery of the services and/or achievement of other outcomes needed by local communities.

Alongside of the representative leadership role elected members also have, at present, a significant organisational governance role in which, amongst other duties, they are responsible for the management of a significant (often over \$1 billion) public asset base and for making decisions about the funding and delivery of a wide range of public good services.

The skills needed to be an effective governor of a sizeable service delivery organisation are different to the skills needed to be an effective representative leader. The type of representative leader needed in the future will also be different to that which has been appropriate in the past given the shift to a wider 'whole of system' approach to local governance. It is important that the differences in skill sets are recognized in the design of the new models of local government and the delivery of the services traditionally delivered by local government.

As we look to the future models for local government and the potential to significantly increase the role of joined up thinking and decision-making across the 'system' as a whole it is appropriate that new models of local governance and public sector decision-making be created that support delegation of responsibility to 'lower levels' within communities – the subsidiarity principle. It is also important that the design of new service delivery models and systems of local governance reflect the different skill sets that will be needed in the future.

Partnering with Maori / Treaty Based Relationships

The Court of Appeal⁵ has previously found that the Treaty signified a partnership between the Crown and Maori. The implications of this partnership arrangement have been addressed in a number of Waitangi Tribunal reports⁶ in which it was found that Maori retained the right to exercise tino rangatiratanga over their taonga in exchange for the Crown's right to exercise kawanatanga. The Tribunal has found that the responsibilities that each has under the partnership need to be balanced with each partner showing respect for the other's perspective and right to be actively consulted and involved in the decision-making process.

Recent government policy decisions (eg creation of the Maori Health Authority and resource management reforms) make it clear that the Crown has a desire to strengthen the partnership that it has with Maori and that increasingly this will include Maori exercising a greater involvement in central and local government decision-making processes (kawanatanga) and increased devolution of responsibility to Maori where appropriate (tino rangatiratanga). The Report of the Working Group on a plan to realise the United Nations Declaration on the Rights⁷ of Indigenous Peoples in Aotearoa/New Zealand has made a number of suggestions about what the pathway towards increased involvement of Maori in public sector decision making could like between now and 2040. While central government are yet to make decisions about which, if any, of the Working Group recommendations, will be adopted it is clear that the local government sector of the future will increasingly 'inherit' a number of responsibilities that will require it to assist the Crown with meeting its responsibilities under the Treaty partnership.

⁵ New Zealand Maori Council v Attorney-General [1987] 1 NZLR 641 (CA), 667 2. Ibid, p664

⁶ The Marine and Coastal Area (Takutai Moana) Act 2011 Inquiry (Wai 2660)

⁷ Report of the Working Group on a plan to realise the United Nations Declaration on the Rights of Indigenous Peoples: *He Puapua*, November 2019.

Both local government and Iwi/hapu have a significant role in terms of being leaders at place (or within the communities they serve). Neither will be successful unless they find new ways of working together and respecting the contribution that each has to make to the achievement of the Treaty partnership and the common end goals that each have including equity of outcomes.

Finding the right balance and being able to actively evolve over time the nature of the working relationships from what exists today will require significant capability development for both parties, particularly Maori. There is a need for significant 'good will' and an investment of resource to support this capability development and enable the evolution of the relationships that need to exist at the local level. This investment will need to come from the Crown as well as local government and other sources of funding.

The development of new working relationships between Maori and local government should be seen as a journey that will evolve over time. The speed and nature of this journey will need to reflect the specific needs and desires of individual Iwi as well as the nature of the relationships and issues that exist in different communities. That journey should, however, occur within a national policy and legislative framework that reflects the new models of local government being proposed by the panel. This framework will likely also see a movement, for local government, from the current construct of being required to "take into account the principles of the Treaty" to a new state in which they have explicit obligations to deliver on the Crown's obligations under the Treaty and confirmation of the Crown commitment to work towards realisation of the UN Declaration on the Rights of Indigenous Peoples. At a practical level it is suggested that the role of Maori, within local government, could include:

- The creation of a Maori ward(s) on all local authorities. The number of wards established should equate to the proportion that Maori constitute within the resident population for each council. To the extent that these roles are elected they should be seen as roles which bring a Te Ao Maori perspective to the work of the relevant local authority
- A tangata whenua perspective, could be accessed via the appointment of Iwi representatives to the main 'business' committees of each local authority. These positions, and the right for the relevant Iwi authorities to make these appointments should be provided for in legislation
- Responsibility for the development of Regional Spatial Plans and Integrated Service Plans would be delegated to regional committees that consist of government, local authority and mana whenua representatives
- Roles on community governance entities (eg collaborative projects) would be appointed by tangata whenua with the relative representation levels to be determined based on the specific project at the time that it is being established
- Functions or service delivery responsibilities that are delegated to tangata whenua to determine. The specific responsibilities to be devolved will be agreed at the local level.

Against the above background the panel should give consideration to and define, the role that Maori will play in any future models of local governance and local government that it might recommend. Its recommendations should also comment on what the interim steps on the way to that end point might look like including the need to support capability development, particularly for Maori.

Environmental and Natural Resource Management

Regional councils currently have a very strong environmental and natural resource management focus to much of the work that they do. As a result this is where there area of expertise lies. It is important that the expertise that has been developed in the past and which currently exists within the regional sector is retained as we move into new models of local government in the future.

As we look to the future and a new model of local government in which the main focus is on promotion of the four well-beings through for example, the development of a more integrated planning and service delivery model the relevance of continuing to separate regional and territorial local authority functions dissipates particularly when dealing with a small region such as Taranaki. It is suggested that a Te Ao Maori lens would strengthen the argument for greater integration of the work of territorial and regional local authorities.

Resource management and regulatory functions are a good example of where there could be significant benefits to be gained (including shared learning and more efficient integrated processes) from combining territorial and regional council service delivery functions.

The planning regime being proposed through the resource management reforms supports this joined up approach at the regional level with the proposal to move to regional spatial plans and a single Natural and Built Environment Plan for the region. This move to integrated planning is supported and it would be a logical extension for the implementation of this regime (along with all of the regulatory functions performed by regional and territorial local authorities) to be delivered via an integrated planning and service delivery function/unit operating at the regional level.

The Panel should recommend the establishment of a more integrated approach to environmental, resource management and regulatory service management and delivery across the local government sector. This could be achieved by merging regional and territorial local authority resource management and regulatory functions into a single entity or business unit at the regional level. A similar approach should be considered for all of the current services delivered by local authorities.

Raising the Bar

The performance of individual authorities across the local government sector has at times been variable. While there are numerous examples of exemplary performance there is also no shortage of examples of high profile 'problems' which have had an impact on the reputation and community perception of the local government sector as a whole as well as the individual local authorities concerned.

In recent years a number of steps have been taken to try and address these issues (eg CouncilMark performance excellence programme, national training programmes, building control accreditation and more recently three waters regulation). While some of these initiatives have had an impact there is room for improvement particularly in terms of delivering greater consistency of performance across all areas of individual local authorities and across the sector as a whole. Some would argue that this desire is at the core of why central government have chosen to adopt a more 'centralist' approach in a number of areas, such as the setting of national policy guidance under the Resource Management Act, in recent years.

While it could be argued that issues relating to the performance of individual local authorities are for those entities to address it is clear that a number of the issues which have arisen, and the impact that they have on the communities served, are systemic in nature and need to be addressed at the system design level. The range of issues that have been highlighted as affecting the delivery of Three Waters services are a good example of where there have been systemic failures. The FFLG review process provides an ideal opportunity to address the system design issues and ensure that any new model of local government is set up in a way that enables high performance. This should start with the recognition of the specific skills needed to provide effective

governance, particularly where there is a level of complexity involved with delivery of specific services.

The solutions will be complex and require consideration of the full range of tools (eg regulation, training, risk management and assurance processes, performance excellence programmes, setting of minimum standards and the role of the auditor) that are available. Some of the principles that the panel should consider in designing such a system include:

- Recognition that collaboration should occur at different levels throughout the system from both a service value chain perspective and in terms of recognising the system that operates at the national level and working down through the regional, district and local levels. The mechanisms put in place to support collaboration at the different levels should be simple and transparent
- Local voice and the ability to recognise and plan service delivery to meet local needs, is important to designing an effective system of local governance
- There needs to be an efficient integrated planning and reporting framework established to facilitate 'joined up' planning and accountability for performance and service delivery between the different entities serving individual communities
- Local authorities need to be of a scale and with the resources and strategic capacity needed to govern effectively and be a respected convenor of the agencies that deliver services at the local community level. For a regional spatial planning and integrated service planning model to work effectively, local authorities of the future will need to earn the respect of the range of agencies that they work with and which have responsibility for delivering to local communities
- Councils should be renowned for being adaptable, efficient and focused on facilitating the delivery of outcomes that reflect the changing needs of their communities. Being flexible and agile enough to constantly evolve services to reflect the 'needs of the day' will be important
- Maori will have a strong, meaningful and secure involvement in local governance and local government decision-making and 'by Maori for Maori' service delivery will be utilised where appropriate
- The focus should be on achievement of equity of outcomes over time and that pursuit of this goal may require more targeted investment in priority areas, particularly the central and local government funders.

The Panel is encouraged to adopt a 'whole of system' approach to ensure that any new model of local government that it recommends for the future includes features that support and in critical areas 'demand' a high level of performance from both individual local authorities and the sector as a whole. In designing any new system the panel should have regard to an agreed set of principles, so that the rationale for their proposals is clear.

Leading through Change

The local government sector is going through a period of considerable change. Much of that change (eg three waters, resource management reform and climate change adaptation) is already well advanced and occurring outside of the work of the FFLG panel. It is also creating a much greater level of centralisation and recognition that in some cases (eg water service delivery) scale is important. Collectively, the changes occurring will fundamentally change the role and functions performed by local government. This will in turn likely lead to changes in the mix of skills needed

across a local authority and it will also likely mean that the local authorities of tomorrow will look significantly different to those which exist today.

The FFLG panel is charged with developing a 'consolidated view' on what the future system of local governance and local government should look like. Once it has developed that view the panel should develop a series of recommendations on how the process of implementing the changes proposed might be managed.

The change management approach needs to be comprehensive and recognise the strategic significance of the change occurring at present and that will be needed with the proposals being put forward. Some of the specific attributes/principles to be considered in the development of the change management strategy might include:

- The need for leaders of the future to be able to understand and adopt a 'whole of system' approach
- The importance of developing, across all agencies involved in local governance, a shared vision for what 'community success' might look like in the future
- The need to create buy-in and ownership of the new models proposed for the future, which will require strong leadership from those leading the change. In doing so it needs to be recognised that not all stakeholders will initially support the changes being proposed and hence will need to be 'taken on the change journey' as it is developed. They need to understand the drivers of the change and the desired end goal or vision of what success looks like
- Acceptance that the range and speed of changes affecting local communities and business in general are only likely to increase in the future requiring that people have a mindset in which they actively seek to embrace the opportunities that change can create
- Recognition that local authorities of the future will need to employ a different and wider range of skills to those which have been employed in the past
- For entities of the future to appreciate the value that can be created from capturing a broader range of perspectives and more generative solutions focused conversations between and within the agencies that contribute to local governance
- The importance of creating a system that fosters and supports innovation by recognizing that 'mistakes will be made' and lessons learnt as part of the change management journey
- Recognition that while increased scale and size can be important that ultimately services are 'consumed' at the 'local level' and hence the need to recognise the specific needs of the different cohorts that receive those services
- Recognition that while the change process is underway there is a need to maintain 'business as usual' service delivery.

Change brings 'disruption' and uncertainty for people. If the local government sector is to emerge from the current round of changes in 'good shape' it is important that it retains talented people who have a desire to be part of and lead the change towards the new local government sector that will exist in the future. Hence the need for an integrated change management strategy to be developed and implemented.



Date 1 February 2022

Subject: **Council Order Paper Template**

Approved by: S J Ruru, Chief Executive

Document: 2972045

Purpose

1. The purpose of this memorandum is to determine whether the Committee should recommend to Council that it change the agenda memorandum template standard report section and heading titled “Iwi Considerations”.

Executive summary

2. A request has been received from Iwi Representative Peter Moeahu that a report be presented to the 14 March 2022 Policy and Planning Committee on the implications of changing “Iwi Considerations” in officer reports to “Treaty Principle Considerations”.
3. Given that there is significant case law and a number of Waitangi Tribunal reports on administrative law decision-making, the responsibilities that the Crown has under the Treaty and the principles that come from it there is potentially a reasonable quantum of work associated with development of a report on this matter. Against this background it would be helpful if Mr Moeahu could provide an outline of his rationale for the proposed change and some practical examples of the difference that he would see this change making. This will then help staff to focus the work that they need to do to produce a report for the committee’s consideration.
4. The decision on report templates is a matter for the Council to determine. As a result any decision on potential changes to the template will ultimately need to be decided by Council following consideration of any recommendation that the Policy and Planning Committee might make.

Recommendation

That the Taranaki Regional Council:

- a) requests a report to the 14 March 2022 Policy and Planning Committee regarding the agenda report section of the agenda titled “Iwi Implications” be changed to “Treaty Principle Considerations”.

Financial considerations—LTP/Annual Plan

5. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

6. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.
7. A decision on report templates is a matter that would need to be decided by the Council following consideration of any recommendation that might be made by the Policy and Planning Committee.

Iwi considerations

8. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Community considerations

9. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum.

Legal considerations

10. The current Council report template has been designed in a way that encourages officers to have due regard to the decision-making provisions in Part 6 the Local Government Act 2002 and jurisprudence relating to administrative law decision-making. In particular, section 78 of the Act makes it clear that a local authority should have regard to community views in making a decision while section 81 makes it clear that local authorities are required to support development of the capacity of Maori to contribute to decision-making processes. These provisions do not include a requirement for Council to have regard to Treaty principles.
11. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments



Whakataka te hau

Karakia to open and close meetings

Whakataka te hau ki te uru	Cease the winds from the west
Whakataka te hau ki tonga	Cease the winds from the south
Kia mākinakina ki uta	Let the breeze blow over the land
Kia mātaratara ki tai	Let the breeze blow over the ocean
Kia hī ake ana te atakura	Let the red-tipped dawn come with a sharpened air
He tio, he huka, he hauhu	A touch of frost, a promise of glorious day
Tūturu o whiti whakamaua kia tina.	Let there be certainty
Tina!	Secure it!
Hui ē! Tāiki ē!	Draw together! Affirm!

Nau mai e ngā hua

Karakia for kai

Nau mai e ngā hua	Welcome the gifts of food
o te wao	from the sacred forests
o te ngakina	from the cultivated gardens
o te wai tai	from the sea
o te wai Māori	from the fresh waters
Nā Tāne	The food of Tāne
Nā Rongo	of Rongo
Nā Tangaroa	of Tangaroa
Nā Maru	of Maru
Ko Ranginui e tū iho nei	I acknowledge Ranginui above and
Ko Papatūānuku e takoto ake nei	Papatūānuku below
Tūturu o whiti whakamaua kia	Let there be certainty
tina	Secure it!
Tina! Hui e! Taiki e!	Draw together! Affirm!