

Report 14.539
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Committee Council
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Approval of Parangarahu Lakes Area Co-Management Plan and Amendment

1. Purpose

To consider the recommendations of the Parangarahu Lakes Parks Network Plan Hearing Subcommittee (the Subcommittee) and approve the non-statutory Parangarahu Lakes Area Co-Management Plan (Co-Management Plan) and adopt the statutory Parks Network Plan Amendment (Amendment).

2. Background

Over the last two years the Port Nicholson Block Settlement Trust (PNBST) and Greater Wellington Regional Council (GWRC) have been developing a non-statutory Co-Management Plan for the Parangarahu Lakes Area. This has been done under the direction of the Roopu Tiaki for the Parangarahu Lakes, an advisory body established in 2012 through a Memorandum of Understanding between PNBST and GWRC. This has been a positive process of developing a vision and set of objectives and actions which accord both with the strategic plan of PNBST and the GWRC Parks Network Plan.

This report outlines the process that was used to develop the Co-Management Plan, the submissions received and the major issues considered by the Subcommittee.

The report also includes consideration of the proposed statutory amendment to the Parks Network Plan, which covers those aspects that relate to recreational reserve, owned by GWRC and managed as part of East Harbour Regional Park. The Amendment is subject to the provisions of the Reserves Act 1977 (Reserves Act).

2.1 How the Co-Management Plan and Amendment was developed

A two-phased process was used to develop the Co-Management Plan, incorporating face-to-face workshops and hui to facilitate involvement by Taranaki Whānui members, and a formal consultation through written submissions and hearings as required under s.41 of the Reserves Act 1977.

While only the Amendment is subject to the Reserves Act, this process was used for both plans to facilitate joint development.

Under the Reserves Act, a minimum period of two months is required for the public to provide written submissions on a draft plan. Public notice of the consultation was issued in local newspapers and the consultation ran from 24 March to 26 May 2014.

Letters were sent to key stakeholders, including those who had attended earlier hui or workshops with GWRC officers and those who had written to GWRC. Members of the Roopu Tiaki also met with Fish & Game, Wellington Wildfowlers and the Department of Conservation (DOC) to discuss the direction of the draft Co-Management Plan and Amendment. Notification was sent out to the wider PNBST contact list.

A total of 13 written submissions were received including one late submission. Five submissions were from supporters of duck hunting, five from members of Taranaki Whānui and three from community organisations with an interest in the area (Wellington Marine Fishers Association, Cycle Aware Wellington and East Harbour Environment Association).

GWRC established the Subcommittee to hear and consider the submissions (Report 14.44). Appointed to the Subcommittee were Mark Te One, Liz Mellish and Teri Puketapu from PNBST and Councillor Wilson and Councillor Donaldson (chair of the Subcommittee).

On 27 June 2014 the Subcommittee considered submissions on the draft Co-Management Plan and Amendment.

A full copy of the submissions and a summary are provided in **Attachment 1** (enclosed separately).

Oral submissions largely reflected the themes in the written submissions, focusing on cultural and environmental values of the Lakes and access for duck hunting. A summary of the oral submissions is provided in **Attachment 2**

2.2 Key issue considered by the Subcommittee

A key issue considered by the Subcommittee was duck hunting at the Lakes. There were five submissions opposing the proposed prohibition of duck hunting in the area, including a submission from Fish and Game. The main points raised in these submissions were:

- That duck hunting has occurred at the Lakes for decades and is a customary activity by those who participate.
- Request that the current practice, allowing duck hunting as a managed activity (noting restrictions on some areas to minimise risk of weed spread), be continued.
- Support for the control of pests and aquatic weeds and for the collaborative management of the Lakes.

- That by prohibiting duck hunting the Co-Management Plan would be in breach of Section 52 of the Port Nicholson Block (Taranaki Whanui ki Te Upoko Te Ika) Claims Settlement Act 2009 (the Settlement Act) [that is, PNBST cannot restrict recreational access to their land unless there is a “risk of significant adverse effect”].
- That there is no evidence to justify a complete prohibition on duck hunting and angling, i.e. no proof that hunting is a cause of weed occurrence or that when well managed hunting poses a risk.
- That the Co-Management Plan discriminates between recreational uses and equivalent customary rights, i.e. duck hunting poses no more risk than other activities in/on the lakes (such as customary harvest).

In determining the future of duck hunting the Subcommittee considered the requirements of the Settlement Act, conservation covenants¹ and the Reserves Act. The Settlement Act and covenants state that the land must be managed to provide freedom of access to the public for the appreciation and recreational enjoyment of the land (and also for education, scientific study and research). However, under section 52 of the Settlement Act and clause 3.1.10 of the covenants there are instances where restrictions on activities (including recreation) may be applied. This includes where a recreational activity poses a risk of a significant adverse effect to the conservation or reserve values of the lakes (as set out in the covenants for the lake beds and lake margins).

Management of the recreation reserves surrounding the lakes is guided by the Reserves Act. A recreation reserve is to provide areas for recreation and public enjoyment while protecting the natural environment. The public have freedom of access to recreation reserves subject to such conditions or restrictions GWRC considers necessary - an approach consistent with the management of other regional parks.

Advice received by the Subcommittee from NIWA is that boats and equipment entering the water as part of duck hunting, as well as other human activities, pose an environmental threat to the Lakes through the risk of spreading or introducing aquatic weeds.² Based on this advice, the Subcommittee concluded that duck hunting posed the risk of a significant adverse effect to the values of the Lakes.

The Subcommittee deliberated options to manage this risk including the current practice of exclusion zones on hunting permits, increasing these controls, limiting access to exclusive groups or stopping access for recreational hunting at the lakes.

Current management practice is for GWRC to work with DOC (which issues permits for hunting on the Lakes) to detail on hunting permits the extent of the existing aquatic weed incursion. These areas become exclusion zones for hunters to minimise the chance of existing weeds spreading within the lake, or

¹ Parangarahu Lakes Conservation Covenants (2009) are over the PNBST land and between PNBST and DOC as a result of settlement

² Note that this differs from other situations where duck hunting may be restricted or banned because of the a risk to public safety (the location makes duck hunting a low risk in that it occurs at times where there are unlikely to be others in the area and that there are ways to inform other park users).

between the lakes.³ This measure reduces, but does not remove, the risk of further spreading or introducing aquatic weeds to the lakes.

The ability to reduce risk by placing stricter controls on permits for activities on the Lakes is outside the mandate of GWRC and PNBST. All members of the public are entitled to apply to hunt ducks and the issuing of licences and permits and the monitoring and enforcement of conditions is managed by Fish and Game and DOC. GWRC and PNBST only provide landowner permission to access the land under their control, and request DOC to include conditions on its permits.

In considering the advice from NIWA and the mechanisms available, the Subcommittee elected to recommend that duck hunting be a prohibited activity as outlined in the draft Co-Management Plan and Amendment. This was considered the most effective proactive biosecurity action Council and PNBST can take to address this high risk pathway for invasive weeds to enter the lakes, given the range of tools available.

The same reasoning was applied to access for fishing (as equipment and people entering the Lakes for this activity also pose a high risk). Further explanation of these issues is provided in the Report 14.314 to the Subcommittee, sections 3.8 and 3.10, in **Attachment 3**.

With regard to Taranaki Whānui kaitiaki activities (such as the planting and harvest of plants and collection of natural material), the Roopu Tiaki would consider these requests on a case by case basis and take into account the conditions of the conservation covenant (including the risk of a significant adverse effect to the values of the Lakes) in making a decision to approve or decline.

3. Subcommittee Recommendations

The Subcommittee agreed to recommend that Council and PNBST approve the Co-Management Plan as drafted subject to the following changes:

- a. Works programming and funding, Section 8 Page 49 be amended to include opportunities for collaboration and participation.*
- b. Monitoring, Section 8 Page 49 be amended to include the level of whānau engagement as a measure of effectiveness.*
- c. Action 4.6 Page 41 be amended to include provision of appropriate access to the dendroglyph.*
- d. Action 1.3 Page 39 be amended to include reference to vehicle access as a matter for regular communication with Hutt City Council.*
- e. No change to the prohibition of duck hunting.*

³ In 2014 no movement of equipment, dogs or hunters was permitted between the two lakes or between the lakes and the nearby Wainuiomata River. Invasive hornwort is present in the Wainuiomata catchment.

- f. *Include 'the conditions of the conservation covenant' as criteria for Taranaki Whānui Kaitiaki Activities on Page 45.*
- g. *Replace 'Fishing' with 'Fishing access' in the Activity Table on Page 47.*
- h. *Add to the explanation text regarding the relevant legislation governing fishing in the area on Page 47.*
- i. *That the plan is amended for spelling and tabulation errors and where minor changes will not change the overall intent.*
- j. *Delete the word 'some' from Action 7.1 Page 43.*

The Subcommittee agreed to recommend that Council adopts Amendment as drafted subject to the following changes:

- a. *No change to the prohibition of duck hunting.*
- b. *Include the conditions of the conservation covenant as criteria for Taranaki Whānui Kaitiaki Activities, Page 12.*
- c. *Replace 'Fishing' with 'Fishing access' in the Activity Table on Page 14.*
- d. *Add an explanation regarding the relevant legislation governing fishing in the area to Page 13.*
- e. *That the plan is amended for spelling and tabulation errors and where minor changes will not change the overall intent.*

4. Comment

Subsequent to the hearing process and deliberations, Fish and Game has engaged with GWRC officers and the Roopu Tiaki to explore additional methods to control impacts from duck hunting at the lakes and whether duck hunting could continue at the lakes while addressing the environmental risk concerns. Fish and Game has proposed some additional measures including establishing a permit system that allows PNBST, GWRC and Fish and Game to agree on an additional suite of conditions applicable to duck hunting at the Lakes. Suggested conditions include risk mitigation and an educational package around cultural and ecological values of the lakes.

Additional to this Fish and Game is willing to contribute to regular monitoring and review of hunting at the lakes and to assist with the implementation of weed eradication programmes in and around the lakes block.

GWRC officers and the Roopu Tiaki are of the view that presents an opportunity for a better overall outcome for the lakes and a positive outcome for all stakeholders. As such it is recommended to Council that the Co-Management Plan and the Amendment be approved with some changes from what was recommended by the Subcommittee. These would essentially change the status of this activity to allow duck hunting where the necessary permits and licences have been obtained.

The recommended change to the statutory Amendment is minor in scope. An explanatory note would be added advising that GWRC will allow access across GWRC administered land to access the Lakes or PNBST land to carry out these activities, subject to the necessary permits being held. Hunting and fishing from or on GWRC land will remain prohibited. Given the previous consultation and its role in informing GWRC of the community's views on the specific issue of duck hunting around the Lakes, further consultation is not necessary.

The recommended amendment to the non-statutory Co-Management Plan would remove the prohibition on duck hunting where the necessary permits from DOC and Fish and Game being are obtained. This will require an additional explanatory note advising that duck hunting by permit is excluded from the hunting prohibition.

There would still be an ability to review the status of duck hunting activity in the future and this would be informed by the outcomes of ongoing monitoring of weed infestation.

The same principles would be applied to fishing or the use of boats associated with hunting or Taranaki Whānui kaitiaki activities. The Co-Management Plan prohibition on fishing will be changed to a managed status, where this activity can be undertaken subject to the necessary permits and licences from controlling statutory bodies and landowners being held. Boats in general will remain prohibited unless in association with Taranaki Whānui kaitiaki activities or if allowed as part of a duck hunting permit issued by Fish and Game.

Due to the non-statutory status of the Co-Management Plan, Council and PNBST, subject to the requirements of the Local Government Act 2002 are able to decide on the appropriate level of consultation. The further changes proposed are directly related to the submissions received on the Co-Management Plan and reflect further advice received subsequent to the hearing. It is recommended that no further consultation is required.

These proposed changes to the Co-Management Plan and Parks Network Plan Amendment are complementary with the guiding principles and overall management approach of the Parks Network Plan.

These proposed amendments are detailed in **Attachment 4**.

The recommendations of the Subcommittee and the further proposed amendments from GWRC officers and Roopu Tiaki have been reflected in a final version of the Co-Management Plan and the Amendment. These are in **Attachment 5 and 6** respectively.

5. Consideration by PNBST

The Subcommittee's recommendations were considered and supported by PNBST at a Trustee meeting on 26 September 2014, and the Co-Management Plan as recommended by the Subcommittee was approved. See **Attachment 7**.

The proposed further changes have been considered and supported by the Roopu Tiaki, which includes several nominated members of the PNBST Trustees.

Once Council has agreed the final Co-Management Plan, this will be provided to PNBST for their formal approval, as both parties' approval is required.

6. Communication

A joint communication plan for use by GWRC and PNBST has been prepared.

Following the decision of the Council, and once confirmed by PNBST, each submitter will receive a letter setting out responses to the key submission themes and the final decision. All adjacent landowners and other groups and individuals that have expressed an interest will be notified of the decision.

The Co-Management Plan will be made available on the GWRC website with a printed version to follow. The East Harbour Regional Park chapter and the general rule table of the Parks Network Plan will also be updated to incorporate the Amendment.

7. The decision-making process and significance

Officers recognise that the matters referenced in this report have a high degree of importance to affected or interested parties.

The matters requiring decision in this report have been considered by officers against the requirements of Part 6 of the Local Government Act 2002 (the Act). Part 6 sets out the obligations of local authorities in relation to the making of decisions.

Part 6 requires GWRC to consider the significance of the decision. The term 'significance' has a statutory definition set out in the Act.

Officers have considered the significance of the matter, taking the Council's significance and engagement policy and decision-making guidelines into account. Officers recommend that the matter be considered to have low significance.

7.1 Decision-making process

Despite this low significance, community views have been considered as a consequence of the decision making process prescribed by the s.41 of the Reserves Act 1977, implemented as explained in section 2.1 and 2.2 of this report.

Council is now able to adopt the recommendations of the Subcommittee subject to the changes detailed in **Attachment 4**.

8. Recommendations

That the Council:

1. **Receives** the report.
2. **Notes** the content of the report.
3. **Amends** the draft Parangarahu Lakes Area Co-Management Plan and Parks Network Plan Amendment in accordance with the recommendations of the Subcommittee outlined in Section 3, with the exception of provisions relating to duck hunting, fishing and boating.
4. **Amends** the draft Parangarahu Lakes Co-Management Plan and Parks Network Plan Amendment provisions applying to hunting, fishing and boating in accordance those outlined in **Attachment 4**, including:
 - a. Adding an explanatory note to the Parks Network Plan Amendment to advise that access across GWRC administered land will be permitted to access the Lakes or PNBST land to carry out hunting, fishing and boating activities, subject to the necessary permits being held.
 - b. Remove the prohibition on duck hunting from the Parangarahu Lakes Co-Management Plan where the necessary permits from DOC and Fish and Game being have been obtained.
 - c. Amend the activity status of fishing to a managed activity in the Parangarahu Lakes Co-Management Plan subject to the necessary permits and landowner approval being obtained.
 - d. Permit swimming, boating or waka that is associated with Taranaki Whānui Activities or associated with duck hunting permits in the Parangarahu Lakes Co-Management Plan.
5. **Agree** that no further consultation is required on the Parangarahu Lakes Co-Management Plan and Parks Network Plan Amendment.
6. **Approves** the Parangarahu Lakes Area Co-Management Plan in **Attachment 5**.
7. **Adopts** the Parangarahu Lakes Area Amendment to the Parks Network Plan in **Attachment 6**.
8. **Notes** that the Parangarahu Lakes Co-Management Plan will be formally provided to PNBST for its joint approval.

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Report approved by:

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Report approved by:

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Attachment 1: Written Submissions (enclosed separately)

Attachment 2: Summary of Oral Submissions

Attachment 3: Report 14.314 for the Subcommittee hearing

Attachment 4: Proposed changes to the Draft Co-Management Plan and Amendment

Attachment 5: Recommended Parangarahu Lakes Area Co-Management Plan

Attachment 6: Recommended Amendment to the Parks Network Plan

Attachment 7: Letter from PNBST