



If calling, please ask for Democratic Services

Environment Committee

Thursday 27 April 2023, 10.00am

Committee Room, Greater Wellington Regional Council
34 Chapel Street, Masterton

Quorum: Seven Members

Members

Cr Gaylor (Chair)

Cr Bassett

Cr Kirk-Burnnand

Cr Lee

Cr Ponter

Cr Saw

Cr Woolf

Cr Duthie (Deputy Chair)

Cr Connelly

Cr Laban

Cr Nash

Cr Ropata

Cr Staples

Barbie Barton

Recommendations in reports are not to be construed as Council policy until adopted by Council

Environment Committee

Thursday 27 April 2023, 10.00am

Committee Room, Greater Wellington Regional Council,
34 Chapel Street, Masterton

Public Business

No.	Item	Report	Page
1.	Apologies		
2.	Conflict of interest declarations		
3.	Public participation		
4.	Confirmation of the Public minutes of the Environment Committee meeting on 9 February 2023	23.31	3
5.	Predator Free Wellington	23.156	5
6.	Environment/Catchment update	23.2	20
7.	Whaitua implementation update	23.144	32
8.	Whaitua development update	23.143	50
9.	Visibility of GW within environment collaborative projects and education programmes	23.97	56
10.	Farming Reference Group Chair update	23.155	67
11.	Wainuiwhenua update	23.83	71
12.	Mauri Tūhono Framework Engagement	23.157	99



Please note these minutes remain unconfirmed until the Environment Committee meeting on 27 April 2023.

Report 23.31

Public minutes of the Environment Committee meeting on Thursday 9 February 2023

Taumata Kōrero, Council Chamber, Greater Wellington Regional Council
100 Cuba Street, Te Aro, Wellington at 9.31 am

Members Present

Councillor Gaylor (Chair)
Councillor Duthie (Deputy Chair)
Councillor Bassett (via MS Teams)
Councillor Connelly
Councillor Kirk-Burnnand (until 9.56 am)
Councillor Laban
Councillor Lee
Councillor Nash
Councillor Ponter (from 9.33 am)
Councillor Ropata
Councillor Saw (from 9.33 am)
Councillor Staples (via MS Teams)
Councillor Woolf

Barbie Barton

Karakia timatanga

The Committee Chair opened the meeting with a karakia timatanga.

Public Business

1 Apologies

Moved: Cr Nash / Cr Kirk-Burnnand

That the Environment Committee accepts the apology for lateness from Councillor Ponter and Councillor Saw.

The motion was **carried**.

Councillors Ponter and Saw arrived at the meeting at 9.33am at the conclusion of the above item.

2 Declarations of conflicts of interest

There were no declarations of conflicts of interest.

3 Public participation

There was no public participation.

Lian Butcher, General Manager, Environment Group, introduced Nicola Patrick, the new Director, Catchment.

4 Environment/Catchment update – Report 23.1 [For Information]

Lian Butcher, General Manager, Environment, Al Cross, General Manager, Environment Management and Wayne O'Donnell, General Manager, Catchment Management, spoke to the report. Drone footage of recent damage on the Wairarapa East Coast due to Cyclone Hale was tabled.

Noted: The Committee requested that:

- A report to be presented at a future Committee meeting on the responsibilities that Greater Wellington has in marine biosecurity and how this may be addressed going forward
- Staff organise communications to inform communities about alligator weed and where it is found across the region
- More information is provided about reported environmental incidents

Councillor Kirk-Burnnand left the meeting at 9.56am, during the above item, and did not return.

5 Kaiataki Incident update – Report 23.25 [For Information]

Al Cross, General Manager Environment Management introduced the report. Grant Nalder, Manager, Harbours (Harbourmaster), spoke to the report.

Noted: The Committee expressed their gratitude to the Harbourmaster and other officers and organisations who were involved in the response to this incident.

6 Whitua update – Report 23.24 [For Information]

Tim Sharp, Programme Manager, Whitua, spoke to the report.

The meeting closed at 10.58 am

Councillor P Gaylor

Chair

Date:

Environment Committee
27 April 2023
Report 23.156



For Information

PREDATOR FREE WELLINGTON COVER REPORT

Te take mō te pūrongo

Purpose

1. To provide the Environment Committee with an update on the Predator Free Wellington programme.

Te horopaki

Context

2. Greater Wellington has recently approved a further five-year funding contribution towards Predator Free Wellington. This presentation (**Attachment 1**) from Predator Free Wellington will provide an update on current progress and future objectives.

Ngā āpitihanga

Attachment

Number	Title
1	Attachment 1 to Report 23.156

Ngā kaiwaitohu

Signatories

Writer	Richard Romijn – Manager, Biosecurity
Approver	Wayne O'Donnell – General Manager Catchment

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or with Committee's terms of reference</i> The Environment Committee has responsibility to oversee the development, implementation and review of Council's environmental strategies, policies, plans, programmes, initiatives and indicators to improve environmental outcomes for the Wellington Region's land, water, air, biodiversity, natural resources, parks and reserves, and coastal marine area.
<i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i> Development and implementation of related work programmes falls under the core activities of the 2021-2031 Long Term Plan
<i>Internal consultation</i> Internal consultation was limited to officers of Greater Wellington's Catchment Management Group.
<i>Risks and impacts - legal / health and safety etc.</i> The Environment Committee will be advised of any risk and impacts from this presentation.



Attachment 1 to Report 23.156



Update for GWRC
April 2023



Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke



Predator Free 2050: Wellington's place in the Aotearoa NZ mission

- Predator Free Wellington is a **leading player in Predator Free 2050** – our mission to rid Aotearoa NZ of mustelids, rats and possums by 2050
- We are one of the **five foundation projects** among 18 landscape scale projects
- We are a **proven model for world first urban predator eradication** built with GWRC's vital technical and financial support
- Working with Capital Kiwi, Zealandia Tē Mārā a Tāne and others, we're making Wellington "**the nature capital**".
- We are part of **achieving** an "**eradicated mainland NZ area**" that is already 5x the area of current fenced sanctuaries



The approach

The Predator free Wellington project covers 30,000 ha and is being delivered through five eradication phases applying the remove and protect methodology



PHASE 1, MIRAMAR PENINSULA IN NUMBERS 2021/22

Attachment 1 to Report 23.156



389,536

Camera images processed



74,400

Trap checks



91,000

Bait station checks



140,000

Chewcard checks



21,000

Field team hours



1,284

Volunteer hours



1,200

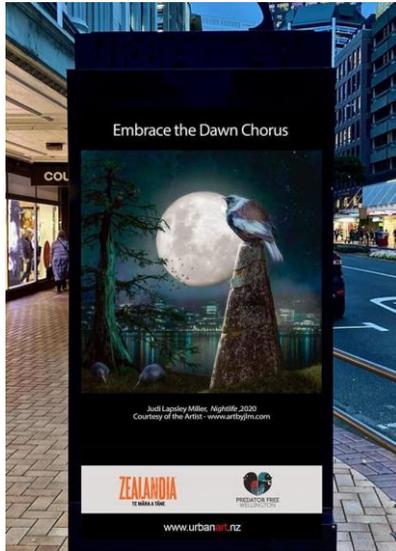
Detection dog hours

Ecological outcomes

From kākāriki to kororā, kākā and tūi to Tree Wēta and lizards



Social Outcomes - A role for everyone



Collaboration between Urban Art Foundation, Zealandia and PFW saw native works by local artists displayed around Wellington



Local artists, Tape Art NZ, create a Rats vs Wellington inspired pop-up artwork on the side of a toilet block in Island Bay.



Renowned Wellington artist Derek Cowie, creates \$150 paper bag works with climate slogans, all proceeds to PFW.



Community backyard trapping groups attend community tunnel building workshops, with 579 built in the last year.



Local company Fix & Fogg donate tubs of off-cut peanut butter to our cause. Peanut butter is the preferred bait for by rats.



QR code technology developed by local trapper which allows passers-by to check public traps for catches and report directly into our data system.



Local artist, Lesh Creates, designs a series of garments featuring native species found on Miramar. For every garment sold a donation is made to PFW.

This is 'impossible' but New Zealand is trying anyway

Tom Scott's youtube video has so far received **3.4 million views**. Predator free Wellington is supported and recognised locally, nationally and globally as a world leading example of biodiversity and community action.

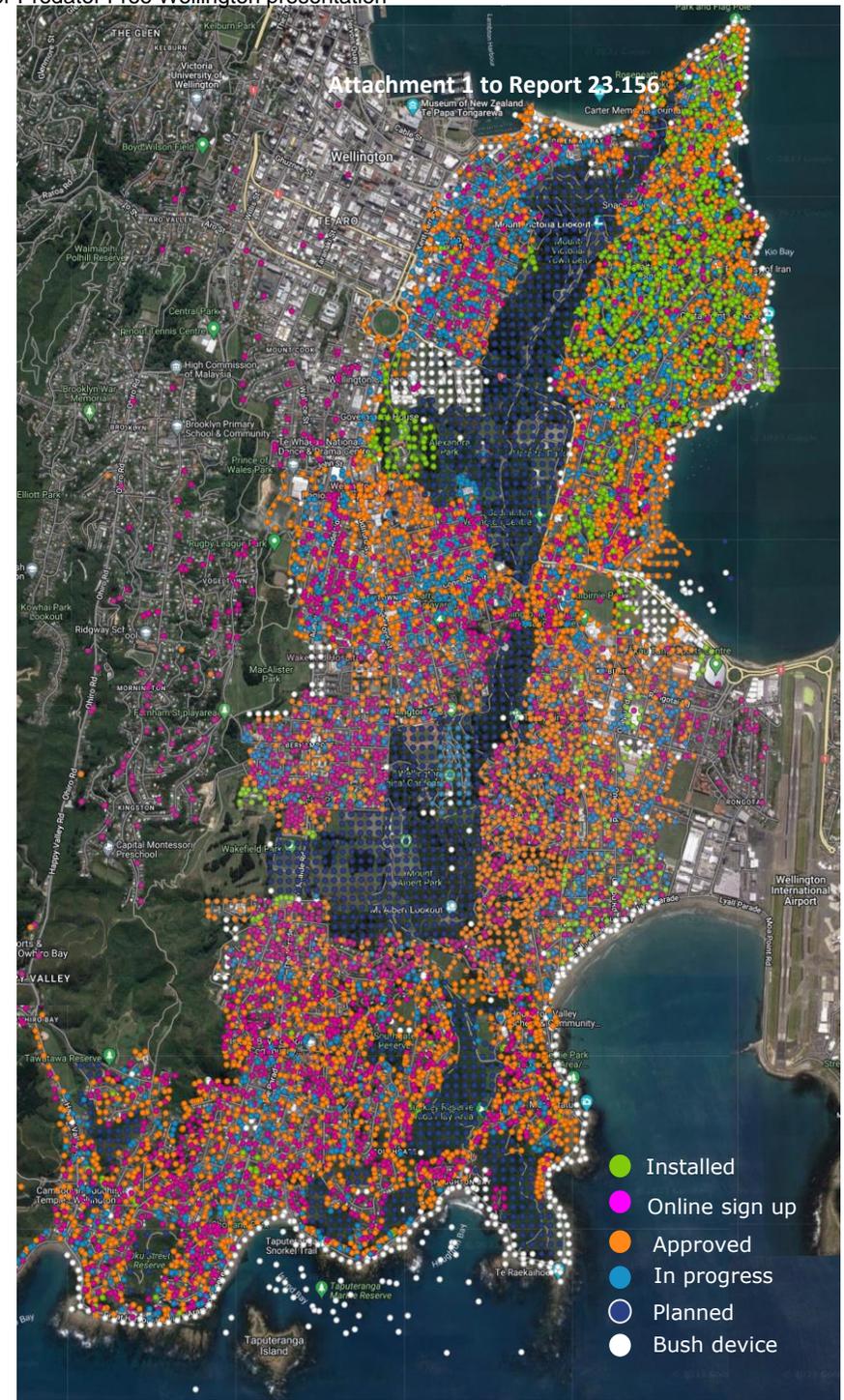


February 2023

Now we're moving off Miramar and into the City

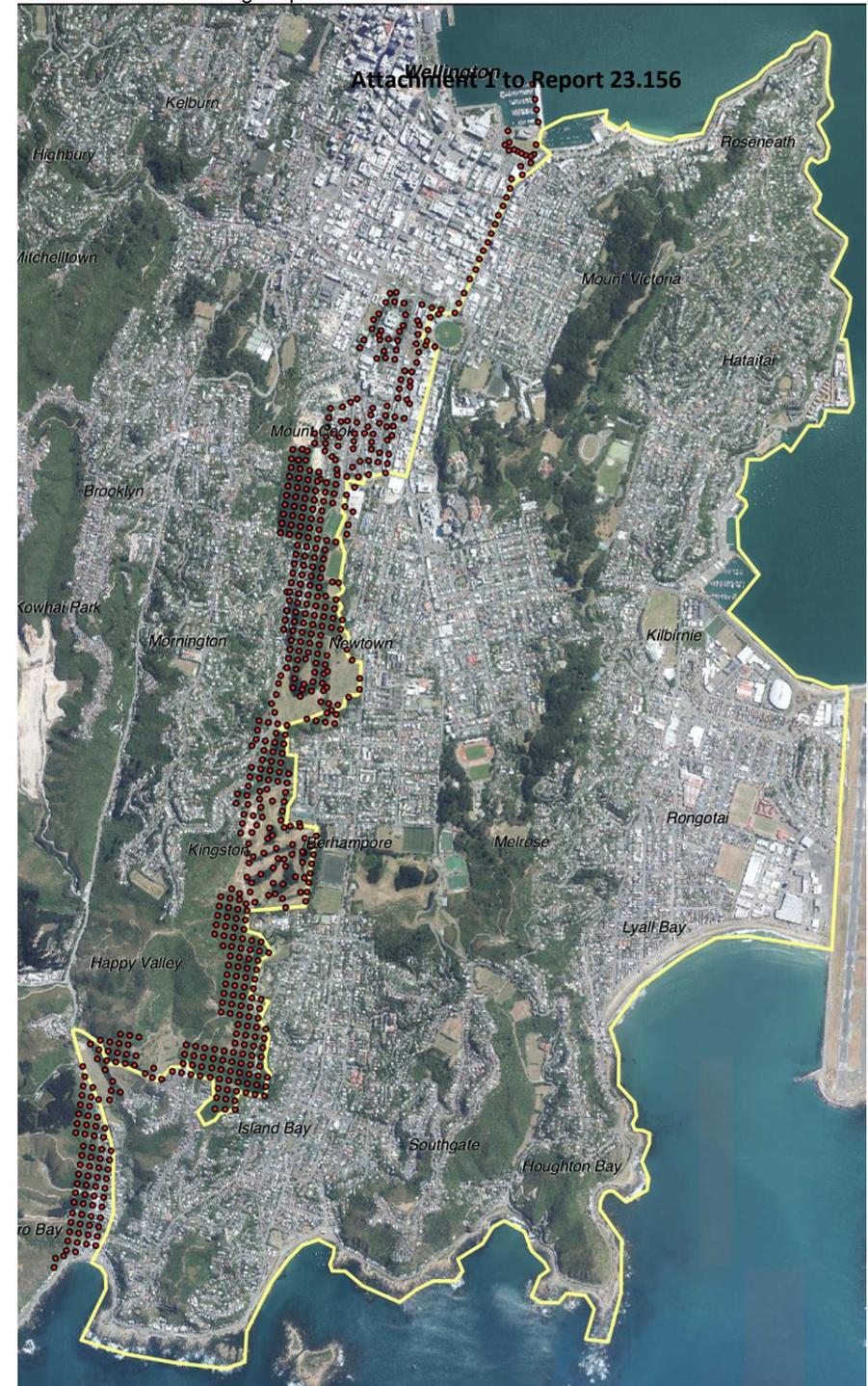
Phase 2 project area

- Every dot represents a permission we have had to obtain
- Every dot also represents people's lives - where they work, live and play
- Our team has already secured 7,952 individual permissions for phase 2



Phase 2 buffer/ barrier

- After obtaining the permissions we need we secure the area against reinvasion - this is our buffer and barrier system
- Comprised of almost 1,000 traps and bait stations
- Managed entirely by 200 volunteers we have trained and equipped
- Our steps forward are based on active learning and improvement



Sharing the knowledge



Attachment 1 to Report 23.156

DAY 2: Wednesday 22 March

TIME	ACTION	
08:30	Opening Karakia Fullwood Room	
08:35	Summary of day 1 and introduction to day 2	
09:00	Presentation: "Small mice create big problems: why Predator Free New Zealand should include house mice and other pest species" <i>Araceli Samaniego, Manaaki Whenua</i>	
10:00	MORNING TEA	
	Fullwood Room	Conference Room 1
10:30	Conservation dog programme who we are and what we do - <i>Finlay Buchanan</i> <i>(Followed by panel discussion)</i>	Predator Free New Zealand Trust: Everyone has a role- <i>David Lewis, Predator Free Trust</i>
11:15	Measuring and definitions of success in the landscape setting: A Scoping session for the Eradication Standards workshop <i>(panel discussion)</i>	Proposals for better information sharing among landscape projects <i>Kevin Collins PF2050 Limited</i>
12:00	LUNCH	
13:00	To hold the line (trap buffers, natural barriers or temporary fencing ongoing biosecurity) vs. moving the line (panel discussion)	PFD: How to make friends and alienate predators – learnings for sustained urban predator control – <i>City Sanctuary (Followed by panel discussion)</i>
13:45	*Predator Free Wellington: Getting to zero rats, lessons from the urban context, Pt1	Communicating Change and managing expectations
14:30	AFTERNOON TEA	
14:50	*Predator Free Wellington: Getting to zero rats, lessons from the urban context, Pt2	Communications and connecting with your community- marketing the mission <i>(panel discussion)</i>
15:35	*Predator Free Wellington: Getting to zero rats, lessons from the urban context, Pt3	Discussion "Adapting the evidence database concept to meet the PF2050 landscape projects' needs - <i>Triona MacLeod, Manaaki Whenua</i>
16:20	PF2050 Ltd performance framework - <i>Brett Butland & Bruce Collis</i>	



Engaged citizens, resilient communities & healthy environments!

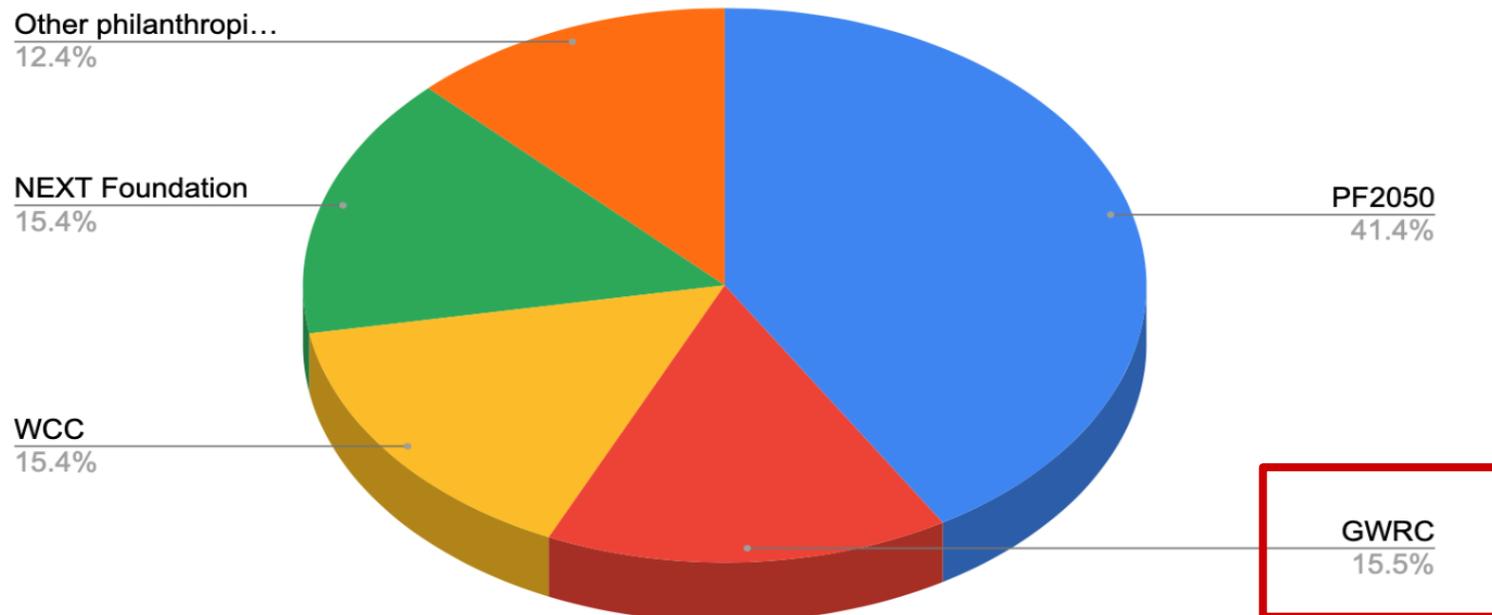
GWRC is a major part of world leading achievement – thank you for your support for this globally significant mahi.

We'd love to showcase our work and invite you to see the project in action.



Appendix 1: Funding

- **That GWRC funds the PFW programme at \$500,000 per annum for the financial years 2023/24, 2024/25, 2025/26, 2026/27 and 2027/28**
- Local contribution is much more than matched by national and philanthropic funding.
- We're also benefiting from PF2050 support for new science and innovation development providing a much bigger toolbox of effective tools for predator eradication



Environment Committee
27 April 2023
Report 23.2



For Information

ENVIRONMENT/CATCHMENT UPDATE

Te take mō te pūrongo

Purpose

1. To inform the Environment Committee (the Committee) of Greater Wellington Regional Council (Greater Wellington) activities relating to the Committee's areas of responsibilities.

Te horopaki

Context

Regional issues

2. The summer boating education programme is coming to a close, we have had few serious incidents this summer. There has been some very good online engagement, led by the video Greater Wellington made of two Ngawi fishers that had a close call in the water.
3. We will shortly be completing our summer report for the Maritime NZ funding and preparing an application for next summer, if offered.
4. Some sites for the river water quality programme will not be sampled during April/May because the team needs to focus on fishing and are currently short staffed with people leaving/recruiting. This decision was made for staff wellbeing and a water quality sampling will only take place at sites used for the Wellington Water Global Stormwater Consent (as we are contracted to do this). This should not influence long term trends, because it is a data set with several years of sampling data. If weather does not permit fishing, the team will revert back to water quality sampling programme if time permits.
5. Mauri Tūhono ki te Upoko o te Ika a Māui, the independent collaborative working group developing a framework for te taiao in the Wellington region have launched their proposed framework: Kaipupuri Taonga ki te Ao Whānau – taonga that we stand for everywhere with everyone (the proposed Framework). The engagement period runs from 15 March 2023 to 31 May 2023.
6. We held two community snorkelling days in partnership with Mountains to Sea Wellington at Taputeranga Marine Reserve and Whitireia Park. Approximately 300 people participated over the two events. One event at Whitireia was cancelled due to water quality issues.
7. *Certified Farm Environment Plans (CFEP)* – Greater Wellington has attended multiple Catchment Community meetings to discuss CFEP as they apply to their catchments. This

includes an update on the certification process, sharing a CFEP template and a demonstration of a GW webapp to support the development of the CFEP. Ten external applicants are currently working their way through the process to become farm plan certifiers under our Natural Resources Plan requirements.

8. *Restoration Services Panel established* – led by Parks a Greater Wellington wide restoration services panel is now up and running that will enable us to better plan and undertake restoration work across the region. The smaller provider category has been established to enable mana whenua and marae-based nurseries and businesses to easily participate. We already have examples of this with HEM of Remutaka growing plants in their Catchpool nursery for parks and the Ngāti Toa’s kaimihi team contracted to plant 8,000 natives in West Belmont this winter.
9. *Wellington Regional Trails* – now in its sixth year, this is an initiative to coordinate and promote trails regionally is still highly valued by its partners. This view was reinforced by the regions CEs at their forum in November 2022. In February 2023, the group, chaired by Greater Wellington, hosted a workshop to revisit the Framework and agree priorities and focus for the next three years, including how to strengthen the Find Your Wild brand and website.
10. Greater Wellington Land Ecology and Climate Team has now assessed the conservation status of five groups of species in the Wellington region. Our regional conservation assessment approach was developed in conjunction with the Department of Conservation, following the New Zealand Threat Classification System that is used for national conservation assessments. Regional species conservation assessments have been completed for bats, birds, freshwater fish, reptiles and vascular plants (follow hyperlinks in table below for reports). These conservation assessments show that for most species groups upwards of two-thirds of the species surviving in our region are Threatened or At Risk of local extinction. Where available, regional assessments will be used in preference to national assessments to inform Assessments of Environmental Effects (AEEs). This work is being built into regional consenting processes and has been shared with city and district councils to support their work.

Species group	Percent Threatened or At Risk
Bats	100%
Birds	70%
Freshwater fish	67%
Reptiles	85%
Vascular plants	22%

11. Development of the 2023 Natural Resources Plan (NRP) Plan Change 1 is ongoing. Options for policy approaches for different topic areas e.g., stormwater management have been identified and are being further developed with Ngāti Toa officers and internal teams. Several Plan Change Councillor Working Group meetings have been held since the beginning of the year with Councillors considering the policy options and preferred approaches. Work has begun to draft the specific plan provisions - the objectives, policies, and rules that will make up the Plan Change.
12. The Hydrology team are continuing to add resilience to the Greater Wellington Flood Warning Network by completing major site upgrades in the early-warning Tararua

Range rain gauges. Dual communication methods (radio and cellular) as well as dual measurement sensors are improving the reliability of the network and will allow crucial early flood warning alarms to get through to duty officers. In light of recent flood event in Hawkes Bay thought is being given to the suitability of satellite communication in the event of radio and cell network outages.

13. Flood Protection has published the regional flood hazard model on the Greater Wellington website for use in advisory, strategic planning, and regional emergency management.¹
14. *Learnings from Ex Tropical Cyclone Gabrielle and Auckland Floods*: Flood Protection is providing support to sister councils further north following flood events in Auckland, Hawkes Bay and Gisborne. We are reviewing the after-action reports and assessing options for our own approach to flood incidents.
15. The key findings from the Auckland Anniversary flood incident include deficiencies in preparedness, training, and understanding of senior leaders that indicated Auckland was not prepared for an event of the magnitude and speed experienced.
16. The flood incident management team will assess the findings and improvements programme and address deficiencies in our own systems where possible.
17. Greater Wellington are a Gold Sponsor for the upcoming NZ Marine Sciences Society conference to be hosted by Victoria University on the 26-28 June 2023. This is the annual meeting of marine scientists and practitioners from around New Zealand and overseas and will involve three days of presentations on a huge range of coastal and marine related topics including climate change, matauranga Māori, policy, conservation, restoration and Resource Management reforms.

Proposed Change 1 to the Regional Policy Statement

Submissions

18. Proposed Change 1 to the Regional Policy Statement (Change 1) was publicly notified on 19th August 2022. Change 1 gives effect to the National Policy Statement on Urban Development (NPS-UD), starts the implementation of the National Policy Statement for Freshwater Management (NPS-FM), and other Central Government direction in relation to indigenous biodiversity and climate change.
19. A total of 156 submissions, and 31 further submissions, were received on Change 1. Submissions came from a range of submitters including territorial authorities, tangata whenua/mana whenua, and organisations such as Federated Farmers and the Director General of Conservation.

Hearings

20. Change 1 is progressing via two plan-making processes under the Resource Management Act 1991, the Freshwater Planning Process and the standard Part 1 Schedule 1 process. For the Freshwater component of Change 1, the Chief Freshwater Commissioner appoints the hearing panel. Greater Wellington nominate 2 independent hearing commissioners for appointment to the freshwater panel. Tangata

¹ <https://www.gw.govt.nz/your-region/emergency-and-hazard-management/flood-protection/flood-hazard-advice/regional-flood-hazard-assessment/>

whenua/mana whenua also provided nominations. The Freshwater hearing panel has now been appointed, with the following panel members:

- a Judge Craig Thompson (Panel Chair, Freshwater Commissioner)
 - b Gillian Wratt (Freshwater Commissioner)
 - c Glenice Paine (Tangata whenua nominee)
 - d Ina Kumeroa Kara-France (Greater Wellington nominee)
21. For the parts of Change 1 proceeding through the Part 1, Schedule 1 process, the Council appoints the panel. At its meeting on 30th March 2023, Council agreed to appoint the following independent hearing commissioners to the Part 1, Schedule 1 panel:
- a Dhilum Nightingale (Panel Chair)
 - b Glenice Paine
 - c Ina Kumeroa Kara-France
22. Although Change 1 is following two separate processes, hearings will be conducted as one process, so that topics which cross both processes can be heard together. Hearings are expected to commence in mid-June 2023 and be completed by April 2024.

Process following the hearings

23. The Hearings Panels will hear all submissions on Change 1 and provide recommendations to Council on whether to accept or reject submissions and whether any changes are required to Change 1. The recommendations report for the Freshwater component of Change 1 is required to be submitted to Council no later than 24th June 2024. There is no similar deadline for the Part 1, Schedule 1 process, however Council must publicly notify the final decisions on all recommendations (for both processes) by 19th August 2024.

District Plan Intensification Planning Instruments

24. Environmental Policy staff have been leading Greater Wellington submissions on the District Plan Intensification Planning Instruments (IPIs) for Tier 1 city and district councils (notified in August 2022, as required by the NPS-UD). The submissions focused on seeking alignment with national direction and Proposed Change 1 to the Regional Policy Statement, which at this stage must be had regard to. This follows the approach as agreed by councillors last year.
25. Hearings for the Porirua City, Kāpiti Coast District and Hutt City IPIs are complete, of which officers presented evidence at Porirua City and Hutt City hearings. Staff are attending the Upper Hutt CC IPI hearing in late April 2023 and continuing to engage on some hearings on the full review of the Wellington City District Plan, which will continue into 2024.

Whaitua-specific issues

Te Awarua-o-Porirua

26. *Cutting Right Forestry harvesting* moved to Battle Hill in February 2023 and is well underway. The site is clearly visible from state highway 1/Transmission Gully, Greater Wellington Parks and Environmental Regulation teams have worked closely with forest

management to ensure best practice is being adhered to. They currently have a drift deck over the Horokiwi Stream (previously there was only a natural ford) and a permanent bridge is to be installed by mid-year to offer a permanent solution for sedimentation from vehicles. They have also removed 152 tonnes of slash/waste wood from the Battle Hill site in the first 2 months. This wood is collected by a private company and used as firewood; the operation is cost neutral but a great outcome for the forest.



27. The consent process for the Porirua wastewater treatment plant discharges is in its final stages. Submitters have been given the opportunity to comment on updated draft conditions following this, the hearing will close, and the independent hearing commissioners will make a decision on the application.

Te Whanganui-a-Tara

28. Wallabies are an exclusion species in the Regional Pest Management Plan (RPMP). We completed the second six monthly post-control surveillance with detector dogs at Kaitoke with no wallabies detected.
29. Planning for the Hutt Water Collection Area aerial 1080 operation (approx. 2,900 ha) in May 2023 is nearly complete. Bait has arrived and Regional Public Health consent for the operation received. The majority of this aerial operation was completed last year with the remainder of the aerial being completed this May.
30. South Makara aerial 1080 operation (approx. 2,600 ha) is planned for April 2023. Regional Public Health consent for the application of 1080 and cyanide baits within the operational area has been received. Buffer ground control work commenced in early April 2023.
31. Ungulate control has been undertaken in Hutt Water Collection Area KNE site, Pakuratahi Forest KNE site and Wainuiomata/Orongorongo Water Collection Area KNE site and in Hutt City Council reserves. Ground hunting results indicate goat numbers are increasing slowly in Western Hutt and gorge area through migration from adjoining land.
32. *Restoring Papatūānuku programme*: high numbers of possums controlled over two nights at the Parangarahu Lakes block. Night shoots were also undertaken in Kaitoke

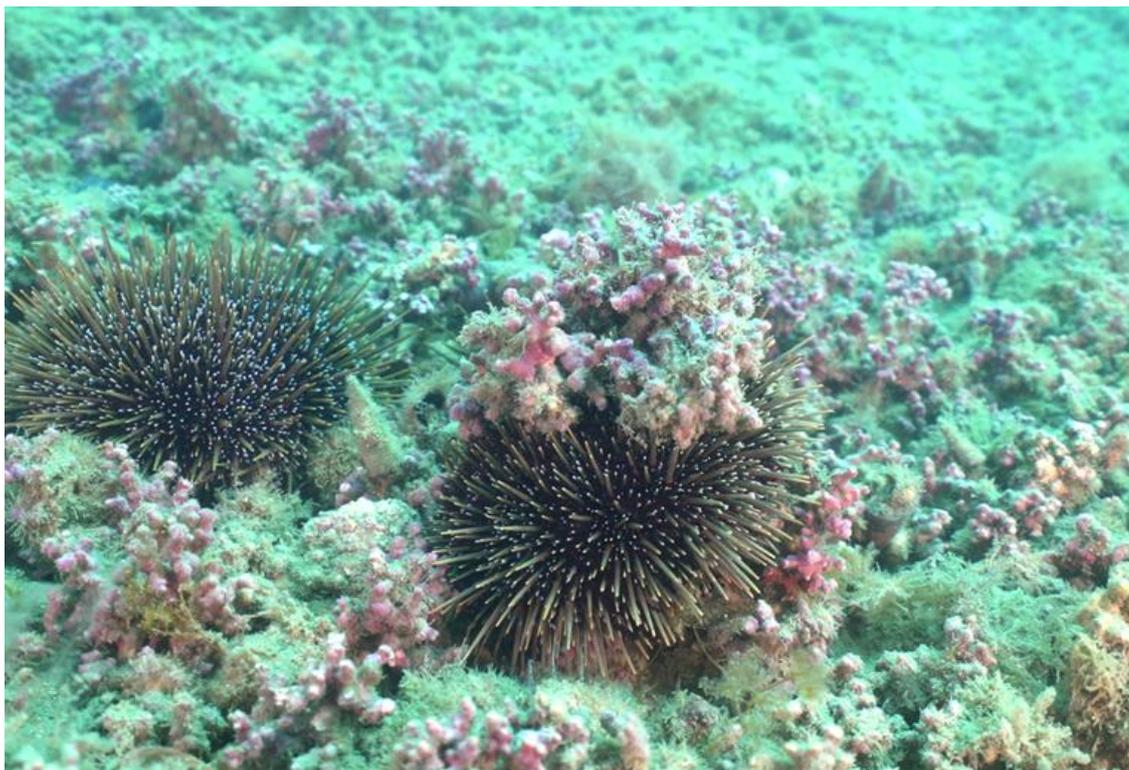
Regional Park, Belmont Regional Park and Queen Elizabeth Park, with low numbers of rabbits, hares and possums observed.

33. Department of Conservation, New Zealand Transport Agency and Greater Wellington Remutaka Hill Road goat control operation started in the buffer area, with aerial control and ground control undertaken out of sight of the road. Two shoots which will involve the closure of the road are planned for the first week in May 2023.
34. *Predator Free Wellington*: Approximately 750ha of land on the Miramar Peninsula is showing no evidence of rats and is now just monitored with cameras. Conservation volunteers are installing devices in the buffer area between Island Bay and the Central Business District.
35. Approval was granted by Rōpū Tiaki to Zealandia to translocate toitoi (*common bully*) from Lake Kohangapiripiri, within the Parangarahu Lakes Area, into Zealandia's Roto Mahanga. The translocation is proposed between 15-19 April 2023 in accordance with the maramataka and will take place during a Taranaki Whanui whanau day at the Parangarahu Lakes so Mana Whenua can be involved in the translocation event itself.
36. At Baring Head, after grazing was retired over summer, work has been underway to establish a network of firebreaks across the whenua. As part of this work while machinery was on site, we were also able to assist/share costs with Tupoki Takarangi Trust, as they are creating access to their land to establish a tourism accommodation business.
37. A new pedestrian and cycle suspension bridge was installed at Wainuiomata Regional Park, replacing the old one, making it more accessible and moving it out of the floodplain. This brings us a step closer to completing an accessible Gums Loop track experience.
38. The National Institute of Water and Atmospheric Research (NIWA) contracted to undertake *egeria densa* surveys within Lake Kohangatera to inform ongoing management. Surveys indicate that *egeria* is present in low densities throughout the Lake edge but are not currently having a large impact on lake health. Greater Wellington is exploring the best options for continued management with NIWA and Ropu Tiaki. Kayak survey was also completed by Greater Wellington staff in Gollans Stream entering Lake Kohangatera following aerial herbicide operation in November 2022. Surveys indicates that the operation was effective. Further surveys are required to inform ongoing management decisions.
39. *Memorandum of Agreement*: A 1-year extension was agreed with Wellington City Council to continue funding or part funding operations in the next financial year. This covers the first year of Environment Group stand up and maintains existing workloads of current Biodiversity, Biosecurity and Environmental Science programmes have with Wellington City Council.
40. There have continued to be (unrelated) Cook Strait ferry incidents causing travel disruptions. Officers are continuing to attend debriefs of the January 2023 Kaitaki incident and working with Centreport and ferry companies around options to provide better support to operators.

41. Preparatory works are underway, and construction of the offshore bird habitats will commence shortly for the consented Ngauranga to Petone cycleway, Te Ara Tupua. Environmental Regulation have certified a number of management plans relating to these works and will regularly monitor the construction activities to ensure compliance with the resource consent granted through the Covid 19 (Fast-Track Consenting) Recovery Act.
42. Pre-application discussions are underway with Wellington Water Limited about a consent application for all wastewater network overflows that occur during wet weather in the Hutt Valley; as well as the second stage stormwater consent application that is due to be lodged in May 2023.

Kāpiti Coast

43. Following the report from the Ministry of Primary Industries in January 2023 of a possible wallaby sighting (exclusion species) on the Field Track just off Otaki Forks (Tararua Ranges), we had staff search the area for signs. Trail cameras were deployed covering animal tracks, checks were done at night using a thermal camera, dogs (non-specialist as well as – separately – the wallaby detector dog) were used as part of the widened search. No wallabies were seen on the cameras or during the search. A scat sample sent to Landcare Research for analysis did not contain wallaby DNA. This investigation is now complete.
44. No signs of rook (eradication species) activity were found in the Wellington/Kapiti Coast areas after surveillance was undertaken.
45. *Regional Predator Control Programme*: Ōtaki River mustelid operation is completed.
46. Seasonal Argentine ant control in Kapiti was completed for Autumn. Ant numbers are low in lower-lying areas, especially around the Kāpiti Boat Club, but higher in better-drained higher sand dunes in Queen Elizabeth Park. This is consistent with a wet summer that would have seen ant nests inundated during high rainfall events in low lying areas. The baiting seemed reasonably effective, although ants persist.
47. Greater Wellington has been approached by two separate developers wanting to translocate lizards into regional parks (Whitireia and Queen Elizabeth Park). Greater Wellington staff are currently working collaboratively with Department of Conservation lizard experts to ensure the developer proposals are in accordance with best practice and Greater Wellington's own criteria before providing a recommendation to Greater Wellington's Translocation Committee or Co-management board at Whitireia Park.
48. A region-wide programme of mapping marine habitats recently took a closer look at the unique algae meadows near Kāpiti Island. These hard, free-living algae, known as rhodoliths, look like pink spiky balls and form large, biogenic reefs, providing important habitats for baby blue cod, kina, and a range of marine invertebrates. These meadows occur outside the Kāpiti Marine Reserve and are vulnerable to sedimentation, anchoring and bottom trawling. This photo below shows some kina carrying the rhodoliths around. We are not entirely sure why they do this but it may be so that they have something to snack on later.



49. The Te Roto link project is now at the end of the construction phase. There is now a track through private land connecting the Peka Peka to Ōtaki Expressway shared path through to Te Roto Road, and a track looping back to the existing Otaki River track. Track furniture (fencing, gates and signage), and planting will follow over the coming months.
50. Kāpiti Coast District Council have lodged their second stage stormwater discharge consent application. This application outlines how the stormwater network will be managed to minimise adverse effects of stormwater discharges on fresh and coastal water.
51. The resource consent for Paraparamu wastewater treatment plant discharges is currently being reviewed by technical experts.
52. Submissions have now closed for the publicly notified resource consent for the Otaki to North Levin State Highway. A total of 66 submissions were received. The resource consent has been referred to the Environment Court to determine.
53. The usual hay bailing from paddocks continued at Queen Elizabeth Park. The late summer cut undertaken through local volunteers was donated to the farms in Hawkes Bay.

Ruamāhanga

54. Following a report from the Ministry of Primary Industries in February 2023 of a possible wallaby (exclusion species) sighting in Featherston, we searched the area and no wallaby tracks were located. Scats were sent to Landcare Research for analysis did not contain wallaby DNA. The wallaby detector dog did not find any indications of wallaby. This investigation is now complete.

55. Pest Animals staff met with Horizons Regional Council staff to hold a Post Rook Nest Baiting debrief (eradication species). Horizons treated 190 active nests this season – we found and treated 21 active nests in the Wairarapa. Active rookeries either side of the regional boundary have been successfully eliminated to the point that we believe there is now no breeding rookeries over a significant area.
56. *Wairarapa Moana programme:* February predator trap network services are completed. Bittern and Spotless Crane numbers are steadily rising due to the current and past trapping efforts within the Wairarapa Moana programme. There is an increased number of male Bittern evident in the surveyed wetlands. It is critical that trapping continues at the present sites and ideal that trapping networks expand. More night shooting has been requested for new and current planting sites within Wairarapa Moana.
57. Biosecurity dog survey at Lake Onoke did not detect any spartina (eradication species). No plants listed on the National Pest Plant Accord were found during inspections at Martinborough Fair.
58. *Biocontrol:* Green thistle beetle monitoring across the Wairarapa shows successful establishment. Monitoring for Honshu white admiral butterfly at the Kahutara release site showed no sign of the agent. California thistle assessment site checks confirmed establishment at all sites.
59. Flood hazard mapping for Carterton, Masterton, Greytown, and the Upper Ruamāhanga has been provided to the Wairarapa Combined District Plan team.
60. Waiohine River Plan governance changes are underway, with the establishment of the Waiohine River Plan Advisory Committee completed on 23 February 2023. Work has commenced on producing a suite of communications to request nominations for non-elected members from the Waiohine catchment. We are hoping to get this underway in the coming weeks. The capital project work, being the two proposed stopbanks, is now underway as we have been able to obtain another project manager to take this work on.
61. Masterton District Council's Wastewater Treatment Plant (Homebush) headworks resilience has been highlighted within the Te Kāuru Upper Ruamāhanga Floodplain Management (Te Kāuru) as needing investigating. This is now underway to see if the headworks (generator and associated electrical systems) require lifting above flood level.
62. Masterton District Council's raw water supply source on the Waingawa River is a project within Te Kāuru with the first part of the project requiring a memorandum of understanding (MOU). Together with Masterton District Council, we are working on the MOU which will be completed over the coming months. Following this work, we will look at the erosion protection required as outlined in Te Kāuru.
63. Staff are continuing to support landowner practice changes regarding stock exclusion requirements in Wairarapa water races managed by Carterton and South Wairarapa District Councils. We are expecting some non-compliance with stock exclusion requirements as landowners adopt changes to longstanding practice within water races, however support programmes are in place to assist changes to be made and to enable stock exclusion compliance working towards necessary water quality

improvements. Staff are attending a Carterton District Council meeting on 27 April 2023 with the Taratahi water race committee.

64. The toxic algae drivers study due to start this year in the Waipoua River has been delayed because there were no significant blooms over the summer period. Water sampling needs to take place during a bloom. It is planned for winter water quality sampling to take place over the winter months to get winter baseline when algae levels are low and for further sampling to take place if a bloom occurs in 2023/24 summer.
65. After a 2-year Covid delay, the Ruamāhanga Aerial Electromagnetic Survey (SkyTEM) was flown this summer. The survey covered the Wairarapa valley and was funded by a Provincial Growth Unit, Masterton District Council, Carterton District Council, South Wairarapa District Council and Greater Wellington. It will take about 2 years to process the data and have the information available for the public.

Wairarapa Coast

66. *Cyclone Support* – Cyclones Hale and Gabrielle caused significant impact to many properties through flooding and erosion with damage concentrated from Whareama to Flat Point. Support to those affected has included connecting with Rural Support Trust and Civil Defence, mobilising machine contractors through the Greater Wellington administered catchment schemes, providing advice to landowners on remediation and supporting public communications acknowledging the damage and clarifying Greater Wellington support available. Community meetings have been attended by staff and Greater Wellington staff have aided affected landowners with applying for cyclone relief funds available from Ministry of Primary Industries.
67. *Coastal monitoring* - We recently completed the fifth survey of the Whareama Estuary, just north of Riversdale. Results indicate that habitat conditions have declined over the years due to ongoing and excessive mud inputs from the surrounding catchment. The animal communities living there are in fairly poor health and place the Whareama Estuary among the most degraded of the larger estuaries regularly monitored in the Wellington region. In terms of the management implications, the main consideration is how to significantly reduce sediment inputs, which will be considered in the upcoming whitua process.
68. In addition to the Whareama Estuary monitoring discussed above, a high-level assessment of an additional 25 estuaries, beaches and rocky shores of the Eastern Wairarapa coastline was carried out to inform the Eastern Wairarapa whitua process. This report is being finalised now and will be available in May 2023.

Crown Funded Projects

69. The Kānoa Climate Resilience programme will be completed by the end of this financial year. Of the 22 sites in the programme, four sites are left to complete construction by 30 June 2023. Nine project sites have completed construction as of December 2022. All other sites are processing through the steps of close out and handover to the Operations team for ongoing maintenance. Project work in progress is as follows:
 - a **Site One** – Stokes Valley. Contract signed, work to commence April 2023.
 - b **Sites Five and Six** – Practical completion achieved. Post construction planting to be completed.

- c **Site Ten** – Totara Park. Beach push completed.
 - d **Site 11** – Port Road. Construction continuing with rock placement now completed.
 - e **Site 12** – River Road, Masterton. Work to commence January 2023 and be completed by June 2023.
 - f **Site 13** – Poets Park. Well underway with 85% of planting completed, remaining planting to commence week starting 17 April 2023, new track completed. Hardstand areas are now complete. Weed control underway. Practical completion walkover to take place on 17 April 2023.
 - g **Site 14** – Taita Park. Practical completion achieved.
 - h **Site 16** – Hulls Creek. Practical completion achieved. Weed control carried out.
 - i **Site 17** – Seton Nossiter. Work restarted in January 2023 after constant rain stopped work in 2022.
70. The Improving Fish Passage team completed delivery of three one-day training courses in March 2023 for external businesses, agencies and project partners. The training focussed on raising awareness of fish passage issues, legislation and policy frameworks, structure assessments and practical remediations. The courses were well attended, and post event surveys were very positive.
71. *HEM of Remutaka* – have been continuing to build capacity and get through their work programme. One of the highlights - monitoring of banded dotterels - has been underway for the past 6 months. The team monitor them on a weekly basis with volunteers from Miro and Friends of Baring Head. The team also had the opportunity to assist with capturing and banding of chicks.
72. The Kaitiaki Ranger/Kirihi has been focusing on compliance and engagement over the holiday period. He has also been assisting Greater Wellington rangers at Kaitoke Regional Park.

**Ngā kaiwaitohu
Signatories**

Approvers	Al Cross – Kaiwhakahaere Matua mo te Taiao General Manger, Environment Management Wayne O’Donnell – Kaiwhakahaere Matua Whaitua General Manager, Catchment Management
-----------	--

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or with Committee's terms of reference</i> The Environment Committee has responsibility to consider all matters across the development and implementation of the work programmes of Greater Wellington's Catchment Management and Environment Management Groups.
<i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i> Development and implementation of related work programmes falls under the core activities of the 2021-2031 Long Term Plan.
<i>Internal consultation</i> Internal consultation was limited to officers of Greater Wellington's Catchment Management and Environment Management Groups.
<i>Risks and impacts - legal / health and safety etc.</i> This report covers the full breadth of work programmes, and equally a broad range of environmental, reputational, legal, financial and Health, Safety and Wellbeing risks and implications are associated.

Environment Committee
27 April 2023
Report 23.144



For Information

WHAITUA IMPLEMENTATION UPDATE AND IMPROVEMENTS

Te take mō te pūrongo

Purpose

1. The purpose of this report is to update the Environment Committee on progress to date in implementing received Whaitua Implementation Programmes, and of steps that will be taken to improve progress and reporting through the new Rōpū Taiao Environment Group.

Te horopaki

Context

2. Three Whaitua Implementation Programmes (WIPs) have now been received by Council:
 - a Ruamāhanga WIP, in August 2018 (*Completion of the Ruamāhanga Whaitua Implementation Programme – Report 18.289*)
 - b Te Awarua-o-Porirua WIP and Ngāti Toa Rangatira Statement, in April 2019 (*Completion of Te Awarua-o-Porirua Whaitua Implementation Programme – Report 19.121*)
 - c Te Whaitua te Whanganui-a-Tara WIP and Te Mahere Wai o Te Kāhui Taiao, in September 2021 (*Te Whanganui-a-Tara Whaitua Implementation Programme and Te Mahere Wai o Te Kāhui Taiao – Report 21.422*).
3. The Whaitua Kāpiti Committee was established in late 2022 and a Wairarapa Coast whaitua process will follow. Their subsequent WIPs, plus any mana whenua companion documents (if developed), will also need to be implemented.
4. A review was undertaken in 2021 of progress in implementing the WIPs, using a project and programme management approach to identify how the work could be better managed. This responded to concerns, particularly from Councillors, about the rate of progress in implementing the WIPs and the adequacy of progress reporting.
5. The primary recommendation from the review was to use a project management approach to articulate non-regulatory recommendations as tangible deliverables that can be commissioned. A number of other recommendations were also identified, including regarding governance and reporting.

6. The Whaitua Operational Implementation Programme (Implementation Programme) was established to implement recommendations from the review, and it remains in place.
7. The Implementation Programme is intended to transition to the Rōpū Taiao Environment Group once it is established in May 2023. Planning for this transition has been underway since mid-2022.

Te tātaritanga Analysis

8. The Implementation Programme has provided improvements in the management of WIPs implementation, including:
 - a Each recommendation across the three received WIPs has been assessed by Greater Wellington working groups. The assessments identify how each recommendation would be implemented at an operational level.
 - b Recommendations requiring regulatory responses have all been matched to a relevant regulatory mechanism to implement them, for example the Regional Policy Statement or the Proposed Natural Resources Plan.
 - c Non-regulatory recommendations have been matched to any work already underway. For any recommendation where sufficient work to implement the recommendation is not underway yet, a new deliverable is specified to implement that recommendation. If commissioned, the resulting work programme of new deliverables will fill remaining gaps to ensure that WIPs are fully implemented.
 - d Most of these new deliverables have had a benefit rating assigned to them. A cost estimate is also provided when possible. These provide a basic cost-benefit estimate to assist with prioritisation for future work programmes.
 - e Assessments are nearing completion on each recommendation in Te Mahere Wai o Te Kāhui Taiao. Assessments have not been undertaken for the Ngāti Toa Rangatira Statement yet as it is comparatively high level and assistance will be required from Ngāti Toa Rangatira to articulate it at this level.
 - f Porirua City Council have reviewed the recommendations and deliverables that are relevant to them from the WIPs. Reviews are currently underway with Wellington Water Ltd. These reviews assist Greater Wellington to understand what work is already being undertaken by other organisations to implement the WIPs and what new deliverables they would lead.
 - g Each assessment of recommendations and deliverables is updated when we become aware of changes. This allows us, with only a few exceptions, to track how each WIP recommendation is already being implemented, or what the new deliverable is that has been nominated to implement it.

- h Detailed reporting can be pulled from this information, such as has been published on the Greater Wellington website for Te Awarua-o-Porirua Whaitua in the detailed report link at the bottom of this web page.¹
 - i Governance of the work within Greater Wellington has been introduced with a General Manager-level Steering Group providing robust oversight of the Implementation Programme.
9. Despite these improvements, progress made falls short of what was intended when the Implementation Programme was designed. Challenges have included:
- a A lack of progress in establishing cross-organisation oversight for each WIP, including Greater Wellington, mana whenua and territorial authorities. This would endorse the assessments and help drive implementation across organisations. We have also not yet had support from other organisations for an officer-led reference group.
 - b Porirua City Council and Wellington Water Ltd have reviewed assessments but we have not had engagement from other territorial authorities as yet. Consequently, some assessments may be inaccurate and some assessments for Te Whanganui-a-Tara have not been able to be completed.
 - c Our approach to partnership is being refocused to ensure that Greater Wellington has a consistent understanding of how partnership operates efficiently and effectively with mana whenua. The refocus is on a strong relational space and understanding our strengths as an organisation and the space of rangatiratanga that sits within mana whenua.
 - d A decision was made by the Steering Group to focus on the deliverables identified as being Greater Wellington-led to ensure their progress. However, this was impacted by the Rōpū Taiao Environment Group restructuring and lost momentum. It is being revived.
 - e Reporting has not met the needs of Councillors, mana whenua and communities. Detailed reporting is now available showing the progress of each recommendation, however, these reports are long due to the amount of content and are relatively technical. This suits transparency purposes rather than being a useful update for the public more generally.
 - f To address this, last year a summary report was developed for Te Awarua-o-Porirua Whaitua in the progress report link at the bottom of the webpage.¹ with the intention that this be expanded to other WIPs in time. This was subject to conflicting feedback in the previous term. It also required substantial staff time to prepare.
 - g There is still work of substance that is yet to be implemented. The Implementation Programme has identified outstanding recommendations and has suggested how they may now be implemented and by whom. This has defined the problem much more clearly but has not, in itself, fixed it. Approximately a quarter of

¹ <https://www.gw.govt.nz/environment/freshwater/protecting-the-waters-of-your-area/te-awarua-o-porirua-whaitua/>

recommendations have been identified as requiring non-regulatory deliverables that still need to be commissioned. The proportion is higher for the more recently received WIP (Te Whanganui-a-Tara) but lower for older WIPs (Ruamāhanga and Porirua) that have had more time to be implemented.

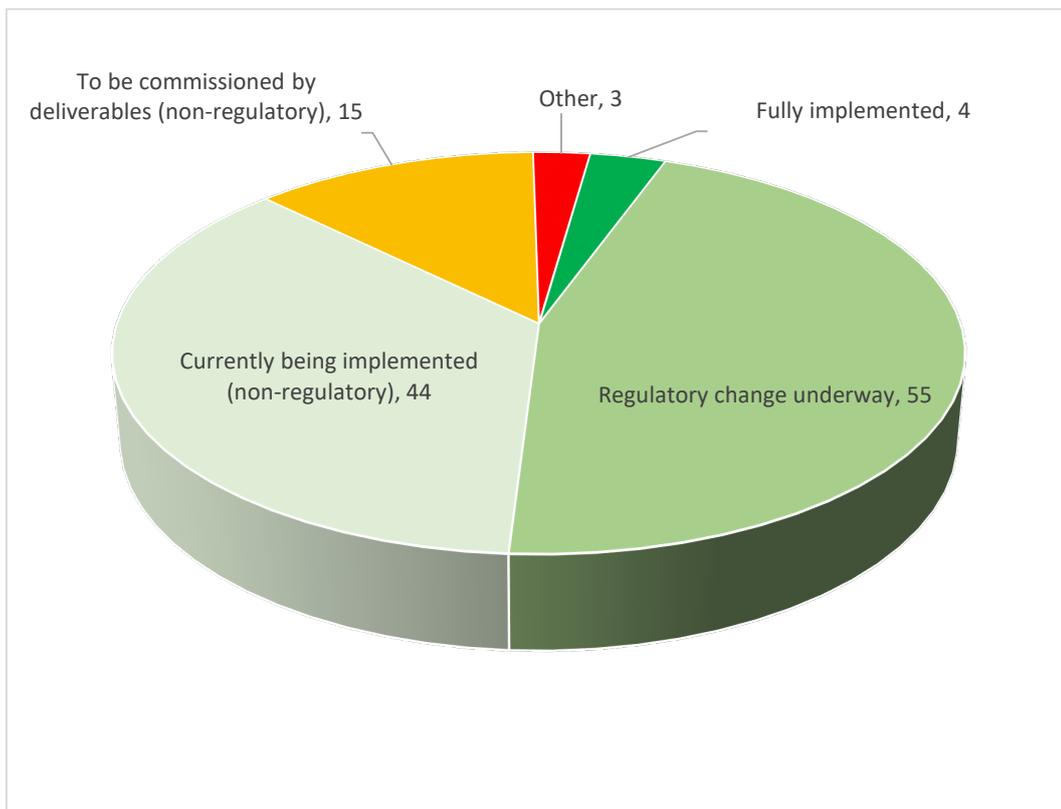
10. For Greater Wellington, the resulting programme of work that it needs to lead competes with our other work programme priorities for resourcing. This will now be managed as part of the improved integrated business planning underway in the new Rōpū Taiao Environment Group and Te Hunga Whiriwhiri.
11. The tables and graphs below show the progress to date in implementing the WIPs. This includes work led by Greater Wellington and by other organisations.

Implementation progress of all received WIPs by category and sub-category

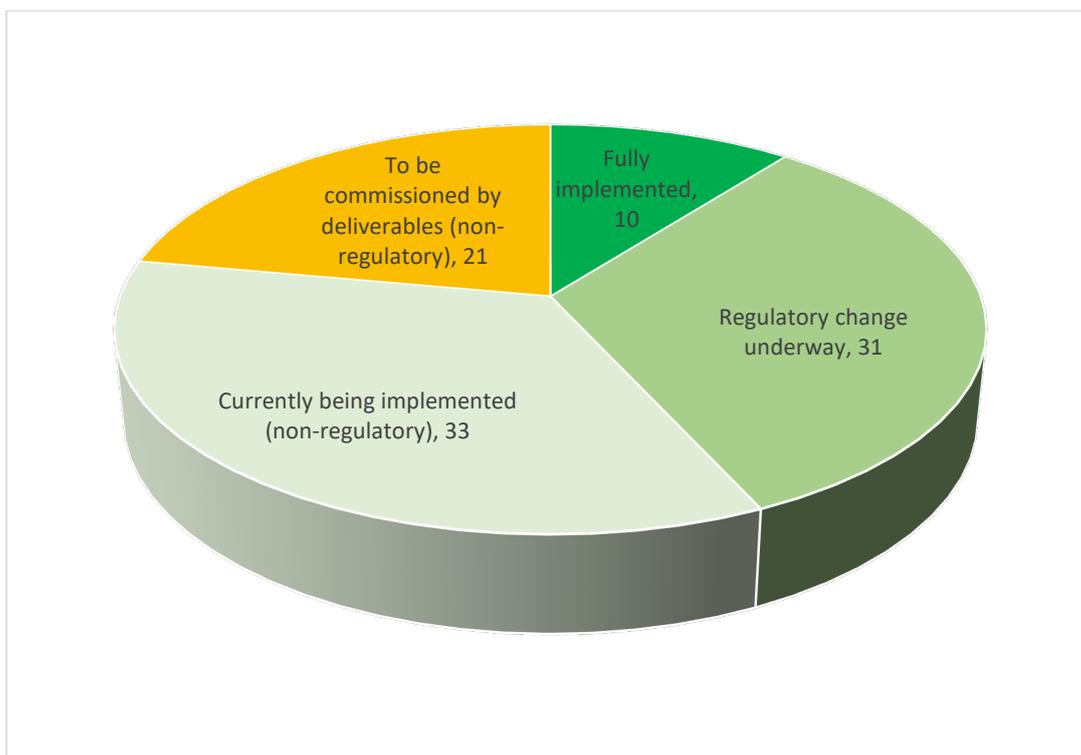
Category	Ruamāhanga	Te Awarua -o-Porirua	Te Whanganui -a-Tara	Total
Fully implemented	4	10	0	14
<i>Regulatory change underway:</i>				
Regional Policy Statement	1	5	0	6
Proposed Natural Resources Plan 2024	51	26	22	99
Prop. Natural Resources Plan post-2024	3	0	3	6
Currently being implemented (non-reg.)	44	33	24	101
To be commissioned by deliverables (non-reg.)	15	21	51	87
<i>Other:</i>				
To be confirmed (e.g. to discuss with TAs)	0	0	19	19
No applicable deliverables to implement	3	0	3	6
Total	121	95	122	338

Note: the numbers in the table exceed the number of recommendations in the WIPs as some recommendations have multiple sub-recommendations to be implement through different mechanisms.

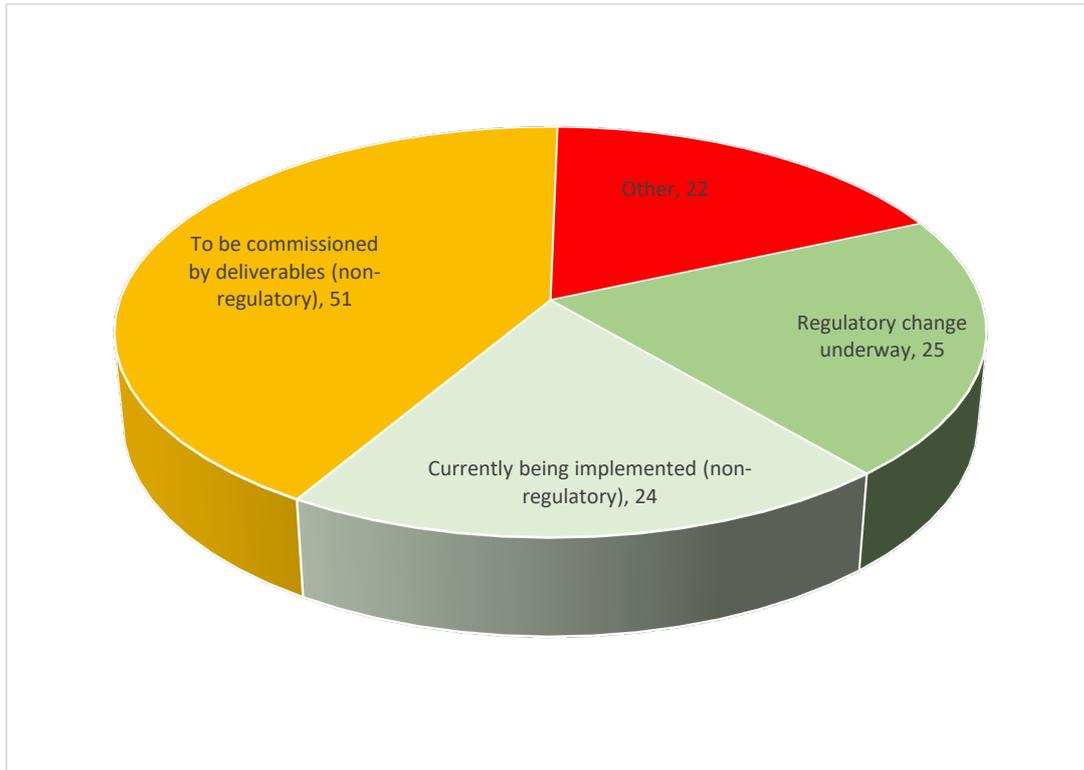
Ruamāhanga WIP implementation progress by category



Te Awarua-o-Porirua WIP implementation progress by category



Te Whanganui-a-Tara WIP implementation progress by category



Whaitua implementation and the Rōpū Taiao Environment Group

12. As noted earlier, planning has been underway to transition the Whaitua Operational Implementation Programme to the Rōpū Taiao Environment Group and Te Hunga Whiriwhiri. This will ensure gains made to date through the Programme are maintained, while responding to remaining shortcomings.
13. A revised reporting approach will provide Councillors with greater oversight of WIP implementation and is expected to provide more useful information for communities.
14. Regular progress reports will now be provided to the Environment Committee every six months. Reporting more often is not considered useful as the content does not change quickly. These reports will include a summary of progress being made against each WIP and steps underway to prioritise remaining recommendations for implementation. Any major updates outside this six-month cycle will be provided to the Committee on an exception's basis.
15. The reports will include information on the level of resourcing required to implement remaining recommendations that are Greater Wellington-led, where available. It will also outline steps to seek this resourcing such as through the Long Term Plan and Annual Plan processes, as well as through reprioritising work programmes via improved change control within Rōpū Taiao Environment Group business planning processes.
16. As the Rōpū Taiao Environment Group develops catchment plans, remaining WIP recommendations to be implemented will be assessed against priorities from other Greater Wellington work programmes. The work of the Implementation Programme to

date has put us in a good position to undertake this, including preliminary cost-benefit information to assist with prioritisation for remaining recommendations.

17. Greater Wellington-led recommendations that have not yet been prioritised for implementation due to funding constraints and competing priorities will be clearly noted in reports. Recommendations that have been superseded by new or updated national regulations will also be identified.
18. Reporting will also include updates on implementation from other territorial authorities, Wellington Water Ltd and mana whenua when available. Reporting will utilise our best understanding of their progress if specific updates are not available from them.
19. Te Hunga Whiriwhiri are establishing Greater Wellington's partnership framework that will guide our partnerships with each mana whenua. This is being informed by mana whenua and will create better outcomes for our collective mahi through catchment planning.
20. The new Catchment team intends to re-establish forums to improve collaboration on this Whaitua implementation and other fronts. Coordination with the proposed Te Whanganui-a-Tara reference group for Whaitua implementation is planned.
21. Detailed reporting, such as has been published on the Greater Wellington website for Te Awarua-o-Porirua Whaitua, will now also be published for the Ruamāhanga WIP and Te Whaitua te Whanganui-a-Tara WIP. Reports are currently being prepared and will be published shortly. These reports will then be updated on the website to coincide with reports to the Environment Committee, i.e., every six months.
22. As noted earlier, the summary (progress) report that was developed for Te Awarua-o-Porirua Whaitua, was not wholly successful. This will be replaced by three new approaches:
 - a Six-monthly updates to the Environment Committee and on the Greater Wellington website providing detail on each recommendation and a summary of progress (updated tables and pie graphs for each WIP). An example for Porirua has already been published on the Greater Wellington website.
 - b State of the environment reporting for each catchment. This will be drawn from existing information but compiled by catchment to explain their current state and priorities.
 - c Targeted sharing of timely stories about progress and of work completed, by Greater Wellington and partners, that supports WIP implementation. These will appear as part of our regular communications activities and can be linked to from the relevant whaitua-related pages on the website.

Ngā hua ahumoni

Financial implications

23. There are no direct financial implications from this report.
24. Regulatory components of the WIPs will enter into the existing Regional Policy Statement/Natural Resources Plan Change Programme, which is already funded. Non-

regulatory elements will need to be prioritised and resourced through the Long Term Plan and Annual Plan processes and internal change control management considerations as part of wider funding and prioritisations requirements.

Ngā Take e hāngai ana te iwi Māori
Implications for Māori

- 25. Development of the WIPs has included substantial input from mana whenua over many years. Mana whenua have led development of the Ngāti Toa Rangatira Statement and Te Mahere Wai o Te Kāhui Taiao.
- 26. This relationship creates space for mana whenua to reiterate their obligations as kaitiaki and recognises a need for Greater Wellington to create space to enable mana whenua the opportunity to determine their rangatiratanga. Partnership with mana whenua remain paramount for the organisation.
- 27. As we move away from engagement with mana whenua on whaitua implementation towards a space where we partner, the role of where mana whenua and their solutions will become clearer. Kaupapa funding will support their aspirations.
- 28. Mana whenua representation at all levels of this work, from governance to implementation, is key to achieving successful outcomes for the environment and in giving effect to our responsibility to Te Tiriti o Waitangi.

Ngā tūāoma e whai ake nei
Next steps

- 29. The formal stand-up of the Rōpū Taiao Environment Group is 22 May 2023, but we are implementing changes ahead of this.
- 30. Prioritisation and funding of remaining work to implement the WIPs will be included in the integrated business planning underway in the new Rōpū Taiao Environment Group.
- 31. Detailed reports for all three received WIPs will be published on the Greater Wellington website shortly. This will be the first-time detailed reports have been published for the Ruamāhanga and Te Whaitua te Whanganui-a-Tara WIPs and the existing detailed report for Te Awarua-o-Porirua WIP will be updated alongside these.
- 32. Progress reports will be provided to the Environment Committee at least six monthly, commencing with this report.

Ngā āpitihanga
Attachments

Number	Title
1	Whaitua Implementation supporting slides

**Ngā kaiwaitohu
Signatories**

Writers	Gareth Edwards – Project Manager Nicola Patrick – Director Catchment
Approvers	Al Cross – GM Environment Management Lian Butcher – General Manager Environment Monica Fraser – Te Pou Whakarae

<p>He whakarāpopoto i ngā huritaonga Summary of considerations</p>
<p><i>Fit with Council's roles or with Committee's terms of reference</i></p> <p>The Environment Committee has a responsibility to review periodically the effectiveness of implementing and delivering Council's environmental strategies, policies, plans, programmes, initiatives and indicators.</p>
<p><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></p> <p>Implementing the WIPs and companion mana whenua documents are core environmental resource management activities in the Long Term Plan.</p>
<p><i>Internal consultation</i></p> <p>Internal consultation has been undertaken with Te Hunga Whiriwhiri and the Whaitua Steering Group.</p>
<p><i>Risks and impacts - legal / health and safety etc.</i></p> <p>There is significant environmental, reputational and legal risk if the WIPs and companion mana whenua documents are not implemented. Environmental risks include that water quality and biodiversity will continue to decline. Reputational risk includes that our partners, stakeholders and communities consider that implementation has not been given sufficient priority. Whaitua committees and mana whenua have invested significant time and knowledge to the development of WIPs and companion mana whenua documents. There is a legal risk to Council if the statutory obligations of the NPS-FM 2020 are not met.</p>



Whaitua Implementation

Presented by Nicola Patrick

Director Catchment

Background

- Inclusive process to deliver NPS FM requirements – WIPs don't cover BAU activities in catchments
- Focus (and expectations) changed over first three at Ruamāhanga, Te Awarua-o-Porirua and Te Whanganui-a-Tara
- Implementation has been challenging
- Kāpiti under way now; Wairarapa Coast next

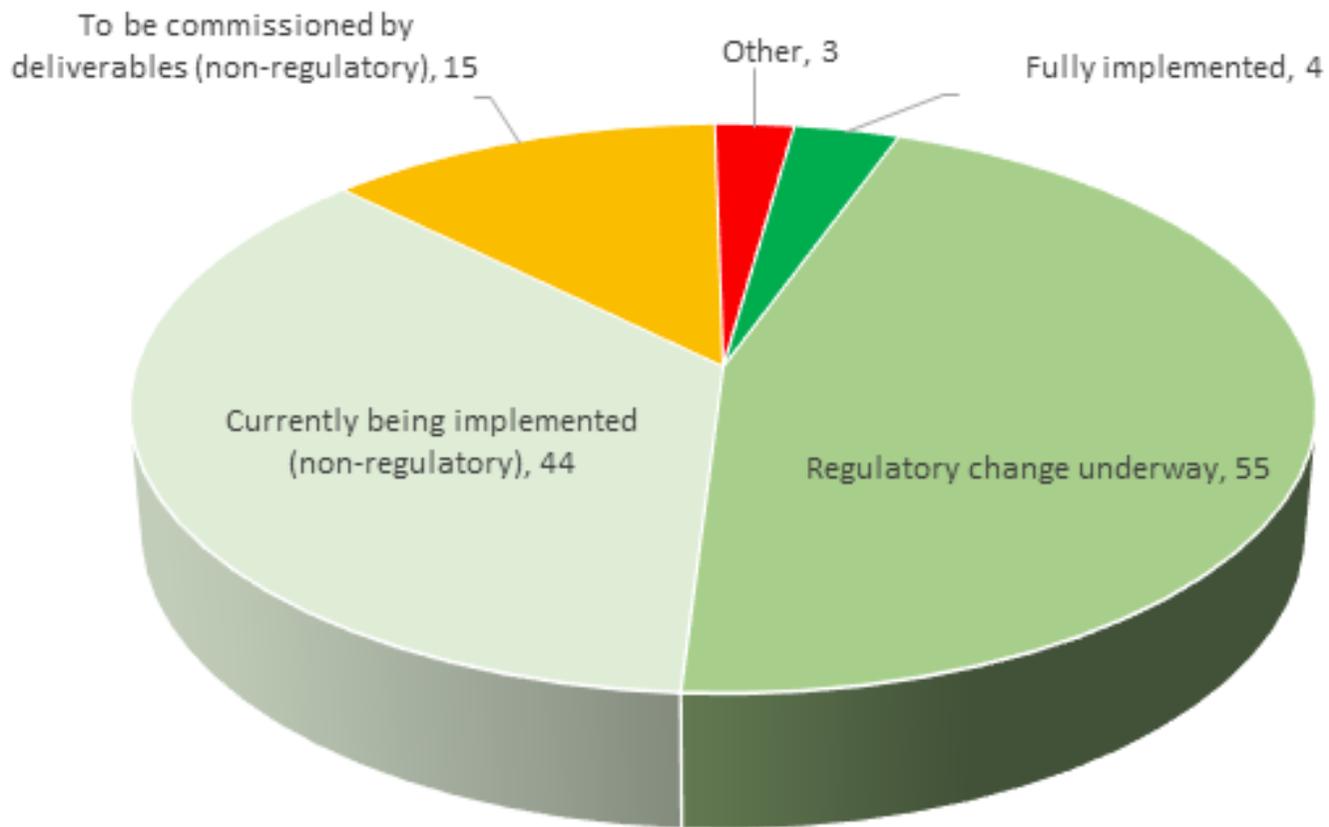


New reporting approach

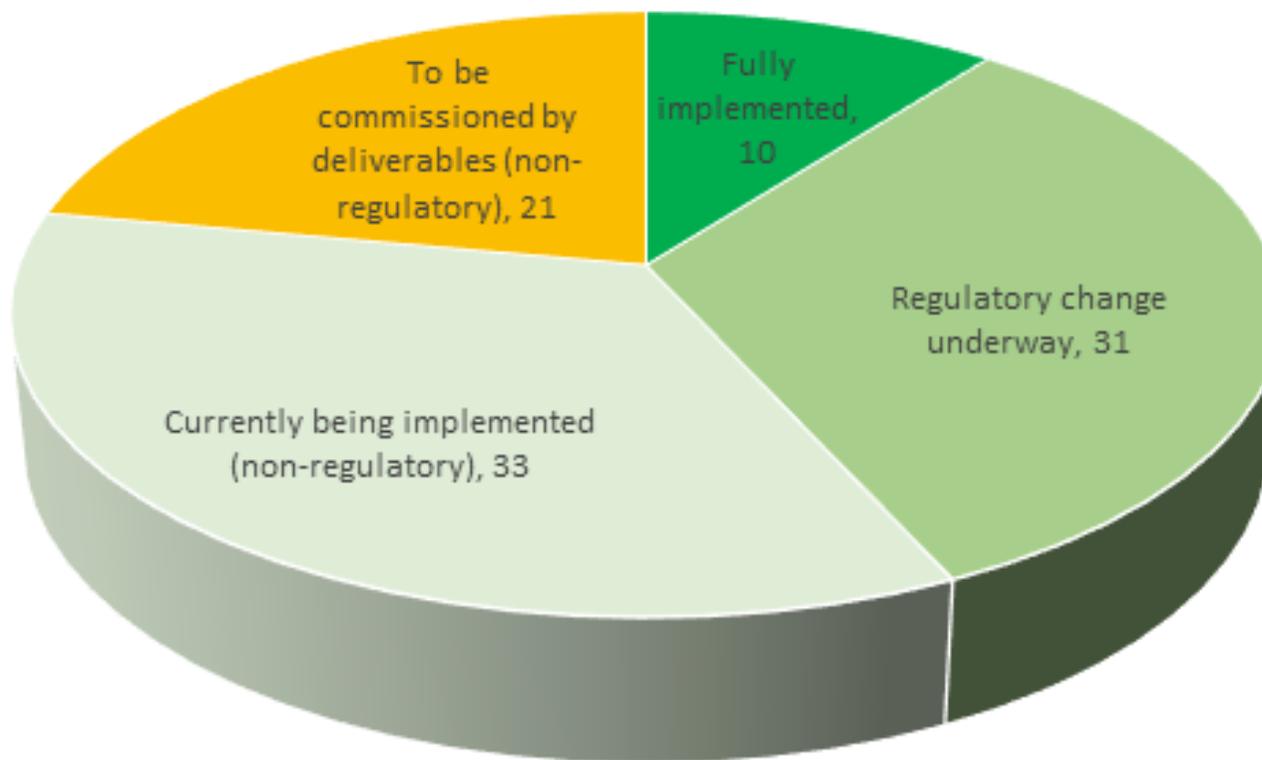
- Update each WIP's progress twice a year via this committee and publish on GW website
- Highlight changes between reports and show overall progress with pie graph
- Provide detailed report tracking each recommendation
- Present science reporting by catchment
- Showcase achievements with partners through stories

Category	Ruamāhanga	Te Awarua -o-Porirua	Attachment 1 to Report 23.144 Te Whanganui -a-Tara	Total
Fully implemented	4	10	0	14
Regulatory change underway	55	31	25	111
Currently being implemented (non-reg.)	44	33	24	101
To be commissioned by deliverables (non-reg.)	15	21	51	87
To be confirmed (e.g. to discuss with TAs)	0	0	19	19
No applicable deliverables to implement	3	0	3	6
Total	121	95	122	338

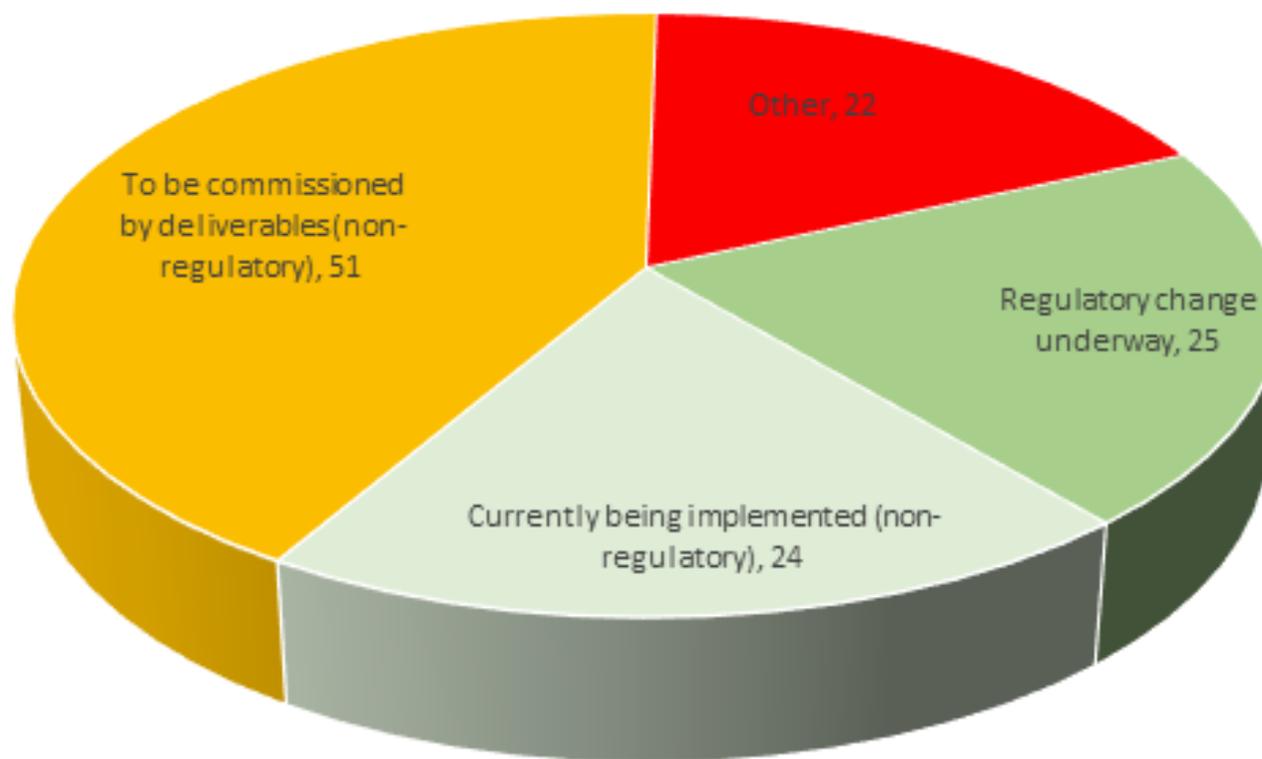
Ruamāhanga WIP



Te Awarua-o-Porirua WIP



Te Whanganui-a-Tara WIP



What we've learnt



Te Whanganui-a-Tara Whaitua Committee

- Working holistically makes sense – new Catchment team
- Essential to have mana whenua at the table – lasting solutions
- Hard to maintain multi-agency momentum in implementation phase but collaboration is key
- Be clear about funded activities and what needs to go through prioritisation process

Environment Committee
27 April 2023
Report 23.143



For Information

WHAITUA DEVELOPMENT UPDATE

Te take mō te pūrongo

Purpose

1. To inform the Environment Committee about the progress of the Whaitua Kāpiti Committee and development of the Wairarapa Coast-Eastern Hills Whaitua approach.

Te horopaki

Context

Whaitua Kāpiti Committee

2. The Whaitua Kāpiti Committee was established by Council (Establishment of the Whaitua Kāpiti Committee – Report 22.374) in August 2022 to support Council's giving effect to the National Policy Statement for Freshwater Management 2020 (NPS-FM). Appointments to the Committee were completed in February 2023.
3. Whaitua Kāpiti Committee membership:
 - a Caleb Royal – Ngā Hapū o Ōtaki
 - b Dr Aroha Spinks – Ngā Hapū o Ōtaki
 - c Dr Mahina-a-rangi Baker – Ātiawa ki Whakarongotai
 - d Sharlene Maoate-Davis – Ātiawa ki Whakarongotai
 - e Naomi Solomon – Ngāti Toa Rangatira
 - f Shane Parata – Ngāti Toa Rangatira
 - g Penny Gaylor – Greater Wellington Regional Council
 - h Jocelyn Prvanov – Kāpiti Coast District Council
 - i Kerry Walker – Kāpiti Coast community
 - j Pātaka Moore – Kāpiti Coast community
 - k Jenny Rowan – Kāpiti Coast community
 - l Monique Leith – Kāpiti Coast community



Whaitua Kāpiti Committee meeting at Ramaroa Centre, Whareroa (Queen Elizabeth Park) on 5 April 2023

4. The Committee is using a Tiriti House model, which provides a framework and principles to guide representation, collaborative work and decision-making grounded in Te Tiriti o Waitangi.
5. The Terms of Reference¹ provides for 12 Committee meetings.

Wairarapa Coast-Eastern Hills Whaitua approach

6. Development of the Wairarapa Coast-Eastern Hills Whaitua approach is in early stages, including initial discussions with mana whenua and completing summaries of science in preparation. The appointment of a Catchment Manager Wairarapa Coast, starting 22 May 2023, means the team can progress planning.

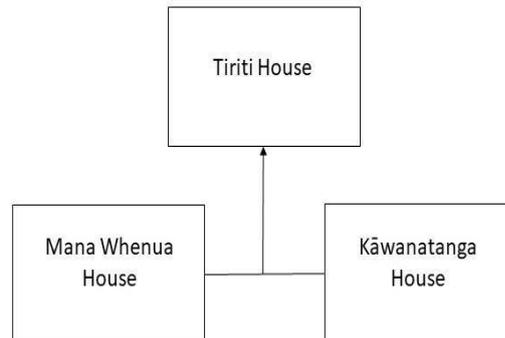
Te tātaritanga Analysis

Whaitua Kāpiti Committee

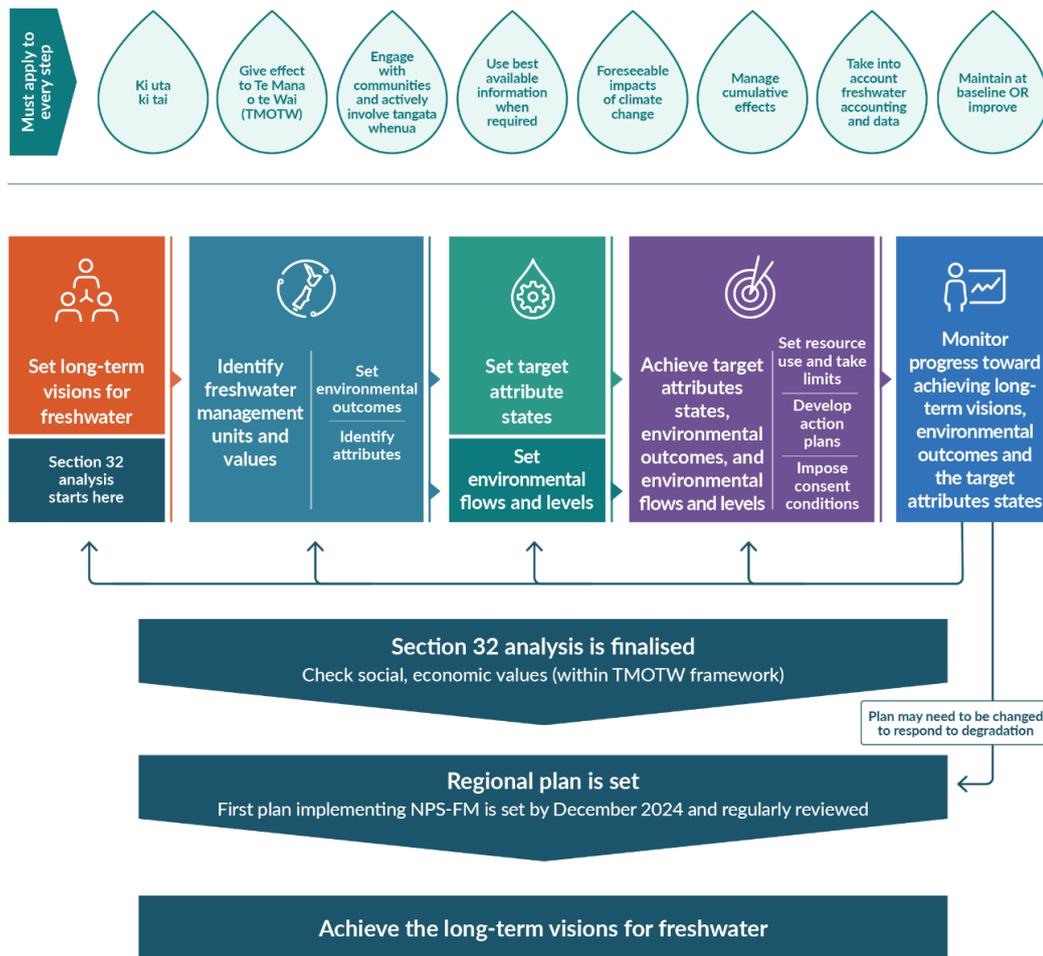
7. The Whaitua Kāpiti Committee has held its first three meetings, beginning with a powhiri at Raukawa Marae in Ōtaki where the Committee was hosted by mana whenua from the three iwi of the ĀRT Confederation.

¹ [Whaitua-Kapiti-Committee-Terms-of-Reference-2022-25.pdf \(gw.govt.nz\)](https://www.gw.govt.nz/assets/Uploads/Whaitua-Kapiti-Committee-Terms-of-Reference-2022-25.pdf)

8. The first three meetings have focused on whakawhanaungatanga (relationship building) and establishing the foundations of the three houses of the Tiriti House model.



9. As well as the three Tiriti House Committee meetings, the Mana Whenua House and the Kāwanatanga House have held meetings to establish their own tikanga.
10. Rather than 'co-chairs', the Committee has adopted the te reo term 'taurite' which means 'creating balance' – within and between Mana Whenua House and the Kāwanatanga House. Dr Mahina-a-rangi Baker has been elected taurite of the Mana Whenua House, and Jenny Rowan taurite of the Kāwanatanga House.
11. The Committee is keenly focused on providing clear direction to Council to inform a plan change giving effect to the NPS-FM which must be notified no later than 31 December 2024 under section 80A(4)(b) of the Resource Management Act. The Committee has noted its concern with missing this deadline being the consequent continuing decline in water quality in the Kāpiti District. The Committee intends to follow the National Objective Framework process of the NPS-FM as detailed below.



High-level overview of the NOF process (Ministry for the Environment 2022).

Wairarapa Coast-Eastern Hills Whaitua approach

- 12. The approach to be taken with the Wairarapa Coast-Eastern Hills Whaitua is subject to discussion with mana whenua and community members. Early informal conversations have been held via Te Hunga Whiriwhiri and Land Management.
- 13. The new Catchment function within the Environment Group offers a supportive parallel process for wider environmental management concerns and actions to be shared and resolved.

**Ngā Take e hāngai ana te iwi Māori
Implications for Māori**

- 14. The Terms of Reference for the Whaitua Kāpiti Committee were drafted in conjunction with, and approved by, Ātiawa ki Whakarongotai Charitable Trust, Ngā Hapū o Ōtaki, and Ngāti Toa Rangatira.
- 15. In upholding the Terms and our Tiriti House commitments, all aspects of the Whaitua Kāpiti process are developed in conjunction with mana whenua. This tikanga has been applied to each of the three meetings held to date where we have confirmed agendas, venues, and meeting content between the houses.

16. The approach for the Wairarapa Coast-Eastern Hills Whaitua will be determined with mana whenua.

Ngā tūāoma e whai ake nei

Next steps

17. The next meeting of the Whaitua Kāpiti Committee on 10 May 2023 will confirm remaining aspects of the Tiriti House including the decision-making process; resourcing; clarify the NPS-FM requirements; and affirm the work programme.
18. An initial priority for the new Catchment Manager Wairarapa Coast will be to coordinate the GW team and to continue conversations with mana whenua and other interested parties. The same statutory timeframe for Kāpiti applies to the Wairarapa Coast, i.e., December 2024 for plan change notifications.

Ngā kaiwaitohu

Signatories

Writers	Tim Sharp, Kaiwhakahaere Whaitua Whaitua Programme Manager, Environmental Policy Nicola Patrick, Hautū Manaaki Wai Director Catchment
Approver	Al Cross, Kaiwhakahaere Matua Taiao General Manager, Environment Management

<p>He whakarāpopoto i ngā huritaonga Summary of considerations</p>
<p><i>Fit with Council's roles or with Committee's terms of reference</i></p> <p>The Environment Committee has wider responsibility to consider all matters across the development and implementation of Greater Wellington's Catchment Management and Environment Management groups' work programmes. Although the Whaitua Programme is specifically the responsibility of the Te Upoko Taiao – Natural Resources Plan Committee, while that Committee is in abeyance, updates on the programme will be provided to the Environment Committee.</p>
<p><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></p> <p>The Whaitua Programme contributes to Council's obligations to give effect to the NPS-FM through engagement with mana whenua and the community.</p>
<p><i>Internal engagement</i></p> <p>There was internal consultation between Environmental Policy, Te Hunga Whiriwhiri and Democratic Services.</p>
<p><i>Risks and impacts - legal / health and safety etc.</i></p> <p>There are no known risks and impacts related to this report.</p>

Environment Committee
27 April 2023
Report 23.97



For Information

VISIBILITY OF GREATER WELLINGTON WITHIN ENVIRONMENT COLLABORATIVE PROJECTS AND EDUCATION PROGRAMMES

Te take mō te pūrongo

Purpose

1. To inform the Environment Committee about some of the ways we work with other organisations towards outcomes for te taiao (the environment), how we communicate about our collaborative effort, how visible our brand is as part of those collaborations and why that is.

Te tāhū kōrero

Background

2. A question was raised in the final Environment Committee meeting of the last triennium about how visible the Greater Wellington brand is for students taking part in environmental education programmes funded by Greater Wellington. This is part of a wider interest in the amount of recognition we get for our contribution to collaborative projects and programmes.
3. Much of our operational work for te taiao is carried out with others. This work is built on strong, trusting relationships and we risk inadvertently claiming ownership and undermining trust if our communications don't reflect the collaborative nature of the work and the parties involved.
4. It's also important that our communities understand who we are and the value we add for the region. Without recognition of our contribution, it's challenging for us to build the social license to work effectively with our communities for te taiao.
5. Greater Wellington does a range of work to help build the awareness of our brand, our responsibilities, and the value we provide to our communities.
6. This paper responds to this interest from Councillors by explaining some benefits and challenges of collaboration in work for te taiao and describing our current approach using three case studies. We also describe some good practice that we can take further steps towards over time.

Te tātaritanga Analysis

Benefits of collaborating with others for te taiao

7. Greater Wellington's purpose is to work together for the greater environmental good. It's critical that we work with others because of the:
 - a variety and volume of the environmental challenges we face,
 - b intersection of our roles and responsibilities with other organisations and our mana whenua partners,
 - c strong capability and expertise that lies within our communities.
8. When we work with others, we not only achieve more, but we can extend our reach and engage with parts of the community that we don't have strong connections with.

Communicating under a shared brand

9. Communicating about our collaborative work is more complex than for the work we do independently. To reflect the collaboration, communications need to be underpinned by trusting relationships between collaborators and clear expectations about how we communicate externally.
10. Greater Wellington is involved in a range of work with partners for te taiao where our brand is not prominent or visible. Sometimes this is the most appropriate way to communicate. The Wairarapa Moana Wetlands Project is an example of a collaborative project involving Greater Wellington, other agencies and mana whenua. Most communications about the project are delivered under a shared brand. We do also communicate about our contribution to Wairarapa Moana under our own brand, particularly if the communication is about more than just the project. Predator Free Wellington, Toimata Foundation, and Mountains to Sea Wellington are examples of non-government organisations that we work with, and provide funding to, to deliver on our shared environmental objectives. Our involvement with these organisations is articulated in most written communications but our logo is usually not prominent.
11. A single, project brand and communications approach for collaborative work has benefits:
 - a It can be easier for people to understand and connect with the purpose of the project.
 - b It can help us connect with people who have low levels of trust in Greater Wellington, or government organisations generally.
 - c If all partners are referenced in good news stories, we all share in the success and reputational benefits and demonstrate how we collaborate effectively with others to achieve results for the community.
 - d Project partners may have differing levels of communications resourcing. Greater Wellington, at times, takes on communications responsibilities on behalf of the collective as our contribution to a project, while other partners' contributions reflect their own resourcing and areas of strength.

12. Challenges with having a single project brand and communications approach include:
 - a A new project brand starts out with no public awareness or understanding of what it is. It takes time and effort invested to build and maintain it.
 - b It can be difficult to share stories and gain visibility for a project and contributing organisations, especially if there is no dedicated communications resource or clear communications protocol in place.
 - c It can be harder for people to see that we are contributing and for us to show our value as an organisation. Reputation is built through providing evidence of our work, which can be more challenging under a shared brand.

Case studies: Our work with others for te taiao and how we communicate about it

Mountains to Sea Wellington

Purpose and benefits of our collaboration

13. Mountains to Sea Wellington (MTSW) provides experiential environmental education and action programmes, community events and community restoration and monitoring support in priority areas for Greater Wellington. They focus on connecting people with nature and empowering community-led monitoring and action. While Greater Wellington has staff and programmes that work to achieve these objectives, the specific skills, experience, relationships and equipment that Mountains to Sea Wellington have is beyond Greater Wellington's and our work together is highly complementary.

Greater Wellington financial and in-kind contribution

14. During 2022/23, Greater Wellington will provide \$141,643 to MTSW. We work together to deliver community events and Greater Wellington has provided MTSW with the use of our office spaces for the last six months, although this arrangement is due to end soon as Greater Wellington staff numbers grow. MTSW has a range of other funders (including the Ministry for the Environment and philanthropic trusts) that support outcomes for te taiao in our region and this amplifies the impact of our financial contribution.

Communications practice and impact

15. Greater Wellington and MTSW have a communications protocol in place which sets out how each organisation communicates about our collaborative work in traditional and social media. Greater Wellington is acknowledged in all communications led by MTSW about our work together.

Enviroschools

Purpose and benefits of our collaboration

16. Greater Wellington and all territorial authorities collaborate regionally with Toimata Foundation to provide an Enviroschools network in Te Upoko o te Ika a Māui. This support, to grow long-term relationships with schools, early childhood centres and communities, leads to positive changes for te taiao now and for future generations.
17. Through Enviroschools young people are empowered to be active citizens – designing and leading projects in their centres, schools, neighbourhoods and beyond.

Enviroschools is unique in that it takes a holistic approach to sustainability, drawing together all aspects of what takes place in the school or centre.

18. The collaborative, nationwide approach means the annual investment from councils nationally is only a quarter of the total investment in Enviroschools, with the balance funded by Ministry for the Environment, schools, early childhood centres and the wider community. Participating in a nationwide initiative that is highly collaborative means both participants and council partners benefit from the innovations, knowledge, and experiences of other regions, as well as the range of support provided by Toimata Foundation.

Greater Wellington financial and in-kind contribution

19. Greater Wellington employs a team leader and an advisor to lead and support a team of contracted community facilitators. The community facilitator roles are largely funded by each of the territorial authorities, but they use office space at Greater Wellington. Greater Wellington provides an annual budget of \$75,000 to support network facilitation and regional coordination.

Communications practice and impact

20. When communicating about Enviroschools, we want it to be clear that it is a collaborative effort. Newsletters, certificates, and email signatures include the Enviroschools Te Upoko o te Ika a Māui logo, the Greater Wellington logo and the relevant territorial authority logo.
21. Generally, communications about Enviroschools in the region has been led by the Enviroschools Te Upoko o te Ika a Māui team, and there is an opportunity for them to work more closely with our Customer Engagement team.

Predator Free Wellington

Purpose and benefits of our collaboration

22. Predator Free Wellington was an initiative of the Next Foundation, Greater Wellington and Wellington City Council who then established an independent organisation, Predator Free Wellington Limited, which aims to improve biodiversity by eradicating possums, rats and mustelids from Wellington City. Working together with Port Nicholson Block Settlement Trust and Predator Free 2050 Ltd means that the project has strong financial and technical support.

Greater Wellington financial and in-kind contribution

23. We provide \$500,000 annually to Predator Free Wellington. The operational staff are Greater Wellington employees, recruited for this project. These staff are provided to Predator Free Wellington Ltd on a cost recovery basis, essentially making us contractors to the project as well as partners.

Communications practice and impact

24. Predator Free Wellington leads communications about the project. The brand is well recognised and has a very strong social media following. Greater Wellington and other project partners are acknowledged in communications. Despite most of the communications being led by Predator Free Wellington, Greater Wellington brand awareness research indicates most people know that Greater Wellington is involved in

the Predator Free Wellington project. Research last year showed that 74% of respondents thought that Greater Wellington was “mainly responsible”. 41% said it was progressing “well” and 39% didn’t know how well it was progressing. 39% said the work was “extremely important”.

Wairarapa Moana Wetlands Project

Purpose and benefits of our collaboration

25. Since 2008, Greater Wellington, the Department of Conservation (DOC), Ngāti Kahungunu ki Wairarapa Charitable Trust (Kahungunu), Rangitāne o Wairarapa Inc (Rangitāne), South Wairarapa District Council (SWDC), Pāpāwai marae and Kohunui marae have worked together to enhance the native ecology, recreational and cultural opportunities around Wairarapa Moana. All organisations have strong interests and responsibilities in the area, so it’s important we work together to coordinate our efforts.

Greater Wellington financial and in-kind contribution

26. This financial year, Greater Wellington will provide \$191,761 (including in-kind contributions) to the project, which is part of an annual total budget for the project of \$929,595¹. Our staff deliver project activities such as pest control, restoration advice, community engagement and ecological monitoring. We also administer the project on behalf of the collaborative Governance Group².

Communications practice and impact

27. The project partners communicate under a shared Wairarapa Moana Wetlands Project brand. When we communicate about the project, we acknowledge all project partners and have all agreed that partner logos would not be used. Partners have acknowledged that a revised communication protocol is needed, but this work has been put on hold until after the incoming statutory board has been established.
28. Unlike the examples mentioned above, Wairarapa Moana is not an independent entity. The project has its own website but does not have its own social media presence or other communication platforms. Greater Wellington has to date carried out most of the communications work on behalf of the project. At times this has worked well, but the project has grown significantly so a protocol is needed to make roles, responsibilities, and approval processes clearer.
29. Because Greater Wellington has led communications on behalf of the project, social media and stories have come out predominantly through our channels (such as our social media), so have often been associated with our brand.
30. Greater Wellington brand research conducted last year showed that 49% of survey respondents believed Greater Wellington was “mainly responsible” for this project. 55% didn’t know how well it was progressing. 20% said it was progressing “well”. 25% said the work was “extremely important”.

¹ This project has received funding from the Ministry for the Environment of \$700,000 per year for 5 years, until 2025, as part of the Jobs for Nature programme

² The Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement means that governance arrangements for this project are shifting to a statutory board.

Improving Brand Awareness

31. Greater Wellington continues to focus on improving brand awareness and building understanding of the work we do. Making people aware of our value helps build public trust and confidence in our ability to deliver benefits for te taiao and the community. This, in turn, helps us earn the social licence necessary to keep on advancing and investing in this essential work.
32. Brand awareness research has helped us identify that effective ways for us to raise awareness and enhance our reputation are:
 - a ensuring that people know that we're involved by raising the profile of projects and what we do to contribute to them, and
 - b providing evidence of our work so people are aware and think we're doing a good job.
33. Our Brand, Insights & Design team is currently working on a brand refresh. One project output will be guidance for staff about partnership branding. This guidance is likely to state that partnerships should always refer to our and other partner's involvement but doesn't necessarily mean all partner logos will be included in every piece of collateral. This guidance will support staff to develop communications protocols for collaborative projects.

Good practice approach to partnership communications

34. When communicating about a partnership project, it is useful to have a communications protocol in place. These will be different for each project based on the project objectives, how those align with the individual objectives of each partner organisation, and the networks, resources, and skills that each brings to the project. These agreements show who is responsible for communications, and what processes need to be followed when communicating about the project. Establishing a clear communication process that all partners agree enables collaborative projects to capitalise on opportunities to share good news and useful information in a timely way.

Not all partnership projects have communications protocols in place at this stage, but this is something we are working towards. When developing a communications protocol, some key considerations are:

- a Who is involved.
- b The project's communications objectives.
- c Communications staff resources the project and/or the partners have available.
- d Available communications channels.
- e How partner branding / logos should be used.
- f The expectations of project partners.

These key considerations are expanded on in **Attachment 1**.

Ngā Take e hāngai ana te iwi Māori Implications for Māori

35. Some projects and programmes where we work closely with our mana whenua partners are communicated using a shared brand. This isn't always the case, and each project takes a different communications approach based on the needs of the partners involved. A good practice approach for partnership projects with mana whenua, whether we are communicating under a shared brand or not, is similar to our work with others, but there are some specific issues to be mindful of.
36. As with all partnership projects, our work with mana whenua must be underpinned by genuine, trusted relationships involving staff with appropriate capabilities. This means we can share and understand each other's objectives and aspirations, including about how we communicate.
37. Greater Wellington has more financial resource generally, and more communications resource than our mana whenua partners, which means we carry out more of the formal communications work. It can be tempting to try to single out our own contributions to the project in those communications. However, because we are doing more communicating, if we were to primarily promote our contribution, the contribution of our mana whenua partners would become less visible. This would strengthen the power imbalance between our organisations, strain relationships and would not be in line with our commitment to be an authentic partner.
38. Greater Wellington is providing funding to mana whenua partners to increase their resourcing capacity and capability through Tuāpapa and Kaupapa funding arrangements. Some of our partners may choose to use this funding for communications people. How Greater Wellington adjusts its own communications people to either complement or share responsibility will need to be monitored carefully.
39. Often our work with partners is place-based. By communicating under a shared project brand, such as Wairarapa Moana Wetlands Project we draw focus to the place, rather than the individual organisations. This helps meet an aim of the project and of our partners to grow the connection of people to the area.
40. It's important that we are very clear about roles and responsibilities when communicating Mātauranga Māori, including histories, observations, perspectives, visual representations and other knowledge and information. We need to make sure we're only using it in the way it was agreed to. Mātauranga Māori has been and continues to be inappropriately or incorrectly used and this can have serious consequences. We are committed to improving our practice in this space. Te Whāriki (Māori Outcomes Framework) and, in the future, the developing Mātauranga Māori framework lay the foundations for this.
41. Each project we work with mana whenua on will have different communications requirements, and it's critical we take the time to work these out together so that our communications reflect the aspirations of all involved. This is part of our wider organisational commitment to improve our practice over time to ensure we are upholding our responsibilities as partners.

**Ngā āpitihanga
Attachment**

Number	Title
1	Considerations for developing a communications protocol

**Ngā kaiwaitohu
Signatories**

Writers	Micheline Evans – Team Leader, Strategy and Advice - Biodiversity David Dillon – Marketing & Communications Manager LeeAnn James – Marketing & Communications Lead, Catchment & Environment
Approvers	Matthew O'Driscoll – Manager, Customer Engagement Wayne O'Donnell – General Manager, Catchment Management

<p>He whakarāpopoto i ngā huritaonga Summary of considerations</p>
<p><i>Fit with Council's roles or with Committee's terms of reference</i></p> <p>The terms of reference for the Environment Committee allow for the Committee to oversee the development, implementation and review of Council's plans, programmes, and efforts to increase volunteer uptake, community involvement and mahi tahi with others seeking to improve environmental outcomes in the Wellington Region.</p>
<p><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></p> <p>Communicating about our work with others for te taiao supports a range of objectives in our Long-Term Plan and organisational strategies, policies and plans.</p>
<p><i>Internal consultation</i></p> <p>Departments within the Catchment Management and Environment Management were consulted, including Biosecurity, Biodiversity, Predator Free Wellington and Enviroschools. Customer Engagement and Te Hunga Whiriwhiri were also consulted.</p>
<p><i>Risks and impacts - legal / health and safety etc.</i></p> <p>The key risks and impacts are outlined in paragraph 12.</p>

Considerations for developing a communications protocol

Partners involved	Partners may have different communication objectives, needs and capacity.
Communications objectives	For example, is it just about ensuring the community is aware of what has been done; or perhaps it's about encouraging people to participate? Ideally objectives are SMART (specific, measurable, achievable, realistic & timebound).
Communications roles and responsibilities	<p>What resource is available from across all the partners?</p> <p>How will stories/news be generated? Who is responsible, how will they share ideas?</p> <p>Is there a lead agency who will write, issue and publish the story? If so, how/when will other partners share comms via their channels to amplify the message?</p> <p>Who will approve, how will things be signed-off? Does every partner need to sign-off?</p> <p>Who are the subject matter experts, who are the spokespeople?</p> <p>How will media queries be handled?</p> <p>Who is responsible for drafting key messages? How will they be stored (so everyone can access them) and curated (kept up to date)?</p> <p>What lead times are generally needed to capitalise on different kinds of communications opportunities.</p>
Communication channels	<p>For example social media, newsletters, website, media releases, advertising.</p> <p>Who owns/has access to publish on them?</p> <p>Does the project have its own channels, and/or do we publish on partners channels?</p>
Branding / logos	<p>Does the project have its own brand/logo? Can/should it be co/partner branded?</p> <p>Are there any considerations on how logos or names are used?</p> <p>We can link in with GW's Brand, Insights & Design Team for advice on this. Guidance is being developed now, which we will be able to reference in future.</p>

Attachment 1 to Report 23.97

Expectations of partners	For example, ongoing social media, quarterly newsletter, curated website. Will there be urgent comms items, where partners need to agree to a quick turnaround in responding? E.g. within 24 hours.
--------------------------	--

Environment Committee
27 April 2023
Report 23.155



For Information

FARMING REFERENCE GROUP CHAIR UPDATE REPORT

Te take mō te pūrongo

Purpose

1. To update the Environment Committee on the items discussed at Farming Reference Group held 20 March 2023.

Te horopaki

Context

2. As per the Terms of Reference, after each Farming Reference Group meeting the Chair, Barbie Barton is to provide a written report on the business conducted at that meeting and shall speak to that written report at the relevant Environment Committee meeting.

Ngā āpitihanga

Attachments

Number	Title
1	Attachment 1 to Report 23.155

Signatories

Writer	Barbie Barton – Chair, Farming Reference Group
Approver	Wayne O’Donnell, General Manager Catchment

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or with Committee's terms of reference</i> The Environment Committee's terms of reference stat that they will review, after each Farming Reference Group meeting, a written report of the business conducted at that meeting.
<i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i> The Farming sector is a key demographic withing the Greater Wellington Region with a focus on environmental matters.
<i>Internal consultation</i> There was no internal consultation.
<i>Risks and impacts - legal / health and safety etc.</i> There are no known risks and impacts related to this report.

**Environment Committee
27 April 2023****Farmer Reference Group Chair's Report to Environment Committee**

Thank you for the opportunity to provide an update from the GW Farming Reference Group (FRG). This was our first meeting since the new Triennium has started and accordingly, we took the opportunity to consider our terms of reference as a group. We provide the GW management staff with a sounding board around land-based activities; both what GW are already doing and areas we can see there needs to be activity.

The FRG needs to be viewed by everyone as an advisory group not an advocacy group and the members are happy to be part of any consultation process but not to be viewed as the final consultation, especially around contentious issues.

This summer has been extremely challenging with continual rain and then followed up with the two cyclones. The Eastern Hill country has been the most affected with Hale damaging 25 farms and Gabrielle following, damaging 100 properties. Slips and loss of fencing and interruption to good farm management are the biggest challenges facing these landowners. Rural Support Trust has been very active in these areas providing both physical and mental support. Roding networks continue to be affected making the logistics of getting down to winter numbers challenging.

Grass supply in both dairy and sheep and beef is good although the ME (metabolized energy) is low meaning that animals are having to ingest 25-30% more fibre to get the required growth rates - challenging for them to have this spare gut capacity. Good results from cow scanning for pregnancy and early signs that ewes are cycling well - although there may be a bit of early lamb activity in the spring with so many fences down.

On farm inflation is no different to the supermarket; fencing materials, yard repair timber, fertiliser, animal health products and ag contracting charge out rates have all gone up. With the rise in the cost of interest 80% more of a farmer's income is going on debt servicing than two years ago; good financial management is going to be essential to get through this recession and as with home buyers many indebted farmers have not known high interest rates.

Pest Management- both Flora and Fauna

Richard Romijn, Manager Biosecurity and some of his team gave us an overview of their work programs. As always, the constraint is not the number of pests, they deal with, but the amount of money needed to be effective. We will need to look at individual landowners being more responsible for their pest management whilst GW staff focus on GW administered land.

With the increase in biodiversity comes the increase in pests within the fenced areas. As an aside we have 250ha of QE 2 bush adjoining the Tararua Forest Park and have taken out the largest numbers of deer this year than ever before - two big-aged stags in the last two weeks - a happy breeding ground for them as they have such a wonderful food source.

The FRG members were encouraged to spread the word about reporting potential pest plants to council staff so identification and eradication strategies can be employed. GW staff will also look into comms targeting specific areas and what people should look for.

I also implore all Regional Councils to encourage continued dialogue with DOC to share pest control resources so that publicly owned land has better control programmes. DOC are equally challenged whilst the deer, pigs, possums, goats etc continue to thwart biodiversity progress. And I won't even start on where the pest management is going to come from for all the forestry conversion properties. Possums are estimated to eat 21 000 tonnes of foliage per night- with good control we would be able to have significant savings in annual biodiversity planting.

Flood Management

Graeme Campbell and Andy Brown created discussions around the challenges of flood management both now and into the future. With climate predictions for cyclone events to become more common and for longer periods of rainfall the problems of river control are creating some headaches.

The wider Wairarapa farming community have highlighted the need for better forecasting, monitoring rainfall over a greater number of sites due to the localisation of some of the rainfall, especially Hale. Early commentary from Hawkes Bay indicates this may have helped alert people earlier so encourage evacuations.

Landowners need to be aware that the priority for flood management is around protecting public infrastructure leading to more focus on urban areas than rural.

Resource Management Act (RMA)

Good acknowledgement for the FRG members on the GW produced two-page guide on Permitted Activities to give clarity to landowners. This document was easy to understand and clear about the rules and important for GW to be seen as part of the flood recovery team.

Awareness needed amongst GW staff that deal with a resource consent in that this is their day job but for the landowner this maybe the first time they have had to apply. Some feedback that the applicant is made to feel like a criminal until they can prove otherwise- A move by GW staff to provide more of a mentoring role to get all parties to the desired outcome. This is especially relevant when the landowner is already under severe stress.

I will be absent from the next few meetings but Aidan Bichan, Kaiwairai Dairies will be attending on my behalf.

Thank you
Barbie Barton
Chair, GW Farmer Reference Group
RogBar@xtra.co.nz

Environment
27 April 2023
Report 23.83



For Information

WAINUIWHENUA – PROPOSED FUTURE LAND OWNERSHIP ENTITY

Te take mō te pūrongo

Purpose

1. The purpose of this report is to update councillors on progress of the Wainuiwhenua project, and the potential ownership options for the surplus land. This report does not provide an analysis of whether Council should proceed or not with this project and does not provide an outline of costs and benefits.

Te horopaki

Context

2. In May 2022, Council resolved (Wainuiwhenua Partnership Opportunities for the Public Good – Report 22.208), that external advice be commissioned to identify options for securing approximately 450ha of land at Paekākāriki known as “Wainuiwhenua” (the land) in public/ iwi ownership (**Attachment 1** – Map of New Zealand Transport Agency Waka Kotahi (Waka Kotahi) Land).
3. As identified in the report, the proposal to secure the land is informed by:
 - a public expectation that the land will be declared surplus to Crown requirements once the Transmission Gully project is formally completed.
 - b the land’s proximity to other public lands and trails, several of which are managed by Greater Wellington Regional Council (Greater Wellington). The land forms a potential nexus of areas (Queen Elizabeth Park, Whareroa Farm, Akatarawa Forest and the Paekākāriki Escarpment Walkway) that provide for environmental enhancement and recreational enjoyment. Over the next few years, a multi-use trail will also link this area with Battle Hill Farm Forest Park;
 - c the large-scale impact on the land through motorway construction is likely to render it non-viable for farming purposes;
 - d iwi, hapū and community interest in securing the land for conservation, small-scale housing development, public amenity, and wind power generation; and
 - e the opportunity to re-establish iwi and hapū connections.

Treaty Settlement implications

4. Several blocks of land listed in the Te Rūnanga o Toa Rangatira Inc Deed of Settlement Attachments General Right of First Refusal Land¹ lie either within the Wainuiwhenua block or adjacent to it. For those within, the extent to which the land will become surplus to either the operation of the road or associated infrastructure (e.g. the proposed weigh station) is not yet known. Greater Wellington expects that fulfilling these Treaty settlement obligations will be a priority consideration for the Crown, ahead of any transfer to councils.
5. Following discussions with Te Rūnanga o Toa Rangatira Inc, the iwi expressed an interest in ownership of the land. For its part, Greater Wellington has expressed an interest in the outcomes for the land but has been agnostic as to ownership.
6. Greater Wellington notes that our mana whenua partner Ātiawa ki Whakarongotai Charitable Trust is yet to settle its Treaty of Waitangi historical claims with the Crown and may have overlapping interests in this area with Te Runanga o Toa Rangatira Inc. Te Rūnanga o Toa Rangatira Inc indicated in March that they intended to discuss the potential ownership arrangements with Ātiawa ki Whakarongotai Charitable Trust. To date we have received no written confirmation that this conversation has taken place.

Broader partner and community interests

7. Kāpiti Coast District Council (KCDC) has been actively engaged in this discussion since 2018, providing ongoing support to the Working Group. Like Greater Wellington, they have supported the process to explore how the ownership and management of land could best achieve the public good outcomes, while forming no decisions on ownership.
8. A community advocacy group based primarily in Paekākāriki, the Wainuiwhenua Working Group (the Working Group) has kept an open mind as to the ownership model, while being strongly committed to the broad aspirations of this initiative, and very supportive of our efforts to date.

Public Works Act (1981) implications

9. The land was acquired under the Public Works Act 1981 (PWA) and therefore subject to both the PWA and Crown land disposal processes. There are, therefore, multiple pathways through which and to whom, the land may be legitimately divested post formal completion of the Transmission Gully project.
10. To assist Greater Wellington with its decision making, therefore, Buddle Finlay was commissioned to provide advice (**Attachment 2** Public Works Act 1981 (the Process Advice) in October 2022 on a/some potential pathway(s) to the Crown divestment of this land in favour of Greater Wellington and/or KCDC. As indicated in the Process Advice, understanding the applicability (or non-applicability) of the PWA (in general) and of the Offer Back requirements set out in the PWA is key to developing a pathway forward.
11. If the PWA does not apply or if it does apply and there is an available exception to the Offer Back provisions, then the land can be offered to any third party for any use subject

¹ [Ngati Toa Rangatira Deed of Settlement Attachments General RFR land and early RFR NZTA land – pgs159-160, 162](#)

only to the Crown’s land disposal process. The first step in that process is to ask whether “the land needed for any other public work?”. This is the point at which one or both councils would need to indicate their intention to undertake a public work on the land and, therefore, their interest in acquiring the land from the Crown.

12. If the PWA does apply, then the acquisition pathway will depend on whether there is another ‘public work’ for which the land can be used. In this case, one or both councils may acquire the land if they are able to show that the land is required for a ‘local work’ for which they have ‘financial responsibility’. Once legitimately acquired for this local work, the councils could then transfer ownership into a Council Controlled Organisation. Partnership with mana whenua can then be fulfilled through their inclusion in the ownership structure of the Council Controlled Organisation as discussed later in this report. Council should note that if the PWA applies, the land cannot be acquired directly by a Council Controlled Organisations. If there is no legitimate public work identified, then the Offer Back provisions would apply, and any potential acquisition of the land would be subject to the outcome of that process.
13. The Process Advice highlights that to engage effectively in the Crown disposal process, the councils will need to be prepared in their general approach and agreed in their intention to use the land for another public work. Noting the enquiry from the Minister’s office (refer to paragraph 15) regarding a potential ownership entity, the partners have agreed that discussions regarding possible ownership and intended uses should get underway.

Potential ownership

14. While environmental protection and provision of recreational opportunities falls into Greater Wellington’s area of responsibility, the provision of housing may only sit with a Territorial Authority. To provide for the full suite of opportunities, therefore, both Greater Wellington and Kāpiti Coast District Council would need to be prepared to consider a potential share in ownership of the land, including commitments to costs and resourcing.
15. Through its advocacy for the vision of Wainuiwhenua, the Working Group has connected with local Member of Parliament the Hon Barbara Edmonds, who has been very supportive of the public good outcomes. In October 2022, officers from Greater Wellington and Kāpiti Coast District Council met with the now Minister Barbara Edmonds (in her capacity as local MP) to discuss the proposal. In January 2023, the Minister of Transport’s office contacted the Hon Barbara Edmonds to enquire about the plans for a future ownership entity for the surplus land relating to Transmission Gully.
16. Subject to agreed terms and a formal consultation process, the councils could choose to acquire the land for the stated local work(s) through the appropriate disposal process.

Related matters

17. Kāpiti Coast District Council is currently developing the Kāpiti Blueprint - a vision for the Kāpiti District out to 2060, which describes the future life wanted for residents in terms of the environment, how people will live and the supports that will be needed to make that happen. Kāpiti Coast District Council will be working with local townships to

develop community visions of the future – which will also provide an opportunity to link and reflect outcomes developed as part of the Wainuiwhenua project.

18. The potential to meet iwi and community housing needs is one of the proposed uses of surplus land as part of the Wainuiwhenua project. The extent and type of housing that could be achieved on surplus land is not yet clear. Kāpiti Coast District Council is looking to further investigate the potential for housing alongside other local infrastructure needs relating to the surplus land to further inform the project. Kāpiti Coast District Council will continue to keep Greater Wellington and Te Rūnanga o Toa Rangatira Inc up to date regarding any further housing assessment work.

Te tātaritanga Analysis

19. There are three land ownership options:
20. **Option A.** To achieve the aim of holding this land in partnership with mana whenua, Council may decide to transfer it into a Council Controlled Organisation. Ownership could be shared between Te Runanga o Toa Rangatira Inc and other mana whenua (50%) and the two councils (50%), being Greater Wellington and Kāpiti Coast District Council, with the exact share and terms of ownership to be agreed. Te Rūnanga o Toa Rangatira Inc have expressed their confidence that a 50/50 partnership with Greater Wellington and/or Kāpiti Coast District Council would achieve this outcome. A Council Controlled Organisation could be established as a Charitable Trust or similar which provides an appropriate ownership model. This is yet to be formally scoped and determined.
21. Te Rūnanga o Toa Rangatira Inc plans to expand on their significant housing portfolio in Porirua for their whānau in this part of their rohe.
22. The enquiry from the Minister of Transport's office prompted a meeting in late February 2023 between the Greater Wellington Chair, the Chair and Chief Executive of Te Rūnanga o Toa Rangatira Inc and the Mayor of Kāpiti Coast District Council to discuss the proposition for a Council Controlled Organisation. At the meeting, Te Rūnanga o Toa Rangatira Inc indicated that they were very supportive in principle and that such a shared ownership model would be acceptable to them.
23. Following this meeting the parties co-signed a letter to the Minister of Transport (**Attachment 3 "Wainuiwhenua"** - future ownership entity). The letter identified initial partner support for the Council Controlled Organisation model as a prospective ownership entity, subject to agreement by the respective councils and noting the requirements for formal consultation and approval. With the motorway construction potentially altering the land so that the surplus area is no longer viable for farming, the partners also requested that the Crown obtain a Section 40 report on whether the Offer Back provisions exist, and whether any statutory exceptions will apply. We have not yet received a response to this letter and will prompt the Ministers of Transport and Land Information.
24. Since Council approved the 2022 paper, Greater Wellington has continued to meet fortnightly online with representatives of the Working Group and the Kāpiti Coast District Council officer leading the project. In March 2023, officers from Greater

Wellington and Kāpiti Coast District Council gave an update on progress to a well-attended meeting of the Paekākāriki Community Board. We were able to advise on the recent legal advice and Council Controlled Organisation concept, the initial support for the ownership model, and next steps in terms of the need for both Greater Wellington and Kāpiti Coast District Council to be briefed, and in due course, scope and formally consider a proposal. This news was warmly received by those present at the meeting.

25. As noted in the Process Advice, the concept of a Council Controlled Organisation also requires the approval of both Greater Wellington and Kāpiti Coast District Council followed by a statutory consultation process on the proposed formation of the Council Controlled Organisation. Kāpiti Coast District Council is also due to brief their councillors on the Wainuiwhenua initiative. Depending upon the Minister's response to the letter of March 2023 (refer to paragraph 23), we expect to carry out further scoping in conjunction with our partners to identify a proposed model to be discussed in more depth.
26. *Other land ownership options:* As noted in the Process Advice, two other options exist for the eventual land ownership once a determination is made regarding applicability of the PWA Offer Back provisions (and the resulting obligations fulfilled).
27. The following section outlines those possibilities in relation to the expressed aspirations for the land:
28. **Option B:** The Crown could choose to offer the land in fee simple to iwi under a Treaty settlement. Because Te Rūnanga o Toa Rangatira Inc has already settled their Treaty claim, and much of this land was not identified in their Right of First Refusal schedule (as it was privately owned at the time of Settlement), they are not eligible to lay claim to it prior to the land being sold on the open market. However, the land could be made available to Ātiawa ki Whakarongotai Charitable Trust through their Treaty settlement package.
29. **Option C:** The Crown does not dispose of the land but holds it as a reserve, for potential Treaty Settlement redress. The land could then be considered in the same way as Queen Elizabeth Park, in terms of recognising overlapping interests of Te Rūnanga o Toa Rangatira Inc and Ātiawa ki Whakarongotai Charitable Trust.
30. **An alternative is that** the land could be retained by the Crown through the Department of Conservation, gazetted as a reserve, and should the Council agree, managed through a mutually agreed governance mechanism eg Statutory Authority, Control and Management Agreement.
31. Some constraints include:
 - a If the whenua is gazetted as a reserve, it would prevent mana whenua from reclaiming their traditional rights and interests in their whenua.
 - b Should the land remain in Crown ownership, it will be ineligible to obtain carbon credits for planned native reforestation. As much of the land is currently in grassland, this presents a significant alternative revenue stream that could support or enable the envisaged outcomes.

32. Option A would set a precedent in establishing a new and different governance model for our Council Controlled Organisations that could set a standard for other parts of our operation including the regional parks network.
33. There are several benefits including:
 - a A “partnership” between councils and Greater Wellington mana whenua partners, where ownership and decision-making authority would be shared and devolved through management and operational planning, resourcing, and delivery.
 - b All partners (Greater Wellington, Kāpiti Coast District Council and mana whenua) have equal obligations around resourcing the entity. To date, public spaces of this nature and scale have been principally funded from local or regional rates, or from the Crown. A Council Controlled Organisation, especially in the form of a Charitable Trust, might be able to secure a range of alternative revenue streams.
 - c The opportunity for local representation at the governance table, with strong connections to the Paekākāriki community, may provide for key perspectives and insights to be communicated in the most effective and timely manner to a well-functioning partnership.
34. **Challenges.** Development of an appropriate and robust ownership model would require significant officer time from all partners and professional services, including legal advice.

Ngā hua ahumoni

Financial implications

35. At this early stage, the key concern of the Working Group is to secure the land for the public good. To achieve that outcome at the appropriate time will be regarded as a “win” for the community. Greater Wellington would need to work with our partners and the Crown to agree arrangements satisfactory to all parties. At this stage the financial implications of doing so – in terms of acquisition, preparatory investigations and the development and operation of a “regional park” – still need to be identified. This will require some considerable officer time, and external advice.
36. The initial Process Advice and associated ongoing discussions with Buddle Findlay cost Greater Wellington approximately \$25,000; considerable further investment will be required alongside greater commitment of officer time than is currently the case.

Ngā Take e hāngai ana te iwi Māori

Implications for Māori

37. Since 2019, this vision of Wainuiwhenua has been discussed several times with our mana whenua partners. In March 2022, the Chair of Te Rūnanga o Toa Rangatira Inc wrote to express their support for this initiative (**Attachment 4** – Wainui Whenua Letter of Support).

Ngā tūāoma e whai ake nei

Next steps

38. Greater Wellington will prompt the office of the Minister of Transport to respond to our letter of March 2023, so that the opportunity for land transfer to the council(s) may be further explored. This includes the commissioning of a Section 40 report to determine the applicability of the Offer Back Obligations.
39. Kāpiti Coast District Council is due to be briefed on this proposal. Their feedback, together with that of Council, will help inform officers and partners in determining a pathway forward.
40. Officers will review our current approach and resources to enable us to continue to work with our partners and organisational advisors on an appropriate structure for a Council Controlled Organisation, how such an organisation might work (who would do what), and an initial programme of investment for discussion.
41. This opportunity would need to be included in the development of the Long Term Plan 2024 and considered alongside other priorities for resource allocation.

Ngā āpitihanga

Attachments

Number	Title
1	Map of NZTA Land
2	Public Works Act 1981 (PWA advice)
3	“Wainuiwhenua” - future ownership entity
4	Wainui Whenua Letter of Support

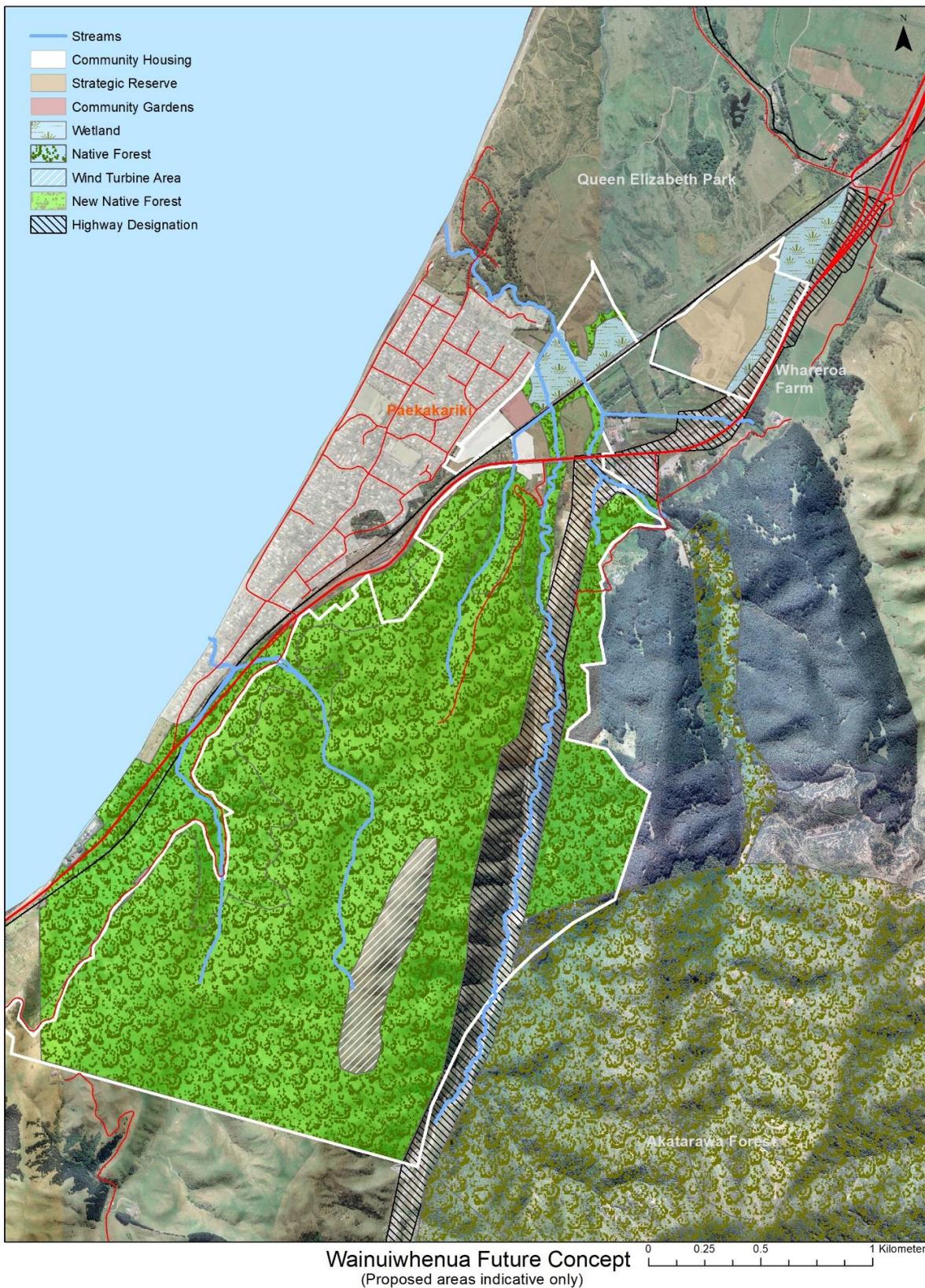
Ngā kaiwaitohu

Signatories

Writers	Amanda Cox – Principal Advisor to the Chair Pauline Hill – Principal Advisor, Māori Deborah Kessell-Haak – Manager, Legal and Procurement
Approver	Luke Troy – Acting Chief Executive

He whakarāpopoto i ngā huritaonga Summary of considerations
<p><i>Fit with Council's roles or with Committee's terms of reference</i></p> <p>This matter is within the role of the Committee as it refers to investigative action that may lead to further involvement with open space management, beyond Council's current regional parks portfolio.</p>
<p><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></p> <p>The matter contained in this report contributes to several Council strategic priorities including improving outcomes for mana whenua and Māori, and responding to the climate emergency.</p>
<p><i>Internal consultation</i></p> <p>The matter presented in the report has been the subject of consultation with Te Hunga Whiriwhiri, as it presents opportunities to strengthen Greater Wellington's relationship with Te Rūnanga o Toa Rangatira Inc and Ngāti Haumia (a hapū of Ngāti Toa Rangatira which has recognised rights in Queen Elizabeth Park).</p> <p>The Legal and Procurement team were consulted.</p>
<p><i>Risks and impacts - legal / health and safety etc.</i></p> <p>Given that the report relates solely to investigative actions, there are no substantive risks. However, to mitigate potential reputational risk and to further strengthen relationships, it will be important to continue to work closely with all partners, and to involve the community and other parties at appropriate points.</p>

Map of NZTA Land



BUDDLE FINDLAY

DRAFT

7 October 2022

To: Zoe Genet

From: Brannavan Gnanalingam, Paul Beverley

Public Works Act 1981 (PWA) advice – Greater Wellington Regional Council – Kāpiti Coast District Council – Ngāti Toa Rangatira - Ngāti Haumia ki Paekākāriki – PRIVATE AND CONFIDENTIAL

Background

1. We are advised that the Crown currently holds approximately 550ha land for the Transmission Gully project. Waka Kotahi and the Wellington Gateway Partnership have not yet fulfilled all of the consenting requirements for construction of Transmission Gully, and accordingly, the land is not surplus and will not be, for the immediate future.
2. However, Greater Wellington Regional Council (**GWRC**) would like advice on potential options once approximately 450ha of the land is no longer needed following final completion of the project. GWRC would like advice on whether (and how) the land could be transferred for further public works.
3. We note that the land in question is comprised in a number of blocks, and was acquired from a number of different previous owners. The Crown / local authorities will need to go through the exercises below for *each* block of land.
4. We also understand that any project is likely to involve involvement with GWRC, Kāpiti Coast District Council (collectively **Councils**), Ngāti Toa Rangatira and Ngāti Haumia (all four parties comprising the **Rōpū**).
5. GWRC's strategic priorities include:
 - (a) Working with mana whenua, to fulfil their aspirations, in the following priority order (where possible):
 - (i) Mana whenua obtaining and retaining local control of these lands.
 - (ii) Looking after the environment, and protecting / restoring the environmental values of the area.
 - (iii) Providing opportunity for housing for mana whenua and the community.
 - (b) Using the land for the following:
 - (i) promotion of healthy ecosystems;
 - (ii) kaitiakitanga, and working in partnership with mana whenua;
 - (iii) community support, including soil and water protection, carbon and climate change resilience, cultural strength, community housing, recreation and amenity, food production from versatile soils, energy, and economic development.

buddlefindlay.com

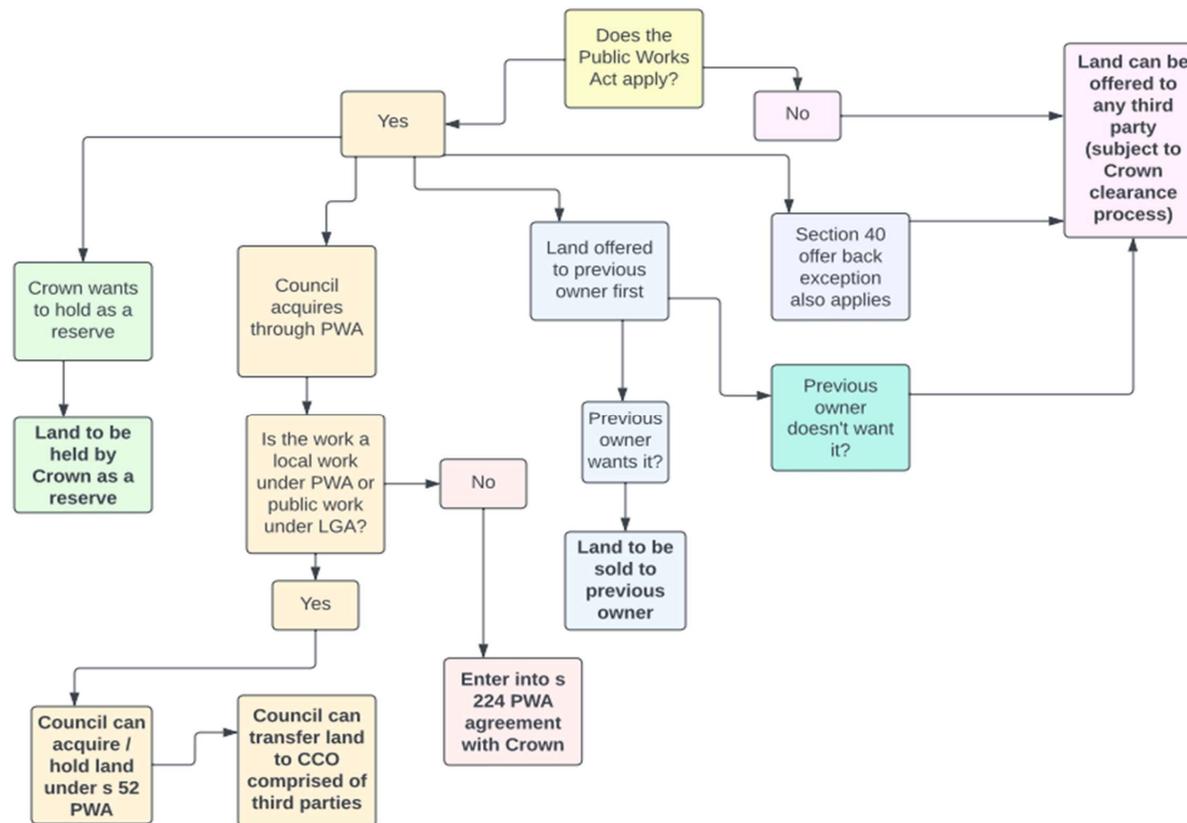
Attachment 2 to Report 23.83

6. This memo sets out:
 - (a) A legal analysis of the Public Works Act 1981 (**PWA**), and options for mana whenua and/or the Councils to secure the land within the PWA framework.
 - (b) The availability of non-PWA options to achieve the above.

BUDDLE FINDLAY

Executive Summary

7. We summarise the PWA position in the flow chart below.



8. Separately, we note the following in the context of mana whenua aspirations.

PWA applies?	Option	Level of mana whenua ownership / control
No	Land can be transferred directly to mana whenua	Full control / ownership. Subsequent arrangements can be entered into with the Rōpū, more generally
Yes	Land offered to previous owner to clear PWA obligations. Previous owner wants to acquire land	No control / ownership. Mana whenua would need to enter into separate arrangement with the landowner directly
Yes	Land offered to previous owner who does not want land / waives PWA rights. Land can be transferred directly to mana whenua	Full control / ownership. Subsequent arrangements can be entered into with the Rōpū, more generally
Yes	The Rōpū sets up a CCO and the land is transferred from Crown to Council to the Rōpū. Ongoing use must comply with the PWA and/or Local Government Act 2002 (LGA).	Co-ownership / co-management. Process subject to compliance with LGA / Rōpū agreeing form of CCO entity
Irrelevant	Crown retains ownership and sets up reserve. Ongoing use must comply with the Reserves Act 1977 (Reserves Act)	Crown will own land. Mana whenuawill not own land, and will be involved (at best) from a management perspective
Irrelevant	Land transferred to Council for reserve. Ongoing use must comply with the Reserves Act	Council will own land. Mana whenuawill not own land, and will be involved (at best) from a management perspective

BUDDLE FINDLAY

9. We envisage the following next steps:
 - (a) We anticipate that a variety of the above options will be considered by the parties (i.e. the parties do not need to commit to one option).
 - (b) The Crown should obtain a preliminary s 40 PWA Report to determine the PWA obligations (if any) for all of the relevant land.
 - (c) While this is occurring, GWRC should have discussions with Ngāti Toa Rangatira and Ngāti Haumia to discuss their aspirations, given the specific requirements of the PWA and the Crown processes. The parties should discuss the various intended uses of the land, and develop its thinking on specific locations.
 - (d) GWRC should simultaneously have discussions with the Crown as to its processes and timing of any declaration that the land is surplus. Any discussions should also include any potential appetite for a s 224 PWA agreement (if required), and whether any transfer would require a full market purchase price or reduced purchase price for the land.
 - (e) The Councils should have internal discussions as to whether a CCO could be a viable option. If so, then the Councils should have a discussion with Ngāti Toa Rangatira and Ngāti Haumia as to the structure of the CCO.
10. We are happy to assist in any of the above, or provide further detail, as required. We set out our reasoning below.

THE PWA

11. The key initial question to determine is the extent to which the PWA applies, and the purposes for which the land is to be used following any transfer. This will inform the Crown's, and Councils', approach.
12. Under the PWA, once land is no longer required (i.e. surplus), the Crown would first need to offer the land back to the previous owners at the current market value. In this context:
 - (a) the previous owner is the person from whom the Crown acquired the land; or
 - (b) if the previous owner was a Crown body or a local authority, the owner from whom that Crown body or local authority acquired the land.
13. Whether land is "no longer required" will depend on the circumstances – it is a question of both law and fact.
14. The Crown / local authorities have long held the right to acquire land for a local / government work using compulsory powers. The common law presumption is, if land is owned by the Crown or a local authority, it had previously been acquired via compulsion. A local authority would otherwise need to show that it acquired the land on the open market (on a willing buyer / willing seller basis) to displace that presumption.

15. A failure to comply with the PWA offer back provisions could give risk to a claim in negligence against the Crown / local authority, or result in a judicial review or an injunction being sought.
16. Fundamentally, we note that the PWA is a significant power reserved to the Crown / local authorities. It provides an exception to the idea that the Crown / local authority cannot arbitrarily deprive somebody of their property. The Crown / local authority is therefore required to ensure that in using or complying with the PWA, it:
 - (a) acts in good faith.
 - (b) acts for a public purpose or for the benefit of the public.
 - (c) takes no more than what is required and only for so long as the land is required.
 - (d) does not use this power to benefit a third person.

Therefore, the Crown / local authorities should be cautious about any attempt that artificially attempts to get around the PWA process or any obligation owed to previous owners.

DOES THE PWA APPLY?

17. The initial question is whether sections 40(1) and (2) of the PWA (**Offer Back Provisions**) apply to the land in question. The applicability (or non-applicability) of the Offer Back Provisions will dictate the strategy (see flow chart in the executive summary).
18. The Offer Back Provisions provide that if land held under the PWA or any other act or in any other manner for public work is:
 - (a) no longer required for that public work; and
 - (b) is not required for any other public work; and
 - (c) is not required for any exchange under s 105 (i.e. as compensation for land being taken for another public work); then
 - (d) the land shall be offered by private contract to the person from whom it was acquired or their successor at the current market value (or at any lesser price, if the Chief Executive of LINZ considers it reasonable to do so).
19. In relation to that:
 - (a) The presumption is, if the Crown or a local authority is the owner of the land, then it is held for a public work. For the Offer Back Provisions *not* to apply, the Crown or local authority would need to demonstrate that it acquired the land on the open market and at an arm's length.
 - (b) Alternatively, the Offer Back Provisions do not apply if one of the statutory exceptions contained in s 40(2)(a) or (b) apply. The Crown or local authority would need to demonstrate either that:
 - (i) It would be impracticable, unreasonable, or unfair to offer the land back.
 - (ii) There has been a significant change in the character of the land for the purposes, or in connection with, the public work for which it was acquired or is held.

Whether these exceptions apply is usually determined by a LINZ accredited agent.

- (c) The Offer Back Provisions do not apply if the previous owner or successor cannot be found. We note that a successor is defined in two ways:
 - (i) If the whole property was originally taken, then the successor is the person who would have been entitled to the land under the will or intestacy of that person, had they owned the land at the date of their death.
 - (ii) If part of the property was originally taken, then the successor is the current owner of the remainder of the property.
 - (d) If the previous owner or successor does not want the land, then the Crown / local authority may dispose of the land as they wish (as per s 42 of the PWA).
20. The usual first step is for the Crown or a local authority to obtain a Section 40 Report from a LINZ accredited agent to determine whether:
- (a) the Offer Back Obligations exist; and/or
 - (b) any of the exceptions set out in paragraph 19 apply.

The Crown / local authority can rely on the LINZ report in order to determine its next steps.

21. In our view, the Crown should commission a s 40 report from a LINZ accredited agent to determine whether the Offer Back Obligations exist or not, which can be done (carefully) prior to the land becoming surplus.

WHAT HAPPENS IF THE OFFER BACK OBLIGATIONS DO NOT APPLY?

22. The Crown / local authority is free to dispose of the land as they wish. In this regard:
- (a) The third party acquiring the land does not need to put the land to any specific purpose.
 - (b) The Crown / local authority is entitled to transfer the land subject to any conditions it may deem necessary.
23. If the landowner is the Crown, the Crown goes through its Crown property disposal process when it disposes of land. The Crown follows the four steps below:
- (a) Is the land needed for any other public work?
 - (b) Should the land be offered back as per the Offer Back Obligations?
 - (c) Can the land be offered to iwi under a Treaty settlement (e.g. as a Right of First Refusal)? Alternatively, the Crown may elect to "land bank" the land for a future Treaty settlement. We do note that the Crown has not fully settled all Treaty claims in the Kāpiti region.
 - (d) Sell the land on the open market.
24. GWRC should discuss potential future options with the Crown at an early stage, for the following reasons:

Attachment 2 to Report 23.83

- (a) The Crown will need to follow its own processes, separately from Councils' wishes (given the Crown currently owes the Offer Back Obligations).
 - (b) The Councils will not want the Crown declaring the land surplus prior to Councils determining their approach and indicating a requirement to use the land for another public work. As soon as the land is declared surplus, the Offer Back Obligations (if any) will start.
 - (c) Councils would want to advise the Crown of its interest, particularly if other Crown bodies may also express an interest in the land through the Crown property disposal process (e.g. Department of Conservation, Te Arawhiti).
 - (d) The Crown will likely work through its s 50 transfer obligations (if the land is going to Council), which will require Council to have significantly progressed its planned uses of the land / CCO or co-governance structure.
 - (e) The Crown will likely need to work through its own appropriations / balance sheet analysis in order to determine for what consideration any land could be offered to third parties (including to the Councils) and whether any Ministerial sign-offs are required. The Councils will want to discuss upfront the Crown's appetite for any transfer at less than market rates.
25. If the landowner is a local authority, then the local authority is free to dispose of the land, subject to compliance with the LGA. For completeness, we set out the disposal process under the LGA in Appendix 1.
26. If the Offer Back Obligations do not apply, the land could be offered directly to mana whenua on any terms and for any price (subject to internal requirements, and any appropriations and balance sheet issues being resolved).
27. One point to note is that if such land is to be used for community housing purposes, the Crown / Councils may need to discuss with mana whenua the status of the land. We understand that a lot of Crown funding for papakāinga housing is contingent on the land being classified as Māori freehold land. This will require a separate (or subsequent) application to the Māori Land Court for the status to be changed. However, this should be discussed with mana whenua, as such classification does have an impact on development / ability to raise finance.

WHAT HAPPENS IF THE OFFER BACK OBLIGATIONS DO APPLY?

28. There are two options in this situation:
- (a) Find an alternative "public work". This could result, for example, in a transfer from the Crown to a local authority to a Council-Controlled Organisation (see below).
 - (b) Offer the land back to the previous owner or their successor first to determine whether they want the land or not.
29. The latter situation is straightforward:
- (a) If the previous owner or their successor want the land at the market price offered, then the Crown / local authority is bound to sell the land to that previous owner or their successor.

- (b) If the previous owner or their successor do not want the land, then the Crown / local authority is free to dispose of the land as they wish. Paragraphs 22 to 26 above would then apply.
- 30. In these circumstances, if ultimately the intent is for the land to end up with some involvement with mana whenua, then this would be a high-risk approach by the Crown. We understand that much of the land in question was recently acquired by the Crown. That means it is more likely that the previous owner or their successor is contactable / in a position to acquire the land.
- 31. Alternatively, the parties could negotiate directly with the previous owners, with a view to paying a settlement figure, in exchange for that owner waiving their rights to have the land offered back. This option must be approached with caution, as the previous owner will still retain the right to have the land offered back. Care must be taken not to pressure any previous owner into accepting a settlement offer for fear they will not get their land back at all. Negotiation and settlement cannot be in substitution for an offer, but may be an alternative if the previous owner is agreeable to that approach.

FINDING AN ALTERNATIVE "PUBLIC WORK"

- 32. The Councils would need to acquire the land for a local or public work. We note that a CCO or mana whenua could not acquire the land directly in this way.
- 33. In order for land to be transferred to one or both Councils, they would need to satisfy one of the two statutory mechanisms under which they could acquire the land:
 - (a) The PWA allows a local authority to acquire any land required for a "local work" for which it has "financial responsibility."¹ The key test would be demonstrating that the planned work in question is a "local work".
 - (b) Section 189 of the LGA allows a local authority to purchase, or take in the manner provided by the PWA, any land or interest in land, whether within or outside its district, that may be necessary or convenient for the purposes of, or in connection with, any public work that Council was empowered to undertake, construct, or provide immediately before 1 July 2003.
- 34. In *Commercial Properties Ltd v Hutt City Council*,² the interplay between these two sections was considered, and the Judge held that the provisions in the LGA create a stand-alone power for local authorities to compulsorily acquire private property.
- 35. The two acts provide two different standards for a local authority to acquire land:
 - (a) Under the PWA, a local authority can only acquire land if it is required for a local work for which the authority has financial responsibility, and the work is constructed by or under the control of that local authority.
 - (b) In contrast, under the LGA, land may be acquired if necessary or *convenient* for the purposes of, or *in connection with*, a public work. This is a broader test, which may assist a local authority in drafting its objectives for acquiring the land in question.

¹ Section 16, PWA.

² [2019] NZHC 2243.

36. The tests for public works / local works are broad, and we think the planned uses of the land are currently likely to fall into the definition for which the Councils have financial responsibility. However, we would need to assess these in closer detail once specific projects are determined. If the work does not qualify as a local work under the PWA or a public work under the LGA, then we note an alternative approach as set out in paragraph 40 below.
37. Further, in the context of works in and around Paekākāriki:
- (a) As was relevant in the facts of *Commercial Properties Ltd v Hutt City Council*, under the Local Government Act 1974, "urban renewal" was declared a public work for the purposes of the PWA. Accordingly, in that case, Hutt City Council did not have to show that the work was a "local work", and therefore they did not need to construct or control the construction of the work themselves.
 - (b) Urban renewal was defined as:

"... the conservation, repair, or redevelopment of any land, or of any building on any land, within any urban part of the district (or the encouragement thereof), the standard of which should in the opinion of the council be improved; and includes the improvement, reconstruction, extension, development, and redevelopment of the utility services, roading, the landscape, and community and social facilities and services within that part."
38. Once either the PWA or LGA threshold is met, then the Councils are required to follow the s 50 PWA processes to progress the taking of the land. Section 50 entitles a public work to be transferred to a local authority (subject to the local authority requiring it for a public work). We note that land transferred for a public work to the Crown or a local authority can in some circumstances also be vested as a reserve under the Reserves Act, which we discuss in more detail below.
39. However, once the land is in local authority ownership, then the land could be on-transferred to a CCO, without triggering any Offer Back Obligations.
40. We consider the proposed works are likely to meet the test for "local work" under the PWA. However, if there is any risk that the works do not meet the tests set out in paragraph 35 for "local work" under the PWA or "public work" under the LGA, then the Councils could not directly acquire the land. Council would need to consider liaising with the Crown as to whether a s 224 Public Works Act Agreement could be used instead. In relation to that:
- (a) Section 224 of the PWA allows the Crown and local authority to 'combine' in works of both national and local importance.
 - (b) This will require sign-off from the Minister of Finance and any other Minister of the Crown.
 - (c) The parties effectively enter into a joint venture for the acquisition, execution, control, and management of the undertaking, although either the Crown or a local authority could likely 'lead' the project.

- (d) The local authority is entitled to acquire the land.³
- (e) The rights and obligations under such agreement can be assigned to another party (e.g. a CCO).⁴ We do not think the land could be assigned to a non-CCO or non-local authority, as that will likely trigger the Offer Back Obligations. Any such transfer to a CCO should be discussed with the Crown in advance to manage expectations.

COUNCIL-CONTROLLED ORGANISATIONS AND THE PUBLIC WORKS ACT

- 41. The Councils could consider creating a CCO under the LGA. GWRC, in particular, will obviously be familiar with CCOs, given its operations with Zealandia, Wellington Water, Basin Reserve Trust etc.. A CCO structure could be used formally to give legal effect to the Rōpū.
- 42. We think that a CCO may be an attractive option if the land cannot be directly transferred back to Ngāti Toa Rangatira and/or Ngāti Haumia. As you know, a CCO (despite the name) is simply required to have 50% ownership, voting rights or control held by one or more local authorities. The other 50% can, for example, be a third party, such as Ngāti Toa Rangatira and/or Ngāti Haumia.
- 43. The advantages of a CCO are that the PWA would not apply to any transfer of land from Council to the CCO. Specifically:
 - (a) Schedule 9, Clause 2 of the LGA provides that sections 40 to 42 of the PWA do not apply to any transfer of land to a CCO. A CCO is treated as if it were a local authority.
 - (b) The CCO would have obligations to offer land back to any previous owners once the CCO no longer required the land (and it wasn't required for any other public work). In the meantime, the CCO would need to register a caveat on the title to protect any previous owners' interests.⁵
- 44. We do not see the continuing obligation to comply with the PWA / the caveat as significant issues. It is unlikely that a CCO, comprised of Council and mana whenua, would want to dispose of the land in the medium to long-term.
- 45. As part of establishing that entity, the Rōpū would also need to determine how such entity would operate.
- 46. The Rōpū would determine:
 - (a) the appropriate structure e.g. a company, charitable trust or joint venture;
 - (b) the CCO's objectives e.g. profit-focus or public benefit / social purpose focus or both; and
 - (c) control / shares e.g. Council's holdings or control will need to comply with the minimum requirements of the LGA⁶ (e.g. 50%, or more of any voting rights).

³ Section 224(2)(b) PWA.

⁴ Section 224(2)(g) PWA

⁵ Schedule 9, Clause 3, LGA.

⁶ Set out in s 6, LGA

47. As you know, a key requirement under the LGA is that consultation is required before a CCO can be established (including with mana whenua).⁷ This is a key step in the process, and the Council(s) will need to take care to follow the LGA process. The timing of consultation will need to factor in Crown timing / any risk of declaration that the land could be (or deemed to be) surplus. This will include:
- (a) Providing reasonable access to relevant information. The general principle is that council should conduct its business in an open, transparent, and democratically accountable manner.⁸ Given this, we would expect the Council(s) to provide full and frank disclosure to the public as to its plans with formalising the Rōpū, and the CCO. In order to do this, the Council(s) will need to have progressed its negotiations with Ngāti Toa Rangatira / Ngāti Haumia prior to wider consultation, so that this information could be provided to the public.
 - (b) Encouraging people to present their views.
 - (c) Giving clear information on the purpose and scope of the consultation.
 - (d) Providing reasonable opportunities for people to present their views to the Councils.
 - (e) Councils receiving those views with an open mind. Councils cannot pre-determine matters on which it is consulting and there must be a genuine willingness to listen.
 - (f) Providing submitters with access to a clear record of relevant decisions / material.
48. The application of the Councils' respective significance and engagement policy under s 76AA will also need to be considered. This may be relevant to the procedural requirements for establishing the CCO, particularly if any council strategic assets or significant activities may be transferred or carried out by a CCO. We have not examined the Councils' respective significance and engagement policies, but can do so if this option is to be explored.
49. The Councils would obviously be aware of the benefits of CCOs from its existing operations. In particular:
- (a) A CCO could also be a useful vehicle for the parties to manage their liability going forward e.g. health and safety, tax.
 - (b) The CCO may also be able to contract directly with the specific works.
 - (c) A CCO could also provide opportunities for new relationships, new governance options, and new leaders (including from mana whenua) to be involved within a Council framework.
50. The disadvantages of a CCO are more tied to process:
- (a) As noted above, the Councils will need to take care that it adequately consults. There could be obvious implications on timing of any transfer to the CCO or if there is a community opposition.

⁷ Section 56, LGA.

⁸ Section 14(1)(a)(i), LGA

- (b) The Councils would also need to liaise with Ngāti Toa Rangatira / Ngāti Haumia on co-ownership via a CCO. Council would need to work through an appropriate structure with them.
- (c) The Rōpū would need to set up a framework for the CCO itself. These negotiations can take some time e.g. who is liable for what, costs, tax, health and safety, decision-making, profits etc.
- (d) Obviously with a CCO, that CCO would have ongoing requirements in terms of reporting, auditing, decision-making etc. GWRC will be familiar with these requirements, given its current use of CCOs.
- (e) In addition, Ngāti Toa Rangatira / Ngāti Haumia may be more hesitant to accept joint management and/or co-ownership of the land.

ALTERNATIVES TO THE PWA

CAN THE PWA BE OVERRIDDEN BY LEGISLATION?

51. In short, we do not consider that it is likely that Offer Back Obligations would be overridden by legislation in this case, except in the case of reserves (which is, effectively, a continuing public work), for the reasons given below.

High threshold

52. Offer Back Obligations can be overridden by legislation, as they are statutory obligations and so can be modified by statute. However, in practice the threshold for such legislation to be passed is high.
53. The fundamental principle is that the Government cannot take a person's property without "good justification". Good justification requires a fair process, exhausting options to negotiate with the property owner, and providing adequate compensation for the property rights at issue. The Governments' primary advisor on legislative design, the Legislation Design Advisory Commission (LDAC), has articulated this principle as being one of the fundamental constitutional principles and values of New Zealand law ([4. Fundamental constitutional principles and values of New Zealand law | The Legislation Design and Advisory Committee \(Idac.org.nz\)](https://www.idac.org.nz/4-fundamental-constitutional-principles-and-values-of-new-zealand-law)).
54. In light of that fundamental principle, the threshold for legislation intended to override Offer Back Obligations under the PWA will be extremely high. We are aware of only one instance of legislation being used to override the Offer Back Obligations, which was in the context of a novel and ground-breaking Treaty settlement (Te Urewera Act 2014). That legislation does not serve as a precedent for overriding property rights more generally.

Legislative options

55. We have considered the four types of Bills that can be introduced to Parliament, and analysed practical and legal issues in relation to each type of Bill:
- (a) **Private Bills:** these types of Bills are promoted for the benefit of a particular person or group, and we consider it highly unlikely that the Crown would view it as appropriate to override property rights without legislation promoted by the Crown itself.

- (b) **Local Bills:** these Bills are intended to affect a local area, and are not usually used in relation to private rights. We consider it unlikely the Clerk of the House would consider it appropriate to introduce a local Bill for the purpose of dealing with or transferring Crown-owned land and overriding private property rights.
- (c) **Members' Bills:** these Bills are not automatically introduced into Parliament. Rather, a ballot system is used to choose the bills that are introduced, meaning there is no certainty that the Bill will ever be introduced.
- (d) **Government Bills:** we consider this is the only type of Bill that could feasibly be introduced for this purpose, but we do not consider the "good justification" test set out above is likely to be met, including because all options for negotiation with the previous

RESERVES ACT

- 56. Another option for management of the land, is to have the land vested as a reserve under the Reserves Act. Depending on the purposes for which the reserve is to be held, this can be done for a public work (provided it was vested in the Crown or a local authority). Please let us know if you would like further information on this option.
- 57. An administering body can also be appointed to control or manage a reserve that is vested in the Crown. Under the Reserves Act, there is no provision for more than one separate entity to be appointed as separate administering bodies in respect of one reserve. However, a separate body could be set up, with representatives appointed by each entity with an interest in that reserve, to manage the reserve as one administering body. Whether or not this is achievable here will depend on the structure of the transfer and ownership of the reserve.
- 58. At best, such an option would amount to co-management, rather than co-ownership. A reserve may not meet the parties' aspirations for the land, and so we have set out details here briefly.
- 59. The most straightforward way that joint administration has been done previously is through legislation. For example, this has been done before in Treaty settlements, where the relevant governance entities appoint a specified number of members each to a joint management body.⁹ While legislation is the most straightforward way to achieve this, depending on the structure of the transfer, this could still be achieved through transfer and gazette notice. If this is an option the parties are interested in, we can look into this further.
- 60. There are some caveats to the reserve option:
 - (a) A reserve can be vested in an entity that is not the Crown or a local authority, but such body needs to have authority to have the reserve vested in it through legislation (or some other lawful authority).
 - (b) If the reserve is not held for a public work, and / or if the ultimate owner of the reserve isn't the Crown, a local authority or a CCO, then the Offer Back Obligations will apply.

⁹ See section 111 of the Maniapoto Claims Settlement Act 2022 for an example of joint management body provisions, and the joint vesting provisions in sections 98 and 99 (in that situation, the land was both jointly owned by each governance entity in shares, as well as each governance entity appointing members to the joint management body to control and manage the reserve).

Attachment 2 to Report 23.83

- (c) Any reserve will be subject to the additional restrictions in the Reserves Act around use, management, the granting of interests, and disposal, among others. Some of these restrictions include public notification before making changes or taking certain steps. This option will likely result in Ngāti Toa Rangatira and/or Ngāti Haumia having less control over the land, which we understand is one of their aspirations for the land.
61. A reserve may be a good option for land that:
- (a) The parties intend to be managed in a similar way to a reserve anyway, ie public access, no need to grant interests over or to on-sell, or to protect some value on the land.
 - (b) Ngāti Toa Rangatira and/or Ngāti Haumia has not identified as wanting more control over.
 - (c) Ngāti Toa Rangatira and/or Ngāti Haumia may otherwise have concerns being a landowner for, e.g. the land has the potential for significant liability from a health and safety, contamination, nuisance, building maintenance etc. perspective.

BUDDLE FINDLAY

Appendix 1: Local Government Act disposal process

1. GWRC will be well familiar with its LGA requirements, but we set out the below as considerations in any sale of the land. If GWRC intends to sell the land at below market price to a third party, then GWRC would also need to ensure it can explain why it is doing so.
2. Under section 12 of the LGA, a local authority has full capacity to do any act or enter into any transaction, and for that purpose has full rights, powers and privileges. GWRC therefore has the power to enter into a transaction to sell land. However, it must exercise the power in accordance with the purposes, principles and processes set out in the LGA.
3. This includes seeking to give effect to the purpose of local government, in particular to promote the social, economic, environmental and cultural wellbeing of communities in the present and for the future (section 10(1)(b)).
4. GWRC must also perform its role in accordance with the principles set out in section 14 of LGA. We note these principles include the requirement to undertake commercial transactions in accordance with sound business practice, and to assess expected returns and risks of investing in or undertaking commercial activities (section 14(1)(f) and (fa)).
5. However, more generally, GWRC would need to be satisfied that making the decision to approve the sale is consistent with the principles in section 14. Relevant principles include the requirement for prudent stewardship, effective and efficient use of resources, and taking a sustainable development approach, including considering social, economic and cultural wellbeing and the needs of future generations.
6. The LGA has requirements applying to every decision made by a local authority. GWRC must be satisfied that deciding to the sale of the land in question is made in accordance with these processes.
7. GWRC has adopted a significance and engagement policy under section 76AA. GWRC would need to consider whether the policy applies to the proposed sale and, if so, carry out engagement or consultation to the extent contemplated by the policy.
8. More generally, sections 76 to 81 set out processes GWRC needs to follow when making decisions. In particular GWRC must consider all reasonably practicable options (section 77) and the views and preferences of persons likely to be affected by, or have an interest in, the matter (section 78). However, under section 79, GWRC has discretion to make judgements about the extent to which it complies with section 77 and 78, in proportion to the significance of the particular decision.
9. In relation to using land for any sale, GWRC must be satisfied about the judgement it has made on the process to be followed in making the decision. It must be satisfied that the extent to which it has complied with section 77 and 78 is appropriate and proportionate to the significance of the decision. In this regard, GWRC can take into account the process it would typically follow in making decisions of a comparable nature, value and significance.

Office of the Chairperson
100 Cuba Street
PO Box 11646
Wellington
T 04 384 5708
www.gw.govt.nz

7 March 2023

File Ref: [EXTREL-893300156-5425](#)

Hon Michael Wood
Minister of Transport
Parliament Buildings
Wellington

Tēnā koe Minister

“Wainuiwhenua” – future ownership entity

Early this year our three organisations were advised via Hon Barbara Edmonds that your office had enquired about our plans for future ownership of the surplus land relating to Transmission Gully. Specifically, you asked whether local authorities were likely to be involved in ownership of the surplus land, or whether another entity is proposing to own this land.

You may recall our letter to you and the Minister of Land Information on 23 March 2021 (Attachment 1), advising of our interest in this land and requesting that you defer commencement of any disposal of the surplus land until we had explored alternative ownership options.

We believe we have arrived at a potential ownership model that will involve Greater Wellington Regional Council (GW) and Kāpiti Coast District Council (KCDC) creating a Council Controlled Organisation (CCO) under the Local Government Act (LGA), to hold the surplus land (see Attachment 2).

Under the LGA, a CCO is required to have 50% ownership, voting rights or control held by one or more local authorities. To achieve our partnership aspirations, we intend to propose that the entity be held 50% by our two councils (with the exact share to be determined) and 50% by Ngāti Toa Rangatira. The partners will also need to determine a structure (company, charitable trust etc) and objectives for holding the land.

This proposal will require further discussion and formal consultation, to comply with the Local Government Act, and this will be advanced through relevant GW and KCDC processes. At this point however, it appears the best available option.

Does the Public Works Act apply to the land disposal process?

We are all aware that the land was purchased under the Public Works Act and is held by Waka Kotahi for that purpose, and that it would normally be subject to the relevant Offer Back Provisions of the Act. However, we are aware of the highly significant nature and scale of the Transmission Gully works and would like to know whether the statutory exceptions (contained in s40(2)(a)) may apply in this case.

We are advised that a LINZ-accredited agent would usually determine whether the exceptions would apply. To aid our understanding of the situation, we request that the Crown obtains a Section 40 report from a LINZ accredited agent to determine whether:

- a) the Offer Back Obligations exist
- b) whether any of the statutory exceptions would apply

Minister we would welcome the opportunity to discuss the future of this land further with you, and how best to achieve optimal outcomes from the land disposal process.

Ngā mihi



Daran Ponter

Chair

DD: 027 454 0689



Janet Holborow

Mayor

Kāpiti Coast District Council



Helmut Modlik

Chief Executive

Ngāti Toa Rangatira

CC

Hon Damien O'Connor, Minister for Land Information

Hon Barbara Edmonds, MP for Mana

Attachment 1: "Request to defer disposal of land at Paekākāriki"

Attachment 2: Buddle Finlay Legal Advice



**TE RŪNANGA O
TOA RANGATIRA**

Ā UPANE KA UPANE WHITI TE RA

22 March 2022

Daran Ponter
Chair
Greater Wellington Regional Council
100 Cuba Street
WELLINGTON 6011

Tēnā koe,

Wainui Whenua

This letter is written in support of the Wainuiwhenua project.

This proposal looks to progress a number of interests that Ngāti Toa have given our relationship and association with the Paekakariki area, such as environmental protection, housing, and public amenity.

Te Rūnanga o Toa Rangatira are excited by the opportunity proposed and are keen to work together with all parties involved to come to an agreed solution. We are particularly appreciative of the leadership taken by the Wainuiwhenua Community Group and the Greater Wellington Regional Council to ensure Ngāti Toa participation in this kaupapa.

Ngā Mihi

Callum Katene
Chair
Te Rūnanga o Toa Rangatira

Environment Committee
27 April 2023
Report 23.157



For Information

MAURI TŪHONO KI TE UPOKO O TE IKA A MĀUI

Te take mō te pūrongo

Purpose

1. To introduce to the proposed framework developed by the Mauri Tūhono collaborative group.

Te horopaki

Context

2. Mauri Tūhono ki te Upoko o te Ika a Māui is the independent collaborative working group (the Group) developing a framework for biodiversity in the Wellington region. They have recently launched their proposed framework: Kaipupuri Taonga ki te Ao Whānau – the taonga that we stand for everywhere with everyone (the proposed Framework). The public engagement period runs until 31 May 2023.
3. This presentation will provide an overview of the proposed framework and give councillors the opportunity to discuss it and ask questions.

Ngā āpitihanga

Attachments

Number	Title
1	Mauri Tūhono powerpoint

Ngā kaiwaitohu

Signatories

Writer	Ali Caddy – Manager, Biodiversity
Approver	Wayne O’Donnell – General Manager, Catchment

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or with Committee's terms of reference</i> The terms of reference for the Environment Committee allows the Committee to oversee the development, implementation and review of Council's environmental strategies, policies, plans, programmes, initiatives and indicators to improve environmental outcomes for the Wellington Region's land, water, air, biodiversity, natural resources, parks and reserves and coastal marine area.
<i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i> Mauri Tūhono is a project identified in the Long Term Plan.
<i>Internal consultation</i> The proposed framework is being socialised with Greater Wellington staff, including senior leaders across the (incoming) Environment Group and Te Hunga Whiriwhiri.
<i>Risks and impacts - legal / health and safety etc.</i> There are no known risks.



18 April 2023

Attachment 1 to Report 23.157

Mauri Tūhono Ki Te Upoko o Te Ika

Kaipupuri Taonga Ki Te Ao Whānui

He karakia tīmatanga

Tukua te wairua, kia rere
Tukua te mauri, ka oho
Ruruku ki a Ranginui
Ruruku ki a Papatūānuku
Ko tēnei te rangi ka ū
Ko tēnei te rangi ka mau
Ko tēnei te rangi ka ruruku
Ko ēnei taurira o te whenua ki te rangi
I te Taiao ki te Arorangi, i rukutia noa atu.
Tūturu o whiti whakamaua kia tina! Tina!
Haumi e! Hui e! Taiki e!

Send forth the spiritual essence, so it flows
Send forth the vital life essence, to awaken
Bound together to the sky above
Bound together to the earth below
This is the day, to be sustained
This is the day, to seize hold of
This is the day, to be bound together
These examples are of the land and sky
From the environment to the universal domains
That weave us together, from long ago.
Steadfast as a shining light, to behold and be
fixed!
Affirmed! By us gathered here! And so it is!

Nā, Sharlene Maoate-Davis 2022



Ko wai mātou

Who we are

Ra Smith
Ali Caddy

We are members of Mauri Tūhono Ki Te Upoko o Te Ika a Māui.

He karanga ki te hunga ngākaunui ana i te taiao

A call to all who care for the
natural treasures of the
Wellington region

Why a framework?

- We aim to unite people
- We're thinking big and deep

The focus is on

- Our position in te taiao
- Our relationships with each other
- Our relationships with te taiao



He moemoeā nō te taiao

Vision from te taiao

Te puāwaitanga o te taiao ki te Upoko o te Ika

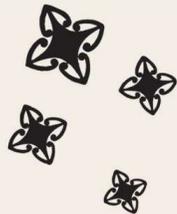
Towards te taiao flourishing in the Wellington region

Mauri Tūhono — sustaining and restoring the mauri of te taiao and people through entwining our efforts



Ngā whenu whakapuāwai

The flourishing strands



Mō tātou, mā tātou

For everyone, everywhere



Ko te taiao ko au

Te taiao at the heart



Tūranga

Our place in te taiao



Hononga

Our connection to
each other



Māramatanga

What we know to be true



Te pātaka

Te taiao is the storehouse



Te manawaroa

Te taiao endures



What could this mean for GW?

Aligns well with current direction

- from central government
- our GW strategies and frameworks
- shifts of integration for new Environment Group

The framework asks us to tap into deeper reasons and our heartfelt connection to inform our work, alongside our academic training

It also prompts us to pay more attention to our relationship with others

What could this mean for community?

The framework...

- Asks us to support community to understand what our partnerships with mana whenua mean at a practical level
- Encourages us to better recognise and enhance community led work in te taiao
- Is a collective movement that helps people see how we're working towards a shared purpose
- Values a wider range of knowledge to connect more people with te taiao
- Aligns with a wider cultural shift and community response could be quite variable

What's happening

- Proposed framework was released in March
- We're in a period of engagement through to the end of May
- We can then shift toward implementation and action



maurituhono.org.nz

Ngā mihi



27 April 2023

naumai@maurituhono.org.nz

He karakia whakamutunga

Mā te kura taiao
Tēnei kura nui, tēnei kura roa
Kia horahia te mauri ora ki runga i te
mata o te whenua
Ka rongo te pō, ka rongo te ao
Whiti, whiti, tau mai te mauri
Haumi e! Hui e! Taiki e.

It is through the determination of the
taiao
That this all-encompassing and enduring
Living lifeforce be far reaching across the
landscape
Resounding through the night and day
Enlighten and bring forth balance
Gathering people together, as one.

Nā, Sharlene Maoate-Davis 2022