

## Additional evidence supporting

### **SUBMISSION BY MAIKI MARKS TO NORTHLAND REGIONAL COUNCIL HEARING OF APPLICATIONS FOR RESOURCE CONSENT FOR ACTIVITIES ASSOCIATED WITH DOUG'S BOATYARD, WALLS BAY, OPUA – (APP.039650.01.01)**

Ko wai ahau? Who am I?

He mea hanga tēnei - tōku whare  
Ko Ranginui e titiro iho nei te tuanui  
Ko Papatūānuku te paparahi  
Ko ngā maunga ngā poupou  
Pūhanga Tohorā titiro ki Te Ramaroa  
Te Ramaroa titiro ki Whiria  
Ko te paiaka o te riri, ko te kawa o Rāhiri  
Whiria titiro ki Panguru ki Papata, te rākau e tū papata ki Te Tai Hauāuru  
Panguru–Papata titiro ki Maunga Taniwha-whakarongorua  
Maungataniwha titiro ki Tokerau  
Tokerau titiro ki Rākaumangamanga  
Rākaumangamanga titiro ki Manaia  
Manaia titiro ki Tūtāmoe  
Tūtāmoe titiro ki Maunganui  
Maunganui titiro ki Pūhanga Tohorā  
Ko tēnei te wharetapu o Ngāpuhi

A house is constructed thus  
The sky father is the roof  
The earth mother is the floor  
The mountains are the posts  
Pūhanga Tohorā faces Te Ramaroa  
Te Ramaroa faces Whiria  
The taproot of strife, the custom of Rāhiri  
Whiria faces Panguru-Papata, the trees bent by the western wind  
Panguru-Papata faces Maungataniwha that hears  
both the eastern and western coasts  
Maunga Taniwha faces Tokerau  
Tokerau faces Rākaumangamanga  
Rākaumangamanga faces Manaia  
Manaia faces Tūtāmoe  
Tūtāmoe faces Maunganui  
Maunganui faces Pūhanga Tohorā  
This is the sacred house of everlasting Ngāpuhi.

Whakatauki linking Ngapuhu Taumarere and Ngapuhi Hokianga

Ka mimiti te puna i Taumarere When the spring or fountain at Taumarere are empty

Ka toto te puna i Hokianga The spring or fountain at Hokianga are full

Ka mimiti te puna i Hokianga When the spring or fountain at Hokianga is empty

Ka toto te puna i Taumarere The spring or fountain at Taumarere is full

The age old saying above has been invoked by various tupuna rangatira throughout our history, the most recent in 1998 when Ta Himi Henare called on Ngapuhi Taumarere descendants of Uenuku kuare and Ngapuhi Hokianga descendents of Kaharau to meet at Opuia to remember our obligations and responsibilities to taonga tuku iho (precious gifts handed down into our care – land, water and air in the Opuia environs). On this occasion, Sir James and others feared for the mauri or well-being of the waters at Opuia – nga awatapu me te moanatapua o Pikopiko I Whiti when a marina for Opuia was first proposed.

The pouwhenua at Opuia has a two pronged message – to local authorities and central government – Ngapuhi have knowledge, commitment and a willingness to restore, protect and enhance mauri or the spiritual well-being of te moanatapua o Pikopiko I Whiti and awatapu in our rohe – but ‘you do not see us nor do you hear us’. The other message is to tangata whenua - tiaki i nga taonga tuku iho - kia ora tonu te mauri o te moanatapua o Pikopiko i Whiti mo tenei ‘hakatupuranga – me nga uri ‘hakatupu a muri ake nei (care for all precious gifts ( moanatapua o Pikopiko i Whiti, awatapu ranei..) handed down to this generation and future generations to care for and protect – kia puta mai (to achieve) - te oranga wai - (healthy water), te oranga nuku (healthy soils) and te oranga atea (healthy air) – this is our legacy to pass on to future generations. ***The activities listed in the Staff Report will not allow this to happen.***

Ko Maiki toku ingoa, he uri ahau o Puhimoana Ariki, a Rahiri me te whare tapu o Ngapuhi.

My name is Maiki, I am a descendent of Puhimoana-Ariki, Rahiri and the house of Ngapuhi.

I spent 45 years, firstly as a trained and qualified School Dental Nurse in Northland and Auckland schools. Trained Secondary teacher 1975, taught four Auckland Secondary Schools, Birkdale College teaching English and Social Studies and introduced te reo Maori to Bursary level, Hillary College, Henderson High, Tamaki College and Kerikeri High School.

New Zealand Qualifications Authority 1990 - 1993 – developed standards based assessment processes and procedures for Te Reo Maori – levels 1,2, & 3.

Framework Development Officer & Policy – facilitated industry Standards Bodies to develop national qualifications, quality management processes for their respective field e.g Business Management qualifications and Maori Business. Tourism national qualifications and Maori tourism qualifications are to name a few.

Appointed Adviser te reo Maori - Auckland College of Education 1998 - 2002.

2002 – 2008 appointed Environmental Education/Education for sustainability facilitator, Education Faculty - University of Auckland. Worked alongside selected kaiako in Bi-lingual units, Kura Kaupapa and Whare Kura in the North and South Island kura - developed Matuaranga Taiao i te reo Maori with Victoria and Canterbury Maori Department staff and kaiako of selected kura.

Member of Ministry for Environment - Environmental Education Co-ordinating Committee to implement National Education Environmental Policy

I retired from paid employment in 2009.

I became a member the Bay of Islands Coastal Watchdog in 1996, represented this group on the Environment & Conservation organisations of NZ (ECO) 1999 - 2008.

Opua Coastal Preservation society became a member group of ECO two years ago – I represent OCP and was re-elected to the National Executive of ECO again 2016,-18. I am a long-standing subscriber to Soil & Health and a friend of the Environment Defence Society.

### **Nga hapu o Ngapuhi engagement with the RMA and NRC processes, procedures and practice and shared experiences with national and international audiences:**

December 1993, I was asked by whanau in Kororareka to join the committee to help with the mahi, planning for a marae for Kororareka and to help develop a process for receiving and processing applications for resource consents to maintain & enhance taonga tuku iho on the Kororareka peninsular. I developed an Environmental Policy Statement for members of te Ropu Taiao to use to ensure nga taonga o Kororareka peninsular were cared for and protected in a consistent and timely manner.

Our Ropu Taiao were receiving on average 20 – 30 applications per month for resource consent in, on and around the Kororareka peninsular. I facilitated our policies to - FNDC, DoC, Historic Places Trust including all professionals working with the RMA. Our kaupapa

was also shared with neighbouring marae through hui organised by Te Runanga o Taumarere. Despite these Plans - mahi to care for te moanatapu o Pikopiko i Whiti continues to present many challenges for tangata tiaki and kai-tautoko (supporters of, and, for healthy and thriving environments).

1997, I wrote a paper based on - kaitiakitanga o nga taonga tuku iho, otira, te moanatapu o Pikopiko i Whiti - to a Symposium on the RMA, Lincoln University. The paper - Practising kaitiakitanga in, on and around the Kororareka environs was the only paper presented from a tangata tiaki perspective at this conference. Necia Shortland and I attended, and made many new friends and gained a better understanding of the Resource Management Act 1991.

This paper was followed with a focus on the Russell Sewerage Case - presented to the Sea-views conference 1998, hosted by the Environment & Conservation Organisations of NZ (ECO). The conference report asserts “good environmental management is good economic management: it allows us to keep faith with the future and with our fellow inhabitants of the planet. Good environmental management requires recognition of the sea as a series of ecosystems, all part of the biosphere with extensive and at times intricate links between air, land and sea. Securing the natural capital on which we and all future life depend will require some changes in the way we see and use the sea, and the way we organise ourselves, our institutions, laws and management systems”.

Our paper outlined barriers faced by our members and kaitautoko (community groups who support us) trying to require both authorities to understand our cultural and spiritual obligations and responsibilities to taonga tuku iho and to care for and protect rivers and seas in catchments throughout Te Tai Tokerau. The paper, ‘Kia ora tonu te mauri o nga maona o te Taitokerau mo nga uri whakatupu’ describes the many challenges tangata whenua and kai-tautoko experienced whilst trying to fulfil our obligations & responsibilities to taonga. NRC & FNDC bought in experts to try to convince us that its was OK to let treated effluent flow into and over our food basket at Te Uruti. When we decided to take our concerns to the Planning Tribunal - KMS, and marae – Te Runanga o Taumarere and groups such as the Bay of Islands Coastal Watchdog formed ‘Keep our harbours Clean Group” to co-ordinate our case leading up to, during and following the Planning Tribunal hearings. This process saw an emergence of tangata whenua and local groups working in concert to care for and protect taoanga with some KMS joining the Bay of Islands Coastal Watchdog and over the years other like minded groups. See <http://www.eco.org.nz> Seaviews Conference for my paper.

October 1999, I was invited by Brett King, an organiser of the conference to present the Keynote Address, Kia ora tonu te **mauri** o te moana o Pikopiko i Whiti mo nga uri whakatupu (To maintain & enhance **mauri** of the inner sea of the Bay of Islands for future generations) - to the New Zealand Institute of Surveyors & FIG Commission VII

Conferences & AGM 9 – 15 October 1999 at the Copthorne Hotel Waitangi. The NZIS & FIG conference theme – The Coastal Cadastre-Onland, offshore. The FIG/NZIS Joint Symposium - Womens Access to Land presented new and exciting perspectives for me. Brett was a professional surveyor who worked for a number of Applicants applying for resource consent in our rohe. I can produce a copy of the conference handbook at the Hearing, but I would like it back.

2003 Keynote speaker to NZ Association for Environmental Education conference - Waikato University – power point presentation caring for taonga tuku iho - te moanatapū o Pikopiko i Whiti and waahi tapu on the Kororareka environs.

2006 Creation, Crisis and Conservation a Christian response to a suffering planet – University of Auckland. Practising kaitiakitanga in on and around te moanatapū o Pikopiko i Whiti.(power point speech notes attached)

2008, I wrote a Hapu Environmental Management Plan for the Kororareka rohe. All authorities were invited (including NRC) to hear nga tumanako me nga wawata mo nga taonga o Kororareka – nga momo wai, a Papatuanuku, me te atea.(our dreams & longings that all precious gifts on the Kororareka peninsular – all types of water, land and air)

There are three treaty of Waitangi claims in this area and the wider Bay of Islands – Wai 49 a claim by Sir James Henare over, in and around te moanatapū o Pikopiko I Whiti and awatapu o Taumarere - Wai 2027 Harry, the late Pae Koroha Winiana and Kitty Mahanga's claim evidencing three generations of thriving & healthy customary fisheries & practice leading to total loss of customary fisheries within te rohe o Ngati Manu. Harry Mahanga and the late Pae Koroha Winiana were our kaumatua throughout the restoration & beautification of the esplanade reserve and the foreshore at Walls Bay 2010 – 2013. (see below kaumatua - Harry Mahanga's letter to CEO & Chairman NRC) expressing treaty claimants concerns mo te mauri o te moanatapū o Pikopiko i Whiti.

**Evidence of community work to protect and maintain public access to the esplanade reserve and moanatapū o Pikopiko I Whiti:**

Northland Regional Council

61 Waikare Road

Private Bag 9021  
WHANGAREI 014

RD 2  
KAWAKAWA

9 November 2012

NRC CEO                      Mr Malcom Nicholson  
The Chairman of the Elected members of NRC (governance) Mr Craig Brown

**Unlawful removal of awatapu and placement of pipe into te moana o Pikopiko i Whiti – Walls Bay Esplanade Reserve, Opuā:**

Tena korua

Nga mihi nui ki a korua

We are very disappointed to see the level of extensive earthworks that has been carried out on esplanade reserve land at Walls Bay, Opuā. This being public esplanade reserve and protected by the Reserves Act and the RMA, we understand works including removal of whenua, removal of awatapu, placement of private structures and a construction of a wall to hide containment's infrastructure is unlawful on the reserve.

We also understand there is a requirement for easements/resource consents before these works can be conducted under these Acts. Without the authorisation of an easement the works concerned and built installations comprise offences under section 94 of the Reserves Act. We understand there are no easements under the Reserves Act 1977 for this work on the reserve, and that no resource consents have been granted by FNDC for works undertaken.

NRC re-newal of resource consents to place a pipe into te moana o Pikopiko i Whiti without consultation with hapu is not acceptable.

NRC has long prided itself on being a vigilant corporate body, notifying hapu of applications for resources consents even when they are non notified.

The removal of awatapu and placement of a pipe into te moana o Pikopiko i Whiti is a very serious breach in our view. We do not trust these installations and what they carry to te moanatapu. We do not trust NRC monitoring of the moanatapu. In my seventy plus years I have seen degradation of the mauri and serious sedimentation loading into te moana. Given that the basic building blocks are being lost, there is no hope for kaimoana to survive as it did when I was a young fisherman.

Finally, I submitted to an Easement Hearing in 2005 because of my objections to Mr Schmuck washing down boats on the reserve. When it rains the debris from washed down boats end up in te moanatapu o Pikopiko i Whiti. And he should not be washing down boats on the slipway. I have spent many hours clearing weeds such as ginger bulbs, tobacco weed, wattle saplings and other debris from the reserve. I have seen on many occasions Mr Schmuck washing down boats on the reserve and **in the sea**.

Harry Mahanga Honorary Fisheries Officer & kaumatua Ngati Manu

**Evidence of NRC failure to achieve water quality standards to maintain and enhance 'mauri' o nga awatapu who flow into te moanatapu o Pikopiko i Whiti i te ao i te po:**

Te Runanga o Taumarere v NRC (1995) Planning Tribunal and Te Awatapu o Taumarere v NRC 1998 - Environment Court outcomes for water quality are still yet to be achieved by NRC.

My past submissions, beginning 1995 to the present have called on the NRC to implement an integrated catchment management plan for the Bay of Islands to no avail. I believe an integrated catchment management plan for the Bay of Islands will better co-ordinate and enhance current restoration work conducted by 'Living Waters' and other groups. It will provide a staged annual management plan with funding to restore all waterways flowing to te moanatapu o Pikopiko i Whiti..

### **Iwi Maori seek provision in law for higher water quality”**

As recent as January 2017, a paper was filed in the Waitangi Tribunal in relation to a claim that existing laws and regional regulations do not adequately accommodate the Māori proprietary interest in natural, water resources. The claim was initiated by the New Zealand Māori Council in association with ten tribal groups. It was later accompanied by 166 other Māori groups, whom the Tribunal joined as interested parties.

The inquiry has progressed through stage one, where the Tribunal found that a Māori proprietary interest in natural water resources had been proven. The Supreme Court endorsed that finding. A long recess followed while the Crown developed its proposals to reform water laws.

In the current stage 2, the Tribunal is considering the adequacy of the Crown's present and proposed laws. It is anticipated that in the middle of the current year, geothermal water will be addressed as stage 3 and in stage 4, the inquiry may focus on how the Māori interest may be provided for in law.

The Māori Council considered that technical evidence on custom law would be filed in the final stage after the tribal groups had given their customary evidence. However, on 16 November, an interested party sought leave to file expert and technical evidence on custom law by 20 January 2017. The Tribunal accepted that custom law evidence should be filed by that date.

In that case, it is argued that 'Tikanga Māori' is essentially customary law. Māori spoke of that which is 'tika' or 'right' and thus used 'tikanga' in the nominalized form - the desirable standards by which correctness, justice or rightness is maintained. The addition of "Māori" is modern, for previously, there was no other tikanga.

In my submission to NRC's LTP I suggested it would be great if the NRC set aside sufficient funding to begin the long task of restoring water quality in the Bay of Islands Catchment and lead the process currently before the Waitangi Tribunal.

I asked that a remedy could be - to emulate the Hawkes Bay Regional Council's long term plans and begin restoring our waterways, their intrinsic ecosystems and biodiversity by allocating serious funding each year in work programmes to achieve thriving and healthy awatapu – which flow to te moanatapu o Pikopiko li Whiti.

**Lack of Compliance, monitoring and enforcement: Because of the way the resource consent processes are split between both councils, the process is convoluted and very difficult to navigate and trust**

I have a targeted and specific treaty of Waitangi claim on the Walls Bay Esplanade Reserve and adjoining moanatapu o Pikopiko i Whiti. I and others have grave concerns for environmental and conservation values of the sea – whenua rahui and moanatapu o Pikopiko i Whiti. We have emailed photographic evidence of boatyard non compliance with resource consents conditions to both authorities since 2004, to no avail.

### **Evidence of NRC failing to enforce compliance with the RMA, NZ Policy Statement and Treaty of Waitangi Act**

The Applicant/Consent Holder (below) built a sea wall' without permission. A Resource Consent Application CON20120791416 DC Schmuck New Seawall Opuia, was posted to Te Runanga o Ngati Hine, 17 January 2013, almost four weeks after the concrete & block seawall was completed late **December 2012**. Resource Consent was granted **19, February 2013**, with expiry date **30 March 2036**. I only found the application by chance when I visited Pokapu (Ngati Hine) to attend a treaty of Waitangi hui. I facilitated a writing workshop with members from Te Kapotai, Ngati Hine and Ngati Manu. FNDC/ DoC opposed the application for resource consent, as did all hapu, environmental groups and locals .

Below - Applicant and friends treating the esplanade reserve as a work place whilst building the unlawful concrete and block seawall November /December 2012



The granting of retrospective resource consents left hapu less than impressed about the purpose of planning and RMA processes which excluded them from participation in important decision making on matters of significance to them, as intended by the RMA. It also sent a clear message that a 'do now and ask permission later' would be tolerated by the Northland Regional Council making a mockery of participation and protection elements guaranteed by Te Tiriti o Waitangi.

Following the grant of resource consent for 'new seawall', I sought legal advice from the Environmental Defence Society for and on behalf of hapu and local groups who were left



utterly speechless by the NRC decision. The EDS analysis identified three flaws in connection with the NRC's decision not to notify. I also sought advice from the Minister for the Environment Amy Adams who said we would have to go to the High Court to overturn the decision of the NRC.

**Current research finds poor quality law, politicised decision making and lack of audit and oversight:**

“Current research by the Environmental Defence Society and the Law Foundation looked at compliance, monitoring and enforcement under the Resource Management Act. EDS spokesperson, Gary Taylor says the report is the first comprehensive look at monitoring and enforcement across a range of agencies including councils.

The report also found problems with poor quality law, politicised decision making and a lack of audit and oversight.” ***This is certainly true of the NRC! Bad law and bad processes!***

"What this means, basically, is that New Zealand's environmental laws aren't being enforced as well as they should be, and if they're not enforced properly they can be broken with impunity and public confidence in them will be lost." ***Environmental and conservation values and aesthetic qualities of the esplanade reserve and the CMA at Opuia have suffered as a consequence and will continue to suffer if these applications for resource consents are granted.***

**Nga Hapu o Ngapuhi try to influence principles of sustainable management - drivers of the RMA 1998 regarding rules for to all classifications of water:**

It is a great pity the NRC did not implement modifications sought by Te Awatapu o Taumarere, 17 April 1998, in the Environment Court to the regional council's objective in relation to the maintenance and enhancement of water quality to include cultural purposes among the purposes for which water quality is to be maintained or enhanced (for all classifications of water). Te Awatapu also sought to include the gathering of shellfish for human consumption as a purpose for which the quality of water in estuaries and inner harbours which are influenced by major river inflows were to be maintained or enhanced.

The regional council urged that management of water for cultural purposes ought not to be mixed with management for other purposes because there were no measurable standards for managing waters for cultural purposes, any disposal of wastes to waters of cultural or spiritual significance is objectionable to Māori, boundaries around waters of cultural and spiritual significance are necessary to provide certainty for other users of water and a blanket requirement for all waters to be managed for cultural purposes would not be consistent with sustainable management of the water for other purposes and could effectively prevent discharges.

The court held Te Awatapu were entitled to rely on s6(e)/RMA 1991 which requires the relationship of Māori with the Taumarere waters be recognised and provided for in the regional policy statement, and on s7(a)/RMA 1991 which requires that particular regard be

paid to kaitiakitanga. Ngapuhi have long had a cultural and spiritual relationship with the Taumarere waters and feel kaitiakitanga (guardianship) responsibility in respect of them. They are concerned about the quality of waters for practical reasons such as shellfish gathering, but also because poor water quality denigrates the mauri of those waters.

It would assist the regional council's function of integrated management of resources (s30(1)(a)/RMA 1991) if the purposes for which the quality of water bodies other than lakes, rivers and streams is to be maintained and enhanced included cultural purposes. The court also accepted that, pursuant to s61(2)(b)/RMA 1991, the regional council's policy statement should be consistent with the Auckland Regional Council's regional policy statement, which provides for cultural purposes, because part of the Kaipara Harbour is in one region and another part in the other.

Te Awatapu wished to see estuaries and inner harbours affected by river flows managed so that they are suitable for gathering shellfish for human consumption. The regional council argued that the management of these waters for shellfish gathering is not a practicable objective because faecal bacterial levels in those waters exceeded the relevant standards. Te Awatapu responded that the fact that it may not be possible to achieve the requisite standard within the short term is no reason for not making a start.

The court rejected the regional council's point that the amendment sought would give a false expectation that the waters of estuaries and of inner harbours influenced by major river inflows are suitable for gathering shellfish for human consumption when they are not. An objective that included this amendment would respond to s6(e)/RMA 1991 (the relationship of Māori with those waters be recognised and provided for in the regional policy statement) and s 8/RMA 1991 (the Treaty principle of active protection). It would also respond to the reality of continuing shellfish gathering in those areas by Māori even though the water quality may not be suitable. Further, the objective could influence decisions on resource consent applications and policies for attaining that objective might include education of pastoral farmers in the value of riparian strips and their management.

However the court considered that the objective in that regard would be more effective if it was implemented by a willing regional council. Accordingly, it left Te Awatapu to their political remedies to persuade the regional council of the merits of adopting the amendment sought. In case they were successful, the court left the proceedings alive for three months to provide a vehicle for the appropriate amendment to be directed by consent.

May 2018, we are still having to rely on political remedies, the Waitangi Tribunal and the Crown to require the NRC to implement the principles of sustainable management in their rules and Plan and an unwilling council to act pursuant to RMA S6(e) S7(a) & (8)

But it is heartening to see the Hawkes Bay Regional Council Long Term Plan 2018 – 2028 has identified rivers and funds to restore ecosystems and biodiversity in selected rivers and lakes in their rohe.

**Evidence of NRC failing to enforce resource consent conditions granted, failing to monitor and log all complaints of breaches of conditions and failure to provide accurate account of use of the reserve and CMA.**

Email complaint to Colin Dale CEO FNDC & Malcolm Nicholson CEO NRC (one example only)

Wed 21/12/2016

Kia ora korua

Attached photographic evidence of non complying activities on reserve noting resource consent details. Please enforce non-complying activities.

Please enter this complaint on your respective RMA registers - Section 35 (5) (i)

(i) a summary of all written complaints received by the FNDC/NRC during the preceding 5 years concerning alleged breaches of the Act of a plan, and information on how the FNDC/NRC dealt with each complaint;

Can you please email a copy of the RMA register and the information on how the FNDC/NRC dealt with each complaint I have made over the last three months.

Both statutory authorities must act on these complaints without delay.

Maiki Marks - Wai 2424 - Walls Bay Environmental degradation - Te Paparahi o Te Raki (Northland) Inquiry

Attachment to email above

Launch water blasted on esplanade reserve without screens non compliance with FNDC RC 2000812 Condition 13) Tuesday 20 December 2016, left overnight on reserve in non-compliance with Condition 4 & 8 – (photograph on left)



Evidence of detrius left overnight from water blasting of the above launch non compliance with NRC Resource Consent **CON20060791410** Condition (13) (10) (

An example of 'back & forth' requiring staff to perform their statutory duties pursuant to the RMA.

**From:** Ben Lee <benl@nrc.govt.nz>  
**Sent:** Friday, 23 September 2016 4:05 a.m.  
**To:** 'will-mark@live.com'  
**Cc:** Paul Maxwell  
**Subject:** Schmuck discharge consents

Hi Maiki,

as requested, attached is the current consents relating to discharges at the boat yard.

Please contact Paul

Maxwell (cc'd) if you have any questions about the consents.

Regards

Ben Lee | Policy Development Manager | Planning and Policy

**Northland Regional Council | Te Kaunihera A Rohe O Te Taitokerau**

Freephone: 0800 002 004 | DDI: 09 470 1157 | Fax: 09 470 1202

**From:** Maiki Marks [mailto:will-mark@live.com]

**Sent:** Friday, 23 September 2016 4:29 p.m.

**To:** Ben Lee

**Subject:** Re: Schmuck discharge consents

Kia ora Ben

Thank you for sending a copy of discharge consents. I have already seen a copy of CON200791410. The boatyard has not been complying with the requirement to use drop sheets when work is conducted on pervious yard surfaces. You will note that condition 10 (e) expressly restricts boatyard wash-downs to be conducted on impervious **yard** surfaces i.e the turntable. These consent conditions have not been complied with since 2008.

Evidence and complaint has been raised with NRC Monitoring Officers Eva Harris and Mike Nagar without any result. These complaints have then been forwarded to their supervisors Tess Dacre and to Tony Phipps - to the respective CEOs and to two Chairmen of the elected Councillors. There has been no change.

You have instructed me to refer this to Paul Maxwell - I can see no point whatsoever in doing so, unless he will advise in writing that he would act on evidence to enforce compliance with these conditions of consent. I look forward to receiving Mr Maxwell's assurances in writing.

Nga mihi

Maiki

**From:** Paul Maxwell <PaulM@nrc.govt.nz>

**Sent:** Sunday, 25 September 2016 7:47 p.m.

**To:** 'will-mark@live.com'

**Cc:** Ben Lee

**Subject:** RE: Schmuck discharge consents

Kia Ora Maki

Thank you for your email.

Your incident request that was received on the Councils Environmental Hotline last week has been assigned the reference number REQ.581925. Your request has been assigned to a council Environmental Monitoring Officer who will respond to the incident, and investigate your complaint.

Kind regards

Paul Maxwell

Coastal Consents Specialist / Biosecurity & Projects Advisor

**Northland Regional Council**

**Te Kaunihera A Rohe O Te Taitokerau**

Private Bag 9021  
WHANGAREI 0140

**Freephone: 0800 002 004**

**DDI: 09 470 1154**

**Fax: 09 470 1202**

**MB: 027 8396920**

***Please think of the environment before printing this email***

**From:** Maiki Marks [mailto:will-mark@live.com]

**Sent:** Monday, 26 September 2016 9:52 a.m.

**To:** Paul Maxwell

**Subject:** Re Walls Bay Esplanade Reserve Environmental degradation

Kia ora Paul

Thank you for your email.

It is useful to be informed that this matter will apparently be investigated by a Monitoring Officer, I still do not have your written assurance that the NRC will act on evidence to bring a cessation to any activity identified as not being in compliance with the expressed conditions of relevant NRC Conditions of Consent.

Please forward the requested assurance as a matter of urgency.

Nga mihi

Maiki

**From:** Paul Maxwell <PaulM@nrc.govt.nz>

**Sent:** Sunday, 25 September 2016 9:08 p.m.

**To:** 'Maiki Marks'

**Cc:** Ricky Eyre

**Subject:** RE: Re Walls Bay Esplanade Reserve Environmental degradation

Morena Maki,

I have forwarded your enquiry to Ricky Eyre Coastal monitoring Manager for a response. Council Environmental Monitoring Officer who will respond to the incident, and investigate your complaint.

Regards

Paul Maxwell

Coastal Conents Specialist / Biosecurity & Projects Advisor

**DDI: 09 470 1154**

**MB: 027 8396920**

Walls Bay Esplanade Reserve Environmental degradation

Maiki Marks

Sunday 25/9/2016

There appears to be some confusion in the NRC regarding this matter. I was advised by Ben Lee to refer this matter to yourself. You subsequently advised me that you have referred it to Ricky Eyre - Coastal Environmental Monitoring Manager who will respond to the incident and investigate my complaint. I need to remind you that I still have not received the written assurance that I have twice requested.

This kind of shuffling around and failure to address a specific request is precisely the problem that has been identified by a number of parties in connection with the failure of the NRC to care for and protect the environmental & cultural values and aesthetic qualities

(the integrity) of our small coastal esplanade Reserve at Walls Bay and moanatapū at Opuā

Without this written assurance as requested I can have no confidence, and the public can have no confidence that the NRC will perform its statutory duties in relation to the matters raised.

Regards

Maiki Marks Wai 2424 - Walls Bay Environmental degradation

From Maiki Marks

Tuesday 27/9/2016

Kia ora Paul

Regarding previous correspondence please explain as a matter of urgency why you will not provide me with a written assurance that you and other NRC officers will perform their statutory duties.

Nga mihi

Maiki

I oppose the applications for resource consent because the activities do not support the restoration, enhancement or protection o te mauri o te moanatapū o Pikopiko i Whiti me te whenua rahui – unique ecosystems and biodiversity of the inner sea and adjoining esplanade reserve which links the two taonga at Walls Bay Opuā.

I can only see maurimate for Pikopiko i Whiti, not mauriora.

Mauriora

Maiki Marks

RMA Tangata Tiaki o nga taonga tuku iho – te moanatapū o Pikopiko i Whiti me te whenua rahui i Opuā