

Submission Form (Form 5)

Submission on Proposed Kaipara District Plan

Form 5: Submissions on a Publicly Notified Proposed District Plan under Clause 6 of Schedule 1 of the Resource Management Act 1991

Return your signed submission by Monday 30 June 2025 via:

Email: districtplanreview@kaipara.govt.nz (subject line: Proposed District Plan Submission)

Post: District Planning Team, Kaipara District Council, Private Bag 1001, Dargaville, 0340

In person: Kaipara District Council, 32 Hokianga Road, Dargaville; or
Kaipara District Council, 6 Molesworth Drive, Mangawhai

If you would prefer to complete your submission online, from 28 April 2025 please visit:
www.kaipara.govt.nz/kaipara-district-plan-review/proposed-district-plan

All sections of this form need to be completed for your submission to be accepted. Your submission will be checked for completeness, and you may be contacted to fill in any missing information.

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(*the organisation that this submission is made on behalf of)

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Address for service: name, email and postal address (if different from above):

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

- a) adversely affects the environment; and
- b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:



I could not gain an advantage in trade competition through this submission; or



I **could** gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:



I am directly affected by an effect of the subject matter of the submission



I **am not** directly affected by an effect of the subject matter of the submission

Signature:



Date: 25 Jun 2025

(Signature of person making submission or person authorised to sign on behalf of person making the submission.)

Please note: all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information.



I **do not** wish to be heard in support of my submission; or



I do wish to be heard in support of my submission; and if so,



I would be prepared to consider presenting my submission in a joint case with others making a similar submission at any hearing



District Plan Team
Kaipara District Council
Private Bag 1001
Dargaville 0340

Submission on the Kaipara Proposed District Plan

Introduction

1. Northland Fish and Game ("Fish and Game" and "NFGC") thank the Kaipara District Council ("Council") for the opportunity to comment on the Proposed Kaipara District Plan ("Proposed Plan").
2. The Proposed Plan directly touches on sports fish and gamebird habitat management, the interests of hunters and anglers in the Kaipara District, as well as operational matters for NFGC. We welcome the opportunity to provide feedback and ensure that the implications of the proposed plan on habitat, hunters and anglers, and Fish and Game operations are carefully considered.

Role of Fish and Game

3. NFGC is an entity established under the Conservation Act 1987 with functions including¹:
 - Maintain and improve access;
 - Ensure sufficient resources to enforce fishing and hunting season conditions;
 - Promote recreation based on sports fish and game;

¹ Conservation Act 1987, s 26Q



- Represent the interests and aspirations of anglers and hunters in statutory planning;
 - Prepare sports fish and game management plans;
 - Advocate the interests of the Fish and Game Council, including in habitats.
4. In addition to Fish and Game functions set out above, s 7(h) Resource Management Plan 1991 (RMA) states that all persons in achieving the purpose of the Act “shall have particular regard to – the protection of the habitat of trout and salmon.”

Overview of submission on the Proposed Plan

5. Our feedback focusses on several key issues affecting hunters and anglers, habitat, and NFGC operations in the Kaipara District:
- A. Avoiding unintended consequences for maimai used for gamebird hunting;
 - B. Protecting sports fish and gamebird habitat, and encouraging habitat restoration;
 - C. Avoiding conflicts relating to noise from gamebird hunting;
 - D. Enabling signage necessary for NFGC operations.

The importance of sports fishery and game bird resource in the Kaipara District

6. The sports fish and game bird resources throughout the Kaipara District are highly valued throughout the district. On the basis of 2024 licence figures, NFGC represents over 1750 hunters and some 400 anglers who live in the Northland region. However, many hunters and anglers, including tourists, are non-residents who purchase their licences outside the region, and travel to Northland to hunt and fish.
7. In addition to representing the interests of our licence holders the NFGC are also landowners and land managers. NFGC manage some 375 hectares of wetland in approximately 8 different titles.



Sports fisheries

8. The Kaipara District provides a valued sports fishery resource in the Kaihu River and its tributaries, although its productivity is somewhat limited by characteristically high summer water temperatures and low flow levels. Sports fish present in the Kaipara District include Rainbow trout and Brown trout.
9. Sports fisheries have had statutory recognition in NZ since 1867, with the largely salmonid-based (trout and salmon) fisheries a key value in, and attribute of, our freshwaters. The current statutory basis and regime for sports fishery management is provided under Part VA of the Conservation Act 1987, the Freshwater Fisheries Regulations 1983 and Anglers Notices promulgated annually under this legislation.

Game bird resources

10. The Kaipara District provides some of the region's most productive and accessible game bird habitat and hunting opportunity, with some key large waterbodies such as Kaipara harbour, Northern Wairoa River, and numerous dams, ponds, wetlands, rivers, lakes and estuaries. Game birds present in the Kaipara District include Mallard duck, Grey Duck, Shoveler duck, Paradise shelduck, Black swan, Pukeko, Ring-neck pheasant, brown quail and California quail.
11. Game birds are recognised in the First Schedule of the Wildlife Act 1953 and their management is by Fish and Game Councils under Part 2 of that Act, with associated regulations and annual Game Gazette Notices approved by the Minister for Hunting and Fishing. Several of the game birds (grey duck, paradise shelduck, Shoveler duck, Black swan and Pukeko) are native species.

A. Avoiding unintended consequences for maimai

12. Several parts of the Proposed Plan relate to controls on buildings and structures that may have unintended consequences for maimai used for hunting. Maimai are gamebird hunting shelter structures. They are located in or near the edges of waterbodies. The right to build, tag (claim)



and use maimai is a fundamental part of duck hunting in New Zealand. NFGC enforces the relevant legislation that regulates maimai use in the field (Wildlife Act, 1953, Wildlife Regulations 1955). Maimai need to be of adequate size to maintain safe shooting zones and not compromise safety. A wide range of structures are used as maimai, accepted as permitted activities around much of New Zealand (including permanent and temporary structures).

13. NFGC seek that rule NACT-R2 that provides for new buildings or structures in wetland, lake and river margins as a permitted activity, be amended to include maimai because these areas are often also valued for gamebird hunting, as such it is appropriate to clarify that the provision covers maimai. Correspondingly the Proposed Plan will need to include a definition for 'maimai' that is consistent with the Building Act.

B. Sports fish gamebird habitat protection and restoration

14. NFGC undertakes valuable conservation work across its region, in line with its mandate under the Conservation Act. Primarily, this work is for wetland restoration, but NFGC also undertakes other direct conservation actions in relation pest control and restoration in and near waterways. NFGC also provides expertise and support for private landholders in creating and restoring wetlands. While NFGC's conservation work is not always targeted to indigenous species (some game birds are indigenous, but sports fish and other game birds are not), our habitat restoration work invariably benefits the indigenous species which inhabit freshwater ecosystems, as they are integral parts of the habitats NFGC seeks to protect.
15. Overall, we are concerned that the permitted activity rules in the proposed plan for indigenous vegetation clearance lack specificity given that they enable such a high impact on indigenous vegetation. For example, the permitted activities in ECO-R1 and ECO-R2 enable a large amount of vegetation to be impacted (up to 1000m²). Though we find the permitted activity categories reasonable in principle, for both rules, there is little qualifying criteria to ensure the activities only have the amount of impact required. In particular, the following rules unnecessarily lack qualifying statements or definitions which remove interpretive loopholes:



- ECO R1 d. should have a qualifier with regards to who specifically approves a pest management plan i.e. the District or Regional Council, the Department of Conservation etc.
- ECO-R1 i. The rule does not include a spatial parameter, limiting clearing to a specific amount. 10 year old indigenous regeneration vegetation can provide valuable habitat and should not be able to be removed without an area limit as a permitted activity.
- ECO-R1 j. The rule is broad and open to interpretation; It refers to maintenance of firebreaks but does not define these. Also 'manage fire risk' can mean different things to different people. The lack of clarity may provide a loophole and frustrate council's enforcement work. We strongly recommend providing specific criteria for this rule, for example, limiting this to work which complies with section 43 or 64 of the Fire and Emergency Act 2017.
- ECO-R2. We consider that 1,000m² a year is far too large an area to enable indigenous vegetation clearance as a permitted activity for the general rural zone and rural lifestyle zone, especially considering that the Proposed Plan has not mapped or identified significant indigenous vegetation and significant habitats of indigenous fauna for protection under the Proposed Plan.
- NATC-P2 4. While we support indigenous vegetation clearance for biosecurity reasons in principle, 'Biosecurity reasons' needs to be defined in the Proposed Plan.

16. A number of provisions in the Proposed Plan could better allow for NFGC's conservation and restoration works. For example:

- NATC-P2 – should include "conservation activities".
- NATC-R3 – should include earthworks for conservation activities and biosecurity activities/reasons.
- NATC-R4 – should include earthworks for conservation activities and biosecurity activities/reasons.

Encouraging Habitat Restoration via Environmental Benefit Subdivision

17. The Council has an obligation under Policy 4.7.1 of the Northland Regional Policy Statement (NRPS) to recognise and promote the positive effects of the following activities that contribute to active management:

- e) Re-vegetation with indigenous species, particularly in areas identified for natural character improvement;



k) Restoration or creation of natural habitat and processes, including ecological corridors in association with indigenous biodiversity values identified under Policy 4.4.1, particularly wetlands and / or wetland sequences;

18. Environmental Benefit Subdivision, or otherwise known as Benefit Lots, are a highly effective and low-cost tool to incentivize landowners to provide enduring environmental benefits in exchange for benefit lots. We strongly support the Proposed Plan's inclusion of SUB-R6 to provide for Environmental Benefit Subdivision. We also strongly support SUB-R7 – Restoration or Enhancement Planting, whereby the framework for Benefit Lots is expanded to protect and restore areas that might not yet meet the area requirement under SUB-R6 but have the potential to in the future. Expanding the roles of Benefit Lots is a straightforward way for the Council to meet its obligations under the NRPS using existing tools.

C. Avoiding conflicts relating to noise from gamebird hunting

Gamebird hunting is compatible with rural character

19. Noise is an intrinsic part of gamebird hunting activities. The duck hunting season involves the discharge of shotgun noise. This is not like other constant noises, being of brief duration (concentrated over a short period of the day) and for around three months annually in specific hunting locations. Game bird hunting begins at 6:30am in the morning and concludes at 6:30pm at night for the length of the season.
20. Recreational game bird hunting is a very popular activity in the rural environment, and a defining feature of rural character, where habitat and safety factors are appropriate for the sport. Its effects are accepted and able to be managed in rural areas. Recreational hunting is of recognised value in the Northland Region, and the Kaipara District providing important tourism opportunities.
21. It is appropriate to ensure gamebird hunting does not require consent. However, there is a risk that permitted hunting activities do at times fail to meet the current permitted activity thresholds for noise in NOISE-R1 (Chapter: Noise), given their unusual characteristics, and depending on terrain. The Proposed Plan's framework enables various noise emitting activities to operate as permitted activities, outside of the general rule.



22. Our recommendation is to enable noise emitted by hunting activities as a permitted activity.

Reverse sensitivity issues

23. Gamebird hunting activities can often become an affected 'adjacent activity' as residential subdivision expands in the Northland Region. Introducing new dwelling areas in the vicinity of hunting areas can have implications on the future of the hunting activity. For example: the Arms Act 1983 which makes clear that anyone discharging a firearm in a public place so as to deliberately endanger, frighten or annoy any other person is guilty of a serious offence. Shotgun noise may also be a particular issue for noise sensitive activities in keeping with rural character, such as an equestrian arena in the vicinity of maimai used during the game bird hunting season.
24. However, these higher-level provisions are not sufficient to ensure hunting activities are protected. "Reverse sensitivity effects" is such a general term that it is not possible to be confident that conflicts with gamebird hunting activities will be considered. Rules should be strengthened to provide greater protection from conflict to gamebird hunters in the Kaipara District.
25. The subdivision chapter refers to reverse sensitivity effects but only in relation to how it effects primary production activities and highly productive land. Likewise the General Rural Zone chapter also only refers to reverse sensitivity in terms of how it relates to primary productive activities. We seek amendment to these policies to include consideration of recreational activities such as game bird hunting.

D. Enabling signage necessary for NFGC operations

26. Fish and Game has a statutory role set out under the Conservation Act to maintain and enhance access to sports fisheries and game bird hunting areas. Accordingly, Fish and Game Councils use signage at access points to sports fisheries and game bird hunting areas. The construction, maintenance, use and removal of these signs is a fundamental aspect of managing game bird hunting and sports fish angling activities in New Zealand and are important functions of NFGC. Such signs are accepted around much of New Zealand as a permitted activity.



27. Fish and Game signs typically have brief information about legal access points, licence requirements, applicable hunting/angling regulations (i.e. local restrictions like “fly fishing only”), and /or the need for licence holders to take precautions against the spread of aquatic pests. Frequently such signs are located in rural areas alongside formed roads or approaches to angling/hunting access points. There are many such signs at access points around the Kaipara District. These are erected, paid for and maintained by the NFGC Council and its volunteers. The signs are informative and of a professional national standard that add to the Northland’s vibrancy and cultural well-being by promoting healthy outdoor activities. In some court proceedings involving illegal fishing and similar offending, the presence of adequate signage has been pivotal, in pre-warning the person charged that they were committing an offence.
28. It is not clear from the Proposed Plan which category NFGC signs are likely to fall under: “Official signs” or “Information signs”, as Fish and Game signs are not specified. With different conditions depending on the rule, it is important that NFGC can operate under a single and clear rule.
29. NFGC supports:
- SIGN-P1
 - SIGN-R3 – as most of NFGC signs would come under this rule.
30. NFGC seek that a definition be included in the Proposed Plan for “official sign” to avoid any ambiguity/confusion about what an official sign is.
31. NFGC would like to see hunter and angler access points specified in the definition for “Information Signs” under d.

Conclusion

32. Thank you for this opportunity to review the Proposed Kaipara District Plan and provide a submission.



33. We appreciate that some of the points we have raised may require more detailed thought and discussion. We would be open to discussing these further with your team if that would assist to progress these matters.

Specific submission points:

Chapter/provision	Support/Oppose	Reason for submission	Amendment required
Part 1 Definitions			
Further definition required: Maimai	Seek amendment	The Proposed Plan does not contain a definition for maimai. For the reasons set out in the general submissions above NFGC seek that a definition for maimai being included in the Proposed Plan.	Amend the Proposed Plan to include the following definition: <i><u>“Maimai - game bird shooting shelter structures”</u></i>
Biosecurity reasons and biosecurity works	Seek amendment	The Proposed Plan does not contain a definition for “biosecurity”. For the reasons set out in the general submissions above NFGC seek that a definition be included in the Proposed Plan (for ECO-P4).	Amend the Proposed Plan to include the following definition: <i><u>“means activities to eliminate or manage pests and unwanted organisms (as those terms are defined in the Biosecurity Act 1993)”</u></i>
Official sign	Seek amendment	Seek definition for “official sign”	Amend the Proposed Plan to include the following definition:



			<i><u>“means all signs required or provided for under any statute or regulation, or are otherwise related to aspects of public safety.”</u></i>
Information sign	Seek amendment	Seek amendment so that Fish and Game interests are better provided for	<p>Seek amendment as follows:</p> <p><i>“means a sign that provides information or direction to public, including:</i></p> <ul style="list-style-type: none"> <i>a. education, safety and public awareness;</i> <i>b. relating to a place of historic or environmental significance</i> <i>c. regulatory signs erected by, or on behalf of the relevant authority</i> <i>d. signs erected by the Crown, the Council or any other statutory administering body, for the purposes of marking the boundaries of or conveying the name of, or information about:</i> <ul style="list-style-type: none"> <i>i. marine reserves;</i> <i>ii. coastal protection areas;</i> <i>iii. cultural heritage sites;</i> <i>iv. a scheduled heritage building or item;</i> <i>v. reserves, parks and public places;</i> <i>vi. <u>hunter or angler access.</u></i>



			<i>or to advise of activities which may or may not be undertaken in such areas.”</i>
Part 2 District wide matters – natural environmental values			
Ecosystems and indigenous biodiversity			
ECO-P4	Support	For the reasons set out under general submissions above NFGC strongly support this policy	Retain as worded
ECO-P5	Support	For the reasons set out under general submissions above NFGC strongly support this policy	Retain as worded
ECO-R1	Seek amendment	<p>For the reasons set out in the submission above NFGC consider this rule should be amended in the follow ways:</p> <ul style="list-style-type: none"> - <i>i. should have an area limit</i> - <i>d. should also have a qualifier – on who approves the pest management plans.</i> 	<p>NFGC seek amendment to the rule as follows:</p> <p><i>d. To remove pest species in accordance with any approved pest management plan or biosecurity operational plan <u>approved by the relevant local authority</u>;</i></p> <p><i>i. The removal or clearance of indigenous vegetation from land that was previously cleared, and where the indigenous vegetation to be cleared is less than 10 years old, <u>the removal is no more than 250m2 per</u></i></p>



		<p>- j. should be amended to include requirement to comply with the Fire and Emergency Act</p>	<p><u>holding per calendar year and is not within 5 m of a waterbody; and</u></p> <p>j. Creation and maintenance of firebreaks to manage fire risk <u>which complies with section 43 and 64 of the Fire and Emergency Act 2017.</u></p>
ECO-R2	Seek amendment	<p>We consider that 1,000m² a year is too large an area to enable indigenous vegetation clearance as a permitted activity for the general rural zone and rural lifestyle zone.</p> <p>We seek the rule be amended to 100m² per site per calendar year unless other qualifiers are included similar to the Proposed Far North District Plan.</p>	<p>Seek amendment as follows:</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. It does not exceed 1,000m² per site in any calendar year in the Māori purpose zone, General rural zone, and Rural lifestyle zone; or</p> <p>b. It does not exceed 500m² per site in any calendar year in all other zones.</p> <p><u>It does not exceed 100m² per site in any calendar year.</u></p>



Natural character			
NATC-P2	Seek amendment	Conservation activities should be provided for as part of this policy so that they are enabled.	<p>NFGC seek amendment to the policy as follows:</p> <p><i>Enable indigenous vegetation clearance and earthworks within wetland, lake and river margins where it is for:</i></p> <ol style="list-style-type: none"> 1. <i>The repair or maintenance of lawfully established activities;</i> 2. <i>Safe clearance for existing overhead powerlines;</i> 3. <i>Health and safety of the public;</i> 4. <i>Biosecurity reasons; and</i> 5. <i>The sustainable non-commercial harvest for customary activities; and</i> 6. <i><u>Conservation activities</u></i>
NATC-P4	Support		
NATC-P5	Support		
NATC-R2	Seek amendment	NFGC seek that maimai be included in this rule as a new building or structure permitted in wetland, lake or river margins.	<p>NFGC seek amendment to the rule as follows:</p> <p><u>b.</u></p> <p><u>vi. A maimai, no greater than 10m2.</u></p>



NACT-R3	Seek amendment	For the reasons set out in the submission above, NFGC seek that earthworks for conservation and biosecurity activities be included in this rule.	<p>NFGC seek amendment to the rule as follows:</p> <p><i>a. The earthworks complies with NATC-S2-Earthworks; and</i></p> <p><i>b. The earthworks is for the maintenance of lawfully established roads, fences, utility connections, driveways, parking areas, effluent disposal systems, swimming pools, walking or cycling tracks, or farm and forestry tracks-; <u>or</u></i></p> <p><i><u>c. the earthworks are for conservation activities or biosecurity activities.</u></i></p>
NACT-R4	Seek amendment	For the reasons set out in the submission above, NFGC seek that earthworks for conservation and biosecurity activities be included in this rule.	<p>NFGC seek amendment to the rule as follows:</p> <p><i>a. The activity complies with NATC-S3-Indigenous vegetation clearance; or</i></p> <p><i>b. The indigenous vegetation clearance is for the maintenance of lawfully established roads, fences, utility connections, driveways, parking areas, effluent disposal systems, swimming pools, walking or cycling tracks, or farm and forestry tracks-; <u>or</u></i></p> <p><i><u>c. The indigenous vegetation clearance is for conservation activities or biosecurity activities/reasons.</u></i></p>



Public access			
PA-01	Support	For the reasons outlined in the general submissions above NFGC support this policy directive and rules.	
Subdivision			
SUB-05	Support		
SUB-R5	Support		
SUB-R6	Support		
SUB-R7	Support		
SUB-S16	Support		
Part 2 District wide matters – general district wide matters			
Earthworks			
EW-P1 – 3	Support with amendment	Support earthworks for conservation activities however we would like biosecurity to be included also.	Seek amendment as follows: <i>Enable earthworks where they provide for:</i>



		We do not support a policy for enabling earthworks where they provide for land drainage.	<ol style="list-style-type: none"> 1. <i>Urban land uses and development within urban zones;</i> 2. <i>Rural land uses and development within the rural zones;</i> 3. <i>Conservation, <u>biosecurity</u> and recreation activities;</i> 4. <i>Land drainage and flood control works; and</i> 5. <i>The construction, maintenance, operation and upgrading of infrastructure.</i>
EW-R2	Seek amendment	We have concerns that "Land disturbance" is not defined.	Amend plan to provide a definition for land disturbance.
Noise			
NOISE-02	Support	For the reasons outlined in the general submissions above NFGC support this policy objective.	
NOISE-P1	Support	For the reasons outlined in the general submissions above NFGC support this policy objective.	



NOISE-P6	Support	For the reasons outlined in the general submissions above NFGC support this policy objective.	
Rules	Seek amendment	For the reasons outlined in the general submissions above NFGC seeks that noise generated by hunting activities be made a permitted activity.	<p>NFGC seek the following amendment:</p> <p><u>NOISE-R13 Emission of noise from hunting activities.</u></p> <p><u>General rural zone and Rural lifestyle zone</u></p> <p>1. <u>Activity status: Permitted</u></p>
Signs			
SIGN-P1	Support	For the reasons outlined in the submission above NFGC support this policy.	
SIGN-R3	Support	For the reasons outlined in the submission above NFGC support this rule.	
Part 3 – Area-specific matters			
General rural zone			



GRUZ	Amend	Include a new rule that allows for recreational hunting as a permitted activity	<p>Include new permitted rule as follows:</p> <p><u>GRUZ-R11 Recreational hunting</u></p> <p>1. <u>Activity status: Permitted</u></p>
GRUZ-P3	Seek amendment	Amend GRUZ-P3 so it includes the situations where hunting could have reverse sensitivity effects.	<p>Amend the policy as follows:</p> <p><i>Manage the establishment, design and location of new sensitive activities and other non-productive activities in the General rural zone to avoid where practicable, or otherwise mitigate, reverse sensitivity effects on primary production activities <u>and recreational hunting, including through methods such as no-complaints covenants, landscaping, screening or siting of buildings.</u></i></p>
GRUZ-R7	Support	NFGC support conservation activities as permitted activities.	
Rural lifestyle zone			
RLZ-P4	Seek amendment	Rural Lifestyle Zone is often where reverse sensitivity issues occur for recreational hunting, as such we seek that the policy be	<p>Amend policy as follows:</p> <p><i>Avoid where possible, or otherwise mitigate, reverse sensitivity on primary production activities, <u>and</u></i></p>



		amended to have this consideration included here.	<u>recreational activities such as game bird hunting in the General rural zone through:</u> <ol style="list-style-type: none"> 1. The use of setbacks; and 2. The design of land use development and subdivision.
RLZ-R7	Support	NFGC support conservation activities as permitted activities.	
Open space and recreation zones			
Natural open space zone			
NOSZ-01	Support		
NOSZ-02	Support		
NOSZ-P4	Support		
NOSZ-P5	Support		
NOSZ-R1	Support		
NOSZ-R2	Support		



NOSZ-R3	Support	For the reasons outlined in the general submissions above NFGC seeks that noise generated by hunting activities be made a permitted activity.	
NOSZ-R4	Support with amendment	NFGC support the rule however seek a definition be included for "recreation activity".	Amend the plan to provide a definition for "recreation activity."
Open space zone	Support	NFGC support the policies and rules in this chapter.	

We wish to be heard in support of our submission.

Signed by:

A handwritten signature in black ink, appearing to read "Craig Deal".

Craig Deal
Regional Manager
Northland Fish and Game
Dated: Tuesday 24 June 2025.



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