

# Minutes of Te Maru o Kaituna River Authority Meeting held in The Council Chamber, Rotorua Lakes Council, Civic Administration Building, 1061 Haupapa Street, Rotorua on Friday, 22 March 2019 commencing at 10.30 a.m.

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## Present:

**Chairman:** Dean Flavell (Tapuika Iwi Authority Trust)

**Deputy Chairman:** Councillor Arapeta Tahana (Bay of Plenty Regional Council)

**Appointees:** Councillor Steve Morris (Tauranga City Council), Councillor Tania Tapsell (Rotorua Lakes Council), Councillor Jane Nees (Bay of Plenty Regional Council), Maria Horne (Te Komiti Nui o Ngati Whakaue), Rikihana Hancock (Te Tahuu o Tawakeheimoa Trust)

## Alternate

**Appointees:** Councillor Matemoana McDonald (Bay of Plenty Regional Council), Councillor Nick Chater (Lakes Community Board), Geoff Rice (Tapuika Iwi Authority Trust), Councillor John Scrimgeour (Western Bay of Plenty District Council), Rawiri Kingi (Te Pumautanga a Te Arawa Trust)

**In Attendance:** BOPRC: Clarke Koopu – Senior Advisor (Treaty), Pim De Monchy – Coastal Catchments Manager, Jo Watts – Senior Planner (Water Policy), Yvonne Tatton – Governance Manager, Amanda Namana – Committee Advisor, Courtney Bell – Senior Projects Officer, Melissa Cullen - Communications Advisor  
WBOPDC: Matthew Leighton - Senior Policy Analyst  
Other: Elva Conroy – Conroy Donald Consultants, Maru Tapsell

**Apologies:** Piki Thomas (Te Pumautanga o Te Arawa), Councillor Kevin Marsh (Western Bay of Plenty District Council)

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## 1 Karakia

Rikihana Hancock opened the proceedings with a karakia.

One minute of silence was observed to commemorate those affected by the tragic events in Christchurch.

10.40 am - Cr Morris **entered** the meeting.

Chairperson Dean Flavell welcomed Geoff Rice as the newly appointed (alternate) member for Tapuika Iwi Authority Trust.

## 2 **Apologies**

### **Resolved**

That Te Maru o Kaituna River Authority:

- 1 **Accepts the apologies from Piki Thomas and Cr Kevin Marsh tendered at the meeting.**

**Tapsell/Morris  
CARRIED**

## 3 **Public Forum**

Nil

## 4 **Acceptance of Late Items**

Nil

## 5 **General Business**

- Update: Bay of Plenty Regional Council Annual Plan 2019 Submissions
- Update: Harbourmaster proposal

## 6 **Confidential Business to be transferred into the Open**

Nil

## 7 **Declaration of Conflicts of Interest**

Nil

## 8 **Previous Minutes**

### 8.1 **Te Maru o Kaituna River Authority Minutes - 19 October 2018**

#### **Resolved**

That Te Maru o Kaituna River Authority:

- 1 **Confirms Te Maru o Kaituna River Authority Minutes - 19 October 2018**

**Nees/Kingi  
CARRIED**

- 2 **Confirms the Public Excluded Te Maru o Kaituna River Authority Minutes - 19 October 2018**

**Nees/Hancock  
CARRIED**

8.2 **Te Maru o Kaituna River Authority Minutes - 14 December 2018**

**Resolved**

That Te Maru o Kaituna River Authority:

- 1 Confirms Te Maru o Kaituna River Authority Minutes - 14 December 2018

Horne/Tahana  
CARRIED

8.3 **Te Maru o Kaituna River Authority Minutes - 22 February 2019**

**Resolved**

That Te Maru o Kaituna River Authority:

- 1 Confirms the Te Maru o Kaituna River Authority Minutes - 22 February 2019

Horne/Morris  
CARRIED

9 **Reports**

9.1 **Change of Membership**

**Resolved**

That Te Maru o Kaituna River Authority:

- 1 Receives the report, Change of Membership;
- 2 Confirms the appointment of Geoff Rice onto Te Maru o Kaituna River Authority as the alternate member for Tapuika Iwi Authority Trust, replacing Dr Bryce Kihirini.

Tahana/Hancock  
CARRIED

9.2 **Engagement of Independent Advice for Regional Policy Statement and Regional Plan Changes**

Coastal Catchments Manager Pim de Monchy and Jo Watts Senior Planner (Water Policy) presented the report, outlining the following:

Key Points

- There was less urgency around deciding this matter due to the drafting of Change 5 being delayed until at least August 2019
- The purpose of Change 5 was to recognise and provide for the Kaituna River Document in the Bay of Plenty Regional Policy Statement. Plan Change 12 had a more specific focus on implementing the National Policy Statement on Freshwater

Management in the Kaituna (and some other) catchments in addition to recognising and providing for the Kaituna River Document

- It was decided that the scope of any independent advice sought was to be narrowed to focus on Change 5 only at this stage
- The independent advisor was to work in the interests of Te Maru o Kaituna River Authority to ensure that Change 5 fully recognised and provided for the vision, objectives and desired outcomes of the Kaituna River Document
- Drafting for Change 5 could commence around September so it would be prudent to appoint an advisor before then.

10.54 am – Cr Scrimgeour **entered** the meeting.

#### In Response to Questions

- The cost of independent advice could differ greatly, depending on the relevant RMA and /or legal experience of the advisor engaged and the scope of their input
- Potential consensus building also needed to be considered as resolving differences of opinion between members of Te Maru o Kaituna River Authority could become costly if the advisor's scope of work was to include that
- It was suggested that to minimise costs an independent review performed at the conclusion of the drafting process would be most effective, rather than ongoing participation in the drafting stages
- It was suggested that an RMA lawyer, or a senior RMA planner, could provide the advice sought.

#### Points raised by Members

- Acknowledged good advice provided by staff, however for a policy change independent advice would be valuable
- Time and cost implications were important and would affect the final decision
- Noted responsibility for councillors and other members to manage potential conflicts of interest
- Once the new scope was received at the next meeting the budget for the work would be considered.

#### Staff Follow-up

- Staff to provide further information and options by the next meeting for a limited scope of work relating to Change 5 only at the latter stages of drafting, noting the above points
- Timing and cost information was to be included to give context to the decision
- The new scope was also to indicate whether the purpose of the consultant was for legal advice, planning advice or both.

## **Resolved**

**That Te Maru o Kaituna River Authority:**

- 1 Receives the report, Engagement of Independent Advice for Regional Policy Statement and Regional Plan Changes;**
- 2 Considers whether or not to engage a suitably qualified consultant to provide independent technical and / or legal advice to Te Maru o Kaituna River Authority during Proposed Change 5 (Kaituna River) to the Regional Policy Statement and Proposed Plan Change 12 (Kaituna and Rangatāiki WMA) to the Regional Natural Resources Plan processes and relevant district plan change processes; and,**

- 3 **Directs staff to prepare a scope of work for an independent advisor relating to Change 5 (Kaituna River) to the Regional Policy Statement only, for approval at the next meeting**

**Flavell/Tahana  
CARRIED**

### 9.3 **Freshwater update**

*Refer PowerPoint Presentation Objective ID A3161644*

Senior Planner (Water Policy) Jo Watts provided a PowerPoint presentation updating members on the work being undertaken to progress the freshwater policy, including the work underway to support implementation of the National Policy Statement for Freshwater Management relevant to the Kaituna River catchment.

#### Key Points of Presentation

- Noted Technical science work about the health of Maketu estuary and lowland drains brought to members via the workshops
- Timeframes for plan changes were still uncertain and the process had to be flexible enough to adapt to national changes proposed for freshwater to ensure alignment with government direction
- Discussion papers were being developed for Plan Change 12 which included tangata whenua values and interests which would be checked with iwi before being distributed wider
- Outlined Environment Court appeal topics for Plan Change 9 region-wide water quantity
- Plan Change 9 would deliver improvements in water usage information as it increased metering and reporting requirements and had resulted in the development of a new groundwater accounting tool, available on Bay of Plenty Regional Council's website. Instruction was given on how to navigate the tool to check allocation status for each of the groundwater aquifers and resource consent detail for water takes
- Highlighted the issues facing the Kaituna catchment, in particular reduction in contaminants needed to improve the health of Maketū Estuary and lowland drain water quality issues
- The role of the Kaituna Freshwater Community Group role was to provide feedback and advice to Council about Plan Change 12 information. It had no decision making role. Members of the group included Te Maru o Kaituna River Authority iwi appointing authorities.

#### In Response to Questions

- Encouraged members to communicate information from the forum back to respective iwi and council appointing organisations to ensure everyone was aware of the information and working together
- Water quality and quantity would be addressed through the Plan Change 12 process

#### Points raised by Members

- GIS mapping was seen as a useful tool and providing FAQs could be helpful to those not familiar with using it
- Acknowledged the importance of having data of actual water take and the work being undertaken to resolve this.

## Resolved

That Te Maru o Kaituna River Authority:

- 1 Receives the report, Freshwater update.

Tahana/Scrimgeour  
CARRIED

## 10 Public Excluded Section

Public excluded minutes from 19 October 2018 were confirmed in the open under item number 8.1.

## 11 Presentation: Operational Update: Kaituna River

### Re-diversion

*Refer PowerPoint Presentation Objective ID A3160371*

Coastal Catchments Manager Pim de Monchy provided a presentation to outline progress on the Kaituna River Re-diversion work and gave an update on Te Pourepo o Kaituna Wetland Creation Project work to date.

#### Key Points of Presentation:

- The re-diversion project was currently on budget and ahead of schedule by approximately 6 months
  - The new completion date was likely to be around Christmas 2019
  - New wetland island created had brought a number of Royal Spoonbills to the area
  - A large number of plants had been ordered for the winter, providing an opportunity for members, iwi and community to participate in planting days
- Te Pourepo o Kaituna Wetland Creation Project would contribute up to 73 hectares of new wetland to the catchment
- Design work focussed on meeting ecological and cultural aspirations.

#### In response to questions

- Oxbow was a term for a meandering bend in a lowland river which had been bypassed through erosion or human intervention, linking the two ends together (i.e. the name given to the former river channel)
- Areas of the new wetland to be available for recreational hunting were still to be decided due to proximity to the motorway and potential boat activity.

## 12 Consideration of General Business

### 12.1 Bay of Plenty Regional Council Annual Plan 2019 Submissions

*Refer Tabled Item Objective ID A3164264*

Coastal Catchments Manager Pim de Monchy supplied an update on the Bay of Plenty Regional Council's Annual Plan consultations.

## 12.2 Harbourmaster update

Coastal Catchments Manager Pim de Monchy provided a short verbal update on a proposal to close a section of the upper Kaituna river to navigation for safety purposes.

### The meeting closed at 12.26 pm

Confirmed

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Chairperson

\_\_\_\_\_  
Date