

IN THE MATTER OF the Resource Management Act 1991
AND

IN THE MATTER OF resource consent applications and
Notices of Requirement by the Bay of
Plenty Regional Council to undertake
the proposed Kaituna River Re-
diversion and Ongatoro / Maketū
Estuary Enhancement Project

STATEMENT OF EVIDENCE OF STEPHANIE LINDA ROWATT BROWN

INTRODUCTION

Qualifications and experience

1. My full name is Stephanie Linda Rowatt Brown. I am employed as a Principal Planner for Opus International Consultants Ltd (“Opus”) where I have worked for 14 years.
2. I have the following qualifications and experience:
 - (a) Bachelor of Science and Master of Science (Physical Geography) from the University of Otago.
 - (b) Certified Environmental Practitioner (CEnvP).
3. I am a Member of the Environment Institute of Australia and New Zealand.
4. My professional experience includes a range of environmental, planning and resource management work over 19 years and which includes project and consent processing work for central and local government and government agencies such as the Bay of Plenty, West Coast, Otago and Hawke Bay Regional Councils, NZ Transport Agency, Ministry of Education, Department of Corrections and Ashburton and Selwyn District Councils.
5. My work as a consultant with Opus has primarily revolved around infrastructure and transportation projects for local authorities and government departments or agencies. My role in all of these projects has been to either manage or be part of the team undertaking the resource consenting and / or designation processes at both the regional council and

territorial authority levels. I have also been involved in the development and delivery of consultation programmes.

6. In addition to the Kaituna River Re-diversion and Ongatoro/Maketu Estuary Enhancement Project ("Project"), other complex projects I have been involved with include:
 - (a) Lead planner and management of environmental investigations for three Roads of National Significance projects on behalf of the NZ Transport Agency. This included designing the process for, and managing the consultation on two of the projects.
 - (b) Preparation of resource consent applications for the taking of water for community water supplies, community stockwater schemes, the discharge of stormwater, river works and other discharges.
 - (c) Processing of resource consent applications and giving planning evidence for the local authority for municipal wastewater schemes.
 - (d) Community consultation on Area Strategies for the Ministry of Education (20 year plans) and Transportation Strategies.

Scope of Evidence

7. I have been associated with the Project since July 2013, as Lead Planner, when work was being undertaken to select a preferred option. My role has included planning and consultation inputs and supporting the overall project delivery.
8. I was co-author with Simon Banks of the notices of requirement and resource consent applications and supporting Assessment of Effects. I provided input to and co-ordinated the response to the consent authority's Request for Further Information.
9. I have been asked by the Bay of Plenty Regional Council Environmental Delivery Group in its capacity as requiring authority and resource consent applicant (hereafter "Applicant") to give evidence in relation to the notice of requirement and applications for resource consents to authorise the Project.
10. My evidence covers:
 - (a) Statutory approvals required for the Project;
 - (b) Statutory framework;
 - (c) Consultation;

- (d) Assessment of environmental effects;
- (e) Statutory Assessment;
- (f) Comments on submissions;
- (g) Comments on s42A reports;
- (h) Proposed conditions; and
- (i) Summary and Conclusion.

11. I have read and am familiar with the section 42A report (Officers Report) and the proposed sets of consent and designation conditions and will refer to these where relevant to my evidence. I have read the submissions and respond to those that are relevant to my area of expertise. I have been directly involved in a number of the submitter meetings.
12. Lastly, I have read the Code of Conduct for Expert Witnesses in the Updated Environment Court Practice Note (2014) and agree to comply with the Code. This evidence is within my area of expertise, except where relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

EXECUTIVE SUMMARY

13. The purpose of my evidence is to give my assessment of the Project and associated applications using the considerations contained within the applicable planning framework and the relevant sections of the RMA.
14. I consider the designation is necessary to achieve the objectives of the Project.
15. I consider that there has been sufficient investigation, identification and assessment of the nature, scale and extent of effects of the Project by suitably qualified and experienced experts, and that the adverse effects that cannot be avoided will be remedied or appropriately mitigated by the measures implemented through the proposed conditions.
16. There has in my opinion been an extensive process of consideration of alternatives, beyond that required by section 171(1)(b), for undertaking the works that are part of the Project.
17. I consider the Project and its effects to be consistent with the relevant policy documents, plans, national policy statements and other regulations.

18. I am satisfied that the consultation undertaken in relation to the Project has been comprehensive and consistent with sound consultation practice.
19. Having reviewed all the information, assessments, reports and submissions, in my opinion the Project will promote the sustainable management of natural and physical resources. It is a Project that is being progressed entirely for environmental and cultural enhancement purposes and will have an extremely positive effect on the health of the estuary over time. It will enable the local community to provide for their social, economic and cultural well-being and their health and safety for both this generation and for future generations. The life-supporting capacity of the estuary and its surrounds will not only be safeguarded, but enhanced.

STATUTORY APPROVALS REQUIRED

Summary of matters before the Hearings Panel

20. A suite of resource consents have been sought by the Applicant. The activities requiring resource consent are identified in section 4.1 of the Officers report and I concur with that list. The applications are for discretionary activities.
21. It has also lodged notices of requirement (“NOR”) for a new designation in the operative Western Bay of Plenty District Plan in its capacity as a requiring authority.¹
22. The approvals sought were covered in two applications: (i) the main applications for the wider projects (July 2014) and (ii) amendments to cover the proposed public boating facilities (9 December 2014). The Officers Report has referred to the July 2014 application as covering the “Wider Proposal” and the December 2014 application as covering the “Boat Ramp Proposal” – together the “Proposal”, “Application” or “Project”. In this evidence I adopt those descriptions, and refer to the Project as covering the works in their entirety.

Other Statutory Approvals required for the Project

23. Other statutory approvals are required for the Project, including:
- (a) An Outline Plan in terms of section 176A(3) of the RMA for works on designated sites for which the designation is sought will be lodged with the District Council prior to commencement of works.
 - (b) An Archaeological Authority from Heritage New Zealand Pouhere Taonga (HNZPT) for works that modify, damage or destroy archaeological sites

¹ As a local authority the Bay of Plenty Regional Council is a requiring authority under s166 of the RMA

under the Act. The archaeological assessment is currently being undertaken and the application will be lodged once consultation on the application is complete.

- (c) An authority under the Bay of Plenty Regional Council Floodway and Drainage Bylaw 2008 for works on stopbanks, bank protection works, bunds, crossings, drains, pumps, structures and other scheme assets which are owned by or under the control of the Regional Council.

24. I note that the Officer's Report agrees that these approvals can be obtained following the determination of the applications and notices currently before the Commissioners.²

STATUTORY FRAMEWORK

25. The RMA outlines a number of relevant considerations for the determination of the applications for resource consent and the NOR.

Applications for resource consent (Part 6)

26. Section 104 of the RMA applies to the consideration of resource consent applications:

104 Consideration of applications

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to –*
 - (a) *any actual or potential effects on the environment of allowing the activity; and*
 - (b) *any relevant provisions of –*
 - (i) *a national environmental standard;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*
 - (iv) *a New Zealand coastal policy statement;*
 - (v) *a regional policy statement or proposed regional policy statement;*
 - (vi) *a plan or proposed plan; and*
 - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
- (2) *When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.*
- (2A) ...

² Refer to Officer's Report at page 7 and for a discussion of the requirement for an Outline Plan of Works refer to page 125.

27. Section 105(1) sets out the matters that a consent authority must have regard to when considering a resource consent application for a discharge permit. In particular, consideration needs to be given to:
- The nature of the discharge
 - The sensitivity of the receiving environment to adverse effects
 - The applicant's reasons for the proposed choice; and
 - Any possible other alternative methods of discharge, including discharge into any other receiving environment
28. Section 107 of the RMA places restrictions on the grant of discharge permits. In particular the consent authority must not grant a discharge permit if, after reasonable mixing, the contaminant or water being discharged is likely to give rise to certain effects in the receiving waters. These effects include any one or more of the following in the receiving waters:
- the production of any conspicuous oil or grease films, scums or foams or floatable or suspended materials
 - any conspicuous change in the colour or visual clarity
 - any emission of objectionable odour
 - the rendering of fresh water unsuitable for consumption by farm animals
 - any significant adverse effects on aquatic life.
29. Notwithstanding this, a permit causing such effects can be granted where there are exceptional circumstances, the discharge is of a temporary nature, or is associated with necessary maintenance work, and it is consistent with the purpose of the Act.

Notices of requirement for designations and outline plans (Part 8)

30. Section 171 of the RMA applies to a notice of requirement for a new designation.

171 Recommendation by territorial authority

- (1) *When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to –*
- (a) *any relevant provisions of –*
 - (i) *a national policy statement:*

- (ii) *a New Zealand coastal policy statement:*
- (iii) *a regional policy statement or proposed regional policy statement:*
- (iv) *a plan or proposed plan; and*
- (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if –*
 - (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) *it is likely the work will have a significant adverse effect on the environment; and*
- (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
- (d) *any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.*
- (4) *The territorial authority may recommend to the requiring authority that it–*
 - (a) *confirm the requirement:*
 - (b) *modify the requirement:*
 - (c) *impose conditions:*
 - (d) *withdraw the requirement.*

ASSESSMENT OF ENVIRONMENTAL EFFECTS

31. In this section of my evidence I consider the effects of the Project as they relate to the NOR and resource consents.
32. The assessment of the actual and potential effects is contained within part 8 of the applications. The effects have also been considered in more detail in expert evidence.
33. Mr Miles summarises the actual and potential effects (at a broad level) of the Project that require assessment on page 23 of his report. These effects relate to: water quality and ecological values; cultural values; water levels, flooding and drainage; shoreline erosion; navigation and geomorphology; recreational values; natural character and landscape values, traffic generation, safety and access; dust; Coastguard and commercial users of Ford's Loop; and infrastructure.
34. The Officer's Report also accurately summarises the key aspects of the existing environment at page 24.

Positive effects

35. It is important to note that the Project also has a number of positive effects. Any potential adverse effects need to be weighed against, and considered in the context of, the positive effects. The Project is a significant step towards enhancement of a badly degraded

estuarine environment and is a key part of implementing the Kaituna River and Ongatoro/Maketu Estuary Strategy.

36. A key positive effect is the increase in the volume of freshwater that will flow into the estuary - an important component of the Project Goal. Many of the positive effects of the Project are a direct result of this increase in freshwater flows. The Project will lead to improved cultural, ecological, and social conditions, especially over the longer term. It will also provide improved public boating and parking facilities, thus enhancing public access, and will enable a range of positive outcomes for Papahikahawai Island.
37. Specifically, Mr Hamill states that the Project will considerably improve the ecological condition of Maketū estuary - primarily by creating conditions that flush accumulations of algae and associated muds and improve concentrations of dissolved oxygen for aquatic organisms. It is acknowledged that this will not be an overnight solution, and may take some time.
38. In addition, Mr MacGibbon's opinion is that substantial beneficial effects are anticipated. The diversity and abundance of indigenous plants and animals will increase substantially as a result of the increased area of high value habitat and increased biological productivity.
39. Mr Miles also notes that the Project will have positive ecological, cultural and recreational effects.
40. While it might seem like there are a large number of proposed consent conditions, particularly around monitoring, a significant number of these are not necessarily proposed in order to address adverse effects. A number of the conditions have been proposed in order to monitor the expected positive effects and to reflect the need for ongoing improvement and enhancement as the responses are better understood. That being said, they also apply a precautionary approach, meaning that any unanticipated adverse effects can be promptly identified and addressed where necessary.

Adverse Effects

41. I note that Mr Miles has concluded that, subject to conditions, the effects can be avoided or mitigated to the extent that they will be minor and / or acceptable. He recommends that the resource consents can be granted and the NOR confirmed subject to:
 - (a) Provision of information to support Dr Single's opinion on the assessment of flood flows through Te Tumu Cut in relation to effects on navigability; and

- (b) Providing an update on discussion with the Coastguard and RD & SF Waterhouse regarding the provision on on-shore facilities.

42. I agreed with Mr Miles that the effects can be avoided or mitigated subject to the proposed conditions.

Navigation

43. The issue of navigability has been investigated in some detail by the Applicant in the application, further information supplied, at a meeting with submitters and sequent supply of information and in caucusing with the consent authority peer reviewers. The Applicant has recognised the importance of this matter and so sought specialist input from Dr Single, a coastal geomorphologist with specific experience in this area, who peer reviewed additional information prepared. Dr Single was part of the caucusing with the consent authority peer reviewers PDP. Dr Single has produced evidence, which also discusses the issue along with the matters raised by submitters. It is an issue that a significant number of submitters raised.

44. Dr Single evidence addresses the first point in paragraphs 57 to 60 of his evidence. It is Dr Single's opinion, based on inlet process principles and empirical evidence from other similar river mouths, that any reduction in scouring will be unlikely to have a noticeable effect on navigability or geomorphology of the river mouth. He provides reasoning for his opinion. This is consistent with the views of Ben Tuckey and Jim Dahm, who drafted the additional information (in the form of a memorandum) that was provided to the consent authority and some of the key submitters.

45. Those present at a meeting held with submitters who raised navigation as an issue were generally accepting of the science but wanted the Applicant to propose a contingency condition beyond validation of the model. A number of submitters wanted the Applicant to commit to dredging or mobilisation of sand as well as just shutting some culverts in the event that the bar conditions get worse.

46. I understand that dredging is not really a practical solution at Te Tumu. Due to the volume of sand that drifts across the entrance every day through normal coastal current and wave action, any benefits from dredging or sand mobilisation would be very temporary. It would have to be done regularly (potentially every few days) to make any long term difference.

47. In Dr Single's opinion, conditions proposed by the Applicant to monitor flows upstream of the mouth to compare with the model predictions, to be used to assess the validity of the model findings, and to use to adaptively manage the Project flow regime are adequate in light of the effects of the Project on the river mouth morphology and navigability. The

consent authority peer reviewers agree with this position. Consent conditions are proposed that address this monitoring.

Coastguard and Waterhouse Facilities

48. The other matter raised in the Officers report is the Coastguard and commercial users of Ford's Loop. Subject to resolution that on-shore facilities will be acceptable for these users, Mr Miles considers that the effects will be acceptable.
49. The submission from the Coastguard acknowledges that the Applicant proposes to "relocate and/or provide for a new jetty, buildings, water and power supply services from its current site to the new proposed site in co-operation with the Coastguard Maketu Unit." The submission also seeks safe access in and out of the Kaituna River during construction.
50. The RD and SF Waterhouse submission is similar in that certainty is sought over facilities and access is requested to be maintained during construction.
51. I acknowledge that there would be temporary effects if the Applicant did not provide an alternative mooring location during construction. This is because the salinity block will be constructed before the proposed diversion channel inlet is opened, effectively land-locking Ford's Loop. The proposed conditions require that access be provided at their current location during construction until they are moved.
52. If the mooring were to remain in the current location, post opening of the proposed diversion channel the only effect is the increased distance and therefore time that it would take to motor or paddle from Ford's Loop along the diversion channel. Nevertheless, the Applicant has been willing to permanently relocate the moorings and on-shore facilities, and has been discussing this with the two parties.
53. There have been numerous discussions with the Coastguard and Mr Butch Waterhouse (commercial fisherman). The barge operator has stated that he is happy to stay where he is long term.
54. Moving the facilities is contingent on a number of other approvals and processes. The proposal included the facilities being alongside, and on Ford Road. The Applicant is now considering a proposal to use the salinity block for the on-shore facilities as this has some advantages. Mr Everitt spoke to both parties on 14th April. They agreed that using the salinity block is a good option to consider and did not, on initial consideration, see any negatives rather there are some positive benefits to be gained by being located off Ford Road.

55. The Applicant is still discussing the options with the parties and will provide an update at the hearing. However, it is clear that the proposed consent conditions need to be flexible to enable a suitable outcome. I discuss the proposed amendments in the conditions section of my evidence.

Summary

56. The actual or potential effects of the Project have been considered by each of the witnesses for the Applicant. Mitigation measures are recommended where the potential for an adverse effect has been identified. These mitigation measures form the basis of the proposed conditions. In addition conditions have been proposed to monitor the ecological recovery of the estuary.

ALTERNATIVES

57. In this section of my evidence I consider those matters relevant to the consideration of alternatives (ss171 and 105 of the RMA).
58. I note that Schedule 4 also states that "*where it is likely that an activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity*". A specific Schedule 4 assessment is not required, as there will not be any significant adverse effects.

Section 171 - Adequate Consideration of Alternative Sites, Routes or Methods

59. Section 171(1)(b)(i) and (ii) of the RMA require a territorial authority to have particular regard to whether adequate consideration has been given to alternative sites, routes or methods of undertaking the work, if either the requiring authority does not have an interest in the land sufficient for undertaking the work, or it is likely the work will have a significant adverse effect on the environment. The Applicant does not have an interest in all the land. It is not considered that significant adverse effects overall will arise as a result of the works.
60. The alternatives and the process are described in some detail in the Options and Alternatives Report (Volume B of the applications).
61. The Applicant has considered the option of providing protection from inundation to the Brain land, as opposed to purchase and wetland creation. As noted by Mr Everitt, costings were prepared and the conclusion reached that the cost of providing protection outweighed the value of the value remaining as pasture.

62. In my opinion there has been a robust consideration of alternatives process and the alternatives have been thoroughly investigated in the interests of maximising environmental outcomes and efficiency and minimising costs.
63. I note that Mr Miles considers that the methods chosen to give effect to the Project have been selected following appropriate consideration of alternatives.³

Section 105 Matters

64. Section 105(1) of the RMA requires decision makers, when considering applications for discharge permits, to have regard to: “*the nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects;...the applicant’s reason for the proposed choice; .. and any possible alternative methods of discharge including discharge into any other receiving environment.*”
65. Alternative methods and receiving environments have been considered in Part 6.3.3 and 6.2.3 of the applications. All of the proposed discharges will occur during construction so are temporary in nature. The location of the Project is fixed and there are no alternative locations or methods for discharges.

NECESSITY OF THE WORK

66. Section 171(1)(c) of the RMA requires a territorial authority to have particular regard to whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.
67. The designations are considered both reasonably necessary and to be the preferred planning mechanism for the Project.
68. The evidence of Mr de Monchy sets out the need for, objectives of, and benefits of the Project. He identifies the history of the estuary and existing state of the environment and states that the Project is a significant step towards addressing past modifications that have led to the degradation of the ecology and mauri of the river and estuary over time, that it will result in a new equilibrium over time, and that a number of positive effects will result.
69. Designation provides greater certainty for long-term management than resource consents. This certainty is important since the community have sought action for decades on the state of the estuary and demonstrating long term commitment is therefore considered critical.

³ At page 123 of the Officer’s Report.

70. Designation is also considered the most appropriate way to signal the intentions of the Regional Council to the public via the District Plan.
71. In my opinion any other method would not be as efficient and I consider the work and designation are reasonably necessary for achieving the Project objectives.

CONSULTATION

72. Since 2001 there have been multiple phases of engagement (pre-consent, pre-lodgement and post-lodgement), utilising a range of engagement methods, where stakeholders, directly affected and interested parties have had the opportunity to provide feedback on options, the preferred solution and the management of potential effects.
73. The evidence of Mr de Monchy covers in some detail the consultation that has been undertaken prior to lodging and with the submitters post lodgement. Attachment 1 to my evidence provides a summary of the submitter discussions. It is clear from his evidence that the overall aim of providing the community with opportunities for active engagement prior to decisions being made has been taken seriously. The feedback received in response to consultation, has informed the development and design of the Project, including the proposed location of the intake channel, works along the margins of Papahikahawai Island and public boating facilities. As appropriate, the feedback has resulted in consent conditions being proposed to address concerns raised.
74. I am satisfied that the information available in relation to the Project was sufficient for parties to have a comprehensive understanding of the Project and associated potential effects.
75. It is anticipated that engagement with stakeholders and potentially affected parties will continue through the detailed design and construction phases of the Project. A Community Relationship Plan is to be prepared to formalise what is proposed. Engagement will also continue through the life of the consents recognising the ongoing commitment of the Applicant to the local community and to also provide a mechanism for the community to be involved and provide feedback.
76. Mr de Monchy notes that Council has to date engaged four young Maketū ahi kaa in the investigation and consenting phase of the project to carry out monitoring and research work, and is committed to finding further opportunities within the bounds of local government procurement procedures. Proposed consent conditions also require the identification of opportunities for tangata whenua involvement in aspects of the Project on a long-term basis, including in monitoring and wetland restoration.

77. I am satisfied that the consultation undertaken in relation to the Project has been comprehensive and consistent with sound consultation practice.

STATUTORY ASSESSMENT

78. Decision making on resource consents under the RMA is governed by section 104. Under section 104 the consent authority must, subject to Part 2, have regard to amongst other things, any actual and potential effects on the environment, and relevant provisions of national and regional policy statements, and plans (including proposed plans).
79. When considering a requirement and any submissions received, a territorial authority must under s171 of the RMA, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to the relevant policy and plan provisions, consideration of alternative sites, routes or methods and whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority.
80. I generally concur with the statutory assessment in the Officer's Report, and in this section highlight what I consider to be key points.

Section 104(1)(b) matters

81. The relevant statutory instruments that are required to be given regard to are:
- (a) National Policy Statement for Freshwater Management 2014
 - (b) New Zealand Coastal Policy Statement 2010
 - (c) Bay of Plenty Regional Policy Statement 2014
 - (d) Regional Coastal Environment Plan 2003 and the Proposed Regional Coastal Environmental Plan
 - (e) Regional Land and Water Plan 2008
 - (f) Regional Air Plan 2003
 - (g) Western Bay of Plenty District Plan 2012

National Policy Statements

82. The NPS for Freshwater Management sets out objectives and policies for the management of water in an integrated and sustainable way, while providing for economic growth within set water quality and quantity limits. It also requires the involvement of tangata whenua in the management of water. The AEE has identified potential changes in bacteria and

nutrient levels and a potential short term risk to water quality from flushing of the lagoon area. However, there will be positive effects on the associated ecological values, and this is acknowledged in the Report also. I agree entirely with the Officer's comments regarding Objective D1 and Policy D1 of the NPS, being that while the proposal is not for full re-diversion (which is the ultimate goal for many local iwi and hapu) tangata whenua have been heavily involved in the process. I consider the Project to be consistent with the NPS for Freshwater Management.

83. As a significant area of the Project is within or adjacent to the coastal marine area particular regard needs to be given to the objectives and policies of the Coastal Policy Statement. A full assessment was provided in Part 10 of the main applications and Part 9 of the boating applications, along with the appendices. The key matters are: safeguarding the integrity of the coastal environment and sustaining ecosystems, preserving and restoring the natural character, maintaining and enhancing public open space and opportunities and taking into account Treaty principles along with recognising the role of tangata whenua. There will be some short term effects during construction but the Project is primarily one that seeks to enhance and restore ecosystems in the coastal environment, improve public access and a step towards improving cultural values. I therefore consider it to be consistent with the Coastal Policy Statement.

Regional Policy Statement

84. The Regional Policy statement is a broad policy document which considers all of the regionally significant resource management issues and provides objectives, policies, and methods to address those issues. It sets out how natural and physical resources are to be managed in an integrated way to promote sustainable management.
85. The Project is aimed at enhancing the mauri of an area of cultural significance in response to calls from local iwi, the restoration and enhancement of the natural character and ecological functioning of the coastal environment, restoration and rehabilitation of natural communities and habitats of indigenous flora, fauna and ecosystems. These objectives fulfil a number of the Regional Policy Statement directions around the coastal environment, matters of national importance and iwi involvement in resource management. I have considered Proposed Plan Change 2: Natural Hazards, and am satisfied that, given the Project will mitigate any effects on flood risk hazards, it is consistent with that Plan Change (albeit in its very early stages).

Regional Plans

86. Objectives and policies from the Coastal Plan that are relevant relate to natural character, natural features and landscapes, public access, coastal water, structures, disturbance, reclamation, occupation of space and tangata whenua interests.
87. The Project supports objectives and policies focussing on the restoration and enhancement of the natural character and ecological functioning of the coastal environment, and is consistent with objectives and policies relating to avoidance of natural hazards. In particular, I consider the Project to be entirely consistent with the provisions regarding significant areas of flora and fauna, public access, historic and cultural heritage, and tangata whenua issues.
88. The Proposed Regional Coastal Environment Plan (“PRCEP”) has a number of similarities to the operative plan in terms of the key provisions of interest. I also note that the PRCEP specifically states that the Kaituna River to Ōngātoto/Maketū Estuary Strategy should be taken into account when making decisions on the management of land and water resources, including coastal waters. Two of the key actions identified in that strategy are the re-diversion of the Kaituna River into Ongatoro / Maketū Estuary, and the creation of new wetlands in the catchment (Policy WQ 2). It also highlights at Issue 11 water quality in the Kaituna River mouth and Ongatoro / Maketu estuary as being of concern, which focusses future action toward improving the wider catchment.
89. The Operative Regional Water and Land Plan (“RWLP”) objectives and policies that are relevant to consideration of the Project relate to discharges (Chapter 4), water quantity (Chapter 5) and river beds and margins and wetlands (Chapter 6) in terms of access to water bodies, ecology, and amenity, landscape, and cultural values.
90. The Project supports objectives and policies focussing on the promotion of kaitiakitanga and tangata whenua involvement in resource management, protection of land, water, and soil resources, and the enhancement of the natural character of rivers and wetlands. I consider the Project to be consistent with the RWLP.

District Plan

91. The District Plan provides a framework to help manage the use, development, and protection of the physical and natural resources of the district. Specifically, the District Plan sets down objectives, policies, and rules to guide the use and development of land in a way that promotes the wellbeing of people and the environment. Regard needs to be had as to whether the designation is consistent with the direction set by the District Plan policies.

92. The rural policies seek to ensure that the rural resource is available and efficiently used for primary production purposes. The Project will not hinder existing rural activities but does propose to affect approximately 27 ha (4 ha of the Brain land is Fords Cut) of rural land.
93. There is a need to consider the objectives and policies in a broader sense. The Project is supported by objectives and policies relating to enhancement of the natural environment, protection of landscape, and avoidance of natural hazards. The Officer takes a similar approach in his assessment at page 115.

Summary

94. Part 10 of the main applications and Part 9 of the boating applications along with the appendices contains a full analysis of the relevant policy matters. My conclusion of the policy analysis was that the proposal is consistent with relevant objectives and policies.
95. Mr Miles also considers in detail the relevant policy matters in some detail. Mr Miles concludes, in relation to the national and regional instruments, that the Project achieves the outcomes sought. In relation to the District Plan, he considers that the Project is consistent with the majority of the relevant provisions and not inconsistent with Rural Zone Objectives 1 and 4. I agree with his conclusions.

Section 107 Matters

96. I have considered the Project in the context of s107.
97. During construction there will be times where there is a discharge of sediment to water. It is possible there will be a change in the colour or visual clarity of the water. However, this will be of a temporary nature, and will be minimised as far as practicable through the use of appropriate erosion and sediment controls. The Manager of the Kaituna Catchment Control Scheme has indicated that flows from Ford Rd Drain can be re-directed elsewhere during construction unless there is a significant rainfall event. This will eliminate almost all flowing surface water from the majority of the construction site and therefore substantially reduce potential sediment losses from the site. I therefore do not consider there to be any impediment to grant in terms of s107.

Any other matters

98. Section 171(1)(d) of the RMA requires a territorial authority to have particular regard to any other matter it considers reasonably necessary in order to make a recommendation on the NOR. Section 104(1)(c) of the RMA also allows the consideration of any other matter considered relevant and reasonably necessary to determine the application.

99. In my view, the other matters that need to be considered are:

(a) Iwi Management Plans

- Nga Aukati Taonga o Tapuika me Waitaha is a joint Iwi Management Plan prepared by Tapuika and Waitaha in 1993.
- Ngati Rangiwewehi Iwi Environmental Management Plan (2012)
- Ngati Whakaue Iwi Resource Management Plan (August 2011)

(b) Kaituna River and Ongatoro/Maketu Estuary Strategy 2009 - the Project is a direct response to the Strategy.

100. The Cultural Impact Assessments consider the Iwi Management Plans. I note that since the CIAs were prepared the Tapuika Environmental Plan (2014) was released to replace the 1993 edition.

Part 2 Analysis

101. In assessing the Project against the need to meet the sustainable management of natural and physical resources sections 6 to 8 are assessed below with each analysis contributing to the final evaluation of section 5 – the purpose of the RMA.

Section 6

102. Section 6 of the RMA sets out those matters of national importance that are to be recognised and provided for in achieving the purpose of the RMA. The relevant matters identified by Mr Miles are those same matters identified in the application.

103. In my opinion none of these Section 6 matters will be adversely affected by the Project, based on the assessment of actual or potential effects of the proposal on the environment having taken into account the proposed mitigation measures. The Project is entirely consistent with sections 6(a), (d) and (e).

Section 7

104. Section 7 of the RMA sets out “other matters” that a consent authority is to have particular regard to in achieving the purpose of the RMA. The relevant matters identified by Mr Miles are those same matters identified in the application.

105. There are a number of concepts included in kaitiakitanga. The courts have found that it requires ongoing involvement and tangata whenua being provided with the opportunity to exercise guardianship of the natural and physical resources in accordance with tikanga

Maori. Mr de Monchy notes that Council is committed to finding opportunities for involvement through the Project. However, I note that the Council also have other initiatives underway in the wider catchment that would further enable this.

106. In my opinion, based on the assessment of actual or potential effects of the Project on the environment and the proposed mitigation measures, none of these Section 7 matters will be adversely affected by the Project. The Project is entirely consistent with sections 7(a), (aa), (c), (d), and (f).

Section 8

107. Section 8 of the RMA requires all persons exercising functions and powers under the RMA to have regard to the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Consultation has occurred, and is ongoing, between the Applicant and tangata whenua.
108. The significance of the area to tangata whenua cannot be overstated. The Project is a step towards addressing past modifications that have led to the degradation of the mauri of the river and estuary over time. However, it is acknowledged that some seek the full diversion of the river back to the estuary.
109. The resource consent and designation conditions proposed include mechanisms for ongoing involvement in the Project. I note though that the conditions are only one aspect of ongoing involvement the Applicant is committed to ensuring an ongoing relationship, including both as proposed in the consent conditions and the wider initiatives in the catchment.

Section 5

110. Applying Section 5 involves a broad overall judgement of whether a Project would promote the sustainable management of natural and physical resources. Section 5 goes on to elaborate on the definition of sustainable management that in summary, includes managing resources in a way that enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.
111. In this case the Project is entirely consistent with the purpose of the RMA. The Applicant is seeking to protect and enhance an important natural and cultural resource - Ongatoro/Maketu Estuary - in a way that will allow the community to provide for their social, economic, and cultural wellbeing and for their health and safety.
112. The Project will ensure that the estuary is sustained for future generations, and that the life-supporting capacity of both the estuary and its surrounding environment is safe-guarded

into the future. The assessment of environmental effects has demonstrated that all adverse effects that could arise as a result of the Project can be avoided, remedied, or mitigated to an acceptable level.

RESPONSE TO SUBMISSIONS

113. I have considered the submissions that have raised issues relating to the scope of my role in the Project.
114. Since the submission period closed the Applicant has been in contact with all the submitters and held meetings with a number of submitters. Mr de Monchy's evidence outlines those discussions, and Attachment 1 of my evidence provides a summary.
115. A number of matters have been generally resolved through the proposed conditions, including:
- (a) Mitigation for the Lower Kaituna Wildlife Management Reserve;
 - (b) The potential for a spit breach and monitoring;
 - (c) Effects on power network utilities;
 - (d) The approach to address drainage effects; and
 - (e) The approach to address flood risk effects at Maketu.
116. The expert evidence has considered the technical aspects of matters raised in submissions.

SECTION 42A REPORT

117. I have reviewed the report prepared by Mr Shanan Miles dated 7th April. I consider the Officer's Report to be a true and accurate summary of the Project and its effects.
118. Mr Miles' opinion is that the adverse effects on the Project are able to be appropriately avoided, remedied or mitigated subject to the conditions. The further information on navigation and geomorphology and boat users of Ford's Loop have been provided in evidence, and further detail has been provided, with further updates to come, in respect of re-location of mooring facilities.
119. I consider the effects of the Project have been appropriately avoided, remedied or mitigated.

PROPOSED CONDITIONS

120. The Applicants discussions with submitters resulted in changes to the conditions originally proposed in the application. Mr Miles' recommended conditions reflect those discussions but also other changes by Mr Miles to the conditions as part of his assessment.
121. The lapse period and consent term are those that were sought in the application.
122. With the exception of the changes proposed in Attachment 1 and 2, the Applicant accepts the recommended conditions.
123. The conditions have been structured with an order that covers pre-construction, design, construction, commissioning, monitoring and community relationships. The majority of the monitoring conditions have been proposed to help understand/verify the improvements in ecology health or confirm that the Project does not cause erosion. The aerial photos in the conditions are to illustrate the monitoring locations – a consolidated plan will be provided at the hearing and a confirmed plan is required as part of Condition 25 Environmental Monitoring Programme.
124. Attachment 2 and 3 are the proposed conditions from the Officers report with mark ups to address matters raised in evidence or minor wording changes to improve the drafting. The strikethrough shows deletions and the underline the additions. I discuss the key changes below:
- 124.1 Proposed Condition 18.3 Private Water Supply - The condition has been amended to make it clear that the stock drinking water and the irrigation water intakes are separate. Both intakes need to have salinity shut offs installed.
- 124.2 Proposed Condition 20.4 Lower Kaituna Wildlife Management Reserve water levels – the second part of the condition has been deleted. We have reached agreement with Fish and Game and the Department of Conservation on the proposed wording. That part of the condition is considered to be unnecessary and is not consistent with the wording agreed with those key interested parties.
- 124.3 Proposed Condition 21.4 Drainage Scheme - There are a number of components that are likely to make up the agreed compensation sum. The sum will be agreed in condition 21.1(b) or 21.5. The wording in 21.4 has been amended to reflect that there are a range of options and they are not exclusive. This ensures that the most suitable outcome can be reached between Rivers and Drainage and the Applicant, rather than being unnecessarily constrained by the conditions.

- 124.4 Proposed Condition 23 Operations and Maintenance Manual – on review of the proposed wording, the Applicant considers that describing the existing flood risk at Maketu township is best achieved by referring to the flood levels. This is a more accurate reflection of the situation.
- 124.5 Proposed Condition 24 Wetland Restoration Plan – the reference to the number of hectares has been updated and the location has been removed as this is addressed in the objectives. The Wetland Restoration Plan should not be limited to a number of hectares as further opportunities may present themselves for additional wetland establishment. Further, the Applicant would prefer not to have a hectare area and nature of the wetland imposed as a requirement. Environmental and physical conditions will play a role, and could dictate a different approach. As recommended in the Officer's Report, the Applicant considers the requirements to be too uncertain and difficult to enforce, and could easily result in technical non-compliance. Less than 19 ha of wetland will only occur if environmental conditions make it physically impossible to establish plant material in some of the available sites.
- 124.6 Proposed Condition 34 Plans for Certification – Moorings – the wording has been amended to provide flexibility as per Mr Everitt's and Mr de Monchy's evidence. The need for flexibility is also the reason for the proposed amendments in respect of construction sequencing, as discussed in the evidence of Mr Everitt.
125. The experts have also recommended various changes to monitoring conditions, which are identified in the attached proposed set of conditions.

SUMMARY AND CONCLUSION

126. The actual or potential effects of the Project have been considered by each of the witnesses for the Applicant. Mitigation measures and / or monitoring are recommended where the potential for an adverse effect has been identified. These mitigation measures form the basis of the proposed conditions.
127. The Project is consistent with the relevant RMA sections 6, 7, and 8 matters. Overall, I consider the Project will have an extremely positive effect on the ecological health of the estuary over time and enable the local community to provide for their social, economic and cultural well-being and their health and safety. I therefore consider it to be entirely consistent with the purpose of the RMA in section 5.

128. Accordingly, in my view the designation can be confirmed and the resource consents granted.

Stephanie Brown

17 April 2015

Attachment 1 – Submitter update

Summary of Submitter discussions

RC/ NoR	Name	Support / Oppose	Issues	Actions & status
	All submissions			All submitters on July 2014 applications phoned in Oct 2014
Both	A Brain	Oppose	<p>Partial re-diversion will not prevent the in-filling of Maketū Estuary</p> <p>Flooding of land north of Ford's Cut and removal of stop banks in upper estuary</p> <p>Ownership of Ford's Cut, BOPRC responsibility for erosion, and compliance with DoC Consent</p> <p>Widening of Ford's Cut and requirement for BOPRC to own land, relocation of bach</p> <p>Saltwater intrusion from estuary, creation of wetland on land north of Ford's Cut</p> <p>Drainage from land north of Ford's Cut</p> <p>Stock access to land north of Ford's Cut</p> <p>Severance of family farm</p> <p>Property position, and impact of public access on wildlife</p>	Discussions with Alan ongoing re purchase of property Offer has been presented
Both	A Titchmarsh	Oppose	<p>Quality of farm water supply</p> <p>Water quality and potential flooding could result in salt damage to land</p> <p>Potential for flooding</p> <p>Cost of moving the stopbank</p> <p>Want diversion to be within existing stopbank boundaries not his farm as concerned about physical & economic viability of farm</p>	<p>Draft proposal re water supply provided on 6/3/15</p> <p>Property discussions have been on hold while A Brain purchase progressed, but are anticipated to continue following the hearing.</p>
Both	BOPRC Rivers & Drainage Section	Neutral	Effects on Kaituna Catchment Control Scheme and drainage mitigation	Additional modelling undertaken. Meeting held 25/3/15 and scheduled for 20/4/15. Discussions ongoing, Agree in principle with the mitigation proposed
Both	C Richmond	Support	<p>Reconsider excavation of Flood Tide Delta and protection against erosion of Maketū Spit</p> <p>Recognise that flexibility required to restore wetland</p>	Phoned on 2/12/14 to discuss submission. Said would keep Chris informed on flood tide delta-Maketu spit issue
Both	Catalyst High Rise Ltd	Oppose	Navigation of Kaituna Cut	Phone call & email with Luke Balchin 6/3/15

			Potential for increased flooding/river levels	Understand the remaining concern is navigation.
			Water quality in the catchment	
Both	Coastguard Maketū	Oppose (support intent)	Potential adverse sedimentation effects and changes not adequately addressed	Discussions & meetings ongoing. Draft agreement regarding replacement facilities prepared. Invited to navigation meeting, FAQs provided, email response 9/3/15.
			No monitoring of sedimentation, need to maintain 1m deep channel at all tides	
			Mobilisation of sedimentation methods to maintain navigable access	
			Relocation of Coastguard mooring facilities, including security and longevity of new site	
			Coastguard access during construction period	
			Accountability and risk to public, river bar users and rescue crew	
Both	D Patterson	Oppose (support intent?)	Seeks alternative solution for diversion	Site meeting held 27/11/14 and various email & letter correspondence. Difference of opinion on solution remains
			Spit erosion and channel instability	
			Infilling of Estuary	
			Flood relief at Te Tumu	
Both	D Butler	Oppose	Insufficient information in application to show how access at Te Tumu can be maintained at all times for the Coastguard	Invited to navigation meeting, FAQs provided, email response 9/3/15
RC	Department of Conservation	Support in part	Support installation of additional culvert	Email from DoC 2/4/15 confirming happy with amended conditions for Lower Kaituna Wildlife Management Reserve
			Potential effects on Lower Kaituna Wildlife Mgmt Reserve	
Both	E Harwood	Oppose	Lack of water current in upper to mid-estuary means algae and muds won't be flushed - benefits overstated and negatives ignored	Offer to meet made or phone discussion. No response received
			High bacteria and nutrient content in river water and from Ford Rd drain, lead to increased algae and sea lettuce growth and more anoxic sediments.	
			Increased sedimentation, scour of Ford's Cut	
			Safety of Te Tumu Cut boat access (increased risk with new boat ramp) and ecological effects of reclaiming river bed and providing access to Ford Island	
			Forced sale of land north of Ford's Cut, and creation of wetlands around estuary	
			Flooding	
			Use of fill to raise land	

			Positive effects overstated, particularly ecological benefits, and disturbance of birdlife from increased public access to upper estuary.	
			Lack of consultation with objectors	
Both	Fish & Game	Support	Improved water quality and wetland creation will enhance waterfowl habitat	Email from F&G 2/4/15 confirming happy with amended conditions for Lower Kaituna Wildlife Management Reserve
			Loss of water volumes from Lower Kaituna Wildlife Management Reserve	
			Monitoring of flows entering Lower Kaituna Wildlife Management Reserve	
Both	Ford Land Holdings Pty Ltd	Support (conditionally)	Proposed construction activities and conditions	<p>Meeting held 16/2/15. Email of 18/2/15 re meeting summary. Letter sent in response to matters raised.</p> <p>Invited to navigation meeting, FAQs provided, email response 9/3/15</p> <p>Project Legal Advisor has been negotiating an agreement to attempt to provide legal access from Ford Road to Ford Island.</p> <p>Conditions around erosion proposed for information purposes only.</p>
			Project Goal does not recognise effects could include impacts on existing and future land use, operation of flood scheme and recreational users	
			Policy matters	
			Disagree that the NES for Soil Contamination to Protect Human Health is not relevant	
			The Project will result in loss of vehicular access to Ford Island	
			Application <ul style="list-style-type: none"> Te Tumu Urban Growth Management Area – not correctly described in application Description of location of Te Tumu pa missing eastern banks of the river 	
			Erosion	
			Ford Rd at culverts - 2 lanes are necessary: (i) for emergency services , (ii) for safety reasons due to potential increased use and (iii) as if not will compromise the proposed Coastguard mooring	
			Dredging is necessary for both construction and ongoing maintenance	
			Ford Island requires rock protection from potential erosion	
			Conditions: Operations, Monitoring, Maintenance & Mgmt Plan A robust plan is required – is not sufficient detail in the application for monitoring Hydrodynamic and morphology monitoring proposed is inadequate to assess the impacts	

			<p>Designation Conditions</p> <ul style="list-style-type: none"> • review clause is required • require an Outline Plan to be submitted • in condition 3 it is not clear who are the parties during construction that should be made aware of the conditions 	
			Consent condition review clause needs to be amended as a more precautionary approach is required	
			<p>Support</p> <ul style="list-style-type: none"> • Option Evaluation process • Explanation to Designation purpose re undertaking works to avoid, remedy or mitigate effects and monitor changes to the environment 	
Both	H & M By De Ley	Oppose	Concerned will be build-up of sediment at Kaituna Cut that will restrict access including for Coastguard	Invited to navigation meeting, FAQs provided, email response 9/3/15
Both	J Cross	Oppose	<p>Do not want access, including Coastguard, to be compromised. Want 24/7 access 365 days a year</p> <p>Council should be accountable for any accidents/injuries caused to people using the Cut</p>	Invited to navigation meeting, FAQs provided, email response 9/3/15
Both	J Gray	Oppose	<p>Cut will silt up creating greater risk to boaties. Bar needs constant monitoring</p> <p>Diverting more water into the estuary will make Maketū bar more dangerous for boaties, swimmers and beach users</p>	Invited to navigation meeting, FAQs provided, email response 9/3/15
RC	K Witherow	?	Concerned at ability of Coastguard to use the Cut due to siltation	Invited to navigation meeting, FAQs provided, email response 9/3/15
RC	L Brown	Oppose	<p>No information provided</p> <p>Clarified that issue is navigation</p>	<p>Steph phoned 2/2/15 to confirm what issue was – navigation.</p> <p>Invited to navigation meeting, FAQs provided, email response 9/3/15</p>
Both	L Collins	Oppose	<p>Proposal won't achieve goal, positive effects overstated and do not justify risks or cost of project</p> <p>Few ecological benefits, decreased water quality and effects on kaimoana</p>	Offer to meet made or phone discussion. Email correspondence received from L Collins and response provided via email 27/2/15. Declined offer to meet.
Both	M Brid	Oppose	Safety of bar crossing at Te Tumu	Invited to navigation meeting, FAQs provided, email response 9/3/15

Both	M Maassen	Support	Improvements to channel at Maketū Estuary entrance much safer than Te Tumu Cut, addressing adverse effects of 1956 diversion	Compliance issue for WBOPDC consent for seawall - referred to WBOPDC
Both ?	Maketū Ongatoro Wetland Society Inc	Support	Erosion of Maketū Spit and potential for breach and subsequent impacts on biodiversity (MOWS currently seeking consent for sandbag erosion protection works)	Site meeting held 3/12/14. Last email correspondence 5/3/15 outlining: Spit erosion monitoring to be undertaken by MOWS and Rule 1D proposal (funding to be provided) Pollution – commitment from BoPRC as a result of the NPS on water to focus on Kaituna Catchment Cattle grid – consider reasonable but being checked with WBOPDC but this Wetland access – to be included as part of a detail design consideration Roadway, boat ramp – boat ramp is staying where it is and of the size it is. Management of land north of Fords's Cut – to be converted to wetland appropriate for the area, subject to acquisition
			Pollution of estuary from increased agricultural nutrients and bacteria in river water	
			Prevention of stock, animal, and pest access to land north of Ford's Cut	
			Public facility for bird watching associated with restored Maketū Wildlife Reserve and new wetland on land north of Ford's Cut	
			Width of Ford Road across intake structure	
			Boat ramp parking	
			Management of wetland creation for specific species	
Both	M Maltby	Oppose	River and bar will silt up so less useable than current	Invited to navigation meeting, FAQs provided, email response 9/3/15
?	M Draffin	Oppose	How will the current levels over the bar be maintained	Invited to navigation meeting, FAQs provided, email response 9/3/15
Both	M Holyoak	Oppose	How will the bar remain operable	Invited to navigation meeting, FAQs provided, email response 9/3/15
Both	Nga Tangata ahi kaa roa o Maketū	Oppose (support intent)	Cultural effects not mitigated satisfactorily, need to maximise restoration of ahi kaa culture alongside physical aspects of the estuary	Met with Ronika to discuss her seeking full redirection
RC	Ngati Makino Heritage Trust	Oppose (support intent)	Lack of formal agreement to address identified cultural impacts	Meeting held with all iwi groups 29/8/13 Met with Ms Bennett post-lodgement and briefly discussed the re-diversion among other things. Still a few matters to resolve.
Both	Ngati Pikiao ki Maketū (c/-	Oppose	Cultural effects have not been mitigated satisfactorily therefore statutory	Meeting held with all iwi groups 29/8/13

	Raewyn Bennett)		obligations not met	Meeting held with Raewyn Bennett and Te Mana o te Wai Discussions ongoing
			Potential effects on natural hazards	
Both	N McPherson	Oppose	Nothing in place to monitor and correct any silting at Te Tumu	Invited to navigation meeting, FAQs provided, email response 9/3/15
Both	P Crossan	Oppose	Safety of local boaties and Coastguard Flooding and drainage of farmland	Invited to navigation meeting, FAQs provided, email response 9/3/15
Both	P Ellery	Support	Current water quality in the river and potential impact on the estuary	
Both	P Tapsell	Support	Estuary needs mauri and wairoa to be restored	
Both	Powerco Ltd	Neutral	Impacts on electricity assets on Titchmarsh Farm and in Ford Road during and after construction, including relocation where required	Wish to be heard withdrawn based on proposed conditions
Both	R Beer	Oppose	Support Coastguard submission	Invited to navigation meeting, FAQs provided, email response 9/3/15
RC	R Hintz	Oppose	Navigability of Te Tumu Cut, sedimentation of entrance and safety of boaties Effects on drainage of surrounding farmland	Invited to navigation meeting, FAQs provided, email response 9/3/15
Both	RD & SF Waterhouse Partnership	Oppose (support intent)	Potential adverse sedimentation effects and changes of navigable access at Te Tumu Cut Access during construction period Relocation of mooring facilities, including design and physical security of new site Inadequate assessment of Part II, NZCPS, Objectives and Policies of plans and Marine and Coastal Area Act	Discussions & meetings ongoing. Draft agreement regarding replacement facilities prepared Invited to navigation meeting, FAQs provided, email response 9/3/15
Both	RLH & CD Weld Ltd	Neutral	Effects on increased water levels on drainage scheme Increased sand and silt coming up river	Invited to navigation meeting, FAQs provided, email response 9/3/15
Both	Tapuika Iwi Authority	Support	Support RC and NoR as notified Yes submitter meetings held with Hohepa Maxwell and Gina Mohi on behalf of their respective entities. Asked question is there anything you'd like to see Council do re redirection? Gina suggested Whare te Moni as cultural monitor. No objections	Meeting held with all iwi groups 29/8/13 Discussions ongoing Meeting held with Hohepa Maxwell on behalf of the Iwi Authority.
Both	Te Maru o Kaituna River Authority	Support	<ul style="list-style-type: none"> Diversion of the Kaituna has had a profound effect on the cultural relationship of hapū and iwi with the 	Acknowledgement email sent 31/1/15

			<p>Kaituna River</p> <ul style="list-style-type: none"> • Project will go some way towards achieving that objective and enhancing the cultural relationship of hapu and iwi • Provides opportunities for hapū and iwi to strengthen their connection through practical involvement such as planting and restoration of wetlands. 	
Both	<p>Te Maru o Ngati Rangiwewehi Iwi Authority and Papahiikahawai Ahu Whenua Trustees</p> <p>(Gina Mohi)</p>	Support	<ul style="list-style-type: none"> • The river and estuary are taonga of great cultural significance - provide an important source of food, transport, building materials, recreation and many other uses integral to cultural practices and traditions • The diversion has had a profound effect on the cultural relationship Ngati Rangiwewehi has with the Papahiikahawai Island • the project will go some way towards achieving that objective and enhancing the cultural relationship of Ngati Rangiwewehi with the River and Estuary • provides opportunities for Ngati Rangiwewehi to strengthen their connection with the River, Estuary and Papahiikahawai Island through practical involvement such as planting and restoration of wetlands 	<p>Meeting held with all iwi groups 29/8/13</p> <p>Meeting held with Gina Mohi on behalf of the respective entities.</p>
RC	Te Puke Branch - Forest & Bird	Support	Full support	
Both ?	Te Tumu 8 B1 Trust & Ngati Pikiiao	Support	Support RC and NoR as notified	
Both	Te Tumu Kaituna 14 Trust	Support (conditionally)	<i>See Ford submission</i>	
Both	Te Tumu Kaituna 11B2 Trust	Support (conditionally)	<i>See Ford submission</i>	
Both	Te Tumu Landowners Group	Support (conditionally)	<i>See Ford submission</i>	
Both	Western Bay of Plenty District	Support	Support RC and NoR subject to amendments, particular regard to flood risk and erosion at Maketū	<p>Meeting held 3/3/15. Letter response provided</p> <p>Discussions ongoing</p>

	Council		Lapse period 10 years and term of consent 35 years	
			Temporary designation for construction purposes	
			Provision of local employment, tourism, and educational opportunities	
			Support new public boat ramp in this location	
			Operational procedures for intake structure	
			Effects on drainage of farmland	
			Dredging of estuary to improve channel navigability at Maketū and drainage	
			Beach and dune restoration at Maketū foreshore	
			Monitoring of Maketū township shoreline, and ecology of estuary	

Boating submissions

RC/NoR	Name	Support/ Oppose	Issues	Comments
RC	Rex Beer	S	<p>Support change to a public facility Concrete ramp – need to reduce the slope (it's a bit too steep); and, extending concrete far enough out so trailers do not fall off the end at low tide</p> <p>Improving the existing jetty – ok (better than nothing) – but a floating pontoon would be preferable; and I think that should be seriously considered, instead of spending money on retaining a poor jetty.</p> <p>Improvement to the Ford Road ramp will be worthwhile – but greater need for improvement at the Maketu boat ramp as water depth there is too low to enable boat launching except within 2.5 hours of high tide.</p>	
NoR	BOPRC Rivers & Drainage	N/A	Letter not submission advising need for Bylaw Authority for works	
RC & NoR	Ford Land Holdings Pty Ltd	S conditional	<p>Support is conditional on: Single lane across Ford's Cut is suitable with boat ramp moving Should provide rock protection on sth & west edge of Ford Island due to boat wash</p>	<p>Meeting held 16/2/15. Email of 18/2/15 re meeting summary. Letter sent in response to matters raised.</p>

			<p>Increase in boat use will exacerbate erosion along north side of Ford Island and adjacent side of river</p> <p>NoR conditions</p> <ul style="list-style-type: none"> - include a review condition - include requirement to submit an Outline Plan - have the same conditions as the main NoR and those sought in the previous submission <p>Consent conditions</p> <ul style="list-style-type: none"> - add review clause - have the same conditions as the main applications and those sought in the previous submission 	<p>Invited to navigation meeting, FAQs provided, email response 9/3/15</p>
NoR	Powerco		<p>Protection of existing power assets within project area</p> <p>Seeking condition for Network Utility Management Plan OR</p> <p>Amend the application to cover the matters and include a condition the requires the levels of service be maintained</p>	<p>Wish to be heard withdrawn based on proposed conditions</p>
RC & NoR	Te Tumu Kaituna 14 Trust	S conditional	See Ford submission	
RC & NoR	Te Tumu Kaituna 11B2 Trust	S conditional	See Ford submission	
RC & NoR	Te Tumu Landowners Group	S conditional	See Ford submission	
RC	Te Runanga o Ngati Whakaue ki Maketu	S	<p>The current ramp has been in need of repair for a number of years. It is not safe for constant use and is a health and safety risk to all who use</p> <p>Local hapu members and the Maketu community use this boat ramp frequently. The ramp needs reconstruction / repair which should be paid for from public monies given the amount of people who have been allowed to use the ramp and park on the land for a number of years</p>	<p>Meeting held 25/2/15</p>
RC & NoR	Western Bay of Plenty District Council	S	<p>Will secure enhanced public access to the coastal environment.</p> <p>WBOPDC has road and recreation</p>	<p>Meeting held 3/3/15. Letter response provided. Discussions</p>

		<p>reserve administration interests within and beyond the greater project site; namely: Ford Rd. and the Kaituna Sand Spit Recreation Reserve which comprises two parcels (1534/1472 & 1534/1473)</p> <p>This department wants to be satisfied that its ongoing land management interests here will be suitably integrated during the greater project and following project completion.</p> <p>Land parcel 1534/1473, being a horse-shoe shaped strip of recreation reserve alongside the river diversion site, will be structurally altered and will be reduced in width by the Kaituna river re-diversion project and there is no recognition of this by way of agreement between BOPRC & WBOPDC, by amendment to the gazette notice which created the reserve - at the applicant's cost, or by compensation of land lost (or otherwise) in the application/notice.</p> <p>That a 20m wide esplanade reserve/strip shall extend along the TLB of the new river margin.</p>	ongoing
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2 – Proposed Designation Conditions

3 – Proposed Resource Consent Conditions