

**Minutes of the Te Maru o Kaituna River Authority Meeting held in Sigma Room, Energy Events Centre, Queens Drive, Government Gardens, Rotorua on Tuesday, 29 November 2016 commencing at 10.35 a.m.**

**Present:**

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

**Appointees:** Councillor K Marsh (Western Bay of Plenty District Council), Deputy Chairman J Nees (Alternate, Bay of Plenty Regional Council), Councillor J Scrimgeour (Alternate, Western Bay of Plenty District Council), Councillor T Tapsell (Rotorua Lakes Council), M Tapsell (Tapuika/Waitaha), H Maxwell (Alternate, Tapuika/Waitaha), P Thomas (Alternate, Te Pumautanga o Te Arawa), P Callaghan (Alternate, Tapuika Iwi Authority Trust), R Hancock (Alternate, Ngati Rangiwewehi)

**In Attendance:** R Pou Poasa (Observer, Te Komiti Ni o Ngāti Whakaue), M Horne (Alternate Observer, Te Komiti Ni o Ngāti Whakaue), P Tangohau (Chairperson, Te Komiti Nui o Ngāti Whakaue); Te R Bidois; J Tahana; BOPRC: A Fort (Senior Planner), A Vercoe (Maori Policy Team Leader), E Grogan (General Manager Regulatory Services), H Ngatai (Marketing and Communications Advisor), C Koopu (Maori Policy Advisor), J Watts (Policy Analyst), K O'Brien (Strategic Engagement Manager), N Poutasi (Water Policy Manager), P de Monchy (Kaituna Catchments Manager), D Llewellyn (Legal Specialist), R Garrett (Committee Advisor); S Rolleston (Consultant); RLC: J Riini (Partnership Advisor), B Manly (Kairangahau); J Fitter (Maketū Ongatoro Wetland Society, Kaituna Freshwater Futures Community Group).

**Apologies:** Councillors S Morris and T Molloy; Deputy Chair A Tahana; Alternate Deputy Chair G Mohi; H Paul.

**1 Welcome**

The Chairman welcomed members and visitors and opened the meeting with a karakia, and acknowledged the recent passing of Te Arawa kaumatua Napi Waaka, Fred Whata and Mita Mohi.

**2 General Business and Tabled Items**

**Resolved**

That pursuant to section 46A of the Local Government Official Information and Meetings Act 1987 the following items be considered at this meeting:

Tabled Document 1	Ngati Whakaue	Membership: Agenda item 7	Letter: 24 November 2016; Ngati Whakaue to Te Maru o Kaituna
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### 3 **Declaration of conflicts of interest**

Nil.

### 4 **Te Maru o Kaituna River Authority minutes - 23 September 2016**

#### **Resolved**

**That the Te Maru o Kaituna River Authority under its delegated authority:**

- 1 Confirms the Te Maru o Kaituna River Authority minutes, 23 September 2016**

**Marsh/Nees  
CARRIED**

### 5 **Correspondence regarding Ngāti Whakaue membership**

*Refer Tabled Document 1: letter dated 24 November 2016; Objective ref: A2511989*

The Chairman summarised the content of the correspondence between Ngāti Whakaue, the Minister for Treaty of Waitangi Negotiations and Te Maru o Kaituna River Authority. The Chairman explained that, while there would be a kōrero on the topic, no decision was expected to be made on the issue of membership at this meeting as members should report back to their appointing organisations and bring back an agreed position to the next meeting in February.

Ngāti Whakaue representatives addressed the meeting and emphasised their concern that, now that Ngāti Whakaue were no longer on the Treaty Settlement work programme, their interests in and relationship with the Kaituna would not be formally recognised in legislation for some time and therefore their need for voting status on Te Maru o Kaituna River Authority had become imperative.

A discussion regarding Ngāti Whakaue membership followed. Points raised included uncertainty around pre-empting which Ngāti Whakaue entity could be mandated to hold the Te Maru appointment and what might be contained in a future deed of settlement; the precedent implications of the adoption of an informal voting seat; the implications of the requirement to have an equivalent Bay of Plenty Regional Council seat; whether such a seat could be limited in either scope or term, and the uncertainty around the definition, scope and parameters of an “informal voting seat”.

The Chairman invited Bay of Plenty Regional Council in-house legal specialist Donna Llewellyn to address the meeting. Ms Llewellyn provided clarification and context to the membership question with reference to both the Tapuika Deed of Settlement and the settlement legislation, and outlined what an informal voting seat could look like. Ms Llewellyn also noted that Te Maru o Kaituna is required by its legislation to integrate and engage with iwi who have interests in the river and that, regardless of observer status or membership, there is an obligation to consult with other iwi with such interests or relationships with the river. Ms Llewellyn agreed to summarise her presentation into a short briefing paper for circulation to members.

The Chairman again emphasised that there is no intention to stop Ngāti Whakaue’s input into the river document or to impede their settlement but that the appropriate process must be followed.

## **Resolved**

**That the Te Maru o Kaituna River Authority under its delegated authority:**

**1 Receives the correspondence:**

- a. Letter to Minister Finlayson from Ngāti Whakaue 21 October 2016
- b. Letter to Ngāti Whakaue from Minister Finlayson 11 November 2016
- c. Letter to Bay of Plenty Regional Council from Minister Finlayson 11 November 2016
- d. Letter to Te Maru o Kaituna from Ngāti Whakaue 24 November 2016 (Tabled Item 1)

**Flavell/Nees  
CARRIED**

## **6 Reports**

### **6.1 Financial update - 2016/2017 Te Maru budget**

The Chairman spoke to this report which presented the draft 2016/17 budget, for the expenditure of Te Maru's Crown funding, to Te Maru o Kaituna for approval and adoption; and noted that the budget had already been circulated to and approved by the finance sub-committee.

Members asked questions of clarification around the amount budgeted for engagement and the payment of attendance fees for alternates.

## **Resolved**

**That the Te Maru o Kaituna River Authority under its delegated authority:**

- 1 Receives the report, Financial update - 2016/2017 Te Maru budget;**
- 2 Approves and adopts the draft budget for 2016/2017 included in Appendix 1;**
- 3 Notes that the Te Maru o Kaituna Finance Subcommittee has delegated authority to approve expenditure within the approved budget and in accordance with Te Maru's Financial Policy.**

**Nees/Thomas  
CARRIED**

## 6.2 **Freshwater Futures: Kaituna Community Group Workshop on Freshwater Values**

Water Policy Manager Namouta Poutasi and Policy Analyst Jo Watts presented this report which updated Te Maru O Kaituna on the proceedings and outputs of the most recent Freshwater Futures Community Group workshop. Ms Poutasi outlined the relationship between the development of objectives by the Kaituna Community Group as part of the Freshwater Futures project and the development of the Kaituna River document by Te Maru o Kaituna. Ms Watts reported to the members on the latest Community Group engagement undertaken and feedback received.

A member queried the values included; staff clarified that the values are summarised from feedback already received from Te Maru o Kaituna during previous consultation. A member asked for clarification regarding the concern recorded about the values below the wastewater treatment plant discharge into the Waiari; staff explained that this comment was based on a "gut feeling" from the feedback received and had yet to be followed up with the appropriate science by the Regional Council. Members noted the need for balance between science and community and iwi feelings and concerns and requested that relevant science reports be presented to Te Maru o Kaituna.

Members expressed concern around how allocation is addressed in the Freshwater Futures project. Staff explained that allocation is being addressed both through Plan Change 9 as well as in the Freshwater Futures process, and noted that reports identifying and summarising proposed interim limits and areas of over-allocation had already been completed and were available on the Regional Council website. Staff also provided clarification regarding the regulation of river flows through the use of the Okere Gates.

Members requested that further information on freshwater limits and allocation be provided to Te Maru; staff agreed that a workshop would be appropriate.

### **Attendance**

The Chairman left the room at 11.40am and returned at 11.50am; Councillor Nees assumed the Chair in his absence.

### **Resolved**

**That the Te Maru o Kaituna River Authority under its delegated authority:**

- 1 Receives the report, Freshwater Futures: Kaituna Community Group Workshop on Freshwater Values.**

**Flavell/Marsh  
CARRIED**

## **7 General Business**

- i) A member requested that a historical timeline be included in the Kaituna River document.
- ii) A member noted that July 2017 would be two years since the establishment of Te Maru o Kaituna River Authority, and that a report examining progress against its purposes should be prepared.

- iii) A member noted that work had been undertaken by the Regional Council earlier in the year surveying life in streams; a staff member clarified that this was a survey of macroinvertebrate levels in streams and that the report was currently in draft form.

The Chairman asked R Hancock to provide a closing karakia for the meeting.

**The meeting closed at 12.20pm.**