

Te Maru o Kaituna River Authority

NOTICE IS GIVEN

that the next meeting of **Te Maru o Kaituna River Authority** will be held in the **Wharenuī, Makahae Marae, 20 Te Kahika Road, Te Puke** on:

Friday, 22 February 2019 commencing at 9.30 am.

Proceedings will commence with a powhiri at 9:30 am followed by the meeting at 10:30 am.

Dean Flavell
Chairman
Te Maru o Kaituna River Authority

Te Maru o Kaituna River Authority is a co-governance partnership made up of iwi representatives from Tapuika Iwi Authority Trust, Te Kapu Ō Waitaha, Te Pumautanga o Te Arawa Trust, Te Tāhuhu o Tawakeheimoa Trust, Ngāti Whakaue, and council representatives from the Bay of Plenty Regional Council Toi Moana, Rotorua Lakes Council, Western Bay of Plenty District Council and Tauranga City Council. It is a permanent joint committee of the four councils.

The purpose of Te Maru o Kaituna is the restoration, protection, and enhancement of the environmental, cultural and spiritual health and well-being of the Kaituna River and its tributaries.



Te Maru
o Kaituna

Te Maru o Kaituna (Kaituna River Authority) Terms of Reference

Interpretation

“Act” means the Tapuika Claims Settlement Act 2014.

“Appointing organisation” means an organisation that appoints a member of the Kaituna River Authority under section 118 of the Act.

“Authority” means Te Maru o Kaituna / the Kaituna River Authority.

“Iwi” means each iwi represented by an iwi appointing organisation.

“Iwi appointing organisation” means:

- the Te Tāhuhu o Tawakeheimoa Trust.
- the Tapuika Iwi Authority Trust.
- Te Kapu o Waitaha.
- the Te Pumautanga o Te Arawa Trust.

“Joint committee” means a joint committee within the meaning of clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.

“Kaituna River or river” means the Kaituna River, including its tributaries within the catchment areas shown on deed plan OTS-209-79.

“Kaituna River document” means the document approved under section 127 of the Act.

“Local authority” means the Bay of Plenty Regional Council, the Rotorua District Council, the Tauranga City Council or the Western Bay of Plenty District Council – and “local authorities” shall have a corresponding meaning.

“Te Pumautanga o Te Arawa Trust” has the meaning given in section 10 of the Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008.

The scope and delegation of this Authority covers the geographical area of the Kaituna River catchment as shown on deed plan OTS-209-79.

Establishment

The Act provides for the establishment of Te Maru o Kaituna, a co-governance partnership between local authorities and iwi that share an interest in the Kaituna river.

Despite the composition of the Authority as described in section 118 of the Act, Te Maru o Kaituna is a joint committee of the Bay of Plenty Regional Council, the Rotorua District Council, the Tauranga City Council and the Western Bay of Plenty District Council.

Despite Schedule 7 of the Local Government Act 2002, the Authority:

- is a permanent joint committee; and

- must not be discharged unless all of the appointing organisations agree to the discharge.

Purpose

The purpose of the Authority is as set out in Tapuika Claims Settlement Act 2014.

The purpose of the Authority is the restoration, protection and enhancement of the environmental, cultural and spiritual health and well-being of the Kaituna River.

In seeking to achieve its purpose, the Authority may have regard to the social and economic well-being of people and communities.

Functions

- The principal function of the Authority is to achieve its purpose.
- In seeking to achieve its purpose, the other functions of the Authority are:
 - to prepare and approve the Kaituna River document in accordance with sections 125 and 127 of the Act
 - to monitor the implementation and effectiveness of the Kaituna River document
 - to support the integrated and collaborative management of the river
 - to work with the local authorities and Crown agencies that exercise functions in relation to the Kaituna River:
 - to monitor the state of the river environment
 - to monitor the effectiveness of the management of the river
 - to engage with iwi in relation to their interests in the river and to consult them on how to manage the river
 - to provide advice and recommendations to local authorities:
 - relating to projects, action, or research designed to restore, protect, or enhance the health and well-being of the river
 - on the appointment of commissioners to hear and decide applications for resource consents under the Resource Management Act 1991 that affect the river
 - to facilitate the participation of iwi in the management of the river
 - to monitor the extent to which the purpose of the Authority is being achieved, including the implementation and effectiveness of the Kaituna River document
 - to gather information, to disseminate information, and to hold meetings
 - to take any other action that the Authority considers is appropriate to achieve its purpose.
- The Authority may seek to obtain funds to enable it to perform its functions.

Membership

Under section 118 of Tapuika Claims Settlement Act 2014, the Authority consists of 8 members:

- one member appointed by the Tapuika Iwi Authority Trust; and
- one member jointly appointed by the Tapuika Iwi Authority Trust and Te Kapu o Waitaha; and
- one member appointed by the Te Pumautanga o Te Arawa Trust; and
- one member appointed by the Te Tāhuhu o Tawakeheimoa Trust; and
- one member appointed by the Bay of Plenty Regional Council; and
- one member appointed by the Rotorua District Council; and

- one member appointed by the Tauranga City Council; and
- one member appointed by the Western Bay of Plenty District Council

As per resolution by Te Maru o Kaituna River Authority on 14 June 2017, two informal members with voting rights:

- one informal member appointed by Te Komiti Nui o Ngāti Whakāue; and
- one informal member appointed by the Bay of Plenty Regional Council.

Quorum at meetings

In accordance with Te Maru o Kaituna standing order 2.4.3, the quorum for a meeting of the Authority is—

- the chairperson or deputy chairperson; and
- two members appointed by the iwi appointing organisations; and
- two members appointed by the local authority appointing organisations.

Decision making

The Authority must make its decisions by a vote at a meeting.

However, the members of the Authority must approach decision making in a manner that—

- seeks to achieve consensus; and
- is consistent with, and reflects, the purpose of the Authority; and
- acknowledges as appropriate the interests of iwi in particular parts of the Kaituna River and its catchment.

If the chairperson (or deputy chairperson) considers that the meeting is unlikely to achieve a consensus on a matter, the decision on the matter may be made only by a 70% majority of those members present and voting at the meeting.

The chairperson and deputy chairperson of the Authority may vote on any matter but do not have a casting vote.

Specific responsibilities and delegations

To avoid doubt, except as provided for in section 116 (2)(a) of the Act, the Authority has discretion to determine in any particular circumstances:

- whether to perform any function specified.
- how, and to what extent, any function specified is performed.

Provision for other groups to join the Authority

Other iwi and local authorities may join the Authority through consensus of the Authority or through legislation.

Public Forum

1. A period of up to 15 minutes may be set aside near the beginning of the meeting to enable members of the public to make statements about any matter on the agenda of that meeting which is open to the public, but excluding any matter on which comment could prejudice any specified statutory process the council is required to follow.
2. The time allowed for each speaker will normally be up to 5 minutes but will be up to the discretion of the chair. A maximum of 3 public participants will be allowed per meeting.
3. No statements by public participants to the Council shall be allowed unless a written, electronic or oral application has been received by the Chief Executive (Governance Team) by 12.00 noon of the working day prior to the meeting and the Chair's approval has subsequently been obtained. The application shall include the following:
 - name of participant;
 - organisation represented (if any);
 - meeting at which they wish to participate; and matter on the agenda to be addressed.
4. Members of the meeting may put questions to any public participants, relevant to the matter being raised through the chair. Any questions must be asked and answered within the time period given to a public participant. The chair shall determine the number of questions.

Membership

Chairperson:	D Flavell (Tapuika Iwi Authority Trust)
Deputy Chairperson:	Councillor A Tahana (Bay of Plenty Regional Council)
Appointees:	R Hancock (Te Tahuhu o Tawakeheimoa Trust), N Douglas (Alternate, Te Tahuhu o Tawakeheimoa Trust), P Thomas (Te Pumautanga o Te Arawa), R Kingi (Alternate, Te Pumautanga a Te Arawa Trust), G Rice (Alternate, Tapuika Iwi Authority Trust), M Horne (Te Komiti Nui o Ngati Whakaeue), R Pou Poasa (Alternate, Te Komiti Nui o Ngati Whakaeue), Councillor K Marsh (Western Bay of Plenty District Council), Councillor J Scrimgeour (Alternate, Western Bay of Plenty District Council) Councillor S Morris (Tauranga City Council), Councillor T Molloy (Alternate, Tauranga City Council), Councillor T Tapsell (Rotorua Lakes Council), N Chater (Alternate, Lakes Community Board), Councillor M McDonald (Alternate, Bay of Plenty Regional Council), Councillor J Nees (Bay of Plenty Regional Council)
Committee Advisor:	M Pansegrouw

Recommendations in reports are not to be construed as policy until adopted.

Agenda

- 1 Opening Karakia**
- 2 Apologies**
- 3 Public Forum**
- 4 Acceptance of Late Items**
- 5 General Business**
- 6 Confidential Business to be Transferred into the Open**
- 7 Declarations of Conflicts of Interests**
- 8 Videos**
 - 8.1 Kaituna River Re-Diversion**
 - 8.2 The Waiāri**

8.3 Tree Planting Makahae Marae, Te Puke

9 Previous Minutes

9.1 Te Maru o Kaituna River Authority Minutes - 19 October 2018 17

9.2 Te Maru o Kaituna River Authority Minutes - 14 December 2018 27

10 Reports

10.1 Change of Membership 31

APPENDIX 1 - Appointment of Geoff Rice to TMOK as Alternate for Tapuika Iwi Authority 33

10.2 Engagement of Independent Advice - Proposed Change 5 (Kaituna River) 37

10.3 Freshwater Policy Update 41

11 Presentations

11.1 Introducing the Ngati Whakaue ki Maketu Hapu Management Plan

For the information of members - Co-presented by Maria Horne and Elva Conroy

12 Public Excluded Section 49

Resolution to exclude the public

THAT the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General Subject of Matter to be Considered	Reason for passing this resolution in relation to this matter	Grounds under Section 48(1) LGOIMA 1987 for passing this resolution
12.1 Public Excluded Te Maru o Kaituna River Authority Minutes - 19 October 2018	Please refer to the relevant clause in the meeting minutes	Good reason for withholding exists under Section 48(1)(a)

12.1 Public Excluded Te Maru o Kaituna River Authority Minutes - 19 October 2018 51

13 Confidential business to be Transferred into the Open

14 Readmit the Public

15 Consideration of General Business

16 Closing Karakia

Videos

Previous Minutes

Minutes of Te Maru o Kaituna River Authority Meeting held in Council Chamber, Western Bay of Plenty District Council, 1484 Cameron Road, Greerton on Friday, 19 October 2018 commencing at 10.30 a.m.

Present:

Chairman: Dean Flavell – Tapuika Iwi Authority Trust

Deputy Chairman: Councillor Arapeta Tahana – Bay of Plenty Regional Council

Appointees: Councillor Jane Nees – Bay of Plenty Regional Council; Maria Horne – Te Komiti Nui o Ngati Whakaue; Councillor Kevin Marsh – Western Bay of Plenty District Council; Rikihana Hancock – Te Tahuhu o Tawakeheimoa Trust; Councillor Tania Tapsell – Rotorua Lakes Council; Piki Thomas – Te Pumautanga o Te Arawa; Councillor Matemoana McDonald – Alternate, Bay of Plenty Regional Council; and Rawiri Kingi – Alternate, Te Pumautanga a Te Arawa Trust

In Attendance: **Bay of Plenty Regional Council (BOPRC):** David Phizacklea – Regional Integrated Planning Manager and Acting Water Policy Manager; Pim De Monchy – TMoK Committee Champion and Kaituna Catchments Manager; Anaru Vercoe – Māori Policy Team Leader; Jo Watts – Senior Planner (Water Policy); Katerina Pihera-Ridge – Māori Policy Advisor; Yvonne Tatton – Governance Manager and Merinda Pansegrouw – Committee Advisor

Western Bay of Plenty District Council (WBOPDC): Matthew Leighton – Senior Policy Analyst; Coral-Lee Ertel – Project and Design Engineer Team Leader

Other: Elva Conroy – Conroy and Donald Consultants Limited; Ariell King – Principal Planner, AECOM and Maru Tapsell – Waitaha

Apologies: Dr Bryce Kihirini – Alternate, Tapuika Iwi Authority; Nick Chater – Alternate, Lakes Community Board; Councillor John Scrimgeour – Alternate, Western Bay of Plenty District Council; Councillor Steve Morris, Tauranga City Council, Councillor Terry Molloy – Alternate, Tauranga City Council and Raymond Pou Poasa – Alternate, Te Komiti Nui o Ngati Whakaue.

1 Opening Karakia

Rikihana Hancock opened the proceedings with a karakia.

Members welcomed Piki Thomas as the newly appointed member for Te Pumautanga o Te Arawa Trust and Rawiri Kingi as the alternate.

2 **Apologies**

Resolved

That Te Maru o Kaituna River Authority:

- 1 Accepts the apologies from Dr Bryce Kihirini, Nick Chater, Councillor John Scrimgeour, Councillor Steve Morris and Raymond Pou Poasa tendered at the meeting.

Tahana/Marsh
CARRIED

3 **Public Forum**

Nil

4 **Acceptance of Late Items**

Nil

5 **General Business**

1. Update: Proposed joint hui - Te Maru o Kaituna River Authority and Rangitāiki River Forum

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 - 24 August 2018**

Resolved

That Te Maru o Kaituna River Authority:

- 1 Confirms Te Maru o Kaituna River Authority Minutes of 24 August 2018 as a true and correct record.

Nees/Tapsell
CARRIED

9 **Presentations**

9.1 **Video: Celebrating the Launch of the Kaituna River Document on 30 September 2018**

Refer Video Clip – Objective ID A3028782

A draft video capturing the public celebration of the Kaituna River Document at Waitangi on the Rangiuru Whenua Reserve, Te Puke on 30 September 2018 was presented to members for comment. Feedback would be provided to Uenuku Jefferies to assist with the finalisation of the video.

Points raised by Members

- Thanked staff for a beautiful day
- Supported the contents of the draft video
- Appreciated the powerful imagery and symbolism used in the video
- Emphasised that it was important to keep in mind what the purpose of the video would be: educational or informative and who the target audience should be
- Having a clear purpose for the video would determine the message and contents
- It was important to use the video to convey the message and values of the Kaituna River Document. The video should ultimately be used as an advertisement/marketing tool for the Kaituna River Document.

Item for Staff Follow-up

- Staff to provide Uenuku Jefferies with the following suggestions for consideration when finalising the video capturing the public celebration of the Kaituna River Document at Waitangi, Te Puke on 30 September 2018:
 - Adding voice over to assist with getting across the message and values of the Kaituna River Document
 - The possibility of including interviews conducted by Te Kāea to be further investigated
 - The inclusion of interviews used for the video capturing the launch of the River Document to be considered
 - An introduction (background information) needed to be added to the video to provide context for people seeing the video for the first time (what was it about and what was being celebrated)
 - Subtitles could be added to reflect the philosophies/values of the Kaituna River Document
 - Te Maru o Kaituna River Authority's logo should be added to the video.

9.2 **Presentation: Urban Storm Water Catchment Plan – Western Bay of Plenty District Council**

Refer PowerPoint presentation – Objective ID A3013521

Principal Planner, AECOM Ariell King, supported by Project and Design Engineer Team Leader, Western Bay of Plenty District Council Coral-Lee Ertel provided a presentation on the draft Catchment Plan for urban stormwater from Te Puke, Maketu, Paengaroa and Pukehina.

Key Points of Presentation

- Western Bay of Plenty District Council (WBOPDC) had a responsibility to manage stormwater in the urban areas of the western bay district
- WBOPDC has prepared a draft Catchment Management Plan (CMP) to provide for an integrated and comprehensive approach to the management of stormwater from urban areas Te Puke, Maketu, Paengaroa and Pukehina
- The approach would include a design philosophy of minimising runoff and maximising quality through low impact design solutions

- There would be a focus on water quality, water quantity, protection and maintenance of existing aquatic and riparian habitats; and maximising the visual and recreational amenity of the environment that received the storm water
- Research to date had indicated that the waterways within the eastern catchments were in moderate to poor condition. This had suggested that waterways were negatively influenced by land use intensification. WBOPDC would complement this initial research with baseline environmental and stormwater monitoring which would establish areas for environmental enhancement
- In the short term, WBOPDC would look to maintain the current level of service, review and, if necessary, change its Stormwater Strategy, Asset Management Plan and Development Code. WBOPDC would also undertake ongoing assessments of primary and secondary flow paths
- The first step is finalising the catchment plan, the next the monitoring program and issues downstream from Te Puke (3-5yrs)
- The Catchment Management Plan covers the eastern part of the western bay district and includes Te Puke, Maketu, Little Waihi, Pukehina and Paengaroa urban areas
- Stormwater activities outside the urban areas such as the Te Puke industrial area were not within the control of WBOPDC
- Engagement opened on 15 August and closed on Friday, 16 November 2018.

Points raised by Members

- Highlighted the importance of addressing the on-going issue of stormwater from the Te Puke industrial area as well as future urban growth area changes as outlined in SmartGrowth and expressed the hope that the Catchment Management Plan would address this matter
- The criteria for assessing water quality should include a number of components such as ecological health not just erosion.
- The differences between long term and short term commitments needed to be clearly defined
- Thorough consultation with the Bay of Plenty Regional Council's Rivers and Drainage Team was critical
- WBOPDC needed to consult all affected iwi groups in individual, separate sessions, including Waitaha
- The government's 3 Waters review is indicating we need to be doing more in this space which should also be taken on board as part of the Catchment Management Plan process.
- BOPRC was doing a great deal of work on freshwater in the Kaituna catchment to implement the National Policy Statement for Freshwater Management which includes catchment modelling. The offer was made for WBOP to contact BOPRC staff to help with making sure the best information was made available to inform the catchment plan work.

Resolved

That Te Maru o Kaituna River Authority:

- 1. Mandates the Chairperson and Deputy Chairperson of Te Maru o Kaituna River Authority to submit feedback on behalf of the Authority to the Western Bay of Plenty District Council on the Eastern Catchments – Draft Stormwater Catchment Management Plan, based on the values contained in the Kaituna River Document and that the draft submission be circulated to members of the Authority via email prior to the submission on Friday, 16 November 2018.**

Thomas/Tapsell

CARRIED

9.3 **Presentation: Kaituna Catchment Operations Update**

Refer PowerPoint presentation – Objective ID A3028901

Kaituna Catchments Manager Pim De Monchy provided a PowerPoint Presentation outlining an update on Bay of Plenty Regional Council Toi Moana's operations in the Kaituna Catchment area.

Key Points of Presentation

- Kaituna River Re-diversion Project
 - Progress: 24% complete, 14% of time elapsed
 - Key actions:
 - New stopbank RL2.2m
 - Dredged 17,000m³
 - Papahikahawai causeway
 - Te Pa Ika wetlands
 - Mauri baseline assessment
- Te Pourepo o Kaituna Wetland Project
 - Progress: On track, aiming for consent lodgement in April 2019
 - Key actions:
 - Concept design workshops
 - Land negotiations
 - Hydraulic modelling
 - Wetland construction
- Kaituna Catchment Control Scheme
 - Key actions:
 - Washer Rd weir reinstated to protect property
 - Temporary pumps installed at Bell Rd and Seddon St
 - Drain de-silting and de-weeding operations
 - Ford Rd pump station options
- Quarterly Public Meeting planned for 7 November 2018 with a community site tour and update meeting at Tukotahi Marae. Ford Road and boat ramp closures: in terms of consent requirements all vehicle and pedestrian access needed to be re-opened for the period 20 December 2018 to 7 February 2019 to allow the community the opportunity to fish during the summer months.

Points raised by Members

- It was paramount to ensure that sufficient health and safety requirements were in place during the temporary re-opening of the Ford Road and boat ramp.
- Supported a future vision of potentially linking all open public area spaces with a similar look and feel to ensure a common flow.

9.4 **Te Maru o Kaituna River Authority Quorum Matters**

Governance Manager Yvonne Tatton presented the report.

Chairperson Dean Flavell provided an update on the vacant seat of the joint Tapuika/Waitaha membership. Correspondence had been sent to the Tapuika and Waitaha Iwi Authority Chairpersons dated 9 October 2018 to follow up on progress made with the filling of the vacancy. No response had been received as yet.

Points raised by Members

- Acknowledged the frustrations caused as a result of the vacant seat of the joint Tapuika/Waitaha membership
- Supported reinstating the principle of rotating meeting venues between ngā marae and councils' chambers, commencing 2019

Staff Follow-up

- Rotation of meeting venues between ngā marae and councils' chambers, commencing 2019
- 14 December 2018 meeting/workshop to be followed by an end of year function.

Resolved

That Te Maru o Kaituna River Authority:

- 1 Receives the report, Te Maru o Kaituna River Authority Quorum Matters;**
- 2 Supports meetings being held at alternate marae and council venues.**

**Tahana/Hancock
CARRIED**

9.5 **Public Excluded Section**

Resolved

Resolution to exclude the public

THAT the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General Subject of Matter to be Considered	Reason for passing this resolution in relation to this matter	Grounds under Section 48(1) LGOIMA 1987 for passing this resolution
Te Maru o Kaituna River Authority Action Plan - evaluation of proposals and decision to engage	To carry out commercial and industrial negotiations	Good reason for withholding exists under Section 48(1)(a)

**Flavell/Nees
CARRIED**

Public Section - Continued

10 Reports

10.1 Te Maru o Kaituna River Authority Action Plan - evaluation of proposals and decision to engage - continued

Refer PowerPoint presentation – Objective ID A3015237

Consultant Elva Conroy from Conroy and Donald Consultants Limited provided an introductory presentation outlining the impending process of developing the action plan for the Kaituna River Document:

Key Points of Presentation

- Introduction / background
- Examples of the previous work undertaken by Conroy and Donald Consultants Limited
- Elva Conroy's role as consultant in the action plan development
- The proposed approach
- Defining the success factors
- Guidance required:
 - Focus Group Hui
 - Extent of involvement of TMoK members with focus group hui?
 - Iwi-specific hui: Who to invite? Other ways to engage with whanau?
 - Other stakeholders: Anyone in particular?
 - Criteria for Prioritising Actions (anything missing or not needed?):
 - Achieve multiple objectives and/or desired outcomes
 - Enables collective impact
 - Complements existing projects
 - Involves opportunities for environmental education
 - Involves opportunities to build capacity/capability of Iwi/hapū/local communities.

Points raised by Members

- Since a lot of work was taking place within the catchment area, the document needed to be dynamic in nature to ensure it remained current
- Funding options for rolling out the actions would be determined once the priorities had been identified. The final action plan would ultimately identify the funding options/status for each individual action (funding options could include the use of TMoK funding or lobbying agencies)
- Suggested a literature review to provide social and environmental context as this would reveal the impact and determine remedies required
- Suggested that an initial workshop with the TMoK members be undertaken before consultation with the focus groups commenced. This would allow an opportunity for members to review the desktop analysis, to further develop the framework and then determine the contents/agenda for the focus group conversations
- When visiting schools / engaging with the community for consultation members of TMoK could be invited to attend where possible
- Online engagement should be considered as a possibility
- As an outcome from the initial workshop with TMoK members, the key stakeholders/agencies to be consulted would be identified (iwi stakeholder focus group / key stakeholder focus group)

- Noted that some agencies, in their submissions as part of the River Document Consultation process, had expressed an interest to be part of the development of the action plan
- Key Land Trusts to be included in the consultation process.

12:37pm - Councillor Tania Tapsell **withdrew** from the meeting.

Staff Follow-up

- The formal meeting scheduled for 14 December 2018 to be shortened to enable the main focus of the hui to be a workshop discussion focusing on the following matters:
 - Change 5 update (formal meeting)
 - Water update on matters relating to fresh water and coastal water quality (science and modelling results) (Workshop)
 - Action Plan Development (Workshop).

10.2 Governance Update

Committee Advisor Merinda Pansegrouw presented the report on the following administrative matters: updated Authority membership appointments, financial status as at 30 September 2018 and the proposed 2019 meeting schedule.

Resolved

That Te Maru o Kaituna River Authority:

- 1 Receives the report, Governance Update;**
- 2 Acknowledges the appointment of Piki Thomas as the appointed member and Rawiri Kingi as the alternate member for Te Pumautanga o Te Arawa Trust;**
- 3 Notes the financial position of the Authority as at 30 September 2018;**
- 4 Approves the proposed 2019 meeting dates for the Authority, being: 22 February, 22 March, 3 May, 28 June and 30 August.**

**Nees/Thomas
CARRIED**

10.3 Freshwater policy update

Refer PowerPoint presentation – Objective ID A3014552

Senior Planner (Water Policy) Jo Watts provided a Freshwater update, outlining the following:

Key Points of Presentation

- National Update
 - Government has recently released a blueprint document for the management of freshwater - *Essential Freshwater: Healthy Water, Fairly Allocated* which outlines key actions to be completed over the next two years.
 - Alongside this report Government released a supporting document *Shared Interests in Freshwater: A new approach to the Crown/ Māori Relationship for*

Freshwater which reinforces the need for Maori to be engaged and involved in the development of actions identified within *Essential Freshwater*

- Outlined key actions government will be taking in the next two years to improve freshwater management
- Plan Change updates
 - PC 9: Region Wide Water Quantity
 - Change 3: Rangitāiki River
 - Draft plan change 14 – OSET
 - Plan Change 12
- Issues raised by tangata whenua
- Kaituna-Pongakawa-Waitahanui issues
- Technical work in progress.

Next steps / Staff Follow-up

- At the 14 December 2018 meeting of Te Maru o Kaituna River Authority, a workshop session be held to provide members with an update on fresh water and coastal water quality (science and modelling results)
- The content of the water workshop should be guided by the Kaituna River Document.

Resolved

That Te Maru o Kaituna River Authority:

- 1 Receives the report, Freshwater policy update;**

**Horne/Hancock
CARRIED**

10.4 **Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement**

Regional Integrated Planning Manager and Acting Water Policy Manager David Phizacklea presented the report providing an overview of the process for embedding the Kaituna River document in the proposed Bay of Plenty Regional Policy Statement.

Resolved

That Te Maru o Kaituna River Authority:

- 1 Receives the report, Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement.**
- 2 Notes Te Maru o Kaituna River Authority will be involved throughout Proposed Change 5 key stages.**

**Flavell/Thomas
CARRIED**

10.5 **General Matters**

Update: Proposed joint hui - Te Maru o Kaituna River Authority and Rangitāiki River Forum

Chairperson Dean Flavell advised that following a letter received from the Rangitāiki River Forum Chairperson, Maramena Vercoe. An informal agenda discussion had

taken place following which Maramena Vercoe had suggested a site visit to the Kaituna River be undertaken as part of the joint hui.

Item for Staff Follow-up

- Staff to arrange the joint hui for Te Maru o Kaituna River Authority and Rangitāiki River Forum in close proximity of the Kaituna River in order to incorporate a field trip to the lower Kaituna River.

The meeting closed at 1:04 pm.

Confirmed

Dean Flavell, Chairperson, TMOK

Date

Minutes of the Te Maru o Kaituna River Authority Meeting held at Taheke (Opatia) Marae, 119 Okere Falls Road, Okere Falls, Rotorua on Friday, 14 December 2018 commencing at 10.30 a.m.

Present:

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

Appointees: Councillor J Scrimgeour (Alternate, Western Bay of Plenty District Council), Councillor S Morris (Tauranga City Council), P Thomas (Te Pumautanga o Te Arawa), Councillor J Nees (Bay of Plenty Regional Council), M Horne (Te Komiti Nui o Ngati Whakaue), N Chater (Alternate, Lakes Community Board), Councillor M McDonald (Alternate, Bay of Plenty Regional Council), N Douglas (Alternate, Te Tahuhu o Tawakeheimoa Trust), R Kingi (Alternate, Te Pumautanga a Te Arawa Trust)

In Attendance: BOPRC: Pim de Monchy – Coastal Catchments Manager, Jo Watts – Senior Planner (Water Policy), Rob Donald, Science Manager, Clarke Koopu – Senior Advisor (Treaty), Anaru Vercoe – Māori Policy Team Leader, Katerina Pihera-Ridge – Maori Policy Advisor, Toby Barach – Principal Advisor (Coastal Catchments), T Nerdrum-Smith – Committee Advisor

Other: Elva Conroy – Conroy Donald Consultants

Apologies: D Flavell (Tapuika Iwi Authority Trust), R Hancock (Te Tahuhu o Tawakeheimoa Trust), Councillor T Tapsell (Rotorua Lakes Council), B Kirihihi (Tapuika Iwi Authority Trust), Councillor T Molloy (Tauranga City Council), Cr K Marsh (Western Bay of Plenty District Council)

Minute Note

- Agreed that the Te Maru o Kaituna River Authority would move its hui from Taheke Marae to Pounamunui (Houmaitawhiti) Marae, 68-74 Whangamoia Drive, Otaramarae, Rotorua, as Taheke Marae was no longer available.
- All formal business was **transferred** to the next TMoK meeting, scheduled for 22 February 2019 and today's hui would be dedicated to the workshop.

The formal hui closed at 10.35 am

Confirmed DATE

Deputy Chairperson Cr Arapeta Tahana

Reports

Report To: Te Maru o Kaituna River Authority

Meeting Date: 22 February 2019

Report From: Yvonne Tatton, Governance Manager

Change of Membership

Executive Summary

This report is to advise Te Maru o Kaituna River Authority (the Authority) and seek confirmation of a change in membership for Tapuika Iwi Authority Trust.

Recommendations

That the 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.**

1 Purpose

Tapuika Iwi Authority Trust gave notice to the Bay of Plenty Regional Council on 12 February 2019 that it has appointed Geoff Rice as their alternate member on the Authority, replacing Dr Bryce Kihirini. (Appendix 1)

2 Conflicts of interest

Under the Tapuika Claims Settlement Act¹, members are required to declare any interests in matters relating to the Authority. The legislation sets out both general guidelines and specific cases where a member is deemed to be interested in a matter. Examples include where the member or a close family member may derive a financial benefit, or where the member holds a position of authority (i.e. director, officer, trustee, board member) of an organisation that may have a financial interest in a matter.

Importantly the legislation makes the distinction that affiliation of a member with a hapū/iwi that has customary interest over the river is excluded as an interest that must

¹ Tapuika Claims Settlement Act 2014 S5 cl.5

be declared. Similarly interests that are remote or insignificant may also be excluded; however, this will be a question of fact and degree in each given case.

Staff recommend as a matter of good practice members should familiarise themselves with the legislative provisions regarding conflicts of interests and in any case of uncertainty, err on the side of caution and declare any potential interest.

The Authority must keep a register of all interests disclosed to it. A Declarations of Interest form will be provided to the new appointed member by staff for completion.

3 Budget Implications

Current Budget Implications

The cost of members' attendance at meetings lie where they fall, with the exception that meeting attendance costs for Iwi appointed members are met by the Bay of Plenty Regional Council and are covered within Council's existing Governance budget.

Future Budget Implications

Future meeting attendance costs are provided for within the Governance budget with no future implications.

Merinda Pansegrouw
Committee Advisor

for Governance Manager

13 February 2019

APPENDIX 1

Appointment of Geoff Rice to TMOK as Alternate for Tapuika Iwi Authority

17 December 2018

19 Jellicoe St
PO Box 15
Te Puke 3153
New Zealand

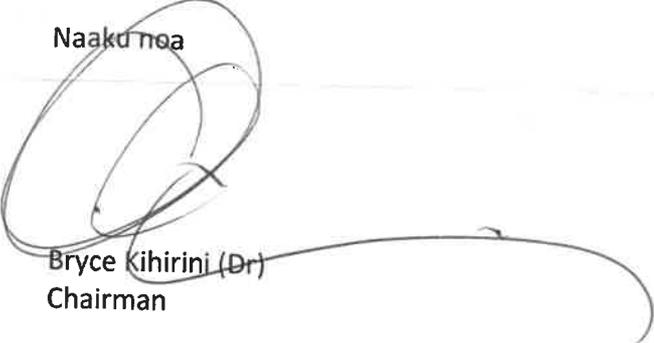
Dean Flavell
Chairman
Te Maru o Kaituna
205 No. 1 Rd
RD2
TE PUKE 3182

Nga mihi mahana kia koe e te tuakana i runga i nga āhuatanga o te wa.

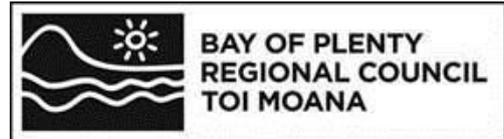
CONFIRMATION OF TAPUIKA PROXY MEMBER

I write to inform you that Geoff Rice has been appointed by the Tapuika Iwi Authority as its new proxy member to Te Maru o Kaituna. I wish you and all of the members a very merry Christmas and safe new year.

Naaku noa



Bryce Kihirini (Dr)
Chairman



Report To: Te Maru o Kaituna River Authority
Meeting Date: 22 February 2019
Report From: Pim De Monchy, Coastal Catchments Manager

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

Executive Summary

The purpose of this paper is to provide an opportunity for Te Maru o Kaituna River Authority to consider whether or not to engage a suitably qualified person to provide independent technical review and / or legal advice during plan change processes to recognise and provide for the vision, objectives and desired outcomes of '*Kaituna, he taonga tuku iho – a treasure handed down*' (the Kaituna River Document).

Recommendations

That the Te Maru o Kaituna River Authority:

- 1 Receives the report, Engagement of Independent Advice - Proposed Change 5 (Kaituna River);**
- 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 Change 12 (Kaituna and Rangitāiki WMA) to the Regional Natural Resources Plan processes; and,**
- 3 Provide direction to staff about the scope, extent and nature of any advice to be sought, and decide whether the 2018/19 budget should be amended to include additional funds for external independent advice.**

1 Purpose

This report requests Te Maru o Kaituna River Authority members consider whether or not to engage a suitably qualified person to provide independent technical review and / or legal advice to Te Maru o Kaituna River Authority during the informal drafting and schedule 1 processes for Proposed Change 5 (Kaituna River) to the Regional Policy Statement and Proposed Plan Change 12 (Kaituna and Rangitāiki Water Management Areas) to the Regional Natural Resources Plan required to recognise and provide for

the vision, objectives and desired outcomes of *Kaituna, he taonga tuku iho – a treasure handed down*.

2 Background

The relevant council planning documents are required to recognise and provide for the vision, objectives and desired outcomes of *Kaituna, he taonga tuku iho* - the Kaituna River document. At its October 2018 meeting Bay of Plenty Regional Council – Toi Moana approved the process and general timing for progressing Proposed Change 5 (Kaituna River). Proposed Change 5 (Kaituna River) is to be progressed in tandem with Proposed Plan Change 12.

The authority to prepare, approve and decide on changes to the Regional Policy Statement (RPS) and Regional Natural Resources Plan (RNRP) sits with Toi Moana. TMoK is a key partner that will be involved in the drafting stages of the Proposed Change 5 (Kaituna River) and Proposed Plan Change 12 processes.

Draft Proposed Change 5 is expected to be ready for the Regional Direction & Delivery Committee to consider and approve for consultation at its April meeting. Staff are working on discussion documents and policy options papers for Proposed Plan Change 12 with draft plan provisions expected later in the year.

3 Advice and recommendations

TMoK are keen to be actively involved throughout the process to ensure changes to regional planning documents recognise and provide for the *Kaituna, he taonga tuku iho*. There are a number of ways TMoK could consider providing advice and recommendations to Toi Moana on the RPS and RNRP change processes that include:

- appointing a working group to take an active role in providing advice and recommendations to Toi Moana either directly or through TMoK during the review of discussion papers, and proposed drafts of the changes;
- TMoK members actively facilitate the participation of iwi authorities, stakeholders and affected communities;
- appointing a suitably qualified independent consultant to provide technical and / or legal review and advice to TMoK, a small working group or iwi members of TMoK if considered appropriate; and
- TMoK members providing independent feedback each in their own capacity as resources allow.

4 Independent technical and / or legal review

TMoK may wish to consider the following when making a decision as to whether or not to seek independent technical and / or legal advice:

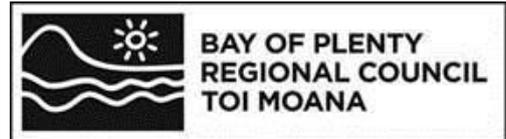
- The scope of the independent advice to be sought: extent of technical review and/or legal advice noting Toi Moana staff will be drafting the changes with this in mind.
- Establishing a working group representative of TMoK, or constituted of iwi members only.

- Identify when in the process advice would be sought. Iwi authorities and TMoK will have the opportunity to provide advice to Toi Moana on the draft proposed changes. Particular regard to any advice received is required under Schedule 1 clause 4A of the RMA.
- Timing and budget, particularly where TMoK (or a working group) may decide to be involved in all matters pertaining to Proposed Change 5, Plan Change 12 and any relevant District Plan changes;
- Iwi and council members may seek their own independent advice to inform their positions.
- Potential for conflicts of interest to arise for example: Council organisation members voting as TMoK members as well as participating in decision making on the relevant council committees. The potential for conflicts to arise if Councillors and / or iwi members were appointed to a hearing panel on these RPS and RNRP plan changes.

Jo Watts
Senior Planner (Water Policy)

for Coastal Catchments Manager

13 February 2019



Receives Only – No Decisions

Report To: Te Maru o Kaituna River Authority

Meeting Date: 22 February 2019

Report From: James Low, Water Policy Team Leader

Fresh Water Policy Update

Executive Summary

This report provides an update about work being progressed to implement the National Policy Statement for Freshwater Management (NPS-FM) relevant to the Kaituna River catchment.

Key updates since the last meeting include:

- Key technical work for the Kaituna-Pongakawa-Waitahanui Water Management Area was completed late last year. This includes estimated contaminant loads for the Maketū estuary and results of water quality, ecology and fish passage monitoring in the lowland drainage network of the Kaituna Plains which are available [here](#) (pages 55-114). Policy options and discussion documents are being prepared over the next few months.
- Draft Proposed Change 5 to embed the Kaituna River Document into the Regional Policy Statement is expected to be considered and approved for consultation by Toi Moana's Regional Direction & Delivery Committee at its April meeting.
- Fourteen appeals were received to Proposed Plan Change 9 and a further twenty five parties have joined the process by lodging notices with the Environment Court.
- Bay of Plenty regional targets of 95.7% for specified rivers and 85% for specified lakes in to be swimmable by 2030 were confirmed and made public by 31 December 2018.
- The Bay of Plenty groundwater allocation map tool is now live on [Toi Moana's website](#).
- There continues to be a lot going on in the freshwater space at a national level. Central government intends to release a draft Essential Freshwater Package for consultation in April 2019. A cabinet paper has also been released about the Three Waters project which provides an update on actions to be progressed over the next 18 months.

Recommendations

That the Te Maru o Kaituna River Authority:

- 1 Receives the report, Fresh Policy Update;**

1 Purpose

The purpose of this paper is to provide an update to Te Maru o Kaituna River Authority (TMoK) about work being progressed to implement the National Policy Statement for Freshwater Management (NPS-FM) relevant to the Kaituna River catchment.

2 National direction

There continues to be a lot going on in the freshwater space at a national level. The key activities that may impact on the Bay of Plenty freshwater policy work programme are outlined below:

2.1 Central Government's direction on fresh water

The Government's blueprints for fresh water, *Essential Freshwater: Healthy Water, Fairly Allocated* and *Shared Interests in Freshwater* were released on 8 October 2018 and outline key actions government will be taking in the freshwater space over the next two years. An overview of these was provided at the TMoK's October meeting.

A draft Essential Freshwater package is intended to be released for consultation in April 2019, which is expected to include proposed amendments to the NPS-FM and a proposed new National Environmental Standard for Freshwater Management (NES-FM). The package is also expected to include proposed actions for At Risk Catchments to be identified by Ministry for the Environment (MfE). More information about the freshwater package is available [here](#). A diagram with high-level detail about each work stream and indicative timeframes are available [here](#).

A taskforce has been established to provide input to the potential regulatory and non-regulatory approaches required to achieve the outcome of halting further decline of water quality. MfE have identified 28 ARC's across New Zealand for further consideration and have recently approached each regional council requesting information on the catchments identified within their respective regions. This process is expected to further refine and reduce the 28 catchments to a small group as a pilot workstream. It is understood that the taskforce are working towards the following timeframes:

- Release of a consultation discussion document – April 2019
- Consultation of regulatory proposals – July/August 2019
- Minister decisions on regulatory proposals – December 2019

These timeframes have not been formally confirmed by MfE and may be subject to change.

2.2 Three Waters Review: Update

The Government is reviewing how to improve the regulation and supply arrangements for drinking water, waste water and storm water (three waters) to better support New Zealand's prosperity, health, safety and environment. On 22 November 2018, Government released a cabinet paper on the '*Future state of the three waters systems: regulation and service delivery*' which reaffirms that there are system wide challenges facing the three waters and that a system wide response is required.

It proposes a staged approach over the next eighteen months to identify and resolve the issues related to the three waters system and introduce legislation in 2020. The cabinet paper confirms no decisions on service delivery are able to be made until after the June 2019 when decisions on regulation will have been confirmed. More information is available [here](#).

3 Regional update

Bay of Plenty Regional Council - Toi Moana is actively working on several freshwater initiatives and plan changes to regional planning documents relevant to freshwater in the Kaituna catchment.

3.1 Regional Targets for Swimmable Rivers and Lakes

Toi Moana finalised the Bay of Plenty regional swimmability targets of 95.7% for specified rivers and 85% for specified lakes at their meeting on 11 December 2018 which are publicly available [here](#). Specified rivers are those classified as [fourth order](#) or above and specified lakes are those with a perimeter of 1.5 kilometres or more. The regional targets are our region's contribution to achieving the national target of 80% swimmable rivers and lakes by 2030 and 90% swimmable by 2040. The regional targets are based on high level modelling work undertaken by MfE to provide a national snapshot of how work which is underway and planned in each region is contributing to improving the national targets. Key assumptions and the criteria used are outlined in the '[Regional information for setting draft targets for swimmable lakes and rivers](#)' report. Current modelled information about the quality of specified rivers and lakes for swimming is available [here](#). Water quality for swimming monitoring results for the Kaituna River catchment and a map of the 2017 'current' MfE modelled results for specified rivers and lakes are available [here](#).

For the Kaituna catchment, 'swimmability' requirements of the NPS-FM will form part of plan change 12. Local catchment modelling, actual monitoring, advice about swimming locations from TMoK, iwi and community values will all be used to identify whether there should be any further primary contact sites identified, what improvements need to be made, and over what timeframes so they are suitable for primary contact more often.

One of the desired outcomes in *Kaituna, he taonga tuku iho* is limiting contaminants to ensure the water is clean and safe for swimming in locations where people wish to swim, with specific locations identified and recommended by TMoK. TMoK may wish to identify and recommend to Toi Moana specific swimming locations as an outcome of the freshwater workshop. Alternatively this may be an action TMoK identify within the river documents action plan.

3.2 Web based groundwater tool

Toi Moana has developed and released a web based groundwater accounting tool which is now live on the website and is available [here](#). It assists users and interested parties to understand the allocation status of the region's groundwater. To show groundwater zones in the Kaituna catchment use the 'Western BOP Upper' for shallow aquifers and 'Western BOP Lower' for deeper aquifers. Work is progressing on a similar tool for surface water.

3.3 Region-wide Water Quantity - Plan Change 9 to the RNRP

Plan change 9 is part of a two-step process towards improving freshwater management in the Bay of Plenty. Plan change 12 is the second step which will set catchment specific water quality and quantity limits for the Kaituna-Pongakawa-Waitahanui and Rangitāiki Water Management Areas (WMA).

Fourteen appeals have been lodged with the Environment Court and a further twenty five parties have joined the process by lodging notices with the Court. All appeals are available [here](#). Toi Moana staff have grouped the appeal topics and started meeting with parties. Following these initial meetings it is expected that Court assisted mediation will begin.

3.4 Change 5 (Kaituna River) to the Regional Policy Statement (RPS)

Change 5 will be the next treaty co-governance change to the Regional Policy Statement. It will recognise and provide for the vision, objectives and desired outcomes of *Kaituna, He Taonga Tuku Iho* - the Kaituna River document. Toi Moana's RDD committee endorsed the general timeframes and process for developing Proposed Change 5 (Kaituna River) at their October meeting which was also outlined in TMoK's October agenda's.

Proposed Change 5 will be progressed in tandem with Proposed Plan Change 12 which will ensure alignment of planning processes intended to meet the legislative requirements of the Tapuika Claims Settlement Act 2014 and also the NPS-FM.

Te Maru o Kaituna are key partners in the process and will be closely consulted and endorsement sought at key stages of the policy development process. Other stakeholders consulted during development of the Kaituna River Document will continue to be engaged with as part of the development of Proposed Change 5. Toi Moana staff are working towards a draft Proposed Change 5 being ready for the RDD committee to consider at its 2 April meeting. TMoK's 3 May meeting will be the next available meeting to consider and provide any necessary feedback to Toi Moana about draft Proposed Change 5.

4 Kaituna-Pongakawa-Waitahanui and Rangitāiki Water Management Areas and regional components – Plan change 12

The purpose of this work is to implement the National Policy Statement for Freshwater Management which will set catchment specific water quality and quantity limits and methods by way of a change to the Regional Natural Resources Plan (RNRP). It is the second step in the two-step process to implement the NPS-FM, the first was Plan Change 9 – which set region wide interim water quantity limits.

Plan Change 12 will also include some region-wide components, such as the NPS-FM framework, review of the stock exclusion provisions, and implementing the contact recreation (or swimmability) part of the NPS-FM. It must also recognise and provide for the vision, objectives, and desired outcomes of the Kaituna River Document 'Kaituna, he taonga tuku iho – a treasure handed down'.

4.1 Key technical reports

Two key technical reports were completed late last year which have significant implications for Plan Change 12 and future management of land and freshwater, particularly in the catchment of the Maketū estuary:

- a) One estimates maximum contaminant load limits required to support values and objectives for Maketū and Waihi estuaries; and the other
- b) Reports the results of water quality, ecology and fish passage monitoring in the lowland drainage network of the Rangitāiki and Kaituna Plains.

These reports were considered by the Regional Delivery and Direction Committee at their meeting on 11 December 2018. The reports are available [here](#) (pages 55 – 114). Staff will discuss the estimated contaminant load limits for Maketū estuary and lowland drainage network results with TMoK members at the Freshwater workshop following this meeting.

4.2 Other technical work in progress

Some other key technical work is still in progress, and is needed to inform our understanding of issues and options. Toi Moana staff are working to have this completed as soon as possible, although some are subject to delivery by external parties. Work relevant to the Kaituna catchment includes:

- finalising review of the SOURCE surface water catchment modelling report, including industry organisation and expert peer review;
- receiving and assessing groundwater modelling reports for Kaituna-Pongakawa-Waitahanui Water Management Area (WMA);
- developing and modelling mitigation scenarios for surface water quality;
- finalising the methodology for identifying and assessing minimum flow and allocation limit options for surface water.

4.3 Working with tangata whenua

Engagement with iwi and hapū is ongoing. It is expected that TMoK members will continue to be conduits to promote involvement in the freshwater work being undertaken by Toi Moana. Toi Moana staff are open to invitations to discuss with iwi, hapū and other tangata whenua entities with interests in fresh water, including key Māori land trusts. Kōrero is progressing as and when parties are available. Some iwi have members on the Kaituna and / or Pongakawa community groups which provides detailed material about freshwater policy work to hand. All community group material including briefing notes, workshop records, reports and presentations and hui-a-iwi notes are available on Council's website.

Staff are open to provide iwi representative the opportunity to review or co-author parts of relevant draft policy options and discussion documents.

4.4 Policy options and discussion papers

Toi Moana policy staff are developing policy options papers and discussion documents to discuss with co-governance forums, iwi, community groups and stakeholders in

2019. This requires consideration of all technical, policy and engagement information received to date.

The estimated timeline for Plan Change 12 is shown below. Changes may need to be made to the timeline once the scope and extent of proposed changes to legislation being considered by central government are known.

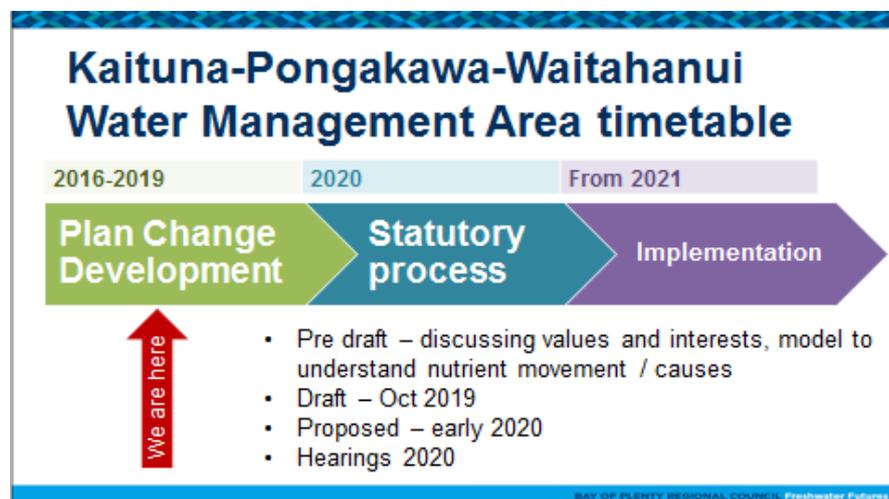


Figure 1: Current time line for Plan Change 12 planning process

5 Implications for Māori

The Kaituna River and its catchment is significant to iwi and hapū with regard to cultural and traditional relationships with the ancestral water bodies, and also as landowners. The implications for Māori are extensive, particularly with respect to how freshwater will be managed, the extent to which mātauranga Māori will be acknowledged and opportunities for enhanced participation in decision making.

For the Kaituna catchment opportunities for Māori involvement in freshwater discussions will continue to be provided for through Change 5 (Kaituna River) to the Regional Policy Statement and Plan Change 12 to the Regional Natural Resources Plan process.

Jo Watts
Senior Planner (Water Policy)

for Water Policy Team Leader

13 February 2019

Presentations

