

# Te Maru o Kaituna River Authority

## NOTICE IS GIVEN

that the next meeting of the **Te Maru o Kaituna River Authority** will be held in **Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga** on:

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**Thursday, 16 February 2017 commencing at 10.30 am.**

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Morning tea will be available from 10 am with the meeting starting at 10.30 am. Please note a staff photographer will be present at times during the meeting.

Mary-Anne Macleod  
Chief Executive  
Bay of Plenty Regional Council Toi Moana

8 February 2017

Te Maru o Kaituna is the co-governance partnership established by the Tapuika Claims Settlement Act 2014, made up of four iwi representatives and four local authority representatives.





# 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

As at the settlement date, the Authority consists of 8 members, as follows:

- 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.

## 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

<b>Chairperson:</b>	D Flavell (Tapuika Iwi Authority Trust)
<b>Deputy Chairperson:</b>	Councillor A Tahana (Bay of Plenty Regional Council)
<b>Appointees:</b>	P Callaghan (Alternate, Tapuika Iwi Authority Trust), N Chater (Alternate, Lakes Community Board), R Hancock (Alternate, Ngati Rangiwewehi), Councillor K Marsh (Western Bay of Plenty District Council), H Maxwell (Alternate, Tapuika/Waitaha), G Mohi (TMOK Alternate Deputy Chair, Ngati Rangiwewehi), Councillor T Molloy (Alternate, Tauranga City Council), S Morris (Tauranga City Council), Deputy Chairman J Nees (Alternate, Bay of Plenty Regional Council), H Paul (Te Pumautanga o Te Arawa), Councillor J Scrimgeour (Alternate, Western Bay of Plenty District Council), M Tapsell (Tapuika/Waitaha), Councillor T Tapsell (Rotorua Lakes Council), P Thomas (Alternate, Te Pumautanga o Te Arawa)
<b>Attendees:</b>	M Horne (Alternate Observer, Te Komiti Nui o Ngati Whakaue), R Pou Poasa (Observer, Te Komiti Nui o Ngati Whakaue)
<b>Committee Advisor:</b>	R Garrett

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

## Agenda

### 1 Opening Karakia

### 2 Apologies

### 3 General Business and Tabled Items

Items not on the agenda for the meeting require a resolution under section 46A of the Local Government Official Information and Meetings Act 1987 stating the reasons why the item was not on the agenda and why it cannot be delayed until a subsequent meeting.

### 4 Public Forum

### 5 Declarations of Conflicts of Interests

### 6 Previous Minutes

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## **8 Consideration of General Business**

## **9 Closing Karakia**

## Previous Minutes



# 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.

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## 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.

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## 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 be 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.**



# **Workshop Report of the Te Maru o Kaituna River Authority Workshop held in Sigma Room, Energy Events Centre, Queens Drive, Government Gardens, Rotorua on Tuesday, 29 November 2016 commencing at 12.5 p.m.**

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## **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), M Tapsell (Tapuika/Waitaha), Councillor T Tapsell (Rotorua Lakes Council), 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; 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 (Senior Planner), K O'Brien (Strategic Engagement Manager), N Poutasi (Water Policy Manager), P de Monchy (Kaituna Catchments Manager), R Garrett (Committee Advisor); S Rolleston (Consultant).

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

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## **1 Introduction**

Mr S Rolleston welcomed members and staff and outlined the process and purpose of the workshop, and the need to gain further direction for staff from Te Maru o Kaituna on the progress and development of the Kaituna River document. Mr Rolleston then handed over to Water Policy Manager Ngamouta Poutasi who worked through the key changes in the document, supported by Senior Planners Adam Fort and Jo Watts.

## **2 Vision, Objectives and Desired Outcomes**

### **2.1 Vision**

Ms Poutasi noted that feedback received was that the vision needed to be more aspirational; members agreed that it should be both future-focussed and aspirational. However, members were concerned with the use of the words "pristine state" as this was considered difficult to define, measure or achieve. "Healthy" was suggested as an alternative. The amended Vision was agreed as follows:

*“The Kaituna River and its tributaries are in a healthy state and protected for current and future generations.”*

Topics agreed to be included in the document Objectives were:

- Use and enjoyment – recreation
- Groundwater - aquifers
- Abundance – river being plentiful

## 2.2 Objectives – Cultural: traditional relationships

It was suggested that the current Objective 2 be amended by changing the words “are included” to “are taken into account” to reflect the language of the legislation. Members noted that the document can’t pre-empt Council’s decision-making power e.g. in terms of costing or prioritising. A member noted that this section was about recognising the specific rights and interests of iwi in the river, which are different to the general community.

Objective 1 was agreed unchanged; Objective 2 was reworded to read:

*Iwi-led projects approved by Te Maru o Kaituna which promote the restoration and enhancement of the Kaituna River are taken into account in long-term and annual plan processes of local authorities.”*

## 2.3 Water quality and quantity

Staff noted that following feedback received, the two draft objectives proposed had been split into three for clarity.

Noted that the word “mauri” should be included in the definitions/glossary section of the document.

A discussion was held around the inclusion of aquifers into this section, and how the boundaries for those aquifers to be included should be defined. Need to cover those that feed into the river and those that are fed by the river. Suggested that all aquifers within the Settlement Act boundaries should be included; it was also recognised that aquifers don’t respect boundaries and the interaction of an aquifer with the Kaituna should be considered.

**Objectives 4 and 5 were reworded to read:**

**Objective 4:** *There is sufficient water in the Kaituna River and its tributaries and aquifers to:*

- *support the mauri of rivers and streams, and*
- *protect tangata whenua values, significant ecological values and recreational values.*

**Objective 5:** *Water from the Kaituna River and its tributaries and aquifers is sustainably allocated and efficiently used to provide for the social, economic and cultural well-being of iwi, hapū and communities now and for future generations.*

## 2.3 Land use

Staff noted that feedback received was that the previous land use objective was too vague; the amended objective is more specific about what TMOk hopes to achieve.

Members discussed possible funding of land use management initiatives by different agencies, and agreed that the objective needed to reflect that implementation will use a mix of all tools available.

Objective 6 and its Desired Outcomes were reworded to read:

### **Land Use - Mahinga Whēnua**

**Objective 6:** *The environmental well-being of the Kaituna River is enhanced through improved land management practices.*

#### **Desired Outcomes:**

- a) *This will be achieved by using an appropriate mix of incentives, rules and industry leadership.*
- b) *Rural land management is changed over time through improved efficiency of inputs such as fertiliser, stock or crop quantity and/or outputs such as discharge quality and quantity limits.*
- c) *Discharge consents for agricultural, horticultural and industrial activities are managed so that the ecological and cultural health of the Kaituna River is maintained or improved.*
- d) *Kaitiakitanga and rangatiratanga are integrated into the management of land use, access to the river and protection of cultural heritage in specific locations in the catchment.*

## **2.4 Ecosystem health**

Staff clarified that this objective did include invertebrates; it was suggested that this be included in the glossary.

## **2.5 Te Maru o Kaituna responsibilities**

Staff noted that new objective 8 had been created in response to feedback received which showed a lack of understanding in the community about the role of TMoK. Discussion followed regarding whether the objective was needed, as TMoK purpose and function are provided in the Settlement Act. Staff clarified that the objective was also trying to provide for economic opportunities.

It was decided to leave the objective in for wider consultation during the river document process but to rewrite it to simplify it if possible.

## **3 Structure**

Māori Policy Team Leader Anaru Vercoe presented this paper which outlined the proposed structure of the Kaituna River document. Mr Vercoe explained that the proposed structure uses the concept of a marae as a way of setting out and giving a sense of order to the document, starting with Te Waharoa and then moving through Te Marae Atea, to Wharenuī and finally Wharekai.

Members supported this as a familiar and appropriate structure but emphasised the importance of creating a simple document that is readable and understandable. Discussion was held on placement and content of iwi histories; it was agreed that, while it is important that these be consistent with what was agreed in settlement legislation, it is for iwi to determine and confirm their histories.

## 4 **Stage 2 Engagement options**

Strategic Engagement Manager Kataraina O'Brien presented this paper which sought direction from TMoK members on preferences for community and stakeholder engagement for the next stage of consultation on the river document. Ms O'Brien outlined the required statutory processes of engagement and the timeframes involved, and explained other optional tools of engagement available to TMoK to use.

Members emphasised the need to ensure the consultation was not too narrow and that it involved the wider community as well as iwi; a great opportunity to socialise TMoK and get buy-in for shared aspirations. Members supported the use of face-to-face meetings, open days, community engagement near the river itself e.g. marquees, bbq. Staff noted the importance of TMoK members being involved in the engagement to make sure the river document was perceived to be a TMoK document not a Regional Council document.

The need to provide online options for submissions and the use of social media to access the younger demographic were noted.

Staff also drew members' attention to the consideration of holding a hearing; the legislation allows for a hearing and TMoK will need to decide whether to hold a hearing and, if so, what that would like.

## 5 **Conclusion**

Ms Poutasi clarified the timeline for notification and noted the upcoming meetings. Mr Rolleston summarised progress made at the workshop and thanked the Chairman, members and staff for their input and involvement.

**The workshop closed at 2.55 pm.**

# Reports





Receives Only – No Decisions



**Report To:** Te Maru o Kaituna River Authority

**Meeting Date:** 16 February 2017

**Report From:** Eddie Grogan, General Manager, Regulatory Services

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## Change of membership

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### Executive Summary

This report is to update and advise Te Maru o Kaituna River Authority (TMoK) on local authority member organisation appointees to TMoK following the 2016 local body triennial elections.

### Recommendations

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

- 1 Receives the report, *Change of membership*;
- 2 Notes the appointments of Councillor Arapeta Tahana as the appointed member for the Bay of Plenty Regional Council and Councillor Jane Nees as the alternate member.
- 3 Notes the appointments of Councillor Tania Tapsell as the appointed member for Rotorua Lakes Council and Mr Nick Chater as the alternate member.
- 4 Notes the appointments of Councillor Steve Morris as the appointed member for Tauranga City Council and Councillor Terry Molloy as the alternate member.
- 5 Notes the appointments of Councillor Kevin Marsh as the appointed member for Western Bay of Plenty District Council and Councillor John Scrimgeour as the alternate member.

### 1 Background

Local body triennial elections were held in October 2016. Under the Tapuika Claims Settlement Act 2014 (Part 3, s114), Te Maru o Kaituna River Authority is established as a permanent 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. Following the elections, each local authority appointed their members to Te Maru o Kaituna as part of establishing their new triennial committee structure and appointments. These appointing meetings were held in November and December 2016, and appointments made were notified to the Bay of Plenty Regional Council as

the administering body for TMoK; as this is the first meeting of TMoK since the appointments were made, staff are advising TMoK of these membership changes.

## **2 Conflicts of interest**

Under the Tapuika Claims Settlement Act s5 cl.5<sup>1</sup>, members are required to declare any interests in matters relating to TMoK. 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 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.

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

## **3 Financial implications**

There are no financial implications to the current budget.

Robyn Garrett  
**Committee Advisor**

**for General Manager, Regulatory Services**

**8 February 2017**

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<sup>1</sup> Tapuika Claims Settlement Act 2014 S5 cl.5

**Report To:** Te Maru o Kaituna River Authority

**Meeting Date:** 16 February 2017

**Report From:** Kataraina O'Brien, Strategic Engagement Manager

## **Proposed Kaituna River Document**

### **Executive Summary**

Te Maru o Kaituna (TMoK) has been working on developing the first Kaituna River Document since May 2016. Direction was given at the 29 November 2016 Workshop that enabled staff to prepare a proposed version. The purpose of this paper is to seek feedback from members on the proposed version of ***Kaituna, he taonga tuku iho – a treasure gifted to us***.

The proposed version (Appendix 1) was pre-circulated as a draft to TMoK members on 3 February to ensure that members had additional time to review it and discuss it with colleagues at their appointing organisations. Any amendments directed by members will need to be agreed by consensus at the meeting. A recommendation seeks that staff be authorised to make such amendments and continue to prepare the document for public notification.

### **Recommendations**

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

- 1 Receives the report, Proposed Kaituna River Document;**
- 2 Authorises the General Manager Strategy and Science, Bay of Plenty Regional Council, to:**
  - **make amendments to the attached version (Appendix 1) of the Proposed Kaituna River Document *Kaituna, he taonga tuku iho – a treasure gifted to us* as directed by Te Maru o Kaituna, and**
  - **make editorial and formatting changes for the purposes of graphic design and publishing in order to prepare a version for public notification.**

### **1 Background**

For the 29 November 2016 Te Maru Workshop, extensive background information and timelines were provided to all members. The following timeline illustrates the process undertaken to date:

Date	Event/Meeting	Achieved
27 May 2016	Te Maru o Kaituna Workshop	Commencement of preparation of Draft River Document. Direction received on Vision and Objectives.
24 June 2016	Te Maru o Kaituna Workshop	Direction received on Vision, Objectives and Desired Outcomes.
August-September 2016	Stage 1 Engagement period	10 hui with a range of stakeholders and iwi, plus a public information session. 68 pieces of written feedback received.
23 September 2016	Te Maru o Kaituna Meeting	Summary feedback presented.
29 November 2016	Te Maru o Kaituna Workshop	Direction given on the development of the Proposed version of the document.
16 February 2017	Te Maru o Kaituna Meeting	To gain approval of content of the Proposed River Document for public notification.

A version of the proposed river document was pre-circulated to TMoK members on 3 February to allow additional time for members to discuss with their appointing organisations and note any amendments they wish to suggest at the 16 February Meeting. The same proposed version is also attached to this agenda as Appendix 1 for all recipients of this Agenda.

## 2 Objectives and Desired Outcomes – suggested amendments

The objectives and desired outcomes in the proposed document are based on the direction given at the Te Maru o Kaituna Workshop on 29 November 2016. On closer examination of the provisions, staff have recommended some minor amendments for clarity and consistency. You will note that these amendments are shown as **bold underlined** and ~~strikethrough~~ on pages 15 to 19 of the document. Staff require TMoK direction and decisions on these minor amendments as follows:

- In Desired Outcome (g) under Objectives 1 and 2, 'iwi participation arrangements' is proposed instead of 'a resource management protocol' to better align with proposed legislative changes to the Resource Management Act.
- In Objective 5 'and aquifers' is proposed to be removed, and instead the reference to groundwater is covered in more detail as a new desired outcome (c) under Objectives 3-5. This new desired outcome refers to groundwater abstraction not compromising surface water bodies (rivers, streams and lakes), which aligns better with Objectives 3-5. Aquifers occur at different depths down to 500m+ under the Kaituna catchment and extend beyond the spatial boundaries of the co-governance area, hence referring to all aquifers

in the Objective goes beyond the scope of the statutory purpose of the river document.

- Desired Outcome (b) under Objective 6 is amended for improved clarity regarding improved land management.
- Desired Outcome (b) under Objective 8 is amended for improved clarity that tourism ventures are only an example of an initiative that could respect cultural associations of iwi while promoting the restoration, protection and enhancement of the river.

### **3 Preparing the Document for Notification**

#### **Photos and graphic design**

Direction from TMoK is sought on any broader changes to the document to make it 'notification-ready'. It is intended that several more photos be included, and that graphic design input will help to highlight the different parts of the document as they relate to the important areas of a marae.

#### **Timing of public notification**

The notification date is dependent on other decisions of TMoK in other agenda papers.

### **4 Conclusion and Next Steps**

If TMoK adopt the above recommendations in this report, then staff will make final amendments and prepare the Proposed Kaituna River Document '*Kaituna, he taonga tuku iho – a treasure gifted to us*' (Appendix 1) for public notification. The timeline for notification depends on other decisions of TMoK under this Agenda.

Adam Fort  
**Senior Planner**

**for Strategic Engagement Manager**

**8 February 2017**



## **APPENDIX 1**

### **Proposed Kaituna River Document - Draft released for TMoK feedback 3-2-17**







# Kaituna, he taonga tuku iho

– a treasure gifted to us

**Proposed Kaituna River Document**

## **Have Your Say**

Te Maru o Kaituna River  
Authority welcomes your  
submission on the proposed  
Kaituna River Document.  
Submissions close xxxxx







# Our Vision

***“The Kaituna River and its tributaries  
are in a healthy state and protected for  
current and future generations”***



***Ko Kaituna Te Awa Tupua  
Ko Kaituna Te Mauri Tapu  
Ko Kaituna Te Oranga Tangata  
Mai ki Uta ki te Tai***

***Kaituna is our Ancestral River  
Kaituna has a Spiritual presence  
Kaituna is the Life force  
From the Lakes to the Sea***

*This is the Draft Kaituna River Document, prepared by Te Maru o Kaituna River Authority under section 125 of the Tapuika Claims Settlement Act 2014, hereinafter called the Proposed Kaituna River Document.*



# Message from the Chair

Tohi ki te wai, e Para,  
Hei āhua te tangaengae ko te wai i tēnei tangaengae  
Ki te mātāpuna o te wai  
Kai te mahi kotahi o te wai  
Kai te whatu whakapiri  
Ki te hauora me te toiora o te wai  
Kai tuna ki uta, kai mātaitai e  
Homai, whakairi ora  
Tūturu, whakamaua kia tina!  
Haumi e, hui e, taiki!

The Kaituna River can be likened to that of a parent as a provider, sustaining and nurturing the lives of those that live within its catchment. In a symbolic sense, the river is the umbilical cord which unites traditional relationships and responsibilities. The provision for a sustainable future for the Kaituna River and its catchment is of utmost importance. With the enactment of the Tapuika Claims Settlement Act 2014, there is now an opportunity for iwi, hapū and councils to share decision-making, concerning the future restoration and protection of the Kaituna River.

Te Maru o Kaituna River Authority has prepared this document "Kaituna, he taonga tuku iho - a treasure gifted to us". It is a statement of partnership and co-governance to deliver our vision, which builds on community energy and commitment, as identified in previous strategies. This document represents the culmination of work to date, with the intention of it being given effect to in statutory planning documents.

With this in mind, the approach is to advance agreed collective objectives and outcomes, in relation to the protection and preservation of the Kaituna River for the future.

Therefore, on behalf of Te Maru o Kaituna River Authority, we introduce the inaugural document "Kaituna, he taonga tuku iho - a treasure gifted to us."

Ko Kaituna te awa tupua  
Ko Kaituna te mauri tapu  
Ko Kaituna te oranga tangata  
Mai ki uta ki te tai

Terekaunuku Dean Flavell  
Chairman, Te Maru o Kaituna River Authority

**Insert Photo of Chairman Dean Flavell to right**

## The Purpose of the Kaituna River Document

One of the key responsibilities of Te Maru o Kaituna is to prepare and approve the Kaituna River Document. It contains our Vision, Objectives and Desired Outcomes to promote the restoration, protection and enhancement of the Kaituna River and its tributaries. Because it is a statutory document, it has greater legal weight than its predecessor the “*Kaituna River and Ōngātoto/Maketū Estuary Strategy 2009 (the Strategy)*”. However, it carries on the aspirations of the Strategy requiring councils to recognise and provide for the Vision, Objectives and Desired Outcomes of the river document, in their plans prepared under the Resource Management Act 1991. Councils must also take them into account when making decisions under the Local Government Act 2002.

The Tapuika Claims Settlement Act 2014 (s.113) defines the ‘Kaituna River’ as meaning the Kaituna River and all its tributaries within the catchment area shown on the deed plan OTS-209-79. This is the ‘Kaituna co-governance framework area’ of 58,000 ha and is the geographic scope of this document as shown in the map on page 4.



*Tapuika and Ngati Rangiwewehi Deeds of Settlement Signing Ceremony December 2012*

### Note to Reader

To aid readers' understanding of te reo Māori words used throughout the text of this document, brief English translations are shown in square brackets [ ] where they first appear in the text. Fuller meanings of Māori words and phrases used are contained in the Glossary.

To help explain the different parts of this document more readily to readers, and how each part relates to the whole document, we have used the metaphor of the important ‘areas’ of a marae [meeting place] – Te Waharoa, Te Marae Ātea, Te Wharenuī and Te Wharekai.

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# Part 1

## Te Waharoa

Te Waharoa is the gateway to the marae. It may well be adorned with carvings of ancestors, representations of taniwha, symbols of animals or of plants, or it may be a simple humble gate. However, the same reverence and mana [honour and prestige] for that place on a marae still applies.

It is customary for manuhiri [visitors] to gather at the waharoa and await the call from the tangata whenua [people of the land] to enter. In many respects, waiting at the waharoa provides the opportunity for manuhiri to select their kaikōrero [speakers], to briefly discuss the issues of the day, and to set the order of their speakers. It is here also that knowledge pertaining to the marae, its tikanga [protocols], tīpuna or tūpuna [ancestors] and history may be discussed. This will ensure that those who respond to the karanga [call to enter] may respond appropriately, and for those who are to speak, to acknowledge the mana and history of the marae.

Using the metaphor of the waharoa, the following sub-sections are set out to provide readers of this document with important background information, how the document came to be, and what its purpose is.

### About this Document

#### Deed of Settlement

The Crown, Tapuika and Ngāti Rangiwewehi entered into negotiations in August 2008. Ngāti Rangiteaorere joined these two iwi later under the banner of Ngā Punawai o Te Tokotoru. Each iwi eventually entered into separate agreements in principle and deeds of settlement.

The Tapuika Deed of Settlement was signed in 2012 (the Deed) and sets out the historical account of Tapuika for the Kaituna River, surrounding land, the coastline, and the grievances held by the iwi against the Crown. A Crown Apology acknowledging those grievances provided the foundation on which the compensation offered to Tapuika was determined. Of particular note and reference to this document, is clause 5.4 of the Deed, which informed provisions under the Tapuika Claims Settlement Act 2014 to establish Te Maru o Kaituna River Authority, and provides for the preparation of the Kaituna River Document. Also of note is the Deed's acknowledgement, in clause 5.18, that Ngāti Whakaue will join Te Maru o Kaituna through subsequent settlement legislation at that time.

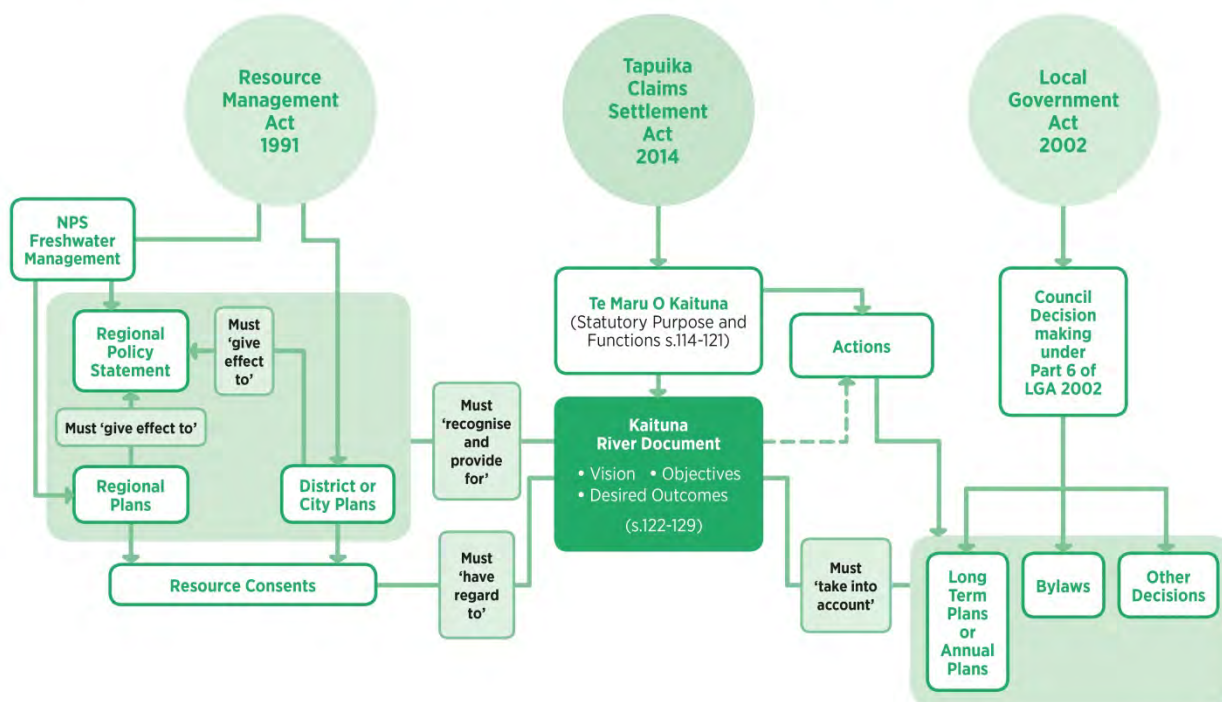
#### Tapuika Claims Settlement Act 2014

Tapuika Claims Settlement Act 2014 (the Act) is the empowering legislation that establishes Te Maru o Kaituna River Authority, and provides for the preparation of the Kaituna River Document. With the passing of the Act, there is now an opportunity for iwi/hapū and councils to share decision-making, in relation to the future restoration protection and enhancement of the Kaituna River. The legislation can be viewed at [www.legislation.govt.nz](http://www.legislation.govt.nz)

## What is the Relevance of the River Document in the Planning Framework?

The following diagram shows the links between the three main Acts, Council planning documents and decision-making, and the influence this document has. Once approved, the Vision, Objectives and Desired Outcomes in the document must be recognised and provided for when changing Council resource management policy and plans. Until this occurs, Councils must have regard to them when considering applications for resource consents within the catchment. Councils must also take into account the provisions in the document where they are relevant, to a decision under the Local Government Act 2002.

## Influence of the Kaituna River document



## Kaituna River and Ōngātoto/Maketū Estuary Strategy 2009

Kaituna River and Ōngātoto/Maketū Estuary Strategy (the Strategy) was prepared by Bay of Plenty Regional Council, Western Bay of Plenty District Council, Tauranga City Council, and Rotorua District Council, working with representatives from the community including iwi, hapū, community groups and organisations. It was adopted in September 2009 and provides “a framework for local authorities, Government agencies, tāngata whenua, local communities, industry organisations, and non-governmental organisations, to co-ordinate and prioritise their actions, that will achieve the vision and outcomes of the Strategy by 2018.”

The vision for the Strategy is to ensure that as a wider community, our policies and plans, our activities and actions:

*“Celebrate and honour Kaituna River and Ōngātoto/Maketū Estuary life as taonga”  
“Whakanuia, whakamanawatia te mauri o te Kaituna me Ōngātoto hei taonga”*

The four key outcomes identified in the Strategy are:

- (i) Improving water quality
- (ii) Restoring healthy ecosystems
- (iii) Ensuring sustainable resource use
- (iv) Supporting kaitiakitanga and local people's stewardship

The Strategy's four key outcomes are high level and aspirational, and the goals under these, while set in 2009, are still largely relevant to the catchment. Each has been reviewed and, where considered appropriate, woven into the objectives and desired outcomes within this river document. Many of the actions listed in the Strategy have been completed, while others are ongoing and/or considered 'business as usual' for a number of organisations. The Strategy successfully focussed community support and effort, and resulted in significant achievements for the Kaituna Catchment.

In preparing this first river document, Te Maru o Kaituna has included content from the Strategy that it considers appropriate and consistent with the purpose of the river document. Once approved, *Kaituna, he taonga tuku iho – a treasure gifted to us* will replace the Kaituna River and Ōngatōro/Maketū Estuary Strategy 2009 (the Strategy) and will build on the collaborative direction and work achieved for the next 10 years.

## What area does the document cover?

The Act defines the Kaituna River as meaning the Kaituna River and all its tributaries within the 'Kaituna co-governance framework area', which is the area shown in the map below. There are 1,197 km of waterways in the Kaituna catchment, which include the Kaituna, Mangorewa and Paraiti rivers and more than 24 tributary streams, including the Waiari, Raparapahoe, Ohineangaanga, Parawhenuamea and Pakipaki streams.

The Kaituna River mostly flows into the ocean through the Kaituna Cut, with a small proportion of its volume flowing into Te Awa o Ngātoroirangi/Maketū Estuary<sup>1</sup> via Ford's Cut. Re-diversion works are taking place in 2017-2020 to increase the volume of fresh water flowing from the Kaituna River into the estuary, in a way that maximises the ecological and cultural benefits, while limiting adverse environmental effects.

Whilst the estuary is part of the coastal marine area, it is acknowledged that the restoration of the health of the Kaituna River, in association with the implementation of the re-diversion project, will strengthen the link between the river and the estuary, and have direct and positive impacts on the health of the estuarine ecosystems.

The Rotorua Te Arawa Lakes Strategy Group is a separate co-governance group responsible for improving the water quality in the Rotorua Te Arawa Lakes, two of which (Lakes Rotorua and Rotoiti) discharge into the Kaituna River via the Ōkere Gates, which is at the start of the statutory Kaituna co-governance framework area.

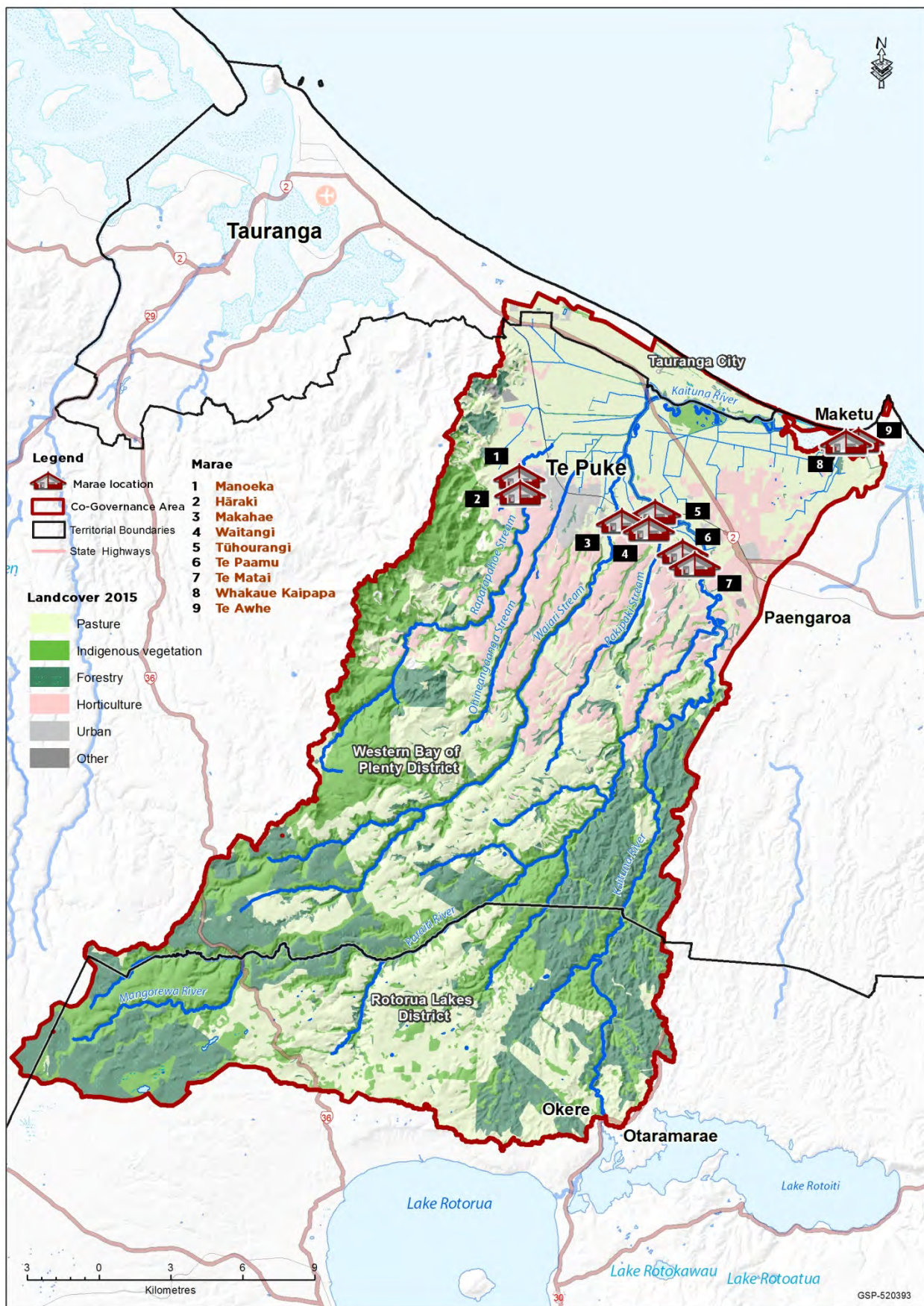
The co-governance framework area does not over-ride the areas of interest or indeed the mana of iwi and hapū. The Crown determined the area where the functions and role of Te Maru o Kaituna apply.

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<sup>1</sup> Te Awa o Ngātoroirangi/Maketū Estuary is used in this document when referring to Maketū Estuary instead of the abbreviated version Ongatōro/Maketū Estuary



The following map shows the Kaituna co-governance framework area (source: Deed Plan OTS-209-79, Office of Treaty Settlements).



## Who is Te Maru o Kaituna River Authority?

Te Maru o Kaituna River Authority is the co-governance partnership made up of eight members: four iwi representatives from Tapuika Iwi Authority Trust, Te Kapu o Waitaha, Te Pūmautanga o Te Arawa Trust and Te Tāhuhu o Tawakeheimoa Trust; and four Council representatives from the Bay of Plenty Regional Council, Rotorua Lakes Council, Western Bay of Plenty District Council and Tauranga City Council. Ngāti Whakaue are currently observers at Te Maru o Kaituna meetings and will formally join the Authority once their settlement legislation is in place. This is acknowledged in clause 5.18 of the Tapuika Deed of Settlement.

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.'* It is a permanent joint committee of the Bay of Plenty Regional Council, the Rotorua Lakes Council, the Tauranga City Council and the Western Bay of Plenty District Council.

The following diagram illustrates the current membership of Te Maru o Kaituna (2017).



[Insert Photo of Te Maru meeting]



## Part 2

# Te Marae Ātea

Te Marae Ātea is a significant area of the marae complex, located in front of the wharehau [the large house]. This area is traditionally the domain of Tūmataunga [the God of War]. However, instead of using weapons, it is now customary for highly skilled kaikōrero [orators] to draw upon their knowledge of whakapapa [genealogy], history and issues of the day, and to address the reason why they have gathered on the marae at that particular time. Orators display their skill through whaikōrero [speechmaking], which in some respects can be considered a form of tohetohe [debate], but in essence, is a process that weaves and connects the kaupapa [topic, issue, proposal] of the day, beginning with the karanga through to each significant point raised by the orators.

Te Maru o Kaituna acknowledges that people wish to use the Kaituna and its tributaries for a wide range of purposes. The Vision Statement reflects the long-term aspirations of Te Maru o Kaituna for rivers and streams that are free from disease, in a state of wellness, and safeguarded for enjoyment by future generations.

## The Vision, Objectives and Desired Outcomes

The Tapuika Claims Settlement Act 2014 requires Te Maru o Kaituna to prepare a river document that contains the vision, objectives and desired outcomes for the Kaituna River and its tributaries. Following consultation during August and September 2016 and after considering feedback received, Te Maru o Kaituna has refined the proposed Vision, Objectives and Desired Outcomes as follows.

### Our Vision

***The Kaituna River and its tributaries are in a healthy state and protected for current and future generations.***



## Our Objectives and Desired Outcomes

### ***Iwi Relationships with the River - Ngā Piringa me ngā Herenga***



For iwi, the waterways of their rohe [iwi area] are taonga [treasured/treasure(s)]. However, since the late nineteenth century, these waterways have been modified, degraded and polluted. Traditional sources of food and water have been compromised, and it has become increasingly difficult for iwi to maintain their customary relationships with their waterways. Nonetheless, iwi have maintained their association with the river and continue to advocate for its restoration and protection.

#### **Objective 1**

*The traditional and contemporary relationships that iwi and hapū have with the Kaituna River are recognised and provided for.*

#### **Objective 2**

*Iwi-led projects approved by Te Maru o Kaituna, which promote the restoration and enhancement of the Kaituna River, are taken into account in the long-term and annual plan processes of local authorities.*

#### **Desired Outcomes**

- a) Access for tāngata whenua to the Kaituna River and identified sites of significance are provided for in reserve management plans and other plans and strategies of local authorities where appropriate.
- b) Pou and other appropriate markers are erected adjacent to the Kaituna River and its tributaries where considered appropriate by iwi, to indicate sites of special significance.
- c) Te Maru o Kaituna coordinates and assists iwi and hapū with restoration projects that support sites for mahinga kai [food sources].
- d) Information on the environmental state of the Kaituna River is exchanged between iwi and relevant agencies.
- e) Appropriate sites along the Kaituna River are identified and set aside for tauranga waka [boat landing places].



- f) Iwi and hapū associations with the Kaituna River are strengthened through recognition of iwi/hapū management plans in the management of land use, access to the river and protection of cultural heritage.
- g) Te Maru o Kaituna ensures that each iwi that has statutory membership on Te Maru o Kaituna has iwi participation arrangements ~~a resource management protocol~~ in place, in relation to the way they engage with local authorities about resource management matters.

### ***Water Quality and Quantity - Te Mauri me te Tohatoha o te Wai***



As the population increases, there will be greater demand placed on the use of freshwater. The past 200 years has seen the degradation of water quality in parts of the Kaituna River Catchment. It is important that measures are taken to ensure any further decline is halted, so future generations have places to swim and fish, and sources of drinking water are protected. The challenge is to make sure there is sufficient water within the river system of the right quality to protect the values we hold dear, while at the same time allowing our aspirations to be met.

#### **Objective 3**

*Water quality and the mauri of the water in the Kaituna River and its tributaries are restored.*

#### **Objective 4**

*There is sufficient water in the Kaituna River and its tributaries to:*

- a) *support the mauri of rivers and streams, and*
- b) *protect tangata whenua values, significant ecological values and recreational values.*

## Objective 5

*Water from the Kaituna River and its tributaries and aquifers is sustainably allocated and efficiently used to provide for the social, economic and cultural well-being of iwi, hapū and communities, now and for future generations.*

### Desired Outcomes

- a) Limits for contaminants in the waterways of the Kaituna River catchment are established to ensure that, wherever practical, the water:
  - (i) is clean and safe for swimming in locations where people wish to swim, with specific locations identified and recommended by Te Maru o Kaituna,
  - (ii) provides safe drinking water sources,
  - (iii) is suitable to sustain plentiful kai awa [food sourced from the river] and kai moana [food sourced from the sea] which is safe to eat. Kai of particular importance are tuna [eels], inanga [whitebait], kōura [crayfish], kākahi [freshwater mussels], and other shellfish, and
  - (iv) is suitable for cultural ceremonies.
- b) Mātauranga Māori [Māori knowledge] is acknowledged and used as a credible tool alongside western science, to support the restoration of water quality and mauri in the Kaituna River and its tributaries.
- c) **Aquifers are sustainably managed so that abstraction of groundwater does not compromise the objectives and desired outcomes for surface water bodies.**



How we use the land has a direct bearing on our aspirations to improve the well-being of the Kaituna River and its tributaries. Some members of the community, including iwi, have raised concerns that current land use will continue to result in poor outcomes for the river. Provision of land for urban growth and to support the expansion of local industry must be balanced with long-term environmental goals.

### Objective 6

*The environmental well-being of the Kaituna River is enhanced through improved land management practices.*

### Desired Outcomes

- a) An appropriate mix of rules, incentives and industry leadership is used to improve land management practices.
- b) Rural land management is **improved** ~~changed~~ over time through **more improved** efficient inputs such as fertiliser, stock or crop quantity and/or outputs such as discharge quality and quantity limits.
- c) Discharge consents for agricultural, horticultural and industrial activities are managed so that the ecological and cultural health of the Kaituna River is maintained or improved.
- d) Kaitiakitanga [guardianship] and rangatiratanga [(principles of) autonomy, authority, ownership] are integrated into the management of land use, access to the river and protection of cultural heritage in specific locations in the catchment.



## ***Ecosystem Health – Te Oranga o Te Pūnaha-hauropi***

Use of the river requires closer and more considered management, so that native flora and fauna within the waterways may return to their natural habitats and ecosystems. Areas for improvement within the catchment will be prioritised for action in combination with Objectives 3, 4, 5 and 6. The restoration of habitat for whitebait, tuna [eels] and other species of fish is a key priority of Te Maru o Kaituna.

### **Objective 7**

*Ecosystem health, habitats that support indigenous vegetation and species, and wetlands within the Kaituna River and its tributaries are protected and enhanced.*

### **Desired Outcomes**

- a) There is a network of healthy ecosystems, including wetlands that support and sustain flora and fauna.
- b) Specific areas of habitats and wetlands are identified and prioritised by Te Maru o Kaituna for restoration projects and recommended to the relevant local authority.
- c) Ecological restoration within the Kaituna River and its tributaries is promoted.



***Te Maru o Kaituna in Collaboration with Iwi and the Community –  
Ngā Herenga o Te Maru o Kaituna***



The purpose, role and functions of Te Maru o Kaituna are set out in the Act. This objective signals Te Maru o Kaituna's intention to work collaboratively with local iwi, the wider community and industry. It recognises that the Vision for the river cannot be achieved without the support of all who have an interest in it.

**Objective 8**

*The environmental, economic, social, educational and cultural aspirations of iwi and the wider community are supported by Te Maru o Kaituna through their responsibility to promote the restoration, protection and enhancement of the Kaituna River.*

**Desired Outcomes**

- a) Environmental education programmes are promoted by Te Maru o Kaituna.
- b) Iwi and hapū have **economic development** opportunities ~~to develop~~, **such as** tourism ventures, which respect the cultural associations they have with the Kaituna River and that promote greater understanding of those associations.
- c) Te Maru o Kaituna will support opportunities for industry and local businesses to establish collaborative relationships that help promote the restoration, protection and enhancement of the Kaituna River.
- d) Local residents and visitors enjoy opportunities for recreational activities along the Kaituna River that do not compromise the environmental priorities of Te Maru o Kaituna for the restoration, protection and enhancement of the Kaituna River.



# Part 3

## Te Wharenui

Te Wharenui is a sacred building – it is here that the whakapapa of the iwi/hapū resides. The carvings which adorn the wharenui represent tīpuna or tūpuna and in some cases tīpua [demi-gods which celebrate the mana of the iwi/hapu in the land, rivers, lakes and coastal areas]. The wharenui is also where people learn, debate, grieve and sleep - all within the presence of their tīpuna. There are variations of the Wharenui throughout Aotearoa, from rohe to rohe and from marae to marae. What is common-place is the reverence given them. They are the corner stone of whakapapa, the vessel which carries the history of the tangata whenua.

Using the metaphor of Te Wharenui in this part of the document enables us to present the traditional associations that people have with the Kaituna River. This part reminds us of the past, but also how the key initiatives of restoration and enhancement that we plan to undertake in this rohe, can help us build a positive future for the area and the people living within it.

### The importance of the Kaituna River

The story of the Kaituna is framed within lived human experiences, so we can only imagine what it might have been like without our relatively recent intervention in the area. The river was here long before the appearance of people, and so is older than the histories we have that describe our associations with it. As stewards, therefore, we can only speak on her behalf about what she has shared with us in the time we have been associated with her.

Kaituna e! He taonga kitea! - Behold the Kaituna! A renowned treasure!

From the perspective of Māori folklore, time starts for the Kaituna at that point when Tāne-mahuta [name of one of the family of Gods] thrust his parents Papatuanuku [the Earth Mother] and Ranginui [the Sky Father] apart, so that the heavens and the earth were forever divided. There in the cauldron of that separation, the earth took form under the stewardship of the different Ātua [Gods that Māori believe helped shape the world]. The birth of the Kaituna began with the tears Ranginui shed on being separated from Papatuanuku. His weeping continued for some time until even the bowels of the earth were full, creating the vast oceans, lakes and rivers.

The course of the Kaituna and its tributaries were also shaped by Māui and his brothers in their haste to carve up Te Ika a Māui [the fish of Māui or the North Island], and the ructions of Rūaumoko [God of Earthquakes] shaking the earth in anger at the work of his older brother.

As time passed, Tangaroa's [God of the Sea – often regarded as the primal force] children began to populate the Kaituna with all manner of creatures. Spiritual guardians were assigned to protect them by establishing dominions or ecosystems that sustained their development and growth. The Kaituna was alive, an entity whose life-force supported the tuna, inanga, kūtai [mussels], pipi, kōura, kahawai, pātiki [flounder], harakeke and other plants. The water was pure, its essence still holding the mauri of Ranginui's tears.



Eons later, the children of Tāne-mahuta appeared and spread forth from Hawaiki-nui, Hawaiki-roa, Hawaiki-pāmamao [distant Hawaiki from where Māori believe they came]. Mātaatua tradition refers to people already in occupation of Aotearoa when their waka arrived. They included Te Tini o Toi (the people of Toi), the descendants of Toi Kairakau/Toi Tehuatahi, Ngā Potiki and Te Hapū Oneone. They were the first to venture inland from the sea.

When Te Arawa waka arrived, the crew observed that places along the coast and as far inland as Rotorua, already had small but industrious populations. From Te Arawa waka, the descendants of Ngātoroirangi, Tamatekapua, Tia and Hei began to venture forth, establishing Pa sites along the Kaituna from Maketū through to Ōkere and beyond. They adapted to the local conditions, experimented with the soil to cultivate the prized kūmara, and developed new methods of fishing and hunting. They discovered the qualities of the harakeke [flax] and the versatility of the tōtara. Ancient grottos became the dwelling places of taniwha [powerful creatures/guardians], and a plethora of tapu [sacred] sites marked the places of sacred events and memorialised great rangatira [chiefs].

The story of the Kaituna had taken a turn and become a human journey expressed through waiata [songs], tauparapara [incantations], karakia [prayers] and whakataukī [proverbs].

### The Iwi of the Kaituna

Its plains, valleys, tributaries and coastal margins have informed the identity of the iwi who have been sustained by her. The summarised histories which follow are snapshots covering nearly 800 years of settlement that have been gathered from Iwi Management Plans (IMPs), Treaty settlement legislation, Iwi Reports commissioned to inform the Kaituna River and Ōngātoto/Maketū Estuary Strategy, and documentation gleaned from court records and short papers. These summaries are silhouettes of times past, and are intended to provide the reader with rudimentary knowledge from an encyclopaedic library of iwi and hapū history and traditions associated with the Kaituna River.

### Tapuika

#### *“Tapuika the River” – Te Awanui o Tapuika*

Tapuika consider the Kaituna River a tupuna, and consequently revere it as a living entity. There are several hapū which constitute Tapuika-iwi-whānui: Ngāti Tuheke, Ngāti Maruukukere, Ngāti Kuri, and Ngāti Moko.

Prior to its anchorage at Maketū, Te Arawa Waka was moored at sea at a place known by Tapuika as Te Tu-aro-a-Tia. The eponymous ancestor Tia, eldest son of Atuatua, made claim for his son Tapuika to all natural resources, land, water and sea existing from the point of where he recited this taumau [claim]:

*“Mai i nga pae maunga ki te toropuke e tu kau mai ra ki te awa e rere mai ana, waiho te whenua ko te takapu o taku tamaiti a Tapuika”*

*“From the range of hills in the distance, to the large hill formation before me (known today as Pāpāmoa Regional Park) to the river that flows towards me, hence to the sea, I claim these lands as the belly of my son Tapuika”.*



By identifying landmarks from where Te Arawa Waka was positioned at sea, Tia was able to assert mana whenua [local authority over land] status, and because the waka was at sea, he also asserted mana moana [local authority over the sea] to the coastline and its fisheries as part of Te Takapu o Tapuika. As stated in the Deed, the children and grandchildren of Tapuika settled throughout Te Takapu, occupying and establishing numerous hapū. It is by virtue of their Treaty Settlement that this river document has been prepared and named *Kaituna, he taonga tuku iho – a treasure gifted to us*.

## Waitaha

Waitaha iwi descend from Hei, who was father to Waitaha, and from whom Waitaha iwi take their name. Hei was a twin brother to Tia, whose son was Tapuika from whom that iwi take their name. Hei, like his twin, also laid claim to parts of the adjoining whenua around Pāpāmoa. Hei did not sojourn long in the area, but instead made his way up through Hauraki, where he later died. His son Waitaha remained and settled the coastal area. He had many sons and daughters, whose descendants travelled further east, west and inland, settling at Rotoiti, Matawhaura, Rotoehu, Rotomā, and Hauraki. Waitaha today maintain their strong connections to the coastal margins and to the lower Kaituna Catchment.

## Ngāti Rangiwehewehi

Ngāti Rangiwehewehi trace their descent from Ohomairangi, a rangatira who dwelt at Hawaiki, and who is the eponymous ancestor of Te Arawa-iwi-whānui. In time, the descendants of Tamatekapua, captain of the Te Arawa, were led by Rangitihī, Tamatekapua's great-great-grandson. Through their whakapapa, Ngāti Rangiwehewehi record that Tūhourangi, sometimes remembered as Rangitihī's favourite, had a son named Uenukukōpako, who fathered Whakauekaipapa, who married Rangiuru, a woman of high rank from Tapuika. Their eldest son was named Tawakeheimoa, father of Rangiwehewehi. Their rohe begins on the north-western side of Lake Rotorua which includes the Mangorewa, Kaharoa, and Maraeroa–Oturoa blocks. Continuing west of Lake Rotorua, the iwi held claim over some areas of land, and the hill country around Ōtānewainuku. Travelling north from Lake Rotorua to the Maketū coastline and Te Puke area, Ngāti Rangiwehewehi occupied areas there, where they still maintain their rights and traditions today.

## Ngāti Pikiao

*“Ngā Toitōi i tiaki o te awa Ōkere”*

It is the cockabullies (Ngāti Hinerangi/Hinekiri) that will guard the river Ōkere.

The phrase *“Ngā Toitōi i tiaki o te awa Ōkere”* comes from a Ngāti Pikiao Waiata *“E kore a Ngāti Hinerangi”* which depicts the relationship between Ngāti Hinerangi and Ngāti Hinekiri, sub-tribes of Ngāti Pikiao and the Ōkere River, which is the first part of the river commonly referred to as Kaituna. The Ōkere River begins at Maraetakaroro and Motuōhiwa and cascades through meandering rapids of Te Rerenga a Tutea to the gorges of Te Pākira, Te Wairoa and Te Ākau, down to the most sacred place upon the river, Kohangakāeaea. From Kohangakāeaea to the Mangorewa River outlet, the river is known as the Kaituna, and from the Mangorewa to where the river meets the sea, the river is known as Awarua.

Ngāti Pikiao claim mana whenua in and around Lake Rotoiti where the iwi's settlements became established through Pikiao II and his son, Te Tākinga. Te Tākinga spent the majority of his life at Rotoehu, living with his relatives from Waitaha-ā-Hei (Ngāti Mākinō). There he eventually married the three daughters of Te Ra, the rangatira of Ngāti Mākinō at that time. Tūhourangi occupied several pa at Rotoiti, and would often clash with Ngāti Pikiao. It was on

one such occasion that the sons of Te Tākinga were killed. Exacting utu from Tūhourangi meant that nothing short of war with his cousins would satisfy his anger. Eventually, Ngāti Pikiao prevailed and Te Tākinga took possession of Rotoiti. Generations on, the Ngāti Pikiao Marae remain a statement of their mana whenua to the lake and the Ōkere River.

### Ngāti Whakaue ki Maketū

*Ko Tongariro te maunga,*

*Ko Kaituna te awa,*

*Ko Te Awa o Ngātoroirangi te moana,*

*Ko Maketū te papa tapu,*

*Ko Tāpati te marae,*

*Ko Whakaue Kaipapa, Ko Rangiora ngā whare tūpuna,*

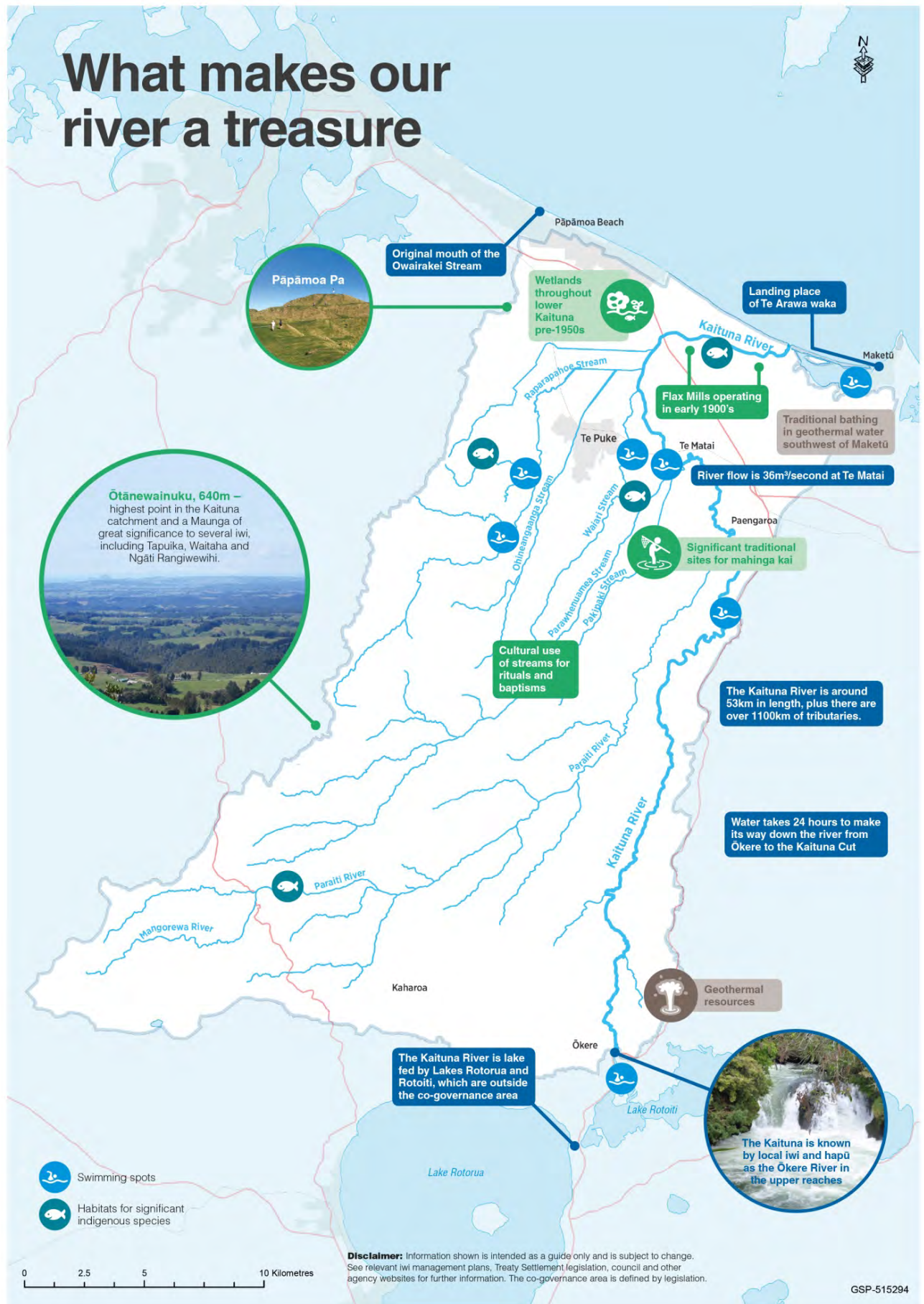
*Ko Whakaue Kaipapa te tangata,*

*Ko Ngāti Whakaue te iwi.*

Through whakapapa, conquest, kith and kinship, Ngāti Whakaue are tied to this land, Maketū. They can trace their lineage to Tamatekapua the kaihautū [captain] of Te Arawa waka. The lower Kaituna Catchment and the Maketū Estuary have sustained the people for many generations. The Ngāti Whakaue ki Tai marae, Tāpati, is located on the shores of the Maketū Estuary.

Historically, Ngāti Whakaue ki Maketū have three significant boundary areas. The iwi/hapū that originated from the Te Arawa Waka fought and defended extensively to retain their rights to the coastal areas. Ngāti Whakaue ki Maketū have the same eponymous ancestor, Tamatekapua, as their relatives from Ngāti Whakaue, and it is from Whakaue Kaipapa that they both obtain their name and identity. Although there is a distinction made between those occupying the coast and those occupying the hinterlands, both are one in the same iwi, and both acknowledge the importance of their inland and coastal territories (*source: Tapsell, Historic Maketū, Reed, reprinted 2000*).







## Pakeha history

The first pakeha to settle in Maketū was the Danish trader Phillip Tapsell who, at the invitation of Te Arawa chiefs of Rotorua, settled at Maketū in the Bay of Plenty in November 1830<sup>2</sup>. As demand for land in the Tauranga area increased, the Tauranga Working Mens Land Association was formed in 1877. They petitioned the Government for 3,000 acres (12 km<sup>2</sup>) of land in Te Puke, and the first of these settlers arrived in 1879. The land surrounding the lower Kaituna was originally covered in flax, with flax milling being the first industry in the area<sup>3</sup>. In the early period of Pakeha settlement, the estuary was used as a port for the flax trade.

From the late 1800's to early 1900's, the Kaituna River was a major transport route for trade between Tauranga and Te Puke, with scows navigating the Maketū Bar transporting flax and agricultural supplies to settlements inland. Loading and unloading points were at Canaan's [Kenana] Landing and Ford's Landing [Otaiparea]. Settlers arrived in Tauranga from England and made their way to their new home. Men rode or walked, while the women and children came from Tauranga by boat, first to Maketū, then up the Kaituna River to Canaan Landing, and then by waka up the Waiari Stream.

The drained area around the Kaituna River was found to be very suitable for crops, with maize and wheat being grown extensively, and flax milling continuing as an industry until around the late 1930's. In the early 1900's, dairy production transformed the coastal Bay of Plenty into a thriving agricultural region, with the opening of the Te Puke Dairy Factory in 1902, providing future employment and prosperity.

In 1901, New Zealand's fourth power station was opened at Ōkere Falls, providing electricity to the tourist centre of Rotorua. The year 1913 saw the completion of the rail line from Mount Maunganui to Te Puke, which by 1928 connected through to Auckland, thus ending the freight service by scow through the Kaituna River. Roads across the swamps opened up much of the farming land used today.

## Kaituna River changes

Many changes have occurred to the lower Kaituna River over the years, both naturally occurring and man-made ones. Key dates and events are:

- |                |   |
|----------------|---|
| 1907           | The flooded river broke out directly onto the beach at Te Tumu, as it apparently had done every 30-50 years during exceptionally large floods.                                    |
| 1922           | Ford's Cut was constructed by the newly formed River Boards in an attempt to direct floodwaters from the Kaituna River towards the estuary entrance.                              |
| 1926           | Parliament passed the "Kaituna River District Act" which gave the River Board significant powers to drain, divert or stopbank areas in the catchment.                             |
| 1956           | The Kaituna River Board diverted the river away from the estuary and out to sea at Te Tumu (now known as "Te Tumu Cut" or the "Kaituna Cut").                                     |
| 1960s to 1980s | Large-scale river straightening, stopbanking and drainage works carried out by the Bay of Plenty Catchment Commission/Board (later to become the Bay of Plenty Regional Council). |

<sup>2</sup> Parham, W. T. 'Tapsell, Phillip c.1777-1873. *Dictionary of New Zealand Biography*, updated 22 June 2007  
URL: <http://www.dnzb.govt.nz>

<sup>3</sup> Lower Kaituna River and Te Tumu – The Ford Family History from 1907 – 2008.

- 1970s The Tauranga Acclimatisation Society purchased 486 acres (203 ha) of land adjacent to the Kaituna River and gifted it to the Crown for the purpose of establishing a wildlife management reserve.
- 1984 The 1956 diversion of the Kaituna River to sea at Te Tumu, combined with stopbanking and encroachment into the estuarine wetlands by agriculture, brought about a gradual but significant decline in condition of the estuary. Local people represented by the late Sir Peter Tapsell MP, presented a 2,600 signature petition to parliament in 1984 calling for the return of the Kaituna to the estuary.
- 1996 The Department of Conservation opens four culverts allowing 4% of the river flow to be re-diverted into the estuary.

By the early 2000s it became clear that the 4% river flow re-diversion was not enough to restore the health of the estuary, so Regional Council staff began investigating options to increase the flow, and consulting with the community on these. Once Council had approved an option in principle, funding was allocated and detailed investigations began, leading to a resource consent process.

The purpose of the re-diversion is to significantly increase the volume of water (particularly fresh water) flowing from the Kaituna River into Te Awa o Ngātoroirangi/Maketū Estuary, in a way that maximises the ecological and cultural benefits (particularly wetlands and kaimoana), while limiting the economic cost and adverse environmental effects to acceptable levels. The re-diversion will re-create at least 20 ha of wetland habitat, partially restoring the landscape to what it looked like before 1956. The Kaituna Cut will remain open for flood protection and boating access, as shown in the figure below. Construction is programmed to begin in 2017.



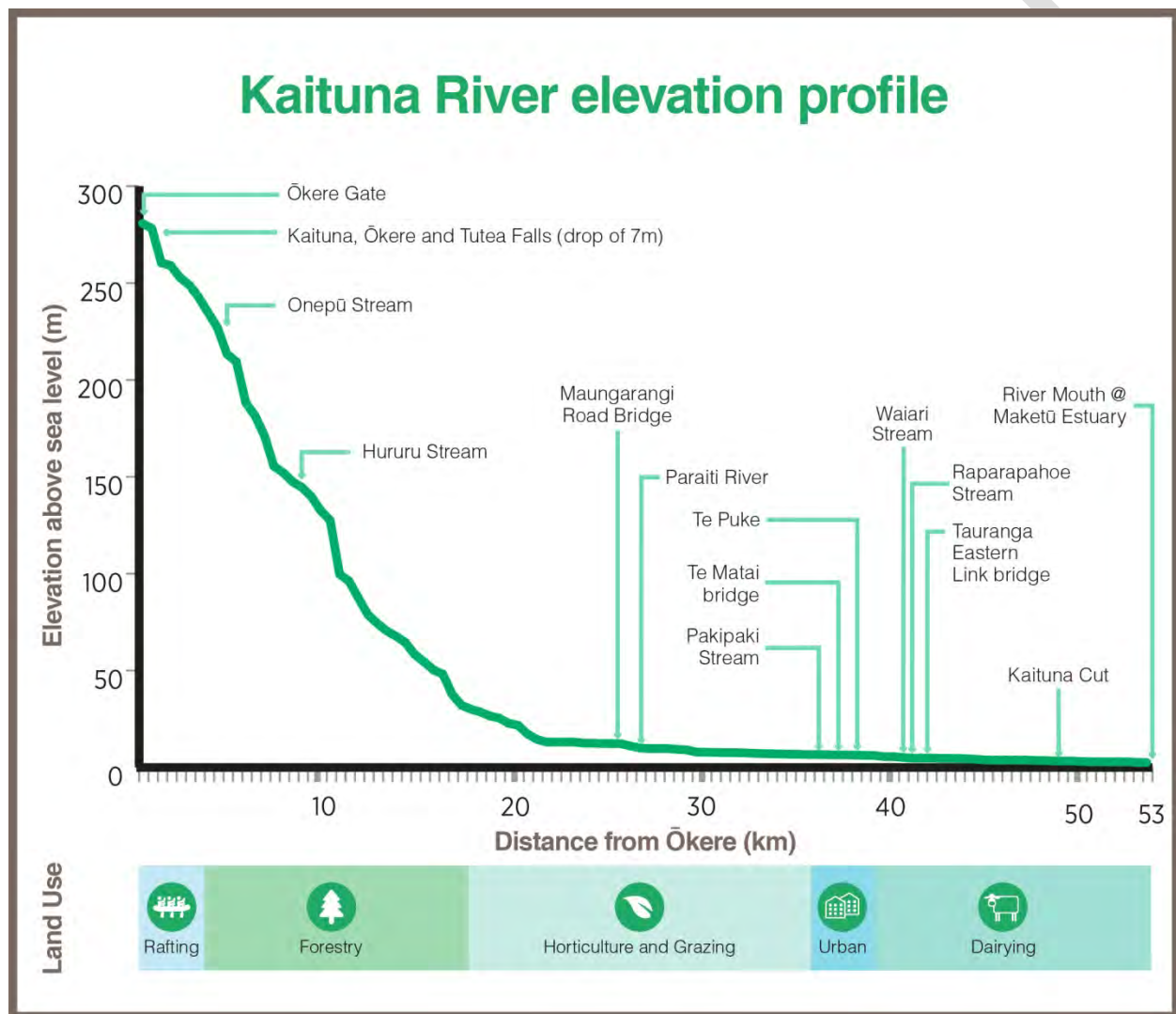
Overview of work to re-divert Kaituna River and enhance Te Awa o Ngātoroirangi/Maketū Estuary

## Where are we now

This section provides a brief overview of the catchment and its people. It outlines what the land and water in the catchment is currently used for, and changes expected to happen into the future.

### Kaituna River Catchment

The Kaituna River is around 53 km in length, running from Ōkere to enter the coastal marine area through both the Kaituna Cut and Fords Cut. As illustrated in the profile below, the first 23 km is fast flowing and drops some 260 m through a number of waterfalls and an incised gorge. The remaining 30 km is a slow and meandering river, dropping just 20 m in altitude to the sea. There are 1,197 km of waterways in the Kaituna Catchment, which include the Kaituna, Mangorewa and Paraiti Rivers and 24 tributary streams including the Waiari, Raparapahoe, Ohineangaanga and Parawhenuamea and Pakipaki streams.



## Its people

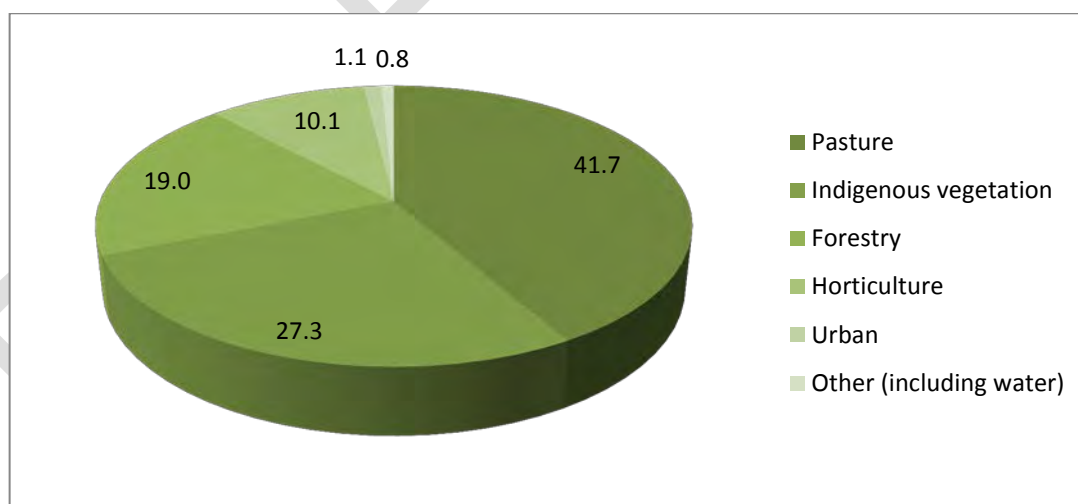
According to the 2013 census:

- 13,554 people usually live within the Kaituna co-governance area.
- Just under two thirds of the population (64%) in the area are of European descent, with just under a quarter of the population (22%) is Māori.
- 22% of the population are children (14 years old and under) while 17% are over the age of 65 years old, leaving the remaining 61% between the ages of 15 and 64 years.
- Just over a third of the population (36%) live in rural areas or small rural settlements which include Maketū and Paengaroa, while the remainder live in urban areas. Of those living in urban areas, 9% live within the Tauranga urban area and 55% live in Te Puke. (Note: these are 2013 figures and the proportion living in urban Tauranga will have increased since then due to the rapid urban growth of Pāpāmoa East).

## What land in the catchment is used for

As illustrated below, just over a quarter or 27.3% of the catchment is covered in indigenous or native vegetation, 41.7% is in pasture which is predominantly at the top of the catchment at higher elevations less suitable for horticulture and also down on the peat lowlands. More than half of the pasture within the catchment is used for dairy farming while the remainder is mostly used for grazing sheep and beef with small pockets of lifestyle mixed uses. Horticulture uses make up a little over 10% of the catchment and is concentrated in and around Te Puke. Kiwifruit is the predominant crop, with other horticulture such as vegetable crops making up less than 1%.

While urban areas made up only 1.1% of the land cover in 2012, this has increased to 3% by 2015, as a result of the recent residential growth in Pāpāmoa East. Proposed urban growth in Te Puke, Te Tumu and Wairakei will see this increase further into the future.



*Percentage of landcover in the Kaituna River Catchment*



## What water in the catchment is used for

Demand for freshwater for drinking supply, domestic and commercial use is predicted to double in the western Bay between 2005 and 2055 but the amount of water in our rivers, streams and groundwater aquifers is limited.

Freshwater in the catchment is currently used for a variety of activities which include municipal or domestic water supply, rural uses - farming and horticultural uses such as for stock drinking water, dairying, irrigation and frost protection and also for a small number of industrial and commercial uses outside of the urban area, which use water for manufacturing and processing. Used water is also discharged back into the catchment either onto land or into water. About two thirds of the discharges of water are to land while the other third are discharges to water. Of the discharges to land, half are for dairying discharges.

## Recreation and Tourism



The first 2 km of the Kaituna River contains Grade 5 whitewater rapids, including the Kaituna Falls, Ōkere Falls and Tutea Falls which are a complex of three short but charming waterfalls claimed to be the world's highest commercially rafted waterfalls. Easy access and an interesting historic walk make these 'three friends' a very popular attraction among locals and tourists. Commercial rafting began in the upper Kaituna in the late 1980s which boosted domestic and international tourism in the area. Today over 40,000 people a year raft, sledge or kayak the upper Kaituna.





## Where we are going?

The illustration above shows some of the current initiatives, investment being made and areas of change expected in the catchment during the life of this document. The area contains significant natural resources or taonga and recreational opportunities, which are clearly valued by not only the community residing within the catchment, but visitors from further afield.

Residential expansion adjoining the existing urban areas of Pāpāmoa East, Te Puke and Paengaroa is planned, with industrial and commercial activity planned at the Rangiuru Business Park. Te Tumu and Wairakei have been specifically identified as significant urban growth areas in the Smartgrowth Strategy to cater for population growth during the period 2015-2025.

The catchment is well connected, with the Tauranga Eastern Link Corridor joining the Eastern Bay and Rotorua, to Tauranga. The East Coast Main Trunk Railway Line also passes through the area.

Urban and industrial growth, as well as changes in rural activities, bring challenges, including pressure on fresh water resources, but also provide opportunities such as economic growth and employment. Sustainable changes can also provide opportunities to ensure particularly sensitive parts of the catchment and values special to people are protected and enhanced. This river document will provide guidance and direction for the next 10 years.

## Implementation and Review

This document must be reviewed at least every 10 years. If necessary, Te Maru may amend this document at any time. A consultative process may be required depending on the nature and extent of the amendments.

Te Maru o Kaituna is responsible for monitoring the implementation and effectiveness of this document and reporting back to the community on its progress.

# Part 4

## Wharekai

The wharekai is where festivities are held. This is the place where people share a meal and in doing so, lift the tapu incurred through the formal process of the pōwhiri [welcome onto the marae]. It is a less formal setting, where an exchange of information occurs over a cup of tea. In many respects, this type of information sharing or “catching up with each other” is about building relationships, coming to an understanding over issues, raising concerns or filling in the gaps. The manner in which guests are fed, and looked after, in many respects, establishes the reputation of the marae.

For the purposes of this document, the Wharekai is an appropriate way of representing how people have been engaged, whether or not their opinions have been heard, and how their contributions have been responded to.

In this part, a summary of the process for developing this proposed version of the document is presented, including the feedback received on stage one engagement and how this was considered.

### How was the document developed?

For the past year Te Maru o Kaituna has been working on developing this proposed version of *Kaituna, he taonga tuku iho - a treasure gifted to us*, representing the views of a range of appointing organisations around the table. Existing policies and plans covering the catchment area have been considered alongside stakeholder and public feedback. This has all contributed to the proposed aspirational Vision and Objectives contained in this version.

### Public and stakeholder engagement

In August-September 2016, there was an early engagement process to gather views from iwi, stakeholders and the wider public on a draft vision, objectives and desired outcomes. A consultation brochure in hard copy and electronic form was produced for distribution, to support a six week engagement process. During that period there were:

- 400 hard copy brochures distributed
- 120 emails/hard copy brochures sent out
- 10 off-site Hui/Meetings with 45 attendees
- 25 visitors to the Public Information Session
- 68+ pieces of written feedback received

Engagement was undertaken with many groups. There were meetings held with iwi, local authorities, environmental groups and business interests to ensure a range of views were heard.

Written responses and the notes collated from the open day, hui and meetings were analysed and considered by Te Maru o Kaituna. This proposed version of the document is a reflection of community and iwi feedback from more than 100 individuals and organisations. Further changes will result from the formal submissions and hearings process.





Public Information Session, Te Puke, 14 September 2016

# Glossary

Atua	Gods that Māori believe helped shape the world
Awa	River, stream or creek
Hapū	Sub-tribe
Harakeke	Flax
Inanga	Whitebait
Iwi	Tribe
Kai	Food
Kai awa	Food sourced from the river
Kaihautū	Leader, presenter, producer; the fogleman or captain in a waka (beats time)
Kai moana	Food sourced from the sea
Kaikōrero	Speakers/orators
Kaitiakitanga	Guardianship, stewardship, balancing use and protection of natural resources
Kākahi	Freshwater mussel/s
Karakia	Prayer
Karanga	Call by the women to enter
Kaumātua	Elders (male and female)
Kaupapa	Topic, policy, plan, purpose, discussion, proposal, agenda, subject, theme, issue/ platform, floor, layer, or stage
Kōura	Crayfish
Kūtai	Mussels of several species
Mahinga kai	Place where food is grown and/or prepared – resource, food sources
Mana	Authority, power, prestige, honour
Mana whenua	Those with ancestral authority over the land area in question or local authority over land
Mana moana	Those with ancestral authority over the sea area in question or local authority over the sea
Manuhiri	Visitor(s), guest(s)
Marae	Meeting place
Marae ātea	Place where speeches take place, in front of the wharenui
Mātauranga Māori	Māori knowledge
Maunga	Mountain, mountain peak
Mauri	Life force – inanimate and animate objects contain mauri. Traditionally mauri was the “gift of life”, the spark captured in the saying “Tihei Mauriora” – behold the breath of life
Mihi	Greeting
Pa	Fortified site – in many cases Pa also contained marae and living quarters
Papatuanuku	Earth Mother
Pātiki	Flounder

Pipi	Small edible bivalve
Pou	Post/pillar; to erect or establish
Rangatira	Chief(s)
Rangatiratanga	(principles of) autonomy, authority, ownership
Ranginui	Sky Father
Rohe	Iwi area
Ruaumoko	God of Earthquakes
Tangata whenua	Person of the land (plural - tāngata whenua – people/peoples of the land) – is akin to the terms ‘First Nations’ or indigenous people
Tāne-mahuta	Name of one of the family of Gods
Tangaroa	God of the Sea – often regarded as the primal force
Taniwha	Powerful spirit guardian(s)/powerful creature(s) – protects the tapu, enforces the tikanga
Tapu	A form of control. In a religious sense it means ‘sacred’, where only certain persons may be permitted to act, or where an object is rendered untouchable. Tapu can be lifted through karakia (incantations or prayer), through partaking of food, or specific use of water
Taonga	Highly prized and treasured/treasure(s)
Taumau	Claim over land; to reserve for oneself
Tauparapara	Incantation to begin a speech
Tauranga waka	Boat landing place(s)
Te Ika a Māui	The fish of Māui or the North Island
Tikanga	Protocols
Tipua (Tīpua)	Spirit(s) of ancestor(s) seen as demi-gods which celebrate the mana of the iwi/hapu in the land, rivers, lakes and coastal areas
Tīpuna/Tūpuna	Ancestors (singular - Tipuna/Tupuna - ancestor)
Tuna	Eel/s
Tohetohe	Argument/debate
Tūmatauenga	The god of war
Utu	A reciprocal act to repay, respond, avenge, reply
Waharoa	Gateway
Waiata	Songs
Waka	Sailing vessel, or canoe
Whaikōrero	Speech/speechmaking
Whakapapa	Genealogy/descent line
Whakataukī	Proverb, significant saying, aphorism
Wharekai	Eating house
Wharenui	Large house

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Te Maru o Kaituna is the co-governance partnership established by the Tapuika Claims Settlement Act 2014, made up of four iwi representatives and four local authority representatives.



**Report To:** Te Maru o Kaituna River Authority  
**Meeting Date:** 16 February 2017  
**Report From:** Namouta Poutasi, Water Policy Manager

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## **Development of an Action Plan for the Kaituna River Document**

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### **Executive Summary**

This paper discusses options to develop an action plan, alongside the Kaituna River Document Kaituna, he taonga tuku iho – a treasure gifted to us (Kaituna River Document) which records in a plan, future steps to support alignment with the Vision, Objectives and desired Outcomes.

Section 122(4) of the Tapuika Claims Settlement Act (the Act) sets out the purpose and scope of the Kaituna River Document. The river document may contain a vision, objectives and desired outcomes but 'must not contain rules or other methods for achieving its purpose'. This means that the Kaituna River Document currently under development must avoid the inclusion of methods and rules. However an action plan alongside the Kaituna River Document provides an opportunity to address implementation and is consistent with TMoK's purpose and wider functions.

This report considers three options:

- Option 1 - Hold off developing an action plan until after the Kaituna River Document is approved. An implication of this option is the inability to dovetail action plan discussions within the engagement for the Proposed Kaituna River Document.
- Option 2 – Draft a high-level indicative action plan now, prior to public notification of the proposed Kaituna River Document. Publicly notify it alongside the proposed Kaituna River Document and develop the action plan more fully following deliberations. Implications include moving notification of the proposed document (and high-level action plan) to May 2017.
- Option 3 - Delay public notification of the proposed Kaituna River Document and develop a more detailed action plan. Publicly notify it alongside the proposed Kaituna River Document and make decisions on both the Kaituna River Document and the action plan as part of deliberations. Implications include delay the development of the river document by 6 months.

Option 2 is the preferred option. It would mean public notification of the proposed Kaituna River Document would occur in May 2017, and would provide greater understanding of what the vision, objectives, desired outcomes mean through actions. Feedback received on the draft wanted to know what actions would occur. Once notified, everyone would be able to

comment on both the river document and the actions to implement it.
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## Recommendations

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

- 1 **Receives the report, *Development of an Action Plan for the Kaituna River Document*;**
- 2 **Agrees to draft a high level indicative action plan for public notification alongside the proposed Kaituna River Document as outlined in option 2 moving public notification to May 2017.**

### 1 What is an action plan?

The Kaituna River Document's action plan will be the roadmap that outlines the path between the Kaituna River today and the vision, objectives and desired outcomes set in the Kaituna River Document in the future. It will take over where the 2009 Strategy's action plan leaves off.

An effective action plan must clearly identify who will do what, by when and set the priorities. An action plan would outline the actions or solutions to reach the objectives and/or desired outcomes contained in the Kaituna River Document. Depending on the level of detail, it would likely include:

- **What** actions, changes or projects will occur.
- **Who** will carry these out, which organisations, groups or individuals would take the lead.
- **How** they will be carried out.
- **By when** they will take place, and for how long. Are they one-off or ongoing?
- **What resources** are needed to carry out these changes - both people skills and funding.

Action plans by their very nature are a work in progress and are revised and updated regularly. The action plan would form part of the monitoring of effectiveness of the river document and may well include reporting back to organisations. The diagram below shows the river document cycle.



An action plan would set targets and priorities against which TMoK would be able to monitor progress towards fulfilling their function of monitoring the implementation and effectiveness of the Kaituna River Document. Any actions or initiatives within an action plan would be subject to each organisations decision making processes. While lead agencies may be identified most actions or initiatives are likely to require joint effort which an action plan may foster. Timeframes would be dependent on funding, practicality and other factors such as skills and resources.

TMoK could encourage local councils or other organisations with functions relevant to the Kaituna to undertake actions or initiatives and in undertaking its functions would promote these.

### 1.1 Tapuika Claims Settlement Act provisions

Section 122(4) of the Tapuika Claims Settlement Act (the Act) sets out the purpose and scope of the Kaituna River Document. The river document may contain a vision, objectives and desired outcomes but 'must not contain rules or other methods for achieving its purpose'.

Preparing an action plan, attached to the Kaituna River Document is however entirely consistent with its purpose and wider functions. If TMoK were to consider preparing a proposed action plan prior to notification it would sit alongside as an attachment to the proposed Kaituna River Document and clearly state that it does not form part of the document but instead contributes to the fulfilment of TMoK wider functions.

## 2 Options for developing an action plan

Staff have proposed three options for TMoK to consider:

- **Option 1** - Suspend development an action plan until after the Kaituna River Document is approved;

- **Option 2** – Draft a high-level indicative action plan now, prior to public notification of the proposed Kaituna River Document. Publicly notify it alongside the proposed Kaituna River Document and develop the action plan more fully following deliberations;
- **Option 3** - Delay public notification of the proposed Kaituna River Document to allow time to develop a more detailed action plan. Publicly notify it alongside the proposed Kaituna River Document and make decisions on both the Kaituna River Document and the action plan as part of deliberations.

## **2.1 Option 1 – Develop an action plan after approval of the Kaituna River Document**

Developing an action plan after approval of the Kaituna River Document would allow public notification of the proposed river document as soon as TMoK members are comfortable with the proposed version of the document either in March or May 2017.

A decision to notify the river document could be made at this meeting and the river document could be approved by August 2017 (if notified in March) or October 2017 (if notified in May), after which time TMoK would focus on developing an action plan.

Pros and cons of this option are:

### **Pros:**

- a) It would allow TMoK to meet the agreed timeline to approve the Kaituna River Document e.g. notification by 27 May 2017 and decision by the end of the year.

Public notification of the proposed Kaituna River Document could commence as soon as TMoK are comfortable with the proposed version of the document. Decisions on submissions could be made by August 2017 or October 2017. This would enable recognition to be given to the document in drafting Plan Change 12 – Kaituna & Rangitāiki Water Management Area plan change.

- b) It would allow dedicated time after approval of the river document for TMoK to consider the development of an action plan with input from other organisations if considered appropriate.

### **Cons or risks:**

- a) There is no statutory requirement for engagement on the action plan. The key stakeholders and the public may want to be involved in its development.

## **2.1.1 Option 2 – Develop a high level indicative action plan and notify with the proposed Kaituna River Document**

Developing a high level indicative action plan prior to public notification of the proposed Kaituna River Document and publicly notify it alongside the proposed Kaituna River Document. This option enables input/feedback on proposed actions during engagement on the draft Kaituna River Document.

A high level indicative action plan could be developed between now and the next meeting in April for TMoK's consideration. This would still allow for notification before 27 May 2017 (within the 12 month statutory deadline from commencement of drafting the river document). Details regarding this option will need to be discussed including the potential to hold a workshop.

Public notification of the proposed river document and the high level indicative action plan could take place as soon as TMoK members are comfortable. In order to meet notification deadline by 27 May 2017, additional support may be needed.

Pros and cons of this option are:

**Pros:**

- a) Would allow notification of the river document before 27 May 2017 and approval of the Kaituna River Document before the end of the year. The river document would be approved in time to be recognised and provided for in the drafting of plan change 12 – Kaituna and Rangitāiki Water Management Area plan change.
- b) Potential to make the vision, objectives and desired outcomes more tangible and would promote coordination between TMoK members, other agencies with functions relevant to the Kaituna River and the wider community.
- c) Provides an opportunity for wider input and community buy-in.

**Cons or risks:**

- a) Would require dedicated input and focus from staff and members of TMoK and put a level of pressure on resources available.
- b) Could be perceived as pre-empting the Kaituna River document.
- c) May result in rework of the action plan depending on the level of detail and changes made to the river document as a result of submissions.
- d) If not carefully explained in public notification material, may confuse engagement on the river document with engagement about actions.

## **2.2 Option 3 – Delay notification of the proposed Kaituna River Document and develop a detailed action plan and notify both together**

Delay public notification of the proposed Kaituna River Document to develop a more detailed action plan. Publicly notify it alongside to the proposed Kaituna River Document allowing TMoK to make decisions on both the Kaituna River Document and the action plan as part of the deliberations. This option may push public notification of the proposed river document out some 6 months to provide enough time to draft a detailed action plan. This option will not meet statutory timeframes.

Pros and cons of this option are:

**Pros:**

- a) This would allow more time for a detailed action plan to be developed with TMoK member's organisations and others with functions relevant to the Kaituna River (although this would be in the absence of an approved version of the Kaituna River Document).
- b) A detailed action plan will make the vision, objectives and desired outcomes more tangible, however, this could be at the expense of having to rework parts

of the action plan where decisions on submissions changed objectives and desired outcomes.

**Cons or risks:**

- a) Public notification will be delayed by at least 6 months which would be after 27 May 2017 (deadline to notify within 12 months of commencement of drafting the river document).
- b) Would delay the Kaituna River Document being 'recognised and provided for' in RMA plans.
- c) Could be seen as a distraction to getting the Kaituna River Document approved.

**2.3 Preferred Option**

Option 2 is the recommended preferred option. This option would mean public notification could occur in May 2017 subject to TMoK approval. Further, everyone would be able to understand the actions that result from the Kaituna River Document's vision, objectives and outcomes and be able to comment on them.

Jo Watts  
**Senior Planner**

**for Water Policy Manager**

**8 February 2017**



**Report To:** Te Maru o Kaituna River Authority  
**Meeting Date:** 16 February 2017  
**Report From:** Namouta Poutasi, Water Policy Manager

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## **Process for Notification, Engagement, Hearings and Deliberations on the Proposed Kaituna River Document**

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### **Executive Summary**

This report advises on the next steps in developing the river document from public notification through to its approval.

It seeks direction and approval from Te Maru o Kaituna (TMoK) regarding the process to follow for considering submissions and making decisions to approve the document.

Key matters to consider and decide on are:

- whether or not to hold a hearing, and if, so what form a hearing would take; and
- the process for making decisions on matters raised in submissions.

The report outlines the statutory requirements as well as pros and cons of options for consideration of TMoK.

It recommends a hearing be held if there are submitters who indicate they would like to be heard. The structure of the group to hear submissions could include setting up an informal/formal Hearing Panel whose role would be to consider submissions received and make appropriate amendments to the document, noting that final approval is the responsibility of TMoK.

### **Recommendations**

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

- 1 Receives the report, *Process for Notification, Engagement, Hearings and Deliberations on the Proposed Kaituna River Document*.**
- 2 Notes that Stage 2 Engagement on the Proposed Kaituna River Document ‘Kaituna, he taonga tuku iho – a treasure gifted to us’ will be carried out during the notification period in accordance with the updated Engagement Plan (Appendix 1).**
- 3 Holds a hearing if there are any submitters who indicate they wish to be heard.**

- 4 Establishes a Hearing Panel and delegates to it the hearing and consideration of submissions received on the Proposed Kaituna River Document *Kaituna, he taonga tuku iho – a treasure gifted to us* and the making of recommendations on submissions (including any amendments to the document) for consideration by Te Maru o Kaituna in making its decision outlined as option 1.**
- 5 Appoints (list members) as the two iwi representatives and two council representative members of Te Maru o Kaituna to the Hearing Panel and further appoints (name) as the Chairperson of the Hearing Panel.**
- 6 Directs Bay of Plenty Regional Council staff to receive and acknowledge submissions to proposed *Kaituna, he taonga tuku iho – a treasure gifted to us* and following the close of submissions to prepare a summary of submissions. Further authorises staff to make arrangements for a hearing and any necessary arrangements for additional meeting/s for the Hearing Panel to hold deliberations.**

## **1 Purpose of Report**

This report advises on the next steps in developing the river document, from public notification, implementing Stage 2 Engagement, through to deliberations on submissions and its final approval. It outlines the statutory requirements and provides pros and cons of options for consideration.

The purpose of this report is to seek direction and approval of the process TMoK wishes to follow for considering submissions and making decisions on matters raised in submissions, making any amendments to the document in response to points raised in submissions and giving notice of its decision to approve the first Kaituna River Document.

## **2 Engagement Plan Update**

Implementation of Stage 1 Engagement was completed in November 2016. When the proposed document is notified the Stage 2 Engagement will be implemented.

At the 29 November 2016 TMoK Workshop a paper outlined the statutory requirements in the Tapuika Claims Settlement Act 2014 for public notification, submissions and hearings. Included in that paper were optional extras that could be added to the Stage 2 plan which go beyond the statutory requirements. These extra activities would likely create some increased awareness of TMoK and opportunities for the wider public to provide feedback.

It was agreed that more detail about the optional extras would be provided for members to choose from and to add other suggestions. An email was sent to members on 19 January 2017 with the following optional extras for consideration:

- a) Notify key entities directly via communications from the Chair. Letters / emails / notices / panui / media release / social media updates to go direct to key and relevant hapū / iwi, stakeholders and community groups.
- b) Open Days / Drop in Sessions to socialise the document and encourage feedback / submissions. These events will require staff time as well as the presence and participation of TMoK members.

- c) Targeted hui. TMoK members (supported by staff), if invited, could attend hui with hapū / iwi / stakeholders. It would require time from TMoK members and staff.
- d) Independent hapū / iwi / stakeholder hui: TMoK members could hold hui with their constituents.

There was limited feedback (2 out of 18 members/alternates) received from members, and this was mainly in support of a), c), and d). These additional options have now been added to the Stage 2 Engagement Plan attached as **Appendix 1**, and can be undertaken within the approved budget for use of TMoK funds in 2017.

### **3 Statutory requirements**

The statutory process for preparation and approval of *Kaituna, he taonga tuku iho – a treasure gifted to us* (Kaituna River document) is set out in sections s.125 through to s.128 of the Tapuika Claims Settlement Act 2014 (the Act).

Detail in the Act about this part of the process is relatively lean compared to other plan making legislation such as the statutory requirements set out in the Resource Management Act 1991 (RMA) or Local Government Act 2002 (LGA). The lack of prescription allows flexibility for TMoK to determine the process followed, so long as the relevant sections in the Act are followed and the principles of consultation in s.82 LGA are met.

The next steps from public notification of the Kaituna River document through to its approval are outlined below. Where the Act specifies 'must' these are mandatory requirements, whereas 'may' are optional and for TMoK to decide whether necessary or appropriate.

#### **3.1 Public notification**

TMoK:

- must publicly notify the Kaituna River document.
- must ensure it is available for public inspection and call for submissions from interested persons or organisation.

The submission period has a 20 working day minimum, however TMoK agreed at its meeting on 23 September 2016 to double this to 40 working days.

#### **3.2 Decisions on submissions**

TMoK:

- must consider submissions received, to the extent that they are consistent with the purpose of the Kaituna River document.
- may hold a hearing.
- may amend the proposed document (after considering submissions and completing a hearing (if a hearing is held)).
- must make decisions on matters raised in submissions; and prepare a report specifying how submissions were dealt with.

The relevant parts of Schedule 5 of the Act outlines the administration and procedures of Kaituna River Authority relevant to making decisions. TMoK may appoint a subcommittee such as a Hearing Panel as considered appropriate. Any subcommittee must carry out all general and special directions given to it.

TMoK must make its decisions by a vote at a meeting and approach decision making in a manner that:

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

### **3.3 Approval and publication of the document**

TMoK must publicly notify its approval of the final document and the availability of the decisions report specifying how the submissions were dealt with, alongside release of the published version of the document.

## **4 Options**

This section outlines options regarding firstly, whether or not to hold a hearing, and secondly, different types of hearing panels and decision-making processes.

### **4.1 Whether or not to hold a hearing**

Holding a hearing is only required if TMoK considers it necessary. **Appendix 2** sets out some pros and cons of whether or not to hold a hearing. It is recommended that TMoK consider holding a hearing if there are submitters who indicate in their submission that they wish to speak to their submissions.

### **4.2 Type of hearing panel and decisions**

If TMoK choose to hold a hearing, it is timely to consider the type of hearing to be held and the decision making (or deliberation) process to be followed now so that sufficient time can be allocated and any preparatory work undertaken to keep to the approved timeline for finalising the document.

A hearing could occur as early as the TMoK 14 June 2017 meeting if notification was to occur in March – May and only a small number of submitters wishing to be heard and a relatively informal process followed.

There are a range of options available to TMoK from appointing independent commissioner/s, a hearing panel made up of a small number of TMoK members or appointing all eight TMoK members to consider submissions. Pros and cons of each are outlined in **Appendix 2**. It is recommended that TMoK establishes a Hearing Panel with either:

#### **Option 1**

Four Members – two iwi representatives and two council representatives delegated to hear and make recommendations on matters raised in submissions and any amendments to the document. TMoK would then consider the recommendations and make their decision; or alternatively:

## **Option 2**

All eight TMoK members hear and consider all submissions and make the decision. With this option members would need to be able to commit the time required to hear, consider and make decisions on all submissions.

Alternates would not be part of the Hearing Panel. However the hearings would be public and alternates could listen to the proceedings.

### **4.3 Matters to consider when deciding on the make-up of a Hearing Panel**

When choosing a Hearing Panel it is recommended TMoK consider a balanced mix of skills, knowledge and/or experience in relation to the Kaituna River and also skills and experience relevant to running fair and effective hearings to make informed decisions.

There are a number of TMoK members who are accredited through the Making Good Decisions programme run by Ministry for the Environment. While this is a programme for RMA decision makers, the skills are transferable to considering and making decisions on the river document.

Any potential for a conflict of interest arising should also be considered before deciding on the make-up of a Hearing Panel.

### **4.4 Other matters to consider providing direction to staff on**

- Style and format of hearing
  - Iwi friendly – ability to speak in te reo if requested
  - Location of hearing
- Deliberations/recommendations/decision making
  - Further process for the recommendations/decision making can be provided to TMoK at the next meeting once a decision is made on the type of hearing panel to be established.
  - Staff will need direction from TMoK as to how they would like to run recommendations/decision making and the extent of staff involvement required for the summary of submissions, timing of any preparation of staff recommendations (before or after hearing submissions), drafting of decisions report and amendments to the document.

## **5 Budget implications**

Administration costs primarily relate to staff publicly notifying the proposed document, receiving, acknowledging and summarising submissions, organising and holding of a hearing and preparing staff recommendation report(s) and any extra meeting/s required for deliberations. These costs will be met by BOPRC as part of its administrative support. Costs also include those associated with publicly advertising the proposed document.

Optional extras chosen, both in terms of engagement and also the hearing and deliberation process may require a review of the 2016/17 approved budget.

## **6 Next steps after approval of the document**

Approval of the final river document is the trigger for when councils must recognise and provide for the vision, objectives and desired outcomes of the river document

when making changes to their RMA planning documents and take them into account if relevant when making decisions under the LGA.

Once the river document is approved TMoK's focus moves from preparing and approving the document to its broader functions set out in s116 of the Act. These include: monitoring and implementing its effectiveness of the document, supporting the integrated and collaborative management of the river, working with local authorities and Crown agencies that exercise functions in relation to the Kaituna River, facilitation of the participation of iwi in the management of the river.

Options for developing an action plan for implementing the Kaituna River Document are outlined in the previous paper.

Jo Watts  
**Senior Planner**

**for Water Policy Manager**

**8 February 2017**

# **APPENDIX 1**

## **Stage 2 Engagement plan**





<b>Stage 2: Engagement Plan</b>  <b>Notification of the Proposed Kaituna River Document (Updated 2 February 2017)</b>	
<b>Objectives:</b> <ul style="list-style-type: none"> <li>To notify the proposed river document prior to 27 May 2017(date dependant on decision about timing of developing an action plan)</li> <li>Tangata whenua and the wider community understand the vision, objectives and outcomes, and have ample opportunity to make submissions that help Te Maru o Kaituna (TMoK) develop the final approved document.</li> <li>TMoK consider all feedback received – including video and audio (oral) submissions</li> </ul>	
<b>Key stakeholders:</b> <ul style="list-style-type: none"> <li>TMoK members and alternates</li> <li>Tangata whenua</li> <li>Recreational users</li> <li>Wider Kaituna community</li> <li>Local industry &amp; sectors</li> <li>Government agencies (local and national level)</li> <li>Infrastructure providers</li> </ul>	
<b>What</b>	<b>Who</b>
<b>Statutory Requirements:</b>	
Public notice	<ul style="list-style-type: none"> <li>Staff to prepare and book</li> </ul>
Written, electronic and video submissions welcomed in English or Te Reo	<ul style="list-style-type: none"> <li>Staff to coordinate</li> </ul>
A letter and/or email to everyone who provided feedback in the Stage 1 Engagement process plus key stakeholders (over 100 contacts on our mailing list).	<ul style="list-style-type: none"> <li>Staff to prepare and send on behalf of Chair</li> <li>Chair to approve</li> </ul>
<b>Other planned activities:</b>	
<b>Communications from the Chair:</b> Letters/emails/notices/panui/media release/social media updates to go direct to key and relevant hapū/iwi, stakeholders and community groups.	<ul style="list-style-type: none"> <li>Staff to prepare and send on behalf of Chair</li> <li>Chair to approve</li> <li>TMoK members to circulate to their networks and respective constituents</li> </ul>
<b>Meetings with stakeholders and community groups:</b> On request only eg. Kaituna Community Board, Maketū Community Board, Te Puke Business Network	<ul style="list-style-type: none"> <li>TMoK members (supported by staff), if invited, could attend meetings</li> <li>Staff to provide materials and resources where available</li> </ul>
<b>Independent hapū/iwi/stakeholder hui:</b> Te Maru to hold hui with their respective constituents.	<ul style="list-style-type: none"> <li>TMoK members (supported by staff), if invited, could attend meetings</li> <li>Staff to provide materials and resources where available</li> </ul>



## **APPENDIX 2**

### **Pros and Cons of hearing and deliberation options**



## Pros and cons of hearing and deliberation options

The following tables outline the pros and cons of holding a hearing or otherwise and also the pros and cons of different types of hearing panels for Te Maru's consideration.

<b>Not holding a hearing</b>
<p>The pros of not holding a hearing could be seen as speeding up the decision making process.</p> <p>The cons or risks to consider of not holding a hearing are:</p> <ul style="list-style-type: none"> <li>• Providing less opportunity to seek clarification from submitters about issues raised;</li> <li>• Providing less opportunity for various parties including the hearing panel to listen and understand different points of view; and</li> <li>• A perception by some that Te Maru is not listening or fully understanding of various points of view.</li> </ul>
<b>Holding a hearing</b>
<p>While the cons of holding a hearing may be seen as taking more time in the decision making process and an unnecessary expense, so long as not too many people wish to be heard and Te Maru choose a relatively informal hearing process, it is anticipated a small hearing could be held at Te Maru's meeting following the close of submissions.</p> <p>The pros of holding a hearing include:</p> <ul style="list-style-type: none"> <li>• Providing submitters an opportunity to speak at a hearing allows the hearing panel to ask questions of clarification;</li> <li>• Assisting submitters with a greater understanding of the purpose of Te Maru and the document;</li> <li>• Encouraging inclusive participation which may increase ownership &amp;/or buy in of the final version of the document;</li> <li>• Allowing the opportunity for clear communication to whānau, hapū, iwi and community about Te Maru o Kaituna making the final decision.</li> <li>• Providing people opportunity and adequate time to participate in the development of the document</li> </ul> <p>Cons or risks to consider are:</p> <ul style="list-style-type: none"> <li>• Hui fatigue as Te Maru look to engage with iwi on what may be perceived are the same 'water issues' being discussed in other forums such as plan change 9 &amp; 12</li> <li>• making sure the timing and location of any hearing suits submitters.</li> </ul>

Overview of hearing panel type	Pros and cons
<p><b>Independent accredited hearing commissioners</b></p> <p>Te Maru could appoint one or more independent commissioners to hear and make recommendations on submissions to Te Maru. Te</p>	<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>• Can appoint specialist expertise in relevant area such as freshwater, iwi resource management and/or hearing experience</li> <li>• Robust independent recommendation where there may be a perceived or actual conflict of interest</li> <li>• Reduces time Te Maru members would need to commit to hearing and making recommendations</li> </ul>

<p>Maru would consider the recommendation and make its decision.</p>	<p>on submissions. Time would be limited to considering the recommendation and making any changes considered necessary</p> <p>Cons</p> <ul style="list-style-type: none"> <li>• Depending on number of commissioners and experience can be costly</li> <li>• Removes Te Maru from the hearing and recommendation of submissions process which may be perceived as a lack of ownership of the process</li> </ul>
<p><b>Small Hearing Panel</b></p> <p>Te Maru could establish a hearing panel made up of a small number of Te Maru member and delegate the hearing of submissions, make of recommendations on matters raised in submissions and any suggested amendments to the document. Te Maru would consider the recommendation and make its decision.</p>	<p>There are no set number of people that must be on a hearing panel. In this case factors to consider include:</p> <ul style="list-style-type: none"> <li>• making sure there is an even distribution of iwi and council members honouring the intent of the co governance forum.</li> <li>• Te Maru being satisfied that the chosen panel reflects a balanced mix of skills, knowledge and/or experience in relation to the Kaituna River.</li> <li>• Whether Te Maru would appoint the chairperson or leave that for the Hearing Panel to decide.</li> </ul> <p>Pros</p> <ul style="list-style-type: none"> <li>• Reduces time Te Maru members would need to commit to hearing and making recommendations on submissions. Time for the whole of Te Maru would be limited to considering the recommendation and making any changes considered necessary</li> <li>• Submitters may feel more comfortable speaking to a smaller hearing panel – (Could be two or four members as compared with a full eight member panel)</li> <li>• A more informal style of hearing can be achieved where the chairperson of the panel can decide what will work best once it is determined the scope of issues people would like to be heard on. For example: Each submitter could be given 5-10mins to speak one after the other with any questions of clarification from the panel after each submitter. Or alternatively all submitters with an interest in a particular topic could have their say on that matter with a more discussion style hearing occurring. This model would need to be understood by submitters and managed by the chairperson so everyone stuck to their submission points and all felt they had a fair say. Benefits could be a more relaxed and open minded format which may be more appropriate to the preferences and needs of the submitters.</li> <li>• Possible reduced costs when compared to engaging independent commissioners or having the full Te Maru membership as a hearing panel.</li> </ul> <p>Cons</p>



	<ul style="list-style-type: none"> <li>• Hearing panel makes recommendations for Te Maru's consideration and decision.</li> <li>• A perception by some that they aren't represented by the hearing panel</li> </ul>
<p><b>Full Te Maru Hearing Panel</b> make up the hearing panel. All 8 members – 4 iwi and 4 council representative</p> <p>Te Maru members make decisions on all submissions and any amendments to the document in response to submissions.</p>	<p>Pros</p> <ul style="list-style-type: none"> <li>• No need to recommend decisions but can make decisions</li> <li>• All iwi representatives and councils hear all submissions and participate in all decisions providing a high level of ownership and buy in of the document.</li> </ul> <p>Cons</p> <ul style="list-style-type: none"> <li>• All members will need to commit to being available for hearing and deliberations.</li> <li>• Submitters may feel uncomfortable coming to speak to the whole committee.</li> <li>• The style of the hearing may need to be more formal and questions limited to a couple from the panel</li> </ul>



**Receives Only – No Decisions**



**Report To:** Te Maru o Kaituna River Authority

**Meeting Date:** 16 February 2017

**Report From:** Chris Ingle, General Manager, Integrated Catchments

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## **Integrated Catchments Report to 8 February 2017 - Kaituna - Maketu - Pongakawa Water Management Area**

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### **Executive Summary**

The Kaituna Integrated Catchment Management Activity in the 2015-25 Long Term Plan of Bay of Plenty Regional Council provides funding and resources to implement the key actions identified in the Kaituna River and Ongatoro / Maketu Estuary Strategy (2009), and related Council priority works. This report outlines the current operational work carried out by Kaituna Catchments Team in the year to date and provides a brief update on other Council operations.

### **Recommendations**

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

- 1 Receives the report, Integrated Catchments Report to 8 February 2017 - Kaituna - Maketu - Pongakawa Water Management Area;**
- 1 Kaituna River Re-diversion and Te Awa o Ngatoroirangi / Maketu Estuary Enhancement Project**

Since last reporting to Te Maru o Kaituna River Authority in September 2016, Council has completed the acquisition of all 45 hectares of land required for the Project, including 31.1 hectares now known as Te Paika formerly owned by Mr Alan Brain.

Five firms have been short-listed for the construction of the project. These are Waitohi Contractors, J Swap, Hawkins, HEB Construction and Fulton Hogan. The detailed design drawings, specifications and tender documents are 95% finalised now and will be issued to the short-listed firms in March for their tender responses. Tenders evaluations and contract negotiations will take place during April/May with a view to the main construction works commencing in September. The construction period is expected to be 15 – 18 months.

In the meantime, three tasks have been separated from the main construction works contract and these will be undertaken from late March. The tasks are:

1. Construction of a wooden foot and ATV bridge linking Papahikahawai to Maketu Spit
2. Re-contouring of Papahikahawai southern shoreline and re-planting with natives
3. Removal of two causeways blocking Papahikahawai Creek

Staff have engaged with stakeholders over the past few weeks in preparation for these works.

## **2 Biodiversity**

Since our last report, work has focussed on weed control within Whakapoukorero wetland and a hydrological assessment to determine the optimal connections and water flow regime for biodiversity. This includes consideration of how best to provide for fish passage into and through the wetland.

Other sites managed with partners under Biodiversity Management Plans include Dotterel Point at Pukehina, Waihi Estuary Wildlife Management Reserve, Maketu Spit, Papahikahawai Island, Te Pourepo o Kaituna wetland restoration work, the Ottawa Frog project and other smaller projects in the catchment.

## **3 Sustainable Land Use and Water Quality**

Since 1 July 2016 a total of 9.8km of waterway margin has been protected through Environmental Programme agreements between landowners and Council, and a further 18km is in the process of being protected. We expect to reach our target of 31km by 30 June 2017.

## **4 Coast Care**

Every two years Council carries out a “Rapid Coastal Inventory” to assess the progress being made on various sand dune restoration projects under the Coast Care programme. This assessment is currently underway and will provide a snapshot of dune health now, and information on trends going back to 2008.

## **5 Rivers and Drainage**

Council’s Rivers and Drainage team have been carrying out summer maintenance work on the scheme’s assets. Work has also begun on an “Options Assessment” considering how and where to replace the pumping and gravity drainage provided by the Ford Rd Pump Station, especially considering the implications of the Kaituna River Re-diversion. It seems likely that it will not be replaced exactly as it is in the same location.

## **6 Consents**

Council has received an application from Pukepine seeking new resource consents to discharge treated stormwater to Factory Drain, which leads to the Ohineangaanga Stream and then on to the Kaituna River. This application will be publicly notified shortly so any person can make a submission.

Western Bay of Plenty District Council has lodged an application for new consents to discharge treated wastewater from Te Puke to the Waiari Stream. This is currently being reviewed. It will likely be publicly notified with a joint hearing considering both Te Puke and Katikati's wastewater consent applications to follow.

AFFCO holds consents to take water from the Kaituna and to discharge treated wastewater back to the river. These expire soon, so AFFCO is currently working with key stakeholders prior to lodging its application for new consents. At this stage staff do not know any timeframes.

Pim De Monchy  
**Kaituna Catchments Manager**

**for General Manager, Integrated Catchments**

**8 February 2017**

