

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 **The Council Chamber, Rotorua Lakes Council, Civic Administration Building, 1061 Haupapa Street, Rotorua** on:

Wednesday, 14 June 2017 commencing at 10.30 am.

Morning tea will be provided for members at 10 am with the meeting to start at 10.30 am.

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

7 June 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

Chairperson:	D Flavell (Tapuika Iwi Authority Trust)
Deputy Chairperson:	Councillor A Tahana (Bay of Plenty Regional Council)
Appointees:	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)
Attendees:	M Horne (Alternate Observer, Te Komiti Nui o Ngati Whakaue), R Pou Poasa (Observer, Te Komiti Nui o Ngati Whakaue)
Committee Advisor:	R Garrett

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

6.1 Te Maru o Kaituna River Authority minutes - 16 May 2017 (rescheduled from 13 April 2017)

13

7 Reports

7.1 Options : Scope of Ngāti Whakaue on Te Maru o Kaituna, Kaituna River Authority	21
7.2 Kaituna River Document Update (<i>late report to be tabled</i>)	
7.3 Groundwater resources in the Kaituna catchment	25
7.4 Resource Consenting and Water Allocation	31
7.5 Freshwater Update	37
7.6 Rotorua Lakes Council: Waste Water Treatment Plant Update - presentation	
7.7 Report to Te Maru o Kaituna River Authority - Te Tumu Structure Plan and Rezoning Project	43
7.8 Kaituna Catchments Operations Update - presentation	
7.9 Updates from Members	

8 Consideration of General Business

9 Closing Karakia

Previous Minutes

Minutes of the Te Maru o Kaituna River Authority Meeting held in Taheke (Opatia) Marae, 119 Okere Falls Road, Okere Falls, Rotorua on Tuesday, 16 May 2017 commencing at 9.30 a.m.

Present:

Chairman: D Flavell (Tapuika Iwi Authority Trust)

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

Appointees: Councillor K Marsh (Western Bay of Plenty District Council), Councillor J Scrimgeour (Alternate, Western Bay of Plenty District Council), S Morris (Tauranga City Council), M Tapsell (Tapuika/Waitaha), H Maxwell (Alternate, Tapuika/Waitaha), H Paul (Te Pumautanga o Te Arawa), P Thomas (Alternate, Te Pumautanga o Te Arawa), P Callaghan (Alternate, Tapuika Iwi Authority Trust), R Hancock (Alternate, Ngati Rangiwewehi), N Chater (Alternate, Lakes Community Board)

In Attendance: M Pene (Te Komiti Nui o Ngāti Whakaue), P Tangohau (Chairperson, Te Komiti Nui o Ngāti Whakaue); BOPRC: Councillor K Winters, A Vercoe (Maori Policy Team Leader), C Koopu (Maori Policy Advisor), D Llewellyn (Legal Specialist), J Watts (Policy Analyst), K O'Brien (Strategic Engagement Manager), N Poutasi (Water Policy Manager), N Moore (Committee Advisor), P Howe (Senior Advisor (Treaty)), P de Monchy (Kaituna Catchments Manager), R Garrett (Committee Advisor); Rotorua Lakes Council: J Riini (Partnership Advisor), E Jonker (Senior Policy Advisor, Strategy), J Stanton (Rotorua Lakes Community Board); WBOPDC: C Nepia; J Fitter (Maketū Ongatoro Wetland Society, Kaituna Freshwater Futures Group); B Roderick; G Ford; P Tapsell.

1 Apologies

Resolved

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

1 Accepts the following apologies tendered at the meeting:

G Mohi, R Pou Poasa, T Molloy, J Nees, T Tapsell, M Horne, M McDonald, E Grogan.

**Marsh/Tahana
CARRIED**

2 Chairperson's announcement

The Chairman informed the meeting that Agenda item 7.5: Rotorua Lakes Council – Wastewater Treatment Plant Update had been deferred to the June meeting of Te Maru o Kaituna River Authority.

3 General Business and Tabled Items

The following items were tabled:

Tabled Document 1	Agenda Item 7.3	Te Komiti Nui o Ngāti Whakaue letter to Te Maru o Kaituna 10 April 2017
Tabled Document 2	Agenda Item 7.3	Letter from Raewyn Bennett to Te Maru o Kaituna 15 May 2017

4 Declaration of conflicts of interest

No conflicts of interest were declared.

5 Te Maru o Kaituna River Authority minutes - 16 February 2017

Resolved

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

- 2 Confirms the Te Maru o Kaituna River Authority minutes, 16 February 2017

Tahana/Morris
CARRIED

6 Reports

6.1 Approval of the Proposed Kaituna River Document for Public Notification

Refer PowerPoint presentation Obj reference: A2586850

Water Policy Manager Namouta Poutasi, Māori Policy Team Leader Anaru Vercoe and Senior Planner Jo Watts presented this report which sought formal approval from members to proceed with public notification of the Proposed Kaituna River Document ***Kaituna, he taonga tuku iho – a treasure gifted to us***. Ms Poutasi summarised the process to date and outlined the different documents involved in notification.

Members noted the change to the cover page which highlighted the document as a Te Maru o Kaituna River Authority document not a Bay of Plenty Regional Council document; and made various suggestions regarding design and graphics. Members

agreed to hold a workshop to give direction on the design elements of the document before the final approved document is printed.

Staff advised that due to this meeting being rescheduled from 13 April, the date for public notification of the document was now 27 May 2017.

Resolved

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

- 1 Receives the report, Approval of the Proposed Kaituna River Document for Public Notification;**
- 2 Approves the Proposed Kaituna River Document *Kaituna, he taonga tuku iho – a treasure gifted to us* for public notification pursuant to section 126 of the Tapuika Claims Settlement Act 2014.**
- 3 Notes that public notification is planned for 27 May 2017, with a submission period of 40 working days.**
- 4 Authorises the Chairman of Te Maru o Kaituna River Authority to make minor editorial and formatting changes for the purposes of graphic design and publishing in order to prepare a version of the Proposed Kaituna River Document *Kaituna, he taonga tuku iho – a treasure gifted to us* for public notification on 27 May 2017.**

Tahana/Hancock
CARRIED

6.2 Approval of the Engagement and Communications Plan for the proposed Kaituna River Document

Refer PowerPoint presentations Obj references: A2586850 and A2607604

Māori Policy Team Leader Anaru Vercoe and Senior Planner Jo Watts updated members on the engagement and communications process around the notification of the proposed Kaituna River Document and sought approval from members for the suggested Engagement and Communications Plan. Mr Vercoe outlined the proposed engagement process, methods and timeline; and noted that, with the notification date being 27 May 2017, the submission period would close on 24 July 2017. Staff would prepare a summary of submissions as well as all submissions being available to members. Mr Vercoe clarified that the notification and consultation process being followed was not a Resource Management Act process but a process under the Tapuika Claims Settlement Act 2014.

Members asked for clarification around proposed engagement with landowners adjacent to the river, both tribal and non-tribal. Staff agreed to include a mail-out to all adjacent landowners in the engagement process and to investigate further rural delivery mail-outs to ensure all interested landowners were reached.

Members congratulated staff on their hard work getting the River Document to its notification and engagement stage.

Resolved

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

- 1 Approves the Engagement and Communications Plan for the proposed Kaituna River Document

Tahana/Morris
CARRIED

6.3 Confirmation of Ngāti Whakaue relationship with Te Maru o Kaituna River Authority

Refer Tabled Documents 1 and 2.

Chairman Dean Flavell addressed the members regarding this report and the relationship of Ngāti Whakaue with Te Maru o Kaituna River Authority, and outlined the available two options for Ngāti Whakaue membership status. Mr Flavell surveyed the members and determined that there was consensus among members that Ngāti Whakaue be invited to become an informal voting member of Te Maru o Kaituna River Authority rather than retain observer status only. Mr Flavell noted that the Ngāti Whakaue entity that takes up the membership and the representative who sits at the table was up to Ngāti Whakaue to decide and was not the business of Te Maru o Kaituna River Authority; and also noted that the scope of the informal voting membership would be addressed at the next Te Maru o Kaituna River Authority meeting. Regional Council Legal Counsel Donna Llewellyn provided clarification for members regarding possible options for scope for the Ngāti Whakaue membership.

Mr M Pene and Ms P Tangohau thanked members for their consideration of this matter and their support for Ngāti Whakaue.

Resolved

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

- 1 Receives the report, Confirmation of Ngāti Whakaue relationship with Te Maru o Kaituna River Authority; and
- 2 Invites Ngāti Whakaue to become an “informal voting member” of Te Maru o Kaituna River Authority.

Marsh/Tahana
CARRIED

Attendance

Councillor S Morris left the meeting at 12 noon.

6.4 Freshwater Futures Update

Refer PowerPoint presentation Obj reference: A2586850

Water Policy Manager Namouta Poutasi updated members on national and regional activity and decisions within the Freshwater Futures programme since the last Te Maru

o Kaituna River Authority meeting, and explained how the proposed Kaituna River Document *Kaituna, he taonga tuku iho – a treasure gifted to us* interacts with those activities.

A discussion was held around the implications of the government's *Clean Water* consultation document, particularly regarding the swimmability targets. Members asked for clarification about which water bodies in the Kaituna catchment would be included in the "fourth order" category; staff explained the definition of "fourth order", noted that most Kaituna River tributaries would not be considered "fourth order" and therefore would not be included in the government's swimmability targets, and also noted the importance of addressing these tributaries through the Kaituna River Document.

Members expressed concern about the consultation being undertaken regarding the development of Water Management Areas and the progression of Plan Change 12. Members emphasised that iwi consultation should be explicit and targeted with iwi as statutory stakeholders and not confined to iwi representation on community groups. Staff confirmed that iwi had been contacted in March regarding appropriate engagement and that they would follow-up to confirm engagement arrangements.

Members asked for clarification regarding the interaction between the Kaituna River Document and the various plan processes. It was noted that there are multiple documents and mechanisms in the freshwater area that will affect the Kaituna River, but that it was not possible for one document to capture all processes. Staff highlighted the importance of the timing of approval of the Kaituna River Document, in that it will be the only document of standing for some time and will inform other processes such as Plan Changes 9 and 12.

Attendance

H Maxwell and P Callaghan left the meeting at 12.30pm and returned at 12.30pm.

Resolved

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

- 1 Receives the report, Freshwater Futures Update.**
- 2 Notes changes to the plan change 12 timeline, key resource management issues for the Kaituna River, reconfirmation of the 'involve' approach to engagement and invitation to iwi about preferred option/s for engagement.**

**Flavell/Tahana
CARRIED**

6.5 Membership Update

Committee Advisor Robyn Garrett updated members regarding the expiry of current three-year member appointments and the requirements of re-appointment, and advised that iwi members should consult with their appointing organisations and confirm their representatives to Te Maru o Kaituna River Authority. Ms Garrett also noted that the office of Chairperson is also due for reappointment in July 2017.

Resolved

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

1 Receives the report, *Membership update*

**Flavell/Paul
CARRIED**

6.6 Kaituna Catchments Operations Update

Refer PowerPoint presentation Obj reference: A2626253

Kaituna Catchments Manager Pim de Monchy updated members regarding recent Council activities in the Kaituna catchment. Mr de Monchy outlined the impact of recent flood events on the Kaituna River and the catchment and answered questions from members regarding operation of the Okere gates and flood management services provided by Council. Mr de Monchy also briefly outlined the requirements around drain water quality and summarised options available to improve quality of drain discharges; and updated members on progress with the re-diversion project.

7 Updates from members

No updates were provided.

The meeting closed with a karakia at 1.20pm.

Reports

Report To: Te Maru o Kaituna River Authority

Meeting Date: 14 June 2017

Report From: Eddie Grogan, General Manager, Regulatory Services

Options : Scope of Ngāti Whakaue on Te Maru o Kaituna, Kaituna River Authority

Executive Summary

The purpose of this report is to provide scope options for Te Maru o Kaituna to consider and decide in relation to the current informal voting membership status of Ngāti Whakaue, until formal membership status is conferred through settlement of Ngāti Whakaue's Treaty negotiation process.

Members of Te Maru o Kaituna River Authority unanimously decided to invite Ngāti Whakaue to become an "informal voting member" at the Te Maru o Kaituna Hui held on 16 May 2017 at Taheke (Opatia) Marae.

Three possible scope options are provided for Te Maru o Kaituna River Authority to consider and decide:

- (a) Limited membership
- (b) 'Middle' membership
- (c) Full membership

Each scope option and their implications and risks for Te Maru o Kaituna River Authority and Ngāti Whakaue are presented to help Te Maru o Kaituna River Authority form an appropriate decision.

Recommendations

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

- 1 Receives the report, Options : Scope of Ngāti Whakaue on Te Maru o Kaituna, Kaituna River Authority.**
- 2 Select one of the three membership options presented in this report.**

1 Background

At the Taheke (Opatia) Marae Hui held on 16 May 2017, members unanimously decided that Ngāti Whakaue be invited to become an “informal voting member” of Te Maru o Kaituna River Authority. This decision was consistent with the advice of Hon Christopher Finlayson (Minister of Treaty of Waitangi Negotiations) that, provided there was consensus of all members of the Authority, the Minister would have no dealings or objections to Ngāti Whakaue having an informal voting member status.

Members appreciated that this informal voting member status would be temporary and an interim step until formal membership can be confirmed by Ngāti Whakaue’s Treaty settlement negotiations and legislation (which is the only mechanism for formalising full and legal voting membership for Ngāti Whakaue with Te Maru o Kaituna River Authority). Members also considered that, at this point in time, the relevant entity to provide its informal voting member would be via Te Komiti Nui o Ngāti Whakaue.

Members resolved to seek the views of their respective appointing authorities and to be further informed by this report to decide and affirm the scope of Ngāti Whakaue’s informal voting member status on Te Maru o Kaituna River Authority.

2 Scope Options

Regional Council staff acknowledge that it would not be appropriate to make any particular recommendation on scope, and that the decision on Ngāti Whakaue informal voting member status is ultimately for the discretion of current members, in keeping with normal voting procedures of the Authority.

This report outlines three (3) possible options to inform the members’ deliberations:

(a) ‘Limited’ Membership

Voting rights would be aligned to the completion of all processes for the Kaituna River Document’s final approval and publication

This option is consistent with the original request and concerns of Ngāti Whakaue about lack of engagement and recognition of their mana in the process of developing the Kaituna River Document. It would include all matters going forward following public notification of the draft document with submissions, hearings, engagements, decision-making and final approval of the Kaituna River Document. The option respects the co-governance framework established under Tapuika’s settlement legislation, whilst maintaining the flexibility for future Ngāti Whakaue representation via their own historical claims settlement. This limited membership status would lapse with final approval and publishing of the Kaituna River Document, and following that, Ngāti Whakaue would resume their current observer status with the Authority. Given the timeframes for completion of the document, there may be a possibility of that not occurring together with Ngāti Whakaue’s Treaty settlement formalising their membership.

(b) ‘Middle’ Membership

Voting rights would be aligned with all processes for the Kaituna River Document set out above, but include all non-constitutional and non-financial business of Te Maru o Kaituna River Authority.

This option recognises the position and relationship of Ngāti Whakaue to the river but at the same time provides some balance because, if they are currently not formally or legally a member of the Authority, then it would not be appropriate for their member to vote on such matters as nominating or voting for Chairperson or other officers of the Authority, the establishment of a sub-committee, or deciding on the application or priorities for financial resources of the Authority. This status would continue past the approval and publishing of the Kaituna River Document, and if desirable, could be periodically reviewed by the official members, but would automatically terminate with affirmation and formal membership from Ngāti Whakaue's Treaty settlement legislation.

(c) 'Full' Membership

Voting rights would be consistent with all other members of Te Maru o Kaituna River Authority across all of the Authority's business.

This option may be spurious because it would involve exercising full voting membership rights without a proper legal basis to do so. There may be risks of decisions made by the Authority being challenged or invalidated because a member does not have formal membership authority. The option could be seen to undermine Tapuika's settlement legislation; or it could be seen to be unfair that a particular group has acquired such status through different means (outside legislative requirements); and/or it could create expectations that other or additional representation (such as through other Iwi or community groups) could be achieved in this manner.

Membership with this status across all business of the Authority may need to recognise that the principles of equity and partnership are the foundation of the co-governance arrangements. This membership status also leads to the conclusion that the only viable measure to respect those principles would be to appoint the additional Bay of Plenty Regional Council member envisaged under Tapuika's deed of settlement clause 5.18.2, with corresponding "informal voting member" status. This status would similarly terminate with affirmation and formal membership from Ngāti Whakaue's Treaty settlement legislation (which will include the additional BOPRC member).

3 Scale of Issue

The decision of Te Maru o Kaituna River Authority may require the instigation of a process for the selection of a fourth Council representative on Te Maru, with a corresponding 'informal voting member' status, that would terminate once Ngāti Whakaue's Treaty Settlement legislation is passed and their status clarified. This process involves minimal financial risks.

4 Statutory Requirements

The decision to be made by Te Maru o Kaituna River Authority reflects the intent of the Resource Management Act, the Local Government Act (Section 14) and the Tapuika Claims Settlement Act 2014 to ensure appropriate levels of engagement of iwi with the Regional Council, and the right of the co-governance body to make decisions that support its vision and purpose.

5 Implications for Māori

The decision by Te Maru o Kaituna River Authority sets in train the possibility of slightly more substantial statutory iwi involvement in the care and responsibility for the

Kaituna River Document's implementation, depending on the status and increased influence of Ngāti Whakaue in that process. However, that would be balanced by the potential for an additional council member to be on Te Maru.

Providing respectful clarity on the place of Ngāti Whakaue as an informal member helps fulfil the intent of the Kaituna River Document as a statutory document. The successful conclusion of the option selection process may help set a positive precedent for the engagement of other co-governance bodies faced with similar issues relating to governance status and roles.

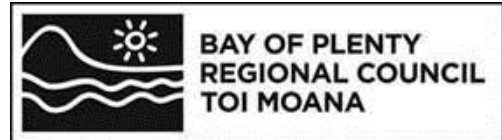
A key element in this process has also been ensuring there is clarity about the role that Te Komiti Nui o Ngāti Whakaue needs to play in the process.

Donna Llewellyn
In-House Legal Counsel

for General Manager, Regulatory Services

6 June 2017

Receives Only – No Decisions



Report To: Te Maru o Kaituna River Authority

Meeting Date: 14 June 2017

Report From: Fiona McTavish, General Manager, Strategy & Science

Groundwater resources in the Kaituna catchment

Executive Summary

Science information on groundwater systems is given in this report, with particular emphasis on the co-governance area of Te Maru o Kaituna. Note that the meeting agenda includes a separate report on the resource consent process, water allocation policy, and the implications of the proposed Region-wide Water Quantity Plan Change (Plan Change 9).

Groundwater can be thought of as stored rainfall. It exists in spaces between rocks and sediment and flows slowly through these materials both vertically and horizontally. There are seven main groundwater systems in the Te Maru o Kaituna co-governance area and these are based on geology. Most of these groundwater systems are unconfined, being connected to each other and to surface water bodies.

A network of groundwater bores are used to monitor the water levels of the groundwater systems over time. This data shows us the groundwater level during times of pumping stress (when groundwater is used) and times when the groundwater levels recover (not in use). This is to ensure that the groundwater systems are able to replenish before the next irrigation season or high-use period.

Most groundwater use in the Lower Kaituna plains area is from the unconfined groundwater systems. Allocation of groundwater resources is a concern for this area as the use of this resource could affect water flows in streams. While there is no evidence that this is occurring, the Lower Kaituna groundwater catchment is considered over-allocated when assessed against the proposed water allocation policy in Plan Change 9. This policy includes a conservative regional allocation limit for groundwater (35% of the average annual recharge) which is considered appropriate to protect the resource while more specific catchment based limits are developed.

Recommendations

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

- 1 Receives the report, Groundwater resources in the Kaituna catchment.**

1 Purpose

The purpose of this report is to provide science information on groundwater systems with particular emphasis on the co-governance area of Te Maru o Kaituna. This will be supported by a detailed presentation from science staff.

Note that this agenda includes a separate report on the resource consent process, water allocation policy, and the implications of Plan Change 9 (the proposed Region-wide Water Quantity Plan Change). Consents and Water Policy staff will be available to answer questions on that report.

2 What is groundwater?

Groundwater can be thought of as stored rainfall. It exists in spaces between rocks and sediment and flows slowly through these materials both vertically and horizontally.

Most groundwater infiltrates into the ground through soils and through the beds of waterbodies (e.g. streams, lakes). It typically flows through subsurface geological layers from areas of high altitude to areas of low altitude. This means that many groundwater systems are fed from the foothills and ultimately discharge to the sea. A simplified illustration of groundwater processes is given in Figure 1.

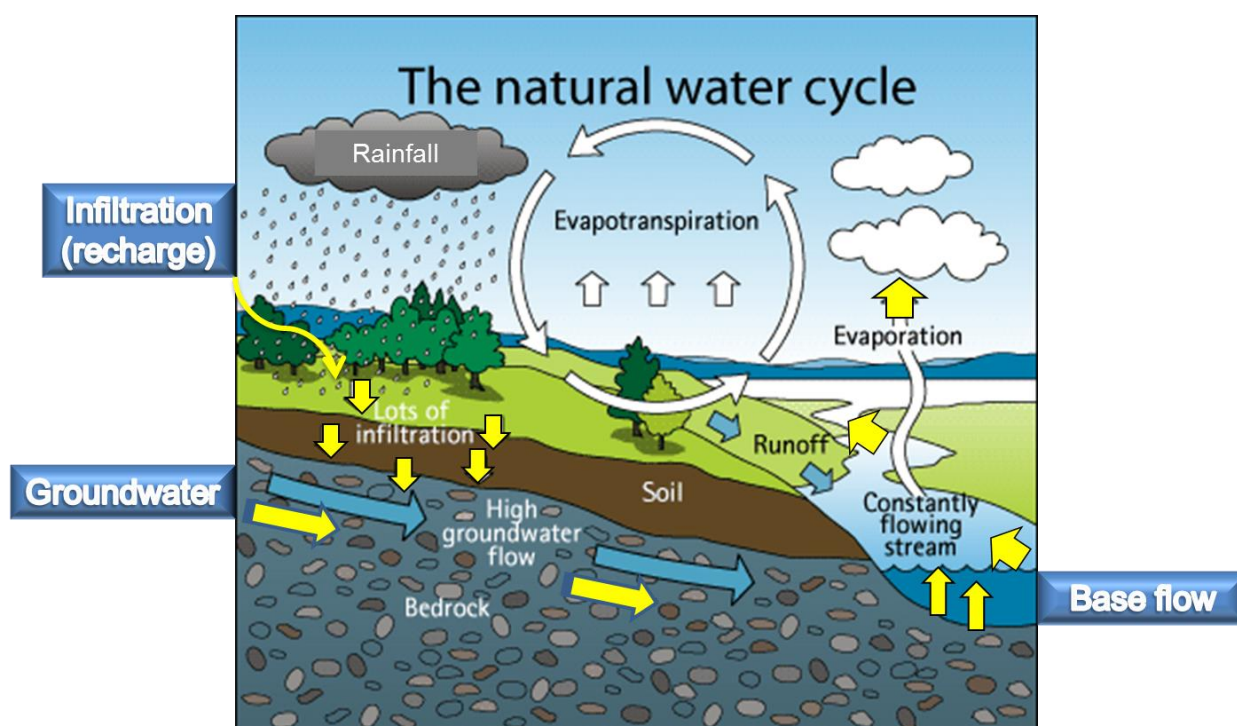


Figure 1: Groundwater processes and the water cycle.

The nature of groundwater systems is strongly influenced by their geology (see Figure 2). Groundwater systems that have a direct connection to surface water through permeable layers are referred to as unconfined. This means that groundwater can either be lost to the stream system (supporting stream base-flow), or can be replenished where stream flow infiltrates into groundwater.

Groundwater systems that have no direct connection to the overlying surface water because of the presence of an impermeable layer are referred to as confined. Artesian systems consist of confined groundwater that is under pressure

Groundwater can be extracted through a well, in simple terms this is a screened pipe in the ground that fills with groundwater. Water can be brought to the surface by a pump, or in the case of artesian systems the natural pressure forces the water up and out of the well.

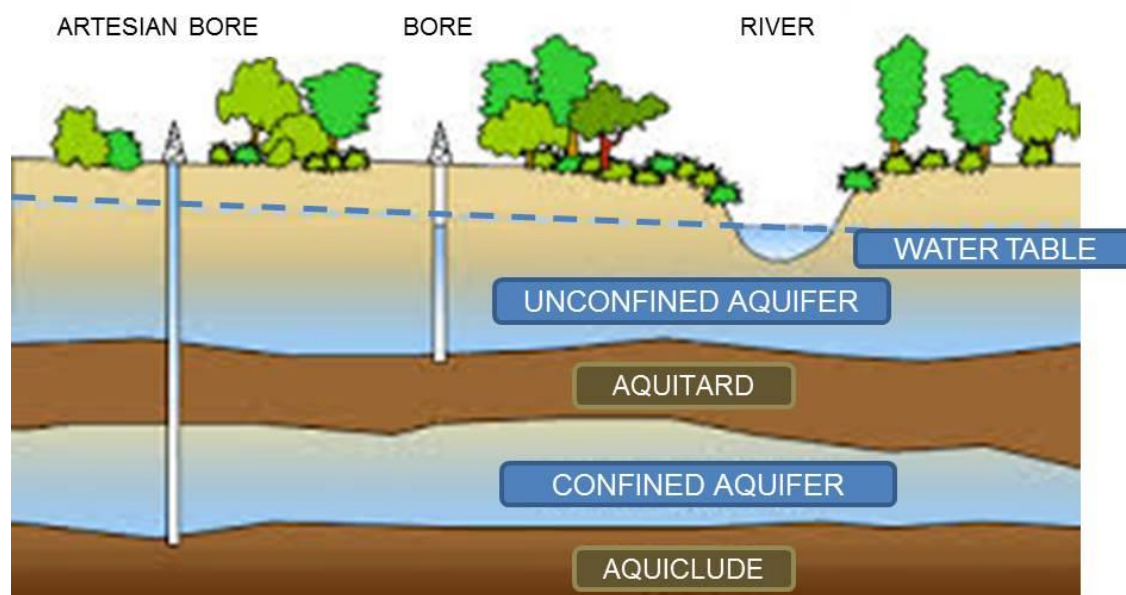


Figure 2: Influence of geology on groundwater.

3 Geology and major aquifers in the Kaituna

Seven main groundwater systems have been identified in the Te Maru o Kaituna co-governance area (Figure 3). These have been named after the following geological units that the groundwater systems occur in;

- Tauranga Group sediments
- Pleistocene sand and gravels
- Mamaku Formation
- Rotoiti Formation
- Whitianga Group
- Waiteariki Ignimbrite
- Aongatete Ignimbrite.

Most of these groundwater systems are unconfined, being connected to each other and to surface water bodies. The only systems that are considered to be confined (not connected to surface water) are in the Waiteariki Ignimbrite and the Aongatete Ignimbrite. These two deep systems are considered to be connected to each other.

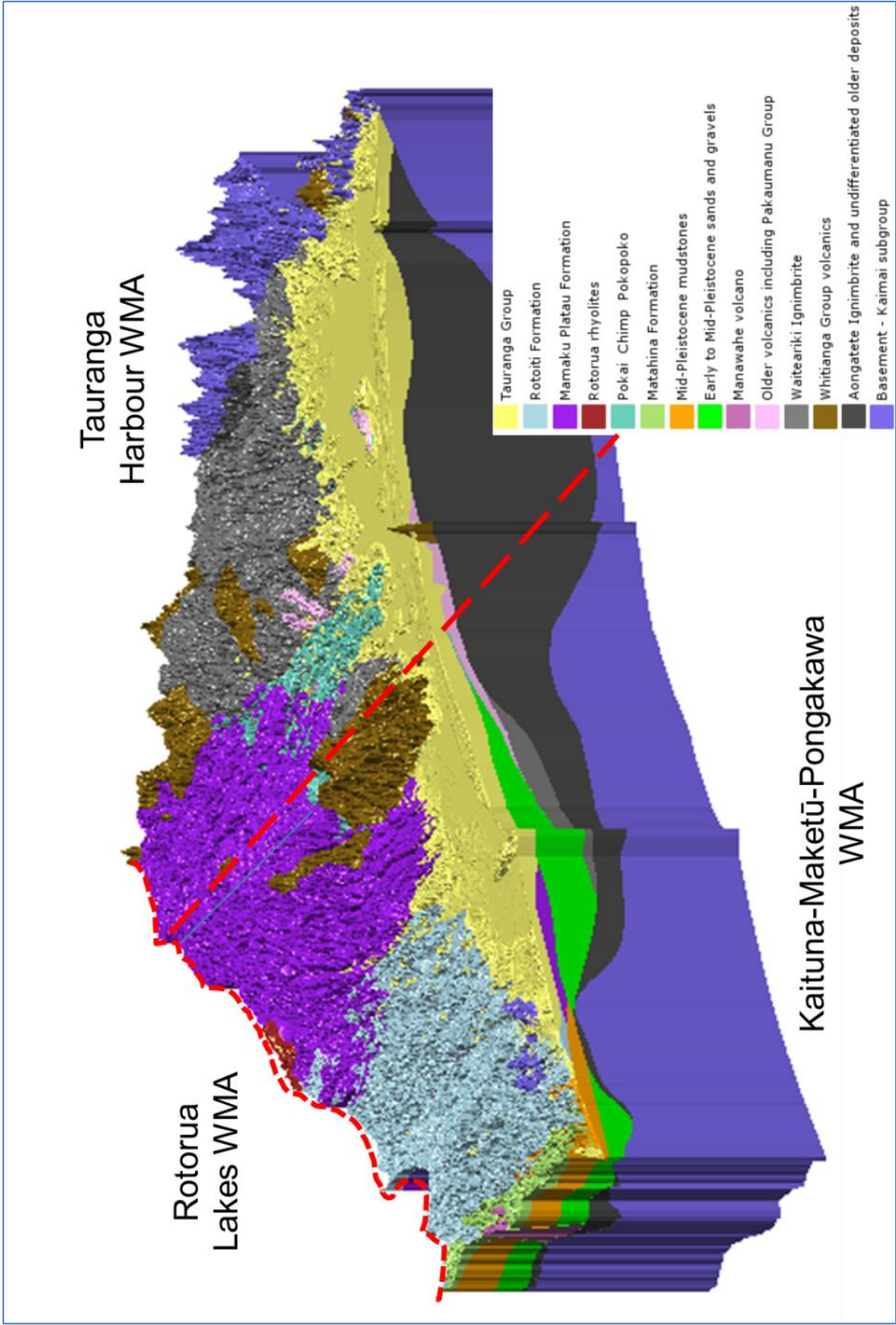


Figure 3: Geology of the Kaituna and neighbouring catchments

4 Groundwater monitoring

A network of groundwater bores are used to monitor the water levels of the groundwater systems over time (Figure 4). The data collected shows us the groundwater level during times of pumping stress (when groundwater is used) and times when the groundwater levels recover (not in use), see Figure 5. This is to ensure that the groundwater systems are able to replenish before the next irrigation season or high-use period.

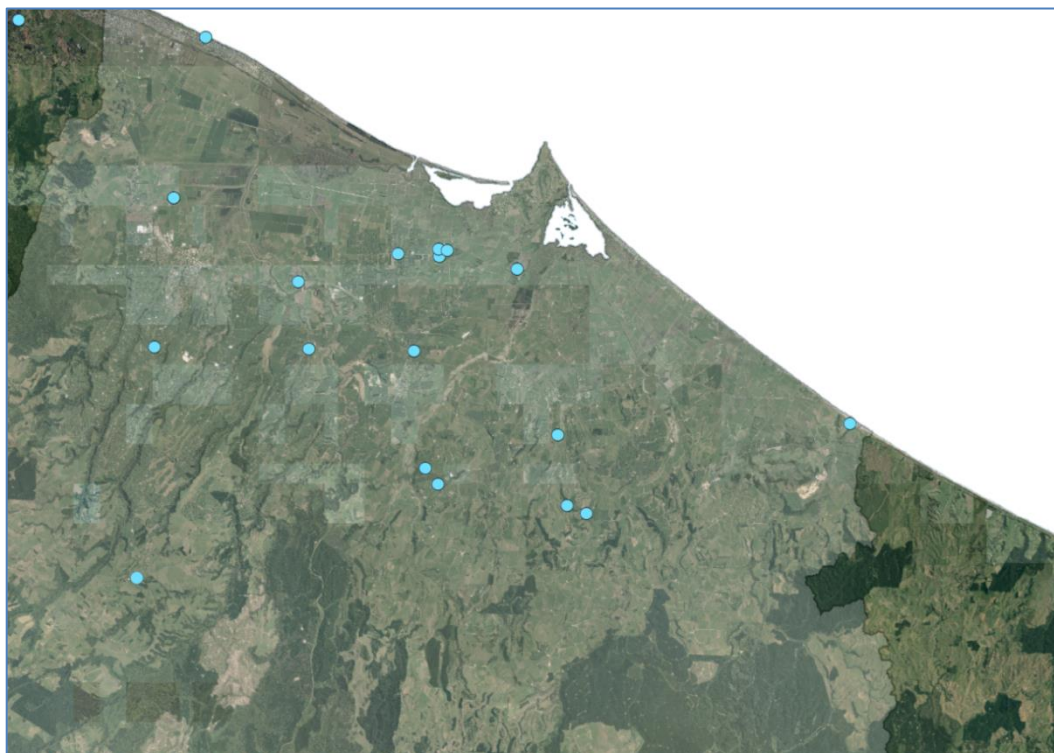


Figure 4: Groundwater monitoring bore locations in the Kaituna area.

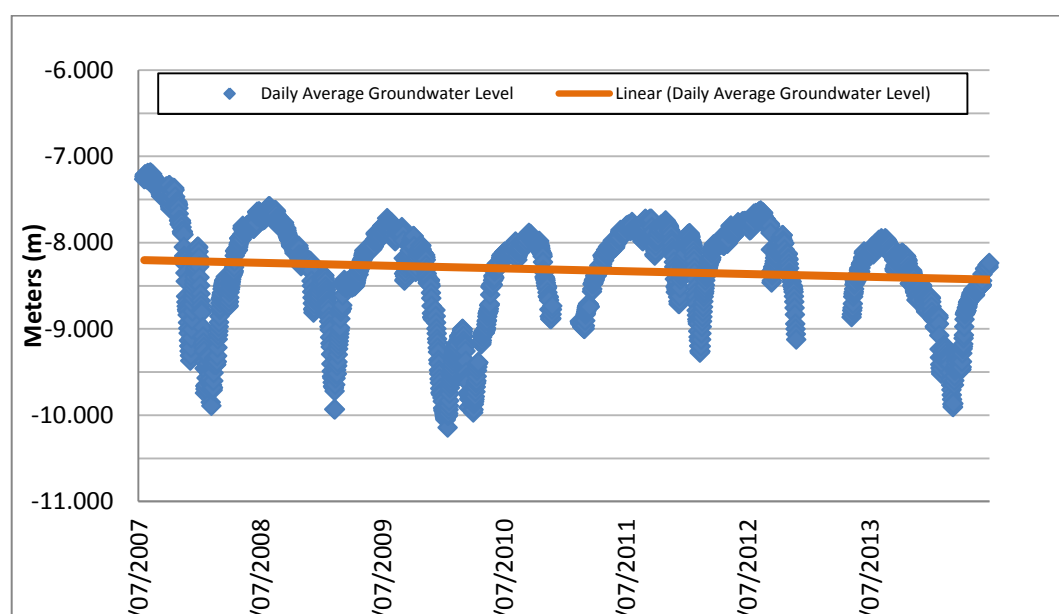


Figure 5: Example of a groundwater level data record.

5 Groundwater use and allocation

Most groundwater use in the Lower Kaituna plains area is from the unconfined groundwater systems, particularly from the Pleistocene sands and gravel and the Tauranga Group sediments. For water allocation purposes this system forms the Lower Kaituna groundwater catchment. In the hill country groundwater is generally sourced from the Mamaku Formation or the Rotoiti Formation.

Allocation of groundwater resources is a concern for the unconfined groundwater systems of the Lower Kaituna plains as use of this resource could affect water flows in streams. While there is no evidence that this is occurring, the Lower Kaituna groundwater catchment is considered over-allocated when assessed against the water allocation policy in Plan Change 9 (Region-wide Water Quantity Plan Change). This policy includes a conservative regional allocation limit for groundwater (35% of the average annual recharge) which is considered appropriate to protect the resource while more specific catchment based limits are developed.

A computer based groundwater flow model for this area is currently being developed to better understand the groundwater resource, potential effects of abstraction on stream flows, and to provide better management tools for allocation of groundwater resources.

6 Implications for Māori

Groundwater is integral to the health and well-being of the Kaituna River. The significance of this to Māori is well expressed in the Proposed Kaituna River Document which includes the following Desired Outcomes;

- c Aquifers are sustainably managed so that abstraction of groundwater does not compromise the objectives and desired outcomes for the Kaituna River.*
- d Damage to shallow aquifers and puna (springs) from over use of groundwater is avoided.*

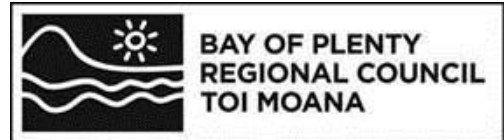
Science information and monitoring will assist in meeting these Desired Outcomes and this will be supported in the future through the use of Mātauranga Māori information.

Rob Donald
Science Manager

for General Manager, Strategy & Science

7 June 2017

Receives Only – No Decisions



Report To: Te Maru o Kaituna River Authority

Meeting Date: 14 June 2017

Report From: Reuben Fraser, Consents Manager

Resource Consenting and Water Allocation

Executive Summary

The abstraction of the Bay of Plenty's groundwater and surface water, with the exception of takes for domestic or stock water, requires a resource consent if the volumes exceeds that specified in the permitted activity rules of either the Bay of Plenty Regional Water and Land Plan or plan change 9 Region-wide Water Quantity. When considering applications for water abstraction the key considerations are: whether there is any allocable flow remaining, the ecological effects on surface water bodies, aquifer sustainability, the efficiency of the proposed use of the water, the effects on neighbouring bores, and effects on Māori values and the relationship of tangata whenua with the water or water body. These potential effects are all considered through the consenting process and are required to be adequately avoided, remedied or mitigated for resource consent to be granted.

Recommendations

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

- 1 Receives the report, Resource Consenting and Water Allocation;**

1 Introduction

There is a significant amount of policy work being done relating to the management of the Bay of Plenty's freshwater resource, including a region wide water quantity plan change (plan change 9), and value and limit setting for both water quantity and quality at a catchment by catchment scale as required by the National Policy Statement for Freshwater Management 2014. While this work is going on, applications continue to be received for the abstraction of water from our rivers, streams and aquifers.

This report outlines the current approach to processing resource consent applications for consumptive water abstraction, from groundwater and surface water, in the Bay of Plenty.

2 Current Rules

Section 14(3)(b) of the Resource Management Act 1991 provides the ability to abstract water for an individual's reasonable domestic and stock drinking needs without the need for a resource consent. For other uses of water, people are required to apply for a resource consent to take and use water if their use will exceed the limits of permitted activities identified in the Regional Water and Land Plan (RWLP) or plan change 9 Region-wide Water Quantity. The permitted activity volumes for taking water currently are:

- 15 cubic metres a day from a stream
- 15 cubic metres a day from a bore (property less than 5 hectares)
- 35 cubic metres a day from a bore (property 5 hectares or more)

A resource consent is required if these volumes are exceeded.

Water abstractions that are not permitted (resource consent required) as outlined above, are classified as a discretionary activity under the RWLP. Classifying these takes as discretionary activities means that Council can assess the effects of water takes on the environment on a case by case basis according to the objectives, policies and methods contained in the plan (and plan change). Council has the ability to grant or refuse consent applications for discretionary activities and has a broad ability to impose conditions on any resource consents that are granted.

3 Considering applications to take water

The first step when processing an application to take water is to determine whether there is any allocation remaining. The allocable flow is defined as:

- For surface waters the allocable flow is 10% of the Q5 7-day low flow; this is to meet the default in-stream minimum flow requirement in the RWLP which is 90% of the Q₅ 7-day low flow (this is the seven day low flow value which has a 20% probability of occurring in any one year).
- For groundwater the allocable flow is 35% of the annual average recharge (15% for coastal aquifers); this is from the Proposed National Environmental Standard on Ecological Flows and Water Levels and is proposed as a limited in the Regionwide Water Quantity plan change.

The main considerations when processing an application to take water are:

1. Ecological effects (surface water) – Generally, ecological effects are considered to be acceptable if the water body has allocation available as outlined above. If there is no allocation available, consent applicants are required to carry out site specific assessments to determine whether it is ecologically acceptable to allocate additional flow. The allocation limit is conservative, so sometimes it is possible to allocate additional flow without compromising the ecological health of the water body.
2. The impact on the sustainability of the aquifer (groundwater) – Generally the effect on the sustainability of the aquifer is considered to be acceptable if the aquifer has allocation available as outlined above. Beyond that limit, the question of whether a take will adversely affect the sustainability of an aquifer is not easy to answer and adequate science to inform policy and consent decisions is still evolving. Current practice when there is not allocation

remaining is to require the installation of electronic monitoring systems on wells if consent is granted at all. This will assist in ensuring that Council has data available to log the relationship between the water take and aquifer levels if and when required.

3. Efficiency of the use – we currently use SPASMO-IR¹ (Soil Plant Atmosphere System Model – Irrigation) for assessing weekly and annual allocation for water take consent applications. The model is based on:
 - (i) The location;
 - (ii) The nearest virtual climate station which is representative of the environmental conditions experienced at the applicant's location;
 - (iii) The crop type;
 - (iv) The soil type;
 - (v) An efficiency value of 80% which is a level used for the design of irrigation systems as a minimum requirement for varying types of sprinkler systems²; and
 - (vi) A probability value of 90% which assumes that nine out of every ten years, the irrigation amount will be sufficient to meet the crop's requirements.
4. Effects on nearby bores (groundwater only) – applicants are required to carry out pump tests and have the results analysed to determine whether the proposed rate of abstraction will have an impact on the water level in surrounding bores.
5. Cultural effects – an assessment of cultural effects is generally required for surface water takes, or groundwater takes that may impact on surface water features. Best practice dictates that cultural impact assessments are carried out by the applicant with the relevant iwi authority or hapū and should contain (at least):
 - a. Information on the relevant Māori cultural values, interests and associations with the river, stream, or spring;
 - b. The potential effects of the proposed activity on those values and interests.
 - c. Methods to avoid, remedy or mitigate cultural effects, including suggested consent conditions.
6. If the application is to replace an existing consent, Council must consider the value of the investment of the consent holder. The Resource Management Act does not provide for consent renewals, when a resource consent expires it needs to be replaced with a new consent, subject to the considerations outlined above. Commonly, older consents did not include limitations on seasonal or annual abstraction, and those are included in new consents, so as consents are replaced the amount of water allocated generally reduces.

¹ Steve Green, The New Zealand Institute for Plant & Food Research Limited (2011), The SPASMO-IR tool to determine reasonable water use for the Bay of Plenty. SPTS No. 5908.

² Irrigation New Zealand, Irrigation Code of Practice and Irrigation Design Standards, March 2007.

7. Consent term – the Bay of Plenty Regional Policy Statement provides for terms of up to 15 years for water take consents. Consents are generally granted for a term of 15 years if telemetry is provided, otherwise 10 years.

4 Notification

Before deciding whether to grant an application to take water, staff must determine whether the application should be subject to public or limited notification, or processed without notification. The RMA requires that if an application will have or is likely to have adverse effects on the environment that are more than minor that application must be publicly notified, which means that anyone is able to make a submission on that application. Any application for a new take and use in an over-allocated catchment will likely be publically notified and the potential cost and risk involved in public notification often discourage people from making applications to take more water in over allocated catchments.

If public notification is not required, Council must give limited notification to any person that the water take will have a minor (or more than minor) adverse effect on unless those people have provided written approval. In practice this is most commonly people taking water from nearby bores or tangata whenua.

5 Alternatives for people to consider

If applications in over allocated catchments are received, a list of the information about the resource consents in the catchment is provided to parties and they are encouraged to explore whether they are able to utilise water that has been allocated to an existing consent holder but is not being used by that person.

Another consideration is whether water harvesting is appropriate for proposed surface water takes. This could mean:

1. Taking water only when the flow in a river or stream is above a certain level. This comes at a cost to the consent holder as it requires the stream/river in question be measured to an agreed standard and data transferred using telemetry so flow data is assessable to the consent holder and Council; or
2. Taking water only during winter and storing that water for use in summer. This also comes at a cost to the consent holder as they will need to invest in infrastructure to store the water.

6 Future policy and rules about water in the Kaituna catchment

6.1 Kaituna River Document influence

As soon as Te Maru o Kaituna have approved the Kaituna River Document, regard will be had to the vision, objectives and desired outcomes relevant to water abstraction when making decisions on resource consent applications.

Any future policy or plan changes, including implementing the National Policy Statement for Freshwater Management will also recognise and provide for the relevant parts of the vision, objectives and desired outcomes from the Kaituna River Document.

6.2 Proposed Region Wide Water Quantity Plan Change (Plan Change 9) progress update

Policy and rules applicable to water may change as a result of Council decisions being made about plan change 9. The Region-wide Water Quantity Plan Change is the first step in a two stage approach to improving regional policies and rules for strengthening water allocation limits and water management. These changes were notified on 18 October 2016 with submission closing on 14 December 2016. 82 public submissions were received, 21 of which were from Māori. A summary of decisions requested and call for further submissions has been notified with a closing date of 28 June 2017.

6.3 Kaituna-Pongakawa-Waitahanui Water Management Area – implementing the National Policy Statement for Freshwater Management

Water quality and quantity policy and rules are likely to change for the Kaituna-Pongakawa-Waitahanui water management area as a result of the further work being undertaken to implement the National Policy Statement for Freshwater Management. This is the second step in the two stage process and is focussed at a catchment scale.

Further detail about future freshwater policy is outlined in the Freshwater Update paper within this agenda.

7 Conclusion

The policy framework for managing the Bay of Plenty's freshwater resource has the potential to change as a result of the water quantity plan change, and perhaps more significantly through the process required by the National Policy Statement for Freshwater Management. However, the current framework and consent processes require that the effects of any proposed takes are assessed and any adverse effects adequately avoided, remedied or mitigated.

Reuben Fraser
Consents Manager

6 June 2017

Receives Only – No Decisions



Report To: Te Maru o Kaituna River Authority

Meeting Date: 14 June 2017

Report From: Namouta Poutasi, Water Policy Manager

Freshwater Update

Executive Summary

Toi Moana (the Bay of Plenty Regional Council) continues to implement the National Policy Statement for Freshwater Management in the Kaituna-Pongakawa-Waitahanui Water Management Area. The Kaituna Freshwater Futures Community Group held their fifth workshop on the 30 May 2017.

The Region-wide Water Quantity Plan Change has been notified for further submissions, which allows people to submit on submissions from others. Toi Moana is set to appoint a hearing panel for this plan change, with the intention of appointing a mixed panel of Toi Moana Councillors and independent experts, including particular expertise in tikanga Māori.

'Our Freshwater 2017' was released by the government on 27 April 2017 and highlighted nation-wide concerns around nitrate and *E. coli* levels in urban areas and threats to our native fish species.

The Council is currently working to better engage with tangata whenua on freshwater management issues.

Recommendations

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

- 1 Receives the report, Freshwater Update;**

1 Purpose

The purpose of this paper is to update to Te Maru o Kaituna River Authority (TMoK) on freshwater management developments since the last freshwater update on 16 May.

2 Updates

- 2.1 Kaituna-Pongakawa-Waitahanui Water Management Area progress update**

The Kaituna Freshwater Futures Community Group held its fifth workshop on 30 May 2017. Group members considered the draft desired in river statements for the three draft Freshwater Management Units (FMUs) in Kaituna catchment as well as the Maketū estuary. The Group were asked whether staff had captured the essence of the Groups input at the last workshop in each of the draft desired in river statements. Group work refined these further.

Context for Kaituna, he taonga tuku iho – a treasure gifted to us - the proposed Kaituna River Document

The refined 'desired in river states' expressed by the Group are largely consistent with the Vision, Objectives and Desired Outcomes in the proposed version of *Kaituna, he taonga tuku iho – a treasure gifted to us*.

Particularly consistent is the strength of expectation about the water quality and water quantity within the Kaituna catchment, except after heavy rain events. The Group's expectation is that the water quality and quantity in the Waiari will provide for ecosystem health, mahinga kai that are safe to eat and swimming. The Group also acknowledged the particularly strong cultural connection tangata whenua have with the Waiari stream.

In the middle-upper Kaituna, the Group's expectation is that the water quality and quantity will provide for eco-system health, be suitable for swimming and for cultural practices as well as providing for navigation of tauranga waka.

In the lower Kaituna while the Group acknowledge it will take time to restore, the expectation is still for water quality and quantity that will provide for ecosystem health, be improved to ensure habitat for indigenous and kai species, be swimmable, ensure the water exhibits natural characters, provides for wai tapu and also navigation for tauranga waka.

While noting that the Maketū estuary is not directly related to setting freshwater quality and quantity (but indirectly very relevant), the Group's expectation for the estuary is that the water quality and quantity will be swimmable, support estuary eco-health, support mahinga kai which are safe to eat, restores aspects of natural character and a navigable channel depth. The strength of cultural significance the estuary has for tangata whenua was also acknowledged.

The workshop also provided the Group with:

- an introduction of how the catchment model will support and inform the limit setting process;
- how scenarios and management options will be worked up;
- preliminary recommendations from science about ways to measure water to make sure values are being provided;
- an overview of the resource management issues for the Kaituna;
- an overview of the use values for the catchment which included data and graphs about water allocation and discharge consents, land use data and a high level estimate of economic value;
- a current land use map for the Group to check for accuracy;
- information about current unauthorised water takes and the steps being taken to address these.

The Kaituna Community Group workshop presentation and discussion documents are available on Council's website shortly after each workshop.

TMoK members on the Kaituna and Pongakawa-Waitahanui Freshwater Futures Community Groups

TMoK members who are also on the Kaituna Community Group are Hohepa Maxwell and Maria Horne. TMoK members, Councillor Kevin Marsh and Councillor Jane Nees are members of the Pongakawa-Waitahanui Community Group.

They have provided valuable input into the values and desired states that each of the Groups have been working on. Having TMoK members on the Groups makes sure there is direct link and alignment with the work TMoK are doing with the river document.

Iwi engagement

Further work is required to identify waterbody values that are important to tangata whenua, recognising that only tangata whenua can identify these things.

Council has written to iwi seeking advice as to how iwi would like to be engaged. Concern was raised by some TMoK members at the last meeting about how iwi engagement was progressing. Staff have taken up the offers made by members at the last TMOK meeting to come together and have a korero about freshwater issues.

Freshwater modelling and freshwater accounting

Council is to use catchment modelling for the Kaituna to help assess the impacts from land use activities on waterways. The model will be ready by August 2017 to support making informed decisions about various options in the limit setting process.

Communications

The last *Freshwater Flash* e-newsletter was issued in May 2017. It included an article letting subscribers of the newsletter know that the Kaituna River Document has been notified.

The article also included news about rare fish that have been found. Shortjaw kokopu were discovered for the first time in the Ohineangaanga Stream which feeds into the Kaituna River, and new populations of banded kokopu were found in several streams

throughout the Kaituna and Waitahanui catchments. Partners can include parts of the contents from *Freshwater Flash* within their own newsletters. TMoK members are encouraged to subscribe to Freshwater Flash if not already.

2.2 Proposed Region Wide Water Quantity Plan Change (Plan Change 9) progress update

The Region-wide Water Quantity Plan Change is the first step in a two stage approach to improving regional policies and rules for strengthening water allocation limits and water management. These changes were notified on 18 October 2016 with submission closing on 14 December 2016. 82 public submissions were received, 21 of which were from Māori.

A summary of decisions requested and call for further submissions has been notified with a closing date of 28 June 2017. The further submission part of the plan making process provides the opportunity for people to make further submissions on points made by other submitters in their original submissions.

Toi Moana will be considering the hearing panel structure and membership of the panel for this plan change at its 22 June meeting. The intention is to appoint a mixed panel of Toi Moana Councillors and independent experts, including panel members with particular expertise in tikanga Māori.

2.3 National update

Our Freshwater 2017

Our Freshwater 2017 is a report released by the *Ministry for the Environment and Statistics NZ* on the 27th April. Its purpose is to provide a baseline of New Zealand's rivers and lakes water quality, quantity, flows, biodiversity and the cultural health of fresh water.

The results largely reflect what is occurring in the Bay of Plenty and reinforce the Toi Moana's work as part of implementing the National Policy Statement for Freshwater Management. It shows that our lakes monitoring is on track and we're seeing improvements in our lakes' water quality. This is largely due to proactive interventions being delivered by the Rotorua Te Arawa Lakes Programme.

Iwi Leaders Forum

The Iwi Leaders Forum was very active in support greater iwi participation included in the Resource Legislation Amendment Bill which received Royal assent on Monday 18th April 2017, which meaning it is now law (Resource Legislation Amendment Act 2017).

Clean Water 2017

Submissions on the governments proposed a Clean Water 2017 package closed on 28 April 2017. Toi Moana made a submission supporting the proposal in general, with recommendations related to 'swimmability' targets, *E. coli* monitoring, and supporting Te Mana o Te Wai.

3 Implications for Māori

Water management work is recognised as having significant implications to Iwi and Hapū, in both their cultural and traditional relationship with the ancestral water, and as landowners.

To date, staff have collated data from iwi and hapū management plans, settlement statutes and deeds, water related cultural impact assessments, iwi websites in preparation for further discussions.

Toi Moana has engaged tangata whenua through hui-a-iwi and has invited iwi and hapū to identify the preferred engagement methods, and nominate names and contact details of suitable iwi members for engagement.

Staff are developing and designing practical means to engage iwi and hapū effectively.

Jo Watts
Senior Planner

for Water Policy Manager

6 June 2017

Report to: Te Maru O Kaituna River Authority

Meeting Date: 14 June 2017

Report From: Campbell Larking: Consultant Planner to Tauranga City Council

Te Tumu Structure Plan and Rezoning Project

Executive Summary

This report provides Te Maru o Kaituna River Authority (TMOKRA) with an update in relation to the initiation of the Te Tumu Structure Plan and Rezoning Project. This project follows on from the Te Tumu Strategic Planning Study which the TMOKRA received a number of updates on during 2015/16.

1 Recommendations

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

- 1 Receives the report, Te Tumu Structure Plan and Rezoning Project.**
- 2 Supports in principle the proposed consultative approach to the Te Tumu Strategic Planning Study.**

2 Purpose

- 2.1 The purpose of this report is to provide an overview to TMOKRA on the Te Tumu Structure Plan and Rezoning Project.

3 Background

- 3.1 The potential rezoning of the Te Tumu Urban Growth Area for urbanisation was prioritised by SmartGrowth as part of a suite of Settlement Pattern projects in response to concerns about maintaining sufficient greenfield development capacity in the short-term (within the next 10 years). These were commonly referred to as the Option 3b projects which included Te Tumu, Keenan Road, Western Corridor, Strategic Transport and Compact City.
- 3.2 The Te Tumu Strategic Planning Study, being one of the above projects, was a fatal flaws assessment to test the viability of the Te Tumu Urban Growth Area, which is located within the SmartGrowth Eastern Corridor and scheduled as a post 2021 Urban Growth Area within the operative Regional Policy Statement.
- 3.3 The Te Tumu Strategic Planning Study considered a range of matters including mapping planning constraints, assessing infrastructure capacity and potential future required networks, engaging with landowners and Tangata Whenua and testing financial viability.
- 3.4 Updates on that project and the outcomes have previously been presented to TMOKRA.
- 3.5 Following the completion of that project the three Councils and SmartGrowth resolved to formally commence a Schedule 1 RMA and Structure Plan process for Stage 2 (Te Tumu) Papamoa East within the 2016/17 financial year.

4 Purpose and scope of the Te Tumu Structure Plan and Rezoning Project

4.1 The Te Tumu Structure Plan and Rezoning Project is being led by the Tauranga City Council and it is expected that housing development will occur in accordance with the below timeframes:

- Structure Planning and development of planning framework (2017 and beginning of 2018);
- Public notification of RMA plan change to rezone for urban development (mid 2018)
- Submissions (late 2018);
- Council hearings (early 2019);
- Environment Court mediation/appeals (rest of 2019);
- Bulk infrastructure design and delivery to boundary, and internal developer earthworks/civil works (2020);
- Completion of first subdivision stages to enable house building (from 2021).

4.2 The project will follow the following project phases:

Phase and Project Specifics

- **Phase One: Project Management and Agreement Development:**
 - Covers setting up the project and agreements on process, funding and project delivery.
 - Timeframe: August 2016 – January 2017.
- **Phase Two (and ongoing): Engagement:**
 - Covers all engagement processes for the entire project.
 - Timeframe: January 2017 – December 2019.
- **Phase Three: Initial Structure Planning Technical Assessments:**
 - Covers all pre structure planning requirements and assessments (hazards, contaminated land, archaeological, and viewshafts).
 - Timeframe: January 2017 – June 2017.
- **Phase Four: Secondary Structure Planning Technical Assessments:**
 - Covers all urban design, infrastructure and landuse strategies, planning and design.
 - Timeframe: July 2017 – November 2017.
- **Phase Five: Structure Plan Delivery:**
 - Covers delivery of the structure plan and review of TCC's financial viability model and development of development contributions documentation and schedules.
 - Timeframe: November 2017 – December 2017.
- **Phase Six: Plan Change Preparation:**
 - Covers the development of the planning rules for zones and s.32 analysis and development.
 - Timeframe: September 2017 – June 2018.
- **Phase Seven: Notification:**
 - Covers formal Council meetings, submissions process, hearings and decisions.
 - Timeframe: July 2018 – May 2019.
- **Phase Eight: Appeals**
 - **Covers all mediation and hearings**
 - Timeframe: July 2019 – November 2019.

5 Proposed Consultation process with Te Maru O Kaituna River Authority in relation to the Te Tumu Structure Plan and Rezoning Project.

- 5.1 Te Maru o Kaituna River Authority has as its purpose the restoration, protection and enhancement of the environmental, cultural and spiritual health and well-being of the Kaituna River. The preparation of the Kaituna River Document is also recognised as key function of TMOKRA.
- 5.2 The Te Tumu Structure Plan and Rezoning project largely has its focus within Te Tumu, as a defined growth area, however a range of project matters will need to consider impacts on the Kaituna River, and its margins.
- 5.3 Some of these project matters may raise individual issues which TMOKRA may have an interest in, given the authority's purpose.
- 5.4 As a first step in establishing the consultation process for the Te Tumu Structure Plan and Rezoning project with TMOKRA a potential framework for discussion is provided below.
- 5.5 The proposed consultation framework has been designed to address both an overview of the Te Tumu Structure Plan and Rezoning project progress and provide for more detailed matters to be discussed as identified by the parties in the course of the Project.
- TMOKRA to be provided with a summary of the overall project phases for the Te Tumu Structure Plan and Rezoning project (this Report);
 - TMOKRA to identify initial issues for further discussion to allow further detail/meetings etc. to be arranged;
 - A formal report on the Te Tumu Structure Plan and Rezoning project progress to be provided to TMOKRA at its formal meetings;
 - Regular newsletter/updates to be set to all parties involved in the Study, including TMOKRA;
 - A key staff contact person for TMOKRA for enquiries at any time to be provided.

Further options as directed by TMOKRA

- TMOKRA may identify further consultation processes/opportunities in relation to the Te Tumu Structure Plan and Rezoning project.
- TMOKRA may wish to consider whether there would be merit in creating a smaller working party of TMOKRA members to take part in these discussions

Co-ordination with Staff working on the Kaituna River Document

It is recognised that the Kaituna River Document is currently being prepared at the same time as Te Tumu Structure Plan and Rezoning project proceeds (however each have different completion timeframes). Staff working on both projects need to be aware of the potential contents/issues raised within the other project.

It is proposed that there be liaison between the staff on an on-going basis over the life of both projects with any issues identified forming part of the general consultation with TMOKRA proposed above.

