

# 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 **Te Puke War Memorial Hall, Te Puke Hall, 130 Jellicoe Street, Te Puke** on:

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**Friday, 11 August 2017 commencing at 9.30 am.**

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Members please note that **this meeting starts at the earlier time of 9.30 am**, with a cup of tea available from 9 am. After the meeting concludes, the hearing of submissions on the Kaituna River Document will commence, with the first submitter scheduled to speak at 11.30 am.

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

4 August 2017

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



# 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>	N Chater (Alternate, Lakes Community Board), R Hancock (Alternate, Ngati Rangiwewehi), M Horne (Te Komiti Nui o Ngati Whakaue), Dr B Kihirini (Alternate, Tapuika Iwi Authority), Councillor K Marsh (Western Bay of Plenty District Council), P McCausland (Alternate, Te Kapu o Waitaha), Councillor M McDonald (Alternate, Bay of Plenty Regional Council), G Mohi (TMOK Alternate Deputy Chair, Ngati Rangiwewehi), Councillor T Molloy (Alternate, Tauranga City Council), S Morris (Tauranga City Council), Councillor J Nees (Bay of Plenty Regional Council), H Paul (Te Pumautanga o Te Arawa), R Pou Poasa (Alternate, Te Komiti Nui o Ngati Whakaue), 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>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

#### 6.1 Te Maru o Kaituna River Authority minutes - 14 June 2017

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### 7 Reports

<b>7.1</b>	<b>Election of Chairperson and Deputy Chair</b>	
<b>7.2</b>	<b>Change of membership</b>	<b>21</b>
<b>7.3</b>	<b>Next Steps towards approval of the Kaituna River Document</b>	<b>25</b>
<b>7.4</b>	<b>Freshwater Update</b>	<b>29</b>
<b>7.5</b>	<b>Update on catchment modelling and scenarios for the Kaituna catchment</b>	<b>35</b>
	APPENDIX 1 - Catchment modelling scenarios - diagrams	39
<b>7.6</b>	<b>Kaituna Catchment Operations Update to 21 July 2017</b>	<b>45</b>
<b>8</b>	<b>Consideration of General Business</b>	
<b>9</b>	<b>Closing Karakia</b>	



## Previous Minutes



# **Minutes of the Te Maru o Kaituna River Authority Meeting held in The Council Chamber, Rotorua Lakes Council, Civic Administration Building, 1061 Haupapa Street, Rotorua on Wednesday, 14 June 2017 commencing at 10.30 a.m.**

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## **Present:**

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

**Appointees:** Councillor K Marsh (Western Bay of Plenty District Council), Deputy Chairman J Nees (Alternate, Bay of Plenty Regional Council), S Morris (Tauranga City Council), M Tapsell (Tapuika/Waitaha), H Maxwell (Alternate, Tapuika/Waitaha), H Paul (Te Pumautanga o Te Arawa), P Callaghan (Alternate, Tapuika Iwi Authority Trust), N Chater (Alternate, Lakes Community Board)

**In Attendance:** M Horne (Alternate Observer, Te Komiti Nui o Ngati Whakaue), R Pou Poasa (Observer, Te Komiti Nui o Ngati Whakaue), P Tangohou (Chairperson, Te Komiti Nui o Ngati Whakaue), K Wilcox (General Manager, Ngati Whakaue); BOPRC: Councillor K Winters, A Fort (Senior Planner), A Vercoe (Maori Policy Team Leader), D Llewellyn (Legal Specialist), E Grogan (General Manager Regulatory Services), J Barber (Senior Environmental Scientist), K O'Brien (Strategic Engagement Manager), K Pihera-Ridge (Maori Policy Advisor), N Poutasi (Water Policy Manager), P Howe (Senior Advisor (Treaty)), P de Monchy (Kaituna Catchments Manager), R Burton (Senior Planner (Water Policy)), R Fraser (Consents Manager), R Donald (Science Manager), R Garrett (Committee Advisor); Rotorua Lakes Council: J Riini (Partnership Advisor), E Jonker (Senior Policy Advisor, Strategy); Tauranga City Council: C Larking (Consultant Planner); J Fitter (Maketū Ongatōro Wetland Society, Kaituna Freshwater Futures Group).

**Apologies:** Chairman D Flavell, T Tapsell, P Thomas, T Molloy; A Tahana and R Pou Poasa for lateness

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## **1 Opening karakia**

The meeting opened at 10.40 am with a karakia provided by H Paul.

## **2 Appointment of Chairperson**

### **Resolved**

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

- 1 Agrees that Councillor Jane Nees assumes the chair in the interim until the arrival of either the Chairman or Deputy Chair;**

**2 Notes that the Deputy Chair has been delayed due to travel;**

**3 Agrees to delay agenda items that require a decision until the Deputy Chair arrives and a quorum is achieved.**

**Marsh/Morris  
CARRIED**

## **Order of Business**

The meeting agreed that the following information-only reports would be received next on the agenda:

- Agenda Item 7.3: Groundwater resources in the Kaituna catchment
- Agenda Item 7.4: Resource consenting and water allocation

## **3 Reports**

### **3.1 Groundwater resources in the Kaituna catchment**

*Refer Powerpoint presentation Obj reference: A2625477*

Senior Environmental Scientist Janine Barber provided members with a summary of current science information on groundwater aquifers in the Kaituna catchment. Ms Barber outlined the natural water cycle, explained the difference between confined and unconfined aquifers and gave an overview of the underlying geology of the Kaituna catchment. Ms Barber noted that, overall, the groundwater system operates with the characteristics of an unconfined aquifer; and clarified that confined aquifers are disconnected from river flows.

Ms Barber updated members regarding the construction of a groundwater flow model for the Kaituna area and noted that, once available (due by December), the Council would be able to model scenarios of different rainfall and abstractions and possible impacts on waterways to help determine sustainable takes. Ms Barber clarified that the model was purely a hydrological model to understand flow and would not take account of water quality. Ms Barber noted that the model was limited by the data input, emphasised the importance of gathering appropriate data, and outlined current groundwater monitoring sites within the catchment. Ms Barber also noted that better information was still needed to effectively analyse the relationship between surface and ground water flows.

Ms Barber demonstrated to members the “*Earth Beneath Our Feet*” GNS website (<http://data.gns.cri.nz/ebof/findLocation.jsp>), which provides geological profiles for selected locations.

## **Attendance**

Deputy Chair A Tahana joined the meeting at 11.20 am and assumed the Chair.

### **3.2 Resource Consenting and Water Allocation**

*Refer Powerpoint presentation Obj reference: A2629753*

Consents Manager Reuben Fraser updated members on Council’s current resource consent processes for water take applications. Mr Fraser outlined the current rules and the key factors taken into account by Council when considering an application for water abstraction.

Members queried the process for granting of consent in an over-allocated catchment. Mr Fraser clarified that allocation status was taken into account when a consent application was considered, and that applications to take in an over-allocated catchment were publicly notified. Mr Fraser also noted that under Proposed Plan Change 9 the presumption will be that an application to take from an over-allocated catchment will generally be declined.

Mr Fraser responded to members' questions regarding the Kaituna catchment specifically, and explained that surface water was still available for allocation when considered against current limits; and that, while the groundwater aquifer was allocated above the interim levels set, monitoring did not show the aquifer dropping. Mr Fraser noted that cumulative effects were difficult to take into account currently, and that Proposed Plan Change 9 would make it easier to decline an application. Mr Fraser also confirmed that there were currently no water bottling consents in the Kaituna area.

Members expressed concern at over-allocation in the Kaituna catchment and emphasised that a limit must be a limit or the credibility of the process would be undermined. Mr Fraser noted that the strengthened water metering requirements proposed in Plan Change 9 would enable much better information to be gathered on levels of abstraction at any one time.

In response to members' questions, Mr Fraser clarified that, unlike the shallower unconfined aquifers in the catchment, the deeper confined aquifer was under-allocated and had no connection or interaction with the Kaituna River; and explained that the geothermal resource operated under different rules from surface and groundwater.

## **Resolved**

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

- 1 Receives the report, Groundwater resources in the Kaituna catchment;**
- 2 Receives the report, Resource Consenting and Water Allocation.**

**Nees/Paul  
CARRIED**

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

Council's In-house Legal Counsel Donna Llewellyn summarised the current position regarding Ngāti Whakaue membership of Te Maru o Kaituna River Authority and outlined the three options for scope of informal membership for consideration by the members. Ms Llewellyn emphasised that the decision on scope was in regard to the current informal voting membership status of Ngāti Whakaue, which would be supplanted when formal legal membership status was conferred on Ngāti Whakaue through the settlement of their Treaty negotiation process.

The Chair invited Ngāti Whakaue representatives to comment on the options proposed; Ngāti Whakaue expressed their preference for informal membership with full rights, as being in the spirit of the Deed of Settlement, and were willing to work with members to help further define the scope as needed.

Members discussed the implications and risks of the three options for Te Maru o Kaituna River Authority as an entity, its operations and its decision-making process.

The Chair requested the Ngāti Whakaue representatives present to leave the room while the members voted. It was clarified that Rotorua Lakes Council could not vote as its representative at the meeting was a Community Board member not a member of Council.

The following **MOTION** was moved, seconded and put:

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

**Supports the selection of Option 2: “Middle” membership, for Te Komiti Nui o Ngāti Whakaue; with voting rights on all Kaituna River Document processes and all non-constitutional and non-financial business.**

**Tahana/M Tapsell**

A **DIVISION** was requested and recorded as follows:

<b>FOR (2)</b>	<b>AGAINST (3)</b>
Tahana	Callaghan
Tapsell	Marsh
	Paul

Councillor Morris abstained from voting.

The motion was **LOST**.

The following **MOTION** was moved, seconded and put:

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

**Supports the selection of Option 3: “Full” membership, for Te Komiti Nui o Ngāti Whakaue; with voting rights on all the Authority’s business.**

**Marsh/Callaghan**

A **DIVISION** was requested and recorded as follows:

<b>FOR (3)</b>	<b>AGAINST (2)</b>
Callaghan	Tahana
Marsh	Tapsell
Paul	

Councillor Morris abstained from voting.

The motion was **LOST**.

The following **MOTION** was moved, seconded and put:

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

- 1 Receives the report, Options: Scope of Ngati Whakaue on Te Maru o Kaituna, Kaituna River Authority.**
- 2 Endorses the selection of Option 3: informal membership with full voting rights, on the condition that the corresponding Bay of Plenty Regional**

**Council member is appointed with the same status (refer clause 5.18.2 of the Tapuika Deed of Settlement).**

- 3 Invites Te Komiti Nui o Ngāti Whakaue to advise Te Maru o Kaituna River Authority of its appointed representative and alternate.**

**Tahana/Marsh**

A **DIVISION** was requested and recorded as follows:

**FOR (5)**

Tahana  
Callaghan  
Marsh  
Paul  
Morris

**AGAINST (1)**

Tapsell

As the motion was supported by a 70% majority of those members present and voting, the motion was **CARRIED**.

The Chair invited Ngāti Whakaue representatives to rejoin the meeting and informed them that the decision had been made in favour of informal membership with full voting rights.

## **Adjournment**

The meeting adjourned at 1.05 pm and reconvened at 1.30 pm.

## **Attendance**

H Paul and H Maxwell left the meeting at 1.30 pm.

## **Order of business**

The meeting agreed to resume the notified agenda order, starting with Agenda Item 6: Previous Minutes.

### **4 Te Maru o Kaituna River Authority minutes - 16 May 2017**

Members were reminded that iwi appointees to Te Maru o Kaituna River Authority needed to be confirmed by 17 July.

## **Resolved**

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

- 1 Confirms the Te Maru o Kaituna River Authority minutes - 16 May 2017**

**Tahana/Marsh  
CARRIED**

### **5 Reports (continued)**

#### **5.1 Kaituna River Document – Update**

Senior Planner Adam Fort updated members on progress with the Kaituna River Document. Mr Fort informed members of the notification of the Document, noted the submissions received to date and explained the process through to a hearing. Mr Fort confirmed that letters had been sent to all landowners adjacent to the river.

## **Resolved**

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

- 1 Receives the report, Kaituna River Document Update;**

**Tahana/Marsh  
CARRIED**

## **5.2 Freshwater Update**

Water Policy Manager Namouta Poutasi updated members on recent freshwater management developments since the last Te Maru o Kaituna meeting; including progress with both Proposed Plan Changes 9 and 12. Ms Poutasi noted that the timeframe for Proposed Plan Change 12 had now been extended by 12 months.

Members noted that a timeline diagram of the various freshwater processes would be useful and requested that this become a standing item at Te Maru o Kaituna meetings.

Members thanked Ms Poutasi and her staff for holding useful and productive meetings with Tapuika whānau.

## **Resolved**

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

- 1 Receives the report, Freshwater Update;**

**Tahana/Morris  
CARRIED**

## **5.3 Report to Te Maru o Kaituna River Authority - Te Tumu Structure Plan and Rezoning Project**

*Refer Powerpoint presentation Obj reference: A2626220*

Consultant Planner Campbell Larking updated members with progress made with the Te Tumu Structure Plan and Rezoning Project. Mr Larking outlined the key points of the project and noted that no fatal flaws to urban development in Te Tumu had been identified and that it was considered financially viable to proceed to the next stage of Structure Planning and rezoning. Mr Larking also outlined the stakeholder and iwi engagement undertaken to date.

A member noted that that any matters that come to Te Maru o Kaituna River Authority need to focus on the river and any impacts on the river; any other issues need to be addressed directly with the iwi affected.



In response to members' questions around flooding, Mr Larking explained that the floodable area was not included in the Te Tumu development zone and noted that the maximum extent of any flooding was restrained by the dune ridge, but that there was no guarantee that the current rural zoning of the flood plain would not change. Mr Larking reminded members that there was still a full resource management planning process for the Project to go through.

Mr Larking clarified waste and storm water assumptions being used in the Project.

## **Resolved**

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

- 1 Receives the report, Report to Te Maru o Kaituna River Authority - Te Tumu Structure Plan and Rezoning Project**

**Tahana/Callaghan  
CARRIED**

### **5.4 Presentation: Rotorua Lakes Council: Waste Water Treatment Plant Update**

*Refer Powerpoint presentation Obj reference: A2629589*

Rotorua Lakes Council Partnership Advisor Jenny Riini presented to members on the integration of cultural treatment of discharge into the design of the Rotorua Waste Water Treatment Plant (WWTP) upgrade. Ms Riini summarised the current operations of the WWTP and explained the process undertaken to develop the preferred discharge option for the upgrade.

Ms Riini explained that the four key principles for the cultural treatment of the discharge were to restore the mauri of the wai, that water is intrinsic to life, kaitiakitanga and to acknowledge the Te Arawa cultural values framework for water. Ms Riini outlined the key aspects of the design which replicates what happens in nature by the use of cascades and flows, filtration and oxygenation through vegetation and over rocks and the introduction of native aquatic species.

Ms Riini informed members that next steps involved a stakeholder engagement plan through to August with the resource consent application for the WWTP upgrade expected to be lodged August/September 2017.

## **Resolved**

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

- 1 Receives the presentation, Rotorua Lakes Council: Waste Water Treatment Plant Update.**

**Tahana/Callaghan  
CARRIED**

### **5.5 Presentation: Kaituna Catchments Operations Update**

*Refer Powerpoint presentation Obj reference: A2669318*

Kaituna Catchments Manager Pim de Monchy updated members on operational activities in the Kaituna catchment since the last Authority meeting. Mr de Monchy informed members of habitat restoration work being undertaken at the Whakapoukorero wetland and noted it was a good example of biodiversity protection. Mr de Monchy discussed the work programme for Papahikahawai Island, noted that removal of a causeway and construction of the bridge had been completed; with an immediate reduction in algae build-up noticeable after the removal. Mr de Monchy explained that shoreline work on the island was currently on hold due to the duckshooting season, and acknowledged the volunteers who had planted just over 6000 plants on the island.

Members congratulated Mr de Monchy and his team on their work and noted how rewarding it was to see immediate results.

## **Resolved**

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

- 1 Receives the presentation, Kaituna Catchments Operations Update.**

**Tahana/Marsh  
CARRIED**

**The meeting closed with a karakia at 2.30 pm.**

# Reports



**Receives Only – No Decisions**



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

**Meeting Date:** 11 August 2017

**Report From:** Nick Zaman, Acting General Manager, Regulatory Services

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## **Change of membership**

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### **Executive Summary**

The Tapuika Claims Settlement Act 2014 (the Act) outlines the membership requirements for Te Maru o Kaituna River Authority (the Authority). The Act states that each member is appointed for a term of 3 years and can be reappointed. The inaugural meeting of the Authority was held on 17 July 2014; consequently the 3-year terms of various members expired recently.

This report advises the Authority of representative appointments from the Tapuika Iwi Authority Trust, Te Kapu o Waitaha and Te Pumautanga o Te Arawa Trust.

At its meeting on 14 June 2017, the Authority decided to invite Te Komiti Nui o Ngāti Whakaue to appoint primary and alternate representatives to the Authority; and to invite the Bay of Plenty Regional Council to appoint an additional representative to the Authority. This report advises the Authority of those appointments.

### **Recommendations**

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

- 1 Receives the report, Change of membership;**
- 2 Confirms the appointments of Dean Flavell as the appointed member and Dr Bryce Kihirini as the alternate member for Tapuika Iwi Authority;**
- 3 Confirms the appointments of Maru Tapsell as the appointed member and Punohu McCausland as the alternate member for Te Kapu o Waitaha;**
- 4 Confirms the appointments of Hakopa Paul as the appointed member and Piki Thomas as the alternate member for the Te Pumautanga o Te Arawa Trust;**
- 5 Confirms the appointments of Maria Horne as the appointed member and Raymond Pou Poasa as the alternate member for Te Komiti Nui o Ngati Whakaue;**
- 6 Confirms the appointments of Councillor Jane Nees as a second appointed member and Councillor Matemoana McDonald as the alternate member for the Bay of Plenty Regional Council.**

## **7 Directs staff to review the Te Maru o Kaituna River Authority Terms of Reference in light of the expanded Authority membership.**

### **1 Background**

The requirements for membership of Te Maru o Kaituna River Authority are specified in the Tapuika Claims Settlement Act 2014 s118. As well as defining the qualifications for membership, the Act states that each member is appointed for a 3-year term and may be reappointed. The inaugural meeting of the Authority was on 17 July 2014 and consequently the 3-year terms of initial appointed members recently expired. Iwi appointing organisations were requested to notify the Authority of their representatives by the 17 July 2017; local authority appointing organisations had already notified their representatives to the Authority following the Triennial elections in October 2016.

At its meeting on 14 June 2017, the Authority decided to extend informal membership with full voting rights to Te Komiti Nui o Ngāti Whakaue to replace the observer status it previously held on the Authority. In keeping with the terms of the Tapuika Deed of Settlement, the Bay of Plenty Regional Council was also invited to appoint an additional representative to the Authority, with the same membership status as the Ngāti Whakaue appointee. The Authority's resolution is reproduced below:

***“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 Endorses the selection of Option 3: informal membership with full voting rights, on the condition that the corresponding Bay of Plenty Regional Council member is appointed with the same status (refer clause 5.18.2 of the Tapuika Deed of Settlement).***
- 3 Invites Te Komiti Nui o Ngāti Whakaue to advise Te Maru o Kaituna River Authority of its appointed representative and alternate.”***

### **2 Appointments**

Four partner member organisations have given notice of a change in representation on the Authority following the previous meeting:

- Tapuika Iwi Authority gave notice on 12 July that it has appointed Dean Flavell as its primary member and Dr Bryce Kihirini as its alternate member, replacing Pia Callaghan.
- Te Kapu ō Waitaha gave notice on 17 July that it has reappointed Maru Tapsell as its primary member and appointed Punohu McCausland as its alternate member, replacing Hohepa Maxwell.
- Te Pumautanga o Te Arawa Trust gave notice on 24 July that it has reappointed Hakopa Paul as its primary member and Piki Thomas as its alternate member.

- Bay of Plenty Regional Council at its meeting on 29 June appointed Councillor Jane Nees as its additional primary member and Councillor Matemoana McDonald as its alternate member.

New member organisation Te Komiti Nui o Ngāti Whakaue gave notice on 6 July that it has appointed Maria Horne as its primary member and Raymond Pou Poasa as its alternate member.

In accordance with standard practice, staff recommend the Authority confirm the new appointments.

### **3 Conflicts of interest**

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

Importantly the legislation makes the distinction that affiliation of a member with a hapū/iwi that has customary interest over the river is excluded as an interest that must 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 that, as a matter of good practice, members should familiarise themselves with the legislative provisions regarding conflicts of interests and in any case of uncertainty, err on the side of caution and declare any potential interest.

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

### **4 Terms of Reference**

Staff recommend that the Authority Terms of Reference are reviewed in light of the extended membership of the Authority, and that any suggested amendments are brought back to the Authority for consideration.

### **5 Budget implications**

There are minor financial implications of confirming these membership appointments, as meeting attendance costs for the additional appointed members will need to be met; however these are not significant and will be covered within the existing Governance budget.

Robyn Garrett  
**Committee Advisor**

**for Acting General Manager, Regulatory Services**

**4 August 2017**





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

**Meeting Date:** 11 August 2017

**Report From:** Namouta Poutasi, Water Policy Manager

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## Next Steps towards approval of the Kaituna River Document

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### Executive Summary

The approval of the Kaituna River Document is a key function of Te Maru o Kaituna (TMoK). The purpose of this report is to seek confirmation of the process for approving the final document.

There were 62 submissions received on the proposed version of *Kaituna, he taonga tuku iho* – *a treasure gifted to us*, with considerable support as well as suggestions for amendments. Over 20 submitters wish to be heard. The Hearing Panel and its Chair have already been appointed by TMoK.

The next steps to be confirmed by TMoK are the deliberations and decision-making process following the hearings. It is recommended that the Hearing Panel deliberate and make decisions on matters raised in submissions and any amendments to the proposed (notified) version of the document. The final version of the document can then be prepared by staff for approval by TMoK at a subsequent meeting, likely to be 7 December 2017.

### Recommendations

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

- 1 Receives the report, Next Steps towards approval of the Kaituna River Document;
- 2 Agrees that the Hearing Panel will be required to hold a Deliberations meeting, which involves the making of decisions on submissions and directing any amendments to be made to the proposed version of the Kaituna River Document so that staff can prepare a final version.
- 3 Notes that the Deliberations meeting of the Hearing Panel will be held on [date to be confirmed] 2017.

### 1 Purpose of Report

The purpose of this report is to seek confirmation of the process Te Maru o Kaituna (TMoK) wishes to follow for making decisions on matters raised in submissions and decisions on any amendments to the proposed (notified) version of the document.

## 2 Background

This report follows on from the previous agenda report '**Process for Notification, Engagement, Hearings and Deliberations on the Proposed Kaituna River Document**' that was discussed at the 16 February 2017 TMoK meeting. TMoK made the following decisions at that meeting:

- Establishes a Hearing Panel of all primary members for the hearing and consideration of submissions received on the Proposed Kaituna River Document *Kaituna, he taonga tuku iho – a treasure gifted to us*; and for the making of decisions on submissions (including any amendments to the document).
- Appoints all primary Te Maru o Kaituna members to the Hearing Panel and further appoints Dean Flavell as the Chairperson of the Hearing Panel.
- 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; and further authorises staff to make arrangements for a hearing and any necessary arrangements for additional meeting/s for the Hearing Panel to hold deliberations.

Hearings are scheduled to follow this 11 August TMoK meeting before the Hearing Panel of all ten primary members in accordance with the above decisions. Mr Dean Flavell is the Chairperson of the Hearing Panel. The Hearings Agenda Pack is circulated separately to this TMoK Agenda, and includes advice to members on hearing procedure and statutory requirements. There is also a second day of hearings on 15 August.

## 3 Deliberations

After considering the written submissions and following the close of the hearings, the Hearing Panel:

- **must** make decisions on matters raised in submissions and prepare a report summarising how submissions were dealt with.
- **may** amend the Proposed Kaituna River Document.

Staff have made arrangements for an additional meeting of the Hearing Panel on 4 September to hold deliberations, which involves the making of decisions on submissions and agreeing on any specific amendments to be made to the proposed version of the document as notified on 27 May 2017.

It is recommended that to support the Hearing Panel make its decisions staff analyse submissions following the hearings and draft options for possible amendments to the proposed version of the document. The Hearing Panel will be able to use this report to help make decisions on the following matters at the deliberations meeting:

- Any amendments to the document's name and the Vision,
- Any amendments to the Objectives and Desired Outcomes,

- Any amendments to maps, infographics and photos,
- Any amendments to the design and format of the document,
- Any other amendments to content.

## **4 Implications for Māori**

There has been engagement with iwi and hapū during the submission period, in most cases organised and led by TMoK members themselves. Consequently, a significant number of submissions have been received from those iwi with interests in the Kaituna co-governance area.

Now the TMoK Hearing Panel will need to listen to verbal submissions, and this will help ensure that the views of Māori contribute to decision-making on the content of the final version of *Kaituna, he taonga tuku iho – a treasure gifted to us*.

## **5 Next Steps**

The outcome of the deliberations meeting will be reported back to the next scheduled TMoK meeting on 4 October 2017. Depending on the outcome of that meeting, it is possible that the 'draft' final Kaituna River Document can be approved at the 7 December 2017 meeting of TMoK.

The timeline for these next steps will depend on the scope of amendments to the proposed document that are decided by the Hearing Panel during their deliberations.

## **6 Budget Implications**

The next steps outlined above, including staff preparing the Hearings Agenda Pack, holding two days of hearings and an additional deliberations meeting, can be covered by existing budgets in the 2017-18 financial year.

Adam Fort  
**Senior Planner**

**for Water Policy Manager**

**2 August 2017**



**Receives Only – No Decisions**



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

**Meeting Date:** 11 August 2017

**Report From:** Namouta Poutasi, Water Policy Manager

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## **Freshwater Update**

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### **Executive Summary**

Toi Moana (the Bay of Plenty Regional Council) continues to implement the National Policy Statement for Freshwater Management 2014 (NPS FM) in the Kaituna-Pongakawa-Waitahanui Water Management Area. This report provides an update on the key work being undertaken to support the implementation of the NPS FM relevant to the Kaituna catchment and also at a national level.

Hearings are scheduled in November for Plan Change 9 (Regional Water Quantity Plan Change). Toi Moana accepted a report and recommendations from the Independent Hearing Panel relating to Plan Change 10 (Lake Rotorua Nutrient Management). The decision will be notified on 15 August with submitters having 30 working days following the receipt of the notification of the decision, to lodge any appeal with the Environment Court.

Work is underway in preparation for Plan Change 12 focusing on water quality attributes for rivers, water quantity, groundwater, wetlands and social, cultural and economic assessment of management options. Catchment modelling for the Kaituna will help assess the impacts from land use activities on waterways. At workshop five the Pongakawa/Waitahanui and Kaituna community groups made good progress towards setting measurable freshwater objectives by agreeing on desired in-river states.

Through Te Maru o Kaituna a series of hui have been undertaken and others arranged concerning Plan Change 12 that will provide the opportunity to participate in the engagement process. Toi Moana is currently working to better engage with tangata whenua on freshwater management issues.

Cabinet are considering next steps for 'Clean water 2017' following receipt of over 10,000 submissions. The Ministry for the Environment will shortly be releasing their report on the NPS-FM Implementation Review and announcing projects to be funded out of the Freshwater Improvement Fund (\$100m).

### **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 Te Maru o Kaituna River Authority (TMoK) on key freshwater management activities undertaken since the last freshwater update on 14 June.

## 2 Toi Moana Freshwater Update

Toi Moana is currently working on three freshwater plan changes to the operative Regional Water and Land Plan:

- (i) Proposed Plan Change 9 – Region-wide Water Quantity plan change;
- (ii) Proposed Plan Change 10 – Lake Rotorua Nutrient Management; and
- (iii) Proposed Plan Change 12 – Rangitāiki and Kaituna-Pongakawa-Waitahanui Water Management Areas.

Work is also progressing on a change to the operative Regional Policy Statement:

- (iv) Proposed Change 3 (Rangitāiki River).

### 2.1 Plan change 9 - Region Wide Water Quantity Plan Change

Plan Change 9 introduces region-wide water quantity provisions into the Regional Water and Land Plan. It is the first step in a two stage approach to improving regional policies and rules for strengthening water allocation limits and water management.

82 public submissions were received, 21 of which were from Māori. Further submissions to proposed Plan Change 9 have closed, with 31 being received. Hearings are scheduled for 20 – 22 November 2017. The hearing panel consists of Antoine Coffin, Andrew Fenemor, Councillor Nees, Councillor Tahana and Councillor Thompson. Pre-hearing meetings will be arranged to more fully understand issues raised in submissions by Māori submitters.

### 2.2 Plan Change 10 – Lake Rotorua Nutrient Management

Plan Change 10 is the change to the Regional Water and Land Plan which introduces rules for rural properties in the Lake Rotorua catchment, to limit the amount of nitrogen entering the lake from land use to improve lake quality. The Plan Change will also have an impact on improving the water quality in the Kaituna catchment.

On 2 August, Toi Moana unanimously voted to accept a report and the recommendations from the Independent Hearing Panel relating to Plan Change 10.

A panel of independent commissioners heard submissions from more than 50 individuals, groups and organisations over 15 days between March and May this year.

The independent hearing panel recommended some additional changes to Plan Change 10, particularly in five key areas:

- a simplified approach for small lifestyle blocks, enabling the potential development of Te Ture Whenua Māori land,

- a change in nitrogen allowance for non-benchmarked properties and in the 5ha lot threshold, and,
- clarify the reference file methodology.

The rules will be notified on August 15, with submitters having 30 working days following the receipt of the notification of the decision, to lodge any appeal with the Environment Court.

## **2.3 Plan change 12 - Kaituna-Pongakawa-Waitahanui Water Management Areas**

Plan Change 12 is the second of several plan changes required to implement the National Policy Statement Freshwater (NPS FM) and will set catchment specific objectives and limits for freshwater quality and quantity. The NPS FM details steps Toi Moana must take to better manage fresh water quantity and quality.

Work is underway focusing on water quality attributes for rivers, water quantity, groundwater, wetlands and social, cultural and economic assessment of management options. Catchment modelling for the Kaituna will help assess the impacts from land use activities on waterways. The model is expected to be ready by the end of August 2017 to support decision-making.

There is a separate agenda item about catchment modelling and scenarios for the Kaituna catchment which will provide further detail.

### **2.3.1 Community groups**

As outlined in the last update to TMoK, the fifth set of workshops with community groups have been completed. The Pongakawa/Waitahanui and Kaituna community groups made good progress towards setting measurable freshwater objectives by agreeing on desired in-river states.

The agreed 'desired in-river states' expressed by the Kaituna community 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.

Hohepa Maxwell and Maria Horne are members of the Kaituna Community Group and 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 community groups have been working on and provide a direct link to the proposed river document. Alignment with the freshwater work that is underway may be considered by TMoK's hearing panel when considering submissions and making decisions on the proposed river document.

Future community group workshops will consider consumptive/extractive use values in more detail, scenarios for catchment modelling, including land use change and mitigation options, and initial results from the model. A community group/hui calendar is being prepared to schedule these discussions.

### **2.3.2 Iwi engagement**

Through Te Maru o Kaituna, a series of hui have been undertaken and others arranged with iwi on Plan Change 12. These hui are in the first instance to establish a relationship with iwi, and second to provide the opportunity to fully participate in the engagement process. It is expected that TMoK will continue to be a conduit to promoting participation in the work on fresh water undertaken by Toi Moana.

For the Water Management Areas (WMA) of Kaituna/ Pongakawa/Waitahanui opportunities for involvement in engagement on freshwater discussions will continue to be provided to iwi and hapū with relationships with the Kaituna/ Pongakawa/Waitahanui WMA.

Iwi and hapū have been identifying their preferred methods for engagement as well as the names and contact details for people in their communities with values and interests in freshwater (including Māori Land Trustees, kaitiaki and others) so that Toi Moana can initiate more focussed engagement. Staff have also collated (but have not interpreted) two sets of data from iwi and hapū management plans, settlement legislation and deeds, water related cultural impacts assessments, iwi websites, the Māori Contacts Database and other reliable sources as a 'reasonable step' in preparing for conversations with iwi and hapū.

The first set of collated data identifies what iwi and hapū have written to Toi Moana and expressed in relation to fresh water and freshwater ecosystems and their management and decision-making. The second set of collated data relates to the identification of tangata whenua interests in water, including the extent of the lands owned and/or managed by Māori people, iwi, their commercial entities and private Māori land owning affiliates.

Toi Moana staff acknowledge the Regional Policy Statement - Policy IW 2B(b) which 'recognises that only tangata whenua can identify and evidentially substantiate their relationships and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga'. Staff are also cognisant of the requirements of the NPS FM Policy and Objective D1, the interpretation of iwi and hapū documents and other planning instruments requires the involvement of those tangata whenua and cannot be undertaken by Toi Moana staff alone.

### 2.3.3 Communications

The last *Freshwater Flash* e-newsletter was issued on 28 July 2017. Articles particularly relevant to TMoK and the Kaituna catchment included:

- Land use maps for modelling of the Kaituna/ Pongakawa/Waitahanui and Rangitāiki catchments
- Nutrient management videos for farmers
- Community groups agree on in-water aims
- Kaituna River Document submissions closed
- Freshwater symposium links online

TMoK members are encouraged to subscribe to *Freshwater Flash* and also to encourage members of their appointing organisation who may be interested to subscribe. Partners can include parts of the contents from *Freshwater Flash* within their own newsletters.

## 2.4 Change 3 to the Regional Policy Statement – Rangitāiki River



The Bay of Plenty Regional Policy Statement (RPS) must recognise and provide for the vision, objectives and desired outcomes of *Te Ara Whānui o Rangitāiki* the Rangitāiki River Document, which was developed by Rangitāiki River Forum. Change 3 to the RPS seeks to do this and at the same time set up a framework for incorporating other co governance documents such as the Kaituna River Document once it is approved by TMoK. The hearing panel heard submissions to Proposed Change 3 on 12 and 19 June 2017. After listening to the submitters, staff have prepared a report for the panel. The panel started their deliberations on 27 July 2017.

### **3 National update**

At a national level there are key activities underway that may impact Toi Moana's work programme within the Bay of Plenty and will also be of interest to TMoK. See details below.

#### **3.1 NPS-FM implementation Review**

The NPS-FM Implementation Review is being finalised by the Ministry for the Environment (MFE) and it is expected that the reports to be released shortly. These will be made public in conjunction with commentary from the Land and Water Forum.

#### **3.2 Clean Water 2017**

MFE are currently considering the nearly 10,000 submissions they received on the Clean Water discussion document, and providing advice to Cabinet on the next steps. Once Cabinet has made decisions on how to respond to the submissions, MFE will meet with councils to discuss the implementation of the proposals in the Clean Water document. It is expected that MFE will engage with councils to progress this in late August.

#### **3.3 Freshwater Improvement Fund (\$100m)**

An independent panel appointed by the Minister for the Environment has made recommendations on the applications and projects to be funded. This is expected to be announced in mid-August.

### **4 Implications for Maori**

Fresh water management work has significant implications for Iwi and Hapū, in regard to their cultural and traditional relationship with the ancestral water bodies, and as landowners.

As outlined in the section on iwi engagement above, the work underway in the Water Management Areas (WMA) of Kaituna/ Pongakawa/Waitahanui provides opportunities for tangata whenua to be involved in discussions on freshwater management. To date, Toi Moana staff have collated (but have not interpreted) two sets of data from iwi and hapū management plans, settlement legislation and deeds, water related cultural impacts assessments, iwi websites, the Māori Contacts Database and other reliable sources as a 'reasonable step' in preparing for conversations with iwi and hapū. It is acknowledged that this analysis will inform the engagement process going forward.

Staff are actively involved in securing further hui with iwi, in addition to planning for hui-a-iwi in the WMAs.

The implications for Māori are extensive, particularly with respect to how freshwater will be managed, the extent to which mātauranga Māori will be acknowledged, and opportunities for enhanced participation in decision making. With the passing of the Resource Legislation Amendment Act 2017, Toi Moana acknowledges that the new provisions relating to enhanced participation by Māori in the planning processes will also inform the role of tangata whenua.

Jo Watts  
**Senior Planner (Water Policy)**  
**for Water Policy Manager**

**4 August 2017**

**Report To:** Te Maru o Kaituna River Authority  
**Meeting Date:** 11 August 2017  
**Report From:** Namouta Poutasi, Water Policy Manager

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## **Update on catchment modelling and scenarios for the Kaituna catchment**

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### **Executive Summary**

The purpose of this report is to inform Te Maru o Kaituna (TMoK) about the catchment modelling project supporting implementation of the National Policy Statement for Freshwater Management (NPS-FM) in the Kaituna catchment and seek its feedback.

The NPS-FM requires regional councils to set objectives and limits for freshwater quality and quantity, and to implement methods to meet those. Bio-physical catchment modelling helps us to test our ability to meet objectives and estimate resource use limits given certain assumptions about future use and management of land and water (i.e. scenarios).

Catchment modelling for the Kaituna catchment will involve two stages. An initial exploratory stage in which a range of scenarios are tested (until January 2018) and a second solution-building stage in which a sub-set of these scenarios (e.g. those that meet the desired objectives) are considered in more detail (early 2018). During the second stage, modellers will test sensitivity of the outputs to climate change and staff will undertake more detailed analysis on the social, cultural and economic implications of management options.

Staff will develop scenario specifications for the initial stage of catchment modelling. The proposed approach is to base future land and water use assumptions (development scenarios) on existing growth projections and engagement with iwi and stakeholders. Future management practice assumptions (mitigation scenarios) would be based on nationally-defined good management practices, adjusted to the local context and informed by iwi and stakeholder engagement.

We will keep TMoK informed of scenario development, progress with catchment modelling and, in 2018, will seek TMoK's endorsement of any substantive decisions arising from this work.

### **Recommendations**

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

- 1 Receives and notes the contents of the report, *Update on catchment modelling and scenarios for the Kaituna catchment*.**

## 1 Background

1. The NPS-FM requires regional councils to set objectives and limits for freshwater quality and quantity to provide for freshwater values, and to implement methods in regional plans to meet those objectives and limits.<sup>1</sup> This is illustrated in Figure A1, Appendix 1.
2. Bio-physical catchment modelling is used to test our ability to meet objectives given certain assumptions about future use and management of land and water (i.e. scenarios). As illustrated in Figure A2, Appendix 1, this involves computer-generated estimates of in-river states, taking into account a range of inputs including land use and management scenarios, climate, soil type and monitoring data. It is a tool that assists in setting objectives, limits and methods and has been used by several other regional councils.

## 2 Bio-physical catchment model for the Kaituna catchment

3. The Bay of Plenty Regional Council has contracted Williamson Water Advisory to develop a catchment model for the Kaituna-Pongakawa-Waitahanui and Rangitāiki Water Management Areas. The model will be based on the [eWater Source](#) modelling platform, which has also been used by Greater Wellington Regional Council and Hawke's Bay Regional Council.
4. Catchment modelling will involve two stages. An initial exploratory stage in which a range of scenarios are tested (until January 2018) and a second solution-building stage in which a narrower range of acceptable scenarios (e.g. those that meet the desired environmental outcomes) are considered in more detail (early 2018). This two-stage approach is consistent with other applications of catchment modelling around the country (e.g. Canterbury, Waikato). During the second stage, catchment modelling will test the impact of climate change and staff will undertake more detailed analysis on the social, cultural and economic implications of management options.

## 3 Scenarios

5. The purpose of scenarios is to show how changes in land and water use and management may affect water quality and quantity. As such, they are an important and potentially challenging part of the process.
6. Informed by engagement with iwi, industry and community stakeholders, staff will develop land and water use and management or mitigation practice scenario specifications for the initial stage of catchment modelling, as broadly represented in Table 1.
7. The 'naturalised' land use scenario (A) involves all land in the catchment converting to forestry or native bush and wetlands, all water takes and discharges cease but existing or planned large river infrastructure (e.g. Kaituna re-diversion) remain in place. The purpose of this scenario, although unlikely to be plausible in reality, is to ensure we have appropriately accounted for the effects of all existing activities and uses and to check that objectives are realistic (i.e. that desired water quality or flows are within the bounds of what can be achieved under close to natural conditions).

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<sup>1</sup> Objectives are intended environmental outcomes (e.g. minimum flows or in-stream contaminant concentrations) and limits are the maximum amounts of resource use available for objectives to be met (e.g. water allocation limit or total contaminant load).

Table 1 – Conceptual definition of modelling scenarios

A. 'Naturalised' land use		A	
Development		<b><i>Mitigation and management practices:</i></b>	
	<b><i>Current practice</i></b>	<b><i>1. Good Management Practice (GMP)</i></b>	<b><i>2. Good Management Practice plus other mitigation (GMP+)</i></b>
	B0 (status quo)	B1	B2
	C. Land & water use (C)	C1	C2
	D. Land & water use (D)	D1	D2
	E. Land & water use (E)	E1	E2

8. Current land and water use and management practices (B0 or status quo) have already been largely defined based on existing information. This includes [a land use map developed by BOPRC](#), which will be one of the key inputs for catchment modelling. Community group members and other stakeholders have been invited to provide feedback on the accuracy of this map. **Feedback from TMoK members on the accuracy of this map is also welcome.**
9. Development scenarios will be based on existing growth projections and iwi, industry and community engagement. Existing growth projections include those under the Regional Growth Study/Bay of Connections, Smart Growth Strategy, economic and population growth forecasts, and industry growth forecasts.<sup>2</sup> Alternative assumptions about future land and water use (C, D, E in Table 1) will be discussed with iwi and industry representatives.
10. Future management practice assumptions (mitigation scenarios) would be based on nationally-defined good management practices (GMPs) such as the [Industry-agreed GMPs relating to water quality](#), developed for the Canterbury Matrix of Good Management, or Waikato's [Farm Menus of farming practices](#), adjusted to suit the Bay of Plenty, with input from local and regional industry representatives and iwi.
11. Additional mitigations, beyond GMPs (e.g. catchment-wide land use restrictions, technology solutions) would be based on an initial long list of management options identified by staff and community groups, narrowed down according to an initial qualitative assessment against criteria and principles, also identified by staff and community groups. Input from community groups, iwi and stakeholders will be important for this assessment. This is summarised in the diagram in Figure A3, Appendix 1.

## 4 Implications for Māori

12. Just under a quarter of the population of the Kaituna catchment is Māori. Likewise, just under a quarter of land in the Kaituna-Pongakawa-Waitahanui WMA is Māori-owned land. Management settings for fresh water in this catchment will therefore have implications for Māori.

<sup>2</sup> For example, the [Water Sustainability Strategy: Western Bay Sub-Region](#) and the recently released Zespri study of the [kiwifruit industry](#).

13. In the context of catchment modelling, draft objectives/desired in-river states will be informed by iwi values. Modelling will allow us to estimate whether these objectives/in-river states are achievable under different assumptions. As illustrated in Figure A3, Appendix 1, after catchment modelling we will need to undertake a separate assessment on the cultural implications of management options with tangata whenua. We expect the Maturanga Māori framework, developed by the Council's Māori Policy Team, will assist with this.
14. Given that Māori are large land-owners/managers in the WMA, input from iwi on development and mitigation scenarios will be very important. This will occur either through planned engagement with iwi or separate targeted meetings.

## **5 Next Steps**

15. Staff will engage with iwi and stakeholders, including community groups, between August and October 2017. Scenario specifications are expected to be finalised by the end of November. The modelling team will undertake modelling during December and January. Staff will update TMoK on progress with scenario development and any initial modelling outputs between now and the end of November.
16. Staff will seek TMoK's endorsement of substantive decisions arising from this work in 2018. In the interim, we welcome any comments or feedback TMoK wishes to make.

Santiago Bermeo  
**Senior Planner**

**for Water Policy Manager**

**4 August 2017**

# **APPENDIX 1**

## **Catchment modelling scenarios - diagrams**





## Appendix 1

Figure A1 – Implementing the NPS-FM (adapted from Ministry for the Environment 2015, [A Guide to the National Policy Statement for Freshwater Management 2014](#))

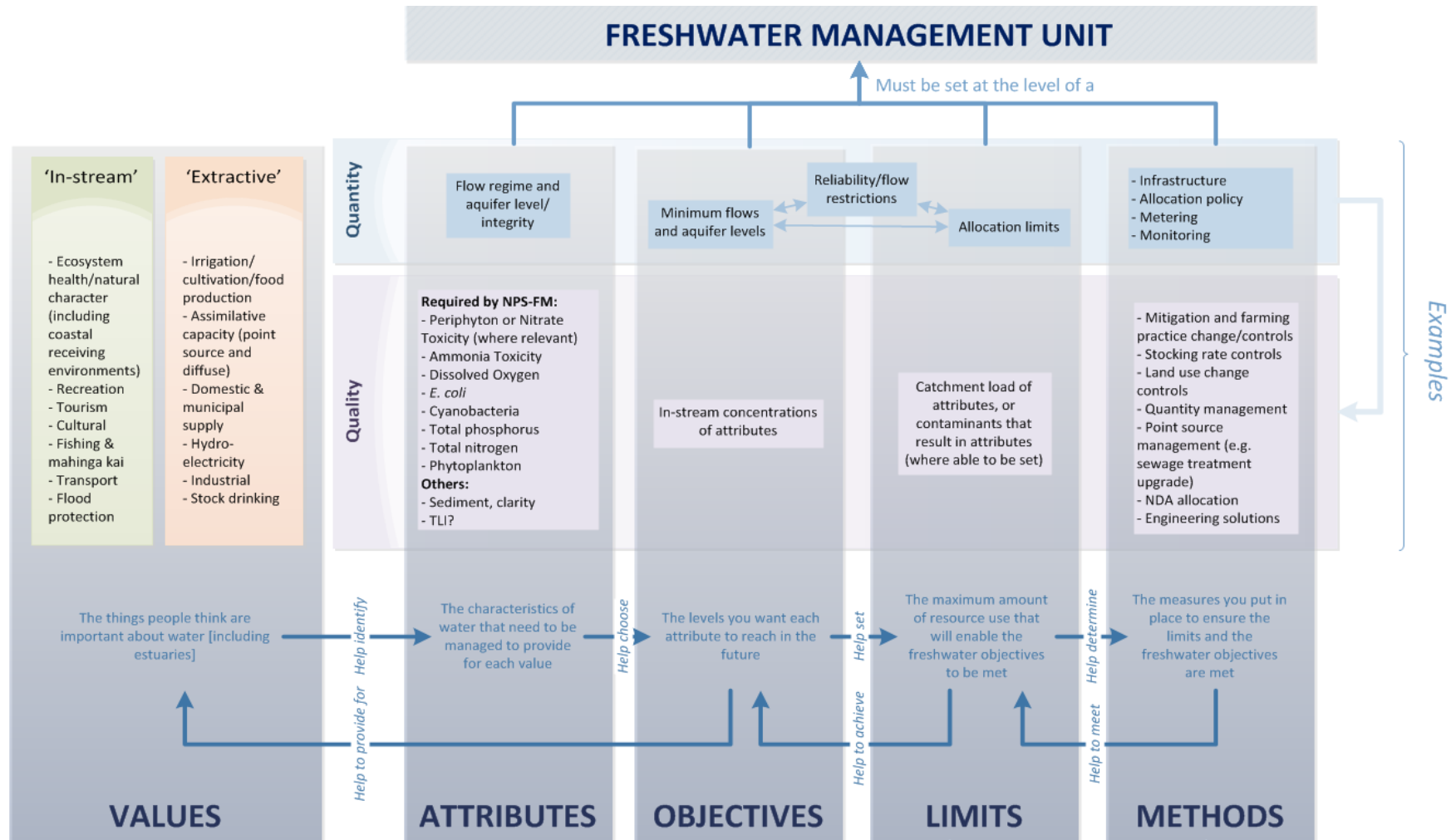


Figure A2 – Basic concept of bio-physical catchment modelling

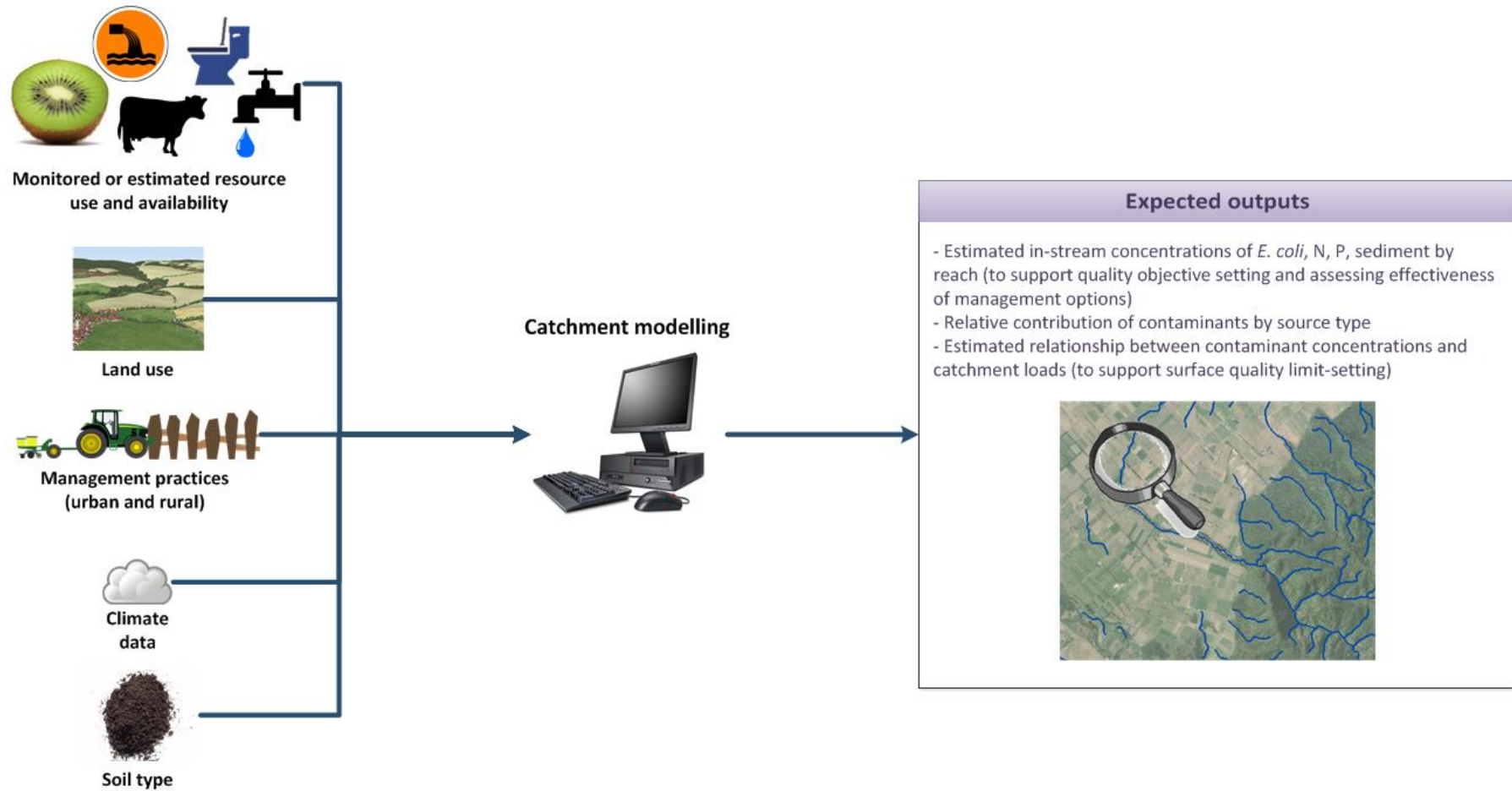
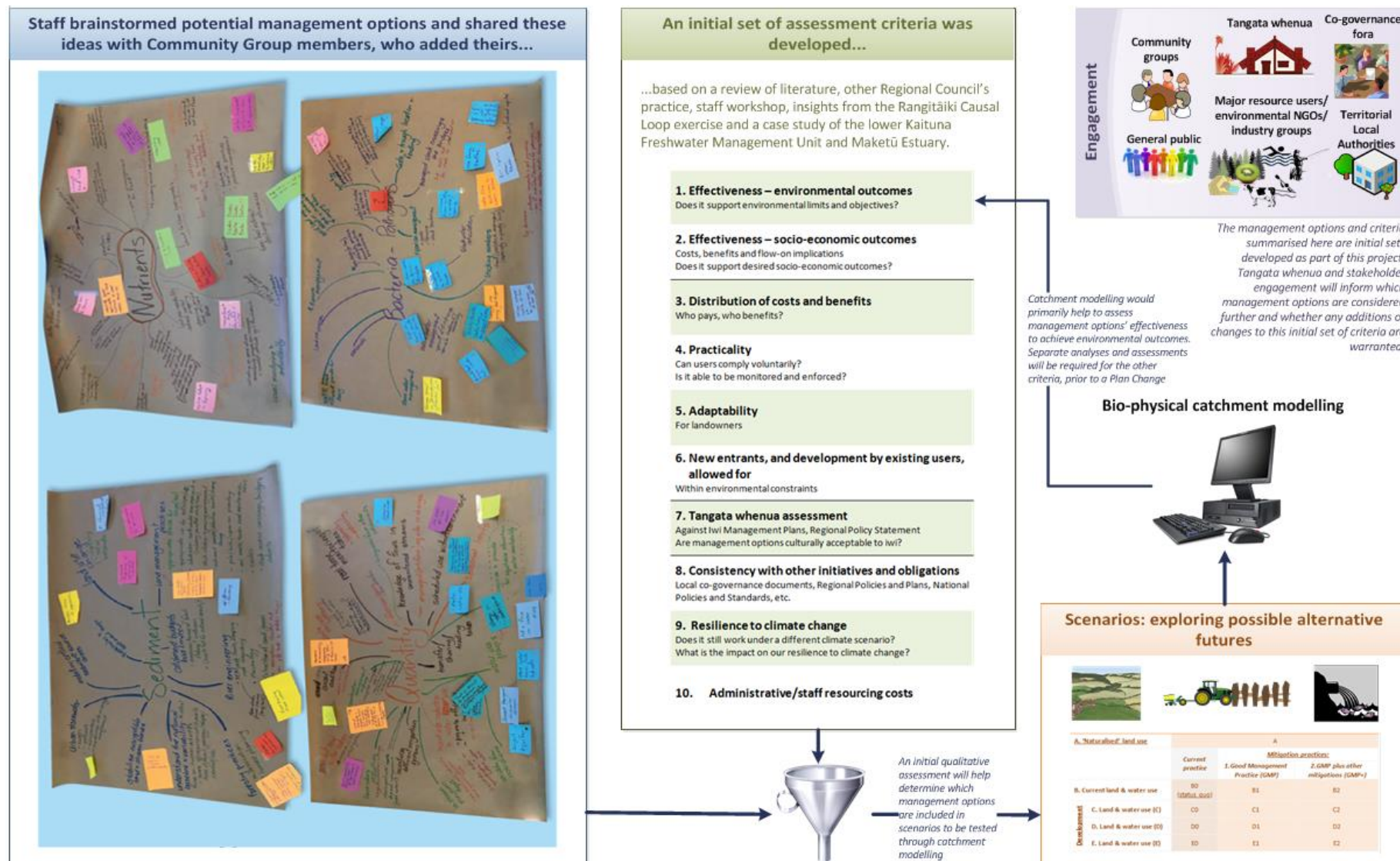


Figure A3 – Identifying and assessing management options for freshwater





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

**Meeting Date:** 11 August 2017

**Report From:** Greg Corbett, Acting General Manager Integrated Catchments

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## **Kaituna Catchment Operations Update to 21 July 2017**

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### **Executive Summary**

This report summarises Bay of Plenty Regional Council operations in the Kaituna catchment from 9 February to 21 July 2017. Key highlights include:

- Protected 40.9km of waterway margin in the Kaituna Water Management Area (WMA) in 2016/17, which is 9.9km more than Council's KPI for the year
- Completed the Papahikahawai Bridge in Maketū Estuary
- Removed the two causeways blocking Papahikahawai Creek
- Re-contoured the southern shoreline of Papahikahawai Island
- Planted 7,000 new plants on Papahikahawai Island with community
- Re-opened Pāpāmoa Hills Regional Park, and purchased further 12.4ha of land at Poplar Lane including carpark
- Started looking at options to upgrade the Ford Road pump station, and planned stakeholder engagement

### **Recommendations**

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

- 1 Receives the report, Kaituna Catchment Operations Update to 21 July 2017;**
- 2 Approves the proposed approach to stakeholder engagement for the Ford Road Pump Station Upgrade Project.**

### **1 Kaituna River Re-diversion and Te Awa o Ngatoroirangi / Maketū Estuary Enhancement Project**

Early construction and enabling works associated with the Project are well underway. Following the completion of the Papahikahawai Bridge, the two causeways blocking Papahikahawai Creek were removed on 6 June. This allowed tidal flows to flush the 13 hectares of eutrophic estuary impounded since 1963.

Significant improvements in water clarity and quality have been observed since then, as well as extensive flushing of the macro-algal deposits out to sea. Pied stilts, Royal Spoonbills and four species of fish have been seen in the lagoon area since the removal of the causeways.

In addition, the southern shoreline of Papahikahawai Island is in the process of being re-contoured as a coastal chenier landform (it has been a pampas-covered stopbank for the past 46 years). This work, agreed with Papahikahawai Trustees, will significantly enhance the habitat value of the island and increase its connectivity to the rest of the estuary.

Community volunteers led by Papahikahawai Trustees and Te Rūnanga o Ngāti Whakaue ki Maketū recently put in another 7,000 native plants on the island.

The main construction works for the Project are now out with the four shortlisted firms for tender. Subject to contract negotiations and Council approval, it is planned construction will start in October and be completed early in 2019. Unfortunately, the Ministry for the Environment have declined Council's application for co-funding of the main construction works.

## **2 Pāpāmoa Hills Regional Park**

Te Rae o Pāpāmoa was reopened to the public at Queen's Birthday Weekend following a seven month closure due to pine forest harvesting and track reinstatement. Since then Council has purchased a further 12.4 hectares of land including the main carpark at the end of Poplar Lane and some of the steep slopes above it. This secures public access to the park in perpetuity (it was previously subject to a lease agreement expiring in 2025).

Council staff are working with the Cultural Advisory Committee on a plan to improve and upgrade both the car-parking and the interpretation of the areas stories, including natural and cultural histories.

## **3 Waterway margin KPI**

In the year to 30 June 2017, landowners working in partnership with Council's Kaituna Catchments Team protected 40.9km of waterway margin through Environmental Programmes. These agreements provide grant funding for works that reduce sediment, bacteria or nutrient inputs to water in the catchment, including stock fencing, planting, run-off controls, detention dams, constructed wetlands and advice on how to change land management practices.

## **4 Biodiversity**

In the year to 30 June 2017, Council's Kaituna Catchments Team assisted landowners and Care Groups to protect and manage biodiversity at seven new sites. A report will be presented to the Authority later in 2017 with more detail on the sites protected and the priorities for protection going forward.





*Papahikahawai Creek on 6 June 2017, just prior to re-connection with estuary*



*Papahikahawai Creek on 29 June, following three weeks of tidal flushing*

## **5 Ford Road Pump Station Upgrade Project**

### **5.1 Project background**

The Ford Road pump station is a key asset in the overall Kaituna Catchment Control Scheme, which has been established to reduce the risk of damage to people, property and their livelihoods caused by flooding. The Bay of Plenty Regional Council Rivers and Drainage Department has identified that declining efficiency, possible failure of the pumps and current health and safety aspects of the pump station's operation will adversely affect Council's ability to reliably service a large number of customers.

The replacement of the existing pump station has been identified as a capital works project as part of the asset management planning process. Development in the area (specifically the Kaituna River Re-diversion and Te Awa o Ngatoroirangi / Maketū Estuary Enhancement Project and Rangiuru Business Park Structure Plan) as well as aggravated natural processes (climate change effects including sea level rises, storm surge, ongoing peat shrinkage and increased frequency and intensity of extreme rainfall events) pose further pressures on the scheme, which has resulted in the decision to upgrade the pump station.

The scope of the Project is still to be fully defined. As the first step, a project options assessment is currently being undertaken to refine the business case by examining a range of possible options and potential issues and opportunities. Following the options study, the business case will be further refined and the full scope of the project determined. The Business Case will be presented to Council for approval in late 2017. The Project Options Study Report will identify a preferred option. It is expected that this option will be carried through into the next phases of the project, being the design, consenting and implementation.

Council Senior Environmental Engineer Kathy Thiel-Lardon is managing the Project, with Planning and Engineering consultancy services from BECA.

### **5.2 Project objectives**

Key objectives of the pump station upgrade project are to:

- Maintain the levels of service with respect to land drainage and flood mitigation
- Address current health and safety and operational issues
- Provide access opportunities to improve the discharge water quality, bearing in mind the Plan Change 12 process to implement the National Policy Statement on Freshwater Management 2014
- Reduce adverse effects on the Kaituna River and Maketū Estuary
- Allow for climate change and ongoing peat shrinkage within the catchment and, where practicable, build in future proofing.

### **5.3 Key Project outcomes**

- A sustainable, safe, ongoing, and cost effective Rivers and Drainage scheme.
- Increased pump capacity.
- Increased pump performance/energy efficiency.
- Enhanced environmental performance.
- Increase reliability, reduced risk of failure.
- Improved Health and Safety standard and operational procedures.



## 5.4 Stakeholder Consultation

A number of key stakeholders and groups are to be consulted during the options assessment and consenting phases, including but not limited to, potentially affected landowners and iwi. The wider community will be kept informed through a project page on the Council website and letters.

### 5.4.1 Approach to iwi consultation

As well as Te Maru o Kaituna River Authority, there are many iwi with an interest in the area and engagement with the iwi with mana whenua of the area is viewed as critical to the success of the Project. Engagement with iwi will be throughout the project with consultation commencing during the options assessment phase to understand any issues/concerns they have or cultural effects so this can inform the selection of the preferred option.

Following the briefing to Te Maru o Kaituna, it is proposed to meet with the two iwi collective groups that have been established for the Kaituna River Re-diversion Project. Initial meetings will be scheduled for mid-August.

The iwi represented in these two groups are:

- Te Rūnanga o Ngati Whakaue ki Maketū
- Tapuika Iwi Authority
- Ngati Pikiao ki Maketū
- Ngati Mākino Heritage Trust
- Te Kapu o Waitaha
- Te Maru o Ngati Rangiwewehi

The additional following groups will also be provided with information regarding the Project:

- Ngāti Rangitihi
- Tuhourangi
- Ngā Potiki
- Ngāti Pukenga
- Te Arawa Federation of Māori Authorities
- Maketu Taiapure Committee of Management

## 5.5 Initial Programme

The Project Options Study Report and Business Case will be completed and presented to Council for approval in late 2017. It is then expected that the consenting and design of the new pump station will occur in 2018, with construction occurring in 2019.

## 5.6 Location Map

The map below shows the current location of the Ford Rd Pump Station. Options ranging from 2km upstream to 1km downstream are being initially explored together with the current location to come up with a short list for consultation and investigations.



Pim De Monchy  
**Kaituna Catchments Manager**

**for Acting General Manager Integrated Catchments**

**4 August 2017**