

IN THE MATTER of the Resource Management Act 1991
AND IN THE MATTER of Proposed Change 3 (Rangitāiki River)
to the Bay of Plenty Regional Policy Statement

**PROPOSED CHANGE 3 (RANGITĀIKI RIVER) TO THE BAY OF PLENTY REGIONAL
POLICY STATEMENT**

REPORT AND RECOMMENDATIONS OF THE HEARING COMMITTEE

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Date: 6 September 2017

Table of Contents

1.0	Introduction and Background	6
1.1	Introduction	6
1.2	The Hearing Process	6
1.3	Background	7
1.4	History of the Catchment	7
1.5	Development of Proposed Change 3	8
1.6	Deliberations	9
2.0	Legal Issues	9
3.0	Regional Council's statutory obligations for integrating the River Document	10
4.0	Statutory framework	10
4.1	Part 2 Matters	11
4.2	Functions of regional councils – Section 30	12
4.3	Preparation and change of regional policy statements– s60, s61 and s62	13
4.4	Section 32 requirements and other statutory reports	14
4.5	Other Acts and relevant statutory instruments	15
4.6	Local Government Act 2002	15
4.7	National Policy Statement on Freshwater Management 2014 (NPS-FM)	15
4.8	National Policy Statement for Renewable Electricity Generation 2011	16
4.9	National Policy Statement for Electricity Transmission 2008	17
4.10	New Zealand Coastal Policy Statement	17
4.11	Resource Management (National Environmental Standard for Sources of Human Drinking Water) Regulations 2007	18
5.0	Link to Te Ara Whānui o Rangitāiki Document	18
6.0	Pre-hearing meetings	19
7.0	Key submission issues and outcomes	19
8.0	The Hearing of Submissions	19
8.1	Schedule of the Submitters heard	20
8.2	Day One of the Hearing – Monday 12 th June 2017	20
8.3	DAY 2 of the Hearing – Monday 19 th June 2017	25
9.0	SITE VISIT	32
9.1	Site visit to the Rangitāiki River at Thorndon	32
9.2	Visit to Edgecumbe Township site	33
9.3	Visit to Matahina Dam	33

9.4	Visit to Aniwhenua Dam	34
9.5	Visit to Kani Rangi Park, Murupara	34
9.6	Visit to Wheao Dam canal diversion	35
9.7	Visit to the home of Mr Bill Kerrison	36
10.0	Matters for consideration	36
10.1	Inconsistencies	37
10.1.1	Trout effects on Indigenous Fish	37
10.1.2	Objective 7	37
10.1.3	Policy RR 1B and Method 23D - Tuna v Fish Passage	38
10.1.4	Objective 2 AERs and Monitoring Indicators	38
10.1.5	Integration with NPS for Freshwater Management Process	39
10.1.6	Request to Withdraw Proposed Change 3	39
10.1.7	Rangitāiki Flood Scheme Effects on Freshwater Fish/Tuna	40
10.1.8	Treaty Co-Governance Compendium Document	42
10.1.9	Objective Numbering	42
	Objective 1 (renumbered 32)	43
	Objective 2 (renumbered Objective 33)	43
	Objective 3 (renumbered Objective 34)	43
	Objective 6 (now renumbered 37)	44
10.2	Policy RR 3B – Establishing Water Quality Limits	45
10.3	Policy RR 4B – Efficient use and development of resources	47
10.4	Method 23E – Action Plan for Tuna Passage	47
10.5	Method 23I	48
10.6	Method 23Q – GIS For Wāhi Tapu and Wāhi Taonga	49
10.7	Method 23S – Remove or Adapt Structure Impeding Access	50
10.8	Method 23K – Identify Sources and Locations of Illegal Refuse Dumping	50
11.0	Treaty Settlement Acts 2012 v National Policy Statements	51
11.1	Effects of tuna population decline on tikanga and mātauranga Maori	53
11.2	Tuna Passage	54
11.3	Policy RR 6C - Drainage and Flood Protection Works Effects on Amenity Values	56
11.4	Method 23I and Flow Variability	58
11.5	Indigenous Biodiversity	60
11.6	Protection of culturally sensitive information	61
11.7	Method 23J - Strategies for managing wastewater and stormwater	62
11.8	Method 55	62
12.0	Issues validation	63
12.1	Drinking Water	63

12.2	Tuna Abundance	64
13.0	Evaluation and Recommendations	64
13.1	Evaluation duties	64
13.2	Conclusions and recommendations	65

APPENDICES

- APPENDIX A** Proposed Change 3 (RANGITĀIKI River) to the Bay of Plenty Regional Policy Statement Hearing Committee Recommendations, Version 7.3b (Track changes version)
- APPENDIX B** Proposed Change 3 (RANGITĀIKI River) to the Bay of Plenty Regional Policy Statement Hearing Committee Recommendations, Version 7.3c (Clear version)
- APPENDIX C** Proposed Change 3 (Rangitāiki River) to the RPS Hearing Recommendations on Provisions with Submissions and Further Submissions, 5 September 2017 [105 page report]
- APPENDIX D** Minutes of Proposed Change 3 (Rangitāiki River) to the Bay of Plenty Regional Policy Statement Hearing
- APPENDIX E** Proposed Change 3 (Rangitāiki River) to the Bay of Plenty Regional Policy Statement V 7.0: Section 32AA evaluation of changes August 2017
- APPENDIX F** Proposed Change 3 (Rangitāiki River) to the Bay of Plenty Regional Policy Statement Supplementary Staff Report on Submissions, Nassah Steed, 12 July 2017, File Reference 7.00113 [further section 42A report]
- APPENDIX G** Proposed Change 3 (Rangitāiki River) to the Bay of Plenty Regional Policy Statement Reconvened Deliberations on 10 August, Nassah Steed, 8 August 2017, File Reference 7.00117 [further section 42A report]

1.0 Introduction and Background

1.1 Introduction

- (1) This report and recommendations relate to Proposed Change 3 (Rangitāiki River) to the Bay of Plenty Regional Policy Statement (PC3).
- (2) Acting under section 34A(1) of the RMA the Council appointed us, the undersigned, as Hearing Committee members to hear, consider, report and make recommendations on submissions on Proposed Change 3 to the Regional Policy Statement (PC3); and delegated to us all the functions, powers and duties of the Council to hear and consider submissions on PC3, including requiring and receiving reports under section 42A of the RMA.

1.2 The Hearing Process

- (3) On 11th October 2016 the Bay of Plenty Regional Council (“Council”) acting under section 60 of the Resource Management Act 1991 (“RMA”) and clause 5 of Schedule 1 to that Act, publicly notified Proposed Change 3 (Rangitāiki River) to the Bay of Plenty Regional Policy Statement (PC3).
- (4) The Council received a total of nineteen submissions. The period for further submissions opened on 17th January 2017 and closed on 15th February 2017 with six further submissions received. Two submissions were received late (within a day) and were subsequently accepted using the provisions set out in s37 and 37A of the RMA by the Regional Integrated Planning Manager, acting under delegated authority from the Council.
- (5) We, the Hearing Committee, conducted public hearings of the reports made under section 42A of the RMA, and of the evidence and submissions of the submitters who wished to be heard, and read and considered the written submissions. Hearings were conducted on the 12th and 19th of June 2017. The hearings were held at Regional Council’s office in Whakatane. The parties who appeared at the hearing in support of their submissions are listed in chronological order of appearance in Schedule 7.1 (Page 19 of this report). All submitters were given the opportunity of attending hearings and addressing their submission and any expert evidence they had provided in advance. Questions were directed to witnesses by members of the panel and questions of clarification were allowed. Verbal and written submissions were received from a number of submitters.
- (6) The hearing of submitters concluded at 1:30 pm on 19 June 2017, and the hearing was then adjourned.
- (7) The hearing was formally closed at the start of deliberations on the 27 July 2017.
- (8) Subsequently we reopened the hearing on 24 August 2017, having received further information, and this was advised to the parties and those documents circulated in case there were comments from the submitters.
- (9) Further statements were received from two submitters, Murupara-Galatea Irrigation Society and TrustPower. Those comments were received by the Hearings Committee on 4 September 2017 and considered as part of our deliberations.
- (10) We closed the hearing again on Monday 4 September 2017 and concluded our deliberations.

1.3 Background

- (11) **Area covered:** Rangitāiki River catchment only.
- (12) **What the proposed change does:** Proposed Change 3 introduces new issues, objectives, policies and methods specific to the Rangitāiki River catchment in a new Treaty Co-Governance chapter 2.12 in the Regional Policy Statement (RPS). Proposed Change 3 (PC3) seeks to fulfil Regional Council's responsibilities under the Ngāti Manawa and Ngāti Whare Treaty Settlement Claims Acts 2012 which requires the Bay of Plenty Regional Council to recognise and provide for the vision, objectives and desired outcomes of Te Ara Whānui o Rangitāiki (the Rangitāiki River Document) in preparing or changing the Regional Policy Statement¹, subject of course to the provisos of those Acts and the RMA.
- (13) In general terms, Proposed Change 3 involves:
- Introducing a new Treaty Co-governance chapter into Part 2 of the RPS, as section 2.12;
 - Locating the Rangitāiki River change, and subsequent treaty co-governance changes, to the RPS in this chapter;
 - Including the eight objectives from the Rangitāiki River Document, with policies and methods derived from the actions and desired outcomes of the River Document;
 - Including a new Map 4aa showing the spatial extent of the catchment to which the specific Rangitāiki River provisions apply.
 - Although not part of the RPS, to provide context, the complete Rangitāiki River Document is included in a separate Treaty Co-Governance Compendium Document.
- (14) While the Hearing Committee was cognisant of the competing tensions between the aspiration of returning the River to its ancestral state, and the substantive rights of all those whose livelihoods depend on the River today, including hydro electricity generators, foresters, farmers and local communities (both Maori and Pakeha), it has been tasked with the consideration of proposed Change 3 to the RPS, and must undertake this as required by the Resource Management Act 1991.

1.4 History of the Catchment²

- (15) The Rangitāiki River catchment has sustained human habitation for close to a millennium.
- i. Longfin tuna have been living in Aotearoa for at least one million years.
 - ii. The descendants from the Mataatua waka have been living along the River for 800 years.
 - iii. The Rangitāiki Plains were drained 100 years ago.
 - iv. The dairy factory at Edgecumbe has been operating for 102 years.
 - v. The Kaingaroa Plateau was planted with exotic trees 80 years ago.
 - vi. Some mature female tuna in the Rangitāiki River were born more than 50 years ago.
 - vii. The Rangitāiki River has been providing hydro-electricity for more than 50 years.
 - viii. The stop banks along the Rangitāiki River have been in place for more than 40 years.

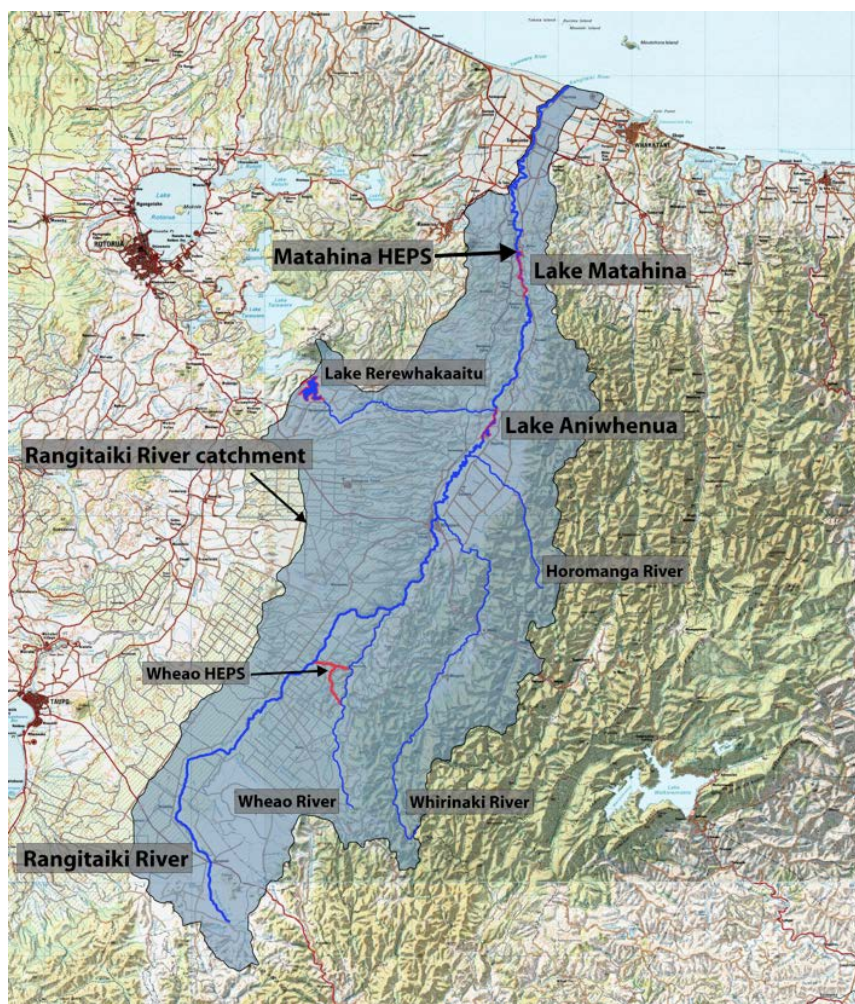
¹ Section 119 Ngāti Manawa Claims Settlement Act; Section 123(3) Ngāti Whare Claims Settlement Act 2012.

² Source: *Te Ara Whānui o Rangitāiki – Pathways of the Rangitāiki* p9.

(16) The Rangitāiki River catchment covers 2,987 km² (298,705 ha), and is made up of:

52%	Exotic forest
28%	Native forest
18%	Pasture
2%	Other cover

FIGURE 1 Map of Rangitāiki River Catchment, showing the 3 hydro-generation stations



(17) The Rangitāiki River is 155km long (the longest river in the Bay of Plenty), and there are 4,500 km of waterways in the catchment, including the Wheao, Whirinaki and the Horomanga rivers.

1.5 Development of Proposed Change 3

- (18) The following material is largely adopted from the PC3 to the Bay of Plenty Regional Policy Statement Overview report on Submissions, prepared by Nassah Steed, dated 11 April 2017 [section 42A report].
- (19) Section 119 of the Ngāti Manawa Claims Settlement Act 2012 and section 123 of the Ngāti Whare Claims Settlement Act 2012 include provisions which compel Bay of Plenty Regional Council to recognise and provide for the vision, objectives and desired outcomes of the Rangitāiki River Document in the Bay of Plenty Regional Policy Statement (RPS) in preparing or changing the Bay of Plenty Regional Policy Statement to the extent that this is consistent with the purpose of the RMA.

- (20) Following approval of the Rangitāiki River Document in December 2014 and publication in February 2015, Draft Change 3 (Rangitāiki River) to the RPS was prepared under the RMA as required by statute. The draft was prepared in consultation with internal staff and the Rangitāiki River Forum on 30 April 2015. The Regional Direction and Delivery Committee approved Draft Change 3 for public consultation on 30 September 2015. The Schedule 1 process was undertaken in the development of Draft Change 3. We refer to this later in this report.
- (21) Draft Change 3 was open for informal comment until 5 February 2016, with nine written comments received. Staff recommendations were prepared in response to comments received and these were work shopped with the Rangitāiki River Forum (the Forum) on the 17 March 2016. Further amendments were made in response to directions from the Forum.
- (22) At the Regional Direction and Delivery Committee meeting on 31 March 2016 approval was sought for PC3 to be publicly notified. At that meeting the Committee sought a workshop to consider matters more fully. A Committee workshop was held on 8 September 2016 and direction was provided on a revised version of PC3, taking into account all feedback and discussions up to that point in time. Further advice was obtained in response to questions raised by Committee members at the workshop on the inclusion of existing operative RPS provisions in PC3.

1.6 Deliberations

- (23) Deliberations commenced on the 19th of June and were then adjourned pending the provision of additional information requested from staff. On 27th of July 2017 the hearing reconvened for the purposes of receiving a supplementary staff report,³ and the deliberations continued. The hearing was reopened on 24 August as further information was received and an opportunity provided to submitters for comment.
- (24) Most of the submissions were generally supportive of PC3, although some submitters sought amendments. Two submitters sought PC3, either in full or in part, be withdrawn or placed on hold. Constructive improvements were suggested by submitters and their counsel, expert witnesses and other witnesses. The Hearing Committee also considered the section 42A reports prepared by officers of the Council. We acknowledge the suggested amendments, even those we do not adopt, and the related evidence, have substantially helped us in coming to our recommendations.
- (25) During the course of the hearing we issued several directions requesting clarification of and caucusing on certain matters. This resulted in a number of further reports and memoranda.
- (26) The Hearing Committee met again on 10th August and on September 4th to conclude our deliberations.

2.0 Legal Issues

- (27) In this report we state our understanding of the general legal context within which the Council must give its decisions on the submissions to PC3. We acknowledge and are indebted to the recent decision of the Regional Council and the report and recommendations of the Hearing Panel in respect of Proposed Plan Change 10 to the Regional Plan for their concise statement of the framework of various legal issues as they generally apply to these tasks. We have also taken into consideration the submissions that addressed relevant legal points.

³ Proposed Change 3 (Rangitāiki River) to the Bay of Plenty Regional Policy Statement, Supplementary Report on Submissions, Nassah Steed, 12th July 2017, File Reference 7.00113 (Appendix A).

3.0 Regional Council's statutory obligations for integrating the River Document

- (28) Under the Ngāti Whare and Ngāti Manawa Claims Settlement Acts 2012 the Rangitāiki River Forum has as one of its functions the preparation and approval of the Rangitāiki River Document. The Acts do not specify a purpose for the Document⁴ but the purpose of the Forum is the protection and enhancement of the environmental, cultural, and spiritual health and wellbeing of the Rangitāiki River and its resources for the benefit of present and future generations.
- (29) This differs from the purpose of the Resource Management Act 1991 (RMA).
- (30) The Regional Council's obligations under the Ngāti Whare and Ngāti Manawa Claims Settlement Acts with respect to the integration or reflection of the River Document in the regional policy and planning framework are tied closely to its obligations under the RMA. Importantly, the requirement to recognise and provide for the vision, objectives and desired outcomes of the River Document for the Rangitāiki River catchment under the Ngāti Manawa and Ngāti Whare Claims Settlement Acts 2012 only applies to the extent that this is consistent with the purpose of the RMA⁵, and the vision, objectives and desired outcomes relate to the resource management issues of the region⁶.
- (31) As noted above, under the Ngāti Whare and Ngāti Manawa Claims Settlement Acts, the Regional Council must *recognise and provide for* any vision, objectives, and desired outcomes contained within the Rangitāiki River document in preparing or changing the RPS⁷. The phrase "recognise and provide for" is recognisable from that used in section 6 RMA requiring the recognition of and provision for matters of national importance. Case law from that section implies that such values have a significant priority and require actual provision to be made for them⁸.
- (32) The Settlement Acts set out a process that is not one of direct incorporation of the River Document into the RPS, but a Schedule 1 process where the purpose of the RMA is intended to remain the overarching consideration. Accordingly, we turn now to the RMA.

4.0 Statutory framework

- (33) **The RMA (s61-62) provides direction on what matters Regional Council shall consider when changing an RPS. An RPS:**
- (34) ***must give effect to:***
- New Zealand Coastal Policy Statement 2010.
 - National Policy Statements and National Environmental Standards:
 - National Policy Statement for Renewable Electricity Generation 2011.
 - National Policy Statement for Electricity Transmission 2008.
 - National Policy Statement for Freshwater Management 2011.
- (35) ***shall have regard to:***

⁴ Unlike the Tapuika Claims Settlement Act 2014 for example, which sets the purpose of the Kaituna River Document as being a) to promote the restoration, protection, and enhancement of the environmental, cultural, and spiritual well-being of the Kaituna River; and (b) to the extent necessary to fulfil the purpose described in paragraph (a), to provide for the social and economic well-being of people and communities.

⁵ S119(4)(b) Ngāti Manawa Claims Settlement Act 2012; S123(4)(b) Ngāti Whare Claims Settlement Act 2012

⁶ S119(4)(a) Ngāti Manawa Claims Settlement Act 2012; S123(4)(a) Ngāti Whare Claims Settlement Act 2012

⁷ Section 119(1) Ngāti Manawa Claims Settlement Act 2012; Section 123(1) Ngāti Whare Claims Settlement Act 2012.

⁸ Bleakley v Environmental Risk Management Authority [2001] 3 NZLR 213 (HC)

- Any management plans and strategies prepared under other Acts.
- relevant entries on the New Zealand Heritage List/Rarangi Kōrero register required by the Heritage New Zealand Pouhere Taonga Act 2014.
- regulations relating to ensuring sustainability, or the conservation, management or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Māori customary fishing).
- the extent to which the RPS needs to be consistent with policy statements and regional plans of adjacent regional councils.

(36) **take into account:**

- any relevant planning document recognised by an iwi authority, and lodged with the council.
- the matters in a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 that relate to a part of the common marine and coastal area outside the customary marine title area of the relevant group.

4.1 Part 2 Matters

(37) **Part 2** is a framework against which all the functions, powers and duties under the RMA are to be exercised for the purposes of giving effect to the RMA. It guides decision-making under the RMA towards the over-arching purpose of sustainable management, and directs decision-makers to manage resources so that the reasonably foreseeable needs of future generations can be met and the life supporting capacity of the ecosystem protected. We consider this in light of the guidance in the Supreme Court “King Salmon⁹” decision.

(38) **Section 5** sets out the Act’s overall objective. Its purpose is identified in s5(1) as “**to promote the sustainable management of natural and physical resources**”. In doing this, sustainable management is to be given the meaning stated in s5(2):

In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while:

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

(39) Section 5 contemplates environmental preservation and protection as an element of sustainable management of natural and physical resources,¹⁰ and protecting the environment from adverse effects of use and development is an aspect (though not the only aspect) of sustainable management).¹¹ Although s 5 is not itself an operative provision,¹² where applicable the other sections of Part 2 (s6, s7 and s8) are operative, albeit at the level of general principles, directing

⁹ *Environmental Defence Society v NZ King Salmon Limited & Ors* [2014] NZCSC 38

¹⁰ *Environmental Defence Society v NZ King Salmon Limited & Ors* [2014] NZCSC 38 at [146].

¹¹ *NZ King Salmon* at [148].

¹² *NZ King Salmon* at [151].

those administering the RMA, and elaborating¹³ on how s 5 is to be applied in the circumstances described in them.

(40) **Section 6** of the RMA identifies matters of national importance, and directs all persons exercising functions and powers under the Act to recognise and provide for them. Those most relevant to PC3 include:

- the protection of areas of indigenous vegetation and significant habitats of indigenous fauna (s6(c));
- the maintenance and enhancement of public access to and along lakes and rivers (s6(d)); and
- the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (s6(e)).

(41) **Section 7** directs that, in achieving the purpose of the Act, all persons exercising functions and powers under it are to have particular regard to some eleven listed matters, nine of which are relevant to PC3. They are:

- (a) Kaitiakitanga;
- (aa) the ethic of stewardship;
- (b) the efficient use and development of natural and physical resources;
- ...
- (c) the maintenance and enhancement of amenity values;
- (d) intrinsic values of ecosystems;
- ...
- (f) maintenance and enhancement of the quality of the environment;
- (g) any finite characteristics of natural and physical resources;
- (h) the protection of the habitat of trout and salmon; and
- (i) the effects of climate change;
- ...

(42) **Section 8**, directs persons exercising functions and powers under it to take into account the principles of the Treaty of Waitangi “te Tiriti o Waitangi”. We understand this direction does not extend the principles that are not consistent with the scheme of the RMA, nor does it provide for allocating resources to Māori.¹⁴ It does not impose a duty on functionaries to take into account past wrongs, or to be open to ways to restore imbalance.¹⁵

(43) Although Part 2 states the purpose of the Act and the principles in elaboration of the purpose, where the specific, unqualified prescriptions of a superior instrument by which Part 2 is given effect apply, such as in the four National Policy Statements listed above, a decision maker is not free to “**refer back**” to Part 2.¹⁶ To do so would diminish such a prescription. However, the Supreme Court direction is qualified by two constraints:

- the lawfulness and meaning of the prescription must not be in dispute; and
- the prescription must “**cover the field**”.

4.2 Functions of regional councils – Section 30

(44) **Section 30** of the RMA lists the functions of regional councils for the purpose of giving effect to the Act in their regions. The following are those functions most relevant to PC3:

¹³ *NZ King Salmon* at [25] and [149].

¹⁴ *Minhinnick v Minister of Corrections* NZEnvC A043/2004.

¹⁵ *Waikanae Christian Camp v Kapiti Coast District Council* (HC Wellington 27/10/2004, McKenzieJ).

¹⁶ *King Salmon* at [80] and [88].

- the establishment, implementation and review of policies and methods to achieve integrated management of the natural and physical resources of the region (s30(1)(a));
- the preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance (s30(1)(b));
- the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in relation to housing and business land to meet the expected demands of the region (s30(1)(ba));
- control of the use of land for the purpose of soil conservation; maintenance and enhancement of the quality of water and water bodies; maintenance and enhancement of the ecosystems in water bodies (s30(1)(c));
- the control of discharges of contaminants into or onto land, air, or water and discharges of water into water (s30(1)(f));
- the establishment, implementation, and review of policies and methods for maintaining indigenous biological diversity (s30(1)(ga));
- the strategic integration of infrastructure with land use through objectives, policies, and methods (s30(1)(gb)).

4.3 Preparation and change of regional policy statements— s60, s61 and s62

- (45) **Section 60** of the RMA states that a regional policy statement may be changed in the manner set out in Schedule 1, at the instigation of a Minister of the Crown, the regional council, or any territorial authority within or partly within the region (s60(2)).
- (46) **Section 61** requires a regional council to prepare and change its regional policy statement in accordance with (s61(1)) —
- (1) (a) its functions under section 30; and
 - (b) the provisions of Part 2; and
 - (c) its obligation (if any) to prepare an evaluation report in accordance with section 32; and
 - (d) its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and
 - (da) a national policy statement, a New Zealand coastal policy statement, and a national planning standard; and
 - (e) any regulations.
- (2) In addition to the requirements of section 62(3), when preparing or changing a regional policy statement, the regional council shall have regard to—
- (a) any—
 - (i) management plans and strategies prepared under other Acts; and
 - (iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiāpure, mahinga mātaītai, or other non-commercial Maori customary fishing); and
to the extent that their content has a bearing on resource management issues of the region. S61(2A) and (3) are also relevant.
- (47) **Section 62** stipulates:
- (1) that a regional policy statement must state—

- (a) the significant resource management issues for the region; and
 - (b) the resource management issues of significance to iwi authorities in the region;
and
 - (c) the objectives sought to be achieved by the statement; and
 - (d) the policies for those issues and objectives and an explanation of those policies;
and
 - (e) the methods (excluding rules) used, or to be used, to implement the policies; and
 - (f) the principal reasons for adopting the objectives, policies, and methods of
implementation set out in the statement; and
 - (g) the environmental results anticipated from implementation of those policies and
methods; and
 - (h) the processes to be used to deal with issues that cross local authority boundaries,
and issues between territorial authorities or between regions; and
 - (i) the local authority responsible in the whole or any part of the region for specifying
the objectives, policies, and methods for the control of the use of land—
 - (i) to avoid or mitigate natural hazards or any group of hazards; and
 - (iii) to maintain indigenous biological diversity; and
 - (j) the procedures used to monitor the efficiency and effectiveness of the policies or
methods contained in the statement; and
 - (k) any other information required for the purpose of the regional council's functions,
powers, and duties under this Act.
- (3) A regional policy statement must not be inconsistent with any water conservation
order and must give effect to a national policy statement, a New Zealand coastal policy
statement, or a national planning standard.
- (48) We keep all of these duties in mind when addressing submissions in PC3 if and as they apply to
the subject matter of the submissions and evidence.

4.4 Section 32 requirements and other statutory reports

- (49) Section 32 of the RMA prescribes the requirements for preparing and publishing evaluation
reports. An evaluation report is to examine whether the provisions of PC3 are the most
appropriate way to achieve the relevant objectives of the RPS by:
- (a) identifying other reasonably practicable options;
 - (b) assessing the efficiency and effectiveness of the provisions in doing so; and
 - (c) summarising the reasons for deciding on the provisions (s32(1)(b)).
- (50) The report is to contain the level of detail that corresponds to the scale and significance of the
environmental, economic, social and cultural effects anticipated from implementation of the
proposal (s32(1)(c)).
- (51) In assessing the efficiency and effectiveness of provisions, the assessment has to identify and
assess the anticipated benefits and costs of the environmental, economic, social and cultural
effects, including opportunities for economic growth and employment anticipated to be
provided or reduced.
- (52) The assessment, if practicable, should quantify the benefits and costs; and if there is uncertain or
insufficient information about the subject matter of the provisions, has to assess the risk of
acting or not acting. (s32(2)(a)).

- (53) Section 32 requires a value judgement as to what, on balance, is the most appropriate when measured against the relevant objectives. The High Court¹⁷ rejected the submission that in order to be the “most appropriate”, the proposed plan change must be the superior method; the Court found that “appropriate” meant suitable, and there was no need to place any gloss on that word by incorporating that it be superior. Further, the Court did not agree that s 32 mandated that each individual objective had to be “the most appropriate” way to achieve the RMA’s purpose. Each objective is required to be examined in the process of evaluation. Objectives could not be looked at in isolation because the extent of each objective’s relationship in achieving the purpose of the Act may depend on inter-relationships.
- (54) **Under s32AA**, a further evaluation is required for any changes proposed since the original evaluation report was completed. This report, dated August 2017, is included as Appendix E to this Hearing Committee recommendations report.
- (55) We have considered all of the statutory reports to the extent that we are required to do so by the statutory directions.

4.5 Other Acts and relevant statutory instruments

- (56) There are other Acts that apply either directly or indirectly to the Regional Council’s decision on PC3 and deciding submissions on it.
- (57) We have already referred to the Ngāti Manawa Claims Settlement Act 2012 and the Ngāti Whare Claims Settlement Act 2012 and their role regarding PC3.

4.6 Local Government Act 2002

- (58) Schedule 1 of the RMA sets out the process required to be completed with the preparation, change and review of any policy statement. Clause 3 of Schedule 1 identifies the consultation required during the preparation of a change to a policy statement, and requires this to be completed in accordance with s82 of the Local Government Act (“LGA”).
- (59) Section 82 of the LGA ensures that all parties who will or may be affected by, or have an interest in the matter, are provided with reasonable access to information, and the opportunity to present their views to the local authority. Specific mention is provided for consultation with Māori by s82(2). The local authority must give consideration to the views and preferences of any persons affected by or has an interest in the matter.

4.7 National Policy Statement on Freshwater Management 2014 (NPS-FM)

- (60) The NPS-FM is about recognising the national significance of fresh water for all New Zealanders and Te Mana o te Wai (the mana of the water). It sets out objectives and policies that direct local government manage water in an integrated and sustainable way, while providing for economic growth within set water quantity and quality limits.
- (61) The main focus of the NPS-FM is:
- (a) setting freshwater objectives (goals that describe the desired state of fresh water now or in the future);

¹⁷ See *Rational Transport Society Inc v New Zealand Transport Agency*, HC Wellington CIV-2011-485-2259, 15 December 2011.

- (b) setting limits (the maximum amount of the resource available for use); and
- (c) implementing methods to achieve the freshwater objectives and limits.

(62) The policy statement is divided into eight parts:

Part A and **Part B** give direction on what must be provided for, or addressed in a regional plan in terms of managing water quality and quantity. Part A is about water quality and Part B is about water quantity;

Part C gives direction to Regional Councils about managing fresh water in an integrated way. Councils must manage the relationship between land use and development, and fresh water. Councils must manage the effects of land use and development, including cumulative effects on fresh water and coastal water;

Part CA provides the process for setting fresh water objectives. This section has two appendices, which provide lists of national values (Appendix 1) and attributes (Appendix 2) that regional councils must use to set fresh water objectives;

Part CB provides direction on how to monitor progress towards, and achievement of, fresh water objectives;

Part CC gives direction to regional councils about the requirement to account for fresh water takes and discharges. This means that when it comes to setting fresh water objectives and limits, councils and the community know what water is being taken and what contaminants are being put into fresh water bodies;

Part D provides direction on providing iwi and hapū and reflecting tāngata whenua values and interests in water management;

Part E provides information on the timeframe for implementing the NPS-FM 2014.

(63) The NPS-FM 2014 was gazetted on 4 July 2014 and came into force on 1 August 2014. This revoked the earlier NPS-FM 2011 as from 1 August 2014. While the objectives of the NPS-FM 2014 remain largely the same as the objectives in the NPS-FM 2011, the process that Regional Councils must use to set freshwater objectives (i.e. the intended environmental outcomes) is different.

4.8 National Policy Statement for Renewable Electricity Generation 2011

(64) The National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG) sets out objective and policies for renewable electricity generation under the Resource Management Act 1991.

(65) The matters of national significance to which the NPS-REG applies are:

- a) the need to develop, operate, maintain and upgrade renewable electricity generation activities throughout New Zealand; and
- b) the benefits of renewable electricity generation.

(66) Its objective is *“To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand’s electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government’s national target for renewable electricity generation.”*

- (67) The NPS-REG contains thirteen policies that include recognising the benefits of renewable electricity generation activities, managing reverse sensitivity effects, incorporating provisions in policy statements and plans and acknowledging practical constraints to develop, operate, maintain and upgrade new and existing renewable electricity generation activities.
- (68) The NPS-REG applies to renewable electricity generation activities at any scale. It covers the construction, operation and maintenance of structures associated with renewable electricity generation. This includes:
- small and community-scale renewable generation activities
 - systems to convey electricity to the distribution network and/or the national grid
 - electricity storage technologies associated with renewable electricity storage.
- (69) The NPS-REG covers all renewable electricity generation types including hydro, wind, geothermal, solar, biomass and marine.
- (70) The NPS-FM 2014 was gazetted on 14 April 2011 and came into force on 13 May 2011.

4.9 National Policy Statement for Electricity Transmission 2008

- (71) The National Policy Statement for Electricity Transmission 2008 (NPS-ET) sets out an objective and policies to enable the management of the effects of the electricity transmission network under the Resource Management Act 1991.
- (72) The matter of national significance to which the NPS-ET applies is the need to operate, maintain, develop and upgrade the electricity transmission network.
- (73) NPS-ET's objective is "To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:
- managing the adverse environmental effects of the network; and
 - managing the adverse effects of other activities on the network."
- (74) It contains fourteen policies which local authorities are required to give effect to through their plans. The policies recognise the vital role the efficient transmission of electricity on the national grid plays in the well-being of New Zealand, its people and the environment and the special characteristics that create challenges for its management.
- (75) The NPS-ET 2008 was gazetted on 13 March 2008 and came into force on 28 days later.

4.10 New Zealand Coastal Policy Statement

- (76) The New Zealand Coastal Policy Statement (NZCPS) purpose is to provide a policy framework to promote the sustainable management of the natural and physical resources of the coastal environment.
- (77) NZCPS policies seek to achieve the following objectives:
- 1 Protection of the integrity, form, functioning and resilience of the coastal environment and its ecosystems;
 - 2 Preservation of the natural character of the coastal environment and its outstanding natural features and landscapes;

- 3 Recognition of the role of tāngata whenua as kaitiaki and tāngata whenua involvement in management of the coastal environment;
- 4 Maintenance and enhancement of public open space and recreation opportunities in the coastal environment;
- 5 Management of coastal hazard risks;
- 6 The tension between enabling subdivision, use, and development in the coastal environment and managing potential adverse effects; and
- 7 The implementation of New Zealand's international obligations affecting the coastal environment.

(78) The NZCPS applies to PC3 in so far as the catchment includes part of the coastal environment and the Rangitāiki River mouth.

(79) The NZCPS was gazetted on 4 November 2010 and came into force on 3 December 2010.

4.11 Resource Management (National Environmental Standard for Sources of Human Drinking Water) Regulations 2007

(80) The Resource Management (National Environmental Standard for Sources of Human Drinking Water) Regulations 2007 ("Drinking Water NES") came into effect on 20 June 2008. The Drinking Water NES is a regulation made under the Resource Management Act (1991) that sets requirements for protecting sources of human drinking water from becoming contaminated.

(81) The Drinking Water NES complements Ministry of Health legislation for improving drinking water supply and delivery. This ensures a comprehensive approach to managing drinking water from source to tap.

(82) The NES requires regional councils to ensure that effects of activities on drinking water sources are considered in decisions on resource consents and regional plans.

(83) Specifically, regional councils are required to:

- decline discharge or water permits that are likely to result in community drinking water becoming unsafe for human consumption following existing treatment;
- be satisfied that permitted activities in regional plans will not result in community drinking water supplies being unsafe for human consumption following existing treatment;
- place conditions on relevant resource consents that require notification of drinking water suppliers if significant unintended events occur (eg, spills) that may adversely affect sources of human drinking water.

(84) We address submission points made regarding the relationship between PC3 and the NPS-FM, NPS-REG, NZCPS and NPS-ET elsewhere in this report.

5.0 Link to Te Ara Whānui o Rangitāiki Document

(85) Section 2.12.1 of PC3 makes reference to Te Ara Whānui o Rangitāiki (the Rangitāiki River document) being accessible on Council's website within the Treaty Co-Governance Compendium

document. The Hearing Committee requested a link to the website version be included as a footnote which can be accessed via the web version of Proposed Change 3.

6.0 Pre-hearing meetings

- (86) Staff met with Trustpower representatives following comments received on the draft version of PC3 and prior to its notification for formal submissions. No other pre-hearing meetings were held with submitters.

7.0 Key submission issues and outcomes

- (87) Seven submissions were received from either iwi, hapū or other organisations representing Māori interests. Submissions from iwi and hapū, and Whakatane District Council are overwhelmingly in support. Fonterra Co-operative Group Limited's submission was generally in support although some changes were sought.
- (88) Submissions largely in opposition were received from Trustpower, Federated Farmers and the Mataatua District Māori Council. The Mataatua District Māori Council are the only exception to submitters representing Māori interests. The Māori Council seek that Proposed Change 3 be withdrawn and Regional Council work with them to produce a memorandum of understanding and a statement on water.
- (89) We are required to hear and report upon the submissions and record that we did this in the manner set out in the Schedule of Submitters Heard (see hearing minutes in Appendix D) and that our notes of those submissions that were made to us are set out in Appendix H. We also had regard to the various staff recommendation reports and documents filed during the hearing. These are set out in Appendices F and G. We have also read and considered the written submissions and further submissions.
- (90) Issues that generated the most interest are:
- the integration of PC3 with the process for implementing the NPS-FM in the Regional Water and Land Plan;
 - whether indigenous vegetation and habitats provisions should be focused on protecting only 'significant' vegetation and habitats in line with section 6(c) of the Act;
 - the cost (and the distribution of costs) of implementing the policy; and
 - applying the two-way tuna migration policy approach to existing structures.
- (91) The key issues are analysed and discussed later in this report at section 7.

8.0 The Hearing of Submissions

- (92) We are required to hear and report upon the submissions and record that we did this in the manner set out in the Schedule of Submitters Heard (7.1 below). We also had regard to the various reports and documents filed during the hearing. We have also read and considered the written submissions, and further submissions.

- (93) We recognise that some matters raised by submitters are outside the scope of PC3, but have been included below in the interests of completeness. Only those matters considered to be “on” PC3 and within scope of submissions were considered by the Hearings Committee in making our recommended decisions.

8.1 Schedule of the Submitters heard

#	Day 1: Monday, 12 June 2017	Submitter
1.	James Platt Gow - Statement of evidence	19
2.	Federated Farmers - Statement of Evidence of Martin Meier	18, FS02
3.	Mataatua District Māori Council –Statement of evidence by Maanu Paul	3
4.	Trustpower Limited – Statement of Evidence of Ruth Goldsmith	16, FS01
5.	Trustpower Limited – Statement of Evidence of Richard Turner	16, FS01
5a	Further Information provided by Trustpower Limited – Matahina Hydroelectric Power Scheme Upstream and Downstream Fish Passage Options Report (Ryder Consulting, September 2016)	16, FS01
6.	Te Rūnanga o Ngāti Whare – Tabled written Statement of Earl Rewi, Kaitiaki Taiao Environmental Manager	10
7.	Ravensdown Limited – Tabled memorandum provided by Planner, Chris Hansen	14
	Day 2: Monday, 19 June 2017	
8.	Fonterra Co-Operative Group – Statement of Evidence of Gerard Willis	7
9.	Fonterra Co-Operative Group – Statement of evidence by Allan Muggeridge	7
10.	New Zealand Transport Agency – Tabled letter provided by Planning & Investment Manager, Bay of Plenty Region, Alistair Talbot	9
11.	Rangitāiki-Tarawera Rivers Scheme Liaison Group and Rivers and Drainage Staff – Statement of Evidence of James Mathieson	11, FS06
12.	Rangitāiki River Forum – Statement of evidence by Maramena Vercoe, Chair RRF	12
13.	Te Rūnanga o Ngāti Manawa - Statement of evidence by Maramena Vercoe, General Manager	5
14.	Royal Forest and Bird Society – Statement of evidence by Linda Conning	FS04
15.	Royal Forest and Bird Society – Supplementary Statement of evidence by Linda Conning	FS04

8.2 Day One of the Hearing – Monday 12th June 2017

Submitter 19 - JAMES PLATT GOW

- (94) Mr. Gow submitted in person, stating that he was disappointed there was such a strong emphasis on tuna, and little regard to other species.

- (95) Mr. Gow asked that tuna ladders receive further exploration, because he said that Mr Bill Kerrison, who has dedicated many years to capture and transfer of tuna, won't be around forever.
- (96) Mr. Gow said that there is an issue with tuna massacre via the hydro-electricity turbines at the dams on this river, and yet the pumps used in flood mitigation by the Rangitāiki-Tarawera Rivers Scheme have effective filters that, for the past 40 years, have never had a problem. Mr. Gow was critical of the operator of the Matahina Dam (Trustpower), stating *"If you are going to do something, you have to make plans to actually get started."*
- (97) In seeking clarification, a Hearing Commissioner asked: "What other fish are you worried about?" Mr. Gow stated "He is not a fisherman, but if it going to be life, it has to be good life." He said that he was disappointed at Trustpower's attitude to installing an effective fish filter, saying that he believes that anything is possible if there is the willingness.
- (98) Mr. Gow concluded that Iwi needed to look to the sustainability of the fish stocks, and he asked that a decision be made, and not be dragged out.

Submitter 18, FS02 - FEDERATED FARMERS

- (99) **Mr. Martin Meier** submitted on behalf of Federated Farmers. He stated that he is a Senior Policy Advisor with Federated Farmers New Zealand. He noted that the proposed PC3 has just 6 policies, and 5 of these affect farmers.
- (100) Mr. Meier stated that PC3 oversteps the National Policy Statement for Fresh Water Management 2014 (NPS-FWM), and doesn't just take into effect Treaty issues. He said that PC3 is not well suited to deal with the NPS-FWM. He stated that Regional Council has already started the NPS-FWM process, and if PC3 sets limits, then this would overstep the line. He noted that Policy RR 3B of PC3 establishes an evaluation process to determine the limits for contaminants in the catchment, but it also wrongly states what the result ought to be. By pre-determining the outcome, the policy contradicts the NPS-FWM, because it does not use the best available information, scientific and socio-economic knowledge to set limits.
- (101) Mr. Meier said that PC3 also contradicts the Resource Management Act 1991 (RMA), and the RMA should take precedence.
- (102) Mr. Meier was asked whether the Local Government Water Futures Programme could offer an opportunity to resolve the limits issue. In response Mr. Meier said that once limits are set, it is too hard. He stated that Policy RR 3B should start with effects and values, rather than limits. He stated that the problem is not that Policy RR 3B contradicts, but pre-sets limits.
- (103) Mr. Meier closed by stating that regarding Naturalness and Biodiversity, the River document concentrates on the water, but this enters private land, which stretches this too far. He said that PC3 should be limited to significant indigenous vegetation.

Submitter 16, FS01 – TRUSTPOWER

- (104) Mr. Richard Turner (Senior Resource Management Consultant with Mitchell Daysh Limited) and Dr. Ruth Goldsmith (an Environmental Scientist with Ryder Consulting Limited) presented statements on behalf of Trustpower.
- (105) Dr. Goldsmith said that she would concentrate on Clause (d) of Policy RR 1B, which looks at the issue of tuna passage, and options for improvement. She said that the key element was the Matahina Dam (owned by Trustpower), which is difficult to modify. She stated that this dam was

built in 1967; is an 86 metre high earth and rockfill embankment. She also noted that there are a further two dams (Aniwhenua Barrage and Wheao HEPS) further upstream.

- (106) Dr. Goldsmith states that in reviewing the options for fish passage at the Matahina Dam, a ramp was an option. However, she said that this would be a very long ramp, with fish being exposed to both dehydration (from exposure to sunlight) and predation from vermin (rats etc). In her expert opinion, the current “trap and transfer” method is the best option. She noted that this option allowed elvers to be moved above the other dams on Rangitāiki River. She said that “trap and transfer” also enabled effective monitoring of both long and shortfin tuna.
- (107) Dr. Goldsmith stated that the existing Matahina Dam structure provides little opportunity for downstream tuna passage, aside from the option of passing down the spillway when gate opening at the dam coincides with downstream tuna migration. She did add that a manual trap and downstream transfer programme for adult migrant tunas has been operating at the Aniwhenua Barrage since 1994.
- (108) Dr. Goldsmith stated that modification of the existing Matahina Dam is not required to provide tuna passage. However, there are plans to trial various methods (including using the spillway when generation is not in use) to establish that passage can occur without structural dam modifications. She said that tuna would be sourced from the Kopeopeo Canal.
- (109) In answering questions of clarification, Dr. Goldsmith stated that Trustpower is currently training younger employees for the trap and transfer operations, when Bill Kerrison retires.
- (110) A Commissioner asked for clarification on Dr. Goldsmith’s statement on “Downstream tuna passage” (Sections 4.8 & 5.3). He asked (a) whether the ramp would only be for upstream passage, and (b) whether overseas experience indicated that “not all potential options would be practical”. Dr. Goldsmith noted that overseas there are turbines that cater for this, but installation would require replacement of the whole dam.
- (111) A Commissioner then asked what other fish could be included in fish passage (referencing Section 4.8 & 5.3 of Dr. Goldsmith’s Statement of Evidence. Dr. Goldsmith replied that these also include galaxiids species, such as koaro, banded kokopu, shortjaw kokopu, and giant kokopu.¹⁸
- (112) For clarification, a Commissioner then asked what species will tuna eat. Dr. Goldsmith stated that tuna will eat any smaller fish, including their own species, as well as bullies and bugs.
- (113) Richard Turner, Trustpower – Mr. Turner presented his Statement of Evidence, taking it as read. He said that he would concentrate first on Section 2 of his submission (The Precedence attributed to Catchment Specific Provisions), noting the requirement to comply with several competing pieces of legislation. He stated that if there is no conflict, then an Advice Note is redundant.
- (114) Mr. Turner said that the RPS is structured for all policies to fit together; and yet PC3 seems to put these in conflict. He therefore concluded that if there is a conflict between policies, then they should not conflict with national legislation.
- (115) With regards to tuna passage, Mr. Turner said that there has been no consideration as to the cost of dam alterations; stating that these could be several millions of dollars.
- (116) Mr. Turner stated that Policy RR 1B doesn’t rule out Trap and Transfer for new structures, but existing structures would require significant structural alterations.

¹⁸ Noted in Condition 46 of Trustpower’s Resource Consent RC657750

- (117) Mr. Turner then highlighted Water Quality issues (sections 4.1 through 4.3) of his submission. He asked that PC3 be more specific in its policy settings for the supply of drinking water. He said that Issue 2.12.2(2) and Policy RR 3B (as well as the explanatory Section 32 Report) are unclear as to whether they are concerned with the establishing water quality limits to protect registered drinking water supplies in the manner required by the Drinking Water NES, and that the Rangitāiki River be a safe source of drinking water after treatment, or whether they seek that the river be a source of safe drinking water before treatment. He noted that Waikato PC1 talks about drinking water with treatment. Mr. Turner concluded that Policy RR 3B is not effective.
- (118) In replying to a Commissioner's question regarding knowledge of what has been happening to the tuna population, as a result of the Trap and Transfer programme, Mr. Turner deferred to Dr. Goldsmith. Dr. Goldsmith noted that Regional Council's data looks very positive for increased survivability, noting that Matahina is an earth dam.
- (119) When asked what is best practice in terms of structures for tuna passage, Dr Goldsmith replied that other New Zealand high dams also use Trap and Transfer. She stated that Matahina generation is within the river itself, so the biggest issue is to keep the tuna away from the intakes to the turbines.
- (120) A Commissioner then asked for clarification as to the effect on water quality from the dam structure. Mr. Turner replied that there isn't one, but that it could be an issue of low dissolved oxygen – but not at the Matahina Dam. He said that from an operational view, low water levels can cause an issue with increased algae levels, but that this haven't been found to be an issue at the Matahina Dam site.

Submitter 6 - TE PAHIPOTO HAPŪ

- (121) Mr. Tuwhakairiora O'Brien said that he submitted on behalf of his hapū; and that he was born and raised on the Rangitāiki River, and has spent the last 50 years living on the river. He said that the river has been drained, bent and manipulated, and the river is starting to push back. He said that earthquakes, the 2004 and 2017 floods are a sign that the river is saying "Stop doing this to us."
- (122) Mr O'Brien stated that his "beef" is with Trustpower, and their 35-year consent (2013) to continue manipulating the river. He said that the river used to be the primary source of his kai, and it still is, but the big tuna is no longer there. He stated that for the last 55-years tuna has had no downstream passage.
- (123) Mr. O'Brien stated that water quality has become degraded as a result of Trustpower's Matahina Dam, and algae blooms are common as a result of low flows.
- (124) Mr. O'Brien complained that for 55-years Trustpower has profited, and yet have never allowed downstream passage. He noted that Horizon (now Southern Generation) aren't required, under their consent for the Aniwhenua Dam, to do Trap and Transfer of tuna until 2026.
- (125) Mr. O'Brien said that he wants to stop commercial fishing for tuna on the Rangitāiki River.
- (126) Mr. O'Brien was emphatic that Mataatua District Maori Council does not speak for hapū, and he said that he can't wait for the Waitangi Tribunal hearings on water.
- (127) Mr. O'Brien said that he also has an issue with Fonterra's dumping of wastewater to land; noting that its effluent still gets into the river.

- (128) Mr. O'Brien stated that the Rangitāiki River Co-Governance is a wonderful statutory document, and after 5 years of input he really appreciates the use of the Forum process, as opposed to just making submissions to other processes.
- (129) Mr. O'Brien closed by saying that the river is not just a commodity, but is an entity, and if you take something from the river, then you need to give something back.
- (130) When Mr. O'Brien was asked what can be done to improve the mauri of the river, he said that we need to hold both farmers and iwi accountable. Expanding on the mauri, he said that it is essential to ensure safe fish passage both upstream and downstream.
- (131) A Commissioner then asked about Mr. O'Brien's request for amendments to take into account sites of significance. His response was that these are known to both Regional Council and Ngāti Awa.

Submitter 3 - MATAATUA DISTRICT MAORI COUNCIL (MDMC)

- (132) Mr. Manu Paul (Chair) and David Potter (Secretary) submitted on behalf of MDMC. Mr. Paul presented their submission, opening that this Plan Change was premature and biased. He requested that BOPRC collaborate and sign an MOU with MDMC, and that they await the determination of the Waitangi Tribunal's ruling on water issues. He said that the proposal to allocate water for up to 15 years is a breach of hapū Customary Rights under the Treaty of Waitangi. He was adamant Regional Council are confiscating rights, having refused to accept the offer of an MOU.
- (133) Mr. Paul said that the Maori Community Development Act 1962 statutorily obliges MDMC to represent all Maori, including Hapū, within their mandated territory.
- (134) A Commissioner asked for clarification as to MDMC's mandate to represent all Maori, to which Mr. Paul repeated the "Maori Community Development Act 1962." Commissioner Tahana then asked whether MDMC has consulted with other hapū. Mr. Paul replied "Some – not all." He elaborated that they had done it by listening when hapū hold their hui. He said that "We don't push ourselves on them."
- (135) Mr. Paul emphasised that New Zealand's Supreme Court has ruled that Maori did have interests in water. He said that MDMC have determined that they will manage water allocation.
- (136) Mr. Paul commented on an upcoming hui at Ohope, and was then asked what was the purpose of the hui, and when was it planned for. Mr. Paul replied that there was no timetable for the hui at this stage.
- (137) Mr. Paul was then asked whether MDMC had considered the recent Resource Legislation Amendment Act 2017, and in particular the section relating to Mana Whakahono a Rohe - Iwi participation arrangements. Mr. Paul responded that this will be discussed at the Ohope hui.
- (138) Mr. Paul noted that the reason that MDMC submitted on this PC3 was because if they didn't then the Waitangi Tribunal might have noted had they had not.
- (139) Mr. Paul was asked whether MDMC had any views regarding tuna passage. Mr. Paul answered that hapū have told them that Trustpower has not made adequate provision for upstream and downstream tuna passage; stating that these are customary rights of hapū.

8.3 DAY 2 of the Hearing – Monday 19th June 2017

Submitter 11 & FS6 – RANGITĀIKI-TARAWERA RIVER SCHEMES LIAISON GROUP & RIVERS AND DRAINAGE STAFF

- (140) Rivers and Drainage Programme Leader Roger Waugh, supported by Lee Dove & James Mathieson (Harrison Grierson Limited Planning consultants).
- (141) James Mathieson opened the submission, requesting an amendment to Method 23I to include provision for flow variability to ensure a sustainable environment flow and catchment load limits. His argument is that, given the activities occurring and the pressures facing the catchment, this method should specifically refer to flow variability. Mr. Mathieson's contention was that flow variability can contribute to slumping and erosion of the river banks, which has the potential to affect much of the region's vast network of stopbanks; some of which form part of the Rangitāiki-Tarawera Rivers Scheme. He stated that flow variability is an important indicator of the rivers health, as it is linked to the overall quality of the water. He noted that the Officer's Report has concluded that this submission be rejected on the basis that the limits established in the National Policy Statement for Freshwater Management implementation process will be based on robust evidence that takes into account ecological health and the characteristics of water quantity, such as flow variability. Although agreeing with the intention that Method 23I should be linked to the National Policy Statement for Freshwater Management flow variability should be included to reinforce that it is an appropriate measure of environmental health.
- (142) On "Matters of National Importance", Mr. Mathieson asked that Policies MN1 B, MN 7B, and MN 8B be maintained with no deletion, amendment, or additional policies added to them. He noted that the Officers report recommends that this submission point be rejected as Objective 18 of the existing RPS already promotes the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development. This is considered an appropriate outcome in this case.
- (143) A Commissioner asked for clarification as to the meaning of fluvial erosion. Mr. Waugh said that it was the point between the water and land. Commissioner Coffin then asked "How does flow variability help monitor water quality? Mr. Waugh replied that by improving river bank stability, you reduce erosion.
- (144) A Commissioner stated that one submitter (on the first day of the hearing), who is living within this catchment, had stated that he had trouble (culturally) with inanga survivability, due to low flow levels. He asked Mr. Waugh whether he had a view. Mr. Waugh replied that sediment is an issue from bank erosion. He said that Regional Council use rockwork to protect banks. He noted that if you use naturalness you won't have the same issues with variability of flow.
- (145) A Commissioner asked "What would be the indicator used for flow variability?" Mr. Waugh replied that by reducing the range of time you will minimise the impact. When asked if these indicators are already in place, Mr. Waugh stated that they were included in the consent conditions for the dam consent.
- (146) A Commissioner then asked whether there are any points in the river where it would be best to measure these flows. Mr. Waugh responded that it should be below the hydro stations on the river, and also within the lakes behind the dams.
- (147) When Mr. Waugh was asked whether there were other locations with hydro dams that have flow variability, he said that he was unsure.

- (148) For clarification, Mr. Waugh was then asked whether within the NPS for Fresh Water, will flow variations be mandatory, and he replied that this was his expectation.

Submitter 11 - RANGITĀIKI RIVER FORUM

- (149) Maramena Vercoe (Forum Chair) submitted on behalf of the Forum. Ms Vercoe declared that she would also be submitting separately on behalf of her iwi, Ngāti Manawa (of which she is the Chief Executive). She opened by stating that the River Forum supports PC3 in its entirety.
- (150) Ms. Vercoe stated that the Rangitāiki River Forum was established in 2012, and that the purpose of the Forum was to deliver on the purpose and vision of the River Document that has been established to integrate the two Rangitāiki River Treaty Settlements into the ongoing management of this river to protect and enhance the environmental, cultural and spiritual health and wellbeing of the Rangitāiki River and its resources for the benefit of present and future generations.
- (151) Ms. Vercoe noted that the Forum is an excellent co-governance model that to date has made substantive gains through the use of collaboration. She said that it wasn't just iwi who are concerned about the depletion of tuna. She noted that while the Trap and Transfer was of help, there was still a loss of genetic memory, and large tuna do not get back to sea to spawn.
- (152) Ms. Vercoe stated that the Forum was concerned at the lack of data on the tuna population. She noted that the Parliamentary Commission for the Environment in December 2014 issued a report on the status and management of the longfin tuna.¹⁹
- (153) Ms. Vercoe stated that the Matahina Dam consent is the best way to satisfy iwi. She said that the river is the basis for iwi's food and recreation; and its intergenerational. She posed the question of what would be the outcome, if you deleted or modified iwi submitter requests – how does this protect the environment of the river; and how does it provide for their precious taonga?
- (154) Commissioners then asked for clarification as to the composition of the River Forum. Ms. Vercoe answered that this will change as others receive their Treaty Settlements.
- (155) Ms. Vercoe was then asked how did the Forum reach its decision to accept PC3 in its entirety? Her response was that the issues were predominantly around concerns about tuna.
- (156) Ms. Vercoe was then questioned about the health of the longfin tuna, and whether this was predominantly related to the question of water quality? Her response was that despite Trap and Transfer for the last 15 years, Tuna has still depleted; so this is not enough. She said that power companies need to change their mindset, and to consider alternative thinking.
- (157) A Commissioner commented that "Gauged from previous submitters, and Trustpower in particular, their preferred method of tuna transfer was definitely trap and transfer upstream, and possibly downstream also". Ms. Vercoe replied "Take the dams away. That is what is causing the problem". She then went on to say "We are reasonable enough to discuss options".
- (158) Ms. Vercoe was then asked what other fish are of importance to Tāngata Whenua besides tuna. Her response was that other species in the river, both native and introduced species, are the food source for tuna. She stated that under the Treaty Settlement legislation iwi have the right of first refusal on quota for other fish species. She specified koura, inanga, whitebait and cockabullies as food sources for tuna.

¹⁹ Parliamentary Commission for the Environment Report "On the pathway to extinction? An investigation into the status and management of the longfin tuna", December 2014.

- (159) When asked about the Forum’s vision for the river to be returned to its ancestral state, Ms Vercoe responded that the Forum has an aspiration for the naturalness of the river. She stated that it is true to say “we have been fiddling with it for a number of years”. She said that “we now have the hydrology expertise, but the question is when does it reach a stage that enough is enough. When will our river find its true balance – a balanced environment, including balanced community needs and balanced economic needs. The only way is by working together”. Ms. Vercoe gave an example, being when several months ago Lake Aniwhenua was drained to allow repairs, and yet Iwi wasn’t aware of this until the dam was being refilled. She said that this led to a lost opportunity to work with Tāngata Whenua.

Submitter 5 - TE RŪNANGA O NGĀTI MANAWA

- (160) Maramena Vercoe submitted in her role as General Manager of Ngāti Manawa. She said that the Rūnanga is mandated annually at an Annual General Meeting of Ngāti Manawa. She said that the Rūnanga was also mandated under the Fisheries Act. Ms. Vercoe noted that the Manawa Treaty Settlement took 10 years to reach settlement with the Crown and she has been involved in the Rūnanga and with Ngāti Manawa affairs since 2004. She stated that the Settlement was achieved in 2012, and the Rūnanga’s aim was to be both self-determining and self-sufficient.
- (161) Ms. Vercoe said that Ngāti Manawa has a cultural, spiritual, historical and customary association with the longfin tuna. She said that it once was an abundant food source for her rohe, but their diminishing appearance as a protein food source for her marae and for the manuhiri is of serious concern.
- (162) Ms. Vercoe said that her iwi has lived on this river for 400 years, and she noted that ever since the signing of the Treaty of Waitangi in 1840, this process is the first time that Ngāti Manawa is able to participate in and influence what happens to the environment in her rohe.
- (163) Ms. Vercoe noted that Te Rūnanga O Ngāti Manawa supports PC3 in its entirety.
- (164) In responding to a Commissioner query as to the actual commercial take of the tuna stocks, Ms. Vercoe said that she did not. She said that information was held with the Ministry for Primary Industries. She stated that there is substantial friction between the customary take and the commercial take. She said that longfin tuna, in particular, is strongly sought by overseas interests.
- (165) Ms. Vercoe was asked about the possibility of using “rahui” as a method to replenish tuna populations. She said that Regional Council and MPI are the authorities for this, and it is centred around protocols of which Iwi would negotiate. She said that Ngāti Manawa currently held rahui within their forests.
- (166) Ms. Vercoe was then asked how iwi would manage Method 23O, 23P and 23Q. She replied that the issue is that some iwi won’t allow their sites to be GPS mapped, so the issue revolves around how these sites would be recorded.
- (167) Ms. Vercoe was asked whether there was an alternative wording around mapping structures? Her answer was “Take the dams out”. She signalled that Ngāti Manawa is at the end of its patience at the lack of significant action.
- (168) Two of the Commissioners commended Ms. Vercoe on her challenging roles as both Chair of the River Forum, and General Manager of Ngāti Manawa. She was asked about the population of Ngāti Manawa, and replied that the register showed 4,000 people, including 1,200 living within the rohe (mainly children).

- (169) A Commissioner commented that Ms. Vercoe's measure is that you are no longer able to feed your rohe with longfin tuna. He then asked about any loss of tikanga. Ms. Vercoe replied that loss of tikanga was hard to measure. She said that when she was doing her MBA she studied tikanga, including how it is assessed, and how it is set. Ms. Vercoe went on to talk about the practice of distributing their tuna catch. She said that if 40 were caught, then 20 would be allocated to the whanau; 10 saved for rohe functions; and 10 would be placed into the tuna box for the future. She said that they prefer not to collect the shortfin tuna, although lately the shortfin tuna are the only ones available for functions.
- (170) Ms. Vercoe was asked about the transferring of knowledge, through the likes of waiata. She was asked whether Ngāti Manawa include tuna in their waiata. Ms. Vercoe responded that their waiata does mention tuna, but their youth don't know what a longfin tuna is.
- (171) A Commissioner concluded his questions by asking whether Ms. Vercoe's rohe has consulted with representatives from the Mataatua Maori District Council. She said that they have not, and the MMDC does not represent Ngāti Manawa iwi or relevant hapū.
- (172) The Staff Officer asked whether there are any changes in the staff recommendations that Ms. Vercoe doesn't agree with. Ms. Vercoe's response was "No".

Submitter 4 - ROYAL FOREST & BIRD SOCIETY NZ INC

- (173) Linda Conning presented on behalf of Forest and Bird. She commenced her submission by saying that the Society laments the proposed removal of freshwater fish from the provisions for fish passage (Objective (1)32, Policy RR 1B and Method 23D). She said that other freshwater species are equally important in biodiversity terms, with 5 of the 5 "whitebait" species being classified as threatened. Ms. Conning emphasised that there are other barriers to fish passage beside dams. She noted that culverts within streams are also a barrier to passage.
- (174) Ms. Conning recognised the work of Bill Kerrison with his Trust's trap and transfer operations. She asked that provisions be strengthened to not only support tuna, but to also recognise some of the other indigenous fish species. She noted that reference to trout have been excluded because they are not indigenous. She asked that Objective 2 (33) be amended so that fish passage is specifically referred to in Policy RR 4(b), Method 23D and Method 55. She said that this method is about identifying priorities for buffers. She sought an amendment to Policy 4B to include "and on tuna and other indigenous fish species".
- (175) Ms. Conning noted that Objective 2 (33) - Habitats – should have the words "where significant" deleted. She argued that if the habitats, species and ecosystems are part of the relationship of Maori to their taonga (s 6(e)) there could be justification for protection, given the interpretation of "protection" in case law²⁰.
- (176) Ms. Conning argued that it is appropriate to consider the link to existing policy, rather than adding additional clauses. Ms. Conning asked that under Objective (7) 38 and Policy RR 6C Plan Change 3 reinstates the word "naturalness" to give voice to the original Objective as approved by the Forum: *"The qualities and characteristics of areas and features that contribute to the naturalness, amenity values and quality of the Rangitāiki River catchment environment are maintained and enhanced where degraded"*. She asked to include this wording throughout including Issue 2.12.5, Policy RR 6C, Method 23R and AER and Explanation, and to add Method 55.
- (177) Ms. Conning stated that in Method 23E – Developing an action plan – by deleting (c) it would leave a big gap in research. She said that the Society opposes deletion of (c) as there needs to be

²⁰ Environment Court Decision, Ngāti Makino v BOPRC

an action to implement any recommendations arising from analysis and research. The wording could be improved by clarifying that (c) relates to (b).

- (178) Ms. Conning was questioned as to whether she had previously submitted on Policy RR 4B, to which she clarified that in her original submission, in reference to the Galatea-Murapara Irrigation Society submission, she had incorrectly noted Policy RR 4B as Policy RR3B.
- (179) The Staff Officer said to Ms. Conning that Method 55 was outside of scope. To which Ms. Conning replied that the Committee has the ability to make an amendment, rather than make a new method. She added that an alternative would be to go to Method 23D.

Submitter 13, FS05 - GALATEA-MURAPARA IRRIGATION SOCIETY

- (180) Colin Holmes presented on behalf of the Society. Mr. Holmes stated that this society was a membership of farmers in the mid-section of the Rangitāiki River, who would like to irrigate but are unable to get a water allocation.
- (181) Mr. Holmes said that he was a member of the Forum as this document was formed, and he had been a member of the River Liaison Group for the past 30 years. He noted that he had been the Chair of Bay of Plenty Electricity, which owned one dam on the river.
- (182) Mr. Holmes noted that their submission on the Enhancement of Landscape Features – Objective 7 (38) has been supported.
- (183) Mr. Holmes asked that Policy RR4B be amended, arguing that while the document was meant to be permissive, it has in fact become prescriptive.
- (184) Mr. Holmes stated there should be another policy applying to hydrogenation effects, as there is only Policy RR 6C at present. He also asked that another Objective should be added to include coverage of hydrogenation effects on amenity values; as well as plantation forestry, which is such a significant part of the landscape.
- (185) Mr. Holmes said that sedimentation also needed to be emphasised, and particularly in relation to the middle (Aniwhenua) dam, which was built in the Town & Country Planning days. This had made sedimentation an inevitable consequence.
- (186) Mr. Holmes said that he supports Beds and Margins – Policy RR 4B. He said that rock construction was there to stabilize banks. He stated that Policy RR 4B needs to be explicit to hydro dams, noting that damage from fluctuations (peaking) are significant and need to be explicit in the document.
- (187) Mr. Holmes stated that the river is 155km long, and ¾ of it is subject hydrogenation, resulting in big fluctuations due to peaking. He said that the Wheao Dam's fluctuating levels is evident to the whole community.
- (188) Mr. Holmes stated that a huge area of the river catchment is in both indigenous and plantation forestry, and is not an issue, except when you harvest it. He said the area of the catchment in agricultural farming is quite small; a natural catchment in many ways.
- (189) Mr. Holmes said that there is a need to focus on the key issue of fluctuations by peaking. He wants Method 23I to see load limits more specific; saying we need to measure flow variability.
- (190) Mr. Holmes closed by commenting that Renewable Generation is accepted in the National Policy Statement, but the NPS doesn't mention flow variabilities.

- (191) Mr. Holmes was asked “Do you believe that the existing Regional Policy Statement isn’t enough to manage this river?” He responded that this document is aspirational in many aspects, but it should also have specific requirements. RPS’s are “big picture” documents; whereas this should be more specific.
- (192) Mr. Holmes was questioned “You made reference to sedimentation. This catchment has a pumice base, so what are you advocating for? He responded that in a natural state, rivers clean themselves by flooding. However, dams get in the way. He said that Aniwhenua is a very shallow lake; noting that the Rangitāiki River has 70 times more sediment than the Waikato River. Mr. Holmes said that the dam owners need to flush the channel to keep it clear, but there is nothing within their consent conditions to require this. He said it might be an expensive option, but it needs to be done.
- (193) Mr. Holmes was asked what is the purpose of his Society. He responded that it’s aim is to irrigate 20% of the agricultural land in the Galatea area. He said they would like one scheme, covered by one consent.
- (194) Mr. Holmes was asked to clarify what flow variability means in practice. He answered that flows can hugely amplify the issue of peaking, which can be very “savage”.
- (195) Mr. Holmes was asked about the effects from the Wheao Dam, to which he replied that it is much less than the Matahina Dam. He said it was less instability and erosion, and variability was minimal.

Submitter 15 - TE RURANGA O NGĀTI AWA

- (196) Beverley Hughes submitted on their behalf. She said that Ngāti Awa is supportive of PC 3, and that it opposes the submission of the Mataatua Maori District Council.
- (197) Ms. Hughes said that while PC3 beds down the aspirational River Document, and Ngāti Awa appreciates the efforts by the Regional Council to facilitate this process, which in turn will be helpful to iwi.
- (198) Ms. Hughes said that Ngāti Awa’s submissions were generic, but is aimed to give strong support.
- (199) Ms. Hughes was told that Trustpower had put forward their view that the preferred method of tuna passage was Trap & Transfer for upstream, and via the slipway for downstream passage. Ms. Hughes was asked whether she had seen the Trustpower Report on Trap and Transfer. Ms. Hughes replied that she didn’t think that Trap and Transfer was the preferred method. She said that she didn’t support this method, noting that within the consent process she had asked for a fish passage both up and down the dam.
- (200) Ms. Hughes further noted that Mr. Bill Kerrison was aging; and there are some Health and Safety issues in continuing with the current Trap and Transfer method. She said that there needed to be an engineered solution; noting that in the consent process Ngāti Awa had agreed to give time to develop an alternative passage-way. She said that she believes there is a better method that would be suitable; but the evidence is not detailed. She said that Mr. Kerrison and NIWA both consider Trap and Transfer a viable option.
- (201) When asked about Ngāti Awa’s commercial tuna operation, Ms. Hughes stated that Ngāti Awa no longer holds a commercial tuna licence.
- (202) When asked about Ngāti Awa’s farming interests, Ms. Hughes stated that Ngāti Awa is a joint owner of Nga Kauroa Farm, and is the second largest extractor on the Rangitāiki River. She stated that Ngāti Awa holds over 50% of the shareholding in this farming Trust.

- (203) In reply to a question about the “Natural Character of the River”, Ms. Hughes responded that the baseline shows the vulnerability of the twin peaking within Trustpower’s consent. She said that there were 9 issues raised in the re-consenting process, and multi-peaking should have been also included. She stated that the drying of the riverbank during multiple peaking is excessively damaging to the banks of the river.
- (204) Ms. Hughes said that flood management is an issue and needs to be taken into account. She stated that PC3 will allow these conversations to be progressed, noting it will enable these conversations.
- (205) Ms. Hughes stated that she supported the Galatea-Murupara Irrigation Scheme submission, presented by Mr. Holmes. She stated that Mr. Holmes’ issues are critical, and PC3 is well pitched to enable a workable solution.
- (206) When asked about the vision of the Forum, Ms. Hughes said that time is the biggest factor. She noted that restoration is the key driver, but the baseline will be essential. Ms. Hughes concluded that satisfaction and comfort will require time, and she is happy to have continuing conversations about this aspect.

Submitter 7 - FONTERRA CO-OPERATIVE GROUP

- (207) Fonterra was represented by Gerard Willis and Allan Muggeridge.
- (208) Mr. Muggeridge stated that he is the Operations Manager at Fonterra’s Edgecumbe site. He stated that overall Fonterra supports PC3. He noted that Fonterra is committed to sustainability, noting that the site was established in 1915, and it has the current capacity to process 4 million litres of milk per day; employing almost 400 employees.
- (209) Mr. Willis stated that he is a director of Enfocus, a resource management consultancy, based at Pukekohe. He said that he has been in practice for 27 years, and his company has been contracted by Fonterra for this hearing.
- (210) Mr. Willis said that he wanted to raise 8 points; 4 of which are in support of PC3. Mr. Willis said he was happy with Part 1 Policy RR 1B; but Method 23I needed words added, and Method 23J and Method 76 need revision.
- (211) Mr. Willis stated that Method 23J needs reference to the people most clearly affected. He requested that the words “alternative treatments” be deleted.
- (212) With regard to Method 76, Mr. Willis said that if PC3 means freshwater objectives, then it should say that. He seeks to retain Method 76.
- (213) Mr. Willis submitted that Fonterra made five further submissions supporting the submissions of Trustpower. Of note he supported Trustpower’s submission on Policy RR 3B, which relates to the establishment of water quality limits. He said that Trustpower seeks various wording changes to better reflect the NPS-FM. Mr. Willis said that the key issue here is whether limits should be set “to ensure, wherever, practicable, the water ...provides safe drinking water sources.” What the intended standards for “safe drinking water sources” are intended to be is not clear but he said he would assume that that would be as set out in the Drinking Water Standards for NZ 2008 (as updated in 2014) (the NZ DWS). He noted that these standards are particularly stringent across a wide range of contaminants. He said that to expect all rivers to meet these standards is unrealistic. He asked how far we are currently from drinking water standards for the Rangitāiki River. He suggested that we need to qualify where this is, or find out what that standard looks like; and what the cost of compliance would be.

- (214) Mr. Willis stated that The Anticipated Environmental Result (AER) in relation to Objective 4 states that “Values of water (ecological, cultural, recreational and amenity) within the Rangitāiki River catchment are maintained”. He said that Fonterra supported Trustpower’s submission seeking that economic values be included as relevant values to be maintained.
- (215) Mr. Willis was asked by a Commissioner whether he had looked at Trustpower’s words in their submission (Section 3.5), and he answered that both upstream and downstream was useful. He continued that naming the owners of the structures was probably not that helpful.
- (216) A Commissioner thanked Mr. Willis for his guidance regarding drinking water; noting that his evidence was confined to the bottom end of the catchment. He then asked what Mr. Willis considered long-term? Mr. Willis replied “Probably 20 years”; adding that biological treatment would cost somewhere between \$50m and \$100m, so you would need certainty for this type of investment.

9.0 SITE VISIT

- (217) The Hearing Committee conducted a site visit of the entire Rangitāiki River system on Monday 26th June 2017. Commissioner Tahana was unwell but did discuss the visit with the other Commissioners.

9.1 Site visit to the Rangitāiki River at Thorndon

- (218) Alastair Suren (Freshwater Ecologist, Regional Council) met the Hearing Committee at Thornton (on the bank of the Rangitāiki River. Mr. Suren outlined the methodology of the rip-rap system of stopbank protection. Mr. Suren said there is a need to look at rip-rap systems. He said that presently there are over 200 sites on the Rangitāiki River where rip rap repair works are proposed to be undertaken.

FIGURE 2 Alastair Suren and Rip Rap at Thornton



- (219) Mr. Suren stated that Regional Council are currently doing a study to look at the effects of rip rap; including the effects on tuna; the effects on inanga (white bait); and the fact that at high

tide there is no vegetation to spawn in. He was requested to and provided a report that has been circulated to the submitters and which is referred to below later by us in our considerations.

9.2 Visit to Edgecumbe Township site

- (220) Regional Council Regulatory Compliance Manager Nick Zaman stated that as part of its consent Trustpower has to report to Forum on meeting target numbers to trap and transfer up and down Rangitāiki River. He said that Biomass targets have yet to be set, and they are currently working on what is best practice.

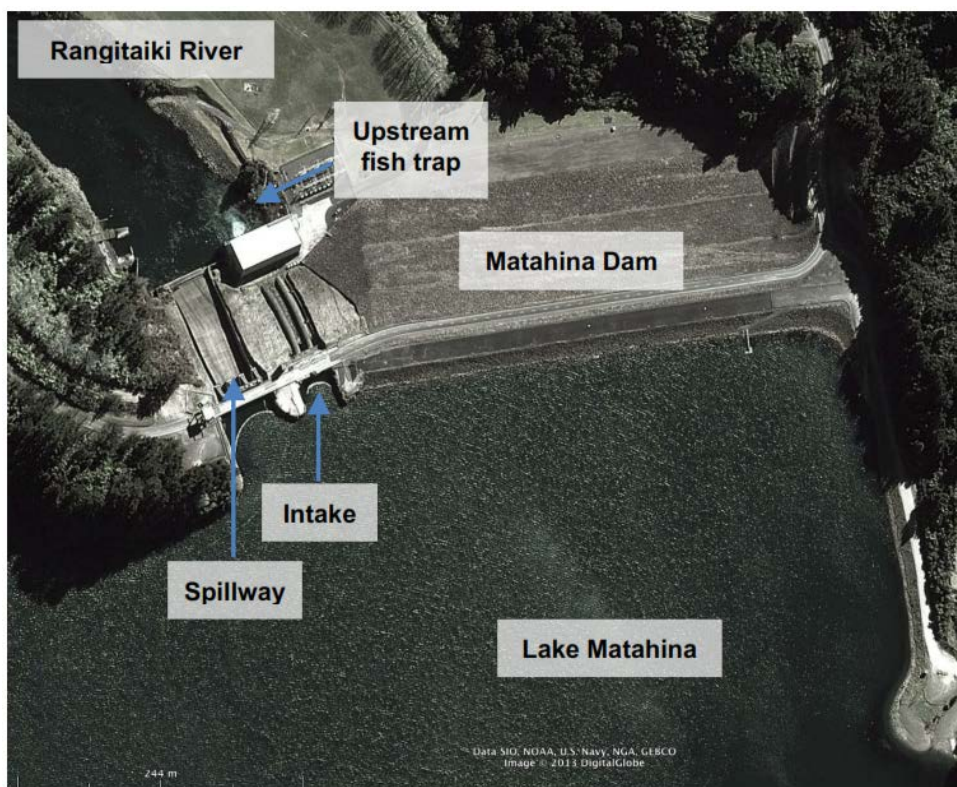
FIGURE 3 Fonterra plant intake structure viewed from the Edgecumbe bridge



9.3 Visit to Matahina Dam

- (221) We were met at the Matahina dam site by Trustpower employees, Christopher Fern (Environmental Advisor), Peter Lilley (the previous Generation Manager); and later at Wheao Dam we met Alistair Wilson (Trustpower's Technical Team Leader). Mr. Bill Kerrison also joined us at Matahina dam. Mr. Kerrison is employed by Kokopu Trust to carry out the Trap and Transfer of tuna for Trustpower.
- (222) We referred to the evidence provided to the Hearing Committee by Ms Goldsmith regarding the background on the tuna passage at the Matahina Dam, and the 'options' report investigating fish passage options (Ryder Consulting 2016). Trustpower staff had previously constructed and trialled an enclosed fish passage system up the Matahina Dam face, but this system didn't work. Predation was also an issue with rats and birds preying on the tuna within the system and at the inlet and outlet. Trustpower has agreed with Regional Council to continue the trap and transfer (upstream) and spillway (downstream) trial as recommended by that report.

FIGURE 4 Google Earth image of the Matahina HEPS, with the location of main features indicated



9.4 Visit to Aniwhenua Dam

(223) The Trustpower staff accompanied the Hearing Committee to the Aniwhenua Dam. There was no representative from Nova at the site. It was explained that it is easy to put an upstream elver passage in, but downstream the water pressure bruises the tuna on the rocks and they don't survive.

FIGURE 6 Aniwhenua Dam spillway



9.5 Visit to Kani Rangi Park, Murupara

(224) On the route to the Wheao Dam, the Hearing Committee was shown the biodiversity projects along Rangitāiki River at Galatea and Waiohau, and the Kanirangi project involving riparian restoration undertaken by Ngāti Manawa and the Rangitāiki River Forum's along the river verge at Murupara.

9.6 Visit to Wheao Dam canal diversion

- from the Rangitāiki River and viewing platform above the Wheao Dam powerhouse

(225) Trustpower staff accompanied the Hearing Committee to the Wheao Dam site. On the way, Regional Council staff pointed out areas of riparian restoration and plantings along the riverbanks.

(226) Trustpower staff explained that silt used to be an issue in the Wheao canal system, because of weed growth. They said that 10 years ago the storage pond was built and is now dredged biannually.

FIGURE 7 Wheao Power Station



FIGURE 8 Wheao Dam



9.7 Visit to the home of Mr Bill Kerrison

(227) The Hearing Committee then visited the home of Mr. Kerrison. He offered the Committee refreshments, and gave some general details about tuna size and his Trap and Transfer operations.

10.0 Matters for consideration

(228) Staff prepared a supplementary report identifying the key submission issues as follows:

- Inconsistencies in PC3 that create uncertainty as to the outcomes sought (relating to trout effects on indigenous fish, implementation of Objective 7, tuna vs fish passage and Objective 2);
- Integration of PC3 with the process for implementing the National Policy Statement for Freshwater Management in the Regional Water and Land Plan;
- Whether indigenous vegetation and habitats provisions should be focused on protecting only 'significant' vegetation and habitats in line with section 6(c) of the Act;
- PC3 favours settled iwi entities and is premature given hapū proprietary rights to water are not yet established in law;
- Applying the two-way tuna migration policy approach to existing structures; and
- Objective 7 is unnecessary as the policies it is linked with are focused on outstanding natural features and landscapes whereas the objective itself deals with non-outstanding natural features and landscapes.

(229) The staff overview report was supported by a 'Staff Recommendations on Provisions with Submissions and Further Submissions' report containing recommendations and reasons on all submissions and further submissions points.

(230) Following the hearings staff prepared a supplementary staff recommendation report dated 12 July 2017. In this report staff made additional recommendations or amendments to the recommendations in the s42A report. This report provides an overview of the key points arising from submissions and evidence presented at the hearings on Monday 12 and 19 June 2017. It provides discussion on key themes that were discussed during the Hearing, and where considered necessary supplementary recommendations in response to requests made by submitters that appeared at the Hearing or tabled additional information.

(231) A further staff recommendations report, dated 8 August, was prepared in response to directions and questions raised by the Hearing Committee on Thursday 27 July 2017.

(232) These reports were circulated to the submitters and an opportunity provided for comment. A copy of this report is included in our report as Appendices F and G.

(233) As noted at para 9, we received comments from two submitters, Murupara-Galatea Irrigation Society and TrustPower, on the further staff recommendations report and have carefully considered these.

10.1 Inconsistencies

- (234) Trustpower's submission (16-1) raised concerns about a number of inconsistencies in the drafting of PC3 that result in the change being unclear as to the actual outcomes sought to be achieved.

10.1.1 Trout effects on Indigenous Fish

- (235) Issue 2.12.2 (1) states that the introduction of trout species has contributed to the reduction of indigenous fish in the RANGITĀIKI River catchment. However, PC3 does not include any objectives, policies or methods to specifically address this issue. We agree with the Regional Council's officers, for the reasons set out in the s 42A report, not to amend PC 3 to include any objectives, policies or methods to address this as the mandate for managing this species and its effects does not sit with the Regional Council.

10.1.2 Objective 7

- (236) Objective 7 seeks to maintain all features and landscapes regardless of their value, yet the relevant implementation policies seek to protect outstanding natural features and landscapes from inappropriate development (as such, there are no policies specifically implementing Objective 7).
- (237) The anticipated environmental results for Objective 7 seek that the adverse effects of infrastructure on landscape and natural features be avoided, remedied or mitigated – whereas Method 23R is specific to drainage and flood protection works, and focusses on the minimisation of adverse effects; and
- (238) It has been submitted that the monitoring indicators for Objective 7 are inconsistent with the rest of PC3. In this regard, the monitoring indicators introduce the concept of preserving significant indigenous biodiversity values, whereas the remainder of PC3 focusses on the maintenance and protection of such values.
- (239) We agree with the Regional Council's officers, for the reasons set out in the s42A report, the suggested amendments to these policies and accordingly recommend these policies as set out below:
1. Amend Objective 7 (renumbered 38) to read: "The qualities and characteristics of areas and features that contribute to the amenity values and quality of the Rangitāiki River catchment environment are maintained and enhanced where degraded."
 2. Change Method 23R to a new Policy RR 6C and amend to read as follows:

"Policy RR 6C: Promote drainage and flood protection works that minimise adverse effects on amenity values and maintain and enhance the quality of the environment

Promote the use of design options and construction methodologies for drainage and flood protection works which minimise adverse effects on amenity values and maintain and enhance the quality of the environment within the Rangitāiki River catchment.

Explanation
Existing drainage and flood protection works and related modifications to the Rangitāiki River have adversely affected amenity values and the quality of the environment.

A long-term strategic approach to managing flood protection works and providing land drainage benefits within the catchment is required. This approach needs to promote the importance of minimising adverse effects of any maintenance, upgrade or new proposed works on the amenity values and the maintenance and enhancement of the quality of the Rangitāiki River catchment environment. Priority should be placed on minimising adverse effects on amenity values and maintaining and enhancing the quality of the environment from the outset of the project initiation phase to influence the selection of design options and construction methodologies."

3. Remove linkages from Objective 7 to Policies MN 1B, MN 7B and MN 8B.
4. Delete the first AER and monitoring indicator linked to Objective 7 and amend the second AER and monitoring indicator to read as follows:

Adverse effects on amenity values and the quality of the environment resulting from drainage and flood protection works ~~*landscape and natural features from infrastructure*~~ *are avoided, remedied or mitigated.*

No loss of amenity values for areas and features affected by drainage and flood protection works associated with outstanding natural features and landscapes identified in the Whakatāne and Taupō District Plans ~~*within the Rangitāiki River catchment*~~

10.1.3 Policy RR 1B and Method 23D - Tuna v Fish Passage

(240) Policy RR 1B seeks to avoid impediments to tuna migration, whereas Method 23D focuses on the provision of passage of all fish over new and existing structures. These two aspirations are significantly different and will result in different consequences, as per the comment on Issue 2.12.2 (1). Trustpower submits that providing trout passage throughout the RANGITĀIKI River would have adverse effects that the section 32 report has not considered.

(241) We agree with the Regional Council's officers, for the reasons set out in the s 42A report, the suggested amendments to these policies and accordingly recommend these policies as set out below:

Amend Method 23D to read:

Method 23D: Require structures that provide passage for tunafish migration up and down the Rangitāiki River catchment

Require the provision of fish safe and effective tuna passage for all new and existing structures (including culverts) where they impede tunafish passage in the Rangitāiki River catchment.

Implementation responsibility: Regional Council

10.1.4 Objective 2 AERs and Monitoring Indicators

(242) Trustpower noted the anticipated environmental results and monitoring indicators for Objective 2 identify that significant indigenous biodiversity values and natural areas will be protected, whereas the objective itself focusses on the protection of all indigenous habitats and ecosystems.

(243) We agree with the Regional Council's officers, for the reasons set out in the s 42A report, the suggested amendments to these policies and accordingly recommend these policies as set out below:

Amend Objective 2 (renumbered 33) to read:

Objective 233

Habitats that support indigenous species and linkages between indigenous ecosystems within the Rangitāiki River catchment are created, enhanced where degraded, and protected where significant protected where significant and enhanced

10.1.5 Integration with NPS for Freshwater Management Process

- (244) Federated Farmers submission (18-1) seeks PC3 be withdrawn or put it on hold, pending the progression and implementation of the region's response to requirements of the National Policy Statement for Freshwater Management (NPSFM) framework.
- (245) Federated Farmers concern is PC3 is being progressed through its statutory phases seemingly independently of the development of the region's response to the NPSFM framework and the progression of relevant regional plan changes.
- (246) Federated Farmers note the requirement in the Treaty settlement legislation, is subject to PC3 being consistent with the sustainable management purpose of the Resource Management Act 1991.
- (247) Federated Farmers consider the outcomes of PC3 cannot be consistent with the sustainable management purpose of the Resource Management Act given:
1. There is no RPS change to provide for the integrated management of the effects of the use and development of land and fresh water in accordance with Policy C2 of the NPSFM; and
 2. The freshwater objectives have not yet been set in accordance with Policy A1 of the NPSFM.
- (248) The Treaty settlement legislation provides that, until such time as the Council changes the RPS as needed to recognise and provide for the vision, objectives and desired outcomes in the Rangitāiki River document, local authorities (including the Council itself) are required to have particular regard to the Rangitāiki River document in preparing or changing their plans. Thus the vision, objectives and desired outcomes in the Rangitāiki River document will be reflected in the development of the region's response to the NPSFM framework, regardless of whether or not they are incorporated into the RPS.
- (249) We agree with the Regional Council's officers, for the reasons set out in the s 42A report, to recommend the rejection of this submission point and to make no changes to PC3, including to recommend its withdrawal or being put on hold.

10.1.6 Request to Withdraw Proposed Change 3

- (250) The Mataatua District Māori Council's (MDMC) submission seeks PC3 be withdrawn on the basis it is premature and biased in favour of settled iwi rather than hapū.
- (251) MDMC is one of 15 Councils that constitute the New Zealand Māori Council a Statutory Body established under the auspices of the Māori Community Development Act 1962. Under section 18 of that Act the general functions of MDMC, in respect of all Māori, includes promoting the conservation, improvement, advancement and maintenance of the physical, economic, industrial, educational, social, moral and spiritual well-being of all Māori.

(252) MDMC's submission states it is made up of marae and hapū and it is the hapū who have tino rangātiratanga or sovereignty over water not settled iwi entities. MDMC's concern is the Waitangi Tribunal have found that "Māori have interests in water". Although that decision was overturned by the High Court a final determination by the Waitangi Tribunal is still pending.

(253) The MDMC seeks:

1. PC3 be withdrawn.
2. Regional Council collaborate with them on PC3 and immediately work together to produce a memorandum of understanding.
3. That until the Waitangi Tribunal has legally found hapū have tino rangātiratanga/sovereignty to water, that MDMC and Regional Council proceed by identifying water bodies that exist within the MDMC region.

(254) We agree with the suggestion from Regional Council's officers, for the reasons set out in the s 42A report, to recommend the rejection of this submission point and to make no changes to PC3, including to recommend its withdrawal or being put on hold, and accordingly recommend the rejection of this point for those reasons.

10.1.7 Rangitāiki Flood Scheme Effects on Freshwater Fish/Tuna

Summary of Ngāti Awa Submission 15-3

(255) Ngāti Awa's submission relates to significant issue 2.12.2.1 'The Rangitāiki River is no longer providing an abundance of food'. Their submission identifies certain land use changes resulting in a decrease in the number of freshwater fish in the Rangitāiki River catchment. The text refers to the clearance of indigenous vegetation for plantation forestry, pasture, urbanisation together with the establishment of hydro-electric dams, large irrigation schemes and factories as being responsible for reduced water quality, riparian margins, fish habitats and restricted fish passages.

(256) Te Rūnanga o Ngāti Awa considers that a major contributor to the reduction of freshwater fish within the lower Rangitāiki is the loss of natural habitat resulting from rock work associated with the maintenance of flood scheme assets. Te Rūnanga o Ngāti Awa has significant concerns with the recent rate of habitat loss particularly in the lower section of the Rangitāiki which has resulted in large sections of natural spawning habitat being replaced with rock work.

(257) Much of these flood scheme maintenance works are undertaken under historic maintenance authorities with little or no consultation with Ngāti Awa.

(258) Te Rūnanga o Ngāti Awa seeks that loss of natural habitat resulting from the maintenance of flood scheme assets be identified as a contributor to the decrease in freshwater fish in the Rangitāiki River.

Freshwater Ecologist Analysis

(259) A report from Freshwater Ecologist, Alastair Suren regarding Te Rūnanga o Ngāti Awa's concerns is included in the Staff Recommendations Overview Report, 11 April 2017. This report was circulated to the submitters for prior to hearings commencing.

Background

- (260) In the Te Rūnanga o Ngāti Awa submission, they consider that a major contributor to the reduction of freshwater fish within the lower Rangitāiki reflects the loss of natural habitat resulting from rock work associated with maintenance of flood scheme assets. Te Rūnanga o Ngāti Awa are also concerned about the loss of large sections of natural spawning habitat with rock work, and its resultant effect on inanga spawning.
- (261) As detailed in the Staff Recommendations Overview Report, “at the microscale level, riprap may be providing an important habitat for invertebrates and some fish species - particularly bottom-dwelling native species such as tuna and bullies that will live in the spaces between rip rap elements”, at a mesoscale.
- (262) Use of riprap in rivers to stabilise banks can have hugely negative effects on spawning habitat for native fish such as Inanga. These fish spawn at the upper limit of the salt wedge amongst bankside vegetation that is submerged at high tide. Riprap banks provide little vegetation for these fish to spawn amongst, so spawning success will be severely limited if bank conditions at the upper limit of the salt wedge are not suitable, at a macroscale engineering works have major, long-term implications for habitat quality and biodiversity.
- (263) Mr Suren concluded that “the effects of flood maintenance works on the lower Rangitāiki River have greatly altered many of the important ecological processes that would have been operating prior to this work. However, the effects of such work are largely dependent upon spatial scales being considered. For example, at a small spatial scale there may be higher invertebrate and fish productivity in areas of riprap than in areas of actively eroding banks. However, at larger spatial scales the effects of flood maintenance work on the ecology of the lower Rangitāiki becomes more apparent. Much of the river would have lost its slow flowing backwater eddies and wetlands, and connections with inflowing streams. Bank reinforcements and channel modifications have also often resulted in a relatively uniform channel cross-section profile, thus lowering habitat complexity. Loss of the original riparian vegetation would also undoubtedly have had an adverse effect.” In his opinion Mr Suren tended to agree with the submission.
- (264) Rock work associated with the maintenance of flood of scheme assets would primarily have affected tuna (both Shortfin and Longfin) in terms of loss of instream and backwater habitat, as well as Inanga in terms of loss of spawning vegetation and rearing habitat. Other fish such as torrent fish may also be less common in the river now presumably reflecting the absence of shallow fast flowing gravel dominated riffles which may have been more prevalent prior to the flood protection activities commencing, although his agreement was subject to a number of provisos regarding the many other pressures facing the fish communities throughout the Rangitāiki catchment, and indeed throughout New Zealand.
- (265) We agree with the Regional Council’s officers, for the reasons set out in the s42A report, to suggest the amendments to this issue, and accordingly recommend amending the second and third paragraphs of issue 2.12.2.1 by recognising the establishment and maintenance of flood protection schemes as a contributing factor to the reduction in the number of tuna, riparian margins, fish habitats and restrictions on fish passage to read:

1. The Rangitāiki River is no longer providing an abundance of food

The Rangitāiki River and its tributaries have historically provided a highly valued tuna fishery which sustained the way of life of local people for generations.

Widespread land use changes within the Rangitāiki River catchment have resulted in a decrease in the numbers of freshwater fish (ikawai) such as the native longfin tunas (tuna kuwharuwharu) and whitebait species (Inanga, Banded Kokopu and Giant Kokopu). The clearance of indigenous vegetation for plantation forestry, pasture, and urbanisation together with the establishment and maintenance of

hydro-electrical dams, flood protection schemes, large irrigation schemes and factories have reduced water quality, riparian margins, fish habitats and restricted fish passages. The introduction of trout species has also contributed to the reduction in numbers of indigenous fish species within the catchment.

Numbers of tuna in the Rangitāiki River catchment are declining due to a range of causes, including the commercial harvest of tuna and the establishment and maintenance of flood protection schemes.

10.1.8 Treaty Co-Governance Compendium Document

(266) Trustpower seeks amendments to Section 2.12 to make it clear the Treaty Co-Governance Compendium does not actually form part of the RPS. The statement in Section 2.12 that this chapter should be read in conjunction with the compendium implies the compendium has some form of legal status (or otherwise) on its own – or at the least creates uncertainty as to the status that the compendium is intended to have.

(267) Trustpower seek the third paragraph of Section 2.12 be amended to read as follows:

The purpose of this section is to fulfil the requirements of treaty settlement legislation in so far as it relates to the Regional Policy Statement. Background information is provided in the Treaty Co-Governance Compendium Document. It is to be read in conjunction with the Treaty Co-governance Compendium Document. The Treaty Co-Governance Compendium Document, which can be accessed at Council offices and on its website, includes a copy of Te Ara Whānui o Rangitāiki – Pathways of the Rangitāiki, the approved River document that was prepared under the treaty settlement legislation. That document includes detail of the historical association each iwi has to its ancestral awa and/or moana (waterbodies). It is an important document that provides context for this section of the Regional Policy Statement, although it does not form part of the Regional Policy Statement.

(268) We agree with the Regional Council's officers proposed changes, for the reasons set out in the s 42A report, and accordingly recommend the amendment of Section 2.12 to clarify that the Treaty Co-governance Compendium Document provides important context to the Treaty Co-governance chapter but does not form part of the RPS by making the change shown below:

The purpose of this section is to fulfil the requirements of treaty settlement legislation in so far as it relates to the Regional Policy Statement. It is to be read in conjunction with the Treaty Co-governance Compendium Document, which is an important document that provides context for this section of the Regional Policy Statement, although it does not form part of the Regional Policy Statement. The Treaty Co-governance Compendium Document, which can be accessed at Council offices and on its website, includes a copy of Te Ara Whānui o Rangitāiki - Pathways of the Rangitāiki, the approved River document that was prepared under the treaty settlement legislation. That document includes detail of the historical association each iwi has to its ancestral awa and/or moana (waterbodies). ~~It is an important document that provides context for this section of the Regional Policy Statement.~~

10.1.9 Objective Numbering

(269) CNI's submission (17-2) rightly notes there are existing Objectives 1-8 in the operative RPS which is potentially confusing for RPS users. We recommend amending the objective numbering to

follow on from Natural Hazards Objective 31 in the operative RPS. Objective 1 will now be renumbered Objective 32 and so on.

Objective 1 (renumbered 32)

(270) Trustpower's submission (16-6) contends Objective 1 goes beyond identifying a resource management outcome to be achieved, and instead seeks to also identify the mechanisms to achieve the outcome. Such mechanisms should be addressed through policies and methods.

(271) It says that Proposed Change 3 should ensure provisions are appropriately framed and recognise that simply copying wording from the Rangitāiki River Document provides no greater direction to resource users as to how the RPS will recognise and provide for the outcomes sought in the higher order document 'on the ground'.

(272) Trustpower seeks Objective 1 be amended to read as follows:

Tuna within the Rangitāiki River catchment are protected through measures including enhancement and restoration of their habitat and migration paths.

(273) We agree with the Regional Council's Officer's proposals, for the reasons set out in the s 42A report, and accordingly recommend the amendment of Objective 1 (renumbered 32) to read:

Objective ~~132~~

The habitat and migration paths of tuna are restored and enhanced within the Rangitāiki River catchment ~~are protected, through measures including enhancement and restoration of their habitat and migration paths~~

Objective 2 (renumbered Objective 33)

(274) Ravensdown's submission (14-1) seeks amendments requested in relation to protection of significant habitats of indigenous fauna is intended to make the objective consistent with s.6 of the RMA. Furthermore, it is considered that enhancement is only required where the habitat is degraded. It says that the amendments proposed mean the objective is the most appropriate way to achieve the purpose of the RMA.

(275) It seeks that Council retain the overall intent of Objective 2 while amending it to read:

"Habitats that support indigenous species and linkages between indigenous ecosystems within the Rangitāiki River catchment are created, protected where significant, and enhanced where degraded."

(276) We agree with the Regional Council's officers suggested amendment for the reasons set out in the s 42A report, and accordingly recommend the suggested amendment of Objective 2 (renumbered 33) to read:

Objective ~~233~~

Habitats that support indigenous species and linkages between indigenous ecosystems within the Rangitāiki River catchment are created, enhanced where degraded, and protected where significant ~~protected where significant and enhanced~~

Objective 3 (renumbered Objective 34)

(277) Trustpower's submission (16-7) opposes Objective 3 on the basis that it does not define the extent of restoration sought for water quality in the Rangitāiki River Catchment and how this is the most appropriate way to achieve the purpose of the RMA. It says that the accompanying

policies also provide no direction on this matter and that as such, it is not possible for resource users to ascertain the extent of restoration sought in terms of water quality parameters to be improved and what the potential costs or socio-economic implications may be.

- (278) It further says that in addition, Change 3 has already noted that water quality in parts of the Rangitāiki River Catchment is already 'excellent'. (This is supported by information provided to the Rangitāiki Freshwater Futures Community Group – which details that water quality in many parts of the catchment is in the 'A' attribute state bands for the National Objectives Framework.
- (279) Trustpower does not consider that applying a general catch-all objective for restoration across the entire catchment is consistent with the NPSFM or is the most appropriate way to give effect to the RMA. Water quality objectives should be set for individual freshwater management units, taking into account a range of relevant matters.
- (280) Trustpower is also concerned Objective 3 may circumvent the process for establishing water quality limits for the Rangitāiki River Catchment via Plan Change 9 to the Regional Water and Land Plan. This is on the basis Proposed Change 3 is only intended to fulfil the requirements of Treaty Settlement legislation and not to implement the NPSFM.
- (281) Ravensdown's submission (14-2) states the restoration of water quality in the Rangitāiki River Catchment is only required in those parts of the river catchment where it is degraded. Where water quality is already good or excellent, this should be maintained. The amendments proposed mean the objective is the most appropriate way to achieve the purpose of the RMA.
- (282) We agree with the Regional Council's officers suggested amendment, for the reasons set out in the s 42A report, and accordingly recommend the amendment of Objective 3 (renumbered 34) to read:

Objective 34

Water quality ~~is restored~~ in the Rangitāiki River catchment ~~is maintained and improved where degraded~~.

Objective 6 (now renumbered 37)

- (283) Trustpower considers that Objective 6 is not consistent with the purpose of the RMA. They say that the direction to 'recognise and provide for' kaitiakitanga in the decision-making is stronger than the requirement specified in section 7(a) of the RMA, which requires decision makers to have 'particular regard' to kaitiakitanga.
- (284) Trustpower opposes Objective 6 on the basis that it is not consistent with the purpose of the RMA and no justification has been provided in the section 32 analysis as to why a stronger directive around the consideration of kaitiakitanga is consistent with the purpose of the RMA.
- (285) We agree with the Regional Council's officers, for the reasons set out in the s 42A report, the suggested amendments to Objective 7 to clarify that this Objective's focus is section 6 (e) of the Act and accordingly recommend the amendment as set out below
- (286) Amend Objective 6 (renumbered 37) to read:

Objective 637

The practice of kaitiakitanga in decision-making ~~is recognised and provided for when managing resources of ancestral lands, water, sites, waahi tapu and other taonga in the Rangitāiki River catchment is recognised and provided for~~.

10.2 Policy RR 3B – Establishing Water Quality Limits

- (287) Trustpower have raised concern over references to drinking water in issue 2.12.2.2 and Policy RR 3B and whether these seek that the river be a source of safe drinking water before treatment. Trustpower's submission seeks further amendments to ensure Policy RR 3B is consistent with NPSFM Policy CA2. In particular, the policy should focus on establishing water quality limits for 'freshwater management units' which is the appropriate unit of measure for water quality rather than a 'waterway'.
- (288) With respect to the particular values that water quality limits will be set for, Trustpower consider the focus should be on ensuring that water quality is suitable for contact recreation (rather than bathing) as this approach aligns with the Schedule 9 of the Regional Water and Land Plan.
- (289) Trustpower does not consider provision of drinking water is an appropriate water quality standard for the Rangitāiki River catchment. Trustpower seeks that either reference to drinking water be deleted or the provisions be reframed so they are clear they are concerned with ensuring water quality is suitable for human consumption after appropriate treatment.
- (290) Trustpower acknowledges the various registered water supplies in the catchment. These are afforded protection under the Resource Management²¹ Regional Council is required to manage discharges so that following treatment, the water supply remains safe for human consumption.
- (291) Fonterra made a submission seeking changes to Policy RR 3B and also made a further submission in support of Trustpower. Fonterra's issue is whether limits should be set *"to ensure, wherever, practicable, the water ...provides safe drinking water sources."* Fonterra are concerned the intended standards for "safe drinking water sources" are not clear but it is assumed they would be as set out in the Drinking Water Standards for NZ (the NZ DWS).
- (292) The NZ DWS impose a high standard of water quality across a wide range of contaminants. Fonterra considers it unrealistic to expect all reaches rivers to meet these standards. They question whether there is evidence of the extent to which the surface and ground water of the Rangitāiki River catchment currently complies with the NZ DWS1, and hence I do not know the magnitude of the challenge set by Policy RR 3B.
- (293) The evidence for the Rangitāiki River Forum from Ms. Vercoe (para 18) states the 'standard of water quality that we have set for the Rangitāiki River catchment is drinkable.' Ms. Vercoe further explains the rivers 'continue to be a valued source for food, an activity centre for recreation, for cultural and customary practices, for intergenerational connectedness.'
- (294) The evidence presented by Martin Meier for Federated Farmers contends Policy RR 3B predetermines the result of an evaluation and contradicts the NPSFM and Council decided process. His evidence further contends the limits under Policy RR 3B will be established by the Rangitāiki River Catchment Annual Work Programme. The primary mechanism for achieving Policy RR 3B is the RWLP via Method 2 Regional Plan implementation. However, other methods linked to Policy RR 3B are also considered relevant to help with achieving its intended outcomes.
- (295) The Hearing Committee rejects this contention by Mr. Meier of predetermination and contradiction. Water quality is a nationally significant issue, and Policy RR 3B reinforces the Objective (34) to maintain, and improve where degraded, water quality in the Rangitāiki River.

²¹ National Environmental Standard for Sources of Human Drinking Water Regulations 2007 ("Drinking Water NES").

- (296) The Hearing Committee acknowledges Fonterra's concerns that Regional Council doesn't have sufficient monitoring information to accurately ascertain the extent to which surface and groundwater in the catchment complies with the NZ DWS.
- (297) Whilst the Hearing Committee also acknowledge Ms. Vercoe's statement, on behalf of the Forum, that the standard set at the catchment level is drinkable, we do think it is unrealistic to expect the standards will be complied with across the entire catchment. This was the reason for including the qualifier 'wherever practicable' in the preamble. With respect to paragraph (d) it is intended that only certain parts/areas of the catchment will need to comply with the NZ DWS where water is intended to be used for drinking purposes.
- (298) Where parts of the river or water bodies within the catchment area are proposed to be used for drinking water sources then the NZ DWS standards should apply. Also, in these cases, treatment will be necessary. To that end the Hearing Committee have amended clause (d) to further qualify that water is safe for drinking with, or in certain areas, without treatment.
- (299) In receiving the further statement from Richard Turner on behalf of Trustpower dated 31 August 2017 the Hearing Committee gave due consideration to whether clause (d) of Policy RR 3B could result in all areas of the Rangitāiki River catchment being required to meet safe drinking water limits. While clearly not the intent, we consider the provision of safe drinking water sources is a matter that could be considered further at the regional plan level in giving effect to the National Policy Statement for Freshwater Management while meeting the requirements of Policy RR 3B.
- (300) The Hearing Committee have recommended amending the Explanation section to Policy RR 3B to delete the words "in as many places as possible" in the third sentence of paragraph 1. We consider these words to be unhelpful and pre-emptive of future resource decisions made with the Rangitāiki community, iwi and stakeholders.
- (301) The Hearing Committee agrees with the Staff recommendation to amend issue 2.12.2.2 and Policy RR 3B with a further amendment to the policy explanation to read as follows:

2. Water quality is not always good enough for swimming or drinking

In general, water quality within the Rangitāiki River catchment ranges from fair to excellent. However monitoring results are showing high concentrations of bacteria and Nitrogen in parts of the catchment and trends of decreasing water quality. These changes affect the suitability of waterways within the catchment for contact recreation and in certain areas as sources of safe drinking water. following periods of heavy rain the level of bacteria within in the Rangitāiki River exceeds water quality standards for contact recreation and drinking. Water quality degradation is affected by a range of land uses and land management practices in the catchment.

Policy RR 3B: Establishing water quality limits ~~for contaminants~~ within the Rangitāiki River catchment

Establish water quality limits for ~~contaminants such as nutrients, sediment and bacteria in~~ waterways within the Rangitāiki River catchment to ensure wherever practicable the water:

(d) provides safe drinking water sources where the water is used for that purpose.

Explanation

The Rangitāiki River catchment community have observed a continuous decline in water quality and are fearful of further decline in the future. The Rangitāiki River Forum and

communities within the catchment have strong values and expectations that water should be swimmable, abundant, suitable for ceremonies at places, and able to sustain customary food sources. The ability to access safe drinking water ~~in as many places as possible~~ within the catchment is important to the community.

10.3 Policy RR 4B – Efficient use and development of resources

(302) Trustpower’s submission (16-15) considers that the policy is vague in its reference to the ‘limits’ of the Rangitāiki River catchment and should be improved to more closely align with the references to limits within the NPSFM. They seek Policy RR 4B be amended to include additional text as follows:

‘Enable the efficient use and development of resources within the environmental flows and/or levels and water quality limits of the freshwater management units for the Rangitāiki River catchment while...

(303) The Galatea-Murupara Irrigation Society submission (13-3) seeks Policy RR 4B be amended to recognise hydro-generation activities within the catchment result in severe, unnatural and frequent variability in flow, which has adverse effects on the natural qualities and stability of banks and margins of the river. Flow variability and erosion are significant issues that lead to a decline in river health.

(304) We agree with the Regional Council’s officers, for the reasons set out in the s 42A report, suggested amendments to Policy RR 4B and accordingly recommend the amendment as set out below.

(305) Amend Policy RR 4B to read:

Policy RR 4B: Enabling the efficient use and development of resources within the Rangitāiki River catchment

Enable the efficient use and development of resources within the ~~environmental flows and/or levels and water quality~~ limits of the Rangitāiki River catchment while:

- (a) Having regard to the potential for significant economic, cultural and social benefits to communities within the catchment;
- (b) Avoiding, remedying or mitigating adverse effects that land use, discharges, damming, diversion and abstraction activities can have on water quality and quantity ~~and on the beds and margins of waterbodies~~; and
- (c) Encouraging the use of new technology and innovation in improving environmental performance.

10.4 Method 23E – Action Plan for Tuna Passage

(306) Trustpower’s submission (16-17) seeks amendments to Method 23E to include collaboration with hydro-electricity generators in the preamble text to be recognise they will be integral to the success of any two-way tuna access action plan. It notes that as Trustpower is in the process of developing tuna passage options for the Matahina Dam, it is important that any action plan or project takes into account the research, trials and results of Trustpower’s investigations in order to reduce duplication of efforts and resources, and collectively achieve the best outcomes for the environment and community. Further that there is no guarantee that Trustpower’s investigations will reveal any more successful options for tuna passage than trap and transfer.

- (307) Trustpower also considers that clause (c) of Method 23E does not address two-way tuna access and should be deleted.
- (308) We agree with the Regional Council's officers, for the reasons set out in the s 42A report, the suggested amendments to Method 23E and accordingly recommend the amendment as set out below.
- (309) Amend Method 23E to read:

Method 23E: Develop an action plan to provide access for migrating tuna (tuna) in the Rangitāiki River catchment

~~In collaboration with iwi d~~Develop an action plan In collaboration with iwi and hydro-electricity generators to provide two-way access for migrating tuna ~~(tuna)~~ including by:

- ~~(a) Working with hydro-electricity generators and researchers on projects;~~
(b) Analysing and conducting research; and
~~(c) Making recommendations on restoration programmes; and~~
(d) Working with river users to address tuna access.

Implementation responsibility: Regional Council.

10.5 Method 23I

- (310) Fonterra's submission (7-4) raises concern about what is meant by the term "sustainable flow" as it is not defined in Proposed Change 3, the operative RPS or the NPSFM. The term is not used in Plan Change 9 to the Regional Water and Land Plan. The method also notes that "catchment load limits" are to be developed but it is not clear what contaminants those limits will relate to, or why load limits are mentioned but other types of limit (concentration limits for example) are not.
- (311) Further the method does not recognise that targets (limits to be achieved at a future time) might be required and that methods, either regulatory and/or non-regulatory, will be required to achieve those limits and targets (in accordance with NPSFM Policy A2).
- (312) Finally, Fonterra notes that matters (a) to (c) do not follow logically from the balance of the method (catchment load limits do not, for example, "include" current state or freshwater objectives) and suggests that some redrafting might aid understanding of the intent.
- (313) Fonterra request Method 23I be amended to remove the words "sustainable" and "catchment load" to read as follows:

Method 23I: Develop environmental flow and contaminant limits in the Rangitāiki River Catchment

The following shall be identified or established for the Rangitāiki River catchment in accordance with the National Policy Statement for Freshwater Management:

- (a) The current state and anticipated future state*
- (b) Freshwater objective*
- (c) Limits and/or targets for meeting freshwater objectives, including environmental flows and contaminant limits (either catchment load limits and/or in-stream limits)*
- (d) Such other methods (regulatory and/or non-regulatory) as may be necessary to improve water quality to achieve limits and targets.*

(314) Trustpower's submission (16-20) considers Method 23I to be in general accordance with the NPSFM but suggest amendments to better align with Policy CA2 of the NPSFM. The submission also notes the NPSFM includes a broader list of matters to be considered than those listed in (a) – (c) including any choices between the values that the formulation of freshwater objectives and associated limits would require. Trustpower considers it inappropriate to list some relevant matters and the provision can appropriately apply without repetition of the matters listed in Policy CA2(f).

(315) Trustpower seek Method 23I be amended the first paragraph and deleting clauses (a)-(c) to read as follows:

Environmental flows/levels and water quality limits for freshwater management units in the Rangitāiki River catchment shall be developed in accordance with the National Policy Statement for Freshwater Management framework.

(316) We agree with the Regional Council's officers, for the reasons set out in the s42A report, the suggested amendments to Method 23I and accordingly recommend the amendment of Method 23I to read:

Method 23I: Develop ~~sustainable~~ environmental flow and catchment load limits in the Rangitāiki River catchment

~~Sustainable~~ Develop environmental flows/levels and catchment load water quality limits in the Rangitāiki River catchment ~~shall be developed~~ in accordance with the National Policy Statement for Freshwater Management ~~framework, and include:~~

- ~~(a) The current state and anticipated future state~~
- ~~(b) Freshwater objectives; and~~
- ~~(c) Limits for meeting freshwater objectives.~~

Implementation responsibility: Regional Council

10.6 Method 23Q – GIS For Wāhi Tapu and Wāhi Taonga

(317) Te Pahipoto hapū's submission (6-32) sought amendments to include hapū, in addition to iwi, in the method. Staff agree it is appropriate that where geographic information sets are being developed for sites of cultural significance it is important that hapū are involved in their identification and in determining the management mechanisms that best suit their relative sensitivities.

(318) We agree with the Regional Council's officers suggested amendments to Method 23Q, for the reasons set out in the s 42A report. The Hearing Committee recommend additional amendments to clarify the method's intent and include macron's to correct the spelling of wāhi tapu and accordingly recommend amending Method 23Q as set out below.

(319) Amend Method 23Q to read:

Method 23Q: Support the development of sites and areas of cultural significance geographic information sets ~~within the~~ Rangitāiki River catchment

~~In co-operation with iwi and hapū s~~Support ~~iwi to the~~ development of ~~sites and areas of cultural significance~~ geographic information sets for waahi tapu and waahi taonga sites and areas within the Rangitāiki River catchment which identify:

- (a) Publicly known cultural sites or areas with no access restrictions; and
- (b) Indicative areas to which access, holding and use protocols apply with the relevant iwi or hapū to ensure culturally appropriate handling of the information.

Implementation responsibility: Regional Council and iwi authorities

10.7 Method 23S – Remove or Adapt Structure Impeding Access

- (320) Te Rūnanga o Ngāti Whare's submission (10-34) requested Method 23S be amended to include provision for consultation with tāngata whenua.
- (321) Trustpower's submission (16-28) considers use of the phrase "where appropriate" is positive as it enables the benefits of the structure to be weighed against the lost recreational or cultural opportunities in making the decision as to whether to require removal. This is important as there may be safety reasons for installing structures such as jetties for safe access to boats, log booms for dam safety or stop banks for flood protection.
- (322) Trustpower seeks Method 23S should be amended to:
- a) specify the mechanism for requiring the removal of structures;
 - b) specify the types of structures that will be targeted for removal; and
 - c) provide guidance as to the circumstances where removal would be considered "impracticable".
- (323) We agree with the Regional Council's officers suggested amendments to Method 23S, for the reasons set out in the s 42A report and accordingly recommend amending Method 23S as set out below.
- (324) Amend Method 23S to read:

Method 23S: Remove or adapt structures impeding cultural and recreational access in the Rangitāiki River catchment

Where appropriate **and in consultation with tangata whenua** require the removal of structures that impede cultural and recreational access in the Rangitāiki River catchment. Where removal is impracticable, employ measures to adapt existing structures **or provide alternative access points** to minimise adverse effects on cultural and recreational access.

Implementation responsibility: Regional Council and iwi authorities

10.8 Method 23K – Identify Sources and Locations of Illegal Refuse Dumping

- (325) Trustpower's submission (16-21) supports the concept of identifying key sources of pollutants entering waterways in an effort to improve water quality, however they consider the terminology used should be amended to better reflect the requirements of the RMA. They seek Method 23K be amended by replacing "pollutants" with "contaminants" and inserting "management of land uses and" to read as follows:

Identify key sources of contaminants entering waterways in the Rangitāiki River catchment and encourage better management of land uses and waste management within communities and industries.

- (326) We agree with the Regional Council's officers suggested amendments to Method 23K, for the reasons set out in the s 42A report and accordingly recommend amending Method 23K as set out below.
- (327) Amend Method 23K to read:

Method 23K: Identify key sources and locations of illegal refuse dumping pollutants in the Rangitāiki River catchment

Identify key sources and locations of illegal refuse dumping pollutants entering waterways in the Rangitāiki River catchment and encourage better waste management within communities and industries

Implementation responsibility: Regional Council and district councils.

11.0 Treaty Settlement Acts 2012 v National Policy Statements

- (328) Federated Farmers and Trustpower raised concerns over the weighting afforded to the requirements of the Treaty Claims Settlements Acts versus the requirements of the Resource Management Act 1991 (the Act) and in particular relevant National Policy Statements.
- (329) Federated Farmers contend Proposed Change 3 has exceeded its purpose and should not deal with freshwater management matters. They consider Proposed Change 3 is contrary to the National Policy Statement for Freshwater Management (NPSFM) and in conflict with the Bay of Plenty Regional Freshwater Framework 2015. Trustpower has also made submissions seeking to ensure Proposed Change 3 gives effect to the NPS for Renewable Electricity Generation (NPSREG).
- (330) Federated Farmers recommended Proposed Change 3 be placed on hold or alternatively the issues, objectives, policies and methods relating to water management be excluded. Federated Farmers requested a number of amendments, if the Hearing Committee decides not to exclude provisions relating to water management.
- (331) Trustpower's submission didn't seek the deferral of Proposed Change 3 or the removal of water management provisions. Trustpower's primary concern relates to the impact of the advice note contained in Proposed Change 3. They submitted the advice note gives the Rangitāiki River provisions precedence over other region wide provisions intended to give effect to the NPSREG.
- (332) The advice **note states:**

Applying the Rangitāiki River catchment provisions

The Rangitāiki River catchment objectives, policies and methods, set out in Table 12, only apply to the Rangitāiki River catchment area within the Bay of Plenty region identified in Map 4aa. These provisions should be read along with other region wide provisions. Where a conflict exists between any Rangitāiki River catchment specific provisions and region wide provisions, the catchment specific provisions shall prevail.

- (333) The Mataatua District Māori Council (MDMC) opposes Proposed Change 3 in its entirety and seeks it be placed on hold on the basis the Treaty of Waitangi Tribunal will be considering stage 2 of the Water Claim to determine Māori interests in water. MDMC contend Proposed Change 3 is premature, favours settled iwi entities and that the Māori Community Development Act 1962 statutorily obliges the MDMC to represent all hapū within the region.
- (334) As the reporting planner has noted Federated Farmers evidence is contradictory where on the one hand it says 'Proposed Change 3 has exceeded its purpose and should not deal with freshwater management matters' while at paragraph 54.a. it states: 'the River document is about the waters in the River and the health of the River' and paragraph 55 makes the same point. We agree PC3 is about the health of the Rangitāiki River, so it is to be expected it will

encompass the integrated management of freshwater matters. And it should also work towards giving effect to the NPSFM.

- (335) The evidence of Council's reporting officer Mr Steed and section 32 report note that during the process of developing PC3 Regional Council staff involved in Council's Freshwater Management Framework were consulted to ensure, as far as practicable, the two processes are aligned and consistent. We agree that PC3's water related provisions are not in contradiction, but rather complementary with the NPSFM. An example of this is the recommended Objective 34 of PC3, which states:

Objective 34

Water quality ~~is restored~~ in the Rangitāiki River catchment ~~is maintained and improved where degraded~~.

- (336) This objective is consistent with NPSFM Water Quality Objective A2 which states:

The overall quality of fresh water within the region is maintained or improved while....

- (337) This shows that both objectives are consistent in their focus on maintaining or improving water quality.
- (338) In a similar vein, Policies RR 3B and RR 4B are intended to be given effect to by changes to the RWLP and provide considerations for water quality and quantity within the Rangitāiki River catchment WMA. Regional Council Water Policy staff, responsible for implementing the NPSFM, were consulted by the Reporting Officer, to ensure consistency with the NPSFM in considering both the submissions, and to changes proposed in Policies RR 3B and RR 4B.
- (339) Staff advised the RPS already gives effect to the NPS-REG through its Energy and Infrastructure provisions and to a lesser extent the Geothermal Resources provisions. Energy and infrastructure providers, including Transpower, Trustpower, Contact Energy and Mighty River Power were all submitters on these provisions when the RPS was notified in 2010 and places directives on the RPS.
- (340) Having considered Trustpower's concerns regarding the advice note the Hearing Committee agree with the alternative approach proposed by staff to specify the region wide provisions which the PC3 provisions are intended to prevail over. By doing so, this will achieve the certainty the submitter seeks and clarify the intent of the advice note. The Hearing Committee does not however agree with the wording amendments promoted by Mr Richard Turner in his statement of evidence dated 31 May 2017. As drafted by Mr Turner, he is seeking to clarify that the catchment wide specific provisions of PC3 do not prevail over any region wide provisions that give effect to any NPS.
- (341) The Hearing Committee agrees with staff that there are only two PC3 objectives which are in conflict with their region wide equivalent objectives relating to public access (Objective 39) and water quality (Objective 34).
- (342) Finally, the Mataatua District Māori Council (MDMC) seeks to place PC3 on hold on the basis it is premature and the Treaty of Waitangi Tribunal will be considering stage 2 of the Water Claim to determine Māori interests in water. Bay of Plenty Regional Council is obligated to implement PC3 in accordance with its obligations under the Ngāti Whare and Ngāti Manawa Claim Settlement Act 2012. If the Waitangi Tribunal recommendations in respect to iwi and hapū proprietary rights in water are legislated by central government under the RMA, then Regional Council will need to act at that point in time but not sooner.

- (343) The Hearing Committee agreed with the Staff recommendation for the reasons given to amend the Advice note to specify the region wide RPS provisions which those in PC3 are intended to prevail over to read:

Applying the Rangitāiki River catchment provisions

The Rangitāiki River catchment policies and methods only apply to the Rangitāiki River catchment area within the Bay of Plenty region identified in Map 4aa. These provisions should be read along with other region wide provisions. ~~Where a conflict exists between any~~ For clarification the following Rangitāiki River catchment specific ~~objectives -provisions and shall prevail over the equivalent~~ region wide ~~objectives -provisions, the catchment specific provisions shall prevail. Objective 39 prevails over Objective 22. Objective 34 prevails over Objective 27.~~

11.1 Effects of tuna population decline on tikanga and mātauranga Maori

- (344) In response to a question from the Committee the Reporting Officer made a request to Dr. Erica Williams (Programme Leader Scientist at Niwa) and Garth Harmsworth (Scientist at Landcare Research New Zealand Ltd) to ask whether they were aware of any research on the loss of tikanga and mātauranga resulting from a decline in tuna populations (and other freshwater taonga species)?
- (345) Both scientists identified a number of research papers directly or indirectly related to the question. It is clearly evident there is ample research linking the effects of environmental degradation (including loss of taonga species like tuna) on Maori knowledge, values and cultural practises (including tikanga).
- (346) The Supplementary Staff Recommendations report acknowledges Dr. Williams noted declining tuna populations' impact on cultural practices relating to mahinga kai. This erodes cultural identity which impacts on the transfer of knowledge through the generations (Moller et al. 2009a). Impacts of taonga species "loss" includes issues around:
- Reduced abundance and distribution of taonga species;
 - Parasite/biosecurity incursions;
 - Degraded environmental conditions impact preferred harvesting methods and engagement with fishery over time/generations;
 - Legal and physical access barriers (including national parks and fishing restrictions);
 - Perceived (and real) environmental contamination issues.
- (347) It is clear from the submissions by Te Rūnanga o Ngāti Awa, Ngāti Manawa, Te Pahipoto hapū and the Rangitāiki River Forum that Objective 1, Policy RR 1B and related methods continue to retain their support. Iwi and hapū have made it very clear they see the trap and transfer system as a short-term intermediary solution. They all want to see a viable long-term system developed that allows two-way tuna access up and down new and existing structures so migration pathways are not encumbered.
- (348) With respect to Forest and Bird, the changes they request to Method 23D rely on the original submission by Trustpower which sought Method 23D be split into two methods. Overall the Hearing Committee considers the changes sought to be generally within the ambit of those sought by Trustpower. However, they don't consider it necessary to specify conditions of resource consents including their renewal or review in the method, as Policy RR 1B is already

implemented through resource consents via its linkage to Method 3. This linkage may have been overlooked by the submitters.

- (349) During the field trip by the Hearing Committee on Monday 26 June, Mr Bill Kerrison along with Trustpower representatives, met the Committee members at Matahina Dam, and showed the site where tuna elvers were collected from. It was explained the trap structure had been damaged during the April flood and had to be reconstructed and those plans were under development. As has been communicated strongly by Trustpower their preferred approach is to continue with the trap and transfer system which is the same type of system used at a number of their other dams across the north and south islands.

11.2 Tuna Passage

- (350) The hearing evidence presented by Trustpower seeks changes to Objective 1, Policy RR 1B and Method 23D to better recognise that not all infrastructure in the river can be managed in the same way and that there are a number of alternative ways to enhance tuna passage past these structures.
- (351) Policy RR 1B seeks to avoid impediments to tuna migration, whereas Method 23D focuses on the provision of passage of all fish over new and existing structures. These two aspirations are significantly different and will result in different consequences, as per the comment on Issue 2.12.2 (1). Trustpower submits that providing trout passage throughout the RANGITĀIKI River would have adverse effects that the section 32 report has not considered.
- (352) Dr. Goldsmith's ecological evidence outlined the practical constraints for tuna passage at Matahina Dam. Her position is tuna passage through the use of the trap and transfer programme (as opposed to structural modifications to the dam) is the most practicable means of providing for migration up and down the Rangitāiki River.
- (353) Trustpower seek further changes to recognise that in some cases enhancement of migration paths rather than restoration to their previous state will be appropriate.
- (354) Mr. Gow's evidence expressed disappointment at the negative comments by Trustpower regarding tuna and other migrating species in the Rangitāiki River. Mr Gow was Chairman of the Eastern Bay of Plenty Power Board at a time when Aniwhenua and Matahina dams were offered planning assistance for fish ladders or similar from the Fisheries Research Division of MAF in Rotorua. Mr. Gow explained the drainage flood pump intake system used on their farm is designed so that it provides fish passage and doesn't kill tunas. His contention is that if there is a willingness to do something for the river's aquatic life then there will be a way.
- (355) The evidence from the Rangitāiki River Forum Chair, Ms. Vercoe made specific reference to the tuna Policy RR 1B, Methods 23D, 23E and 75. Ms. Vercoe emphasised the Rangitāiki River Forum has developed a tuna plan to collect information and address concerns, particularly from iwi, regarding:
- Depleting customary catch
 - Consequential loss of tikanga tuna
 - Diminished water quality
 - Interruption, through trap and transfer of the tuna migration patterns and genetic memory
 - Encroaching commercial fishery above the dams

- The negation of the trap and transfer system with commercial fishers below the Matahina Dam
- Impact of an over committed water take in the catchment.

(356) The tuna policy and method are explicit recognition that the Forum is focussed on a proactive pathway to retain the longfin tuna in the Rangitāiki Catchment. The Forum are concerned with the lack of data provided to iwi about the trap and transfer system. Also, ongoing concerns the longfin tuna population is in a state of depletion to the extent that customary catches are infrequent.

(357) The Forum considers the Matahina Dam consent renewals are a clear signal of how the concerns of tāngata whenua can be met for the renewal of other hydro-electricity consents in the Rangitāiki River catchment.

(358) Forest and Bird evidence seeks the retention of freshwater fish in Method 23D as they are equally important in biodiversity terms with 4 of the 5 whitebait species being classified as threatened. The statement by Mr. Gow also emphasised the need to have regard to all native fish species not just tuna. Forest and Bird also seek Method 23D be amended partially consistent with the changes sought by Trustpower Ltd to read:

Require ~~through conditions of resource consents including renewals or review the provision of fish~~ safe and effective tuna passage for all new and existing structures (including culverts) where they impede ~~tuna~~fish passage in the Rangitāiki River catchment.

(359) Finally, NZTA submitted written evidence dated 15 June 2017 advising matters raised in their submission have been satisfactorily addressed.

(360) The Hearing Committee recommend that for consistency all references to 'eel' be replaced with 'tuna', and that a definition for 'tuna' (to cover both long and shortfin tuna) be inserted into PC3 documentation. It is noted that the scientific names for tuna are:

- *Anguilla dieffenbachii* = longfin tuna; and
- *Anguilla australis* = shortfin tuna.

(361) Whilst staff note there are three recognised tuna in New Zealand, PC3 is only concerned with the shortfin and native longfin tuna species.

(362) The Hearing Committee recommends that the definition of tuna be:

Tuna means freshwater tuna including the native longfin tuna (Anguilla dieffenbachii) and shortfin tuna (Anguilla australis).

(363) The Hearings Committee is aware Method 23D may affect the existing resource consent for the Matahina Dam held by Trustpower. However, Method 23D with some amendment, is considered appropriate. The Hearings Committee note requests were received from other submitters for the complete removal of all structures on the Rangitāiki River and its tributaries.

(364) On balance, having considered the further amendments requested by Trustpower, and the evidence presented by others, the Hearing Committee remains comfortable with the staff recommendations for the tuna related Policy RR 1B and Method 23D for the reasons provided for these. As a result, the Hearings Committee has agreed to retain Objective 1, and Method 23D with no further amendments. We have recommended minor additional amendments to those recommended by staff for Policy RR 1B to replace references to 'access' with 'passage' and delete reference to eel.

(365) Amend Method 23D to read:

Method 23D: Require structures that provide passage for ~~tunafish~~ migration up and down the Rangitāiki River catchment

Require the provision of ~~fish~~ safe and effective tuna passage for all new and existing structures (including culverts) where they impede ~~tunafish~~ passage in the Rangitāiki River catchment.

Implementation responsibility: Regional Council

(366) Amend Policy RR 1B to read:

Policy RR 1B: Protecting and restoring tuna ~~(eel)~~ habitat and migration pathways within the Rangitāiki River catchment

Protect and restore the habitat, migration pathways and population of tuna within the Rangitāiki River catchment by:

- (a) Promoting a better understanding of tuna life cycles and the current state of tuna habitat within the catchment;
- (b) Working with river users to enhance tuna habitat and two-way migration pathways;
- (c) Requiring new structures to ~~avoid impeding allow~~ tuna two-way ~~tuna passage~~ ~~access migratory pathways~~;
- (d) Requiring the modification of existing structures ~~that inhibit~~ ~~allow~~ tuna ~~passage~~ ~~access~~;
- (e) Encouraging research into new and innovative methods of providing or enhancing tuna ~~passage~~ ~~access~~;
- (f) Advocating for the restoration of wetlands, coastal lagoons and retired oxbows for tuna habitats; and
- (g) Advocating rāhui and restrictions on commercial harvesting of tuna.

11.3 Policy RR 6C - Drainage and Flood Protection Works Effects on Amenity Values

(367) Policy RR 6C was converted from Method 23R into the policy as a result of staff recommendations. This is because staff recommended altering the scope of Objective 7 (now 38) from addressing natural features and landscapes to amenity values and the quality of the environment under section 7(c) of the RMA. The Hearing Committee supports this proposed change.

(368) Trustpower seek Policy RR 6C be amended to broaden its focus from 'drainage and flood protection' works to 'river' works to read as follows:

Policy RR 6C: Promote ~~river drainage and flood protection~~ works that minimise adverse effects on amenity values and maintain and enhance the quality of the environment

Promote the use of design options and construction methodologies for ~~river drainage and flood protection~~ works which minimise adverse effects on amenity values and maintain and enhance the quality of the environment within the Rangitāiki River catchment.

(369) Trustpower consider there is a policy vacuum for how Objective 7 is to be achieved by other river works which should be managed in the same manner as drainage and flood protection works.

- (370) Federated Farmers and the Galatea-Murupara Irrigation Society made further submissions in opposition to Trustpower's point. Federated Farmers concern is by widening the scope could capture common small-scale farming activities, such as road and culvert maintenance.
- (371) Forest and Bird further submitted in support this point but wanted it to include ecological effects. Fonterra also further submitted in support on the basis that all works in the beds of rivers can minimise effects through careful design options and construction methodologies and the method should not be limited to drainage and flood protection works.
- (372) Other original submissions that support the policy (i.e. Method (q)) included Ngāi Tamawera hapū, Te Rūnanga o Ngāti Manawa, Te Pahipoto hapū, Te Rūnanga o Ngāti Whare, CNI Iwi Land Management Ltd, and Galatea-Murupara Irrigation Society.
- (373) Policy RR 6C originates from River Document actions attributed to Objective 7 which states:

'Naturalness of the river and the landscape of the Rangitāiki catchment is respected'.

- (374) Relevant actions linked to Objective 7 focus on sustainably managing the rivers and drainage schemes in the catchment, alternative options for riverbank management and protection, installing eco-passages and removing structures that impede cultural and recreational access. The actions are as follows:

Action 7.1 *'Develop a river sustainability 100 year strategy to outline how the rivers and drainage schemes in the Rangitāiki catchment can be sustainably managed.'*

Action 7.2 *'Develop a strategy to manage flood risk'*

Action 7.3 *'Explore alternative options for riverbank management and protection on a case by case basis.'*

Action 7.4 *'Install eco-passages where structures (such as culverts) impeded the lifecycle of fish in the river.'*

Action 7.5 *'Survey and map the status of river and other habitats and then enhance the biodiversity where possible.'; and*

Action 7.6 *'Progressively remove structures that impede cultural and recreational access where appropriate, and remedy or adapt structures to minimise effects.'*

- (375) The Hearing Committee notes that Action 7.4 is already appropriately addressed by Policy RR 1B and Methods 23D and 23E. Action 7.5 is adequately addressed by Policy RR2B and other projects that fall under the Rangitāiki River Catchment Annual Work Programme (i.e. Method 23H). Action 7.6 is specifically addressed by Method 23S.
- (376) An earlier draft version of PC3 included a Policy RR 9B 'Develop a strategy to reduce flood risk' which was intended to address Action 7.2. This policy was deleted as it was considered unnecessary as strategies to reduce flood risk across the region is already funded and programmed for outside of RMA processes.
- (377) Actions 7.1 are 7.3 are not specifically addressed by any current PC3 provisions. An earlier draft version of PC3 included the following Policy RR 9B which was intended to address these actions which read:

Policy RR 9B: Taking a strategic approach to managing land drainage and flood protection

Take a strategic approach to managing land drainage and flood protection risk within the Rangitāiki River catchment by:

- (a) Developing a long-term strategy for the sustainable management of the catchment's flood protection and drainage schemes which reduces the risk of exposing people and property to flooding;*
- (b) Exploring alternative options for riverbank management and flood protection on a case-by-case basis; and*
- (c) Considering the effects that works undertaken to manage flood risk may have on the natural features and landscape values within the catchment.*

- (378) Existing infrastructure and modifications to the Rangitāiki River have had an impact on natural features and landscapes, heritage and amenity values. A long-term strategic approach to managing flood risk and providing land drainage benefits within the catchment is required. This needs to take into account the importance of minimising adverse effects on the natural values of the river and landscape, where possible, and providing for the range of activities that people use the river for.
- (379) New Policy RR 6C was linked to Policy RR 9B as Method (q). Throughout the genesis of PC3's policy framework the policy and method approach has continued to concentrate on drainage and flood protection works. We acknowledge that altering the focus to river works as sought by Trustpower will enable the policy to capture other river works that is not the original driver for the relevant River Document actions.
- (380) The Hearing Committee note that Policy RR 6C (or its equivalent Method (q)) was supported in submissions by Ngāi Tamawera hapū, Te Rūnanga o Ngāti Manawa, Te Pahipoto hapū, Te Rūnanga o Ngāti Whare, CNI Iwi Land Management Ltd and Galatea-Murupara Irrigation Society. Furthermore, the evidence presented by the Rangitāiki Tarawera Rivers Scheme Liaison Group and Rivers and Drainage Staff noted the change in focus for the objective to amenity values and considered this 'an appropriate outcome in this case.' After consideration, the Hearing Committee supports the staff recommendation to retain Policy RR 6C with no further amendments.

11.4 Method 23I and Flow Variability

- (381) The evidence and submissions by the Rangitāiki Tarawera Rivers Scheme Liaison Group and Rivers and Drainage Staff and Galatea-Murupara Irrigation Society sought the inclusion of 'flow variability' in Method 23I. The submitters concerns stem from the effects of hydro-generation which generate large fluctuations in flow over a short period of time. Flow variability is contributing to slumping and erosion of the river banks, which in turn affects Rangitāiki Tarawera Rivers Drainage Scheme stop banks.
- (382) The evidence by James Mathieson on behalf of the Rangitāiki Tarawera Rivers Scheme Liaison Group and Rivers and Drainage Staff seek flow variability be included to provide a clear link to Method 23L and reinforce it as an appropriate measure of environmental health.
- (383) The issue of low flows was also raised as a concern by Mr O'Brien representing Te Pahipoto hapū with respect to personal observations and experience setting and retrieving his hinaki at various locations in the Rangitāiki River. He had personally observed large variations in river levels over many years and the effects these had the river, its ecology and tuna catches.
- (384) Fonterra's evidence from Gerard Willis notes the staff recommendations deal with their larger concerns regarding undefined terms and predetermination. However, Mr Willis considers the staff recommendations changes are still inconsistent with the NPS-FM to the extent that it omits

to refer to the setting of freshwater objectives. Limits (either quantity or quality) do not exist in a vacuum but must be set to give effect to freshwater objectives developed in accordance with Policies CA1-CA4 of the NPSFM (see Policies A1 and B1 of the NPS-FM). Fonterra have requested for amendments to read as follows:

~~*Sustainable*~~ *Establish freshwater objectives and* ~~*Develop environmental flows/levels and catchment load*~~ *water quality limits in the Rangitāiki River catchment* ~~*shall be developed in accordance with the National Policy Statement for Freshwater Management framework and include*~~

- (385) The NPSFM gives regional council the ability to consider setting flow variability provisions when changing the RWLP to give it effect. NPSFM Policy B1 requires regional council change its regional plans to ensure it establishes freshwater objectives and sets environmental flows and/or levels for all bodies of fresh water in the region. Policy B1 is a critical policy for implementing the NPSFM strengthened limits-based water management regime. The NPSFM guidance note explains the limits (both the allocation limit and flow aspects) can be variable to reflect seasonal or other factors, as long as the variation is set out quantitatively and the variable limits are consistent with the objectives.
- (386) The Hearing Committee concurs with the changes that staff recommended to Method 23I in response to submissions from Trustpower and Fonterra in order to use terminology consistent with the NPSFM and resulting interpretation. Clauses (a) – (c) were recommended to be deleted in recognition that it is unnecessary to duplicate some but not all relevant requirements of the NPSFM. The intent of Method 23I is considered to be captured without these clauses.
- (387) The original submissions by the Rangitāiki Tarawera Rivers Scheme Liaison Group and Rivers and Drainage Staff and Galatea-Murupara Irrigation Society proposed changes to the method title and preamble wording to include the words ‘flow variability’. Trustpower opposed those submissions on the basis the matters are currently managed by conditions in their resource consent. However, my understanding is this applies to the Matahina dam but staff is uncertain whether the same flow variability conditions are attached to the Wheao nor Aniwhenua Dams.
- (388) The Hearing Committee notes that including the words flow variability in Method 23I is not inconsistent with the NPSFM and can be provided for. In any case Policy B7 of the NPSFM provides an out clause for consent applications lodged before the NPSFM took effect on 1 July 2011. This addresses the concerns of Trustpower with respect to its existing consent conditions.
- (389) The Hearing Committee supports the staff recommendation to amend Method 23I to include reference to flow variability to read:

Method 23I: Develop ~~sustainable~~ environmental flow, flow variability and catchment load limits in the Rangitāiki River catchment

~~*Sustainable*~~ *Develop environmental flows/levels, flow variability and catchment load* ~~*water quality limits in the Rangitāiki River catchment shall be developed in accordance with the National Policy Statement for Freshwater Management framework, and include:*~~

- ~~(d) The current state and anticipated future state~~
- ~~(e) Freshwater objectives; and~~
- ~~(f) Limits for meeting freshwater objectives.~~

Implementation responsibility: Regional Council

- (390) The Hearing Committee asked staff to assist with devising a definition for flow variability. The staff report said they have searched the following Regional Plans:
1. Bay of Plenty Regional Water and Land Plan
 2. Waikato Regional Plan

3. Horizons One Plan
4. Regional Freshwater Plan for the Wellington Region
5. Regional Fresh Water Plan for Taranaki
6. Canterbury Land and Water Regional Plan
7. Proposed Auckland Unitary Plan
8. Auckland Council Regional Plan: Air, Land and Water

(391) While most of these plans include policies and methods that include references to flow variability the only plan to define the term is the Auckland Council Regional Plan: Air, Land and Water as follows:

Flow Variability

The range, frequency, duration and timing of flows in a river or stream.

(392) The Proposed Auckland Regional Plan: Air, Land and Water became operative on 30 April 2012.

(393) The Hearing Committee agree with the staff recommendation to define ‘flow variability’ consistent with the definition in the Auckland Council Regional Plan.

11.5 Indigenous Biodiversity

(394) Federated Farmers evidence sought Objective 2 (renumber 33) and Policy RR 2B either be deleted or refocused on significant indigenous vegetation and habitats. Trustpower consider paragraph (d) suggests a level of protection normally reserved for significant ecological values. Trustpower seeks the deletion of paragraph (d).

(395) Linda Conning, in giving evidence for Forest and Bird, requested an amendment to Objective 33 to insert reference to RPS Policy IW 2B to read:

Habitats that support indigenous species and linkages between indigenous ecosystems within the Rangitāiki River catchment are created, enhanced where degraded, and protected ~~where significant~~ or where RPS Policy IW 2B applies.

(396) Forest and Bird’s submission makes reference to the recent *Environment Court decision [2017] NZEnvC 072 Ngāti Māhino v Bay of Plenty Regional Council* contending it lends weight to assessing cultural values when considering section 6(c) values. Further, they seek deletion of ‘where significant’ on the basis there could be justification for protection if habitats, species and ecosystems are part of the relationship of Māori to their taonga (i.e. section 6(e)).

(397) With respect to Forest and Bird’s relief sought the Hearing Committee notes that the changes sought are out of scope. Forest and Bird made two further submissions in relation to Objective 33. Further submission 4-42 supported Te Rūnanga o Ngāti Whare which sought Objective 33 be retained unchanged. Further submission 4-24 opposed Ravensdown who sought the objective be amended to promote protection where significant and enhancement where degraded. The staff recommendations accepted Ravensdown’s submission point. It is, however, noted that Forest and Bird are unable to request relief beyond the scope of the original submissions they either supported or opposed.

(398) Linked to Objective 2 (now 33) is Policy RR 2B. Trustpower submitted in opposition seeking a number of amendments. Trustpower contends paragraph (d) suggests a level of protection normally reserved for significant ecological values. The Hearing Committee agrees with the

reporting planner's observation prefacing paragraph (d) with 'promote' doesn't suggest a higher level of protection and the policy is merely promoting the protection of remaining areas of indigenous vegetation and habitats from further degradation.

- (399) During the field trip (site visit) on Monday 26th June the Hearing Committee viewed two biodiversity projects along the Rangitāiki River, being Maramara a Tawa and Kopuriki Road wetland. Both are examples of Biodiversity Management Plan projects funded by Regional Council that involve the protection of remaining areas of indigenous ecosystems from further degradation or fragmentation. Both projects involve pest management and biodiversity enhancement and secure the legal protection of these areas which has been entered into voluntarily by their respective owners. These also implement key service delivery tasks in the Rangitāiki River Catchment Annual Work Programme.
- (400) The Hearing Committee also visited Kani Rangi Park on the western flanks of the Rangitāiki River just south of Murupara township, and just past the Kopuriki Road State Highway junction. Ngāti Manawa have an extensive project and plans for this area and stretching down the river on the downstream side of the state highway, and have planted thousands of trees in the last two planting seasons. They have started in some of the Whakatāne District Reserve area downstream of the bridge and you might see some piles of willow that's been removed there in preparation for the establishment of a kahikatea wetland planting, on the true right of the river. While this project has a strong component of indigenous vegetation protection and enhancement, it also has a major focus on public access along the Rangitāiki River.
- (401) The Hearing Committee agrees with the Staff recommendation to amend Objective 33 subject to the amendments requested by Ravensdown and retaining Policy RR 2B(d) unchanged, for the reasons provided in the staff report.

11.6 Protection of culturally sensitive information

- (402) The evidence from Ms. Vercoe, on behalf of Te Rūnanga o Ngāti Manawa contents Methods 23O, 23P and 23Q impinge on hapū and iwi knowledge basis. 'The detail of how these will be done is challenging because hapū and iwi are likely to have differing views and outcomes.' Although supportive in principle of these provisions, Ms. Vercoe notes the need for hapū and iwi to discuss and determine culturally sensitive information before it is divulged to Council. She contends this will better ensure a collaborative outcome iwi and hapū can support.
- (403) While Te Rūnanga o Ngāti Whare didn't appear at the hearing Earl Rewi sent an email to clarify they seek Method 23O and Method 23P be retained as notified. In his email, Mr. Rewi asked that the knowledge remains with iwi, and where information is required it is processed on a case by case scenario.
- (404) The only staff recommended changes to these methods is the:
- Insertion of 'manner' to the end of Method 23P which is to correct an earlier error omitting the word from the method.
 - Inclusion of 'hapū' in Method 23Q in response to Te Pahipoto hapū submission.
- (405) The submitters are supportive in principle of the methods, have not requested any amendments but have raised their concerns about ensuring the need for iwi and hapū to work together and consider culturally sensitive information.
- (406) The Hearing Committee concur with the Staff recommendation that Methods 23O and 23P remain unchanged for the reasons that are given in that report, with which we also agree. As

set out in section 7.7 the Hearing Committee have recommended amendments to 23Q which clarify but do not alter the method's intent.

11.7 Method 23J - Strategies for managing wastewater and stormwater

- (407) Fonterra's submission sought Method 23J be clarified to refer to "municipal and domestic" wastewater and stormwater rather than wastewater and stormwater associated with large-scale industrial facilities such as Fonterra's Edgumbe site (that are not connected to the municipal wastewater and stormwater systems). Alternatively, the submission seeks the method expressly states that such strategies be developed in liaison with affected industry.
- (408) No amendments were recommended by staff on the basis the method was intentionally general and there is no need to specify the type of wastewater and stormwater.
- (409) Mr. Willis' evidence continued to seek Method 23J encompass affected industries if the method is intended to apply to industrial discharges. Mr. Willis' evidence also makes that point that existing treatment and disposal systems may be appropriate and the method should therefore seek they promote enhancement.
- (410) The Hearing Committee accepts that if an industry is affected by such a strategy, then they should also be involved in its development. Further, the methods focus should be expanded to include enhanced treatment and disposal. The Hearing Committee agree with these reasons, and agree with the staff recommendation that Method 23J be amended to read as follows:

Method 23J: Develop strategies for managing wastewater and stormwater in the Rangitāiki River catchment.

In liaison with tāngata whenua, ~~and~~ local communities and affected industries, develop and implement strategies for the ~~alternative~~ enhanced treatment and disposal of wastewater and stormwater in the Rangitāiki catchment.

- (411) Accordingly, the Committee recommend that Method 23J be amended as shown above.

11.8 Method 55

- (412) The evidence from Forest and Bird seeks Method 55 'Identify priority ecological corridors and buffers' is amended to encompass 'indigenous fish passage' to read:

Identify, in consultation with affected landowners, stakeholders and communities priority areas where the establishment or retention of ecological corridors and buffers, including for indigenous fish passage, is appropriate and evaluate the most practicable methods for management. In doing so ensure that any management approaches are fully costed.

- (413) The Council officer considered that the requested change has merit, but reminded the Hearing Committee that existing operative RPS provisions included in PC3 are not subject to submissions. This is outlined on BOPRC's website and on page i of PC3 which states:

*The references in Table 12 to those provisions are **shaded grey** to show that they are operative provisions to which no change is proposed. As such, their contents are not the subject of Proposed Change 3 and no submissions in relation to their content will be accepted by Council.*

- (414) The Hearing Committee agrees with the Staff recommendation to retain Operative RPS Method 55 unchanged for the reasons given.

12.0 Issues validation

- (415) The Hearing Committee sought further information to validate the following significant resource management issues:
- 2.12.2.1 The Rangitāiki River is no longer providing an abundance of food; and
 - 2.12.2.2 Water quality is not always good enough for swimming or drinking.
- (416) Section 3.1 of the staff report entitled 'Reconvened Deliberations on 10 August 2017' deals this question and this too was provided to the submitters for comment. A copy of that report is attached at Appendix G.
- (417) We refer to that report and the material therein that supports the validity of the issues at 2.12.2.1 and 2.12.2.2.

12.1 Drinking Water

- (418) Excerpts taken which are of relevance to the Rangitāiki River from Appendix G are provided as follows:

'Small municipal wastewater treatment plants include Murupara and Edgecumbe, which discharge into the upper Rangitāiki River, and the Omeheu Canal in the lower Rangitāiki Plains respectively. There are also numerous consented discharges of dairy shed effluent to land, and these diffuse discharges have been implicated in the increasing trend of nitrate in the upper Rangitāiki River (Boubee et al. 2009). Both point-source and diffuse discharges are likely to have potential adverse effects on freshwater ecosystems.'

'Eight large hydroelectric dams operate within the region, with four (Kaimai 5, Lloyd Mandeno, lower Mangapapa and Ruahihi) draining the Kaimai Ranges in the western Bay of Plenty, and another four (Aniwhenua, Flaxy, Matahina and Wheao) in the Rangitāiki catchment, in the central part of the region. Together these eight dams have a combined capacity of approximately 190 MW. The ecological effects of hydro schemes on aquatic ecosystems are well-known (Henriques 1987; Young et al. 2004). For example, dams alter the downstream transport of sediment and nutrients, and also affect downstream flow regimes, often with large ecological effects (Lessard et al. 2012). Dams also interrupt the ability of many of New Zealand's native fish to freely migrate between the ocean and the headwaters, although this is often minimised by systems of manual trap and transfer.'

'From a regional perspective, significant trends in ecological condition were evident in just under half (56) the 114 stream sites surveyed. Streams showing moderate changes to invertebrate communities were found mostly in the upper Rangitāiki Catchment, as well as some streams in the western parts of the region.'

- (419) We are comfortable that there is sufficient information to validate issue 2.12.2.2 that 'Water quality is not always good enough for swimming or drinking.' As should be expected water quality ranges across the catchment. As noted earlier in our report, amendment is made to issue 2.12.2.2 as follows:

2. Water quality is not always good enough for swimming or drinking

In general, water quality within the Rangitāiki River catchment ranges from fair to excellent. However monitoring results are showing high concentrations of bacteria and Nitrogen in parts of the catchment and trends of decreasing water quality. These changes affect the suitability of waterways within the catchment for contact recreation and in certain areas as sources of safe drinking water. following periods of heavy rain the level of bacteria within in the Rangitāiki River exceeds water quality standards for contact recreation and drinking. Water quality degradation is affected by a range of land uses and land management practices in the catchment.

12.2 Tuna Abundance

- (420) With respect to issue 2.12.2.1 'The Rangitāiki River is no longer providing an abundance of food', the Hearing Committee requested information be provided to it regarding the abundance of tuna in the catchment including trends over time.
- (421) Section 3.2 of the staff report entitled 'Reconvened Deliberations on 10 August 2017' deals this question and this too was provided to the submitters for comment. A copy of that report is attached as Appendix C.
- (422) No submitters have challenged the validity of issue 2.12.2.1. Our enquiry was to ensure that the issues were indeed appropriate in terms of the RMA.

13.0 Evaluation and Recommendations

13.1 Evaluation duties

- (423) In giving its decision on the matters raised in submissions, a local authority must include the reasons for accepting or rejecting the submissions and must include a further evaluation of the proposed change in accordance with Section 32AA of the RMA. Particular regard must be given to the matters raised in the Section 32AA report.²²
- (424) If our recommendations are adopted by the Council, this report (including its appendices) is intended to form part of the Council's decision-making record. Therefore, in compliance with Schedule 1, we adopt the officers' section 32AA report, Section 32AA evaluation of changes, and recommend that the Council have particular regard to it when making its decision.
- (425) In our consideration of the amendments to PC3 requested in the submissions (whether the recommendations are recorded in the main body of this report, or in the section 42A reports prepared by the officers) we have, to the extent and in the detail practicable based on the evidence before us, examined and assessed the factors itemised in section 32 to the extent applicable.
- (426) Note that we have not searched for other options from our own initiatives but confined our recommendations and changes to issues raised by submitters throughout this process.

²² RMA, Schedule 1, cl 10)

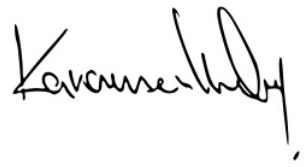
13.2 Conclusions and recommendations

- (427) We appreciate the time and expertise that have been dedicated by all parties to ensuring the outcome is one which will add to the effectiveness of the Regional Policy Statement. In particular we wish to acknowledge the efforts of staff and all submitters during the hearings, and in particular the helpful and positive approach all parties adopted throughout the process.
- (428) We have considered and deliberated on PC3, the submissions lodged on it, and the reports, evidence and submissions made and those given at our public hearing. We have had particular regard to “Section 32AA evaluation of changes”, the further evaluation of the amendments to PC3 that we are recommending. The relevant matters we have considered, and our reasons for our recommendations, are referred to in the section 42A reports for those submissions where we adopt without change the officers’ recommendations and reasons as set out above in our analysis.
- (429) We are satisfied that our final recommended amendments to the PC3 (as set out in Appendix B to this report) are the most appropriate
- (430) We recommend to the Council:
- (a) That it has particular regard to the “Section 32AA evaluation of changes” report (Appendix E) when making its decision on submissions.
 - (b) That Appendix C, the Hearing Recommendations report with recommendations on provisions with submissions and further submissions, and the reasons, including those set out in Appendix E and F, be adopted;
 - (c) That Appendices A and B, Proposed Change 3 (Rangitāiki River) to the Bay of Plenty Regional Policy Statement Hearing Committee recommendations, Track changes and Clear copy respectively, be adopted as true records of the changes made to PC3 as a result of the hearings process;

Dated 6th September 2017



Andrew von Dadelszen, Councillor and Hearing Committee Member (Chair)



Karamea Insley, Independent Hearing Committee Member (Deputy Chair)



Arapeta Tahana, Councillor and Hearing Committee Member



Antoine Coffin, Independent Hearing Committee Member

APPENDICES

- APPENDIX A** Proposed Change 3 (RANGITĀIKI River) to the Bay of Plenty Regional Policy Statement Hearing Committee Recommendations, Version 7.3b (Track changes version)
- APPENDIX B** Proposed Change 3 (RANGITĀIKI River) to the Bay of Plenty Regional Policy Statement Hearing Committee Recommendations, Version 7.3c (Clear version)
- APPENDIX C** Proposed Change 3 (Rangitāiki River) to the RPS Hearing Recommendations on Provisions with Submissions and Further Submissions, 5 September 2017 [105 page report]
- APPENDIX D** Minutes of Proposed Change 3 (Rangitāiki River) to the Bay of Plenty Regional Policy Statement Hearing
- APPENDIX E** Proposed Change 3 (Rangitāiki River) to the Bay of Plenty Regional Policy Statement V 7.0: Section 32AA evaluation of changes August 2017
- APPENDIX F** Proposed Change 3 (Rangitāiki River) to the Bay of Plenty Regional Policy Statement Supplementary Staff Report on Submissions, Nassah Steed, 12 July 2017, File Reference 7.00113 [further section 42A report]
- APPENDIX G** Proposed Change 3 (Rangitāiki River) to the Bay of Plenty Regional Policy Statement Reconvened Deliberations on 10 August, Nassah Steed, 8 August 2017, File Reference 7.00117 [further section 42A report]