

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Chapter: Proposed Change 3 (Rangitaiki River)

1214

Section: Proposed Change 3 (Rangitaiki River)

1214

Hearing Recommendation

Retain Proposed Change 3 (Rangitaiki River) to the RPS subject to amendments recommended elsewhere in this report.

Reasons for Hearing Recommendation

Submissions 2-1, 5-2, 6-1, 11-3: Support for Proposed Change 3 is noted. Amendments have been made in response to other submissions, although the overall intent of Change 3 has been retained.

Submissions 3-1, 3-2, 3-3: The Ngati Whare and Ngati Manawa Claims Settlement Acts 2012 both require Regional Council to promote a change to the Regional Policy Statement to recognise and provide for the vision, objectives and desired outcomes of the Rangitaiki River Document - Te Ara Whanau o Rangitaiki. The Rangitaiki River Document was approved by the Rangitaiki River Forum in February 2015 and drafting of Proposed Change 3 commenced shortly thereafter. Regional Council is acting in good faith to ensure its Treaty legislative duties here in are given effect to.

The request for a MOU with MDMC is a matter that can be dealt with external to the Proposed Change 3 project. The RPS already includes provisions relating to water quality and water quantity. Any water related provisions in Proposed Change 3 apply to the Rangitaiki River catchment area only in order to recognise and provide for the vision, objectives and desired outcomes of the Rangitaiki River Document. The RPS will need to be reviewed and updated if hapu proprietary rights to water are established under the RMA.

RPS Policy IW 2B(b) states that only tangata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. It is preferable that MDMC work with tangata whenua of the respective hapu they represent to identify the bodies of water that exist within the MDMC region and any overlapping hapu interests pertaining to these bodies.

Submission 15-1: Statutory acknowledgements Ngati Awa have with the Rangitaiki River, and other ancestral water bodies of cultural significance to the iwi, are recorded in the Statutory Acknowledgements compendium to the RPS entitled 'Nga Whakaaetanga-a-Ture ki te Taiao a Toi'. The Statutory Acknowledgements compendium document is to be read as an attachment to and in conjunction with the Operative RPS, all operative regional and district plan if the area covered by the plan includes a statutory acknowledgement area. Proposed Change 3 includes a 'Treaty Co-Governance in the Bay of Plenty' compendium document which contains the complete Rangitaiki River Document and traditional associations iwi, including Ngati Awa, have with the Rangitaiki River. It is appropriate the text relating to Ngati Awa's traditional relationship with the Rangitaiki River is amended to acknowledge the Rangitaiki River Cultural Baseline Report 2002 and the Mataatua Declaration on Water.

Submission: 18-1: Regional Council is required to recognise and provide for the vision, objectives and desired outcomes of the River Document under the Ngati Manawa and Ngati Whare Treaty Claims Settlement Acts 2012. Proposed Change 3 to the Bay of Plenty Regional Policy Statement (RPS) is therefore required under the Resource Management Act 1991 to complete the process of insertion as required by the Treaty statutes. Proposed Change 3 is distinct from other Regional Council projects within the Rangitaiki River catchment, including the Water Quantity Regional Plan Change project and Freshwater Futures project which collectively progress council's response to requirements of the National Policy Statement for Freshwater Management. Council recognises the correlation between these various projects and internal collaboration between the various project teams is ongoing to ensure alignment.

Submission 16-1, Further submissions 2-1, 4-1: See other sections where changes are recommended to address submission points relating to specific plan provisions. With respect to the issue of Trout effects on indigenous fish species. Trustpower Ltd make a valid point that Proposed Change 3 does not include any objectives, policies or methods to specifically address this Issue 2.12.2 (1) which states the introduction of trout species has contributed to the reduction of indigenous fish in the Rangitaiki River catchment. Whilst an accurate statement any policy response would require an objective, policies and methods to actively manage the adverse impacts trout are having on indigenous fish species within the catchment. Regional Council has no mandate to control trout fisheries within the Rangitaiki River catchment. The mandate to manage trout fisheries lays with a third party, in this case NZ Fish and Game. If a policy approach were adopted it could only advocate intervention measures not require protection. Furthermore any such approach would be contrary to section 7(h) of the RMA which states all persons exercising functions and powers under the Act shall have particular regard to the protection of the habitat of trout and salmon. It is also noted this is only a small part of the overall issue which is about the range of factors affecting the abundance of food (namely tuna) in the catchment. For these reasons it is considered inappropriate to promote any additional objective, policies and/or methods to address the effects trout have on indigenous fish species in the catchment.

It is acknowledged the provisions use the terms "iwi" and "tangata whenua" and this is intentional. The distinction is necessary depending on the policy context. It is not an issue confined to Proposed Change 3 it is also prevalent in the operative RPS. Proposed Change 3 utilises a number of existing operative RPS provisions from other sections of the RPS (including Iwi Resource Management and Matters of National Importance) in order to contribute to achieving the Rangitaiki River specific objectives. Existing operative RPS provisions utilised by Proposed Change 3 that include references to tangata whenua are Policies IW 6B, IW 5B and Methods 41, 42, 46. Methods 23E, 23N, 23Q and 78 of Proposed Change 3 refer specifically to iwi. Iwi authorities are also included as being responsible for implementing various relevant methods. Iwi authorities are identified at this level on the basis the Treaty settlement legislation was agreed to with iwi and not at the hapu or tangata whenua level. If a method or policy is focused at a local level and/or the issue is site specific than it would generally be more appropriate to specify tangata whenua. If the method or policy is at a broader catchment or wider level or is likely to affect more than one iwi than the provision should be tailored to iwi.

Submissions

Submission Number: 2: 1 Submission Type: Support
Submitter: Whakatane District Council

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Submission Summary: Support Proposed Change 3 (Rangitaiki River) to the RPS

Decision Sought: Retain Proposed Change 3 as notified.

Hearing Recommendation: Accept

Submission Number: 3: 1 Submission Type: Oppose

Submitter: Mataatua District Maori Council

Submission Summary: That the Proposed Bay of Plenty Regional Council Statement on Water is premature AND is biased in favour of Iwi Settlement Entities rather than Hapu

Decision Sought: Withdraw Proposed Change 3 and engage in consultation with MDMC.

Hearing Recommendation: Reject

Submission Number: 3: 2 Submission Type: Oppose

Submitter: Mataatua District Maori Council

Submission Summary: The MDMC submits that BoPRC collaborate with MDMC on the Proposed Statement on Water AND immediately work together to produce an MOU.

Decision Sought: BOPRC collaborate with MDMC on the Proposed Statement on Water AND immediately work together to produce an MOU

Hearing Recommendation: Reject

Submission Number: 3: 3 Submission Type: Oppose

Submitter: Mataatua District Maori Council

Submission Summary: MDMC submits that until the Tribunal has legally found the Hapu Tino Rangatiratanga/Sovereignty to water, that MDMC and BoPRC proceed with their collaboration on the Proposed Statement on water by identifying the bodies of water that exist within the MDMC region.

Decision Sought: That MDMC and BoPRC proceed with their collaboration on the Proposed Statement on water by identifying the bodies of water that exist within the MDMC region.

Hearing Recommendation: Reject

Submission Number: 5: 2 Submission Type: Support

Submitter: Te Runanga o Ngati Manawa

Submission Summary: Ngati Manawa supports the whole of the proposed Change 3 which introduces new issues, objectives, policies and methods specific to the Rangitaiki River catchment in a new Treaty Co-Governance chapter 2.12 in the RPS.

Decision Sought: Retain proposed change 3 as notified.

Hearing Recommendation: Accept

Submission Number: 6: 1 Submission Type: Support

Submitter: Te Pahipoto Hapu

Submission Summary: Proposed Change 3 fulfils Toi Moana's (Regional Council's) responsibilities under the Ngati Manawa and Ngati Whare Treaty Settlement Claims Acts 2012 which require the RPS recognise and provide for the vision, objectives and desired outcomes of the Rangitaiki River Document.

Ngati Awa and Te Pahipoto Hapu, as well as several other hapu of Ngati Awa including Nga Maihi, Warahoe, Tuariki, Ngai Tamawera, TE Pahipoto, Ngati Hamua, Ngai Tamaoki and Te Kahupake hapu) as well as other iwi and hapu throughout the Rangitaiki River catchment have strong cultural connections to the River and its tributaries. These are considered living taonga that have provided for the physical and spiritual sustenance of our people for many generations. As kaitiaki we have a responsibility to protect the mauri and mana of these taonga for future generations.

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Decision Sought: Retain Proposed Change 3 as notified.

Ensure that the Rangitaiki River Cultural Baseline Report 11/10/2002, and the Mataatua Declaration on Water 11/10/2012 are considered in Change 3 to the RPS and the BOPRC NPSFM Freshwater Futures Programme and works in the Rangitaiki WMA.

Hearing Recommendation: Accept

Submission Number: 11: 3 Submission Type: Support

Submitter: Rangitaiki-Tarawera Rivers Scheme Liaison Group and Rivers and Drainage Staff

Submission Summary: The Rangitaki – Tarawera Rivers Scheme support all other objectives, policies and methods as notified in the Proposed Plan change 3 (Rangitaki River) to the Bay of Plenty Regional Council Policy Statement.

Decision Sought: No changes or additions to the plan change as notified. The Rivers & Drainage section and Liaison Group request to be included in all changes through the submission and hearing process that could potentially affect the Rangitaiki Tarawera Rivers Scheme

Hearing Recommendation: Accept

Submission Number: 15: 1 Submission Type: Seek Amendment

Submitter: Te Runanga o Ngati Awa

Submission Summary: Ngati Awa considers it would be appropriate for this section of the RPS to detail the statutory acknowledgement and recognition of the Ngati Awa relationship with the Rangitaiki River established within the Ngati Awa Deed of Settlement and Ngati Awa Claims Settlement Act 2005. In addition Te Runanga o Ngati Awa considers that existing documents describing the Ngati Awa relationship with the Rangitaiki River (The Rangitaiki River Cultural Baseline Report 2002 and the Mataatua Declaration on Water) must be acknowledged.

Decision Sought: Detail the statutory acknowledgement and recognition of the Ngati Awa relationship with the Rangitaiki River established within the Ngati Awa Deed of Settlement and Ngati Awa Claims Settlement Act 2005 and acknowledge the existing documents describing the Ngati Awa relationship with the Rangitaiki River (The Rangitaiki River Cultural Baseline Report 2002 and the Mataatua Declaration on Water).

Hearing Recommendation: Reject

Submission Number: 16: 1 Submission Type: Oppose

Submitter: Trustpower Limited

Submission Summary: Trustpower considers that Change 3 includes a number of inconsistencies in its drafting that result in the plan change being unclear as to the actual outcomes that are sought to be achieved by the BOPRC. In particular:

- Issue 2.12.2 (1) states that the introduction of trout species has contributed to the reduction of indigenous fish in the Rangitaiki River catchment. However, the Plan Change 3 does not include any objectives, policies or methods to specifically address this issue;
- 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);
- 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) above. Trustpower understands that providing trout passage throughout the Rangitaiki River would have adverse effects that the section 32 report has not considered;
- The provisions appear to adopt an inconsistent approach to the use of the terms "iwi" and "tangata whenua". In this regard, Method 23J refers to "tangata whenua" whereas the other provisions in Change 3 refer to "iwi". It is unclear whether these drafting changes are intentional;
- 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;

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

- The monitoring indicators for Objective 7 are inconsistent with the rest of the Change 3. In this regard, the monitoring indicators introduce the concept of preserving significant indigenous biodiversity values, whereas the remainder of Change 3 focusses on the maintenance and protection of such values.

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Decision Sought: 1. Amend Change 3 to address the issues of consistency between the objectives, policies, methods and anticipated environmental results; and
2. Any similar or consequential amendments that stem from the submission and relief sought.

Hearing Recommendation: Accept in Part

Further Submission(s)

Further Submission No: 2 - 1 Submission Type: Support
Further Submitter: Federated Farmers of New Zealand
Submission Summary: Amend Change 3 to address the issues of consistency between the objectives, policies, methods and anticipated environmental results.
Decision Sought: Accept submission.

Hearing Recommendation: Accept in Part

Further Submission No: 4 - 1 Submission Type: Oppose
Further Submitter: Royal Forest and Bird Protection Society Inc
Submission Summary: Forest and Bird sees no conflict between the provisions as claimed in the submission. Avoiding impediments to tuna migration, and the provision of passage of all fish over new and existing structures are not mutually exclusive, and complement each other. The objectives and monitoring indicators are further nuanced but not in conflict.

Decision Sought:

Hearing Recommendation: Accept in Part

Submission Number: 18: 1 Submission Type: Oppose
Submitter: Federated Farmers of New Zealand
Submission Summary: Policy Statement Change 3 is being progressed through its statutory phases seemingly independently of the development of the Region's response to the National Policy Statement for Freshwater Management framework and the progression of the changes that will need to be made to the Regional Policy Statement and the relevant regional plans in response to the requirements of the NPSFM.

It is particularly noted that the requirement in the Treaty settlement legislation, is subject to the requirement in that same legislation for that vision, objectives and desired outcomes to be consistent with the sustainable management purpose of the Resource Management Act.

It is considered that, in the absence of the Council having changed the Regional Policy Statement as needed 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, particularly given that the freshwater objectives have not yet been set in accordance with Policy A1 of the NPSFM, it can not be said that the outcomes of the Proposed Policy Statement Change are consistent with the sustainable management purpose of the Resource Management Act.

The Treaty settlement legislation provides that, until such time as the Council changes the Regional Policy Statement as needed to recognise and provide for the vision, objectives and desired outcomes in the Rangitaiki River document, local authorities (including the Council itself) are required to have particular regard to the Rangitaiki River document in preparing or changing their plans. Thus the vision, objectives and desired outcomes in the Rangitaiki River document will be reflected in the development of the Region's response to the National Policy Statement for Freshwater Management framework, regardless of whether or not they are incorporated into the Regional Policy Statement.

Decision Sought: Withdraw the the Proposed Policy Statement Change, 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 framework.

Hearing Recommendation: Reject

Further Submission(s)

Further Submission No: 4 - 17 Submission Type: Oppose
Further Submitter: Royal Forest and Bird Protection Society Inc

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Submission Summary: To defer incorporation of the River Document into the RPS would be contrary to the Treaty legislation, and in any case PC3 will provide further guidance for the implementation of the NPS FM in the Rangitaiki catchment where the process is already underway as part of developing a draft change to the Regional Water and Land Plan to implement the NPS FM.

Decision Sought:

Hearing Recommendation:	Accept
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Further Submission No:	5 - 1	Submission Type:	Support
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Further Submitter: Galatea-Murupara Irrigation Society

Submission Summary: The Society supports the submission that the content of Change 3 should be placed on hold pending progression and implementation of responses required to give effect to the NPS Freshwater.

Decision Sought: Accept the submission

Hearing Recommendation:	Reject
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Chapter: Part 2

1215

Section: 2.12 Treaty Co-governance

1215

Hearing Recommendation

Amend paragraph 3 in section 2.12 'Treaty Co-Governance' to read: '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 Whanui o Rangitaiki - Pathways of the Rangitaiki, 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).'

Reasons for Hearing Recommendation

Submissions 5 -3, 10 - 1, 12 -1, Further submission 4-27: Support is noted. Amendments are recommended to the third paragraph of section 2.12 Treaty Co-governance to clarify the relationship the relationship of the Treaty Co-governance document to the Regional Policy Statement.

Submission 16-2, Further submission 2-2: Amendments have been made to clarify that the Treaty Co-governance Compendium Document provides important context to the Treaty Co-governance chapter of the Regional Policy Statement but does not form part of the Regional Policy Statement.

Submission 17-1, Further submissions 1-1, 2-3: Change 3 already contains a text box prior to Map 4aa and Policy RR 1B the Rangitaiki River catchment policies and methods are to be read along with other region wide provisions and that where a conflict arises the catchment specific provisions apply. It uses the same approach of integrating policies and methods that are linked across a variety of resource topics. For example Matters of National Importance Objective 21, relating to the Maori culture and traditions, links to Iwi Resource Management Policies IW 1B, IW 2B and IW 5B, Water Quantity Policies WQ 2A, WQ 3B, WQ 4B and WQ 5B, and Urban and Rural Growth Management Policy UG 22B. The process for giving effect to the NPSFM is set out in Regional Council's NPS Implementation Programme which was publicly notified in December 2015. On 14 December 2015, Council adopted the updated programme for implementing nine Water Management Areas (WMAs) across the region, and agreed to begin this work with the Rangitaiki and Kaituna/ Maketu and Pongakawa/ Waitahanui Water Management Areas. The Bay of Plenty Regional Freshwater Management Framework 2015 outlines the general implementation process for each WMA. Changes to the Regional Water and Land Plan have already been notified and further changes will occur in order give effect to the NPSFM and the relevant implementation programme. Collaboration occurs between staff working on this project (Proposed Change 3) and the NPSFM implementation programme to ensure alignment issues are properly assessed and where necessary amendments recommended to address concerns raised in submissions. In this case the requested amendments are not considered necessary.

Submission 19-1: It is difficult to ascertain exactly what relief the submitter seeks except to acknowledge Regional Council is committed to ensuring Change 3 is effectively implemented in order to meet its Treaty of Waitangi settlement legislation responsibilities. Once operative an implementation work stream will be prepared for Change 3 and incorporated into the overall RPS Implementation Strategy to ensure all policies and methods are systematically implemented during the life of the RPS.

Submissions

Submission Number:	5: 3	Submission Type:	Support
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Submitter: Te Runanga o Ngati Manawa

Submission Summary: This section contextualises three elements that emerge out of the Treaty landscape. For the iwi it establishes the importance of tupuna awa – The Rangitaiki and the tributaries. The Rangitaiki has been there for centuries and our history and traditions are closely linked to it – in many ways are in fact a part of us. For the RC it is a chance to weave together a new way of working, collaborating and sharing information. For the region – Recognition of the role and knowledge iwi have and utilising this opportunity

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to blaze different trails and explore different ways of thinking.

Note that iwi resource management plans can also add value to resource consents processes, particularly when trying to determine whether Part 2 section 6(e) Matters of National Importance are applicable to resource consents applications or pending land use, subdivision or development consents.

Decision Sought: Retain as notified.

Hearing Recommendation: Accept in Part

Submission Number: 10: 1 Submission Type: Support

Submitter: Te Runanga o Ngati Whare

Submission Summary: Treaty negotiations have provided a mechanism and means for Tangata Whenua and local Government to work together on change, progressed through a relationship of respect, each with an equal share in decision making.

Decision Sought: Retain as notified.

Hearing Recommendation: Accept in Part

Further Submission(s)

Further Submission No: 4 - 27 Submission Type: Support

Further Submitter: Royal Forest and Bird Protection Society Inc

Submission Summary: Support entire submission as Plan Change 3 is consistent with the River Document

Decision Sought:

Hearing Recommendation: Accept in Part

Submission Number: 12: 1 Submission Type: Support

Submitter: Rangitaiki River Forum

Submission Summary: The Rangitaiki River Forum was set up as a Treaty aspiration of two iwi that opened the door for Treaty Settled iwi to be included and enables yet to settle iwi with Rangitaiki River Catchment history, culture and traditions to come on board.

This is a new concept - as at 2012 and other treaty settlements add to the pressure, complexity and the challenge to statutory procedures as we knew them.

The trail being blazed by this co-governance entity has required those involved, and particularly the Bay of Plenty Regional Council, to consider new and different ways of working together – partnership, collaboration, learning, sharing information, ideas and experiences, developing an appreciation of life from the view of the other.

This is an outcome that requires recognition of the heart, the approach and skill of all parties in the process, particularly staff. The opportunity is that we combine to resolve issues and create solutions from the richness of our individual knowledge, experience and ways of being for the benefit of the environment, and of the people.

The vision, objectives and desired outcomes in Te Ara Whanui o Rangitaiki is The Rangitakik Forum's moemoea, their whakaaro to that end.

Decision Sought: Retain as notified.

Hearing Recommendation: Accept in Part

Submission Number: 16: 2 Submission Type: Oppose in Part

Submitter: Trustpower Limited

Submission Summary: Trustpower considers that the drafting of Section 2.12 of Change 3 should be amended to make it clearer that the Treaty Co-Governance Compendium does not actually form part of the Regional Policy Statement ('RPS'). In this regard, the statement in Section 2.12 that this chapter should be read in conjunction with the compendium implies that 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.

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Hearing Recommendations on Provisions with Submissions and Further Submissions

Drafting amendments are proposed to Section 2.12 to provide greater clarity over the status of the compendium.

Decision Sought: 1. Amend the third paragraph of Section 2.12 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. The Treaty Co-Governance Compendium Document, which can be accessed at Council offices and on its website, includes a copy of Te Ara Whanui o Rangitaiki – Pathways of the Rangitaiki, 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.

2. Any similar or consequential amendments that stem from the submission and relief sought.

Hearing Recommendation: Accept in Part
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Further Submission(s)

Further Submission No:	2 - 2	Submission Type:	Support
Further Submitter:	Federated Farmers of New Zealand		
Submission Summary:	Section 2.12 should be amended to make it clearer that the Treaty Co-Governance Compendium does not actually form part of the Regional Policy Statement.		
Decision Sought:	Accept submission.		

Hearing Recommendation:	Accept in Part
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Submission Number:	17: 1	Submission Type:	Support in Part
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	It is not clear how the co-governance provisions will interact with the other eleven subjectbased topics, and which objectives and policies will prevail, should there be a conflict of approach or intent. This applies to both giving effect to the NPS-FW, and for implementing a number of other sections of the RPS. Several of the methods refer to objectives and policies from other parts of the RPS, such as Objective 6 from Energy and Infrastructure, but do not refer to what could be seen as equally valid considerations such as Iwi resource management or water quality and land use.		
Decision Sought:	Add to the RPS (in Part One or Two?) an explanation of how the Treaty Cogovernance provisions expressed in the Rangitaiki River provisions will integrate with the: 1. NPS-FW, and 2. RPS objectives, policies and methods for: Integrated management (IR), water quality (WL) and water quantity (WQ).		

Hearing Recommendation: Reject

Further Submission(s)

Further Submission No:	1 - 1	Submission Type:	Support in Part
Further Submitter:	Trustpower Limited		
Submission Summary:	Trustpower agrees with the submitter that it is not clear how the co-governance provisions will integrate with the National Policy Statement for Freshwater Management 2014 ('NPSFM') and the existing provisions of the operative Regional Policy Statement ('RPS').		
Decision Sought:	Trustpower seeks that the submission be accepted, in part. However notes that any explanation should state that the co-governance catchment-specific provisions do not prevail over any region-wide provisions that give effect to any NPS (including the NPSFM and NPS for Renewable Electricity Generation 2011).		

Hearing Recommendation:	Reject
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Hearing Recommendations on Provisions with Submissions and Further Submissions

Further Submission No: 2 - 3 Submission Type: Support in Part

Further Submitter: Federated Farmers of New Zealand

Submission Summary: We agree that Proposed Change 3 is unclear about how the co-governance provisions will interact with the other eleven subject-based topics, and which objectives and policies will prevail, should there be a conflict of approach or intent, both in regard to the NPS-FW, and a number of other sections of the RPS. However, we oppose the premature addition of material relating to the NPS-FM into or alongside the RPS, before the wider processes relating to the NPS-FM's implementation have progressed. We have previously submitted that we believe that Change 3 should be withdrawn or at least postponed, pending the progression and implementation of the Region's response to requirements of the NPS-FM framework.

Decision Sought: Accept submission in part.

Hearing Recommendation: Reject

Submission Number: 19: 1 Submission Type: Support in Part

Submitter: James Platt Gow

Submission Summary: The submitter notes other interests and families have been in the catchment for over a century and we are all in one citizenship.

Decision Sought: For the BOPRC to do its best to administer these changes without too much muddle.

Hearing Recommendation: Accept

Section: 2.12.2.1 The Rangitaiki River is no longer providing an abundance of food

1217

Hearing Recommendation

Amend 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 of the number of tuna, riparian margins, fish habitats and restrictions on indigenous fish passage to read:

'Widespread land use changes within the Rangitaiki River catchment have resulted in a decrease in the numbers of freshwater fish (ikawai) such as the native 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 power generation schemes, flood protection schemes, large irrigation schemes and factories have reduced water quality, riparian margins, indigenous fish habitats and restricted indigenous fish passage. 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 Rangitaiki 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.'

Reasons for Hearing Recommendation

Submissions 1-1, 5-6, 6-2, 10-4, Further submission 4-30: Support is noted.

Submission 19-3: Policy RR 1B(g) in combination with Method 23G seek to advocate for restrictions on and termination of commercial harvesting of tuna within the Rangitaiki River catchment. Regional Council can only advocate as the Ministry for Primary Industries has the mandate to manage customary, recreational and commercial fishing.

Submission 15-3: Flood maintenance works on the lower Rangitaiki river have greatly altered many of the important ecological processes that would have been operating prior to works being undertaken. The effects of such works are largely dependent upon spatial scales. 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 Rangitaiki is 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, therefore lowering habitat complexity. Loss of the original riparian vegetation has also had an adverse effect habitat values. Rock work associated with the maintenance of flood of scheme assets has been a contributing factor in the reduction of freshwater fish within the lower Rangitaiki river. These works 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.

Note the amendment to insert 'indigenous' prior to 'fish' is a consequential amendment in response to Trustpower Ltd's submission 16-1 which noted the inconsistency between issue 2.12.2.1 and Policy RR 1B and Method 23D and that the focus should be on tuna and native fish not all fish like Trout. The issue is the foundation for Objectives 1 and 2. Whilst the focus of Objective 1 is on tuna habitat and migration paths, Objective 2 is more broadly focused on indigenous species. Many native migratory fish are traditional food sources, including whitebait, which contributes to the issue "the Rangitaiki River no longer providing an abundance of food".

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Submissions

Submission Number: 1: 1 Submission Type: Support
Submitter: Ngai Tamawera Hapu
Submission Summary: Support Issue 2.12.2.1 as The Rangitaiki River is no longer providing an abundance of food.
Decision Sought: Retain issue statement as notified.

Hearing Recommendation: Accept

Submission Number: 5: 6 Submission Type: Support
Submitter: Te Runanga o Ngati Manawa
Submission Summary: This is a key matter for Ngati Manawa. In the past, it has not mattered what global activity, global issues or even national issues took place. The ability of their people to find food to feed our families in their rohe has been as reliable as each generation succeeds another. Their role as kaitiaki is invested wholly in the concept of being able to use the resources in our rohe to sustain their people. Along with this is the obligation to nurture and conserve, utilise and maintain.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Submission Number: 6: 2 Submission Type: Support
Submitter: Te Pahipoto Hapu
Submission Summary: Issue statement 2.12.2.1 recognises the issue that the Rangitaiki River is no longer providing an abundance of food, due to the land use pressures within the catchment.
Note that iwi resource management plans can also add value to resource consents processes, particularly when trying to determine whether Part 2 section 6(e) Matters of National Importance are applicable to resource consents applications or pending land use, subdivision or development consents.
Decision Sought: Retain Issue statement 2.12.2.1 as notified.

Hearing Recommendation: Accept

Submission Number: 10: 4 Submission Type: Support
Submitter: Te Runanga o Ngati Whare
Submission Summary: The changes to land use within the river catchment continues to impact native flora and fauna species, the decline of tuna as a food source is a concern for Ngati Whare, Ngati Whare will continue working with others to mitigated the issue.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Further Submission(s)

Further Submission No: 4 - 30 Submission Type: Support
Further Submitter: Royal Forest and Bird Protection Society Inc
Submission Summary: Support entire submission as Plan Change 3 is consistent with the River Document
Decision Sought:

Hearing Recommendation: Accept

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Submission Number:	15: 3	Submission Type:	Seek Amendment
Submitter:	Te Runanga o Ngati Awa		
Submission Summary:	<p>Proposed changes refer to widespread land use changes resulting in a decrease in the number of freshwater fish in the Rangitaiki. 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.</p> <p>Te Runanga o Ngati Awa considers that a major contributor to the reduction of freshwater fish within the lower Rangitaiki is the loss of natural habitat resulting from rock work associated with the maintenance of flood scheme assets. TRoNA has significant concerns with the recent rate of habitat loss particularly in the lower section of the Rangitaiki which has resulted in large sections of natural spawning habitat being replaced with rock work. Much of this work is being undertaken under historic maintenance authorities with little or no consultation with Ngati Awa.</p>		
Decision Sought:	Identify loss of natural habitat resulting from the maintenance of flood scheme assets as also contributing to the decrease in freshwater fish in the Rangitaiki.		

Hearing Recommendation: Accept

Submission Number:	19: 3	Submission Type:	Support
Submitter:	James Platt Gow		
Submission Summary:	The submitter notes the river will always be a less important food source than centuries ago. This action should have been before TrustPower got its licence renewed.		
Decision Sought:	Stop all tuna harvesting - private and commercial. There may be compensation needed.		

Hearing Recommendation: Accept in Part

Section: 2.12.2.2 Water quality not always good enough for swimming or drinking

1218

Hearing Recommendation

Amend issue 2 to read: "In general, water quality within the Rangitaiki 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 used as sources for safe drinking water. Water quality degradation is affected by a range of land uses and land management practices in the catchment."

Reasons for Hearing Recommendation

Submissions 1-2, 5-7, 6-3, 10-5, Further submission 4-31: Support noted. Changes are recommended in response to other submissions to more closely reflect the findings of scientific work undertaken in support of the River Document (contained in the report titled "An ecological assessment of waterways throughout the Rangitaiki Catchment" prepared by BOPRC in 2014). This document provides scientific information on the water quality and ecological health of waterways within the catchment. The report identifies some long-term trends based on surveys carried out over the last 30 years and provides a robust scientific basis for the identification of the issue in the RPS.

Submission 16-3, Further submissions 2-4, 3-1, 4-2, 5-2: Amendments are recommended to the issue to more closely reflect the findings of scientific work undertaken in support of the River Document (contained in the report titled "An ecological assessment of waterways throughout the Rangitaiki Catchment" prepared by BOPRC in 2014). This document provides scientific information on the water quality and ecological health of waterways within the catchment. The report identifies some long-term trends based on surveys carried out over the last 30 years and provides a robust scientific basis for the identification of the issue in the RPS.

Submissions

Submission Number:	1: 2	Submission Type:	Support
Submitter:	Ngai Tamawera Hapu		
Submission Summary:	Issue 2.12.2.2 Water quality is not always good enough for swimming or drinking.		
Decision Sought:	Retain Issue statement as notified.		

Hearing Recommendation: Accept in Part

Proposed Change 3 (Rangitaiki River) Hearing Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 5: 7 Submission Type: Support
Submitter: Te Runanga o Ngati Manawa
Submission Summary: In Ngati Manawa's view, the waters of the Rangitaiki are sacred and the quality of the water has historically been favoured for ritual purposes.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept in Part
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Submission Number: 6: 3 Submission Type: Support
Submitter: Te Pahipoto Hapu
Submission Summary: Issue statement 2.12.2.2 recognises the water quality degradation is due to land uses and land management practices within the catchment.
Decision Sought: Retain Issue statement 2.12.2.2 as notified.

Hearing Recommendation: Accept in Part
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Submission Number: 10: 5 Submission Type: Support
Submitter: Te Runanga o Ngati Whare
Submission Summary: Water quality is an important whaikorero ingredient, pristine environment and rivers adding mana to the korero for rangatira. Water is a basic building block for life, work to mitigate the issue is supported by Ngati Whare.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept in Part
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Further Submission(s)

Further Submission No: 4 - 31 Submission Type: Support
Further Submitter: Royal Forest and Bird Protection Society Inc
Submission Summary: Support entire submission as Plan Change 3 is consistent with the River Document
Decision Sought:

Hearing Recommendation: Accept in Part
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Submission Number: 16: 3 Submission Type: Oppose
Submitter: Trustpower Limited
Submission Summary: Issue 2.12.2 (2) does not provide any context as to what specific water quality standards/measures for contact recreation and drinking are being exceeded after heavy rain events. As such, it is not possible for users of the RPS to ascertain the extent of the exceedance of water quality standards and the potential significance of those exceedances. Given that the provisions of Change 3 seek to improve water quality in the Rangitaiki River Catchment it is important for Trustpower to understand what water quality standards/measures may need to be focussed on. Trustpower also considers that there is a need to provide for short term anomalies due to certain activities taking place in the catchment such as forestry clearance or dam related works (for example, the safety works undertaken at Aniwhenua earlier this year).

Trustpower also questions the focus in Change 3 on water quality not meeting standards for contact recreation and drinking after heavy rain. Schedule 9 to the Bay of Plenty Regional Water and Land Plan already dictates that the water quality classification standards and criteria apply after reasonable mixing and with no regard for the effect of any natural perturbations that may affect the waterbody. Trustpower assume that heavy rainfall events would constitute a natural perturbation – which would contradict the issues raised in Issue 2.12.2 (2).

With respect to water quality exceeding drinking water quality standards, it is unclear what standards are being referred to in Change 3. In this regard, the Rangitaiki River is primarily classified for contact recreation and aquatic ecosystems in the Bay of Plenty Regional Water and Land Plan. Further, it is not considered that the Rangitaiki River contains any drinking water takes that are protected by the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007. As such, there is a need for clarity as to what 'drinking water standards' are being

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

exceeded.

Given that the provisions of Change 3 seek to improve water quality in the Rangitaiki River Catchment it is important for plan users to understand what standards and parameters would need to be focussed on.

Decision Sought:

1. Amend Issue 2.12.2 (2) to clearly identify which water quality standards for contact recreation are not being achieved, at what locations, and by what extent; and
2. Amend Issue 2.12.2 (2) to delete reference to the Rangitaiki River not meeting water quality standards for drinking or, in the alternative and on the basis that drinking water quality standards do apply, clearly identify which water quality standards are not being achieved, at what locations, and by what extent; and
3. Any similar or consequential amendments that stem from the submission and relief sought.

Hearing Recommendation: Reject

Further Submission(s)

Further Submission No:	2 - 4	Submission Type:	Oppose
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Further Submitter:	Federated Farmers of New Zealand
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Submission Summary:	<p>FFNZ agrees with the submitter that Issue 2.12.2 (2) does not provide any context as to what specific water quality standards / measures for contact recreation and drinking are being exceeded after heavy rain events. We also agree that there is a need to provide for short term anomalies due to certain activities (such as forestry clearance and dam works) taking place in the catchment. We also question the focus on water quality not meeting standards for contact recreation and drinking after heavy rain (which is a natural event). Where we differ from the submitter is that we do not support the relief sought (with the possible exception of amending issue 2.12.2(2) to delete reference to the Rangitaiki River not meeting water quality standards for drinking). These issues would be better dealt with as a part of the wider community discussions around implementation of the NPS-FM.</p>
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Decision Sought:	Reject submission in part.
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Hearing Recommendation: Accept in Part
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Further Submission No:	3 - 1	Submission Type:	Support
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Further Submitter:	Fonterra Co-operative Group Limited
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Submission Summary:	<p>Fonterra agrees that greater precision around the nature of the issue is important. Although there is a limit to the amount of detail that can be provided in the issue statement, Fonterra considers that clarity around the standards being referred to and the extent of compliance would enhance understanding of the provisions that follow.</p>
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Decision Sought:	Accept the submission
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Hearing Recommendation: Reject

Further Submission No:	4 - 2	Submission Type:	Oppose
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Further Submitter:	Royal Forest and Bird Protection Society Inc
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Submission Summary:	<p>The submitter is requesting a level of detail inappropriate for a broad issue statement. The Plan Change applies also to tributaries of the river, not just the main stem which appears to be the submitter's concern. Water quality issues can also arise in times of low flows, especially if cyanobacteria rapidly develop.</p>
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Decision Sought:	
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Hearing Recommendation: Accept

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Further Submission No: 5 - 2 Submission Type: Support
Further Submitter: Galatea-Murupara Irrigation Society
Submission Summary: The Society supports identification of loss of natural habitat resulting from the maintenance of flood scheme assets as also contributing to the decrease in freshwater fish in the Rangitaiki. The implementation of flood retention methods higher in the catchment may reduce the need for and effects associated with flood scheme assets in the lower catchmen
Decision Sought: Accept the submission point.

Hearing Recommendation: Reject

Section: 2.12.2.3 The special qualities and mauri (life force) of the Rangitaiki River needs to be restored... ¹²¹⁶

Hearing Recommendation

Retain Issue 2.12.2.3 unchanged.

Reasons for Hearing Recommendation

Submissions 1-3, 5-8, 6-4, 10-6, Further submission 4-32: Support is noted.

Submissions

Submission Number: 1: 3 Submission Type: Support
Submitter: Ngai Tamawera Hapu
Submission Summary: Support Issue 2.12.2.3 The special qualities and mauri (life force) of the Rangitaiki River needs to be restored to ensure it can be used for holding rituals and ceremonies
Decision Sought: Retain issue statement as notified

Hearing Recommendation: Accept

Submission Number: 5: 8 Submission Type: Support
Submitter: Te Runanga o Ngati Manawa
Submission Summary: This issue statement, in recognising the cultural significance of the Rangitaiki river and the spiritual values embodied by it, enables iwi to exercise kaitiakitanga, tikanga and kawa to counter the practices that lead to degradation. Te Runanga o Ngati Manawa is of the view that cultural values and terms are the responsibility of the tangata whenua to implement and that without this happening, the terms become disconnected from Maori meaning.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Submission Number: 6: 4 Submission Type: Support
Submitter: Te Pahipoto Hapu
Submission Summary: Issue statement 2.12.2.3 recognises the cultural significance of the Rangitaiki and the degradation of the rivers spiritual values which have compromised the ability of iwi to exercise kaitiakitanga, and contact their tikanga and kawa.
Decision Sought: Retain Issue statement 2.12.2.3 as notified

Hearing Recommendation: Accept

Submission Number: 10: 6 Submission Type: Support
Submitter: Te Runanga o Ngati Whare
Submission Summary: Water quality, whaikorero, pristine environment all contribute to the mauri of the Rangitaiki River, when restored, only then can the mauri be truly appreciated.

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Further Submission(s)

Further Submission No: 4 - 32 Submission Type: Support
Further Submitter: Royal Forest and Bird Protection Society Inc
Submission Summary: Support entire submission as Plan Change 3 is consistent with the River Document
Decision Sought:

Hearing Recommendation: Accept

Section: 2.12.2.4 There is a need to rebuild the strong relationships that people once had with the Rangit

1219

Hearing Recommendation

Retain issue 4 as notified.

Reasons for Hearing Recommendation

Submissions 1-4, 5-9, 6-5, 10-7, Further submission 4-33: Support is noted. No change is recommended.

Submissions

Submission Number: 1: 4 Submission Type: Support
Submitter: Ngai Tamawera Hapu
Submission Summary: Support Issue 2.12.2.4 There is a need to rebuild the strong relationships that people once had with the Rangitaiki River.
Decision Sought: Retain issue statement as notified.

Hearing Recommendation: Accept

Submission Number: 5: 9 Submission Type: Support
Submitter: Te Runanga o Ngati Manawa
Submission Summary: Environmental responsibility is a shared obligation that all must shoulder. Relationships – past, present and future need to be strengthened to ensure continuity for a healthy and well environment, a healthy and well community and healthy and well people. Working together is required to ensure that relationships remain strong.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Submission Number: 6: 5 Submission Type: Support
Submitter: Te Pahipoto Hapu
Submission Summary: Issue statement 2.12.2.4 recognises the need and desire for the community to build a relationship with the river and how this contributes to their environmental, cultural and spiritual wellbeing.
Integrated processes that bring all iwi and their hapu representatives together in a co-governance forum is supported.
Decision Sought: Retain Issue statement 2.12.2.4 as notified.

Hearing Recommendation: Accept

Submission Number: 10: 7 Submission Type: Support
Submitter: Te Runanga o Ngati Whare

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Submission Summary: The rebuilding and/or connection of people to the Rangitaiki River and Tributaries is an essential part of Tangata Te Whenua culture, on occasion local Iwi will speak of being one with the River.

Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Further Submission(s)

Further Submission No: 4 - 33 Submission Type: Support
Further Submitter: Royal Forest and Bird Protection Society Inc
Submission Summary: Support entire submission as Plan Change 3 is consistent with the River Document
Decision Sought:

Hearing Recommendation: Accept

Section: 2.12.2.5 There are opportunities to restore the natural qualities of the Rangitaiki River and its wa ¹²²⁰

Hearing Recommendation

Amend Issue 5 to include 'amenity values' and 'quality of the environment' to read:

'Activities in the Rangitaiki River catchment have degraded its amenity values and quality of the environment

Many of the activities established within the Rangitaiki River catchment within the last century have changed the natural pattern of the Rangitaiki River and have degraded its amenity values, quality of the environment, natural features and characteristics.'

Reasons for Hearing Recommendation

Submissions 1-5, 5-10, 6-6, 10-8, Further submission 4-34: Support is noted. Issue 5 is recommended to be amended to include 'amenity values' as a consequential amendment in response to submission 17-1 and changes recommended to Objective 7. Objective 7 is recommended to be amended to focus on the maintenance and enhancement (where degraded) of amenity values and quality of the environment rather than being limited to natural features and landscapes. This change more clearly articulates the intent of the corresponding Objective 7 in Te Ara Whanui o Rangitaiki which is concerned with naturalness of the river and the landscapes and aligns the objective with the wording of Section 7(c) and Section 7(f) of the Act. Method 23R is recommended to be converted into a new Policy RR 6C to support Objective 7 with an amendment to focus on amenity values and quality of the environment to align with the amendments to Objective 7. Consequently Policies MN 1B, MN 7B and MN 8B are recommended to be deleted from being linked to Objective 7 as these policies focus on outstanding natural features and landscapes only, not all landscapes and features. The existing operative RPS already includes Objective 18 which promotes the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development. Objective 18 and Policies MN 1B, MN 7B and MN 8B already apply within the catchment. Linking Policies MN 1B, MN 7B and MN 8B to Objective 7 confuses its intent as these existing policies only apply to natural features and landscapes which are outstanding. It also adds limited value to what exists already in the operative RPS and restricts the scope of the original Objective 7 in Te Ara Whanui o Rangitaiki which refers specifically to respecting the naturalness of the river and the landscape of the Rangitaiki River catchment. This is because outstanding is a very high threshold and few landscapes and features are classified as such in the catchment. Amending the focus of Objective 7 to amenity values and maintaining and enhancing the quality of the environment broadens its application beyond strictly outstanding features and landscapes to those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

Submissions

Submission Number: 1: 5 Submission Type: Support
Submitter: Ngai Tamawera Hapu
Submission Summary: Support Issue 2.12.2.5 There are opportunities to restore the natural qualities of the Rangitaiki River and its water.
Decision Sought: Retain issue statement as notified.

Hearing Recommendation: Accept in Part

Submission Number: 5: 10 Submission Type: Support
Submitter: Te Runanga o Ngati Manawa
Submission Summary: This issue recognises that land use activities within the catchment have contributed to the change of the Rangitaiki River's features and characteristics. The degradation of the water is a stark symptom of the environment being out of balance – the ability of the land and water to replenish itself under the load of commercial outcomes for productivity and returns and the dams that stop the river from cleaning itself

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

during inundations. As intelligent beings, we need to work together to maintain an optimum balance and commit to it.

Decision Sought: Retain as notified.

Hearing Recommendation: Accept in Part

Submission Number: 6: 6 Submission Type: Support

Submitter: Te Pahipoto Hapu

Submission Summary: Issue statement 2.12.2.5 recognises the land use activities within the catchment contributes to the degradation of the Rangitaiki River's features and characteristics.

Decision Sought: Retain Issue statement 2.12.2.5 as notified

Hearing Recommendation: Accept in Part

Submission Number: 10: 8 Submission Type: Support

Submitter: Te Runanga o Ngati Whare

Submission Summary: The opportunities to restore are consistent with Ngati Whare values and aspirations for the Rangitaiki River and Tributaries.

Decision Sought: Retain as notified.

Hearing Recommendation: Accept in Part

Further Submission(s)

Further Submission No: 4 - 34 Submission Type: Support

Further Submitter: Royal Forest and Bird Protection Society Inc

Submission Summary: Support entire submission as Plan Change 3 is consistent with the River Document

Decision Sought:

Hearing Recommendation: Accept in Part

Section: Applying the Rangitaiki River catchment provisions

1221

Hearing Recommendation

Amend the 'Applying the Rangitaiki River catchment provisions' text as follows.

"The Rangitaiki River catchment objectives, policies and methods, set out in Table 12, only apply to the Rangitaiki River catchment area within the Bay of Plenty region identified in Map 4aa. These provisions should be read along with other region wide provisions. For clarification the following Rangitaiki River catchment specific objectives shall prevail over the equivalent region wide objectives. Objective 39 prevails over Objective 22. Objective 34 prevails over Objective 27.

Reasons for Hearing Recommendation

Submission 16-4. Further submissions 2-5, 4-3: It is acknowledged there may be circumstances where tension exists between various RPS provisions and this must be addressed on a case by case basis. The existing region-wide policies in the RPS, including the Energy and Infrastructure policies, are not considered to be in direct conflict with the Rangitaiki River catchment policies. Amendments are proposed to clarify which region wide objectives the catchment specific objectives shall prevail over.

Submissions

Submission Number: 16: 4 Submission Type: Oppose

Submitter: Trustpower Limited

Submission Summary: The advice note Applying the Rangitaiki River catchment provisions, suggests that the objectives, policies and methods in Section 2.12 of the RPS will prevail over those objectives, policies and methods in the RPS that seek to recognise and provide for existing regionally and nationally significant infrastructure – particularly renewable electricity generation infrastructure. This approach, and how it intends to achieve the purpose of the RMA, is not documented in the section 32 analysis accompanying Change 3.

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

While Trustpower accepts that there may be scope for the objectives, policies and methods in Section 2.12 to prevail over other provisions relating to the management of ecological and landscape values where there is a conflict (e.g. those region-wide provisions relating to the management of significant indigenous biodiversity), it is not appropriate for the provisions in Section 2.12 to prevail over the provisions in the RPS intended to give effect to the National Policy Statement for Renewable Electricity Generation 2011 ('NPSREG') and the National Policy Statement for Freshwater Management 2014 ('NPSFM'). Any conflict in these circumstances should be considered relative to the circumstances of a statutory planning document under development or the particulars of an individual resource consent application.

Decision Sought:

1. Amend the advice note as follows:

The Rangitaiki River catchment objectives, policies and methods, set out in Table 12, only apply to the Rangitaiki River catchment area within the Bay of Plenty region identified in Map 4aa. These provisions should be read alongside the other region-wide provisions. Where a conflict exists between any Rangitaiki River catchment-specific provisions and regionwide provisions, the catchment-specific provisions shall prevail – except that the catchment-specific provisions do not prevail over any region-wide provisions that give effect to any National Policy Statement.

2. Any similar or consequential amendments that stem from the submission and relief sought.

Hearing Recommendation: Reject

Further Submission(s)

Further Submission No:	2 - 5	Submission Type:	Support
Further Submitter:	Federated Farmers of New Zealand		
Submission Summary:	FFNZ agrees with the submitter that it is inappropriate for provisions in Section 2.12 to prevail over the provisions in the RPS intended to give effect to National Policy Statements, including the NPS-FM.		
Decision Sought:	Accept submission.		

Hearing Recommendation: Reject

Further Submission No:	4 - 3	Submission Type:	Other
Further Submitter:	Royal Forest and Bird Protection Society Inc		
Submission Summary:	It is important that the Advice Note correctly represents the legal situation. The Society notes that it is common practice for the particular provisions in a resource management document to provide more detailed guidance in a specific area or place.		
Decision Sought:			

Hearing Recommendation: Accept

Section: Map 4aa Rangitaiki River Catchment

1222

Hearing Recommendation

Retain Map 4aa unchanged.

Reasons for Hearing Recommendation

Submission 16-5. Further submission 2-6: Support is noted.

Submissions

Submission Number:	16: 5	Submission Type:	Support
Submitter:	Trustpower Limited		
Submission Summary:	Trustpower supports the inclusion of a detailed map in order to provide certainty as to the area subject to the Rangitaiki River provisions.		
Decision Sought:	Retain Map 4AA as notified.		

Hearing Recommendation: Accept

Further Submission(s)

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Further Submission No: 2 - 6 Submission Type: Support
Further Submitter: Federated Farmers of New Zealand
Submission Summary: For reasons given.
Decision Sought: Accept submission.

Hearing Recommendation: Accept

1223

Section: Table 12

Hearing Recommendation

Retain Table 12 subject to amendments to objectives recommended elsewhere in this report.

Reasons for Hearing Recommendation

Submission 12-3: Support is noted. Changes are recommended to the policies and methods in response to other submission. Consequential amendments to Table 12 will occur as a result.

Submissions

Submission Number: 12: 3 Submission Type: Support
Submitter: Rangitaiki River Forum
Submission Summary: This table provides a set of policies that champion the environment along with a number of methods that fit well within the role and function of the Rangitaiki River Forum. The policies and methods are accessible to the Rangitaiki River communities and provide activities that enable them to take an active part in the health and wellbeing of the Catchment. There will be activities that they have contributed to over time.
The Forum acknowledges this. The Rangitaiki River Forum commends these activities as potential ways to strengthen communities and grow and nurture collaboration out in the field in the Rangitaiki River Catchment and in the Bay of Plenty region.
Decision Sought: Retain as notified

Hearing Recommendation: Accept in Part

1224

Section: Objectives

Hearing Recommendation

Amend objective numbering to follow on from existing operative RPS Natural Hazard Objective 31 so Objective 1 becomes Objective 32 and Objective 2 becomes Objective 33 etc.

Reasons for Hearing Recommendation

Submission 17-2, Further submission 2-7: The submitters' concerns are noted. The objectives have been renumbered to follow on from Natural Hazards Objective 31 in the operative RPS.

Submissions

Submission Number: 17: 2 Submission Type: Support in Part
Submitter: CNI Iwi Land Management Ltd
Submission Summary: Renumber these objectives to be consistent with the remainder of the RPS numbering system.
Decision Sought: There are existing objectives 1-8 in the RPS. To have more with the same numbers is confusing.

Hearing Recommendation: Accept

Further Submission(s)

Further Submission No: 2 - 7 Submission Type: Support

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Further Submitter: Federated Farmers of New Zealand

Submission Summary: For reasons given.

Decision Sought: Accept submission.

Hearing Recommendation: Accept

Section: Objective 1 Tuna within the Rangitaiki River catchment are protected, through measures includi

1225

Hearing Recommendation

Amend Objective 1 to read: "The habitat and migration paths of tuna are restored and enhanced in the Rangitaiki River catchment."

Reasons for Hearing Recommendation

Submission 16-6 Further submissions 2-8, 4-4: Objective 1 (renumbered Objective 32) is recommended to be amended to more specifically define the outcome sought in the context of the Regional Policy Statement is the restoration and enhancement of tuna habitat and migration pathways. This is consistent with Section 6 of the Act and Regional Council's responsibilities to recognise and provide for the objectives of the River Document to the extent that is consistent with the purpose of the Resource Management Act 1991.

Submissions 1-6, 5-11, 6-7, 10-9, 12-4, Further submission 4-35: Support for objective 1 is noted. The objective is recommended to be amended to more specifically define the outcome sought in the context of the Regional Policy Statement is the restoration and enhancement of tuna habitat and migration pathways.

Submissions 12-11, 12-12, 12-13: The existing operative RPS policies and methods supported by the submitter are recommended to be retained as linkages in order to achieve Objective 1.

Submissions

Submission Number: 1: 6 Submission Type: Support

Submitter: Ngai Tamawera Hapu

Submission Summary: Support Objective 1

Decision Sought: Retain objective 1 as notified

Hearing Recommendation: Accept in Part

Submission Number: 5: 11 Submission Type: Support

Submitter: Te Runanga o Ngati Manawa

Submission Summary: Tuna within the Rangitaiki River catchment are protected, through measures including enhancement and restoration of their habitat and migration paths. Consider this objective builds upon the greater iwi Resource Management Issue 4 – Degradation of mauri within the operative RPS, and existing

Policy IW 6B. Encouraging tangata whenua to identify measures to avoid, remedy or mitigate adverse cultural effects.

Decision Sought: Retain Objective 1 as notified.

Hearing Recommendation: Accept in Part

Submission Number: 6: 7 Submission Type: Support

Submitter: Te Pahipoto Hapu

Submission Summary: Support the retention of Objective 1- Tuna within the Rangitaiki River catchment are protected, through measures including enhancement and restoration of their habitat and migration paths.

The Te Pahipoto Hapu position is that all commercial take (via concessions or other means) of tuna from the river should be prohibited. That the taking of tuna from the river should be reserved for recreational and customary take only.

Decision Sought: Retain Objective 1 as notified.

Hearing Recommendation: Accept in Part

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Submitter: Trustpower Limited

Submission Summary: Trustpower considers that the drafting of the objective goes beyond identifying a resource management outcome to be achieved, and instead seeks to also identify the mechanisms by which the BOPRC intends that the outcome be achieved. Such mechanisms should be addressed through policies and methods.

Change 3 should ensure that the provisions are appropriately framed and recognise that simply copying wording from the Rangitaiki 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'.

Decision Sought: Amend Objective 1 as follows:

1. Tuna within the Rangitaiki River catchment are protected through measures including enhancement and restoration of their habitat and migration paths.
2. Any similar or consequential amendments that stem from the submission and relief sought.

Hearing Recommendation: Accept in Part

Further Submission(s)

Further Submission No: 2 - 8 Submission Type: Support in Part

Further Submitter: Federated Farmers of New Zealand

Submission Summary: FFNZ agrees that the drafting of the objective goes beyond identifying a resource management outcome to be achieved, and instead seeks to also identify the mechanisms by which the BOPRC intends that the outcome be achieved. Such mechanisms should be addressed through policies and methods.

Decision Sought: Accept submission in part.

Hearing Recommendation: Accept in Part

Further Submission No: 4 - 4 Submission Type: Oppose

Further Submitter: Royal Forest and Bird Protection Society Inc

Submission Summary: Forest and Bird supports the objective as notified.

Decision Sought:

Hearing Recommendation: Reject

Section: Objective 2 Habitats that support indigenous species and linkages between indigenous ecosystems

1226

Hearing Recommendation

Amend Objective 2 to read as follows: "Habitats that support indigenous species and linkages between indigenous ecosystems within the Rangitaiki River catchment are created, enhanced where degraded, and protected where significant."

Reasons for Hearing Recommendation

Submissions 1-13, 5-18, 6-14, 10-16, 14-1, Further submissions 2-9, 4-24, 4-42: The objective has been modified to include "where significant" in relation to the protection of indigenous ecosystems to ensure it is consistent with Section 6(c) of the Act. An amendment has also been made to refer to enhancement "where degraded" which clarifies the intent of the objective and assists interpretation.

Submissions

Submission Number: 1: 13 Submission Type: Support

Submitter: Ngai Tamawera Hapu

Submission Summary: Support Objective 2

Decision Sought: Retain Objective 2 Habitats that support indigenous species and linkages between indigenous ecosystems within the Rangitaiki River catchment are created, protected and enhanced as notified.

Hearing Recommendation: Accept in Part

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Submission Summary: It would be often be impractical or unnecessary to create, protect and enhance habitat simultaneously. The suggested amendment gives greater clarity about when these management responses might be implemented.

Decision Sought: Accept submissoin.

Hearing Recommendation: Accept

Further Submission No: 4 - 24 Submission Type: Oppose

Further Submitter: Royal Forest and Bird Protection Society Inc

Submission Summary: PC 3 is to reflect the Rangitaiki River Document which has a cultural purpose therefore s6 (c) is not the driver behind the provisions (although that is the case in the other chapters of the RPS).

Decision Sought:

Hearing Recommendation: Reject

Section: Objective 3 Water quality is restored in the Rangitaiki River catchment

1227

Hearing Recommendation

Amend Objective 3 to read: "Water quality in the Rangitaiki River catchment is maintained and improved where degraded."

Reasons for Hearing Recommendation

Submissions 14-2, 16-7, 1-16, 5-21, 6-17, 8-1, 10-19, Further submissions 2-10, 4-25, 2-11, 3-2, 4-5, 4-46, 5-3, 5-4: The objective has been amended to replace the term "restore" with wording which articulates the outcome sought in a measurable way based on current water quality standards. There is a legislative requirement to recognise and provide for the River Document objective which seeks that water quality be restored in the catchment. Recognising and providing for the objective in the context of the Regional Policy Statement involves determining what is meant by restoring the water quality and acknowledging that currently water quality within the catchment is variable.

The term "freshwater management units" is specific to the NPSFM and is more appropriately used in provisions that directly give effect to the NPSFM. Freshwater management units can be utilised at the Regional Plan level to give effect to the RPS Rangitaiki River provisions. Although recommended to be amended, it is considered the intent of the objective remains consistent with that originally notified.

Submissions

Submission Number: 1: 16 Submission Type: Support

Submitter: Ngai Tamawera Hapu

Submission Summary: Support Objective 3.

Decision Sought: Retain Objective 3 Water quality is restored in the Rangitaiki River catchment as notified.

Hearing Recommendation: Accept in Part

Submission Number: 5: 21 Submission Type: Support

Submitter: Te Runanga o Ngati Manawa

Submission Summary: Ngati Manawa promotes the standard for water quality in the Rangitaiki River catchment as drinkable. This is the standard left to them and in this generation, the standard is at serious risk. Returning activity in the catchment to a state of balance is a critical responsibility we all share.

This is also consistent with the overall vision for the Rangitaiki River being 'ahealthy river, valued by the community, protected for future generations.

Decision Sought: Retain as notified.

Hearing Recommendation: Accept in Part

Submission Number: 6: 17 Submission Type: Support

Submitter: Te Pahipoto Hapu

Submission Summary: Support Objective 3: Water quality is restored in the Rangitaiki River catchment as this will address poor water quality as identified through significant issue 2.12.2.2 and the overall vision for the Rangitaiki River.

Proposed Change 3 (Rangitaiki River) Hearing Recommendations on Provisions with Submissions and Further Submissions

Decision Sought: Retain Objective 3 as notified.

Hearing Recommendation: Accept in Part

Submission Number: 8: 1 Submission Type: Support

Submitter: Ballance Agri-Nutrients Limited

Submission Summary: The Company supports the intent of the objective to ensure that the water quality of the River catchment is restored, and identifies that this objective is in line with implementing the NPSFM.

Decision Sought: Retain Objective 3 as notified.

Hearing Recommendation: Accept in Part

Submission Number: 10: 19 Submission Type: Support

Submitter: Te Runanga o Ngati Whare

Submission Summary: The Objective is consistent with Ngati Whare values and aspirations for the Rangitaiki River catchment.

Decision Sought: Retain as notified.

Hearing Recommendation: Accept in Part

Further Submission(s)

Further Submission No: 4 - 46 Submission Type: Support

Further Submitter: Royal Forest and Bird Protection Society Inc

Submission Summary: Support entire submission as Plan Change 3 is consistent with the River Document

Decision Sought:

Hearing Recommendation: Accept in Part

Submission Number: 14: 2 Submission Type: Support in Part

Submitter: Ravensdown Limited

Submission Summary: The restoration of water quality in the Rangitaiki 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.

Decision Sought: Retain the overall intent of Objective 3 while amending it to read:

“Water quality is restored where degraded and maintained where good or excellent in the Rangitaiki River Catchment.”

Hearing Recommendation: Accept in Part

Further Submission(s)

Further Submission No: 2 - 10 Submission Type: Support in Part

Further Submitter: Federated Farmers of New Zealand

Submission Summary: We agree with the submitter’s argument; the objective as it stands is very broad and would benefit from greater specificity. However, we are neutral on the specific wording proposed.

Decision Sought: Accept submission in part.

Hearing Recommendation: Accept

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Further Submission No: 4 - 25 Submission Type: Support in Part
 Further Submitter: Royal Forest and Bird Protection Society Inc
 Submission Summary: By definition restoration can only occur when the state of an object or substance has changed from the desired state. However there is merit in an objective and other provisions specifically seeking maintenance i.e. that there should be no further degradation.

Decision Sought:

Hearing Recommendation: Accept in Part

Further Submission No: 5 - 3 Submission Type: Support
 Further Submitter: Galatea-Murupara Irrigation Society
 Submission Summary: The proposed amendment: Water quality is restored where degraded and maintained where good or excellent in the Rangitaiki River catchment, clarifies the intent of the policy where some water quality is classified as good or excellent.

Decision Sought: Accept the submission

Hearing Recommendation: Accept in Part

Submission Number: 16: 7 Submission Type: Oppose
 Submitter: Trustpower Limited
 Submission Summary: Trustpower opposes Objective 3 on the basis that it does not define the extent of restoration sought for water quality in the Rangitaiki River Catchment and how this is the most appropriate way to achieve the purpose of the RMA. The accompanying policies also provide no direction on this matter. 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.

In addition, Change 3 has already noted that water quality in parts of the Rangitaiki River Catchment is already 'excellent'. This is supported by information provided to the Rangitaiki 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.

Given the above, 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.

Trustpower is also concerned that Objective 3 may circumvent the process for establishing water quality limits for the Rangitaiki River Catchment via Plan Change 9 to the Bay of Plenty Water and Land Plan, particularly given that Change 3 is only intended to fulfil the requirements of Treaty Settlement legislation and not to implement the NPSFM.

Decision Sought:
 1. Delete Objective 3 and replace it with the following:
 Freshwater objectives are set for freshwater management units in the Rangitaiki River catchment that seek the maintenance, or where appropriate, enhancement of water quality.
 2. In the alternative, amend Objective 3 to identify the water quality parameters that are to be restored and to what extent.
 3. Any similar or consequential amendments that stem from the submission and relief sought.

Hearing Recommendation: Accept in Part

Further Submission(s)

Further Submission No: 2 - 11 Submission Type: Support
 Further Submitter: Federated Farmers of New Zealand
 Submission Summary: FFNZ also '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'. In addition 'that Objective 3 may circumvent the process for establishing water quality limits for the Rangitaiki River Catchment via Plan Change 9 to the Bay of Plenty Water and Land Plan, particularly given that Change 3 is only intended to fulfil the requirements of Treaty Settlement legislation and not to implement the NPSFM'.

Proposed Change 3 (Rangitaiki River) Hearing Recommendations on Provisions with Submissions and Further Submissions

Decision Sought: Accept submission.

Hearing Recommendation: Accept in Part

Further Submission No: 3 - 2 Submission Type: Support in Part

Further Submitter: Fonterra Co-operative Group Limited

Submission Summary: Fonterra recognises that Objective 3 of the "Pathways of the Rangitaiki" River Document is that the water quality of the Rangitaiki River is restored. We also acknowledge that the RPS must recognise and provide for that objective. However, Fonterra also understands that the term "restored" is not itself clear in that the question is "restored to what?" Fonterra recognises and accepts the detail of what that might mean needs to be determined through a regional plan (freshwater objective and limit setting) process but is concerned to ensure that the RPS does not create an expectation for an unattainable level of restoration.

Decision Sought: Accept the submission insofar as it seeks that the level of restoration is to be defined by an future freshwater objective and limit setting process.

Hearing Recommendation: Accept in Part

Further Submission No: 4 - 5 Submission Type: Oppose

Further Submitter: Royal Forest and Bird Protection Society Inc

Submission Summary: The submission is contradictory in saying that the Plan Change is not to implement the NPS FM but then proposes NPS FM terms be used. The objective indicates a state to be aimed for, and the policies and methods detail how this will be implemented.

Decision Sought:

Hearing Recommendation: Accept in Part

Further Submission No: 5 - 4 Submission Type: Oppose

Further Submitter: Galatea-Murupara Irrigation Society

Submission Summary: Redrafting the objective as sought in the submission simply reflects the requirements of the NPS Freshwater and does not provide any useful policy direction. The Society supports the drafting proposed by Ravensdown above, in relation to objective 3.

Decision Sought: Reject the submission.

Hearing Recommendation: Reject

Section: Objective 4 The social economic and cultural wellbeing of communities in the Rangitaiki River c

1229

Hearing Recommendation

Retain Objective 4 as notified.

Reasons for Hearing Recommendation

Submissions 1-22, 6-24, 8-2, 13-1, 14-3, 16-8, 12-14, Further submissions 2-12, 2-13: Support is noted. Objective 4 is recommended to be retained as notified.

Submissions

Submission Number: 1: 22 Submission Type: Support

Submitter: Ngai Tamawera Hapu

Submission Summary: Support Objective 4

Decision Sought: Retain Objective 4 The social economic and cultural wellbeing of communities in the Rangitaiki River catchment is enabled within the limits of the rivers and receiving environment as notified.

Hearing Recommendation: Accept

Submission Number: 6: 24 Submission Type: Support

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Submitter: Te Pahipoto Hapu

Submission Summary: Iwi and hapu throughout the Rangitaiki River catchment have strong cultural connections to the River and its tributaries. These are considered living taonga that have provided for the physical and spiritual sustenance of our people for many generations. As kaitiaki we have a responsibility to protect the mauri and mana of these taonga for future generations.

Balance is to be struck. Place comes before relationships with place so the focus has to be on our tuakana the river first and our relationships with it a close second. We rely on the river and lots of other people do too. When we act sustainably we must accept that it is a reciprocal reliance of the natural resource on people and people on the natural resource – and this is a requirement of kaitiakitanga and the fundamental basis of the RMA. What we take we must give back in no less condition to what we took.

Decision Sought: Retain Objective 4 as notified.

Hearing Recommendation: Accept

Submission Number: 8: 2 Submission Type: Support

Submitter: Ballance Agri-Nutrients Limited

Submission Summary: The Company supports the intent of the objective to ensure that social, economic and cultural wellbeing of the communities within the catchment area are recognised. It is noted that Ballance's Te Teko Service Centre is located within the catchment. The Company supports the intent of the Objective to recognise and provide for this type of operation that is currently servicing the community.

Decision Sought: Retain.

Hearing Recommendation: Accept

Further Submission(s)

Further Submission No: 2 - 12 Submission Type: Support

Further Submitter: Federated Farmers of New Zealand

Submission Summary: FFNZ also supports the intent of the objective to ensure that social, economic and cultural wellbeing of the communities within the catchment area are recognised.

Decision Sought: Accept submission.

Hearing Recommendation: Accept

Submission Number: 12: 14 Submission Type: Support

Submitter: Rangitaiki River Forum

Submission Summary: Retain Policy WQ 2A as a means of achieving Objective 4. Policy WQ 2A Setting and applying instream flows and allocation limits for taking freshwater

To ensure that a level playing field is established, current allocations must be reviewed and reset to enable a true state of the water volume available, utilised and stored to be established.

Associated Methods; Finding the balance between science and practice moderated by need is necessary.

Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Submission Number: 13: 1 Submission Type: Support

Submitter: Galatea-Murupara Irrigation Society

Submission Summary: The Society supports the policy, to enable social, economic and cultural wellbeing of communities within the limits of the river and receiving environment.

Decision Sought: Retain Objective 4.

Hearing Recommendation: Accept

Submission Number: 14: 3 Submission Type: Support

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 12: 15 Submission Type: Support
Submitter: Rangitaiki River Forum
Submission Summary: Support Policy RR 5D as a means for achieving Objective 5. Co-ordinated whole of river activities celebrated annually would serve to strengthen relationships between communities and rivers and communities along the river.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Submission Number: 14: 4 Submission Type: Support
Submitter: Ravensdown Limited
Submission Summary: The Objective is considered the most appropriate way to achieve the purpose of RMA.
Decision Sought: Retain the intent of Objective 5 as written.

Hearing Recommendation: Accept

Section: Objective 6 The practice of kaitiakitanga in decision-making for managing the resources of the R ¹²³¹

Hearing Recommendation

Amend Objective 6 to read as follows: "The practice of kaitiakitanga in decision-making is recognised and provided for when managing ancestral lands, water, sites, waahi tapu and other taonga in the Rangitaiki River catchment."

Reasons for Hearing Recommendation

Submissions 16-9, 1-30, 5-28, 10-26, 12-16, Further submissions 2-15, 4-6, 4-54: The objective is recommended to be amended to provide clearer context to align the practice of kaitiakitanga with section 6(e) of the Act, which requires recognition and provision for the relationship of Maori and their culture and traditions with their ancestral lands, water, waahi tapu, sites and other taonga.

Submissions

Submission Number: 1: 30 Submission Type: Support
Submitter: Ngai Tamawera Hapu
Submission Summary: Support Objective 6.
Decision Sought: Retain Objective 6: The practice of kaitiakitanga in decision-making for managing the resources of the Rangitaiki River catchment is recognised and provided for as notified.

Hearing Recommendation: Accept in Part

Submission Number: 5: 28 Submission Type: Support
Submitter: Te Runanga o Ngati Manawa
Submission Summary: The key to this objective being successful is in regard to how and who. Iwi should not abdicate their tikanga because the Crown has legislation stating that Regional Councils, for example must operate in a certain way. In their view, iwi as tangata whenua (or hapu as tangata whenua) exercise their kaitiaki obligations and contribute to decision making.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept in Part

Submission Number: 10: 26 Submission Type: Support
Submitter: Te Runanga o Ngati Whare
Submission Summary: "the practice of kaitiakitanga in decision making" or "a tool to be used in decision making".
Decision Sought: Retain as notified.

Hearing Recommendation: Accept in Part

Proposed Change 3 (Rangitaiki River) Hearing Recommendations on Provisions with Submissions and Further Submissions

Further Submission(s)

Further Submission No:	4 - 54	Submission Type:	Support
Further Submitter:	Royal Forest and Bird Protection Society Inc		
Submission Summary:	Support entire submission as Plan Change 3 is consistent with the River Document		
Decision Sought:			

Hearing Recommendation:	Accept in Part
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Submission Number:	12: 16	Submission Type:	Support
Submitter:	Rangitaiki River Forum		
Submission Summary:	Support Policies IW 2B and IW 5B as means toward achieving Objective 6. Policy IW 2B - How to balance the statutory role with tangata whenua and their role as kaitiaki? Policy IW 5B - Building relationships with iwi is key to this policy. Scaffolding across Council wide operations will have it's challenges.		
Decision Sought:	Retain as notified.		

Hearing Recommendation:	Accept in Part
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Submission Number:	16: 9	Submission Type:	Oppose
Submitter:	Trustpower Limited		
Submission Summary:	Trustpower considers that Objective 6 is not consistent with the purpose of the RMA. 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. 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.		
Decision Sought:	1. Amend Objective 6 as follows: Particular regard is given to the practice of kaitiakitanga in decision-making for the management of the resources of the Rangitaiki River catchment. 2. Any similar or consequential amendments that stem from the submission and relief sought.		

Hearing Recommendation:	Reject
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Further Submission(s)

Further Submission No:	2 - 15	Submission Type:	Support
Further Submitter:	Federated Farmers of New Zealand		
Submission Summary:	The language proposed by the submitter is consistent with that used in section 7(a) of the RMA.		
Decision Sought:	Accept submission.		

Hearing Recommendation:	Reject
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Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Further Submission No: 4 - 6 Submission Type: Oppose

Further Submitter: Royal Forest and Bird Protection Society Inc

Submission Summary: PC 3 is to reflect the Rangitaiki River Document which has a cultural purpose therefore s6 (e) is really the driver behind the provisions, not s7, if the policies to implement the objective are considered.

Decision Sought:

Hearing Recommendation: Accept

Section: Objective 7 The natural features and landscape values of the Rangitaiki River catchment are mai

1232

Hearing Recommendation

Amend Objective 7 to read: "The qualities and characteristics of areas and features, that contribute to the amenity values of the Rangitaiki River catchment are maintained and enhanced where degraded."

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

Promote the use of design options and construction methodologies for drainage and flood protection works which minimise any adverse effects on amenity values within the Rangitaiki River catchment."

Remove linkages from Objective 7 to Policies MN 1B, MN 7B and MN 8B.

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 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 Whakatane and Taupo District Plans within the Rangitaiki River catchment'

Reasons for Hearing Recommendation

Submission 13-2, 16-10, Further submissions 4-7, 4-21, 5-5, 6-3: Objective 7 is recommended to be amended to focus on the maintenance and enhancement (where degraded) of amenity values rather than being limited to natural features and landscapes. This change more clearly articulates the intent of the corresponding Objective 7 in Te Ara Whanui o Rangitaiki which is concerned with naturalness of the river and the landscapes and aligns the objective with the wording of Section 7(c) of the Act. Method 23R is recommended to be converted into a new Policy RR 6C to support Objective 7 with an amendment to focus on amenity values to align with the amendments to Objective 7. Consequently Policies MN 1B, MN 7B and MN 8B are recommended to be deleted from being linked to Objective 7 as these policies focus on outstanding natural features and landscapes only, not all landscapes and features. The existing operative RPS already includes Objective 18 which promotes the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development. Objective 18 and Policies MN 1B, MN 7B and MN 8B already apply within the catchment. Linking Policies MN 1B, MN 7B and MN 8B to Objective 7 confuses its intent as these existing policies only apply to natural features and landscapes which are outstanding. It also adds limited value to what exists already in the operative RPS and restricts the scope of the original Objective 7 in Te Ara Whanui o Rangitaiki which refers specifically to respecting the naturalness of the river and the landscape of the Rangitaiki River catchment. This is because outstanding is a very high threshold and few landscapes and features are classified as such in the catchment. Amending the focus of Objective 7 to amenity values broadens its application beyond strictly outstanding features and landscapes to those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

Submission 18-2, Further submissions 1-2, 4-18, 5-6: The objective is intended to articulate the outcome sought in relation to amenity values within the Rangitaiki River catchment. It is not necessary to refer to the means of achieving the desired outcome within the objective as this is more appropriately detailed in a policy or method.

Submissions 1-36, 5-33, 6-33, 10-30, 12-7, 11-2, 14-5, Further submission 4-59: Changes are recommended to Objective 7 in response to other submissions. Objective 7 has been modified to focus on amenity values rather than natural features and landscapes. This change more clearly articulates the intent of the corresponding objective in the Rangitaiki River Document and aligns the objective with the wording of Section 7(c) of the Act. The existing operative RPS already includes Objective 18 which promotes the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development. Objective 18 and Policies MN 1B, MN 7B and MN 8B already apply within the catchment. Linking Policies MN 1B, MN 7B and MN 8B to Objective 7 confuses its intent as these existing policies only apply to natural features and landscapes which are outstanding. It also adds limited value to what exists already in the operative RPS and restricts the scope of the original Objective 7 in Te Ara Whanui o Rangitaiki which refers specifically to respecting the naturalness of the river and the landscape of the Rangitaiki River catchment. This is because outstanding is a very high threshold and few landscapes and features are classified as such in the catchment. Amending the focus of Objective 7 to amenity values broadens its application beyond strictly outstanding features and landscapes to those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

Consequently Method 23R is recommended to be converted into a new Policy RR 6C to support Objective 7 with an amendment to focus on amenity values to align with the amendments to Objective 7.

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Submissions

Submission Number: 1: 36 Submission Type: Support
Submitter: Ngai Tamawera Hapu
Submission Summary: Support Obejctive 7
Decision Sought: Retain Objective 7: The natural features and landscape values of the Rangitaiki River catchment are maintained as notified.

Hearing Recommendation: Reject

Submission Number: 5: 33 Submission Type: Support
Submitter: Te Runanga o Ngati Manawa
Submission Summary: For Ngati Manawa, this may mean that some areas in the rohe are kept out of the public domain to protect the natural features in a 'wilderness' state. The concept that areas of wilderness in the Rangitaiki Catchment are less than 1 hours drive from a city, is a concept that Ngati Manawa would like to promote, and one that fosters a clean green image we'd like to hand down to our coming generations.
Decision Sought: Retain as notified.

Hearing Recommendation: Reject

Submission Number: 6: 33 Submission Type: Support
Submitter: Te Pahipoto Hapu
Submission Summary: Support Objective 7: The natural features and landscape values of the Rangitaiki River catchment are maintained.
Decision Sought: Retain Objective 7 as notified.

Hearing Recommendation: Reject

Submission Number: 10: 30 Submission Type: Support
Submitter: Te Runanga o Ngati Whare
Submission Summary: The Objective, is consistent with values associated to other management plans Ngati Whare is working on.
Decision Sought: Retain as notified.

Hearing Recommendation: Reject

Further Submission(s)

Further Submission No: 4 - 59 Submission Type: Support
Further Submitter: Royal Forest and Bird Protection Society Inc
Submission Summary: Support entire submission as Plan Change 3 is consistent with the River Document
Decision Sought:

Hearing Recommendation: Reject

Proposed Change 3 (Rangitaiki River) Hearing Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 11: 2 Submission Type: Support
Submitter: Rangitaiki-Tarawera Rivers Scheme Liaison Group and Rivers and Drainage Staff
Submission Summary: That existing matters of national importance, using criteria to assist in assessing inappropriate development and managing effects of subdivision, use and development is the appropriate policies to manage natural features and landscape values of the Rangitaiki River Catchment.
Decision Sought: That policies MN1B, MN7B and MN8B be maintained with no deletion, amendment or additional policies added.

Hearing Recommendation: Reject

Submission Number: 12: 17 Submission Type: Support
Submitter: Rangitaiki River Forum
Submission Summary: As iwi have intimate knowledge over many generations of the features in their rohe, this is an objective that requires good relationships with iwi – in particular, the tangata whenua.
Associated methods; These are activities that support the objective and also signals a desire to moderate human impact on the environment.
Decision Sought: Retain as notified.

Hearing Recommendation: Reject

Submission Number: 13: 2 Submission Type: Seek Amendment
Submitter: Galatea-Murupara Irrigation Society
Submission Summary: Issue 5 identifies that there are opportunities to restore the natural qualities of the Rangitaiki River and its water. The Society support the policy, but suggest an amendment to reflect the potential for restoration identified in Issue 5
Decision Sought: Amend Objective 7 by adding the words "or improved where degraded" to read as follows:
The natural features and landscape values of the Rangitaiki River catchment are maintained or improved where degraded

Hearing Recommendation: Accept in Part

Further Submission(s)

Further Submission No: 4 - 21 Submission Type: Support in Part
Further Submitter: Royal Forest and Bird Protection Society Inc
Submission Summary: The intent of the submission is supported. The appropriate terminology would be "maintained or enhanced".
Decision Sought:

Hearing Recommendation: Accept in Part

Submission Number: 14: 5 Submission Type: Support
Submitter: Ravensdown Limited
Submission Summary: The Objective is considered the most appropriate way to achieve the purpose of RMA.
Decision Sought: Retain the intent of Objective 7 as written.

Hearing Recommendation: Reject

Submission Number: 16: 10 Submission Type: Oppose
Submitter: Trustpower Limited
Submission Summary: Trustpower opposes Objective 7 and considers its inclusion in Change 3 to be unnecessary. Whereas the objective seeks to maintain all of the natural features and landscape values of the Rangitaiki River catchment, the policies identified to give effect to the objective only seek to manage outstanding natural

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

features and landscapes and matters identified under section 6 of the RMA. In effect, Change 3 does not introduce any measures to provide for the maintenance of features and landscapes that are not already outstanding.

If the intent of Objective 7 is to manage features and landscapes in the Rangitaiki River catchment that are not outstanding, then new policies are required to achieve this outcome. Trustpower considers that this objective relates to managing amenity landscapes in accordance with section 7 of the RMA.

Decision Sought:

1. Delete Objective 7;
2. In the event that Objective 7 is retained, Trustpower seeks that new policies are inserted to Change 3 to specifically address the maintenance of natural features and landscapes that are not outstanding; and
3. Any similar or consequential amendments that stem from the submission and relief sought.

Hearing Recommendation: Reject

Further Submission(s)

Further Submission No:	4 - 7	Submission Type:	Oppose
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Further Submitter:	Royal Forest and Bird Protection Society Inc
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Submission Summary:	PC 3 is to reflect the Rangitaiki River Document which has a cultural purpose therefore Appendix F Set 3 (3.14,15 16 and Set 4 Maori Culture and traditions) are relevant. The key word in the objective is "maintained" which is consistent with the Act e.g. s 7(c) and (f) and there is merit in a further policy reflecting those sections.
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Decision Sought:

Hearing Recommendation:	Accept in Part
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Further Submission No:	5 - 5	Submission Type:	Other
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Further Submitter:	Galatea-Murupara Irrigation Society
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Submission Summary:	The Society is opposed to deletion of Objective 7, as it considers maintenance of natural features and landscapes of the catchment is an issue which should be addressed through the RPS.
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The Society agrees that further policies are required to achieve Objective 7 and supports the development and inclusion of appropriate policies. Matters to be addressed through those policies should include the effects of works and structures in the bed or rivers and surrounds on natural features and landscape values.

Decision Sought:	Reject that part of the submission which seeks to delete Objective 7. Accept that part of the submission which seeks development and inclusion of additional policies.
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Hearing Recommendation:	Accept in Part
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Further Submission No:	6 - 3	Submission Type:	Oppose
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Further Submitter:	Rangitaiki-Tarawera Rivers Scheme Liaison Group and Rivers and Drainage Staff
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Submission Summary:	Outstanding Natural Features and Landscapes are matters identified and assessed under criteria of section 6 of the RMA. Additional policies to address the maintenance of natural features and landscapes within the Rangitaiki Catchment not identified under section 6 of the RMA will become subjective and inconsistent with other parts of the Bay of Plenty Region.
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Decision Sought:	Reject the submission.
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Hearing Recommendation:	Accept in Part
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Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Submission Number:	18: 2	Submission Type:	Seek Amendment
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	<p>Federated Farmers considers that the provisions in the Proposal which relate to the “naturalness” of the Rangitaiki River catchment need to be revisited, to better balance what are said to be the impacts of infrastructure on the River, against what are said to be the impacts of other forms of human activity on the River environment, and to better reflect the objective as stated in the River document.</p> <p>The policies and methods associated with Objective 7 should be geared more towards addressing the impacts of infrastructure on the natural features and landscape values of the Rangitaiki River catchment. It is suggested that this could be achieved by providing for new Method 23H to pay particular attention to the dams on the River.</p> <p>Notwithstanding the submissions made above, Federated Farmers supports new Method 23R, which promotes the use of design options and construction methodologies for drainage and flood protection works which minimise any adverse effects on natural features and landscape values within the Rangitaiki River catchment.</p>		
Decision Sought:	<p>Amend Objective 7 to better reflect the objective as set out in the River document by inserting the words "with particular attention given to infrastructure in the catchment, and particularly the dams on the River and its tributaries." to read as follows:</p> <p>Method 23H: Rangitaiki River Catchment Annual Work Programme</p> <p>Policies RR 2B, RR 3B, MN 1B, MN 7B, MN 8B, MN 5B and MN 6B shall be implemented through the Rangitaiki River catchment Annual Work Programme, with particular attention given to infrastructure in the catchment, and particularly the dams on the River and its tributaries.</p>		

Hearing Recommendation: Reject

Further Submission(s)

Further Submission No:	1 - 2	Submission Type:	Oppose
Further Submitter:	Trustpower Limited		
Submission Summary:	<p>Trustpower opposes the submitter’s position that the policies and methods associated with Objective 7 need to better address “naturalness” by paying particular attention to the dams on the river. Method 23H relates to the Annual Work Programme which details Council’s operational activities in the catchment such as biosecurity, monitoring, coast care, flood protection/drainage, community support and land management. Dams on the river are outside the scope of this programme, therefore should not be specifically identified in the method.</p>		
Decision Sought:	Trustpower seeks that the submission be rejected.		

Hearing Recommendation: Accept

Further Submission No:	4 - 18	Submission Type:	Oppose
Further Submitter:	Royal Forest and Bird Protection Society Inc		
Submission Summary:	<p>The objective is consistent with s 7(f) "maintain and enhance the quality of the environment".</p>		
Decision Sought:			

Hearing Recommendation: Accept

Proposed Change 3 (Rangitaiki River) Hearing Recommendations on Provisions with Submissions and Further Submissions

Further Submission No:	5 - 6	Submission Type:	Support
Further Submitter:	Galatea-Murupara Irrigation Society		
Submission Summary:	The Society agrees with Federated Farmers submission that "policies and methods associated with Objective 7 should be geared more towards addressing the impacts of infrastructure on the natural features and landscape values of the Rangitaiki River catchment".		
Decision Sought:	Accept the submission		

Hearing Recommendation: Reject

Section: **Objective 8 Access to the Rangitaiki River and its tributaries is maintained and enhanced** 1233

Hearing Recommendation

Retain Objective 8 as notified.

Reasons for Hearing Recommendation

Submissions 1-38, 5-35, 6-35, 10-32, 16-11, 12-18 Further submission 4-61: Support is noted. Objective 8 is recommended to be retained as notified.

Submissions

Submission Number:	1: 38	Submission Type:	Support
Submitter:	Ngai Tamawera Hapu		
Submission Summary:	Support Method 8.		
Decision Sought:	Retain Objective 8 Access to the Rangitaiki River and its tributaries is maintained and enhanced as notified.		

Hearing Recommendation: Accept

Submission Number:	5: 35	Submission Type:	Support
Submitter:	Te Runanga o Ngati Manawa		
Submission Summary:	At present, Ngati Manawa supports access to the river that is currently available from public roads. Access outside this is an element that we are considering from the view that maintaining natural features and landscapes is also about leaving it alone, maintaining a wilderness state. As tangata whenua, iwi must be able to determine areas that are able to remain in their natural state.		
Decision Sought:	Retain as notified.		

Hearing Recommendation: Accept

Submission Number:	6: 35	Submission Type:	Support
Submitter:	Te Pahipoto Hapu		
Submission Summary:	Support Objective 8 Access to the Rangitaiki River and its tributaries is maintained and enhanced.		
Decision Sought:	Retain Objective 8 as notified.		

Hearing Recommendation: Accept

Submission Number:	10: 32	Submission Type:	Support
Submitter:	Te Runanga o Ngati Whare		
Submission Summary:	The aim is to not limit access however access should be managed, taking into consideration Method 23 Q, cultural significant sites and wahi tapu.		
Decision Sought:	Retain as notified.		

Hearing Recommendation: Accept

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Further Submission(s)

Further Submission No: 4 - 61 Submission Type: Support
Further Submitter: Royal Forest and Bird Protection Society Inc
Submission Summary: Support entire submission as Plan Change 3 is consistent with the River Document
Decision Sought:

Hearing Recommendation: Accept

Submission Number: 12: 18 Submission Type: Support
Submitter: Rangitaiki River Forum
Submission Summary: The associated policies to this objective seeks to find a balance between progress and natural 'wilderness' areas. The associated methods signal options of how that can be moderated, achieved, planned.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Submission Number: 16: 11 Submission Type: Support
Submitter: Trustpower Limited
Submission Summary: Trustpower supports Objective 8 as it is considered to be consistent with section 6(d) of the RMA. The associated Policy MN 6B adequately addresses the constraints around public access and acknowledges that there are certain circumstances where public access should be restricted, such as for safety reasons.
Decision Sought: Retain Objective 8 as notified.

Hearing Recommendation: Accept

Chapter: Part three

1234

Section: 3.1 Policies

1234

Hearing Recommendation

Amendments to specific policies are recommended in response to other submissions.

Reasons for Hearing Recommendation

Submission 12-19: Recommendations are being made to change the wording in some of the policies although the intent remains to better recognise and provide for Te Ara Whanui objectives while ensuring they are consistent with the purpose of the Resource Management Act 1991.

Submissions

Submission Number: 12: 19 Submission Type: Support
Submitter: Rangitaiki River Forum
Submission Summary: As policies are Rangitaiki River Catchment specific, they are targeted to achieve particular outcomes in relation to the Objectives discussed earlier. The explanations give an update on the state of play in the catchment and provide background information as to why these policies have been developed.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept in Part

Section: Policy RR 1B Protecting and restoring tuna (eel) habitat and migration pathways within the Rang

1236

Hearing Recommendation

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Amend Policy RR1B title by deleting references to 'eel' and replacing 'access' with 'passage' to read: Protecting and restoring tuna habitat and migration pathways within the Rangitaiki River catchment. Further amend Policy RR 1B clauses (c), (d) and (e) and paragraph 1 of the Explanation by replacing 'access' with 'passage' to read as follows:

- (c) Requiring new structures to allow two-way tuna passage;
- (d) Requiring the modification of existing structures that inhibit tuna passage;
- (e) Encouraging research into new and innovative methods of providing or enhancing tuna passage

Explanation - Tuna have a unique and important customary fishery status in the Rangitaiki River, representing the wealth of people. Longfin tuna feature...

Reasons for Hearing Recommendation

Submissions 1-7, 7-1, 9-1, 4-1, 5-12, 6-8, 10-10, 19-6, 16-12, 17-3, 12-5, 12-22 Further submissions 2-17, 4-70, 4-36, 2-16, 4-66,1-3, 2-18, 4-8: Changes are recommended to Method 23D to address other submission points in order to refocus it on tuna and not fish passage generally. Clauses (c) and (d) of Policy RR 1B are recommended to be amended in response to other submissions to better clarify the intent of the policy with respect to new and existing structures and better align with the existing policy explanation text. Policy RR 1B is implemented by Method 3 'Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans'. The specificity relating to time frames for retrofitting existing structures can be dealt with through the development and review of the Regional Water and Land Plan or, where applicable, consideration of resource consent applications. Through this policy affected stakeholders with existing structures impeding tuna access will be compelled to consider when and what measures they can practically take to modify them to allow for two-way tuna passage.

Submissions

Submission Number:	1: 7	Submission Type:	Support
Submitter:	Ngai Tamawera Hapu		
Submission Summary:	Support Policy RR 1B		
Decision Sought:	Retain Policy RR 1B as notified		

Hearing Recommendation: Accept in Part
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Submission Number:	4: 1	Submission Type:	Support
Submitter:	Timberlands Limited		
Submission Summary:	Timberlands Limited supports processes to restore the habitat and health of tuna within the Rangitaiki River catchment, as these are likely to also improve the ecosystem health of the Rangitaiki altogether.		
Decision Sought:	Retain Policy RR 1B as notified.		

Hearing Recommendation: Accept in Part
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Submission Number:	5: 12	Submission Type:	Support
Submitter:	Te Runanga o Ngati Manawa		
Submission Summary:	<p>Te Runanga o Ngati Manawa is aware that this process is the start to having what is important to them provided for in a Regional Policy. They also recognise that they will have a role to support, lead and seek funding as part of their collaborative contribution to this work. This Policy builds upon Policy IW6B: Encouraging tangata whenua to identify measures to avoid, remedy or mitigate adverse cultural effects. Clause 125 - Recognition of tuna - of Ngati Manawa's Settlement Act states;</p> <p>All persons exercising functions and powers under the Resource Management Act 1991 that affect the Rangitaiki River must have particular regard to the habitat of tuna (<i>Anguilla dieffenbachia</i> and <i>Anguilla australis</i>) in that river.</p> <p>Clause 102 of their Settlement Act states that the term Rangitaiki River means the river and it's catchment, including the Rangitaiki River, the Whirinaki River, the Wheao River and Horomanga River.</p>		
Decision Sought:	Retain as notified.		

Hearing Recommendation: Accept in Part
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Submission Number:	6: 8	Submission Type:	Support
Submitter:	Te Pahipoto Hapu		

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Submission Summary: This policy builds upon Policy IW 6B of the operative RPS which encourages tangata whenua to identify measures to avoid, remedy or mitigate adverse cultural effects.

Decision Sought: Retain Policy RR 1B as notified.

Hearing Recommendation: Accept in Part

Submission Number: 7: 1 Submission Type: Support in Part

Submitter: Fonterra Co-operative Group Limited

Submission Summary: Fonterra supports efforts to restore the tuna habitat. However matter (d) should be qualified (as acknowledged in the explanation of the policy) because not all structures in the Rangitaiki River impede tuna access.

Decision Sought: Retain Policy RR 1B, but amend part (d) of that policy to include the words "Where necessary" as follows:

"(d) Where necessary, require the modification of existing structures to allow tuna access."

Hearing Recommendation: Accept in Part

Further Submission(s)

Further Submission No: 2 - 16 Submission Type: Support

Further Submitter: Federated Farmers of New Zealand

Submission Summary: For reasons given.

Decision Sought: Accept submission.

Hearing Recommendation: Accept in Part

Further Submission No: 4 - 66 Submission Type: Oppose

Further Submitter: Royal Forest and Bird Protection Society Inc

Submission Summary: If structures are not impeding access they will not be caught by the policy and therefore it is not necessary to include "where necessary".

Decision Sought:

Hearing Recommendation: Accept

Submission Number: 9: 1 Submission Type: Support in Part

Submitter: NZ Transport Agency

Submission Summary: The Transport Agency supports in part Plan Change 3 (Rangitaiki River), specifically the decision to introduce provisions that require fish passage for all new and existing structures (including culverts) where they impede fish passage in the Rangitaiki River.

The Transport Agency operates and maintains State Highway 2, 5, 30 and 38 along with a significant number of structures within the Rangitaiki River catchment area.

The Transport Agency requests clarification of the expectations for organisations to complete the retrofitting of their structures to provide fish passage. and would like to work with the Council regarding the process of how prioritising structures for fish passage will be undertaken and implemented. In particular, having regard to the best practical option and other criteria, including: reasonable timeframes; scale and significance; infrastructure investment priorities and costs ; the operational requirements; and space limitations of significant infrastructure. This will allow a programme to be developed that can be aligned with the Transport Agency's maintenance programme.

Decision Sought: Amend the provisions to include advice that provides clarification of the expectations for organisations to undertake the upgrades to existing structures.

Hearing Recommendation: Reject

Further Submission(s)

Further Submission No: 2 - 17 Submission Type: Support

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

1237

Section: Policy RR 2B Promoting the protection of indigenous vegetation and habitats within the Rangitaiki

Hearing Recommendation

Retain Policy RR 2B as notified.

Reasons for Hearing Recommendation

Submission 4-2, Further submissions 2-19, 4-71: Introducing the concept of a distinction between temporary and permanent degradation or fragmentation of vegetation and habitats is not appropriate. The submitters concerns are provided for by provisions in the Regional Water and Land Plan that recognise indigenous habitats and fauna can establish and/or exist within productive forestry areas and the continuation of forestry operations is provided for.

Submissions 14-6, 16-13, 17-4, 18-13 Further submissions 4-26, 4-9, 2-20, 4-73, 4-19: The Regional Policy Statement already covers section 6(c) matters within the matters of national importance provisions, therefore the policy is not intended to duplicate policies that provide for the protection of significant indigenous vegetation and habitats. Objective 2 and Policy RR 3B promote the sustainable management of natural and physical resources and address matters in Section 7 of the Act. The policy also fulfils the Regional Councils functions under Section 30(1)(ga) (the establishment, implementation and review of objectives, policies and methods for maintaining indigenous biological diversity. Use of the term promote distinguishes the level of priority afforded to this policy from the directive to recognise and provide for the protection of significant indigenous vegetation and habitats under section 6(c).

Submissions 1-14, 5-19, 6-15, 10-17, 12-9, 19-7 Further submission 4-43: Support is noted. Policy RR 2B is recommended to retained unchanged.

Submissions

Submission Number:	1: 14	Submission Type:	Support
Submitter:	Ngai Tamawera Hapu		
Submission Summary:	Support Policy RR 2B		
Decision Sought:	Retain Policy RR 2B: Promoting the protection of indigenous vegetation and habitats within the Rangitaiki River catchment as notified.		

Hearing Recommendation: Accept

Submission Number:	4: 2	Submission Type:	Support in Part
Submitter:	Timberlands Limited		
Submission Summary:	In principle Timberlands Limited supports processes to encourage retention of remaining areas of indigenous vegetation and habitats of indigenous fauna within the Rangitaiki River, with two reservations. These relate to the operational activities required for plantation forestry as a land use: 1. Such a protection provision needs to allow for temporary adverse effects on indigenous vegetation. There is a significant quantity of indigenous vegetation embedded in areas of production forestry. Generally areas of embedded indigenous vegetation are undisturbed, except for activities related to forest harvest, which occurs approximately once every 30 years. At the time production trees are harvested there can be some damage to the periphery of an indigenous area, or some damage to riparian vegetation, where haulers are pulling trees across headwater streams. This damage has a temporary effect, as the affected vegetation does recover or regenerate. As it does not create permanent degradation, but is difficult to avoid during harvest, Timberlands Limited requests that the word "permanent" is added to the policy. 2. The implementation of such a provision recognises that a number of indigenous animals are facultative users of production forest. I.e. The protection of indigenous fauna habitats would be on the basis that these animals, at an individual or a population level, will move to different parts of a production forest, as forestry operation cycles continue.		
Decision Sought:	Add the word "permanent" to the policy so RR2B(d) reads as follows: "Protecting remaining areas of indigenous vegetation and habitats from further permanent degradation or fragmentation."		

Hearing Recommendation: Reject

Further Submission(s)

Further Submission No:	2 - 19	Submission Type:	Support
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Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Further Submitter: Federated Farmers of New Zealand
Submission Summary: It is appropriate to recognise that there may be times when temporary adverse effects on indigenous vegetation and habitats are practically unavoidable.
Decision Sought: Accept submission.

Hearing Recommendation: Reject

Further Submission No: 4 - 71 Submission Type: Oppose

Further Submitter: Royal Forest and Bird Protection Society Inc

Submission Summary: The word "permanent" does not prevent long term degradation. It could be argued that conversion to pasture could be permitted as it is not necessarily permanent and could be replanted at some time in the future. Policy 21(k) (iii) of the RWLP addresses management of riparian areas including Methods 53-5 and regional rules including exclusion of minor or temporary disturbance during forestry operations from the definition of vegetation clearance. If forestry companies consider that their current practice is causing more than minor or temporary degradation and fragmentation, then this policy is in fact appropriate.

Decision Sought:

Hearing Recommendation: Accept

Submission Number: 5: 19 Submission Type: Support

Submitter: Te Runanga o Ngati Manawa

Submission Summary: Ngati Manawa has intergenerationally strong connections to the River and its tributaries. These are considered living taonga that have provide for the physical and spiritual sustenance of our people. As kaitiaki, they have a responsibility to protect the mauri and mana of these taonga for future generations. Further more, this will be a form of positive leadership that will benefit all in the region. Te Runanga o Ngati Manawa is aware that this process is the start to having what is important to them provided for in a Regional Policy. They also recognise that they will have a role to support, lead and seek funding as part of their collaborative contribution to this work. This Policy builds upon Policy IW6B: Encouraging tangata whenua to identify measures to avoid, remedy or mitigate advers cultural effects. Clause 125 - Recognition of tuna - of Ngati Manawa's Settlement Act states;
All persons exercising functions and powers under the Resource Management Act 1991 that affect the Rangitaiki River must have particular regard to the habitat of tuna (*Anguilla dieffenbachia* and *Anguilla australis*) in that river.
Clause 102 of their Settlement Act states that the term Rangitaiki River means the river and its catchment, including the Rangitaiki River, the Whirinaki River, the Wheao River and Horomanga River.

Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Submission Number: 6: 15 Submission Type: Support

Submitter: Te Pahipoto Hapu

Submission Summary: Iwi and hapu throughout the Rangitaiki River catchment have strong cultural connections to the River and its tributaries. These are considered living taonga that have provided for the physical and spiritual sustenance of our people for many generations. As kaitiaki we have a responsibility to protect the mauri and mana of these taonga for future generations.

Decision Sought: Retain Policy RR 2B as notified.

Hearing Recommendation: Accept

Submission Number: 10: 17 Submission Type: Support

Submitter: Te Runanga o Ngati Whare

Submission Summary: Consistent with Ngati Whare values and aspirations. Ngati Whare recognise the significance of the Policy and process to implement the change through Regional Policy. They also recognise there is a role to lead and assist with the change.

Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Proposed Change 3 (Rangitaiki River) Hearing Recommendations on Provisions with Submissions and Further Submissions

Further Submission(s)

Further Submission No: 4 - 43 Submission Type: Support
Further Submitter: Royal Forest and Bird Protection Society Inc
Submission Summary: Support entire submission as Plan Change 3 is consistent with the River Document
Decision Sought:

Hearing Recommendation: Accept

Submission Number: 12: 9 Submission Type: Support
Submitter: Rangitaiki River Forum
Submission Summary: The submitter notes that in being good stewards, they look after and protect what they have and place a high value on the species they share their environment with. The associated methods contribute to activities that are accessible to communities as well as statutory bodies
Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Submission Number: 14: 6 Submission Type: Support in Part
Submitter: Ravensdown Limited
Submission Summary: The amendments proposed are intended to align with amendments requested to Objective 2 by the submitter and to make it consistent with s.6 of the RMA. The amended policy is considered to be the most appropriate way to achieve this objective.
Decision Sought: Retain the overall intent of Policy RR 2B while amending it to read:
"Promoting the protection of significant indigenous vegetation and significant habitats of indigenous fauna within the Rangitaiki River catchment.
Promote the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna within the Rangitaiki River catchment by:
(a) Identifying and assessing existing areas of significant indigenous vegetation and habitats;
(b) Prioritising the protection of significant wetland and riparian areas, in particular whitebait spawning sites;
(c) Identifying which areas of significant indigenous vegetation and significant habitats of indigenous fauna will be prioritised for restoration, protection and enhancement
(d) Maintaining and enhancing as appropriate remaining areas of indigenous vegetation and habitats from further degradation or fragmentation;
..."

Hearing Recommendation: Reject

Further Submission(s)

Further Submission No: 4 - 26 Submission Type: Oppose
Further Submitter: Royal Forest and Bird Protection Society Inc
Submission Summary: PC 3 is to reflect the Rangitaiki River Document which has a cultural purpose therefore s6 (e) is really the driver behind the provisions. Appendix F Set 3 (3.14, 15 16 and Set 4 Maori Culture and traditions) are relevant.
Decision Sought:

Hearing Recommendation: Accept

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 16: 13 Submission Type: Oppose

Submitter: Trustpower Limited

Submission Summary: Trustpower opposes Policy RR 2B on the basis that it seeks a level of protection for indigenous vegetation and habitats in excess of the requirements in section 6(c) of the RMA. Trustpower consider that Policy RR 2B is likely to lead to constraints on land use activities that have not been evaluated in the section 32 report.

Trustpower notes that the Council's obligations to the Rangitaiki River Document only apply to the extent that recognising and providing for the vision, objectives and desired outcomes is consistent with the purpose of the RMA. Trustpower does not consider that Policy RR 2B is consistent with the purpose of the RMA and, therefore, considers that it should be amended to focus on the protection of significant indigenous vegetation and habitats.

Decision Sought: 1. Amend Policy RR 2B by inserting the word "significant" into clauses (a) to (d) as follows:

Promote the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna within the Rangitaiki River catchment by:

- (a) Identifying and assessing existing areas of significant indigenous vegetation and habitats;
- (b) Prioritising the protection of significant wetland and riparian areas, in particular whitebait spawning sites;
- (c) Identifying which areas of significant indigenous vegetation and significant habitats of indigenous fauna will be prioritised for restoration, protection and enhancement;
- (d) Protecting remaining areas of significant indigenous vegetation and habitats from further degradation or fragmentation;

2. Any similar or consequential amendments that stem from the submission and relief sought.

Hearing Recommendation: Reject

Further Submission(s)

Further Submission No: 4 - 9 Submission Type: Oppose

Further Submitter: Royal Forest and Bird Protection Society Inc

Submission Summary: PC 3 is to reflect the Rangitaiki River Document which has a cultural purpose therefore s6 (e) is really the driver behind the provisions. Appendix F Set 3 (3.14, 15 16 and Set 4 Maori Culture and traditions) are relevant.

Decision Sought:

Hearing Recommendation: Accept

Submission Number: 17: 4 Submission Type: Support in Part

Submitter: CNI Iwi Land Management Ltd

Submission Summary: CNIILML supports having processes that encourage the retention of remaining areas of indigenous vegetation and habitats of indigenous fauna within the Rangitaiki River, but does have two reservations.

Firstly, that such a provision needs to allow for temporary effects on indigenous vegetation. In areas of production forestry there are a significant quantity of indigenous vegetation, in a large number of locations within the production estate. There are also habitats that indigenous fauna use. Some of these are indigenous vegetation within the estate, others are the production estate itself. Generally areas of embedded indigenous vegetation are left undisturbed, apart from at the time of forest harvest – approximately once every 30 years. At that time when production trees are removed there can be some damage to the periphery of an indigenous area, or some damage to riparian vegetation where haulers are pulling trees across headwater streams. This damage is temporary, thus does not create permanent degradation, hence the request to add the word permanent to the policy.

Secondly that such a provision considers that a number of indigenous animals are facultative users of production forest. The protection of indigenous fauna while allowing production use of the forest to continue, would be on the basis that these animals, at an individual or a population level, will move to different parts of a production forest, as the forestry cycle continues.

Decision Sought: Reword Policy RR 2B(d) to insert 'permanent' as follows:

Protecting remaining areas of indigenous vegetation and habitats from further permanent degradation or fragmentation

Proposed Change 3 (Rangitaiki River) Hearing Recommendations on Provisions with Submissions and Further Submissions

Hearing Recommendation: Reject

Further Submission(s)

Further Submission No: 2 - 20 Submission Type: Support
Further Submitter: Federated Farmers of New Zealand
Submission Summary: It is appropriate to recognise that there may be times when temporary adverse effects on indigenous vegetation and habitats are practically unavoidable.
Decision Sought: Accept submission.

Hearing Recommendation: Reject

Further Submission No: 4 - 73 Submission Type: Oppose
Further Submitter: Royal Forest and Bird Protection Society Inc
Submission Summary: The word "permanent" does not prevent long term degradation. It could be argued that conversion to pasture could be permitted as it is not necessarily permanent and could be replanted at some time in the future. Policy 21(k) (iii) of the RWLP addresses management of riparian areas including Methods 53-5 and regional rules including exclusion of minor or temporary disturbance during forestry operations from the definition of vegetation clearance. If forestry companies consider that their current practice is causing more than minor or temporary degradation and fragmentation, then this policy is in fact appropriate.

Decision Sought:

Hearing Recommendation: Accept

Submission Number: 18: 3 Submission Type: Seek Amendment
Submitter: Federated Farmers of New Zealand
Submission Summary: The anticipated environmental result for Objective 2, which provides for habitats that support indigenous species and linkages between indigenous ecosystems within the Rangitaiki River catchment to be created, protected and enhanced, is that significant indigenous biological diversity and natural features values are protected and enhanced.
Accordingly, Federated Farmers considers that the policies and methods used to achieve the objective should require no more than the protection of significant indigenous vegetation and habitats within the Rangitaiki River catchment.
Decision Sought: Insert the word "significant" into Policy RR2B so it reads as follows:
Policy RR 2B: Promoting the protection of significant indigenous vegetation and habitats within the Rangitaiki River catchment
Promote the protection of areas of significant indigenous vegetation and habitats of indigenous fauna within the Rangitaiki River catchment by:
(a) Identifying and assessing existing areas of significant indigenous vegetation and habitats;
(b) Prioritising the protection of wetland and riparian areas, in particular whitebait spawning sites;
(c) Identifying which areas of significant indigenous vegetation and habitats of indigenous fauna will be prioritised for restoration, protection and enhancement
(d) Protecting remaining areas of significant indigenous vegetation and habitats from further degradation or fragmentation;
(e) Promoting the use of locally sourced species for replanting;
(f) Liaising with landowners to encourage protection and enhancement; and
(g) Supporting non-regulatory initiatives for the restoration or enhancement of degraded habitats.

Hearing Recommendation: Reject

Further Submission(s)

Further Submission No: 4 - 19 Submission Type: Oppose
Further Submitter: Royal Forest and Bird Protection Society Inc
Submission Summary: PC 3 is to reflect the Rangitaiki River Document which has a cultural purpose therefore s6 (e) is really the driver behind the provisions. Appendix F Set 3 (3.14, 15 16 and Set 4 Maori Culture and traditions) are relevant.

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Decision Sought:

Hearing Recommendation: Accept

Submission Number: 19: 7 Submission Type: Support in Part
Submitter: James Platt Gow
Submission Summary: The submitter referenced (d) and noted river stopbanking needs rethinking for edge protection having fully rocked sides below low tide level is antagonistic to getting density of edge plants.
Decision Sought: Re-think bank edge development and security at Thornton, it could help whitebait.

Hearing Recommendation: Accept

Section: Policy RR 3B Establishing limits for contaminants within the Rangitaiki River catchment

1238

Hearing Recommendation

Amend Policy RR 3B to read:

Policy RR 3B: Establishing water quality limits within the Rangitaiki River catchment

Establish water quality limits for waterways within the Rangitaiki River catchment to ensure wherever practicable water:

- (a) Is safe for contact recreation
- (b) Is suitable for cultural ceremonies;
- (c) Sustains customary food sources; and
- (d) Provides safe drinking water sources where the water is used for that purpose.

Explanation - ...The ability to access safe drinking water within the catchment is important to the community. ...

Reasons for Hearing Recommendation

Submissions 16-14, 1-17, 5-22, 6-18, 7-2 8-3, 10-20, 12-10, 14-7, 17-5, 18-4, Further submissions 2-21, 4-67, 4-47, 3-3, 1-4, 4-20

Amendments are recommended to use terminology consistent with both the Regional Water and Land Plan and the National Policy Statement for Freshwater Management. The term "freshwater management units" has not been included as it is specific to the National Policy Statement for Freshwater Management and is more appropriately used in regional plan provisions that directly give effect to the NPS. Provision for point source discharges through use of the words 'outside of the zone of reasonable mixing' is considered too specific for a catchment wide change. Such matters are more appropriate in regional plan provisions or for consideration on a case by case basis in resource consent applications. The amendment proposed to paragraph (d) recognises the Drinking Water Standards for NZ 2014 sets a very high standard for water quality across a range of contaminants and to expect all parts of the Rangitaiki River and its tributaries to meet these standards is unrealistic. Clarification is provided by amending the explanation so that the ability to access safe drinking water is further considered at a regional plan level.

Submissions

Submission Number: 1: 17 Submission Type: Support
Submitter: Ngai Tamawera Hapu
Submission Summary: Support Policy RR 3B.
Decision Sought: Retain Policy RR 3B: Establishing limits for contaminants within the Rangitaiki River catchment as notified.

Hearing Recommendation: Accept in Part

Submission Number: 5: 22 Submission Type: Support
Submitter: Te Runanga o Ngati Manawa
Submission Summary: This policy will address poor water quality as identified through significant issue 2.12.2.2 and the overall vision for the Rangitaiki River being 'a healthy river valued by the community, protected for future generations. To this end, achievement of this policy will mean that opportunity to restore the natural qualities of the Rangitaiki river and its water is being provided for.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept in Part

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Submitter: Te Runanga o Ngati Whare

Submission Summary: This is an essential piece of work, there is reference below explanation to "Table Reference Objective 3 and Methods. The Policy, helps address "The Significant Issues 2.12.2/1/2 & 3"

Decision Sought: Retain as notified.

Hearing Recommendation: Accept in Part

Further Submission(s)

Further Submission No: 4 - 47 Submission Type: Support

Further Submitter: Royal Forest and Bird Protection Society Inc

Submission Summary: Support entire submission as Plan Change 3 is consistent with the River Document

Decision Sought:

Hearing Recommendation: Accept in Part

Submission Number: 12: 10 Submission Type: Support

Submitter: Rangitaiki River Forum

Submission Summary: Improved water quality is a logical expected outcome from this policy. The associated methods serve the same purpose.

Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Submission Number: 14: 7 Submission Type: Support

Submitter: Ravensdown Limited

Submission Summary: The Policy is considered the most appropriate way to achieve the objectives of the RPS and implementing the NPS Freshwater Management.

Decision Sought: Retain the intent of Policy RR 3B as written.

Hearing Recommendation: Accept in Part

Submission Number: 16: 14 Submission Type: Oppose in Part

Submitter: Trustpower Limited

Submission Summary: While Trustpower recognises that Policy RR 3B is generally consistent with the NPSFM, it is considered that drafting amendments should be made to ensure that it is consistent with Policy CA2 of the NPSFM. In particular, the policy should focus on establishing water quality limits for freshwater management units. In this regard, the appropriate unit of measure for water quality will be a 'freshwater management unit' rather than a 'waterway'.

With respect to the particular values that water quality limits will be set for, Trustpower consider that 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 Bay of Plenty Regional Water and Land Plan.

For the reasons outlined in the submission on Issue 2.12 (2), Trustpower does not consider that the provision of drinking water is an appropriate water quality standard for the Rangitaiki River catchment. In this respect, it is not considered that the Rangitaiki River contains any drinking water takes that are protected by the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Decision Sought: Delete (a) through (d) to amend Policy RR3B to read as follows:

Policy RR 3B: Establishing limits for contaminants within the Rangitaiki River catchment

Establish limits for contaminants such as nutrients, sediment and bacteria in waterways within the Rangitaiki River catchment.

Hearing Recommendation: Reject

Further Submission(s)

Further Submission No: 1 - 4 Submission Type: Support

Further Submitter: Trustpower Limited

Submission Summary: Trustpower agrees with the submitter that the policy should require no more than that the limits setting process is undertaken in accordance with the NPSFM.

Decision Sought: Trustpower seeks that the submission be accepted.

Hearing Recommendation: Reject

Further Submission No: 4 - 20 Submission Type: Oppose

Further Submitter: Royal Forest and Bird Protection Society Inc

Submission Summary: This policy is specifying values for which limits need to be set in accordance with Treaty Settlement legislation (amongst other values under the NPS). Providing the objectives for limit setting is helpful guidance.

Decision Sought:

Hearing Recommendation: Accept

Section: Policy RR 4B Enabling the efficient use and development of resources within the Rangitaiki Rive ¹²³⁹

Hearing Recommendation

Amend the preamble text and clause (b) of Policy RR 4B to read:

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

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

(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

Reasons for Hearing Recommendation

Submissions 5-40, 7-3, 8-4, 16-15, 17-6, 10-35, 13-3, 14-8, Further submissions 2-22, 2-23, 4-64, 1-5, 4-22, 6-4, 2-37: Amendments are recommended in response to the submissions by the Galatea-Murupara Irrigation Society and Trustpower Ltd. Policy RR 4B is focused on the use of land and water within the catchment and recognising the importance of activities on the economic wellbeing of people. The policy recognises that the efficient use of natural and physical resources should be enabled provided that the health of the waterways in the Rangitaiki River catchment is protected. Amendments have been made to the policy to clarify that the limits referred to relate specifically to water quantity and quality. Clause (b) has been amended in recognition that activities can also adversely affect the beds and margins of water bodies. This better reflects the broad scope of effects intended to be captured in clause (b) of the policy.

Submissions

Submission Number: 5: 40 Submission Type: Support

Submitter: Te Runanga o Ngati Manawa

Submission Summary: Policy RR4B is contingent, on the water quality and water allocation decisions that are pending. Questions such as; How much water in volume does a farmer need per hectare of farm to maintain pasture growth and quality? How much water in volume does a farmer need per hectare of farm to maintain crop growth and quality? How will efficiency be defined and who monitors? We are not

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Decision Sought: Add the words "of freshwater" to reword as follows:

Enable the Efficient Use of freshwater and development of resources within the limits of the Rangitaiki 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

(c) Encouraging the use of new technology and innovation in improving environmental performance.

Hearing Recommendation: Reject

Section: Policy RR 5D: Encouraging the strengthening of relationships between communities and the Ra ¹²⁴⁰

Hearing Recommendation

Retain Policy RR 5D as notified.

Reasons for Hearing Recommendation

Submissions 5-41, 6-27, 10-36, 14-9, Further submission 4-65: Support noted. Policy RR 5D is recommended to be retained unchanged.

Submissions

Submission Number: 5: 41 Submission Type: Support

Submitter: Te Runanga o Ngati Manawa

Submission Summary: The educative need if focussed appropriately is critical here. If we are concerned that the Rangitaiki River Catchment is restored to a drinkable state, then strengthening the relationships could start with this topic. Ngati Manawa welcome the opportunity to support the idea of working together with the right, accurate information available and having a clear idea of what is needed. This is something that good collaboration can manage and achieve.

Decision Sought: No specific relief stated.

Hearing Recommendation: Accept

Submission Number: 6: 27 Submission Type: Support

Submitter: Te Pahipoto Hapu

Submission Summary: Support Policy RR 5D: Encouraging the strengthening of relationships between communities and the Rangitaiki River

Decision Sought: Retain Policy RR 5D as notified.

Hearing Recommendation: Accept

Submission Number: 10: 36 Submission Type: Support

Submitter: Te Runanga o Ngati Whare

Submission Summary: Consistent with Ngati Whare values and aspirations.

Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Further Submission(s)

Further Submission No: 4 - 65 Submission Type: Support

Further Submitter: Royal Forest and Bird Protection Society Inc

Submission Summary: Support entire submission as Plan Change 3 is consistent with the River Document

Decision Sought:

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Hearing Recommendation: Accept

Submission Number: 14: 9 Submission Type: Support
Submitter: Ravensdown Limited
Submission Summary: The Policy is considered the most appropriate way to achieve the objectives of the RPS.
Decision Sought: Retain the intent of the policy as written.

Hearing Recommendation: Accept

Section: 3.2 Methods to implement policies

1241

Hearing Recommendation

Changes are recommended to some methods in 3.2 in response to specific submissions received.

Reasons for Hearing Recommendation

Submission 19-8,12-20: Support is noted. Some changes are recommended to specific methods in response to other submissions.

Submissions

Submission Number: 12: 20 Submission Type: Support
Submitter: Rangitaiki River Forum
Submission Summary: These methods are practical actions in the implementation of the policies. They are accessible to communities and by being shared may have a significant role in enabling communities and other stakeholders to work together.
With respect to the directive methods in general these can be seen as lines in the sand regarding setting specific actions that are achievable, measurable and may drive community interest and collaborative action.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Submission Number: 19: 8 Submission Type: Seek Amendment
Submitter: James Platt Gow
Submission Summary: The submitter referenced 3.2.1 Directive methods and noted far too much repetition almost everywhere, especially tuna.
Decision Sought: Correct repetition in methods.

Hearing Recommendation: Accept in Part

Section: Method 23D: Require structures that provide passage for fish migration up and down the Rangit

1242

Hearing Recommendation

Amend Method 23D to read as follows:

Method 23D: Require structures to provide passage for tuna migration up and down the Rangitaiki River catchment.

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

Reasons for Hearing Recommendation

Submission 1-8, 4-3, 5-13, 6-9, 8-5, 19-4, 17-7, 12-6, 10-11, Further submissions 1-6, 2-25, 4-74, 4-37: Amendments are recommended to Method 23D to clarify that it relates specifically to the provision of access for tuna migration pathways. This aligns with Objective 1 and Policy RR 1B which specifically apply to tuna habitat and migration pathways. The method also recognises and provides for a key objective of Te Ara Whanui o Rangitaiki - the Rangitaiki River Document, which is the enhancement and restoration of tuna habitat and migration paths. Requiring structures to provide tuna

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

access is necessary to achieve the restoration of migration paths.

Submissions 16-6, 9-2, Further submissions 2-26, 4-10: The level of direction and certainty sought can be provided via consents (where required), their renewal (for existing structures) or through rules in the Regional Water and Land Plan. Policy RR 1B is to be implemented by Method 3 which applies to consents and plan changes. Objective 1, Policy RR 1B and this Method 23D set a clear expectation that structures, existing or new, should provide safe and effective tuna access where currently access is impeded. In the interim the by the affected landowners or stakeholders can commence the process of identifying what structures they manage or control are impeding tuna access and set in place a plan for restoring safe and effective tuna access.

Submissions

Submission Number: 1: 8 Submission Type: Support
Submitter: Ngai Tamawera Hapu
Submission Summary: Support Method 23D
Decision Sought: Retain Method 23D: Require structures that provide passage for fish migration up and down the Rangitaiki River as notified.

Hearing Recommendation: Accept in Part

Submission Number: 4: 3 Submission Type: Support
Submitter: Timberlands Limited
Submission Summary: Timberlands Limited supports providing fish passage where structures presently impede it in the Rangitaiki River catchment.
Decision Sought: Retain Method 23D as notified.

Hearing Recommendation: Accept in Part

Submission Number: 5: 13 Submission Type: Support
Submitter: Te Runanga o Ngati Manawa
Submission Summary: This method is an action consistent with Clause 125 of the Ngati Manawa Settlement Act.
Decision Sought: Retain Method 23D as notified.

Hearing Recommendation: Accept in Part

Submission Number: 6: 9 Submission Type: Support
Submitter: Te Pahipoto Hapu
Submission Summary: Support Method 23D: Require structures that provide passage for fish migration up and down the Rangitaiki River.
Decision Sought: Retain Method 23D as notified.

Hearing Recommendation: Accept in Part

Submission Number: 8: 5 Submission Type: Seek Amendment
Submitter: Ballance Agri-Nutrients Limited
Submission Summary: The Company supports the protection and restoration of fish passage and habitats in the Rangitaiki River Catchment. However, it is considered that the provision of fish passage is not always practicable, given the historical development of culverts and other structures in the catchment and as such, the restoration of fish passage, as it relates to existing structures, should be considered on a case by case basis.
Decision Sought: Insert the words "and where it is considered practicable" into Method 23D as follows:

Require the provision of fish passage for all new and existing structures (including culverts) where they impede fish passage in the Rangitaiki River catchment, and where it is considered practicable.

Protect and restore the habitat, migration pathways and population of tuna within the Rangitaiki River catchment.

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Hearing Recommendation: Reject

Further Submission(s)

Further Submission No: 1 - 6 Submission Type: Support
Further Submitter: Trustpower Limited
Submission Summary: Trustpower supports the submitter's position that case-by-case assessment of tuna passage requirements is appropriate.
Decision Sought: Trustpower seeks that the submission be accepted.

Hearing Recommendation: Reject

Further Submission No: 2 - 25 Submission Type: Support
Further Submitter: Federated Farmers of New Zealand
Submission Summary: For reasons given.
Decision Sought: Support.

Hearing Recommendation: Reject

Further Submission No: 4 - 74 Submission Type: Oppose
Further Submitter: Royal Forest and Bird Protection Society Inc
Submission Summary: Objective 1 cannot be met if contingent on practicability. There is no question that it is now practicable to allow fish passage through culverts and floodgates. The only area of dispute is retrofitting of the existing dams and that is provided for in the interim by trap and transfer.
Decision Sought:

Hearing Recommendation: Accept

Submission Number: 9: 2 Submission Type: Support in Part
Submitter: NZ Transport Agency
Submission Summary: The Transport Agency supports in part Plan Change 3 (Rangitaiki River), specifically the decision to introduce provisions that require fish passage for all new and existing structures (including culverts) where they impede fish passage in the Rangitaiki River.

The Transport Agency operates and maintains State Highway 2, 5, 30 and 38 along with a significant number of structures within the Rangitaiki River catchment area.

The Transport Agency requests clarification of the expectations for organisations to complete the retrofitting of their structures to provide fish passage. and would like to work with the Council regarding the process of how prioritising structures for fish passage will be undertaken and implemented. In particular, having regard to the best practical option and other criteria, including: reasonable timeframes; scale and significance; infrastructure investment priorities and costs ; the operational requirements; and space limitations of significant infrastructure. This will allow a programme to be developed that can be aligned with the Transport Agency's maintenance programme.
Decision Sought: Amend the provisions to include advice that provides clarification of the expectations for organisations to undertake the upgrades to existing structures.

Hearing Recommendation: Reject

Submission Number: 10: 11 Submission Type: Support
Submitter: Te Runanga o Ngati Whare
Submission Summary: Hydro dams stop progress of eels moving freely up and down the river, eel paths/passes will assist and help eels complete their journey, the structure should be constructed to accommodate adult and juvenile passage across dams
Decision Sought: Retain as notified.

Hearing Recommendation: Accept in Part

Proposed Change 3 (Rangitaiki River) Hearing Recommendations on Provisions with Submissions and Further Submissions

Further Submission(s)

Further Submission No: 4 - 37 Submission Type: Support
Further Submitter: Royal Forest and Bird Protection Society Inc
Submission Summary: Support entire submission as Plan Change 3 is consistent with the River Document
Decision Sought:

Hearing Recommendation: Accept in Part
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Submission Number: 12: 6 Submission Type: Support
Submitter: Rangitaiki River Forum
Submission Summary: Method is a practical step that is urgently needed.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept in Part
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Submission Number: 16: 16 Submission Type: Oppose
Submitter: Trustpower Limited
Submission Summary: Method 23D appears to present a change in approach from Objective 1 and Policy RR 1B as it is not specific to tuna. In this regard, Objective 1 specifically relates to the protection of tuna, while Policy RR 1B seeks enhanced two-way tuna migratory pathways. In contrast, the method requires the provision of 'fish passage' and would appear to apply to all fish, including trout.

In Trustpower's view, Method 23D should be amended to be consistent with the rest of Change 3 and to achieve the outcome sought by Objective 1.

Trustpower also considers that Method 23D should specify through what mechanism the provision for two-way migratory pathways will be required. The section 32 report is the only place that this is mentioned and states that modifications to structures will be required through consent renewals. Trustpower considers that the method should be amended to clarify this approach and to also acknowledge that the provision of tuna access will be a requirement of conditions on permitted activity rules.

Decision Sought: 1. Amend Method 23D by replacing it with the following wording:
Require all new structures to facilitate two way tuna access, through the imposition of conditions on permitted activity rules and on resource consents.

2. Insert new method as follows:

Require owners of existing structures to facilitate two way tuna access through the imposition of conditions on resource consents at the time of renewal.

Hearing Recommendation: Accept in Part
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Further Submission(s)

Further Submission No: 2 - 26 Submission Type: Support in Part
Further Submitter: Federated Farmers of New Zealand
Submission Summary: FFNZ agrees that Method 23D appears to present a change in approach from Objective 1 and Policy RR1B as it is not specific to tuna, but requires the provision of 'fish passage' and would appear to apply to all fish, including trout. We seek that Method 23D be amended to be consistent with the rest of Change 3 and to achieve the outcome sought by Objective 1. As regards the second point in the submitter's relief sought, we would be comfortable with this if the words 'where considered practicable' were added.
Decision Sought: Support in part.

Hearing Recommendation: Accept in Part
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Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Further Submission No: 4 - 10 Submission Type: Support in Part
Further Submitter: Royal Forest and Bird Protection Society Inc
Submission Summary: The process for providing for fish passage past existing structures should be clarified. As some consents have very long terms, provision should be made for review: "Require owners of existing structures to facilitate two way tuna access through the imposition of conditions on resource consents at the time of renewal or review."
Decision Sought:

Hearing Recommendation: Reject

Submission Number: 17: 7 Submission Type: Support
Submitter: CNI Iwi Land Management Ltd
Submission Summary: CNIILML supports the need to provide fish passage where structures presently impede fish passage in the Rangitaiki River catchment.
Decision Sought: Retain,

Hearing Recommendation: Accept

Submission Number: 19: 4 Submission Type: Support in Part
Submitter: James Platt Gow
Submission Summary: Insert extra.
Decision Sought: Add "safer effective" between "provide" and "passage".

Hearing Recommendation: Accept

Section: Method 23E: Develop an action plan to provide access for migrating tuna in the Rangitaiki River ¹²⁴³

Hearing Recommendation

Amend Method 23E by replacing references to 'fish' with 'tuna and 'access' with 'passage' to read:

Method 23E: Develop an action plan to provide passage for migrating tuna in the Rangitaiki River catchment

Develop an action plan in collaboration with iwi and hydro-electricity generators to provide two-way passage for migrating tuna, including by:

- (a) Analysing and conducting research
- (b) Working with river users to address tuna passage.

Implementation responsibility: Regional Council

Reasons for Hearing Recommendation

Submissions 16-17, 1-9, 4-4, 5-14, 1-9, 6-10, 10-12, 12-7, 17-8, 19-5, Further submissions 4-38, 4-11: Method 23E is recommended to be amended to specifically include hydro-electricity generators in the preamble text (i.e. relocating from clause (a)) in recognition of the significance that hydro-electricity dams have on tuna migration paths in the Rangitaiki River catchment. Clause (c) of the method is recommended to be deleted as it is not directly relevant to tuna access.

Submissions

Submission Number: 1: 9 Submission Type: Support
Submitter: Ngai Tamawera Hapu
Submission Summary: Support Method 23E.
Decision Sought: Retain Method 23E: Develop an action plan to provide access for migrating tuna (eel) in the Rangitaiki River catchment as notified.

Hearing Recommendation: Accept in Part

Submission Number: 4: 4 Submission Type: Support

Proposed Change 3 (Rangitaiki River) Hearing Recommendations on Provisions with Submissions and Further Submissions

Submitter: Timberlands Limited
Submission Summary: Timberlands Limited supports the development of an action plan to support the two-way migratory path of tuna.
Decision Sought: Retain Method 23E as notified.

Hearing Recommendation: Accept in Part

Submission Number: 5: 14 Submission Type: Support
Submitter: Te Runanga o Ngati Manawa
Submission Summary: The long finned tuna is the species that Ngati Manawa has a close traditional cultural relationship with. Given the status of the long finned tuna this method is critical. In the past, catch and transfer has been used to facilitate tuna egress. In the past decades when this has been done, the threat to the long finned tuna now requires urgent action and different solutions.
Decision Sought: Ngati Manawa insists that this method is retained as notified.

Hearing Recommendation: Accept in Part

Submission Number: 6: 10 Submission Type: Support
Submitter: Te Pahipoto Hapu
Submission Summary: Eels migrate up and DOWN the river. Passage must provide for this.
Decision Sought: Retain Method 23E as notified.

Hearing Recommendation: Accept in Part

Submission Number: 10: 12 Submission Type: Support
Submitter: Te Runanga o Ngati Whare
Submission Summary: The longfin eel is the largest freshwater eel in the world, has a fascinating lifecycle and the species is found only in New Zealand. There is a traditional relationship between longfin eel and Tangata Whenua, the plan should include a combination of western and traditional science.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept in Part

Further Submission(s)

Further Submission No: 4 - 38 Submission Type: Support
Further Submitter: Royal Forest and Bird Protection Society Inc
Submission Summary: Support entire submission as Plan Change 3 is consistent with the River Document
Decision Sought:

Hearing Recommendation: Accept in Part

Submission Number: 12: 7 Submission Type: Support
Submitter: Rangitaiki River Forum
Submission Summary: Method is a practical step that is urgently needed.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept in Part

Submission Number: 16: 17 Submission Type: Oppose in Part
Submitter: Trustpower Limited

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Submission Summary: Trustpower supports Method 23E, subject to an amendment promoting the collaboration with hydro-electricity generators, who will be integral to the success of any two-way eel access action plan.

As Trustpower is in the process of developing eel 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.

However, it should be noted that there is no guarantee that Trustpower's investigations will reveal any more successful options for tuna passage than trap and transfer.

Trustpower also considers that clause (c) of Method 23E does not address two-way tuna access and should be deleted.

Decision Sought:

1. Amend Method 23E by including a reference to hydro-electricity generators in the title, and deleting clauses (a) and (c). Method 23E to read as follows:
In collaboration with iwi and hydro-electricity generators develop an action plan to provide two-way access for migrating tuna (eel) including by:

(b) Analysing and conducting research; and
(d) Working with river users to address tuna access.
2. Any similar or consequential amendments that stem from the submission and relief sought.

Hearing Recommendation: Accept

Further Submission(s)

Further Submission No: 4 - 11 **Submission Type:** Support in Part

Further Submitter: Royal Forest and Bird Protection Society Inc

Submission Summary: Forest and Bird acknowledges the hydro operators as essential parties to fish passage investigation. However the deletion of (c) is opposed as it is needed as a follow up to any research to ensure appropriate action is take on recommendations.

Decision Sought:

Hearing Recommendation: Reject

Submission Number: 17: 8 **Submission Type:** Support

Submitter: CNI Iwi Land Management Ltd

Submission Summary: An action plan to support the two-way migratory path of tuna is supported.

Decision Sought: Retain.

Hearing Recommendation: Accept in Part

Submission Number: 19: 5 **Submission Type:** Support

Submitter: James Platt Gow

Submission Summary: Will also need fine grills over dam intakes and perhaps outlets to prevent chopping up eels and fish.

Decision Sought: Ensure safe access for all eels and fish at each dam.

Hearing Recommendation: Accept

Section: Method 23F: Support the use of rahui to restrict harvesting of tuna in the Rangitaiki River catchn ¹²⁴⁴

Hearing Recommendation

Retain Method 23F as notified.

Reasons for Hearing Recommendation

Submissions 1-10, 5-15, 6-11, 10-13, 16-18, Further submission 4-39: Support is noted. Method 23F is recommended to be retained as notified.

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Submissions

Submission Number: 1: 10 Submission Type: Support
Submitter: Ngai Tamawera Hapu
Submission Summary: Support Method 23F
Decision Sought: Retain Method 23F as notified.

Hearing Recommendation: Accept

Submission Number: 5: 15 Submission Type: Support
Submitter: Te Runanga o Ngati Manawa
Submission Summary: This is a method from Ngati Manawa's culture and centuries of practice to protect resources from overuse or serious depletion. A supplementary issue arises in regard to how rahui are put in place. In Ngati Manawa's view, it is not something that they believe should be handed to the Regional Council to do. Tangata Whenua must be involved.
Decision Sought: Ngati Manawa insists that this method is retained as notified.

Hearing Recommendation: Accept

Submission Number: 6: 11 Submission Type: Support
Submitter: Te Pahipoto Hapu
Submission Summary: Support the inclusion of Method 23F: Support the use of rahui to restrict harvesting of tuna in the Rangitaiki River catchment.
Decision Sought: Retain Method 23F as notified.

Hearing Recommendation: Accept

Submission Number: 10: 13 Submission Type: Support
Submitter: Te Runanga o Ngati Whare
Submission Summary: The understanding and use of Rahui is a traditional practice used by Tangata Whenua to manage natural resources. In general, the term Rahui has also gained acceptance across the New Zealand population with Maori and non-maori heritage, versus 'prohibited catch' for example.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Further Submission(s)

Further Submission No: 4 - 39 Submission Type: Support
Further Submitter: Royal Forest and Bird Protection Society Inc
Submission Summary: Support entire submission as Plan Change 3 is consistent with the River Document
Decision Sought:

Hearing Recommendation: Accept

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 16: 18 Submission Type: Support
Submitter: Trustpower Limited
Submission Summary: Trustpower supports the inclusion of Method 23F as any restrictions on commercial harvesting of tuna would contribute to the achievement of the outcome sought by Objective 1.
Decision Sought: Retain Method 23F as notified.

Hearing Recommendation: Accept

Section: Method 23G: Advocate the termination of commercial tuna harvesting with the Rangitaiki River ¹²⁴⁵

Hearing Recommendation

Retain Method 23G as notified.

Reasons for Hearing Recommendation

Submissions 1-12, 5-16, 6-12, 10-14, 16-19, Further submission 4-40: Support is noted. Method 23G is recommended to be retained unchanged.

Submission 15-2: It is acknowledged that the termination of commercial tuna harvesting may have an economic impact of the holders of quota for tuna. Compensation for the loss of commercial revenue to Ngati Awa resulting from terminating its commercial quota is a matter external to the RPS that is unable to be addressed as part of Proposed Change 3.

Submissions

Submission Number: 1: 12 Submission Type: Support
Submitter: Ngai Tamawera Hapu
Submission Summary: Support Method 23G.
Decision Sought: Retain Method 23G: Advocate the termination of commercial tuna as notified.

Hearing Recommendation: Accept

Submission Number: 5: 16 Submission Type: Support
Submitter: Te Runanga o Ngati Manawa
Submission Summary: The trap and transfer method of assisting the long finned tuna out to sea to spawn is hampered by the dams and by the commercial fishers. This means that a commercial system takes priority over iwi's kaitiaki responsibility to assist the eels to spawn. We are now in a situation where customary take of tuna is almost non-existent. A new system is required if iwi are ever going to be able to see the long finned tuna in our rivers and on our plates in the time of their mokopuna.
Decision Sought: Ngati Manawa insists that this method is retained as notified.

Hearing Recommendation: Accept

Submission Number: 6: 12 Submission Type: Support
Submitter: Te Pahipoto Hapu
Submission Summary: Support the inclusion of Method 23G: Advocate the termination of commercial tuna harvesting within the Rangitaiki River catchment.
Decision Sought: Retain Method 23G as notified.

Hearing Recommendation: Accept

Submission Number: 10: 14 Submission Type: Support
Submitter: Te Runanga o Ngati Whare
Submission Summary: There are many impacts that contribute to the decline of the tuna species, like commercial fishing, structures and barriers and loss of habitat, all hindering migration and survival of the species. An immediate action that would assist the survival of the species is by immediately reducing the allowable

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catch/quota fishing for a period.

Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Further Submission(s)

Further Submission No: 4 - 40 Submission Type: Support
Further Submitter: Royal Forest and Bird Protection Society Inc
Submission Summary: Support entire submission as Plan Change 3 is consistent with the River Document
Decision Sought:

Hearing Recommendation: Accept

Submission Number: 15: 2 Submission Type: Oppose in Part

Submitter: Te Runanga o Ngati Awa

Submission Summary: Te Runanga o Ngati Awa is aware that there is evidence of a decline in Tuna within the Rangitaiki that is likely due to a number of influences that include commercial fishing. In response to this issue Ngati Awa has elected to shelve their freshwater quota for Tuna for the foreseeable future. This decision has financial implications for Ngati Ngati Awa.

Any decision to terminate or end the exercise of commercial tuna quota held by Ngati Awa within the Rangitaiki is a decision for Ngati Awa that should not be unduly influenced by provisions of the Regional Policy Statement or Regional Plans. Given the financial implications to Ngati Awa any advocacy by the Regional Council, Department of Conservation and the Ministry for Primary Industries should also seek appropriate compensation for the loss of commercial revenue to Ngati Awa.

Decision Sought: Appropriate compensation to Ngati Awa for the loss of commercial revenue due to the loss of commercial tuna quota.

Hearing Recommendation: Accept in Part

Submission Number: 16: 19 Submission Type: Support

Submitter: Trustpower Limited

Submission Summary: Trustpower supports the inclusion of Method 23G as it is consistent with the Parliamentary Commissioner for the Environment's recommendation that commercial fishing of long-finned eels be suspended.

Decision Sought: Retain Method 23G as notified.

Hearing Recommendation: Accept

Section: Method 23H: Rangitaiki River Catchment Annual Work Programme

1246

Hearing Recommendation

Retain Method 23H as notified.

Reasons for Hearing Recommendation

Submissions 1-15, 5-20, 6-16, 10-18, Further submission 4-44: Support is noted. Method 23H is recommended to retained unchanged.

Submissions

Submission Number: 1: 15 Submission Type: Support

Submitter: Ngai Tamawera Hapu

Submission Summary: Support Method 23H.

Decision Sought: Retain Method 23H as notified.

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Hearing Recommendation: Accept

Submission Number: 5: 20 Submission Type: Support
Submitter: Te Runanga o Ngati Manawa
Submission Summary: This method is critical to Ngati Manawa's ability to assess and be accountable to their people whose treaty settlement this emerged from. The value of the treaty settlement with regard to the Rangitaiki River Catchment will be used to deliver the purpose of the forum – promote and enhance the spiritual, environmental and cultural health and well being of the Rangitaiki River (Catchment). It will also be used by us to measure the performance of the forum as well as how the health and wellbeing of the catchment has been enhanced.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Submission Number: 6: 16 Submission Type: Support
Submitter: Te Pahipoto Hapu
Submission Summary: Support the inclusion of Method 23H: Rangitaiki River Catchment Annual Work Programme.
Decision Sought: Retain Method 23H as notified.

Hearing Recommendation: Accept

Submission Number: 10: 18 Submission Type: Support
Submitter: Te Runanga o Ngati Whare
Submission Summary: Ngati Whare understand the Method, and recognise the annual work plan as a process to guide delivery.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Further Submission(s)

Further Submission No: 4 - 44 Submission Type: Support
Further Submitter: Royal Forest and Bird Protection Society Inc
Submission Summary: Support entire submission as Plan Change 3 is consistent with the River Document
Decision Sought:

Hearing Recommendation: Accept

Section: Method 23I: Develop sustainable environmental flow and catchment load limits in the Rangitaiki ¹²⁴⁷

Hearing Recommendation

Amend Method 23I to provide for 'flow variability' and delete paragraphs (a) - (c) and references to 'catchment load' and 'sustainable' to read:

Method 23I: Develop environmental flow, flow variability and water quality limits in the Rangitaiki River catchment.

Develop environmental flows/ levels, flow variability and water quality limits in the Rangitaiki River catchment in accordance with the National Policy Statement for Freshwater Management.

Reasons for Hearing Recommendation

Submissions 1-18, 5-23, 6-19, 10-21, 14-10, Further submission 4-48: Support is noted. Amendments are proposed in response to other submissions although the changes recommended are considered to be consistent with the method's original intent.

Submission 7-4, 16-20, Further submissions 4-68, 2-27: The method has been amended to use terminology consistent with the National Policy Statement for Freshwater Management and to aid consistent interpretation. Clauses (a) - (c) have been deleted in recognition that it is unnecessary to duplicate requirements of the National Policy Statement for Freshwater Management and the intent of the method is captured without these clauses.

Submission 4-5, 11-1, 13-4, 17-9, Further submissions 4-72, 1-7, 5-7, 1-8, 4-23: It is implicit that the limits established through the National Policy

Proposed Change 3 (Rangitaiki River) Hearing Recommendations on Provisions with Submissions and Further Submissions

Submitter: Te Pahipoto Hapu

Submission Summary: Support retaining Method 23I: Develop sustainable environment flow and catchment load limits. This method will address poor water quality as identified through significant issue 2.12.2.2 and the overall vision for the Rangitaiki River.

Decision Sought: Retain Method 23I as notified.

Hearing Recommendation: Accept in Part

Submission Number: 7: 4 Submission Type: Oppose in Part

Submitter: Fonterra Co-operative Group Limited

Submission Summary: The term "sustainable flow" is not defined in PC 3 nor is it defined in the Operative RPS. The term is also not used or defined in the NPS-FM. We also note that the term is not used in the recently notified Plan Change 9 to the Bay of Plenty Water and Land Regional Plan. Hence, it is not clear to Fonterra what this term refers to. 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 loadlimits are mentioned but other types of limit (concentration limits for example) are not.

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 Policy A2 of the NPS-FM).

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.

Decision Sought: Remove the words "sustainable" and "catchment load" and redraft Method 23I as follows:

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

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

- (a) The current state and anticipated future state
- (b) Freshwater objectives
- (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.

Hearing Recommendation: Accept in Part

Further Submission(s)

Further Submission No: 4 - 68 Submission Type: Support

Further Submitter: Royal Forest and Bird Protection Society Inc

Submission Summary: The wording proposed is more comprehensive.

Decision Sought:

Hearing Recommendation: Accept in Part

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Further Submission No: 5 - 7 Submission Type: Support

Further Submitter: Galatea-Murupara Irrigation Society

Submission Summary: The submission is consistent with the Society's submission that issues of flow variability and sedimentation must be addressed in order to achieve water quality objectives.

Decision Sought: Accept the submission.

Hearing Recommendation: Accept

Submission Number: 13: 4 Submission Type: Seek Amendment

Submitter: Galatea-Murupara Irrigation Society

Submission Summary: The effects of frequent and severe flow variability arising from hydro-generation activities are a significant issue for the health of the Rangitaiki River catchment. The Society seeks amendment to Method 23I to expressly address this issue.

Decision Sought: Amend Method 23I to include the words "flow variability" as follows:

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

Sustainable flow, flow variability and catchment load limits in

Hearing Recommendation: Accept

Further Submission(s)

Further Submission No: 1 - 8 Submission Type: Oppose

Further Submitter: Trustpower Limited

Submission Summary: Trustpower opposes this submission as it seeks the development of flow variability limits for hydro-electricity generation operations which are matters currently managed by resource consent conditions. As such, the relief sought is not appropriate for inclusion in the RPS.

Decision Sought: Trustpower seeks that the submission be rejected.

Hearing Recommendation: Reject

Further Submission No: 4 - 23 Submission Type: Support

Further Submitter: Royal Forest and Bird Protection Society Inc

Submission Summary: Inclusion of flow variability is important for ecosystem health.

Decision Sought:

Hearing Recommendation: Accept

Submission Number: 14: 10 Submission Type: Support

Submitter: Ravensdown Limited

Submission Summary: The Method is considered the most appropriate way to achieve the objectives of the RPS and to implement the NPS Freshwater Management.

Decision Sought: Retain the intent of Method 23I as written.

Hearing Recommendation: Accept in Part
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Submission Number: 16: 20 Submission Type: Oppose in Part

Submitter: Trustpower Limited

Submission Summary: Trustpower considers Method 23I to be in general accordance with the national direction for freshwater management in the NPSFM. However, it is considered that the drafting of the method could be improved to better align with Policy CA2 of the NPSFM.

With respect to the matters listed in clauses (a)-(c), it is noted that the NPSFM includes a broader list of matters to be considered – including any choices between the values that the formulation of freshwater

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objectives and associated limits would require. Trustpower does not consider it appropriate for the method to simply list some of the relevant matters and that, in this case, the provision can appropriately apply without repetition of the matters listed in Policy CA2(f) of the NPSFM.

- Decision Sought:
1. Amend Method 23I by rewording 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 Rangitaiki River catchment shall be developed in accordance with the National Policy Statement for Freshwater Management framework."
 2. Any similar or consequential amendments that stem from the submission and relief sought.

Hearing Recommendation: Accept in Part

Further Submission(s)

Further Submission No:	2 - 27	Submission Type:	Support
Further Submitter:	Federated Farmers of New Zealand		
Submission Summary:	For reasons given.		
Decision Sought:	Accept submission.		

Hearing Recommendation: Accept in Part

Submission Number: 17: 9 Submission Type: Oppose in Part

Submitter: CNI Iwi Land Management Ltd

Submission Summary: In developing sustainable environmental flow and catchment load limits, council needs to use sound science to generate appropriate numbers for sediment that match the nature of sediment delivery and transport through the catchment system under a production forest regime. i.e. any such limits need to recognise the spatial and temporal characteristics of forest-based sediment delivery, rather than assuming an even load distribution such as is found in pastoral regimes. This is not to suggest that forestry delivers more sediment. Merely that sediment deliver is "lumpy" in time and place. There are many paired catchment studies that demonstrate that well run forestry operations, such as are found in the Rangitaiki catchment, deliver approximately 1/3 of the sediment that pastoral based systems do, over a forestry rotation.

Endeavours by MfE underway at present have so far been unable to come up with scientifically supported sediment thresholds. Any such thresholds must be relevant to the nature of sediment in the catchment, and the nature of problems excessive sediment creates, rather than an imposed one-size-fits-all number from Wellington.

Decision Sought: Insert the words "using sound science" and "requirements of the" to read as follows:

Sustainable flow and catchment load limits in the Rangitaiki River catchment shall be developed using sound science in accordance with the requirements of 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.

Hearing Recommendation: Reject

Section: Method 23J: Develop strategies for managing water, wastewater and stormwater-Rangitaiki Rive

1248

Hearing Recommendation

Amend Method 23J to read:

In liaison with tangata whenua, local communities and affected industries develop and implement strategies for the enhanced treatment and disposal of wastewater and stormwater in the Rangitaiki River catchment.

Reasons for Hearing Recommendation

Submission 7-5, Further submission 2-28: The reference to wastewater and stormwater is intentionally general and it is not appropriate or necessary to specify the type of wastewater that is to be addressed by this method. Reference to 'affected industries' is added to ensure that where relevant liaison with industrial dischargers occurs.

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Submission Number: 8: 6 Submission Type: Support
Submitter: Ballance Agri-Nutrients Limited
Submission Summary: The Company supports a collaborative approach to addressing the management of stormwater in the catchment. As such, it wishes to be actively involved with the development of this method.
Decision Sought: The provision is supported and the Company seeks that the provision be retained. Further, the Company would like to be involved in the development of strategies to address stormwater management in the catchment.

Hearing Recommendation: Accept

Submission Number: 10: 22 Submission Type: Support
Submitter: Te Runanga o Ngati Whare
Submission Summary: The method, is supported by Ngati Whare.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Further Submission(s)

Further Submission No: 4 - 50 Submission Type: Support
Further Submitter: Royal Forest and Bird Protection Society Inc
Submission Summary: Support entire submission as Plan Change 3 is consistent with the River Document
Decision Sought:

Hearing Recommendation: Accept

Submission Number: 14: 11 Submission Type: Support
Submitter: Ravensdown Limited
Submission Summary: The Method is considered the most appropriate way to achieve the objectives of the RPS.
Decision Sought: Retain the intent of Method 23J as written.

Hearing Recommendation: Accept

Section: Method 23K: Identify key sources of pollutants in the Rangitaiki River catchment

1249

Hearing Recommendation

Amend Method 23K to read:

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

Identify key sources and locations of illegal refuse dumping in the Rangitaiki River catchment and encourage better waste management within communities and industries.

Reasons for Hearing Recommendation

Submissions 16-21, 1-23, 7-6, 8-7, 17-10, 14-12, Further submission 4-69: The method has been amended to clarify it relates to the illegal dumping of refuse in areas where it can enter waterways in the Rangitaiki River catchment. This has been identified as an action in the River Document to support the objective which seeks to recognise and encourage the development of relationships between communities and the Rangitaiki River catchment.

Submissions

Submission Number: 1: 23 Submission Type: Support
Submitter: Ngai Tamawera Hapu

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Submission Summary: Support Method 23K.

Decision Sought: Retain Method 23K as notified.

(submission incorrectly refers to method 76, think this should relate to method 23K)

Hearing Recommendation: Accept in Part
--

Submission Number: 7: 6 Submission Type: Support

Submitter: Fonterra Co-operative Group Limited

Submission Summary: Fonterra supports a detailed and scientifically based approach to the identification of the source of contaminants entering the Rangitaiki River. Fonterra notes, however that that may be a difficult task without the assistance of industry.

Decision Sought: Retain Method 23K but amend to include the words "in liaison with industry" as follows:

"Identify, in liaison with industry, key sources of pollutants entering waterways in the Rangitaiki River catchment and encourage better waste management within communities and industries."

Hearing Recommendation: Reject

Further Submission(s)

Further Submission No: 4 - 69 Submission Type: Support in Part

Further Submitter: Royal Forest and Bird Protection Society Inc

Submission Summary: If this submission is accepted, it should also include liaison with the community in identifying sources of pollution. Forest and Bird is a community group that has identified used mulch film from horticultural uses not being correctly disposed of and polluting the river.

Decision Sought:

Hearing Recommendation: Reject

Submission Number: 8: 7 Submission Type: Support

Submitter: Ballance Agri-Nutrients Limited

Submission Summary: The intent of this method is to identify the causes of the decreased water quality, which the Company recognises as an important step to restoring and enhancing the river.

Decision Sought: Retain as notified.

Hearing Recommendation: Accept in Part
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Submission Number: 14: 12 Submission Type: Support

Submitter: Ravensdown Limited

Submission Summary: The Method is considered the most appropriate way to achieve the objectives of the RPS.

Decision Sought: Retain the intent of Method 23K as written.

Hearing Recommendation: Accept in Part
--

Submission Number: 16: 21 Submission Type: Oppose in Part

Submitter: Trustpower Limited

Submission Summary: Trustpower supports the concept of identifying key sources of pollutants entering waterways in an effort to improve water quality, however considers that the terminology used in the RPS should be amended to better reflect the requirements of the RMA.

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Hearing Recommendations on Provisions with Submissions and Further Submissions

Decision Sought: 1. Amend Method 23K 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 Rangitaiki River catchment and encourage better management of land uses and waste management within communities and industries.

2. Any similar or consequential amendments that stem from the submission and relief sought.

Hearing Recommendation: Accept in Part

Submission Number: 17: 10 Submission Type: Support

Submitter: CNI Iwi Land Management Ltd

Submission Summary: CNIILML believes that an accurate identification of the main pollutants and their sources is very important in creating appropriate management responses.

Decision Sought: Retain as notified.

Hearing Recommendation: Accept in Part

Section: Method 23L: Identify opportunities to restore water quality in the Rangitaiki River catchment

1250

Hearing Recommendation

Amend Method 23L to correct typographical errors to 'forecast' and 'Future' to read:

Method 23L: Identify, forecast and assess emerging pressures on resources and opportunities to restore water quality in the Rangitaiki River catchment

Identify, forecast and assess:

- (a) Future activities that will increase pressures on resources available in the Rangitaiki River catchment; and
- (b) Opportunities and targets for restoring water quality.

Reasons for Hearing Recommendation

Submission 16-22, Further submission 4-12: The method takes a strategic approach to identify potential future changes in land use activities which could impact on the catchment and opportunities to improve water quality. The identification of targets for these improvements are aspirational and distinct from the setting of water quality limits, which provide environmental bottom-lines.

Submissions 1-29, 5-26, 6-25, 10-24, 17-11, 14-14, Further submission 4-52: Support is noted. Minor amendments have been made to correct typographical errors.

Submissions

Submission Number: 1: 21 Submission Type: Support

Submitter: Ngai Tamawera Hapu

Submission Summary: Support Method 23L

Decision Sought: Retain Method 23L: Identify forecast and assess emerging pressures on resources and opportunities to restore water quality in the Rangitaiki River catchment as notified.

Hearing Recommendation: Accept

Submission Number: 1: 25 Submission Type: Support

Submitter: Ngai Tamawera Hapu

Submission Summary: Support Method 23L.

Decision Sought: Retain Method 23L: Identify forecast and assess emerging pressures on resources and opportunities to restore water quality in the Rangitaiki River catchment as notified.

Hearing Recommendation: Accept

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1251

Section: Method 23M: Establish cultural health indicators for the Rangitaiki River catchment

Hearing Recommendation

Amend Method 23M title to remove 'establish' and replace with 'develop' to read:

Develop cultural health indicators for the Rangitaiki River catchment

Reasons for Hearing Recommendation

Submissions 1-29, 5-26, 6-25, 10-24, 12-23 Further submission 4-52: Support is noted. Method 23M is recommended to be retained unchanged.

Submission 14-14, Further submissions 2-29, 5-8: The submitters' concerns are noted. Cultural health indicators are a component of the Mataranga Maori project at Regional Council with pilot projects currently underway to develop project specific indicators. It is anticipated that any cultural health indicators proposed to be used to help monitor the mauri of rivers within the Rangitaiki River catchment will be fed into subsequent changes to the Regional Water and Land Plan and be subject to a similar schedule 1 process which will involve a component for informal public input before the formal submissions process commences.

Submissions

Submission Number: 1: 29 Submission Type: Support
Submitter: Ngai Tamawera Hapu
Submission Summary: Support Method 23M.
Decision Sought: Retain Method 23M: Establish cultural health indicators for the Rangitaiki River catchment as notified.

Hearing Recommendation: Accept

Submission Number: 5: 26 Submission Type: Support
Submitter: Te Runanga o Ngati Manawa
Submission Summary: Cultural Health Indicators could be informed to a large extent by the matauranga Maori held by iwi in the catchment. By extension, the practices around how humans live, work and play on the land suggests that when the numbers – of people, of pollutants, of land users, land uses reach a critical point, the health and wellbeing of a water body way may be threatened. This in turn may inform what we may need to do differently.
Gathering information from science, matauranga maori, research, iwi and international studies will contribute to establishing a well rounded and balanced set of indicators that is relevant and meaningful.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Submission Number: 6: 25 Submission Type: Support
Submitter: Te Pahipoto Hapu
Submission Summary: Iwi and hapu throughout the Rangitaiki River catchment have strong cultural connections to the River and its tributaries.
Decision Sought: Retain Method 23M as notified.

Hearing Recommendation: Accept

Submission Number: 10: 24 Submission Type: Support
Submitter: Te Runanga o Ngati Whare
Submission Summary: In collaboration with Tangata Whenua.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Further Submission(s)

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Further Submission No: 5 - 8 Submission Type: Support
Further Submitter: Galatea-Murupara Irrigation Society
Submission Summary: The Society agrees that it would be useful to define cultural health indicators, develop those indicators with public input and ensure that they are related to RMA matters.
Decision Sought: Accept the submission.

Hearing Recommendation: Accept in Part

Submission Number: 17: 12 Submission Type: Support
Submitter: CNI Iwi Land Management Ltd
Submission Summary: CNIILML supports Establishing cultural health indicators for the Rangitaiki River catchment.
Decision Sought: Retain.

Hearing Recommendation: Accept

Section: Method 23N: Develop protocols for recognising and exercising iwi and hapumana including kaiti 1252

Hearing Recommendation

Amend Method 23N to delete 'any', and add in 'whenua' to read:

Method 23N: Develop protocols for recognising and exercising iwi and hapu mana whenua including kaitiakitanga in the Rangitaiki River catchment.

Develop protocols to ensure the mana whenua of iwi and hapu in the Rangitaiki River catchment is recognised through resource management decision making processes to a level all parties agree meets the requirements of Objective 6 and Policy IW 5B.

Reasons for Hearing Recommendation

Submissions 16-23, 17-13, Further submissions 2-30, 1-9: A minor amendment is recommended to Method 23N to remove the word "any" as technically there will be a number of resource decision making processes where cultural considerations will not be relevant. For example distance to boundary and daylighting breaches will rarely involve cultural impacts and it is expected a number of controlled status consent applications will be similar in their scope and impact. Method 23N specifically supports Objective 6 although it is noted that it may contribute to achieving other objectives in the RPS.

Submissions 1-32, 5-29, 6-29, 10-27, Further submission 4-55: Support is noted. Minor amendments are recommended although these do not change the intent of the method.

Submissions

Submission Number: 1: 32 Submission Type: Support
Submitter: Ngai Tamawera Hapu
Submission Summary: Support Method 23N
Decision Sought: Retain Method 23N: Develop protocols for recognising and exercising iwi and hapu mana including kaitiakitanga in the Rangitaiki River catchment as notified.

Hearing Recommendation: Accept

Submission Number: 5: 29 Submission Type: Support
Submitter: Te Runanga o Ngati Manawa
Submission Summary: Working with iwi while recognising that there will be similarities and differences from one iwi to another has the potential to strengthen relationships and share knowledge and information.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Submission Number: 6: 29 Submission Type: Support
Submitter: Te Pahipoto Hapu
Submission Summary: Support Method 23N: Develop protocols for recognising and exercising iwi and hapu mana including

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Submission Number: 17: 13 Submission Type: Support in Part
Submitter: CNI Iwi Land Management Ltd
Submission Summary: Policy IW 5B needs to be carried out in the context of its covering objective, which is Objective 17.
Decision Sought: Insert the words 'Objective 17' to read as follows:

Develop protocols to ensure the mana of iwi and hapu in the Rangitaiki River catchment is recognised through any resource management decision making process to a level all parties agree meets the requirements of Objective 6, Objective 17 and Policy IW 5B.

Hearing Recommendation: Reject

Further Submission(s)

Further Submission No: 1 - 9 Submission Type: Oppose
Further Submitter: Trustpower Limited
Submission Summary: Trustpower considers it inappropriate to suggest that the three listed provisions of the RPS have to be met in all circumstances. All relevant matters and evidence should be weighed and balanced in the relevant decision making process.
Decision Sought: Trustpower seeks that the submission be rejected.

Hearing Recommendation: Accept

Section: Method 23O: Support development of an inventory of information on tikanga on waterways in th

1253

Hearing Recommendation

Retain Method 23O as notified.

Reasons for Hearing Recommendation

Submissions 1-33, 4-6, 5-30, 6-30, 10-28, 16-24, 17-14, Further submission 4-56: Support is noted. Method 23O is recommended to be retained unchanged.

Submissions

Submission Number: 1: 33 Submission Type: Support
Submitter: Ngai Tamawera Hapu
Submission Summary: Support Method 23O.
Decision Sought: Retain Method 23O as notified.

Hearing Recommendation: Accept

Submission Number: 4: 6 Submission Type: Support
Submitter: Timberlands Limited
Submission Summary: Timberlands Limited supports development of an inventory of information on tikanga on waterways in the Rangitaiki River catchment.
Decision Sought: Retain Method 23O as notified.

Hearing Recommendation: Accept

Submission Number: 5: 30 Submission Type: Support in Part
Submitter: Te Runanga o Ngati Manawa
Submission Summary: In implementing this method, there is an outcome that may not be favoured by some iwi. Ngati Manawa feel one outcome may be that their tikanga is taken from them from which point they no longer control it and someone else does. Over time, the maori voice is lost and new meanings and new practices evolve. Or the tikanga, values and practice is applied inappropriately or sporadically, demeaning the tikanga in

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the process. Iwi may determine whether they wish to participate in this or not. Advisors designated by iwi may be a better option.

Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Submission Number: 6: 30 Submission Type: Support

Submitter: Te Pahipoto Hapu

Submission Summary: Support Method 23O: Support development of an inventory of information on tikanga on waterways in the Rangitaiki River catchment.

Decision Sought: Retain Method 23O as notified.

Hearing Recommendation: Accept

Submission Number: 10: 28 Submission Type: Oppose in Part

Submitter: Te Runanga o Ngati Whare

Submission Summary: Consider - the knowledge remains with Iwi, then where information is required, it is processed on a case by case scenario.

Decision Sought: Retain as notified however noting comment.

Hearing Recommendation: Accept

Further Submission(s)

Further Submission No: 4 - 56 Submission Type: Support

Further Submitter: Royal Forest and Bird Protection Society Inc

Submission Summary: Support entire submission as Plan Change 3 is consistent with the River Document

Decision Sought:

Hearing Recommendation: Accept

Submission Number: 16: 24 Submission Type: Support

Submitter: Trustpower Limited

Submission Summary: Trustpower supports Method 23O as it will provide clarity for resource users when consulting with iwi regarding proposed activities in the catchment.

Decision Sought: Retain Method 23O as notified.

Hearing Recommendation: Accept

Submission Number: 17: 14 Submission Type: Support

Submitter: CNI Iwi Land Management Ltd

Submission Summary: CNIILML supports development of an inventory of information on tikanga on waterways in the Rangitaiki River catchment.

Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Section: Method 23P: Develop a protocol for accessing, holding and using the Wahi-tapu information in t

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Hearing Recommendation

Amend Method 23P by inserting 'manner' at the end of the sentence to read:

Method 23P: Develop a protocol for accessing, holding and using the wahi tapu information in the Rangitaiki River catchment

Work collaboratively in developing protocols to ensure wahi tapu information can be managed, accessed and used in a culturally appropriate manner.

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

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Section: Method 23Q: Support the development of sites and areas of cultural significance geographic information sets

Hearing Recommendation

Amend title and preamble text of Method 23Q to read:

Method 23Q: Develop geographic information sets for wahi tapu and wahi taonga sites within the Rangitaiki River catchment

In co-operation with iwi, hapu and whanau, develop geographic information sets for wahi tapu and wahi taonga within the Rangitaiki 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 to ensure culturally appropriate handling of the information.

Reasons for Hearing Recommendation

Submissions 1-35, 4-7, 5-32, 10-29, 16-26, 17-16, Further submission 4-58: Support is noted. Amendments are proposed to recognise the role of hapu in the preamble, although this does not alter the method's intent.

Submission 6-32: Method 23Q has been amended to include hapu in acknowledgement of the important role hapu will play in identifying sites and areas of cultural significance.

Submissions

Submission Number:	1: 35	Submission Type:	Support
Submitter:	Ngai Tamawera Hapu		
Submission Summary:	Support Method 23Q.		
Decision Sought:	Retain Method 23Q: Support the development of sites and areas of cultural significance geographic information sets as notified.		

Hearing Recommendation: Accept in Part

Submission Number:	4: 7	Submission Type:	Support
Submitter:	Timberlands Limited		
Submission Summary:	Timberlands Limited supports development of geographic information sets in the Rangitaiki River catchment on sites and areas of cultural significance, as this will assist with their protection while undertaking forestry operations.		
Decision Sought:	Retain Method 23Q as notified.		

Hearing Recommendation: Accept in Part

Submission Number:	5: 32	Submission Type:	Support
Submitter:	Te Runanga o Ngati Manawa		
Submission Summary:	Information such as this, when invested in the public domain soon loses significance. Is there a process or a method that upholds the significance of sites and the information pertaining to them over many generations, over many centuries? Information in the public domain equates to being publicly available, publicly usable and free to exploit. This is of immense concern to Ngati Manawa. Iwi may determine whether they wish to participate in this or not. Advisors designated by iwi may be a better option.		
Decision Sought:	Retain as notified.		

Hearing Recommendation: Accept in Part

Submission Number:	6: 32	Submission Type:	Support
Submitter:	Te Pahipoto Hapu		
Submission Summary:	Support Method 23Q with amendment.		

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Decision Sought: Retain Method 23Q but amend to read as follows:

"Method 23Q: In cooperation with iwi and hapu, support the development of sites and areas of cultural significance geographic information sets."

Hearing Recommendation: Accept in Part

Submission Number: 10: 29

Submission Type: Support in Part

Submitter: Te Runanga o Ngati Whare

Submission Summary: Consider - the knowledge remains with Iwi, then where information is required, it is processed on a case by case scenario.

Decision Sought: Retain as notified however noting comment.

Hearing Recommendation: Accept in Part

Further Submission(s)

Further Submission No: 4 - 58

Submission Type: Support

Further Submitter: Royal Forest and Bird Protection Society Inc

Submission Summary: Support entire submission as Plan Change 3 is consistent with the River Document

Decision Sought:

Hearing Recommendation: Accept in Part

Submission Number: 16: 26

Submission Type: Support

Submitter: Trustpower Limited

Submission Summary: Trustpower considers that Method 23Q will provide clarity and certainty for resource users wanting to undertake works in the catchment and supports this method.

Decision Sought: Retain Method 23Q as notified.

Hearing Recommendation: Accept in Part

Submission Number: 17: 16

Submission Type: Support

Submitter: CNI Iwi Land Management Ltd

Submission Summary: CNIILML supports development of geographic information sets in the Rangitaiki River catchment on sites and areas of cultural significance.

Decision Sought: Retain as notified.

Hearing Recommendation: Accept in Part

Section: Method 23R: Promote drainage and flood protection works that minimise adverse effects on nat¹²⁵⁶

Hearing Recommendation

Amend Objective 7 to read: "The qualities and characteristics of areas and features that contribute to the amenity values and quality of the Rangitaiki River catchment environment are maintained and enhanced where degraded."

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 Rangitaiki River catchment.

Explanation

Existing drainage and flood protection works and related modifications to the Rangitaiki 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

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

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 Rangitaiki 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."

Table reference: Objective 38, Methods 23R and 23H, New Method 23H

Reasons for Hearing Recommendation

Submissions 1-37, 5-34, 6-34, 10-31, 13-5, 16-27, 17-17 Further submissions 4-60, 2-31, 3-4, 4-16, 5-9: Changes are recommended to Objective 7 in response to other submissions. Objective 7 has been modified to focus on amenity values and the maintenance and enhancement of the quality of the environment rather than natural features and landscapes. This change more clearly articulates the intent of the corresponding objective in the Rangitaiki River Document and aligns the objective with the wording of Section 7(c) and Section 7(f) of the Act. The existing operative RPS already includes Objective 18 which promotes the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development. Objective 18 and Policies MN 1B, MN 7B and MN 8B already apply within the catchment. Linking Policies MN 1B, MN 7B and MN 8B to Objective 7 confuses its intent as these existing policies only apply to natural features and landscapes which are outstanding. It also adds limited value to what exists already in the operative RPS and restricts the scope of the original Objective 7 in Te Ara Whanui o Rangitaiki which refers specifically to respecting the naturalness of the river and the landscape of the Rangitaiki River catchment. This is because outstanding is a very high threshold and few landscapes and features are classified as such in the catchment. Amending the focus of Objective 7 to amenity values broadens its application beyond strictly outstanding features and landscapes to those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

Consequently Method 23R is recommended to be converted into a new Policy RR 6C to support Objective 7 with an amendment to focus on amenity values to align with the amendments to Objective 7.

New Policy RR 6C is intended to relate specifically to drainage and flood protection works in the catchment in order to recognise and provide for its originating objective and desired outcomes of Te Ara Whanui o Rangitaiki, the Rangitaiki River Document.

Submissions

Submission Number:	1: 37	Submission Type:	Support
Submitter:	Ngai Tamawera Hapu		
Submission Summary:	Support Method 23R.		
Decision Sought:	Retain Method 23R as notified.		

Hearing Recommendation: Accept in Part

Submission Number:	5: 34	Submission Type:	Support
Submitter:	Te Runanga o Ngati Manawa		
Submission Summary:	This should be applied to all river management works. The removal of vegetation and rock lining of the river bank, in our view, are an adverse effect on the natural features of the Rivers. Inundation is a natural feature of natural waterways that have a part to play in the renewal and revitalisation of the land as well as a role in facilitating eel migration.		
Decision Sought:	No specific relief stated.		

Hearing Recommendation: Accept in Part

Submission Number:	6: 34	Submission Type:	Support
Submitter:	Te Pahipoto Hapu		
Submission Summary:	Support Method 23R: Method 23R: Promote drainage and flood protection works that minimise adverse effects on natural features and landscape.		
Decision Sought:	Retain Method 23R as notified.		

Hearing Recommendation: Accept in Part

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Further Submission No: 3 - 4 Submission Type: Support
 Further Submitter: Fonterra Co-operative Group Limited
 Submission Summary: Fonterra agrees that all works in the beds of rivers can minimise adverse effects through careful design options and construction methodologies and that this method ought not be limited solely to drainage and flood protection works.
 Decision Sought: Accept the submission

Hearing Recommendation:	Reject
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Further Submission No: 4 - 16 Submission Type: Support in Part
 Further Submitter: Royal Forest and Bird Protection Society Inc
 Submission Summary: Agree that this method should cover design of all structures but design of structures should consider any ecological effects also.
 Decision Sought:

Hearing Recommendation:	Reject
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Further Submission No: 5 - 9 Submission Type: Oppose
 Further Submitter: Galatea-Murupara Irrigation Society
 Submission Summary: The submission seeks to replace "drainage and flood protection works" with "works within the bed of rivers and surrounds". The method seeks to "promote" works, which the Society considers is appropriate for necessary drainage and flood protection works undertaken by the Council, but not for other works which may be undertaken by third parties. In the context of this method, the change of wording is opposed. However, the Society agrees that the effects of "works within the bed or rivers and surrounds" should be addressed in additional policies to give effect to Objective 7, as sought by Trustpower in submission point [x].
 Decision Sought: Reject the submission.

Hearing Recommendation:	Accept
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Submission Number: 17: 17 Submission Type: Support
 Submitter: CNI Iwi Land Management Ltd
 Submission Summary: CNIILML supports the promotion of drainage and flood protection works that minimise adverse effects on natural features and landscape values in the Rangitaiki River catchment.
 Decision Sought: Retain as notified.

Hearing Recommendation:	Accept in Part
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Section: Method 23S: Remove or adapt structures impeding cultural and recreational access in the Rangitaiki River catchment
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Hearing Recommendation

Amend Method 23S to include provision for alternative access points to read as follows:

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

Where appropriate and in consultation with tangata whenua require the removal of structures that impede cultural and recreational access in the Rangitaiki 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.

Reasons for Hearing Recommendation

Submission 16-28, Further submissions 2-32, 4-13: The method is aimed at man-made structures within the catchment where their removal or modification would have benefits in improving access for cultural or recreational activities. Depending on the situation the type of structure targeted and mechanism for requiring removal may vary. The use of the term "where appropriate" recognises that a case by case assessment would be required.

Submissions 1-40, 5-37, 6-37, 10-34, Further submission 4-63: Support is noted. Method 23S is recommended to be amended to include provision for alternative access points and consultation with tangata whenua.

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Submission Summary: Support Method 23T.

Decision Sought: Retain Method 23T: Retain and enhance public and cultural access to and along the Rangitaiki River as notified.

Hearing Recommendation: Accept

Submission Number: 4: 8 Submission Type: Support in Part

Submitter: Timberlands Limited

Submission Summary: Timberlands Limited supports retaining and enhancing existing public and cultural access to and along rivers in the Rangitaiki River catchment, provided these are constrained during times of forestry operational activity, for Health and Safety purposes, for other risks (i.e. fire) and private property rights are upheld. Rephrasing Method 23T(b) is to identify that the restriction of access is likely to be for a period of time, not for a particular time of year more accurately identifies the nature of any access constraints. Access, in particular by vehicles should across private land should only be acceptable in accordance with the landowner's conditions.

Decision Sought: Amend Method 23T((b) to read as follows:

(b) Identifying existing and new priority public and cultural access points and linkages, as well as areas and time periods where public access should may need to be restricted from time to time.

Hearing Recommendation: Reject

Further Submission(s)

Further Submission No: 1 - 10 Submission Type: Oppose

Further Submitter: Trustpower Limited

Submission Summary: Trustpower considers that the relief requested by the submitter may be suitable for its industry, however it is not necessarily applicable across the board. Public access to some areas along the Rangitaiki River must be restricted at all times for safety reasons, for example around power station intakes and tail races. As such, Trustpower opposes this submission.

Decision Sought: Trustpower seeks that the submission be rejected.

Hearing Recommendation: Accept

Further Submission No: 2 - 33 Submission Type: Support

Further Submitter: Federated Farmers of New Zealand

Submission Summary: There are times when public access across farm land needs to be restricted for reasons including health and safety, security or disturbance of livestock during the breeding season. Access across private land should always be with the permission of the landowner only.

Decision Sought: Accept submission.

Hearing Recommendation: Reject

Submission Number: 5: 36 Submission Type: Support

Submitter: Te Runanga o Ngati Manawa

Submission Summary: The principle of public access is acknowledged and we reserve the right to retain areas in their natural state though not necessarily in blackberry and gorse.

Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Submission Number: 6: 36 Submission Type: Support

Submitter: Te Pahipoto Hapu

Submission Summary: Support Objective 8 Access to the Rangitaiki River and its tributaries is maintained and enhanced.

Decision Sought: Retain Method 23T as notified.

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Section: Method 75: Promote measures to protect, monitor and understand tuna (eel) in the Rangitaiki Ri¹²⁵⁹

Hearing Recommendation

Amend Method 75 to read:

Method 75: Promote measures to protect and monitor tuna in the Rangitaiki River catchment

Work with communities to protect, monitor, and promote a better understanding of tuna and their two-way migration in the Rangitaiki River catchment, including ending longfin tuna commercial takes in the catchment.

Reasons for Hearing Recommendation

Submissions 1-11, 4-9, 5-17, 5-38, 6-13, 10-15, 12-8, 16-30, 17-19, Further submission: 4-41: Support is noted. Method 75 is recommended to be retained unchanged.

Submissions

Submission Number: 1: 11 Submission Type: Support

Submitter: Ngai Tamawera Hapu

Submission Summary: Support Method 75.

Decision Sought: Retain Method 75: Promote measures to protect, monitor and understand tuna (eel) in the Rangitaiki River catchment as notified.

Hearing Recommendation: Accept

Submission Number: 4: 9 Submission Type: Support

Submitter: Timberlands Limited

Submission Summary: Timberlands Limited supports promoting measures to protect, monitor and understand tuna (eel) in the Rangitaiki River catchment.

Decision Sought: Retain Method 75 as notified.

Hearing Recommendation: Accept

Submission Number: 5: 17 Submission Type: Support

Submitter: Te Runanga o Ngati Manawa

Submission Summary: The tuna and it's protection and restoration is a game changer for Ngati Manawa. Hydro dams have impacted seriously on the long finned tuna – their traditional kai rangatira. We are moving in to an era when the long-finned tuna is more of a story than a reality on the plates of our manuhiri let alone our whanau. This is why their long term plan of a tuna centre is part of Ngati Manawa's development strategy.

Objective 2 is significant because the habitat of the tuna's food and the species they eat, is critical.

Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Submission Number: 5: 38 Submission Type: Support

Submitter: Te Runanga o Ngati Manawa

Submission Summary: In order to restore tuna to the Rangitaiki River Catchment, information needs to be collected from the scientific, matauranga maori, global research fields of knowledge to name a few. Working with iwi to determine how best to use the knowledge as well as how matauranga maori will be utilised are key topics to be debated.

Decision Sought: Retain as notified.

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Hearing Recommendation

Amend Method 76 to read:

Method 76: Collaborate on actions to achieve the freshwater management objectives for the Rangitaiki River.

Work collaboratively with stakeholders including iwi and hapu, hydro-electricity generators, rural production, commercial and industrial sector groups on actions to achieve the freshwater objectives for the Rangitaiki River.

Reasons for Hearing Recommendation

Submissions 1-19, 1-27, 4-10, 5-25, 6-21, 7-8, 8-8, 10-23, 16-31, 14-15, 17-20, Further submissions 4-14, 4-51: Method 76 is recommended to be amended to make it clear that a collaborative approach is proposed to achieve the freshwater objectives for the Rangitaiki River.

Submissions

Submission Number:	1: 19	Submission Type:	Support
Submitter:	Ngai Tamawera Hapu		
Submission Summary:	Support Method 76.		
Decision Sought:	Retain Method 76: Identify key sources of pollutants in the Rangitaiki River catchment as notified.		

Hearing Recommendation: Accept in Part

Submission Number:	1: 27	Submission Type:	Support
Submitter:	Ngai Tamawera Hapu		
Submission Summary:	Support Method 76.		
Decision Sought:	Retain Method 76: Collaborate on actions to achieve a healthy Rangitaiki River as notified.		

Hearing Recommendation: Accept in Part

Submission Number:	4: 10	Submission Type:	Support
Submitter:	Timberlands Limited		
Submission Summary:	Retain Method 76 as notified.		
Decision Sought:	Timberlands Limited supports collaboration on actions to achieve a healthy Rangitaiki River		

Hearing Recommendation: Accept in Part

Submission Number:	5: 25	Submission Type:	Support
Submitter:	Te Runanga o Ngati Manawa		
Submission Summary:	Ngati Manawa considers that this method directly supports the purpose of the improving the health and well being of the Rangitaiki River catchment through improved water quality. This method also suggests that a waste disposal system of pollutants may need to be reviewed by the Whakatane District Council.		
Decision Sought:	Retain as notified.		

Hearing Recommendation: Accept in Part

Submission Number:	6: 21	Submission Type:	Support
Submitter:	Te Pahipoto Hapu		
Submission Summary:	Support Method 76: Identify key sources of pollutants in the Rangitaiki River catchment. Consider this to be a valid method for achieving the overall objective of improved water quality. Iwi and hapu throughout the Rangitaiki River catchment have strong cultural connections to the River and its tributaries.		
Decision Sought:	Retain Method 76 as notified.		

Hearing Recommendation: Accept in Part

Proposed Change 3 (Rangitaiki River) Hearing Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 7: 8 Submission Type: Support
 Submitter: Fonterra Co-operative Group Limited
 Submission Summary: Fonterra supports working collaboratively with the Council to achieve a healthy Rangitaiki River.
 Decision Sought: Retain Method 76 as notified.

Hearing Recommendation: Accept in Part

Submission Number: 8: 8 Submission Type: Support
 Submitter: Ballance Agri-Nutrients Limited
 Submission Summary: The Company supports a collaborative approach to achieving the water quality standards and wishes to be actively involved with the development of this method.
 Decision Sought: That the provision be retained. Further, the Company would like to be involved in the development of strategies to address stormwater management in the catchment.

Hearing Recommendation: Accept in Part

Submission Number: 10: 23 Submission Type: Support
 Submitter: Te Runanga o Ngati Whare
 Submission Summary: The Method, ultimately addresses water quality, supported by Ngati Whare.
 Decision Sought: Retain as notified.

Hearing Recommendation: Accept in Part

Further Submission(s)

Further Submission No: 4 - 51 Submission Type: Support
 Further Submitter: Royal Forest and Bird Protection Society Inc
 Submission Summary: Support entire submission as Plan Change 3 is consistent with the River Document
 Decision Sought:

Hearing Recommendation: Reject

Submission Number: 14: 15 Submission Type: Support
 Submitter: Ravensdown Limited
 Submission Summary: The Method is considered the most appropriate way to achieve the objectives of the RPS.
 Decision Sought: Retain the intent of Method 76 as written.

Hearing Recommendation: Accept in Part

Submission Number: 16: 31 Submission Type: Oppose in Part
 Submitter: Trustpower Limited
 Submission Summary: The all-inclusive approach to implementing action to achieve a healthy river is encouraging. However, the terminology used in Method 76 is inconsistent with the substance of Change 3 and the factors that constitute a "healthy river" are not defined. Trustpower considers that the wording of this method should be amended to ensure consistency and for certainty for resource users.
 Decision Sought: 1. Amend Guiding Method 76 by replacing the words "a healthy" with "the freshwater objectives for the" to read as follows:

 Work collaboratively with hydroelectricity generators and rural production, commercial and industrial sector groups on actions to achieve the freshwater objectives for the Rangitaiki River.

Hearing Recommendation: Accept

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Further Submission(s)

Further Submission No: 4 - 14 Submission Type: Oppose
Further Submitter: Royal Forest and Bird Protection Society Inc
Submission Summary: As health and mauri of water and people are compulsory values in the NPS FM it is not inappropriate to use the word "healthy". Being a guiding method about collaboration reinforces the appropriateness of the term.
Decision Sought:

Hearing Recommendation: Reject

Submission Number: 17: 20 Submission Type: Support
Submitter: CNI Iwi Land Management Ltd
Submission Summary: CNIILML supports collaboration on actions to achieve a healthy Rangitaiki River.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept in Part

Section: Method 77: Provide and support environmental education programmes within the Rangitaiki River ¹²⁶¹

Hearing Recommendation

Retain Method 77 as notified.

Reasons for Hearing Recommendation

Submissions 4-11, 5-27, 6-28, 10-25, 14-16, 17-21, Further submission 4-53: Support is noted. Method 77 is recommended to be retained unchanged.

Submission 19-9: Work is already underway to implement actions within Te Ara Whanui o Rangitaiki with resourcing provided through the Rangitaiki River Catchment Annual Work Programme. Implementation for this method rests with Toi Moana (Regional Council) and Whakatane District Council.

Submissions

Submission Number: 4: 11 Submission Type: Support
Submitter: Timberlands Limited
Submission Summary: Timberlands Limited supports the provision and support of environmental education programmes within the Rangitaiki River catchment.
Decision Sought: Retain Method 77 as notified.

Hearing Recommendation: Accept

Submission Number: 5: 27 Submission Type: Support
Submitter: Te Runanga o Ngati Manawa
Submission Summary: Communication is a key factor needed to keep communities informed, aware and motivated as we work together to promote and enhance the health and wellbeing of the Rangitaiki River catchment. A range of information could be made available.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Submission Number: 6: 28 Submission Type: Support
Submitter: Te Pahipoto Hapu
Submission Summary: Support Method 77: Provide and support environmental education programmes within the Rangitaiki River catchment.
Decision Sought: Retain Method 77 as notified.

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Hearing Recommendation: Accept

Submission Number: 10: 25 Submission Type: Support
Submitter: Te Runanga o Ngati Whare
Submission Summary: The Method will assist with the revitalisation of communities and connection to the Rangitaiki River catchment.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Further Submission(s)

Further Submission No: 4 - 53 Submission Type: Support
Further Submitter: Royal Forest and Bird Protection Society Inc
Submission Summary: Support entire submission as Plan Change 3 is consistent with the River Document
Decision Sought:

Hearing Recommendation: Accept

Submission Number: 14: 16 Submission Type: Support
Submitter: Ravensdown Limited
Submission Summary: The Method is considered the most appropriate way to achieve the objectives of the RPS.
Decision Sought: Retain the intent of Method 77 as written.

Hearing Recommendation: Accept

Submission Number: 17: 21 Submission Type: Support
Submitter: CNI Iwi Land Management Ltd
Submission Summary: CNIILML supports the provision and support of environmental education programmes within the Rangitaiki River catchment.
Decision Sought: Retain.

Hearing Recommendation: Accept

Submission Number: 19: 9 Submission Type: Support in Part
Submitter: James Platt Gow
Submission Summary: What costs are involved and who will pay them?
Decision Sought: Need more realism.

Hearing Recommendation: Accept in Part

Section: Method 78: Promote information sharing between iwi, industry and the community

1262

Hearing Recommendation

Retain Method 78 as notified.

Reasons for Hearing Recommendation

Submissions 1-31, 4-12, 16-32, 17-22: Support is noted. Method 78 is recommended to retained unchanged.

Submission 19-11: Work is already underway to implement actions within Te Ara Whanui o Rangitaiki with resourcing provided through the Rangitaiki River Catchment Annual Work Programme. Implementation for this method rests with Toi Moana (Regional Council) and Whakatane District Council.

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Submissions

Submission Number: 1: 31 Submission Type: Support
Submitter: Ngai Tamawera Hapu
Submission Summary: Support Method 78.
Decision Sought: Retain Method 78: Promote information sharing between iwi, industry and the community as notified.

Hearing Recommendation: Accept

Submission Number: 4: 12 Submission Type: Support
Submitter: Timberlands Limited
Submission Summary: Timberlands Limited supports the promotion of information sharing between iwi, industry and the community.
Decision Sought: Retain Method 78 as notified.

Hearing Recommendation: Accept

Submission Number: 16: 32 Submission Type: Support
Submitter: Trustpower Limited
Submission Summary: Trustpower supports the collaborative approach promoted by Method 78.
Decision Sought: Retain Guiding Method 78 as notified.

Hearing Recommendation: Accept

Submission Number: 17: 22 Submission Type: Support
Submitter: CNI Iwi Land Management Ltd
Submission Summary: CNIILML supports the promotion of information sharing between iwi, industry and the community.
Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Submission Number: 19: 11 Submission Type: Support in Part
Submitter: James Platt Gow
Submission Summary: What costs are involved and who will pay them?
Decision Sought: Need more realism.

Hearing Recommendation: Accept in Part

Chapter: Part 4.2 Objectives, anticipated environmental results and monitoring indicators

1263

Section: Part 4.2 Objectives, anticipated environmental results and monitoring indicators

1263

Hearing Recommendation

Retain AERs and monitoring indicators subject to amendments outlined in following sections.

Reasons for Hearing Recommendation

Submission 5-42: The submitter's concerns are noted. Whilst many of the monitoring indicators are reliant upon scientific survey and analysis, provision is also made for regular iwi and community perception surveys. Council has already conducted an iwi perception survey and this process provides opportunity for tangata whenua to actively participate and provide their views and observations on their environment based on their own observations. In addition a Matauranga Maori project is currently underway which partly aims to ensure that Matauranga Maori is recognised within Council projects, processes and decisions including monitoring activities.

Proposed Change 3 (Rangitaiki River)

Hearing Recommendations on Provisions with Submissions and Further Submissions

Submissions

Submission Number: 5: 42 Submission Type: Support

Submitter: Te Runanga o Ngati Manawa

Submission Summary: Ngati Manawa submits that the environmental results should not be restricted to the science environment. They would like to see such results as:

- River catchment communities are actively participating in activities that support objectives.
- Iwi are actively participating in and contributing to activities/methods as planned.
- Farmers in the lower Rangitaiki have agreed to reduce their fertiliser application by n tonne.

As people have the greatest impact on the environment through the activities and decisions we make, monitoring ourselves is a key component.

Decision Sought: No specific relief stated.

Hearing Recommendation: Accept in Part

Section: Table 5 Objectives, anticipated environmental results (AER) and monitoring indicators

1264

Hearing Recommendation

Retain Table 5 subject to recommended amendments to AERs and monitoring indicators outlined in the following sections.

Reasons for Hearing Recommendation

Submission 12-21: Support is noted. While Table 5 is recommended to be retained, some amendments are proposed to certain AERs and monitoring indicators.

Submissions

Submission Number: 12: 21 Submission Type: Support

Submitter: Rangitaiki River Forum

Submission Summary: This table will be helpful when the River Forum takes stock of the work that has been done and their performance compared to the issues identified and the data available to indicate that the health and wellbeing of the Rangitaiki River Catchment is indeed improved.

Decision Sought: Retain as notified.

Hearing Recommendation: Accept

Section: (MI) Regular iwi perception surveys within the Rangitaiki River catchment show iwi authorities a

1265

Hearing Recommendation

Retain iwi perception surveys as a monitoring indicator as notified.

Reasons for Hearing Recommendation

Submission 16-33, Further submission 2-34: Iwi perception surveys provides one means of measuring the state of the tuna population within the catchment. A range of other monitoring indicators are also proposed, including the scientific evidence-based indicator of a healthy tuna population structure. Iwi perception surveys is consistent with RPS Policy IW 2B(b) which recognise that only tangata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. Regional Council has already conducted an iwi perceptions survey in 2015 and is scheduled to conduct a second survey in 2017.

Submissions

Submission Number: 16: 33 Submission Type: Oppose

Submitter: Trustpower Limited

Submission Summary: Trustpower considers the use of perception surveys as monitoring indicators for Objective 1 to be ineffective. In this regard, it is considered that the collection of scientific data on tuna populations would be a more reliable indicator on the health of the tuna population, as perception surveys are subjective by

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nature and can be heavily influenced by time and emotive factors. Measurements using perception surveys do not account for shifts in expectation and there is a lack of control on factors influencing perception at any particular time.

Decision Sought:

1. Amend Monitoring Indicator for Objective 1 to read as follows:

Tuna monitoring within the Rangitaiki River catchment shows the number and size of tuna within its rivers has increased.

2. Any similar or consequential amendments that stem from the submission and relief sought.

Hearing Recommendation: Reject

Further Submission(s)

Further Submission No:	2 - 34	Submission Type:	Support
Further Submitter:	Federated Farmers of New Zealand		
Submission Summary:	For reasons given.		
Decision Sought:	Accept submission.		

Hearing Recommendation: Reject

Section: (AER) Erosion, silt or sediment does not adversely affect the aquatic ecosystems

1266

Hearing Recommendation

Replace the first AER linked to Objective 3 with the following AER:

'The health of aquatic ecosystems is safeguarded.'

Amend the first monitoring indicator linked to Objective 3 to read:

Surveys of aquatic ecosystems show minimal adverse effects due to silt or sediment.

Reasons for Hearing Recommendation

Submission 16-34, Further submissions 2-35, 4-15, 5-10, 6-1: The anticipated environmental results have been adapted from existing AER's in the RPS, which promotes a consistent and efficient approach. An additional AER is recommended to be inserted and the existing AER "Surveys of aquatic ecosystems..." is also recommended to be amended to clarify the expectation is not that there will be no adverse effects but minimal adverse effects due to silt or sediment.

Submissions

Submission Number:	16: 34	Submission Type:	Oppose
Submitter:	Trustpower Limited		
Submission Summary:	Policy RR 3B addresses setting limits and does not suggest that limits should be set so that activities are required to have no adverse effects on the environment. As such, it would be inappropriate for the anticipated environmental result and monitoring indicator to address the success of the objective and policy by focussing on activities have no adverse effects.		

Trustpower also considers that the anticipated environmental results and monitoring indicators for Objective 3 are completely unachievable.

Decision Sought:

1. Delete the following Anticipated Environmental Result and Monitoring Indicators for Objective 3:

Erosion, silt or sediment does not adversely affect the aquatic ecosystems, and

Surveys of aquatic ecosystems show no adverse effects due to silt or sediment.

2. Any similar or consequential amendments that stem from the submission and relief sought.

Hearing Recommendation: Accept in Part

Further Submission(s)

Further Submission No:	2 - 35	Submission Type:	Support
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Further Submitter: Federated Farmers of New Zealand

Submission Summary: For reasons given.

Decision Sought: Accept submission.

Hearing Recommendation:	Accept in Part
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Further Submission No: 4 - 15

Submission Type: Oppose

Further Submitter: Royal Forest and Bird Protection Society Inc

Submission Summary: Siltation and sedimentation are significant contaminants and should be key monitoring parameters. Objective 4 is about the economic benefits of use of water being within limits of the capacity of the environment to absorb them therefore it is appropriate to monitor the implementation of instream flows.

Decision Sought:

Hearing Recommendation:	Accept in Part
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Further Submission No: 5 - 10

Submission Type: Oppose

Further Submitter: Galatea-Murupara Irrigation Society

Submission Summary: The Society opposes the proposed deletion, as the effects of erosion, silt and sediment are an important matter which should be addressed in the Anticipated Environmental Effects.

Decision Sought: Reject the submission.

Hearing Recommendation:	Accept
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Further Submission No: 6 - 1

Submission Type: Oppose

Further Submitter: Rangitaiki-Tarawera Rivers Scheme Liaison Group and Rivers and Drainage Staff

Submission Summary: The adverse effects of erosion, silt and sediment on the environment is well documented. Some soils of the Rangitaiki Catchment are very susceptible to fluvial erosion therefore it is important that accelerated erosion is avoided and that mobilised sediment does not adversely affect water resources or ecosystems.

Decision Sought: reject the submission.

Hearing Recommendation:	Accept in Part
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Section: (AER) Values of water (ecological, cultural, recreational and amenity) within the Rangitaiki River ¹²⁶⁷

Hearing Recommendation

Amend the first AER linked to Objective 4 to include 'economic' to read:

Values of water (ecological, cultural, recreational, amenity and economic) within the Rangitaiki River catchment are maintained.

Reasons for Hearing Recommendation

Submission 16-35, Further submissions 2-36, 3-5, 5-11, 6-2: The AER has been amended to include economic values which is already provided for in Objective 4 and related Policy RR 4B.

Submissions

Submission Number: 16: 35

Submission Type: Oppose

Submitter: Trustpower Limited

Submission Summary: Trustpower opposes the Anticipated Environmental Result for Objective 4 as there is no mention of the economic or commercial values associated with water, including hydro-electricity generation, being maintained within the Rangitaiki River catchment. These values are considered of equal importance to the natural and other human use values of the river and are required to be recognised through the NPSREG. The NPSFM also recognises hydro-electric power generation as a value of freshwater.

Proposed Change 3 (Rangitaiki River)

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- Decision Sought: 1. Amend Anticipated Environmental Result for Objective 4 by including the word "economic" to read as follows:
- Values of water (ecological, cultural, recreational, amenity and economic) within the Rangitaiki River catchment are maintained.
2. Any similar or consequential amendments that stem from the submission and relief sought.

Hearing Recommendation: Accept

Further Submission(s)

Further Submission No: 2 - 36 Submission Type: Support

Further Submitter: Federated Farmers of New Zealand

Submission Summary: It is appropriate and a fundamental principle of sustainable management to recognise economic benefits alongside other types of benefit.

Decision Sought: Accept submission.

Hearing Recommendation: Accept

Further Submission No: 3 - 5 Submission Type: Support

Further Submitter: Fonterra Co-operative Group Limited

Submission Summary: Appendix 1 of the NPS-FM identifies a range of national values in water. These include economic values. It is therefore appropriate that the AER also consider economic values.

Decision Sought: Accept the submission

Hearing Recommendation: Accept

Further Submission No: 5 - 11 Submission Type: Support

Further Submitter: Galatea-Murupara Irrigation Society

Submission Summary: The Society supports the inclusion of economic values in the list of values to be maintained.

Decision Sought: Accept the submission.

Hearing Recommendation: Accept

Further Submission No: 6 - 2 Submission Type: Support

Further Submitter: Rangitaiki-Tarawera Rivers Scheme Liaison Group and Rivers and Drainage Staff

Submission Summary: The Scheme supports the inclusion of economic values to be maintained in the list of values.

Decision Sought: Accept the submission

Hearing Recommendation: Accept

Section: (AER) Decision-making takes kaitiakitanga and the Treaty of Waitangi into account

1268

Hearing Recommendation

Amend the fourth AER linked to Objective 6 to read:

Decision-making takes kaitiakitanga and the principles of the Treaty of Waitangi into account.

Reasons for Hearing Recommendation

Submission 16-36: The fourth AER linked to Objective 6 is recommended to be amended to refer specifically to the "principles" of the Treaty of Waitangi which reflects the wording of Section 8 of the Act and is consistent with RPS Objective 13 and Policy IW 3B.

Submissions

Submission Number: 16: 36 Submission Type: Oppose in Part

Submitter: Trustpower Limited

