Minutes of Te Maru o Kaituna River Authority Meeting held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Friday, 28 February 2020 commencing at 10.30 AM

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**Present:**

**Chairperson:** Dean Flavell (Tapuika Iwi Authority Trust)

**Deputy Chairperson:**  Cr Matemoana McDonald (Bay of Plenty Regional Council) *Appointed at the meeting*

**Appointees:** Deputy Mayor John Scrimgeour (Alternate, Western Bay of Plenty District Council), Vince Brown (Alternate, Te Tāhuhu o Tawakeheimoa Trust), Rawiri Kingi (Alternate, Te Pumautanga o Te Arawa Trust), Councillor Heidi Hughes (Tauranga City Council), Councillor Grant Dally (Western Bay of Plenty District Council), Nick Chater (Lakes Community Board – Rotorua Lakes Council)

**In Attendance:** Manu Pene (Interim Alternate - Te Komiti Nui o Ngāti Whakaue), Maru Tapsell (Observer, Te Kapu o Waitaha), Elva Conroy (Conroy Donald Consultants)

BOPRC: Namouta Poutasi – General Manager Strategy & Science, Pim de Monchy - Coastal Catchments Manager, Jo Watts - Senior Planner (Water Policy), Nassah Rolleston-Steed - Principal Advisor, Policy & Planning, Rawiri Bhana, Māori Policy Advisor, Gina Mohi - Putaiao Mātauranga, Tone Nerdrum Smith – Committee Advisor

**Apologies:** Piki Thomas (Te Pumautanga o Te Arawa), Raymond Pou Poasa (Alternate, Te Komiti Nui o Ngāti Whakaue), Nicki Douglas (Te Tāhuhu o Tawakeheimoa Trust), Cr Jane Nees (Alternate, Bay of Plenty Regional Council), Geoff Rice (Alternate, Tapuika Iwi Authority Trust), Cr Te Taru White (Bay of Plenty Regional Council), Cr Tania Tapsell (Alternate, Rotorua Lakes Council)

# Karakia

Chairperson Dean Flavell opened the meeting with a Karakia, and acknowledged with sadness the passing of former member Maria Horne. He then welcomed the new members to TMoK and noted the attendance of Maru Tapsell and Manu Pene, who were both invited to sit at the TMoK table.

# Apologies

Resolved

That Te Maru o Kaituna River Authority:

1. Accepts the apologies from Piki Thomas (Te Pumautanga o Te Arawa), Raymond Pou Poasa (Alternate, Te Komiti Nui o Ngāti Whakaue), Nicki Douglas (Te Tāhuhu o Tawakeheimoa Trust), Cr Jane Nees (Alternate, Bay of Plenty Regional Council), Geoff Rice (Alternate, Tapuika Iwi Authority Trust) and Te Taru White (Bay of Plenty Regional Council) tendered at the meeting.

McDonald/Kingi

CARRIED

# Public Forum

Nil

# Acceptance of Late Items

Nil

# General Business

Nil

# Declaration of Conflicts of Interest

Nil

# Previous Minutes

## Te Maru o Kaituna River Authority Minutes - 27 September 2019

Resolved

That Te Maru o Kaituna River Authority:

1. Receives Te Maru o Kaituna River Authority Minutes - 27 September 2019.

**Flavell/McDonald**

**CARRIED**

# Reports

## Chair’s Report – Verbal Update

*Played two videos from the Kaituna River re-diversion opening – Objective Reference A3481862 and A3485656, also available online at* [*www.boprc.govt.nz/kaitunarediversion*](http://www.boprc.govt.nz/kaitunarediversion)*.*

Chairperson Dean Flavell verbally reported the following:

Key Points

* Recognised the significant effort of TMoK and staff over the last three years in particular in the development of Kaituna, he Taonga Tuku Iho – a treasure handed down (Kaituna River Document) and Te Tini a Tuna (Kaituna River Action Plan)
* Te Tini a Tuna provided the direction for where to next, and community collaboration and input were critical components
* The wishes of the people had always been the key considerations and drivers.

Each member and attendee introduced themselves as follows:

Manu Pene –Te Komiti Nui o Ngāti Whakaue: Attended as the interim replacement for the late Maria Horne, and expressed his sincere sadness following her passing in December 2019.

Rawiri Kingi – Te Pumautanga o Te Arawa: Felt privileged and enthusiastic to be part of the Kaituna River development.

Cr Matemoana McDonald – BOPRC Mauao Māori Councillor and second term Member of TMoK.

Cr Grant Dally – WBOPDC. Second term as a Councillor. Focussed on the development of walk/cycleways along the Kaituna River.

Pim de Monchy – Coastal Catchments Manager, BOPRC: TMoK committee champion role to assist the TMoK members in progressing its agenda in accordance with their wishes.

Maru Tapsell – Observer, Te Kapu o Waitaha: His work experience as a shearer had developed an understanding of strategic thinking. Recognised the link between the mountains and the sea. Concerned regarding the impact of climate change.

Nick Chater – Lakes Community Board (for Rotorua Lakes Council): Had long affinity with the Kaituna River and was a second term representative on TMoK.

Cr Heidi Hughes – TCC: First term Councillor, with her main focus being how to protect and enhance the environment.

Vincent Brown – Te Tāhuhu o Tawakeheimoa Trust (Ngāti Rangiwewehi): Recognised that water flowed through Rotorua and out Kaituna River. Had 30 years’ experience on the Rotorua Water Board.

Deputy Mayor John Scrimgeour – WBOPDC. Had lived in the rural district in Te Puke for more than 30 years and was keenly interested in what happened around the Kaituna River.

Chairperson Dean Flavell – Tapuika Iwi Authority Trust: Looked forward to working with everyone in this new triennium.

## Appointment of Deputy Chair

Key Points

* Noted that if more than one nomination was received, TMoK was required to choose a voting system as per the Local Government Act 2002
* All appointed members were entitled to vote, irrespective of whether they were a nominee or had nominated another candidate.

Resolved

That Te Maru o Kaituna River Authority:

1. Receives the report, Appointment of Deputy Chair;
2. Receives the nomination of Cr McDonald as the Deputy Chairperson.

**Flavell/Brown**

**CARRIED**

1. Receives the nomination of Rawiri Kingi as the Deputy Chairperson.

**McDonald/Chater**

**CARRIED**

1. As there is more than one nominee for the Deputy Chairperson role, resolves to use System B in electing a Deputy Chairperson.

**Flavell/Dally**

**CARRIED**

Voting by a show of hands

Cr Matemoana McDonald: 4 votes in favour

Rawiri Kingi: 3 votes in favour

Cr Hughes (TCC) **abstained** from the vote.

1. Appoints Cr Matemoana McDonald as the Deputy Chairperson of Te Maru o Kaituna River Authority for a period of three years pursuant to Schedule 5, section 1 (5) of the Tapuika Claims Settlement Act 2014.

**Dally/Chater**

**CARRIED**

## Change of Membership

*PowerPoint Presentation – Objective Reference A3488976*

Pim de Monchy - Coastal Catchments Manager and Jo Watts - Senior Planner (Water Policy) presented a condensed version of the induction information provided to new members to TMoK.

Key Points

* Kaituna, He Taonga Tuku Iho – a treasure handed down (Kaituna River Document) came into effect on 1 August 2018
* The Regional Policy Statement and Council Planning documents now needed to recognise and provide for the River Document, which gave the Kaituna River Document a powerful influence
* Te Tini a Tuna (Kaituna River Action Plan) was approved by TMoK in September. Some actions are funded and underway. There are a number of possible funding sources for TMoK to explore for actions not currently funded.
* Next steps for TMoK was to implement Te Tini a Tuna and also make sure councils incorporate the recognition of Kaituna, He Taonga Tuku Iho into Council’s RMA planning documents.

Key Points – Members

* Noted that formal endorsement regarding the appointment of Manu Pene and Maru Tapsell was yet to be received, which meant they could not be appointed at this meeting.

Items for Staff Follow-up

* A complete set of the induction presentation to be provided to TMoK members.

Resolved

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

1. Receives the report, Change of Membership;
2. Notes the appointments of Councillor Matemoana McDonald as the appointed member for the Bay of Plenty Regional Council, Councillor Jane Nees as the alternate member and Councillor Te Taru White as the informal member;
3. Notes the appointments of Nick Chater (Lakes Community Board) as the appointed member for the Rotorua Lakes Council and Councillor Tania Tapsell as the alternate member;
4. Notes the appointments of Councillor Heidi Hughes as the appointed member for Tauranga City Council and Councillor Steve Morris as the alternate member;
5. Notes the appointments of Councillor Grant Dally as the appointed member for Western Bay of Plenty District Council and Deputy Mayor John Scrimgeour as the alternate member;
6. Notes the appointment of Nicki Douglas as the appointed member for Te Tāhuhu o Tawakeheimoa Trust and Vincent Brown as the alternate member.

**Dally/Chater**

**CARRIED**

## Te Tini a Tuna - Kaituna River Action Plan

*PowerPoint Presentation – Objective Reference A3491468*

Pim de Monchy - Coastal Catchments Manager and Jo Watts - Senior Planner (Water Policy), supported by Gina Mohi - Putaiao Mātauranga presented this item.

Noted that a copy of Te Tini a Tuna had been provided to the meeting attendees.

Key Points

* Highlighted the projects identified as being led (and therefore potentially funded) by TMoK, and the need for these to be championed by members of TMoK. These projects are:
* Project 3. Consented takes and discharges project (co-led with council’s)
* Project 9. Pataka kai project
* Project 10. Kaituna community connection project
* Project 13. Kaituna cultural and historical heritage project.
* In addition, there was a need identified for each member to put Te Tini a Tuna on the agenda with their respective governing and management groups to enable consideration of funding and implementation of the projects in the document for which each agency / iwi was listed as leading or supporting.

In Response to Questions

* The purpose of today’s discussion was to develop a strategy for how to implement the Te Tini a Tuna projects that were to be led by TMoK
* Noted the importance of identifying the consents and Plan Changes that impacted on the Kaituna River
* Suggested the establishment of a Working Group for Projects 3, 9, 10 & 13 comprising staff and members, as an opportunity to progress the actions
* Staff keen to hear the wishes and preferences of the Members
* Mātauranga Maori knowledge sat mainly within the respective Iwi
* Bay Trust and TECT had both expressed interest in meeting with TMoK members regarding possible funding towards Te Tini a Tuna actions
* Members of the Working Groups did not have to be limited to TMoK members
* Discussions were ongoing between the landowners (WBOPDC, TCC, BOPRC and DOC) with regards to the coastal park network (Project 15) at the mouth of the Kaituna River.

Key Points – Members and Attendees

* A Mātauranga Maori lens should be applied to the gathering and reporting of Project 3 which is about water takes and its impact on the Kaituna River. Mātauranga Māori had to be an integral part of delivering Te Tini a Tuna actions
* TMoK had the opportunity to be the example and set the benchmark for its mahi in protecting and enhancing the River and its environment
* Important to communicate with the community regarding the many ways in which Te Tini a Tuna could be delivered
* Important to encourage an increased understanding in local residents of their role in protecting the environment
* TMoK would be driving the four Projects 3, 9, 10 and 13, and act as a connection point between member agencies/iwi, staff, external providers and the community to oversee the funding and implementation of the other 14 projects
* There were a number of groups already working within the space of the projects and the role of TMoK would be to create connections and facilitate communication between these groups
* Projects could be driven by external parties with experience in the relevant field
* Suggested that Rotorua Trails Trust could be a valuable partner in the trail/cycleway project
* As there had already been significant interest from potential funders, it should not be necessary to draw too heavily on the TMoK budget
* TMoK and Working Group members would provide guidance to staff on how and what to communicate with regards to Kaituna, He Taonga Tuku Iho and Te Tini a Tuna to the community
* Working Group members.

Items for Staff Follow-up

* Elva Conroy’s spreadsheet with a more detailed breakdown on each project within Te Tini a Tuna to be provided to TMoK
* Dean Flavell, on behalf of TMoK , to meet with all partner councils to present Te Tini a Tuna
* Dean Flavell, on behalf of TMoK , to present to a future meeting of Komiti Māori
* Dean Flavell, on behalf of TMoK, to present to Tauranga Moana Te Arawa partnership forum (WBOPDC) on 8 April 2020.

Resolved

That the Te Maru o Kaituna River Authority:

1. Receives the report, Te Tini a Tuna - Kaituna River Action Plan;
2. Nominates the following members/people as Project Leaders for the Te Tini a Tuna projects led by Te Maru o Kaituna:

* Project 3: Consented takes and discharges (co-led by TMoK with Council’s) – Cr McDonald and Rawiri Kingi;
* Project 9: Pataka kai project – Nick Chater, Mr Roderick and Peter Ellery (whitebait habitat restoration specialist), and a Fish and Game NZ representative;
* Project 10: Kaituna community connection – Dean Flavell to attend meetings of key partners;
* Project 13: Kaituna cultural and historical heritage – Cr Dally and Dean Flavell.

**McDonald/Flavell**

**CARRIED**

12.34 pm – The meeting **adjourned**.

1.10 pm – The meeting **reconvened**.

## Freshwater Policy Update

Jo Watts - Senior Planner (Water Policy) and Nassah Rolleston-Steed - Principal Advisor, Policy & Planning presented this item.

Key Points

* Provided an outline of the timeframe for the new National Policy Statement for Freshwater 2020, which was expected to impact on the Toi Moana’s freshwater policy work programme
* Plan Change 9 (Region wide water quantity) had been withdrawn which meant it no longer had any legal effect
* Although withdrawn, the work Toi Moana, had undertaken with tangata whenua, submitters and appellants would not be wasted. The discussions had been valuable and worked into the new programme of work
* Once Change 5 to the Regional Policy Statement was progressed, there would be a different role for TMoK, in that the change will be driven by BOPRC with TMoK as a key stakeholder (rather than TMoK creating the change, making decisions and approving it like the river document)
* Lessons learnt from Rangitāiki River Forum emphasised the need for TMoK to recognise they were a key stakeholder and ensure active involvement in each stage of the change process.

In Response to Questions

* Part of the Governments Action for Healthy Waterways proposal included regulation about fencing and setbacks to keep stock out of waterways which would apply across the country. For larger rivers, streams, lakes and wetlands, the proposal required a setback of 5m on average across a farm where farming cattle, pigs and deer.
* Central Government had received a large number of submissions on the freshwater proposals, including a significant amount about the proposed stock exclusion parts. Farmers had highlighted concern about the workability of the proposed fencing and setback proposals at consultation events, as there was significant practical and financial impacts to farmers if existing fencing had to be moved or replaced.

Key Points – Members

* Sought suggestions for persons able to provide an independent review of the Change 5 at key stages in its development including supporting TMoK in preparing a possible submission to ensure TMoK are a party to the proceedings (refer the next item: Draft Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement).

Items for Staff Follow-up

* Chairperson Flavell to appoint a suitably qualified and experienced independent advisor to provide technical peer review; advise and recommendation to TMoK during key stages in the Change 5 process (refer Paragraph 3.4.1 of the agenda report, page 95 of the agenda).

Key stages where TMoK expected to seek review and advice included:

* Draft Proposed Change 5 and consultation material /documents;
* Proposed Change 5 and section 32 evaluation;
* Advice / drafting of submission and further submission to Proposed Change 5.

Resolved

That Te Maru o Kaituna River Authority:

1. Receives the report, Freshwater Policy Update.

**Flavell/Kingi**

**CARRIED**

## Draft Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement

*PowerPoint Presentation – Objective Reference A3491942*

Jo Watts - Senior Planner (Water Policy) and Nassah Rolleston-Steed - Principal Advisor, Policy & Planning presented this item.

Key Points

* The purpose of the report was to advise TMoK that Regional Council was embarking on the Change 5 process
* Learnings from Change 3 (Rangitāiki River) meant the appointment of an independent advisor to support TMoK in the plan change process, including making a submission, would be of significant value
* It was important that the advisor had a high level of experience in the formal submission/RMA/Plan Change area
* Ideally the independent advisor should be appointed before the 29 May 2020 TMoK meeting
* The Kaituna, He Taonga Tuku Iho was not necessarily in ‘RMA speak’. The Change 3 (Rangitāiki River) process had put in place a template which ensures the river document would align with the Regional Policy Statement.
* The proposed timeline for formally notifying proposed Change 5 to amend the RPS, was December 2020 which may change depending on Council decisions
* Although TMoK members would be involved as a group, it was also important that the various TMoK members’ entities, e.g. iwi authorities and councils, acted as individual parties to the proceedings.

Items for Staff Follow-up

* Circulate the TMoK’s ‘Guidelines for making a Submission’ to members.

Resolved

That Te Maru o Kaituna River Authority:

1. Receives the report, Draft Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement;
2. Notes, the Strategy and Policy Committee will be workshopping a draft version of Proposed Change 5 (Kaituna River) to the Regional Policy Statement on 24 March 2020;
3. Notes feedback on draft Proposed Change 5 (Kaituna River) to the Regional Policy Statement will be sought at Te Maru o Kaituna River Authority’s 29 May meeting.

**Flavell/Rawiri Kingi**

**CARRIED**

## Toi Moana / Bay of Plenty Regional Council Operational Update

Pim de Monchy – Coastal Catchments Manager presented this item.

In Response to Questions

* A Kaituna Working Party meeting would take place shortly and it was noted that Deputy Mayor Scrimgeour and Nick Chater were members
* The second part of the earthworks for the creation of the new wetland between Tauranga Eastern Link and Lower Kaituna Wildlife Management reserve was scheduled for February 2021
* Outlined the increased monitoring of the Kopuaroa Stream to identify the cause and develop a plan to reduce occurrence of contaminants, e.g. E.coli.

Key Points – Members

* Acknowledged the significant efforts of Pim de Monchy and staff that had culminated in the successful Kaituna River re-diversion opening.

Resolved

That Te Maru o Kaituna River Authority:

1. Receives the report, Toi Moana / Bay of Plenty Regional Council Operational Update.

**McDonald/Dally**

**CARRIED**

# Closing Karakia

Members once again recognised and paid tribute to the contributions made by the late Maria Horne on behalf of Te Komiti Nui o Ngāti Whakaue.

Manu Pene provided a closing Karakia.

**The meeting closed at 2.12 pm**

Confirmed 29 May 2020 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dean Flavell (Tapuika Iwi Authority Trust)

Chairperson – Te Maru o Kaituna River Authority