



## Comments Form

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

#### Your name and contact details:

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#### Comments: (where possible please refer to specific sections, objectives, policies, methods, and pages).

- Overall, Forest & Bird broadly support draft change 5 and the outcomes it is trying to achieve
- We consider there to be some issues with clarity and intent – i.e. some cases where perhaps the wording of an objective/policy/method does not quite reflect what council is trying to achieve. For that reason, we have suggested some amendments or identified where we think changes are necessary.
- Generally, these amendments are to make the change more consistent with the policy statement itself, with the NPS-FM (2020), and with the Quality Planning guidelines.
- We consider it would be useful for council to review all of the drafted issues, objectives, policies, and methods against the Quality Planning guidelines (<https://qualityplanning.org.nz/node/610>) and examples ([https://qualityplanning.org.nz/node/621#example\\_plan\\_issues\\_objectives\\_and\\_policies](https://qualityplanning.org.nz/node/621#example_plan_issues_objectives_and_policies)). We have noted several examples in the draft change where objectives are worded more like policies and policies are worded more like methods, etc. In general, objectives should be in the “form of a sentence that states what is to be achieved, where and when” and policies should address how an objective will be met, where in the region or district it will apply, what course of action is to be taken and when (under what circumstances), who is to comply with the policy, and who is to implement the policy.
- Council should also review the changes against the new NPS-FM (2020). Draft change 5 provides a good opportunity to implement part of the NPS (under its requirement for councils to implement the NPS as soon as practicable).
- Forest & Bird would be happy to continue discussions with BOPRC as you move towards a proposed version of the change and a hearing process, noting that this plan has particular status for tangata whenua, and their rights and interests will need to be considered as any changes to the draft are made. While our comments here reflect our reading of the draft change at this stage, we note that our position might change as the draft is refined further.

**Please feel free to continue writing overleaf or on additional pages.**

Please return your Comments Form by **Friday, 16 October 2020**.

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You can also download this Comments Form from our website [www.boprc.govt.nz/rps](http://www.boprc.govt.nz/rps) and return by email:

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Section	Page No.	Support/Oppose	Comments	Reasons
2.12.3 Kaituna River	1	Support in part	<p>Amend as below for consistency with NPS-FM (2020):</p> <p>Te Maru o Kaituna strongly support recognising “Te Mana o te Wai - the mana of the water”, by providing for the fundamental value of water and the importance of prioritising the health and well-being of water bodies and freshwater ecosystems before providing for human health needs. In doing so the hierarchy of obligations is to <u>the health and well-being of water bodies and freshwater ecosystems</u> first, then <del>peoples’</del> <u>the</u> health needs of people (such as drinking water), and thirdly <del>for</del> the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future.</p> <p>It should also be considered whether it would be useful and/or appropriate to more directly reference, quote, or reflect the six principles of Te Mana o te Wai from the NPS-FM (2020): Mana whakahaere, kaitiakitanga, manaakitanga, governance, stewardship, care and respect.</p>	Ensures consistency with the wording of the NPS-FM (2020) and makes the hierarchy of obligations clearer.
2.12.4 1 Significant Issues affecting the Kaituna River and its tributaries	1	Support in part	<p>We support a statement about overallocation, but suggest amending to better reflect the Quality Planning guidelines. In particular, this statement needs to clearly state <b>what</b> is being impacted, <b>how</b> it is being affected, and <b>where</b>. As drafted, the statement mentions the ‘how’ (overallocation) and ‘where’ (Kaituna River, tributaries, and groundwater), but it does not mention ‘what’ is impacted. In this case, it should be ‘ecosystem health’ and/or other values being impacted.</p> <p>It might be better as (although could be redrafted to anything similar to):</p> <p><b>Water demand is high and could pose a risk for springs and surface water bodies, <u>and the ecosystems reliant on them</u></b></p>	<p>Goundwater should not be referred to as a “resource”. It should be treated with mana and as having inherent value as part of an ecosystem.</p> <p>Quality Planning<sup>1</sup> recommend that in writing issues statements, councils should avoid:</p> <ul style="list-style-type: none"> <li>defining the desired outcome (that is the role of objectives)... [and]</li> <li>pre-empting the solution (e.g. 'the need for a better...') - issues should be identified before the solution is found, not after.</li> </ul>

<sup>1</sup> <https://qualityplanning.org.nz/node/610>

			<p>Current consented allocation exceeds water quantity limits in several sub-catchments of the Kaituna River, <del>and</del> its tributaries and <del>also in</del> parts of the underlying groundwater resource. Increasing water demand particularly for agriculture, horticulture, industrial, and municipal uses <u>continues to increase pressure on ecosystem health signals a need to assign and manage uses within surface and groundwater limits to provide for key values of these water bodies and springs associated with them.</u> Water demand is particularly high in the lower Kaituna River catchment: <del>and P</del>projected urban population growth in Te Puke and Te Tumu will place increased demand on water in the lower Kaituna. <u>[insert something about implications for species, values, or ecosystems].</u></p>	<p>We suggest removing the suggestions on how the ecosystem should be managed and what should be provided for in order to be more consistent with quality planning guidelines.</p> <p>It would be useful to link this issue back to the implication for values, water, and species – e.g. “exceeding allocation means rivers drop to low flows and put stress on species such as tuna and inanga...” etc. or “affect mahinga kai and ecosystem health” etc.</p>
<p>2.12.4 2 Urban growth, climate change, land use intensification and development</p>	1	Support in part	<p>We are very supportive of issues statements that include the implications of climate change. However, this one is quite narrow and should be extended to include effects on values, ecosystem health, human health, etc:</p> <p>Land use intensification and development, urban growth and climate change effects are all placing pressure on <u>the health of Kaituna River ecosystems [as a result of...] and our ability the ability to restore, protect and enhance them the state of the Kaituna River and wetlands habitats.</u></p>	<p>Suggested changes are clearer and link more closely to the NPS-FM (2020) and better reflect Quality Planning guidelines.</p>
<p>2.12.4 3</p>	2	Support in part	<p>Amend as below:</p> <p><b><u>Water quality is declining and is not always suitable to protect ecosystem health, or for swimming in locations people wish to swim</u></b></p> <p>Trends over time show nutrient discharges are increasing <del>which is a</del> <u>and contributing significantly contributor</u> to declining water quality in the Kaituna River and its tributaries, including Maketū Estuary. Popular swimming spots are not always swimmable due to poor water quality from e-coli.</p>	<p>Better reflects Quality Planning guidelines and impacts on ecosystem health.</p>

2.12.4 4 Drainage Scheme Impacts	2	Support	We support this statement as it clearly links values impacted to the activity. It clearly states <b>what</b> is being affected, <b>how</b> it is being affected, and <b>where</b> , as recommended by Quality Planning guidelines.	
2.12.4 5 Tangata whenua have become disconnected with the Kaituna River	2	Support	Support. Though it could be amended to include some acknowledgment of 'how' disconnect has occurred (e.g. colonisation, land confiscation, removal of tangata whenua governance, etc.)	Would reflect Quality Planning guideline to include what, where, and how in issue statements.
2.12.4 6 Health of Maketu Estuary	2	Support	Support, though could be amended to remove the section "Reduction of contaminants, nutrients, sediment and bacterial inputs from the catchment are necessary to improve the health of the estuary." as this statement might be more appropriate in an objective.	Would reflect Quality Planning guideline to avoid "defining the desired outcome" and avoid "pre-empting the solution" in an issue statement.
Map 4ab	3	Support	Clear and simple.  Particularly support the inclusion of marae locations.	
Objective 40  The traditional and contemporary relationships that iwi and hapū have with the Kaituna River are recognised and provided for.	5	Support in part.	Support in principle, but "recognised and provided for" is unclear and would be more appropriately replaced with a statement about what the objective for the status of those relationships actually is. In the issue, the plan states that relationships are "strained" - so the objective should be to reduce or remove that strain. Therefore, something like the below would be more appropriate:  "The traditional and contemporary relationships that iwi and hapū have with the Kaituna River are recognised, <u>restored, and enhanced</u> <del>and provided for.</del> "	More consistent with Quality Planning guidelines, issue statement, and NPS-FM (2020).
Objective 41  Water quality and the mauri of the water in the Kaituna River and its tributaries is restored to a healthy state which meets agreed standards.	6	Support in part	"agreed standards" is not clear and does not give effect to the NPS-FM (2020) or Te Mana o te Wai. The objective is also missing mention of groundwater, which was included in the issue statement. It is also missing a timeframe. Amend to something like (or similar):  "Water quality and the mauri of the water in the Kaituna River, <del>and</del> its tributaries, <u>and connected groundwater</u> is restored to a <del>healthy</del> state which <u>provides for tangata whenua, ecological, and recreational values by 2030.</u> <del>meets agreed standards</del> "	More consistent with Quality Planning guidelines, issue statement, and NPS-FM (2020).

Objective 42  There is sufficient water quantity in the Kaituna River to support the mauri of rivers and streams and provide for tangata whenua, ecological and recreational values.	6	Support	Support, although also missing a timeframe. A 2030 target to achieve the objective would be useful.	
Objective 43  Water in the Kaituna River is sustainably allocated and efficiently used to provide for the social, economic and cultural well-being of iwi, hapū and communities now and for future generations	6	Support in part	This might be more appropriate as a policy that sits under Objective 42. While it does speak to its own objective, it also needs to work within the limits of objective 42 and is vital to achieving objective 42. If kept, it could be redrafted more like:  Water in the Kaituna River is sustainably allocated and efficiently used to provide for the social, economic and cultural well-being of iwi, hapū and communities now and for future generations, <u>without compromising its mauri or the ecological, recreational, or tangata whenua values of the river.</u>	Needs some clarification as to whether it is an objective in itself, or is better as a policy that falls out of objective 42.
Objective 44  The environmental well-being of the Kaituna River is enhanced through best management practices.	7	Oppose	This objective is not clear. It does not include a clear statement of <b>what</b> is to be achieved (that's measurable), <b>where</b> , and <b>when</b> . 'Best management practices' is also a problematic term as it is open to interpretation. It needs amending to address these issues. It's also something of a restatement of O41, so the focus might need to be shifted more towards an outcome for land management.	Unclear. Inconsistent with NPS-FM (2020) and Quality Planning guidelines.
Objective 45  The restoration, protection and enhancement of Kaituna River's wetlands, aquatic and riparian ecosystems that support indigenous species.	8	Support in part	The current wording doesn't make sense. Something like the below would be more appropriate, as it states more clearly what is to be achieved and where.  <del>The restoration, protection and enhancement of Kaituna River's wetlands, and aquatic and riparian ecosystems that are</del> <u>restored, protected, and enhanced to support indigenous species.</u>	
Objective 46	9	Support in part	We support this in principle, but it is more of a policy than an objective. It talks about how something (meeting environmental, economic, social, educational and cultural aspirations) will be done, where it applies	More consistent with Quality Planning guidelines.

<p>Te Maru o Kaituna collaborate with iwi and the wider community to enable environmental, economic, social, educational and cultural aspirations for the restoration, protection and enhancement of the Kaituna River.</p>			<p>(Kaituna River), what course of action is to be taken (collaboration), and who it involves (Te Maru o Kaituna, iwi, and the wider community). It is therefore better as a policy.</p> <p>It should be moved to the policies section, and should be refined to ensure it provides clear direction to whoever is implementing it.</p> <p>Alternatively, it could be reframed as an objective – i.e. <b>what</b> is to be achieved, <b>where</b>, and <b>when</b>.</p>	
<p>Policy KR 1B</p>	<p>16</p>	<p>Support</p>		
<p>Policy KR 2B: Establishing water quality limits within the Kaituna River</p>	<p>16</p>	<p>Support in part</p>	<p>Reference to ecosystem health (and other values in the NPS-FM and the issue statement) is missing. Clause (a) is also narrow by only being limited to swimming, when other recreational activities are extremely important in the catchment (e.g. rafting and kayaking). The policy should be amended to address this. Something more like:</p> <p style="text-align: center;">Establish water quality limits for contaminants within the Kaituna River through the National Policy Statement for Freshwater Management framework to ensure water:</p> <ul style="list-style-type: none"> <li>(a) Is safe for bathing in identified locations where people wish to swim <u>or undertake other primary contact activities</u>;</li> <li>(b) Provides safe drinking water sources where the water is used for that purpose;</li> <li>(c) Can sustain customary kai awa and kai moana sources; <del>and</del></li> <li>(d) Is suitable for cultural ceremonies at traditional sites; <del>and</del></li> <li>(e) <u>Provides for ecosystem health and protects the habitats of indigenous freshwater species</u></li> </ul>	<p>Ensures consistency with NPS-FM (2020) and better addresses the issues raised in the issue statement. It also better reflects the explanation, which references many water quality components relevant to ecosystem health (e.g. nutrients).</p>

			<u>(f) quality is improved where degraded, and maintained or improved elsewhere</u>	
Policy KR 3B	17	Support	Could be amended to include reference to who (or what agencies) is expected to use matauranga māori (i.e. how it will be used and supported to achieve objectives).	
Policy KR 4B Managing groundwater abstraction in the Kaituna River	17	Support in part	Support, though suggest amending to better link the instream ecological and cultural values to the flows by rearranging the policy:  Manage groundwater abstraction to protect the mauri of puna (spring) flows <u>and ensure there is sufficient water available to provide for tangata whenua, ecological and recreational values</u> within the Kaituna River while:  (a) Having regard to the <del>economic, cultural, and social,</del> <u>and economic</u> well-being of present and future iwi, hapu and communities; <del>and</del>  (b) <del>Ensuring there is sufficient water available to provide for tangata whenua, ecological and recreational values.</del>	Makes more sense.
Policy KR 5B	18	Support		
Policy KR 6B: Providing for the protection of Kaituna River's indigenous aquatic, riparian and wetland vegetation and habitats	18	Support in part	Suggest renaming as: <del>Providing for the protection of</del> <u>Protecting the</u> Kaituna River's indigenous aquatic, riparian and wetland vegetation and habitats  A key part of the policy is about 'protecting' habitats, but no part of the policy states how the protection will occur. Instead it focuses on restoration and enhancement. Some clearer direction as to how protection works should be added to the policy.	
Policy KR 7B	19	Support		It is encouraging to see a policy on economic development that is directed to protect or enhance the river's wellbeing and does not provide scope for degradation.
Policy KR 8B: Enabling recreational activities along the Kaituna River	19	Support in part	Support, though it could be amended to explicitly state that recreational activities should not compromise 'ecosystem health'. This would be clearer than "ecological...protection...objectives"	More consistent with NPS-FM (2020)

			We also understand there are issues with public access to some of the lower parts of the river, in particular the 'lower gorges'. Some more direction could be given in this policy as to how recreational activities and access will be provided to the river, and where.	
Policy KR 9B	20	Support in part	<p>We support this and agree that tangata whenua should exercise their right as kaitiaki of the river. However, we would be more comfortable with reference to use within limits, as mentioned in the note to this policy. We suggest something like:</p> <p>Recognise kaitiakitanga in the Kaituna River involves both the use and development of land and water by tangata whenua <u>within the limits of te mana o te wai</u>, and the protection of taonga, waahi tapu, sites of significance and other natural and physical resources of importance to tangata whenua.</p>	
3.2.1 Method KR1		Oppose in part	<p>We appreciate what the council is trying to do here (we assume trying to state that the Kaituna Action Plan gives effect to many of the policies) but at the moment the method doesn't state much more than the policies do. According to the Quality Planning guidelines, "Methods should not... be a restatement of the policy it purports to implement"</p> <p>Perhaps the method should just state: "Give effect to the Te Tini a Tuna Kaituna Action Plan."</p>	Consistency with Quality Planning guidelines. Clarity.
Method KR3		Oppose	<p>As worded, the method, "Identify specific locations in the Kaituna River for safe contact recreation under Policy KR 2B", is not clear on whether locations should be identified that are currently safe (i.e. with existing water quality) or that should be safe (i.e. places that people want to swim but are not yet safe to do so). It also isn't clear on what is mean by 'safe' – e.g. trout pool falls is not a safe place to swim from a risk management perspective, though it is used safely by kayakers. It's unclear whether safe means in terms of pathogens or other risks.</p> <p>Amendments may be appropriate: "Identify specific locations in the Kaituna River <u>that are used for, or that people would like to use for,</u> <del>safe</del> contact recreation under Policy KR 2B"</p>	
Method KR5		Support	This method could be widened to include some council responsibility – i.e. while it is useful for iwi authorities to outline this information,	



			councils should proactively take some responsibility to engage and learn these things.	
Method 23I		Oppose	We support this in principle, though it is really a restatement of Policy 2R 2B (and KR 4B) and therefore probably not necessary. The policy already provides sufficient direction.	
Method 23J		Support in part	Suggest amending to include catchment:  In liaison with tangata whenua and local communities develop and implement strategies for the alternative treatment and disposal of wastewater and stormwater in the Rangitāiki River catchment and Kaituna River <u>catchment</u> .	Clarity, as it should not be limited to discharges only in/to the river.
Method 23N, 23S, 23T		Support in part	As above – add “catchment”	As above
Objective 40 – AER and Monitoring Indicators	26	Support in part	As drafted these are relatively weak and don’t do much more than what the RMA already says (and which hasn’t delivered the results that iwi and tangata whenua are entitled to). For example, it states cultural values will be “recognised and provided for”, that iwi will be satisfied “mitigation measures... have been” addressed, and that “Decision-making takes iwi and hapū resource management plans into account”.  Overall we consider this to be a very weak AER, and the AER would be more appropriate to state that “cultural values will be <i>protected</i> ”, use terms like “avoidance” instead of “mitigation”, and “decision making will be <i>guided by</i> iwi and hapu management plans”  Monitoring inidcators could be amended accordingly.	More consistent with objectives, NPS-FM (2020), and desired outcomes of tangata whenua
Objective 41 – AER and Monitoring indicators	26	Support	Support. Though we suggest including some monitoring indicators that use matauranga māori, given that is a key objective of the plan.	
Objective 42-46 – AER...	27	Support in part	We generally support these, although the language could better reflect the NPS-FM (e.g. by using terms like ‘ecosystem health’)  The outcomes could also be more specific and tied more directly to the values that are trying to be protected – i.e. ecological health, cultural health – by stating clearly that limits and targets will be met, water quality will be enhance, etc.	

			<p>Some of the measurements are vague – e.g. How will council know that “Resource management decisions involving takes or discharges of water” have documented “how iwi and hapū relationships have been recognised and acknowledged.”? It is a very loose measurement outcome.</p> <p>Also, as above, measures using matauranga maori couyld be included.</p>	
Appendix A: Definitions		Oppose	<p>The definition of riparian margins should apply to artificial watercourses. These can be a significant source of contaminants. Excluding them would be innappropriate.</p>	<p>Consistency with NPS-FM requirements.</p> <p>Allows council to manage effects of riparian zones (or lack of) on artificial watercourse water quality and any downstream environments</p>

**ENDS**