

IN THE MATTER OF

The Resource Management Act 1991

AND

IN THE MATTER OF

Lake Rotorua Nutrient Management –
PROPOSED PLAN CHANGE 10 to the
Bay of Plenty Regional Water and Land
Plan

**STATEMENT OF EVIDENCE OF TANIRA TE TUPARA KINGI
ON BEHALF OF THE LAKE ROTORUA STAKEHOLDER ADVISORY
GROUP**

Rebuttal Evidence

Qualifications and Experience

1. My full name is Tanira Te Tupara KINGI, I am employed as a Research Leader in Primary Industry Systems with Scion, Rotorua. I have a PhD in agricultural economics and development from The Australian National University and a MAppSc(Hons) in agricultural systems management from Massey University. My iwi affiliations include Ngati Whakaue, one of several Te Arawa iwi with land interests in the Lake Rotorua catchment.
2. I was the chair of the Lake Rotorua Stakeholder Advisory Group (StAG) from July 2013 to its disestablishment in December 2015.
3. While chair of StAG I was employed by AgResearch Ltd as a senior scientist in agricultural systems and science advisor up to June 2015 when I started with Scion. My contract to BoPRC to chair StAG was through AgResearch Ltd.
4. I was the chair of the Lake Rotorua Primary Producers Collective (LRPPC) from its inception in June 2011 to June 2013.
5. I am currently the chair of the Te Arawa Primary Producers (TAPS) Group established in July 2011 with 11 members in the Lake Rotorua catchment.
6. I am also chair Whakaue Farming Ltd (WFL), a wholly-owned subsidiary of Ngati Whakaue Tribal Lands (NWTL). WFL manages 2,800ha of land owned by NWTL and is the largest pastoral farmer in the catchment.

Scope of Evidence and Summary

7. My evidence is in response to expert evidence provided by:
 - a. CNI Iwi Holdings Limited (CNIHL)
 - b. PF Olsen Ltd
8. My evidence covers the following matters:
 - a. Collaborative process used to establish StAG
 - b. Decision making process used by StAG to meet the conditions under its Terms of Reference
9. I not intend to respond to every point raised in the evidence. Instead I will focus on the following:

- (a) The alleged capture of StAG by self-interested parties including high nutrient emitting land users in the catchment
- (b) The lack of forestry or landowner representation on StAG

10. For specific response to 9(a) refer to Section 22 and 25.

11. For specific response to 9(b) refer to Section 26 and Section 40 onwards.

12. Note that where I have not responded on other issues given in evidence by these two submitters, this does not mean that I agree with their evidence on those issues.

Background materials and reports referenced

13. In preparing this evidence, I have referred to the following documents (links provided):

- (a) StAG Terms of Reference [StAG TOR](#)
- (b) StAG Minutes (November 2012 to December 2015). [StAG agendas and minutes](#)
- (c) Oturoa Agreement [Oturoa Agreement](#)
- (d) Waiora Agreement [Waiora Agreement](#)

Formation of StAG

14. StAG was preceded by two other community engagement groups: The Land Use Focus Group that met approximately 6 or 7 times from 2005 to 2007, and following that the Land Use Futures Board (LUFB) formed in 2008 to 2010.

15. Prior to the establishment of StAG a number of key milestones took place. This included the signing of the Waiora Agreement in 2011 by the Lakes Water Quality Society (LWQS) and the Lake Rotorua Primary Producers Collective (LRPPC). This agreement specified the common principles of working collaboratively together to protect Lake Rotorua and the rural economy.

16. The executive members of these two groups formed the 'Waiora' group that met 2-3 times in 2012 with senior representatives from BOPRC and the Rotorua Lakes

Council (RLC). These meetings were facilitated by MP Todd McLay. A key function of this group was to resolve issues with the RPS appeal. These 2012 Waiora meetings also pushed for the establishment of a broad community forum which took place on 31 August 2012 (see below). In February 2013, with the assistance of Todd McLay the Oturoa Agreement was signed between the BoPRC, LRPPC, Federated Farmers and supported by LWQS. This agreement laid the principles for how the sectors would work together to achieve the principles outlined in the Waiora Agreement.

17. On August 31, 2012 a public forum was organised with the support of LWQS, LRPPC, Te Arawa Primary Sector Group (TAPS), Te Arawa Lakes Trust (TALT), Rotorua District Council (now RLC) and BoPRC to provide the opportunity for as many landowner perspectives in the catchment to be presented on how reduce nutrient losses into the Lake. The forum recommended the formation of StAG.

18. A sub-group from the Collective, LWQS and BoPRC staff drafted the StAG ToR which were presented to the Rotorua Te Arawa Lakes Strategy Group (RTALSG) in September 2012. RTALSG approved the StAG ToR in principle in September 2012, and formally signed off the final ToR in December 2012.

19. Membership of StAG

20. A key principle in the StAG ToR was that members were not expected to represent industry or landowner interests in the catchment. Instead the Group members shall be selected or nominated by their respective sectors, organisations and agencies on the basis of the knowledge and skills they can bring to the table, particularly an ability to operate in a collaborative manner.

21. It was agreed by the subgroup charged with writing the ToR (see 16 above) that representation of land owner or sector interests could produce a competitive environment that may not achieve an outcome that was acceptable to the catchment community.

22. Industry Interests and Industry Capture in StAG

23. The allegation that StAG was subject to regulatory capture in the StAG ToR and that the BoPRC active acted to facilitate this capture allowing (i) concentrated interest groups; and (ii) technically complex policy to produce a situation where

“asymmetric information is prevalent” (page 6 of the CNIIHL evidence) does not acknowledge the progress made by the efforts of the LWQS and LRPPC to work collaboratively under very challenging circumstances.

24. The historical description given in Sections 14 to 23 does not describe the difficult relationship that had evolved between the farmer representatives (e.g. Federated Farmers), the LWQS and BoPRC from around 2004 to 2010. A key (unwritten) function of StAG was to build the bridges between these three main organisations and the Waiora and Oturoa Agreements were critical in achieving this purpose.

25. It was widely recognised (prior to the establishment of StAG), by the industry, BoPRC, LWQS and Te Arawa that a sustainable solution to reducing nitrate leaching into Lake Rotorua could not be achieved without the buy-in from the pastoral sector. To suggest that policy capture was a deliberate ploy to preserve the status quo and reward those that pollute and penalise those that don't is a statement made without the full understanding of the complex context of Lake Rotorua catchment.

26. Iwi (Te Arawa) Landowner Input to StAG

27. The public forum in August 2012 to establish a community stakeholder group was attended by around 75 attendees. Te Arawa landowners actively participated in this meeting.

28. The StAG ToR indicated there would be one 'Maori landowner' member. This was later increased to two members more accurately to account for the 27% of the catchment under Māori land ownership.

29. A number of hui were organised in 2013 and 2014 by BoPRC under the direction and support of StAG to lift the awareness of Te Arawa landowners. These resulted in more Te Arawa landowners joining StAG at various times. The organisations represented are listed below (the names of the individuals are available in the StAG minutes).

30. Te Arawa Maori land block members on StAG:

- i. Whakapoungakou Trust
- ii. Ngati Whakaue Tribal Lands

- iii. Maori Trustee (now Te Tumu Paeroa)
- iv. Pukahukiwi Kaokaora Incorporation
- v. Waerenga Incorporation
- vi. Mangorewa Kaharoa Trust
- vii. Maraeroa Oturoa Trust
- viii. Parekarangi Trust

31. These organisations had multiple members representing them including 2 from the Pukahukiwi and 3 from Waerenga Incorporations.
32. **Te Tumu Paeroa** was represented by the Rotorua office manager, who later resigned from StAG following his election to BoPRC. Councillor Tahana remained as an observer on StAG and was instrumental in organising and presenting information to several hui organised for Te Arawa land owners in 2014
33. Council Tahana was replaced by four Te Tumu Paeroa Rotorua and Wellington-based staff between 2014 and 2015.
34. **Te Arawa Lakes Trust:** TALT CEO was a regular attendee at StAG meetings and he was supported by three trustees two TALT staff members who attended over the 3-year period.
35. **Te Arawa Primary Sector (TAPS) and Te Arawa FoMA** were all represented by the individuals who attended to provide a land owner or manawhenua perspective on the points of discussion over the course of the three years that StAG met.
36. In September 2015 a special StAG meeting was organised to provide the various groups on StAG to present their views on draft rules. Attendees included 8 Te Arawa landowners and two from NWTL and TTP presented the Te Arawa perspective including a focus on under-developed Maori land which led to Council funding a study on this issue.
37. As the StAG chair and current chair of WFL and TAPS my responsibility was to act impartially and objectively in leading and facilitating StAG proceedings. I accepted the contracted role as an experienced independent chair and I understood that I could not advocate for Te Arawa interests. However, as a tribal member of Te Arawa I felt that it was my responsibility to ensure that the Te

Arawa perspective was incorporated into all discussions and decisions and encouraged active participation from other Te Arawa landowners.

38. The involvement of Te Arawa in the StAG process could best be described as reasonable or adequate. Could consultation have been improved? Of course, but StAG was not responsible for consultation. That lay with BoPRC. However, the Te Arawa members of StAG provided as much support and guidance as required to BoPRC to design and implement consultation and information efforts to Te Arawa land owners.
39. The organisations listed in 24 above are some of the largest Te Arawa entities in the catchment but it should be remembered that many of the trustees that attended StAG meetings provided multiple perspectives; not limited to the large entities but also the many small land owning structures that they are trustees on. Iwi members have multiple commitments, on multiple blocks representing multiple interests.

40. Other Iwi and Forestry Sector Input into the StAG Process (including CNIHL)

41. CNIHL is made up of 8 iwi: Ngai Tuhoe, Ngāti Manawa, Ngāti Rangitīhi, Ngāti Tuwharetoa, Ngāti Whakāue, Ngāti Whare, Raukawa, Te Pūmāutanga O Te Arawa (TPoTA). Ngāti Whakāue was more than adequately represented around at the StAG meetings. The other Te Arawa group is TPoTA which is made up of Ngāti Ngārarānuī, Ngāti Tura, Ngāti Te Ngākau, Ngāti Kearoa/Ngāti Tuara, Ngāti Te Roro o te Rangī, Ngāti Uenukukopako, Ngāti Tutenui, Ngāti Pīkiao, Ngāti Tarāwhai, Ngāti Rongomai, Tuhourangi Ngāti Wāhiao, Ngāti Tahu-Ngāti Whaoa.
42. Several of the Te Arawa hapu listed under TPoTA were represented by individuals that attended the StAG meetings. But as outlined in 18, 19 and 20 above they did not attend with the full mandate of their hapu or iwi as representatives.
43. The allegation that StAG viewed CHIIHL as a "...landlord, not a forester. And not necessarily having the same land use goals as their present licensee/lessee" is spurious. Nor do I accept that the licensee/lessee pointed that out at the first StAG meeting (page 5 of the CHIIHL evidence). The inaugural StAG meeting minutes from 6 November 2012 has Colin Maunder attending as a forestry sector representative and not representing CNIHL.

44. The minutes of the first StAG on 6 November 2012 under the heading 'Clarifications On Membership And Voting Rights', note the forestry representative (i.e. Mr Maunder) stating that forestry have not agreed who the primary member will be. The forestry rep should be a nominee of the NZ Forest Owners Assoc. (NZFOA) and StAG will need to recognise that other (significant) forest interests are also already represented on the Group (i.e. Maori) who are not members of NZFOA. Member options include Colin Maunder, Kit Richards and Sally Strang (refer to StAG minutes). At no time in this meeting did Colin Maunder state that he was representing CNIIHL or other forest landowners. He also noted that he had an interest in the allocation formulae and was opposed to Lake Taupo grand parenting.
45. There was no attempt by StAG to deliberately exclude CNIIHL from attending StAG meetings. And StAG reasonably assumed CNIIHL and other forest landowners were being informed of policy development through their representatives Colin Maunder and Kit Richards (via StAG agenda and minutes), without any assumption that Colin or others named above 'represented' those landowners.