

Te Maru o Kaituna River Authority

NOTICE IS GIVEN

that the next meeting of the **Te Maru o Kaituna River Authority** will be held in **Council Chamber, Western Bay of Plenty District Council, 1484 Cameron Road, Greerton** on:

Friday, 27 April 2018 commencing at 10.30 am.

Please note that the formal meeting will be followed by a Public Excluded workshop.

Mary-Anne Macleod
Chief Executive
Bay of Plenty Regional Council Toi Moana

19 April 2018

Te Maru o Kaituna is the co-governance partnership established by the Tapuika Claims Settlement Act 2014, made up of five iwi representatives and five local authority representatives.



Te Maru o Kaituna (Kaituna River Authority) Terms of Reference

Interpretation

“Act” means the Tapuika Claims Settlement Act 2014.

“Appointing organisation” means an organisation that appoints a member of the Kaituna River Authority under section 118 of the Act.

“Authority” means Te Maru o Kaituna / the Kaituna River Authority.

“Iwi” means each iwi represented by an iwi appointing organisation.

“Iwi appointing organisation” means:

- the Te Tāhuhu o Tawakeheimoa Trust.
- the Tapuika Iwi Authority Trust.
- Te Kapu o Waitaha.
- the Te Pumautanga o Te Arawa Trust.

“Joint committee” means a joint committee within the meaning of clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.

“Kaituna River or river” means the Kaituna River, including its tributaries within the catchment areas shown on deed plan OTS-209-79.

“Kaituna River document” means the document approved under section 127 of the Act.

“Local authority” means the Bay of Plenty Regional Council, the Rotorua District Council, the Tauranga City Council or the Western Bay of Plenty District Council – and “local authorities” shall have a corresponding meaning.

“Te Pumautanga o Te Arawa Trust” has the meaning given in section 10 of the Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008.

The scope and delegation of this Authority covers the geographical area of the Kaituna River catchment as shown on deed plan OTS-209-79.

Establishment

The Act provides for the establishment of Te Maru o Kaituna, a co-governance partnership between local authorities and iwi that share an interest in the Kaituna river.

Despite the composition of the Authority as described in section 118 of the Act, Te Maru o Kaituna is a joint committee of the Bay of Plenty Regional Council, the Rotorua District Council, the Tauranga City Council and the Western Bay of Plenty District Council.

Despite Schedule 7 of the Local Government Act 2002, the Authority:

- is a permanent joint committee; and

- must not be discharged unless all of the appointing organisations agree to the discharge.

Purpose

The purpose of the Authority is as set out in Tapuika Claims Settlement Act 2014.

The purpose of the Authority is the restoration, protection and enhancement of the environmental, cultural and spiritual health and well-being of the Kaituna River.

In seeking to achieve its purpose, the Authority may have regard to the social and economic well-being of people and communities.

Functions

- The principal function of the Authority is to achieve its purpose.
- In seeking to achieve its purpose, the other functions of the Authority are:
 - to prepare and approve the Kaituna River document in accordance with sections 125 and 127 of the Act
 - to monitor the implementation and effectiveness of the Kaituna River document
 - to support the integrated and collaborative management of the river
 - to work with the local authorities and Crown agencies that exercise functions in relation to the Kaituna River:
 - to monitor the state of the river environment
 - to monitor the effectiveness of the management of the river
 - to engage with iwi in relation to their interests in the river and to consult them on how to manage the river
 - to provide advice and recommendations to local authorities:
 - relating to projects, action, or research designed to restore, protect, or enhance the health and well-being of the river
 - on the appointment of commissioners to hear and decide applications for resource consents under the Resource Management Act 1991 that affect the river
 - to facilitate the participation of iwi in the management of the river
 - to monitor the extent to which the purpose of the Authority is being achieved, including the implementation and effectiveness of the Kaituna River document
 - to gather information, to disseminate information, and to hold meetings
 - to take any other action that the Authority considers is appropriate to achieve its purpose.
- The Authority may seek to obtain funds to enable it to perform its functions.

Membership

As at the settlement date, the Authority consists of 8 members, as follows:

- one member appointed by the Tapuika Iwi Authority Trust; and
- one member jointly appointed by the Tapuika Iwi Authority Trust and Te Kapu o Waitaha; and
- one member appointed by the Te Pumautanga o Te Arawa Trust; and
- one member appointed by the Te Tāhuhu o Tawakeheimoa Trust; and

- one member appointed by the Bay of Plenty Regional Council; and
- one member appointed by the Rotorua District Council; and
- one member appointed by the Tauranga City Council; and
- one member appointed by the Western Bay of Plenty District Council.

Quorum at meetings

In accordance with Te Maru o Kaituna standing order 2.4.3, the quorum for a meeting of the Authority is—

- the chairperson or deputy chairperson; and
- two members appointed by the iwi appointing organisations; and
- two members appointed by the local authority appointing organisations.

Decision making

The Authority must make its decisions by a vote at a meeting.

However, the members of the Authority must approach decision making in a manner that—

- seeks to achieve consensus; and
- is consistent with, and reflects, the purpose of the Authority; and
- acknowledges as appropriate the interests of iwi in particular parts of the Kaituna River and its catchment.

If the chairperson (or deputy chairperson) considers that the meeting is unlikely to achieve a consensus on a matter, the decision on the matter may be made only by a 70% majority of those members present and voting at the meeting.

The chairperson and deputy chairperson of the Authority may vote on any matter but do not have a casting vote.

Specific responsibilities and delegations

To avoid doubt, except as provided for in section 116 (2)(a) of the Act, the Authority has discretion to determine in any particular circumstances:

- whether to perform any function specified.
- how, and to what extent, any function specified is performed.

Provision for other groups to join the Authority

Other iwi and local authorities may join the Authority through consensus of the Authority or through legislation.

Public Forum

1. A period of up to 15 minutes may be set aside near the beginning of the meeting to enable members of the public to make statements about any matter on the agenda of that meeting which is open to the public, but excluding any matter on which comment could prejudice any specified statutory process the council is required to follow.
2. The time allowed for each speaker will normally be up to 5 minutes but will be up to the discretion of the chair. A maximum of 3 public participants will be allowed per meeting.
3. No statements by public participants to the Council shall be allowed unless a written, electronic or oral application has been received by the Chief Executive (Governance Team) by 12.00 noon of the working day prior to the meeting and the Chair's approval has subsequently been obtained. The application shall include the following:
 - name of participant;
 - organisation represented (if any);
 - meeting at which they wish to participate; and matter on the agenda to be addressed.
4. Members of the meeting may put questions to any public participants, relevant to the matter being raised through the chair. Any questions must be asked and answered within the time period given to a public participant. The chair shall determine the number of questions.

Membership

Chairperson:	D Flavell (Tapuika Iwi Authority Trust)
Deputy Chairperson:	Councillor A Tahana (Bay of Plenty Regional Council)
Members:	<p>Bay of Plenty Regional Council Councillor J Nees, Councillor M McDonald (Alternate)</p> <p>Rotorua Lakes Council Councillors T Tapsell, N Chater (Alternate – Lakes Community Board)</p> <p>Tapuika Iwi Authority Dc B Kihirini (Alternate)</p> <p>Tauranga City Council Councillors S Morris, Cr T Molloy (Alternate)</p> <p>Te Pumautanga o Te Arawa P Thomas (Alternate)</p> <p>Te Komiti Nui o Ngāti Whakaue M Horne, R Pou Poasa (Alternate)</p> <p>Te Tahuu o Tawakeheimoa Trust R Hancock, N Douglas (Alternate)</p> <p>Western Bay of Plenty District Council Councillor K Marsh, Councillor J Scrimgeour (Alternate)</p>
Committee Advisor:	T Nerdrum-Smith

Recommendations in reports are not to be construed as policy until adopted.

Agenda

- 1 Opening Karakia
- 2 Apologies
- 3 Public Forum
- 4 Acceptance of Late Items
- 5 General Business

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7	Previous Minutes	
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	Pim de Monchy, Kaituna Catchment Manager will provide a presentation on this item	
10	Reports - Continued	
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12	Consideration of General Business	
13	Closing Karakia	

Previous Minutes

Minutes of the Te Maru o Kaituna River Authority Meeting held in The Cruise Deck, Club Mount Maunganui Inc, 45 Kawaka Street, Mount Maunganui on Tuesday, 6 March 2018 commencing at 10.30a.m.

Present:

Chairman: D Flavell (Tapuika Iwi Authority Trust).

Deputy Chairman: A Tahana (Bay of Plenty Regional Council).

Appointees: K Marsh (Western Bay of Plenty District Council), S Morris (Tauranga City Council), P Thomas (Alternate, Te Pumautanga o Te Arawa), R Pou Poasa (Alternate, Te Komiti Nui o Ngati Whakaue), N Chater (Alternate, Lakes Community Board), Dr B Kihirini (Alternate, Tapuika Iwi Authority), M McDonald (Alternate, Bay of Plenty Regional Council), R Hancock (Te Tahuhu o Tawakeheimoa Trust).

In Attendance: Bay of Plenty Regional Council: N Poutasi (Water Policy Manager), S Omundsen (General Manager – Catchment Management), K O'Brien (Strategic Engagement Manager), P de Monchy (Kaituna Catchments Manager), D Hyland (Finance and Corporate Planning Manager), A Vercoe (Maori Policy Team Leader), D Llewellyn (In-House Legal Counsel), J Watts (Senior Planner (Water policy)), K Pihera-Ridge (Maori Policy Advisor), R Gardiner (Maori Policy Advisor), R Keber (Marketing and Communications Advisor), J Easton (Solicitor), R Garrett (Committee Advisor).

B Law (Law Creative), M Te Amo; J Riini (Rotorua Lakes Council), M Lleyton (Western Bay of Plenty District Council), J Fitter (Bay Conservation Alliance).

Apologies: J Nees, M Horne, N Douglas, T Tapsell, H Paul, T Molloy; R Hancock (lateness).

1 Opening Karakia

Provided by D Flavell.

2 Apologies

Resolved

That the Te Maru o Kaituna River Authority:

- 1 Accepts the apologies tendered from J Nees, M Horne, N Douglas, T Tapsell, H Paul, T Molloy; and R Hancock for lateness.**

**Tahana/Morris
CARRIED**

3 **General Business and Tabled Items**

Nil.

4 **Declaration of Conflicts of Interest**

Nil.

5 **Previous Minutes**

5.1 **Te Maru o Kaituna River Authority minutes - 7 December 2017**

Tabled Document 1: File Note – Te Maru o Kaituna River Authority Membership Imbalance

The Chairman invited Bay of Plenty Regional Council In-House Legal Counsel Donna Llewellyn to address the meeting regarding the imbalance between iwi and local authority membership of the Authority. Ms Llewellyn tabled a file note prepared on this issue and noted:

- Her advice was provided as In-House Legal Counsel to the Bay of Plenty Regional Council and consequently made available to Te Maru o Kaituna River Authority, and did not prevent any member or entity seeking independent advice;
- Ms Llewellyn considered there was no legal justification for the Regional Council to relinquish a seat on the Authority to regain balance between members as there was no statutory requirement for even representation;
- There was no formal correlation between iwi and local authority seats;
- There was a statutory duty on appointing organisations to make appointments as soon as reasonably practicable;
- That the collaborative structure of the Authority and the statutory direction for decision-making to be by consensus should ensure that a vacancy did not unreasonably prejudice other members; and
- Any issues regarding the fundamental framework of the Authority was a matter for central government to address.

Attendance

R Hancock joined the meeting at 10.45 am.

A member expressed concern that Tapuika was being negatively affected and denied full representation on the Authority by another iwi and the inability to reach agreement on appointment to the vacant seat, despite several attempts by Tapuika to address the issue of the vacancy; and that the inequality of representation went to the heart of the Tapuika Settlement. Ms Llewellyn's advice was appreciated but it was noted that each member had the right to challenge the perspective given and to obtain their own legal advice.

Members acknowledged the concerns raised, noted the difficulties associated with the continued vacancy and agreed on the importance of being able to move forward with the Kaituna River Document.

Resolved

That the Te Maru o Kaituna River Authority:

- 1 **Confirms the minutes of the Te Maru o Kaituna River Authority meeting held 7 December 2017.**

Tahana/Morris
CARRIED

6 Reports

6.1 Design work for Te Maru o Kaituna 'brand' and Kaituna River Document

Refer PowerPoint Objective ID: A2828447

Marketing and Communications Advisor Ruth Keber updated members on design work for the Kaituna River Document and the selection process for a design consultant. Ms Keber introduced Mr Brendon Law from Law Creative who provided a brief presentation on the work of the design sub-group, the development and meaning of the Te Maru o Kaituna River Authority logo and the proposed structure, feel and key design features of the River Document.

Members suggested the inclusion of scan technology to provide a voiceover in te reo Māori and English, and a QR code feature or the use of augmented reality for diagrams and pictures; Mr Law thought this could be achieved and would follow up with the design sub-group.

It was noted that the use of photos of people could impact the longevity of the River Document and the design sub-group was giving careful consideration to appropriate inclusion of photos in the Document.

The Chair invited Maika Te Amo to address the members. Mr Te Amo introduced himself, outlined his experience with Te Arawa reo and translation and noted that he was honoured to be approached to assist with te reo in the River Document.

Resolved

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

- 1 **Receives the report, Design work for Te Maru o Kaituna 'brand' and Kaituna River Document.**
- 2 **Approves the establishment of a design working group to progress design work for the Kaituna River Document and the development of a Te Maru o Kaituna logo. The working group members include Hakopa Paul, Chair Dean Flavell, Deputy Chair Councillor Arapeta Tahana, Maria Horne and Councillor Tania Tapsell. Delegates to the Chair of Te Maru o Kaituna the ability to make changes to the design working group membership.**
- 3 **Formally delegates to Te Maru o Kaituna River Authority Expenditure Subcommittee, authority to commit expenditure of up to \$25,000 to complete Kaituna River Document design work and develop the Te Maru o Kaituna logo.**

- 4 **Endorses the working group's selection of Law Creative as the design provider who will develop a Te Maru o Kaituna logo and complete design and production (print and online) of the Kaituna River Document.**
- 5 **Endorses the engagement of Maika Te Amo as Te Arawa reo expert providing advice for the development of the final version of the Kaituna River Document.**

**Flavell/Thomas
CARRIED**

6.2 **Financial update and budget**

Committee Advisor Robyn Garrett presented the 2017/18 budget to Te Maru o Kaituna for adoption and updated members on current financial matters. Members noted the statutory requirement for annual reporting to appointing organisations.

Resolved

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

- 1 **Receives the report, Financial update and budget;**
- 2 **Notes the current balance of Te Maru o Kaituna River Authority funds;**
- 3 **Adopts the 2017/18 Te Maru o Kaituna River Authority budget as outlined in the report.**

**McDonald/Hancock
CARRIED**

6.3 **Freshwater Update**

Refer PowerPoint Objective ID: A2823666

Senior Planner (Water Policy) Jo Watts updated members on key national and regional freshwater activity relevant to the Kaituna catchment. Ms Watts summarised the current status of Plan Changes 9 and 10 and Change 3 (Rangitāiki River) to the Regional Policy Statement (RPS) and advised that Plan Change 12 had been delayed as catchment models were calibrated and validated.

Ms Watts clarified that the Rangitāiki River was the first river to be brought under the RPS and that the Kaituna would go through a similar Resource Management Act process once the Kaituna River Document was approved.

A member queried the consultation undertaken for the PC9 process. Water Policy Manager Namouta Poutasi clarified that there had been targeted hui at local and regional level, letters has been sent to all iwi authorities, all iwi and hapu management plans had been reviewed and a report on submissions and issues relevant to Māori had been incorporated into the PC9 Section 32 evaluation report.

Strategic Engagement Manager Kataraina O'Brien clarified the use and inclusion of mātauranga Māori in response to a member's question, and noted that a draft mātauranga Māori framework had been recently endorsed by Regional Council's Komiti Māori. The framework would provide an internal staff guide to how to engage with and respect mātauranga Māori; and would provide guidance to all Council teams not just those working in freshwater. Members appreciated Council's initiative in this

area and emphasised the importance of mātauranga Māori respect and implementation.

Resolved

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

- 1 Receives the report, Freshwater Update;**

**Flavell/Hancock
CARRIED**

6.4 Consultation on the proposed Long Term Plan 2018-2028

Refer PowerPoint Objective ID: A2822567

General Manager, Catchment Management Sarah Omundsen updated members on the development of the Bay of Plenty Regional Council's Long Term Plan 2018-2028 (LTP) and Consultation process. Ms Omundsen advised that submissions on the LTP closed on 19 March. Ms Omundsen outlined Council's vision and the four key outcomes identified in the LTP, provided a budget and expenditure overview, noted projects in the Kaituna catchment of particular interest to members and highlighted key topics for consultation.

A member suggested a change of wording regarding resource management training for tangata whenua and it was noted that members and appointing organisations could make their own submissions on the LTP.

Members discussed the Te Maru o Kaituna River Authority Guidelines on Submissions, and agreed that the Authority make a submission to the LTP supporting the continuation of Kaituna catchment projects and provision of suitable funding for those projects. The Chair would prepare the submission in accordance with the Authority Guidelines regarding circulation to members and final approval.

Councillors Tahana and McDonald did not participate in the discussion regarding an Authority submission to Council's LTP.

Resolved

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

- 1 Receives the report, Consultation on the proposed Long Term Plan 2018-2028;**
- 2 Agrees to make a submission to the proposed Long Term Plan 2018-2028, in accordance with the submission process outlined in the Te Maru o Kaituna River Authority Guidelines on Submissions.**

**Flavell/Thomas
CARRIED**

6.5 Te Maru o Kaituna River Authority - Correspondence received

The report, which provided members with external correspondence received for Te Maru o Kaituna River Authority, was taken as read.

In relation to the Te Tumu Update, a member expressed concern regarding low Māori home ownership rates and access to housing in the Papamoa area, and how this would be addressed in the Te Tumu development. Staff noted the concern and would follow up and report back to the Authority.

In relation to the Ford Rd Pump Station Upgrade update, a member queried eel mortality and whether the upgrade would make the pump station more eel-friendly. Staff clarified that measures to improve eel passage were being investigated and that staff were in contact with Waikato Regional Council regarding their eel passage trials.

Resolved

That Te Maru o Kaituna River Authority:

- 1 Receives the report, Te Maru o Kaituna River Authority - Correspondence received.**

**Thomas/Flavell
CARRIED**

6.6 Verbal Updates from Members

Points raised by members included:

- The Waiari water take was still a matter of concern;
- Concern was expressed regarding desecration of Tapuika kōiwi on Te Tumu lands;
- Support for implementation of mātauranga Māori;
- A request was made for the River Document to be presented to Tapuika and other Authority iwi before being made public. Members agreed that the Chair, Deputy Chair and appropriate staff present to Tapuika and other interested iwi as a courtesy briefing on the River Document before the finalised document becomes public; after the April Authority meeting when the final decisions on the Document are adopted. Members noted that no changes could be made to the Document following the presentation to iwi and that the presentation would be for information only.

The meeting closed at 12.25 pm.

Reports



Report To: Te Maru o Kaituna River Authority
Meeting Date: 27 April 2018
Report From: Namouta Poutasi, Water Policy Manager

Approval to progress design work for Kaituna, he taonga tuku iho and Te Maru o Kaituna River Authority logo

Executive Summary

At its meeting on 6 March 2018, Te Maru o Kaituna (TMoK) engaged Law Creative to progress the design for the final version of *Kaituna, he taonga tuku iho* and to create a logo for the Authority.

Progression of the design work to date, with sample images and translations for the final version of the Document will be available for members to view and provide feedback at the meeting.

Recommendations

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

- 1 Receives the report 'Approval to progress design work for *Kaituna, he taonga tuku iho* and Te Maru o Kaituna River Authority logo';**
- 2 Approves the proposed overall design for *Kaituna, he taonga tuku iho*;**
- 3 Approves the proposed logo for Te Maru o Kaituna River Authority;**
- 4 Delegates to the Chair and the TMoK Design Working Group all necessary design decisions to finalise and publish the final version of *Kaituna, he taonga tuku iho* – the Kaituna River Document and logo.**

1 Purpose of report

The purpose of this report is to progress the overall design and publication of the final version of *Kaituna, he taonga tuku iho* and the Te Maru o Kaituna River Authority logo. The paper also requests that the Chair and the TMoK Design Working group (DWG) be authorised to make all necessary design decisions to finalise and have published the final version of *Kaituna, he taonga tuku iho* and the logo.

2 Background

At its meeting on 6 March, TMoK engaged Law Creative to design the final version of the Document and the TMoK logo under the direction of the TMoK Design Working Group (DWG). Brendon Law of Law Creative presented design concepts to TMoK and the following actions were agreed:

- (a) A design working group be established to progress design work for the final version of the Document and development of a Te Maru o Kaituna logo. Members are Chair Dean Flavell, Deputy Chair Councillor Arapeta Tahana and Maria Horne.
- (b) Te Maru o Kaituna River Authority Expenditure subcommittee authorised to commit expenditure of up to \$25,000 to complete Kaituna River Document design work and develop the Te Maru o Kaituna logo.
- (c) Law Creative would develop the Te Maru o Kaituna logo, complete the design and production (print and online) of the final version of Kaituna River Document.

At this meeting, TMoK members will consider approving the proposed overall design for *Kaituna, he taonga tuku iho* and TMoK's logo based on material to be presented at the meeting. This paper also requests TMoK consider delegating to the Chair and TMoK DWG authorisation to make all necessary design decisions to finalise and to approve the publishing of the final document. . The delegation of authority will extend to cover matters such as:

- (a) Images - which ones, whether they are coloured or diluted and the number used through document
- (b) Quality, stock and texture of paper used for final document
- (c) Number of copies of final document to be printed
- (d) Proofing of the design of the final document before it goes to print
- (e) All details and production of a summary document

Noting that the next scheduled meeting of TMoK will not be until 22 June 2018, the delegation of authority to the Chair and TMoK DWG will be instrumental in enabling a smooth completion of the final document.

NOTE

A workshop paper will presented to the Panel setting out the finalisation process for the content within the Document as per its statutory requirements and other matters in relation to its structure, analogy and additional text that supports the purpose of the document.

3 Next design steps

To ensure that TMoK is aware of the current phase staff are in to complete the final document in time for the June - July / Matariki launch, the following actions will be undertaken:

- **27 April:** At this meeting
Designer to provide first pages and Part 2 of the document & TMoK logo to TMoK.
TMoK approval overall design for document and logo and delegate to design working group all design decisions to finalise and publish the final version of the document.
- **1 May:** DWG to provide final content to designer
- **21 May:** Designer to provide finalised document to DWG for approval for print
- **28 May:** DWG sign off document for printing
- **22 June:** Next TMoK meeting - Final document delivered to TMoK

4 Budget

This work has been planned for and will be undertaken within the Te Maru o Kaituna River Authority's current 2017/2018 budget.

Ruth Keber
Marketing and Communications Advisor

for Water Policy Manager

18 April 2018



Report To: Te Maru o Kaituna River Authority

Meeting Date: 27 April 2018

Report From: Kataraina O'Brien, Strategic Engagement Manager

Launch of ' Kaituna, He Taonga Tuku Iho' document developed by Te Maru o Kaituna (Kaituna River Authority)

Executive Summary

Approval of the Kaituna River Document will mark a significant milestone in the achievements of Te Maru o Kaituna (TMoK). Raising community awareness of who TMoK is, what their function and purpose is and how *Kaituna, he taonga tuku iho* represents an aspect of the Tapuika Claims Settlement Act 2014 is critical. Collaborating with partners to work on action towards meeting the vision, objectives and desired outcomes going forward will be key to how this document fits into the planning framework.

For the iwi, particularly Tapuika, the launch of document represents a full circle, from its conception in the Deed of Settlement through to its approval and presentation to the wider Kaituna community. It is appropriate that *Kaituna, he taonga tuku iho* is launched amongst the iwi who made its reality possible.

Recommendations

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

- 1 Receives the report, 'Launch of Kaituna, he taonga tuku iho'.**
- 2 Approves the launch details outlined in this paper and delegates to the Chair of TMoK and the TMoK Design Working Group responsibility for the preparation and planning of the launch.**

1 Purpose of report

The purpose of this report is to formalise direction given by Te Maru o Kaituna (TMoK) Hearing Panel members at the 6 March 2018 workshop. At this workshop it was decided by Panel members that it would be appropriate to seek guidance from Tapuika on the activities that may occur for the launch of the document.

2 Preparation for Launch of the Kaituna Document

At the workshop held on 6 March it was proposed that it would be appropriate to launch the document on a Tapuika marae to recognise the Tapuika Deed of Settlement and subsequent empowering legislation that provided for the development and preparation of a Treaty document for the Kaituna River.

It was decided that the Chair, Dean Flavell would initiate discussions with the iwi on how they would like to participate in the launch of the document.

TMoK has approved up to \$10,000 to support the official launch.

Background

On 12 April 2018 staff met with Chair Dean Flavell where it was proposed that there would be the opportunity to have 2 separate launch events. These events have been summarised below:

Launch Event One

It is proposed that the next meeting of TMoK (22 June 2018) be held at Ngāti Moko Marae. The purpose of this meeting is to receive and approve the final version of *Kaituna, he taonga tuku iho* and approve release of TMoK's decisions on submissions. It is a public meeting so those with an interest in the approval of the document are welcome to attend. Iwi and councils holding membership to TMoK will be invited to this meeting where the document will be presented to them following its approval. Iwi representatives would also be invited to speak. Celebration of this event would be recognised through a formal hākari after the meeting.

Launch Event Two

A wider launch of the "*Kaituna, he taonga tuku iho*" document is also proposed for a mid-July date. This event is proposed to be held on the Rangiuru Reserve adjacent to the Kaituna River. As part of recognising the journey of the document it is proposed that the document is carried up the river to the reserve by a flotilla of waka where it will be handed over to the hau-kāinga (the home people).

The wider community including those who made submissions on the document would be invited to attend the event. The mid July timeframe coincides with the school holidays, so the local kura kaupapa would be also approached to allow for overflow of parking and also a possible venue for additional activities. These will be confirmed with the hau-kāinga as soon as possible.

3 Next steps

Further details for how the launch may proceed will be prepared and further direction sought from the TMoK Design Working Group (DWG). Staff in consultation with the Chair are proposing the following steps:

- **19 April:** Staff will provide a draft launch outline to the TMoK DWG and Tapuika Iwi Authority for feedback and any changes the parties considers appropriate to be made. This will be tabled at the meeting on 27 April.
- **27 April:** TMoK to approve launch outline

- **1 May:** Health and Safety plan including consents and Traffic Management Plan to be completed
- **22 June:** TMoK meeting and Launch Event One at Ngāti Moko marae, where the final document is approved and presented to the iwi
- **Mid July:** Launch Event Two – involving the wider community.

To ensure the ease of organisation and preparation for the events, this report requests that the Chair and TMoK Design Working Group be authorised to undertake any necessary actions that will support a successful launch.

4 Budget

This work has been planned for and will be undertaken within the Te Maru o Kaituna River Authority's current 2017/2018 budget. Project expenditure up to \$10,000 was approved by TMoK to support the official launch at its meeting on 6 March 2018. No further decision is required for approval of these funds in addition to document preparation and printing.

5 Media

The launch of the *Kaituna, he taonga tuku iho* document is expected to attract media interest. With permission from TMoK, appropriate media organisations will be invited to attend events and cover the development, concept and planned implementation of vision and objectives of the document.

Rawiri Bhana
Maori Policy Advisor

for Strategic Engagement Manager

18 April 2018

Presentations

Reports - Continued

Report to: Te Maru O Kaituna River Authority

Meeting Date: 27 April 2018

Report From: Campbell Larking: Senior Project Manager: Urban Growth - Tauranga City Council

Te Tumu Structure Plan and Rezoning Project

Executive Summary

This report provides Te Maru o Kaituna River Authority (TMOKRA) with an update in relation to the Te Tumu Structure Plan and Rezoning Project.

1 Recommendations

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

1 Receives the report, Te Tumu Structure Plan and Rezoning Project.

2 Purpose

2.1 The purpose of this report is to provide an overview to TMOKRA on the Te Tumu Structure Plan and Rezoning Project, and its progression.

3 Background

3.1 The potential rezoning of the Te Tumu Urban Growth Area for urbanisation was prioritised by SmartGrowth as part of a suite of Settlement Pattern projects in response to concerns about maintaining sufficient greenfield development capacity in the short-term (within the next 10 years). These were commonly referred to as the Option 3b projects which included Te Tumu, Keenan Road, Western Corridor, Strategic Transport and Compact City.

3.2 The Te Tumu Strategic Planning Study, being one of the above projects, was a fatal flaws assessment to test the viability of the Te Tumu Urban Growth Area, which is located within the SmartGrowth Eastern Corridor and scheduled as a post 2021 Urban Growth Area within the operative Regional Policy Statement.

3.3 The Te Tumu Strategic Planning Study considered a range of matters including mapping planning constraints, assessing infrastructure capacity and potential future required networks, engaging with landowners and Tangata Whenua and testing financial viability.

3.4 Updates on that project and the outcomes were previously presented to TMOKRA.

3.5 Following the completion of that project the three Councils and SmartGrowth resolved to formally commence a Schedule 1 RMA and Structure Plan process for Stage 2 (Te Tumu) Papamoa East within the 2016/17 financial year. This project has now been progressing and it is appropriate to provide an update on that project to TMOKRA

4 Purpose and scope of the Te Tumu Structure Plan and Rezoning Project

4.1 The Te Tumu Structure Plan and Rezoning Project is being led by the Tauranga City Council and it is expected that housing development will occur in accordance with the below timeframes:

- Structure Planning and development of planning framework (2017 and beginning of 2018);
- Public notification of RMA plan change to rezone for urban development (likely end 2018)
- Submissions (end 2018);
- Council hearings (early 2019);
- Environment Court mediation/appeals (rest of 2019);
- Bulk infrastructure design and delivery to boundary, and internal developer earthworks/civil works (2020);
- Completion of first subdivision stages to enable house building (from 2021).

4.2 The project is following the following project phases:

Phase and Project Specifics

- **Phase One: Project Management and Agreement Development:**
 - Covers setting up the project and agreements on process, funding and project delivery.
 - Timeframe: August 2016 – January 2017.
- **Phase Two (and ongoing): Engagement:**
 - Covers all engagement processes for the entire project.
 - Timeframe: January 2017 – Notification.
- **Phase Three: Initial Structure Planning Technical Assessments:**
 - Covers all pre structure planning requirements and assessments (hazards, contaminated land, archaeological, and viewshafts).
 - Timeframe: January 2017 – May 2018.
- **Phase Four: Secondary Structure Planning Technical Assessments:**
 - Covers all urban design, infrastructure and landuse strategies, planning and design.
 - Timeframe: July 2017 – May 2018.
- **Phase Five: Structure Plan Delivery:**
 - Covers delivery of the structure plan and review of TCC's financial viability model and development of development contributions documentation and schedules.
 - Timeframe: November 2017 – mid 2018.
- **Phase Six: Plan Change Preparation:**
 - Covers the development of the planning rules for zones and s.32 analysis and development.
 - Timeframe: mid – end 2018.
- **Phase Seven: Notification:**
 - Covers formal Council meetings, submissions process, hearings and decisions.
 - Timeframe: end 2018 – mid 2019.
- **Phase Eight: Appeals**
 - **Covers all mediation and hearings**
 - Timeframe: mid 2019 – November 2019.

5 Proposed Consultation process with Te Maru O Kaituna River Authority in relation to the Te Tumu Structure Plan and Rezoning Project.

5.1 Te Maru o Kaituna River Authority has as its purpose the restoration, protection and enhancement of the environmental, cultural and spiritual health and well-being of the Kaituna River. The preparation of the Kaituna River Document is also recognised as key function of TMOKRA.

5.2 The Te Tumu Structure Plan and Rezoning project largely has its focus within Te Tumu, as a defined growth area, however a range of project matters will need to consider impacts on the Kaituna River, and its margins.

5.3 The Council has been progressing the development of a master plan and associated technical documentation to support that master plan. The structure plan is set within an overall vision for the growth area as below:

- A coastal community that celebrates its significant history and environmental richness.
- A place for the community that builds upon and protects the natural resources, while delivering exciting new amenities.
- Community offering significant changes in how we cater for growth in the Bay of Plenty – providing for employment opportunities and increased housing choices.
- Resilient to natural hazards such as flooding and tsunamis.
- Connected to the TEL through a new state highway interchange, creating access to both the City and the rest of the Bay of Plenty.

5.4 To date Council has progressed the following components of the work program:

Project	Status
Natural Hazards Assessments - Geotechnical/liquefaction and lateral spread; - Coastal Erosion - Tsunami - Active Fault Assessment - Flood (River) - Coastal Storm Assessment	All hazard modelling has been completed for Te Tumu. This has shown that hazard risk can be mitigated to enable urban development within Te Tumu.
Contaminated Land	The contaminated land investigations for Te Tumu have been completed and have shown no overall issue with the landholdings in terms of soil contamination.
Stormwater/Hydrology - Stormwater Strategy - Rainfall modelling	A comprehensive stormwater strategy is currently being developed for Te Tumu in line with the existing comprehensive stormwater consent for Papamoa. This includes designing a stormwater network in line with the consent and the overall concept on how stormwater will be managed and the design of the solutions to both stormwater quality and quantity.
Archaeological Assessment	An archaeological investigation was undertaken between December 2017 and January 2018. Reporting on the outcomes of

	<p>the investigations was underway at the time of writing this report. This investigation was focused on sites which were previously identified as being significant from prior planning studies and archaeological assessments in Te Tumu. Once the draft report has been received it will be distributed to iwi/hapū within the Te Tumu Tangata Whenua Working Party. Outputs will then be incorporated into the master planning for Te Tumu and further engagement with the Te Tumu Tangata Whenua Working Party, landowners and community. To date, sites recorded as being significant were areas where urban development has not been promoted.</p>
<p>Master Planning</p>	<p>A first initial scoping of draft structure plan has been prepared for engagement purposes with landowners, community, iwi and hapū. The draft plan is used for engagement purposes, infrastructure design and testing of design solutions. The master plan will be updated following engagement with all parties, and responses to issues/opportunities undertaken</p>
<p>Iwi and Hapū Engagement</p>	<p>Iwi/hapū engagement is underway. TCC has formed a Te Tumu Tangata Whenua Working party.</p> <p>The purpose of the Te Tumu Tangata Whenua Working Party(TWWP) is to:</p> <ul style="list-style-type: none"> (a) Provide advice and guidance to the Te Tumu Structure Plan and Rezoning project on behalf of tangata whenua iwi and hapū; (b) Identify the key issues, concerns and opportunities for tangata whenua; (c) Assist the project team with the preparation of a Te Tumu Structure Plan and documentation that will give rise to a potential plan change; (d) This work will include the following activities; <ul style="list-style-type: none"> (i) Monitoring of archaeological investigations; (ii) Preparation of cultural values and impact assessments; (iii) The identification, location and approving appropriate management methods for cultural heritage; and (iv) Preparation of a cultural management plan. (e) Provide a forum for the TWWP to share and discuss issues of mutual concern.

Transport Modelling	Transport modelling is underway for Te Tumu. These considerations are on vehicle movements, public transport and walking and cycling.
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- 5.5 The Council has prepared draft master plans which it has been using to engage with the Te Tumu Tangata Whenua Working Party, public in general and landowners. The master plans are aiding the Council in undertaking further design considerations such as planning for an integrated stormwater network catering to the future urban catchments in accordance with the existing comprehensive stormwater consent for Papamoa.
- 5.6 As part of this Council is engaging with many parties on the structure plan and rezoning projects. This includes iwi/hapū, landowners and land trusts. To do this it has held open days and undertaken a survey on draft concepts to date. Council's proposal is to further engage with land trusts directly on the development of cultural impact assessments and hold an open day on the planning proposals for land trust landowners. This will likely occur mid-2018.
- 5.7 TCC is also in the process of commissioning CIA's to be developed for the project from iwi/hapū, which will then be used to input into the design of the Te Tumu Structure Plan, and also on how key archaeological/cultural sites will be managed.
- 5.6 The draft Te Tumu development is one which is built around:
- Connection of Te Tumu and Wairakei;
 - Large employment base to deliver internal trip containment;
 - Focus around Golden Sands Town Centre (zoned and located within Wairakei);
 - Network of local commercial centres and schooling;
 - Provision for changing density and housing typology;
 - Recognising sites of significance;
 - Ensuring development is resilient to natural hazards;
 - Based around integrated plans of:
 - Density;
 - Public Realm and Open Space;
 - Vehicle Movement and Public Transport;
 - Pedestrian and Cycle Movement Plan;
 - Cultural Heritage and Archaeological Recognition;
- 5.7 The draft plans purpose is to enable engagement to occur and begin assessing issues and options. Part of the next steps in the development of the master plan will be to include:
- Inputting in the outcomes of all technical outcomes;
 - Inputting in the outcomes of iwi/engagement, including Cultural Impact Assessment;
 - Including outcomes of engagement;
 - Providing for and recognising the Kaituna, he taonga tuku iho (Kaituna Document).
- 5.8 To date, Council in its initial planning has recognised and provided for the protection of archaeological and cultural sites within Te Tumu, the protection of wetlands along the margins of the Kaituna River and considering recreational opportunities within Te Tumu. These opportunities include walking and cycling connections near the river margins which may be suitable for such uses and where access can be enhanced. It

has further considered the effects natural hazards (flooding) and sea level rise and the potential effects in terms of risks which may occur and ensuring that as best as can be considered, proposed development is located outside of these risk areas. Further work is being undertaken on stormwater management within the parameters of the consent granted by the Bay of Plenty Regional Council for Papamoa.

- 5.8 At the TMOKRA a verbal presentation will be given on the development of the draft master plans that are being used in engagement, archaeological investigations, stormwater planning and considerations that are being provided for in the development of the master plans that recognise and provide for the Kaituna, he taonga tuku iho (Kaituna Document).



Receives Only – No Decisions

Report To: Te Maru o Kaituna River Authority

Meeting Date: 27 April 2018

Report From: Sarah Omundsen, General Manager - Catchment Management (Temporary)

Brown Bullhead Catfish - Incursion Update

Executive Summary

Brown bullhead catfish were discovered in Lake Rotoiti in March 2016. Previously a number of reports of catfish had been received but surveillance did not detect their presence in Lake Rotoiti or any of the Rotorua Te Arawa Lakes at that time.

Since the discovery significant investment has been dedicated to surveillance, control, and supporting research to better understand the potential impact an established population would have, better understanding of their behaviour and movement, and looking at innovative solutions for detection, containment and control.

Initially the population was largely confined to Te Weta bay but recent work has identified a significant increase in both numbers and distribution. Research and innovation continues to be considered essential to support the programme.

Recommendations

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

- 1 Receives the report, Brown Bullhead Catfish - Incursion Update;**

1 Background

Brown bullhead catfish were first introduced in 1877 to the Auckland region for reasons unknown. Since then their distribution has spread to a number of sites primarily around the North Island. Importantly for the Bay of Plenty they are currently present through the Waikato River system including Lake Taupo.

The discovery in Lake Rotoiti in 2016 was the first confirmed incursion in the Bay of Plenty region. A number of reports have been received in the past including, a live catfish being presented to the Department of Conservation in 1993, and a large dead catfish being found on the shore of Okawa Bay in 2009. Surveillance undertaken in response to these sighting did not confirm catfish presence in the lake.

2 Biology and impacts of brown bullhead catfish

Catfish are opportunistic predatory scavengers and eat a diverse range of food. Generally speaking they are nocturnal bottom feeders. They are considered the single biggest threat to koura currently present in New Zealand. They prefer slow flowing weedy habitat which is typical of many of the bays at the western end of Lake Rotoiti.

The potential impact of catfish varies from predation on species of significance to competition for food and space with other desirable species.

Catfish mature at approximately 200mm in length and rarely exceed 400mm in size or five years in age. They are prolific spawners and can produce thousands of eggs (6000+) in a single spawning event. Adults guard eggs and juvenile catfish from predators which is unusual behaviour for fish species.

Catfish are tough, they can tolerate a range of temperatures, poor water quality, low oxygen environments and can survive extended periods out of water (up to 48 hours).

3 Surveillance and control results

Since the initial detection significant effort has focussed on identifying where catfish are present and the size of the incursion in Lake Rotoiti.

Surveillance and control is done via the systematic setting of fyke nets (live capture nets). Since March 2016 netting has also been undertaken at the lakes listed below, no catfish were detected:

- Lake Rotorua
- Lake Okataina
- Lake Rotoehu
- Lake Rotoma
- Lake Tarawera
- Lake Okareka

The remaining Rotorua Te Arawa Lakes and the Kaituna River will have surveillance completed in the near future.

The tables below summarise the results from work on Lake Rotoiti:

30 March 2016 – 30 June 2016

Site	Nets set	Catfish caught	Percentage of total catch	Catch per unit effort
Te Weta Bay	290	381	97.44%	1.31
Northern shore		9	2.30%	
Okere Inlet	482	1	0.26%	0.02
OTHER		0	0.00%	
TOTAL	772	391	100.00%	0.50

Netting was undertaken over 34 nights. Results showed the population was largely contained within Te Weta bay. A single fish was caught in the Okere Inlet and as water temperatures cooled a small number of fish were caught just outside Te Weta bay (Northern shore).

1 July 2016 – 30 June 2017

Site	Nets set	Catfish caught	Percentage of total catch	Catch per unit effort
Te Weta Bay	914	3227*	98.62%	3.53
Okawa Bay	146	6	0.18%	0.04
Okere Inlet	390	19	0.58%	0.05
Otaramarae	114	2	0.06%	0.02
Northern Shore	292	4	0.12%	0.01
Southern Geothermal	234	14	0.43%	0.06
OTHER	220	0	0.00%	0.00
TOTAL	2310	3272	100.00%	1.42

* includes 1227 juvenile catfish from a single net

Netting was undertaken over 68 nights. While the majority of the population remained within Te Weta bay, small numbers of catfish were caught at other sites around the lake.

1 July 2017 – 31 December 2017

Site	Nets set	Catfish caught	Percentage of total catch	Catch per unit effort
Te Weta Bay	435	987	95.83%	2.27
Okawa Bay	55	4	0.39%	0.07
Okere Inlet	117	21	2.04%	0.20
Otaramarae	10	0	0.00%	0.00
Northern Shore	95	7	0.68%	0.07
Southern Geothermal	108	11	1.07%	0.10
OTHER	10	0	0.00%	0.00
TOTAL	830	1030	100.00%	1.24

Fishing was undertaken over 22 nights showing similar trends to previous catches. A catch of 587 juveniles was caught from Te Weta bay in late December.

1 January 2018 – 12 April 2018

Site	Nets set	Catfish caught	Percentage of total catch	Catch per unit effort
Te Weta Bay	159	20,556	78.66%	129.28
Okawa Bay	104	343	1.31%	3.30
Okere Inlet	129	2,720	10.41%	21.09
Otaramarae	12	3	0.01%	0.25
Northern Shore	100	1,492	5.71%	14.92
Southern Geothermal	122	231	0.88%	1.89

Delta	30	34	0.13%	1.13
Ohau Channel	172	777	2.97%	4.51
OTHER	175	7	0.03%	0.04
TOTAL	1,003	26,132	100.00%	26.05

Catches since the beginning of the year are showing an alarming trend including:

- Large catches of juveniles across a much wider area are common.
- Large catches outside of Te Weta bay, particularly through the Okere Inlet (there is a high chance that some fish have managed to enter the Kaituna River system)
- Large catches inside Te Weta bay including 6885 in one night, 4894 in one net.
- A significant number of catfish have been caught in the Ōhau Channel, including at Marama Point which is very close to Lake Rotorua

Majority of the fish are juvenile (40 – 80mm) and would have spawned in late 2017.

4 Innovation and research

A number of meetings have been undertaken with key stakeholders and researchers to help develop innovative options to manage the issue and identify key bits of research to help increase our likelihood of success.

Initially the majority of the population was confined within Te Weta bay. A decision was made to install a cordon at the entrance of the bay to prevent the population leaving. This required a variation to an existing resource consent and was installed in April 2017.

An acoustic tagging trial is currently being planned and will begin later in 2018. A number of receivers will be strategically placed around the lake. Acoustic tags will be implanted in 30 large catfish, their movement around the lake will be monitored for a year. Movement patterns will be closely analysed and the results will help us more effectively target them by having a better understanding of their seasonal utilisation of the lake.

eDNA, a technology that uses DNA extracted from water samples to determine whether a particular species is present, will be developed over this year to help with catfish surveillance. Once developed this technology should make detecting new incursions easier and less time consuming.

A number of catfish have been provided to the University of Waikato for stomach content analysis and stable isotope analysis. This information will show what catfish are feeding on and help determine the impact they could have on the wider lake ecosystem.

In April NIWA will be undertaking electro-olfactogram (EOG) trials on catfish. During these trials catfish will be presented with different stimulants and their response will be monitored. The results will hopefully help us develop more attractive pheromone bait which will make netting more effective. In the meantime we will run a trial using a pheromone that was developed for Perch but during trials unusually high numbers of catfish were caught.

NIWA are currently investigating the option of trialling electric barriers to prevent catfish from entering or leaving a water body. Catfish are highly sensitive to electric current, from this research we are hoping to develop a barrier that prevents catfish spread but does not impact on other fish species.

As new ideas arise they will be considered against the current options.

5 The issue of non-target capture

One of the challenges faced by the programme is the capture and killing of non-target desirable species. The shift to fine mesh nets has significantly reduced unintended captures of trout and koaro.



The biggest issue faced by the programme is the capture of the New Zealand dabchick. Dabchicks are classified as 'At-risk – Recovering', current population estimates are between 1900 and 2000 individuals. The Rotorua Lakes, particularly Lake Rotoiti are considered the national stronghold. Since netting began 18 dabchicks have been caught in Lake Rotoiti and Lake Tarawera. A number of measures have been implemented to try and reduce capture including changing to fine mesh nets and reducing the size of the entrance into the net. We are currently working with the Department of Conservation in an attempt to

find a solution that protects dabchicks while not reducing the effectiveness of our netting programme.

In the near future a predator control programme will be investigated around the communities at the western end of Lake Rotoiti to try and increase the breeding success of dabchicks and mitigate the issue caused by the netting programme.

6 Implications for the Kaituna River

Considering the distribution throughout the western end of Lake Rotoiti, and that catfish have been caught near the Okere Gates, it is likely catfish are in the Kaituna River. Surveillance will be undertaken in the coming months to determine if this assumption is correct.

Catfish prefer slow moving water therefore the upper parts of the Kaituna River are never likely to hold large numbers. In terms of the impact the establishment of catfish will have within the river it is likely to be similar to the impacts listed in this report. There are more predators within the Kaituna River compared to the Rotorua Lakes so this could impact their ability to establish and thrive. The other potentially limiting factor could be spawning habitat availability but only time will tell if this is an issue.

Little is known about the tolerance of catfish to salt water influences and hence how low they could establish within the Kaituna River. If they are found to be present within the river work will be undertaken to look at the potential impacts and distribution.

7 Implications for Māori

The implications on taonga species have been highlighted in the report and will not be discussed further, though it must be noted they are potentially significant.

Relationships in this programme are key, Regional Council are currently working with the Te Arawa Lakes Trust to facilitate more hapū and community involvement in the programme. A number of options are being considered including active involvement in the control of catfish, predator control to increase dabchick breeding success, and the monitoring of taonga species such as koura. Over time other opportunities could

present themselves, until then keeping Māori informed and strengthening relationships will continue to be the priority.

8 Future management of catfish

The Regional Pest Management Plan is currently being reviewed and a decision will need to be made in the near future on how catfish will be categorised and the level of investment provided to control and the prevention of spread. This decision will be largely determined by cost-benefit analysis but will also be guided by public and political sentiment.

A meeting with key stakeholders and researchers was held on the 20th of March 2018. From this meeting it was clear there are still no 'silver bullets' for catfish and that current fishing effort will not contain the catfish population. Major concern was noted at the significant catches near the Marama Resort complex just below the Ōhau Channel weir and the obvious risk of fish getting into Lake Rotorua. Key actions include:

- Resurveying Lake Rotorua in the vicinity of the Ōhau Channel to check whether fish have made it past the weir
- Intensively net the Ohau Channel to reduce catfish numbers in the vicinity and hopefully decrease the pressure for catfish to disperse up over the weir
- Trial the use of pheromone baits, developed for perch, to try and increase catfish capture rates
- Trial electric fishing targeting juvenile catfish (note, we have shown that electric fishing was not effective at controlling adult fish in Lake Rotoiti)
- Investigate the potential of bubble curtains or electric barriers as a means of preventing catfish passage over the weir
- Prioritise the development of eDNA as a surveillance tool
- Investigate acoustic attractants
- Investigate the use of long-finned eels and brown trout biocontrol.

Improving community engagement and involvement was also a key theme of the workshop but will need more work to consider where the community can add meaningful value and the health and safety implications of operating in and around water.

The University of Waikato will also do an initial desktop analysis of the potential implication to Lake Rotorua regarding nutrients should catfish become established.

Shane Grayling
Biosecurity Team Leader

for General Manager - Catchment Management (Temporary)

18 April 2018



Receives Only – No Decisions

Report To: Te Maru o Kaituna River Authority

Meeting Date: 27 April 2018

Report From: Namouta Poutasi, Water Policy Manager

Freshwater update

Executive Summary

The purpose of this paper is to provide Te Maru o Kaituna River Authority (TMoK) with an update of key regional activities being progressed to improve the management of freshwater and implement the National Policy Statement for Freshwater Management (NPS-FM) relevant to the Kaituna River.

Key regional freshwater work relevant to improving freshwater and the Kaituna River currently being progressed are:

- Regional-wide Water Quantity Plan Change (PC 9) hearings were held on the 14-16 March 2018. Decisions are expected in June 2018.
- Environment Court facilitated mediation has been completed for appeals received to the Lake Rotorua Nutrient Management Plan Change (PC 10). The Environment Court held a pre-hearing conference on 12 April where issues raised in appeals were discussed with the Judge who will now set the schedule for court proceedings.
- Environment Court facilitated mediation for appeals to Change 3 – Rangitāiki River to the Regional Policy Statement (RPS) occurred on 23rd February and a second mediation date is expected to be set shortly.
- Working catchment model results, which will help inform limit setting for the Kaituna-Pongakawa-Waitahanui and Rangitāiki Water Management Areas Plan Change (PC 12).

The report also provides an update on Swimmability Targets. Toi Moana approved the draft regional targets for Bay of Plenty at 95.7 percent of rivers and 85 percent of lakes swimmable by 2030 at its full council meeting on 29 March 2018. MfE's report containing each region's draft targets was made publicly available by 31 March 2018 as required by the NPS-FM.

Recommendations

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

- 1 Receives the report, Freshwater update;**

1 Purpose

The purpose of this paper is to provide an update to Te Maru o Kaituna River Authority (TMOk) on regional activities relevant to the Kaituna River which are being progressed to improve management of freshwater and implement the National Policy Statement for Freshwater Management (NPS-FM) since the last update.

2 RMA Statutory Changes

As TMOk are aware, Toi Moana is actively working on three freshwater plan changes to the operative Regional Natural Resources Plan which are relevant to the Kaituna catchment:

- Region-wide Water Quantity plan change (Plan change 9);
- Lake Rotorua Nutrient Management (Plan change 10);
- Kaituna/Maketu-Pongakawa-Waitahanui and Rangitāiki Water Management Areas (Plan change 12);

Alongside these, Toi Moana is also working on a change to the operative Regional Policy Statement: (Change 3 -Rangitāiki River)

Preliminary research is also under for the next Water Management Area plan changes which are:

- Rotorua Water Management Area (Plan change 15); and
- Tauranga Water Management Area (Plan change 16).

2.1 Region-wide Water Quantity Proposed Plan Change 9 progress update

Plan Change 9 (PC9) introduces region-wide water quantity provisions into the Regional Natural Resources Plan (formerly known as the Regional Water and Land Plan). It is the first step in a two stage approach to improving regional policies and rules for strengthening water allocation limits and water management.

In preparation for hearings Toi Moana staff analysed all submissions and further submissions received and made recommendations to the hearing commissioners.

Hearings were held on 14 – 16 March 2018. The hearing commissioner panel is Antoine Coffin (independent expert), Andrew Fenemor (independent expert), Councillors Nees, Thompson and Rau Kirikiri. The commissioners are currently considering staff recommendation, the written and oral submissions and working on their recommended decisions.

Recommendations are expected in time for Toi Moana's Regional Direction and Delivery Committee to make decisions at the meeting on 27 June 2018.

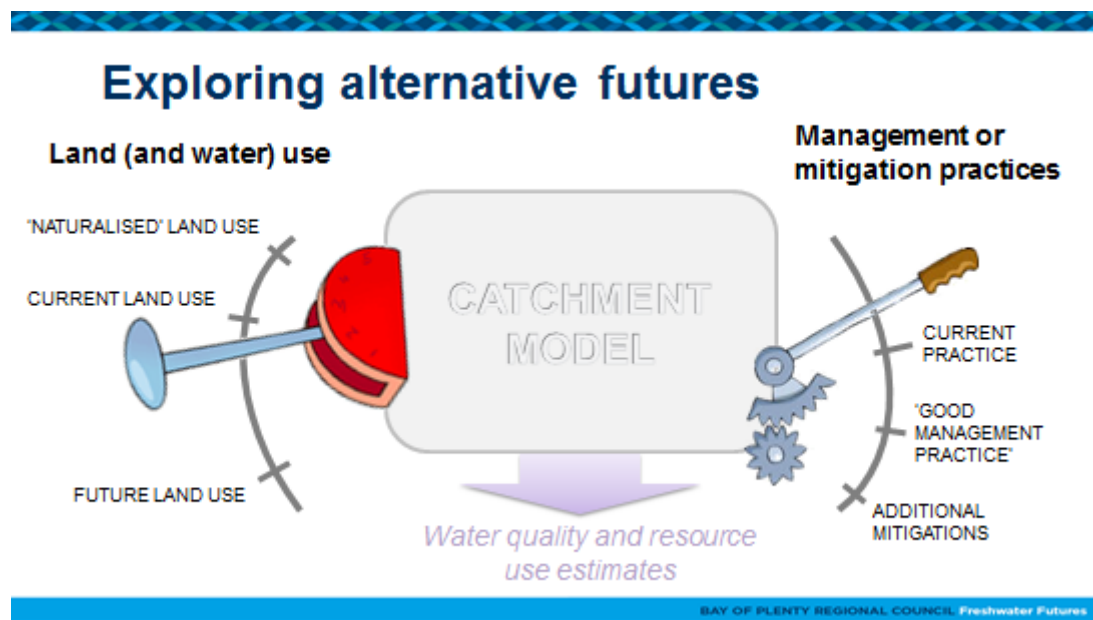
2.2 Rangitāiki and Kaituna/Maketū – Pongakawa/Waitahanui

Work continues in understanding current issues in the catchment through modelling. Once modelling results are available further engagement is planned.

2.2.1 Catchment modelling update

The role of catchment modelling and scenarios in making decisions about freshwater management has been outlined in previous freshwater updates received by TMoK.

In summary, modelling is used to estimate water quality and quantity outcomes given different assumptions about future use and management of land and water (i.e. scenarios).



This model is a key decision support tool in which we must have a reasonable level of confidence in its outputs before Toi Moana, iwi and the wider community can start using them to inform our discussions.

Since the last update, work on scenario and model development has continued. The catchment modelling work and results are taking longer than anticipated.

2.2.2 Engagement with iwi and hapū

Toi Moana intends to initiate more focussed engagement with iwi and hapū in late May/early June 2018. Once the surface water catchment modelling results are available, these will be shared with TMoK, iwi, Community Groups and the wider community through face to face hui with iwi as well as hui-a-iwi.

Staff remain very open to invitations for kōrero with iwi, hapū and those with interests in fresh water such as key Māori Land Trustees. If TMoK members would like any additional information, material or presentations needed to share Toi Moana freshwater work more widely please let staff know.

2.2.3 Community Group Workshop 7

The Kaituna / Maketū and Pongakawa / Waitahanui community groups came together for a combined Workshop 7 on 6 April 2018. Workshop 7 provided the opportunity for the community groups to provide their feedback about mitigation options to inform 'Good Management Practice'. This work will feed into the future scenarios part of the catchment modelling. The workshop also provided the groups with a national update and material about environmental flows to prepare members for the next workshop. The next workshop will present modelling outcomes and start the discussion about setting surface water limits.

All Community Group [briefing notes, workshop records](#) and presentations are available on Toi Moana's website.

2.3 Lake Rotorua Nutrient Management Proposed Plan Change 10

Plan Change 10 introduces rules for rural properties in the Lake Rotorua catchment which limit the amount of nitrogen entering the lake from land use to improve lake quality. Four appeals have been lodged with the Environment Court against Toi Moana's decision and sixteen parties, including some of the original appellants, are a party to the appeal proceedings.

Environment Court facilitated mediation has been completed which has identified each appellant's key issues and potential way forward. The Environment Court held a pre-hearing conference on 12 April where issues raised in appeals were discussed with the judge.

Further information about [Plan Change 10](#) is available on Toi Moana's website.

2.4 Rangitāiki River Change 3 to the Regional Policy Statement

Change 3 introduces new issues, objectives, policies and methods specific to the Rangitāiki River catchment in a new Treaty Co-Governance chapter 2.12 in the Regional Policy Statement (RPS). It sets the framework for including future river documents such as *Kaituna, he taonga tuku iho* into the RPS once it is approved by TMOK and progressed by Toi Moana as a change to the RPS.

Two appeals from Federated Farmers and Trustpower Ltd have been received. And the following are parties to the appeal proceeding: Te Rūnanga o Ngāti Awa, Ngāti Whare, Ngāti Manawa, Rangitāiki-Tarawera Rivers Scheme Liaison Group and Rivers and Drainage Section and the Rangitāiki River Forum.

Environment Court facilitated mediation occurred on Friday 23 February and a second mediation date is expected to be set shortly.

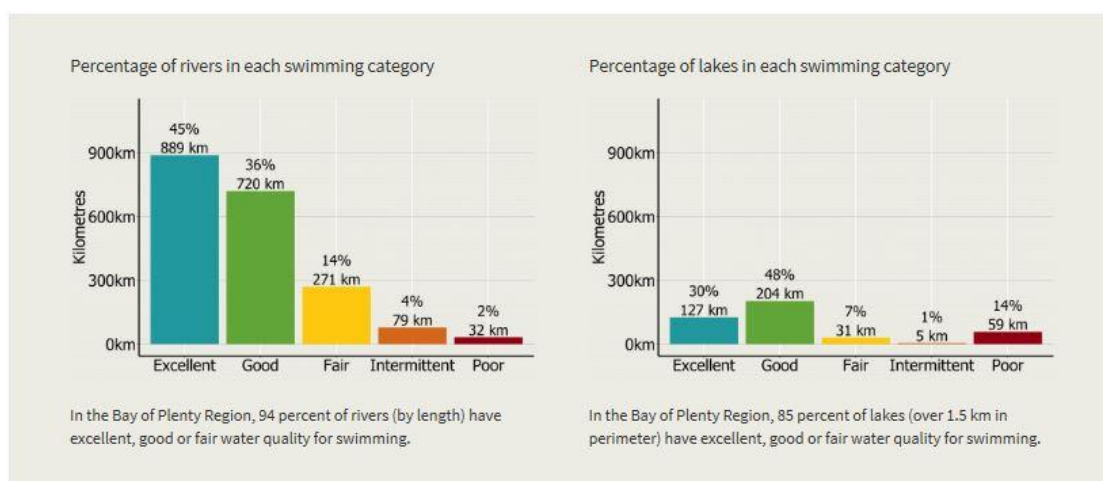
Further information about [Change 3](#) is available on Toi Moana's website.

3 Draft Regional Swimmability Targets

As part of the amendments made to the National Policy Statement for Freshwater Management (NPS-FM) in 2017, each regional council is required to prepare draft regional targets to improve the quality of fresh water for primary contact. These targets must contribute to achieving the national target of 80% specified* rivers and lakes swimmable by 2030 and 90% swimmable by 2040.

As required by Government, **draft regional targets for Bay of Plenty have been set at 95.7 percent of rivers and 85 percent of lakes swimmable by 2030.** Toi Moana approved release of these at its meeting of full council on 29 March 2018.

Each region's draft targets were established using a model produced by MFE. Within the BOP Region we are currently classified as having 94.5% swimmable rivers (4th order) and 85% swimmable lakes (with a perimeter over 1,500m) which is above the national target of 80% swimmable rivers and lakes by 2030 without modelling any improvement expected to result from Toi Moana's planned interventions.



As a result of planned interventions, the MFE model expects swimmability in specified rivers in the BOP to increase to 95.7% (1.2% improvement).

This will allow, planned work such as [riparian management](#) and [lakes restoration programmes](#) to continue, across both [nationally specified](#) and locally important waterways. Planned wastewater and stormwater upgrades by Western Bay of Plenty and Rotorua Lakes Councils are also expected to contribute to projected swimmability improvements relevant to the Kaituna catchment.

It should be noted there are limitations to the MFE model which are set out in the full report "[Regional information for setting for swimmable lakes and rivers](#)" which was made publicly available by 31 March 2018. These include being aware that:

- Modelling was only for 4th order rivers and above, however, local communities may want to swim in rivers and streams not included in this analysis.
- Modelling does not include lakes, as this requires complex modelling.
- Data used for the model does not take into account seasonal effects that influence when people swim, or whether there is any public access to the rivers and lakes.
- Setting of these regional targets is disconnected from the catchment specific work we are doing under the NPS-FM.

Toi Moana staff will continue to work with central government and the national swimmability taskforce to identify the next steps for finalising the regional targets by December 2018. Staff will also continue to build on work already started with TMoK, iwi and community groups to identify primary contact sites, where and when people wish to swim as part of the Kaituna/Maketū – Pongakawa/Waitahanui Water Management Area work.

**Specified rivers are those classified as [fourth order](#) or above. Specified lakes are those with a perimeter of 1.5 kilometres or more.*

3.1 Further information about swimmable rivers and lakes

For further information about the draft regional targets see:

www.boprc.govt.nz/swimmabilitytargets

For the most up-to-date swim water sampling results and trends based on Regional Council monitoring in your local waterways, visit www.lawa.org.nz

4 Implications for Māori

The Kaituna River and catchment has significant meaning to many iwi and hapū with regard to cultural and traditional relationships with the ancestral water bodies, and also as landowners.

As outlined in the section on engagement with iwi and hapū, the work underway in the Water Management Areas (WMA) provides opportunities for tangata whenua to be involved in discussions about freshwater management. To date, Toi Moana staff have collated two sets of data from iwi and hapū management plans, settlement legislation and deeds, water related cultural impacts assessments, iwi websites, the Māori Contacts Database and other reliable sources as a 'reasonable step' in preparing for conversations with iwi and hapū. It is acknowledged that this analysis will inform the engagement process going forward.

Once modelling information is to hand, Toi Moana staff will be actively engaging with TMOK and iwi in the catchment, in addition to planning hui-a-iwi.

The implications for Māori are extensive, particularly with respect to how fresh water will be managed, the extent to which Mātauranga Māori will be acknowledged, and opportunities for enhanced participation in decision making. With the passing of the Resource Legislation Amendment Act 2017, Toi Moana acknowledges that the new provisions relating to enhanced participation by Māori in the planning processes will also inform the role of tangata whenua.

Jo Watts
Senior Planner (Water Policy)

for Water Policy Manager

17 April 2018

Receives Only – No Decisions



Report To: Te Maru o Kaituna River Authority

Meeting Date: 27 April 2018

Report From: Namouta Poutasi, Water Policy Manager

Governance Update

Executive Summary

This report updates members regarding various governance and administrative matters including:

- Correspondence to Territorial Local Authorities on Long Term Plans; and
- Seeking confirmation of appointed members from Te Pumautanga o Te Arawa.

Recommendations

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

- 1 Receives the report, Governance Update.**
- 2 Approval of the content of the letter to Rotorua Lakes Council, Western Bay of Plenty District Council and Tauranga City Council seeking consideration of the Kaituna River Document's vision, objectives and desired outcomes during the 2018-2028 Long Term Plan deliberations.**
- 3 Approval of the lodgement of the letters outlined in Recommendation 2.**

1 Submissions and Letters on Long Term Plans

1.1 Bay of Plenty Regional Council Long Term Plan Submission

Te Maru o Kaituna River Authority lodged a submission on the Bay of Plenty Regional Councils Long Term Plan 2018-2028. A copy of the submission is contained in Appendix 1. Key points included:

1. Support for the following projects and any additional funding that would ensure their success:

- a. Kaituna River Re-diversion project and Te Awa o Ngatoroirangi/Maketū Estuary Enhancement Project;
 - b. Te Pourepo o Kaituna Project; to further wetland creation.
 - c. Rivers and Drainage Flood Recovery Projects;
 - d. Regional Policy Statement Change to recognise and provide for the Kaituna River Document; and,
 - e. Plan Change 12 Kaituna Water Management Area (implementation of the National Policy Statement on Freshwater Management).
2. Support for the Ford Road pump station replacement, and a recommendation to develop a:
 - a. Pump management regime to ensure the safe passage of tuna during their migration season.

1.2 Letter to Territorial Authorities

As requested by the Chair a letter has been drafted to Rotorua Lakes Council, Western Bay of Plenty District Council and Tauranga City Council, advising of the upcoming approval of 'Kaituna, he taonga tuku iho' the Kaituna River Document at the meeting on 22 June 2018. The letter goes onto request as part of each Council's Long Term Plan deliberations that consideration is given to the Kaituna River Document's vision, objectives and desired outcomes.

The letter is attached as Appendix 2 and approval for the letter's contents and its lodgement is sought at this meeting.

2 Appointment of Members – Te Pumautanga o Te Arawa

Following the resignation of Hakopa Paul, Piki Thomas, as the appointed alternate, has been representing Te Pumautanga o Te Arawa. Te Pumautanga o Te Arawa has been asked to formally appoint a primary and alternate member, however confirmation is yet to be received. Staff are currently following up on the status of the appointment.

3 Correspondence

There is no new correspondence to report to this meeting.

Tone Nerdrum Smith
Committee Advisor

for Water Policy Manager

18 April 2018

APPENDIX 1

Te Maru o Kaituna River Authority recommendation on the proposed LTP 2018-28

16 March 2018

The Chief Executive
Bay of Plenty Regional Council
PO Box 364
Whakatāne

Te Maru o Kaituna River Authority recommendation on the proposed Long Term Plan 2018 - 2028

Tena koutou e ngā mema o Toi Moana Bay of Plenty,

Te Maru o Kaituna River Authority make the following recommendations to the Bay of Plenty Regional Council regarding the proposed Long Term Plan 2018 – 2028.

Te Maru o Kaituna:

1. Supports the following projects and any additional funding that would ensure their success:
 - a. Kaituna River Re-diversion project and Te Awa o Ngatoroirangi/Maketū Estuary Enhancement Project;
 - b. Te Pourepo o Kaituna Project; to further wetland creation.
 - c. Rivers and Drainage Flood Recovery Projects;
 - d. Regional Policy Statement Change to recognise and provide for the Kaituna River Document; and,
 - e. Plan Change 12 Kaituna Water Management Area (implementation of the National Policy Statement on Freshwater Management).

2. Supports the Ford Road pump station replacement, and would recommend the development of a:
 - a. Pump management regime to ensure the safe passage of tuna during their migration season.



Dean Flavell, Chairman Te Maru o Kaituna River Authority



Te Maru o Kaituna working together to promote the restoration, protection and enhancement of the environmental, cultural and spiritual health well-being of the Kaituna River.

APPENDIX 2

Letter to TLAs for Kaituna River Document - Te Maru o Kaituna 27 April 2018

Your Ref:
Our Ref:

13 April 2018

[Rotorua Lakes Council, Western BOP DC, Tauranga City Council]

Dear [To whom it may concern]

Approval of 'Kaituna, he taonga tuku iho'/ The Kaituna River Document

This letter is to advise that approval of *Kaituna, he taonga tuku iho – The Kaituna River Document*, will occur on the 22nd June 2018 at Waitangi Marae, Te Puke.

Under section 125 of the Tapuika Claims Settlement Act 2014, Te Maru o Kaituna River Authority is responsible for the preparation and approval of the Kaituna River Document.

By way of this letter Te Maru o Kaituna recognises and acknowledges that your council is currently undertaking the statutory requirement to review your Long Term Plan. You will be aware that some of your current and proposed activities occur within the Co-governance Framework Area of Te Maru o Kaituna. With the pending approval of *Kaituna, he taonga tuku iho*, we formally request that you take into consideration during deliberations on the Long Term Plan, the vision, objectives and desired outcomes set out in the document.

Te Maru o Kaituna would welcome any future engagement to discuss the components of the document and to assist you when taking it into account (s.124).

Nāku noa iti nei

Dean Flavell, Chair Te Maru o Kaituna River Authority

Verbal Updates from Members

