

Minutes of the Te Maru o Kaituna River Authority Meeting held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Thursday, 16 February 2017 commencing at 10.30 a.m.

Present:

Chairman: D Flavell (Tapuika Iwi Authority Trust)

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

Appointees: Councillor K Marsh (Western Bay of Plenty District Council), Deputy Chairman J Nees (Alternate, Bay of Plenty Regional Council), Councillor J Scrimgeour (Alternate, Western Bay of Plenty District Council), S Morris (Tauranga City Council), M Tapsell (Tapuika/Waitaha), H Maxwell (Alternate, Tapuika/Waitaha), P Callaghan (Alternate, Tapuika Iwi Authority Trust), R Hancock (Alternate, Ngati Rangiwewehi).

In Attendance: R Pou Poasa (Observer, Te Komiti Nui o Ngāti Whakaue), M Horne (Alternate Observer, Te Komiti Nui o Ngāti Whakaue); Tapuika iwi members; Rotorua Lakes Council: Councillor M Gould, J Riini (Partnership Advisor), E Jonker (Senior Policy Advisor, Strategy); BOPRC: A Fort (Senior Planner), A Vercoe (Maori Policy Team Leader), D Llewellyn (Legal Specialist), E Grogan (General Manager Regulatory Services), H Ngatai (Marketing and Communications Advisor), J Watts (Policy Analyst), K O'Brien (Strategic Engagement Manager), N Poutasi (Water Policy Manager), P de Monchy (Kaituna Catchments Manager), R Garrett (Committee Advisor); Tauranga City Council: K Marjoribanks (Policy Planner); J Fitter (Maketū Ongatoro Wetland Society, Kaituna Freshwater Futures Community Group).

Apologies: Councillor T Tapsell, N Chater, G Mohi, H Paul.

1 Welcome

The Chairman welcomed members and visitors, in particular noting and welcoming the attendance of Tapuika iwi members, and opened the meeting with a karakia.

2 General Business and Tabled Items

The following items were raised for consideration:

General business Item 1		Alternating use of marae for meeting venues
General business Item 2	Tabled Document 1: File note D Llewellyn	Ngāti Whakaue membership

Resolved

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

- 1 **Receives and considers the General Business items including Tabled Document 1: *File note re Ngāti Whakaue membership***

Flavell/Tahana
CARRIED

3 Chairperson's announcement

The Chairman sought and received the members' agreement for Bay of Plenty Regional Council in-house legal counsel Donna Llewellyn to speak to the tabled document as Ms Llewellyn was unable to stay for the entirety of the meeting.

Ms Llewellyn noted that the file note recorded the key points from the presentation made to members on this topic at the 29th November Te Maru o Kaituna meeting and summarised these points for the members. Ms Llewellyn explained that, due to legal privilege, the file note could be provided by members to their appointing organisations but could not be circulated any further. Ms Llewellyn noted that the decision on the status of Ngāti Whakaue membership required the agreement of all members; and drew members' attention to the requirement to maintain balance within Te Maru o Kaituna by mirroring the informal iwi seat with a further Bay of Plenty Regional Council seat.

A member emphasised the importance of the Te Maru o Kaituna representative organisation being the mandated body for Ngāti Whakaue and cautioned against pre-empting a treaty settlement process.

The Chairman noted that the decision on Ngāti Whakaue membership would be made at the next Te Maru o Kaituna meeting, and emphasised that members needed to consider not only the creation of the informal seat for Ngāti Whakaue but also the scope of that seat. The Chairman confirmed that the Chair and Deputy Chair would re-engage with Ngāti Whakaue in the lead up to the next meeting.

4 Public Forum

The Chairman noted the presence of a number of Tapuika members and confirmed that no Public Forum request had been received; and clarified that Tapuika alternate member Pia Callaghan would speak for the Tapuika delegation present at the meeting.

5 Declaration of conflicts of interest

Nil.

6 Previous minutes

6.1 Te Maru o Kaituna River Authority minutes - 29 November 2016

Resolved

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

- 1 **Confirms the Te Maru o Kaituna River Authority minutes, 29 November 2016**

**Nees/Flavell
CARRIED**

6.2 **Te Maru o Kaituna Workshop record - 29 November 2016**

Resolved

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

- 2 Receives the Te Maru o Kaituna Workshop record, 29 November 2016**

**Nees/Flavell
CARRIED**

7 **Reports**

7.1 **Change of membership**

General Manager Regulatory Services Eddie Grogan spoke to this report which informed members of the local authority appointments to Te Maru o Kaituna following the local body triennial elections. The Chairman welcomed Councillor Steve Morris as the new primary member for Tauranga City Council (TCC). Mr Morris acknowledged the contribution made by the former TCC member Mr Matt Cowley, and noted that he was looking forward to working constructively with Te Maru o Kaituna in the future.

Members asked for clarification regarding members' three-year term of appointment and dates for re-appointment; and also regarding the appointment of a Community Board member to Te Maru o Kaituna, and requested that staff report back at the next meeting.

Resolved

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

- 1 Receives the report, *Change of membership*;**
- 2 Notes the appointments of Councillor Arapeta Tahana as the appointed member for the Bay of Plenty Regional Council and Councillor Jane Nees as the alternate member.**
- 3 Notes the appointments of Councillor Tania Tapsell as the appointed member for Rotorua Lakes Council and Mr Nick Chater as the alternate member.**
- 4 Notes the appointments of Councillor Steve Morris as the appointed member for Tauranga City Council and Councillor Terry Molloy as the alternate member.**
- 5 Notes the appointments of Councillor Kevin Marsh as the appointed member for Western Bay of Plenty District Council and Councillor John Scrimgeour as the alternate member.**

**Tahana/Hancock
CARRIED**

7.2 Proposed Kaituna River Document

Refer PowerPoint presentation Obj reference: A2538125

Water Policy Manager Namouta Poutasi, Strategic Engagement Manager Kataraina O'Brien and Senior Planner Adam Fort presented this paper which sought feedback and direction from members on the draft pre-circulated version of the Proposed 'Kaituna, he taonga tuku iho - a treasure gifted to us' document to enable the document to be prepared for public notification pursuant to the Tapuika Claims Settlement Act 2014 (the Act).

Ms Poutasi summarised progress to date and outlined the timeframe for notification of the river document and then led members through the draft document section by section. Ms Poutasi noted that the final version of the document will include enhanced graphics and more photographs than the current draft. Feedback provided from members included:

- In Part 1 members suggested minor amendments regarding use of Te Reo and provision of translation, and suggested further information about the current state of the river should be included and more detailed context provided up front in the document.
- In Part 2 members emphasised the importance of ensuring better access to the river under Objective 2; agreed that Objective 5 should include aquifers and springs and better address the issue of water allocation; suggested that Objective 6 be broadened to include all consented activities and that the wording of Objective 8 was confusing and needed clarifying.
- In Parts 3 and 4 members noted that the Tapuika section was to be developed further; suggested that the "Where are we now" section be moved to the front of the document and that additional graphics illustrating the development of the river document and change in land use be included. Members agreed on the need for better images of the river and that a "photobank" for the river should be created.

Resolved

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

- 1 **Receives the report, Proposed Kaituna River Document;**
- 2 **Authorises the General Manager Strategy and Science, Bay of Plenty Regional Council, to:**
 - **make amendments to the attached version (Appendix 1) of the Proposed Kaituna River Document *Kaituna, he taonga tuku iho – a treasure gifted to us* as directed by Te Maru o Kaituna, and**
 - **make editorial and formatting changes for the purposes of graphic design and publishing in order to prepare a version for public notification.**

Flavell/Morris
CARRIED

7.3 Development of an Action Plan for the Kaituna River Document

Water Policy Manager Namouta Poutasi spoke to this report which sought direction from Te Maru o Kaituna River Authority on the timing of the development of an action plan to support the River Document. Ms Poutasi explained the options available for the development of an action plan and outlined the advantages and disadvantages of linking an action plan to the river document process or undertaking a separate process.

Members discussed the action plan options. Concern was expressed that developing an action plan without a finalised river document could pre-empt what the river document might say and that having two documents for consideration could be difficult and confusing. The risk of developing too much detail in the action plan before the objectives and outcomes of the document were finalised was noted. Members acknowledged the need to meet statutory timeframes with the river document and generally supported a two-step process of completing the statutory river document first followed by the development of an action plan. The importance of involving iwi in the development of the action plan was noted and the need for a thorough process with proper engagement was emphasised.

Staff clarified the opportunities and timing for Te Maru o Kaituna to link into the Regional Council Long Term Plan process. Member supported the gathering of action suggestions during the Stage 2 engagement process for the river document to inform the development of the action plan.

Resolved

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

- 1 Receives the report, Development of an Action Plan for the Kaituna River Document;**
- 2 Approves Option 1: to develop an action plan after the approval of the Kaituna River Document.**

**Flavell/Hancock
CARRIED**

Adjournment

The meeting adjourned for lunch at 1.15pm and reconvened at 1.55pm.

Attendance

S Morris and R Pou Poasa left the meeting during the adjournment.

7.4 Process for Notification, Engagement, Hearings and Deliberations on the Proposed Kaituna River Document

Water Policy Manager Namouta Poutasi and Policy Analyst Jo Watts presented this report which sought direction from members regarding the process and timing for public notification of the river document, hearing of submitters and deliberations.

Members discussed the notification and submission process and supported holding a hearing with a hearing panel comprised off all eight primary Te Maru o Kaituna members. Members noted that a summary of written submissions provided by staff would be useful.

Resolved

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

- 1 **Receives the report, *Process for Notification, Engagement, Hearings and Deliberations on the Proposed Kaituna River Document*.**
- 2 **Approves notification of the proposed Kaituna River Document in May 2017;**
- 3 **Notes that Stage 2 Engagement on the Proposed Kaituna River Document '*Kaituna, he taonga tuku iho – a treasure gifted to us*' will be carried out during the notification period in accordance with the updated Engagement Plan (Appendix 1).**
- 4 **Holds a hearing if there are any submitters who indicate they wish to be heard.**
- 5 **Establishes a Hearing Panel of all primary members for the hearing and consideration of submissions received on the Proposed Kaituna River Document *Kaituna, he taonga tuku iho – a treasure gifted to us*; and for the making of decisions on submissions (including any amendments to the document).**
- 6 **Appoints all primary Te Maru o Kaituna members to the Hearing Panel and further appoints Dean Flavell as the Chairperson of the Hearing Panel.**
- 7 **Directs Bay of Plenty Regional Council staff to receive and acknowledge submissions to proposed *Kaituna, he taonga tuku iho – a treasure gifted to us* and following the close of submissions to prepare a summary of submissions; and further authorises staff to make arrangements for a hearing and any necessary arrangements for additional meeting/s for the Hearing Panel to hold deliberations.**

Flavell/Nees
CARRIED

Attendance

Deputy Chair A Tahana and P Callaghan left the meeting at 2.10pm.

7.5 **Integrated Catchments Report to 8 February 2017 - Kaituna - Maketu - Pongakawa Water Management Area**

Refer PowerPoint presentation Obj reference: A2585605

Kaituna Catchments Manager Pim de Monchy spoke to this report which updated members on Regional Council operations in the catchment area. Mr de Monchy provided members with a presentation on progress with the Kaituna River re-diversion construction works, noted recent achievements and outlined planned works and next steps in the project. Members asked questions of clarification regarding short-term water quality in the estuary and type of planting planned. Mr de Monchy also clarified the tender process in response to a member's question and noted that he was happy to provide the re-diversion project Assessment of Environmental Effects to members if requested.

Resolved

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

- 1 Receives the report, Integrated Catchments Report to 8 February 2017 - Kaituna - Maketu - Pongakawa Water Management Area;**

**Flavell/Marsh
CARRIED**

8 General Business

- 8.1 Members agreed to alternate venues between local authority venues and marae whenever possible, and suggested using a Rotorua marae for the April Te Maru o Kaituna meeting.

The Chairman thanked members for a productive meeting and staff for their hard work on the river document, and invited one of the kaumatua in attendance from Whare Kohu Te Moni to provide a closing karakia.

The meeting closed at 2.50pm.