

Minutes of Te Maru o Kaituna River Authority Meeting held in Council Chamber, Western Bay of Plenty District Council, 1484 Cameron Road, Greerton on Friday, 24 August 2018 commencing at 10.30 a.m.

Present:

Chairman: Dean Flavell - Tapuika Iwi Authority Trust

Deputy Chairman: Councillor Arapeta Tahana - Bay of Plenty Regional Council

Appointees: Councillor Jane Nees - Bay of Plenty Regional Council; Maria Horne - Te Komiti Nui o Ngati Whakaue; Councillor Kevin Marsh - Western Bay of Plenty District Council; Rikihana Hancock - Te Tahuu o Tawakeheimoa Trust; Councillor Tania Tapsell - Rotorua Lakes Council; Councillor Steve Morris - Tauranga City Council; Dr Bryce Kihirini - Alternate, Tapuika Iwi Authority; Councillor Matemoana McDonald - Alternate, Bay of Plenty Regional Council; and Councillor John Scrimgeour - Alternate, Western Bay of Plenty District Council.

In Attendance: **Bay of Plenty Regional Council (BOPRC):** Chairman Doug Leeder; Namouta Poutasi - General Manager: Strategy and Sciences – Acting; David Phizacklea – Regional Integrated Planning Manager; Pim de Monchy – Kaituna Catchments Manager; Kataraina O'Brien - Strategic Engagement Manager; Anaru Vercoe - Māori Policy Team Leader; Jo Watts - Senior Planner (Water Policy); Rawiri Bhana - Maori Policy Advisor; Ruth Keber - Marketing and Communications Advisor; Yvonne Tatton - Governance Manager and Merinda Pansegrouw - Committee Advisor

Western Bay of Plenty District Council (WBOPDC): Matthew Leighton – Senior Policy Analyst

Public: Maru Tapsell – Waitaha and Alfred Reko Potiki

Apologies: Nick Chater - Alternate, Lakes Community Board (Rotorua Lakes Council); Piki Thomas - Alternate, Te Pumautanga o Te Arawa; Nicki Douglas - Alternate, Te Tahuu o Tawakeheimoa Trust and Councillor Steve Morris - Tauranga City Council for lateness.

1 Opening Karakia

Dean Flavell and Rikihana Hancock opened the proceedings with a karakia.

Quorum

Since there was no quorum present to constitute a formal meeting of the Authority, members agreed to proceed in workshop mode and discuss information only items until such time that a quorum could be established.

Workshop Mode

In response to the lack of a quorum, Chairperson Dean Flavell directed staff to consider the Terms of Reference and Membership of the Te Maru o Kaituna River Authority and pursue options to prevent future inquorate meetings.

Staff Follow-up

- Consider the Terms of Reference and Membership of the Te Maru o Kaituna River Authority and pursue options to prevent future inquorate meetings by assessing the following:
 - Informal membership status of Te Komiti Nui o Ngāti Whakaue not contributing towards a quorum
 - Progress with the appointment of representative: joint appointment by the Tapuika Iwi Authority Trust and Te Kapu o Waitaha
 - Filling of the vacancy of Te Pumautanga o Te Arawa representative
 - Provide clarification on the roles of alternatives formally appointed by appointing organisations counting towards a quorum.

Order of Business

The meeting agreed that the following information-only report be received next on the agenda:

- Agenda Item 9.6: Presentation: Kaituna Catchment Operations Update

1.1 Presentation: Kaituna Catchment Operations Update

Refer Video Clip – Objective ID A2947253

Refer PowerPoint presentation – Objective ID A2949041

Following Te Maru o Kaituna's celebration of the launch of Kaituna He Taonga Tuku Iho, a treasure handed down (The Kaituna River Document) on 22 June 2018, the Te Maru o Kaituna Iwi Launch video, providing a snippet of the day, was presented to members.

Members congratulated staff on a job well done.

Kaituna Catchments Manager Pim de Monchy provided a PowerPoint Presentation outlining an update on Bay of Plenty Regional Council Toi Moana's operations in the Kaituna Catchment area:

Key Points

- Highlights for the 2017/18 year in terms of operations:
 - Kaituna River Document had been completed
 - 33km of waterway had been protected in 2017/18, step by step, making an impact
 - Priority biodiversity sites protected – BOPRC had identified 400 biodiversity sites; 18 were in the Kaituna water management area – seven were currently under protective management, with a commitment to continuously increase the number over the longer term
 - The Land Management Team had created nearly 10ha of new wetlands over the past year – a continuation of the aim to create over a 100ha of wetland
 - Ongoing Te Pourepo o Kaituna investigations – aimed at creating a new wetland area of between 45ha to 73ha. Proposals on possible concept designs

- would be submitted to the Authority at a future meeting before entering into a resource consent process
- Ford Road Pump Station – preferred option had been identified and would involve shifting the pump station upstream to prevent contamination
- Kaituna re-diversion construction had started on the 12th of June 2018
- 20,000 plants had been planted at Papahikahawai
- New project: Parawhenuamea Stream re-diversion

10:55 a.m. - Cr John Scrimgeour **entered** the meeting.

11:00 a.m. – Cr Tania Tapsell **entered** the meeting

11:01 a.m. – Cr Arapeta Tahana **entered** the meeting

In response to Questions

- Ford Road end (from the pump station near Ford's Cut bridge to Te Tumu Cut) would be closed from 1 August to 20 December
- As a priority, the fixing of the roads would be addressed in liaison with all role-players, led by the road controlling authority Western bay of Plenty District Council.

Quorum

At 11:15 a.m. a quorum was present to constitute a formal meeting of the Authority.

With the agreement of members, Chairperson Dean Flavell vacated the Chair to assume the capacity as a representative from Tapuika Iwi Authority and Deputy Chairperson Arapeta Tahana assumed the Chair.

Committee Mode

2 Apologies

Resolved

That the Te Maru o Kaituna River Authority:

1. **Accepts the following apologies tendered at the meeting: Nick Chater - Alternate, Lakes Community Board; Piki Thomas - Alternate, Te Pumautanga o Te Arawa; Nicki Douglas - Alternate, Te Tahuhu o Tawakeheimoa Trust, and Councillor Steve Morris - Tauranga City Council for lateness.**

Tahana/Flavell
CARRIED

3 Public Forum

Nil.

4 Acceptance of Late items

Nil.

5 General Business

The following matter was raised for discussion under General Business:

1. Letter received from the Rangitāiki River Forum Chairperson, Maramena Vercoe dated 21 August 2018.

6 Confidential Business to be Transferred into the Open

Nil.

7 Declaration of Conflicts of Interest

Nil.

8 Previous Minutes

8.1 Te Maru o Kaituna River Authority minutes - 22 June 2018

Resolved

That the Te Maru o Kaituna River Authority:

1. Confirms the Te Maru o Kaituna River Authority minutes of 22 June 2018 with the following amendment:
 - Appointees Present: Add Councillor Tania Tapsell (Rotorua Lakes Council).

Nees/Flavell
CARRIED

9 Reports

9.1 Te Maru o Kaituna River Authority - Public Celebration of the Kaituna River Document 'He Taonga Tuku Iho, a Treasure Handed Down'

Refer PowerPoint presentation – Objective ID A2945565

Māori Policy Advisor Rawiri Bhana provided a brief outline as follows:

Key Points

- Proposed date for the public celebration event was Sunday, 30 September. This would be the first day of daylight saving, the first weekend of school holiday's and furthermore coincided with World River Day
- A mixture of information and interactive displays, with some water based activities, had been planned
- The event would allow an opportunity for particular groups to have their own information/interactive booths
- The traffic management plan would be the biggest expense; Western Bay of Plenty District Council (WBOPDC) had offered the reserve booking under sponsorship and a traffic management plan was currently being drawn up by a qualified safety traffic management plan provider
- Extensive publicity / media coverage had been planned.

In response to Questions

- Expressed appreciation towards WBOPDC for assisting with a traffic management plan. Local Schools would be considered as options for parking overflow
- The River Document had been shortlisted as a finalist for the 2018 Best Awards – Ngā Aho Award; the Award Ceremony had been scheduled for 22 September 2018.

Points raised by Members

- The event allowed an excellent opportunity for Council to interact / consult the local community and obtain feedback on their expectations relating activities around the Kaituna River
- There is an obligation to engage with one Tapuika whanau around the use of the reserve as it is not a simple public reserve as many others were
- The World River Day opportunity should be leveraged to showcase/promote the innovative/indigenous leadership work done by Te Maru o Kaituna River Authority with regard to the River Document. Marketing material from the World Rivers Day should also be used during the public celebration launch event.

Staff Follow-up

- Ensure that ongoing consultation with all parties involved in the Reserve Treaty Settlement Claim take place
- Draft agenda/itinerary for 30 September 2018 to be circulated to members via email for comment/input
- Arrangements be made for a member of Te Maru o Kaituna River Authority to attend the 2018 Best Awards – Ngā Aho Award Ceremony on 22 September 2018
- Tikanga for 30 September 2018 to be finalised in consultation with Tapuika Iwi.

Resolved

That the Te Maru o Kaituna River Authority:

- 1. Receives the report, Public Celebration of Kaituna, he taonga tuku iho - a treasure handed down;**
- 2. Approves the public celebration details presented in this paper and delegates to the Chair of TMoK and the TMoK Working Group responsibility for the preparation and planning of the celebration.**
- 3. Endorses the proposal that the public celebration be registered as an official World Rivers Day event.**

**Flavell/Marsh
CARRIED**

9.2 Next Steps for Te Maru o Kaituna River Authority

Refer PowerPoint presentation – Objective ID A2945565

Māori Policy Team Leader Anaru Vercoe presented the report, outlining the following:

Key Points

- Review of the purpose and functions of Te Maru o Kaituna River Authority beyond the River Document, moving into the monitoring implementation / effectiveness of the River Document
- Timing, process, scope and resourcing for developing the action plan
- Regional planning document changes - timing and working together with BOPRC to progress changes to the Bay of Plenty Regional Policy Statement (through Change 5 to the RPS) and Regional Natural Resources Plan (RNRP) (through Plan Changes 9 and 12)
- Advice to council on Te Maru o Kaituna River Authority's role going forward.

Comments Raised by Members

- Acknowledged the presence of Maru Tapsell - Waitaha Iwi, Te Kapu o Waitaha and supported that the relevant representation on the Authority be addressed to enable participation in the forum
- Since the Kaituna River Document's vision, objectives and desired outcomes needed to be recognised and provided for when preparing or amending the RPS, regional or district plans, it was vital that the Te Maru o Kaituna River Authority was closely involved in all RMA processes

11:55 a.m. - Cr Steve Morris **entered** the meeting.

- Since the Rangitāiki River Forum (RRF) had been involved in regional planning document changes, discussions with the RRF would provide an opportunity for the Te Maru o Kaituna River Authority to obtain key learnings from/develop an understanding of the processes and steps required during RMA processes
- Noted that under item 5 "General Business" the Rangitāiki River Forum had sent a letter to invite the Te Maru o Kaituna River Authority to meet with them to discuss achievements and share journeys and to discuss ideas that may contribute to the future direction that the respective groups may take
- Supported that a stand-alone discussion session between the Rangitāiki River Forum and the Te Maru o Kaituna River Authority be arranged to obtain a better understanding of RMA processes (An item for staff follow-up was recorded under item 10.1 of the minutes)
- The development of an action plan was of vital importance and needed to be addressed as a matter of priority by means of a streamlined process – the appointment of a working group to sign off the scope of work and appointment of a consultant would speed up the process
- 19 October 2018, the date of the next meeting of the Te Maru o Kaituna River Authority meeting, should be the aimed date to have finalised the scope for the brief and appointment of a consultant to develop the action plan, for presentation to the Authority.

Members were invited to provide nominees to be invited to participate in the procurement process for the appointment of a consultant to develop/prepare an action plan.

The following motion was PUT and CARRIED:

Resolved

That the Te Maru o Kaituna River Authority:

- 1. Receives the report, "Next Steps for Te Maru o Kaituna River Authority";**

2. Directs staff to prepare a scope of work for the action plan development, obtain feedback on the scope via email from members.
3. Delegates to the Working Group approval of the scope and to engage a preferred consultant to develop the Action Plan.
4. Appoints the following members to the Working Group: Dean Flavell (Chair), Rikihana Hancock and Cr Arapeta Tahana (Deputy Chair).
5. Directs staff to bring back material for discussion on Proposed Plan Change 12.

Hancock/Flavell
CARRIED

12.45 p.m. - The meeting adjourned.

1.05 p.m. - The meeting reconvened.

Order of Business

The meeting agreed that the following report be received next on the agenda:

- Agenda Item 9.5: On-site Effluent Treatment Draft Plan Change 14

9.3 On-site Effluent Treatment Draft Plan Change 14

Refer PowerPoint presentation – Objective ID A2937769

Team Leader – Integrated Planning Ruth Feist presented the report in good humour outlining the following:

Key Points

- Overview of what on-site effluent treatment (OSET) systems were
- Risks applicable to OSET systems
- BOPRC was responsible for the management of discharges from OSET systems to ensure discharges did not contaminate the environment – as required by the Resource Management Act 1991 (RMA)
- BOPRC had an OSET Regional Plan to help manage discharges but it was more than 10 years old and needed updating
- OSET Draft Plan Change 14 was to replace the current plan, and would include the updated rules into the Regional Natural Resources Plan
- Applicable timeframes/next steps envisaged.

In Response to Questions

- BOPRC was currently running a project involving all Tauranga Moana marae in liaison with marae maintenance staff and engaging with tangata whenua, in order to undertake a survey of wastewater management systems. Results to be reported to Council to determine the level of support required
- Marae played an important role within a community; it was therefore important to ensure that their systems were robust and able to operate effectively even under high load conditions
- Experience has shown that when a marae triggered the criteria to require a resource consent it was most often because the domestic wastewater generated was more litres of effluent per day than a standard household; however, this could

also be related to an OSET system's design, age, or location in relation to a particular water body.

Comments Raised by Members

- Acknowledged that it was an important matter from a health and safety perspective; however emphasised that care should be taken to consider the matter as highly sensitive as the subject could easily be seen as an impingement of Maori peoples' rights
- Some tangata whenua might be of the opinion that, based on the outcome of treaty settlements, the matter relating to on-site effluent treatment systems needed to be addressed with the Crown directly
- Since the use of marae was of a culturally sensitive nature, care should be taken to navigate the process with thorough and ongoing consultation with tangata whenua, taking care regarding the approach to be taken and the use of the correct language to demonstrate the correct intent
- As cost implications would be of great concern, the focus should be on the need/nature of the support required, and options to assist marae in the adoption of better OSET technology, rather than the cost
- Noted that different regulatory requirements had applied to Papakāinga Housing.

Item for Staff Follow-up

- To verify the on-site effluent treatment systems requirements applicable to higher density housing (two, three or more houses on a 1,200m² land block).

Resolved

That the Te Maru o Kaituna River Authority:

- 1. Receives the report, On-site Effluent Treatment Draft Plan Change 14.**

**Tahana/Nees
CARRIED**

Dr Bryce Kihirini **opposed** the motion.

9.4 Adoption of the 2018/2019 Te Maru o Kaituna Budget

Strategic Engagement Manager Kataraina O'Brien, on behalf of Governance, presented the 2018/19 Te Maru o Kaituna budget and updated members on current expenditure and the financial status.

Resolved

That the Te Maru o Kaituna River Authority:

- 1. Receives the report, Adoption of the 2018/2019 Te Maru o Kaituna Budget;**
- 2. Notes the current balance of Te Maru o Kaituna River Authority funds;**
- 3. Adopts the 2018/19 Te Maru of Kaituna River Authority budget as outlined in the report.**

**Tahana/Marsh
CARRIED**

9.5 Freshwater Update

Refer PowerPoint presentation – Objective ID A2945532

Senior Planner (Water Policy) Jo Watts provided a Freshwater update, outlining the following:

Key Points

- Overview of what the National Policy Statement for Freshwater Management 2014 (NPSFM) was:
 - a process to set objectives/limits to protect freshwater taonga for future generations
 - Overarching concept of Te Mana o te Wai: that the water and the environment were the most important thing to protect/provide for, before we provided for other things such as use
 - Involving and working with iwi, hapū and communities to make sure we understood tangata whenua and community values and interests
 - Working on catchment specific management measures to set objectives or water quality and quantity limits
 - Using catchment models more fully to understand the impact of existing land use and what might happen into the future if we continued/changed to a different combination of land uses
- Plan changes Toi Moana was working on to improve how Bay of Plenty Regional Council (BOPRC) was managing freshwater: Plan Change 9 – Region Wide Water Quantity / Plan Change 3 to RPS – Rangitāiki River / Draft Plan Change 14 – On Site Effluent Treatment (OSET) and Plan Change 12
- Plan Change 12:
 - Setting water quality and quantity limits in the Kaituna/Pongakawa/Waitahanui Water Management Area/catchment
 - Taking into consideration the region wide NPSFM framework and other region wide changes such as swimmability, significant values of wetlands & outstanding freshwater bodies
 - Recognising and providing for the vision, objectives and desired outcomes of the Kaituna River Document
 - Kaituna-Pongakawa-Waitahanui Water Management Area timetable.

Kaituna Catchment Manager Pim de Monchy provided an overview of the latest Environmental Science Summary Report for the Kaituna-Pongakawa-Waitahanui Water Management Area, outlining the current state and trends for the catchment:

Key Points

- Main environmental issues that had been identified in the Kaituna catchment area:
 - Declining health of Waihi and Maketū Estuaries: not always swimmable, affected social and cultural values. Too much nitrogen entering estuary. Was currently reviewing what sort of nitrates and e.coli load reductions might be needed for these estuaries
 - Increasing nitrates in freshwater – land use intensification, particularly in the lower reaches
 - Substantial impacts on freshwater values in lower catchments – heavily modified, poorer water quality, discharging in to estuaries
 - Localised high E.coli affects swimming and mahinga kai
 - Increasing water use demand - over allocation
- States and trends relating to soil, freshwater quantity and wetlands/estuaries.

In Response to Questions

- As part of BOPRC's work to implement central government's National Policy Statement for Freshwater, the outcome of Proposed Plan Change 9 to the Regional Water and Land Plan would provide rules and policy changes designed to strengthen water allocation limits and management; drawing a line in the sand and setting allocation requirements moving forward toward more detailed local limits, rules and methods in the Kaituna delivered through Plan Change 12.
- The Plan Change 9 process had confirmed that there were gaps in existing information/insufficient information relating to estimates of water takes
- One strategy that could ensure an improvement would be the review of conditions/consent periods for existing resource consents due to expire soon
- Since many consent holders were no longer using the amount of water for which consents were granted, future options for water that was allocated but not used should be reassessed
- No favouritism should exist when it came to water consents: all should be treated fairly - equality for all people
- Data provided for the health of estuaries (trends for water quality parameters over the long term data set - as per slide 24 of the presentation) should not only illustrate significant trends, but should provide actual data to enable the monitoring of all movement (negative and positive).

1:51 p.m. - Cr Kevin Marsh **withdrew** from the meeting.

Resolved

That the Te Maru o Kaituna River Authority:

- 1. Receives the report, Freshwater Update.**

**Tahana/Flavell
CARRIED**

9.6 Membership Update - Te Pumautanga o Te Arawa Trust

The item was not considered as Piki Thomas was not present to provide a membership update on behalf of the Te Pumautanga o Te Arawa Trust.

10 Consideration of General Business

10.1 Letter received from the Rangitāiki River Forum Chairperson, Maramena Vercoe dated 21 August 2018

Tabled item 1: A letter received from the Rangitāiki River Forum Chairperson, Maramena Vercoe, dated 21 August 2018, was presented to the Authority.

Key Points

- Congratulated Te Maru o Kaituna River Authority on the successful completion and approval of the Kaituna River document
- Recognised the hard work and the journey that it took to get to this significant milestone
- The Rangitāiki River Forum found this process to be valuable in developing a platform for collaborative, multiparty partnerships in the implementation of our River Document – Te Ara Whanui o Rangitāiki – Pathways of the Rangitāiki

- Invited Te Maru o Kaituna River Authority to meet with the Rangitāiki River Forum at some time in the near future to discuss achievements and share journeys and to discuss ideas that may contribute to the future direction that the respective groups may take.

Staff Follow-up

- To arrange a discussion session between Te Maru o Kaituna River Authority and Rangitāiki River Forum as expressed under item 9.2 “Next steps for Te Maru o Kaituna River Authority” with the view of amongst other matters, obtain a better understanding of the role of the Authority in RMA processes.

11 Closing Karakia

Dr Bryce Kihirini closed the meeting with a karakia.

The meeting closed at 2:24 pm

Confirmed

Chairperson

Date