



# Submission Form

Send your submission to reach us by  
**4 pm on Tuesday, 10 August 2021**

Submission Number  
*Office use only*

<b>Post:</b> The Chief Executive Bay of Plenty Regional Council PO Box 364 Whakatāne 3158	<b>or Fax:</b> 0800 884 882	<b>or email:</b> rps@boprc.govt.nz
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**Submitter:** Western Bay of Plenty District Council

This is a submission on **Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement**

- 1 I ~~could/could not~~ gain an advantage in trade competition through this submission. [\*select one]
- 2 I ~~am/am not~~ directly affected by an effect of the subject matter of the submission that [\*select one]  
(a) ~~adversely affects the environment, and~~  
(b) ~~does not relate to trade competition or the effects of trade competition~~  
*[Delete the entire paragraph if you could not gain an advantage in trade competition through this submission.]*
- 3 The details of my submission are in the attached table.
- 4 I ~~wish/do not~~ wish to be heard in support of my submission. [\*select one]
- 5 ~~If others make a similar submission, I will consider presenting a joint case with them at a hearing.~~ *[Delete if you would not consider presenting a joint case.]*

Garry Webber **Mayor – Western Bay of Plenty District Council**

*[Signature of person making submission or person authorised to sign on behalf of person making submission.]*

*[NOTE: A signature is **not** required if you make your submission by electronic means.]*

09/08/2021

**Date**

**Contact person:** *[Name and Designation if applicable]*

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BOPRC ID: A3683287

The specific provisions of the proposal that my submission relates to are:

Page No	Reference (Issue, Objective, Policy, or Method)	Support/Oppose	Decision Sought What changes you would like to see	Give Reasons
	Overall	Support in part	Progress Change 5 with changes recommended below.	<p>Western Bay of Plenty District Council welcomes Proposed Change 5.</p> <p>As an active member of Te Maru o Kaituna, we are pleased to see Kaituna He Taonga Tuku Iho - the Kaituna River Document - given recognition in the Regional Policy Statement.</p> <p>The Kaituna River and its tributaries primarily lie within the Western Bay of Plenty District, and we are actively committed to protecting this taonga. It is a treasure for iwi and hapū, for our communities, and for the land itself.</p> <p>Whilst we largely support the content of the proposed Change 5, we do suggest that some changes be made to refine the draft prior to notification. These are outlined below. Where direct text changes have been recommended deleted text is shown by <del>strike through</del> and added text by <u>underlining</u>.</p>
2 and throughout	-	Other	That Maketū Estuary is consistently spelt with either a macron or without.	A minor correction for consistency is requested. Both Maketu and Maketū appear in the document in reference to the same place. For example on page 2 (2.12.3) the macron is used but page 3 (2.12.4 – 6) it is missing.
3	<p>2.12.4 Significant Issues affecting the Kaituna River</p> <p>2 Urban growth, climate change, rural land use intensification</p>	Oppose in part	<p>Amend to:</p> <p><del>2 Urban growth, climate change, rural land use intensification</del></p> <p><del>Rural land use intensification, urban growth and climate change effects are all placing pressure on the state of the Kaituna River, ecosystem health and wetland habitats.</del></p> <p><b><u>2a Urban growth and rural land use intensification</u></b></p> <p><u>Rural land use intensification and urban growth are placing pressure on the state of the Kaituna River, ecosystem health and wetland habitats. Projected urban growth and horticultural intensification may</u></p>	<p>We request that this section be broken into two, separating land use issues and climate change issues.</p> <p>Climate change and land use have different drivers and should be managed differently.</p> <p>Whilst we acknowledge there is currently a Natural Hazard section in the RPS, this does not necessarily align with the wider implications of climate change on the environment and particularly the Kaituna River. We also note that winter rainfall and the increased frequency of intense rainfall events will have different implications for the Kaituna River and that these</p>

			<p>place increased demand on water, particularly in the lower Kaituna.</p> <p><b><u>2b Climate change</u></b></p> <p><u>The effects of climate change are increasing pressure on the state of the Kaituna River, ecosystem health and wetland habitats. The trend of lower summer rainfall is anticipated to get worse and is placing pressure on river, stream and puna (spring) flows/levels. The trend of increasing winter rainfall and more intense rainfall events causes other issues such as greater run-off.</u></p>	<p>should be recognised here.</p> <p>We note that the Section 32 report discussion of the Issues does not mention climate change at all (page 29 - 5.1).</p>
6	<p>Objective 41 Water quality and the mauri of the water, including groundwater, in the Kaituna River is restored to a state which provides for ecosystem health, human contact, threatened species and mahinga kai values</p>	<p>Oppose in part</p>	<p>Amend to: Objective 41 Water quality and the mauri of the water, <del>including groundwater</del>, in the Kaituna River is restored to a state which provides for ecosystem health, human contact, threatened species and mahinga kai values</p>	<p>Specifically mentioning ground water is not necessary in Objective 41.</p> <p>Providing for ecosystem health, human contact, threatened species and mahinga kai values are all typically surface water values and not directly related to groundwater. We acknowledge there is an interplay between ground and surface water, but this would be better considered under Objective 42 or 43.</p> <p>It should be noted that in the Kaituna He Taonga Tuku Iho, groundwater is only mentioned in reference to Objective 5, which has been copied to become Objective 43 in the Proposed Change 5.</p> <p>This disconnect is further evidenced by the fact that groundwater does not currently link to the Policy or the Methods associated with Objective 41, but with Policy KR 4B which sits under Objective 42 and 43.</p> <p>It should be noted that the complex nature of groundwater makes the objective to 'restore' currently questionable. The groundwater aquifers are not accurately mapped and the state and quality not fully understood. There is no evidence or justification presented in the Section 32 report.</p> <p>It may be worth considering how far groundwater should be addressed here, given the definition of the Kaituna River in the Tapuika Claims Settlement Act 2014.</p>

16	Policy KR1B	Other	<p>Addition of the word 'the' in the title and body of the Policy for consistency and clarity.</p> <p>Policy KR 1B: Recognise, strengthen, enhance and provide for traditional and contemporary iwi and hapū relationships with <u>the</u> Kaituna River</p> <p>Recognise, strengthen, enhance and provide for traditional and contemporary iwi and hapū relationships with <u>the</u> Kaituna River</p>	<p>Minor correction to the title and text for consistency with other Policies.</p> <p>It is noted that the word 'the' appears in the body of the Policy, as sought here, in the Section 32 report (page 46).</p>
17	Policy KR 2B: Establishing water quality limits within the Kaituna River	Oppose in part	<p>We request the following amendment to the explanation:</p> <p>The drinking water standards are high across a range of contaminants and it is unrealistic to expect these to be met in <del>all parts of</del> the Kaituna River without water treatment.</p>	<p>We support the intent of the policy and the recognition of the importance of drinking water sources</p> <p>The Drinking-Water Standards for New Zealand set a very high bar and it is highly unlikely that any water take (surface water or groundwater) without treatment will meet the standards. Even a simple filter or boiling water before consumption is considered treatment.</p> <p>Clarity is required so as not to give the wrong impression around potable water and the Drinking-Water Standards.</p>
17	Policy KR 3B	Other	<p>Address typographical error by removing the apostrophe at the end of the sentence.</p> <p>Use mātauranga Māori to inform resource management decision making processes in the Kaituna River and achieve the vision, objectives and desired outcomes of the Kaituna River Document<sup>2</sup>.</p>	<p>Minor correction required.</p>
17	Policy KR 3B	Support	<p>Retain the policy and explanation text. In particular we note the sentence:</p> <p>To be useful mātauranga Māori needs to be stored and readily accessible to help inform resource management decision making processes.</p>	<p>We are pleased to see the policy strength and recognition for mātauranga Māori.</p> <p>Being able to readily draw upon mātauranga Māori will assist in using this knowledge base to inform resource management decisions.</p>
17	Policy KR 4B	Oppose in part	<p>Amend policy title to:</p> <p>Policy KR 4B: Managing groundwater abstraction in the Kaituna River <u>Catchment for the protection of puna and springs.</u></p>	<p>It is understood that the intent of the policy is the protection of puna and springs, rather than groundwater takes more generally.</p> <p>Amending the title better describes the policy's intent.</p>

18	Policy KR 5B	Support	Retain the Policy.	<p>We support the Policy intent and wording of the Policy itself.</p> <p>Discussion on the explanation provided is given below.</p>
18	Policy KR 5B	Oppose in part	<p>Request reconsideration of ‘an example of best practice’ used in the explanation. Alternatively a suitable amendment may be:</p> <p>An example of best management practice is <u>preparation and implementation of</u> farm environment plans.</p>	<p>Currently ‘farm environmental plans’ are used as an example of best practice. These are common place and for many operations a requirement.</p> <p>Consideration is required as to if this is really best practice, or if the example could be expanded or amended as sought.</p>
19	Policy KR 7B	Oppose in part	<p>We request that this be split into two policies:</p> <p>Enabling economic development opportunities for iwi and hapu in the Kaituna River Area</p> <p>And</p> <p>Encourage economic development that enhances the Kaituna River and acknowledges its cultural connections.</p> <p>This may require reconsideration of the associated methods.</p>	<p>As it is currently proposed, there are two concepts raised here –</p> <p>1 - economic opportunities for iwi and hapū,</p> <p>2 - economic development that enhances the Kaituna and acknowledges its cultural connections.</p> <p>The bundling of these concepts together is somewhat confusing. It suggests iwi economic opportunities should only be enabled where they ‘promote greater understanding....or enhance the River’s wellbeing’.</p> <p>There is a lack of clarity as to what is therefore required through the District Plan.</p> <p>One aspect relates to zoning of land and discussions with iwi and hapū about future aspirations.</p> <p>The other is regarding ‘sustainable land management practices’ to ensure respect for the Kaituna River for any economic development opportunities.</p>
22	Method KR3	Oppose in part	<p>Amend to:</p> <p><i>Implementation responsibility: <u>Regional Council, City and district councils, Te Maru o Kaituna and iwi authorities.</u></i></p>	<p>Identifying locations for safe contact recreation in the Kaituna River requires input from all bodies.</p> <p>This should include Regional Council through the role of the harbourmaster. The harbourmaster has an active role in removing hazards, promoting safe boating, dealing with conflict between user groups and the administration of the Bay of Plenty Regional Navigation Safety Bylaw 2017.</p>

22	Method KR5	Oppose in part	<p>Amend to:</p> <p><i>Implementation responsibility: <del>Regional Council, city and district councils and</del> iwi authorities</i></p>	<p>We fully support the method, however it is clear from the text the information is to be provided ‘to regional, city and district councils, land developers and consultants’.</p> <p>The implementation responsibility sits with iwi authorities.</p> <p>We seek for the implementation responsibility wording to revert to that used in the draft, that iwi authorities are responsible for implementation. Councils are not the owners or holders of this knowledge.</p>
22	Method KR6	Oppose	<p>Delete all.</p> <p>OR</p> <p>Amend to:</p> <p>Promote employment opportunities for tangata whenua through projects in the Kaituna River including providing:</p> <ul style="list-style-type: none"> <li>(a) Pest and silviculture management services</li> <li>(b) Fencing services</li> <li><del>(c) Council reserves maintenance;</del> and</li> <li>(d) Environmental monitoring.</li> </ul> <p><i>Implementation responsibility: Regional Council, city and district councils, Te Maru o Kaituna and iwi authorities</i></p>	<p>Whilst we do not disagree with the method’s intent, it is felt that the Regional Policy Statement is the wrong tool for the job. Council’s procurement decisions are not a Resource Management Act issue.</p> <p>We do not feel that the Regional Policy Statement, as a Resource Management Act document, is the correct place for this method. We are unaware of similar provisions being used elsewhere.</p> <p>From a Council perspective, delivering on the intent of the method is better achieved through individual Councils’ procurement strategies and decisions to give effect to Kaituna He Taonga Tuku Iho, through other processes (e.g. Long Term Plans, Annual Plans, procurement approaches, etc.).</p>
23	Method 23J	Other	<p>Corrections required to move incorrectly placed commas.</p> <p><i>Implementation responsibility: Regional Council, city and, district councils</i></p>	<p>Minor typographical correction only.</p>
23	Method 23S	Other	<p>Corrections required to move incorrectly placed commas.</p> <p><i>Implementation responsibility: Regional Council, city and, district councils and iwi authorities</i></p>	<p>Minor typographical correction only.</p>

23	Method 23T	Support in part	<p>Amend the method to recognise that the tributaries are equally as important to access. Amend to:</p> <p><b>Method 23T: Retain and enhance public and cultural access to and along rivers and streams in the Rangitaiki River Catchment and Kaituna River</b></p> <p>Retain and enhance safe public and cultural access to and along rivers <u>and streams</u> within the Rangitaiki River Catchment and Kaituna River by:</p> <p>...</p> <p>(c) Subject to (b) provide and maintain safe and identifiable public access points along the margin of the rivers <u>and streams</u> in the Rangitaiki River Catchment and Kaituna River.</p> <p>...</p> <p>(f) Working with communities, landowners and industries to consider opportunities to create appropriate access, including vehicle, walking, bicycle and waka access to the rivers <u>and streams</u>.</p>	<p>Access to the tributaries in the catchments is important recreationally and culturally.</p> <p>We think it is important that the Regional Policy Statement is explicit that this method applies to all tributaries in the catchment, and not just those considered as rivers.</p> <p>For example the Waiari Stream and its importance culturally and recreationally.</p>
23	Method 23T	Other	<p>Corrections required to move incorrectly placed commas.</p> <p><i>Implementation responsibility: Regional Council, city and, district councils and iwi authorities</i></p>	<p>Minor typographical correction only.</p>
25	<p>4.2 Objectives, anticipated environmental results and monitoring indicators</p> <p>Objective 44</p> <p>Monitoring indicators</p>	Other	<p>Amend to:</p> <p>Existing use and new land development aligns with that land's land use capability classification <u>and with regional or sub-regional spatial planning</u>.</p> <p>Compliance monitoring of consented activities shows no contravention of earthwork related conditions.</p> <p><u>Percentage of farms and orchards with an approved farm management plan in place.</u></p>	<p>Amendments are necessary to deliver clarity here and enable effective monitoring. It would be beneficial for the indicators to reflect the objective more explicitly.</p> <p>The Land Use Capability Classification is primarily a tool to consider long-term sustained agricultural production. It does not include consideration of industrial, commercial or residential land uses. Sufficient consideration of sub-regional plans (such as SmartGrowth) would better provide a more rounded picture of suitable development in the Kaituna catchment area.</p> <p>Further monitoring indicators could be considered that line more explicitly with the objective and 'best management practices'. A monitoring indicator that considers Farm Management Plans is sought. This not only links it directly to the existing explanation for</p>

				Policy KR 5B, but also links to project 5 in Te Tini a Tuna.			
25	4.2 Objectives, anticipated environmental results and monitoring indicators  Objective 45  AER and Monitoring Indicators	Other	Amend by inserting:  <table border="1"> <tr> <td><b>Objective 45</b> The Kaituna River's wetlands, aquatic and riparian ecosystems are restored, protected and enhanced to support indigenous species</td> <td><u>Healthy aquatic ecosystems, habitats, and biological communities are protected or increased.</u></td> <td><u>An observed maintaining or increase in the health of natural communities and habitats of indigenous flora, fauna and ecosystems in the Upper and Mid Kaituna River and their riparian margins and wetlands.</u></td> </tr> </table>	<b>Objective 45</b> The Kaituna River's wetlands, aquatic and riparian ecosystems are restored, protected and enhanced to support indigenous species	<u>Healthy aquatic ecosystems, habitats, and biological communities are protected or increased.</u>	<u>An observed maintaining or increase in the health of natural communities and habitats of indigenous flora, fauna and ecosystems in the Upper and Mid Kaituna River and their riparian margins and wetlands.</u>	The inclusion of an additional 'anticipated environmental result' and associated monitoring indicator is sought.  The protection of the high quality aquatic ecosystems in the upper and mid catchment should be prioritised and made more visible in the document  We are concerned that the upper and mid catchment are somewhat missing in this document. With only one mention of the upper catchment (and then only in regards to rafting/kayaking).  We acknowledge that Policy MN 2B sets the policy framework for giving particular consideration to protecting significant indigenous habitats and ecosystems. However, we feel an indicator to demonstrate how this is working for the Kaituna River is required.
<b>Objective 45</b> The Kaituna River's wetlands, aquatic and riparian ecosystems are restored, protected and enhanced to support indigenous species	<u>Healthy aquatic ecosystems, habitats, and biological communities are protected or increased.</u>	<u>An observed maintaining or increase in the health of natural communities and habitats of indigenous flora, fauna and ecosystems in the Upper and Mid Kaituna River and their riparian margins and wetlands.</u>					
27	Definitions – Kaituna River	Other	Correction required as the Map reference is incorrect.  It should read:  Map 4 <u>ab</u>  The definition of the Kaituna River should be reworded to better reflect the Tapuika Claims Settlement Act 2014. In this legislation the definition is given as :  <b>Kaituna River or river means the Kaituna River, including its tributaries within the catchment areas shown on deed plan OTS-209-79.</b>	The map reference should be corrected.  The definition of the Kaituna River should be amended to better reflect the key legislation.  It is noted that the Rangitāiki River does not have a definition in the RPS.			