

Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement

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Introduction:

1. The Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) is New Zealand's largest and oldest non-government conservation organisation. For almost one hundred years, Forest & Bird has been giving a voice to nature on land, in freshwater and at sea, on behalf of its many members and supporters. Volunteers in fifty Forest & Bird branches throughout Aotearoa New Zealand, including four in the Bay of Plenty, carry out conservation and biosecurity projects in their communities including weed control, restoration, and pest trapping.
2. Forest & Bird's local branch is particularly interested Plan Change 5 and how it:
 - a. manages land use
 - b. protects ecological health and functions
 - c. recognises the implications of climate change, including increased risk of storm events (this needs to be considered in the context of the full scale of the Kaituna River catchment, including its connection to Lake Rotorua and Lake Rotoiti and their catchments).
3. In regard to the above, we note that retaining and enhancing natural ecosystem functions can provide a buffer to protect indigenous biodiversity and communities from the impacts of climate change; however, this is unlikely to be sufficient to avoid impacts in high-risk areas such as near the coast. An integrated approach is needed when considered land use and coastal developments to avoid locating residential housing or other development in areas which will then put pressure on using artificial management of waterbodies.
4. Overall, Forest & Bird broadly supports Proposed Change 5 (PC5) and the outcomes it is trying to achieve. While it is not the intent of PC5 to give effect to the NPSFM, Forest & Bird considers that it should seek to implement the



NPSFM wherever possible and ensure that the PC5 would not result in outcomes that are inconsistent with the NPSFM.

5. Forest & Bird relief sought is set out in the table below. In addition, Forest & Bird seeks any consequential changes or alternative relief to achieve the relief sought.
6. Forest & Bird could not gain an advantage in trade competition through this submission.
7. Forest & Bird wishes to be heard in support of this submission.
8. If others make a similar submission, we will consider presenting a joint case with them at a hearing.

Section/provision	Support/Oppose	Reasons	Relief
2.12.3 Kaituna River	Support	Consistency with the wording of the NPS-FM (2020) and is clear on the hierarchy of obligations.	retain
2.12.4 1 Significant Issues affecting the Kaituna River	Support in part	<p>The wording could be improved to align with the NPSFM in giving effect to Te Mana o te Wai.</p> <p>The issue can be clarified to make it clear that it is demand for water use that creates the issue with providing for the wellbeing of the waterbody and protecting ecological health.</p>	<p>Amend as follows:</p> <p><u>Demand for water demand use is high and could pose a risk for springs, surface water bodies and associated tangata whenua, ecological and recreational values</u></p> <p>Current consented allocation exceeds water quantity limits in several sub-catchments of the Kaituna River, and in parts of the underlying groundwater resource. Increasing water demand particularly for agriculture, horticulture, industrial and municipal uses continues to increase pressure on key values including tangata whenua, ecological and recreational values. <u>To ensure the health of freshwater, This signals a need to assign and manage the allocation and uses within of surface and groundwater must be managed within limits to provide firstly for the well-being for key values of these waterbodies and springs associated with them. Water demand is particularly high in the lower Kaituna River Catchment. Projected urban growth will also place increased demand on water in the lower Kaituna.</u></p>
2.12.4 2 Urban growth, climate change, rural land use intensification	Support in part	<p>We note that this issue has been narrowed from the draft and now excludes land use intensification beyond the rural environment and does not capture development. Narrowing the issue in this way fails to capture the pressures on the freshwater bodies from urban intensification. Industrial and municipal uses should also be captured here consistent with the recognition of these contributors in the issue above. This issue is particularly relevant to undeveloped industrial zoned land such as at Rangiuru in lower catchment, where development within the zone may be limited or precluded due to insufficient water availability. Development is a significant issue in terms of potential to contribute to</p>	<p>Add a further issue to recognise impacts of development and urban intensification or make additional amendments to issue 2 as follows:</p> <p><u>“2. Urban growth, climate change, rural land use change and intensification</u></p> <p><u>Rural land use intensification, urban growth and intensification, industrial development, demand for municipal water uses and climate change</u></p>

		<p>water quality issues from earthworks and then concentrated urban/industrial surface run off. The urban land development at te Tumu will also be huge.</p> <p>We are very supportive of issues statements that include the implications of climate change and ecosystem health. However, this is quite narrow and should be extended to include effects on other values including mahinga kai and for human health as relevant to considering these issues in the context of Te Mana o te Wai.</p>	<p>effects are all placing pressure on the state of the Kaituna River, ecosystem health and wetland habitats, <u>mahinga kai and contact recreation.</u>”</p>
<p>2.12.4</p> <p>3 Water quality is declining and is not always suitable for swimming in locations people wish to swim</p>	Support in part	<p>The wording could be improved to align with the NPSFM in giving effect to Te Mana o te Wai.</p> <p>Recognition of nutrients discharges impacts as a significant contributor is more accurate.</p>	<p>Amend as follows:</p> <p>Water quality is declining and is not always suitable to protect ecosystem health, or for swimming in locations people wish to swim</p> <p>Trends over time show nutrient discharges are increasing which is a <u>and contributing</u> significantly contributor to declining water quality in the Kaituna River including Maketū Estuary. Popular swimming spots are not always swimmable due to poor water quality from e-coli.</p>
<p>2.12.4</p> <p>4 Drainage Scheme Impacts</p>	Support	<p>The proposed wording creates uncertainty as to what “modification is” or the causes of it. Forest & Bird preferred the draft wording which was clear as to the modification in question being that caused by drainage schemes. If the intent is to capture other activities then these should be added to the issue.</p> <p>Is it also relevant that work on drainage schemes is an important consideration for integrated management given the implications for land use, ecological effects and flooding with strategic considerations for future land use and protection of ecosystems health.</p>	<p>Amend as follows:</p> <p>Drainage scheme impacts</p> <p>Mahinga kai, ecosystem health and natural character values are being impacted by <u>drainage scheme</u> waterbody modifications especially in the lower Kaituna River area.</p>
<p>2.12.4</p> <p>6 Health of Maketu Estuary</p>	Support	The wording sets out the issue clearly	retain
Map 4ab	Support	Useful and clear map of the catchment	retain

<p>Objective 40</p> <p>The traditional and contemporary relationships that iwi and hapū have with the Kaituna River are recognised and provided for.</p>	<p>Support in part.</p>	<p>The outcome can be improved to address the issue statement above , and for consistency with the NPS-FM (2020).</p> <p>In issue 5, the provisions state that relationships are “strained” - so the objective should be to reduce or remove that strain.</p>	<p>“The traditional and contemporary relationships that iwi and hapū have with the Kaituna River are recognised, <u>restored, and supported</u>and provided for.”</p>
<p>Objective 41</p> <p>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>Support</p>	<p>The objective captures key aspects necessary to give effect to Te Mana o te Wai.</p> <p>A time frame for achieving this would improve the objective.</p>	<p>Retain and amend to include:</p> <p>“<u>by 2030</u>”.</p>
<p>Objective 42</p> <p>There is sufficient water quantity in the Kaituna River to support the mauri of rivers and streams and provide for tangata whenua, ecological and recreational values.</p>	<p>Support in part</p>	<p>The objective is largely appropriate however the word health could be added for greater consistency with the NPSFM.</p> <p>A time frame for achieving this would improve the objective</p>	<p>Amend as follows:</p> <p>There is sufficient water quantity in the Kaituna River to support the mauri of rivers and streams and provide for tangata whenua, ecological <u>health</u> and recreational values <u>by 2030</u>.</p>
<p>Objective 43</p> <p>Water in the Kaituna River is sustainably allocated and efficiently used to provide for the social, economic and cultural well-being of iwi, hapū and communities now</p>	<p>Support in part</p>	<p>It is not clear how this objective sits within the hierarchy of obligation in Te Mana o te Wai.</p> <p>It also needs to work within the limits of objective 42 and is vital to achieving objective 42. It may therefore fit better as a policy under those objectives. Alternatively if kept the wording should be amended.</p>	<p>Change the objective to a policy that falls out of objective 42.</p> <p>Alternatively amend as follows:</p> <p>Water in the Kaituna River is sustainably allocated and efficiently used to provide for the social, economic and cultural well-being of iwi, hapū and communities now and for future</p>

and for future generations			generations, <u>while prioritising the health and wellbeing of water bodies and freshwater ecosystems.</u>
Objective 44 The environmental well-being of the Kaituna River is enhanced through best management practices.	Oppose	This objective is not clear. “environment” is very broadly defined in the RMA and includes people. The intent of the objective should be to recognise the needs of the water body first consistent with the NPSFM	Amend as follows: The environmental <u>health and well-being</u> of the Kaituna River is enhanced through best management practices.
Objective 45 The Kaituna River’s wetlands, aquatic and riparian ecosystems are restored, protected, and enhanced to support indigenous species.	Support	The objective clearly states what is to be achieved and where.	retain
Objective 46 Te Maru o Kaituna collaborate with iwi and the wider community to enable environmental, economic, social, educational and cultural aspirations for the restoration, protection and enhancement of the Kaituna River.	Support in part	We support this in principle, but it is more of a policy than an objective. Reconsider the use of the terms “enable” and “aspirations” to ensure the objective is certain and would its achievement would be consistent with the hierarchy of obligations in Te Mana o te Wai.	Move to the policies section, and refined to ensure it provides clear direction for implementation.
Policy KR 1B Recognise, strengthen, enhance and provide for traditional and contemporary iwi and hapū relationships with Kaituna	Support	The policy is appropriate	retain

River			
Policy KR 2B: Establishing water quality limits within the Kaituna River	Support in part	<p>The policy appears incomplete. It fails to provide useful direction in respect of establishing limits that would ensure ecosystem health and is inadequate to achieve Objective 41</p> <p>Amendments are needed for consistency with NPS-FM (2020) and to better addresses the issues and objectives above.</p> <p>Reference to ecosystem health (and other values in the NPS-FM and the issue statement) is missing. Clause (a) is also narrow by only being limited to swimming, when other recreational activities are extremely important in the catchment (e.g. rafting and kayaking). The policy should be amended to address this. Something more like:</p> <p>These amendments will also better reflects the explanation, which references many water quality components relevant to ecosystem health (e.g. nutrients).</p>	<p>Amend as follows:</p> <p>Establish water quality limits for contaminants within the Kaituna River through the National Policy Statement for Freshwater Management framework to ensure water:</p> <p>(a) Is safe for bathing in identified locations where people wish to swim <u>or undertake other primary contact activities</u>;</p> <p>(b) Provides safe drinking water sources where the water is used for that purpose;</p> <p>(c) Can sustain customary kai awa and kai moana sources; and</p> <p>(d) Is suitable for cultural ceremonies at traditional sites; and</p> <p><u>(e) Provides for ecosystem health and protects the habitats of indigenous freshwater species</u></p> <p><u>(f) quality is improved where degraded, and maintained or improved elsewhere</u></p>
Policy KR 3B Using Mātauranga Māori to inform resource management decision making in the Kaituna River	Support	Policy direction for the use Mātauranga Māori in decision making is appropriate	<p>Retain</p> <p>Suggest minor amendment to the explanation wording to correct “complimentary” to “complementary”</p>

<p>Policy KR 4B</p> <p>Managing groundwater abstraction in the Kaituna River</p>	<p>Support in part</p>	<p>Support, though suggest amending to better reflect the NPSFM</p>	<p>Amend as follows</p> <p>Manage groundwater abstraction to protect the mauri of puna (spring) flows and <u>prioritise the health and well-being of freshwater</u> within the Kaituna River while:</p> <p>(a) Having regard to the social, economic-and cultural well-being of present and future iwi, hapu and communities; and</p> <p>(b) Ensuring there is sufficient water available to provide for tangata whenua, ecological and recreational values.</p>
<p>Policy KR 5B</p> <p>Enhancing the mauri of the Kaituna River through best management practices</p>	<p>Support in part</p>	<p>Minimising may not be sufficient or appropriate in all cases. For example in relation to a new activity or change in land use. Best management practises can be part of a regulatory approach as well as to support non-regulatory methods.</p>	<p>Amend as follows:</p> <p>Enhance the mauri of the Kaituna River by ensuring rural production, commercial and industrial activities <u>are controlled to minimise or prevent</u> nutrient losses by implementing best management practices including:</p> <p>(a) Ensuring activities are managed to maintain or enhance the Kaituna River’s ecological and cultural health;</p> <p>(b) Promoting industry incentives and leadership; and</p> <p>(c) Promoting the integration of kaitiakitanga and rangatiratanga into land use management, river access and cultural heritage protection in specified locations; <u>and</u></p> <p><u>(d) by controlling nutrient inputs and loss to ensure water quality limits are met.</u></p>
<p>Policy KR 6B: Protect, restore and enhance</p>	<p>Support in part</p>	<p>The policy only partially captures the requirements of the NPSFM for protection. The policy does not provide clear direction for rule making or</p>	<p>Amend as follows:</p>

Kaituna River's indigenous aquatic, riparian and wetland vegetation and habitats		consenting processes.	<p>Protect, restore and enhance indigenous aquatic, riparian and wetland vegetation and habitats within the Kaituna River and its riparian margins by:</p> <p>(a) Increasing the quality and extent of wetlands;</p> <p>(b) Prioritising funding of biodiversity projects in the Te Tini a Tuna - Kaituna Action Plan;</p> <p>(c) Undertaking pest management and removal activities; and</p> <p>(d) Identifying and enhancing ecosystems that support and sustain indigenous flora and fauna; <u>and</u></p> <p><u>(e) providing for protection from further loss or degradation, including through the identification of remaining indigenous ecosystems and important habitats.</u></p>
Policy KR 7B Enabling economic development opportunities for iwi and hapū in the Kaituna River	Support	The policy is generally consistent with the NPSFM	retain
Policy KR 8B: Enabling recreational activities along the Kaituna River	Support	The policy is generally consistent with the NPSFM	retain
Policy KR 9B Recognising kaitiakitanga in the Kaituna River involves sustainable use, development and protection	Support in part	The policy is appropriate to recognise that tangata whenua should exercise their right as kaitiaki of the river. However, sustainable use and development is a different concept to sustainable management and fails to capture the natural environment. Not is it clear as written whether sustainable use and development would give effect to Te mana o te Wai.	<p>Amend as follows:</p> <p>Recognise kaitiakitanga in the Kaituna River involves both the sustainable use and development of land and water by tangata whenua <u>within the framework of Te Mana o te Wai</u> and <u>provides for</u> the protection, restoration and enhancement of taonga, waahi tapu, water, sites of significance and other natural and</p>

			physical resources of importance to tangata whenua
Method KR3	Support in part	It also isn't clear on what is mean by 'safe' or who is responsible for making the identified sites "safe" for contact recreation. In addition it is not clear as currently written whether safe means in terms of pathogens or other risks. Amendments may be appropriate: "Identify specific locations in the Kaituna River <u>that are used for, or that people would like to use for, safe</u> contact recreation under Policy KR 2B"	Amend as follows: Implementation responsibility: <u>identification: City and district councils, Te Maru o Kaituna and iwi authorities;</u> <u>contact recreation: regional and district councils will work together to improve water quality and advise public when contact recreation is not safe."</u>
Method KR5	Support	This information is important for land use management decision making	retain
Method 23I	Support	Appears to link to Policy 2R 2B (and KR 4B).	retain
Method 23J	Support in part	Clarity, as it should not be limited to discharges only in/to the river, but anywhere within the catchment when they may impact on freshwater bodies. For example the method should capture discharges such as through the Affco consent which is not directly to the waterbody but through pond/wetland systems.	Amend as follows: Method M23J: Develop strategies for managing wastewater and stormwater in the Rangitāiki River Catchment and Kaituna River <u>Catchment</u> In liaison with tangata whenua and local communities develop and implement strategies for the alternative treatment and disposal of wastewater and stormwater in the Rangitāiki River catchment and Kaituna River <u>catchment</u> .
Method 23N, 23S, 23T	Support in part	As above	As above– add "catchment"
4.2 Table 5 Objective 40 – AER and Monitoring Indicators	Support	The wording has been strengthened from that of the draft	retain
4.2 Table 5 Objective 41 – AER and	Support	The wording captures mandatory attributes of the NPSFM 2020	Retain

Monitoring indicators			
4.2 Table 5 Objective 42 – AER and Monitoring indicators	Support in part	The support of mauri is supported. However the objective then fails to follow the hierarchy of obligations in Te Mana o Te Wai.	Amend to appropriately capture the hierarchy of obligations in Te Mana o Te Wai by reordering the matters set out and adding to the objective as needed.
4.2 Table 5 Objective 43 – AER and Monitoring indicators	Oppose in part	The term “sustainable allocation” suggests that allocation is prioritised. This is not the same as “sustainable management” nor is it consistent with the hierarchy of obligations in Te Mana o Te Wai.	Amend as follows: Objective 43 Water in the Kaituna River is sustainably <u>appropriately</u> allocated and efficiently used to provide for the social, economic and cultural well-being of iwi, hapū and communities now and for future generations <u>consistent with the hierarchy of obligations in Te Mana o Te Wai.</u>
4.2 Table 5 Objective 44-46 – AER	Support	The outcomes generally align with the NPSFM	retain
Appendix A: Definitions Riparian Areas or Margins	Oppose in part	The term waterway is not defined in the RPS. This makes the definition uncertain. The term water body should be used as this is defined in the RMA with the specific inclusion of “artificial watercourses”. Forest & Bird considers that the definition of riparian margins should apply to those adjacent to artificial watercourses as these can be a significant source of contaminants which ultimately end up in freshwater bodies or the CMA. . Excluding them would be inappropriate. Consistency with NPS-FM requirements. Allows council to manage effects of riparian zones (or lack of) on artificial watercourse water quality and any downstream environments	Amend as follows: Riparian Areas or Margins: A strip of land of varying width adjacent to a waterway <u>water body or artificial watercourse</u> which contributes or may contribute to the maintenance and enhancement of the natural functioning, quality and character of <u>freshwater</u> , the waterway <u>waterbody</u> and its margins.

ENDS