

Summary of Decisions Requested

By persons making submissions on

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

October 2021



Bay of Plenty Regional Council
PO Box 364
Whakatane 3158
New Zealand



PROPOSED CHANGE 5 (KAITUNA RIVER) TO THE BAY OF PLENTY REGIONAL POLICY STATEMENT – SUMMARY OF DECISIONS REQUESTED

The *Summary of Decisions Requested* on Proposed Change 5 (Kaituna River) is now available.

The *Summary of Decisions Requested* and copies of submissions are on the Bay of Plenty Regional Council's website at www.boprc.govt.nz/change5 and may be inspected between 8:00 am and 5:00 pm, Monday to Friday at the Regional Council offices at:

- 5 Quay Street, **Whakatane**
- 1118 Fenton Street, **Rotorua**
- 1 Elizabeth Street, **Tauranga**

and at any public library or district/city council in the region.

Copies are also available by contacting Marie Radford, Planning Coordinator on 0800 884 880, or email marie.radford@boprc.govt.nz.

Certain persons can make a further submission.

Under Clause 8 of the First Schedule of the Resource Management Act 1991, the following persons may make a further submission in support of, or in opposition to, any original submission:

- Any person representing a relevant aspect of the public interest.
- Any person that has an interest in Proposed Change 5 (Kaituna River) greater than the interest of the general public.

The closing date for further submissions is **4:00 pm on Tuesday, 9 November 2021**. The format for making a further submission is prescribed under Form 6 in Schedule 1 of the Resource Management (Forms, Fees and Procedures) Regulations 2003.

Further submission forms are available on request and can be downloaded from Council's website.

You may make a further submission by sending a written or electronic submission to either of the following addresses for service:

Email to: rps@boprc.govt.nz
Mail to: PO Box 364, Whakatane 3158

Within five working days of providing the further submission to the Bay of Plenty Regional Council, a copy must also be served on the person who made the original submission.

Fiona McTavish
Chief Executive

26 October 2021

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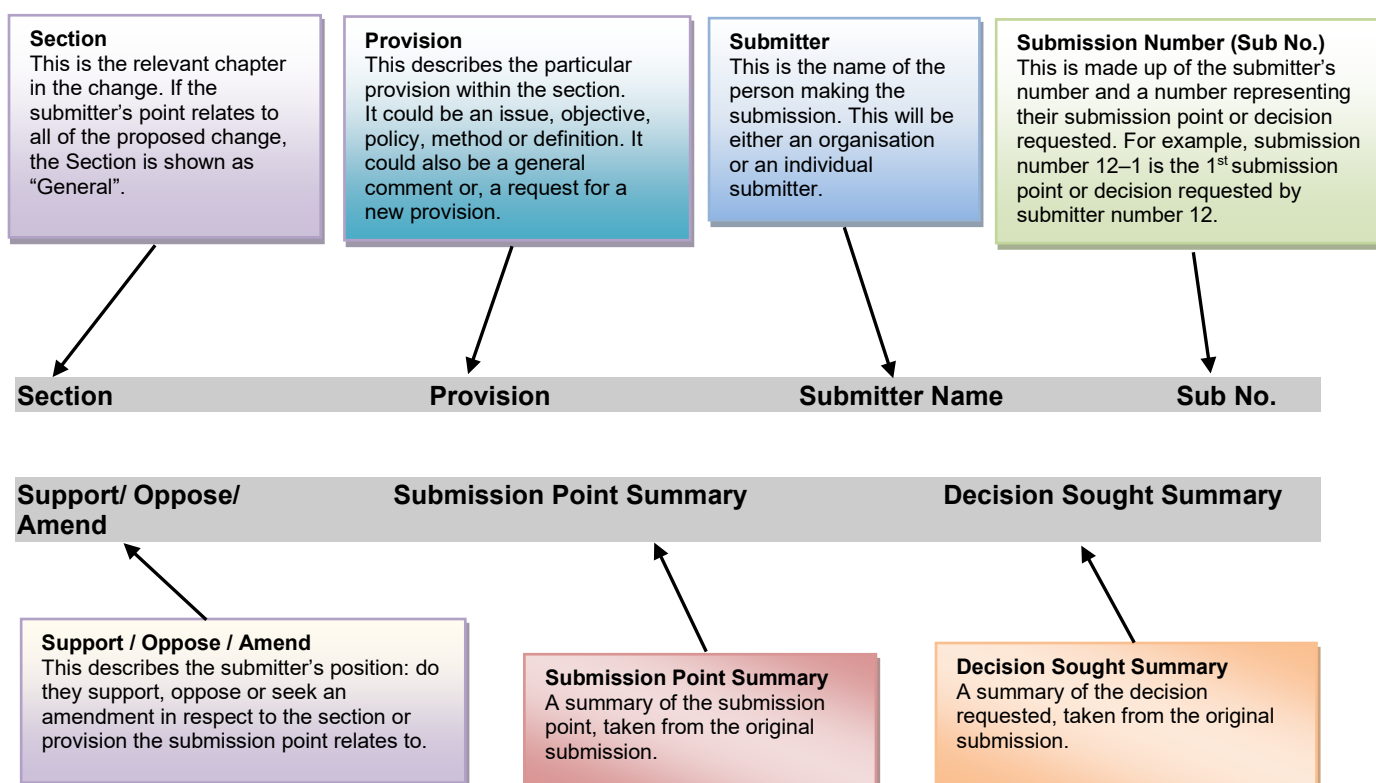
How to read the Summary of Decisions Requested Report

The Summary is presented in three parts. These are:

1 Summary of Decisions Requested Report

This report lists the decisions requested by submitters. Submissions on general matters not specifically addressed in the change are shown first, then the report follows the order of the proposed change.

The information shown in each listing is explained in the example below:



Note: There are submission points which do not indicate a position or state 'support in part' or, 'oppose in part'. This summary refers to support, oppose or amend based on the 'decision requested'.

The original submissions should be read in full to understand the issues raised by a submitter.

2 Schedule 1 – List of Submitters by Submission number

This is a list of all persons, groups and organisations that made submissions in order of submission number.

3 Schedule 2 – List of Submitters by name

This is a list of all persons, groups and organisations that made submissions in alphabetical order.

Making a further submission

Certain persons have the right to make a further submission.

Under Clause 8 of Schedule 1 to the Resource Management Act 1991, the following persons may make a further submission that supports or opposes matters raised in the original submissions:

- a) Any person representing a relevant aspect of the public interest.
- b) Any person that has an interest in proposed policy statement or plan greater than the interest of the general public.
- c) The local authority itself.

A further submission must contain the information set out in Form 6 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003. A copy of the form is also on the Bay of Plenty Regional Council website.

Bay of Plenty Regional Council prefers that further submissions are presented in a table format.

A further submission must refer to the **submission number** of the original submission it relates to.

**Further submissions must be received by the Regional Council
by
4 pm on 9th November 2021**

You must also send a copy of the further submission to the person who made the original submission within five working days of lodging your further submission with the council.

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Section	Provision	Submitter Name	Sub No.	Support/ Oppose/ Amend	Submission Point Summary	Decisions Sought Summary
General submission point	General	Department of Conservation	1.1	Support	Support Proposed Change 5 (Kaituna River) to the Regional Policy Statement.	Retain Proposed Change 5 as notified. Further or alternative relief to like effect to Proposed Change 5 as notified.
General submission point	General	Western Bay of Plenty District Council	4.1	Amend	Proposed Change 5 is welcomed by Western Bay of Plenty District Council (WBOPDC). As a 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 (RPS). The Kaituna River and its tributaries are primarily in the Western Bay of Plenty District and we are committed to protecting this taonga. The content is largely supported with suggested changes.	Progress Change 5 with changes recommended in this submission.
General submission point	General	Western Bay of Plenty District Council	4.2	Amend	Minor correction for consistent spelling of Maketu or Maketū, for example see 2.12.3 - 2.12.6.	Consistent use of a macron for Maketū Estuary.
General submission point	General	Heritage New Zealand Pouhere Taonga	5.1	Support	HNZPT support Change 5 as it provides for matters of national importance s6 (e) and it provides an additional platform for more recognition of sites of cultural importance to iwi and hapū within the Kaituna River catchment through the imposition of issues, objectives, policies and methods and its implementation of the Kaituna River Document. The targeted approach of additional provisions beyond assessment criteria already in the RPS (for sites of national importance) will enhance recognition of these sites. The recognition of cultural sites in this catchment is a project in the Kaituna River Action Plan, Project 13.	That proposed Change 5 is approved as proposed.
General submission point	General	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.1	Amend	Taheke acknowledge iwi and hapū have the right to exercise kaitiakitanga within their rohe. This right should not extend beyond their rohe and should not marginalize whanau determining who represents them as kaitiaki over their whenua. Council is required under the treaty settlement to acknowledge the Authority's River Document, but this should not be to the detriment of Maori whanau and Maori land owners on the Okere River including Taheke. Council is obligated to provide for Taheke and its whanau, to protect the rangatiratanga of Taheke and its whanau to use and protect their taonga (including the waters for which it has been kaitiaki for many years). It is inappropriate for the Plan Change to restrict its "active" recognition of Maori interests in the Okere River in its Objectives, Policy and Methods to those interests of "iwi and hapū". Maori and Tangata Whenua are only referred to in the Change Table in relation to passive actions, specifically, to "promote" or "encourage" actions. The acknowledgement of just "iwi and hapū" interests where action is required in the Change is in stark contrast to legislation and national instruments that reference Maori and not just iwi and hapū (see Appendix 3). Specifically, this is inconsistent with the Te Ture Whenua Maori Act 1993, legislation that provides for Maori land and the effective use, management and development of land "by Maori", not by "iwi and hapū".	See paragraph 4.8 of the submission , amend to: (a) Broaden the iwi and hapū interests' rights and actions that are recognised to include those of "Maori," and "Tangata Whenua" the definition of which will include mana whenua. Mana whenua include whanau and the Maori land holding entities that represent them; (b) Acknowledge that Taheke as a significant land owner on both sides of the Okere River and is kaitiaki of the river where it is responsible. Taheke and the whānau it represents have a cultural right and should have a voice as it relates to proposed actions or through its land and where the Okere River is adjacent to it.

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					Practically, references to iwi and hapū in the Change (Table 10c) versus the wider definition of Maori or Tangata Whenua is confusing and could be interpreted as a basis to limit engagement and interaction on the Okere River to iwi and hapū, with engagement with Tangata Whenua left to be promoted or encouraged. This approach is fundamentally wrong (see the submission introduction to page 4 for full reasons).	
General submission point	General	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.2	Amend	<p>Taheke and its whanau are kaitiaki of and have rangitiratanga over Taheke whenua and the Okere River adjacent to it. These rights and obligations should not be retrofitted into the implementation of the River Document through this Change. As kaitiaki, Taheke has the right to be protected (see the submission introduction, pages 5, 6).</p> <p>Maori Land has been included in the Change but it is identified as a policy in response to "iwi and hapū" relationships with the Kaituna River. This is factually incorrect as Taheke is a significant private land owner along the Okere River at the top end. The right of Taheke and its whanau to self-determine their aspirations and develop their Māori land should be supported. Commercial developments which provide long term financial benefits for beneficiaries and shareholders are important for communities, regions and in the case of renewables for the nation.</p>	<p>Amend to include (see paragraph 5.11 of the submission):</p> <p>(a) Include an objective for Maori land relating to the Kaituna River reflective of Taheke's whakapapa and the fact that these entities and Maori land are not iwi and hapū owned.</p> <p>(b) Clarify that as a representative institution of Taheke Whanau, Taheke should have the right to consultation by Council; and</p> <p>(c) Taheke seeks certainty through either its own objective or acknowledgement that where the Plan Change affects its land or interests that Taheke will be consulted.</p>
General submission point	General	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.3	Amend	<p>The Change proposes activities both on land adjacent to the Okere River and in and on the river itself. This includes the development and implementation of cultural projects, economic opportunities, the establishment of pou, taunga waka, the mapping of sites and provision for recreational activities in and along the Okere River. Taheke opposes the inclusion of recreation into a Plan Change intended to deal with cultural matters and kaitiaki matters (e.g water quality and biodiversity) which reflect the need to protect the mauri of the Okere River. Recreation should be dealt with separately as this conflates its importance to that of cultural matters. It will embolden some parts of the recreational community to presume they can access land, specifically Maori land without owner consent.</p> <p>Council must acknowledge in some areas proposed cultural activities (and largely all of the recreational activities) are not practically feasible and in other instances the legal obligations imposed on landowners such as Taheke will restrict or prevent access to the adjacent land or the Okere River. The section of the river which Taheke lands abut is a dangerous waterway, leading to a death on the Okere River. Taheke will not enable access that could lead to a further death that directly affects the mauri of the Okere River.</p> <p>Further Taheke (with extensive forestry and geothermal activities in situ) have land-based obligations and activities on its land that are not supportive of community access to implement River Document activities. Access raises legal, health and safety concerns and risks for those who are accessing, for the companies operating on Taheke and for Taheke itself. (See the submission introduction, pages 7, 8).</p>	<p>Amend this Plan Change to (see paragraph 6.5 of the submission):</p> <p>(a) Acknowledge Taheke's obligations to protect the mauri of the Okere River from unsafe activities in or beside it where the river abuts Taheke land;</p> <p>(b) Delete recreational access and activities from the Plan Change;</p> <p>(c) Accept that landowners will be entitled to exclude persons on kaitiaki and legal reasons.</p>

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General submission point	General	Te Arawa Lakes Trust	12.1	Support	Te Arawa Lakes Trust (TALT) supports the adoption and implementation of the Kaituna River Document, and its supporting action plan, Te Tini a Tuna Kaituna Action Plan 2019-29 (the Kaituna Action Plan) through Proposed Change 5.	Retain proposed changes to the Regional Policy Statement through Proposed Change 5 .
General submission point	General	Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers	13.2	Support	With the <i>exception</i> of specific comments in this submission, Federated Farmers generally supports the intent of PC5 and the provisions as notified. Federated Farmers' key concern with PC5 is the lack of provision for farming which is problematic given pastoral farming and horticulture make up over 50% of land use in the Kaituna River catchment.	Generally support Proposed Change 5 (Kaituna River) with the exception of specific submission points seeking amendment.
General submission point	General	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.39	Support	Broad support for 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 wherever possible and ensure that PC5 outcomes are not inconsistent with the NPSFM.	Ensure that PC5 outcomes are not inconsistent with the NPSFM and implement the NPSFM where possible.
General submission point	General	Te Maru o Kaituna River Authority	15.1	Support	<p>Te Maru o Kaituna River Authority (TMoK) was established as the co-governance body for the Kaituna River catchment by the Tapuika Claims Settlement Act 2014. TMoK's purpose is the restoration, protection, and enhancement of the environmental, cultural and spiritual health and well-being of the Kaituna River.</p> <p>TMoK has prepared and adopted He Taonga Tuku Iho -The Kaituna Document, which sets out a vision, objectives and desired outcomes for the Kaituna River, its tributaries and the catchment they spring from.</p> <p>If made operative as currently proposed, we submit that Proposed Change 5 will recognise and provide for He Taonga Tuku Iho - the Kaituna River Document.</p>	<p>Te Maru o Kaituna River Authority seek the following:</p> <p>(a) Retain and make operative the current wording, provisions and policy direction in Proposed Change 5 to the Regional Policy Statement;</p> <p>(b) Recognise and provide for He Taonga Tuku Iho the Kaituna River Document prepared by TMoK pursuant to its empowering legislation, by not weakening or removing any of the protections, policies or provisions in Proposed Change 5;</p> <p>(c) Provide further or alternative relief or protections in consultation with TMoK in the event that any of the proposed provisions are changed.</p>
2.12 Treaty co-governance	General	Te Arawa Lakes Trust	12.2	Support	<p>The Settlement Act required the establishment of Te Maru o Kaituna River Authority (Te Maru o Kaituna) a co-governance partnership, it is a joint committee with representatives from iwi authorities and councils. The establishment of Te Maru o Kaituna represents a shift toward Treaty co-governance of the Kaituna River.</p> <p>PC5 extends the Treaty Co-Governance section of the RPS to include provisions that recognise and provide for the Kaituna River document. TALT supports the active kaitiakitanga of iwi and hapū in the co-management and co-governance of the Kaituna River.</p>	Retain proposed PC5 changes to Section 2.12 of the Regional Policy Statement.
2.12 Treaty co-governance	General	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.1	Support	Consistent with the wording of the NPS-FM (2020) and is clear on the hierarchy of obligations.	Retain wording in 2.12.3 Kaituna River .
2.12 Treaty co-governance	2.12.3	AFFCO New Zealand Limited, Rangiora Plant	6.1	Oppose	The existing wording in paragraph 6 of this explanation does not provide adequate priority for economic wellbeing when considering the merits of undertaking activities. AFFCO recognises the importance of the well-being of water bodies but submits that the health and well-being of people will support and elevate the well-being of water bodies	Amend to provide equal recognition of the importance of the need for people and communities to provide for their social, economic and cultural wellbeing now and in the future.

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					and there needs to be recognition of how the two interact to develop and maintain a thriving community and river.	
2.12 Treaty co-governance	2.12.3	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.4	Amend	The regional policy statement should be consistent with the hierarchy of instruments and caselaw.	Ensure consistency with the Resource Management Act (Part 2), national policy statements and caselaw as it relates to that priority.
2.12 Treaty co-governance	2.12.3	Te Arawa Lakes Trust	12.3	Support	TALT supports the recognition of Te Mana o te Wai and its hierarchy of obligations and notes that Te Mana o te Wai is a fundamental concept of the NPS-FM and is required to be given effect to by regional councils. The inclusion of a Te Mana o te Wai reference in PC5 signals the shift toward managing freshwater in accord with the hierarchy of obligations as set out in 2.12.3.	Retain Section 2.12.3 with support for Te Mana o te Wai.
2.12 Treaty co-governance	2.14 Issue 1	Horticulture New Zealand	8.1	Amend	The statement 'Current consented allocation exceeds region-wider limits in several sub-catchments of the Kaituna River and in the Lower Kaituna aquifer' is not based on current and best knowledge of groundwater aquifers in this region or the Kaituna catchment. BOPRC allocates groundwater based on a method from a NREM Ground Water Monitoring Report (2013) which refers to groundwater allocation being no more than 35% of average annual recharge. Maps 10 & 11 in this report show groundwater level monitoring bores in the Kaituna catchment are stable or increasing with none in decline. HortNZ is concerned that adopted levels used to determine water allocation levels are unnecessarily restrictive and consider the best approach is the NPSFM (as with water quality) and NES as an approach to water quantity. HortNZ supports catchment scale planning for water quantity as this provides a spatial framework for identifying freshwater values and establishing objectives, targets and allocation regimes for these.	Amend Significant Issue 1: Current consented allocation exceeds water quantity limits, i In several sub-catchments of the Kaituna River, and in the Lower Kaituna River aquifer current <u>water allocation is approaching the peak of what would be suitable for freshwater outcomes. Groundwater across the region should be allocated through national policies (NPSFM & NES) and current and best knowledge of the aquifers at the Kaituna catchment scale.</u>
2.12 Treaty co-governance	2.14 Issue 1	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.5	Amend	Clarify that the needs of those at the top of the Okere River (including Taheke) should not be compromised by actions taken at the bottom. Note this also refers to Method 34 and 35 .	Amend Issue 1 to include: A statement that the needs of consent holders and users at the top of the Okere River should not be undermined by those at the bottom.
2.12 Treaty co-governance	2.14 Issue 1	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.2	Amend	Could improve alignment with the NPSFM in giving effect to Te Mana o te Wai. 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.	Amend Issue 1 as follows: <u>Demand for water demand use</u> is high and could pose a risk for springs, surface water bodies and associated tangata whenua, ecological and recreational values 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</u> limits to

Section	Provision	Submitter Name	Sub No.	Support/ Oppose/ Amend	Submission Point Summary	Decisions Sought Summary
						provide firstly for the well-being for key values of these waterbodies and springs associated with them....
2.12 Treaty co-governance	2.14 Issue 2	Western Bay of Plenty District Council	4.3	Amend	<p>This issue includes land use and climate change and these issues should be separated because they have different drivers and should be managed differently.</p> <p>The RPS Natural Hazard section is acknowledged but this does not align with the wider implications of climate change. We note winter and increased rainfall events have different implications for the Kaituna River and this should be recognised. Also note climate change is not referred to in the s32 Report (p29, 5.1).</p>	<p>Amend to split Issue 2 into two issues:</p> <p><u>2a Urban growth and rural land use intensification</u></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 place increased demand on water, particularly in the lower Kaituna.</u></p> <p><u>2b Climate change</u></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>
2.12 Treaty co-governance	2.14 Issue 2	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.3	Amend	<p>This issue has been narrowed (from the draft) to exclude land use intensification beyond the rural environment and it now fails to capture development and pressures on freshwater bodies from urban intensification. Industrial and municipal uses should also be captured. This issue is particularly relevant to undeveloped industrial zoned land such as at Rangiuuru in the lower catchment, where development may be limited or precluded due to insufficient water availability. Development is a significant issue in terms of potential contribution to water quality issues from earthworks and, concentrated urban/industrial surface run off. Te Tumu urban land development will be huge.</p> <p>We support issue statements that include the implications of climate change and ecosystem health but this is quite narrow and should be extended to include effects on other values including mahinga kai and for human health as these are relevant in the context of Te Mana o te Wai.</p>	<p>Add a NEW issue to recognise impacts of development and urban intensification or make additional amendments to Issue 2:</p> <p><u>2. Urban growth, climate change, rural land use change and intensification</u></p> <p>Rural land use intensification, urban growth <u>and intensification, industrial development, demand for municipal water uses</u> and climate change 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>
2.12 Treaty co-governance	2.14 Issue 3	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.4	Amend	<p>The wording could be improved to align with the NPSFM in giving effect to Te Mana o te Wai.</p> <p>Recognition of nutrient discharges impacts as a significant contributor is more accurate.</p>	<p>Amend Issue 3 as follows:</p> <p><u>Water quality is declining and is not always suitable to protect ecosystem health, or for swimming in locations people wish to swim</u></p> <p>Trends over time show nutrient discharges are increasing <u>which is 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>
2.12 Treaty co-governance	2.14 Issue 4	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.5	Amend	<p>This issue creates uncertainty as to what 'modification is' or the causes of it. Forest & Bird prefer the draft wording which clarified that modification is caused by drainage schemes. If the intent is to capture other activities then these should be added to the issue.</p> <p>Work on drainage schemes is an important consideration for integrated management given the implications for land use, ecological effects and</p>	<p>Amend Issue 4 as follows:</p> <p><u>Waterbody modification-Drainage scheme impacts</u></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>

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					flooding with strategic considerations for future land use and protection of ecosystems health.	
2.12 Treaty co-governance	2.14 Issue 6	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.6	Support	The wording sets out the issue clearly.	Retain Issue 6 .
2.12 Treaty co-governance	Map 4ab	Carrus Corporation Limited	3.1	Amend	Map 4ab does not show the Te Tumu and Rangiuru urban growth areas (as provided for in the Regional Policy Statement - Appendix E). These are an important part of the future of the western Bay of Plenty sub-region and should be identified in the same way Papamoa, Te Puke and Maketu are.	Include the Te Tumu and Rangiuru urban growth areas as identified in the Regional Policy Statement in Map 4ab .
2.12 Treaty co-governance	Map 4ab	Te Tumu Landowners Group	7.1	Amend	Map 4ab does not show the Te Tumu and Rangiuru urban growth areas (as provided for in the Regional Policy Statement - Appendix E). These are an important part of the future of the western Bay of Plenty sub-region and should be identified in the same way Papamoa, Te Puke and Maketu are.	Include the Te Tumu and Rangiuru urban growth areas as identified in the Regional Policy Statement in Map 4ab .
2.12 Treaty co-governance	Map 4ab	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.7	Support	Useful and clear map of the catchment.	Retain Map 4ab .
2.12 Treaty co-governance	Table 10c	Carrus Corporation Limited	3.7	Amend	Add to the bottom of Table 10c a reference to Objective 23 as the Te Tumu and Rangiuru Growth Areas as identified in the RPS and supported by the NPS-UD are important and should be referenced to provide an integrated approach to restore, protect and enhance the Kaituna River.	Add to the bottom of Table 10c Kaituna River objectives and titles of policies and methods to achieve the objectives: Also see: Objective 23: A compact, well designed urban form that effectively and efficiently accommodates the region's urban growth (Table 8).
2.12 Treaty co-governance	Table 10c	Te Tumu Landowners Group	7.7	Amend	The Te Tumu and Rangiuru Growth Areas are provided for in the RPS and they are supported by the NPS UD. These are an important part of the future of the western Bay of Plenty sub-region and should be referenced in Table 10c to provide for an integrated approach to restoring, protecting and enhancing the state of the Kaituna River.	Add to the bottom of Table 10c Kaituna River objectives and titles of policies and methods to achieve the objectives: Also see: Objective 23: A compact, well designed urban form that effectively and efficiently accommodates the regions urban growth (Table 8).
2.12 Treaty co-governance	Objective 40	Carrus Corporation Limited	3.2	Support	Support the inclusion of Policy IW 1B as the development of multiple-owned Maori land is an important part of the Te Tumu urban growth area and Kaituna River co-governance.	Retain Policy IW 1B as part of the policy approach for achieving Objective 40 .
2.12 Treaty co-governance	Objective 40	Carrus Corporation Limited	3.3	Support	Support the inclusion of Kaituna River in Method 23T to implement Objective 40 as this is important to the Te Tumu Urban Growth Area. The enhancement of public and cultural access along the Kaituna River will be provided for as part of the proposed urbanisation of Te Tumu.	Retain the inclusion of the Kaituna River in Method 23T to support Objective 40 .
2.12 Treaty co-governance	Objective 40	Heritage New Zealand Pouhere Taonga	5.2	Support	HNZPT is particularly supportive of provisions including Objective 40 which enable the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage.	Support Objective 40
2.12 Treaty co-governance	Objective 40	Te Tumu Landowners Group	7.2	Support	Support the inclusion of Policy IW 1B as the development of multiple-owned Maori land is an important part of the Te Tumu urban growth area and Kaituna River co-governance.	Retain Policy IW 1B as part of the policy approach for achieving Objective 40 .

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2.12 Treaty co-governance	Objective 40	Te Tumu Landowners Group	7.3	Support	Support the inclusion of Kaituna River in Method 23T to implement Objective 40 as this important to the Te Tumu Urban Growth Area. The enhancement of public and cultural access along the Kaituna River will be provided for as part of the proposed urbanisation of Te Tumu.	Retain the inclusion of the Kaituna River in Method 23T to support Objective 40 .
2.12 Treaty co-governance	Objective 40	Horticulture New Zealand	8.2	Amend	It is acknowledged that the term 'strengthen' is in Kaituna He Taonga Tuku Iho to strengthen associations between iwi and hapū with the Kaituna River but HortNZ believes this intent can be achieved through objectives, policies and methods in the plan. HortNZ recommends deleting the term 'strengthen' as it is covered by the term 'enhance' which is supported by caselaw as part of validated planning terminology.	Amend Objective 40 to remove the word 'strengthen'.
2.12 Treaty co-governance	Objective 40	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.6	Amend	See General comments. It is not appropriate to imply that the enabling of development of Maori land is in any way enabling iwi or hapū relationships. This is not reflective of the history of Taheke's inception. This point also references Policy IW 1B, Methods 41 and 42 which are linked to Objective 40 in Table 10c.	Remove the development of Maori land from Objective 40 and create its own objective to reflect an intent to adequately provide and support for Maori land development along the Okere River. It should include: (a) consultation as affected Tangata Whenua (b) engagement to discuss and agree matters of significance to Tangata Whenua.
2.12 Treaty co-governance	Objective 40	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.7	Amend	See comments made in Taheke submission on the Action Plan in Appendix 1. Council must balance all interests in its implementation of the River Document into its Plan and protect the interests of other Maori stakeholders with equal cultural rights and obligations as Taheke. In Taheke's case, it is an anachronism to place iwi and hapū above Taheke. Taheke has been responsible for caring for the Okere River including seeking better protection for it from the pollution that flows from the lake catchments. This point also references Objectives 43, 44, 45, Policies IW 2B, KR 3B, KR 9B and Method KR1 .	Amend to provide protections for Taheke acknowledging the special circumstances of its founding to the exclusion of hapū and the fact it is and does act as kaitiaki to the Okere River in the upper reaches where it is responsible.
2.12 Treaty co-governance	Objective 40	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.10	Amend	Reducing definitions and participation down to iwi and hapū would be a breach of Taheke Whanau Treaty rights. It is also in contrast to legislation acknowledging Maori rights. Maori, Tangata Whenua includes Whanau and the institutions they mandate to represent them. This point also references Objectives 42, 43, 44, 46, Policy IW 2B and Methods KR6, 41 and 42 .	Acknowledge that "Maori" and "Tangata Whenua" are inclusive definitions including: Whanau, mana whenua and Maori land holding entities who are mandated to represent them. Clarify that by providing for "wider communities" in objective 46 and others that Whanau and Mana whenua are not included in this wider grouping.
2.12 Treaty co-governance	Objective 40	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.15	Amend	Taheke 8C reiterates that it is the kaitiaki and exercises rangatiratanga in its land, its use and along the Okere River as it relates to Taheke land. The Council cannot use a Plan Change to usurp those rights and responsibilities or to imply they belong to iwi or hapū only. This point also references Objective 44 and Method KR5 .	Clarify that the Method will not impinge on the kaitiaki and rangatiratanga of Maori land owners along the Okere River. Ensure that Maori land entities and Taheke as a significant land owner along the Okere River are part of any implementation, not just iwi authorities who do not have mandate to represent Taheke 8C.
2.12 Treaty co-governance	Objective 40	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.30	Oppose	If it is related to Maori matters then it should relate to those. Council should not include recreation into the Plan through the resolution of Maori specific matters. Having recreation matters included in this	Remove "recreation" matters from this Plan Change as it is not an appropriate Plan Change to include those provisions.

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					<p>section will give them higher effect than other parts of the plan where there is conflict with this Plan change and the Kaituna.</p> <p>Taheke should not be forced to remove structures, logs etc. from the Okere River to enable kayakers and others to traverse inherently dangerous parts of the Okere River.</p> <p>This submission also references Objectives 41, 44, 46, Methods KR3, 23S and 23T.</p>	
2.12 Treaty co-governance	Objective 40	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.37	Amend	<p>Mana Whenua and ahi ka should be included in the definition of Maori and Tangata Whenua and should be entitled to participate in the same rights and roles as other groups representing Maori. Mana Whenua should be able to participate in the development of protocols, implementation of policies and methods which affect them and should not be excluded. It is not appropriate for Council to exclude Māori who do not or have chosen not to be represented by iwi.</p> <p>Nor are mana whenua just part of the "wider community" for the purpose of this Plan Change. Mana whenua, Whanau and Taheke as a representative of the Whanau have their own cultural responsibilities and economic and environmental aspirations.</p> <p>Statutory acknowledgements do not necessarily require agreement between iwi on boundaries. In a river area with multiple iwi rohe adjacent to it the boundaries can be blurred and tikanga can conflict. Neither council or the Authority should limit the Kaitiaki or Rangatira of Maori landowners. The Plan Change places unnecessary barriers before Taheke. Taheke 8C has spent years working within the RMA and law preparing to develop the whenua and taonga, it is finally seeing some tangible benefits that could be lessened or hindered by the Plan Change.</p> <p>This submission point also references Objectives 42, 43, Policies KR 3B, KR 4B, KR 7B, KR 9B, Method 23N and Policy IW 2B, Methods 11, 12, 41, 42 and 46.</p>	<p>All objectives, policies and methods should reflect the Mana Whenua and acknowledge:</p> <p>(a) roles of Mana Whenua and the ahi kaa as Tangata Whenua and Maori in the plan as appropriate rather than matters to be promoted (Method 41) or evaluated (Method 42);</p> <p>(b) that Mana Whenua are Tangata Whenua and should not be relegated to "communities";</p> <p>(c) Maori landholding organisations representing Maori as having the right to be consulted and participation.</p> <p>For example Policy KR 3B defines Mātauranga Maori and Maori knowledge with reference to Iwi Hapū goals and Policy KR 4B regard should be given to the economic, cultural and social wellbeing of Mana Whenua as well as iwi and hapū. Any method including the mana of iwi and hapū should not exclude the mana of Whanau and the Maori institutions that lawfully represent them.</p>
2.12 Treaty co-governance	Objective 40	Te Arawa Lakes Trust	12.4	Support	<p>TALT recognises the interconnectedness of waterways ki uta ki tai and understands the need to navigate our way through the wider protection and preservation of this connectedness. TALT acknowledges the multiple relationships various iwi, hapū and whanau have with the Kaituna River and its connected waterways. This includes Lake Rotorua and Lake Rotoiti, lakes from which the Kaituna River flow.</p> <p>Those relationships may be represented through various entities or organisations. PC 5 provides for those multiple relationships and enables the ability for these relationships to be expressed through the implementation of PC 5.</p>	Retain Objective 40
2.12 Treaty co-governance	Objective 40	Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers	13.1	Amend	<p>This objective needs to reflect that the NPSFM requires waterways to be maintained or improved, rather than restored. These values and the time scales to achieve any associated 'states' should be set by the community.</p>	<p>Amend Objective 41:</p> <p>Water quality and the mauri of the water, including groundwater, in the Kaituna River is restored<u>maintained or improved</u> to a state which provides for</p>

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						appropriate ecosystem health, human contact, threatened species and mahinga kai values.
2.12 Treaty co-governance	Objective 40	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.8	Amend	Issue 5 states that relationships are "strained" - so this objective should be improved to reduce or remove that strain. The outcome can be improved to address issue statement above, and for consistency with the NPSFM.	Amend Objective 40 : The traditional and contemporary relationships that iwi and hapū have with the Kaituna River are recognised, strengthened, enhanced restored, and supported <u>provided for</u> .
2.12 Treaty co-governance	Objective 41	Carrus Corporation Limited	3.4	Support	Support the identification of safe contact recreation locations along the Kaituna River in Method KR3. This is important to the Te Tumu Urban Growth Area and it will be provided for as part of this proposed urbanisation.	Retain Method KR3 to support Objective 41 .
2.12 Treaty co-governance	Objective 41	Western Bay of Plenty District Council	4.4	Amend	Groundwater is not necessary in Objective 41 as values listed are typically surface water values (ecosystem health, human contact, threatened species, mahinga kai) and this disconnect is further evidenced by a lack of linkage to the policy or methods under Objective 41. The interplay between ground and surface water is acknowledged but this would be better considered in Objective 42 or 43 as Policy KR 4B sits under these. Note that the complex nature of groundwater makes the objective to 'restore' questionable. There is insufficient information on the state of groundwater aquifers and there is no evidence in the s32 report. The Kaituna River Document only refers to groundwater in objective 5 (Objective 43 in this change) and, it maybe worth considering groundwater in the context of the Kaituna River definition in the Tapuika Claims settlement Act 2014.	Amend 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.
2.12 Treaty co-governance	Objective 41	Te Tumu Landowners Group	7.4	Support	Support the identification of safe contact recreation locations along the Kaituna River in Method KR3. This is important to the Te Tumu Urban Growth Area and it will be provided for as part of this proposed urbanisation.	Retain Method KR3 to support Objective 41 .
2.12 Treaty co-governance	Objective 41	Horticulture New Zealand	8.3	Support	Objective 41 aligns with Kaituna He Taonga Tuku Iho and the NPSFM.	Retain Objective 41 .
2.12 Treaty co-governance	Objective 41	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.31	Oppose	If it is related to Maori matters then it should relate to those. Council should not include recreation into the Plan through the resolution of Maori specific matters. Having recreation matters included in this section will give them higher effect than other parts of the plan where there is conflict with this Plan change and the Kaituna. Taheke should not be forced to remove structures, logs etc. from the Okere River to enable kayakers and others to traverse inherently dangerous parts of the Okere river. This submission also references Objectives 40, 44, 46, Methods KR3, 23S and 23T .	Remove "recreation" matters from this Plan Change as it is not an appropriate Plan Change to include those provisions.

Section	Provision	Submitter Name	Sub No.	Support/ Oppose/ Amend	Submission Point Summary	Decisions Sought Summary
2.12 Treaty co-governance	Objective 41	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.45	Amend	<p>It is not appropriate for any council or group to redefine or evaluate tikanga.</p> <p>This submission point also references Objectives 42, 43, 44, Methods KR1, KR5 and Method 42.</p>	Acknowledge that Taheke 8C are Kaitiaki. Accept that it is not for Council to evaluate Tangata Whenua Issues or define, combine or integrate tikanga concepts and specifically Kaitiaki and rangatiratanga.
2.12 Treaty co-governance	Objective 41	Tauranga City Council	11.1	Amend	<p>Tauranga City Council (TCC) has reservations about describing groundwater as being 'in' the Kaituna River and has substantive concerns with the inclusion of groundwater outcomes in Objective 41. Groundwater is not included in corresponding Objective 3 of the Kaituna River Document. The only material reference to groundwater is in the Desired Outcomes for Objective 5 which refers to the sustainable management of abstraction of groundwater from aquifers i.e: maintaining sustainable water <i>quantity</i>, but Objective 41 addresses water <i>quality</i>.</p> <p>The inclusion of groundwater could be significant, in the absence of technical information to properly assess this. There is no meaningful discussion in the s32 report to understand the existing state of groundwater, impacts on groundwater quality, what may be required to restore groundwater etc. The requirement under RMA s32(2)(c) to assess the risk of acting or not acting if there is uncertain or insufficient information supports removal of groundwater from Objective 41 as these matters are not properly understood. For example, there is no meaningful discussion in the s32 report to understand the existing state of groundwater, impacts on groundwater quality, what may be required to restore groundwater etc. As drafted it risks unintended consequences and is inappropriate as there is no requirement for BOPRC to address groundwater quality under s123(1) of the Tapuika Claims Settlement Act 2014.</p> <p>TCC also submits that Objective 41 should refer to providing for safe drinking water sources, in recognition of the role the Waiari Stream has as a water source for municipal water supply. Such reference is made in Policy KR 2B and a similar reference in Objective 41 will strengthen that directive and improve vertical integration.</p>	<p>Amend 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, <u>safe drinking water sources</u>, human contact, threatened species and mahinga kai values</p>
2.12 Treaty co-governance	Objective 41	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.9	Support	<p>The objective captures key aspects necessary to give effect to Te Mana o te Wai. A time frame for achieving this would improve the objective.</p>	<p>Retain Objective 41 and amend to include:</p> <p><u>'by 2030'</u>.</p>
2.12 Treaty co-governance	Objective 42	Horticulture New Zealand	8.4	Support	<p>Objective 42 aligns with Kaituna He Taonga Tuku Iho and the NPSFM.</p>	<p>Retain Objective 42.</p>
2.12 Treaty co-governance	Objective 42	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.11	Amend	<p>Reducing definitions and participation down to iwi and hapū would be a breach of Taheke Whanau Treaty rights. It is also in contrast to legislation acknowledging Maori rights. Maori, Tangata Whenua includes Whanau and the institutions they mandate to represent them.</p> <p>This point also references Objectives 40, 43, 44, 46, Policy IW 2B and Methods KR6, 41 and 42.</p>	<p>Acknowledge that "Maori" and "Tangata Whenua" are inclusive definitions including: Whanau, mana whenua and Maori land holding entities who are mandated to represent them.</p> <p>Clarify that by providing for "wider communities" in objective 46 and others that Whanau and Mana whenua are not included in this wider grouping.</p>

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2.12 Treaty co-governance	Objective 42	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.23	Amend	<p>Acknowledge that landowners adjacent to the Okere River are entitled to exclude access across their land and along the Okere River to ensure they meet all legal, health and safety obligations; and;</p> <p>Acknowledge that under the UN Declaration Taheke has the right to develop their resources and retain a lawfully consented structure in the Okere River which will not be removed to suit others.</p> <p>This submission also references Objective 45 and Methods KR2, KR4, KR6, 23, 23S, 23T and 64.</p>	<p>Landowners retain the right to exclude access across their land and will not be subject to any requirements that place them in breach of the Health & Safety Act 2015.</p> <p>Nor will Maori land owners be forced to pay for these proposed actions including the removal of lawfully approved structures from the Okere River.</p>
2.12 Treaty co-governance	Objective 42	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.38	Amend	<p>Mana Whenua and ahi ka should be included in the definition of Maori and Tangata Whenua and should be entitled to participate in the same rights and roles as other groups representing Maori. Mana Whenua should be able to participate in the development of protocols, implementation of policies and methods which affect them and should not be excluded. It is not appropriate for Council to exclude Māori who do not or have chosen not to be represented by iwi.</p> <p>Nor are mana whenua just part of the "wider community" for the purpose of this Plan Change. Mana whenua, Whanau and Taheke as a representative of the Whanau have their own cultural responsibilities and economic and environmental aspirations.</p> <p>Statutory acknowledgements do not necessarily require agreement between iwi on boundaries. In a river area with multiple iwi rohe adjacent to it the boundaries can be blurred and tikanga can conflict. Neither council or the Authority should limit the Kaitiaki or Rangatira of Maori landowners. The Plan Change places unnecessary barriers before Taheke. Taheke 8C has spent years working within the RMA and law preparing to develop the whenua and taonga, it is finally seeing some tangible benefits that could be lessened or hindered by the Plan Change.</p> <p>This submission point also references Objectives 40, 43, Policies KR 3B, KR 4B, KR 7B, KR 9B, Method 23N and Policy IW 2B, Methods 11, 12, 41, 42 and 46.</p>	<p>All objectives, policies and methods should reflect the Mana Whenua and acknowledge:</p> <p>(a) roles of Mana Whenua and the ahi kaa as Tangata Whenua and Maori in the plan as appropriate rather than matters to be promoted (Method 41) or evaluated (Method 42);</p> <p>(b) that Mana Whenua are Tangata Whenua and should not be relegated to "communities";</p> <p>(c) Maori landholding organisations representing Maori as having the right to be consulted and participation.</p> <p>For example Policy KR 3B defines Mātauranga Maori and Maori knowledge with reference to Iwi Hapū goals and Policy KR 4B regard should be given to the economic, cultural and social wellbeing of Mana Whenua as well as iwi and hapū. Any method including the mana of iwi and hapū should not exclude the mana of Whanau and the Maori institutions that lawfully represent them.</p>
2.12 Treaty co-governance	Objective 42	Z Energy Limited & BP Oil New Zealand Limited (The Oil Companies)	10.1	Support	<p>Support the intent to improve water quality, and maintain water quantity for iwi and future generations. In particular Objectives 42, 43 and Policy KR 4B as they recognise the economic benefits of providing for groundwater abstraction where it can occur in a sustainable manner.</p> <p>The Oil Companies seek to ensure that RPS objectives and policies provide appropriate policy support for these activities noting the Regional Plan requirement to give effect to the RPS. The Oil Companies seek appropriate provisions for the ongoing operation, maintenance, and upgrading of their activities, particularly temporary construction dewatering takes to enable the replacement of underground petroleum storage systems.</p>	Support Objective 42.
2.12 Treaty co-governance	Objective 42	Bay of Plenty Federated Farmers	13.3	Amend	Federated Farmers is concerned that PC5 will unjustly prohibit farmers from using the Kaituna River for farming purposes that are not provided	Amend Objective 42:

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		and Rotorua/Taupo Federated Farmers			for under RMA s14(3)(b) and, considers Objective 42 should specifically reference other productive values.	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 <u>and other productive</u> values.
2.12 Treaty co-governance	Objective 42	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.10	Amend	The objective is largely appropriate however the word 'health' could be added for greater consistency with the NPSFM. A time frame for achieving this would improve the objective.	Amend Objective 42 : 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> .
2.12 Treaty co-governance	Objective 43	Eastland Generation Limited	2.8	Amend	An additional policy is required for Objective 43 to recognise climate change mitigation in sustainable use of the River. This in the spirit of the Kaituna River Document which responds to pressures on the river including climate change. Activities on or around the River should consider the effects they have on climate change mitigation with weight given to activities which reduce CO ² emissions.	Include a NEW Policy associated with Objective 43 to recognise climate change mitigation.
2.12 Treaty co-governance	Objective 43	Carrus Corporation Limited	3.5	Support	Objective 43 is important in the context of providing for planned Urban Growth Areas and the development of multiple-owned Maori land.	Support Objective 43 .
2.12 Treaty co-governance	Objective 43	AFFCO New Zealand Limited, Rangiora Plant	6.2	Support	Reflects an appropriate consideration of economic activities, particularly those which contribute to economic wellbeing of iwi, hapū and communities.	Retain Objective 43 .
2.12 Treaty co-governance	Objective 43	Te Tumu Landowners Group	7.5	Support	Objective 43 is important in the context of providing for planned Urban Growth Areas and the development of multiple-owned Maori land.	Support Objective 43 .
2.12 Treaty co-governance	Objective 43	Horticulture New Zealand	8.5	Support	HortNZ supports sustainable allocation and efficient use to provide for a range of well-beings for now and future generations.	Retain Objective 43 .
2.12 Treaty co-governance	Objective 43	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.8	Amend	See comments made in Taheke submission on the Action Plan in Appendix 1. Council must balance all interests in its implementation of the River Document into its Plan and protect the interests of other Maori stakeholders with cultural rights and obligations such as Taheke. Taheke has been responsible for caring for the Okere River including seeking better protection for it from the pollution which flows from the lake catchments and it would be inappropriate to place iwi and hapū above Taheke. The Authority is a new mechanism. This submission point also references Objectives 40, 44, 45, Policies IW 2B, KR 3B, KR 9B and Method KR1 .	Amend to provide protections for Taheke acknowledging the special circumstances of its founding to the exclusion of hapū and the fact it is and does act as kaitiaki to the Okere River in the upper reaches where it is responsible.
2.12 Treaty co-governance	Objective 43	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.12	Amend	Reducing definitions and participation down to iwi and hapū would be a breach of Taheke Whanau Treaty rights. It is also in contrast to legislation acknowledging Maori rights. Maori, Tangata Whenua includes Whanau and the institutions they mandate to represent them. This point also references Objectives 40, 42, 44, 46, Policy IW 2B and Methods KR6, 41 and 42 .	Acknowledge that "Maori" and "Tangata Whenua" are inclusive definitions including Whanau, mana whenua and Maori land holding entities who are mandated to represent them. Clarify that by providing for "wider communities" in objective 46 and others that Whanau and Mana whenua are not included in this wider grouping.
2.12 Treaty co-governance	Objective 43	The Proprietors of Taheke 8C &	9.39	Amend	Mana Whenua and ahi ka should be included in the definition of Maori and Tangata Whenua and should be entitled to participate in the same rights and roles as other groups representing Maori. Mana Whenua	All objectives, policies and methods should reflect the Mana Whenua and acknowledge:

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		Adjoining Blocks (Inc)			<p>should be able to participate in the development of protocols, implementation of policies and methods which affect them and should not be excluded. It is not appropriate for Council to exclude Māori who do not or have chosen not to be represented by iwi.</p> <p>Nor are mana whenua just part of the "wider community" for the purpose of this Plan Change. Mana whenua, Whanau and Taheke as a representative of the Whanau have their own cultural responsibilities and economic and environmental aspirations.</p> <p>Statutory acknowledgements do not necessarily require agreement between iwi on boundaries. In a river area with multiple iwi rohe adjacent to it the boundaries can be blurred and tikanga can conflict. Neither council or the Authority should limit the Kaitiaki or Rangatira of Maori landowners. The Plan Change places unnecessary barriers before Taheke. Taheke 8C has spent years working within the RMA and law preparing to develop the whenua and taonga, it is finally seeing some tangible benefits that could be lessened or hindered by the Plan Change.</p> <p>This submission point also references Objectives 40, 42 and Policies KR 3B, KR 4B, KR 7B, KR 9B, Method 23N and Policy IW 2B, Methods 11, 12, 41, 42 and 46.</p>	<p>(a) roles of Mana Whenua and the ahi kaa as Tangata Whenua and Maori in the plan as appropriate rather than matters to be promoted (Method 41) or evaluated (Method 42);</p> <p>(b) that Mana Whenua are Tangata Whenua and should not be relegated to "communities";</p> <p>(c) Maori landholding organisations representing Maori as having the right to be consulted and participation.</p> <p>For example Policy KR 3B defines Mātauranga Maori and Maori knowledge with reference to Iwi Hapū goals and Policy KR 4B regard should be given to the economic, cultural and social wellbeing of Mana Whenua as well as iwi and hapū. Any method including the mana of iwi and hapū should not exclude the mana of Whanau and the Maori institutions that lawfully represent them.</p>
2.12 Treaty co-governance	Objective 43	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.47	Amend	<p>It is not appropriate for any council or group to redefine or evaluate tikanga.</p> <p>This submission point also references Objectives 41, 42, 44, Methods KR1, KR5 and Method 42</p>	Acknowledge that Taheke 8C are Kaitiaki. Accept that it is not for Council to evaluate Tangata Whenua Issues or define, combine or integrate tikanga concepts and specifically Kaitiaki and rangatiratanga.
2.12 Treaty co-governance	Objective 43	Z Energy Limited & BP Oil New Zealand Limited (The Oil Companies)	10.2	Support	<p>Support the intent to improve water quality, and maintain water quantity for iwi and future generations. In particular Objectives 42, 43 and Policy KR 4B as they recognise the economic benefits of providing for groundwater abstraction where it can occur in a sustainable manner.</p> <p>The Oil Companies seek to ensure that RPS objectives and policies provide appropriate policy support for these activities noting the Regional Plan requirement to give effect to the RPS. The Oil Companies seek appropriate provisions for the ongoing operation, maintenance, and upgrading of their activities, particularly temporary construction dewatering takes to enable the replacement of underground petroleum storage systems.</p>	Support Objective 43
2.12 Treaty co-governance	Objective 43	Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers	13.4	Amend	Federated Farmers considers that the wellbeing of individuals also needs to be provided for.	<p>Amend 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 <u>individuals</u>, iwi, hapū and communities now and for future generations.</p>
2.12 Treaty co-governance	Objective 43	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.11	Amend	It is not clear how Objective 43 sits within the hierarchy of obligations in Te Mana o te Wai.	<p>Change Objective 43 to a policy under objective 42 or, amend:</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</p>

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					It needs to work within the limits of Objective 42 as it is vital to achieving Objective 42. It may fit better as a policy under those objectives or, alternatively should be amended.	communities now and for future generations, <u>while prioritising the health and wellbeing of water bodies and freshwater ecosystems</u> .
2.12 Treaty co-governance	Objective 43	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.40	Amend	See sub point 14.34 - 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 Objective 43 : Water in the Kaituna River is <u>sustainably 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> .
2.12 Treaty co-governance	Objective 44	Horticulture New Zealand	8.6	Support	HortNZ supports the implementation and up-take of best management plans through farm environment plans.	Retain Objective 44 .
2.12 Treaty co-governance	Objective 44	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.13	Amend	Reducing definitions and participation down to iwi and hapū would be a breach of Taheke Whanau Treaty rights. It is also in contrast to the many pieces of legislation in place acknowledging Maori rights. Maori, Tangata Whenua includes Whanau and the institutions they mandate to represent them. This point also references Objectives 40, 42, 43, 46, Policy IW 2B and Methods KR6, 41 and 42 .	Acknowledge that "Maori" and "Tangata Whenua" are inclusive definitions including Whanau, mana whenua and Maori land holding entities who are mandated to represent them. Clarify that by providing for "wider communities" in objective 46 and others that Whanau and Mana whenua are not included in this wider grouping.
2.12 Treaty co-governance	Objective 44	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.16	Amend	Taheke 8C reiterates that it is the kaitiaki and exercises rangatiratanga in its land, its use and along the Okere River as it relates to Taheke land. The Council cannot use a Plan Change to usurp those rights and responsibilities or to imply they belong to iwi or hapū only. This point also references Objective 40 and Method KR5 .	Clarify that the Method will not impinge on the kaitiaki and rangatiratanga of Maori land owners along the Okere River. Ensure that Maori land entities and Taheke as a significant land owner along the Okere River are part of any implementation, not just iwi authorities who do not have mandate to represent Taheke 8C.
2.12 Treaty co-governance	Objective 44	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.18	Amend	See comments made in Taheke submission on the Action Plan in Appendix 1. Council must balance all interests in its implementation of the River Document into its Plan and protect the interests of other Maori stakeholders with equal cultural rights and obligations as Taheke.	Amend to provide protections for Taheke acknowledging the special circumstances of its founding to the exclusion of hapū and the fact it is and does act as kaitiaki to the Okere River in the upper reaches where it is responsible.
2.12 Treaty co-governance	Objective 44	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.32	Oppose	If it is related to Maori matters then it should relate to those. Council should not include recreation into the Plan through the resolution of Maori specific matters. Having recreation matters included in this section will give them higher effect than other parts of the plan where there is conflict with this Plan change and the Kaituna. Taheke should not be forced to remove structures, logs etc. from the Okere River to enable kayakers and others to traverse inherently dangerous parts of the Okere River. This submission also references Objectives 40, 41, 46, Methods KR3, 23S and 23T .	Remove "recreation" matters from this Plan Change as it is not an appropriate Plan Change to include those provisions.
2.12 Treaty co-governance	Objective 44	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.48	Amend	It is not appropriate for any council or group to redefine or evaluate tikanga. This submission point also references Objectives 41, 42, 43, Methods KR1, KR5 and Method 42 .	Acknowledge that Taheke 8C are Kaitiaki. Accept that it is not for Council to evaluate Tangata Whenua Issues or define, combine or integrate tikanga concepts and specifically Kaitiaki and rangatiratanga.

Section	Provision	Submitter Name	Sub No.	Support/ Oppose/ Amend	Submission Point Summary	Decisions Sought Summary
2.12 Treaty co-governance	Objective 44	Tauranga City Council	11.2	Amend	<p>The requirement in Objective 44 that the environmental wellbeing of the Kaituna River be 'enhanced through best management practices' implies that active steps are to be taken for this purpose. This corresponds with similar (but not identical) wording in Objective 6 of the River Document. Objective 44 does not reflect the Desired Outcomes in the River Document or Issue 2 of PC5, which are concerned with the effects of activities (particularly rural production) on the quality of the Kaituna River. This is also reflected in Policy KR 5B.</p> <p>Objective 44 (as drafted) could have unintended consequences for development of district plans which must give effect to the RPS. Objective 44 should describe the outcome it is seeking to achieve, namely improvement in land management practices (with a consequential improvement in water quality). Notably, 'improve' is also the language of the River Document.</p> <p>Neither PC5 nor the RPS includes a definition of best management practices. (see TCC submission point 11.4) and; an RPS definition should be included to avoid uncertainty and litigation when making or changing regional and district plans and an inconsistent approach across the region.</p>	<p>Include a definition for "best management practices" and amend Objective 44:</p> <p>TheActivities use best management practices to improve the environmental well-being of the Kaituna River is enhanced through best management practices.</p>
2.12 Treaty co-governance	Objective 44	Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers	13.5	Amend	<p>Agree that clarity and guidelines around management practices would be helpful, but consider that this needs to focus on industry agreed good management practices (not 'best' management practices). As 'best' practice is aspirational, it sets the bar unreasonably high and is not sufficiently flexible or certain to provide for the range of farm systems and farm types in the Kaituna River catchment.</p>	<p>Amend Objective 44:</p> <p>The environmental well-being of the Kaituna River is enhanced through <u>bestgood</u> management practices.</p>
2.12 Treaty co-governance	Objective 44	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.12	Oppose	<p>Objective 44 is not clear, 'environment' is very broadly defined in the RMA and includes people.</p> <p>The intent of the objective should be to recognise the needs of the water body first consistent with the NPSFM.</p>	<p>Amend Objective 44:</p> <p>The environmental<u>health and</u> well-being of the Kaituna River is enhanced through best management practices.</p>
2.12 Treaty co-governance	Objective 45	Eastland Generation Limited	2.1	Support	<p>Eastland recognises the importance of restoring, protecting and enhancing the River to support its sustainable management.</p>	<p>Eastland supports provisions that provide for the relationship of tangata whenua with the River including the promotion of economic development opportunities.</p>
2.12 Treaty co-governance	Objective 45	Horticulture New Zealand	8.7	Support	<p>Objective 45 aligns with Kaituna He Taonga Tuku Iho and the NPSFM.</p>	<p>Retain Objective 45.</p>
2.12 Treaty co-governance	Objective 45	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.9	Amend	<p>See comments made in Taheke submission on the Action Plan in Appendix 1. Council must balance all interests in its implementation of the River Document into its Plan and protect the interests of other Maori stakeholders with cultural rights and obligations such as Taheke.</p> <p>Taheke has been responsible for caring for the Okere River including seeking better protection for it from the pollution which flows from the lake catchments and it would be inappropriate to place iwi and hapū above Taheke. The Authority is a new mechanism.</p> <p>This submission point also references Objectives 40, 43, 44, Policies IW 2B, KR 3B, KR 9B and Method KR1. Also see points 9.18 to 9.21.</p>	<p>Amend to provide protections for Taheke acknowledging the special circumstances of its founding to the exclusion of hapū and the fact it is and does act as kaitiaki to the Okere River in the upper reaches where it is responsible.</p>

Section	Provision	Submitter Name	Sub No.	Support/ Oppose/ Amend	Submission Point Summary	Decisions Sought Summary
2.12 Treaty co-governance	Objective 45	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.24	Amend	<p>Acknowledge that landowners adjacent to the Okere River are entitled to exclude access across their land and along the Okere River to ensure they meet all legal, health and safety obligations; and</p> <p>Acknowledge that under the UN Declaration Taheke has the right to develop their resources and retain a lawfully consented structure in the Okere River which will not be removed to suit others.</p> <p>This submission also references Objective 42 and Methods KR2, KR4, KR6, 23, 23S, 23T and 64.</p>	<p>Landowners retain the right to exclude access across their land and will not be subject to any requirements that place them in breach of the Health & Safety Act 2015.</p> <p>Nor will Maori land owners be forced to pay for these proposed actions including the removal of lawfully approved structures from the Okere River.</p>
2.12 Treaty co-governance	Objective 45	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.51	Amend	<p>These objectives, policies and methods should not be used as a form of development contribution or lead to an unreasonable financial burden on landowners wishing to develop their lands. Pressure should not be placed on Maori to transfer land into reserve status to enable them to develop the rest or as a form of offsetting. See Appendix 4 for the Takeke response on proposed provisions relating to indigenous biodiversity.</p> <p>This submission point also references Policy KR 5B, Method 23S, Method 23T and Methods 48, 49, 55, 64 and 65.</p>	<p>Acknowledge that "encouragement" and "identification" will not equate to coercion nor should landowners be burdened with financial costs for protection of key sites and corridors.</p> <p>Maori land should be excluded from Method 65. Exclude lawfully placed water pumps and structures from the structures which can be removed (currently hydroelectric dams and power stations). Consult with tangata whenua prior to requiring such removals must include Taheke where their interests are affected.</p>
2.12 Treaty co-governance	Objective 45	Tauranga City Council	11.3	Amend	<p>The phrase 'restored, protected and enhanced' is used in Objective 7 of the River Document and mirrored in Objective 45. This phrase is uncertain and difficult or impossible to implement through district plans at the project or growth area level. In particular, the word 'and' is problematic because the three directives may require different implementation measures. For example, protecting values does not require enhancement, and enhancement will require more than protection. Restoration will require some enhancement, but enhancement is not necessarily equivalent to restoration. It depends on the context, but these directives require different things and not all can be achieved at the same time.</p> <p>It does not legally follow that language in the River Document must be the same in PC5. The River Document must be recognised and provided for in PC5 but these documents have different statutory roles. The River Document is aspirational with a range of management approaches, while PC5 will have regulatory effect as it must be given effect to in district plans which govern the use of land and the development of growth areas.</p> <p>TCC submits that PC5 should not lead to conflict with other outcomes specifically growth. The ability to ensure that the rivers, wetlands, aquatic and riparian are restored, protected or enhanced should be considered in conjunction with the delivery of these growth management outcomes. This aligns with recent NPSFM findings by many Councils where protective objective, policy and rule wording has been applied to wetlands, limiting the ability of growth management delivery.</p> <p>TCC considers that 'or' should be substituted for 'and' to clarify this matter and ensure that Objective 45 can be appropriately implemented.</p>	<p>Amend Objective 45:</p> <p>The Kaituna River's wetlands, aquatic and riparian ecosystems are restored, protected, and enhanced to support indigenous species.</p>

Section	Provision	Submitter Name	Sub No.	Support/ Oppose/ Amend	Submission Point Summary	Decisions Sought Summary
2.12 Treaty co-governance	Objective 45	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.13	Support	The objective clearly states what is to be achieved and where.	Retain Objective 45 .
2.12 Treaty co-governance	Objective 46	Eastland Generation Limited	2.3	Support	Supports provisions which relate to the promotion of economic development and employment opportunities for tangata whenua. Eastland considers that this reflects the purpose of the Kaituna River Document, and provides for the important relationship of tangata whenua with the River.	Support Objective 46 (Policy KR 7B and Method KR 6).
2.12 Treaty co-governance	Objective 46	Carrus Corporation Limited	3.6	Support	Support the whole of community approach with iwi and hapū to enable optimal long term outcomes as identified in the Kaituna Action Plan to be achieved.	Support Objective 46 .
2.12 Treaty co-governance	Objective 46	Te Tumu Landowners Group	7.6	Support	Support the whole of community approach with iwi and hapū to enable optimal long term outcomes as identified in the Kaituna Action Plan to be achieved.	Support Objective 46 .
2.12 Treaty co-governance	Objective 46	Horticulture New Zealand	8.8	Support	HortNZ supports a collaborative approach with iwi and the wider community.	Retain Objective 46 .
2.12 Treaty co-governance	Objective 46	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.14	Amend	Reducing definitions and participation down to iwi and hapū would be a breach of Taheke Whanau Treaty rights. It is also in contrast to the many pieces of legislation in place acknowledging Maori rights. Maori, Tangata Whenua includes Whanau and the institutions they mandate to represent them. This point also references Objectives 40, 42, 43, 44, Policy IW 2B and Methods KR6, 41 and 42 . Also see submission point 9.22.	Acknowledge that "Maori" and "Tangata Whenua" are inclusive definitions including Whanau, mana whenua and Maori land holding entities who are mandated to represent them. Clarify that by providing for "wider communities" in objective 46 and others that Whanau and Mana whenua are not included in this wider grouping.
2.12 Treaty co-governance	Objective 46	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.33	Oppose	If it is related to Maori matters then it should relate to those. Council should not include recreation into the Plan through the resolution of Maori specific matters. Having recreation matters included in this section will give them higher effect than other parts of the plan where there is conflict with this Plan change and the Kaituna. Taheke should not be forced to remove structures, logs etc. from the Okere River to enable kayakers and others to traverse inherently dangerous parts of the Okere River. This submission also references Objectives 40, 41, 44 and Methods KR3, 23S and 23T .	Remove "recreation" matters from this Plan Change as it is not an appropriate Plan Change to include those provision.
2.12 Treaty co-governance	Objective 46	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.55	Amend	Mana Whenua and the Maori entities that represent them should have a right to engage on matters of tikanga and the application of this Plan Change on them. This includes requiring Te Maru o Kaituna to also engage. Taheke has relationships with certain agencies including DOC and does not wish to have those put at risk by this Plan Change.	Pukenga should be supported to complete the accreditation training required of independent hearing commissioners. Te Maru o Kaituna should be required to engage with Maori land holding entities and Mana Wwhenua. Confirm what statutory management agencies are referred to. Any interaction with statutory agencies should not be to the detriment of existing relationships and arrangements in place.

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					This submission point also references Policies IW 7D, IR 3B, IW 1B, IW 7D and Method 48.	
2.12 Treaty co-governance	Objective 46	Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers	13.6	Amend	Federated Farmers considers that given the prominence of farming activities in the Kaituna River catchment Te Maru o Kaituna should also be required to engage with industry groups.	Amend Objective 46 to: Te Maru o Kaituna to collaborate with iwi, and the wider community and <u>primary industry groups</u> to enable environmental, economic, social, educational and cultural aspirations for the restoration, protection and enhancement of the Kaituna River.
2.12 Treaty co-governance	Objective 46	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.14	Amend	We support this in principle, but Objective 46 is more of a policy than an objective. Reconsider the use of the terms 'enable' and 'aspirations' to ensure the objective is certain and, consider if this is consistent with the hierarchy of obligations in Te Mana o te Wai.	Move Objective 46 to the policies section with refinement to ensure it provides clear direction for implementation and; reconsider the terms 'enable' and 'aspirations'.
3.1 Policies	Policy KR 1B	Western Bay of Plenty District Council	4.5	Amend	Minor correction to the title and text for consistency with other policies.	Amend the title and body of Policy KR 1B for consistency and clarity to read: Policy KR 1B: Recognise, strengthen, enhance and provide for traditional and contemporary iwi and hapū relationships with <u>the</u> Kaituna River Recognise, strengthen, enhance and provide for traditional and contemporary iwi and hapū relationships with <u>the</u> Kaituna River...
3.1 Policies	Policy KR 1B	Heritage New Zealand Pouhere Taonga	5.3	Support	HNZPT is particularly supportive of provisions including Policy KR 1B which enable the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage.	Support Policy KR 1B
3.1 Policies	Policy KR 1B	Horticulture New Zealand	8.9	Amend	Generally support this policy but the word 'enhance' which is validated in caselaw would seem to cover the intent of 'strengthen'. HortNZ notes that clauses (d) and (e), traditional knowledge and information and recognition of resource management plans should be built into the development of the Regional Policy Statement and Regional Plan.	Amend Policy KR 1B : Recognise, strengthen , enhance and provide for traditional and contemporary iwi and hapū relationships with Kaituna River. Recognise, strengthen , enhance and provide for traditional and contemporary iwi and hapū relationships with Kaituna River...
3.1 Policies	Policy KR 1B	Te Arawa Lakes Trust	12.5	Support	TALT recognises the interconnectedness of waterways ki uta ki tai and understands the need to navigate our way through the wider protection and preservation of this connectedness. TALT acknowledges the multiple relationships various iwi, hapū and whanau have with the Kaituna River and its connected waterways. This includes Lake Rotorua and Lake Rotoiti, lakes from which the Kaituna River flow. Those relationships may be represented through various entities or organisations. Proposed Change 5 provides for those multiple relationships and enables the ability for these relationships to be expressed through the implementation of PC 5.	Retain Policy KR 1B
3.1 Policies	Policy KR 1B	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.15	Support	Policy KR 1B is appropriate.	Retain Policy KR 1B.

Section	Provision	Submitter Name	Sub No.	Support/ Oppose/ Amend	Submission Point Summary	Decisions Sought Summary
3.1 Policies	Policy KR 2B	Western Bay of Plenty District Council	4.6	Amend	Support the intent of this policy but clarity is required around potable water and Drinking-Water Standards for New Zealand. These standards set a very high bar and it is unlikely that any water take without treatment will meet these standards.	Amend the explanation for Policy KR 2B : The drinking water standards are high across a range of contaminants and it is unrealistic to expect these to be met in all parts of the Kaituna River without water treatment.
3.1 Policies	Policy KR 2B	Horticulture New Zealand	8.10	Support	HortNZ supports alignment with the NPSFM and notes this policy aligns with the desired outcomes of Objective 5 the Kaituna He Taonga Tuku Iho.	Retain Policy KR 2B .
3.1 Policies	Policy KR 2B	Tauranga City Council	11.4	Amend	Policy KR 2B supports the implementation of Objective 41. Domestic, marae or municipal water supply is a defined term in the RPS. The reference to drinking water in paragraph (b) of the policy should refer to domestic, marae or municipal water supply for consistency with the rest of the RPS.	Amend Policy KR 2B (b) as follows: (b) Provides safe drinking water sources where the water is used for that <u>purpose domestic, marae or municipal water supply</u> :
3.1 Policies	Policy KR 2B	Tauranga City Council	11.5	Amend	The first paragraph of the Explanation refers to expectations that water should be swimmable, abundant, suitable for cultural ceremonies, and able to sustain customary food sources, reflective of clauses (a), (c), and (d) of Policy KR 2B. There is no reference to clause (b) relating to drinking water sources. For RPS consistency and to reflect paragraph (b) of Policy KR 2B, the Explanation should be amended to include reference to safe drinking water sources for domestic, marae or municipal water supply.	Amend the first paragraph of Policy KR 2B's Explanation : ... and expectations that water should be swimmable, abundant, suitable for cultural ceremonies, and able to sustain customary food sources <u>and safe drinking water sources for domestic, marae or municipal water supply</u> .
3.1 Policies	Policy KR 2B	Tauranga City Council	11.6	Amend	The second paragraph of the Explanation for Policy KR 2B refers to the ability to access safe drinking water as being important to the community. Following on from the contamination of Havelock North's drinking water supply TCC considers that the ability to access safe drinking water is of 'critical importance' to communities and this should be reflected in the Explanation. The National Environmental Standard for Sources of Human Drinking Water Regulations 2007 is under review and the Water Services Bill proposes new arrangements relating to sources of drinking water which includes requirements for source water risk management plans. It is anticipated both of these will be completed/enacted prior to PC5 hearings. The Explanation should be updated to reflect the latest requirements for the protection of sources of drinking water.	Amend the second paragraph of the Explanation for Policy KR 2B : The ability to access safe drinking water is important <u>of critical importance</u> to the community. Amend the second paragraph of the Explanation for Policy KR 2B to reflect the latest Government requirements for the protection of sources of drinking water.
3.1 Policies	Policy KR 2B	Tauranga City Council	11.7	Amend	The Waiari Stream, which is a tributary of the Kaituna River and within the area shown on in Map 4b in PC5, is a very important source of drinking water for municipal supply for TCC and the Western Bay of Plenty District Council. The Explanation should identify the relevance of Waiari Stream to this policy, to protect it from contamination by the setting of quality limits for contaminants.	Include a new paragraph in the Explanation for Policy KR 2B : <u>The Waiari Stream which is a tributary of the Kaituna River is a critical source of drinking water for municipal supply for Tauranga City Council and the Western Bay of Plenty District Council and should be protected from contamination by the setting of quality limits for contaminants.</u>
3.1 Policies	Policy KR 2B	Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers	13.7	Amend	Support the focus on achieving a state where the Kaituna River is safe for swimming, drinking, taking food from and is suitable for cultural ceremonies at traditional sites. But consider that this should be on the places and times of year where people undertake these activities, not at all times of the year. To achieve this would impose significant cost for no benefit (associated with swimming, drinking, taking food or cultural ceremonies).	Amend Policy KR 2B so the focus is on ensuring water quality is suitable at those places <i>and times of year</i> where the Kaituna River is used swimming, drinking, taking food and cultural ceremonies.

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3.1 Policies	Policy KR 2B	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.16	Amend	<p>The policy appears incomplete as it fails to provide useful direction in respect of establishing limits that would ensure ecosystem health and is inadequate to achieve Objective 41. Amendments are needed to better address issues and objectives (above) and for consistency with the NPSFM.</p> <p>Reference to ecosystem health (and other values in the NPSFM and the issue statement) is missing.</p> <p>Clause (a) is narrow by 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 and it should reflect the explanation, which references many water quality components relevant to ecosystem health (e.g. nutrients).</p>	<p>Amend Policy KR 2B:</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 <u>(d) Is suitable for cultural ceremonies at traditional sites; and (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>
3.1 Policies	Policy KR 3B	Western Bay of Plenty District Council	4.7	Amend	<p>Minor correction required to remove an apostrophe at the end of the sentence after Policy KR 3B.</p>	<p>Remove an apostrophe from the end of the sentence for Policy KR 3B:</p> <p>...and achieve the vision, objectives and desired outcomes of the Kaituna River Document².</p>
3.1 Policies	Policy KR 3B	Western Bay of Plenty District Council	4.8	Support	<p>Policy KR 3B and its explanation text are supported in particular the recognition of mātauranga Maori as referred to in the first sentence 'Use mātauranga Maori to inform resource management decision making processes...'</p>	<p>Support Policy KR 3B and explanation text.</p>
3.1 Policies	Policy KR 3B	AFFCO New Zealand Limited, Rangiora Plant	6.4	Amend	<p>The application of mātauranga Māori should be used alongside science to achieve desired management objectives for the Kaituna River. This wording 'alongside science' is in the explanation of Policy KR 3B but to avoid doubt it should be included in the actual policy to recognise the significance that each has, particularly in supporting one another.</p>	<p>Amend Policy KR 3B: Use mātauranga Māori <u>alongside science</u> to inform resource management decision making processes in the Kaituna River and achieve the vision, objectives and desired outcomes of the Kaituna River Document.</p>
3.1 Policies	Policy KR 3B	Horticulture New Zealand	8.11	Support	<p>The RPS and regional plans are the appropriate places to inform resource users of the Mātauranga Maori of the Kaituna River catchment. This information needs to be available in regional plans for resource users and Iwi/ hapū to allow timely, cost effective, consistent and improved outcomes for the Kaituna catchment.</p>	<p>Retain Policy KR 3B.</p>
3.1 Policies	Policy KR 3B	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.19	Amend	<p>See comments made in Taheke submission on the Action Plan in Appendix 1. Council must balance all interests in its implementation of the River Document into its Plan and protect the interests of other Maori stakeholders with equal cultural rights and obligations as Taheke.</p> <p>In Taheke's case, it is an anachronism to place iwi and hapū above Taheke. Taheke has been responsible for caring for the Okere River including seeking better protection for it from the pollution that flows from the lake catchments.</p> <p>This submission point also references Objectives 40, 43, 4, 45, Policies IW 2B, KR 9B and Method KR1.</p>	<p>Amend to provide protections for Taheke acknowledging the special circumstances of its founding to the exclusion of hapū and the fact it is and does act as kaitiaki to the Okere River in the upper reaches where it is responsible.</p>
3.1 Policies	Policy KR 3B	The Proprietors of Taheke 8C &	9.40	Amend	<p>Mana Whenua and ahi ka should be included in the definition of Maori and Tangata Whenua and should be entitled to participate in the same rights and roles as other groups representing Maori. Mana Whenua</p>	<p>All objectives, policies and methods should reflect the Mana Whenua and acknowledge:</p>

Section	Provision	Submitter Name	Sub No.	Support/ Oppose/ Amend	Submission Point Summary	Decisions Sought Summary
		Adjoining Blocks (Inc)			<p>should be able to participate in the development of protocols, implementation of policies and methods which affect them and should not be excluded. It is not appropriate for Council to exclude Māori who do not or have chosen not to be represented by iwi.</p> <p>Nor are mana whenua just part of the "wider community" for the purpose of this Plan Change. Mana whenua, Whanau and Taheke as a representative of the Whanau have their own cultural responsibilities and economic and environmental aspirations.</p> <p>Statutory acknowledgements do not necessarily require agreement between iwi on boundaries. In a river area with multiple iwi rohe adjacent to it the boundaries can be blurred and tikanga can conflict. Neither council or the Authority should limit the Kaitiaki or Rangatira of Maori landowners. The Plan Change places unnecessary barriers before Taheke. Taheke 8C has spent years working within the RMA and law preparing to develop the whenua and taonga, it is finally seeing some tangible benefits that could be lessened or hindered by the Plan Change.</p> <p>This submission point also references Objectives 40, 42, 43 and Policies KR 4B, KR 7B, KR 9B, Method 23N and Policy IW 2B, Methods 11, 12, 41, 42 and 46.</p>	<p>(a) roles of Mana Whenua and the ahi kaa as Tangata Whenua and Maori in the plan as appropriate rather than matters to be promoted (Method 41) or evaluated (Method 42);</p> <p>(b) that Mana Whenua are Tangata Whenua and should not be relegated to "communities";</p> <p>(c) Maori landholding organisations representing Maori as having the right to be consulted and participation.</p> <p>For example Policy KR 3B defines Mātauranga Maori and Maori knowledge with reference to Iwi Hapū goals and Policy KR 4B regard should be given to the economic, cultural and social wellbeing of Mana Whenua as well as iwi and hapū. Any method including the mana of iwi and hapū should not exclude the mana of Whanau and the Maori institutions that lawfully represent them.</p>
3.1 Policies	Policy KR 3B	Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers	13.8	Amend	Support the use of mātauranga Māori to inform resource management decision making processes where the activity has a potential cultural effect. However, Federated Farmers does not consider it necessary to use mātauranga Māori to inform all resource management decision making where there is no cultural effect.	Amend Policy KR 3B so the use of mātauranga Māori to inform resource management decision making is only required when the proposed activity has the potential to have a cultural effect.
3.1 Policies	Policy KR 3B	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.17	Amend	Support policy direction for the use of Mātauranga Māori in decision making.	Minor amendment to Policy KR 3B in the explanation to correct 'complimentary' to 'complementary'.
3.1 Policies	Policy KR 4B	Western Bay of Plenty District Council	4.9	Amend	Amend the title of Policy KR 4B to better describe the policies intent to protect puna and springs, rather than groundwater takes more generally.	Amend Policy KR 4B to: Managing groundwater abstraction in the Kaituna River Catchment for the protection of puna and springs.
3.1 Policies	Policy KR 4B	Horticulture New Zealand	8.12	Amend	Support in part as it aligns with Kaituna He Taonga Tuku Iho and provides an appropriate balance of interests in managing groundwater abstraction. Support is provisional on amendments made to Issue 1 (see Sub Point 8.1).	Retain Policy KR 4B subject to the amendment sought for Significant Issue 1 being accepted.
3.1 Policies	Policy KR 4B	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.41	Amend	Mana Whenua and ahi ka should be included in the definition of Maori and Tangata Whenua and should be entitled to participate in the same rights and roles as other groups representing Maori. Mana Whenua should be able to participate in the development of protocols, implementation of policies and methods which affect them and should not be excluded. It is not appropriate for Council to exclude Māori who do not or have chosen not to be represented by iwi.	<p>All objectives, policies and methods should reflect the Mana Whenua and acknowledge:</p> <p>(a) roles of Mana Whenua and the ahi kaa as Tangata Whenua and Maori in the plan as appropriate rather than matters to be promoted (Method 41) or evaluated (Method 42);</p> <p>(b) that Mana Whenua are Tangata Whenua and should not be relegated to "communities";</p>

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					<p>Nor are mana whenua just part of the "wider community" for the purpose of this Plan Change. Mana whenua, Whanau and Taheke as a representative of the Whanau have their own cultural responsibilities and economic and environmental aspirations.</p> <p>Statutory acknowledgements do not necessarily require agreement between iwi on boundaries. In a river area with multiple iwi rohe adjacent to it the boundaries can be blurred and tikanga can conflict. Neither council or the Authority should limit the Kaitiaki or Rangatira of Maori landowners. The Plan Change places unnecessary barriers before Taheke. Taheke 8C has spent years working within the RMA and law preparing to develop the whenua and taonga, it is finally seeing some tangible benefits that could be lessened or hindered by the Plan Change.</p> <p>This submission point also references Objectives 40, 42, 43 and Policies KR 3B, KR 7B, KR 9B, Method 23N and Policy IW 2B, Methods 11, 12, 41, 42 and 46.</p>	<p>(c) Maori landholding organisations representing Maori as having the right to be consulted and participation.</p> <p>For example Policy KR 3B defines Mātauranga Maori and Maori knowledge with reference to Iwi Hapū goals and Policy KR 4B regard should be given to the economic, cultural and social wellbeing of Mana Whenua as well as iwi and hapū. Any method including the mana of iwi and hapū should not exclude the mana of Whanau and the Maori institutions that lawfully represent them.</p>
3.1 Policies	Policy KR 4B	Z Energy Limited & BP Oil New Zealand Limited (The Oil Companies)	10.3	Support	<p>Support the intent to improve water quality, and maintain water quantity for iwi and future generations. In particular Objectives 42, 43 and Policy KR 4B as they recognise the economic benefits of providing for groundwater abstraction where it can occur in a sustainable manner.</p> <p>The Oil Companies seek to ensure that RPS objectives and policies provide appropriate policy support for these activities noting the requirement for the Regional Plan to give effect to the RPS. The Oil Companies seek appropriate provisions for the ongoing operation, maintenance, and upgrading of their activities, particularly temporary construction dewatering takes to enable the replacement of underground petroleum storage systems.</p>	Support Policy KR 4B
3.1 Policies	Policy KR 4B	Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers	13.9	Amend	<p>The wellbeing of individuals also needs to be provided for.</p> <p>Federated Farmers is concerned that farmers will be unjustly prohibited from abstracting groundwater to provide for irrigation and other farming purposes (that are not provided for under RMA s 14(3)(b)) and paragraph (b) should refer to other productive values.</p>	<p>Amend Policy KR 4B as follows:</p> <p>(a) Having regard to the social, economic and cultural well-being of present and future iwi, hapū, <u>individuals</u> and communities; and (b) Ensuring there is sufficient water available to provide for tangata whenua, ecological, <u>and</u> recreational <u>and other productive</u> values.</p>
3.1 Policies	Policy KR 4B	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.18	Amend	Support, but suggest amending to better reflect the NPSFM	<p>Amend Policy KR 4B:</p> <p>Manage groundwater abstraction to protect the mauri of puna (spring) flows <u>and prioritise the health and well-being of freshwater</u> within the Kaituna River while:...</p>
3.1 Policies	Policy KR 5B	Western Bay of Plenty District Council	4.10	Support	Support the Policy intent and wording (see explanation submission point below).	Retain Policy KR 5B .
3.1 Policies	Policy KR 5B	Western Bay of Plenty District Council	4.11	Amend	Consider if 'farm environmental plans' as referred to in the explanation are an example of best practice as these are common place and for many operations a requirement. Can this example be expanded or amended as sought.	<p>Amend the explanation for Policy KR 5B:</p> <p>An example of best management practice is <u>preparation and implementation of</u> farm environmental plans...</p>

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3.1 Policies	Policy KR 5B	Horticulture New Zealand	8.13	Support	<p>HortNZ supports the implementation of best management practices through a mix of regulation, industry incentives and industry leadership. A number of GAP (good agricultural practice) schemes exist to support the horticultural sectors, many are adapting to provide Farm Environment Plan services. NZGAP is one such organisation, they have developed the Environmental Management System which allows growers to develop risk-based farm environment plans based on a suite of good and best management practices (including validated industry environmental Codes of Practices) for horticultural operations.</p> <p>HortNZ support clause (c) and relevant proposed implementation Method 23N that seeks to develop protocols for this process.</p>	Retain Policy KR 5B and Method 23N (see point 8.19).
3.1 Policies	Policy KR 5B	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.52	Amend	<p>These objectives, policies and methods should not be used as a form of development contribution or lead to an unreasonable financial burden on landowners wishing to develop their lands. Pressure should not be placed on Maori to transfer land into reserve status to enable them to develop the rest or as a form of offsetting. See Appendix 4 for our response on proposed provisions relating to indigenous biodiversity.</p> <p>This submission point also references Objective 45, Method 23S, Method 23T and Methods 48, 49, 55, 64 and 65.</p>	<p>Acknowledge that "encouragement" and "identification" will not equate to coercion nor should landowners be burdened with financial costs for protection of key sites and corridors.</p> <p>Maori land should be excluded from Method 65. Exclude lawfully placed water pumps and structures from the structures which can be removed (currently hydroelectric dams and power stations). Consult with tangata whenua prior to requiring such removals must include Taheke where their interests are affected.</p>
3.1 Policies	Policy KR 5B	Tauranga City Council	11.8	Amend	<p>Neither PC5 nor the RPS include a definition of 'best management practices' and this term should be defined.</p> <p>That aside TCC supports the key aim of Policy KR 5B relating to minimising nutrient losses as this has benefits in terms of both water takes and the discharge of back wash and off spec water from the water treatment plant. Clause (a) has potential implications for water takes and for the discharges from the Waiari Water Treatment Plant and an amendment to clause (a) is sought to ensure activities as managed to maintain and enhance the Kaituna River as a source for safe drinking water. This change will both acknowledge the importance of the issue and be consistent with RPS terminology.</p>	<p>Include a definition for "best management practices" and amend Policy KR 5B as follows:</p> <p>Enhance the mauri of the Kaituna River by ensuring rural production, commercial and industrial activities implement best management practices to minimise 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 <u>and source for safe drinking water for domestic, marae or municipal water supply</u>;</p>
3.1 Policies	Policy KR 5B	Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers	13.10	Amend	<p>Federated Farmers is concerned that 'best practice' is aspirational, sets the bar unreasonably high and is not sufficiently flexible or certain to provide for the wide range of farm systems and farm types in the Kaituna River catchment.</p> <p>Federated Farmers also considers that good management practices should be developed with the assistance of rural industry groups and stakeholders to ensure that they are achievable.</p>	<p>Amend Policy KR 5B: Enhancing the mauri of the Kaituna River through <u>best good</u> management practices</p> <p>Enhance the mauri of the Kaituna River by ensuring rural production, commercial and industrial activities minimise nutrient losses by implementing <u>best good</u> management practices including:</p> <p><u>Note:</u> <u>Good management practices will be developed in consultation and collaboration with industry and stakeholders. For example the Good Farming practice guidelines:</u> https://www.beehive.govt.nz/release/goodfarming-practice-plan-step-forward-water-quality</p>
3.1 Policies	Policy KR 5B	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.19	Amend	<p>Minimising may not be sufficient or appropriate in all cases. For example in relation to a new activity or change in land use.</p>	Amend Policy KR 5B:

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					Best management practises can be part of a regulatory approach as well as to support non-regulatory methods.	Enhance the mauri of the Kaituna River by ensuring rural production, commercial and industrial activities <u>are controlled to</u> minimise <u>or prevent</u> nutrient losses by implementing best management practices including: (a) Ensuring activities are managed to maintain or enhance the Kaituna River's ecological and cultural health; (b) Promoting industry incentives and leadership; and (c) Promoting the integration of kaitiakitanga and rangatiratanga into land use management, river access and cultural heritage protection in specified locations and <u>(d) by controlling nutrient inputs and loss to ensure water quality limits are met.</u>
3.1 Policies	Policy KR 6B	Eastland Generation Limited	2.2	Support	Supports provisions that provide for the important relationship of tangata whenua with the Kaituna River including the promotion of economic development and employment opportunities for tangata whenua.	Support Policy KR 6B (under Objective 45).
3.1 Policies	Policy KR 6B	Horticulture New Zealand	8.14	Amend	HortNZ supports an approach that encourages nature-based solutions/good management practices (such as artificial water bodies) and riparian and vegetation enhancement. Generally support the intent of Policy KR 6B a) and note that clauses b) - d) imply a range of non-regulatory implementation methods that is reiterated in the policy explanation. However, should council seek to apply regulatory methods to achieve a) we suggest caution in the application and wording of regulatory methods as this may disincentivise riparian planting and the use of good practices. Many growers undertake riparian planting along streams or wetlands either voluntarily, or to off-set effects elsewhere on-site. The potential for regulation to extend over riparian planting, which is then deemed a wetland, may result in less planting or other works not being undertaken that would otherwise have contributed to improved water quality. Additionally, there has been widespread land use change in the catchment to enable a range of industries to prosper. HortNZ do not support the policy explanation - broad statement that generalises that all industries have negatively impacted the health of the catchment. Prefer that this is reworded to reflect that not all industries have the same negative effect on water quality.	Retain Policy KR 6B but amend its explanation (and retain the rest of the explanation, particularly the emphasis on non-regulatory methods): The Kaituna River Catchment has undergone widespread land use change to enable forestry conversion, pastoral grazing, horticulture, rural lifestyle activities and urbanisation. While these land use activities are important contributors to the regions economic prosperity they have <u>had variable</u> impact <u>sed to</u> the health of indigenous vegetation and habitats within streams and rivers and their riparian areas.
3.1 Policies	Policy KR 6B	Tauranga City Council	11.9	Amend	Policy KR 6B corresponds with Objective 7 of the River Document. The River Document refers to 'closer and more considered management' and areas for improvement within the catchment being 'prioritised for action'. Desired Outcomes are focussed on projects and funding i.e. non-regulatory methods available to Te Maru o Kaituna members e.g projectwork to re-divert Kaituna River. It is appropriate for PC5 to reflect a project-focused and non-regulatory approach rather than partially implementing regulatory requirements for managing the quality and extent of wetlands in (a) and ecosystems that support and sustain indigenous flora and fauna in (d).	Amend Policy KR 6B as follows: Protect, restore <u>and/or</u> enhance indigenous aquatic, riparian and wetland vegetation and habitats within the Kaituna River and its riparian margins by <u>encouraging</u> : (a) <u>Increasing Projects to increase</u> the quality and extent of wetlands; (b) <u>Prioritising As a matter of priority</u> , the funding of biodiversity projects in the Te Tini a Tuna - Kaituna Action Plan; (c) <u>Undertaking Projects to undertake</u> pest management and removal activities; and

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					<p>Potential constraints on urban growth need to be carefully considered, and TCC understands these matters will be addressed through a separate work programme for NPSFM implementation. A comprehensive approach to such requirements needs to be addressed through that work programme (as is expressly provided in respect of water quality limits under Policy KR 2B and Method 23I). The River Document can be appropriately recognised and provided for without cutting across that body of work.</p> <p>If Policy KR 6B (a) - (d) remains as drafted, TCC repeats concerns relating to the phrase "Protect, restore and enhance" (see submission point 11.3) and the conjunctive use of 'and'. If the changes requested to (a)-(d) are made, the use of 'and' is acceptable and arguably appropriate.</p>	<p>(d) Identifying Projects to identify and enhancing enhance ecosystems that support and sustain indigenous flora and fauna.</p> <p>Any other changes to the PC5 provisions which are consequential on or otherwise address the reasons for this amendment are also requested.</p>
3.1 Policies	Policy KR 6B	Tauranga City Council	11.10	Amend	TCC repeats points made for Policy KR 6B above (submission point 11.9) and submits that the Explanation (last paragraph) should be amended to reflect a project-focused and non-regulatory approach.	<p>Amend the last paragraph of the Explanation for Policy KR 6B:</p> <p>Non-regulatory opportunities for enhancing Kaituna Rivers indigenous aquatic, riparian and wetland ecosystems need to be considered and encouraged, including through non-regulatory tools and the funding of pest management activities. Examples include projects funded and/or carried out by Te Maru o Kaituna members, the funding of pest management activities, voluntary wetland management agreements, wetland care groups, funding assistance through incentive schemes and biodiversity plans.</p> <p>Any other changes to the Explanation and Methods which are consequential on or otherwise address the policy changes and reasons in (submission point 11.9) are also requested.</p>
3.1 Policies	Policy KR 6B	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.20	Amend	The policy only partially captures the requirements of the NPSFM for protection. The policy does not provide clear direction for rule making or consenting processes.	<p>Amend Policy KR 6B:</p> <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; (b) Prioritising funding of biodiversity projects in the Te Tini a Tuna - Kaituna Action Plan; (c) Undertaking pest management and removal activities; and (d) Identifying and enhancing ecosystems that support and sustain indigenous flora and fauna; and (e) Providing for protection from further loss or degradation, including through the identification of remaining indigenous ecosystems and important habitats.</p>
3.1 Policies	Policy KR 7B	Eastland Generation Limited	2.4	Support	Supports provisions which relate to the promotion of economic development and employment opportunities for tangata whenua as these reflect the purpose of the Kaituna River Document, and provide for the important relationship of tangata whenua with the River.	Support Policy KR 7B .
3.1 Policies	Policy KR 7B	Carrus Corporation Limited	3.8	Amend	Amend Policy KR 7B to include reference to ' <i>the wider community</i> ' as this policy links to Objective 46 (collaborate with iwi and the wider community to enable enable environmental, economic, social, educational and cultural aspirations...). This policy also supports the development of multiple-owned Maori land.	<p>Amend Policy KR 7B:</p> <p>Enable economic development opportunities for iwi and hapū and the wider community, which respect and promote greater understanding of cultural associations with the Kaituna River and restore, protect or enhance the River's well-being.</p>

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3.1 Policies	Policy KR 7B	Western Bay of Plenty District Council	4.12	Amend	<p>This policy includes 2 concepts:</p> <p>(1) economic opportunities for iwi and hapū. This is confusing and suggests iwi economic opportunities should only be enabled where they 'promote greater understanding or enhance the River's wellbeing'. This creates a lack of clarity on what is required through the district plan for land zoning and future aspirations.</p> <p>(2) Economic development that enhances the Kaituna and acknowledges its cultural connections. This aspect relates to 'sustainable land management practices' for economic development opportunities.</p>	<p>Split Policy KR 7B into two policies:</p> <p>Enabling economic development opportunities for iwi and hapū in the Kaituna River <u>Area</u>; and</p> <p><u>Encourage economic development that enhances the Kaituna River and acknowledges its cultural connections.</u></p> <p>This may also require reconsideration of associated methods.</p>
3.1 Policies	Policy KR 7B	AFFCO New Zealand Limited, Rangiuru Plant	6.5	Support	AFFCO supports iwi aspirations for economic opportunities in the Kaituna River. AFFCO's Rangiuru plant has been contributing to iwi and hapū economic prosperity through creation of 600 jobs predominantly for local iwi at the plant over many decades.	Retain Policy KR 7B .
3.1 Policies	Policy KR 7B	Te Tumu Landowners Group	7.8	Amend	Amend Policy KR 7B to include reference to ' <u>and the wider community</u> ' as this policy links to Objective 46 (collaborate with iwi and the wider community to enable enable environmental, economic, social, educational and cultural aspirations...). This policy also supports the development of multiple-owned Maori land.	<p>Amend Policy KR 7B:</p> <p>Enable economic development opportunities for iwi and hapū <u>and the wider community</u>, which respect and promote greater understanding of cultural associations with the Kaituna River and restore, protect or enhance the River's well-being.</p>
3.1 Policies	Policy KR 7B	Horticulture New Zealand	8.15	Support	HortNZ recognises that there are a range of opportunities for Maori that will support the region and with sustainable best management practices, support the river's wellbeing.	Retain Policy KR 7B but seek clarification that this is within the river itself.
3.1 Policies	Policy KR 7B	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.42	Amend	<p>Mana Whenua and ahi ka should be included in the definition of Maori and Tangata Whenua and should be entitled to participate in the same rights and roles as other groups representing Maori. Mana Whenua should be able to participate in the development of protocols, implementation of policies and methods which affect them and should not be excluded. It is not appropriate for Council to exclude Māori who do not or have chosen not to be represented by iwi.</p> <p>Nor are mana whenua just part of the "wider community" for the purpose of this Plan Change. Mana whenua, Whanau and Taheke as a representative of the Whanau have their own cultural responsibilities and economic and environmental aspirations.</p> <p>Statutory acknowledgements do not necessarily require agreement between iwi on boundaries. In a river area with multiple iwi rohe adjacent to it the boundaries can be blurred and tikanga can conflict. Neither council or the Authority should limit the Kaitiaki or Rangatira of Maori landowners. The Plan Change places unnecessary barriers before Taheke. Taheke 8C has spent years working within the RMA and law preparing to develop the whenua and taonga, it is finally seeing some tangible benefits that could be lessened or hindered by the Plan Change.</p>	<p>All objectives, policies and methods should reflect the Mana Whenua and acknowledge:</p> <p>(a) roles of Mana Whenua and the ahi kaa as Tangata Whenua and Maori in the plan as appropriate rather than matters to be promoted (Method 41) or evaluated (Method 42);</p> <p>(b) that Mana Whenua are Tangata Whenua and should not be relegated to "communities";</p> <p>(c) Maori landholding organisations representing Maori as having the right to be consulted and participation.</p> <p>For example Policy KR 3B defines Mātauranga Maori and Maori knowledge with reference to Iwi Hapū goals and Policy KR 4B regard should be given to the economic, cultural and social wellbeing of Mana Whenua as well as iwi and hapū. Any method including the mana of iwi and hapū should not exclude the mana of Whanau and the Maori institutions that lawfully represent them.</p>

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					This submission point also references Objectives 40, 42, 43 and Policies KR 3B, KR 4B, KR 9B, Method 23N and Policy IW 2B, Methods 11, 12, 41, 42 and 46.	
3.1 Policies	Policy KR 7B	Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers	13.11	Oppose	Federated Farmers understand the desire of obtaining development opportunities for iwi/hapū to promote greater understanding of cultural associations but, these opportunities ought to be considered at a national level and not through amendments to the Regional Policy Statement (RPS). Federated Farmers do not support the use of RPS or, the RMA process to settle Treaty grievances or to address historical impediments to development.	Delete Policy KR 7B.
3.1 Policies	Policy KR 7B	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.21	Support	The policy is generally consistent with the NPSFM.	Retain Policy KR 7B.
3.1 Policies	Policy KR 8B	Carrus Corporation Limited	3.9	Amend	The increased and future demand for access to the Lower Kaituna River for recreational activities needs to be acknowledged in the explanation, in order that it is planned for so that the Policy KR 8B can be achieved with respect to the Lower Kaituna River.	Amend the explanation for Policy KR 8B to refer to: <u>The Te Tumu Urban Growth Area combined with the wider western Bay of Plenty growth will increase the demand for recreational access to the river. This is an opportunity to manage increased and future access for the wider community in the Lower Kaituna River.</u>
3.1 Policies	Policy KR 8B	Te Tumu Landowners Group	7.9	Amend	The increased and future demand for access to the Lower Kaituna River for recreational activities needs to be acknowledged in the explanation, in order that it is planned for so that Policy KR 8B can be achieved with respect to the Lower Kaituna River.	Amend the explanation for Policy KR 8B to refer to (or similar): <u>The Te Tumu Urban Growth Area combined with the wider western Bay of Plenty growth will increase the demand for recreational access to the river. This is an opportunity for managed access to the river for the wider community.</u>
3.1 Policies	Policy KR 8B	Horticulture New Zealand	8.16	Support	Generally support this policy provided reference to not compromising ecosystem health is retained as recreational activities should not prioritised over those food producing activities applying best or good management practices. As noted in the explanation, some recreational pursuits (or frequency) can lead to environmental effects.	Support Policy KR 8B as long as reference to not compromising ecosystem health is retained.
3.1 Policies	Policy KR 8B	Tauranga City Council	11.11	Amend	Enabling recreational opportunities could (depending on the types of recreation activities) potentially have adverse effects on drinking water sources. Policy KR 8B should be amended to refer to not compromising drinking water sources for domestic, marae or municipal water supply.	Amend Policy KR 8B: Enable recreational opportunities along the Kaituna River that do not compromise public safety, <u>drinking water sources for domestic, marae or municipal water supply, access or ecosystem health.</u>
3.1 Policies	Policy KR 8B	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.22	Support	The policy is generally consistent with the NPSFM.	Retain Policy KR 8B.
3.1 Policies	Policy KR 9B	Horticulture New Zealand	8.17	Support	HortNZ supports this policy noting the intent is to protect the mauri of the river while enabling sustainable use and development.	Retain Policy KR 9B.
3.1 Policies	Policy KR 9B	The Proprietors of Taheke 8C &	9.20	Amend	See comments made in Taheke submission on the Action Plan in Appendix 1. Council must balance all interests in its implementation of the River Document into its Plan and protect the interests of other	Amend to provide protections for Taheke acknowledging the special circumstances of its founding to the exclusion of hapū and the fact it is and

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		Adjoining Blocks (Inc)			<p>Maori stakeholders with equal cultural rights and obligations as Taheke.</p> <p>In Taheke's case, it is an anachronism to place iwi and hapū above Taheke. Taheke has been responsible for caring for the Okere River including seeking better protection for it from the pollution that flows from the lake catchments.</p> <p>This submission point also references Objectives 40, 43, 4, 45, Policies IW 2B, KR 3B and Method KR1.</p>	does act as kaitiaki to the Okere River in the upper reaches where it is responsible.
3.1 Policies	Policy KR 9B	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.43	Amend	<p>Mana Whenua and ahi ka should be included in the definition of Maori and Tangata Whenua and should be entitled to participate in the same rights and roles as other groups representing Maori. Mana Whenua should be able to participate in the development of protocols, implementation of policies and methods which affect them and should not be excluded. It is not appropriate for Council to exclude Māori who do not or have chosen not to be represented by iwi.</p> <p>Nor are mana whenua just part of the "wider community" for the purpose of this Plan Change. Mana whenua, Whanau and Taheke as a representative of the Whanau have their own cultural responsibilities and economic and environmental aspirations.</p> <p>Statutory acknowledgements do not necessarily require agreement between iwi on boundaries. In a river area with multiple iwi rohe adjacent to it the boundaries can be blurred and tikanga can conflict. Neither council or the Authority should limit the Kaitiaki or Rangatira of Maori landowners. The Plan Change places unnecessary barriers before Taheke. Taheke 8C has spent years working within the RMA and law preparing to develop the whenua and taonga, it is finally seeing some tangible benefits that could be lessened or hindered by the Plan Change.</p> <p>This submission point also references Objectives 40, 42, 43, Policies KR 3B, KR 4B, KR 7B, Method 23N and Policy IW 2B, Methods 11, 12, 41, 42 and 46.</p>	<p>All objectives, policies and methods should reflect the Mana Whenua and acknowledge:</p> <p>(a) roles of Mana Whenua and the ahi kaa as Tangata Whenua and Maori in the plan as appropriate rather than matters to be promoted (Method 41) or evaluated (Method 42);</p> <p>(b) that Mana Whenua are Tangata Whenua and should not be relegated to "communities";</p> <p>(c) Maori landholding organisations representing Maori as having the right to be consulted and participation.</p> <p>For example Policy KR 3B defines Mātauranga Maori and Maori knowledge with reference to Iwi Hapū goals and Policy KR 4B regard should be given to the economic, cultural and social wellbeing of Mana Whenua as well as iwi and hapū. Any method including the mana of iwi and hapū should not exclude the mana of Whanau and the Maori institutions that lawfully represent them.</p>
3.1 Policies	Policy KR 9B	Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers	13.12	Amend	<p>Federated Farmers do not consider use and development of land and water by tangata whenua to be a requirement of kaitiakitanga under the RMA.</p> <p>Kaitiakitanga is defined under the RMA as the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship. Use and development exceeds the exercise of guardianship.</p>	<p>Amend Policy KR 9B:</p> <p>Recognise kaitiakitanga in the Kaituna River involves both the use and development of land and water by tangata whenua and the protection, restoration and enhancement of taonga, waahi tapu, water, sites of significance and other natural and physical resources of importance to tangata whenua.</p>
3.1 Policies	Policy KR 9B	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.23	Amend	<p>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 it fails to capture the natural environment.</p>	<p>Amend Policy KR 9B:</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</u> for the protection, restoration</p>

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					Nor is it clear as written if sustainable use and development would give effect to Te Mana o te Wai.	and enhancement of taonga, waahi tapu, water, sites of significance and other natural and physical resources of importance to tangata whenua.
3.2 Methods to implement policies	Method KR1	Heritage New Zealand Pouhere Taonga	5.4	Support	HNZPT is particularly supportive of provisions including Policy KR 1B which enable the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage.	Support Method KR1
3.2 Methods to implement policies	Method KR1	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.21	Amend	<p>See comments made in Taheke submission on the Action Plan in Appendix 1. Council must balance all interests in its implementation of the River Document into its Plan and protect the interests of other Maori stakeholders with equal cultural rights and obligations as Taheke.</p> <p>In Taheke's case, it is an anachronism to place iwi and hapū above Taheke. Taheke has been responsible for caring for the Okere River including seeking better protection for it from the pollution that flows from the lake catchments.</p> <p>This submission point also references Objectives 40, 43, 4, 45 and Policies IW 2B, KR 3B and KR 9B.</p>	Amend to provide protections for Taheke acknowledging the special circumstances of its founding to the exclusion of hapū and the fact it is and does act as kaitiaki to the Okere River in the upper reaches where it is responsible.
3.2 Methods to implement policies	Method KR1	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.49	Amend	<p>It is not appropriate for any council or group to redefine or evaluate tikanga.</p> <p>This submission point also references Objectives 41, 42, 43, 44, Methods KR5 and Method 42.</p>	Acknowledge that Taheke 8C are Kaitiaki. Accept that it is not for Council to evaluate Tangata Whenua Issues or define, combine or integrate tikanga concepts and specifically Kaitiaki and rangatiratanga.
3.2 Methods to implement policies	Method KR1	Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers	13.13	Amend	Federated Farmers consider Policy KR 7B ought to be deleted for reasons outlined in submission point 13.11.	Amend Method KR1 to remove reference to Policy KR 7B.
3.2 Methods to implement policies	Method KR2	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.25	Amend	<p>Acknowledge that landowners adjacent to the Okere River are entitled to exclude access across their land and along the Okere River to ensure they meet all legal, health and safety obligations; and</p> <p>Acknowledge that under the UN Declaration Taheke has the right to develop their resources and retain a lawfully consented structure in the Okere River which will not be removed to suit others.</p> <p>This submission also references Objectives 42 and 45 and Methods KR4, KR6, 23, 23S, 23T and 64.</p>	<p>Landowners retain the right to exclude access across their land and will not be subject to any requirements that place them in breach of the Health & Safety Act 2015.</p> <p>Nor will Maori land owners be forced to pay for these proposed actions including the removal of lawfully approved structures from the Okere River.</p>
3.2 Methods to implement policies	Method KR3	Eastland Generation Limited	2.7	Amend	Locations should be widely consulted on prior to classification as drinking water, bathing areas, kai awa, kai moana and suitable for cultural ceremonies. Existing activities at fixed locations should be considered as part of this classification process.	Include additional commentary in Method KR3 to require consultation and classification of areas for drinking water, bathing areas, kai awa, kai moana and suitable for cultural ceremonies.
3.2 Methods to implement policies	Method KR3	Carrus Corporation Limited	3.10	Support	There is and will continue to be increased demand for recreational access to the river and areas for safe contact recreation within the Kaituna River.	Support Method KR3.

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3.2 Methods to implement policies	Method KR3	Western Bay of Plenty District Council	4.13	Amend	Identifying locations for safe contact recreation in the Kaituna River requires input from all bodies. 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.	Amend Method KR3 : <i>Implementation responsibility: <u>Regional Council</u>, City and district councils, Te Maru o Kaituna and iwi authorities.</i>
3.2 Methods to implement policies	Method KR3	AFFCO New Zealand Limited, Rangiora Plant	6.3	Amend	AFFCO welcomes a clear definition of areas of recreational use in the Kaituna River, but requests recognition and preference be given to avoiding mixing zones lawfully provided for under the Resource Management Act.	Amend the explanation for Method KR3 to: Identify specific locations in the Kaituna River that are used for, or that people would like to use for, contact recreation under Policy KR 2B, <u>with due recognition and preference given to avoiding areas of lawfully established mixing of wastewater with receiving waters</u>
3.2 Methods to implement policies	Method KR3	Te Tumu Landowners Group	7.10	Support	There is and will continue to be increased demand for recreational access to the river and areas for safe contact recreation within the Kaituna River.	Support Method KR3 .
3.2 Methods to implement policies	Method KR3	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.34	Oppose	If it is related to Maori matters then it should relate to those. Council should not include recreation into the Plan through the resolution of Maori specific matters. Having recreation matters included in this section will give them higher effect than other parts of the plan where there is conflict with this Plan change and the Kaituna. Taheke should not be forced to remove structures, logs etc. from the Okere River to enable kayakers and others to traverse inherently dangerous parts of the Okere River. This submission also references Objectives 40, 41, 44, 46, Methods 23S and 23T .	Remove "recreation" matters from this Plan Change as it is not an appropriate Plan Change to include those provisions.
3.2 Methods to implement policies	Method KR3	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.24	Amend	It isn't clear what is meant by 'safe' and who is responsible for making the identified sites 'safe' for contact recreation. Nor, is it clear as written whether safe means is in terms of pathogens or other risks.	Amend Method KR3 : 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 the KR3 Implementation responsibility to: <u>Identification:</u> City and district councils, Te Maru o Kaituna and iwi authorities; <u>contact recreation: regional and district councils will work together to improve water quality and advise public when contact recreation is not safe.</u>
3.2 Methods to implement policies	Method KR4	Heritage New Zealand Pouhere Taonga	5.5	Support	HNZPT is particularly supportive of provisions including Method KR4 which enable the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage.	Support Method KR4
3.2 Methods to implement policies	Method KR4	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.26	Amend	Acknowledge that landowners adjacent to the Okere River are entitled to exclude access across their land and along the Okere River to ensure they meet all legal, health and safety obligations; and	Landowners retain the right to exclude access across their land and will not be subject to any requirements that place them in breach of the Health & Safety Act 2015. Nor will Maori land owners be forced to pay for these proposed actions including the removal of lawfully approved structures from the Okere River.

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					Acknowledge that under the UN Declaration Taheke has the right to develop their resources and retain a lawfully consented structure in the Okere River which will not be removed to suit others. This submission also references Objectives 42 and 45 and Methods KR2, KR6, 23, 23S, 23T and 64.	
3.2 Methods to implement policies	Method KR5	Western Bay of Plenty District Council	4.14	Amend	The method is supported but the information is to be provided to regional, city and district councils, land developers and consultants and this implementation responsibility sits with iwi authorities. Councils are not the owners or holders of this knowledge.	Amend Method KR5 : <i>Implementation responsibility: Regional Council, city and district councils and iwi authorities.</i>
3.2 Methods to implement policies	Method KR5	Heritage New Zealand Pouhere Taonga	5.6	Support	It is important that sites of cultural significance are identified, recorded and mapped as this allows them to be more readily considered in consenting processes and district/ unitary plans (or similar) development processes in the future. The provision of this information to councils enables a useful longer-term outcome for inclusion of these sites into district/ unitary plans schedules as Sites and Areas of Significance to Maori where have not already been identified. Method KR5 can potentially achieve this outcome.	Support Method KR5
3.2 Methods to implement policies	Method KR5	Horticulture New Zealand	8.18	Support	HortNZ supports the provision of such information and where possible, this information needs to be stored in regional plans so it is accessible to the wider community/resource users.	Retain Method KR5.
3.2 Methods to implement policies	Method KR5	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.17	Amend	Taheke 8C reiterates that it is the kaitiaki and exercises rangatiratanga in its land, its use and along the Okere River as it relates to Taheke land. The Council cannot use a Plan Change to usurp those rights and responsibilities or to imply they belong to iwi or hapū only. This point also references Objectives 40 and 44.	Clarify that the Method will not impinge on the kaitiaki and rangatiratanga of Maori land owners along the Okere River. Ensure that Maori land entities and Taheke as a significant land owner along the Okere River are part of any implementation, not just iwi authorities who do not have mandate to represent Taheke 8C.
3.2 Methods to implement policies	Method KR5	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.50	Amend	It is not appropriate for any council or group to redefine or evaluate tikanga. This submission point also references Objectives 41, 42, 43, 44, Methods KR1 and Method 42.	Acknowledge that Taheke 8C are Kaitiaki. Accept that it is not for Council to evaluate Tangata Whenua Issues or define, combine or integrate tikanga concepts and specifically Kaitiaki and rangatiratanga.
3.2 Methods to implement policies	Method KR5	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.25	Support	This information is important for land use management decision making.	Retain Method KR5
3.2 Methods to implement policies	Method KR6	Eastland Generation Limited	2.5	Support	Supports provisions which relate to the promotion of economic development and employment opportunities for tangata whenua as these reflect the purpose of the Kaituna River Document, and provide for the important relationship of tangata whenua with the River.	Support Method KR6.
3.2 Methods to implement policies	Method KR6	Western Bay of Plenty District Council	4.15	Oppose	We do not disagree with the intent but the Regional Policy Statement is not the correct place for this method. Council's procurement decisions are not a Resource Management Act issue. Not aware of similar provisions being used elsewhere. This would be better achieved through individual Councils' procurement strategies and decisions to	Delete Method KR6 or Amend to: Promote employment opportunities for tangata whenua through projects in the Kaituna River including providing: (a) Pest and silviculture management services

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					give effect to Kaituna He Taonga Tuku Iho, through other processes (e.g. Long Term Plans, Annual Plans, procurement approaches, etc.).	(b) Fencing services (c) Council reserves maintenance ; and (d) Environmental monitoring. <i>Implementation responsibility: Regional Council, city and district councils, Te Maru o Kaituna and iwi authorities</i>
3.2 Methods to implement policies	Method KR6	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.22	Amend	Reducing definitions and participation down to iwi and hapū would be a breach of Taheke Whanau Treaty rights. It is also in contrast to the many pieces of legislation in place acknowledging Maori rights. Maori, Tangata Whenua includes Whanau and the institutions they mandate to represent them. This point also references Objectives 40, 42, 43, 44, 46, Policy IW 2B and Methods 41 and 42. Also see submission points 9.10 to 9.14.	Acknowledge that "Maori" and "Tangata Whenua" are inclusive definitions including Whanau, mana whenua and Maori land holding entities who are mandated to represent them. Clarify that by providing for "wider communities" in objective 46 and others that Whanau and Mana whenua are not being included in this wider grouping.
3.2 Methods to implement policies	Method KR6	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.27	Amend	Acknowledge that landowners adjacent to the Okere River are entitled to exclude access across their land and along the Okere River to ensure they meet all legal, health and safety obligations; and Acknowledge that under the UN Declaration Taheke has the right to develop their resources and retain a lawfully consented structure in the Okere River which will not be removed to suit others. This submission also references Objectives 42 and 45 and Methods KR2, KR4, 23, 23S, 23T and 64.	Landowners retain the right to exclude access across their land and will not be subject to any requirements that place them in breach of the Health & Safety Act 2015. Nor will Maori land owners be forced to pay for these proposed actions including the removal of lawfully approved structures from the Okere River.
3.2 Methods to implement policies	Method KR6	Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers	13.14	Oppose	Federated Farmers considers that promotion of employment opportunities falls outside the scope of the RMA. Federated Farmers is happy for tangata whenua employment to be a by product of Proposed Change 5, however, considers that it is incorrect for it to be a requirement of a regional policy statement.	Delete Method KR6.
3.2 Methods to implement policies	Method 23I	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.26	Support	Appears to link to Policy KR 2B and KR 4B.	Retain Method 23I
3.2 Methods to implement policies	Method 23J	Western Bay of Plenty District Council	4.16	Amend	Minor typographical correction for misplaced commas.	Amend Method 23J: <i>Implementation responsibility: Regional Council, city and 7 district councils</i>
3.2 Methods to implement policies	Method 23J	AFFCO New Zealand Limited, Rangiora Plant	6.6	Amend	Development of strategies for managing waste and stormwater in the Kaituna River Catchment should include commercial and industrial water users to ensure that any strategies arrived at are practicable and to allow for future transparency for all those affected.	Amend Method 23J: In liaison with tangata whenua, <u>commercial and industrial users</u> , and local communities develop and implement strategies for the alternative treatment and disposal of wastewater and stormwater in the Rangitāiki River Catchment <u>and Kaituna River.</u>

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3.2 Methods to implement policies	Method 23J	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.27	Amend	<p>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.</p> <p>For example it should capture discharges such as through the Affco consent which is not directly to the waterbody but through pond/wetland systems.</p>	<p>Amend Method 23J: Develop strategies for managing wastewater and stormwater in the Rangitāiki River Catchment and Kaituna River catchment</p> <p>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 <u>and Kaituna River catchment</u>.</p>
3.2 Methods to implement policies	Method 23N	Horticulture New Zealand	8.19	Support	See submission point 8.13 - support of Policy KR 5B clause (c) and the relevant proposed implementation Method 23N that seeks to develop protocols for this process.	Support Method 23N (see submission point 8.13).
3.2 Methods to implement policies	Method 23N	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.44	Oppose	<p>Mana Whenua and ahi ka should be included in the definition of Maori and Tangata Whenua and should be entitled to participate in the same rights and roles as other groups representing Maori. Mana Whenua should be able to participate in the development of protocols, implementation of policies and methods which affect them and should not be excluded. It is not appropriate for Council to exclude Māori who do not or have chosen not to be represented by iwi.</p> <p>Nor are mana whenua just part of the "wider community" for the purpose of this Plan Change. Mana whenua, Whanau and Taheke as a representative of the Whanau have their own cultural responsibilities and economic and environmental aspirations.</p> <p>Statutory acknowledgements do not necessarily require agreement between iwi on boundaries. In a river area with multiple iwi rohe adjacent to it the boundaries can be blurred and tikanga can conflict. Neither council or the Authority should limit the Kaitiaki or Rangitira of Maori landowners. The Plan Change places unnecessary barriers before Taheke. Taheke 8C has spent years working within the RMA and law preparing to develop the whenua and taonga, it is finally seeing some tangible benefits that could be lessened or hindered by the Plan Change.</p> <p>This submission point also references Objectives 40, 42, 43 and Policies KR 3B, KR 4B, KR 7B, KR 9B, and Policy IW 2B, Methods 11, 12, 41, 42 and 46.</p>	<p>All objectives, policies and methods should reflect the Mana Whenua and acknowledge:</p> <p>(a) roles of Mana Whenua and the ahi kaa as Tangata Whenua and Maori in the plan as appropriate rather than matters to be promoted (Method 41) or evaluated (Method 42);</p> <p>(b) that Mana Whenua are Tangata Whenua and should not be relegated to "communities";</p> <p>(c) Maori landholding organisations representing Maori as having the right to be consulted and participation.</p> <p>For example Policy KR 3B defines Mātauranga Maori and Maori knowledge with reference to Iwi Hapū goals and Policy KR 4B regard should be given to the economic, cultural and social wellbeing of Mana Whenua as well as iwi and hapū. Any method including the mana of iwi and hapū should not exclude the mana of Whanau and the Maori institutions that lawfully represent them.</p>
3.2 Methods to implement policies	Method 23N	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.28	Amend	Clarity as the method should apply to anywhere in the Kaituna River catchment (not just the river) where there is an impact on freshwater bodies.	Amend Method 23N to add the word ' <u>catchment</u> ' after Kaituna River in the title and in the text.
3.2 Methods to implement policies	Method 23S	Eastland Generation Limited	2.6	Oppose	This method should not apply due to the lack of structures on the River (it is in the context of the Rangitāiki River). If this method is not removed then it should be amended to recognise the importance of some structures and current activities in the river.	<p>Remove reference to the Kaituna River in Method 23S.</p> <p>Alternatively, amend Method 23S (the title and in a)) to include 'where appropriate' to precede 'Kaituna River' in the method:</p> <p>Remove or adapt structures impeding cultural and recreational access in the Rangitāiki River Catchment and <u>where appropriate Kaituna River</u>.</p>

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3.2 Methods to implement policies	Method 23S	Western Bay of Plenty District Council	4.17	Amend	Minor typographical correction for misplaced commas.	Amend Method 23S : <i>Implementation responsibility: Regional Council, city and district councils and iwi authorities.</i>
3.2 Methods to implement policies	Method 23S	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.28	Amend	Acknowledge that landowners adjacent to the Okere River are entitled to exclude access across their land and along the Okere River to ensure they meet all legal, health and safety obligations; and Acknowledge that under the UN Declaration Taheke has the right to develop their resources and retain a lawfully consented structure in the Okere River which will not be removed to suit others. This submission also references Objectives 42 and 45 and Methods KR2, KR4, KR6, 23, 23T and 64.	Landowners retain the right to exclude access across their land and will not be subject to any requirements that place them in breach of the Health & Safety Act 2015. Nor will Maori land owners be forced to pay for these proposed actions including the removal of lawfully approved structures from the Okere River.
3.2 Methods to implement policies	Method 23S	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.35	Oppose	If it is related to Maori matters then it should relate to those. Council should not include recreation into the Plan through the resolution of Maori specific matters. Having recreation matters included in this section will give them higher effect than other parts of the plan where there is conflict with this Plan change and the Kaituna. Taheke should not be forced to remove structures, logs etc. from the Okere River to enable kayakers and others to traverse inherently dangerous parts of the Okere River. This submission also references Objectives 40, 41, 44, 46, Methods KR3 and 23T.	Remove "recreation" matters from this Plan Change as it is not an appropriate Plan Change to include those provisions.
3.2 Methods to implement policies	Method 23S	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.53	Amend	These objectives, policies and methods should not be used as a form of development contribution or lead to an unreasonable financial burden on landowners wishing to develop their lands. Pressure should not be placed on Maori to transfer land into reserve status to enable them to develop the rest or as a form of offsetting. See Appendix 4 for our response on proposed provisions relating to indigenous biodiversity. This submission point also references Objective 45, Policy KR 5B, and Methods 23T, 48, 49, 55, 64 and 65.	Acknowledge that "encouragement" and "identification" will not equate to coercion nor should landowners be burdened with financial costs for protection of key sites and corridors. Maori land should be excluded from Method 65. Exclude lawfully placed water pumps and structures from the structures which can be removed (currently hydroelectric dams and power stations). Consult with tangata whenua prior to requiring such removals must include Taheke where their interests are affected.
3.2 Methods to implement policies	Method 23S	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.29	Amend	Clarity as the method should apply to anywhere in the Kaituna River catchment (not just the river) where there is an impact on freshwater bodies.	Amend Method 23S to add the word ' <u>catchment</u> ' after Kaituna River in the title and in the text.
3.2 Methods to implement policies	Method 23T	Carrus Corporation Limited	3.11	Support	The enhancement of public and cultural access along the Kaituna River is supported and will be provided for as part of the proposed urbanisation of Te Tumu.	Support Method 23T .
3.2 Methods to implement policies	Method 23T	Western Bay of Plenty District Council	4.18	Amend	The Regional Policy Statement should be explicit that this method applies to all tributaries not just rivers because access to tributaries is important recreationally and culturally for example the Waiari Stream.	Amend Method 23T : Retain and enhance public and cultural access to and along rivers <u>and streams</u> in the Rangitaiki River Catchment and Kaituna River

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						<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>(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>(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>
3.2 Methods to implement policies	Method 23T	Western Bay of Plenty District Council	4.19		Minor typographical error with misplaced commas.	<p>Amend Method 23T:</p> <p><i>Implementation responsibility: Regional Council, city and district councils and iwi authorities</i></p>
3.2 Methods to implement policies	Method 23T	Te Tumu Landowners Group	7.11	Support	The enhancement of public and cultural access along the Kaituna River is supported and will be provided for as part of the proposed urbanisation of Te Tumu.	Support Method 23T .
3.2 Methods to implement policies	Method 23T	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.29	Amend	<p>Acknowledge that landowners adjacent to the Okere River are entitled to exclude access across their land and along the Okere River to ensure they meet all legal, health and safety obligations; and</p> <p>Acknowledge that under the UN Declaration Taheke has the right to develop their resources and retain a lawfully consented structure in the Okere River which will not be removed to suit others.</p> <p>This submission also references Objectives 42 and 45 and Methods KR2, KR4, KR6, 23, 23S and 64.</p>	<p>Landowners retain the right to exclude access across their land and will not be subject to any requirements that place them in breach of the Health & Safety Act 2015.</p> <p>Nor will Maori land owners be forced to pay for these proposed actions including the removal of lawfully approved structures from the Okere River.</p>
3.2 Methods to implement policies	Method 23T	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.36	Oppose	<p>If it is related to Maori matters then it should relate to those. Council should not include recreation into the Plan through the resolution of Maori specific matters. Having recreation matters included in this section will give them higher effect than other parts of the plan where there is conflict with this Plan change and the Kaituna.</p> <p>Taheke should not be forced to remove structures, logs etc. from the Okere River to enable kayakers and others to traverse inherently dangerous parts of the Okere River.</p> <p>This submission also references Objectives 40, 41, 44, 46, Methods KR3 and 23S.</p>	Remove "recreation" matters from this Plan Change as it is not an appropriate Plan Change to include those provisions.
3.2 Methods to implement policies	Method 23T	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.54	Amend	<p>These objectives, policies and methods should not be used as a form of development contribution or lead to an unreasonable financial burden on landowners wishing to develop their lands. Pressure should not be placed on Maori to transfer land into reserve status to enable them to develop the rest or as a form of offsetting. See Appendix 4 for our response on proposed provisions relating to indigenous biodiversity.</p> <p>This submission point also references Objective 45, Policy KR 5B, and Methods 23S, 48, 49, 55, 64 and 65.</p>	<p>Acknowledge that "encouragement" and "identification" will not equate to coercion nor should landowners be burdened with financial costs for protection of key sites and corridors.</p> <p>Maori land should be excluded from Method 65. Exclude lawfully placed water pumps and structures from the structures which can be removed (currently hydroelectric dams and power stations). Consult with tangata whenua prior to requiring such removals must include Taheke where their interests are affected.</p>

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3.2 Methods to implement policies	Method 23T	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.30	Amend	Clarity as the method should apply to anywhere in the Kaituna River catchment (not just the river) where there is an impact on freshwater bodies.	Amend Method 23T to add the word ' catchment ' after Kaituna River in the title and in the text .
3.2 Methods to implement policies	New method	Tauranga City Council	11.12	Amend	To support the amendments proposed to Policy KR 2B, a new method should be included that refers to source water risk management plans required under the Water Services Bill. These plans will be an important method in providing safe drinking water sources for domestic, marae or municipal water supply. <i>Note: This assumes the requirement for source water risk management plans will be retained in the Water Services Act. (see submission point 11.6).</i>	Include a New directive Method in 3.2.1 : Method KR-: Source Water Risk Management Plans Implement Policy KR 2B through Source Water Risk Management Plans required under the Water Services Act Implementation responsibility: Regional Council, city and district councils, Te Maru o Kaituna and iwi authorities
4.2 Objectives, anticipated environmental results and monitoring indicators	Objective 40	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.31	Support	This wording has strengthened since the draft.	Retain AER and Monitoring Indicators for Objective 40 in Table 5 .
4.2 Objectives, anticipated environmental results and monitoring indicators	Objective 41	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.32	Support	The wording captures mandatory attributes of the NPSFM 2020.	Retain AER and Monitoring Indicators for Objective 41 in Table 5 .
4.2 Objectives, anticipated environmental results and monitoring indicators	Objective 42	The Proprietors of Taheke 8C & Adjoining Blocks (Inc)	9.46	Amend	It is not appropriate for any council or group to redefine or evaluate tikanga. This submission point also references Objectives 41, 43, 44, Methods KR1, KR5 and Method 42 .	Acknowledge that Taheke 8C are Kaitiaki. Accept that it is not for Council to evaluate Tangata Whenua Issues or define, combine or integrate tikanga concepts and specifically Kaitiaki and rangatiratanga.
4.2 Objectives, anticipated environmental results and monitoring indicators	Objective 42	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.33	Amend	The support of mauri is supported, however the objective then fails to follow the hierarchy of obligations in Te Mana o Te Wai.	Amend Objective 42 AER and Monitoring Indicator in Table 5 to appropriately capture the hierarchy of obligations in Te Mana o Te Wai by reordering the matters set out in the AER and Monitoring indicators.
4.2 Objectives, anticipated environmental results and monitoring indicators	Objective 43	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.34	Amend	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 Objective 43 (and see submission point 14.40) : Water in the Kaituna River is sustainably appropriately allocated and efficiently used to provide for the social, economic and cultural well-being of iwi, hapū and communities now and for future generations consistent with the hierarchy of obligations in Te Mana o Te Wai .
4.2 Objectives, anticipated environmental results and	Objective 44	Western Bay of Plenty District Council	4.20	Amend	The monitoring indicators for Objective 44 should align better with the objective and 'best management practices' (including consideration of Farm Management Plans) as this will deliver clarity and enable effective monitoring. The Land Use Capability Classification is a tool for	Amend the monitoring indicators for Objective 44 (in Table 5) to:

Section	Provision	Submitter Name	Sub No.	Support/ Oppose/ Amend	Submission Point Summary	Decisions Sought Summary
monitoring indicators					<p>long-term sustained agricultural production, it does not consider industrial, commercial or residential land uses.</p> <p>Sub-regional plans (e.g Smartgrowth) would provide a more rounded picture of suitable development in the Kaituna catchment area.</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>
4.2 Objectives, anticipated environmental results and monitoring indicators	Objective 44	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.35	Support	The outcomes generally align with the NPSFM.	Retain the AER for Objective 44 in Table 5.
4.2 Objectives, anticipated environmental results and monitoring indicators	Objective 45	Western Bay of Plenty District Council	4.21	Amend	<p>An additional anticipated environmental result and associated 'monitoring indicator' is sought for Objective 45. We are concerned that the upper and mid catchment are not in this document (only one reference for the upper catchment for rafting/ kayaking). The protection of the high quality aquatic ecosystems in the upper and mid catchment should be prioritised and made more visible in the document.</p> <p>We acknowledge that Policy MN 2B sets the policy framework for protecting significant indigenous habitats and ecosystems but feel an indicator for how this is working in the Kaituna River is required.</p>	<p>Amend by inserting the following for Objective 45 (in Table 5):</p> <p>Anticipated environmental results (AER): <u>Healthy aquatic ecosystems, habitats, and biological communities are protected or increased.</u></p> <p>Monitoring indicator: <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></p>
4.2 Objectives, anticipated environmental results and monitoring indicators	Objective 45	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.36	Support	The outcomes generally align with the NPSFM.	Retain the AER for Objective 45 in Table 5.
4.2 Objectives, anticipated environmental results and monitoring indicators	Objective 46	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.37	Support	The outcomes generally align with the NPSFM.	Retain the AER for Objective 46 in Table 5.
Appendix A – Definitions	Kaituna River	Western Bay of Plenty District Council	4.22	Amend	The map reference should be corrected to read 4ab and the definition should better reflect the Tapuikia Claims Settlement Act 2014 definition. It is noted there is no definition in the RPS for the Rangitāiki River.	<p>Amend the definition for Kaituna River to refer to Map 4ab and reword to better reflect the Tapuikia Claims Settlement Act 2014 definition which is:</p> <p>Kaituna River or river <u>means the Kaituna River, including its tributaries within the catchment areas shown on deed plan OTS-209-79.</u></p>
Appendix A – Definitions	Kaituna River	Tauranga City Council	11.13	Amend	A number of objectives and policies refer to groundwater 'in' the Kaituna River. The Kaituna River definition includes all rivers and streams flowing into the Kaituna River and Maketu Estuary. It does not <i>expressly</i> include groundwater but does include the entire co-governance area.	Amend the Kaituna River definition to clarify the extent to which PC5 applies to groundwater.

Section	Provision	Submitter Name	Sub No.	Support/ Oppose/ Amend	Submission Point Summary	Decisions Sought Summary
					The extent to which the Kaituna River (as defined) includes groundwater should be clarified as this could have implications for TCC if it became necessary to seek a groundwater take within the Kaituna River area for a future water source for the City. TCC repeats its submission (see submission point 11.1), that the River Document is concerned with groundwater <i>quantity</i> not <i>quality</i> and groundwater quality issues have not been explored and understood sufficiently to support RPS provisions.	
Appendix A – Definitions	New definition	Tauranga City Council	11.14	Amend	<p>Neither PC5 nor the RPS includes a definition of ‘best management practices’. This needs to be defined in the RPS or there will inevitably be uncertainty and litigation for regional and district plan development and, an inconsistent approach across the region. It is not appropriate to defer this issue to the regional or district plan process.</p> <p>This relates to comments and the ‘Decision Sought’ in submission points 11.2 and 11.8.</p>	Include a definition for " Best management practices ".
Appendix A – Definitions	Riparian Areas or Margins	Royal Forest and Bird Protection Society NZ (Forest & Bird)	14.38	Amend	<p>This definition is uncertain because the term waterway is not defined in the RPS. The term water body as defined in the RMA should be used with the specific inclusion of ‘artificial watercourses’. The definition of riparian margins should apply adjacent to artificial watercourses as these can be a significant source of contaminants which ultimately end up in freshwater bodies or the coastal marine area and excluding them would be inappropriate.</p> <p>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.</p>	<p>Amend the definition for Riparian Areas or Margins:</p> <p>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 <u>waterway waterbody</u> and its margins.</p>

Schedule 1

List of submitters by submitter number

Proposed Change 5 (Kaituna River) to the Regional Policy Statement List of Submitters

Original Submissions		Address for Service		
Submission No.	Name	Postal	Contact person	Email
1	Department of Conservation	Lou Sanson Director-General of Conservation RMA Shared Services Department of Conservation Private Bag 3072 Hamilton 3240	Tom Christie	tchristie@doc.govt.nz
2	Eastland Generation Limited	C/o Holland Beckett Law 525 Cameron Road Tauranga 3110	Vanessa Hamm/Laura Murphy	laura.murphy@hobec.co.nz
3	Carrus Corporation Limited	C/o PO Box 345 Tauranga 3140	Scott Adams	scott@carrus.co.nz
4	Western Bay of Plenty District Council	Private Bag 12803 Tauranga Mail Centre 3143	Matthew Leighton	matthew.leighton@westernbay.govt.nz
5	Heritage New Zealand Pouhere Taonga	Lower Northern Area Office PO Box 13339 Tauranga 3141	Carolyn McAlley	plannerln@heritage.org.nz
6	AFFCO New Zealand Limited, Rangiuuru Plant	C/o Argo Environmental Limited PO Box 105 774 Auckland 1143	Garry Venus, Director	gvenus@argoenv.com
7	Te Tumu Landowners Group	C/o PO Box 13428 Tauranga 3141	Jeff Fletcher	jeff.fletcher@bconn.co.nz
8	Horticulture New Zealand	PO Box 10-232 Wellington	Michelle Sands	Michelle.Sands@hortnz.co.nz

Submission No.	Name	Postal	Contact person	Email
9	The Proprietors of Taheke 8C & Adjoining Blocks Incorporation	PO Box 10097 Rotorua Mail Centre Rotorua 3046	Sandra Eru, General Manager & Loretta Lovell	gm@taheke8c.co.nz; loretta@lovellassociates.co.nz
10	Z Energy Limited & BP Oil New Zealand Limited	4Sight Consulting Limited PO Box 911 310 Victoria St West Auckland 1142	Mitchell Fuller	mitchefff@4sight.co.nz
11	Tauranga City Council	Private Bag 12022 Tauranga 3143	Andrew Mead, Manager: City & Infrastructure Planning	andrew.mead@tauranga.govt.nz
12	Te Arawa Lakes Trust	1194 Haupapa Street Rotorua 3010	Te Rangimārie Williams, Manager Te Papa Ahurewa	terangimarie@tearawa.iwi.nz
13	Bay of Plenty Federated Farmers and Rotorua/Taupō Federated Farmers	Federated Farmers of New Zealand PO Box 447 Hamilton 3240	Laura Jeffries	ljeffries@fedfarm.org.nz
14	Royal Forest and Bird Protection Society of NZ (Forest & Bird)	PO Box 2516 Christchurch 8140	Natasha Sitarz	n.sitarz@forestandbird.org.nz
15	Te Maru o Kaituna River Authority		Dean Flavell	Dean.flavell@tauranga.govt.nz; Tekahikapa@gmail.com

Schedule 2

List of submitters in alphabetical order

Proposed Change 5 (Kaituna River) to the Regional Policy Statement Submitters in Alphabetical Order

Original Submissions

Submission No.	Name
6	AFFCO New Zealand Limited, Rangiuru Plant
13	Bay of Plenty Federated Farmers and Rotorua/Taupō Federated Farmers
3	Carrus Corporation Limited
1	Department of Conservation
2	Eastland Generation Limited
5	Heritage New Zealand Pouhere Taonga
8	Horticulture New Zealand
14	Royal Forest and Bird Protection Society of NZ (Forest & Bird)
11	Tauranga City Council
12	Te Arawa Lakes Trust
15	Te Maru o Kaituna River Authority
7	Te Tumu Landowners Group
9	The Proprietors of Taheke 8C & Adjoining Blocks Incorporation
4	Western Bay of Plenty District Council
10	Z Energy Limited & BP Oil New Zealand Limited