

BEFORE THE FRESHWATER HEARINGS PANEL

IN THE MATTER **of the Resource Management Act 1991**

AND

IN THE MATTER **Plan Change 5**

**EVIDENCE IN CHIEF OF PETER MASON FOR THE
PROPRIETORS OF TAHEKE 8C & ADJOINING BLOCKS
INCORPORATION**

Dated: 15 September 2022

Solicitor on the record:

Loretta Lovell
Lovell & Associates Ltd
WELLINGTON

Ph 04 527-0925
loretta@lovellassociates.co.nz

Counsel instructed:

Andrew K Irwin
Clifton Chambers
PO Box 5161
WELLINGTON 6140

Ph 0274 722-961
andrew.irwin@cliftonchambers.co.nz

CLIFTONCHAMBERS

Introduction

1. My name is Peter Francis Mason. I am the Acting General Manager for The Proprietors of Taheke 8C & Adjoining Blocks Incorporation ("Taheke 8C") and Taheke 8C's project manager for the Taheke/Eastland Geothermal project. I have worked with Taheke 8C for 3-4 years.

My qualifications and experience

2. I have been professionally engaged in property investment, management and development for over 23 years.
3. I hold a BCom in information science and BA in economics. I have been a Member of the Institute of Directors since 2001.
4. I have property and business management experience with Māori entities, corporates, private practice and under my own account. My emphasis is in the provision of economic development in building, growing and realising value in assets, in the pre and post-settlement iwi Māori environments and environmental economics in conservation, allocation, and behavioural practices across both water and land resources.

Scope of evidence

5. This evidence:
 - 5.1. provides background to Taheke 8C and its lands;
 - 5.2. explains Taheke 8Cs approach to the development of its resources;
 - 5.3. addresses Taheke 8C's key concern about the focus in the Kaituna River Document and Plan Change 5 on the role that "iwi and hapū" should have in future management of the river, without express reference to Taheke 8C as the mana whenua, tangata whenua, ahi kā and kaitiaki of the river where it adjoins Taheke 8C lands;
 - 5.4. addresses Taheke 8C's perspective on recreational use of the river.

Taheke 8C

6. Taheke 8C was incorporated in 1954 by Order of Incorporation issued by the Māori

Land Court pursuant to Rule 81 of the Māori Land Act 1931.

7. Taheke 8C owns the lands set out in **appendix "1"** to this evidence. These comprise approximately 1214ha. A number of the lands are along the Ōkere River. As Mr Morehu explains in his evidence, the Ōkere 1A1, Ōkere 1A2 and Taheke Papakāinga 24 Blocks are situated on a three (or so) kilometre stretch of the eastern side of the river. We understand the boundary of those blocks is at least halfway into the river. On the western side of the river is a thin strip of Department of Conservation. Behind that, is the Ōkere 1C1 also owned by Taheke 8C. Taheke 8C also owns the Taheke Papakāinga 19 Block, near the start of the river.
8. Taheke 8C maintains a register of shareholders names and their shares in accordance with the Te Ture Whenua Māori Act 1993. There are currently 1328 shareholders holding 50,611 shares in total.
9. Taheke 8C is a whānau-based organisation. It is not an iwi or a hapū.
10. From 1954-2017 the primary activity of Taheke 8C was sheep and beef dry stock farming. Following a 6-year review, Taheke 8C determined it was economically unsustainable to continue farming. In December 2017, the Committee decided to terminate its farming operation. In January 2018, Taheke 8C entered into a forestry lease.
11. In the early 1990s, sulphur was mined from our geothermal resource.
12. More recently, Taheke 8C has investigated the geothermal resource under its lands. In December 2019, Taheke signed a project development agreement with experienced geothermal developer Eastland Generation Limited. Taheke and Eastland will be seeking consent for a geothermal power plant on Taheke whenua. This is the first of several intended activities on the whenua. In April 2020, we put our geothermal project forward as a shovel-ready option for funding. The project was accepted, and funding was provided. Investigative drilling was completed, and the partners intend to seek consents for the plant in 2023.
13. Since 2010/2011, Taheke 8C has been, and continues to be, actively involved in

both local and national government processes in terms of submitting on all relevant national government legislative reviews and consultations as well as local government consultations in regard to their long-term plans and the like. Additionally, since 2010 Taheke has actively developed, and continues to actively develop, its land and renewable resources. In order to facilitate these developments, Taheke engaged with both Regional and District Councils to negotiate and mediate a Taheke 8C Development Plan. Following mediation, the Taheke Development Plan was accepted and entered into the Rotorua Lakes Council District Plan. The plan provides for the specific activities Taheke will require to complete its development aspirations. A copy of the Taheke Development Plan is annexed as **appendix “2”** to this statement.

14. Taheke 8C currently retains two water take consents:
 - 14.1. one that permits various activities for exploratory drilling, including the taking of geothermal water for well-testing; and
 - 14.2. one that permits the taking of water from the Kaituna River for geothermal bore drilling and geothermal power generation.

Geothermal project

15. The Taheke/Eastland Geothermal Project will shortly be seeking consent for a geothermal power plant on Taheke whenua. The critical drivers for this project are:
 - 15.1. providing sustainable electricity for the region from a renewable source;
 - 15.2. aligning with the Bay of Plenty Region demand forecasts and demographics for electricity;
 - 15.3. touching the whenua “gently” by working with the natural topography and respecting land form, natural landscape, ecology and the river;
 - 15.4. reflecting cultural history, values and tikanga of our Taheke whānau;
 - 15.5. incorporating sustainability and environmental qualities, with Te Mana o Te Wai at the forefront; and
 - 15.6. making commercial decisions reflecting the unique partnership between Taheke and Eastland and in-line with current science and appropriate

environmental standards.

16. As part of taking their next steps Taheke and Eastland will be engaging again with iwi along the river. It is the intent to build those relationships over coming months and years, kanohi ki te kanohi and as mana whenua.

Strategic Infrastructure and water use and access

17. Most of Taheke 8C's future plans for its whenua involve the river. Taheke 8C currently has the two consents noted above and previously held an earlier consent for drilling. All water consent conditions involved engagement with iwi and all were supported. As stated above, it is Taheke 8C's intent to build those relationships further. That does not, of course, preclude or remove Taheke 8C's right to be heard as mana whenua on issues relating to the river.
18. As part of applying for the latest exploratory consent, Taheke 8C commissioned a report by NIWA of the ecology and water flows of the river. The report is annexed to this statement as **appendix "3"**. Of relevance the report sets out the hydrology of the river:

Okere River hydrology is controlled by its source (Lake Rotoiti), which in turn is fed by substantial inflows from Lake Rotorua. The upstream lakes attenuate flood flows and sustain low flows (relative to the streams that flow into them from their upper catchments. In addition, flows in the Okere River are regulated by a management regime which aims to control water levels in Lake Rotoiti for amenity purposes, and assist in the maintenance of water quality in Lake Rotoiti and the Ohau Channel. In general, the outflow from the control gates is at least as large as the inflow from Lake Rotorua, so that the net flow is out of Lake Rotoiti. This prevents the influx of Rotorua water into Rotoiti and ensures proper functioning of the diversion wall along the western side of Rotoiti, which deflects Rotorua water flow towards the outlet of Rotoiti (i.e., the Okere River).

A new water level regime for Lake Rotoiti was consented in 2012. The regime is mostly concerned with maintenance of desirable lake levels, but there is also a flow rule (Consent 65979 rule 7.4f), which requires a 6 hourly rolling average flow of at least 7.9 m³/s and a 7-day rolling average of at least 9.84 m³/s. Despite these changes, it is currently thought that the effects of the new regime on Kaituna flows would be minimal, and essentially only towards the lower end of Rotoiti levels where outflows might be higher than they used to be (G. O'Rourke, BoPRC, pers. comm.). This is because of rule 7.4i that specifies that the flow below the Okere Gates should be greater than or equal to the outflow from Lake Rotorua (i.e., $Q_{out} \geq Q_{Rotorua_in}$). As a

consequence, over the summer months, low river flows (13–16 m³/s) could be a little higher than in the past but there would be no change at peak flows (G. O'Rourke, BoPRC, pers. comm.).

19. Having measured and reviewed the hydrology and effects on the river of our consents and the project ultimately NIWA resolved that:

Overall, the effects of construction, commissioning and operation of the TGDP on the hydrology and aquatic ecology of the Okere River and Onepu Stream are deemed to be negligible.

Role of “iwi and hapū”

20. Taheke 8C supports iwi and hapū having a role in relation to the management of the river. As Mr Morehu has explained, Taheke 8C's key concern with the Kaituna River Document and Plan Change 5 is the repeated reference to “iwi and hapū” throughout both documents. Taheke 8C considers that it is the mana whenua, tangata whenua, ahi kā and kaitiaki of the river where it adjoins Taheke 8C's lands. Taheke 8C is not an iwi or hapū. It is a whānau-based organisation.
21. As Mr Morehu has explained, there are not existing lines of direct communication between our organisation and representatives of iwi (for instance Ngāti Pikiao) and hapū. Mr Morehu has asked me to seek to establish these relationships, including relationships with the council and with the Department of Conservation.
22. Taheke 8C considers it wrong, however, that the resource management framework that relates to the river would not expressly include Taheke 8C as the mana whenua, tangata whenua, ahi kā and kaitiaki of the river where it adjoins Taheke 8C's lands.

Recreational use

23. Taheke 8C is also concerned about any recreational use of the river. The river is extremely dangerous. The river is graded five: “extremely difficult and violent, with life-threatening hazards”.¹
24. Taheke 8C and many of the landowners on the river have not granted access across their land for recreational purposes. Despite this, there have been a number of

¹

See <https://www.aucc.org.nz/grading> and [The River People, Death and life on the Kaituna River - NZ Herald:](#)

deaths of people accessing the river for recreational purposes.

25. The issues and concerns relating to recreational use of the awa were most recently considered by the coroner following their investigation of the death of a kayaker in 2017. I attach as evidence that Coroners report as **appendix "4"**. Since then, parts of the river and specifically Gnarly Gorge have been the subject of a maritime safety direction closure reinforcing those concerns. A copy of the direction is attached as **appendix "5"**.
26. Finally, we note that the document "*Kaituna he taonga tuku iho*" itself reinforces and supports our position, stating with respect to Objective 8 the following proviso:

Recreational activities along the Kaituna River do not compromise safety or priorities of Te Maru o Kaituna for the restoration, protection and enhancement of the Kaituna River.

27. Taheke 8C considers that recreational use should not be elevated in Plan Change 5 to policy level as of right (Policy KR 8B). It is not tika (appropriate) to enable people to risk their lives and the mauri of the awa for "fun" or "thrill seeking". Nor should the river be lowered to enable this activity. This affects the mauri of the river. There are other rivers in the district more safely traversed. This plan change should not be used as a mechanism for including unsafe recreational use on the kaituna and thereby raise the expectations of the kayaking groups who push for access across our land to do so.

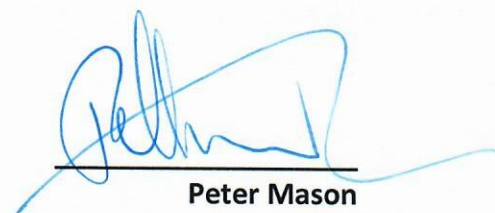
Conclusion

28. The Taheke/Eastland Project will be a planned geothermal electricity plant offering a point of difference – one that reflects the vision and care of a Māori incorporation and its whānau which has been a part of the rohe for over 140 years.
29. Future development of Taheke 8C whenua and therefore use of the wai will be based upon the tikanga of kaitiakitanga, manaakitanga and sustainability. The intent is to improve the social and economic future of generation of Taheke whānau and of the district. This approach is not in competition to iwi and hapu.

However, Taheke 8C should also have a voice as mana whenua, tangata whenua, ahi kā, kaitiaki and land owner on both sides of the river.

30. As mana whenua, Taheke 8C has strenuously protected and represented its whanau interests in the region and nationally. It continues to do so. This has led to clear progress at all levels to ensure and enable the voice of Māori land entities including Taheke 8C to be heard. This panel should follow that pathway; ensuring that the concerns of Taheke 8C and other Māori land owners on the river with respect to the implementation of the River Document are practically acknowledged.

Dated this 15th day of September 2022



Peter Mason