

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

**Summary of submissions and further submissions  
with hearing panel recommendations**

Bay of Plenty Regional Council  
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New Zealand

| Section   | Provision | Submitter name  | Sub no. | Support/oppose/amend | Submission point summary  | Decision 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.<br><br>Further or alternative relief to like effect to Proposed Change 5 as notified.  |
| <b>Staff recommendation:</b> Accept in part. Changes recommended based on other submissions. See <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part          |           |   |         |                      |   |  |
| 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.<br><br>The content is largely supported with suggested changes.   | Progress Change 5 with changes recommended in this submission.   |
| <b>Staff recommendation:</b> Accept in part. Changes recommended based on this and other submissions. See <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part |           |   |         |                      |   |  |
| 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.   |
| <b>Staff recommendation:</b> Accept. See paragraph 6.6 of <i>Overview report on submissions</i> <b>Panel Recommendation:</b> Reject, see para 103-106 of Rec Report                           |           |   |         |                      |   |  |
| 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.<br><br>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 <b>proposed Change 5</b> is approved as proposed.   |
| <b>Staff recommendation:</b> Accept in part. Changes recommended based on other submissions. See <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part          |           |   |         |                      |   |  |
| 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 landowners 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).<br><br>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 | See <b>paragraph 4-8 of the submission</b> , amend to:<br><br>(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.<br><br>(b) Acknowledge that Taheke as a significant landowner 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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|  |           |   |         |                      | <p>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".</p> <p>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).</p>  |   |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |           |   |         |                      |   |   |
| General submission point   | General   | Eastland Generation Limited                           | FS06-1  | Support              | Seeks that the submission is accepted   | Accept submission 9-1.  |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |           |   |         |                      |   |   |
| General submission point   | General   | The Proprietors of Taheke 8C & Adjoining Blocks (Inc) | FS09-1  | Support              | Eastland is in partnership with Taheke 8C to develop the geothermal taonga under Taheke land. Taheke 8C therefore wishes to confirm its support for Eastland's further submission. Taheke 8C wishes to be heard in support of the matters raised in Eastland's further submission as they relate to the Taheke Project.   | Accept submission FS06-1.   |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |           |   |         |                      |   |   |
| 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 landowner 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 (<b>see paragraph 5-11</b> 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> |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |           |   |         |                      |   |   |
| General submission point   | General   | Eastland Generation Limited                           | FS06-4  | Support              | Seeks that the submission is accepted   | Accept submission 9-2.  |

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| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject           |           |   |         |                      |   |   |
| 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> | Amend this Plan Change to (see <b>paragraph 6-5</b> of the submission):<br>(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.<br>(b) Delete recreational access and activities from the Plan Change.<br>(c) Accept that landowners will be entitled to exclude persons on kaitiaki and legal reasons. |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.20 and 6.322 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |           |   |         |                      |   |   |
| General submission point   | General   | Western Bay of Plenty District Council                | FS04-1  | Oppose in part       | Opposes "(b) Delete recreational access and activities from the Plan Change." WBOPDC recognises and acknowledges the issues raised by the submitter, including the rights of landowners, and does not seek to comment on these points. The deletion of recreational access and activities from the change is opposed, as this is an important aspect of people's relationship with the river and associated water bodies. Protecting recreational values forms part of Objective 4 of Kaituna He Taonga Tuku Iho – The Kaituna River Document. This should be reflected in the RPS  | Accept in part submission 9-3.  |
| <b>Staff recommendation:</b> Accept. See paragraph 6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept                 |           |   |         |                      |   |   |
| General submission point   | General   | Eastland Generation Limited                           | FS06-5  | Support              | Seeks that the submission is accepted   | Accept submission 9-3.  |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.20 and 6.322 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |           |   |         |                      |   |   |
| 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 <b>Proposed Change 5</b> .   |

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| <b>Staff recommendation:</b> Accept in part. Changes recommended based on other submissions. See <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part          |           |   |         |                      |  |   |
| General submission point  | General   | Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers | 13-2    | Support              | With the exception 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.  |
| <b>Staff recommendation:</b> Accept in part. Changes recommended based on this and other submissions. See <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part |           |   |         |                      |  |   |
| 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 <b>PC5</b> outcomes are not inconsistent with <b>the NPSFM</b> and implement the NPSFM where possible.  |
| <b>Staff recommendation:</b> Accept in part. See paragraph 6.29 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part  |           |   |         |                      |  |   |
| General submission point  | General   | Eastland Generation Limited   | FS06-2  |                      | Seeks clarity on what this submission would entail in relation to implementing the NPSFM where possible. Unless clarity is provided seeks that the submission is rejected.   | Seeks clarity on what this submission would entail in relation to implementing the NPSFM where possible. Unless clarity is provided seeks that the submission is rejected.  |
| <b>Staff recommendation:</b> Accept in part. See paragraph 6.30 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part  |           |   |         |                      |  |   |
| 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> |
| <b>Staff recommendation:</b> Accept in part. Changes recommended based on this and other submissions. See <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part |           |   |         |                      |  |   |
| 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 <b>Section 2.12</b> of the Regional Policy Statement.  |
| <b>Staff recommendation:</b> Accept in part. Changes recommended based on other submissions. See <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part          |           |   |         |                      |  |   |

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| 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 <b>2.12.3 Kaituna River</b> .  |
| <b>Staff recommendation:</b> Accept. See paragraphs 6.41-6.42 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept     |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | 2.12.3       | AFFCO New Zealand Limited, Rangiuru 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 and there needs to be recognition of how the two interact to develop and maintain a thriving community and river.      | 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.  |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.40 and 6.42 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | 2.12.3       | Eastland Generation Limited   | FS06-3  | Support              | Seeks that the submission is accepted  | Accept submission 6-1.   |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.40 and 6.42 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | 2.12.3       | Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers | FS07-1  | Support              | We support that the health and well-being of the people will support and elevate the well-being of the water bodies and therefore there needs to be recognition of how the two interact to develop and maintain a thriving community and river.  | Accept submission 6-1.   |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.40 and 6.42 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |  |
| 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.   |
| <b>Staff recommendation:</b> Accept. See paragraphs 6.40 and 6.41 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept |              |   |         |                      |  |  |
| 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.<br><br>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 <b>Section 2.12.3</b> with support for Te Mana o te Wai.  |
| <b>Staff recommendation:</b> Accept. See paragraphs 6.40 and 6.41 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept |              |   |         |                      |  |  |
| 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 | Amend <b>Significant Issue 1:</b><br><br><del>Current consented allocation exceeds water quantity limits, i</del> 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 &amp; NES) and current and best knowledge of the aquifers at the Kaituna catchment scale.</u> |

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|  |              |   |         |                      | <p>this report show groundwater level monitoring bores in the Kaituna catchment are stable or increasing with none in decline.</p> <p>Horticulture NZ 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. Horticulture NZ 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.</p> |   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.53 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |   |   |
| 2.12 Treaty co-governance  | 2.14 Issue 1 | Royal Forest and Bird Protection Society NZ (Forest & Bird) | FS01-3  | Oppose               | The NPSFM is to be given effect to by council plans including the RPS. It is not in itself an allocation tool.  | Reject submission 8-1.  |
| <b>Staff recommendation:</b> Accept. See paragraph 6.53 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept |              |   |         |                      |   |   |
| 2.12 Treaty co-governance  | 2.14 Issue 1 | Western Bay of Plenty District Council                      | FS04-2  | Support in part      | Further clarification of the “current and best knowledge of the aquifers at the Kaituna catchment scale” is sought. Understanding what information BOPRC currently hold and the programme to improve this would be beneficial to better appreciate the implications of this change.   | Accept in part 8-1.   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.53 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |   |   |
| 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 <b>Method 34 and 35</b> .   | Amend <b>Issue 1</b> to include:<br><br>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.  |
| <b>Staff recommendation:</b> Reject. See paragraph 6.54 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |   |   |
| 2.12 Treaty co-governance  | 2.14 Issue 1 | Eastland Generation Limited                                 | FS06-6  | Support              | Seeks that the submission is accepted   | Accept submission 9-5.  |
| <b>Staff recommendation:</b> Reject. See paragraph 6.54 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |   |   |
| 2.12 Treaty co-governance  | 2.14 Issue 1 | Royal Forest and Bird Protection Society NZ (Forest & Bird) | 14-2    | Amend                | <p>Could improve alignment with the NPSFM in giving effect to Te Mana o te Wai.</p> <p>The issue can be clarified to make it clear that it is demand for water use that creates the issue with providing for the wellbeing of the waterbody and protecting ecological health.</p>   | <p>Amend Issue 1 as follows:</p> <p><b><u>Demand for Wwater demand use</u> is high and could pose a risk for springs, surface water bodies and associated tangata whenua, ecological and recreational values</b></p> <p>Current consented allocation exceeds water quantity limits in several sub-catchments of the Kaituna River, and in parts of the underlying groundwater resource. Increasing water demand particularly for agriculture, horticulture, industrial and municipal uses continue to increase pressure on key values including tangata whenua, ecological and recreational values. <b><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></b> limits to provide <b><u>firstly for the well-being for key values</u></b> of these waterbodies and springs associated with them....</p> |

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| <b>Staff recommendation:</b> Accept in part. See paragraphs 6.45-6.46 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part |              |   |         |                      |   |  |
| 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 <b>Issue 2</b> into two issues:</p> <p><b><u>2a Urban growth and rural land use intensification</u></b></p> <p><u>Rural land use intensification and urban growth are placing pressure on the state of the Kaituna River, ecosystem health and wetland habitats. Projected urban growth and horticultural intensification may place increased demand on water, particularly in the lower Kaituna.</u></p> <p><b><u>2b Climate change</u></b></p> <p><u>The effects of climate change are increasing pressure on the state of the Kaituna River, ecosystem health and wetland habitats. The trend of lower summer rainfall is anticipated to get worse and is placing pressure on river, stream and puna (spring) flows/levels. The trend of increasing winter rainfall and more intense rainfall events causes other issues such as greater run-off.</u></p> |
| <b>Staff recommendation:</b> Reject. See paragraph 6.63 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject                       |              |   |         |                      |   |  |
| 2.12 Treaty co-governance  | 2.14 Issue 2 | Horticulture NZ   | FS03-1  | Support in part      | We support splitting out urban and rural land use intensification from climate change. However, we consider the current drafting does not describe the situation accurately, it would be more accurate to say (refer tracked changes): Projected urban growth and potential horticultural agricultural intensification may place increased demand on water, particularly in the lower Kaituna   | Accept in part submission 4-3 but amend wording with respect to agriculture.   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.63 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject                       |              |   |         |                      |   |  |
| 2.12 Treaty co-governance  | 2.14 Issue 2 | Eastland Generation Limited   | FS06-7  | Support              | Seeks that WBOPDC's submission is accepted.   | Accept submission 4-3.   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.63 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject                       |              |   |         |                      |   |  |
| 2.12 Treaty co-governance  | 2.14 Issue 2 | Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers | FS07-2  | Support in part      | We agree that climate change and land use have different drivers and should be managed differently. We accept that there are climate change events that have implications for the Kaituna River. However, we consider that climate change mitigations are more appropriately developed by central government and include consideration of a range of factors that are missing from PC5. We note that the Section 32 report discussion of the Issues does not mention climate change at all (page 29 - 5.1).   | Accept in part submission 4-3.   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.63 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject                       |              |   |         |                      |   |  |
| 2.12 Treaty co-governance  | 2.14 Issue 2 | Royal Forest and Bird Protection Society NZ (Forest & Bird)         | 14-3    | Amend                | 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 Rangiuru 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 | <p>Add a <b>NEW issue</b> to recognise impacts of development and urban intensification or <b>make additional amendments to Issue 2:</b></p> <p><b><u>2. Urban growth, climate change, rural land use change and intensification</u></b></p> <p>Rural land use intensification, urban growth <u>and intensification, industrial development, demand for municipal water uses</u> and climate change effects</p>  |



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|  |              |   |         |                      | <p>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>   | are all placing pressure on the state of the Kaituna River, ecosystem health and wetland habitats, <a href="#">mahinga kai and contact recreation</a> .  |
| <b>Staff recommendation:</b> Accept in part. See paragraph 6.62 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | 2.14 Issue 2 | Horticulture NZ   | FS03-2  | Support              | Support the addition of industrial development and demand for municipal water uses as pressures on Kaituna River.  | Accept submission 14-3.  |
| <b>Staff recommendation:</b> Accept in part. See paragraph 6.62 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | 2.14 Issue 2 | Eastland Generation Limited   | FS06-8  | Oppose               | Seeks that the submission is rejected  | Reject submission 14-3.  |
| <b>Staff recommendation:</b> Accept in part. See paragraph 6.62 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | 2.14 Issue 2 | Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers | FS07-3  | Support              | We consider industrial development and demand for municipal water uses are pressures on Kaituna River and should be represented as such.   | Accept submission 14-3.  |
| <b>Staff recommendation:</b> Accept in part. See paragraph 6.62 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |  |
| 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 <b>Issue 3</b> as follows:</p> <p><b>Water quality is declining and is not always suitable <a href="#">to protect ecosystem health, or for swimming in locations people wish to swim</a></b></p> <p>Trends over time show nutrient discharges are increasing <del>which is a and contributing</del> significantly <del>contributor</del> 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> |
| <b>Staff recommendation:</b> Reject. See paragraph 6.68 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject         |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | 2.14 Issue 3 | Eastland Generation Limited   | FS06-9  | Oppose               | Seeks that the submission is rejected  | Reject submission 14-4.  |
| <b>Staff recommendation:</b> Accept. See paragraph 6.68 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject         |              |   |         |                      |  |  |
| 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 &amp; 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 flooding with strategic considerations for future land use and protection of ecosystems health.</p> | <p>Amend <b>Issue 4</b> as follows:</p> <p><b><del>Waterbody modification</del> <a href="#">Drainage scheme</a> impacts</b></p> <p>Mahinga kai, ecosystem health and natural character values are being impacted by <a href="#">drainage scheme</a> waterbody modifications especially in the lower Kaituna River area.</p>  |

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| <b>Staff recommendation:</b> Reject. See paragraph 6.73 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject       |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | 2.14 Issue 4 | Bay of Plenty Regional Council – Rivers and Drainage Assets | FS02-1  | Oppose               | Issue 4 wording should be maintained as originally written because the wording reflects the broader situation that has evolved over time. Loss of wetlands and indigenous vegetation, change in land use, intensification of agricultural/horticultural land use, application of fertilisers, discharge of contaminants through runoff into drains and waterways are all part of the broader issue.<br><br>Rivers & Drainage involvement in Project 1 (Lowland Drains and Drainage Canal Improvement Project) from the Te Tini a Tuna Action Plan in collaboration with Te Maru o Kaituna and other stakeholders, will deliver positive outcomes for the Kaituna River and Maketū Estuary. | Reject submission 14-5.  |
| <b>Staff recommendation:</b> Accept. See paragraphs 6.73-6.74 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | 2.14 Issue 4 | Western Bay of Plenty District Council                      | FS04-3  | Oppose               | WBOPDC opposes changing 'Waterbody modification' to 'drainage scheme'. It is felt that while this is correct in the majority of instances, it unnecessarily narrows the scope of this issue. Waterbody modification may occur for several reasons beyond those of drainage schemes including ad hoc land drainage outside of formal schemes, changes to the extent of wetlands, and other civil engineering projects   | Reject submission 14-5.  |
| <b>Staff recommendation:</b> Accept. See paragraphs 6.73-6.74 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | 2.14 Issue 4 | Tauranga City Council                                       | FS05-4  | Oppose in part       | TCC opposes changing 'Waterbody modification' to 'drainage scheme'. It is felt that while this is correct in the majority of instances, it unnecessarily narrows the scope of this issue. Waterbody modification may occur for several reasons beyond those of drainage schemes including ad hoc land drainage outside of formal schemes, changes to the extent of wetlands, and other civil engineering projects  | Reject submission 14-5.  |
| <b>Staff recommendation:</b> Accept. See paragraphs 6.73-6.74 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept |              |   |         |                      |  |  |
| 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 <b>Issue 6</b> .  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Map 4ab      | Carrus Corporation Limited                                  | 3-1     | Amend                | Map 4ab does not show the Te Tumu and Rangiora 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 Rangiora urban growth areas as identified in the Regional Policy Statement in <b>Map 4ab</b> . |
| <b>Staff recommendation:</b> Reject. See paragraph 6.78 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject       |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Map 4ab      | Te Tumu Landowners Group                                    | 7-1     | Amend                | Map 4ab does not show the Te Tumu and Rangiora 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 Rangiora urban growth areas as identified in the Regional Policy Statement in <b>Map 4ab</b> . |

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| <b>Staff recommendation:</b> Reject. See paragraph 6.78 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject       |              |   |         |                      |  |  |
| 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 <b>Map 4ab</b> .  |
| <b>Staff recommendation:</b> Accept. See paragraphs 6.78-6.79 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept |              |   |         |                      |  |  |
| 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 <b>Table 10c Kaituna River objectives and titles of policies and methods to achieve the objectives:</b><br><br><a href="#">Also see: Objective 23: A compact, well designed urban form that effectively and efficiently accommodates the region's urban growth (Table 8).</a> |
| <b>Staff recommendation:</b> Reject. See paragraph 6.84 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject       |              |   |         |                      |  |  |
| 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 <b>Table 10c Kaituna River objectives and titles of policies and methods to achieve the objectives:</b><br><br><a href="#">Also see: Objective 23: A compact, well designed urban form that effectively and efficiently accommodates the regions urban growth (Table 8).</a>  |
| <b>Staff recommendation:</b> Reject. See paragraph 6.84 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject       |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 40 | Carrus Corporation Limited                                  | 3-2     | Support              | Support the inclusion of Policy IW IB 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 <b>Policy IW 1B</b> as part of the policy approach for achieving <b>Objective 40</b> .  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Reject   |              |   |         |                      |  |  |
| 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 <b>Method 23T</b> to support <b>Objective 40</b> .  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |  |
| 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 <b>Objective 40</b>  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 40 | Te Tumu Landowners Group                                    | 7-2     | Support              | Support the inclusion of Policy IW IB 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 <b>Policy IW 1B</b> as part of the policy approach for achieving <b>Objective 40</b> .  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |  |
| 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 <b>Method 23T</b> to support <b>Objective 40</b> .  |

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| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |   |
| 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 <b>Objective 40</b> to remove the word 'strengthen'.  |
| <b>Staff recommendation:</b> Reject. See paragraph 6.92 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept       |              |   |         |                      |  |   |
| 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.<br><br>This point also references <b>Policy IW 1B, Methods 41 and 42</b> which are linked to Objective 40 in Table 10c.   | Remove the development of Maori land from <b>Objective 40</b> 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:<br><br>(a) consultation as affected Tangata Whenua<br>(b) engagement to discuss and agree matters of significance to Tangata Whenua. |
| <b>Staff recommendation:</b> Reject. See paragraph 6.86 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject       |              |   |         |                      |  |   |
| 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.<br><br>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.<br><br>This point also references <b>Objectives 43, 44, 45, Policies IW 2B, KR 3B, KR 9B and Method KR1.</b> | 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.   |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |   |
| 2.12 Treaty co-governance  | Objective 40 | Eastland Generation Ltd                               | FS06-10 | Support              | Seeks that the submission is accepted  | Accept submission 9-7.  |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |   |
| 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.<br><br>This point also references <b>Objectives 42, 43, 44, 46, Policy IW 2B and Methods KR6, 41 and 42.</b>  | Acknowledge that "Maori" and "Tangata Whenua" are inclusive definitions including: Whanau, mana whenua and Maori land holding entities who are mandated to represent them.<br><br>Clarify that by providing for "wider communities" in objective 46 and others that Whanau and Mana whenua are not included in this wider grouping.                         |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |   |
| 2.12 Treaty co-governance  | Objective 40 | The Proprietors of Taheke 8C &                        | 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   | 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   |

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|  |              | Adjoining Blocks (Inc)                                |         |                      | land. The Council cannot use a Plan Change to usurp those rights and responsibilities or to imply they belong to iwi or hapū only.<br><br>This point also references <b>Objective 44 and Method KR5.</b>   | 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.  |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |  |
| 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 section will give them higher effect than other parts of the plan where there is conflict with this Plan change and the Kaituna.<br><br>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.<br><br>This submission also references <b>Objectives 41, 44, 46, Methods KR3, 23S and 23T.</b>  | Remove "recreation" matters from this Plan Change as it is not an appropriate Plan Change to include those provisions.   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject       |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 40 | Eastland Generation Ltd                               | FS06-11 | Support              | Seeks that the submission is accepted  | Accept submission 9-30.  |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 40 | The Proprietors of Taheke 8C & Adjoining Blocks (Inc) | 9-37    | 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.<br><br>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.<br><br>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.<br><br>This submission point also references <b>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.</b> | All objectives, policies and methods should reflect the Mana Whenua and acknowledge:<br><br>(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);<br>(b) that Mana Whenua are Tangata Whenua and should not be relegated to "communities";<br>(c) Maori landholding organisations representing Maori as having the right to be consulted and participation.<br><br>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. |

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| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |   |  |
| 2.12 Treaty co-governance  | Objective 40 | Te Arawa Lakes Trust  | 12-4    | 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.<br><br>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.  | Retain <b>Objective 40</b>   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |   |  |
| 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.<br><br>The outcome can be improved to address issue statement above, and for consistency with the NPSFM.   | Amend <b>Objective 40</b> :<br><br>The traditional and contemporary relationships that iwi and hapū have with the Kaituna River are recognised, <del>strengthened, enhanced</del> <u>restored</u> , and <del>supported</del> <u>provided for</u> .         |
| <b>Staff recommendation:</b> Reject. See paragraph 6.93 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject       |              |   |         |                      |   |  |
| 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 <b>Method KR3</b> to support <b>Objective 41</b> .  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |   |  |
| 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.<br><br>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.<br><br>The Kaituna River Document only refers to groundwater in objective 5 (Objective 43 in this change) and, it may be worth considering groundwater in the context of the Kaituna River definition in the Tapuika Claims settlement Act 2014. | Amend <b>Objective 41</b> :<br><br>Water quality and the mauri of the water, <del>including groundwater</del> , in the Kaituna River is restored to a state which provides for ecosystem health, human contact, threatened species and mahinga kai values. |
| <b>Staff recommendation:</b> Reject. See paragraph 6.105 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject      |              |   |         |                      |   |  |
| 2.12 Treaty co-governance  | Objective 41 | Royal Forest & Bird Protection Society of New Zealand Inc.  | FS01-1  | Oppose               | Ground water quality is interlined to land use, water take and use. Therefore, it is appropriate to consider groundwater within the same objective.   | Reject submission 4-4.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |   |  |

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| 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 <b>Method KR3</b> to support <b>Objective 41</b> .  |
| <b>Staff recommendation:</b> Accept.  |              |   |         | <b>Panel Recommendation:</b> Accept         |   |  |
| 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 <b>Objective 41</b> .   |
| <b>Staff recommendation:</b> Accept.  |              |   |         | <b>Panel Recommendation:</b> Accept in part |   |  |
| 2.12 Treaty co-governance   | Objective 41 | The Proprietors of Taheke 8C & Adjoining Blocks (Inc) | 9-31    | 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 <b>Objectives 40, 44, 46, Methods KR3, 23S and 23T</b>.</p>  | Remove "recreation" matters from this Plan Change as it is not an appropriate Plan Change to include those provisions.   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.20 of <i>Overview report on submissions</i> .  |              |   |         | <b>Panel Recommendation:</b> Reject         |   |  |
| 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 <b>Objectives 42, 43, 44, Methods KR1, KR5 and Method 42</b>.</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.  |
| <b>Staff recommendation:</b> Accept. See paragraph 6.293 of <i>Overview report on submissions</i> . |              |   |         | <b>Panel Recommendation:</b> Reject         |   |  |
| 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</p> | <p>Amend <b>Objective 41</b>:</p> <p>Water quality and the mauri of the water, <del>including groundwater</del>, in the Kaituna River is restored to a state which provides for ecosystem health, <u>safe drinking water sources</u>, human contact, threatened species and mahinga kai values</p> |

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|--|--------------|---|---------|----------------------|--|--|
|  |              |   |         |                      | <p>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> |  |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.23-6.28 and 6.105 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part (the addition of “safe drinking water sources”) |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 41 | Royal Forest and Bird Protection Society NZ (Forest & Bird)         | FS01-4  | Oppose               | Kaituna river is described to mean all tributaries which should include waters of its catchment including "groundwater"  | Reject submission 11-1.  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 41 | Horticulture NZ   | FS03-3  | Support              | Support the rationale for the change proposed  | Accept submission 11-1.  |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.23-6.28 and 6.105 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject   |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 41 | Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers | 13-1    | Amend                | 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>Amend <b>Objective 41:</b></p> <p>Water quality and the mauri of the water, including groundwater, in the Kaituna River is <del>restored</del><u>maintained or improved</u> to a state which provides for appropriate ecosystem health, human contact, threatened species and mahinga kai values.</p> |
| <b>Staff recommendation:</b> Reject. See paragraph 6.107 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part  |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 41 | Eastland Generation Ltd   | FS06-12 | Support              | Seeks that the submission is accepted  | Accept submission 13-1.  |
| <b>Staff recommendation:</b> Reject. See paragraph 6.107 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part  |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 41 | Royal Forest and Bird Protection Society NZ (Forest & Bird)         | 14-9    | Support              | 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>Retain <b>Objective 41</b> and amend to include:</p> <p><u>'By 2030'</u>.</p>   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.108 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject  |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 41 | Horticulture NZ   | FS03-4  | Oppose               | The basis for adding 2030 as a timeframe is unclear.   | Reject submission 14-9.  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 41 | Western Bay of Plenty District Council                              | FS04-4  | Oppose               | WBOPDC opposes the insertion of 'by 2030' to this Objective. The inclusion of a timeframe confuses the objective and is a matter better addressed through the NPSFM process.   | Reject submission 14-9.  |



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|--|--------------|---|---------|----------------------|---|---|
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |   |   |
| 2.12 Treaty co-governance  | Objective 41 | Eastland Generation Ltd   | FS06-13 | Oppose               | Seeks that the submission is rejected   | Reject submission 14-9.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |   |   |
| 2.12 Treaty co-governance  | Objective 41 | Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers | FS07-4  | Oppose               | The basis for adding 2030 as a timeframe is unclear.  | Reject submission 14-9.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |   |   |
| 2.12 Treaty co-governance  | Objective 42 | Horticulture New Zealand  | 8-4     | Support              | Objective 42 aligns with Kaituna He Taonga Tuku Iho and the NPSFM.  | Retain <b>Objective 42</b> .  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |   |   |
| 2.12 Treaty co-governance  | Objective 42 | The Proprietors of Taheke 8C & Adjoining Blocks (Inc)               | 9-11    | 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.<br><br>This point also references <b>Objectives 40, 43, 44, 46, Policy IW 2B and Methods KR6, 41 and 42.</b>   | Acknowledge that "Maori" and "Tangata Whenua" are inclusive definitions including Whanau, mana whenua and Maori land holding entities who are mandated to represent them.<br><br>Clarify that by providing for "wider communities" in objective 46 and others that Whanau and Mana whenua are not included in this wider grouping.                            |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject       |              |   |         |                      |   |   |
| 2.12 Treaty co-governance  | Objective 42 | The Proprietors of Taheke 8C & Adjoining Blocks (Inc)               | 9-23    | 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<br><br>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.<br><br>This submission also references <b>Objective 45 and Methods KR2, KR4, KR6, 23, 23S, 23T and 64.</b> | 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.<br><br>Nor will Maori landowners be forced to pay for these proposed actions including the removal of lawfully approved structures from the Okere River.                               |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.316 and 6.333 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |   |   |
| 2.12 Treaty co-governance  | Objective 42 | Eastland Generation Ltd   | FS06-14 | Support              | Seeks that the submission is accepted   | Accept submission 9-23.   |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.316 and 6.333 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |   |   |
| 2.12 Treaty co-governance  | Objective 42 | The Proprietors of Taheke 8C & Adjoining Blocks (Inc)               | 9-38    | 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.   | All objectives, policies and methods should reflect the Mana Whenua and acknowledge:<br><br>(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);<br>(b) that Mana Whenua are Tangata Whenua and should not be relegated to "communities"; |

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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 <b>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.</b></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> |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |   |
| 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 <b>Objective 42.</b>  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |   |
| 2.12 Treaty co-governance  | Objective 42 | Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers | 13-3    | Amend                | <p>Federated Farmers is concerned that PC5 will unjustly prohibit farmers from using the Kaituna River for farming purposes that are not provided for under RMA s14(3)(b) and, considers Objective 42 should specifically reference other productive values.</p>   | <p>Amend <b>Objective 42:</b></p> <p>There is sufficient water quantity in the Kaituna River to support the mauri of rivers and streams and provide for tangata whenua, ecological, <u>and</u> recreational <u>and other productive</u> values.</p>   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.113 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject      |              |   |         |                      |  |   |
| 2.12 Treaty co-governance  | Objective 42 | Royal Forest and Bird Protection Society NZ (Forest & Bird)         | FS01-7  | Oppose               | <p>The wellbeing of water needs to come first. The term "productive uses" is uncertain and may not sit with the first or second priorities for Te Mana o te Wai.</p>   | Reject submission 13-3.   |
| <b>Staff recommendation:</b> Accept. See paragraph 6.113 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept      |              |   |         |                      |  |   |
| 2.12 Treaty co-governance  | Objective 42 | Horticulture NZ   | FS03-5  | Support              | <p>Support including, in addition to mauri and tangata whenua, ecological and recreational values – providing sufficient quantity for productive values.</p>   | Accept submission 13-3.   |

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| <b>Staff recommendation:</b> Reject. See paragraph 6.113 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject        |              |   |         |                      |  |  |
| 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 <b>Objective 42:</b><br><br>There is sufficient water quantity in the Kaituna River to support the mauri of rivers and streams and provide for tangata whenua, ecological <a href="#">health</a> and recreational values <a href="#">by 2030</a> . |
| <b>Staff recommendation:</b> Reject. See paragraph 6.114 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject        |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 42 | Horticulture NZ   | FS03-6  | Oppose               | The basis for adding 2030 as a timeframe is unclear.   | Reject submission 14-10.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 42 | Western Bay of Plenty District Council                              | FS04-5  | Oppose               | WBOPDC opposes the insertion of 'by 2030' to this Objective. The inclusion of a timeframe confuses the objective and is a matter better addressed through the NPSFM process  | Reject submission 14-10.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 42 | Eastland Generation Ltd   | FS06-15 | Oppose               | Seeks that the submission is rejected  | Reject submission 14-10  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 42 | Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers | FS07-5  | Oppose               | The basis for adding 2030 as a timeframe is unclear.   | Reject submission 14-10.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |  |
| 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 <sup>2</sup> emissions. | Include a NEW Policy associated with <b>Objective 43</b> to recognise climate change mitigation.   |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.266-6.269 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 43 | Western Bay of Plenty District Council                              | FS04-6  | Oppose               | A new policy to recognise climate change mitigation is not considered appropriate to be introduced through the Change 5 process. Such a policy is better considered and introduced through a wider regional process.   | Reject submission 2-8.   |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.266-6.269 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 43 | Horticulture NZ   | FS03-7  | Support in part      | A new policy addressing climate change mitigation should also consider the opportunity of land use change (to lower emissions land uses) such as horticulture.   | Accept in part submission 2-8.   |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.266-6.269 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |  |

| Section  | Provision    | Submitter name  | Sub no. | Support/oppose/amend                        | Submission point summary  | Decision sought summary   |
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| 2.12 Treaty co-governance  | Objective 43 | Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers | FS07-15 | Oppose                                      | Climate change mitigations are more appropriately developed by central government and include consideration of a range of factors that are missing from PC5.  | Reject submission 2-8.  |
| <b>Staff recommendation:</b> Accept.   |              |   |         | <b>Panel Recommendation:</b> Accept         |   |   |
| 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 <b>Objective 43</b> .   |
| <b>Staff recommendation:</b> Accept.   |              |   |         | <b>Panel Recommendation:</b> Accept in part |   |   |
| 2.12 Treaty co-governance  | Objective 43 | AFFCO New Zealand Limited, Rangiuru Plant                           | 6-2     | Support                                     | Reflects an appropriate consideration of economic activities, particularly those which contribute to economic wellbeing of iwi, hapū and communities.   | Retain <b>Objective 43</b> .  |
| <b>Staff recommendation:</b> Accept.   |              |   |         | <b>Panel Recommendation:</b> Accept in part |   |   |
| 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 <b>Objective 43</b> .   |
| <b>Staff recommendation:</b> Accept.   |              |   |         | <b>Panel Recommendation:</b> Accept in part |   |   |
| 2.12 Treaty co-governance  | Objective 43 | Horticulture New Zealand  | 8-5     | Support                                     | Horticulture NZ supports sustainable allocation and efficient use to provide for a range of well-beings for now and future generations.   | Retain <b>Objective 43</b> .  |
| <b>Staff recommendation:</b> Accept.   |              |   |         | <b>Panel Recommendation:</b> Accept in part |   |   |
| 2.12 Treaty co-governance  | Objective 43 | The Proprietors of Taheke 8C & Adjoining Blocks (Inc)               | 9-8     | 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 <b>Objectives 40, 44, 45, Policies IW 2B, KR 3B, KR 9B and Method KR1</b>.</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.   |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.20 of <i>Overview report on submissions</i> . |              |   |         | <b>Panel Recommendation:</b> Reject         |   |   |
| 2.12 Treaty co-governance  | Objective 43 | Eastland Generation Ltd   | FS06-16 | Support                                     | Seeks that the submission is accepted.  | Accept submission 9-8.  |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.20 of <i>Overview report on submissions</i> . |              |   |         | <b>Panel Recommendation:</b> Reject         |   |   |
| 2.12 Treaty co-governance  | Objective 43 | The Proprietors of Taheke 8C & Adjoining Blocks (Inc)               | 9-12    | 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 <b>Objectives 40, 42, 44, 46, Policy IW 2B and Methods KR6, 41 and 42</b>.</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> |

| Section  | Provision    | Submitter name  | Sub no. | Support/oppose/amend | Submission point summary   | Decision sought summary  |
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| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 43 | The Proprietors of Taheke 8C & Adjoining Blocks (Inc)             | 9-39    | 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 <b>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.</b></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> |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |  |
| 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 <b>Objectives 41, 42, 44, Methods KR1, KR5 and Method 42</b></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.  |
| <b>Staff recommendation:</b> Accept. See paragraph 6.293 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject      |              |   |         |                      |  |  |
| 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 <b>Objective 43</b>  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept in part   |              |   |         |                      |  |  |

| Section  | Provision    | Submitter name  | Sub no. | Support/oppose/amend | Submission point summary   | Decision sought summary  |
|--|--------------|---|---------|----------------------|--|--|
| 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.   | Amend <b>Objective 43</b> :<br><br>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.  |
| <b>Staff recommendation:</b> Reject. See paragraph 6.122 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject  |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 43 | Royal Forest and Bird Protection Society NZ (Forest & Bird)         | FS01-8  | Oppose               | The term individuals detract from the community and future generations focus.  | Oppose submission 13-4.  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |  |
| 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.<br><br>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. | Change <b>Objective 43</b> to a policy under objective 42 or, amend:<br><br>Water in the Kaituna River is sustainably allocated and efficiently used to provide for the social, economic and cultural well-being of iwi, hapū and communities now and for future generations, <u>while prioritising the health and wellbeing of water bodies and freshwater ecosystems</u> . |
| <b>Staff recommendation:</b> Reject. See paragraph 6.124 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part (new policy KR 4Ba)  |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 43 | Eastland Generation Ltd   | FS06-17 | Oppose               | Seeks that the submission is rejected  | Reject submission 14-11.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Reject   |              |   |         |                      |  |  |
| 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 <b>Objective 43</b> :<br><br>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> .   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.123 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part (new policy KR 4Ba)  |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 43 | Western Bay of Plenty District Council                              | FS04-7  | Oppose in part       | WBOPDC supports the intent of the submitter, but it is unclear which change the submitter is proposing. It is also felt that the implications of the change need to be considered further and clarified.   | Reject in part submissions 14-11 and 14-40.  |
| <b>Staff recommendation:</b> Accept in part (no changes recommended as a result of submission points 14-11 and 14-40). <b>Panel Recommendation:</b> Accept in part   |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 43 | Eastland Generation Ltd   | FS06-18 | Oppose               | Seeks that the submission is rejected  | Reject submission 14-40.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Reject   |              |   |         |                      |  |  |
| 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 <b>Objective 44</b> .   |
| <b>Staff recommendation:</b> Accept in part. Changes made in response to other submission points – see paragraphs 6.132-6.141 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept |              |   |         |                      |  |  |

| Section   | Provision    | Submitter name  | Sub no. | Support/oppose/amend | Submission point summary  | Decision sought summary  |
|---|--------------|---|---------|----------------------|---|--|
| 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.<br><br>This point also references <b>Objectives 40, 42, 43, 46, Policy IW 2B and Methods KR6, 41 and 42.</b>   | Acknowledge that "Maori" and "Tangata Whenua" are inclusive definitions including Whanau, mana whenua and Maori land holding entities who are mandated to represent them.<br><br>Clarify that by providing for "wider communities" in objective 46 and others that Whanau and Mana whenua are not included in this wider grouping. |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject      |              |   |         |                      |   |  |
| 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.<br><br>This point also references <b>Objective 40 and Method KR5.</b>   | Clarify that the Method will not impinge on the kaitiaki and rangatiratanga of Maori landowners along the Okere River. Ensure that Maori land entities and Taheke as a significant landowner along the Okere River are part of any implementation, not just iwi authorities who do not have mandate to represent Taheke 8C.        |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject      |              |   |         |                      |   |  |
| 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.  |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject      |              |   |         |                      |   |  |
| 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.<br><br>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.<br><br>This submission also references <b>Objectives 40, 41, 46, Methods KR3, 23S and 23T.</b> | Remove "recreation" matters from this Plan Change as it is not an appropriate Plan Change to include those provisions.   |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.20 and 6.316 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |   |  |
| 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.<br><br>This submission point also references <b>Objectives 41, 42, 43, Methods KR1, KR5 and Method 42.</b>  | 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.  |
| <b>Staff recommendation:</b> Accept. See paragraph 6.293 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject           |              |   |         |                      |   |  |
| 2.12 Treaty co-governance   | Objective 44 | Tauranga City Council                                 | 11-2    | Amend                | 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   | Include a definition for "best management practices" and amend <b>Objective 44:</b>  |

| Section  | Provision    | Submitter name  | Sub no. | Support/oppose/amend | Submission point summary  | Decision sought summary  |
|--|--------------|---|---------|----------------------|---|--|
|  |              |   |         |                      | <p>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> | <del>The</del> Activities use best management practices to improve the environmental well-being of the Kaituna River <del>is enhanced through best management practices.</del> |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.132-6.141 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part |              |   |         |                      |   |  |
| 2.12 Treaty co-governance  | Objective 44 | Western Bay of Plenty District Council                              | FS04-8  | Support in part      | WBOPDC supports the change in part, in so far as it provides clarity to Plan users.   | Support in part submission 11-2.   |
| <b>Staff recommendation:</b> Reject. <b>Panel Recommendation:</b> Accept in part   |              |   |         |                      |   |  |
| 2.12 Treaty co-governance  | Objective 44 | Eastland Generation Ltd   | FS06-19 | Oppose               | Seeks that the submission is rejected   | Reject submission 11-2.  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Reject   |              |   |         |                      |   |  |
| 2.12 Treaty co-governance  | Objective 44 | Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers | FS07-6  | Oppose               | Clarity and guidelines around management practices would be helpful, however we consider that this objective needs to focus on industry agreed good management practices (not "best" management practices). We are 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.  | Reject submission 11-2.  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Reject   |              |   |         |                      |   |  |
| 2.12 Treaty co-governance  | Objective 44 | Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers | 13-5    | Amend                | 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.  | Amend <b>Objective 44:</b><br>The environmental well-being of the Kaituna River is enhanced through <b>bestgood</b> management practices.                                      |
| <b>Staff recommendation:</b> Accept. See paragraphs 6.132-6.141 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject         |              |   |         |                      |   |  |
| 2.12 Treaty co-governance  | Objective 44 | Eastland Generation Ltd   | FS06-20 | Support              | Seeks that the submission is accepted   | Accept submission 13-5.  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Reject   |              |   |         |                      |   |  |



| Section  | Provision    | Submitter name  | Sub no. | Support/oppose/amend | Submission point summary  | Decision sought summary   |
|--|--------------|---|---------|----------------------|---|---|
| 2.12 Treaty co-governance  | Objective 44 | Royal Forest and Bird Protection Society NZ (Forest & Bird) | 14-12   | Oppose               | Objective 44 is not clear, 'environment' is very broadly defined in the RMA and includes people.<br><br>The intent of the objective should be to recognise the needs of the water body first consistent with the NPSFM.   | Amend <b>Objective 44</b> :<br><br>The <del>environmental health and</del> well-being of the Kaituna River is enhanced through best management practices.   |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.132-6.141 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject           |              |   |         |                      |   |   |
| 2.12 Treaty co-governance  | Objective 44 | Eastland Generation Ltd                                     | FS06-21 | Oppose               | Seeks that the submission is rejected   | Reject submission 14-12.  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |   |   |
| 2.12 Treaty co-governance  | Objective 45 | Eastland Generation Limited                                 | 2-1     | Support              | Eastland recognises the importance of restoring, protecting and enhancing the river to support its sustainable management.  | Eastland supports provisions that provide for the relationship of tangata whenua with the river including the promotion of economic development opportunities.  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |   |   |
| 2.12 Treaty co-governance  | Objective 45 | Horticulture New Zealand                                    | 8-7     | Support              | Objective 45 aligns with Kaituna He Taonga Tuku Iho and the NPSFM.  | Retain <b>Objective 45</b> .  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |   |   |
| 2.12 Treaty co-governance  | Objective 45 | The Proprietors of Taheke 8C & Adjoining Blocks (Inc)       | 9-9     | 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.<br><br>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.<br><br>This submission point also references <b>Objectives 40, 43, 44, Policies IW 2B, KR 3B, KR 9B and Method KR1</b> . Also see points 9.18 to 9.21. | 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.   |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.19 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject             |              |   |         |                      |   |   |
| 2.12 Treaty co-governance  | Objective 45 | The Proprietors of Taheke 8C & Adjoining Blocks (Inc)       | 9-24    | 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<br><br>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.<br><br>This submission also references <b>Objective 42 and Methods KR2, KR4, KR6, 23, 23S, 23T and 64</b> .  | 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.<br><br>Nor will Maori landowners be forced to pay for these proposed actions including the removal of lawfully approved structures from the Okere River. |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.20, 6.316 and 6.333 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |   |   |
| 2.12 Treaty co-governance  | Objective 45 | Eastland Generation Ltd                                     | FS06-22 | Support              | Seeks that the submission is accepted   | Accept submission 9-24.   |

| Section   | Provision    | Submitter name  | Sub no. | Support/oppose/amend | Submission point summary   | Decision sought summary   |
|---|--------------|---|---------|----------------------|--|---|
| <b>Staff recommendation:</b> Reject. <b>Panel Recommendation:</b> Reject  |              |   |         |                      |  |   |
| 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 <b>Policy KR 5B, Method 23S, Method 23T and Methods 48, 49, 55, 64 and 65.</b></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> |
| <b>Staff recommendation:</b> Reject. See paragraph 6.330 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |   |
| 2.12 Treaty co-governance   | Objective 45 | Eastland Generation Ltd                               | FS06-23 | Support              | Seeks that the submission is accepted  | Accept submission 9-51.   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.330 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |   |
| 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, <del>and</del> enhanced to support indigenous species.</p>   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.147 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |   |

| Section  | Provision    | Submitter name  | Sub no. | Support/oppose/amend | Submission point summary   | Decision sought summary  |
|--|--------------|---|---------|----------------------|--|--|
| 2.12 Treaty co-governance  | Objective 45 | Eastland Generation Ltd                                     | FS06-24 | Support              | Seeks that the submission is accepted  | Accept submission 11-3.  |
| <b>Staff recommendation:</b> Reject. See paragraph 6.147 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject      |              |   |         |                      |  |  |
| 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 <b>Objective 45</b> .   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |  |
| 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 <b>Objective 46</b> (Policy KR 7B and Method KR 6).  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept in part   |              |   |         |                      |  |  |
| 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 <b>Objective 46</b> .  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept in part   |              |   |         |                      |  |  |
| 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 <b>Objective 46</b> .  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept in part   |              |   |         |                      |  |  |
| 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 <b>Objective 46</b> .   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |  |
| 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.<br><br>This point also references <b>Objectives 40, 42, 43, 44, Policy IW 2B and Methods KR6, 41 and 42.</b><br><br>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.<br><br>Clarify that by providing for "wider communities" in objective 46 and others that Whanau and Mana whenua are not included in this wider grouping. |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.19 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |  |
| 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  | Remove "recreation" matters from this Plan Change as it is not an appropriate Plan Change to include those provision.  |

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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 <b>Objectives 40, 41, 44 and Methods KR3, 23S and 23T.</b></p>   |  |
| <b>Staff recommendation:</b> Reject. See paragraph 6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject                         |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 46 | The Proprietors of Taheke 8C & Adjoining Blocks (Inc)               | 9-55    | Amend                | <p>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.</p> <p>Taheke has relationships with certain agencies including DOC and does not wish to have those put at risk by this Plan Change.</p> <p>This submission point also references <b>Policies IW 7D, IR 3B, IW 1B, IW 7D and Method 48.</b></p> | <p>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 Whenua.</p> <p>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.</p> |
| <b>Staff recommendation:</b> Accept in part. See paragraphs 6.325-6.329 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 46 | Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers | 13-6    | Amend                | <p>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.</p>  | <p>Amend <b>Objective 46</b> to:</p> <p>Te Maru o Kaituna to collaborate with iwi, <u>and</u> the wider community <u>and primary industry groups</u> to enable environmental, economic, social, educational and cultural aspirations for the restoration, protection and enhancement of the Kaituna River.</p>   |
| <b>Staff recommendation:</b> Accept. See paragraphs 6.151-6.152 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept                 |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 46 | Horticulture NZ   | FS03-8  | Support              | Horticulture NZ support collaboration with primary industry groups   | Accept submission 13-6.  |
| <b>Staff recommendation:</b> Accept. See paragraphs 6.151-6.152 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept                 |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 46 | Royal Forest and Bird Protection Society NZ (Forest & Bird)         | 14-14   | Amend                | <p>We support this in principle, but Objective 46 is more of a policy than an objective.</p> <p>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.</p>   | <p>Move <b>Objective 46 to the policies section</b> with refinement to ensure it provides clear direction for implementation and reconsider the terms 'enable' and 'aspirations'.</p>  |
| <b>Staff recommendation:</b> Accept in part. See paragraph 6.153 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part        |              |   |         |                      |  |  |
| 2.12 Treaty co-governance  | Objective 46 | Eastland Generation Ltd   | FS06-25 | Oppose               | Seeks that the submission is rejected  | Reject submission 14-14.   |
| <b>Staff recommendation:</b> Accept in part. See paragraph 6.153 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part        |              |   |         |                      |  |  |

| Section   | Provision    | Submitter name  | Sub no. | Support/oppose/amend | Submission point summary  | Decision sought summary  |
|---|--------------|---|---------|----------------------|---|--|
| 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 <b>Policy KR 1B</b> for consistency and clarity to read:<br><br><b>Policy KR 1B: Recognise, strengthen, enhance and provide for traditional and contemporary iwi and hapū relationships with <u>the</u> Kaituna River</b><br><br>Recognise, strengthen, enhance and provide for traditional and contemporary iwi and hapū relationships with <u>the</u> Kaituna River... |
| <b>Staff recommendation:</b> Accept. See paragraph 6.158 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept |              |   |         |                      |   |  |
| 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 <b>Policy KR 1B</b>  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept  |              |   |         |                      |   |  |
| 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 <b>Policy KR 1B:</b> Recognise, <del>strengthen</del> , enhance and provide for traditional and contemporary iwi and hapū relationships with Kaituna River.<br><br>Recognise, <del>strengthen</del> , enhance and provide for traditional and contemporary iwi and hapū relationships with Kaituna River...  |
| <b>Staff recommendation:</b> Reject. See paragraph 6.159 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept |              |   |         |                      |   |  |
| 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.<br><br>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 <b>Policy KR 1B</b>   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept in part  |              |   |         |                      |   |  |
| 3.1 Policies  | Policy KR 1B | Royal Forest and Bird Protection Society NZ (Forest & Bird) | 14-15   | Support              | Policy KR 1B is appropriate.  | Retain <b>Policy KR 1B.</b>  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept  |              |   |         |                      |   |  |
| 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 <b>Policy KR 2B:</b><br><br>The drinking water standards are high across a range of contaminants, and it is unrealistic to expect these to be met in <del>all parts of the</del> Kaituna River without water treatment.  |
| <b>Staff recommendation:</b> Reject. See paragraph 6.176 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |   |  |

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|---|--------------|---|---------|----------------------|---|---|
| 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 <b>Policy KR 2B</b> .  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept  |              |   |         |                      |   |   |
| 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 <b>Policy KR 2B (b)</b> as follows:<br><br>(b) Provides safe drinking water sources where the water is used for <del>that</del> <u>purpose domestic, marae or municipal water supply</u> ;  |
| <b>Staff recommendation:</b> Reject. See paragraph 6.177 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |   |   |
| 3.1 Policies  | Policy KR 2B | Western Bay of Plenty District Council                              | FS04-9  | Support              | WBOPDC supports the change in part, in so far as it provides clarity to Plan users.   | Accept submission 11-4.   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.177 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |   |   |
| 3.1 Policies  | Policy KR 2B | Eastland Generation Ltd   | FS06-26 | Support              | Seeks that the submission is accepted   | Accept submission 11-4.   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.177 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |   |   |
| 3.1 Policies  | Policy KR 2B | Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers | FS07-7  | Oppose               | We prefer the notified wording.   | Reject submission 11-4.   |
| <b>Staff recommendation:</b> Accept. See paragraph 6.177 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept |              |   |         |                      |   |   |
| 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 <b>first paragraph of Policy KR 2B's Explanation</b> :<br><br>... 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> .  |
| <b>Staff recommendation:</b> Reject. See paragraph 6.177 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |   |   |
| 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.<br><br>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 | Amend the <b>second paragraph of the Explanation for Policy KR 2B</b> :<br><br>The ability to access safe drinking water is <del>important</del> <u>critical importance</u> to the community.<br><br>Amend the <b>second paragraph of the Explanation for Policy KR 2B</b> to reflect the latest Government requirements for the protection of sources of drinking water. |

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|  |                                |   |         |                                | hearings. The Explanation should be updated to reflect the latest requirements for the protection of sources of drinking water.  |   |
| <b>Staff recommendation:</b> Accept in part. See paragraphs 6.178-6.179 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept         |                                |   |         |                                |  |   |
| 3.1 Policies   | Policy KR 2B (and explanation) | Horticulture NZ   | FS03-9  | Oppose                         | The wording sought by the submitter seeks to change the wording from “that purpose” to “domestic, marae or municipal water”. We prefer the notified wording, because limits should provide for existing uses of drinking water, but in future, consideration should be given to the suitability for the location for drinking water supply. In addition, it is more accurate to describe the use as “drinking water” than “municipal” because municipal supplies are used for broader purposes | Reject submission 11-6.   |
| <b>Staff recommendation:</b> Accept in part. See paragraphs 6.178-6.179 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part |                                |   |         |                                |  |   |
| 3.1 Policies   | Policy KR 2B (and explanation) | Horticulture NZ   | FS03-10 | Support in part/Oppose in part | The wording sought by the submitter is not certain. We understand that a source water management plan is about the water supplier identifying and managing risk. The wording sought by the submitter is not certain.   | Accept in part submission 11-6.   |
| <b>Staff recommendation:</b> Accept in part. See paragraphs 6.178-6.179 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part |                                |   |         |                                |  |   |
| 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 <b>new paragraph in the Explanation for Policy KR 2B:</b><br><br><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>                            |
| <b>Staff recommendation:</b> Reject. See paragraph 6.180 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject                        |                                |   |         |                                |  |   |
| 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 <b>times</b> 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 <b>Policy KR 2B</b> 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.   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.181 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject                        |                                |   |         |                                |  |   |
| 3.1 Policies   | Policy KR 2B                   | Eastland Generation Ltd   | FS06-27 | Support                        | Seeks that the submission is accepted  | Accept submission 13-7.   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.181 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject                        |                                |   |         |                                |  |   |
| 3.1 Policies   | Policy KR 2B                   | Royal Forest and Bird Protection Society NZ (Forest & Bird)         | 14-16   | Amend                          | 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.<br><br>Reference to ecosystem health (and other values in the NPSFM and the issue statement) is missing.   | Amend <b>Policy KR 2B:</b><br><br>(a) Is safe for bathing in identified locations where people wish to swim <u>or undertake other primary contact activities</u> .<br>(b) Provides safe drinking water sources where the water is used for that purpose.<br>(c) Can sustain customary kai awa and kai moana sources; <b>and</b><br>(d) <u>Is suitable for cultural ceremonies at traditional sites; and</u> |

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|   |              |   |         |                      | 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).   | <a href="#">(e) Provides for ecosystem health and protects the habitats of indigenous freshwater species</a><br><a href="#">(f) Quality is improved where degraded, and maintained or improved elsewhere</a>  |
| <b>Staff recommendation:</b> Reject. See paragraph 6.182 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |   |
| 3.1 Policies  | Policy KR 2B | Western Bay of Plenty District Council                              | FS04-10 | Support in part      | WBOPDC supports the change in part, in so far as it provides clarity to Plan users. In particular the changes to (a) are supported. New clause (e) is opposed in part. The intent of the change is appreciated; however, it is unclear what the wider implications of the clause may be and how conflicting uses may be allowed for.   | Accept in part submission 14-16.  |
| <b>Staff recommendation:</b> Reject. See paragraph 6.182 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |   |
| 3.1 Policies  | Policy KR 2B | Eastland Generation Ltd   | FS06-28 | Oppose               | Seeks that the submission is rejected  | Reject submission 14-16.  |
| <b>Staff recommendation:</b> Accept. See paragraph 6.182 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept |              |   |         |                      |  |   |
| 3.1 Policies  | Policy KR 3B | Western Bay of Plenty District Council                              | 4-7     | Amend                | Minor correction required to remove an apostrophe at the end of the sentence after Policy KR 3B.   | Remove an apostrophe from the end of the sentence for <b>Policy KR 3B:</b><br>...and achieve the vision, objectives and desired outcomes of the Kaituna River Document.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept  |              |   |         |                      |  |   |
| 3.1 Policies  | Policy KR 3B | Western Bay of Plenty District Council                              | 4-8     | Support              | 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...'   | Support Policy KR 3B and explanation text.  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept  |              |   |         |                      |  |   |
| 3.1 Policies  | Policy KR 3B | Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers | FS07-8  | Support in part      | We support the use of mātauranga Māori to inform resource management decision making processes where there is a potential that the activity will have a cultural effect. We do not consider that it is necessary to use mātauranga Māori to inform all resource management decision making where there will be no cultural effect. Where it is appropriate for mātauranga Māori to inform resource management decision making we strongly support that information to be readily accessible. | Accept in part submission 4-8.  |
| <b>Staff recommendation:</b> Accept in part. <b>Panel Recommendation:</b> Accept in part  |              |   |         |                      |  |   |
| 3.1 Policies  | Policy KR 3B | AFFCO New Zealand Limited, Rangiora Plant                           | 6-4     | Amend                | 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.   | Amend <b>Policy KR 3B:</b> Use mātauranga Māori <a href="#">alongside science</a> to inform resource management decision making processes in the Kaituna River and achieve the vision, objectives and desired outcomes of the Kaituna River Document. |
| <b>Staff recommendation:</b> Reject. See paragraph 6.190 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |   |



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| 3.1 Policies   | Policy KR 3B | Eastland Generation Ltd   | FS06-29 | Support              | Seeks that the submission is accepted   | Accept submission 6-4.   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.190 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject      |              |   |         |                      |   |  |
| 3.1 Policies   | Policy KR 3B | Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers | FS07-9  | Support              | We support the use of Mātauranga Māori to inform resource management decision making processes where there is a potential that the activity will have a cultural effect. We also consider that the use of science is important to making an informed decision and should also be referenced to recognise the significance that each element has in the decision making.   | Accept submission 6-4.   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.190 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject      |              |   |         |                      |   |  |
| 3.1 Policies   | Policy KR 3B | Horticulture New Zealand  | 8-11    | Support              | 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.   | Retain <b>Policy KR 3B</b> .   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |   |  |
| 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 <b>Objectives 40, 43, 4, 45, Policies IW 2B, KR 9B and Method KR1</b>.</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.  |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.19 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |   |  |
| 3.1 Policies   | Policy KR 3B | The Proprietors of Taheke 8C & Adjoining Blocks (Inc)               | 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 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.</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</p> |

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|  |              |   |         |                      | 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.<br><br>This submission point also references <b>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.</b> | exclude the mana of Whanau and the Maori institutions that lawfully represent them.   |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.19 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |   |   |
| 3.1 Policies   | Policy KR 3B | Eastland Generation Ltd   | FS06    | Support              | Seeks that the submission is accepted   | Accept submission 9-4.  |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.19 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |   |   |
| 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 <b>Policy KR 3B</b> 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.   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.191 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject      |              |   |         |                      |   |   |
| 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 <b>Policy KR 3B</b> in the explanation to correct 'complimentary' to 'complementary'.  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |   |   |
| 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 <b>Policy KR 4B</b> to:<br><br>Managing groundwater abstraction in the Kaituna River <a href="#">Catchment for the protection of puna and springs</a> .   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.200 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject      |              |   |         |                      |   |   |
| 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 ( <b>see Sub Point 8-1</b> ).   | Retain <b>Policy KR 4B</b> subject to the amendment sought for Significant Issue 1 being accepted.  |
| <b>Staff recommendation:</b> Reject. See paragraph 6.53 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject       |              |   |         |                      |   |   |
| 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.   | All objectives, policies and methods should reflect the Mana Whenua and acknowledge:<br><br>(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);<br>(b) that Mana Whenua are Tangata Whenua and should not be relegated to "communities". |

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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 <b>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.</b></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> |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.19 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |   |
| 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 <b>Policy KR 4B</b>   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |   |
| 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 <b>Policy KR 4B</b> 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</p> <p>(b) Ensuring there is sufficient water available to provide for tangata whenua, ecological, <u>and</u> recreational <u>and other productive</u> values.</p>   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.201 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject      |              |   |         |                      |  |   |
| 3.1 Policies   | Policy KR 4B | Royal Forest and Bird Protection Society NZ (Forest & Bird)         | FS01-9  | Oppose               | <p>The wellbeing of water needs to come first. The term "productive uses" is uncertain and may not sit with the first or second priorities for Te Mana o te Wai.</p>   | Reject submission 13-9.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |   |
| 3.1 Policies   | Policy KR 4B | Eastland Generation Ltd   | FS06-31 | Support              | <p>Seeks that the submission is accepted in relation to 'other productive values'.</p>   | Accept submission 13-9.   |

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| <b>Staff recommendation:</b> Reject. See paragraph 6.201 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject   |              |   |         |                      |   |  |
| 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   | Amend <b>Policy KR 4B:</b><br><br>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: |
| <b>Staff recommendation:</b> Reject. See paragraph 6.202 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject   |              |   |         |                      |   |  |
| 3.1 Policies  | Policy KR 4B | Eastland Generation Ltd   | FS06-32 | Oppose               | Seeks that the submission is rejected   | Reject submission 14-18.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept  |              |   |         |                      |   |  |
| 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 <b>Policy KR 5B.</b>  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept in part  |              |   |         |                      |   |  |
| 3.1 Policies  | Policy KR 5B | Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers | FS07-10 | Oppose               | We are 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. We consider that the policy ought to reference "good management practices" to reflect this.  | Reject submission 4-10.  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Reject  |              |   |         |                      |   |  |
| 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 commonplace and for many operations a requirement. Can this example be expanded or amended as sought.   | Amend the explanation for <b>Policy KR 5B:</b><br><br>An example of best management practice is <u>preparation and implementation of</u> farm environment plans...   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.212 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject   |              |   |         |                      |   |  |
| 3.1 Policies  | Policy KR 5B | Horticulture New Zealand  | 8-13    | Support              | Horticulture NZ 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.<br><br>Horticulture NZ support clause (c) and relevant proposed implementation Method 23N that seeks to develop protocols for this process. | Retain <b>Policy KR 5B</b> and <b>Method 23N</b> (see point <b>8.19</b> ).   |
| <b>Staff recommendation:</b> Accept in part. Changes made in response to other submissions. See paragraphs 6.132-6.142 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept |              |   |         |                      |   |  |

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|---|--------------|---|----------|----------------------|---|---|
| 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 <b>Objective 45, Method 23S, Method 23T and Methods 48, 49, 55, 64 and 65.</b></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>   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.332 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |          |                      |   |   |
| 3.1 Policies  | Policy KR 5B | Eastland Generation Ltd   | FS06-33  | Support              | Seeks that the submission is accepted.  | Accept submission 9-52.   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.332 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |          |                      |   |   |
| 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 "<b>best management practices</b>" and amend <b>Policy KR 5B</b> as follows:</p> <p>Enhance the mauri of the Kaituna River by ensuring rural production, <del>commercial and industrial</del> 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> |
| <b>Staff recommendation:</b> Reject. See paragraph 6.213 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |          |                      |   |   |
| 3.1 Policies  | Policy KR 5B | Horticulture NZ   | FS03 -11 | Oppose               | We do not support deleting 'commercial and industrial' activities from the requirement to implement best management activities to minimise nutrient losses. The reference to drinking water is already addressed under Policy KR 2B.  | Reject submission 11-8.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept  |              |   |          |                      |   |   |
| 3.1 Policies  | Policy KR 5B | Eastland Generation Ltd   | FS06-34  | Oppose               | Seeks that the submission is rejected.  | Reject submission 11-8.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept  |              |   |          |                      |   |   |
| 3.1 Policies  | Policy KR 5B | Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers | FS07-12  | Oppose               | We do not support deleting 'commercial and industrial' activities from the requirement to implement best management activities to minimise nutrient losses. Commercial and industrial activities cause nutrient losses that may impact the mauri of the Kaituna River and ought to be held to the same standard as rural production.  | Reject submission 11-8.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept  |              |   |          |                      |   |   |

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|---|--------------|---|---------|----------------------|---|--|
| 3.1 Policies  | Policy KR 5B | Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers | 13-10   | Amend                | 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.<br><br>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. | Amend <b>Policy KR 5B: Enhancing the mauri of the Kaituna River through <u>best-good</u> management practices</b><br><br>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:<br><u>Note:</u><br><u>Good management practices will be developed in consultation and collaboration with industry and stakeholders. For example, the Good Farming practice guidelines:</u><br><a href="https://www.beehive.govt.nz/release/goodfarming-practice-plan-step-forward-water-quality">https://www.beehive.govt.nz/release/goodfarming-practice-plan-step-forward-water-quality</a>                       |
| <b>Staff recommendation:</b> Accept in part. See paragraph 6.215 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |   |  |
| 3.1 Policies  | Policy KR 5B | Royal Forest and Bird Protection Society NZ (Forest & Bird)         | FS01-10 | Oppose               | Best practices are necessary for better ecological outcomes for freshwater  | Reject submission 13-10.   |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.132-6.142 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept  |              |   |         |                      |   |  |
| 3.1 Policies  | Policy KR 5B | Royal Forest and Bird Protection Society NZ (Forest & Bird)         | 14-19   | Amend                | Minimising may not be sufficient or appropriate in all cases. For example, in relation to a new activity or change in land use.<br><br>Best management practises can be part of a regulatory approach as well as to support non-regulatory methods.   | Amend <b>Policy KR 5B:</b><br><br>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:<br><br>(a) Ensuring activities are managed to maintain or enhance the Kaituna River's ecological and cultural health.<br>(b) Promoting industry incentives and leadership; <del>and</del><br>(c) Promoting the integration of kaitiakitanga and rangatiratanga into land use management, river access and cultural heritage protection in specified locations; <del>and</del><br>(d) <u>by controlling nutrient inputs and loss to ensure water quality limits are met.</u> |
| <b>Staff recommendation:</b> Reject. See paragraph 6.216 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject         |              |   |         |                      |   |  |
| 3.1 Policies  | Policy KR 5B | Horticulture NZ   | FS03-12 | Oppose               | Do not support the amendment sought to 'control nutrient inputs ...' as proposed. HortNZ supports the implementation of best management practices through a mix of regulation, industry incentives and industry leadership  | Reject submission 14-19.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept  |              |   |         |                      |   |  |
| 3.1 Policies  | Policy KR 5B | Eastland Generation Ltd   | FS06-35 | Oppose               | Seeks that the submission is rejected.  | Reject submission 14-19.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept  |              |   |         |                      |   |  |
| 3.1 Policies  | Policy KR 5B | Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers | FS07-11 | Oppose               | We do not support the amendment sought to 'control nutrient inputs ...' as proposed. We support the implementation of good management practices through a mix of regulation, industry incentives and industry leadership.   | Reject submission 14-19.   |

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| <b>Staff recommendation:</b> Accept.   |              |                             |         | <b>Panel Recommendation:</b> Accept in part |  |   |
| 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 <b>Policy KR 6B</b> (under Objective 45).   |
| <b>Staff recommendation:</b> Accept.   |              |                             |         | <b>Panel Recommendation:</b> Accept         |  |   |
| 3.1 Policies   | Policy KR 6B | Horticulture New Zealand    | 8-14    | Amend                                       | <p>HortNZ supports an approach that encourages nature-based solutions/good management practices (such as artificial water bodies) and riparian and vegetation enhancement.</p> <p>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.</p> <p>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.</p> | Retain <b>Policy KR 6B but amend its explanation</b> (and retain the rest of the explanation, particularly the emphasis on non-regulatory methods):<br><br>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 region's economic prosperity they have <b>had variable impact</b> <u>see to</u> the health of indigenous vegetation and habitats within streams and rivers and their riparian areas.  |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.227-6.228 of <i>Overview report on submissions</i> . |              |                             |         | <b>Panel Recommendation:</b> Reject         |  |   |
| 3.1 Policies   | Policy KR 6B | Tauranga City Council       | 11-9    | Amend                                       | <p>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 project work 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).</p> <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</p>  | <p>Amend <b>Policy KR 6B</b> as follows:</p> <p>Protect, restore <b>and-or</b> enhance indigenous aquatic, riparian and wetland vegetation and habitats within the Kaituna River and its riparian margins by <b>encouraging</b>:</p> <p>(a) <b>Increasing-Projects to increase</b> the quality and extent of wetlands;</p> <p>(b) <b>Prioritising-As a matter of priority</b>, the funding of biodiversity projects in the Te Tini a Tuna - Kaituna Action Plan;</p> <p>(c) <b>Undertaking-Projects to undertake</b> pest management and removal activities; and</p> <p>(d) <b>Identifying-Projects to identify</b> 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> |

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|  |              |   |         |                      | Document can be appropriately recognised and provided for without cutting across that body of work.<br><br>If Policy KR 6B (a) - (d) remains as drafted, TCC repeats concerns relating to the phrase "Protect, restore and enhance" (see <b>submission point 11.3</b> ) and the conjunctive use of 'and'. If the changes requested to (a)-(d) are made, the use of 'and' is acceptable and arguably appropriate.  |   |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.229-6.230 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |   |   |
| 3.1 Policies   | Policy KR 6B | Royal Forest and Bird Protection Society NZ (Forest & Bird) | FS01-5  | Oppose               | The amendments detract from the directiveness of the policy.  | Reject submission 11-9.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |   |   |
| 3.1 Policies   | Policy KR 6B | Western Bay of Plenty District Council                      | FS04-11 | Oppose               | WBOPDC does not feel that the narrowing of this policy to become focused on projects only is appropriate or within the intent of its formulation. The repetition of 'projects' suggests that Te Maru o Kaituna member bodies are establishing and fully responsible for running these and does not encourage proactive behaviour or conditions. Whilst it is acknowledged that the NPSFM implementation process may also cut across this, the changes are not considered appropriate. | Reject submission 11-9.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |   |   |
| 3.1 Policies   | Policy KR 6B | Eastland Generation Ltd                                     | FS06-36 | Oppose               | Seeks that the submission is rejected.  | Reject submission 11-9.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |   |   |
| 3.1 Policies   | Policy KR 6B | Tauranga City Council                                       | 11-10   | Amend                | TCC repeats points made for Policy KR 6B above (submission point <b>11.9</b> ) and submits that the Explanation (last paragraph) should be amended to reflect a project-focused and non-regulatory approach.  | Amend the <b>last paragraph of the Explanation for Policy KR 6B:</b><br><br><del>○ Non-regulatory</del> opportunities for enhancing Kaituna Rivers indigenous aquatic, riparian and wetland ecosystems need to be considered and encouraged, <del>including through non-regulatory tools and the funding of pest management activities</del> . Examples include <del>projects funded and/or carried out by Te Maru o Kaituna members, the funding of pest management activities</del> , voluntary wetland management agreements, wetland care groups, funding assistance through incentive schemes and biodiversity plans.<br><br>Any other changes to the Explanation and Methods which are consequential on or otherwise address the policy changes and reasons in ( <b>submission point 11.9</b> ) are also requested. |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.229-6.230 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |   |   |
| 3.1 Policies   | Policy KR 6B | Royal Forest and Bird Protection Society NZ (Forest & Bird) | FS01-6  | Oppose               | Regulatory responses may also be appropriate to address this policy. A non-regulatory approach would make achieving the objectives which the policy implements uncertain  | Reject submission 11-10.  |



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| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |  |
| 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.  | Amend <b>Policy KR 6B:</b><br>Protect, restore, and enhance indigenous aquatic, riparian and wetland vegetation and habitats within the Kaituna River and its riparian margins by:<br><br>(a) Increasing the quality and extent of wetlands;<br>(b) Prioritising funding of biodiversity projects in the Te Tini a Tuna - Kaituna Action Plan;<br>(c) Undertaking pest management and removal activities; <b>and</b><br>(d) Identifying and enhancing ecosystems that support and sustain indigenous flora and fauna.; <b>and</b><br>(e) <u>Providing for protection from further loss or degradation, including through the identification of remaining indigenous ecosystems and important habitats.</u> |
| <b>Staff recommendation:</b> Reject. See paragraph 6.231 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject          |              |   |         |                      |  |  |
| 3.1 Policies   | 3.1 Policies | Eastland Generation Ltd   | FS06-37 | Oppose               | Seeks that the submission is rejected.   | Reject submission 14-20.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |  |
| 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 <b>Policy KR 7B.</b>   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |  |
| 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.   | Amend <b>Policy KR 7B:</b><br>Enable economic development opportunities for iwi and hapū <b>and the wider community</b> , which respect and promote greater understanding of cultural associations with the Kaituna River and restore, protect or enhance the river's well-being.  |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.241-6.243 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject   |              |   |         |                      |  |  |
| 3.1 Policies   | Policy KR 7B | Eastland Generation Ltd   | FS06-38 | Support              | Seeks that the submission is accepted.   | Accept submission 3-8.   |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.241-6.243 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject   |              |   |         |                      |  |  |
| 3.1 Policies   | Policy KR 7B | Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers | FS07-13 | Oppose               | We understand the desire of obtaining development opportunities for iwi/hapū and the wider community to promote greater understanding of cultural associations. However, these development opportunities ought to be considered at a national level and not through amendments to the Regional Policy Statement. We do not support that the use of regional policy statements or the RMA process to settle Treaty grievances or to address historical impediments to development. We consider that Policy KR 7B ought to be deleted. | Reject submission 3-8.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Reject that KR 7B should be deleted, Accept the point to reject submission 3-8 |              |   |         |                      |  |  |

| Section   | Provision    | Submitter name  | Sub no. | Support/oppose/amend | Submission point summary   | Decision sought summary   |
|---|--------------|---|---------|----------------------|--|---|
| 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 <b>Policy KR 7B</b> into two policies:</p> <p>Enabling economic development opportunities for iwi and hapū in the Kaituna River <a href="#">Area</a>; and</p> <p><a href="#">Encourage economic development that enhances the Kaituna River and acknowledges its cultural connections.</a></p> <p>This may also require reconsideration of associated methods.</p> |
| <b>Staff recommendation:</b> Reject. See paragraph 6.244 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject           |              |   |         |                      |  |   |
| 3.1 Policies  | Policy KR 7B | Eastland Generation Ltd   | FS06-39 | Support              | Seeks that the submission is accepted.   | Accept submission 4-12.   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.244 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject           |              |   |         |                      |  |   |
| 3.1 Policies  | Policy KR 7B | Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers | FS07-14 | Oppose               | We understand the desire of obtaining development opportunities for iwi/hapū and the wider community to promote greater understanding of cultural associations. However, these development opportunities ought to be considered at a national level and not through amendments to the Regional Policy Statement. We do not support that the use of regional policy statements or the RMA process to settle Treaty grievances or to address historical impediments to development. We consider that Policy KR 7B ought to be deleted.   | Reject submission 4-12.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Reject that KR 7B should be deleted, Accept the point to reject submission 4-12 |              |   |         |                      |  |   |
| 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 <b>Policy KR 7B</b> .  |
| <b>Staff recommendation:</b> Accept.  |              |   |         |                      |  |   |
| 3.1 Policies  | Policy KR 7B | Te Tumu Landowners Group  | 7-8     | Amend                | Amend Policy KR 7B to include reference to ' <a href="#">and the wider community</a> ' 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 <b>Policy KR 7B</b>:</p> <p>Enable economic development opportunities for iwi and hapū <a href="#">and the wider community</a>, which respect and promote greater understanding of cultural associations with the Kaituna River and restore, protect or enhance the River's well-being.</p>  |
| <b>Staff recommendation:</b> Reject. See paragraph 6.241 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject           |              |   |         |                      |  |   |
| 3.1 Policies  | Policy KR 7B | Eastland Generation Ltd   | FS06-40 | Support              | Seeks that the submission is accepted.   | Accept submission 7-8.  |
| <b>Staff recommendation:</b> Reject. See paragraph 6.241 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject           |              |   |         |                      |  |   |
| 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 <b>Policy KR 7B</b> but seek clarification that this is within the river itself.   |

| Section  | Provision    | Submitter name  | Sub no. | Support/oppose/amend | Submission point summary  | Decision sought summary  |
|--|--------------|---|---------|----------------------|---|--|
| <b>Staff recommendation:</b> Accept. See paragraph 6.245 of <i>Overview report on submissions</i> for clarification about the Kaituna River. <b>Panel Recommendation:</b> Accept |              |   |         |                      |   |  |
| 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>This submission point also references <b>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.</b></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> |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.19 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject                                     |              |   |         |                      |   |  |
| 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 <b>Policy KR 7B.</b>  |
| <b>Staff recommendation:</b> Reject. See paragraph 6.246 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject  |              |   |         |                      |   |  |
| 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 <b>Policy KR 7B.</b>  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |   |  |
| 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.  | <p>Amend the explanation for <b>Policy KR 8B</b> to refer to:</p> <p><u><a href="#">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.</a></u></p>   |

| Section  | Provision    | Submitter name  | Sub no. | Support/oppose/amend | Submission point summary  | Decision sought summary  |
|--|--------------|---|---------|----------------------|---|--|
| <b>Staff recommendation:</b> Reject. See paragraph 6.252 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject      |              |   |         |                      |   |  |
| 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 <b>Policy KR 8B</b> to refer to (or similar):<br><br><a href="#">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.</a> |
| <b>Staff recommendation:</b> Reject. See paragraph 6.252 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject      |              |   |         |                      |   |  |
| 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 be 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 <b>Policy KR 8B</b> as long as reference to not compromising ecosystem health is retained.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |   |  |
| 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 <b>Policy KR 8B</b> :<br><br>Enable recreational opportunities along the Kaituna River that do not compromise public safety, <a href="#">drinking water sources for domestic, marae or municipal water supply, access or ecosystem health.</a>   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.253 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject      |              |   |         |                      |   |  |
| 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 <b>Policy KR 8B</b> .   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |   |  |
| 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 <b>Policy KR 9B</b> .   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |   |  |
| 3.1 Policies   | Policy KR 9B | The Proprietors of Taheke 8C & Adjoining Blocks (Inc)       | 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 Maori stakeholders with equal cultural rights and obligations as Taheke.<br><br>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.<br><br>This submission point also references <b>Objectives 40, 43, 4, 45, Policies IW 2B, KR 3B and Method KR1.</b> | 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.  |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.19 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |   |  |

| Section  | Provision    | Submitter name  | Sub no. | Support/oppose/amend | Submission point summary   | Decision sought summary  |
|--|--------------|---|---------|----------------------|--|--|
| 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 <b>Objectives 40, 42, 43, Policies KR 3B, KR 4B, KR 7B, Method 23N and Policy IW 2B, Methods 11, 12, 41, 42 and 46.</b></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> |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.19 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject   |              |   |         |                      |  |  |
| 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 <b>Policy KR 9B:</b></p> <p>Recognise kaitiakitanga in the Kaituna River involves <del>both the use and development of land and water by tangata whenua and</del> 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>   |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.259-6.261 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |  |
| 3.1 Policies   | Policy KR 9B | Eastland Generation Ltd   | FS06-41 | Oppose               | Seeks that the submission is rejected.   | Reject submission 13-12.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |  |
| 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>Nor is it clear as written if sustainable use and development would give effect to Te Mana o te Wai.</p>  | <p>Amend <b>Policy KR 9B:</b></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 and enhancement of taonga, waahi tapu, water, sites of significance and other natural and physical resources of importance to tangata whenua.</p>  |

| Section  | Provision    | Submitter name  | Sub no. | Support/oppose/amend | Submission point summary   | Decision sought summary  |
|--|--------------|---|---------|----------------------|--|--|
| <b>Staff recommendation:</b> Reject. See paragraph 6.262 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject      |              |   |         |                      |  |  |
| 3.1 Policies   | Policy KR 9B | Eastland Generation Ltd   | FS06-42 | Oppose               | Seeks that the submission is rejected.   | Reject submission 14-23.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |  |
| 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 <b>Method KR1</b>  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |  |
| 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 <b>Objectives 40, 43, 4, 45 and Policies IW 2B, KR 3B and KR 9B.</b></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.  |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.19 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |  |
| 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 <b>Objectives 41, 42, 43, 44, Methods KR5 and Method 42.</b></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.  |
| <b>Staff recommendation:</b> Accept. See paragraph 6.293 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject      |              |   |         |                      |  |  |
| 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 <b>submission point 13.11.</b>   | Amend <b>Method KR1</b> to remove reference to Policy KR 7B.   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.273 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject      |              |   |         |                      |  |  |
| 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 <b>Objectives 42 and 45 and Methods KR4, KR6, 23, 23S, 23T and 64.</b></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 &amp; Safety Act 2015.</p> <p>Nor will Maori landowners be forced to pay for these proposed actions including the removal of lawfully approved structures from the Okere River.</p> |

| Section  | Provision  | Submitter name  | Sub no. | Support/oppose/amend | Submission point summary  | Decision sought summary   |
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| <b>Staff recommendation:</b> Reject. See paragraphs 6.316 and 6.333 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |            |   |         |                      |   |   |
| 3.2 Methods to implement policies  | Method KR2 | Eastland Generation Ltd   | FS06-43 | Support              | Seeks that the submission is accepted.  | Accept submission 9-25.   |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.316 and 6.333 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |            |   |         |                      |   |   |
| 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 <b>Method KR3</b> to require consultation and classification of areas for drinking water, bathing areas, kai awa, kai moana and suitable for cultural ceremonies.  |
| <b>Staff recommendation:</b> Reject. See paragraph 6.283 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject            |            |   |         |                      |   |   |
| 3.2 Methods to implement policies  | Method KR3 | Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers | FS07-16 | Support in part      | We do not consider that it is necessary for further areas to be classified and consider that reference to recreational activities is sufficient. We support that any recreational areas should be widely consulted on to ensure that access for recreational use does not disturb the other activities that are currently occurring at certain locations on the Kaituna River.                    | Accept in part submission 2-7.  |
| <b>Staff recommendation:</b> Reject. See paragraph 6.283 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject            |            |   |         |                      |   |   |
| 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 <b>Method KR3</b> .   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |            |   |         |                      |   |   |
| 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 <b>Method KR3</b> :<br><br><i>Implementation responsibility: <u>Regional Council</u>, City and district councils, Te Maru o Kaituna and iwi authorities.</i>  |
| <b>Staff recommendation:</b> Accept. See paragraph 6.284 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept            |            |   |         |                      |   |   |
| 3.2 Methods to implement policies  | Method KR3 | AFFCO New Zealand Limited, Rangiuuru 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 <b>explanation for Method KR3</b> to:<br><br>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> |
| <b>Staff recommendation:</b> Reject. See paragraph 6.285 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject            |            |   |         |                      |   |   |
| 3.2 Methods to implement policies  | Method KR3 | Royal Forest and Bird Protection Society NZ (Forest & Bird)         | FS01-2  | Oppose               | The amendment sought would result in degradation of water.  | Reject submission 6-3.  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |            |   |         |                      |   |   |

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| 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 <b>Method KR3</b> .  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept  |            |   |         |                      |  |  |
| 3.2 Methods to implement policies   | Method KR3 | The Proprietors of Taheke 8C & Adjoining Blocks (Inc)       | 9-34    | 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 <b>Objectives 40, 41, 44, 46, Methods 23S and 23T</b>.</p> | Remove "recreation" matters from this Plan Change as it is not an appropriate Plan Change to include those provisions.   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject  |            |   |         |                      |  |  |
| 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.   | <p>Amend <b>Method KR3</b>:</p> <p>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.</p> <p>Amend the <b>KR3 Implementation responsibility</b> to:</p> <p><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></p> |
| <b>Staff recommendation:</b> Reject. See paragraph 6.286 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |            |   |         |                      |  |  |
| 3.2 Methods to implement policies   | Method KR3 | Western Bay of Plenty District Council                      | FS04-12 | Oppose in part       | WBOPDC opposes the changes to implementation responsibility. Whilst the intent is appreciated, the level of detail suggested is unnecessary and inconsistent with other methods.   | Accept in part submission 14-24.   |
| <b>Staff recommendation:</b> Accept. See paragraph 6.286 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept |            |   |         |                      |  |  |
| 3.2 Methods to implement policies   | Method KR3 | Tauranga City Council                                       | FS05-3  | Oppose in part       | TCC opposes the changes to implementation responsibility. Whilst the intent is appreciated, the level of detail suggested is unnecessary and inconsistent with other methods   | Accept in part submission 14-24.   |
| <b>Staff recommendation:</b> Accept. See paragraph 6.286 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept |            |   |         |                      |  |  |
| 3.2 Methods to implement policies   | Method KR3 | Eastland Generation Ltd                                     | FS06-44 | Oppose               | Seeks that the submission is rejected.   | Reject submission 14-24.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept  |            |   |         |                      |  |  |



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| 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 <b>Method KR4</b>   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |            |   |         |                      |   |   |
| 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<br><br>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.<br><br>This submission also references <b>Objectives 42 and 45 and Methods KR2, KR6, 23, 23S, 23T and 64.</b>                  | 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.<br><br>Nor will Maori landowners be forced to pay for these proposed actions including the removal of lawfully approved structures from the Okere River. |
| <b>Staff recommendation:</b> Reject. See paragraph 6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject   |            |   |         |                      |   |   |
| 3.2 Methods to implement policies  | Method KR4 | Eastland Generation Ltd                               | FS06-45 | Support              | Seeks that the submission is accepted.  | Accept submission 9-26.   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject   |            |   |         |                      |   |   |
| 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 <b>Method KR5:</b><br><br><i>Implementation responsibility: <del>Regional Council, city and district councils and iwi authorities.</del></i>  |
| <b>Staff recommendation:</b> Accept. See paragraph 6.292 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept  |            |   |         |                      |   |   |
| 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 <b>Method KR5</b>   |
| <b>Staff recommendation:</b> Accept in part. Changes made in response to other submissions; see paragraph 6.291 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part |            |   |         |                      |   |   |
| 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 <b>Method KR5.</b>   |
| <b>Staff recommendation:</b> Accept in part. Changes made in response to other submissions; see paragraph 6.291 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part |            |   |         |                      |   |   |
| 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.<br><br>This point also references <b>Objectives 40 and 44.</b>  | 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.   |

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| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.19 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject   |            |   |         |                      |   |  |
| 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.<br><br>This submission point also references <b>Objectives 41, 42, 43, 44, Methods KR1 and Method 42.</b>   | 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.  |
| <b>Staff recommendation:</b> Accept. See paragraph 6.293 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject  |            |   |         |                      |   |  |
| 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 <b>Method KR5</b>   |
| <b>Staff recommendation:</b> Accept in part. Changes made in response to other submissions; see paragraph 6.291 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part |            |   |         |                      |   |  |
| 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 <b>Method KR6.</b>   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |            |   |         |                      |   |  |
| 3.2 Methods to implement policies  | Method KR6 | Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers | FS07-18 | Oppose               | Promotion of employment opportunities falls outside the scope of the RMA. We are happy for tangata whenua employment to be a by-product of PC5, however, it is incorrect for it to be a requirement of a regional policy statement.   | Reject submission 2-5.   |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.300-6.301 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject   |            |   |         |                      |   |  |
| 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 give effect to Kaituna He Taonga Tuku Iho, through other processes (e.g. Long Term Plans, Annual Plans, procurement approaches, etc.). | Delete <b>Method KR6 or Amend to:</b><br><br>Promote employment opportunities for tangata whenua through projects in the Kaituna River including providing:<br><br>(a) Pest and silviculture management services<br>(b) Fencing services<br>(c) <del>Council reserves maintenance</del> ; and<br>(d) Environmental monitoring.<br><br><i>Implementation responsibility: Regional Council, <del>city and district councils</del>, Te Maru o Kaituna and iwi authorities</i> |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.300-6.301 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part   |            |   |         |                      |   |  |
| 3.2 Methods to implement policies  | Method KR6 | Tauranga City Council   | FS05-1  | Support in part      | TCC support the position Western Bay has taken, that Council's procurement decisions are not a Resource Management Act issue and that this would be better achieved through individual Councils' procurement strategies and decisions.  | Accept in part submission 4-15.  |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.300-6.301 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject   |            |   |         |                      |   |  |

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|--|------------|---|---------|----------------------|---|---|
| 3.2 Methods to implement policies  | Method KR6 | The Proprietors of Taheke 8C & Adjoining Blocks (Inc)               | 9-22    | 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 the many pieces of legislation in place acknowledging Maori rights. Maori, Tangata Whenua includes Whanau and the institutions they mandate to represent them.</p> <p>This point also references <b>Objectives 40, 42, 43, 44, 46, Policy IW 2B and Methods 41 and 42.</b></p> <p>Also see submission points 9.10 to 9.14.</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 being included in this wider grouping.</p> |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.19 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject       |            |   |         |                      |   |   |
| 3.2 Methods to implement policies  | Method KR6 | The Proprietors of Taheke 8C & Adjoining Blocks (Inc)               | 9-27    | 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 <b>Objectives 42 and 45 and Methods KR2, KR4, 23, 23S, 23T and 64.</b></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 &amp; 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>     |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.316 and 6.322 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |            |   |         |                      |   |   |
| 3.2 Methods to implement policies  | Method KR6 | Eastland Generation Ltd   | FS06-46 | Support              | Seeks that the submission is accepted.  | Accept submission 9-27.   |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.316 and 6.322 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |            |   |         |                      |   |   |
| 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 <b>Method KR6.</b>   |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.300-6.301 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject     |            |   |         |                      |   |   |
| 3.2 Methods to implement policies  | Method KR6 | Eastland Generation Ltd   | FS06-47 | Oppose               | Seeks that the submission is rejected.  | Reject submission 13-14.  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |            |   |         |                      |   |   |
| 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 <b>Method 23I</b>  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |            |   |         |                      |   |   |

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| 3.2 Methods to implement policies   | Method 23J | Western Bay of Plenty District Council                              | 4-16    | Amend                               | Minor typographical correction for misplaced commas.   | Amend <b>Method 23J</b> :<br><i>Implementation responsibility: Regional Council, city and district councils</i>  |
| <b>Staff recommendation:</b> Accept.  |            |   |         | <b>Panel Recommendation:</b> Accept |  |  |
| 3.2 Methods to implement policies   | Method 23J | AFFCO New Zealand Limited, Rangiorua 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 <b>Method 23J</b> :<br>In liaison with tangata whenua, <b>commercial and industrial users</b> , 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> .  |
| <b>Staff recommendation:</b> Accept. See paragraph 6.305 of <i>Overview report on submissions</i> . |            |   |         | <b>Panel Recommendation:</b> Accept |  |  |
| 3.2 Methods to implement policies   | Method 23J | Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers | FS07-17 | Support                             | We consider that the 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.   | Accept submission 6-6.   |
| <b>Staff recommendation:</b> Accept. See paragraph 6.305 of <i>Overview report on submissions</i> . |            |   |         | <b>Panel Recommendation:</b> Accept |  |  |
| 3.2 Methods to implement policies   | Method 23J | Royal Forest and Bird Protection Society NZ (Forest & Bird)         | 14-27   | Amend                               | 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.<br><br>For example, it should capture discharges such as through the Affco consent which is not directly to the waterbody but through pond/wetland systems.  | Amend <b>Method 23J: Develop strategies for managing wastewater and stormwater in the Rangitāiki River Catchment and Kaituna River catchment</b><br><br>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> .   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.309 of <i>Overview report on submissions</i> . |            |   |         | <b>Panel Recommendation:</b> Reject |  |  |
| 3.2 Methods to implement policies   | Method 23N | Horticulture New Zealand  | 8-19    | Support                             | See submission <b>point 8-13</b> - support of Policy KR 5B clause (c) and the relevant proposed implementation Method 23N that seeks to develop protocols for this process.  | Support <b>Method 23N</b> (see submission point 8.13).   |
| <b>Staff recommendation:</b> Accept.  |            |   |         | <b>Panel Recommendation:</b> Accept |  |  |
| 3.2 Methods to implement policies   | Method 23N | The Proprietors of Taheke 8C & Adjoining Blocks (Inc)               | 9-44    | Oppose                              | 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.<br><br>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.<br><br>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. | All objectives, policies and methods should reflect the Mana Whenua and acknowledge:<br><br>(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);<br>(b) that Mana Whenua are Tangata Whenua and should not be relegated to "communities";<br>(c) Maori landholding organisations representing Maori as having the right to be consulted and participation.<br><br>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 |

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|  |            |   |         |                      | <p>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 <b>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.</b></p> | exclude the mana of Whanau and the Maori institutions that lawfully represent them.  |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.12-6.19 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject   |            |   |         |                      |  |  |
| 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 <b>Method 23N</b> to add the word ' <a href="#">catchment</a> ' after Kaituna River in the title and in the text.  |
| <b>Staff recommendation:</b> Reject. See paragraph 6.309 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject        |            |   |         |                      |  |  |
| 3.2 Methods to implement policies  | Method 23N | Eastland Generation Ltd                                     | FS06-48 | Oppose               | Seeks that the submission is rejected.   | Reject submission 14-28.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |            |   |         |                      |  |  |
| 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 <b>Method 23S</b>.</p> <p>Alternatively, amend <b>Method 23S</b> (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 <a href="#">where appropriate Kaituna River</a>.</p> |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.314-6.315 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |            |   |         |                      |  |  |
| 3.2 Methods to implement policies  | Method 23S | Western Bay of Plenty District Council                      | 4-17    | Amend                | Minor typographical correction for misplaced commas.   | <p>Amend <b>Method 23S</b>:</p> <p><i>Implementation responsibility: Regional Council, city and district councils and iwi authorities.</i></p>   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |            |   |         |                      |  |  |
| 3.2 Methods to implement policies  | Method 23S | The Proprietors of Taheke 8C & Adjoining Blocks (Inc)       | 9-28    | 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 <b>Objectives 42 and 45 and Methods KR2, KR4, KR6, 23, 23T and 64.</b></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 &amp; Safety Act 2015.</p> <p>Nor will Maori landowners be forced to pay for these proposed actions including the removal of lawfully approved structures from the Okere River.</p>   |

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| <b>Staff recommendation:</b> Reject. See paragraphs 6.316 and 6.322 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |            |   |         |                      |  |   |
| 3.2 Methods to implement policies  | Method 23S | Eastland Generation Ltd                                     | FS06-49 | Support              | Seeks that the submission is accepted.   | Accept submission 9-28.   |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.316 and 6.322 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |            |   |         |                      |  |   |
| 3.2 Methods to implement policies  | Method 23S | The Proprietors of Taheke 8C & Adjoining Blocks (Inc)       | 9-35    | 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 <b>Objectives 40, 41, 44, 46, Methods KR3 and 23T.</b></p> | Remove "recreation" matters from this Plan Change as it is not an appropriate Plan Change to include those provisions.  |
| <b>Staff recommendation:</b> Reject. See paragraph 6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject             |            |   |         |                      |  |   |
| 3.2 Methods to implement policies  | Method 23S | The Proprietors of Taheke 8C & Adjoining Blocks (Inc)       | 9-53    | 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 <b>Objective 45, Policy KR 5B, and Methods 23T, 48, 49, 55, 64 and 65.</b></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> |
| <b>Staff recommendation:</b> Reject. See paragraph 6.332 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject            |            |   |         |                      |  |   |
| 3.2 Methods to implement policies  | Method 23S | Eastland Generation Ltd                                     | FS06-50 | Support              | Seeks that the submission is accepted.   | Accept submission 9-53.   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.332 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject            |            |   |         |                      |  |   |
| 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 <b>Method 23S</b> to add the word ' <u>catchment</u> ' after Kaituna River in the title and in the text.  |
| <b>Staff recommendation:</b> Reject. See paragraph 6.309 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject            |            |   |         |                      |  |   |
| 3.2 Methods to implement policies  | Method 23S | Eastland Generation Ltd                                     | FS06-51 | Oppose               | Seeks that the submission is rejected.   | Reject submission 14-29.  |
| <b>Staff recommendation:</b> Accept. See paragraph 6.309 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept            |            |   |         |                      |  |   |

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|--|------------|---|---------|----------------------|--|--|
| 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 <b>Method 23T</b> .  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |            |   |         |                      |  |  |
| 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 <b>Method 23T</b> :<br><b>Retain and enhance public and cultural access to and along rivers <u>and streams</u> in the Rangitaiki River Catchment and Kaituna River</b><br><br>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:<br><br>(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.<br>(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> . |
| <b>Staff recommendation:</b> Reject. See paragraph 6.321 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept            |            |   |         |                      |  |  |
| 3.2 Methods to implement policies  | Method 23T | Western Bay of Plenty District Council                | 4-19    |                      | Minor typographical error with misplaced commas.   | Amend <b>Method 23T</b> :<br><br><i>Implementation responsibility: Regional Council, city and district councils and iwi authorities</i>  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |            |   |         |                      |  |  |
| 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 <b>Method 23T</b> .  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |            |   |         |                      |  |  |
| 3.2 Methods to implement policies  | Method 23T | The Proprietors of Taheke 8C & Adjoining Blocks (Inc) | 9-29    | 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<br><br>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.<br><br>This submission also references <b>Objectives 42 and 45 and Methods KR2, KR4, KR6, 23, 23S and 64.</b> | 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.<br><br>Nor will Maori landowners be forced to pay for these proposed actions including the removal of lawfully approved structures from the Okere River.  |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.316 and 6.322 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |            |   |         |                      |  |  |
| 3.2 Methods to implement policies  | Method 23T | Eastland Generation Ltd                               | FS06-52 | Support              | Seeks that the submission is accepted  | Accept submission 9-29.  |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.316 and 6.322 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |            |   |         |                      |  |  |

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|---|------------|---|---------|----------------------|--|---|
| 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 <b>Objectives 40, 41, 44, 46, Methods KR3 and 23S.</b></p> | Remove "recreation" matters from this Plan Change as it is not an appropriate Plan Change to include those provisions.  |
| <b>Staff recommendation:</b> Reject. See paragraph 6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject  |            |   |         |                      |  |   |
| 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 <b>Objective 45, Policy KR 5B, and Methods 23S, 48, 49, 55, 64 and 65.</b></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> |
| <b>Staff recommendation:</b> Reject. See paragraph 6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject  |            |   |         |                      |  |   |
| 3.2 Methods to implement policies   | Method 23T | Eastland Generation Ltd                                     | FS06-53 | Support              | Seeks that the submission is accepted.   | Accept submission 9-54.   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.20 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject  |            |   |         |                      |  |   |
| 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 <b>Method 23T</b> to add the word ' <a href="#">catchment</a> ' after Kaituna River in the title and in the text.   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.309 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |            |   |         |                      |  |   |
| 3.2 Methods to implement policies   | Method 23T | Eastland Generation Ltd                                     | FS06-54 | Oppose               | Seeks that the submission is rejected.   | Reject submission 14-30.  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept  |            |   |         |                      |  |   |
| 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.  | <p>Include a <b>New directive Method in 3.2.1:</b></p> <p><b><a href="#">Method KR-: Source Water Risk Management Plans</a></b></p> <p><b><a href="#">Implement Policy KR 2B through Source Water Risk Management Plans required under the Water Services Act</a></b></p>   |



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|   |              |   |         |                      | <i>Note: This assumes the requirement for source water risk management plans will be retained in the Water Services Act. (see <b>submission point 11-6</b>).</i>                           | <a href="#"><u>Implementation responsibility: Regional Council, city and district councils, Te Maru o Kaituna and iwi authorities</u></a>   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.336 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |   |
| 3.2 Methods to implement policies   | New method   | Western Bay of Plenty District Council                      | FS04-13 | Support in part      | WBOPDC, as drinking water supplier, may potentially be impacted by such a change. However, the benefits of repeating a legislative requirement in the RPS require clarification.           | Accept in part submission 11-12.  |
| <b>Staff recommendation:</b> Reject. See paragraph 6.336 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |   |
| 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 <b>AER and Monitoring Indicators for Objective 40 in Table 5.</b>  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept  |              |   |         |                      |  |   |
| 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 <b>AER and Monitoring Indicators for Objective 41 in Table 5.</b>  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept  |              |   |         |                      |  |   |
| 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.<br><br>This submission point also references <b>Objectives 41, 43, 44, Methods KR1, KR5 and Method 42.</b> | 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.         |
| <b>Staff recommendation:</b> Accept. See paragraph 6.293 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |   |
| 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 <b>Objective 42 AER and Monitoring Indicator in Table 5</b> 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. |
| <b>Staff recommendation:</b> Reject. See paragraph 6.340 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |              |   |         |                      |  |   |
| 4.2 Objectives, anticipated environmental results and monitoring indicators   | Objective 42 | Eastland Generation Ltd                                     | FS06-55 | Oppose               | Seeks that the submission is rejected.   | Reject submission 14-33.  |

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| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |  |
| 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.<br><br>This is not the same as 'sustainable management' nor is it consistent with the hierarchy of obligations in Te Mana o Te Wai.   | Amend <b>Objective 43</b> (and see submission point 14-40):<br><br>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> .   |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.123-6.124 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject                 |              |   |         |                      |  |  |
| 4.2 Objectives, anticipated environmental results and monitoring indicators  | Objective 43 | Eastland Generation Ltd                                     | FS06-56 | Oppose               | Seeks that the submission is rejected.   | Reject submission 14-34.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |  |
| 4.2 Objectives, anticipated environmental results and monitoring indicators  | 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 long-term sustained agricultural production, it does not consider industrial, commercial or residential land uses.<br><br>Sub-regional plans (e.g Smartgrowth) would provide a more rounded picture of suitable development in the Kaituna catchment area. | Amend the monitoring indicators for <b>Objective 44 (in Table 5)</b> to:<br><br>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> .<br><br>Compliance monitoring of consented activities shows no contravention of earthwork related conditions.<br><br><u>Percentage of farms and orchards with an approved farm management plan in place.</u> |
| <b>Staff recommendation:</b> Accept in part. See paragraphs 6.346-6.347 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part |              |   |         |                      |  |  |
| 4.2 Objectives, anticipated environmental results and monitoring indicators  | Objective 45 | Horticulture NZ   | FS03-14 | Oppose in part       | Does not align with the terminology in the proposed plan (Farm environment plan) or Part 9A of the RMA (Freshwater farm plan). This makes it unclear what an 'approved farm management plan is' in this context. It does not clearly link to a method in the plan.   | Accept in part submission 4-20.  |
| <b>Staff recommendation:</b> Accept in part. See paragraphs 6.346-6.347 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part |              |   |         |                      |  |  |
| 4.2 Objectives, anticipated environmental results and monitoring indicators  | Objective 44 | Tauranga City Council                                       | FS05-3  | Support in part      | TCC support the use of better tools for land use regional and sub-regional spatial planning  | Accept in part submission 4-20.  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |              |   |         |                      |  |  |
| 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 <b>AER for Objective 44 in Table 5</b> .  |

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| monitoring indicators   |               |   |         |                      |   |   |
| <b>Staff recommendation:</b> Accept in part. Changes made in response to other submissions - see paragraph 6.345 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part |               |   |         |                      |   |   |
| 4.2 Objectives, anticipated environmental results and monitoring indicators   | Objective 45  | Western Bay of Plenty District Council                      | 4-21    | Amend                | 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.<br><br>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. | Amend by inserting the following for <b>Objective 45 (in Table 5)</b> :<br><br><b>Anticipated environmental results (AER):</b> <u>Healthy aquatic ecosystems, habitats, and biological communities are protected or increased.</u><br><br><b>Monitoring indicator:</b> <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> |
| <b>Staff recommendation:</b> Reject. See paragraph 6.354 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject   |               |   |         |                      |   |   |
| 4.2 Objectives, anticipated environmental results and monitoring indicators   | Objective 45  | Eastland Generation Ltd                                     | FS06-57 | Oppose               | Seeks that the submission is rejected   | Reject submission 4-21.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept  |               |   |         |                      |   |   |
| 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 <b>AER for Objective 45 in Table 5.</b>  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept  |               |   |         |                      |   |   |
| 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 <b>AER for Objective 46 in Table 5.</b>  |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept  |               |   |         |                      |   |   |
| Appendix A – Definitions  | Kaituna River | Western Bay of Plenty District Council                      | 4-22    | Amend                | The map reference should be corrected to read 4 <b>ab</b> 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.  | Amend the definition for <b>Kaituna River</b> to refer to <b>Map 4<b>ab</b></b> and reword to better reflect the Tapuika Claims Settlement Act 2014 definition which is:<br><br><b>Kaituna River</b> or river <u>means the Kaituna River, including its tributaries within the catchment areas shown on deed plan OTS-209-79.</u>   |
| <b>Staff recommendation:</b> Reject. See paragraph 6.358 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Accept in part   |               |   |         |                      |   |   |
| Appendix A – Definitions  | Kaituna River | Eastland Generation Ltd                                     | FS06-58 | Oppose               | Seeks that the submission is rejected.  | Reject submission 4-22.   |

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| Staff recommendation: Accept.   |                           |   |         | Panel Recommendation: Accept in part |   |   |
| Appendix A – Definitions  | Kaituna River             | Tauranga City Council   | 11-13   | Amend                                | <p>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.</p> <p>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.</p> | Amend the <b>Kaituna River</b> definition to clarify the extent to which PC5 applies to groundwater.  |
| Staff recommendation: Reject. See paragraphs 6.23-6.28 of <i>Overview report on submissions</i> . |                           |   |         | Panel Recommendation: Reject         |   |   |
| 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 <b>11.2 and 11.8</b>.</p>  | Include a definition for " <b>Best management practices</b> ".  |
| Staff recommendation: Reject. See paragraphs 6.23-6.28 of <i>Overview report on submissions</i> . |                           |   |         | Panel Recommendation: Accept in part |   |   |
| Appendix A – Definitions  | New definition            | Horticulture NZ   | FS03-12 | Oppose                               | The submission seeks to include a definition for best management practices (however does not propose a definition). This will differ by sector, what is defined as BMP for an industrial activity for an example would not be the same for the rural industry (and BMP will vary by rural sector). HortNZ supports Freshwater Farm Plans as a means of demonstrating GMP/BMP  | Reject submission 11-14.  |
| Staff recommendation: Accept.   |                           |   |         | Panel Recommendation: Accept in part |   |   |
| Appendix A – Definitions  | New definition            | Eastland Generation Ltd   | FS06-59 | Oppose                               | Seeks that the submission is rejected.  | Reject submission 11-14.  |
| Staff recommendation: Accept.   |                           |   |         | Panel Recommendation: Reject         |   |   |
| Appendix A – Definitions  | New definition            | Bay of Plenty Federated Farmers and Rotorua/Taupo Federated Farmers | FS07-19 | Oppose                               | We do not consider the use of “best management practice” to be appropriate as it 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.   | Reject submission 11-14.  |
| Staff recommendation: Accept.   |                           |   |         | Panel Recommendation: Reject         |   |   |
| Appendix A – Definitions  | Riparian Areas or Margins | Royal Forest and Bird Protection Society NZ (Forest & Bird)         | 14-38   | Amend                                | 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   | <p>Amend the definition for <b>Riparian Areas or Margins</b>:</p> <p>A strip of land of varying width adjacent to a <del>waterway</del><b>water body or artificial watercourse</b> which contributes or may contribute to the maintenance and</p> |

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|  |                           |   |         |                      | <p>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>  | enhancement of the natural functioning, quality and character of <u>freshwater</u> , the <u>waterway</u> <u>waterbody</u> and its margins. |
| <b>Staff recommendation:</b> Reject. See paragraphs 6.362-6.368 of <i>Overview report on submissions</i> . <b>Panel Recommendation:</b> Reject |                           |   |         |                      |  |  |
| Appendix A – Definitions   | Riparian Areas or Margins | Bay of Plenty Regional Council – Rivers and Drainage Assets | FS02-2  | Oppose               | <p>The definition for Riparian Areas or Margins should be maintained as originally written. The inclusion of the term “artificial watercourse” has significant potential implications that may not be fully understood by the landowners whose land contains artificial watercourses. Nor would those landowners have had the opportunity to submit/comment on this proposed change if it is accepted and endorsed.</p> <p>Forest &amp; Bird’s proposed change constitutes a significant policy shift which is likely to have significant implications for drainage scheme management and private landowners in other areas across the Bay of Plenty. Any such change should be subject to a full and robust public consultation process.</p> <p>Rivers &amp; Drainage acknowledge the importance of managing and improving drain water quality. Through our involvement in initiatives such as Project 1 from the Te Tini a Tuna Action Plan and the work around implementing National Policy and Environmental Standards, we are confident that we will contribute to positive environmental outcomes.</p> | Reject submission 14-38.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Accept   |                           |   |         |                      |  |  |
| Appendix A – Definitions   | Riparian Areas or Margins | Western Bay of Plenty District Council                      | FS04-14 | Oppose               | WBOPDC opposes the change to the definition for Riparian Areas or Margins. The submitter’s changes extend the definition much wider than before with consequential impacts wider than the Kaituna area. This is definition best determined through a regional NPSFM approach or through national direction.  | Reject submission 14-38.   |
| <b>Staff recommendation:</b> Accept. <b>Panel Recommendation:</b> Reject   |                           |   |         |                      |  |  |