



Rangitāiki-Tarawera River Scheme Advisory Group

**6 March 2024
11:00am**

Mātaatua Room

Bay of Plenty Regional Council

5 Quay Street

Whakatane



Rangitāiki-Tarawera Rivers Scheme Advisory Group Meeting

Wednesday, 6 March 2024 at 11am

Agenda

- 1 **Welcome**
- 2 **Apologies**
- 3 **Notes of previous meeting held 13 September 2023**
- 4 **Matters arising from previous meeting**
- 5 **Long Term Plan 2024-34 and Rivers and Drainage Asset Management Plan proposed changes**
- 6 **Capital Works Programme Update**
- 7 **Maintenance Works Programme Update**
- 8 **Essential Freshwater update (verbal)**
- 9 **Finance Report**
- 10 **Rangitāiki River Forum and Tarawera Awa Restoration Strategy Group meetings Update (verbal)**
- 11 **Gravel Management Update**
- 12 **General business**
- 13 **Public forum**
- 14 **Meeting closure**

Rangitāiki-Tarawera Rivers Scheme Advisory Group

Meeting notes

Commencing:	Wednesday, 13 September 2023, 10.00 am
Venue:	Committee Meeting Room 1, Whakatāne office, 5 Quay Street, Whakatāne
Chairperson:	Cr Toi Iti
Members:	Peter Askey (Rangitāiki Plains), Alan Law (Rangitāiki Plains), Shona Pedersen (Galatea/Waiohau), Heyden Johnston (Urban), Cr Tu O'Brien (Whakatāne District Council), Cr Wilson James (Whakatāne District Council), Terewai Kalman (Rangitāiki River Forum Chairperson)
BOPRC elected members:	Cr Ken Shirley, Cr Malcolm Campbell
BOPRC staff:	Chris Ingle (GM Integrated Catchments), Kirsty Brown (Rivers and Drainage Assets Manager), Dan Batten (Rivers and Drainage Operations Manager), Mark Townsend (Engineering Manager), Andrew Pawson (Area Engineer), Cleo Hanlon (Rivers and Drainage Coordinator), Loris Hastie (Management Accountant), Laura Boucher (Comms Partner), Hemi Barsdell (Asset Management Specialist) and Paula Chapman (Projects Manager - contractor).
Public:	Scotty Muir, Colin Holmes
Apologies:	Linda Virbickas, Michael Van Tilbury (WDC)
Absent:	Leeann Waaka (Urban)

1. Opening

Cr Iti opened the meeting. The following items were tabled:

1. Email from Shay Dean, Environmental Scientist regarding forest monitoring.
2. Updated finance report.
3. Letter from the Greig Road communal pumping scheme residents.

Apologies

Apologies were noted as above.

2. Previous Meeting Notes

2.1 Resolved:

That the Rangitāiki-Tarawera Rivers Scheme Advisory Group:

Confirms the notes from the previous meeting held 22 March 2023 are a true and correct record.

**Johnston/Campbell
CARRIED**

2.2 Matters Arising:

- Salinity results will be addressed in the Capital program discussion in Item 6 of the agenda.
- Update on the Aniwhenua Dam consenting provided. Legal advice is currently being sought on Rivers and Drainage statutory parameters in the consenting process.

3. Agenda items

3.1 Long Term Plan 2024-34 and Rivers and Drainage Asset Management Plan 2024-74

Presented by: Kirsty Brown, Hemi Barsdell and Laura Boucher.
Agenda report taken as read.

Key Points:

- The proposed budget figures are currently in their initial stages and will undergo further refinement following group feedback.
- External pressures such as Central government regulations, inflation and climate change contributing to unavoidable cost increases.
- Budget forecasts aim to achieve an appropriate balance between affordability and service provision, including appropriate risk management and alignment with national standards.
- Proposed operational expenditure is comparative to previous years, with proposed increases for asset defect remediation, Bylaws compliance and monitoring, ecological offset work, electricity, and diesel.
- Potential future financial impacts to be aware of:
 - The review of BOPRC's Regional Natural Resources Plan to implement the National Policy Statement for Freshwater Management may impose significant additional expenditure requirements for the scheme, particularly regarding drainage water discharge quality and scheme maintenance.

- Aon Ltd has indicated that there could be a significant increase in infrastructure insurance premiums due to recent national and international weather events.
- Detailed comprehensive budgets with rating implications will be presented to the Advisory Group during the March 2024 meeting.
- Overview provided of the LTP communication and engagement process with emphasis on community affordability.

Discussion:

- Efficiency gains include adjusting rock replenishment rates for non-critical areas, changes to the initial Bylaws budget and savings within the Operations program.
- Members agreed that there is concern about increasing costs in the current economic climate, and that any efficiencies are to be prioritised, and costs to ratepayers must be kept at the forefront. The LTP process is ongoing and other costs are still unavailable.
- There have been some underspends in this year's budget, mostly due to weather impacts and consent application process timelines.
- ORC flood gate structure is in poor condition and is currently undergoing a detailed design and remediation process.
- Fish passage enhancement is a statutory requirement and must be considered in all works moving forward.
- Tarawera River stopbanks do not currently meet design level in some areas mostly due to subsidence. There are two options to be considered:
 - Maintain the current level of service and top up the stopbanks to meet that level of service (recommended).
 - Reduce the current level of service, removing the requirement to top up stopbanks (not recommended).
- The possibility of deferring any planned works to save some costs was suggested but noting there are risks involved with this approach. Reviewing levels of service will be a point of focus moving forward.
- Noted that there is an option available to review current insurance policies, the excess on cover, policy types and assess whether some assets require coverage.
- Members expressed the need for increased community engagement including face-to-face and public meetings.
- Room for the Rivers principles are currently being trialled, in collaboration with landowners in some upper catchment areas. This includes the use of nature-based solutions and soft-engineering techniques such as tree planting and buffer area establishment for erosion management.

Item for staff follow up:

- A more targeted public engagement process is to be considered by staff, to occur before the next round of Advisory Group meetings in March 2024.

3.2 Capital Works Programme Update

Presented by: Mark Townsend
Agenda report taken as read.

Key Points:

- The College Road Floodwall is substantially complete and has come in under budget.
- Recent results from salinity piezometers have varied greatly from the first round of results, due to the current high water table. An indicative schematic cross section near Bennett Road shows saltwater intrusion from draw-in by land drains.

Discussion:

- There is no current estimate of hectares of land affected with salinity. Trends will be monitored before predictions can be formed.
- A good range of salt water intrusion data is required. This can be affected by weather and rain and drought conditions.
- Peat settlement - There are two sources of information to draw from - the GNS report and resetting the monitoring network in the plains to monitor peat settlement. Setting up of the monitoring network is underway.

3.3 Maintenance Works Programme Update

Presented by: Dan Batten and Andrew Pawson.
Agenda report taken as read.

Key Points:

- The Operations team has experienced a busier than normal period, with heavy rainfall events bringing significant challenges. The recent break in the bad weather has been welcomed.
- A recent inspection of the Tarawera River has uncovered approximately 36 erosion damage sites, varying in size from 10m to 150m. A variety of remedial solutions are being investigated, including letting some sites heal naturally.
- Operations continue to look at cost saving measures where possible. The team currently has a full complement of staff, and a lot of physical works can be completed inhouse, including building of floodgates and operating machinery, reducing the need for contractors.
- The airboat is proving successful and is being well utilised.
- Fish passage enhancement is being considered at all times, particularly when designing and building floodgates.
- The fish pass at Tarawera is seeing a lot of wildlife, which is a good sign that it is working efficiently.
- A recent planting day with Galatea School on the Horomanga River was successful.
- Stopbank damage continues to be an issue, both from stock damage or uncontained animals.

Discussion:

- Where stopbank damage is investigated and responsibility found, a notice to repair can be issued under the Bylaws process. If damage is not corrected, then Council will repair and pass those costs on to those responsible.
- There has been comms around stopbanks damage and the do's and don'ts around these assets.

3.4 Finance Report Update

Presented by: Kirsty Brown

Tabled report (including reserve and loan information)

Key Points:

- Revenue and expenditure update for the 12 months ending 30 June 2023. Draft until adoption by Council.
- Total operation revenue \$3.8 million higher than budget.
- Total operation expenditure was \$1 million lower than budget due to an underspend in predicted flood damage.
- Resulting in a total operating surplus of \$4.8 million.
- Total capital revenue \$3 million higher than budget due to the final settlement for the April 2017 floods.
- Total surplus of \$7.9 million
- Total capital expenditure was \$6.6 million lower than budget.
- Noted that the reserve information presented at the March meeting was incorrect.
- Total reserves (\$1.2 million).
- Internal loans closing balance as of 30 June 2023 \$40 million.
- Asset valuation as at 1 July 2022 of \$87.6 million.

Discussion

- The Rangitāiki-Tarawera Rivers Scheme is running at a high debt level as a result of significant capital investment since the 2004 flood, the benefits of which will be realised well into the future. The Rangitāiki Spillway project is the final significant capital investment arising from the 2004 event.
- All finance reports are audited by Audit NZ. Financial prudence is included in the Audit report.

Items for staff follow up:

- Audit report to be circulated with members.

3.5 Rangitāiki River Forum and Tarawera Awa Restoration Strategy Group Updates

Presented by: Chris Ingle.

Agenda report taken as read.

Key Points:

- The report included in the agenda was for the June meeting. At the time this agenda was produced, the most recent meeting had not yet been held.

- The most recent meeting included a presentation from Fonterra on discharges to the river; whitebait regulations; discussion on the freshwater policy programme; and a presentation from Charles Harley on the Catchment Programme and the work report from the last year.

Discussion

- Terewai Kalman noted that the Catchment Programme was well received. Local Authorities presented their LTP drafts, noting that ongoing work is required for Taupō District Council's proposed LTP.

3.6 Gravel Management Update

Presented by: Paula Chapman.
Agenda report taken as read.

Discussion:

- Further updates since the agenda report was written, dated 24 August.
- Gravel extractions on the Horomanga River reduced in 2021/2022. There were some concerns from Ngāti Manawa about extraction practices, and the methodology. A lot of work has been put into collaborating with Ngāti Manawa, around gravel extraction and other Rivers & Drainage operational works.
- Extractions out of the Kopuriki have increased.
- Contractors extracting gravel across the Eastern Bay of Plenty must ensure that ecology, fish and tuna spawning and historic/wahi tapu sites are accounted for appropriately. Contractors are encouraged to build relationships with hapū and iwi, and to have conversations with those groups prior to their applications. This has been working successfully.
- Discussed the current gravel market and the costs associated with transporting to market. Cr Shirley inquired about the possibility of transporting gravel by rail.

Items for staff follow up:

- Investigate the feasibility of transporting river gravel by rail.

3.7 General Business

Presented by: Kirsty Brown
Report taken as read.
Tabled item: Greig Road Communal Pumping Scheme residents' letter.

Key Points:

- 2023 Terms of Reference for all river scheme advisory groups was adopted at the 9 August 2023 Council meeting.
- Second three-year term of ratepayer membership is due to conclude in October 2023. The public nomination process is scheduled for November.
- Residents from the Greig Road Communal Pumping Scheme recently met to discuss communication problems and clarify responsibilities between the councils. It was also noted that repairs on Smith Road are currently in progress.

Public Forum

5.1 Scotty Muir & Colin Holmes - Aniwhenua Dam Consent Renewal

- Scotty Muir discussed the dam's impact, highlighting the build-up of the delta and debris causing water issues. He mentioned Tonkin & Taylor hydraulic model showing significant effects in 2007 and proposed redoing the model.
- Colin Holmes shared farm impacts, noting sediment issues moving upstream and requested more frequent updates for affected residents.
- Terewai Kalman emphasised iwi concerns, mentioning yearly flooding and ongoing communication with Southern Generation.
- It was noted that the consent renewal will likely look at retaining the current environment, not necessarily restore the river. Flooding impacts related to the dam may lead to new consent conditions.
- Collaboration between Scotty, Colin, and Terewai was encouraged to address concerns.

12.20 pm - the meeting closed.

CONFIRMED

Councillor Toi Iti
Meeting Chairperson, Rangitāiki-Tarawera
Rivers Scheme Advisory Group

Action Sheet

Rangitāiki-Tarawera Rivers Scheme Advisory Group Meeting

06 March 2024

Action	Person Responsible	Completed	Comment
1. Targeted public engagement process is to be considered by staff, to occur before the next round of Advisory Group meetings in March 2024	Kirsty Brown	Completed	Request was forward through to Community Engagement team. Community events and webinars have been programmed for LTP consultation. Rangitāiki River Festival - 16 March 2024 Rivers and Drainage staff will attend.
2. Audit report to be circulated with members.	Kirsty Brown	Completed	Audit NZ has now completed their review and the Independent Auditor's Report has been circulated to the members on 8 February 2024.
3. Investigate the feasibility of transporting river gravel by rail.	Paula Chapman	Completed	The use of rail to transport gravel resource is constrained by the need to load and unload the material. This additional cost means rail is seldom viable for the transportation of gravel. According to info from the Infrastructure Commission the only situations where it has proved viable is where the product is used for ballast for rail lines. Currently rail transport is not considered a viable option due to cost related factors. A recent study undertaken by the commission indicated the ideal distance to market for gravel resource is approximately 32kms. Investigation into river gravel availability has been conducted with NZ Infrastructure Commission Te Waihanga - Aggregate Research Opportunity.

MEMORANDUM



To: Rangitāiki-Tarawera Rivers Scheme
Advisory Group

From: Hemi Barsdell
Assets Management Specialist

Date: 16 February 2024

File Ref: A4601618

Subject: Long Term Plan 2024-34 and the Rivers and Drainage Assets Management Plan 2024-74

The purpose of this memo is to provide information on the proposed draft budgets for the Long Term Plan 2024-34 and the Rivers and Drainage Asset Management Plan 2024-74. These budgets were revised following the September 2023 advisory group meeting and will be open for public consultation as part of Long Term Plan 2024-34 between 8 March and 6 April 2024.

A presentation on the proposed budget and its rating implications will be given at the meeting on 6 March 2024.

Background

The Long Term Plan (LTP) is Council's key strategic document. It sets out Council's priorities for the next 10 years, including what will be done, how much it will cost and how it will be funded.

The Rivers and Drainage Asset Management Plan (AMP) is a 50-year plan that provides information about the assets and how they are maintained and managed to provide levels of service. Information from the AMP feeds into the LTP.

Both plans are reviewed every three years alongside each other to make sure they are relevant and accurate.

Proposed LTP 2024-2034 Budget - Key Messages

- Investment in capital programmes over the next 10 years will support community resilience and wellbeing. Planned expenditure is reflective of the current costs associated with infrastructure construction and renewal.
- The Rivers and Drainage Operations Team is exploring and implementing cost-saving initiatives, such as conducting more work in-house, dry hiring equipment, the cost/benefit in owning machinery and plant, and nature-

based solutions for erosion management. These initiatives will/have result in cost efficiencies in the future.

- The rock replenishment rate was reduced in non-critical areas to 25% every 25 years (from 25% every 15 years) resulting in an annual saving to the scheme of \$170,000.

In addition, the Rivers and Drainage Assets team will undertake a 'phase 2' of the previous infrastructure insurance review to further investigate self-insurance, increasing the deductible for each claim (currently \$600,000), not insuring low-risk assets, etc., to minimise the impact of rising insurance costs.

- External cost factors - such as increasing costs for materials, suppliers, and contractors, as well as central government regulations - are influencing some costs.
- In recent years there has been significant capital investment in new or upgraded flood control and protection assets, which has significantly enhanced resilience.
- The majority of capital works completed were funded through loans, with a forecasted \$50 million loan balance by 1 July 2024. Loan interest rates are set to rise to 4% in years 1 and 2 (2024/25 and 2025/26), up from the current 2.5%, leading to an additional annual cost of approximately \$750,000 compared to the current year. The loan balance is expected to decrease to \$23 million by 2033/34 based on the current capital plan, resulting in progressively lower interest payments over time.
- As discussed at the September 2023 meeting, the proposed defects budget of \$90,000 and the Flood Protection and Drainage Bylaws budget of \$107,000 has increased the annual contract budget. This work is necessary to appropriately manage risks to flood protection and drainage asset integrity and to adopt best practice methodologies.
- Operating and capital expenditure varies between years, but the implication of expenditure on targeted rating is reflected in the table below under 'operating revenue by class'.
- Members are invited to provide submissions on the proposed budgets through the LTP process, described below.
- The appended table below details the proposed budget for LTP2024-2034.

LTP 2024-2034 Public Consultation Timeline and Process

- Submissions open Friday 8 March and close Tuesday 9 April 2024.
 - o Submissions can be made online through BOPRC's website: www.boprc.govt.nz/ltp-2024, via email LTP@boprc.govt.nz, or by posting a hard copy submission form to *Freepost Number 122076*,

Long Term Plan Submissions, Bay of Plenty Regional Council, PO Box 364, Whakatāne 3158

- Staff will also be present at several community events around the region with information and consultation packs.

- Hearings 14 and 16 May 2024, for those submitters that wish to speak to their submission.
- Council deliberations will take place on 29 May 2024.
- Long-Term Plan 2024-2034 adopted 30 June 2024.



Hemi Barsdell
Assets Management Specialist

Proposed Draft LTP 2024-2034 Budget

Draft Long Term Plan 2024-2034

Sub Activity 211 - Rangitaiki-Tarawera Rivers Scheme by Class

Run audit: 07-Dec-2023 @ 13:36:22 - Long-Term Plan Ledger: 25PJL04

Version: 4

	Annual Plan	2024-2034 Long Term Plan									
	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
OPERATING											
Operating revenue by class											
Targeted rates	5,123	5,690	6,098	6,502	7,119	7,226	7,348	7,473	7,602	7,732	7,781
External interest income	5	16	27	39	33	33	33	33	33	33	33
Other revenue	101	103	105	107	108	110	112	111	113	115	114
Fees and charges	14	14	14	15	15	15	15	15	15	16	15
General rates	467	764	794	853	885	895	884	893	916	944	961
Investment income	629	877	864	901	916	932	953	975	984	989	984
Total operating revenue	6,338	7,464	7,904	8,417	9,077	9,210	9,345	9,501	9,664	9,829	9,889
Expenditure by class											
Administration expenses	4	4	4	4	4	4	4	4	4	4	4
Other expenses	576	660	713	774	1,585	914	997	1,081	1,100	1,118	1,109
Contract work	902	1,516	1,542	1,574	1,605	1,635	1,666	1,700	1,731	1,761	1,765
Depreciation and Amortisation	440	395	409	430	453	466	478	491	502	472	484
Expenditure (before charges and recoveries)	1,922	2,575	2,667	2,782	3,647	3,020	3,145	3,277	3,336	3,356	3,362
Net overhead charges and recoveries	2,791	3,210	3,164	3,238	3,150	3,041	2,933	2,815	2,735	2,626	2,497
Total operating expenditure	4,713	5,785	5,832	6,020	6,797	6,061	6,078	6,091	6,072	5,981	5,859
Total operating surplus (deficit)	1,625	1,679	2,072	2,397	2,280	3,150	3,267	3,409	3,593	3,847	4,030
Operating funding											
Operating transfer from reserve	0	(907)	(741)	(500)	(744)	0	0	0	0	0	0
Operating transfer to reserve	1,625	2,586	2,813	2,897	3,024	3,150	3,267	3,409	3,593	3,847	4,030
Total operating funding	1,625	1,679	2,072	2,397	2,280	3,150	3,267	3,409	3,593	3,847	4,030
CAPITAL EXPENDITURE											
Rangitaiki Floodway	5,300	1,868	0	0	0	0	0	0	0	0	0

Rangitaiki River modelling	0	0	0	0	0	56	171	0	0	0	0
Tarawera stopbank construction	397	1,272	0	0	0	0	0	0	2,373	1,210	0
Rangitaiki Tarawera pump electronics	36	0	0	0	0	0	0	0	0	0	0
ORC (Old Rangitaiki Canal)	0	2,054	0	0	0	0	0	0	0	0	0
Rangitaiki stopbank upgrades	0	1,060	0	0	0	0	0	0	0	0	0
Rangitaiki Tarawera fish passage	0	21	21	21	0	0	0	0	0	0	0
Rangitaiki overlay	0	0	367	0	0	0	0	0	0	0	0
SOS Stage 7 Edgecumbe	0	0	0	348	0	0	0	0	0	0	0
Rangitaiki capacity review	0	0	0	0	55	0	0	0	0	0	0
Rangitaiki Tarawera consent new	0	0	0	40	74	0	194	0	0	0	0
Total Capital Expenditure	5,733	6,275	388	409	129	56	365	0	2,373	1,210	0
Capital cost of borrowing											
New loans - clean heat programme	0	0	0	0	0	0	0	0	0	0	0
Clean heat loan repayments	0	0	0	0	0	0	0	0	0	0	0
Capital expenditure loan repayments	3,157	2,753	2,983	3,072	3,212	3,351	3,501	3,656	3,850	4,075	4,270
Total Other Capital Costs	3,157	2,753	2,983	3,072	3,212	3,351	3,501	3,656	3,850	4,075	4,270
Total capital expenditure	8,890	9,028	3,371	3,481	3,341	3,407	3,866	3,656	6,223	5,285	4,270
CAPITAL FUNDING											
Funding of Capital Expenditure											
Capital grants received	(2,049)	0	0	0	0	0	0	0	0	0	0
Capital Disposals	0	0	0	0	0	0	0	0	0	0	0
Increase in debt	(3,684)	(6,275)	(388)	(409)	(129)	(56)	(365)	0	(2,373)	(1,210)	0
Funding of capital expenditure	(5,733)	(6,275)	(388)	(409)	(129)	(56)	(365)	0	(2,373)	(1,210)	0
Funding of borrowing costs											
Clean heat programme	0	0	0	0	0	0	0	0	0	0	0
Clean heat loan repayments	0	0	0	0	0	0	0	0	0	0	0
Capital expenditure loan repayments	(3,157)	(2,753)	(2,983)	(3,072)	(3,212)	(3,351)	(3,501)	(3,656)	(3,850)	(4,075)	(4,270)
Total loan	(3,157)	(2,753)	(2,983)	(3,072)	(3,212)	(3,351)	(3,501)	(3,656)	(3,850)	(4,075)	(4,270)
Total capital funding	(8,890)	(9,028)	(3,371)	(3,481)	(3,341)	(3,407)	(3,866)	(3,656)	(6,223)	(5,285)	(4,270)

Rangitāiki-Tarawera Rivers Scheme

Capital Works Programme 2023-2024

The following table outlines the Rangitāiki-Tarawera Rivers Scheme capital work programme for 2023-2024.

Budget figures are from the Annual Plan 2023-2024 plus approved carry forward funding from 2022-23.

Rangitāiki-Tarawera Rivers Scheme Capital Budget for 2023-2024 is \$ \$14,232,627.

Project name and background	Budget Annual Plan 2023-2024	Update	Milestones 2023-2024
<p>Rangitāiki Floodway</p> <p>The Rangitāiki Floodway is designed to take pressure off the Rangitāiki River during flood events by diverting some of its flow. It is a multi-staged project that started in 2011.</p> <p>The swing gate work (part of Stage 6) was completed early in the financial year. Timeframes for the spillway work were extended due to the complexity involved in the modelling and design along with the technical review process required as part of resource consent approval. Most of the spillway project is scheduled for 2023-2024 with completion expected in early 2024-2025.</p> <p><i>Central Government Climate Resilience Funding has been approved for this project. The funding will contribute up to \$2,100,000 of the spillway physical works costs.</i></p> <p>For information and updates visit the Project Page or www.boprc.govt.nz/our-projects/rangitaiki-floodway-and-spillway</p>	<p>\$6,750,000</p> <p>Includes approved carry forward funding from 2022-23.</p>	<p>Stage 6 is complete including the swing gates on McCracken and McLeans Road.</p> <p>All Resource Consents are granted for the spillway, major contracts awarded (civil, electrical, and mechanical) and earthworks have begun on site.</p>	<p>Swing Gates</p> <ul style="list-style-type: none"> • Construction complete September 2023. <p>Spillway</p> <ul style="list-style-type: none"> • Consent granted by October 2023. • Tender processes August – December 2023. • Construction works commence January 2024.

Project name and background	Budget Annual Plan 2023-2024	Update	Milestones 2023-2024
<p>Rangitāiki Floodwalls</p> <p>Three priority sites were identified as part of this project.</p> <p>Greig Road and East Bank Road (Thornton) and 87-109 College Road. These are now complete.</p> <p>A seepage trench instalment and overlay works were undertaken at Reynolds Bend.</p>	<p>\$1,950,000</p> <p>Includes approved carry forward funding from 2022-23.</p>	<p>College Road floodwall works complete.</p> <p>Reynolds Bend overlay works complete.</p>	<ul style="list-style-type: none"> • College Road floodwall completion September 2023 • Reynolds Bend overlay work completed December 2023.
<p>Lower Rangitāiki Stopbank Upgrade (left bank)</p> <p>The Rangitāiki River Capacity Review identified that the stopbank on the left bank of the Rangitāiki River needs raising to achieve the 1% AEP design level.</p> <p>The upgrade involves stopbank raising and geotechnical seepage treatments on the left bank of the Rangitāiki River from the Thornton Road bridge to the residential properties before the boat ramp.</p> <p>Initially planned for 2020-2021, the project was deferred after the initial design phase when cost estimates were significantly more than the initial budget.</p> <p>Construction is scheduled for 2023-2024 and these works are underway.</p>	<p>\$2,720,000</p> <p>Includes approved carry forward funding from 2022-23.</p>	<p>Physical works are underway and estimated at 65% complete.</p> <p>The project is on track to be completed before 30 June 2024.</p>	<ul style="list-style-type: none"> • Tender Award August 2023. • Commence construction October 2023. • Project completion by 30 June 2024.

Project name and background	Budget Annual Plan 2023-2024	Update	Milestones 2023-2024
<p>Tarawera River Stopbank</p> <p>Various sections of the Tarawera River stopbanks from Braemar Rd to Thornton Rd requires upgrading to achieve the 1% AEP level of service.</p> <p>The focus for work this year is on completing the designs required for the left bank and commencing the construction of the required upgrading.</p> <p>The construction phase of this project will begin this year and go into 2024-2025.</p>	<p>\$1,026,636</p> <p>Includes approved carry forward funding from 2022-23.</p>	<p>All geotechnical reporting for the left bank is complete this has informed consultation with relevant landowners consenting requirements.</p> <p>Two sites on the right bank have been identified for upgrade (stopbank raising and seepage mitigation). The works contract has been awarded and works are about to begin shortly.</p> <p>Four further right bank sites will require resource consents and the physical works are planned for next summer.</p> <p>Geotechnical investigations have been completed for the right bank, and consultation with key landowners is underway.</p> <p>Tonkin and Taylor have been engaged to develop mitigation options for one of the main sites identified as having significant seepage issues.</p>	<p>Tarawera Left Bank</p> <ul style="list-style-type: none"> • Detailed design complete by December 2023 • Ongoing consultation with affected parties • Commence construction on some sites early 2024. <p>Tarawera Right Bank</p> <ul style="list-style-type: none"> • Detailed design underway by December 2023. • Ongoing consultation with affected parties • Commence construction early 2025.

Project name and background	Budget Annual Plan 2023-2024	Update	Milestones 2023-2024
<p>Rangitāiki Tarawera River Scheme Pump Electronics</p> <p>The project involves upgrading pump station electronics. The focus this year is the Old Rangitāiki Channel Pump Station which requires substantial upgrade work. The current budget provision will be insufficient to undertake the required work and upgrade costs will be offset by savings in maintenance.</p>	<p>\$36,000</p>	<p>Pump upgrade work proposal received and work to be scheduled.</p>	<p>Pump upgrades complete by 30 June 2024.</p>
<p>Old Rangitāiki Channel (ORC) Major Maintenance</p> <p>A serious erosion incident around one of the structure abutments of the ORC flood gate structure highlighted the need for planned replacement work to be brought forward and undertaken alongside emergency works. The work and budget were approved with urgency as it was anticipated that the total cost will be higher and the impact for residents and the community will be significant if the structure were to fail completely.</p>	<p>\$1,750,000</p> <p>Approved by Council November 2023.</p>	<p>Emergency stabilisation works undertaken October-November.</p> <p>Major maintenance repair works were able to commence prior to Christmas.</p>	<p>Critical repair works to be completed by 31 March 2024.</p>

Rangitāiki-Tarawera Rivers Scheme

Maintenance Programme 2023-2024

The purpose of this report is to provide an overview of the Rangitāiki-Tarawera Rivers Scheme maintenance work programme for 2023-2024

Maintenance work programme

Maintenance works comprise activities that ensure the drainage, pumping and river flood protection networks are operational and providing the agreed level of service. These activities are programmed through the Rivers and Drainage Asset Management Plan, considering asset lifecycles, and maintenance and inspection schedules. Maintenance programme budgets are set during the Long-Term Plan and Annual Plan processes.

Scheme maintenance work includes:

- Pump stations - operation, weed clearance, inspections, and maintenance.
- Culverts and floodgates - inspections and maintenance.
- Stopbanks - inspections, maintenance, repairs, pest control.
- River maintenance - pest plant control, vegetation maintenance, gravel beach shaping and overflow depressions, and habitat enhancement.
- Erosion control - rock refurbishment, edge planting, trenched willows, willow, and vegetation maintenance.
- Annual flood damage repairs and flood response activities.
- Repairs to defects identified through asset condition inspections and assessments.

Key projects in 2023-2024:

- Rangitāiki River, College Road (identified asset defect): Trees have been removed and the process of removing roots and reconstructing the stopbank has been completed.
- Reid's Central Canal rock replenishment: Stage 3 has been completed.
- Rabbit control on stopbanks has proven effective and monitoring and control will continue.
- ORC Pumpstation electronic upgrade has been completed.
- Rangitāiki River, Eruera's tree removal from toe of stopbank (identified asset defect): Stages 1, 2 and 3 completed. Next stage will be removal of another 70 metres of trees.
- Working with our Biosecurity team with the ongoing control of pest plants including Alligator weed (*Alternanthera philoxeroides*).
- Scheme wide collaboration with iwi and hapū on work planned in their rohe.
- Native planting sites have been completed in conjunction with landowners and the community on the Horomanga riverbanks.
- Mechanical willow and vegetation management in the upper Rangitāiki and Whirinaki rivers is in progress.
- Rangitāiki River, Murupara erosion repairs/rock replenishment is underway.
- Our Air Boat (Kokohau Hoe) is being utilised on canals in both the Rangitāiki and Tarawera

Rivers for inspections and pest vegetation control.

- Full inspections of Tarawera, Rangitāiki and Horomanga Rivers were delayed due to high river levels. Both rivers have now been comprehensively inspected and the required repairs are being assessed. Sites on the Whirinaki, Rangitāiki and Tarawera Rivers have been estimated and works to begin in March.
- Implementing the objectives of the Rangitāiki River Forum, contained within their river document [Te Ara Whānui o Rangitāiki Pathways of the Rangitāiki](#). Specifically, objectives 1 and 2 relating to protecting tuna (including enhancement and restoration of their habitat and migration paths) and creating, protecting and enhancing habitats that support indigenous species; and objective 7 relating to respecting the naturalness of the river landscape. Work includes fish passage through structures, habitat enhancement and native plantings.



Whirinaki River trench willows



College Rd identified asset defect repair

Maintenance programme budget 2023-2024

A budget summary table for the Rangitāiki-Tarawera Rivers Scheme maintenance programme is shown below. The annual budget figures include operational costs only and exclude non-operational costs (e.g. debt servicing and infrastructural asset insurance).

Rangitāiki-Tarawera Rivers Scheme Maintenance Works Programme Budget 2023-2024		
Rangitāiki River		Annual Budget
	General	\$19,200
	Lower Rangitāiki River (Mouth to Matahina)	\$468,900
	Upper Rangitāiki River and Tributaries	\$693,600
Tarawera River		
	Mouth to Kawerau	\$115,900
	Major canals, pump station and floodgates	\$63,800
Annual Flood Damage		
	Annual Flood Damage Repair Allowance	\$247,300
Rangitāiki-Tarawera Scheme Total		\$1,608,700

Bay of Plenty Regional Council - Toi Moana Statement of revenue and expense: Rangitaiki-Tarawera Rivers Scheme

DRAFT

For the 6 months ending 31 December 2023

Year to date		Variance		Variance Commentary	Annual		Variance	
Budget	Actual	\$	Variance indicator		Budget	Forecast	\$	Variance indicator
\$000					\$000			

Operating revenue by class

1	General rates	233	233	0	-		467	466	(1)	Lower
2	Targeted rates	2,191	2,191	0	-		5,123	5,123	0	Higher
3	External interest income	2	23	21	Higher	Additional interest received due to higher interest rates	5	25	20	Higher
4	Other revenue	7	12	5	Higher		101	106	5	Higher
5	Fees and charges	0	0	0	-		14	14	0	-
6	Investment income	314	314	0	-		629	629	0	-
7	Total revenue	2,747	2,773	26	Higher		6,338	6,363	25	Higher

Operating expenditure by class

9	Administration expenses	2	3	1	Higher		4	5	1	Higher
10	Grants and subsidies	0	3	3	Higher		0	3	3	Higher
11	Other expenses	280	361	81	Higher	Additional rock material - Reid Central Canal	576	598	22	Higher
12	Consultancy fees	0	15	15	Higher		0	15	15	Higher
13	Contract work	275	556	281	Higher	Reids Central Canal Stage 3	902	1,016	114	Higher
14	Depreciation and Amortisation	220	220	0	-		440	440	0	-
15	Subtotal - expenditure	777	1,158	381	Higher		1,922	2,077	155	Higher
16	Net overhead charges and recoveries	1,396	1,337	(59)	Lower		2,791	2,733	(58)	Lower
17	Total operating expenditure	2,173	2,495	322	Higher		4,713	4,810	97	Higher
18	Total operating surplus (deficit)	574	278	(296)			1,625	1,553	(72)	

Capital revenue by class

20	Capital funding	1,024	0	(1,024)	Lower	Funding for Rangitaiki Spillway from Climate Resilience fund is expected before year end	2,049	2,049	0	-
21	Total capital revenue	1,024	0	(1,024)	Lower		2,049	2,049	0	-
22	Total surplus (deficit)	1,598	278	1,320			3,674	3,601	(73)	

Bay of Plenty Regional Council - Toi Moana Statement of revenue and expense: Rangitaiki-Tarawera Rivers Scheme

DRAFT

For the 6 months ending 31 December 2023

		Year to date		Variance				Annual		Variance	
		Budget	Actual	\$	Variance indicator	Variance Commentary		Budget	Forecast	\$	Variance indicator
		\$000						\$000			
23 Capital expenditure by project											
24	Rangitaiki Floodway	2,650	1,314	(1,336)	Lower			6,750	6,308	(442)	Lower
25	Rangitaiki Tarawera Capital Renewal	0	103	103	Higher			0	103	103	Higher
26	Rangitaiki Floodwalls	0	1,134	1,134	Higher			1,950	2,085	135	Higher
27	Rangitaiki River (Stopbank upgrade)	0	351	351	Higher			2,720	2,651	(69)	Lower
28	Tarawera stopbank construction	198	15	(184)	Lower			1,027	945	(82)	Lower
29	Rangitaiki Tarawera pump electronics	18	0	(18)	Lower			36	18	(18)	Lower
30	Rangitaiki Tarawera unplanned capital	0	70	70	Higher			0	70	70	Higher
31	ORC (Old Rangitaiki Canal)	450	604	154	Higher	Expenditure forecasted to be close to the revised budget by year end.		1,750	1,727	(23)	Lower
32	Total capital expenditure	3,316	3,591	275				14,233	13,907	(326)	

MEMORANDUM



To: Rangitāiki-Tarawera River Scheme
Advisory Group

From: Mark Townsend
Engineering Manager

Date: 6 March 2024

File Ref: A4600507

Subject: Gravel extraction in the Rangitāiki-Tarawera Rivers Scheme

Gravel management in the Rangitāiki-Tarawera Rivers Scheme currently occurs in the Rangitāiki River upstream of Matahina Dam. No extraction is carried out in the reaches below Matahina, or in the Tarawera River.

1.0 Horomanga River – Gravel Extraction 2017-2024

Year	Quantity Allocated m ³	Quantity Extracted m ³
2017/18	12,500	0
2018/19	71,000	63,473
2019/20	45,000	23,774
2020/21	81,000	52,542
2021/22	20,000	19,629
2022/23	0	0
2023/24	0	0

Extraction is supported in sections of the Horomanga River. Based on recorded gravel extractions, and surveys, the calculated inflow of gravel since 2001 has averaged only 3,700 m³ per year. However, the riverbed is still severely perched over the four-kilometre reach above Galatea Road.

Ngāti Manawa are not currently supportive of gravel extraction and Timberlands Limited are not extracting from the Horomanga River for forestry roading. Their main supply is now Kopuriki Stream gravel.

Whakatāne District Council (WDC) plans to extract gravel from underneath the Galatea Road Bridge #73 have not progressed.

2.0 Kopuriki Stream – Gravel Extraction 2019-2024

Year	Quantity Allocated m ³	Quantity Extracted m ³
2019/20	6,000	0
2020/21	22,000	5,444
2021/22	30,000	21,355
2022/23	23,000	14,182
2023/24	4,000	0

In 2020 gravel extractions were approved for the Kopuriki Stream. The Environmental Engineer notes that the Kopuriki streambed is extremely perched in places and should be dropped at least a metre in depth.

While no estimates of long-term supply have been made, significant resources now exist within the stream floodway. Any extraction should be focused on the lower reaches of the stream (i.e. cross-sections 1 to 4) and cross-sections 6 and 7, where bed levels are aggrading, and large volumes have been gained over recent years.

Benefits to the river system of the extraction include:

- Reducing the potential for flooding from a severely aggraded stream.
- Reducing the potential for the stream to avulse (jump out of its bed and change course).
- Improving the flood carrying capacity of the Galatea Road Bridge.

The extraction contractor has been granted land use consent from Whakatāne District Council to process gravel material on land adjacent to the stream. Gravel extraction in this location has the support of the Ngāti Haka Patuheuheu (hapū of Ngāi Tūhoe). An allocation of 4000 cubic metres was granted in August 2023.

3.0 Jones Drywash, Mangamate and Ohutu Streams - Gravel Extraction

There is currently no extraction in the Mangamate and Ohutu streams and staff are comfortable with this. These two streams appear to be steep enough to transport significant quantities of gravel right through the system to the Horomanga River. Gravel continues to move down to the Jones Drywash area due to large upstream slips in heavy rain events. This dynamic situation needs to be closely monitored to avoid significant gravel build-up that may cause flooding or infrastructure damage.

4.0 Lake Aniwaniwa

In August 2023 a resource consent application was resubmitted by Southern Generation Partnership Limited to remove gravel and debris from Lake Aniwaniwa. The proposal seeks consent to carry out the following works within and adjacent to Lake Aniwaniwa, Galatea (Figure 1 and 2).

- Excavating gravel from the channel of the Rangitāiki River.
- Removal of some debris islands (vegetation and sediment) that have formed in the Lake Aniwaniwa delta.
- Disturbance of land and soil due to deposition of excavated gravel, sediment and vegetation.
- Discharge sediment-contaminated water to land and water because of the lake bed disturbance and from the drainage of deposited gravel and sediment.

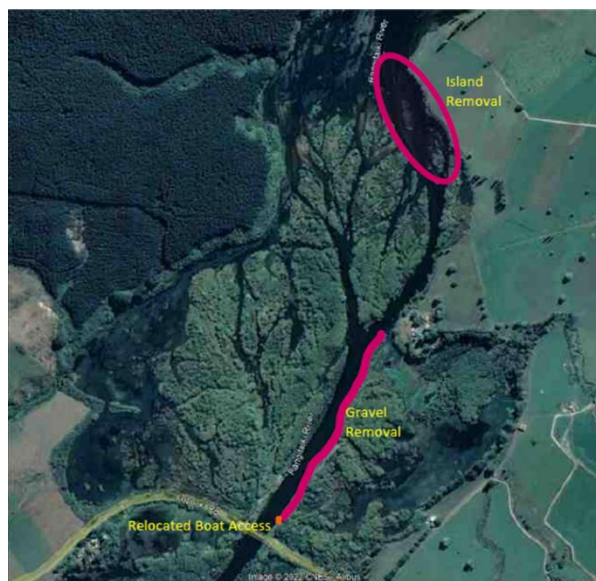


Figure 1 Location of proposed gravel removal, debris island removal, and relocation of the boat ramp



Figure 2. Location of Debris Islands that will be removed (red circles) in the Lake Aniwanuiwa delta.

A consent term of 3 years has been requested.

The purpose of the works is to assist with lowering the lake water level and reducing the backwater flooding effects in the upper reaches around Lake Aniwanuiwa. The Rangitāiki River remains as a defined river channel within the upstream reaches of Lake Aniwanuiwa. Gravel extraction will be from the river channel, and debris island removal is from the Lake Aniwanuiwa Delta (Figure 1). To enable the works, the existing carpark and boat ramp will be temporarily relocated from within the works area, to an area south of the Kopuriki Road Bridge. The application was publicly notified, and submissions closed on 13 December 2023. The details of the proposal can be found on Councils website. A hearing date for the consent is yet to be set.

[Consent documents | Bay of Plenty Regional Council | Toi Moana \(boprc.govt.nz\)](#)

5.0 Gravel Extraction Fee

In conjunction with the upcoming Long Term Plan 2024 - 2034 consultation process, Regional Council will be consulting on a proposed increase to its gravel management fee. This fee is currently 90c / m³ and has remained unchanged for more than 14 years. Council is proposing an increased rate of \$2.70/m³ to adjust for inflation and to meet current resourcing costs.

This fee is being included in the Fees and Charges Policy, which is going out for public consultation at the same time as the Long Term Plan 2024 - 2034.

The review of the fee was an action from an internal audit undertaken in 2021 and adopted by the Risk and Assurance Committee.

A frequently asked questions (FAQ) sheet has been developed and has been included with consultation material. The consultation process has included direct letter communication with gravel extraction contractors and key iwi/hapū gravel contacts ahead of the public consultation period.

Written submissions are invited on the proposed change throughout the consultation process by making a submission online at www.participate.boprc.govt.nz/fees-and-charges or by email to feesandcharges@boprc.govt.nz.

Key dates are as follows:

- Long Term Plan and Fees and Charges Policy submission period opens on Friday 8 March and closes Tuesday 9 April.
- Hearings will be held between 14 and 16 May.
- Council deliberations will take place on 29 May.
- Any changes to the Long Term Plan / Fees and Charges Policy are adopted by 30 June and become operative from 1 July 2024.

Mark Townsend
Engineering Manager

Attachment – FAQ Sheet Gravel Extraction Fee Increase

Gravel Management Fee



Gravel management:

Why does Regional Council support gravel extraction?

Gravel extraction is required on certain rivers and locations around the rohe where excess gravel in the riverbed can cause an increased risk of erosion or flooding. For example, along with the naturally occurring gravel supply from upper catchment headwaters, extreme weather events that result in increased river flows can cause large gravel deposits downstream. This may then divert the flow of the river into riverbanks (and increase the risk of erosion), or greatly reduce the amount of water the river can hold (and increase the risk of flooding).

By removing controlled quantities of gravel as part of scheme maintenance, we can manage these risks for neighbouring communities.

Regional Council plays a critical role in ensuring that gravel extraction does not adversely effect the river system, and works closely with relevant organisations and tangata whenua to achieve this. Our river engineers manage extraction rates to maintain the flood capacity of the river, by seeking a balance between extraction rates and the

naturally occurring gravel supply. It is important that any proposed extraction is assessed, approved, and monitored as over extraction can degrade the riverbed and increase erosion risk.

We operate under a Regional River Gravel Management Plan, which was developed to assist Regional Council in carrying out its role effectively. This plan is informed by the Resource Management Act and the Soil Conservation and Rivers Control Act 1941.

You can view the full document on our website:
www.boprc.govt.nz/gravel-management

Do we need to remove gravel? What would happen if we didn't remove it?

Controlled gravel removal in key areas stops the riverbed from becoming perched (meaning the main channel of the river is higher than the surrounding floodplains). If this happens, it can cause flooding and erosion on the surrounding land.

By incorporating controlled gravel removal into our scheme maintenance programme for some rivers, we can manage this more effectively. We call this soft engineering, where we work with the natural environment to manage the potential for flooding and erosion (instead of building artificial structures).



The management fee:

Why is there a gravel management fee and what does it cover?

The fee helps cover the cost of Regional Council staff time required to ensure that any gravel extracted from the rivers is meeting our responsibilities under the Soil Conservation and Rivers Control Act 1941 (SCRCA) for river control and flood management.

This work programme includes ongoing surveying of the river (for example, riverbed cross sections, field work, information collection, aerial surveys, environmental data monitoring, allocation assessments and review), physical site inspection, relationship management with contractors and stakeholders, reporting and general administration.

Why is it increasing?



The fee has remained unchanged for more than 14 years. It needs to adjust for inflation and to meet current resourcing costs.

The proposed fee is based on:

- The resources needed to deliver the gravel management work programme. For example, the surveys we complete for the rivers have increased and the technical equipment we use to complete these has become more sophisticated. This gives us a more comprehensive picture of what's happening in and around the riverbeds, so we can more effectively manage gravel removal.
- Increases to staff charge-out rates over the past 14-plus years, which we need to account for in our fee. These charge-out rates can be viewed through Schedule A of the Fees and Charges Policy.

Why is this fee being included in the Fees and Charges Policy?

Including this fee in the policy gives us an opportunity to be increasingly transparent with the community by ensuring the fee is open for regular review and consultation. This will also support a more robust process around how the fee is set and what it is being used for.

To date, the gravel management fee has been in place either through consent conditions of gravel extraction or site allocation agreements (between Regional Council and contractors).

Does a change in fee change the process / rules?

No. If you are extracting gravel, you will still need to adhere to resource consent conditions in the consent or site allocation agreements, including engagement and discussion with local iwi/ hapū.

How does this fee compare to other councils who manage gravel extraction?

The fees vary widely across the country as it is impacted by the management approach and work programme required to reduce the risk of flood protection and erosion. Several councils charge their administration and monitoring separately to their gravel extraction fee, which means direct comparison is not possible. Through our research, and discussions with other councils, the fee varies from 0.15c through to \$7.70.

The consultation process:

How can I provide feedback on this change?

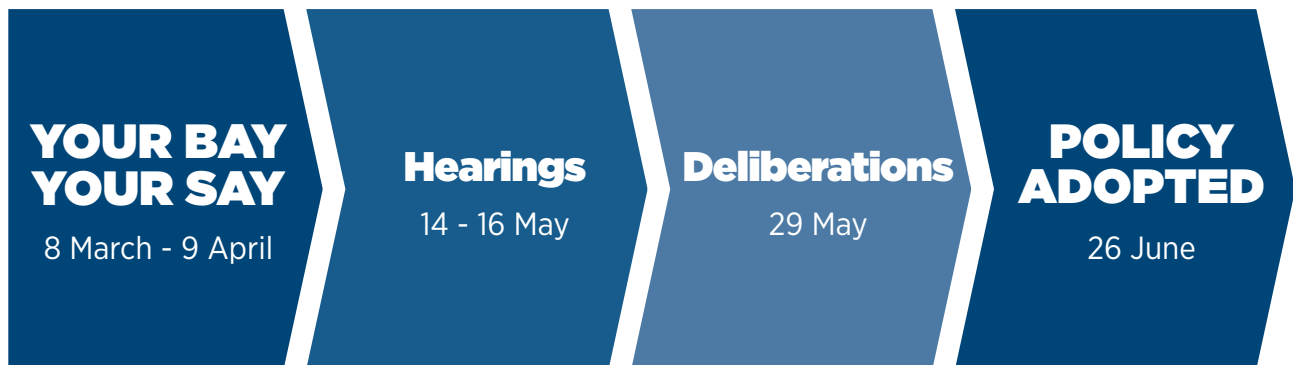
Consultation on the Fees and Charges Policy is being held in conjunction with the Long Term Plan 2024-2034 consultation process. There will be a dedicated section on the Fees and Charges Policy, which includes the proposed increase to the gravel management fee.

Council will receive feedback through written submissions.

You can make a submission online at www.participate.boprc.govt.nz or by email to feesand.charges@boprc.govt.nz

Submissions close at 5pm on Tuesday 9 April 2024.

Please note, any conversations with staff are not considered part of the consultation process, and won't be recorded as a formal submission.



What is the process after I have made a submission?

People who make a written submission can choose to speak to their submission at hearings scheduled for May 2024.

Following submissions, Council will make final decisions on the policy in June 2024. Any changes made through those decisions will be reflected in the final Fees and Charges Policy and published on Council's website, effective from 1 July 2024.

Full details on the Fees and Charges Policy (as well as supporting documents) can be found here: www.participate.boprc.govt.nz

MEMORANDUM



To: Rangitaiki-Tarawera Rivers Scheme
Advisory Group

From: Kirsty Brown
Rivers and Drainage Assets Manager

Date: 31 January 2024

File Ref:

Subject: General Business

Rivers and Drainage (RAD) – Parameters for Aniwhenua Dam Reconsenting

A legal guidance statement has been prepared for the upcoming reconsenting of the Aniwhenua Dam, following the recommendations from the Van Voorthuysen report 'A Review of Council Roles in Recent RMA Consenting Processes (2014).' This statement document aims to clarify the role of the RAD in the consent renewal process under the Soil Conservation and Rivers Control Act. It also was to assess whether the proposed replacements to the Resource Management Act 1991 (now repealed) would have changed RAD's role.

Key points from the guidance document include:

- RAD must work separately and must not be seen to assisting other submitters.
- RAD can only submit on matters related to the Scheme's flood protection and drainage assets on behalf of the scheme ratepayers.
- RAD cannot address broader environmental issues or exceed its statutory functions.
- Due to the dual role of Council as consent authority and submitter, RAD must not discuss the application matters with the Council team processing the application behind "closed doors" and must go through the proper channels communicating with the s42A reporting team.

The issues RAD will be focusing on during the reconsenting process is the gravel buildup in Lake Āniwaniwa and the Rangitāiki River, as well as the use of the Aniwhenua Dam for flood storage.

A summary page and a full copy of the guidance document is attached as appendices to this report.



Kirsty Brown
Rivers and Drainage Assets Manager

Rivers and Drainage – Summary guidance - Aniwhenua Dam resource consent application

Rivers and Drainage (RAD), a group in the Council, wishes to clarify their role in the renewal of the Aniwhenua Dam consent.

RADs role in law

RAD have various obligations under law. The Resource Management Act 1991 (RMA) and Soil Conservation and Rivers Control Act 1941 are two key statutes which impose soil erosion and flood management functions and duties on RAD to perform within the Bay of Plenty region. Flood protection and control works are also Council's (and RADs) responsibility under the Local Government Act 2002 (LGA).

The purposes and objectives of the RMA and SCRC form a legal framework to guide RAD in exercising its functions, and in identifying outcomes it must or should achieve as a submitter to the resource consent application.

Although multiple Acts impose obligations on RAD, the duties are not unlimited and do not enable RAD to promote wider environmental interests or perform or represent matters beyond its statutory functions.

Erosion Control and Flood Management

RAD's present and future erosion control measures within the Aniwhenua Dam area are a consequence of RAD exercising its statutory functions and duties. Therefore, any actual or potential adverse effect on these measures from the continued operation of the Dam is an appropriate matter to raise if the Application is publicly notified or notified to RAD as an affected person.

This also applies to actual or potential adverse effects on the ongoing management and maintenance of flood protection and drainage assets resulting from the continued operation of the Dam. This is due to RAD's statutory functions including the minimisation, mitigation and prevention of flood damage and control of waterflow and as such are appropriate matters to raise in a submission.

RAD as a submitter

Because RAD is a part of the Council it will be held to a higher standard than other submitters. RAD must work separately to not be seen as unduly influencing or assisting other submitters.

However, in the context of the Rangitāiki-Tarawera River Scheme it is appropriate for RAD to raise relevant matters related to the Scheme's flood protection and drainage assets on behalf of Scheme ratepayers in a submission on the Application. This aligns with the RAD's statutory functions and duties.

RAD must not discuss the Application matters with the Council team processing it "behind closed doors". Instead, RAD must go through the proper channels communicating with the s42A reporting team. Clear separation of functions and public perception is important when Council is placed into these 'dual role' situations of both consent authority and submitter on the same application.

If expert evidence is needed for RAD's submission on a resource consent application, an expert witness who is not already engaged by Council performing another role in the same application process should be used.

**Bay of Plenty Regional Council - Rivers and Drainage
Guidance Statement
for a Submission on the Aniwhenua Dam Resource Consent Application**

RAD's role in law: to perform its statutory functions and duties

1. Bay of Plenty Regional Council (**Council**), including River and Drainage (**RAD**), is a 'creature of statute'; in other words it was created through an Act of Parliament.¹ What this means is that, in contrast to a natural person who can exercise his or her discretion to do any lawful thing, the role of Council (and RAD) as a local authority is confined to performing the functions and duties imposed on it by statute. This fundamental legal principle and mandate is recorded in section 11 of the Local Government Act 2002:

11 Role of local authority

The **role of a local authority is to –**

(a) give effect, in relation to its district or region, to the purpose of local government stated in section 10; and

(b) **perform the duties, and exercise the rights, conferred on it by or under this Act and any other enactment.**

The legal framework within which RAD operates

2. The Soil Conservation and Rivers Control Act 1941 (**SCRC Act**) and the Resource Management Act 1991 (**RMA**)² are two key statutes which impose key soil erosion and flood management functions and duties on RAD to perform within the Bay of Plenty region.³ There are also provisions in the Local Government Act 2002 (**LGA**) that make clear the responsibility of local authorities, such as Council (and RAD), for flood protection and control works.
3. The statutory purpose and objectives of the SCRC Act and the RMA together form a legal framework which guide RAD in how it exercises its statutory functions and duties. This, in turn, helps RAD to identify the outcomes it must or would like to achieve as a submitter on the resource consent application to replace the soon-to-expire resource consents required to authorise the continued take, impoundment and discharge of water in the Rangitāiki River to operate the Aniwhenua Dam (**Application**) under the RMA and the Bay of Plenty Regional Natural Resources Plan (**Regional Plan**).

Statutory purpose and objectives guiding the exercise RAD's functions and duties

4. The SCRC Act does not record a specific purpose provision, which is not unusual for a statute drafted in the 1940s, but does contain the following introductory note:

An Act to make provision for the conservation of soil resources and for the prevention of damage by erosion, and to make better provision with respect to the protection of property from damage by floods.

¹ Local Government Amendment Act 1989.

² Various parts of the Natural and Built Environment Act 2023 (**NBA**) commenced on 24 August 2026. However, the consequence of the NBA's transitional regime means that the RMA remains the primary statutory regime for RAD's day-to-day activities for the foreseeable future.

³ The Council also performs functions, powers and duties under other related statutes including the Rangitāiki Land Drainage Act 1956. Those functions, powers and duties do not change the advice in this Guidance Statement.

5. The SCRC Act records the following objectives which, in later provisions in the Act, lead to the imposition of the functions and duties which RAD exercise when implementing river and stream works (to conserve soils, prevent erosion and provide flood protection) in order to achieve these objectives:

The objects of this Act are –

- (a) the promotion of soil conservation:
- (b) the prevention and mitigation of soil erosion:
- (c) the prevention of damage by floods:
- (d) the utilisation of lands in such a manner as will tend towards the attainment of said objects.⁴

6. In contrast to the SCRC Act, the RMA records a purpose, incorporating key objectives, which is then supplemented by a hierarchy of principles that RAD, when carrying out its functions and duties under the RMA as a manager of erosion control and flood management assets, must either recognise and provide for,⁵ have particular regard to⁶ or take into account.⁷ The following summary highlights the key provisions which influence how RAD performs its functions and duties under the RMA:

- (a) Managing natural and physical resources to enable people and communities to provide for their health and safety while safeguarding the life-supporting capacity of water and soil and managing adverse effects on the environment.⁸
- (b) Recognising and providing for the following matters of national importance:
 - (i) Preservation of the natural character of the coast, wetlands, lakes and rivers;⁹
 - (ii) Maintenance and enhancement of public access to and along the coast, lakes and rivers;¹⁰
 - (iii) The relationship of Māori, their culture and traditions with ancestral lands, water, sites, waahi tapu and other taonga;¹¹
 - (iv) Management of significant risks from natural hazards.¹²
- (c) Having particular regard to other matters, such as:
 - (i) Kaitiakitanga;¹³
 - (ii) The effects of climate change.¹⁴

⁴ Section 10 of the SCRC Act.

⁵ Section 6 of the RMA.

⁶ Section 7 of the RMA.

⁷ Section 8 of the RMA.

⁸ Section 5 of the RMA.

⁹ Section 6(a) of the RMA.

¹⁰ Section 6(d) of the RMA.

¹¹ Section 6(e) of the RMA.

¹² Section 6(h) of the RMA.

¹³ Section 7(a) of the RMA.

¹⁴ Section 7(i) of the RMA.

(d) Take into account the principles of The Treaty of Waitangi / Te Tiriti o Waitangi.

7. The LGA requires the financial information strategy that Council must provide under section 101A to include a statement of the expected capital expenditure on flood protection and flood control works, and for the same to be addressed as an infrastructure asset in the infrastructure strategy¹⁵. The LGA also contains provision for performance standard rules in relation to flood protection and control works¹⁶ which are an activity that must be identified and described in Council's long-term plan.¹⁷

Erosion control

RAD's functions and duties relevant to erosion control

8. Guided by the statutory purpose and objectives outlined above, RAD exercises the following statutory functions and duties relevant to erosion control in the region:
 - (a) Promote soil conservation;¹⁸
 - (b) Prevent or lessen erosion or the likelihood of erosion;¹⁹
 - (c) Minimise and prevent damage by erosion;²⁰
 - (d) Control the use of land for soil conservation purposes;²¹
 - (e) Control the quantity, level and flow of water in a water body²² and watercourse,²³ and towards, into and from a watercourse;²⁴
 - (f) Control the introduction and planting of any plant in, on or under the bed of a water body for the purpose of soil conservation.²⁵
9. RAD is, accordingly, responsible for implementing and maintaining the following existing erosion control measures in that part of the Rangitāiki River catchment containing the Aniwhenua Dam:
 - (a) Willow edge planting;
 - (b) Trenched willows; and
 - (c) Rock edge protection.

RAD's submission on the Application

10. Because RAD's existing, as well as foreseeable future, erosion control measures within the vicinity of the Aniwhenua Dam are the consequence of RAD exercising its statutory functions

¹⁵ Section 101B of the LGA.

¹⁶ Section 261B of the LGA.

¹⁷ Clause 2, Schedule 8 of the LGA applies.

¹⁸ Section 126(2)(f) of the SCRC Act.

¹⁹ Section 126(2)(e) of the SCRC Act.

²⁰ Section 126(1) of the SCRC Act.

²¹ Section 30(1)(c)(i) of the RMA.

²² Section 30(1)(e) of the RMA.

²³ Section 126(2)(b) of the SCRC Act.

²⁴ Section 126(2)(a) and (b) of the SCRC Act.

²⁵ Section 30(1)(g)(i) of the RMA.

and duties, any actual or potential adverse effect on these erosion control measures resulting from the continued operation of the Dam is an appropriate matter for RAD to raise in a submission if the Application is either publicly notified or limited notified to RAD as an affected person.²⁶

Flood management

RAD's functions and duties relevant to flood management

11. Similarly, and consistent with the statutory purpose and objectives outlined above, RAD exercises the following statutory functions and duties relevant to flood management in the region:
 - (a) Minimise and prevent flood damage;²⁷
 - (b) Prevent or lessen the likelihood of, and any damage caused by a watercourse overflowing or breaking its banks;²⁸
 - (c) Maintain, alter and improve the efficiency of watercourses to provide flood defences;²⁹
 - (d) Control the use of land in order to maintain the quantity of water in water bodies;³⁰
 - (e) Control the use of land in order to avoid or mitigate natural hazards;³¹
 - (f) Control the take, use, damming and diversion of water;³²
 - (g) Control the quantity, level and flow of water in a water body;³³
 - (h) Control the introduction and planting of any plant in, on or under the bed of a water body in order to maintain the quantity of water in that water body.³⁴

12. Against the background of these statutory functions and duties, RAD is responsible for the following flood management initiatives in that part of the catchment containing the Aniwhenua Dam:
 - (a) Gravel management;
 - (b) Promoting the Rivers Scheme Sustainability Project setting the direction for sustainable management of the region's five major river and drainage schemes, including the Rangitāiki-Tarawera Rivers Scheme, for the next 100 years;
 - (c) Promoting climate change adaptation.

²⁶ An 'affected person' is defined in section 95E(1) of the RMA to mean a person on whom an activity's adverse effects are minor or more than minor.

²⁷ Section 126(1) of the SCRC Act.

²⁸ Section 126(2)(c) and (d) of the SCRC Act.

²⁹ Section 133 of the SCRC Act.

³⁰ Section 30(1)(c)(iii) of the RMA.

³¹ Section 30(1)(c)(iv) of the RMA.

³² Section 30(1)(e) of the RMA.

³³ Ibid.

³⁴ Section 30(1)(g)(iii) of the RMA.

RAD's submission on the Application

13. Again, because RAD's existing, as well as foreseeable future, flood management initiatives within the vicinity of the Aniwhenua Dam are the consequence of RAD exercising its statutory functions and duties, any actual or potential adverse effect on these initiatives resulting from the continued operation of the Dam is an appropriate matter for RAD to raise in a submission if the Application is either publicly notified or limited notified to RAD.
14. In the context of the Rangitāiki-Tarawera Rivers Scheme, it is appropriate for RAD, on behalf of Scheme ratepayers, to raise matters in a submission on the Application that are relevant to the ongoing management and maintenance of the Scheme's flood protection and drainage assets that may be adversely affected by the continuing operation of the Dam. This, again, is because a submission on this basis aligns with RAD's mandate to perform Council's statutory duties and functions as successor to the former catchment commission and drainage board which were historically responsible for administering the Scheme. The Rangitāiki-Tarawera Rivers Scheme Advisory Group can perform a useful role in facilitating consultation between RAD and Scheme ratepayers during RAD's preparation of a submission, subject to the qualification that RAD ultimately determines the final content of its submission.
15. Given some flood management initiatives, such as the promotion of climate change adaptation, may not involve tangible works (such as rock edge protection) and may be subject to long and staged implementation timeframes, RAD can be guided by the deliberately wide statutory definition of an 'effect' in section 3 of the RMA when preparing a submission on the actual or potential effects on its flood management initiatives resulting from the ongoing operation of the Dam:

Meaning of effect

In this Act, unless the context otherwise requires, the term **effect** includes –

- (a) any positive or adverse effect; and
- (b) any temporary or permanent effect; and
- (c) any past, present, or future effect; and
- (d) any cumulative effect which arises over time or in combination with other effects –
–
regardless of the scale, intensity, duration, or frequency of the effect, and also includes –
- (e) any potential effect of high probability; and
- (f) any potential effect of low probability which has a high potential impact.

RAD's conduct as a submitter

16. Against the background set out above on the legal parameters determining what RAD can properly raise in a submission on the Application, it is appropriate to conclude this guidance with a reminder of how RAD should conduct itself as a submitter in a resource consent application process.
17. RAD's role in law is to perform its statutory functions and duties. That role does not mandate RAD to perform or represent matters beyond its statutory functions and duties; nor does it enable RAD to act as a general advocate for wider environmental interests.

18. RAD can, pursuant to its statutory functions and duties, appropriately represent the interests of the Rangitāiki-Tarawera Rivers Scheme ratepayers. RAD cannot represent the interests of other persons or groups or assist those persons with their submissions and any subsequent hearing appearances.
19. RAD, as a group within Council, will be held to a higher standard than other submitters. During any resource consent hearing, RAD must focus on the running of its own case and its own evidence preparation. It is important that RAD does not, and is not seen to be, unduly influencing or assisting other submitters or becoming actively involved in the case presented by other submitters.
20. Where RAD is a submitter on an application that is to be decided by Council, it is not appropriate for RAD to engage in discussions with the Council team processing that application 'behind closed doors'. As with any submitter, RAD should go through the proper channels to communicate with the section 42A reporting team with respect to the application. The same principle also applies to RAD's conduct during resource consent hearings. Clear separation of functions and public perception is important when Council is placed into these 'dual role' situations of both consent authority and submitter on the same application.
21. If expert evidence is required as part of RAD's submission on a resource consent application, RAD should engage expert witnesses who are not already engaged by Council performing another role in the same application process (such as Consent Authority or Applicant).