

Te Maru o Kaituna River Authority

NOTICE IS GIVEN

that the next meeting of **Te Maru o Kaituna River Authority** will be held in **Whakaue Kaipapa Marae, 643 Maketu Road, Maketu Village** on:

Friday, 3 May 2019 commencing at 9.30 am.

Proceedings will commence with a powhiri at 9:30 am followed by the meeting at 10:30 am.

Dean Flavell
Chairman
Te Maru o Kaituna River Authority

Te Maru o Kaituna River Authority is a co-governance partnership made up of iwi representatives from Tapuika Iwi Authority Trust, Te Kapu Ō Waitaha, Te Pumautanga o Te Arawa Trust, Te Tāhuhu o Tawakeheimoa Trust, Ngāti Whakaue, and council representatives from the Bay of Plenty Regional Council Toi Moana, Rotorua Lakes Council, Western Bay of Plenty District Council and Tauranga City Council. It is a permanent joint committee of the four councils.

The purpose of Te Maru o Kaituna is the restoration, protection, and enhancement of the environmental, cultural and spiritual health and well-being of the Kaituna River and its tributaries.



Te Maru
o Kaituna

Te Maru o Kaituna (Kaituna River Authority) Terms of Reference

Interpretation

“Act” means the Tapuika Claims Settlement Act 2014.

“Appointing organisation” means an organisation that appoints a member of the Kaituna River Authority under section 118 of the Act.

“Authority” means Te Maru o Kaituna / the Kaituna River Authority.

“Iwi” means each iwi represented by an iwi appointing organisation.

“Iwi appointing organisation” means:

- the Te Tāhuhu o Tawakeheimoa Trust.
- the Tapuika Iwi Authority Trust.
- Te Kapu o Waitaha.
- the Te Pumautanga o Te Arawa Trust.

“Joint committee” means a joint committee within the meaning of clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.

“Kaituna River or river” means the Kaituna River, including its tributaries within the catchment areas shown on deed plan OTS-209-79.

“Kaituna River document” means the document approved under section 127 of the Act.

“Local authority” means the Bay of Plenty Regional Council, the Rotorua District Council, the Tauranga City Council or the Western Bay of Plenty District Council – and “local authorities” shall have a corresponding meaning.

“Te Pumautanga o Te Arawa Trust” has the meaning given in section 10 of the Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008.

The scope and delegation of this Authority covers the geographical area of the Kaituna River catchment as shown on deed plan OTS-209-79.

Establishment

The Act provides for the establishment of Te Maru o Kaituna, a co-governance partnership between local authorities and iwi that share an interest in the Kaituna river.

Despite the composition of the Authority as described in section 118 of the Act, Te Maru o Kaituna is a joint committee of the Bay of Plenty Regional Council, the Rotorua District Council, the Tauranga City Council and the Western Bay of Plenty District Council.

Despite Schedule 7 of the Local Government Act 2002, the Authority:

- is a permanent joint committee; and

- must not be discharged unless all of the appointing organisations agree to the discharge.

Purpose

The purpose of the Authority is as set out in Tapuika Claims Settlement Act 2014.

The purpose of the Authority is the restoration, protection and enhancement of the environmental, cultural and spiritual health and well-being of the Kaituna River.

In seeking to achieve its purpose, the Authority may have regard to the social and economic well-being of people and communities.

Functions

- The principal function of the Authority is to achieve its purpose.
- In seeking to achieve its purpose, the other functions of the Authority are:
 - to prepare and approve the Kaituna River document in accordance with sections 125 and 127 of the Act
 - to monitor the implementation and effectiveness of the Kaituna River document
 - to support the integrated and collaborative management of the river
 - to work with the local authorities and Crown agencies that exercise functions in relation to the Kaituna River:
 - to monitor the state of the river environment
 - to monitor the effectiveness of the management of the river
 - to engage with iwi in relation to their interests in the river and to consult them on how to manage the river
 - to provide advice and recommendations to local authorities:
 - relating to projects, action, or research designed to restore, protect, or enhance the health and well-being of the river
 - on the appointment of commissioners to hear and decide applications for resource consents under the Resource Management Act 1991 that affect the river
 - to facilitate the participation of iwi in the management of the river
 - to monitor the extent to which the purpose of the Authority is being achieved, including the implementation and effectiveness of the Kaituna River document
 - to gather information, to disseminate information, and to hold meetings
 - to take any other action that the Authority considers is appropriate to achieve its purpose.
- The Authority may seek to obtain funds to enable it to perform its functions.

Membership

Under section 118 of Tapuika Claims Settlement Act 2014, the Authority consists of 8 members:

- one member appointed by the Tapuika Iwi Authority Trust; and
- one member jointly appointed by the Tapuika Iwi Authority Trust and Te Kapu o Waitaha; and
- one member appointed by the Te Pumautanga o Te Arawa Trust; and
- one member appointed by the Te Tāhuhu o Tawakeheimoa Trust; and
- one member appointed by the Bay of Plenty Regional Council; and
- one member appointed by the Rotorua District Council; and

- one member appointed by the Tauranga City Council; and
- one member appointed by the Western Bay of Plenty District Council

As per resolution by Te Maru o Kaituna River Authority on 14 June 2017, two informal members with voting rights:

- one informal member appointed by Te Komiti Nui o Ngāti Whakāue; and
- one informal member appointed by the Bay of Plenty Regional Council.

Quorum at meetings

In accordance with Te Maru o Kaituna standing order 2.4.3, the quorum for a meeting of the Authority is—

- the chairperson or deputy chairperson; and
- two members appointed by the iwi appointing organisations; and
- two members appointed by the local authority appointing organisations.

Decision making

The Authority must make its decisions by a vote at a meeting.

However, the members of the Authority must approach decision making in a manner that—

- seeks to achieve consensus; and
- is consistent with, and reflects, the purpose of the Authority; and
- acknowledges as appropriate the interests of iwi in particular parts of the Kaituna River and its catchment.

If the chairperson (or deputy chairperson) considers that the meeting is unlikely to achieve a consensus on a matter, the decision on the matter may be made only by a 70% majority of those members present and voting at the meeting.

The chairperson and deputy chairperson of the Authority may vote on any matter but do not have a casting vote.

Specific responsibilities and delegations

To avoid doubt, except as provided for in section 116 (2)(a) of the Act, the Authority has discretion to determine in any particular circumstances:

- whether to perform any function specified.
- how, and to what extent, any function specified is performed.

Provision for other groups to join the Authority

Other iwi and local authorities may join the Authority through consensus of the Authority or through legislation.

Public Forum

1. A period of up to 15 minutes may be set aside near the beginning of the meeting to enable members of the public to make statements about any matter on the agenda of that meeting which is open to the public, but excluding any matter on which comment could prejudice any specified statutory process the council is required to follow.
2. The time allowed for each speaker will normally be up to 5 minutes but will be up to the discretion of the chair. A maximum of 3 public participants will be allowed per meeting.
3. No statements by public participants to the Council shall be allowed unless a written, electronic or oral application has been received by the Chief Executive (Governance Team) by 12.00 noon of the working day prior to the meeting and the Chair's approval has subsequently been obtained. The application shall include the following:
 - name of participant;
 - organisation represented (if any);
 - meeting at which they wish to participate; and matter on the agenda to be addressed.
4. Members of the meeting may put questions to any public participants, relevant to the matter being raised through the chair. Any questions must be asked and answered within the time period given to a public participant. The chair shall determine the number of questions.

Membership

Chairperson:	D Flavell (Tapuika Iwi Authority Trust)
Deputy Chairperson:	Councillor A Tahana (Bay of Plenty Regional Council)
Appointees:	R Hancock (Te Tahuhu o Tawakeheimoa Trust), N Douglas (Alternate, Te Tahuhu o Tawakeheimoa Trust), P Thomas (Te Pumautanga o Te Arawa), R Kingi (Alternate, Te Pumautanga a Te Arawa Trust), G Rice (Alternate, Tapuika Iwi Authority Trust), M Horne (Te Komiti Nui o Ngati Whakaeue), R Pou Poasa (Alternate, Te Komiti Nui o Ngati Whakaeue), Councillor K Marsh (Western Bay of Plenty District Council), Councillor J Scrimgeour (Alternate, Western Bay of Plenty District Council) Councillor S Morris (Tauranga City Council), Councillor T Molloy (Alternate, Tauranga City Council), Councillor T Tapsell (Rotorua Lakes Council), N Chater (Alternate, Lakes Community Board), Councillor M McDonald (Alternate, Bay of Plenty Regional Council), Councillor J Nees (Bay of Plenty Regional Council)
Committee Advisor:	A Namana

Recommendations in reports are not to be construed as policy until adopted.

Agenda

- 1 Opening Karakia**
- 2 Apologies**
- 3 Public Forum**
- 4 Acceptance of Late Items**
- 5 General Business**
- 6 Confidential Business to be Transferred into the Open**
- 7 Declarations of Conflicts of Interests**
- 8 Previous Minutes**
 - 8.1 Te Maru o Kaituna River Authority Minutes - 22 March 2019**

13

9	Presentation: Ngati Whakaue ki Maketu Hapu Management Plan	
10	Presentation: Tauranga City Council update on Te Tumu Urban Growth Area Planning	
11	Reports	
11.1	Financial update: 2018/2019 Te Maru o Kaituna Budget	27
11.2	Engagement of Independent Advice for Change 5 (Kaituna River) to the Regional Policy Statement	31
11.3	Freshwater Policiy Update	37
	APPENDIX 1 - Kaituna Pongakawa Waitahanui Community Group Workshop 9 Briefing Note	45
12	Consideration of General Business	
13	Closing Karakia	

Previous Minutes

Minutes of Te Maru o Kaituna River Authority Meeting held in The Council Chamber, Rotorua Lakes Council, Civic Administration Building, 1061 Haupapa Street, Rotorua on Friday, 22 March 2019 commencing at 10.30 a.m.

Present:

Chairman: Dean Flavell (Tapuika Iwi Authority Trust)

Deputy Chairman: Councillor Arapeta Tahana (Bay of Plenty Regional Council)

Appointees: Councillor John Scrimgeour (Alternate, Western Bay of Plenty District Council), Councillor Steve Morris (Tauranga City Council), Councillor Tania Tapsell (Rotorua Lakes Council), Councillor Jane Nees (Bay of Plenty Regional Council), Maria Horne (Te Komiti Nui o Ngati Whakaue), Rikihana Hancock (Te Tahuhu o Tawakeheimoa Trust), Rawiri Kingi (Alternate, Te Pumautanga a Te Arawa Trust)

Alternate

Appointees: Councillor Matemoana McDonald (Alternate, Bay of Plenty Regional Council), Councillor Nick Chater (Alternate, Lakes Community Board), Geoff Rice (Alternate, Tapuika Iwi Authority Trust)

In Attendance: BOPRC: Clarke Koopu – Senior Advisor (Treaty), Pim De Monchy – Coastal Catchments Manager, Jo Watts – Senior Planner (Water Policy), Yvonne Tatton – Governance Manager, Amanda Namana – Committee Advisor, Courtney Bell – Senior Projects Officer, Melissa Cullen - Communications Advisor
WBOPDC: Matthew Leighton - Senior Policy Analyst
Other: Elva Conroy – Conroy Donald Consultants, Maru Tapsell

Apologies: Piki Thomas (Te Pumautanga o Te Arawa), Councillor Kevin Marsh (Western Bay of Plenty District Council)

1 Karakia

Rikihana Hancock opened the proceedings with a karakia.

One minute of silence was observed to commemorate those affected by the tragic events in Christchurch.

10.40 am - Cr Morris **entered** the meeting.

Chairperson Dean Flavell welcomed Geoff Rice as the newly appointed (alternate) member for Tapuika Iwi Authority Trust.

2 **Apologies**

Resolved

That Te Maru o Kaituna River Authority:

- 1 Accepts the apologies from Piki Thomas and Cr Kevin Marsh tendered at the meeting.

Tapsell/Morris
CARRIED

3 **Public Forum**

Nil

4 **Acceptance of Late Items**

Nil

5 **General Business**

- Update: Bay of Plenty Regional Council Annual Plan 2019 Submissions
- Update: Harbourmaster proposal

6 **Confidential Business to be transferred into the Open**

Nil

7 **Declaration of Conflicts of Interest**

Nil

8 **Previous Minutes**

8.1 **Te Maru o Kaituna River Authority Minutes - 19 October 2018**

Resolved

That Te Maru o Kaituna River Authority:

- 1 Confirms Te Maru o Kaituna River Authority Minutes - 19 October 2018

Nees/Kingi
CARRIED

- 2 Confirms the Public Excluded Te Maru o Kaituna River Authority Minutes - 19 October 2018

Nees/Hancock
CARRIED

8.2 **Te Maru o Kaituna River Authority Minutes - 14 December 2018**

Resolved

That Te Maru o Kaituna River Authority:

- 1 Confirms Te Maru o Kaituna River Authority Minutes - 14 December 2018

Horne/Tahana
CARRIED

8.3 **Te Maru o Kaituna River Authority Minutes - 22 February 2019**

Resolved

That Te Maru o Kaituna River Authority:

- 1 Confirms the Te Maru o Kaituna River Authority Minutes - 22 February 2019

Horne/Morris
CARRIED

9 **Reports**

9.1 **Change of Membership**

Resolved

That Te Maru o Kaituna River Authority:

- 1 Receives the report, Change of Membership;
- 2 Confirms the appointment of Geoff Rice onto Te Maru o Kaituna River Authority as the alternate member for Tapuika Iwi Authority Trust, replacing Dr Bryce Kihirini.

Tahana/Hancock
CARRIED

9.2 **Engagement of Independent Advice for Regional Policy Statement and Regional Plan Changes**

Coastal Catchments Manager Pim de Monchy and Jo Watts Senior Planner (Water Policy) presented the report, outlining the following:

Key Points

- There was less urgency around deciding this matter due to the drafting of Change 5 being delayed until at least August 2019
- The purpose of Change 5 was to recognise and provide for the Kaituna River Document in the Bay of Plenty Regional Policy Statement. Plan Change 12 had a more specific focus on implementing the National Policy Statement on Freshwater

Management in the Kaituna (and some other) catchments in addition to recognising and providing for the Kaituna River Document

- It was decided that the scope of any independent advice sought was to be narrowed to focus on Change 5 only at this stage
- The independent advisor was to work in the interests of Te Maru o Kaituna River Authority to ensure that Change 5 fully recognised and provided for the vision, objectives and desired outcomes of the Kaituna River Document
- Drafting for Change 5 could commence around September so it would be prudent to appoint an advisor before then.

10.54 am – Cr Scrimgeour **entered** the meeting.

In Response to Questions

- The cost of independent advice could differ greatly, depending on the relevant RMA and /or legal experience of the advisor engaged and the scope of their input
- Potential consensus building also needed to be considered as resolving differences of opinion between members of Te Maru o Kaituna River Authority could become costly if the advisor's scope of work was to include that
- It was suggested that to minimise costs an independent review performed at the conclusion of the drafting process would be most effective, rather than ongoing participation in the drafting stages
- It was suggested that an RMA lawyer, or a senior RMA planner, could provide the advice sought.

Points raised by Members

- Acknowledged good advice provided by staff, however for a policy change independent advice would be valuable
- Time and cost implications were important and would affect the final decision
- Noted responsibility for councillors and other members to manage potential conflicts of interest
- Once the new scope was received at the next meeting the budget for the work would be considered.

Staff Follow-up

- Staff to provide further information and options by the next meeting for a limited scope of work relating to Change 5 only at the latter stages of drafting, noting the above points
- Timing and cost information was to be included to give context to the decision
- The new scope was also to indicate whether the purpose of the consultant was for legal advice, planning advice or both.

Resolved

That Te Maru o Kaituna River Authority:

- 1 Receives the report, Engagement of Independent Advice for Regional Policy Statement and Regional Plan Changes;**
- 2 Considers whether or not to engage a suitably qualified consultant to provide independent technical and / or legal advice to Te Maru o Kaituna River Authority during Proposed Change 5 (Kaituna River) to the Regional Policy Statement and Proposed Plan Change 12 (Kaituna and Rangatāiki WMA) to the Regional Natural Resources Plan processes and relevant district plan change processes; and,**

- 3 Directs staff to prepare a scope of work for an independent advisor relating to Change 5 (Kaituna River) to the Regional Policy Statement only, for approval at the next meeting**

**Flavell/Tahana
CARRIED**

9.3 Freshwater update

Refer PowerPoint Presentation Objective ID A3161644

Senior Planner (Water Policy) Jo Watts provided a PowerPoint presentation updating members on the work being undertaken to progress the freshwater policy, including the work underway to support implementation of the National Policy Statement for Freshwater Management relevant to the Kaituna River catchment.

Key Points of Presentation

- Noted Technical science work about the health of Maketu estuary and lowland drains brought to members via the workshops
- Timeframes for plan changes were still uncertain and the process had to be flexible enough to adapt to national changes proposed for freshwater to ensure alignment with government direction
- Discussion papers were being developed for Plan Change 12 which included tangata whenua values and interests which would be checked with iwi before being distributed wider
- Outlined Environment Court appeal topics for Plan Change 9 region-wide water quantity
- Plan Change 9 would deliver improvements in water usage information as it increased metering and reporting requirements and had resulted in the development of a new groundwater accounting tool, available on Bay of Plenty Regional Council's website. Instruction was given on how to navigate the tool to check allocation status for each of the groundwater aquifers and resource consent detail for water takes
- Highlighted the issues facing the Kaituna catchment, in particular reduction in contaminants needed to improve the health of Maketū Estuary and lowland drain water quality issues
- The role of the Kaituna Freshwater Community Group role was to provide feedback and advice to Council about Plan Change 12 information. It had no decision making role. Members of the group included Te Maru o Kaituna River Authority iwi appointing authorities.

In Response to Questions

- Encouraged members to communicate information from the forum back to respective iwi and council appointing organisations to ensure everyone was aware of the information and working together
- Water quality and quantity would be addressed through the Plan Change 12 process

Points raised by Members

- GIS mapping was seen as a useful tool and providing FAQs could be helpful to those not familiar with using it
- Acknowledged the importance of having data of actual water take and the work being undertaken to resolve this.

Resolved

That Te Maru o Kaituna River Authority:

- 1 Receives the report, Freshwater update.

Tahana/Scrimgeour
CARRIED

10 Public Excluded Section

Public excluded minutes from 19 October 2018 were confirmed in the open under item number 8.1.

11 Presentation: Operational Update: Kaituna River

Re-diversion

Refer PowerPoint Presentation Objective ID A3160371

Coastal Catchments Manager Pim de Monchy provided a presentation to outline progress on the Kaituna River Re-diversion work and gave an update on Te Pourepo o Kaituna Wetland Creation Project work to date.

Key Points of Presentation:

- The re-diversion project was currently on budget and ahead of schedule by approximately 6 months
 - The new completion date was likely to be around Christmas 2019
 - New wetland island created had brought a number of Royal Spoonbills to the area
 - A large number of plants had been ordered for the winter, providing an opportunity for members, iwi and community to participate in planting days
- Te Pourepo o Kaituna Wetland Creation Project would contribute up to 73 hectares of new wetland to the catchment
- Design work focussed on meeting ecological and cultural aspirations.

In response to questions

- Oxbow was a term for a meandering bend in a lowland river which had been bypassed through erosion or human intervention, linking the two ends together (i.e. the name given to the former river channel)
- Areas of the new wetland to be available for recreational hunting were still to be decided due to proximity to the motorway and potential boat activity.

12 Consideration of General Business

12.1 Bay of Plenty Regional Council Annual Plan 2019 Submissions

Refer Tabled Item Objective ID A3164264

Coastal Catchments Manager Pim de Monchy supplied an update on the Bay of Plenty Regional Council's Annual Plan consultations.

12.2 Harbourmaster update

Coastal Catchments Manager Pim de Monchy provided a short verbal update on a proposal to close a section of the upper Kaituna river to navigation for safety purposes.

The meeting closed at 12.26 pm

Confirmed

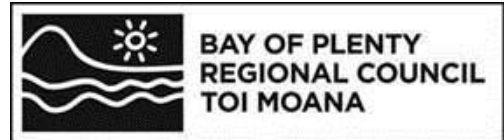
Chairperson

Date

Presentation: Ngati Whakaue ki Maketu Hapu Management Plan

Presentation: Tauranga City Council update on Te Tumu Urban Growth Area Planning

Reports



Receives Only - No Decisions

Report To: Te Maru o Kaituna River Authority

Meeting Date: 03 May 2019

Report From: Yvonne Tatton, Governance Manager

Financial update: 2018/2019 Te Maru o Kaituna Budget

Executive Summary

This report seeks to update members of Te Maru o Kaituna River Authority on the current status of the 2018/19 Te Maru o Kaituna River Authority budget expenditure and financial status.

Recommendations

That the Te Maru o Kaituna River Authority:

- 1 **Receives the report, Financial update: 2018/2019 Te Maru o Kaituna Budget;**
- 2 **Notes the current balance of Te Maru o Kaituna River Authority funds;**
- 3 **Notes the expenditure to date relevant to the 2018/2019 Te Maru o Kaituna Budget.**

1 Introduction

As part of the Cultural Redress under the Tapuika Deed of Settlement, Te Maru o Kaituna River Authority was provided with funding of \$250,000 as a contribution to the operations of Te Maru o Kaituna River Authority and preparation of the River Document.

The wording from the Deed is reproduced below:

“Administrative and technical support of Kaituna River Authority

5.54 *On the effective date, the Crown will provide \$250,000 to the Kaituna River Authority as a contribution to the costs of:*

5.54.1 *the initial operation of the Kaituna River Authority; and*

5.54.2 *the preparation and approval of the first Kaituna River Document.”*

The Bay of Plenty Regional Council is responsible for the administrative support of the Authority; and must hold, account for separately and spend the funds as directed by the Authority.

2 Current Balance of Authority Funds

The current balance of the Authority funds is **\$204,644.35** as at 12 April 2019.

A summary of financial transactions incurred for the period 1 June 2018 to 12 April 2019 is included below.

Financial Position at 13 February 2019

	Amount (\$) excl GST
Opening Balance - 1 June 2018	232,758.03
Advertising (River Doc & Launch)	17,939.00
Kaituna River Brochure	2,600.00
Stationary	34.70
Kaituna River Doc Stickers	2,517.60
Consulting Fees	5,680.00
Launch admin	1,427.04
Reprinting – River Brochure	1,386.00
Consumables	49.02
Accrued Interest	(3,519.68)
Closing Balance – 30 June 2018	204,644.35

Following the conclusion of the Kaituna River Document, the question had been posed regarding the way forward with the unspent portion of the funds. In-House Legal Counsel Donna Llewellyn has advised the following in relation to the unspent portion of the funds:

1. Te Maru o Kaituna River Authority (TMoK) has sole discretion and authority to direct use and apply its remaining funds to carry out its functions with objective satisfaction that such expenditure contributes and links to any of their statutory functions/powers/purpose;
2. It is good fortune to TMoK that they have not spent the Crown's seed funding for their initial operation and Kaituna River Document;
3. There is no clawback type obligation that unspent funds must be returned to the Crown;
4. Ongoing implementation and monitoring the effectiveness of the Kaituna River Document is a specific function under section 116 of the settlement legislation; and
5. Engagement of external professionals / consultants is entirely appropriate so long as that work is linked to supporting or contributing to the achievement of TMoK's statutory functions.

3 2018/2019 Te Maru o Kaituna Budget

On 24 August 2018 Te Maru o Kaituna River Authority approved the 2018/2019 budget. Expenditure to date relevant to the 2018/2019 Te Maru o Kaituna Budget (as at 12 April 2019, is listed below:

Budget Line	Description	Approved Amount (\$)	Payments made to date (April 2019)	Comments
Printing	Printing of 650 copies of the river document and 2000 summaries delivered June 2018	14,599	14,599	
Videography	Videography/photography of the two celebrations – 22 June and September	5,000	3,000	\$3,000 KCSM Solutions \$2,000 KCSM Solutions (still to be deducted)
Design and publishing of document	Last invoice for design and publishing of document, correction and reprinting	2,518	2,517.60	Kaituna River Doc Stickers
Communications	External communications including media, social media, newsletters, and print advertising as required	2,000	2,000	Kaituna River Brochure
Public celebration – approval of Kaituna River Document	Event management, venue, koha, catering, invitations, equipment, publicity/advertising	10,000	3,340 34,70 4,156.06	NZME Advertising for Public celebration Stationary Event management for Public celebration \$875 - KCSM Solutions (still to be deducted)
Production of te reo summary document if required.	Summary, translation, design and printing.	5,000		
Publishing and printing document	Professional printing if required for further copies of the river document, summary or action plan material. Lesser quality docs = \$5 each	2,000	1,986	<ul style="list-style-type: none"> • Kaituna River Brochure reprint \$1,386 • Kaituna River Brochure \$600
Development of the action plan	<ul style="list-style-type: none"> • Engagement of consultant • Setting up process, engagement with iwi & key stakeholders • venue, koha, catering • external specialist support as needed e.g. technical, planning 	20,229		Payments scheduled as follows: \$5815.84 end March '19 Balance of \$14413.16 to be divided into three remaining instalments (expected May and June, with balanced possibly rolled over to next financial year)

External advice from consultants	Technical, historical, translation, cultural, and legal research and advice (outside of BOPRC internal staff time deemed business-as-usual) as required	5,000		
Implementation of outcomes and actions	To progress the delivery of desired outcomes such as: <ul style="list-style-type: none"> • Environmental education programs • Contribution or promotion of priority restoration, protection and enhancement projects • Pou and other appropriate markers • Maturanga Māori toolkit to support KRD objectives. 	10,000		
Total		\$76,117	\$31,633.36	

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4 Next steps

A proposed TMoK budget 2019/2020 will be submitted to Te Maru o Kaituna River Authority for adoption at the 28 June 2019 meeting.

Merinda Pansegrouw
Committee Advisor

for Governance Manager

23 April 2019



Report To: Te Maru o Kaituna River Authority

Meeting Date: 03 May 2019

Report From: Pim De Monchy, Coastal Catchments Manager

Engagement of Independent Advice for Change 5 (Kaituna River) to the Regional Policy Statement

Executive Summary

The purpose of this report is to seek approval of the scope of work for a suitably qualified person to provide independent technical peer review, advice and recommendations to Te Maru o Kaituna River Authority (TMoK) during key stages in the Proposed Change 5 (Kaituna River) to the Regional Policy Statement process. It also seeks approval to set up a working group to procure and appoint an independent advisor and a budget of up to \$10,000 for this work.

Recommendations

That the Te Maru o Kaituna River Authority:

- 1 Receives the report, Engagement of Independent Advice for Change 5 (Kaituna River) to the Regional Policy Statement;**
- 2 Approves the scope of work and process for procurement of a suitably qualified independent consultant to provide technical peer review, advice and recommendations to Te Maru o Kaituna River Authority during the Change 5 (Kaituna River) process to update the Regional Policy Statement;**
- 3 Appoints the following members, and to a Review Working Group;**
- 4 Delegates authority to the Review Working Group to approve the final scope, procurement and engagement of the preferred advisor on behalf of the Authority;**
- 5 Approves a budget of up to \$10,000 + GST to cover the costs of the review and advice.**

1 Purpose

This report requests Te Maru o Kaituna River Authority (TMoK) approval of the scope of work for engaging a suitably qualified person to provide independent technical peer review, advice and recommendations to Te Maru o Kaituna River Authority during the informal drafting and formal (Schedule 1) processes for Change 5 (Kaituna River) to the Regional Policy Statement. The focus of the review and advice is to ensure the change appropriately and fully recognises and provides for the vision, objectives and desired outcomes of '*Kaituna, he taonga tuku iho – a treasure handed down*' (the Kaituna River Document).

2 Background

TMoK have received previous papers about progressing changes to recognise and provide for the Kaituna River Document in planning documents. Papers include 'Next Steps for Te Maru o Kaituna River Authority', 'Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement' and 'Engagement of Independent Advice for Regional Policy Statement and Regional Plan Changes'. Given that Bay of Plenty Regional Council / Toi Moana is the agency responsible for changing and then administering the Regional Policy Statement, it was considered appropriate for TMoK to seek and receive independent advice rather than relying exclusively on Council staff when forming its position on the provisions proposed.

At its meeting on 22 March, TMoK decided to progress engaging an independent advisor with a refined scope, focussing on technical peer review, advice and recommendation o TMoK at key staged in the Proposed Change 5 (Kaituna River) process. Staff were directed to prepare a scope of work for approval at this next meeting.

3 Treaty Co-Governance and the Regional Policy Statement

Relevant council planning documents are required to recognise and provide for the vision, objectives and desired outcomes of *Kaituna, he taonga tuku iho* - the Kaituna River document. Section 123 of the Tapuika Claims Settlement Act 2014 compels Bay of Plenty Regional Council to recognise and provide for the vision, objectives and desired outcomes of the Kaituna River Document in the operative Bay of Plenty Regional Policy Statement (RPS) and the Regional Natural Resources Plan (RNRP).

The authority to prepare, approve and decide on changes to the Regional Policy Statement (RPS) and Regional Natural Resources Plan (RNRP) sits with Toi Moana. TMoK is a key partner that will be involved in the drafting stages of both the Proposed Change 5 (Kaituna River) and Proposed Plan Change 12 processes.

Proposed Change 5 is the second treaty co-governance change to the Regional Policy Statement and is expected to follow the baseline templated created by Change 3 (Rangitaiki River) to the RPS. Change 3 introduces a new Treaty Co-governance chapter into Part 2 of the RPS which will house the Kaituna River RPS.

4 Scope and nature of independent advice

The scope and nature of independent advice sought is to peer review and provide advice and recommendations to TMoK at key stages in the Proposed Change 5 process on an as needed basis.

Toi Moana staff will be drafting Proposed Change 5 (Kaituna River) to the RPS with the specific legal requirement to '*recognise and provide for*' the vision, objectives and desired outcomes of '*Kaituna, he taonga tuku iho – a treasure handed down*'. Proposed Change 5 will be the second treaty co-governance change to the Regional Policy Statement and is expected to follow the baseline template created by Change 3. Change 3 (Rangitaiki River) introduces a new Treaty Co-governance chapter into Part 2 of the RPS which will also house the Kaituna River RPS change and effectively provides the baseline template for Proposed Change 5.

Timing will need to be flexible as the drafting of Proposed Change 5 will not commence until after August 2019. It is anticipated that the Chair of TMoK will forward material to the successful advisor for review, advice and recommendations once material has been made available to the Chair.

4.1 Key stages for advice

The key stages where TMoK expect to seek review and advice include:

- Draft Proposed Change 5 and consultation material /documents;
- Proposed Change 5 and section 32 evaluation;
- Advice / drafting of submission and further submission to Proposed Change 5.

4.2 Focus of review

The key focus for peer review and advice is to ensure Change 5 appropriately and fully recognises and provides for the vision, objectives and desired outcomes of '*Kaituna, he taonga tuku iho – a treasure handed down*' (the Kaituna River Document). TMoK wish to ensure the aspirations of the river document are effectively embedded into the RPS so that it will have an overarching and influencing effect within the planning instruments for the Kaituna River and its tributaries as provide for in the Tapuika Claims Settlement Act 2014.

4.3 Skill and experience of advisor

The successful advisor is expected to be suitably qualified and experienced in Resource Management Act (RMA) matters. An RMA planner or lawyer with at least intermediate experience is expected to be able to provide the type of advice sought. They will have strong experience and a proven working knowledge of the RMA plan making process, policy and the Bay of Plenty Regional Policy Statement as well as solid policy analysis and policy writing experience and a good understanding of tikanga Maori.

It would be beneficial to be familiar with the Kaituna River Document, the Tapuika Claims Settlement Act 2014 and Change 3 (Rangitaiki River) to the RPS which provided the template for embedding treaty settlement documents into the Bay of Plenty RPS.

Offers of service are expected to include:

- A brief CV outlining skills and experience relevant to undertake the review and advice sought;
- Hourly rate and maximum day rate;

- Time and cost estimate for each of the key stages outlined above. It is expected that this would be based on the type and extent of material involved in the Change 3 (Rangitaiki River);
- Travel costs and hourly rate if TMoK were to request the advisor's presence at meetings;
- Disclosure of information likely to be relevant to TMoK about whether the advisor is working for any TMoK appointing member organisations, other iwi with interests in the Kaituna or other clients with interests in the Kaituna catchment.

4.4 Relevant resources include:

- Kaituna, he Taonga Tuku Iho – a treasure handed down – the Kaituna River Document
- Tapuika Claims Settlement Act 2014
- Change 3 (Rangitaiki River) to the Regional Policy Statement – which provided the template for treaty settlement documents embedding into the RPS

5 Te Maru o Kaituna Budget Implications

TMoK's 1 July 2018 – 30 June 2019 approved budget currently includes \$5,000 for external advice from consultants for technical, historical, translation, cultural, and legal research and advice (outside of BOPRC internal staff time deemed business-as-usual) which can be used for independent advice. However, this budget timeframe is unlikely to coincide with the time when advice is required.

Staff estimate that each of the three stages will require up to 30 hours of work as it is not highly complex and does not include new policy development. The charge out rate of the consultant will depend on their level of skill and experience. It is recommended that \$10,000 + GST be approved in TMoK's budget for the year starting 1 July 2019 for this work.

6 Implications for Maori

Proposed Change 5 has significant implications for Tapuika iwi in particular as it gives effect to their treaty settlement legislation. It is also of significance to other iwi members of Te Maru o Kaituna River Authority including Waitaha, Ngāti Rangiwewehi, Ngāti Whakaeu and other iwi represented through Te Pūmāutanga o Te Arawa, particularly Ngāti Pīkiao.

Proposed Change 5 will embed the vision, objectives and desired outcomes of the *Kaituna River Document - Kaituna, he taonga tuku iho – a treasure handed down* within the Regional Policy Statement. Iwi and hapū have high aspirations in terms of the practical effect Proposed Change 5 will have on the Kaituna River and its tributaries which are taonga (treasures) – valued for their clean water, healthy ecosystems, unique landscape, natural beauty, recreational and cultural values. District and regional plans will then need to give effect to, and resource consents decision making processes will need to have regard to, the Regional Policy Statement policy framework.

Jo Watts
Senior Planner (Water Policy)

for Coastal Catchments Manager

23 April 2019



Receives Only – No Decisions

Report To: Te Maru o Kaituna River Authority

Meeting Date: 03 May 2019

Report From: James Low, Team Leader Policy (Freshwater)

Freshwater Policy Update

Executive Summary

This report provides an update about work being progressed to implement the National Policy Statement for Freshwater Management (NPS-FM) relevant to the Kaituna River catchment.

Key updates since the last meeting include:

- The Kaituna- Pongakawa-Waitahanui Freshwater Community Groups met on 26 March and were presented the key technical work about the health of the estuaries and lowland drainage network and extent of the issues presented to TMoK in the December and February workshops. The community groups considered possible policy options to 'hold the line' and discussed the extent of change needed and potential ways to reduce nutrient loads reaching the estuaries.
- Pre-mediation meetings have been held with all appellants of Proposed Plan Change 9 – Region-wide Water Quantity. Multi-party mediation meetings are commencing.

There continues to be a lot going on at a national level in the freshwater and resource management space:

- The Government's Essential Freshwater and Three Waters policy programmes are being progressed. Public consultation documents are expected to be released in July/August 2019.
- The first set of [National Planning Standards](#) were released on 5 April 2019 and have been introduced to improve the consistency of policy statements and plans.

Recommendations

That the Te Maru o Kaituna River Authority:

1 Receives the report, Freshwater Policy Update;

1 Purpose

The purpose of this paper is to provide an update to Te Maru o Kaituna River Authority (TMoK) about work being progressed to implement the National Policy Statement for Freshwater Management (NPS-FM) relevant to the Kaituna River catchment.

2 National direction

There continues to be a lot going on in the freshwater and resource management space at a national level. The key activities that may impact on the Bay of Plenty freshwater policy work programme are outlined below:

2.1 Essential Fresh Water

As outlined in previous updates, central government has a large freshwater policy review programme called [Essential Freshwater](#) and [Shared Interests in Freshwater](#), focussed on:

- Stopping degradation and loss of freshwater resources, waterways and ecosystems;
- Reversing past damage to freshwater resources waterways and ecosystems; and
- Addressing allocation issues.

The work is being delivered by a task force with advice and direction from a Freshwater Leaders Group, Science and Technical Advisory Group, Regional Council CE's sub-group, and Kahui Wai Māori. The Essential Freshwater work programme is closely connected to the [One Billion Trees Programme](#).

Consultation documents about regulatory proposals are expected to be released for public feedback in July/August 2019. Further information is available [here](#).

2.2 Three Waters Review

The Government is also reviewing how to improve the regulation and supply arrangements for drinking water, waste water and storm water (three waters) to better support New Zealand's prosperity, health, safety and environment. The *Three Waters* review is running in parallel with *Essential Freshwater* and *Shared Interests in Freshwater* work and will result in changes to regulations for drinking water, and wastewater. Later changes are expected to service delivery and economic regulation. More information is available [here](#).

2.3 National Planning Standards

The Government released the first set of National Planning Standards (NPStds) on 5 April 2019 which come into force on 3 May 2019. The standards have been introduced to improve the consistency and usability of council policy statements and plans throughout the country. There are various implementation timeframes which apply to the first set of planning standards:

- All councils must meet the basic electronic accessibility and functionality requirements within one year
- Regional councils have three years to amend the regional policy statement, and ten years for all regional plans
- City and district councils generally have five years to adopt the planning standards, within seven years for the definition standards

- Both regional and district councils generally have five years (unless listed as otherwise) to have in place online interactive policy statements and plans.

Toi Moana staff will carefully consider timing of implementation of the NPStd alongside the regional policy and plan change work programme. More information is available [here](#).

3 Regional update

Bay of Plenty Regional Council - Toi Moana is actively working on several freshwater initiatives and plan changes to regional planning documents relevant to freshwater in the Kaituna catchment.

3.1 Region-wide Water Quantity - Plan Change 9 to the RNRP

Plan change 9 is part of a two-step process towards improving freshwater management in the Bay of Plenty. Plan change 12 is the second step which will set catchment specific water quality and quantity limits for the Kaituna-Pongakawa-Waitahanui and Rangitāiki Water Management Areas (WMA).

Fourteen appeals have been lodged with the Environment Court and a further twenty five parties have joined the process by lodging notices with the Court. All appeals are available [here](#). Toi Moana staff have met with all appellants. The first pre-mediation meeting (Group 1 – Iwi matters) was held on 18 March. Matters discussed included how best to provide for partnership, Te Mana o Te Wai and giving effect to the NPSFM. A memorandum outlining progress is due with the Environment Court by 10 May 2019.

3.2 Lake Rotorua Nutrient Management - Plan Change 10 to the RNRP

The Environment Court Hearing on Proposed Plan Change 10 started on 4 March 2019. The Hearing has been divided into two stages:

1. The substantive matter of allocation
2. More minor implementation issues.

The first stage of the Hearing (about allocation) ran for one week. A number of appellants sought a different allocation framework and evidence was provided on the likely impacts of the two alternative allocations and the comparative costs and benefits.

The Hearing is currently adjourned and an interim decision on Stage 1 will be made by the Environment Court in due course. No date for the stage 2 Hearing has been set.

4 Kaituna-Pongakawa-Waitahanui Water Management Areas– Plan change 12 to the RNRP

The purpose of this work is to implement the National Policy Statement for Freshwater Management which will set catchment specific objectives, water quality and quantity limits and methods by way of a change to the Regional Natural Resources Plan (RNRP). It is the second step in the two-step process to implement the NPS-FM. The first is Plan Change 9 – which set region wide interim water quantity limits.

Plan Change 12 will also include some region-wide components, such as the NPS-FM framework and must also recognise and provide for the vision, objectives, and desired

outcomes of the Kaituna River Document ‘*Kaituna, he taonga tuku iho – a treasure handed down*’.

Science and information gathering is largely complete, and solution building is underway.

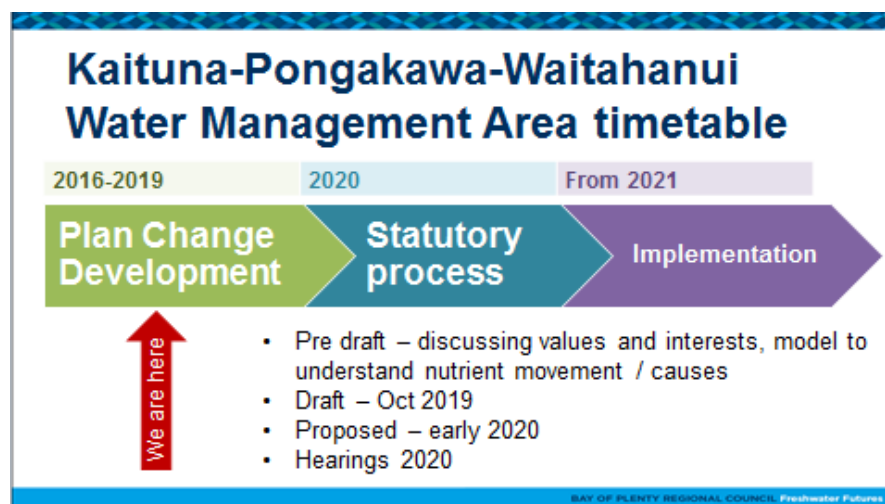


Figure 1: Current timeline for Plan Change 12 planning process.

The current timeline for Plan Change 12 is set out above. Flexibility in the timeline may be necessary to accommodate national freshwater and resource management changes to policy and regulations.

4.1 Key technical reports

TMoK received agenda and workshop papers for their 14 December 2018, 22 February and 22 March 2019 hui about the two key technical reports:

- Reducing contaminant loads to Maketū estuaries; and
- Lowland Drainage Scheme water quality and ecology.

As noted at the TMoK workshops, there needs to be a substantial reduction contaminant loads to support moderate ecological health in Maketū estuary and to increase the time shellfish are safe to harvest which will require significant changes in the catchment.

4.2 Other technical work in progress

Toi Moana is progressing modelling to estimate the water quality improvements that might be achieved if all land users applied good practice or other mitigations were applied.

Some other key technical work is still in progress, which is also needed to inform our understanding of issues and options. Toi Moana staff are working to have this completed as soon as possible, although some are subject to delivery by external parties. Work relevant to the Kaituna catchment includes:

- finalising review of the SOURCE surface water catchment modelling report, including industry organisation and expert peer review;

- receiving and assessing groundwater modelling reports for Kaituna-Pongakawa-Waitahanui Water Management Area (WMA);
- developing and modelling mitigation scenarios for surface water quality;
- finalising the methodology for identifying and assessing minimum flow and allocation limit options for surface water.

4.3 Engagement with iwi

Engagement with iwi and hapū in the Kaituna catchment is ongoing. Toi Moana staff are open to invitations to discuss with iwi, hapū and other tangata whenua entities with interests in fresh water, including key Māori land trusts. Kōrero is progressing as and when parties are available. Toi Moana staff have held one or more hui with representatives of many of the iwi who's rohe includes the Kaituna catchment. However, we still need to meet for the first time with other iwi, and also need to hold further or follow up kōrero with others.

Staff are summarising what we have heard to date into a short discussion paper. We will be checking with the iwi we have spoken to before circulating it to TMoK and community group members for comment. Staff are also open to providing iwi representatives the opportunity to review or co-author parts of relevant draft policy options and discussion documents for those who wish to be so involved.

Some iwi have members on the Kaituna and / or Pongakawa community groups which provides them with detailed material and input into the freshwater policy work as it comes to hand. All community group material including briefing notes, workshop records, reports and presentations and hui-a-iwi notes are available on Council's website [here](#). It is also expected that TMoK members will continue to be conduits to promote involvement in the freshwater work being undertaken by Toi Moana and provide regular updates to their people.

4.4 Kaituna-Pongakawa-Waitahanui Freshwater Community Group

The Kaituna-Pongakawa-Waitahanui combined community group met on 26 March 2019. The community group briefing note is attached (Appendix 1). All community group material including briefing notes, workshop records, reports and presentations and hui-a-iwi notes are available on Council's website [here](#).

The focus of workshop 9 was about estuary and lowland water quality and ecosystem health issues based on the two technical reports. The group has had their first conversations about potential policy options.

'Hold the line' policy options considered included:

1. **Good management practice requirements** such as Farm/Orchard Environmental Plans and standards.
2. **Preventing change of land use to more intensive uses, and preventing intensification** of existing land uses (e.g., prevent increases in stocking rates, or conversion of forest to pastoral or orchard uses) if it will cause more nitrogen and phosphorus losses, unless this can be remedied or mitigated.
3. **Stronger water quality requirements for discharges**, including industrial, commercial, wastewater, land drainage and other point source discharges.

Reducing contaminant load (beyond holding the line) policy options were briefly mentioned included the following. These will be discussed in further detail at the next workshop:

- Water treatment technologies
- Retirement of land
- Wetlands
- Allocation limits
- Change of land use

4.5 Public material, policy options and discussion papers

Toi Moana are intending on releasing public communication material about the issues and potential policy options being considered, to raise awareness in the first instance, and also to assure iwi and local land owners that they will get an opportunity to comment before any plan change is notified.

The policy options papers and discussion documents we produce are intended to focus consultation kōrero with co-governance forums, iwi, community groups and stakeholders.

Iwi authorities and TMoK will also have the opportunity to provide advice and recommendations to Toi Moana on the draft proposed changes. Toi Moana needs to have particular regard to any advice received under Schedule 1 clause 4A of the RMA.

5 Advice

Council also convenes the Regional Water Advisory Panel and Territorial Local Authority Freshwater Collaboration Groups to provide advice about its freshwater policy work. March meetings were postponed. The next Regional Water Advisory Panel meeting will be held in May.

6 Implications for Māori

The Kaituna River and its catchment is significant to iwi and hapū with regard to cultural and traditional relationships with the ancestral water bodies, and also as landowners. For the Kaituna catchment opportunities for Māori involvement in freshwater discussions will continue to be provided for through Change 5 (Kaituna River) to the Regional Policy Statement and Plan Change 12 to the Regional Natural Resources Plan processes.

The implications of changes in freshwater policy for Māori are extensive, particularly with respect to how freshwater will be managed, the extent to which mātauranga Māori will be acknowledged and opportunities for enhanced participation in decision making.

Jo Watts
Senior Planner (Water Policy)

for Team Leader Policy (Freshwater)

18 April 2019

APPENDIX 1

Kaituna Pongakawa Waitahanui Community Group Workshop 9 Briefing Note



Kaituna and Pongakawa-Waitahanui Freshwater Futures Community Groups Workshop Agenda

Tuesday 26 March 2019

Chairs:	Barry Roderick (Kaituna), Wilma Foster (Pongakawa-Waitahanui)
Members:	Kaituna: Brian Thomas, Claudia Hellberg, Cor Verwey, Hendrik Metz, Hohepa Maxwell, Ian Schultz, Jessica Dean, Jeff Fletcher, John Fenwick, Jon Fields, Julian Fitter, Manu Wihapi, Maria Horne, Mary Dillon, Matthew Leighton, Morgan Bramley, Murray Linton, Nick Webb, Councillor Paula Thompson, Peter Ellery, Richard Fowler, Vivienne Robinson and Warren Webber Pongakawa-Waitahanui: Andre Hickson, Bernie Hermann, Bev Nairn, Colin McCarthy, Darryl Jensen, Dennis Walker, Geoff Rice, Grant Rowe, Councillor Jane Nees, John Garwood, John Cameron, John Meikle, Julian Fitter, Kepa Morgan, Kevin Marsh, Mike Maassen, Melv Anderson, Paul Van den Berg
BOPRC Staff:	Pim de Monchy (Relationship Manager); Stephanie Macdonald (Facilitator), Kerry Gosling, Natalie Ridler (Support Facilitator); Nicki Green, Jo Watts (Water Policy), Rochelle Carter, Alastair Suren, Josie Crawshaw (Science)
Administrator:	Sue Simpson
Venue:	The Orchard, 20 MacLoughlin Drive, Te Puke
Time:	9.00am – 3.00pm
8.30am	Join us for a cup of tea catch up
9.00am	Welcome Purpose National and regional updates Work in progress
9:30am	Estuaries – contaminant load limits and policy directions
10.30am (Approx)	Morning Tea
10:45am	Lowland water quality and ecology – results and policy directions
12.30pm (Approx)	Lunch
1.00pm	Mid-upper Kaituna and Pongakawa – water quality issues, policy directions Waitahanui – water quality issues, policy directions Sources and Causes – policy directions Summary of Group advice and feedback Next Steps – mitigation scenarios, discussion with communities
3.00pm	Close

BRIEFING NOTE



To: Kaituna and Pongakawa-Waitahanui Freshwater Futures Community Groups

From: Nicki Green, Senior Planner, Water Policy **Date:** 13 March 2019

Subject: **Workshop 9: Surface Water Quality – potential policy options
26 March 2019, The Orchard, Te Puke**

1 Introduction

1.1 Purpose

The Community Groups provides active feedback and advice to Council as we continue to work towards implementing the National Policy Statement for Freshwater Management (NPSFM). At this workshop we will:

- 1. Present information on the estimated contaminant load reductions required in the catchments feeding into Maketū and Waihi estuaries;**
- 2. Present information on lowland water quality and ecology issues;**
- 3. Discuss the extent of the change we need to achieve, and potential ways to achieve it (early policy options for consideration)**
- 4. Look more closely at sources of contaminants and where we might need to focus our attention**
- 5. Discuss water quality issues in Waitahanui and policy options**

The agenda will also cover:

- national and regional updates affecting this work
- progress and next steps for this project
- work “on the ground” in your catchments now

1.2 Outcomes sought

- Community Group members understand findings, limitations, and implications of recent science reports about estuaries and lowland water bodies;
- Community Groups have considered and provided initial feedback on potential policy options for surface water quality management;
- Staff understand the Community Group members’ perspectives and feedback. This will be considered by staff when preparing policy options and public discussion materials, and will be reported to Council and Te Maru o Kaituna.

At this meeting, the Community Groups may want to give some specific minuted advice to Council.

The agenda is attached. Most key workshop content is outlined below and in the linked attachments.

2 National and regional updates

2.1 Essential Freshwater

Central government has indicated a desire to accelerate policy to improve water quality and ecosystem health via their [Essential Freshwater work programme](#) focussed on:

- Stopping degradation and loss of freshwater resources, waterways and ecosystems;
- Reversing past damage to freshwater resources waterways and ecosystems; and
- Addressing allocation issues.

Changes will be made to national policy and environmental standards for freshwater and three waters management. Government intends to release public discussion documents for feedback around mid-year. Some changes being considered may have large implications in this Water Management Area, such as possible changes to stock exclusion regulations; land use intensification constraints; regulations for high risk land uses like intensive winter grazing of crops; farm environment plan and good practice standards; national regulations and investment for at risk catchments.

Bay of Plenty Regional Council councillors have indicated they will not notify any more freshwater plan changes until central government delivers their policy changes and implications are understood. We will continue our work towards a *draft* plan change in the meantime.

2.2 Region-wide water quantity - proposed plan change 9

Proposed Plan Change 9 is now subject to appeals lodged with the Environment Court. This influences how we can progress surface and groundwater quantity limit setting in Kaituna-Pongakawa-Waitahanui WMA. No dates have been set for Environment Court mediation or hearings. A summary of appeal topics can be found [here](#) (pages 187-203).

3 Maketū and Waihi Estuaries

3.1 Estimated contaminant load reduction

Waihi and Maketū estuaries are in a degraded condition, and are getting worse. Scientists have estimated the contaminant reductions required to achieve a moderately healthy ecological state. A report was sent to you late last year at this [link \(pages 55-104\)](#). Table 1 summarises the estimated contaminant reductions needed. Staff will present this information at the workshop.

	Total Nitrogen (tonnes/year)		Total Phosphorus (tonnes/year)	
	Current	Limit and % reduction needed	Current	Limit and % reduction needed
Maketū Estuary	477.4	178.7 (63%)	22.2	13.8 (38%)
Waihi Estuary	618.2	211.9 (66%)	57.2	40.0 (30%)

	Total Suspended Solids (tonnes/year)		<i>E. coli</i> (units/day)	
	Current	Interim target	Current*	Limit (% reduction)
Maketū Estuary	4,647.2	2014 level (to be estimated)	2.84x10 ¹² estimated, after Kaituna re-diversion. <i>Note: 2.84x10¹² is 2.84 trillion</i>	1.1x10 ¹² trillion (60%)
Waihi Estuary	8075.8	2014 level (to be estimated)	1.74 x10 ¹²	9x10 ¹¹ (50%)

Table 1: Current estimated combined contaminant load (from all upstream freshwater bodies) discharging to the estuary and estimated limits (maximum load) and % reduction needed to achieve moderate ecological health in Maketū and Waihi estuaries.

Let's not beat around the bush ... these are daunting numbers. While there are uncertainties about these estimates, we believe the change needed for a moderately healthy ecosystem in each of the estuaries is substantial.

At the meeting, we will ask you

1. Are you confident that you understand the estimates in Table 1, how they were estimated, and the uncertainties about those estimates?
2. Do you accept the need to reduce contaminant loads as estimated in the report in principle?
3. What concerns/questions do you have about this?

3.2 Potential policy options - holding the line

Council staff advise that policies *must* be set to “hold the line”, that is to halt further increase in contaminant loads to the estuaries (noting this would not *improve* the estuaries). This could include:

1. **Good management practice requirements** such as Farm/Orchard Environmental Plans and standards.
 - a. This could include requirements to estimate contaminant losses from the property, which would address a big information gap, that is, we don't know what practices are happening on each farm.
 - b. It could also include specific requirements, e.g. effective stock exclusion from contaminant source areas, better effluent management, run-off controls, fertiliser/compost controls, identification of loss risk areas, and actions.
 - c. It could include requiring land users to stay within a “good management” range of nutrient generation.
2. **Stopping change of land use to more intensive uses, and stopping intensification** of existing land uses (e.g., stop increases in stocking rates, or conversion of forest to pastoral or orchard uses) if it will cause more nitrogen and phosphorus losses, unless this can be mitigated.

3. **Stronger water quality requirements for discharges**, including industrial, commercial, wastewater, land drainage and other point source and diffuse discharges.

At the meeting, we will ask you to think about each of these options....

4. What are your big questions about how they would work?
5. What are the pros, cons and alternatives (from different perspectives)?
6. What take away messages do you want staff to consider from the group?

3.3 Potential policy options – reducing contaminant loads

In addition to holding the line, staff advise that policies *must* be set to start reducing contaminant loads over time. Appropriate timeframes and targets are part of this consideration. In addition to the above options, we can consider:

1. Water treatment technologies
2. Retirement of land / conversion to wetlands;
3. Nutrient allocation limits at catchment, sub-catchment, or property scale –
4. Change of land use

We are unlikely to start discussing these sorts of options at this workshop, but may do later. As we start to explore these options, we will also explore *how* they would be achieved, costs and who would pay for them.

4 Lowland water quality and ecology

4.1 Rivers and drains

The Natural Resources Regional Plan (Regional Plan) defines a natural water body (modified or not) and what is not a water body. In the operative Regional Plan, the following applies in the Kaituna Plains:

Kaituna Pongakawa Waitahanui Water Management Area		
Rivers		Drains
Natural watercourse	Modified natural water course	Artificial water course
Kaituna River and other rivers in mid- and upper catchments, including: Mangorewa River, Oeuteheuheu, Onaia, Pokopoko, Pongakawa, Pungarehu, Raparapahoe, Waiari, Waitahanui Streams	Kopuaroa, Ohineangaanga, Raparapahoe, Waiari, Parawhenuamea Kaikokopu, Pongakawa, Pukehina, Wharere Canals	Remainder of land drainage network, farm drains, other road side drains

Table 2: Rivers and drains in Kaituna-Pongakawa-Waitahanui Water Management Area

This distinction is important, because Council can control the water quality of discharges from the land in to water (in a drain or water body), and from pipes and drains in to water bodies.

The NPSFM makes it compulsory to manage water bodies (not drains) for ecological health and contact recreation values, and they may be managed for other important values too (e.g., mahinga kai). Drains and drain discharges will be managed to support these values in water bodies.

4.2 Water quality and ecology

Late last year you were sent this [link \(pages 105-113\)](#) to a report to council about lowland drainage scheme water quality and ecology. The full report is [here](#). We will present this and discuss implications.

In particular, we have heard concerns from you and others about ecological health, fish habitat/passage, and natural form/character. At the same time, we also understand that land drainage is in place to enable agriculture and protect people, land and infrastructure from flooding.

At the meeting, we will ask you

7. Are you confident that you understand the findings of the lowland drainage report, how the results were measured, and the uncertainties/information we don't have?

4.3 Policy options

Council must prepare action plans to improve ecological health of lowland waterbodies, where the Macroinvertebrate Community Index (MCI) is below 80. Ecological health is affected by water quality, habitat (including channel form, shade, etc), connectivity/passage, and flows.

At this stage, our policy work will focus on improving water quality, particularly *E.coli*, ammonia, Dissolved Oxygen, Temperature in water bodies. Council's catchment management teams and rivers and drainage teams are also looking for opportunities to improve habitat in water bodies and trialling fish friendly pumps.

In addition to the policy options discussed above, lowland drainage issues are likely to require a focus on:

1. lowland drain and land management; and
2. pump station discharge management.

At the meeting, we will ask you

8. Do you agree that we need to focus on lowland drain and land management, and pump station discharge management?
9. What options are there to improve the water quality and ecology of lowland water bodies, and the water quality of drain discharges? What are the challenges, pros and cons?
10. What further information do we need to inform this?

5 Sources and causes

We will spend some more time looking at what modelling results suggest about sources of contaminants. We will look at results by sub-catchment, by land use, by tributary, and by draft Freshwater Management Unit (lower, mid-upper, Waitahanui). Have a look at the [modelling slides presented at the last workshop](#) if you have time to refresh your memory.

At the last meeting, you raised concerns about modelling results. The modellers are still working through feedback from several internal and external peer reviewers. We don't expect the model will be changed yet, but they will express uncertainties and assumptions more clearly. Staff are still looking into the assumptions driving high sediment loss results from forestry.

5.1 Policy options

Policies and rules can be applied to:

1. Particular activities, e.g., industrial/commercial discharges, stock crossings etc.
2. Particular land uses or practices
3. Particular areas (sub catchments, tributary catchments or freshwater management units)

At the meeting, we will ask you

11. Based on the information we have, where / what might we need to focus our attention on?
12. How well do you think we understand sources and causes of nitrogen, phosphorus, *E.coli* and sediment in the catchments?
13. What concerns you have about this and what further information you think we need?

6 Waitahanui

Water quality issues in Waitahanui catchment differ from the rest of the WMA, particularly because there is no very sensitive estuary. Monitoring shows a rising nitrate trend that needs to be addressed, but currently no nitrate toxicity problem, and no algal bloom problem is indicated. Sediment loads are substantially higher than estimated natural loads. *E.coli* monitoring indicates *E.coli* is in central government's C band in the lower reaches. This is still safe for swimming, but the Community Group has indicated B or A band are appropriate objectives. Invertebrate monitoring at one site indicates invertebrate health is currently good.

6.1 Policy options

In the Waitahanui, staff suggest policies will need to focus on arresting nitrate trends, reducing *E. coli* inputs and sediment loss, and maintaining and restoring habitat and mauri of the wai. As a first step, we will estimate what good practice across the catchment could achieve, based on modelling results.

At the meeting, we will ask you

14. Whether you agree with the focus issues above?
15. Whether you agree with the policy direction considerations above?
16. What outstanding concerns and questions you have.

7 **Next steps**

7.1 **Good practice modelling scenario**

A good practice mitigation scenario has been developed in close discussion with agricultural consultants and industry organisation, based on the good practices discussed in previous workshops (M1 mitigations). This will be sent to you shortly.

Modelling results for this scenario will be presented at a later workshop, along with more discussion about surface water quality. This will provide a rough estimate of what contaminant load could be achieved in the catchment if good practice was implemented, because we don't have a detailed understanding and model of current on-farm practice, so we have to make quite a few assumptions.

7.2 **Meetings with iwi and hapū**

We have held meetings with some local iwi and hapū, and we provide regular freshwater policy updates and workshops to Te Maru o Kaituna. However, we still need to meet for the first time with some, and need to hold further discussions with each. We are summarising what we have heard to date, and will need to check it with the iwi we have spoken to before circulating this to Community Group members.

7.3 **Talking with the community**

Council has directed staff to start talking about these issues with the wider public in the catchment. Staff will consider your feedback as we prepare information. We will start by raising awareness about the state of the estuaries. We will prepare a discussion document about management issues and policy options. A communications plan is being prepared. We will discuss this at the next workshop.

