

# Minutes of the Te Maru o Kaituna River Authority Meeting held in The Cruise Deck, Club Mount Maunganui Inc, 45 Kawaka Street, Mount Maunganui on Tuesday, 6 March 2018 commencing at 10.30 a.m.

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## Present:

**Chairman:** D Flavell (Tapuika Iwi Authority Trust)

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

**Appointees:** Councillor K Marsh (Western Bay of Plenty District Council), S Morris (Tauranga City Council), P Thomas (Alternate, Te Pumautanga o Te Arawa), R Pou Poasa (Alternate, Te Komiti Nui o Ngati Whakaue), N Chater (Alternate, Lakes Community Board), Dr B Kihirini (Alternate, Tapuika Iwi Authority), Councillor M McDonald (Alternate, Bay of Plenty Regional Council), R Hancock (Te Tahuhu o Tawakeheimoa Trust)

**In Attendance:** Bay of Plenty Regional Council: N Poutasi (Water Policy Manager), S Omundsen (General Manager – Catchment Management), K O'Brien (Strategic Engagement Manager), P de Monchy (Kaituna Catchments Manager), D Hyland (Finance and Corporate Planning Manager), A Vercoe (Maori Policy Team Leader), D Llewellyn (In-House Legal Counsel), J Watts (Senior Planner (Water policy)), K Pihera-Ridge (Maori Policy Advisor), R Gardiner (Maori Policy Advisor), R Keber (Marketing and Communications Advisor), J Easton (Solicitor), R Garrett (Committee Advisor).

B Law (Law Creative); M Te Amo; J Riini (Rotorua Lakes Council); M Lleyton (Western Bay of Plenty District Council); J Fitter (Bay Conservation Alliance).

**Apologies:** J Nees, M Horne, N Douglas, T Tapsell, H Paul, T Molloy; R Hancock (lateness).

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## 1 **Opening Karakia**

Provided by D Flavell.

## 2 **Apologies**

### **Resolved**

**That the Te Maru o Kaituna River Authority:**

- 1 **Accepts the apologies tendered from J Nees, M Horne, N Douglas, T Tapsell, H Paul, T Molloy; and R Hancock for lateness.**

**Tahana/Morris  
CARRIED**

### 3 **General Business and Tabled Items**

Nil.

### 4 **Declaration of conflicts of interest**

Nil.

### 5 **Previous Minutes**

#### 5.1 **Te Maru o Kaituna River Authority minutes - 07 December 2017**

*Tabled Document 1: File Note – Te Maru o Kaituna River Authority Membership Imbalance*

The Chairman invited Bay of Plenty Regional Council In-House Legal Counsel Donna Llewellyn to address the meeting regarding the imbalance between iwi and local authority membership of the Authority. Ms Llewellyn tabled a File Note prepared on this issue and noted:

- Her advice was provided as In-House Legal Counsel to the Bay of Plenty Regional Council and consequently made available to Te Maru o Kaituna River Authority, and did not prevent any member or entity seeking independent advice;
- Ms Llewellyn considered there was no legal justification for the Regional Council to relinquish a seat on the Authority to regain balance between members as there was no statutory requirement for even representation;
- There was no formal correlation between iwi and local authority seats;
- There was a statutory duty on appointing organisations to make appointments as soon as reasonably practicable;
- That the collaborative structure of the Authority and the statutory direction for decision-making to be by consensus should ensure that a vacancy did not unreasonably prejudice other members; and
- Any issues regarding the fundamental framework of the Authority was a matter for central government to address.

#### **Attendance**

R Hancock joined the meeting at 10.45 am.

A member expressed concern that Tapuika was being negatively affected and denied full representation on the Authority by another iwi and the inability to reach agreement on appointment to the vacant seat, despite several attempts by Tapuika to address the issue of the vacancy; and that the inequality of representation went to the heart of the Tapuika Settlement. Ms Llewellyn's advice was appreciated but it was noted that each member had the right to challenge the perspective given and to obtain their own legal advice.

Members acknowledged the concerns raised, noted the difficulties associated with the continued vacancy and agreed on the importance of being able to move forward with the Kaituna River Document.

#### **Resolved**

**That the Te Maru o Kaituna River Authority:**

- 1 Confirms the minutes of the Te Maru o Kaituna River Authority meeting held 7 December 2017.**

Tahana/Morris  
CARRIED

## 6 Reports

### 6.1 Design work for Te Maru o Kaituna 'brand' and Kaituna River Document

*Refer PowerPoint Objective ID: A2828447*

Marketing and Communications Advisor Ruth Keber updated members on design work for the Kaituna River Document and the selection process for a design consultant. Ms Keber introduced Mr Brendon Law from Law Creative who provided a brief presentation on the work of the design sub-group, the development and meaning of the Te Maru o Kaituna River Authority logo and the proposed structure, feel and key design features of the River Document.

Members suggested the inclusion of scan technology to provide a voiceover in te reo Māori and English, and a QR code feature or the use of augmented reality for diagrams and pictures; Mr Law thought this could be achieved and would follow up with the design sub-group.

It was noted that the use of photos of people could impact the longevity of the River Document and the design sub-group was giving careful consideration to appropriate inclusion of photos in the Document.

The Chair invited Maika Te Amo to address the members. Mr Te Amo introduced himself, outlined his experience with Te Arawa reo and translation and noted that he was honoured to be approached to assist with te reo in the River Document.

## Resolved

**That the Te Maru o Kaituna River Authority under its delegated authority:**

- 1 Receives the report, Design work for Te Maru o Kaituna 'brand' and Kaituna River Document.**
- 2 Approves the establishment of a design working group to progress design work for the Kaituna River Document and the development of a Te Maru o Kaituna logo. The working group members include Hakopa Paul, Chair Dean Flavell, Deputy Chair Councillor Arapeta Tahana, Maria Horne and Councillor Tania Tapsell. Delegates to the Chair of Te Maru o Kaituna the ability to make changes to design working group membership.**
- 3 Formally delegates to Te Maru o Kaituna River Authority Expenditure Subcommittee, authority to commit expenditure of up to \$25,000 to complete Kaituna River Document design work and develop the Te Maru o Kaituna logo.**
- 4 Endorses the working group's selection of Law Creative as the design provider who will develop a Te Maru o Kaituna logo and complete design and production (print and online) of the Kaituna River Document.**

- 5 Endorses the engagement of Maika Te Amo as Te Arawa te reo expert providing advice for the development of the final version of the Kaituna River Document.**

**Flavell/Thomas  
CARRIED**

## **6.2 Financial update and budget**

Committee Advisor Robyn Garrett presented the 2017/18 budget to Te Maru o Kaituna for adoption and updated members on current financial matters. Members noted the statutory requirement for annual reporting to appointing organisations.

### **Resolved**

**That the Te Maru o Kaituna River Authority under its delegated authority:**

- 1 Receives the report, Financial update and budget;**
- 2 Notes the current balance of Te Maru o Kaituna River Authority funds;**
- 3 Adopts the 2017/18 Te Maru of Kaituna River Authority budget as outlined in the report.**

**McDonald/Hancock  
CARRIED**

## **6.3 Freshwater Update**

*Refer PowerPoint Objective ID: A2823666*

Senior Planner (Water Policy) Jo Watts updated members on key national and regional freshwater activity relevant to the Kaituna catchment. Ms Watts summarised the current status of Plan Changes 9 and 10 and Change 3 (Rangitāiki River) to the Regional Policy Statement (RPS) and advised that Plan Change 12 had been delayed as catchment models were calibrated and validated.

Ms Watts clarified that the Rangitāiki River was the first river to be brought under the RPS and that the Kaituna would go through a similar Resource Management Act process once the Kaituna River Document was approved.

A member queried the consultation undertaken for the PC9 process. Water Policy Manager Namouta Poutasi clarified that there had been targeted hui at local and regional level, letters has been sent to all iwi authorities, all iwi and hapu management plans had been reviewed and a report on submissions and issues relevant to Māori had been incorporated into the PC9 Section 32 evaluation report.

Strategic Engagement Manager Kataraina O'Brien clarified the use and inclusion of mātauranga Māori in response to a member's question, and noted that a draft mātauranga Māori framework had been recently endorsed by Regional Council's Komiti Māori. The framework would provide an internal staff guide to how to engage with and respect mātauranga Māori; and would provide guidance to all Council teams not just those working in freshwater. Members appreciated Council's initiative in this area and emphasised the importance of mātauranga Māori respect and implementation.

## Resolved

**That the Te Maru o Kaituna River Authority under its delegated authority:**

- 1 Receives the report, Freshwater Update;**

**Flavell/Hancock  
CARRIED**

### 6.4 Consultation on the proposed Long Term Plan 2018-2028

*Refer PowerPoint Objective ID: A2822567*

General Manager, Catchment Management Sarah Omundsen updated members on the development of the Bay of Plenty Regional Council's Long Term Plan 2018-2028 (LTP) and Consultation process. Ms Omundsen advised that submissions on the LTP closed on 19 March. Ms Omundsen outlined Council's vision and the four key outcomes identified in the LTP, provided a budget and expenditure overview, noted projects in the Kaituna catchment of particular interest to members and highlighted key topics for consultation.

A member suggested a change of wording regarding resource management training for tangata whenua and it was noted that members and appointing organisations could make their own submissions on the LTP.

Members discussed the Te Maru o Kaituna River Authority Guidelines on Submissions, and agreed that the Authority make a submission to the LTP supporting the continuation of Kaituna catchment projects and provision of suitable funding for those projects. The Chair would prepare the submission in accordance with the Authority Guidelines regarding circulation to members and final approval.

Councillors Tahana and McDonald did not participate in the discussion regarding an Authority submission to Council's LTP.

## Resolved

**That the Te Maru o Kaituna River Authority under its delegated authority:**

- 1 Receives the report, Consultation on the proposed Long Term Plan 2018-2028;**
- 2 Agrees to make a submission to the proposed Long Term Plan 2018-2028, in accordance with the submission process outlined in the Te Maru o Kaituna River Authority Guidelines on Submissions.**

**Flavell/Thomas  
CARRIED**

### 6.5 Te Maru o Kaituna River Authority - Correspondence received

The report which provided members with external correspondence received for Te Maru o Kaituna River Authority was taken as read.

In relation to the Te Tumu Update, a member expressed concern regarding low Māori home ownership rates and access to housing in the Papamoa area, and how this

would be addressed in the Te Tumu development. Staff noted the concern and would follow up and report back to the Authority.

In relation to the Ford Rd Pump Station Upgrade update, a member queried eel mortality and whether the upgrade would make the pump station more eel-friendly. Staff clarified that measures to improve eel passage were being investigated and that staff were in contact with Waikato Regional Council regarding their eel passage trials.

## **Resolved**

**That Te Maru o Kaituna River Authority:**

- 1 Receives the report, Te Maru o Kaituna River Authority - Correspondence received;**

**Thomas/Flavell  
CARRIED**

## **6.6 Verbal Updates from Members**

Points raised by members included:

- The Waiari water take was still a matter of concern;
- Concern was expressed regarding desecration of Tapuika kōiwi on Te Tumu lands;
- Support for implementation of mātauranga Māori;
- A request was made for the River Document to be presented to Tapuika and other member iwi before being made public. Members agreed that the Chair, Deputy Chair and appropriate staff present to Tapuika and other interested iwi as a courtesy briefing on the River Document before the finalised document becomes public; after the April Authority meeting when the final decisions on the Document are adopted. Members noted that no changes could be made to the Document following the presentation to iwi and that the presentation would be for information only.

**The meeting closed at 12.25 pm.**