

# Minutes of the Te Maru o Kaituna River Authority Meeting held in The Council Chamber, Rotorua Lakes Council, Civic Administration Building, 1061 Haupapa Street, Rotorua on Wednesday, 14 June 2017 commencing at 10.30 a.m.

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## Present:

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

**Appointees:** Councillor K Marsh (Western Bay of Plenty District Council), Deputy Chairman J Nees (Alternate, Bay of Plenty Regional Council), S Morris (Tauranga City Council), M Tapsell (Tapuika/Waitaha), H Maxwell (Alternate, Tapuika/Waitaha), H Paul (Te Pumautanga o Te Arawa), P Callaghan (Alternate, Tapuika Iwi Authority Trust), N Chater (Alternate, Lakes Community Board)

**In Attendance:** M Horne (Alternate Observer, Te Komiti Nui o Ngati Whakaue), R Pou Poasa (Observer, Te Komiti Nui o Ngati Whakaue), P Tangohou (Chairperson, Te Komiti Nui o Ngati Whakaue), K Wilcox (General Manager, Ngati Whakaue); BOPRC: Councillor K Winters, A Fort (Senior Planner), A Vercoe (Maori Policy Team Leader), D Llewellyn (Legal Specialist), E Grogan (General Manager Regulatory Services), J Barber (Senior Environmental Scientist), K O'Brien (Strategic Engagement Manager), K Pihera-Ridge (Maori Policy Advisor), N Poutasi (Water Policy Manager), P Howe (Senior Advisor (Treaty)), P de Monchy (Kaituna Catchments Manager), R Burton (Senior Planner (Water Policy)), R Fraser (Consents Manager), R Donald (Science Manager), R Garrett (Committee Advisor); Rotorua Lakes Council: J Riini (Partnership Advisor), E Jonker (Senior Policy Advisor, Strategy); Tauranga City Council: C Larking (Consultant Planner); J Fitter (Maketū Ongatoro Wetland Society, Kaituna Freshwater Futures Group).

**Apologies:** Chairman D Flavell, T Tapsell, P Thomas, T Molloy; A Tahana and R Pou Poasa for lateness

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## 1 **Opening karakia**

The meeting opened at 10.40 am with a karakia provided by H Paul.

## 2 **Appointment of Chairperson**

### **Resolved**

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

- 1 **Agrees that Councillor Jane Nees assumes the chair in the interim until the arrival of either the Chairman or Deputy Chair;**

- 2 Notes that the Deputy Chair has been delayed due to travel;
- 3 Agrees to delay agenda items that require a decision until the Deputy Chair arrives and a quorum is achieved.

**Marsh/Morris  
CARRIED**

## Order of Business

The meeting agreed that the following information-only reports would be received next on the agenda:

- Agenda Item 7.3: Groundwater resources in the Kaituna catchment
- Agenda Item 7.4: Resource consenting and water allocation

## 3 Reports

### 3.1 Groundwater resources in the Kaituna catchment

*Refer Powerpoint presentation Obj reference: A2625477*

Senior Environmental Scientist Janine Barber provided members with a summary of current science information on groundwater aquifers in the Kaituna catchment. Ms Barber outlined the natural water cycle, explained the difference between confined and unconfined aquifers and gave an overview of the underlying geology of the Kaituna catchment. Ms Barber noted that, overall, the groundwater system operates with the characteristics of an unconfined aquifer; and clarified that confined aquifers are disconnected from river flows.

Ms Barber updated members regarding the construction of a groundwater flow model for the Kaituna area and noted that, once available (due by December), the Council would be able to model scenarios of different rainfall and abstractions and possible impacts on waterways to help determine sustainable takes. Ms Barber clarified that the model was purely a hydrological model to understand flow and would not take account of water quality. Ms Barber noted that the model was limited by the data input, emphasised the importance of gathering appropriate data, and outlined current groundwater monitoring sites within the catchment. Ms Barber also noted that better information was still needed to effectively analyse the relationship between surface and ground water flows.

Ms Barber demonstrated to members the “*Earth Beneath Our Feet*” GNS website (<http://data.gns.cri.nz/ebof/findLocation.jsp>), which provides geological profiles for selected locations.

## Attendance

Deputy Chair A Tahana joined the meeting at 11.20 am and assumed the Chair.

### 3.2 Resource Consenting and Water Allocation

*Refer Powerpoint presentation Obj reference: A2629753*

Consents Manager Reuben Fraser updated members on Council’s current resource consent processes for water take applications. Mr Fraser outlined the current rules and the key factors taken into account by Council when considering an application for water abstraction.

Members queried the process for granting of consent in an over-allocated catchment. Mr Fraser clarified that allocation status was taken into account when a consent application was considered, and that applications to take in an over-allocated catchment were publicly notified. Mr Fraser also noted that under Proposed Plan Change 9 the presumption will be that an application to take from an over-allocated catchment will generally be declined.

Mr Fraser responded to members' questions regarding the Kaituna catchment specifically, and explained that surface water was still available for allocation when considered against current limits; and that, while the groundwater aquifer was allocated above the interim levels set, monitoring did not show the aquifer dropping. Mr Fraser noted that cumulative effects were difficult to take into account currently, and that Proposed Plan Change 9 would make it easier to decline an application. Mr Fraser also confirmed that there were currently no water bottling consents in the Kaituna area.

Members expressed concern at over-allocation in the Kaituna catchment and emphasised that a limit must be a limit or the credibility of the process would be undermined. Mr Fraser noted that the strengthened water metering requirements proposed in Plan Change 9 would enable much better information to be gathered on levels of abstraction at any one time.

In response to members' questions, Mr Fraser clarified that, unlike the shallower unconfined aquifers in the catchment, the deeper confined aquifer was under-allocated and had no connection or interaction with the Kaituna River; and explained that the geothermal resource operated under different rules from surface and groundwater.

## **Resolved**

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

- 1 Receives the report, Groundwater resources in the Kaituna catchment;**
- 2 Receives the report, Resource Consenting and Water Allocation.**

**Nees/Paul  
CARRIED**

### **3.3 Options : Scope of Ngāti Whakaue on Te Maru o Kaituna, Kaituna River Authority**

Council's In-house Legal Counsel Donna Llewellyn summarised the current position regarding Ngāti Whakaue membership of Te Maru o Kaituna River Authority and outlined the three options for scope of informal membership for consideration by the members. Ms Llewellyn emphasised that the decision on scope was in regard to the current informal voting membership status of Ngāti Whakaue, which would be supplanted when formal legal membership status was conferred on Ngāti Whakaue through the settlement of their Treaty negotiation process.

The Chair invited Ngāti Whakaue representatives to comment on the options proposed; Ngāti Whakaue expressed their preference for informal membership with full rights, as being in the spirit of the Deed of Settlement, and were willing to work with members to help further define the scope as needed.

Members discussed the implications and risks of the three options for Te Maru o Kaituna River Authority as an entity, its operations and its decision-making process.

The Chair requested the Ngāti Whakaue representatives present to leave the room while the members voted. It was clarified that Rotorua Lakes Council could not vote as its representative at the meeting was a Community Board member not a member of Council.

The following **MOTION** was moved, seconded and put:

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

**Supports the selection of Option 2: “Middle” membership, for Te Komiti Nui o Ngāti Whakaue; with voting rights on all Kaituna River Document processes and all non-constitutional and non-financial business.**

**Tahana/M Tapsell**

A **DIVISION** was requested and recorded as follows:

<b>FOR (2)</b>	<b>AGAINST (3)</b>
Tahana	Callaghan
Tapsell	Marsh
	Paul

Councillor Morris abstained from voting.

The motion was **LOST**.

The following **MOTION** was moved, seconded and put:

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

**Supports the selection of Option 3: “Full” membership, for Te Komiti Nui o Ngāti Whakaue; with voting rights on all the Authority’s business.**

**Marsh/Callaghan**

A **DIVISION** was requested and recorded as follows:

<b>FOR (3)</b>	<b>AGAINST (2)</b>
Callaghan	Tahana
Marsh	Tapsell
Paul	

Councillor Morris abstained from voting.

The motion was **LOST**.

The following **MOTION** was moved, seconded and put:

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

- 1 Receives the report, Options: Scope of Ngati Whakaue on Te Maru o Kaituna, Kaituna River Authority.**
- 2 Endorses the selection of Option 3: informal membership with full voting rights, on the condition that the corresponding Bay of Plenty Regional**

**Council member is appointed with the same status (refer clause 5.18.2 of the Tapuika Deed of Settlement).**

- 3 Invites Te Komiti Nui o Ngāti Whakaue to advise Te Maru o Kaituna River Authority of its appointed representative and alternate.**

**Tahana/Marsh**

A **DIVISION** was requested and recorded as follows:

<b>FOR (5)</b>	<b>AGAINST (1)</b>
Tahana	Tapsell
Callaghan	
Marsh	
Paul	
Morris	

As the motion was supported by a 70% majority of those members present and voting, the motion was **CARRIED**.

The Chair invited Ngāti Whakaue representatives to rejoin the meeting and informed them that the decision had been made in favour of informal membership with full voting rights.

## **Adjournment**

The meeting adjourned at 1.05 pm and reconvened at 1.30 pm.

## **Attendance**

H Paul and H Maxwell left the meeting at 1.30 pm.

## **Order of business**

The meeting agreed to resume the notified agenda order, starting with Agenda Item 6: Previous Minutes.

### **4 Te Maru o Kaituna River Authority minutes - 16 May 2017**

Members were reminded that iwi appointees to Te Maru o Kaituna River Authority needed to be confirmed by 17 July.

## **Resolved**

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

- 1 Confirms the Te Maru o Kaituna River Authority minutes - 16 May 2017**

**Tahana/Marsh  
CARRIED**

### **5 Reports (continued)**

#### **5.1 Kaituna River Document – Update**

Senior Planner Adam Fort updated members on progress with the Kaituna River Document. Mr Fort informed members of the notification of the Document, noted the submissions received to date and explained the process through to a hearing. Mr Fort confirmed that letters had been sent to all landowners adjacent to the river.

## **Resolved**

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

- 1 Receives the report, Kaituna River Document Update;**

**Tahana/Marsh  
CARRIED**

## **5.2 Freshwater Update**

Water Policy Manager Namouta Poutasi updated members on recent freshwater management developments since the last Te Maru o Kaituna meeting; including progress with both Proposed Plan Changes 9 and 12. Ms Poutasi noted that the timeframe for Proposed Plan Change 12 had now been extended by 12 months.

Members noted that a timeline diagram of the various freshwater processes would be useful and requested that this become a standing item at Te Maru o Kaituna meetings.

Members thanked Ms Poutasi and her staff for holding useful and productive meetings with Tapuika whānau.

## **Resolved**

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

- 1 Receives the report, Freshwater Update;**

**Tahana/Morris  
CARRIED**

## **5.3 Report to Te Maru o Kaituna River Authority - Te Tumu Structure Plan and Rezoning Project**

*Refer Powerpoint presentation Obj reference: A2626220*

Consultant Planner Campbell Larking updated members with progress made with the Te Tumu Structure Plan and Rezoning Project. Mr Larking outlined the key points of the project and noted that no fatal flaws to urban development in Te Tumu had been identified and that it was considered financially viable to proceed to the next stage of Structure Planning and rezoning. Mr Larking also outlined the stakeholder and iwi engagement undertaken to date.

A member noted that that any matters that come to Te Maru o Kaituna River Authority need to focus on the river and any impacts on the river; any other issues need to be addressed directly with the iwi affected.

In response to members' questions around flooding, Mr Larking explained that the floodable area was not included in the Te Tumu development zone and noted that the maximum extent of any flooding was restrained by the dune ridge, but that there was no guarantee that the current rural zoning of the flood plain would not change. Mr Larking reminded members that there was still a full resource management planning process for the Project to go through.

Mr Larking clarified waste and storm water assumptions being used in the Project.

## **Resolved**

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

- 1 Receives the report, Report to Te Maru o Kaituna River Authority - Te Tumu Structure Plan and Rezoning Project**

**Tahana/Callaghan  
CARRIED**

### **5.4 Presentation: Rotorua Lakes Council: Waste Water Treatment Plant Update**

*Refer Powerpoint presentation Obj reference: A2629589*

Rotorua Lakes Council Partnership Advisor Jenny Riini presented to members on the integration of cultural treatment of discharge into the design of the Rotorua Waste Water Treatment Plant (WWTP) upgrade. Ms Riini summarised the current operations of the WWTP and explained the process undertaken to develop the preferred discharge option for the upgrade.

Ms Riini explained that the four key principles for the cultural treatment of the discharge were to restore the mauri of the wai, that water is intrinsic to life, kaitiakitanga and to acknowledge the Te Arawa cultural values framework for water. Ms Riini outlined the key aspects of the design which replicates what happens in nature by the use of cascades and flows, filtration and oxygenation through vegetation and over rocks and the introduction of native aquatic species.

Ms Riini informed members that next steps involved a stakeholder engagement plan through to August with the resource consent application for the WWTP upgrade expected to be lodged August/September 2017.

## **Resolved**

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

- 1 Receives the presentation, Rotorua Lakes Council: Waste Water Treatment Plant Update.**

**Tahana/Callaghan  
CARRIED**

### **5.5 Presentation: Kaituna Catchments Operations Update**

*Refer Powerpoint presentation Obj reference: A2669318*

Kaituna Catchments Manager Pim de Monchy updated members on operational activities in the Kaituna catchment since the last Authority meeting. Mr de Monchy informed members of habitat restoration work being undertaken at the Whakapoukorero wetland and noted it was a good example of biodiversity protection. Mr de Monchy discussed the work programme for Papahikahawai Island, noted that removal of a causeway and construction of the bridge had been completed; with an immediate reduction in algae build-up noticeable after the removal. Mr de Monchy explained that shoreline work on the island was currently on hold due to the duckshooting season, and acknowledged the volunteers who had planted just over 6000 plants on the island.

Members congratulated Mr de Monchy and his team on their work and noted how rewarding it was to see immediate results.

## **Resolved**

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

- 1 Receives the presentation, Kaituna Catchments Operations Update.**

**Tahana/Marsh  
CARRIED**

**The meeting closed with a karakia at 2.30 pm.**