

Tarawera Awa Restoration Strategy Group

Ngā Meneti Open Minutes

Commencing: Tuesday 28 February 2023, 9:30 AM

Venue: Mataatua Room, Bay of Plenty Regional Council Building,
5 Quay Street, Whakatane

Ngā Kopounga Members:

Te Mana o Ngāti Rangitahi Trust
Leith Comer and Tiipene Marr (Alternate)

Bay of Plenty Regional Council Toi Moana
Chairman Doug Leeder and Cr Malcolm Campbell
(Alternate)

Kawerau District Council
Mayor Faylene Tunui and Deputy Mayor Aaron Rangihika
(Alternate)

Ngāti Mākino Iwi Authority
Awhi Awhimate

Rotorua Lakes Council
Cr Gregg Brown (Via Zoom)

Te Rūnanga o Ngāti Awa
Tuwhakairiora O'Brien (Alternate)

Whakatāne District Council
Deputy Mayor Lesley Immink

Te Hunga i Tae Ake In Attendance:

Bay of Plenty Regional Council Toi Moana: Chris Ingle (General Manager Integrated Catchments), Kataraina O'Brien (Director Strategic Engagement), Yvonne Tatton (Governance Manager), Nassah Rolleston-Steed (Principal Advisor, Policy & Planning), Rob Donald (Science Manager), Stephen Lamb (Environmental Strategy Manager), Herewini Simpson (Kaihautu Te Amorangi Lead), Rawiri Bhana (Senior Treaty Advisor), Gina Mohi (Putaiiao Mātauranga), Charles Harley (Team Leader Eastern Catchments), Fiona Wood (Programme Coordinator Integrated Catchments), Ashleigh Grant (Kaikarere (Communications Partner)) (Via Zoom);
Te Mana o Ngāti Rangitahi Trust: Dr Frances Teinakore-Curtis
Te Rūnanga o Ngāti Awa: Reuben Araroa (Manahautū), Mike Panapa (Cultural Engagement Manager)

Independent: Jane Waldon (Co-Governance Secretariat),
Keri Topperwien (Co-Director, Tūānuku Ltd)

Ngā Hōnea Apologies:

Mayor Victor Luca (Whakatāne District Council)
Pourotu Ngaropo (Te Rūnanga o Ngāti Awa)
Sandie Rota (Alternate, Ngāti Mākino Iwi Authority)
Jim Schuster (Ngāti Tūwharetoa (BOP) Settlement Trust
Phill Thomass (Alternate, Rotorua Lakes Council)
Kaumātua Te Haukakawa Te Rire (Cultural Advisor, Kawerau
District Council

1. Karakia Whakatuwhera Opening Karakia

A karakia was provided by Tu O'Brien.

2. Ngā Hōnea Apologies

Resolved

That the Tarawera Awa Restoration Strategy Group:

- 1 Accepts the apologies from Chairman Doug Leeder and Tiipene Marr for late arrival, and Mayor Victor Luca, Pourotu Ngaropo, Sandie Rota, Jim Schuster, Phill Thomass and Te Haukakawa Te Rire for absence tendered at the meeting.**

**Comer/Immink
CARRIED**

Ngā Pūrongo Reports

Ngā Whakatau e Hiahiatia Ana Decisions Required

2.1 Appointment of a Chairperson and Deputy Chairperson

Chris Ingle, General Manager Integrated Catchments facilitated the process for appointing a Chairperson for the Strategy Group.

Resolved

That the Tarawera Awa Restoration Strategy Group:

- 1 Receives the report, Appointment of a Chairperson and Deputy Chairperson.**
- 2 Selects System B as the voting system to appoint the Chairperson and Deputy Chairperson.**

**Tunui/Campbell
CARRIED**

Nominations for Chairperson:

Nominations were called for the appointment of the Chairperson.

Leith Comer was nominated for the position. No further nominations were received.

- 3 Appoints Leith Comer as the Chairperson of the Tarawera Awa Restoration Strategy Group for a term of two years pursuant to Part 2, section 126(2) of the Ngāti Rangitahi Claims Settlement Act 2022.**

**O'Brien/Campbell
CARRIED**

Leith Comer **assumed** the Chair and recognised members for their vote of confidence.

9:36 am – Tiipene Marr **entered** the meeting.

Nominations for Deputy Chairperson:

The Chair called for nominations for the position of a Deputy Chairperson.

Pourotu Ngaropo was nominated for the position. No further nominations were received.

- 4 Appoints Pourotu Ngaropo as the Deputy Chairperson of the Tarawera Awa Restoration Strategy Group for a term of two years pursuant to Part 2, section 126(2) of the Ngāti Rangitahi Claims Settlement Act 2022.**

**Awhimate/O'Brien
CARRIED**

3. Whakawhanaungatanga Introductions from Members

Those present provided a round of introductions.

Chairperson's Introduction:

- Advised that Ngāti Rangitahi were pleased the Strategy Group had been formed
- Acknowledged Tu O'Brien who had recently been appointed as Chairman of Te Rūnanga o Ngāti Awa and as their alternate on the Strategy Group
- Acknowledged staff representatives who would be providing technical support to the Strategy Group and the importance of having iwi with mana whenua interests from Kawerau downstream to Matatā
- Recognised the respective territorial authorities represented on the Strategy Group who had been selected to collectively focus on the restoration of the Tarawera Awa and Te Awa o te Atua.
- Recognised the interests of Te Arawa Lakes Trust, Ngāti Tarāwhai and Tūhourangi in the upper catchment and noted that the Strategy Group would engage with those iwi groupings for time to time.

4. Whakapuakanga o Ngā Take Whai Taha-Rua Declaration of Conflicts of Interest

Yvonne Tatton, Governance Manager provided clarification to members regarding the reason for seeking any conflicts of interest to be declared.

The Strategy Group was not required to maintain a register of interests, however, it was best practice for members to declare any conflicts of interest in relation to any items on the agenda. If a member had a particular interest in an item (whether financial or non-financial) that they considered was over and above the common interest of the public, it should be declared and the member refrain from speaking and voting.

No conflicts of interest were declared.

5. Ngā Pūrongo Reports

Ngā Whakatau e Hiahiatia Ana Decisions Required

5.1 Inaugural Meeting Administrative Matters

Presented by: Yvonne Tatton, Governance Manager

Key Points:

- Outlined the Strategy Group's draft Standing Orders, including the discretionary options, based on feedback provided from the iwi representative hui held on 19 January 2023, and Terms of Reference and sought confirmation of its membership, meeting schedule and preference of meeting venues.
- Advice had been received prior to and at the meeting of some changes in membership appointments made to the Strategy Group.
- The draft Terms of Reference had been derived from the Ngāti Rangitīhi Settlement Claims Act.
- Regional Council considered a time limit of 15 minutes for the public forum to be sufficient.
- While feedback from the iwi representative hui had supported Option B for speaking and moving motions, Option C was recommended as the most flexible and least formal.

In Response to Questions:

- Public forum requests should be directed to the Chief Executive via the Governance Team at least one clear working day before a meeting.
- The role of members was to listen to public forum speakers and ask any questions of clarification, but not enter into debate with speakers. If members wanted to raise discussion on a matter, this should take place at the relevant agenda item (if there was one) or the Chair could ask staff for a report to be brought back to the next meeting for members to consider.

Key Points - Members:

- Supported te reo Māori headings to be placed before English headings within the Standing Orders. The main principle of the use of bi-lingual headings was noted.
- Agreed to not support livestreaming of the Strategy Group's meetings.
- Agreed to a public forum time limit of 15 minutes.
- Supported Strategy Group hui being held at Regional Council's office for the majority of meetings for administrative ease and to use other venues for specific and special occasions.

Resolved

That the Tarawera Awa Restoration Strategy Group:

- 1 Receives the report, Inaugural Meeting Administrative Matters;**
- 2 Confirms the membership appointments of the Tarawera Awa Restoration Strategy Group:**
 - (a) Leith Comer as the appointed member for Te Mana o Ngāti Rangitihi Iwi Trust and Tiipene Marr as the alternate member;**
 - (b) Awhi Awhimate as the appointed member for Ngāti Mākino Iwi Authority and Sandie Rota as the alternate member;**
 - (c) Pouroto Ngaropo as the appointed member for Te Rūnanga o Ngāti Awa and Tuwhakairiora O'Brien as the alternate member;**
 - (d) Jim Schuster as the appointed member for Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust;**
 - (e) Chairman Doug Leeder as the appointed member for Bay of Plenty Regional Council Toi Moana and Cr Malcolm Campbell as the alternate member;**
 - (f) Mayor Faylene Tunui as the appointed member for Kawerau District Council and Deputy Mayor Aaron Rangihika as the alternate member;**
 - (g) Cr Gregg Brown as the appointed member for Rotorua Lakes Council and Phill Thomass (Lakes Community Board) as the alternate member;**
 - (h) Mayor Victor Luca as the appointed member for Whakatāne District Council and Deputy Mayor Lesley Immink as the alternate member;**
- 3 Adopts the draft Tarawera Awa Restoration Strategy Group Terms of Reference (Attachment 1) subject to respective changes being made to the Strategy Group's membership; and**
 - (a) Agrees in principle to a Vision Statement being developed for inclusion in the Terms of Reference, for adoption at a subsequent meeting;**
- 4 Adopts the draft Tarawera Awa Restoration Strategy Group Standing Orders (Attachment 2) with the following discretionary Standing Orders:**
 - (a) 4.3 Language**

If a member intends to address the meeting in New Zealand Sign Language, or in te reo Māori, when the normal business of the meeting is conducted in English and where an informal summary in English of what is spoken is not provided, they must give prior notice to the Chairperson not less than 2 working days before the meeting.
 - (b) 4.4 Webcasting meetings**

Webcast meetings should be provided in accordance with the protocols contained in Appendix 7.

Webcasting is only to occur by agreement of the Strategy Group and only where there is appropriate technology to do so.

(c) 10 Tikanga

The Strategy Group recognises that the business of the Strategy Group will be conducted in a way as to incorporate both Tikanga and Standing Orders as appropriate.

Where a meeting of the Strategy Group is held on a marae, marae protocol takes precedence, and all members are to abide by such marae protocols.

(d) 14.3 Chairperson vacates the Chair

The Chairperson may agree to vacate the Chair to enable the Deputy Chairperson to chair the meeting at pre-agreed times. Where this occurs, the Chairperson will need to formally vacate the Chair at the start of each meeting that it is pre-agreed the Deputy Chair will chair, and this must be recorded in the minutes of that meeting. The Chairperson is then able to be present and participate in the meeting, including voting, while not chairing the meeting.

(e) 15.1 Public Forum - Time Limits

A period of up to 15 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled Strategy Group meeting.

(f) 22.1 Speaking and moving motions

- **Option C**

5 Authorises the Governance Manager to make minor grammatical and formatting changes to the Standing Orders prior to release.

6 Confirms the Tarawera Awa Restoration Strategy Group schedule of meetings for 2023:

- **Tuesday, 28 February 2023**
- **Tuesday, 23 May 2023**
- **Tuesday 29 August 2023**
- **Tuesday 7 November 2023 (Rescheduled)**

**Campbell/Awhimate
CARRIED**

Order of Business

The Chair sought a change to the order of business to receive Agenda items 7.3 and 7.4 next on the agenda, before Agenda item 7.2.

Hei Pānui Anake Information Only

5.2 Tarawera Awa Restoration Strategy Document

Presented by: Nassah Rolleston-Steed, Principal Advisor Policy & Planning

Key Points:

- A key task of the Strategy Group was to develop a Tarawera Awa Restoration Strategy Document.

- Summarised the Strategy Document's purposes, consultation requirements and effect on Resource Management Act 1991 planning documents.
- Once the Strategy Document was approved, the Regional Council and relevant district councils must ensure the document's vision, objectives and desired outcome were provided for within their regional policy statement and regional or district plans. Until this occurred, Regional Council must have particular regard to the Strategy Document when considering resource consents.
- The expectation was that the Strategy Group would procure a dedicated planning resource to manage/lead the project and have discretion to setup one or more technical advisory groups to assist with the delivery of the Strategy Document.

In Response to Questions:

- Recommended that an independent/dedicated resource be procured to fully focus on the project as Regional Council's planning staff were fully dedicated to other projects.
- The cost of a dedicated planning resource and development of the Strategy Document would be covered by the Crown funding (\$788K) held by the Regional Council.
- Development of a project plan and timeframes etc would be led by the independent planning resource to ensure the Strategy Group's expectations were met and statutory requirements delivered.
- The Strategy Group had discretion on how the Strategy Document was developed and could use the examples of the Kaituna and Rangitāiki river documents.
- Regional Council staff would be available to provide project planning advice to the independent planning resource.
- Additional Crown funding would need to be pursued for any implementation projects.
- A more collaborative process would be stronger/better than a faster streamlined process. A project plan would help the Strategy Group to further consider the timeframes for progressing the Strategy Document.

Key Points - Members:

- Suggested that the Strategy Group look at the examples of the Rangitāiki and Kaituna river documents to assist the process.
- Suggested considering a faster planning process to reduce the Crown breaches and degradation of the mauri of the Tarawera Awa and Te Awa o te Atua.
- Te Wahapu o Waihi had formed last year and may be able to provide some synergies and advice.

Resolved

That the Tarawera Awa Restoration Strategy Group:

- 1 Receives the report, Tarawera Awa Restoration Strategy Document.**
- 2 Agrees to appoint a dedicated planning resource to project manage and lead the development of the Tarawera Awa Restoration Strategy Document.**
- 3 Delegates authority to the Chair to liaise with Toi Moana staff to develop, agree to and commence procurement of a dedicated planning resource and report on the status of the appointment process at the Strategy Group's next meeting.**

**Tunui/Immink
CARRIED**

5.3 A Paper on Mauri o Tarawera Awa - Te Awa o te Atua

Presentation - Mauri o Tarawera Awa - Te Awa o te Atua: Objective ID A4328448 [⇒](#)

Presented by: Dr Frances Teinakore-Curtis, Environmental Manager, Te Mana o Ngāti Rangitihi

Key Points:

- Provided the collective understanding of mauri expressed by Strategy Group iwi representatives that would inform the Strategy Group's work to restore the mauri of the Tarawera Awa and Te Awa o te Atua.
- Provided historical background on the pure state of Te Awa o te Atua/Tarawera Awa before it was devastated by the river diversion of the Rangitāiki Plains drainage programme (early 1900s), accumulation of discharge waste from Tasman Mill (1954) and from flooding debris in 2005.
- Explained the eight expressions of Mauri o te Wai, the varying states of mauri wellbeing and the fundamental principles of spiritual lifeforce and interconnectedness existing in all things within the awa, and the nature of being circular and reciprocal.
- The river was a living organism and what it provided must be returned to ensure the river continued to flourish.
- Tarawera Awa was currently in a state of Mauri Rere (unsettled waters).
- Noted the collective aspirations of iwi representatives once the mauri of Te Awa o te Atua was restored.
- Outlined next steps for the Strategy Group to coordinate and promote the integrated restoration of the mauri of the catchment, and create and execute the Strategy Document, including:
 - Stopping the Kawerau pulp and paper mill from discharging into the awa;
 - Upgrading wastewater infrastructure;
 - Appropriate management of farm pumping and water extraction.

10:58 am – Chairman Leeder **entered** the meeting.

Key Points - Members:

- Noted that the Crown was in breach of Te Tiriti o Waitangi by allowing the continued pollution of the lifeforce of the awa, which needed to stop.
- Discussed a staged approach to the Tarawera Awa Restoration Strategy Document by preventing single point discharges into the Awa as a first step.

Resolved

That the Tarawera Awa Restoration Strategy Group:

- 1 Receives the report, A Paper on Mauri o Tarawera Awa - Te Awa o te Atua.**

**O'Brien/Immink
CARRIED**

11:11 am – the meeting **adjourned**.

11:30 am – the meeting **reconvened**.

5.4 Tarawera Catchment current state

Presentation - Refer Agenda pages 105-123: Objective ID A4314356

Presented by: Rob Donald, Science Manager

The presentation provided an overview of current state data and monitoring trends and results for the Tarawera catchment, as set out in the agenda presentation slides and notes.

Key Points:

- Acknowledged the mamae (hurt) held by iwi in relation to the degradation of mauri of the Tarawera Awa and considered the mauri assessment provided by iwi on the current state of the awa (Mauri Rere/unsettled) was accurate and aligned with the scientific perspective.
- Land use was a key driver of the state of water quality.
- Dissolved oxygen levels was a key driver that aquatic life needed to survive and significant improvement in the results could be attributed to improved effluent treatment and reduction in the volume of treated waste following the closure of Tasman Mill's paper machines.
- Colour levels had a visual impact and could affect fish species' ability to survive. Results had improved and now met regional plan requirements.
- Bathing suitability had improved throughout most of the river, which could be attributed to improved land use and reduced sewage discharges however, elevated levels of enterococci were present at the river mouth.
- Overall nutrient levels were high but had declined, with Tasman Mill a significant source of phosphorus.
- A diverse range of fish species was identified in the catchment, but there was no regular monitoring.
- Fish Index of Biological Integrity (IBI) provided an indicator of fish community health and presence. Water quality was not thought to be a barrier however, there were physical barriers that were restricting fish passage.
- Regarding surface water takes:
 - This was considered not to be an issue. Water flow was stable and there was no issue or evidence of abnormally low flows.
 - Some historical water take consents were due to expire in 2026 and these could be reviewed at that point however, under the consenting regime existing consent rights were not easy to alter.
 - A map illustrated the larger surface water takes within the Tarawera catchment, the largest being Tasman Mill and the Karaponga hydro scheme. These were non-consumptive as the water was returned back to the awa.
- A further presentation could be provided at a future meeting for members to understand how available online data and information worked.

In Response to Questions:

- The Regional Plan had met its requirements to improve the state of water quality, however further improvements could still be made. The plan was due for review as part of implementing the National Policy Statement for

Freshwater Management (NPS-FM), which would provide the opportunity for further improvements.

- Currently there was no plan to undertake the next fish survey and that the Strategy Group may wish to pursue this however, noted this work would be substantial and take time.
- Braemar Springs and Otakiri Springs were deemed to be groundwater, which had no effect on the awa.
- Comparisons with other rivers in the Bay of Plenty and New Zealand wide were not presented but were available.

Key Points - Members:

- Surface water takes depended on seasonal variations. Under Te Mana o te Wai the first priority was given to the wai.
- Forestry operations above Kawerau township was having an adverse effect on water colouration in the awa and swimming restrictions had been put in place within the town upstream of Tasman Mill site.
- Sought consideration of having additional monitoring sites, i.e. near the Kawerau Golf Club.
- Taking a 'Mountains to the Sea' approach, stage 1 of Lake Tarawera's reticulation plan had been adopted with Crown contribution of \$6.5M from its Freshwater Improvement Fund. Stage 2 of the project, that would consider everything outside the main trunk, was yet to be signed off by Rotorua Lakes Council and was anticipated to be completed within 3-5 years.
- Discussed taking a targeted staged approach to prioritise/address single point discharges or a whole of catchment approach to restore the mauri of the catchment and awa.
- Noted that the NPS-FM required a plan change to be notified by 2024 and the opportunity to review consents that were due to expire in 2026.
- The introduction of new information presented on mauri and phosphorus levels would build upon existing data.
- Supported taking a targeted approach and for baseline data to be updated while the larger picture build was being developed.
- Considered it important that a media release go out to stakeholders after the meeting (and future meetings) to inform them of the Strategy Group's formation, purpose and next steps for procuring a planning resource.
- Noted the recent media statement made by the Chief Executive of the Environmental Protection Agency in relation to a degraded lake at Kawerau, which the Strategy Group may wish to become involved in to manage and maintain affected stakeholder relationships.

Key Points - Staff:

- Tarawera Awa was one of the most polluted waterways in Aotearoa and considered that existing data was sufficient to take a targeted approach on prioritising single point discharges.
- Impacts from wastewater system seepage on Te Awa o te Atua lagoon would be difficult to measure and demonstrate, and should be dealt with by managing systems properly.
- Noted that a project plan would be presented to the Strategy Group's next meeting.

Resolved

That the Tarawera Awa Restoration Strategy Group:

- 1 Receives the report, Tarawera Catchment current state.**
- 2 Agrees to taking a targeted approach to commencing the Strategy Group's strategic planning with a focus on point source discharges.**

**Tunui/Awhimate
CARRIED**

12:35 pm – Deputy Mayor Aaron Rangihika **withdrew** from the meeting.

5.5 Freshwater Policy Programme interface with Tarawera Awa Restoration Group

Presentation - Essential Freshwater Policy Programme: Objective ID A4328487 [⇒](#)

Presented by: Stephen Lamb, Environmental Strategy Manager

Key Points:

- Overview of Regional Council's Essential Freshwater Policy Programme (EFPP) for implementing the National Policy Statement for Freshwater Management (NPS-FM) was a significant, complex piece of work and a key priority and impact area for Council.
- The Strategy Group and Regional Council were working towards the same kaupapa via two different legislative drivers and Regional Council wanted to align the two work programmes where possible.
- NPS-FM had a legislative deadline for Regional Council to notify its plans by December 2024 and ahead of the Resource Management reforms.
- NPS-FM was built around the National Objectives Framework (NOF) and underpinned by the principles of Te Mana o te Wai.
- Provided an overview of the programme framework, timeframes, progress to date, community and tangata whenua engagement, plan drafting, freshwater management units (FMUs) and high level examples of the scale of change that maybe required, i.e. the potential for policy to consider the rollover of consents expiring in 2026.
- Outlined the process to incorporate existing planning provisions for the Tarawera catchment, including the Tarawera Awa Restoration Strategy Document within the NPS-FM programme.
- Acknowledged the Strategy Group's process to develop the Strategy Document, which needed to be respected and the challenge of how both processes could be aligned/connected to ensure the best outcome for the Tarawera Awa.
- Noted the importance of relationships, engagement and communication.

In Response to Questions:

- Changing consents and in particular pre-1991 consents, would be difficult and policy development would need to consider what was fair based on an overall assessment of the FMU/receiving environment and evidence/data.

Resolved

That the Tarawera Awa Restoration Strategy Group:

Receives the report, Freshwater Policy Programme interface with Tarawera Awa Restoration Group.

**O'Brien/Immink
CARRIED**

6. Whakahoutanga Kōrero Verbal Updates

6.1 Partner Members: General Discussion of Resource Management Act and Three Waters Reform Submissions

Tabled Document 1 - Ngāti Rangitahi Submission to Environment Select Committee - Natural and Built Environment Bill 2022 and Spatial Planning Bill 2022: Objective ID A4317621 [↔](#)

Key Points - Members:

- Discussed the concerns of Ngāti Rangitahi in relation to the Three Waters and Resource Management reforms; the impact the reforms would have on Ngāti Rangitahi's Treaty settlement redress; and how the Strategy Group had been constituted.
- Ngāti Rangitahi had approached ministers about their concerns regarding the allocation of resource management and water infrastructure at an entity level and consenting at the regional level.
- While ministers had given assurance that Ngāti Rangitahi's settlement would not be impacted, the Iwi had made a submission to the Environment Select Committee (refer Tabled Document 1) to ensure their concerns would be addressed.
- Ngāti Rangitahi's legal counsel suggested that the four iwi partners should meet at the appropriate time to address the government on some of the policy changes.

7. Karakia Kati Closing Karakia

A karakia was provided by Tu O'Brien.

12:56 pm - the meeting closed.

CONFIRMED

Leith Comer
Chairperson, Tarawera Awa Restoration Strategy Group