

# Tarawera Awa Restoration Strategy Group Rārangi Take (Agenda)

NOTICE IS GIVEN that the next meeting of the Tarawera Awa Restoration Strategy Group will be held in the Mataatua Room, Bay of Plenty Regional Council Building, 5 Quay Street, Whakatane on:

TUESDAY 23 MAY 2023 COMMENCING AT 9:30 AM

Fiona McTavish  
Chief Executive  
15 May 2023

# Tarawera Awa Restoration Strategy Group

## Membership

<b>Chairperson</b>	Leith Comer (Te Mana o Ngāti Rangitihi)
<b>Deputy Chairperson</b>	Pouroto Ngaropo (Te Rūnanga o Ngāti Awa)
<b>Tangata Whenua Members</b> One appointed representative each: Te Mana o Ngāti Rangitihi Ngāti Mākino Iwi Authority Te Rūnanga o Ngāti Awa Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust	<i>Tīpene Marr (Alternate)</i> Awhi Awhimate <i>Sandie Rota (Alternate)</i> <i>Tuwhakairiora O'Brien (Alternate)</i> Jim Schuster
<b>Council Members</b> One appointed member each: Bay of Plenty Regional Council Kawerau District Council Rotorua Lakes Council Whakatāne District Council	Chairman Doug Leeder <i>Cr Malcolm Campbell (Alternate)</i> Mayor Faylene Tunui <i>Deputy Mayor Aaron Rangihika (Alternate)</i> Cr Gregg Brown <i>Phill Thomass - Lakes Community Board (Alternate)</i> Mayor Victor Luca <i>Deputy Mayor Lesley Immink (Alternate)</i>
<b>Quorum</b>	Five members comprising: The Chairperson or Deputy Chairperson; and two Iwi members and two Council members.
<b>Meeting frequency</b>	Quarterly

## Purpose

To support, co-ordinate and promote the integrated restoration of the mauri of the Tarawera Awa catchment.

## Scope

The Strategy Group's scope covers the geographical area of the Tarawera River catchment, including its tributaries within the catchment area, as shown further below on map OMCR-102-032.

The Strategy Group is deemed to be a co-governance joint committee of the Bay of Plenty Regional Council; and is a permanent committee and must not be discharged unless all appointing organisations agree to the discharge.

## Role

The functions of the Strategy Group are to —

- (a) develop a restoration strategy for the catchment, to be known as the Tarawera Awa Restoration Strategy Document; and
- (b) monitor the implementation and effectiveness of the Strategy Document; and
- (c) run and oversee restoration projects as required under the Strategy Document; and
- (d) seek funding for the restoration projects as required by the Strategy Document; and
- (e) communicate with stakeholders and the wider community to explain how decisions made or activities affecting the catchment align, or could be aligned, with the common vision, objectives, and desired outcomes for the catchment; and
- (f) establish 1 or more technical advisory groups as required, as outlined in section 134<sup>1</sup>; and
- (g) seek the advice of a technical advisory group or the relevant local government in support of restoration activities; and
- (h) link stakeholders together so that activities that take place in the catchment, or that affect the mauri of the catchment, are compatible as far as possible with the common vision, objectives, and desired outcomes for the catchment; and
- (i) provide a framework to assist central government agencies and local government so that they may have regard to the common vision, objectives, and desired outcomes for the catchment; and
- (j) undertake any other function required to achieve the purpose of the Strategy Group.

## Decision Making

The Strategy Group must make its decisions by vote at a meeting and strive to achieve consensus; and approach decision making in a manner that is consistent with, and reflects its purpose; and acknowledges, as appropriate, the interests of iwi in particular parts of the catchment.

The Chairperson and Deputy Chairperson may vote on any matter, but do not have a casting vote.

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<sup>1</sup> [s134 Ngāti Rangitahi Claims Settlement Act 2022](#)

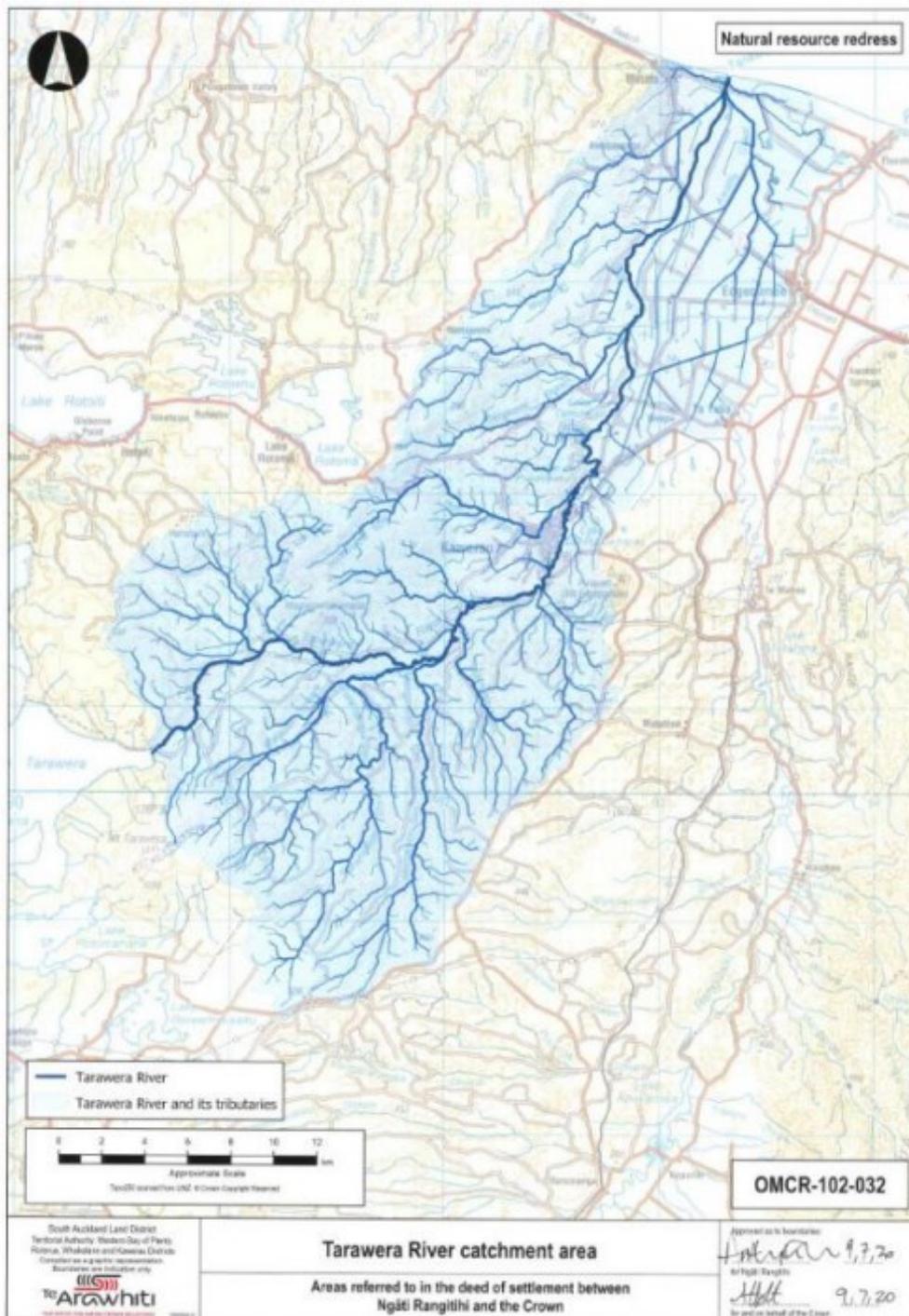
## Power to Act

Except as provided for in the purpose above, the Strategy Group has discretion to determine in any particular circumstances whether to perform any function specified and how, and to what extent, any function specified is performed.

## Power to Recommend

To the partner organisations on any matters within the Strategy Group's delegated role as it deems appropriate.

Strategy Group members report directly to their respective appointing organisations.



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

# Rārangi Take

## Agenda

1. **Karakia Whakatuwhera  
Opening Prayer**
2. **Ngā Hōnea  
Apologies**
3. **Wāhanga Tūmatanui  
Public Forum**
4. **Ngā Take Tōmuri  
Items not on the Agenda**
5. **Raupapa o Ngā Take  
Order of Business**
6. **Whakapuakanga o Ngā Take Whai Taha-Rua  
Declaration of Conflicts of Interest**
7. **Ngā Meneti  
Minutes**
  - Kia Whakaūngia Ngā Meneti  
Minutes to be Confirmed
  - 7.1 **Tarawera Awa Restoration Strategy Group Minutes - 28 February  
2023** 7
8. **Ngā Pūrongo  
Reports**
  - Ngā Whakatau e Hiahiatia Ana  
Decisions Required
  - 8.1 **Planning and project management resourcing matters to  
consider for preparing the Tarawera Awa Restoration Strategy  
Document** 19
    - Hei Pānui Anake  
Information Only
  - 8.2 **Essential Freshwater Policy Programme Update** 29

- 8.3 Update on the Resource Management related Ngati Rangitihi Treaty Settlement Redress draft deed to amend 34**
- 9. Ngā Take Tōmuri Hei Whakaaroaro  
Consideration of Items not on the Agenda**
- 10. Karakia Kati  
Closing Prayer**

# 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 Rangitahi 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 Rangitihī

#### **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 life force 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 life force 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**

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Leith Comer  
Chairperson, Tarawera Awa Restoration Strategy Group



<b>Pūrongo Ki: Report To:</b>	Tarawera Awa Restoration Strategy Group
<b>Rā Hui: Meeting Date:</b>	23 May 2023
<b>Kaituhi Pūrongo: Report Writer:</b>	Nassah Rolleston-Steed, Principal Advisor, Policy & Planning
<b>Kaiwhakamana Pūrongo: Report Authoriser:</b>	Chris Ingle, General Manager, Integrated Catchments
<b>Kaupapa: Purpose:</b>	Prompt informal discussion by members on project management and planning resource matters associated with progressing preparation of the Tarawera Awa Restoration Strategy Document.

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## Planning and project management resourcing matters to consider for preparing the Tarawera Awa Restoration Strategy Document

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### Whakarāpopototanga Executive Summary

The purpose of this report is to prompt discussion on project management and planning resourcing matters for progressing the Tarawera Awa Restoration Strategy Document (Strategy Document). Matters for consideration relate to:

1. securing a dedicated external project manager,
2. a staged approach to developing and approving the Strategy Document, and
3. the definition of 'mauri'.

At the 28 February Tarawera Awa Restoration Strategy Group (Strategy Group) hui members resolved in favour of appointing a dedicated planning resource to project manage and lead development of the Strategy Document. Since that hui an external consultant has been secured to write the Strategy Document. However, efforts to secure a dedicated project manager has been more challenging. At the time of preparing this report the project manager role remains vacant and investigations to find a suitable person are ongoing.

Members are asked to consider a staged approach to preparing the Strategy Document. This matter arose in response to the paper on *Mauri o Tarawera Awa - Te Awa o Te Atua* at the Strategy Group's 28 February hui. Details of each phase, the strategic intent and the benefits/risks of this approach versus the conventional release of a completed strategy require careful consideration. Direction on whether a staged approach is supported is sought prior to commencing the development of a project plan and communications and engagement plan.

Strategy Group members are asked to further explore their collective understanding of the current and future aspired state of the mauri o Tarawera Awa me Te Awa o Te Atua. A key objective for the Strategy Document is restoring the mauri o Tarawera Awa me Te Awa o Te Atua. At the Strategy Group's 28 February hui next steps outlined in relation to this objective included preventing point source discharges into Tarawera Awa, upgrading wastewater infrastructure and better managing on-farm discharges and water extraction.

## Ngā tūtohutanga Recommendations

### That the Tarawera Awa Restoration Strategy Group:

1. **Receives the report, Planning and project management resourcing matters to consider for preparing the Tarawera Awa Restoration Strategy Document;**
2. **Pursuant to Section 140(2) of the Ngāti Rangitahi Claims Settlement Act 2022 publicly notify the Tarawera Awa Restoration Strategy Group's intention to commence preparation of the first Tarawera Awa Restoration Strategy Document;**
3. **Notes Keri Topperwien has agreed to lead preparation of the Tarawera Awa Restoration Strategy Document;**
4. **Notes staff are still investigating options to secure a dedicated person to project manage development of the Tarawera Awa Restoration Strategy Document;**
5. **Provides direction on whether a staged approach to developing and approving the Tarawera Awa Restoration Strategy Document is supported in principle.**

### 1. He Whakamārama Background

The purpose of this report is to prompt informal discussion and seek direction from Strategy Group members on matters associated with progressing preparation of the Tarawera Awa Restoration Strategy Document (Strategy Document). Matters direction is sought in relation to are:

1. Ensuring the dedicated planning resource is supported by a project manager resource.
2. Considering a staged approach to preparing the Strategy Document.
3. Exploring whether a general consensus on the current and future desired state of the 'mauri' of Tarawera Awa me Te Awa o Te Atua is achievable.

## 2. **Dedicated Planning Resource**

At the 28 February 2023 Tarawera Awa Restoration Strategy Group (Strategy Group) hui the following resolutions were passed to:

1. Appoint a dedicated planning resource to project manage and lead the development of the Tarawera Awa Restoration Strategy Document (Strategy Document); and
2. Delegate to the Chair authority to liaise with Toi Moana staff to develop, agree and commence procurement of a dedicated planning resource and report on the status of the appointment process at the next hui.

Finding a person with the capacity to fulfil this role has been challenging. A suitable person has confirmed availability to write the Strategy Document, but not to be project manager as well. So we now have someone to write the Strategy Document; but we still need a resource that can be dedicated to project manage the Strategy Document's preparation.

### 2.1 **Project Manager**

A project of this nature requires sound project management and leadership. Given the Group's primary task is to develop a Strategy Document there is sound reasoning to appoint a dedicated project management lead.

A proficient project manager must have a broad range of skills and be able to fulfil a variety of requirements to ensure the success of a project. Skills and experience necessary to fulfil this role include strong leadership, communication, planning, risk management, budget and financial management, technical knowledge, time management, adaptability, problem-solving, and interpersonal skills to effectively manage a project. The primary requirements and skills needed for a proficient project manager are:

1. Leadership skills: Must be able to lead project team members, set goals, provide direction, and motivate team members to achieve project objectives.
2. Communication skills: Can communicate effectively with stakeholders, iwi/hapū, landowners, governance, and team members. A project manager must be able to convey information clearly, listen actively, and respond appropriately to feedback.
3. Planning and organising: Must plan, organise, and coordinate all aspects of a project, including timelines, resources, budget, and tasks.
4. Risk management: Can identify and manage potential risks that could impact the success of the project. This includes identifying risks, assessing their likelihood and impact and developing strategies to mitigate them.
5. Budget and financial management: Must be able to manage project finances, including estimating costs, creating budgets, and tracking expenses.
6. Technical knowledge: Have a solid understanding of the technical aspects of the project, including the tools, technology, and processes involved.
7. Time management: Ability to manage time effectively, including setting and meeting deadlines, and prioritising tasks.

8. Adaptability: Ability to adapt to changes in project scope, timeline, or budget and be able to make decisions and take action quickly.
9. Problem-solving: Can identify problems and find solutions quickly and effectively, keeping the project objectives in mind.
10. Interpersonal skills: Able to build and maintain relationships with stakeholders, team members, and vendors to ensure smooth project operations.

The Project Manager will lead, manage and report on the project plan, milestone completion and budgeting to achieve the successful completion of the Strategy Document. This Project Manager role includes coordinating the strategy roles (i.e. Document Writer, any Technical Advisory Group members and/or other support roles), reporting to and facilitating the Strategy Group hui and leading wider stakeholder engagement processes.

Persons identified to date who have the appropriate skills and experience to undertake this role are either unavailable in the immediate future or their consultant charge out rate has been deemed exorbitant (in terms of the finite budget resources Te Arawhiti have committed to this process). Staff are continuing to investigate options and persons to fulfil the project manager role.

A project plan and communications and engagement plan are necessary first steps to initiate this programme of works and can only be undertaken once a project manager has been formally appointed.

## 2.2 Strategy Document Writer

The Strategy Document preparation requires a person with specialist skills to articulate the Strategy Group's directions while also ensuring its content meets the purpose set out in Section 135 of the Ngāti Rangitihī Claims Settlement Act 2022 (refer Appendix 1).

The role's primary purpose is to lead writing the Strategy Document. This involves supporting the implementation of the project plan to ensure the Strategy Document includes the requirements of the Ngāti Rangitihī Claims Settlement Act 2002.

Key deliverables include:

- Review relevant contextual literature, iwi/hapū resource management plans, relevant planning/policy documents/legislative frameworks;
- Planning and facilitation of TARSG wānanga/hui as they relate to draft Strategy Document content;
- Drafting, presenting, amending the Strategy Document;
- Supporting wider engagement with iwi/hapu, local authorities and other stakeholders; and
- Support the process of considering comments received.

Preparation of the Strategy Document will require engagement with tangata whenua, landowners and stakeholders, in addition to Strategy Group members. At this stage it is unclear which role will lead project communications and engagement although the expectation is both the Project Management and Document Writer roles will be involved in its implementation.

There are budget implications if dual roles are secured to oversee the Strategy Document's preparation. Any additional costs anticipated from two versus one role could be mitigated if two consultants are commissioned to work to half a Full Time Equivalent (FTE) as opposed to one person fulfilling both roles and working a full FTE. However, contract details have not been finalised and charge out rates, clearly defined scope of services, roles and responsibilities are still to be agreed.

Toi Moana (Bay of Plenty Regional Council) provided the dedicated planning resource to lead the preparation and project management of the Rangitāiki and Kaituna River Documents. During earlier discussions Ngāti Rangitihī representatives made their desire clear that any dedicated planning resource(s) required to project manage and lead preparation of the Strategy Document should be external to Toi Moana.

**Direction Sought:** Confirmation the Strategy Group supports in principle splitting the principal planner role into two roles being a 1) project manager; and 2) a document writer. If this approach is supported staff will continue to investigate sourcing a dedicated project manager to lead development of the Strategy Document.

### 3. Staged Release of Strategy Document

The Chair has raised the prospect of staging the development and release of the Strategy Document. The primary purpose of staging the Strategy Document's release is to ensure other concurrent policy/plan changes and relevant consents processes give due recognition to priority issues of this Strategy Group. Or in other words, to ensure that once approved, the Strategy Document has regulatory teeth in Resource Management Act 1991 processes within the Tarawera River catchment area.

The staged approach is linked to the following resolution made at the conclusion of the report by Rob Donald, Science Manager on the current state of the Tarawera Catchment at the Strategy Group's 28 February 2023 hui being:

**Agrees to taking a targeted approach to commencing the Strategy Group's strategic planning with a focus on point source discharges.**

#### 3.1 Effect on Resource Management Act 1991 Planning Documents

Under Section 137 of the Ngāti Rangitihī Claims Settlement Act 2022 Toi Moana is required to *'recognise and provide for' the common vision, objectives and desired outcomes* in the final approved Strategy Document.

This requirement applies whenever Toi Moana is preparing, approving, varying or changing the Bay of Plenty Regional Policy Statement or any regional plans. This requirement must be met each time Toi Moana proposes changes to its RPS or regional plans which have direct application within the Tarawera catchment.

Any RPS or regional plan change to recognise and provide for the Strategy Document's common vision, objectives and desired outcomes must go through a formal Freshwater Planning Process. This is the same process which Proposed Change 5 (Kaituna River) to the RPS is currently following and is based on the premise that the Strategy Document will have a strong emphasis on freshwater quality.

### 3.2 Benefits and Costs

In carrying out its functions and responsibilities the Strategy Group is required to undertake a semi judicial hearings process to develop and approve the Strategy Document. If a staged release approach is favoured for the Strategy Document, each staged release must follow the same process to be made operative.

The Ngāti Rangitihi Claims Settlement Act 2022 sets out the requirements for preparing and approving the Strategy Document. It involves providing opportunity for any interested person to make comment on the draft Strategy Document prior to its formal adoption. This means considering feedback in an open and inclusive manner including for iwi who have interests in the Tarawera Awa catchment but are not formally represented in the Strategy Group. General consultation principles apply to all interested stakeholder organisations, landowners or interested parties.

Section 140 of the Ngāti Rangitihi Claims Settlement Act 2022 sets out consultation requirements the Strategy Group must abide by in preparing the Strategy Document. These include publicly notifying the intention to prepare the Strategy Document within 12 months of formally commencing its preparation and providing interested persons and/or stakeholder organisations opportunity to make submissions for a minimum of 20 working days.

Given the Strategy Group are in the process of formulating thinking around the content, process and timing of the first Strategy Document a recommendation is included to ensure this public notification requirement is met.

Following receipt of submissions, the Strategy Group must consider them and make decisions on the matters raised therein. The Strategy Group's decision must be at a level of detail that specifies how the matter raised in submissions have been addressed. In short, it is similar to a Schedule 1 submissions and hearings process under the Resource Management Act 1991 (RMA).

Staging the development and release of the Strategy Document will entail both costs and benefits, as outlined below.

#### Costs:

1. **Time and resources:** Developing and releasing the Strategy Document requires an informal submissions and hearings process. This is a time-consuming and resource-intensive process. Key stages the process involves are preparing a draft document, consulting with stakeholders, submitting on the document, considering and preparing recommendations and reasons in response to the submissions received, updating the Strategy Document and notifying decisions on submissions received. This process will need to be repeated based on how many stages the Strategy Group wish to release the Strategy Document.
2. **Increased costs:** Staging the development and release of the Strategy Document will result in increased costs due to the extended time frame and duplicated process. Costs will include additional meeting fees, travel expenses, and consultants and technical advice expenses, consultation costs, and the cost of preparing and reviewing the document.
3. **Consultation fatigue:** Stakeholders, iwi/hapu or other interested persons may prefer to provide input to the development of the Strategy Document once rather than on separate occasions over a truncated period of time. This might be particularly challenging for iwi and hapū who have many pressures and limited resources and capability.

4. **Delayed decision-making:** The staging process can lead to delays in decision-making, which may result in missed opportunities or the loss of momentum for the project or activity.

**Benefits:**

1. **Truncated timeframe for priority matters:** Staging the release of the Strategy Document enables the Strategy Group to prioritise tackling specific/priority issues and releasing clear direction on how these should be addressed through regulatory and non-regulatory processes.
2. **Regulatory teeth:** The staged release of the Strategy Document means matters that are prioritised for approval early will have regulatory teeth in resource management processes as soon as that part of the document is approved by the Strategy Group.
3. **Improved stakeholder engagement:** The staging process provides opportunities for stakeholders or interested persons to engage in the decision-making process during subsequent stages. This duplication of process and effort might be favoured by some stakeholders/persons, which can lead to better outcomes and increased public support for the Strategy Document.

In conclusion, staging the development and release of the Strategy Document will have both costs and benefits. While it may lead to increased costs and delayed decision-making for the eventual release of an entire Strategy Document, it can also improve decision-making on high priority issues.

If a staged approach is supported the Strategy Group will need to turn its mind to what issues and parts of the Strategy Document will be prioritised for approval first.

**Direction sought:** Whether the Strategy Group supports in principle taking a staged approach to developing and approving the Strategy Document.

## 4. Recognising Mauri

Te Awa o Te Atua was destroyed as an active coastal commerce port when the Tarawera Awa was severed at its head as part of the Rangitaiki Plains drainage programme in the early 1900s. The action of altering the course of the Tarawera Awa resulted in the loss of the port's commercial opportunities and Te Awa o Te Atua food supply for iwi o Omataroa ki Matatā.

Over time, Tarawera awa health and well-being have been further jeopardised in preference for the economic benefits derived from the establishment of the Kawerau pulp and paper mill in 1954 and the employment opportunities that followed. All mill waste was permitted to be discharged into the river by the mill proprietors. This activity directly caused Tarawera Awa to become the most polluted river in New Zealand, commonly known as the "Black Drain." The preservation of the river's Mauri was not considered.

### 4.1 Mauri as a life force

Mauri is the life force or essence possessed by all living things and transmitted through whakapapa from our Creator to our ancestors and, ultimately, to us. Mauri influences and is influenced by its environment. It serves an essential role in educating Māori about why and how our lives take the forms they do. It gives Māori thought, knowledge, culture, and language a distinct cultural heartbeat and cadence.

The operative Bay of Plenty Regional Policy Statement defines ‘mauri’ as:

*‘Mauri: The essential life force, energy or principle that tangata whenua believe exists in all things in the natural world, including people. Tangata whenua believe it is the vital essence or life force by which all things cohere in nature. When Mauri is absent there is no life. When Mauri is degraded, or absent, tangata whenua believe this can mean that they have been remiss in their kaitiakitanga responsibilities and this affects their relationship with the atua (Māori gods). Mauri can also be imbued within manmade or physical objects.’*

## 4.2 Restoring the Mauri of Tarawera Awa

The Mauri of Tarawera Awa is the spiritual life force from creation, interconnected with the environment and our progenitors, which exists in all things within Tarawera Awa me Te Awa o Te Atua. It was once, is now, and will always be the same. It lives. In Māori culture, ontology (the nature of being) is circular and reciprocal. Since the river is a living organism, everything it gives us must be returned to it eventually. If it provides for us by supplying us with sustenance, we must return the favour by ensuring the river’s continued health.

It is our responsibility to devise a restoration strategy for the mauri o Tarawera Awa me Te Awa o Te Atua now that a consensus has been reached on the meaning of mauri and the importance iwi place on respecting and preserving the mauri of their waterways.

**Direction sought:** Confirmation whether Strategy Group supports in principle the vision and objective of the Strategy Document is to restore and protect the mauri o Tarawera Awa me Te Awa o Te Atua.

## 5. Ngā Whakaarohanga Considerations

### 5.1 Ngā Mōrea me Ngā Whakangāwaritanga Risks and Mitigations

The project is in its early inception stage. The Strategy Group must commence the preparation of a draft Strategy Document no later than 3 years after the settlement date (i.e., by 19 May 2025 at the latest). Project management considerations will consume much of the Strategy Group’s initial focus. Members have the benefit of learnings from the development of previous Treaty of Waitangi Settlement Claims propelled river documents, for the Rangitāiki and Kaituna Rivers.

Project leadership and resourcing for the Strategy Document is a moderate risk identified at this early inception stage. A dedicated planning resource to lead project management is considered necessary to get the Strategy Document project underway. A formalised project management approach, and stakeholder communications and engagement strategy is necessary for any project spanning a large catchment area. This aspect is slipping and needs to be addressed as a priority.

Other potential risks associated with the development of the Strategy Document are capable of being managed and mitigated through a structured project management approach. These include typical risks associated with such projects like project scope creep, unrealistic stakeholder/landowner expectations, resource management reform, local government reform, legal obligations and interruptions from further pandemics.

## 5.2 **Huringa Āhuarangi Climate Change**

Matters addressed in this report are of a procedural nature and there is no need to consider climate change impacts. Existing RPS climate change provisions will continue to guide relevant decision-making processes. These are RPS Policy NH 11B 'Providing for climate change' and Policy IR 2B 'Having regard to the likely effects of climate change'.

## 5.3 **Ngā Pānga ki te Māori Implications for Māori**

The process of developing the Strategy Document marks a significant milestone in the realisation of long-standing aspirations for Ngāti Rangitihi iwi. The purpose and effect of the Strategy Document is enshrined in the Ngāti Rangitihi Claims Settlement Act 2022. Once developed the common vision, objectives and desired outcomes of the Strategy Document must be recognised and provided for when preparing, approving, varying or changing relevant regional policy statement or plan or any relevant district plans.

The Strategy Document has significant implications for Ngāti Rangitihi iwi in particular as it gives effect to their treaty settlement legislation and strategic cultural aspirations. It will also have cultural significance to other iwi members namely Ngāti Tūwharetoa, Ngāti Awa and Ngāti Makino. The Tarawera Awa is considered a tupuna and is revered as a living entity. Statutory acknowledgements exist ki uta ki tai within the Tarawera Awa catchment that recognise the mana of and particularly the cultural, spiritual, historical and traditional associations Ngāti Rangitihi, Ngāti Tūwharetoa and Ngāti Awa have with these specified areas. There are also numerous sites of significance to Māori within and adjacent to the awa and its tributaries, many of which are described in iwi and hapū management plans and the statutory acknowledgements.

## 5.4 **Whakawhitiwhiti ā-Hapori Community Engagement**

In carrying out its functions and responsibilities the Group must act in an open and inclusive manner for iwi who have interests in the Tarawera Awa catchment but are not formally represented in the Strategy Group. General consultation principles should also apply to other interested stakeholder organisations, landowners or interested parties.

Section 140 of the Ngāti Rangitihi Claims Settlement Act 2022 sets out consultation requirements the Group must abide by in preparing the Strategy Document. These include publicly notifying the intention to prepare the Strategy Document within 12 months of formally commencing its preparation and providing interested persons and/or stakeholder organisations opportunity to make submissions for a minimum of 20 working days.

Following receipt of submissions, consider them and make decisions on the matters raised therein. The Group's decision must be at a level of detail the specifies how the matter raised in submissions have been addressed.

## 5.5 Te Hāngai ki te Pou Tarāwaho Rautaki Alignment with Strategic Framework

<b>A Healthy Environment</b>	We develop and implement regional plans and policy to protect our natural environment.
<b>The Way We Work</b>	We honour our obligations to Māori.

Development of the Strategy Document gives effect to Section 135 of the Ngāti Rangitihī Claims Settlement Act 2022 which states the Group must prepare and approve a Tarawera Awa Restoration Strategy Document.

## 5.6 Ngā Pānga ā-Pūtea Financial Implications

The Crown has provided \$788,000 to Toi Moana towards administrating the new Strategy Group and preparing and approving the Strategy Document. This funding has been received by Toi Moana. Additional funding is also available for changes to the Bay of Plenty Regional Policy Statement (\$188,000) and the Regional Natural Resources Plan (\$204,000) in the event out of cycle bespoke policy and plan changes are required.

Crown funding commitments don't extend to implementation costs associated with any non-regulatory implementation/action plans or the formal implementation of regulatory policy and plan change provisions.

An immediate financial consideration required is the procurement of a dedicated planning resource to project manage and facilitate development of the Strategy Document. The recruitment process should be made a high priority if members seek to get the Strategy Document process underway in 2023.

## 6. Ngā Mahi Whai Ake Next Steps

Subject to the Strategy Groups endorsement, procuring a dedicated project manager will continue to be a key focus. Once a project manager is secured and formal procurement matters completed, a project plan and a communication and engagement plan will need to be developed for approval at the next Strategy Group meeting.

Subject to being able to secure an appropriate project manager, the next logical steps will be to establish a project management framework and commence development of the draft Strategy Document.

Subject to resolving in favour of recommendation 2, staff will publicly notify in relevant regional newspapers the Strategy Group are commencing the development of the first Strategy Document.



<b>Pūrongo Ki: Report To:</b>	Tarawera Awa Restoration Strategy Group
<b>Rā Hui: Meeting Date:</b>	23 May 2023
<b>Kaituhi Pūrongo: Report Writer:</b>	Gemma Moleta, Senior Planner (Water Policy)
<b>Kaiwhakamana Pūrongo: Report Authoriser:</b>	Namouta Poutasi, General Manager, Strategy & Science
<b>Kaupapa: Purpose:</b>	To update the group on tangata whenua and public engagement events and on the resources available relating to the Tarawera catchment.

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## Essential Freshwater Policy Programme Update

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### Whakarāpopototanga Executive Summary

This report provides an update on progress to implement the National Policy Statement for Freshwater Management (NPSFM). The *Essential Freshwater Programme* is the Bay of Plenty Regional Council's cross-council mechanism for delivering what is needed to meet the NPSFM requirements.

There are opportunities for the Tarawera Awa Restoration Group and/or member organisations to be involved in upcoming tangata whenua and public engagement. This report renews the invitation to work together in whatever way works best to align two streams of work that are delivering towards the same kaupapa. Council recognises the need to respect the mana of the Restoration Strategy process.

### Ngā tūtohutanga Recommendations

**That the Tarawera Awa Restoration Strategy Group:**

- 1 Receives the report, Essential Freshwater Policy Programme Update.**

## 1. He Whakamārama Background

The Essential Freshwater Policy Programme (EFPP) is Council's work programme to implement the requirements of the National Policy Statement for Freshwater Management (NPSFM), primarily via changes to the Regional Policy Statement (RPS) and Regional Natural Resources Plan (RNRP).

As mentioned in the previous paper on 28 February 2023 the NPSFM implementation process and content has many similarities with those of Tarawera Awa Restoration Strategy Document.

## 2. Alignment between the NPSFM process and Restoration Strategy process

As previously discussed with the Strategy Group (for example, at the 28 February 2023 meeting), the legislative timeframes for implementation of the NPSFM mean that it will be necessary to keep a close eye on how the development of the Strategy document can link into the development of the freshwater provisions of the Regional Plan. The legislated timeframes within the NPSFM (that the Council cannot move) will potentially cut across those determined by the Group as the best process to develop the Strategy. The 28 February 2023 report noted:

*Ideally, the Strategy Document would be delivered ahead of the NPSFM implementation process and would be recognised and provided for through that process. The challenge is how both processes can be aligned to ensure the best outcome for the Tarawera awa.*

The presence of these parallel processes is unfortunate but appropriate connections should enable the best outcome for both. Staff are specifically discussing where this can occur. Initial drafting of the next Regional Plan will need to be progressed soon.

The current state of play for the Essential Freshwater programme involves:

- Release of the Freshwater Management Unit stories for the 13 Bay of Plenty FMUs.
- Community engagement
- Tangata whenua engagement (hui-a-rohe and projects)
- General ongoing research (science, economic analysis).

The Tarawera FMU Information is available on-line at [Updating regional freshwater rules \(boprc.govt.nz\)](https://www.boprc.govt.nz). In terms of the Freshwater Management Unit story for the Tarawera, it does four things:

1. It is a summary of what Council knows about the awa (quality of the water, levels of availability, species lists, and identified issues)
2. It explores the idea of a vision for the FMU (as required by the NPSFM)
3. In response to the issues that are identified it provides a range of potential options about what might resolve them.
4. As a consultation document - it asks a range of questions about the content of the document and asks for feedback.

The key purpose of the document is to find out what people think about the awa, whether there is information that will assist the process of building the Regional Plan, and whether there are issues that have not been identified. Any feedback from the Strategy Group is welcomed – noting once again the need to align processes and thinking where possible.

### 3. **Community Engagement**

Awareness raising prior to public engagement on draft freshwater management issues and options started in February 2023. On-line engagement and community engagement events launched in April 2023. At the time of writing this report, one event had been held in Kawerau relating to the Tarawera River. The few attendees we had wanted to discuss:

- the FMU boundary and the distinct units within the Tarawera River above and below Kawerau,
- water bottling in the catchment,
- the protection of wetlands such as Lake Tamurenu.
- wastewater treatment discharges,
- the trout and kayaking values of the Tarawera near Kawerau, and
- the poor water quality of the Omehu.

All events are promoted on the Bay of Plenty Regional Council website, and a publicity programme using Freshwater Flash, social media, local newspapers and radio advertising is progressing. Primary sector organisations are promoting the events and anticipate that more of their members will come to later events.

Of interest to this group, a [region-wide overview document](#) and a [Tarawera River specific document](#) have been released as key engagement collateral (see links). During May and June, some more detailed issues and options reports, some draft plan change text, and technical reports will be made available on-line for those parties that want to dive deeper to understand and comment in more detail.

The next community meeting for the Tarawera River is on 30 May at Firmin Lodge, Kawerau from 2pm-7pm. Followed by another on 26 July.

### 4. **Tangata Whenua Engagement**

Current Kaupapa Māori freshwater work is focussed on delivering three Hui-a-Rohe, supporting a range of tangata whenua-led projects, and making connections to organisations and groups.

A series of three sub regional hui-a-rohe for tangata whenua will be held in the months of May, and again in August. All co-governance iwi members are invited to these hui. The hui-a-rohe are hosted by Toi Moana Māori Councillors and independent facilitators.

Two sessions will be held on each day from 2pm to 4pm and 5.30pm to 7.30pm enabling tangata whenua to have opportunity to attend either session. The hui a rohe agenda and content is different to the community engagement drop-in sessions. Instead of focussing on freshwater management issues, they focus on

issues of relevance to tangata whenua and the opportunity for Mātauranga Māori input.

Dates for the Hui-a-Rohe events for the Ōkūrei and Kōhī areas are 17 May and 24 May, respectively. Followed by another round of events on 16 August for Ōkūrei and 26 August for Kōhī.

**Hui o rohe May agenda outline:**

- An overview of the NPSFM and what it is asking of us. Toi Moana staff are being careful here to ensure the delivery and language is pitched to the audience and the values that they hold.
- Toi Moana’s approach is building on from what tangata whenua have already told us. Furthering that understanding by having a guest speaker from an iwi group at each hui a rohe to present their journey so far.
- Looking to future proof tangata whenua input – Toi Moana is exploring the challenge of how mātauranga Māori (cultural material from iwi and hapū) that is received in the future can influence resource management decisions.
- Open floor – Q & A.

Any advice and recommendations from members of this group who attended the first hui a rohe is welcome and can be taken on board for further hui a rohe dates.

## 5. **Ngā Whakaarohanga Considerations**

### 5.1 **Ngā Mōrea me Ngā Whakangāwaritanga Risks and Mitigations**

Ideally, the Strategy Document would be delivered ahead of the NPSFM implementation process and would be recognised and provided for through that process. The legislated deadline for the NPSFM process is not conducive to achieving this. There is also a risk of public and tangata whenua confusion about the two overlapping or duplicating processes. Public communications will need to explain and build understanding.

### 5.2 **Huringa Āhuarangi Climate Change**

The matters addressed in this report are of a procedural nature and there is no need to consider climate change impacts. Climate change impacts will be considered by Toi Moana as part of proposed changes to the RPS and RNRP to implement the NPSFM and reviewing of the land and water parts of the RNRP

### 5.3 **Ngā Pānga ki te Māori Implications for Māori**

The NPSFM clearly sets increased expectation of active tangata whenua involvement in freshwater management, and provision for cultural values and mātauranga Māori. Council staff continue to invite and support iwi and hapū involvement to the extent they want to be involved or have capacity to be involved. Staff are maintaining a good faith approach, while also working to progress NPSFM implementation according to legislated deadlines.

The upcoming community and tangata whenua engagement events are included in sections 2 and 3 of this report.

Policy discussions around how to deliver the NPSFM in relation to tangata whenua interests are also progressing.

#### 5.4 **Whakawhitiwhiti ā-Hapori Community Engagement**

As outlined in sections 2 and 3 above, Toi Moana staff are well underway implementing the community and tangata whenua engagement plan which is a key focus throughout 2023.

#### 5.5 **Te Hāngai ki te Pou Tarāwaho Rautaki Alignment with Strategic Framework**

Toi Moana is obliged to implement the NPSFM by the December 2024 deadline. As noted above there is a challenge to align this work with the Tarawera Awa Restoration Strategy Document work.

#### 5.6 **Ngā Pānga ā-Pūtea Financial Implications**

There are no material unbudgeted financial implications and this fits within the allocated budget.

### 6. **Ngā Mahi Whai Ake Next Steps**

1. Continue public communications and hold tangata whenua and community engagement events and keep engagement records.
2. Summarise engagement feedback.
3. Develop draft policy options, assessments and plan change text.
4. Make draft policy issues and options papers, and some draft plan change text available to the TARSG and public as it becomes available.

<b>Pūrongo Ki: Report To:</b>	Tarawera Awa Restoration Strategy Group
<b>Rā Hui: Meeting Date:</b>	23 May 2023
<b>Kaituhi Pūrongo: Report Writer:</b>	Frances Teinakore-Curtis Environmental Manager Te Mana o Ngāti Rangitahi
<b>Kaiwhakamana Pūrongo: Report Authoriser:</b>	Leith Comer - Chairman, Te Mana o Ngāti Rangitahi
<b>Kaupapa: Purpose:</b>	A draft deed to amend was prepared by David Tapsell (on behalf of the Crown). The draft deed to amend and other processes are set out to enable the Crown to uphold and maintain the RM related Ngāti Rangitahi Treaty Settlement redress in the new system.

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## An update of the Resource Management related Ngāti Rangitahi Treaty Settlement Redress draft deed to amend

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### Whakarāpopototanga Executive Summary

The proposed amendments set out in the draft deed to amend provide the equivalent *legal effect* in the proposed new resource management regime as was negotiated and currently exist in the Ngāti Rangitahi Treaty Settlement. This includes ensuring that the same legal effect of the Strategy Document, to “recognise and provide for” is maintained in the equivalent planning documents under the new resource management regime and that the membership remains the same.

### Ngā tūtohutanga Recommendations

**That the Tarawera Awa Restoration Strategy Group:**

- 1 Receives the report update of the RM related Ngāti Rangitahi Treaty Settlement Redress draft deed to amend.**

#### 1. He Whakamārama Introduction

The Crown via David Tapsell has provided the *first draft* of the deed to amend. The draft deed to amend and other processes enables the Crown to uphold and maintain

the Resource Management (RM) related Ngāti Rangitihī Treaty Settlement redress in the new system.

Considerations have been made to the draft deed to amend below:

- The deed of settlement (**DOS**) can only be amended with Ngāti Rangitihī's agreement;
- The purpose of the deed to amend is to record agreed amendments to the DOS that arise out of the RM reform process;
- The deed to amend sets out the background and context, and amendments to particular provisions such as the Tarawera Awa Restoration Strategy Group and Statutory Acknowledgements;
- The RMA will continue in force through a transition period of 7-10 years;
- For that reason, the Crown propose not to amend the RMA provisions in the DOS, but rather to add new provisions to uphold the Ngāti Rangitihī Treaty settlement arrangements in the new context of the Spatial Planning Act (**SPA**) and Natural and Built Environment Act (**NBEA**);
- In the future, when the RMA is repealed, discussion will be had between the Crown and Ngāti Rangitihī about the removal of the RMA provisions from the DOS and the Treaty settlement Act;
- Amendments will also need to be made to the Ngāti Rangitihī Treaty settlement Act, again to add new provisions to uphold the Treaty settlement arrangements in the new context of the SPA and NBEA. Two options in the deed to amend have been considered depending on whether there is drafting available – this work will occur with the Parliamentary Counsel Office on the drafting of those amendments to the Treaty settlement Act;
- Once the SPA and NBEA are enacted, the deed to amend can be signed by the Crown as they will know what the new statutory provisions will be, *subject of course to Ngāti Rangitihī agreeing to the deed to amend contents.*

## 2. Tarawera Awa Restoration Strategy Group

Through this process both Ngāti Rangitihī and the Crown will agree how to bring the Tarawera Awa Restoration Strategy Group (TARSG) into the new resource management system. Once engagement and agreement have been confirmed, this will then become part of a final signed deed to amend, and will form the basis of bespoke legislation to provide for the Ngāti Rangitihī settlement redress in the new resource management system.

According to the Crown, the proposed amendments set out in the draft deed to amend provide the equivalent *legal effect* in the proposed new resource management regime as was negotiated and currently exist in the Ngāti Rangitihī Settlement. This includes ensuring that the same legal effect of the Strategy Document, to “recognise and provide for” is maintained in the equivalent planning documents under the new resource management regime and the membership remains the same.

In the new RMA system the role of Councils approving RM plans move to the proposed Regional Planning Committees. In practice this will mean that the Council appointed members that sat on the TARSG and helped develop the Restoration Document with Iwi members of the TARSG will no longer see and decide on the RMA documents in their capacity as Council appointed members. To ensure the new Regional Planning Committee understands the intent of the Restoration Document

and the TARSG, the Crown have proposed a new clause (at 1.3 of the schedule to the Deed to Amend) requiring the Regional Planning Committee, at TARSG's request, to enter into a relationship agreement with the TARSG. The relationship agreement must set out how the Regional Planning Committee and the TARSG will work together and any other matters agreed.

### 3. **Statutory Acknowledgments**

There are an additional set of statutory acknowledgement provisions to sit alongside the existing RMA provisions in the DOS. It is noted that the SPA and NBEA provide for statutory acknowledgements directly (which the RMA did only to a limited extent), and so the deed to amend cross references those provisions in the SPA and NBEA.

### 4. **Ngā Mahi Whai Ake Next Steps**

Te Mana o Ngāti Rangitahi via the Tarawera Awa Iwi Collective will update the TARSG on future developments of the draft deed to amend as it progresses.