

Tarawera Awa Restoration Strategy Group

Ngā Meneti Open Minutes

Commencing: Tuesday 23 May 2023, 9:35 AM

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

Heamana

Chairperson: Leith Comer (Te Mana o Ngāti Rangitahi Trust)

Heamana Tuarua

Deputy Chairperson: Pouroto Ngaropo (Te Rūnanga o Ngāti Awa)

Ngā Kopounga

Members:

Te Mana o Ngāti Rangitahi Trust:
Tiipene Marr (Alternate)

Ngāti Mākino Iwi Authority:
Awhi Awhimate, Laurance Tamati (Alternate)

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

Whakatāne District Council:
Mayor Victor Luca, Deputy Mayor Lesley Immink (Alternate)

Te Rūnanga o Ngāti Awa:
Manurere Glen (Alternate)

Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust:
Jim Schuster

Rotorua Lakes Council:
Lakes Community Board Chair Phill Thomass (Alternate)

Kawerau District Council:
Mayor Faylene Tunui

Te Hunga i Tae Ake In Attendance:

BOPRC: Chris Ingle - General Manager Integrated Catchments, Reuben Fraser - General Manager Regulatory Services, Stephen Lamb - Environmental Strategy Manager, Nassah Rolleston-Steed - Principal Advisor, Policy & Planning, Herewini Simpson - Kaihautu Te Amorangi Lead, Rawiri Bhana - Senior Advisor Treaty, Margaret Courtney -

Senior Advisor, Kotahitanga Strategic Engagement, Shari Kameta – Committee Advisor
Kawerau District Council: Russell George – Chief Executive, Te Haukakawa Te Rire – Cultural Advisor
Te Mana o Ngāti Rangitīhi: Frances Teinakore-Curtis – Environmental Manager
Te Rūnanga o Ngāti Awa: Reuben Araroa – Manahatū Jane Waldon – Co-Governance Secretariat, Keri Topperwein – Co-Director, Tuānuku Ltd

Ngā Hōnea Apologies:

Cr Gregg Brown (Rotorua Lakes Council)
 Deputy Mayor Aaron Rangihika (Alternate, Kawerau District Council)

1. Karakia Whakatuwhera Opening Karakia

A karakia was provided by kaumatua Te Haukakawa Te Rire, with a mihi of reply provided by Tiipene Marr.

2. Chair's Opening Statement

The Chair advised there been recent membership changes within the Strategy Group and asked for a round of introductions from members and those seated at the table.

3. Ngā Hōnea Apologies

Resolved

That the Tarawera Awa Restoration Strategy Group:

- 1 Accepts the apologies from Cr Gregg Brown and Deputy Mayor Aaron Rangihika for absence tendered at the meeting.**

**Ngaropo/Luca
CARRIED**

4. Ngā Take Tōmuri Items not on the Agenda

The Chair advised that the following verbal update would be provided towards the end of the meeting by Reuben Fraser, General Manager Regulatory Services:

- Item 9.1, Verbal Update on Kawerau Mill landfills and discharges

5. Raupapa o Ngā Take Order of Business

The Chair sought a change to receive agenda items in the following order:

- Item 8.2, Essential Freshwater Policy Programme Update

- Item 8.1, Planning and project management resourcing matters to consider for preparing the Tarawera Awa Restoration Strategy Document
- Item 9.1, Verbal Update on Kawerau Mill landfills and discharges
- Item 8.3, Update on the Resource Management related Ngāti Rangitihi Treaty Settlement Redress draft deed to amend.

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

None declared.

7. Ngā Meneti Minutes

Kia Whakaūngia Ngā Meneti Minutes to be Confirmed

7.1 Tarawera Awa Restoration Strategy Group Minutes - 28 February 2023

Matters Arising

- In relation to Minute Item 5.1, Inaugural Meeting Administrative Matters, resolution 2(c) on page 11 of the agenda - it was noted that Manurere Glen had recently been appointed as the alternate member for Te Rūnanga o Ngāti Awa, replacing Tu O'Brien and that Laurance Tamati had been appointed as the alternate member for Ngāti Mākinō Iwi Authority, replacing Sandie Rota.

Resolved

That the Tarawera Awa Restoration Strategy Group:

- 1 **Confirms the Tarawera Awa Restoration Strategy Group Minutes - 28 February 2023 as a true and correct record, subject to the following amendments:**
 - **Page 7 of the Agenda - Add Russell George, Chief Executive, Kawerau District Council to the attendance record.**

Leeder/Awhimate
CARRIED

8. Ngā Pūrongo Reports

Hei Pānui Anake Information Only

8.2 Essential Freshwater Policy Programme Update

Presentation - Tarawera Awa Essential Freshwater Update: Objective ID A4384352



Presented by: Stephen Lamb, Environmental Strategy Manager, accompanied by Nassah Rolleston-Steed, Principal Advisor, Policy & Planning

Key Points:

- Recapped the two separate legislative processes: for the Tarawera Awa Restoration Strategy document; and for the National Policy Statement for Freshwater Management (NPSFM).
- Outlined Regional Council's timeframes required to implement the NPSFM and opportunities for tangata whenua and community to engage and input throughout the process.
- Outlined dates for hui-a-rohe during May, follow-up hui scheduled for August and Tarawera Awa community events being held on 30 May and 26 July. Noted that engagement opportunities with/for tangata whenua had low attendance to date.
- Provided an overview of the draft region-wide and [Tarawera Freshwater Management Unit \(FMU\) Story](#) discussion document that had been released to seek feedback on information held by Bay of Plenty Regional Council Toi Moana (BOPRC) to support conversations and inform policy development
- The Tarawera FMU story was only one part of the consultation process and would not replace the Tarawera Restoration Strategy document.
- Alignment between the two legislative processes and their timing was not ideal and staff sought the Strategy Group's guidance on how we might get to the best outcome, and to seek advice on the Strategy Group's role in engaging the community on its part of the kaupapa
- An open invitation was extended to anyone who wished to contact/liaise with staff with any questions.

Key Points - Members:

- Expressed disappointment in regard to the competing timeframes of the two legislative processes which would create confusion and duplication of engagement for tangata whenua, and suggested that the Strategy Group signal this with the Ministry for the Environment (MfE) and Te Arawhiti
- Questioned whether tangata whenua and community engagement should be combined
- Ensure the right people from iwi/hapū/whānau, including traditional leaders, were involved in key conversations
- Considered the Restoration Strategy document was the tuakana (higher level document) which would have prominent weighting and an important component for feeding into the Tarawera FMU
- Aspirations of iwi/hapū/whānau to restore the mauri of the Tarawera Awa needed to be recognised within the Tarawera FMU
- Local Government New Zealand's Regional Sector Group (RSG) had expressed its concerns regarding NPSFM timing challenges and were in discussion with MfE on the possibility for some plan changes and FMUs to be implemented in a staged approach
- Encouraged the Strategy Group to maintain an open dialogue with BOPRC staff to input into the Tarawera FMU.

In Response to Questions - Staff:

- The NPSFM's National Objective Framework (NOF) provided technical standards and bottom lines (i.e. bands), but did not provide standards and measurements for mauri, which could only come from Māori
- Following discussion on the process for developing an "Aspirational Document for the Tarawera Awa" (discussed under Agenda Item 8.1, Planning and project management resourcing matters to consider for preparing the Tarawera Awa Restoration Strategy Document), the Regional Council was asked to contribute advice on what engagement might usefully support the development of the document.

Resolved

That the Tarawera Awa Restoration Strategy Group:

1 Receives the report, Essential Freshwater Policy Programme Update.

**Ngaropo/Schuster
CARRIED**

10:41 am - the meeting **adjourned**.

11:05 am - the meeting **reconvened**.

11:05 am - Chairman Leeder - **withdrew** from the meeting.

In consideration of the concerns in regard to the NPSFM alignment and timeframe challenges with the Strategy Document, the Strategy Group supported BOPRC seeking prioritisation of the Restoration Strategy document to guide freshwater management decisions and processes.

2 Supports Bay of Plenty Regional Council in seeking to ensure the mana of the Restoration Strategy Document has priority for guiding Freshwater management decisions within the NPSFM or any subsequent processes.

**Luca/Ngaropo
CARRIED**

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

*Tabled Document 1 - Report Attachment 1 - Tarawera Awa Strategy Document
Purpose: Objective ID A4389538*

Presented By: Nassah Rolleston-Steed - Principal Advisor, Policy & Planning
Supported by Stephen Lamb - Environmental Strategy Manager

It is noted that the attachment referred to within the report was omitted from the agenda and pre-circulated to members before the meeting (refer Tabled Document).

Key Points - Chair:

- Sought discussion from the Strategy Group to consider:
 - Taking a staged approach to develop the Restoration Strategy Document by chapter, using aspirations that were based on the definition of mauri that was presented to the Strategy Group at the 28 February inaugural meeting
 - Producing an aspirations document within a short timeframe as the Strategy Group's response to input into the Tarawera FMU
 - Including within the aspirations document a summary of the historical background of the awa, historical Crown breaches, establishment of the Strategy Group, restoring the mauri of the awa and Te Awa o Te Atua, and the Group's aspirations in regard to point source and non-point source discharges, land use and use of the water.

Key Points - Members:

- Supported a staged approach and prioritising preparation of an aspirations document to feed into and direct the Tarawera FMU document, as a precursor to the NPSFM, due to the competing legislative processes.
- Discussed the philosophy behind mauri and the life force of the awa, as defined by iwi representatives and reported to the Strategy Group's 28 February 2023 meeting
- Raised for consideration:
 - Using the mauri definition as defined by iwi representatives as a preface within the aspirations document
 - Applying the highest aspirations in regard to water quality/colour levels from below Tarawera Falls downstream to the river mouth
 - Establishing reference levels to restore and measure the mauri and wellness of the awa and Te Awa o te Awa
 - Setting realistic timeframes to minimise industry concerns
 - Including a description for how the Aspirations document would be recognised by other processes
 - Documenting how the Strategy Group would engage with stakeholders/community
 - Utilising Iwi Treaty Settlement documents and staff expertise to assist in developing the document

Key Points - Staff:

- Outlined the Strategy document's purpose, considerations for taking a staged approach, guidance sought on defining mauri, and the need to secure a project manager to lead development of the document
- Noted that it was possible for the Strategy Group to develop the Strategy document while feeding into the NPSFM and other processes, and to exclude discretionary content which could be done at a later time.
- Developing the Strategy document would still take some time and staff's recommendation to publicly notify the Strategy Group's intention to commence preparation of the Strategy document did not specify a date
- Prioritising development of an aspirational document could feed into preparation of the Strategy document, as part of a staged approach and to meet the legislative requirement of the Ngāti Rangitahi Claims Settlement Act 2022
- Clarified the need for the aspirational document to also influence the subsequent regional plan change and regulatory planning document
- Staff's preferred timeframe for completing the aspirations document was as soon as possible before the end of 2023 (noting the need for engagement with those that the Group would need to work with to deliver aspirations).
- Sought the Strategy Group's direction on whether it wished to share the Aspirations document with a discrete group of stakeholders

Key Points - Members:

- Requested Regional Council to contribute advice on what engagement might usefully support the development of the aspirations document for the Tarawera Awa.

Resolved**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 **Defers preparation of the Tarawera Awa Restoration Strategy Document and prioritise preparation of an Aspirations Document to direct and influence the preparation of the Tarawera Freshwater Management Unit Story and subsequent regional plan change to give effect to the NPSFM;**
- 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.**

**Ngaropo/Schuster
CARRIED**

9. Ngā Take Tōmuri Hei Whakaaroaro Consideration of Items not on the Agenda

9.1 Verbal Update on Kawerau Mill Landfills and Discharges

Presentation - Kawerau Mill landfills and discharges: Objective ID A4384353 [⇒](#)

Presented By: Reuben Fraser – General Manager Regulatory Services

The update was in regard to the discharges and ongoing management of the landfills associated with the Tasman Mill and had been requested by the Strategy Group's Chair following his conversation with Chris Finlayson who represented trustees of the area around Lake Rotoitipaku at Kawerau.

Key Points:

- Acknowledged the connection and knowledge within the Strategy Group pertaining to Kawerau and the Tarawera awa
- Outlined the area where Lake Rotoitipaku used to be, which had been turned into landfill over many decades from operations at the mills
- One of the concerns raised by Mr Finlayson related to the integrity and ongoing maintenance of the eastern bund that provided a barrier between the waste and Tarawera awa
- Summarised the two key resource consents in relation to the operation of the mill and its landfills:
 - Consent 65722 covered a range of activities at the mill site, including taking of water from the awa and stormwater discharges
 - Consent 61695 covered the use and ongoing management of the landfills on the other side of the river, which were in the process of being closed
 - Both consents were held by a joint venture between Norske Skog and Oji Fibre Solutions (Oji)
 - Oji would be taking over responsibility of the consents and were legally obliged to comply with consent conditions to be able to operate
- Oji were working through the landfill closure process, which had been prepared by the joint venture
- BOPRC had received the first part of the draft closure plan (technical information) where some gaps had been highlighted that would need to be worked through. BOPRC were yet to receive other mitigation measures, which included cultural mitigation.

12:15 pm – Chairman Leeder **entered** the meeting.

- Oji were required to consult with Ngāti Tuwharetoa (BOP) Settlement Trust and the landowner trustees that Mr Finlayson represented
- Landfill closure plans would set out the ongoing management/framework for how the sites would be managed, remediated and used into the future
- Consent expiration and replacements would be sought in 2035 and 2038
- Noted there was opportunity now to set the expectation for ongoing management of the landfills. BOPRC wished to see some clear closure plans implemented and had indicated an expectation for bonds to be put in place to provide confidence to the community and ensure there were available funds to carry out remediation
- One aspect of the closure plans was the geotechnical stability of the containment bunds, which the consent holder had been asked to address
- BOPRC had to approve the closure plans and had a process in place to ensure it was managed appropriately
- The Strategy Group could determine if it wished to be involved or to be provided with regular updates.

Key Points - Members:

- Wished to receive future updates, including an update on the geotechnical stability of the bunds and technical composition of landfill and discharges
- Suggested that Oji should be consulting with all iwi represented on the Strategy Group, with the agreement of Ngāti Tūwharetoa (BOP) Settlement Trust.

In Response to Questions - Staff:

- BOPRC was not privy to original lease agreements and therefore could not share these with the Strategy Group
- Resource consent conditions for discharges from Waiū Dairy at Kawerau specified that discharges went into a wastewater treatment plant and had conditions to prevent discharge to land
- Sub-leasing to a different activity under the same consent was considered unlikely
- NPSFM process would provide opportunities to set freshwater limits and prevent future discharges into the Tarawera awa by incorporating the concept of mauri and aspirations for water quality limits that the Strategy Group wished to achieve
- Discussions in regard to the cultural mitigation plan would be best had with Ngāti Tūwharetoa (BOP) Settlement Trust.

Hei Pānui Anake

Information Only Report (Continued)

8.3 Update on the Resource Management related Ngati Rangitihi Treaty Settlement Redress draft deed to amend

Presented by: Leith Comer, Strategy Group Chair

Key Points:

- Noted the concerns raised by MfE and Minister Hon David Parker to ensure Ngāti Rangitihi Settlement redress were given effect under the new resource management system reform

- Ngāti Rangitihi would be having discussions with Mr David Tapsell on behalf of the Minister around the implications of the reforms on the Settlement.

Key Points - Members:

- Sought consideration from the Chair that the meeting with MfE could be an opportune time to convey the decision made by the Strategy Group to defer development of the Strategy document due to the dual process and competing timeframe of the NPSFM, which had not been addressed during the Treaty settlement process and had not been helpful.

Resolved

That the Tarawera Awa Restoration Strategy Group:

- 1 Receives the report, Update on the Resource Management related Ngati Rangitihi Treaty Settlement Redress draft deed to amend.**

**Comer/Tunui
CARRIED**

10. General Business

1. It was noted that an invitation had been extended to the Strategy Group to visit Essity tissue mill at Kawerau to view current environmental practices being used and the opportunity for this to coincide with the Strategy Group's next meeting on 29 August 2023.
2. Sought for consideration the Strategy Group undertaking a field trip to look at cultural significant sites along the Tarawera Awa.

11. Karakia Kati Closing Karakia

A karakia was provided by kaumatua Te Haukakawa Te Rire.

12:37 pm - the meeting closed.

CONFIRMED 29 AUGUST 2023

Leith Comer
Chairperson
Tarawera Awa Restoration Strategy Group