

Rangitāiki River Forum

Ngā Meneti Open Minutes

Commencing: Friday 2 June 2023, 10:32 AM

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

Heamana Tuarua

Deputy Chairperson: Terewai Kalman - Te Rūnanga o Ngāti Manawa

Ngā Kopounga

Members:

Bay of Plenty Regional Council Toi Moana (BOPRC):
Cr Malcolm Campbell, Cr Kat Macmillan, Cr Kevin Winters

Te Rūnanga o Ngāti Awa:
Miro Araroa

Hineuru Iwi Trust:
Ngawai Crawford, Tracy Bush (Alternate)

Te Rūnanga o Ngāti Whare:
Te Taute Taiepa, Jane Nicholas (Alternate)

Te Rūnanga o Ngāti Manawa:
Karito Paul (Alternate)

Tūhoe Te Uru Taumatua:
Ngapera Rangiaho

Te Kotahitanga o Ngāti Tūwharetoa:
Whakaeke Ritete

Ngāti Tūwharetoa (BOP) Settlement Trust:
Shaneen Simpson-Almond

Taupō District Council:
Cr John Williamson

Te Hunga i Tae Ake In Attendance:

BOPRC: Chris Ingle - General Manager Integrated Catchments, Charles Harley - Team Leader Eastern Catchments, Michelle Lee - Planner (Water Policy), Ella Tennent - Consents Manager, Davor Bejakovich - Wallaby Programme Lead, Shari Kameta - Committee Advisor, Steve Groom - Governance Manager (Via Zoom), Kataraina O'Brien - General Manager Strategic Engagement (Via Zoom);
Te Rūnanga o Ngāti Whare: Chairman Bronco Carson
Whakatāne District Council: Michelle Hingston - Pou Herenga Rangapu/Toi Kotuia Manager

Taupō District Council: Hilary Samuel – Senior Policy Advisor (Via Zoom)

Independent: Jane Waldon – Co-Governance Secretariat

External: Michelle Archer – Place Group Limited, Hayden Loper, Principal Compliance Officer – Department of Conservation, Pohaira Hughes-Iopata, Treaty Ranger – Department of Conservation, Toko Kapea, Director – Tuia Group; Maxeen Newton – Consultant (in part Via Zoom); Abbi Collins, Annie Tangata, Summer Bennett – Manawa Energy; and members of the public

Ngā Hōnea Apologies:

Cr Toi Kai Rākau Iti, Cr Ken Shirley – BOPRC
Cr Wilson James – Alternate, Whakatāne District Council
Cr Tuwhakairiora O’Brien – Whakatāne District Council
Mihipeka Sisley – Alternate, Te Rūnanga o Ngāti Awa
Cr Yvonne Westermen – Alternate, Taupō District Council

Opening Statement

Deputy Chair Terewai Kalman advised that she would assume the position of Acting Chair until the appointment of a Chairperson was considered under Agenda Item 10.1.

1. Karakia Whakatuwhera Opening Karakia

A karakia was provided by Miro Araroa.

A mihi of acknowledgement to outgoing Chair Bronco Carson and to welcome new members Te Taute Taiepa and Cr Kat Macmillan was provided by Miro Araroa. A Mihi of reply was provided by Bronco and Te Taute.

The Deputy Chair reiterated the acknowledgements and expressed her thanks to Bronco for his chairmanship and work for the Forum that had been on behalf of Ngāti Whare and in support of Ngāti Manawa.

2. Ngā Hōnea Apologies

Resolved

That the Rangitāiki River Forum:

- 1 Accepts the apologies from Cr Toi Kai Rākau Iti, Cr Wilson James, Cr Tuwhakairiora O’Brien, Cr Ken Shirley, Mihipeka Sisley and Cr Yvonne Westermen for absence tendered at the meeting.**

**Rangiaho/Simpson-Almond
CARRIED**

3. Ngā Take Tōmuri Items not on the Agenda

Taupō District Council's Long Term Plan 2023 Engagement (refer Tabled Document 1) – An update on this matter would be provided by Cr John Williamson under Agenda Item 8.1, Verbal Updates from Forum Members.

4. Raupapa o Ngā Take Order of Business

Agenda Item 9.1, Manawa Energy Wheao Dam Consent Update - had been **withdrawn** from the agenda at the request of Manawa Energy to enable further time for them to meet with Ngāti Manawa and Ngāti Whare before presenting to the Forum.

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

Karito Paul declared he was employed by the Department of Conservation.

6. Ngā Meneti Minutes

**Kia Whakaūngia Ngā Meneti
Minutes to be Confirmed**

6.1 Rangitāiki River Forum Minutes - 23 March 2023

Resolved

That the Rangitāiki River Forum:

- 1 Confirms the Rangitāiki River Forum Minutes - 23 March 2023 as a true and correct record, subject to the following amendments:**
 - **Agenda pages 12-13: amend 'Omataroa Rangitāiki No.2 Trust' to 'Omataroa Kaitiaki Limited Trust'**
 - **Agenda page 13, third bullet: insert '(Kokopu Trust)' after 'Carwyn Kerrison'**
 - **Agenda page 14: fourth bullet – insert 'Te Arawa' before 'maramataka'**
 - **Agenda page 17: amend 'Miro Araroa abstained from voting' to include the words: "on Resolution 6".**

**Simpson-Almond/Araroa
CARRIED**

7. Whakahoutanga Kōrero Verbal Updates

7.1 Verbal Updates from Forum Members

*Tabled Document 1 - Taupō District Council Long Term Plan 2023 Engagement
letter: Objective ID A4393925 [⇨](#)*

Shaneen Simpson-Almond - Ngāti Tūwharetoa (BOP) Settlement Trust (NTST)

- Shaneen advised that she had been appointed as NTST's Chairperson and Karilyn Te Riini appointed as Deputy Chairperson.

Karito Paul - Te Rūnanga o Ngāti Manawa

Provided an update on Ngāti Manawa's downstream trap and transfer mahi that had been carried out this year at Aniwhenua and Wheao Dams:

- Although tuna had been caught, results were not as good as previous years
- Of significant concern was there had been more tuna fatalities than transfers as a result of migratory tuna being trapped/crushed against the turbine screens at Aniwhenua Dam. Heavy weather events during the year had exacerbated the issue
- Some of the fatalities had been 60-80 year old tuna migrators and longfin tuna, a protected taonga species.

Key Points - Members:

- Expressed serious concern regarding the fatalities of protected longfin tuna and heavy weather events and climatic changes that were becoming more frequent and intense
- Ngāti Manawa's position on all dams was that trap and transfer was an interim solution that needed to be eradicated in support of natural migration passage
- Acknowledged the work that was being done by Ngāti Manawa's trap and transfer crew and by the late Bill Kerrison and Kokopū Trust at Matahina Dam
- Wished to see action on this issue now to ensure the longevity and safe passage of tuna, rather than waiting for the resource consent renewal process
- Suggested that the Forum write to Southern Generation Partnership Limited (SGPL) to explain the serious issue of tuna fatalities and ask that they present their solutions. It was noted that:
 - Outlining the importance of cultural, Te Mana o te Wai (TMoTW) and flood impacts on tuna, taonga species and wider ecology/whakapapa implications was important
 - Ngāti Manawa's TMoTW team had a list of proposed actions that could help to prevent/reduce further fatalities
 - Further discussion on this matter would be deferred and considered under Agenda Item 10.4, Update on Significant Resource Consents.

Cr John Williamson - Taupō District Council

- Hearings for Taupō District Council's District Plan review/plan changes were scheduled for July and August 2023
- Taupō District Council was about to begin development of its next Long Term Plan and were seeking interest from the Forum and its iwi partners to engage (refer Tabled Document 1).

Miro Araroa - Te Rūnanga o Ngāti Awa

- Rangitāiki Hapū had confirmed their support regarding the Edgecumbe community's plans to create a walkway from Edgecumbe to Thornton on the western bank of the Rangitāiki awa. Planning for the walkway was underway and negotiations were taking place with landowners
- Communications were taking place with Whakatāne District Council (WDC) in regard to the old dumpsite at Tahuna Road, Te Teko which had started to seep after recent heavy rainfall events. WDC were working on remediation to

mitigate any potential risk of seepage to prevent leaching into the adjacent wetland/channels that were in proximity to the Rangitāiki awa.

Key Points - Staff:

- Chris Ingle advised that the old dumpsite at Te Teko was a consented closed landfill. BOPRC's Compliance team were working with WDC's Engineering team to look at solutions and provide technical advice.

Cr Kevin Winters - BOPRC

- BOPRC had approved the installation of the Rangitāiki spillway and radial gates (Rangitāiki Floodway Project Stage 6-7) upstream of Edgecumbe. Costs would be covered by the Government's Resilience funding, with the remainder debt funded and covered by targeted rates. The project was a significant piece of work that was aimed towards making room for the river and to contain floodway spill within farmland. Construction would start this year and was a major step forward for the protection of the Edgecumbe township and surrounding areas.

Ngapera Rangiaho - Tūhoe Te Uru Tamatua

- Te Kāhui Haumarū o Waiohau - Waiohau community response team have students undertaking their Masters with Te Whare Wānanga o Awanuiārangī. The team attended the Environmental Protection Authority's National Te Herenga in Wellington on 26-27 April in Wellington. Student researcher Waise Tupe was looking at the impact of climate change and protecting the sustainability of ngāwhā (geothermal springs) to support the narratives of Ngā mauri o Te Umutaoroa.
- Tūhoe's position in regard to letting the awa take back its natural course was that it could not be done due to the hydroelectric dams
- Kokopu Trust and the Omataroa Kaitiaki Limited Trust's downstream transfer activity had had good results.

Terewai Kalman - Te Rūnanga o Ngāti Manawa

- Posed a question to the partner councils as to how much thought was being put into adhering/upholding their obligations to TMoTW, Te Tiriti o Waitangi, the respective Treaty Settlement claims and iwi entities within council projects and resource consent processes.

In Response to Questions - Staff:

- Noted that Agenda Item 10.4 gave an update on significant resource consents and that further discussion could be raised during this item in regard to giving effect to TMoTW
- In relation to the Rangitāiki floodway project, as a consented activity Ngāti Awa had been involved in the resource consent process at hapū level and from a TMoTW perspective. During emergency flood events, taking peak flows off the Rangitāiki awa was needed to reduce serious damage.

8. Whakaaturanga Presentations

8.1 Manawa Energy - Wheao Dam Consent Update

The item was withdrawn from the agenda.

8.2 Department of Conservation - Whitebait Regulations Update

*Tabled Document 2 - Whitebaiter's Guide to Whitebaiting - English Version
(January 2023): Objective ID A4393877 [↔](#)*

*Tabled Document 3 - Whitebaiter's Guide to Whitebaiting - Te Reo Maori Version
(August 2022): Objective ID A4393911 [↔](#)*

Presented by: Hayden Loper - Principal Compliance Officer and accompanied by
Pohaira Hughes-Iopata - Treaty Ranger, Department of Conservation
(DOC)

Key Points - Presenters:

- Outlined the whitebait regulation amendments that had been put in place to ensure the sustainability of the whitebait fishery, noting that the population was in decline. Copies of the Whitebaiter's Guide was circulated for information (refer Tabled Documents 2 and 3)
- Regulation amendments had restricted catch methods as a way to limit catch size
- The main types of breaches observed within the Bay of Plenty were fishing outside the 1 September to 30 October whitebait season and fishing within 20 metres of a floodgate/structure
- DOC's compliance methods used the pragmatic model, providing first time breaches with education/advocacy leading to formal warnings for recurrences and infringements/prosecutions for more serious offences
- Noted there was a presence of criminal element/illegal sale, which often involved the need to increase staff resourcing and seek the support of the NZ Police to ensure the safety of staff and other fishers.
- Invited the Forum and individual iwi to communicate with DOC to explore inanga sustainability and customary rights matters.

In Response to Questions:

- The decision to restrict the catch method and not the catch size had been made at a higher departmental level, but may have been attributed to historical information and difficulty in regulating catch sizes
- Customary rights was at the forefront of DOC's mind and staff wished to work with local iwi on customary and compliance related matters.

Key Points - Members:

- Pleased that the regulations were in place to promote the sustainability of threatened native species
- Sought DOC's consideration of Section 4 of the Conservation Act in regard to compliance in the current socio-economic climate, legal obligations of giving effect to the principles of Te Tiriti o Waitangi and working with iwi/hapū on these issues
- Noted that the Government Biodiversity Strategy had some strong cultural platforms including the exercising of kaitiakitanga, tino rangatiratanga, mahinga kai and the need for government agencies to develop their understanding of the holistic/cultural approaches and outcomes
- Raised for consideration some existing confusion and complexities between various Acts in relation to taonga species and the need for DOC, Ministry for Primary Industries and Fisheries New Zealand to work together to find a solution.

8.3 Taupō District Plan Changes – Bundle Two

Presentation - Taupō District Plan Changes: Objective ID A4396761 [⇒](#)

Presented by: Hilary Samuel, Senior Policy Advisor, Taupō District Council (Via Zoom)

Key Points:

- Provided background on the District Plan review and the decision made to review priority areas of the plan, as a result of the Resource Management Act reforms
- Overview of the first bundle of plan changes involving two full plan changes and four refined plan changes
- Outlined previous engagement with the Forum on the district plan review
- Te Ara Whānui o Rangitāiki vision, objectives and outcomes and TMoTW had been reflected within the Strategic Directions chapter
- Draft plans changes were circulated in May 2022 for pre-consultation and notified in December 2022 for public submission
- Hearing timeframes were scheduled during July - August 2023
- The next bundle of plan changes would commence after Bundle 1 hearings
 - Full review of residential chapter
 - Maori purpose zone - had been provided for by the National Planning Standards and staff would be working with individual hapū on this.

8.4 North Island Wallaby Programme Update

Presentation - North Island Wallaby Programme Update: Objective ID A4393926 [⇒](#)

Presented by: Davor Bejakovich - Wallaby Programme Lead, accompanied by Michelle Archer, Place Group Limited (Environmental Consultant)

Key Points:

- Provided background on the historical spread of wallaby populations and Manaaki Whenua/Landcare Research study findings in 2015 that had identified the potential for wallaby to spread throughout half of the North Island and through the South Island by 2050 if left unchecked
- Jobs for Nature funding (\$27.3M) had been secured in 2020 for the national wallaby programme until June 2024 with \$2.5M allocated to the North Island programme in 2022/23 and approximately \$1.7M for 2023/24
- Key priorities were: delimit distribution, control outside containment areas, interventions to prevent outward dispersal and partnering with iwi
- BOPRC, Waikato Regional Council (WRC) and DOC were working closely together and were looking to build relationships with iwi partners
- Outlined the North Island wallaby programme approach, noting substantial effort being put into eradicating satellite populations with a view to moving into the containment area as a long term goal
- Camera surveillance in the Matahina Forest had confirmed anecdotal sightings on the eastern edge of the containment area near Matahina Dam. No sightings had been identified on the other side of the awa, however bridges and dams could provide access
- A camera had been placed at Matahina Dam and a wallaby proof gate installed at Aniwhenua Dam

- The Biosecurity Team was liaising and working with Ngāti Awa and Ngāti Manawa and would be working with local pest operators and iwi to deliver the proposed control programme within the Rangitāiki catchment
- Outlined wallaby control methods that could be used, but would look at options that were acceptable to mana whenua partners and users in the respective areas
- Requested permission to work with Iwi Forum partners and would report back to the Forum to provide an update on programme results at a future meeting.

In Response to Questions:

- \$1.3M of the 2022/23 programme year had been spent on camera surveillance and dog monitoring to find satellite populations before being able to spend on control
- Iwi based crews were assisting the programme
- The programme was able to fund up to one full-time equivalent (FTE) from iwi partners in the Rangitāiki River wallaby control projects
- Wallaby meat had some commercial value and was suitable for petfood where there was appropriate numbers, but did not have fur like possums
- Surveillance cameras could be installed at relevant locations (i.e. Rabbit, Waiohau and Rangitāiki Bridges) but would need to look at appropriate places to keep them secure.

Key Points - Members:

- Pleased that the wallaby programme was working with Omataroa Kaitiaki Limited Trust and had installed the wallaby proof gate at Aniwhenua Dam.

12:43 pm – the meeting **adjourned**.

1:03 pm – the meeting **reconvened**.

9. Ngā Pūrongo Reports

Ngā Whakatau e Hiahiatia Ana Decisions Required

9.1 Change in Membership and Election of a new Chairperson and Deputy Chairperson

Presented by: Chris Ingle – General Manager Integrated Catchments

Key Points:

- Noted the appointment of Te Taute Taiepa for confirmation and the process for appointing a new Forum Chairperson and Deputy Chairperson
- Paid tribute to Bronco Carson for serving on the Forum twice and extended gratitude for his contribution and leadership.

Resolved

That the Rangitāiki River Forum:

- 1 Receives the report, Change in Membership and Election of a new Chairperson and Deputy Chairperson;**
- 2 Confirms the appointment of Te Taute Taiepa as the appointed member for Te Rūnanga o Ngāti Whare, replacing Bronco Carson;**
- 3 Acknowledges Bronco Carson for his valuable contribution to the Forum;**
- 4 Selects System B as the voting system for the election of a Chairperson and Deputy Chairperson.**

**Winters/Rangiaho
CARRIED**

Nominations were called for the position of Chairperson. Shaneen Simpson-Almond nominated **Terewai Kalman** for the position Ngawai Crawford seconded the nomination. No further nominations were received.

- 5 Elects Terewai Kalman as the Chairperson of the Rangitāiki River Forum.**

**Simpson-Almond/Crawford
CARRIED**

Nominations were called for the position of Deputy Chairperson. Ngapera Rangiaho nominated **Te Taute Taiepa** for the position and Shaneen Simpson-Almond seconded the nomination. No further nominations were received.

- 6 Elects Te Taute Taiepa as the Deputy Chairperson of the Rangitāiki River Forum.**

**Rangiaho/Simpson-Almond
CARRIED**

Terewai Kalman thanked members for their support in appointing her as the Forum's Chairperson.

Hei Pānui Anake Information Only

9.2 March-May 2023 Rangitāiki Catchment Programme Dashboard

Presented by: Charles Harley – Eastern Catchments Team Lead

Key Points:

- As requested by the Forum at its previous meeting, staff were working to create an infographic map to accompany the dashboard report
- Staff were beginning to draft the next Rangitāiki Catchment Programme Work Plan for 2023/24 and would be seeking information from partner council staff as well as their input into the infographic map, which may not cover all activity sites but would provide an indication of some of the work taking place
- Hoped to have the next Rangitāiki Catchment Programme Work Plan for 2023/24 completed in time to report to the next Forum meeting on 1 September 2023.

Key Points - Members:

- Regarding Fonterra's resource consents:
 - Requested a presentation update from Fonterra in the public forum of a Forum meeting to ensure accountability from Fonterra and to uphold the values of Te Ara Whānui o Rangitāiki, the mana of the Forum and maintain support of its respective iwi partners
 - Requested that the presentation be in a clear and non-technical format and reflect how Fonterra was upholding TMoTW and adhering to the values of the respective Treaty Settlement claims
 - During Fonterra's confidential briefing to the Forum in September 2022, Fonterra had been asked to consider their stewardship of the river and to seek alternative methods for discharging into the river
 - Fonterra had consulted with Ngāti Awa and affected hapū, and an Assessment of Environmental Effects (AEE) had been produced by Ngāti Awa as part of Fonterra's resource consent application.

Resolved

That the Rangitāiki River Forum:

- 1 **Receives the report, March-May 2023 Rangitāiki Catchment Programme Dashboard;**
- 2 **Request Fonterra Edgecumbe provide a presentation update in the public forum at the Forum's next meeting in relation to their resource consents pertaining to the Rangitāiki awa.**

**Winters/Simpson-Almond
CARRIED**

9.3 Essential Freshwater Policy Programme Update

Presentation - Essential Freshwater Policy Programme Update: Objective ID A4393928 [↗](#)

Presented by: Michelle Lee - Planner (Water Policy)

Key Points:

- Provided background on Council's Essential Freshwater Policy Programme and key changes that would be made to the Regional Policy Statement and regional plan
- Noted the tight timeframes that included formally notifying plan changes by 2024
- Sought the Forum's and individual partner organisation's feedback on the content and management options listed in Rangitāiki Freshwater Management Unit (FMU) Story discussion document
- Outlined the Rangitāiki water management issues, noting work had begun on development of draft policy options
- Provided dates for hui-a-rohe and community engagement sessions that had begun in April 2023, noting that a drop-in session was taking place that afternoon. Forum members were encouraged to attend.

In Response to Questions:

- Staff welcomed Forum iwi partner invitations for hui within their communities.

Key Points - Members:

- Provided feedback on the FMU Story:
 - Pleased that the protection of tuna was included in the draft freshwater long-term vision (refer Option B1) and wished for this wording to be retained
 - Wished for cultural traditions and practices, including traditional waka and monitoring to be valued and included in the story, and not just as a mahinga kai value.

Resolved**That the Rangitāiki River Forum:****1 Receives the report, Essential Freshwater Policy Programme Update.**

**Rangiaho/Macmillan
CARRIED**

9.4 Update on Significant Resource Consents

Presentation - Rangitāiki Significant Consents: Objective ID A4398238 [⇒](#)

Tabled Document 4 - Wheao Dam resource consent: Objective ID A4399139 [⇒](#)

Presented by: Ella Tennent - Consents Manager

Key Points:

- BOPRC advised consent applicants of the preferred process to consult with tangata whenua prior to lodging consent where relevant
- Advised that controlled activities within the catchment did not include any cultural effects or require consultation or public notification
- Wheao Dam - lodgement of the replacement consent had been anticipated in May/June 2023, but had not yet been received. The consent was anticipated to be a fully public notified process, which required a longer time period for the consent process, i.e. approximately six months. A copy of the resource consent was circulated for information (refer Tabled Document)
- Fonterra Edgecumbe - replacement factory discharge consents were granted earlier in the year after a notified process and consultation with tangata whenua. The discharge consent required an improvement to the discharge quality which necessitated a new wastewater treatment plant. The consent application for the proposed wastewater treatment plant was on hold for further information and would likely be publicly notified
- Outlined other consents, including for flood mitigation within the catchment and new regulations for farming that had come into effect as part of the National Environmental Standards for Freshwater
- Surface water takes were currently considered under a conservative framework (10% of low flows), which would be considered as part of the Rangitāiki Freshwater Management Unit (FMU) and Council's Essential Freshwater Policy Programme (EFPP) plan change. Replacement consents for water takes within over-allocated areas may be revised after the plan change and reduced where appropriate.

In Response to Questions:

- BOPRC did not charge for taking of water, but did apply charges for

- administering resource consents
- Regarding Southern Generation Partnership Limited's consent for Lake Aniwanuiwa – in general, consents could be reviewed for certain reasons, particularly newer consents which include review conditions. Alternatively, the consent holder could apply to vary their consent conditions
- Water allocation and limits on consents could be reviewed following a regional plan change
- BOPRC's accountability to monitor and ensure resource consents upheld Treaty Claim Settlements was supported by Cultural Impact Assessments (CIA) that were lodged with consent applications and provided by the relevant and affected iwi.

Key Points - Members:

- Noted Ngāti Manawa's concern and opposition of Manawa Energy's intention to lodge a replacement consent for the Wheao Dam before the Natural Built Environment Act (NBEA) would come into force to avoid the shorter 10 year consent period that was proposed by the NBEA. It was further noted that:
 - While the current 35 year consent timeframe suited the consent holder, Ngāti Manawa supported the shorter term, which would place more accountability on the consent holder
 - The current 35 year consent timeframe was the amount of time it had taken the iwi to be able to get a voice via the Ngāti Manawa Claims Settlement Act 2012
 - Ngāti Manawa opposed the consent in its entirety due to the damaging cultural, social and environmental impacts from the dam since its construction in 1977, which had been without the iwi's permission and consultation
 - Early lodgement of the consent application would interfere with the time that iwi needed to acquire legal and specialist advice, undertake its CIA and enable them to engage and bring their iwi up to speed in the process
- Forum members from Ngāti Whare and Ngāti Tūwharetoa (BOP) Settlement Trust noted their support of Ngāti Manawa's opposition to the consent
- Regarding the Lake Aniwanuiwa consent – referred to the Forum's discussion raised earlier in the meeting under Members Verbal Updates in relation to tuna fatalities at Lake Aniwanuiwa and wished to write to Southern Generation Partnership Limited to request they present their solutions to the Forum.

Resolved

That the Rangitāiki River Forum:

- 1 Receives the report, Update on Significant Resource Consents.**
- 2 Formally notifies Southern Generation Partnership Limited about the Forum's current position and concerns regarding tuna fatalities at Lake Aniwanuiwa and invites them to present their solutions to the Forum.**

**Simpson-Almond/Macmillan
CARRIED**

Post Meeting Note:

A correction was noted in section 2.1 of the agenda report, second bullet point – in relation to the Lake Aniwanuiwa, Southern Generation resource consent, the “dam

consent” was due to expire in 2026, and not in 2042 as reported.

In response to a question that was asked about whether the Aniwaniwa dam consent could be reviewed for fish passage reasons - the consent does not include review conditions.

9.5 Options for establishing a Charitable Trust

Presented by: Jane Waldon - Co-Governance Secretariat
Toko Kapea - Director, Tuia Group (Via Zoom)

Key Points:

- The purpose for considering to establish a charitable trust was to undertake environmental enhancement projects on the Rangitāiki river on behalf of the Forum
- A charitable trust would provide the Forum with more rangatiratanga/ autonomy over projects that were being undertaken and would be used as an operational entity to acquire external funding
- Currently the Forum did not have a funding mechanism in place to apply for funding and was reliant on its council partners to build their work programmes around the Forum’s wishes, which may not always be possible
- To setup a charitable trust, the Forum would need to be very clear of the trust’s purpose and function, and it was recommended to align these with the Forum’s purpose and objectives.

In Response to Questions:

- Trustees could be held personally liable where gross negligence and/or fraud had occurred. Public liability insurance would help cover personal liability, but would not cover gross negligence or fraud
- Safeguards and mitigations could be put in place and if trustees acted with good intention, there should be little to no risk
- A charitable trust would need structural and operational support to operate prudently
- Other charitable or incorporated entity structures could be used, but would still need to be clear on its purpose and objectives and require people, support and processes to be put in place
- The reported comment regarding council processes being cumbersome related to one experience where getting a contract signed off had been lengthy and difficult, which had affected project milestone timeframes.

Key Points - Members:

- The Chair noted that the report was to provide an initial opportunity for members to discuss and ask questions with the intention of taking the matter back to their respective partner organisations for discussion and feedback. From this, it was anticipated that further discussion would be needed by the Forum before making any decision
- Questioned whether the charitable trust would be a co-governance structure between iwi and council partners
- Considered that a charitable trust was not the right vehicle due to the responsibility of personal liability that it would place on members, and questioned whether the reason provided for establishing a charitable trust was valid and sufficient

- While Regional Council had legislative obligations and processes to adhere to, noted the success with the Rangitāiki River Wetland project which had secured substantial funding from the Ministry for the Environment and Regional Council
- Noted that any prerequisites for establishing a charitable trust and developing criteria for accessing charitable trust funding would need to be developed and agreed by the Forum
- Provided an example of where whānau had missed out on the opportunity to be involved in the Rangitāiki wetland project that was on their whenua, as a result of the proposed encumbrances and processes, which whānau had a level of mistrust and were unwilling to participate in. However, it was noted that these issues may or may not be negated by a charitable trust
- The option of a charitable trust could provide more opportunity for Iwi partners and the Forum to have more say on how and where funding was spent, without limitation and free of any perceived distrust
- Noted there would be many projects coming up in the future where securing external funding would alleviate pressure and enable them to be resourced.

Resolved

That the Rangitāiki River Forum:

- 1 Receives the report, Options for establishing a Charitable Trust.**

**Macmillan/Taiepa
CARRIED**

10. Karakia Kati Closing Karakia

A karakia was provided by Miro Araroa.

2:40 pm – the meeting closed.

CONFIRMED 1 SEPTEMBER 2023

Terewai Kalman
Chairperson, Rangitāiki River Forum