

# Rangitāiki River Forum

## Ngā Meneti Open Minutes

**Commencing:** Friday 1 September 2023, 10:30 AM

**Venue:** Tōtara room, Whakatāne District Council, Ground floor, Commerce Street, Whakatāne

**Heamana  
Chairperson:** Terewai Kalman (Te Rūnanga o Ngāti Manawa)

**Ngā Kopounga  
Members:**

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

Ngāti Tūwharetoa (BOP) Settlement Trust:  
Katishe McCauley

Te Rūnanga o Ngāti Awa:  
Mihipeka Sisley (Alternate)

Te Rūnanga o Ngāti Manawa:  
Karito Paul (Alternate)

Te Kotahitanga o Ngāti Tūwharetoa:  
Whakaeke Ritete - Via Zoom

Te Rūnanga o Ngāti Whare:  
Jane Nicholas (Alternate) - Via Zoom

Tūhoe Te Uru Taumatua:  
Ngapera Rangiaho

Whakatāne District Council:  
Cr Tuwhakairiora O'Brien, Cr Wilson James (Alternate)

**Te Hunga i Tae Ake  
In Attendance:**

Hineuru Iwi Trust: Brenda Lewis - Delegate

BOPRC: Chris Ingle - General Manager Integrated Catchments, Shari Kameta - Committee Advisor, Staff Presenters - as listed in the minutes, Fiona Wood - Programme Coordinator, Integrated Catchments; Via Zoom: Herewini Simpson - Kaihautu (Te Amorangi Lead)

WDC: Jessica Browne - Project Planner

Te Rūnanga o Ngāti Awa: Pohoirā Iopata - Kaihautū Wai Māori

Presenters: as listed in the minutes

Externals: Anaru Rangi - Visitor and Heritage Ranger, Department of Conservation; Annie Tangata - Community Engagement and Communications Advisor, Manawa Energy

## **Ngā Hōnea Apologies:**

Miro Araroa (Te Rūnanga o Ngāti Awa)  
Ngawai Crawford and Tracy Bush – Alternate (Hineuru)  
Cr Ken Shirley (Bay of Plenty Regional Council)  
Deputy Chair Te Taute Taiepa (Te Rūnanga o Ngāti Whare)  
Cr John Williamson (Taupō District Council)

## **1. Karakia Whakatuwhera Opening Karakia**

A karakia and mihi of welcome was provided by Cr Tu O'Brien to members, new Forum members Katishe McCauley and Mihipeka Sisley, staff and members of the public in attendance.

### **Chairperson's Opening Statement**

The Forum Chair advised the meeting that Brenda Lewis was in attendance on behalf of Hineuru members who were unable to be present and that the Chair had given permission for Brenda to have speaking rights at the meeting, but did not having voting rights.

## **2. Ngā Hōnea Apologies**

### **Resolved**

**That the Rangitāiki River Forum:**

- 1 Accepts the apologies from Miro Araroa, Tracy Bush, Ngawai Crawford, Cr Ken Shirley, Te Taute Taiepa and Cr John Williamson for absence and Katishe McCauley for early departure at 12:30 pm tendered at the meeting.**

**Campbell/Macmillan  
CARRIED**

## **3. Whakapuakanga o Ngā Take Whai Taha-Rua Declaration of Conflicts of Interest**

Karito Paul declared an interest in regard to Item 8.2, Department of Conservation presentation on Whitebait Regulations and advised that he would not participate in discussion on this item.

## **4. Ngā Meneti Minutes**

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

### **4.1 Rangitāiki River Forum Minutes - 2 June 2023**

**Matters Arising**

In relation to Minute Item 9.2 – the request for Fonterra Edgecumbe to present was an item on the meeting agenda.

In relation to Minute Item 9.4 - Southern Generation Partnership Ltd had indicated their availability to present at the next Forum meeting on 17 November 2023 and would be meeting with Ngāti Manawa's Waiora Project team to discuss solutions to prevent tuna fatalities at the Aniwhenua Dam.

## Resolved

**That the Rangitāiki River Forum:**

- 1 Confirms the Rangitāiki River Forum Minutes - 2 June 2023 as a true and correct record.**

**Rangiaho/Macmillan  
CARRIED**

## 5. Whakaaturanga Presentations

### 5.1 Fonterra Edgecumbe Site Update on Proposed Improvements to Discharges to the Rangitāiki River and Development of a Wastewater Treatment Plant

*Presentation - Fonterra Edgecumbe Update: Objective ID A4467324* [⇒](#)

*Tabled Document 1 - Fonterra Edgecumbe Proposed Discharge Levels to Rangitāiki River for July 2026: Objective ID A4543459<sup>1</sup>*

Presented by: Alan Mugeridge, Site Operations Manager, Fonterra Edgecumbe  
Supported by Mark Chrisp, Partner, Mitchell Daysh

#### **Key Points - Presenters:**

- Outlined Consent 65985 that was granted in March 2023 for discharge to the Rangitāiki River and subsequent improved quality/limits required
- Improvements would ensure direction of the National Policy Statement for Freshwater Management and Te Mana o Te Wai were upheld
- Regarding stewardship of the river - continued priority to discharge to land irrigation would ensure the river was managed and protected
- Substantial investigation had been undertaken into solutions to achieve the new limits with development of a wastewater treatment plant (WWTP) proposed to be located off East Bank Road
- Outlined the various consents for the WWTP that had been lodged with Whakatāne District Council and Bay of Plenty Regional Council.

#### **In Response to Questions:**

- Consent conditions required the improved wastewater discharge limits to be implemented by 2026
- Fonterra was confident that the WWTP technology would provide the required limits, failure to achieve them would be a breach of consent

---

<sup>1</sup> Refer Rangitāiki River Forum meeting minutes 16 November 2023

- Regarding E.coli limits, no limit was specified under the old consent however the new consent allowed for a limit of 110 cfu/100mL
- Outlined the discharge levels proposed by Fonterra that were subject to the consent conditions, which would be circulated to members for information following the meeting (refer Tabled Document 1 attached)<sup>2</sup>.
- High-medium strength landuse outputs would continue to be discharged to land and medium-low strength would go to the WWTP
- Fonterra had a separate consent for land irrigation granted in the last few years, which had included environmental improvements and took into account hydrology and seasonal variances
- Extraction of nutrients from the WWTP produced a sludge that could be used as fertiliser.

**Key Points - Members:**

- Thanked Fonterra for their presentation which had been informative.

## **Resolved**

### **That the Rangitāiki River Forum:**

- 1 Receives the presentation, Fonterra Edgecumbe Site Update on Proposed Improvements to Discharges to the Rangitāiki River and Development of a Wastewater Treatment Plant.**

**Winters/Rangiaho  
CARRIED**

## **5.2 Department of Conservation - Follow-up on Whitebait Regulations**

*Presentation - Supporting Customary Rights and Responsibilities in Whitebait Restoration: Objective ID A4467173* [⇒](#)

Presented by: Merenia Sawrey, Senior Advisor Treaty Partnerships  
Supported by Tom Brown, Warrant Officer

The presentation was a follow-on from previous presentations provided to the Forum on 23 March and 2 June 2023 and feedback from the Forum regarding tikanga in relation to Section 4 of the Conservation Act 1987 to support customary rights and responsibilities around whitebait restoration.

**Key Points:**

- Viewed mahinga kai/customary rights as being inherently connected to protecting and preserving taonga species and an enabler for indigenous practice and leadership within conservation
- Currently there was no set criteria/process to define mahinga kai/customary takes, and so Department of Conservation (DOC) did not have the means to mandate claims at a local level
- Customary takes needed to be determined by iwi/hapū/marae/whānau
- Tikanga practice could provide leadership to ensure sustainable harvest was occurring at place

---

<sup>2</sup> Refer Rangitāiki River Forum meeting minutes 16 November 2023.

- Acknowledged the comments made at the previous Forum meeting in June regarding the complexity of national legislation and wished to explore what might work for iwi/hapū/marae at a local level, which may provide a model to enable and advocate for customary practice at national level
- DOC welcomed guidance with iwi/hapū leaders and extended an invitation for further discussion outside of the Forum to understand, align and complement mahinga kai practice at place
- Provided contact details of staff representatives for enquiries.

#### **Key Points - Members:**

- Thanked the presenters for their presentation and time
- Would like to see coordination between DOC, BOPRC (and Ministry for the Environment) on freshwater management to enable unified conversations to reduce engagement fatigue for iwi/hapū/whānau.

## **6. Whakahoutanga Kōrero Verbal Updates**

### **6.1 Verbal Updates from Forum Members**

#### **Katishe McCauley – Ngāti Tūwharetoa (BOP) Settlement Trust (NTST)**

- Thanked Forum members for the warm welcome
- Noted a change in Chairperson and Deputy Chairperson for NTST with Karilyn Te Rire appointed as Chair and Jim Schuster as Deputy Chair.

#### **Karito Paul – Te Rūnanga o Ngāti Manawa**

- Regarding the Bill Kerrison monument – the project was back on track with a technical advisor and builder engaged and currently pursuing funding to compensate them for their mahi.

#### **Terewai Kalman – Te Rūnanga o Ngāti Manawa**

- A letter had been sent to Southern Generation/Pioneer Energy on behalf of the Forum in regard to tuna fatalities at Aniwhenua Dam and were in the process of meeting with them to work through the issues
- Manawa Energy consent was currently on hold to allow Ngāti Manawa to define terms of engagement and enable conversations. Acknowledged the Forum for their support on those issues.

#### **Cr Kevin Winters – BOPRC**

- Update on Rangitāiki floodway protection (Stage 7) - construction of swing gates at Thornton was complete and radial gates above Edgcumbe were about to commence. Noted that BOPRC had been unsuccessful in acquiring extra funding from the Government's Kanoa fund and so balance of flood scheme costs would be paid by targeted river scheme ratepayers
- College Road floodwalls were well advanced and would be completed in 2023-2024 year.

## 7. Ngā Pūrongo Reports

### Ngā Whakatau e Hiahiatia Ana Decisions Required

#### 7.1 Change of Membership

##### Resolved

**That the Rangitāiki River Forum:**

- 1 Receives the report, Change of Membership.**
- 2 Notes the appointment of Katishe McCauley as the appointed member for Ngāti Tūwharetoa (BOP) Settlement Trust, replacing Shaneen Simpson-Almond.**

**Rangiaho/Campbell  
CARRIED**

### Hei Pānui Anake Information Only

#### 7.2 Resource Consents Update

*Presentation - Resource Consents Update: Objective ID A4481340* [↗](#)

Presented by: Ella Tennent, Consents Manager

##### **Key Points:**

- Outlined immediate changes made to the Resource Management Act while the Natural and Built Environment Act (NBEA) and Spatial Planning Acts (SPA) were phased in over the next 10 years:
  - Hydropower schemes were exempt from the new (shorter) proposed consent duration
  - Compliance history could now be considered in consent processing
  - There had been major increases in fines for non-compliance
- Wheao Dam consent had been lodged and was on hold awaiting cultural impact assessments
- Fonterra had lodged their consent and were working through further information in regard to technical matters concerning odour
- Southern Generation had lodged an application for the removal of gravel build-up to mitigate flooding in surrounding areas. They were seeking a three year consent duration to coincide with their larger consent that was due to expire in 2026. The consent would be publicly notified and the affected community were aware of the consent being lodged.

##### **In Response to Questions:**

- Gravel removal would be taken from the island and channel
- Was not aware of any plans to increase compliance officer numbers however, noted there had already been increases and that in terms of fines, Council was focused on the upper end of offending.
- Although the National Environmental Standards for Freshwater excluded wetlands that weren't considered as natural, environmental effects on

existing wetland and habitat would still be considered under the regional plan

- Acknowledged that the National party had signalled repealing the NBEA if they came into Government in October 2023 and that if that happened councils may make recommendations that some provisions be retained
- The Fonterra WWTP was required to be operational by 1 July 2026.

## Resolved

### That the Rangitāiki River Forum:

#### 1 Receives the report, Resource Consents Update.

**Winters/Rangiaho  
CARRIED**

## 7.3 Essential Freshwater Policy Programme Update

Presented by: Michelle Lee – Planner (Water Policy), Gina Mohi – Pūtaiao Mātauranga

### Key Points:

- Acknowledged the valuable feedback received at the Forum's June 2023 meeting
- Outlined engagement events held and upcoming, noting feedback received from the events had mainly come from the farming community.

11:43 am – Whakaeke Ritete **withdrew** from the meeting.

- A second round of hui-a-rohe had been redirected to be replaced with more focused engagement with iwi/hapū and Māori land trust collectives where requested
- Key themes that had emerged from engagement with iwi were:
  - A desire to update iwi management plans and define cultural limits, which council was seeking to support and resource;
  - Tangata whenua wished to carry out their own freshwater monitoring compliance. Freshwater kits were being made available for this alongside future thinking to support tangata whenua monitoring in relation to section 33 transfer of powers
- Encouraged feedback from iwi/hapū on the proposed planning methodology options and 'portals' approach referred to under report Attachment 1 to support Kaupapa Māori into the future
- Council was seeking clear direction and conversations with tangata whenua to be able to articulate Mātauranga Māori to inform policy outcomes and framework/models for implementation
- Acknowledged the need to work collectively with other agencies to lessen the engagement load on tangata whenua
- Noted examples of projects occurring with iwi/hapū in the freshwater management space, i.e. secondment arrangements with Te Rūnanga o Ngāti Awa, Ngāti Manawa training, projects with Te Arawa Lakes Trust, Tauranga Moana and plans to support mahi with Whakatōhea and Ngāi Tai
- Noted the pressing timelines for plan change notification and being cognisant of supporting discussions to progress the plan change

### In Response to Questions:

- Having robust freshwater management chapters within iwi/hapū management plans that contain specific cultural indicators and policies would provide a key resource
- Regarding the interaction of submissions from iwi/hapū – Te Mana o Te Wai was specific to place, which did not diminish the roles of iwi and post-settlement government entities, but enabled a space for tangata whenua
- Council was recognising that hapū wished to write their own environmental management plans, and there was some funding available to support this.

**Key Points - Members:**

- Commended the mahi and direction being undertaken
- Wished to know what information Council had in regard to mahinga kai to support the mahi that was occurring
- Noted the competing tensions being placed on Council and the importance of progressing the work now while it was resourced
- Persevering to maintain/uphold iwi/tupuna aspirations was important
- Wished to see 'habitat' noted in the Rangitaiki long-term freshwater vision as an integral part of protecting tuna/taonga species
- Would like the opportunity for iwi members to hold further discussion with Kaupapa Māori freshwater staff on Kaupapa Māori/cultural values.

**Resolved**

**That the Rangitāiki River Forum:**

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

**Sisley/Rangiaho  
CARRIED**

- 2 Requests a meeting with Iwi Forum members and Council's Kaupapa Māori Freshwater Team.**

**Rangiaho/Iti  
CARRIED**

**7.4 Rangitaiki Catchment Programme: Annual Work Plan 2023-2024**

Presented by: Charles Harley, Team Leader Coastal Catchments

**Key Points:**

- Welcomed feedback from members on the map that had been included in the Work Plan (page 46 of agenda) which had been requested at the Forum's 23 March 2023 meeting, noting that additional activities and photos could be added and were welcomed from partners/members.

**Key Points - Members:**

- Sought consideration to include other activity/plans (i.e. iwi, government agencies, key industry stakeholders) that were occurring along the river and in the catchment within reporting
- Noted that Te Mana o te Wai statements were missing from some documentation and that having a clearer understanding of activities



occurring that have an impact on Te Mana o te Wai was raised for consideration.

## Resolved

**That the Rangitāiki River Forum:**

- 1 Receives the report, Rangitāiki Catchment Programme: Annual Work Plan 2023-2024.**

**Winters/McCauley  
CARRIED**

## 7.5 Rangitāiki Catchment Programme: Annual Report 2022-2023

Presented by: Charles Harley, Team Leader Coastal Catchments

### In Response to Questions:

- Regarding applying Mātauranga Māori methods for electric fish monitoring and herbicide application at Lake Aniwhenua – staff were planning to discuss this with Ngāti Manawa’s environmental manager in due course.

## Resolved

**That the Rangitāiki River Forum:**

- 1 Receives the report, Rangitāiki Catchment Programme: Annual Report 2022-2023.**

**Winters/McCauley  
CARRIED**

12:23 pm – Jane Nicholas withdrew from the meeting.

## 8. Karakia Kati Closing Karakia

A karakia was provided by Cr Tu O’Brien.

**12:25 pm – the meeting closed.**

**CONFIRMED 16 NOVEMBER 2023**

---

Terewai Kalman  
Chairperson, Rangitāiki River Forum