



Rangitāiki River Forum Rārangi Take (Agenda)

NOTICE IS GIVEN that the next meeting of the Rangitāiki River Forum will be held in the Mataatua Room, Bay of Plenty Regional Council Building, 5 Quay Street, Whakatane on:

FRIDAY 7 JUNE 2024 COMMENCING AT 10:30AM

The Rangitāiki River Forum is a permanent joint committee made up of representatives from:



Fiona McTavish
Chief Executive, Rangitāiki River Forum
29 May 2024

Rangitāiki River Forum

Membership

Chairperson	Terewai Kalman (Te Rūnanga o Ngāti Manawa)
Deputy Chairperson	Te Taute Taiepa (Te Rūnanga o Ngāti Whare)
Tangata Whenua Members One appointed representative each: Te Rūnanga o Ngāti Manawa Te Rūnanga o Ngāti Whare Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust Te Rūnanga o Ngāti Awa Hineuru Iwi Trust Tūhoe Te Uru Taumatua Te Kotahitanga o Ngāti Tūwharetoa	<i>Karito Paul (Alternate)</i> <i>Jane Nicholas (Alternate)</i> Katishe McCauley Miro Araroa <i>Mihipeka Sisley (Alternate)</i> Koriiana Hooker <i>Ngawai Crawford (Alternate)</i> Ngapera Rangiaho Whakaeke Ritete <i>Ngatoru Wall (Alternate)</i>
Council Members One appointed member each: Whakatāne District Council Taupō District Council Up to five appointed members: Bay of Plenty Regional Council	Cr Tuwhakairiora O'Brien <i>Cr Wilson James (Alternate)</i> Cr John Williamson <i>Cr Yvonne Westerman (Alternate)</i> Cr Malcolm Campbell Cr Toi Kai Rākau Iti Cr Kat Macmillan Cr Ken Shirley Cr Kevin Winters
Quorum	Three iwi members and three Council members and must include a Ngāti Whare member and a Ngāti Manawa member.
Meeting frequency	Quarterly

Other iwi and local authorities through consensus of the Forum, may join the Forum.

Vision

Te Mana o Te Wai – The First Right to Water is to the Water.

Mission

Te Reo o Te Wai - Te Mana – The voice of the Water, restoring Te Mana o Te Wai.

Purpose

To protect and enhance the environmental, cultural, and spiritual health, wellbeing and sustainable use of the Rangitāiki River and its resources, for the benefit of present and future generations.

Scope

The Rangitāiki River Forum's scope covers the geographical area of the Rangitāiki River Catchment including the Rangitāiki River, Whirinaki River, Wheao River and Horomanga River as referenced in the following Settlement Acts: Ngāti Whare Claims Settlement Act 2012; Ngāti Manawa Claims Settlement Act 2012; Tūhoe Claims Settlement Act 2014; Hineuru Claims Settlement Act 2016; Ngāti Tūwharetoa Claims Settlement Act 2018.

This is a permanent joint committee under the Local Government Act 2002 (LGA), and co-governance partnership between local authorities and iwi that share an interest in the Rangitāiki River, and must not be discharged unless all of the appointing organisations agree to the discharge.

Role

- Prepare and approve the Rangitāiki River Document for eventual recognition by the Regional Policy Statement, Regional Plans and District Plans.
- Promote the integrated and coordinated management of the Rangitāiki River.
- Engage with and provide advice to:
 - Local Authorities on statutory and non-statutory processes that affect the Rangitāiki River, including under the Resource Management Act 1991.
 - Crown agencies that exercise functions in relation to the Rangitāiki River.
- Monitor the extent to which the purpose of the Rangitāiki River Forum is being achieved including the implementation and effectiveness of the Rangitāiki River Document.
- Gather information, disseminate information and hold meetings
- Take any other action that is related to achieving the purpose of the Forum.

Decision Making

The Forum must make its decisions by a vote at a meeting and must seek to achieve consensus, be consistent with and reflect the purpose of the Forum and acknowledge the interests of iwi in particular parts of the Rangitāiki and its catchments.

Power to Act

The Forum has the discretion to determine in any particular circumstance whether to exercise any function identified and to what extent any function identified is exercised.

Power to Recommend

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

Rangitāiki River Forum members report directly to their respective 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
 - 3.1 **Scotty Muir – Lake Aniwhenua Hydraulic Modelling**
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 **Rangitāiki River Forum Minutes - 15 March 2024** **7**
8. **Whakaaturanga**
Presentations
 - 8.1 **Ministry for Primary Industries - Commercial Tuna Quota Management System**
9. **Ngā Whakamārama a Ngā Rōpū**
Update from Partners
 - 9.1 **Hineuru Iwi Trust**
 - 9.2 **Te Kotahitanga o Ngāti Tūwharetoa**
 - 9.3 **Taupō District Council**

9.4 Te Rūnanga o Ngāti Whare**9.5 Te Rūnanga o Ngāti Manawa****9.6 Tūhoe Te Uru Taumatua****9.7 Ngāti Tūwharetoa (BOP) Settlement Trust****9.8 Te Rūnanga o Ngāti Awa****9.9 Whakatāne District Council****9.10 Bay of Plenty Regional Council Toi Moana****10. Whakahoutanga Kōrero
Verbal Updates****10.1 Resource Consents Update**

Presented by: Ella Tennant, Consents Manager, BOPRC Toi Moana

10.2 Essential Freshwater Programme Timeframe

Presented by: Michelle Lee - Planner (Water Policy), BOPRC Toi Moana

**11. Ngā Pūrongo
Reports****Ngā Whakatau e Hiahiatia Ana
Decisions Required****11.1 Chairperson's Report 16****Hei Pānui Anake
Information Only****11.2 March-May 2024 Rangitaiki Catchment Programme Dashboard 23**

Presented by: Charles Harley – Team Leader, Coastal Catchments, BOPRC Toi Moana

**12. Ngā Take Tōmuri Hei Whakaaroaro
Consideration of Items not on the Agenda****13. Karakia Kati
Closing Prayer**

Rangitāiki River Forum

Ngā Meneti Open Minutes

Commencing:	Friday 15 March 2024, 10:30AM
Venue:	Mataatua Room, Bay of Plenty Regional Council Building, 5 Quay Street, Whakatāne and via Zoom (Audio Visual meeting)
Heamana Chairperson:	Terewai Kalman (Te Rūnanga o Ngāti Manawa)
Heamana Tuarua Deputy Chairperson:	Te Taute Taiepa (Te Rūnanga o Ngāti Whare)
Ngā Kopounga Members:	<p><u>Bay of Plenty Regional Council Toi Moana (BOPRC):</u> Cr Malcolm Campbell, Cr Toi Kai Rākau Iti, Cr Kat Macmillan, Via Zoom: Cr Kevin Winters</p> <p><u>Te Rūnanga o Ngāti Awa:</u> Miro Araroa, Mihipeka Sisley (Alternate)</p> <p><u>Hineuru Iwi Trust:</u> Koriana Hooker, Ngawai Crawford (Alternate)</p> <p><u>Ngāti Tūwharetoa (BOP) Settlement Trust:</u> Katishe McCauley (Via Zoom)</p> <p><u>Whakatāne District Council:</u> Cr Tuwhakairiora O'Brien, Cr Wilson James (Alternate) Alternate Karito Paul (Te Rūnanga o Ngāti Manawa)</p> <p><u>Taupō District Council:</u> Cr Yvonne Westerman (Alternate) (Via Zoom)</p>
Te Hunga i Tae Ake In Attendance:	<p><u>BOPRC:</u> Kataraina O'Brien – General Manager Strategic Engagement, Shari Kameta – Committee Advisor, Gina Mohi – Pūtaiao Mātauranga (Via Zoom)</p> <p><u>Presenters:</u> As listed in the minutes</p> <p><u>Hineuru Iwi Trust:</u> Janice Wall (Trustee)</p>
Ngā Hōnea Apologies:	<p>Ngapera Rangiaho (Tūhoe Te Uru Taumatua)</p> <p>Whakaeke Ritete (Te Kotahitanga o Ngāti Tūwharetoa)</p> <p>Cr Ken Shirley (Bay of Plenty Regional Council)</p> <p>Cr John Williamson (Taupō District Council)</p>

1. Karakia Whakatuwhera Opening Karakia

A karakia was provided by Te Taute Taiepa.

Chairperson's Opening Remarks

The Chair welcomed everyone to the Forum's first meeting of the year and acknowledged past and current members. Making reference to the Forum's purpose, the Chair noted the importance of the Forum partnership and encouraged members to familiarise themselves with the Forum's respective Treaty Settlement legislation and strategy document, *Te Ara Whānui o Rangitāiki - Pathways of the Rangitāiki River Document*.

2. Ngā Hōnea Apologies

Resolved

That the Rangitāiki River Forum:

- 1 Accepts the apologies from Ngapera Rangiaho, Whakaeke Ritete, Cr Ken Shirley, Cr John Williamson and Katishe McCauley for early departure at 11:45am tendered at the meeting.

Campbell/Sisley
CARRIED

3. Ngā Take Tōmuri Items not on the Agenda

An update on the Rangitāiki River Festival to be held on 16 March 2024 would be provided at the end of the meeting.

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

None declared.

5. Ngā Meneti Minutes

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

5.1 Rangitāiki River Forum Minutes - 16 November 2023

Matters Arising

1. Minute Item 3.1 – Drone footage and the site visit that had been requested to look at sedimentation build-up above Rabbit Bridge had been deferred due to availability and timing of Pioneer Energy's consent hearing.

2. Minute Item 7.1 – noted that Te Wai Māori Conference held in Nelson had been well represented by iwi partners, including Ngāti Awa and Ngāti Manawa rangatahi.
3. Minute Item 7.2 – Co-Governance Secretariat Jane Waldon advised that the notes from the Iwi Freshwater Workshop held at Te Rūnanga o Ngāti Manawa on 24 October 2023 would be circulated to iwi members in due course.

Resolved

That the Rangitāiki River Forum:

- 1 **Confirms the Rangitāiki River Forum Minutes - 16 November 2023 as a true and correct record.**

**Macmillan/Taiepa
CARRIED**

6. Ngā Whakamārama a Ngā Rōpū Update from Partners

6.1 Hineuru Iwi Trust

- Member Koriiana Hooker would be away on maternity leave for the next two Forum meetings with Ngawai Crawford and Janice Wall attending meetings in her absence.

6.2 Taupō District Council

- No update to report.

6.3 Te Rūnanga o Ngāti Whare

- No update to report.

6.4 Te Rūnanga o Ngāti Manawa

- Ngāti Manawa and Ōmataroa Eco Tours trap and transfer practitioners had attended a wānanga that had been hosted by Department of Conservation. The wānanga had provided the opportunity for whakawhanaungatanga and sharing of data and techniques towards a one river approach. Further wānanga would be held to continue measuring the success of the programme
- Raised concern in regard to continued commercial fishing of tuna in the catchment which contradicted the provisions of '*Te Ara Whānui o Rangitāiki*' to protect tuna. Noted that the tikanga of Ngāti Manawa was that tuna in the catchment should not be sold. Members discussed the issue further and resolved (refer below) to request a presentation from the Ministry of Primary Industries and that the matter be addressed with respective iwi fisheries representatives.

6.5 Ngāti Tūwharetoa (BOP) Settlement Trust (NTST)

- NTST were in the development stages of scoping their iwi management plan
- Due to the resignation of Board Trustee Ani Wickliffe, a special election had been held and a new Board member Clifford Te Rire elected.

6.6 Te Rūnanga o Ngāti Awa

- Ngāti Awa rangatahi had been assisting with the trap and transfer programme. Noted for consideration the opportunity for rangatahi to present to the Forum at a future meeting
- Raised concern in regard to longfin tuna being caught by local fishers near Fonterra Edgecumbe's wastewater treatment plant discharge site, as a result of tuna being attracted to discharge/flow. While legal restrictions could not be enforced, Fonterra was comfortable for mitigation measures to be taken by Forum partners. Members discussed and passed a motion (refer below) for the following actions to be taken:
 - Advocacy and education for local hapori/community
 - Rāhui/signage to be put in place at relevant times
 - Investigate an application under section 186a of the Fisheries Act 1996 as a long term solution.

6.7 Whakatāne District Council (WDC)

- WDC's Draft Long Term Plan was out for consultation from 12 March to 12 April, with hearings to be held 18-19 April 2024 and Council decisions made on 10 May 2024. WDC would be engaging at a number of community events, starting with the Rangitāiki River Festival on 16 March 2024.

6.8 Bay of Plenty Regional Council Toi Moana (BOPRC)

- A further comment was raised regarding the issue of migrating tuna being crushed in river scheme pumps. It was noted that new fish friendly pumps had been developed in the Waikato region. A motion was passed (refer below) to include a submission point to BOPRC's Long Term Plan 2024-2034 (LTP) to consider phasing in new pump technology when pumps came up for renewal
- BOPRC's key areas of focus was its LTP and pending national freshwater policy changes by the Government.

Resolved**That the Rangitāiki River Forum:****1 Regarding the issue of migratory tuna being caught near the Fonterra Edgecumbe wastewater treatment plant discharge site:****(a) Request the Co-Governance Secretariat to:**

- (i) Prepare a letter to be signed by the Forum Chair and sent to the Department of Conservation to seek their advocacy support to stop fishing in this vicinity;**
- (ii) Report back to the next Forum meeting on the process of applying for compulsory acquisition powers under Section 186a of the Fisheries Act 1996;**

(b) Request BOPRC staff to:

- (i) Work with Te Rūnanga o Ngāti Awa member Miro Araroa to arrange and erect rāhui signage;**

2 Regarding prevention of migratory tuna being crushed in river scheme pumps**(a) Request the Co-Governance Secretariat to:**

- (i) Investigate and seek a presentation regarding development and utilisation of pump technology used in the Waikato region;
- (ii) Prepare a submission to Bay of Plenty Regional Council's Long Term Plan 2024-2034 seeking replacement technology of river scheme pumps that provide further protection for tuna;
- (b) Regarding commercial fishing of tuna in the Rangitāiki Awa:
 - (i) Requests a presentation from the Ministry for Primary Industries at a future Forum meeting to address the commercial tuna quota system;
 - (ii) Iwi members to address the matter with their respective Māori fisheries representatives;
- 3 Consider convening a future wānanga/workshop with interested parties in relation to Objective 1 of Te Ara Whānui o Rangitāiki.

Campbell/Macmillan
CARRIED

7. Whakahoutanga Kōrero Verbal Updates

7.1 Resource Consents Update

Presented by: Ella Tennant, Consents Manager, Bay of Plenty Regional Council.

Key Points:

- Manawa Energy's Wheao Dam consent was still on hold with technical reviews to take place. An invite was expected to be extended to iwi/hapū for a site visit in May 2024
- Fonterra Edgecumbe's Wastewater Treatment Plant consent was on hold with conversations ongoing with iwi/hapū and the Whakatāne District Council to look at all options, including a combined review with the WDC wastewater consent that was due to expire in 2026
- The consent application to remove some sediment build-up in Lake Aniwanīwa was proceeding to a hearing in May 2024, which would be open to the public
- The Fast-Track Approvals (FTA) Bill had been released and was open for submissions until 19 April 2024.

In Response to Questions:

- There was potential for the Wheao Dam (and Aniwanīwa Dam) to be included in the fast track approvals process. While decisions needed to be consistent with Treaty Settlement obligations, they could be open to interpretation. Under the new Bill, the Ministers for Transport, Infrastructure and Regional Development would make decisions on whether a project was listed or referred, and also the final decision (to grant with conditions or decline), with no involvement from Minister for the Environment.

Key Points - Members:

- Requested a submission on the FTA Bill be prepared for submission to the Environment Select Committee in relation to maintaining the integrity of Treaty Settlements and Te Ara Whānui o Rangitāiki River Document as a statutory document

- Confirmed that the Forum would like a regular update on resource consents at each Forum meeting.

11:45am – Katishe McCauley **withdrew** from the meeting.

Resolved

That the Rangitāiki River Forum:

- 1 **Requests that the Co-Governance Secretariat prepare a draft submission on the Fast-track Approvals Bill to be circulated to the Forum Chair and members for comment/approval to be signed by the Forum Chair and sent to the Environment Select Committee before the closing date for submissions on Friday 19 April 2024.**

Iti/O'Brien
CARRIED

7.2 Taupō District Plan Change progress

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

Key Points:

- Taupō District Plan Changes 38 – 43 hearings had been held late last year. Apart from PC39 (residential building coverage) which was now operative, the remaining plan changes were awaiting decisions
- PC38 (Strategic Directions) incorporating the vision, strategic objectives and outcomes of Te Ara Whānui o Rangitāiki did not have any submissions opposing it, so was expected to be made operative
- The rural plan change which included papakāinga provisions had raised little concern during the hearing, therefore staff were hopeful they would be made operative also
- Decisions on the Taupō District Plan review would be received in the next two months
- Staff were commencing the next suite of (residential) plan changes, which would include a Māori purpose zone. Staff would be engaging with local iwi/hapū on what that might look like and would be fully driven by hapū/iwi
- Any feedback or comments could be directed to Hilary Samuel.

In Response to Questions:

- The Māori purpose zone was defined in the National Planning Standards (NPS) and covered specific provisions to support development of marae, papakāinga, communal living and related commercial activity without the need for resource consent
- There was sufficient flexibility within the NPS to provide for urupa if desired by iwi/hapū communities
- In relation to resource consent and private plan change hearing panels concerning Māori land, Taupō District Council (TDC) had a joint management agreement (JMA) with Tūwharetoa Māori Trust Board (TMTB) that involved a joint hearing panel to include a TMTB approved

representative, which TDC typically used as a model for other Council-led plan changes.

8. Ngā Pūrongo Reports

Ngā Whakatau e Hiahiatia Ana Decisions Required

8.1 Change of Membership

The report was taken as read.

Key Points - Members:

- The Chair noted she had briefed Koriiana Hooker on various Forum matters
- Koriiana Hooker thanked the Chair/staff for the induction information and acknowledged her predecessors' contribution on the Forum.

Resolved

That the Rangitāiki River Forum:

- 1 Receives the report, Change of Membership;**
- 2 Notes the appointments of Koriiana Hooker as the appointed member replacing Ngawai Crawford; and Ngawai Crawford, as the alternate member replacing Tracy Bush for Hineuru Iwi Trust.**

**Araroa/O'Brien
CARRIED**

Hei Pānui Anake Information Only

8.2 Long Term Plan 2024-2034 Consultation

Presentation - Te Mahere Tūroa Draft Long Term Plan 2024-2034: Objective ID A4623642

Presented by: Cr Toi Iti

Key Points:

- Overview of BOPRC's Long Term Plan key engagement information
- Encouraged iwi/hapū to make submissions, noting that Council could only deliberate on matters that had been submitted on
- Consultant Huiarau Stewart had been contracted to provide 'friend of the submitter' support to help draft submissions for whoever wanted support
- Outlined key points of interest within the LTP:
 - LTP community outcomes, including Te Ara Poutama outcome/goals
 - Funding/investment
 - Rangitāiki catchment programme highlights
 - Key consultation questions regarding public transport, Port of Tauranga sell-down and new regional parks; and

- Proposed rates remission policies for Whenua Māori.

Key Points - Members:

- Noted support for a submission to be prepared for the continuation of secretariat support, along with a combined symposium on tuna protection, new Forum member training, Mātauranga Māori upskilling for current members and other relevant issues
- A draft submission would be prepared and circulated to members before submitting it to BOPRC
- Thanked Cr Iti and BOPRC for LTP engagement hui that had been held with Ngāti Manawa.

Resolved

That the Rangitāiki River Forum:

- 1 Receives the report, Long Term Plan 2024-2034 Consultation;**
- 2 Requests the Co-Governance Secretariat to prepare a submission to the Long Term Plan 2024-2034, to be circulated to Forum members for comment and signed by the Chair;**
- 3 Agrees that the Forum Chair and Deputy Chair attend the BOPRC Long Term Plan 2024-2034 marae hearing on 10 May 2024 to speak to the Rangitāiki River Forum's submission.**

**Hooker/Taiepa
CARRIED**

8.3 December 2023 - February 2024 Rangitāiki Catchment Programme Dashboard

Presented by: Charles Harley, Team Leader Coastal Catchments, BOPRC

Key Points:

- Regarding earlier discussion raised under Item 8, Update from Partners on commercial fishing of tuna – referred to a Ministry for Primary Industries 2018-2021 monitoring report¹, which had assessed that over the past few years commercial quota takes of shortfin (SFE21) and longfin tuna (LFE21) in AE3 fishing area, which included the Rangitāiki catchment, had reduced by up to 60 percent
- Noted that expenditure for the Rangitāiki-Tarawera river catchment scheme was higher than predicted due to work being ahead of schedule
- Highlighted the successful identification of matuku/bittern present at the wetland adjoining the pine forest at Pūtauaki farm.

Key Points - Members:

- Regarding the Government's deferral of national freshwater water policy notification timeframes to December 2027, BOPRC had decided to notify its proposed freshwater plan in September 2025 to maintain momentum to address water quality issues. However, it was noted that if further changes

¹ [FAR 2022/58 Monitoring commercial eel fisheries: 2018-19 to 2020-21 \(mpi.govt.nz\)](https://www.mpi.govt.nz/far-2022/58-monitoring-commercial-eel-fisheries-2018-19-to-2020-21/)

to national policy required significant amendments, then BOPRC may need to reconsider the September 2025 deadline

- Noted that BOPRC's freshwater plan aligned with Te Ara Whānui o Rangitāiki's vision and objectives.

Resolved

That the Rangitāiki River Forum:

- 1 Receives the report, December 2023 - February 2024 Rangitāiki Catchment Programme Dashboard.**

**O'Brien/Macmillan
CARRIED**

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

9.1 Rangitāiki River Festival

- The festival was being held on Saturday 16 March at the Thornton Domain;
- A flyer with event information was circulated to members for information;
- The festival what a great family/community event and provided an opportunity for councils, iwi and respective organisations to give back to the community;
- BOPRC Councillors would be present; and members and whānau were encouraged to attend;
- Acknowledged Edgecumbe Lions Club who organised the annual event.

10. Karakia Kati Closing Karakia

A karakia was provided by Te Taute Taiepa.

12:45 pm - the meeting closed.

CONFIRMED

Terewai Kalman
Chairperson, Rangitāiki River Forum



Report To: Rangitāiki River Forum

Meeting Date: 7 June 2024

Report Authoriser: Terewai Kalman

Chairperson's Report

Executive Summary

Since the last Forum meeting held on 15 March 2024, I have attended and participated in a number of meetings and engagements on behalf of the Forum, as the Chair.

This report sets out those meetings and engagements. Actions resulting from the last meeting are also reported here.

Recommendations

That the Rangitāiki River Forum:

- 1 Receives the report, Chairperson's Report;**
- 2 Approves the attached draft letter to the Department of Conservation to send out, subject to any changes/amendments at the meeting.**

1. Purpose

The purpose of this report is to update the Forum on meetings and engagements outside of Forum meetings that I have attended and participated in my capacity as the Forum's Chair, as well as an update on actions undertaken by the Secretariat.

The following section summarises these meetings and engagements. I will provide further detail at the meeting in response to any questions that members may have.

2. **Meetings and Engagements**

Date	Meeting / Engagement	Comment
14.05.24	Long Term Plan Hearing	Joint LTP submission to fund Secretariat for another 3 years alongside the Tarawera Awa Restoration Strategy Group
16.05.24	Scotty Muir	Farmer representative for gravel extraction above Aniwhenua Dam
9.04.24	Regional Council Rivers & Drainage and Ngāti Manawa Hui	Regarding gravel extraction
24.04.24	Horomanga cultural site visit – Waiotahi Contractors	Gravel extraction processes
17.04.24	Hui with Waiotahi Contractors	Discuss extraction processes and agreements

3. **Fonterra’s Edgecumbe Wastewater Discharge**

Further to discussion at the last meeting, the Secretariat was tasked with providing some advice on s186A of the Fisheries Act.

Under s186A of the Fisheries Act, the Minister may impose a temporary close of fishing area or restriction on fishing methods, (Ministry for Primary Industries, 1996)

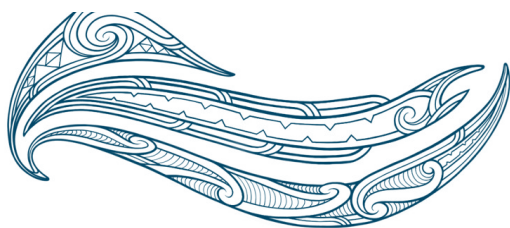
Section 186A(1)(a) states that the Minister by notice may:

- Temporarily close any area of New Zealand fisheries waters (in the North Island) in respect of any species of fish, aquatic life or seaweed, (Ministry for Primary Industries, 1996)

However under s186A(2) the Minister may impose such a closure, restriction or prohibition only if they are satisfied that it will recognise and make provision for the use and management practices of tangata whenua in the exercise of non-commercial fishing rights by:

- Improving the availability or size (or both) of a species of fish, aquatic life, or seaweed in the area subject to the closure/restriction/prohibition or;
- By recognising a customary fishing practice in that area.

There does not seem to be a specific statement regarding the temporary close of an area, for health purposes. However, there should be at least the possibility to set a temporary closure for that area during the tuna heke under s186(A)(2)(a).



Rangitaiki River Forum

c/- The Secretariat
Pareārau Limited
jwaldon70@gmail.com
0272 830887

Item 11.1 – Attachment 1

Insert date 2024

David Beattie
Operations Manager
Department of Conservations
Whakatane

Via email: dbeattie@doc.govt.nz

Tēnā koe David

Request for Advocacy Support – halt fishing near Fonterra's Edgecumbe Wastewater Discharge

I write to you on behalf of the Rangitaiki River Forum (the Forum) to seek advocacy support to stop fishing (migratory tuna) on the Rangitaiki River where Fonterra's Edgecumbe Wastewater is discharged into the river.

The purpose of the Forum (as set out in (*Ngāti Manawa Claims Settlement Act 2012* and the *Ngāti Whare Claims Settlement Act 2012*) is the protection and enhancement of the environmental, cultural, and spiritual health and wellbeing of the Rangitāiki River and its resources for the benefit of present and future generations.

The Forum was formed through the Treaty settlements of Ngāti Manawa and Ngāti Whare. It is a joint committee of the Bay of Plenty Regional Council. The committee is represented by several members including Ngāti Manawa, Ngāti Whare, Ngāti Awa, Ngāti Tūwharetoa (BOP), Ngāti Tūwharetoa (Taupo), Ngāti Hineuru, Ngāi Tūhoe, Bay of Plenty Regional Council, Whakatane District Council, and the Taupo District Council. There are equal numbers of Council and iwi representatives on the committee.

At the last meeting of the Forum the committee resolved to work with stakeholders to stop fishing in the vicinity of the Fonterra Wastewater discharge in Edgecumbe. To this end we are working with Te Runanga o Ngāti Awa and Whakatane District Council to arrange and erect rāhui signage. This is to help protect our community from any negative impacts resulting from eating contaminated tuna and to provide protection for tuna during the tuna heke.



Rangitāiki River Forum

c/- The Secretariat
Pareārau Limited
jwaldon70@gmail.com
0272 830887

Rangitāiki River Forum Submission to the Fast Track Approvals Bill

Background

1. The Rangitāiki River Forum is a co-governance committee under the Bay of Plenty Regional Council.
2. The purpose of the Rangitāiki River Forum (as set out in *Ngāti Manawa Claims Settlement Act 2012* and the *Ngāti Whare Claims Settlement Act 2012*) is the protection and enhancement of the environmental, cultural, and spiritual health and wellbeing of the Rangitāiki River and its resources for the benefit of present and future generations.
3. Through this mandate we provide a voice for the Rangitāiki River catchment.
4. We take this opportunity to comment on the Fast Track Approvals Bill (the Bill).
5. The Bill seeks to speed up the approval of consent applications for large infrastructure projects with regional or national significance by removing all environmental and cultural barriers.
6. While the purpose of the Bill is to get projects approved quickly, there is no references to sustainable management within the purpose. Also, RMA provisions have been given less weighting than the purpose of the Bill providing little protection for environmentally and culturally significant areas.
7. There is an expectation that all Rangitāiki river iwi settlements will be upheld. It is also an expectation of Ngāti Manawa that both the Crown and all applicants uphold Section 125 of the Ngāti Manawa Settlement Act.

Position

8. We are strongly opposed to the FTA Bill in its current form as it is disproportionately pro-development and concentrates power in three Ministers and has far-reaching adverse implications for:
 - a. Our taiao (environment);
 - b. Iwi customary rights, interests and responsibilities, including our Tiriti o Waitangi settlement interests; and
 - c. Our ability to exercise mana motuhake and kaitiakitanga within our rohe, as guaranteed by Te Tiriti o Waitangi.

- d. Our taiao is already degraded from decades of inappropriate development and unsustainable practices. It is also facing major risks from climate change and the cumulative effects of existing land and resource use. We need to restore and protect what we have left and reduce any further degrading our taiao.

Part A Listed Projects

- 9. The List Projects is very much lacking any information as no projects have been disclosed. If the intention is to release this information after the public submissions have closed, the public is unable to make comment on that list. The types of projects being considered are of huge interest to the Rangitaiki River Forum and the Forum would like to include comments on the list as part of the submissions process. However, this is impossible without the Crown disclosing which projects are being considered for the list.
- 10. We seek full public notification of all proposed projects in the Rangitaiki Catchment.

Decision-makers

- 11. Various ministers will decide whether a project is to be referred to an expert panel. While the expert panel will have input, they appear to have more of an advisory role. The Minister for the Environment is not included as a decision-making Minister, thus there is no voice for the environment within the group of decision-makers. From our perspective, the Ministers for Transport, Regional Development and Infrastructure have an obvious conflict of interest. The Minister of Environment is unable to provide any form of balance. Neither do those Ministers have an understanding of the Treaty landscape, mātauranga Māori, existing and unrecognised customary rights and Kaitiakitanga.

Treaty of Waitangi

- 12. The Bill does not provide comment on having regard to the principles of the Treaty in relation to consent applications, in fact it specifically omits s8 RMA from considerations (S8 requires that all persons exercising functions and powers under the Resource Management Act take into account the principles of the Treaty). We disagree with this.
- 13. While Ministers must consider a report regarding relevant Treaty settlements, Takutai Moana Act etc, before referring a project for Fast-track, it leaves it up to public servants who may or may not have an understanding of deep and intrinsic connection that Māori have with their special places, to write the report, engage with the correct Māori groups and pull together information for the Ministers. Even if a Māori group is lucky enough to be invited to comment, how those comments are summarised and

used in the report by the responsible agency is arbitrary and unlikely to capture the essence and depth of any mātauranga Māori included in the comments.

14. There are few opportunities for Māori to comment either on the consultation for referral, comment to ministers on referral, panel member nominations, comments on application, and also comments on draft conditions. And even where Māori can comment, there is inconsistency on who can comment.
15. Iwi Authorities are included in all (comments on draft conditions only if comment was provided on the application) whereas Iwi and hapu groups in a Whakahono a rohe and joint management agreements can only Comment to Ministers on referral. This Forum would fall into that category even though we are the voice of the Rangitāiki River. There is no provision for us to be involved apart from through our Iwi Authorities, even though we are a Treaty mandated co-governance group.

Other submission points

16. The timeframes imposed by the Bill for gathering and submitting this information is extremely tight particularly for Māori groups who have their own domestic consultation processes.
17. The Bill sidesteps meaningful consultation that would be expected and required through normal regulatory processes. It imposes extremely tight timeframes on the Environmental Protection Authority (EPA), Expert Panels, relevant groups and Ministers in responding to applications, at the expense of robust decision-making and meaningful consultation.
18. Currently mapping of iwi boundaries it held in Te Mangai Kahui. However it is commonly disregarded by iwi themselves as these maps are produced with consultation with the settling iwi, rarely with the neighbouring iwi who often disagree with the boundaries that have been set. This is a well-known issue at a local level. Cross-over boundaries are not well understood outside of iwi groups.
19. There is no mention of including information around Cultural Impact Assessments, Iwi management Plans or consultation with Māori. Cl 13(3) enables consultation with the Minister of Māori Development and the Minister for Māori Crown Relations: Te Arawhiti. This does not amount to meaningful consultation with Māori. Pre-engagement prior to lodging an application does not guarantee robust consultation and there is a risk that not all information is provided to Maori groups during this phase of the process. Statutory Acknowledgements are not mentioned in the Bill or how those will be honoured.
20. Prohibited Activities can be granted through this process. This is not something we agree with.
21. Other matters that are not address in the Cl13 report include:
 - An understanding of any waahi tapu (particularly those that are not known by NZHPT) within the project area

- The deep connection between local whanau/hapu with a particular area
- Any on the ground environmental work being undertaken at a whanau/hapu/iwi level
- The relationships between iwi and cross over boundaries
- Any customary rights that are exercised by iwi/hapu/whanau (such as gathering Rongoa, spiritual cleansing rituals, burying of the pito etc)
- An understanding of papakainga development at a local level

Cost recovery

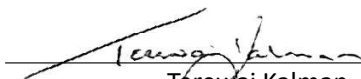
22. Where Māori are invited to make comment on an application, there is no provision to enable them to recover their costs associated with making comment. We do not agree that costs to comment should sit with Māori.

Appeals

23. The Bill provides very little flexibility around appeals and hearings. We strongly disagree that appeals should be limited to points of law and that there is no obligation to hold a hearing.

Conclusion




24. As stated through this submission, we strongly disagree with many parts of the Bill and the removal of environmental and cultural protection mechanisms. The Bill lacks robust consultation processes and provides little opportunity for our Forum to be invited to comment. The commenting timeframes alone are enough to ensure that we are not able to meet the requirements of the Act as it is difficult as a Forum to meet, create resolutions and then undertake the work required within the existing timeframes in the Act of 10 working days.
25. We would like to speak to our submission


 Terewai Kalman
 Chairperson
 Rangitaiki River Forum
 (Ngāti Manawa Committee Member)

17/04/24
 Date

PP 
 Te Taute Taiepa
 Deputy Chairperson
 Rangitaiki River Forum
 (Ngāti Whare Committee Member)

17/4/24
 Date

Rangitāiki Catchment Programme Dashboard March - May 2024													
Programme Manager		Charles Harley	As of Forum Meeting	7 June 2024	Green	Te Ara Whanui o Rangitāiki Actions	Programme Highlights						
Programme Sponsor		Chris Ingle	Previous RAG status	December 2023 – February 2024	Green	2.3	Biosecurity – PF Olsen carried out a remote sensing/AI project using aerial photography and LIDAR to assess how much of the remaining wilding conifers in the upper Rangitāiki area can be harvested as merchantable timer and other related products.						
Category	Previous RAG Status	RAG Status Current	Comment on any RAG where status is not Green			Actions under Objective 7	Rivers & Drainage – Completing construction work on the lower Rangitāiki.						
Overall	Green	Green				Te Ara Whanui o Rangitāiki Actions	Overall Progress	Programme Updates					
Schedule	Green	Green	Schedule slippage for NPSFM/Eastern Bay Spatial Plan/Spillway project/WDC Watermain Renewals			2.3	75%	Dama Wallaby – Wallaby control and surveillance planned for the 2023/2024 are delivered as planned. The ground VTA wallaby control project in Matahina Forest was completed. Some wallabies still survived and the area is proposed to be treated with an aerial operation in winter/spring 2024.					
Scope	Green	Green	Scope slippage for WDC Murupara Water Safety Plan Initiatives			2.3	50%	Wilding Conifers – Additional funding from DOC’s IVL fund has been allocated to the Rangitaiki MU and administered via the MPI/BOPRC agreement for 23/24. BOPRC continue to plan and deliver wilding pine operations for the private land and DOC Whakatāne PCL land in the Rangitāiki Management Unit area. This has included mechanical harvesting work commencing on one of the highest density wilding Contorta infestations in the region at Otangimoana (PCL land). The Biosecurity team is also working with Councils Biodiversity programme to deliver wilding conifer projects related to the Rangitāiki frost flats (a priority biodiversity site).					
Resources	Green	Green				2.3	100%	Core work has been completed for 23/24 alligator weed control in the Rangitāiki River, Yellow flag iris in Galatea and climbing spindle berry in Minginui, with no new sites found. Pinus contorta is being controlled in the upper Rangitāiki as part of the wilding conifer project.					
Budget	Green	Green	Budget slippage for WDC Watermain Renewals/Murupara Wastewater Treatment Plan			Actions under Objective 2, 3, 4	70%	Focus Catchment – Upper Rangitāiki/Otangimoana – The vast majority of waterways have been fenced on the farms BOPRC have been working with. One Environmental Programme (EP) has recently been signed which will retire another 16-ha part of which includes a wetland. a further two EP’s are being discussed for two other important wetland sites in the area - Lake Pouarua and Otamatea Swamp.					
No.	Annual Work Plan Projects 2023/2024					2.1, 2.2, 2.3, 2.6, 5.5, 7.5	90%	Rangitāiki Wetland Restoration Project – Monthly trap/bait stations checks are ongoing, track and site access maintenance occurring as needed.					
Shared				Scope	Budget	Schedule	Objective 2	75%	Coast Care – Planning is currently underway for the next planting season (winter 2024), BOPRC and WDC are working together to protect and enhance Thornton Kanuka sites.				
1	Te Hekenga o Tuna Plan			Green	Green	Green	Actions under Objective 1, 7.4	30%	Fish Passage – Assessment of structures are ongoing in the Rangitāiki Catchment; Remediations – Will continue to be undertaken in the next financial year by Kelly Hughes (ATS Environmental). There is also a tide gate survey underway (Blue duck Design Ltd) to assess and eventually remediate/upgrade tide gates (eg attached to culverts) in the lower part of the Rangitāiki catchment. Fish Passage Action Plan – Early stages of Action Plan/Work Programme drafting. Fish Care Forum – Continuing to work with TA’s and other agencies (Waka Kotahi etc) who hold their own assets (culverts etc) in regard to responsibilities, information sharing and maintaining/providing for fish passage.				
Bay of Plenty Regional Council				Scope	Budget	Schedule	3.1, 4.1, 4.2	65%	NPSFM – Toi Moana Regional Council rescheduled the plan change notification to September 2025 to adapt to new/evolving government policy and address the region’s needs. The new schedule intended a targeted Draft Plan Change engagement starting in late 2024, focussing on tangata whānau and stakeholder representatives.				
1	Biosecurity			Green	Green	Green		50%	Our Places – Eastern Bay Spatial Plan – The technical working group for the Spatial Plan have been drafting a development options report to consider future development options. These options are being worked through with key stakeholders involved. The draft report will need to be endorsed by the project governance group and Councils later this year.				
2	Coastal Catchments Land Management			Green	Green	Green	Actions under Objective 7	Multiple	Rangitāiki Floodway – Spillway Project (45%) – completion date will be February 2025 due to the availability of the contractor; earthworks are near completion; the sheet pile work has been completed and there is good progress on the concrete structures. Rangitāiki River left bank stopbank raising (Thornton Beach Road) (100%) – The fencing is to be completed and the grass will need to be reinstated.				
3	Engineering			Green	Green	Green	3.3	75%	Science – NERMN SOE Monitoring proceeding as planned.				
4	Integrated Planning			Green	Green	Amber	3.1, 4.1, 4.2	95%	Taupō District Council – District Plan Review – Plan Change decisions are going to Council on 28 May. Seeking Councils adoption and approval to notify. Once notified, submitters have 30 working days to lodge an appeal, if no appeals are resolved then final approval can be given and plan changes become operative.				
5	Rivers & Drainage			Green	Green	Green	8.3, 8.5	100%	Whakatāne District Council – Edgecumbe Reserves – Design and pricing of motorhome dump station at Edgecumbe Domain has been completed, contractor engaged with works schedule to commence in May. Construction of a basketball court will also commence adjacent to the skatepark on Edgecumbe Domain in late May/early June.				
6	Science			Green	Green	Green	3.2, 5.6 and 7.5	Multiple	Whakatāne District Council – Murupara Wastewater Treatment Plant – Background environmental sampling programme is ongoing; Planning and 3 Waters teams have started on consultation with iwi community; Murupara Wastewater Network Inflow & Infiltration Strategy – Substantially completed (70%).				
Whakatāne District Council				Scope	Budget	Schedule	3.2, 5.6 and 7.5	Multiple	Whakatāne District Council – Watermain Renewals Rangitāiki Plains – Rangitāiki (watermain package 4) delayed in commencement, Murupara (watermain package 3) awarded and commenced (20%).				
1	Lake Aniwhaniwa (Aniwhenua)			Green	Green	Green	3.2, 5.6 and 7.5	Multiple	Whakatāne District Council - Murupara Wastewater Network Inflow and Infiltration Strategy – Tender documents being finalised; Murupara Water Safety Plan Initiatives – Sampling of the environment continues; the Planning and 3 Waters Teams have started consulting with local iwi and the community about building a Water Treatment Plant. A high-level concept plan has been developed.				
2	Edgecumbe Reserves			Green	Green	Green	3.2, 5.6 and 7.5	Multiple	Whakatāne District Council - Otumahi Water Safety – Pipes partly purchased, earthworks commencing in May, project completion expected March 2025 (5%). Te Mahoe Water Safety – Combined district water safety plan being developed, expected completion later this year (60%).				
3	Thornton Domain			Green	Green	Green			Engineering Update – Old Rangitāiki Channel outlet replacement – Major maintenance has occurred on the gravity outlet component of the ORC structure; this was required as the structure had been compromised due to water seepage. Works are nearing completion with flood gates and rock protection left to complete. Stage 6b/SH2 gas line stopbank section – Culvert extension and seepage cut off detail installed along a section of left stopbank; this section was delayed from the main stopbank upgrade works in 2021 while approvals occurred.				
4	Murupara Wastewater Treatment Plan receiving environmental monitoring			Green	Green	Green			Consents Update – The Lake Aniwhaniwa Dredging application Hearing occurred on 14 May, this application is the removal of gravel from the river downstream of the Kopuriki Bridge and the removal of some debris islands in the delta in Lake Aniwhaniwa; the decision has not yet been released by the Commissioner.				
5	Murupara, Ta Mahoe, Otumahi Water Safety Plan Initiatives			Green	Green	Green	Te Ara Whanui o Rangitāiki Actions	Programme Upcoming Activities					
6	Watermain renewals – Murupara and for whole of Rangitāiki Plains water supply network.			Green	Green	Green	2.3	Biosecurity – Aerial control of wilding conifers in the Rangitāiki area.					
7	Murupara Wastewater Network Inflow and Infiltration Strategy			Green	Green	Green	Actions under Objective 7	Rangitāiki Floodway – Continued construction on the spillway.					
Taupō District Council				Scope	Budget	Schedule	Consents – Wheo Dam Consent Renewal - A site visit is scheduled for 18 June for the BOPRC consent planner and various technical experts that will be supporting BOPRC, this will help inform the technical reviews of the assessment provided by Manawa Energy						
1	District Plan Review			Green	Green	Green							
2	Maintenance of the northern part of Taharua Road, Matea Road, Matea Bridge and Rangitāiki School Road			Green	Green	Green							

Objective ID:

3	Biodiversity Strategy	Green	Green	Green	
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