

# Monitoring and Operations Committee

## Open Minutes

**Commencing:** Tuesday 11 June 2024, 9.30 am

**Venue:** Mataatua Room, Bay of Plenty Regional Council Toi Moana (BOPRC), Level 1, 5 Quay Street, Whakatāne and via Zoom (Audio-Visual meeting)

**Chairperson:** Cr Kevin Winters

**Deputy Chairperson:** Cr Ron Scott

**Members:** Cr Stuart Crosby  
Cr Toi Kai Rākau Iti (via Zoom)  
Chairman Doug Leeder  
Cr Matemoana McDonald  
Cr Jane Nees  
Cr Lyall Thurston (via Zoom)  
Cr Andrew von Dadelszen (via Zoom)  
Cr Te Taru White (via Zoom)  
Cr Malcolm Campbell  
Cr Ken Shirley

**In Attendance:** Fiona McTavish - Chief Executive, Namouta Poutasi - General Manager, Strategy and Science, Mat Taylor - General Manager, Corporate, Chris Ingle - General Manager, Integrated Catchments, Reuben Fraser - General Manager, Regulatory Services, Presenters - as listed in the minutes, Amanda Namana - Committee Advisor

**Apologies:** Cr Paula Thompson, Cr Kat Macmillan

### 1. Apologies

**Resolved**

**That the Monitoring and Operations Committee:**

- 1 Accepts the apologies from Cr Thompson and Cr Macmillan tendered at the meeting.**

**Scott/Campbell  
CARRIED**

## 2. Declaration of Conflicts of Interest

None declared.

## 3. Minutes

### Minutes to be Confirmed

#### 3.1 Monitoring and Operations Committee Minutes - 5 March 2024

##### Matters Arising

In relation to Minute Item 4.3 Kaituna Re-Diversion and Maketū Estuary, it was noted that a public meeting had been scheduled for 6pm, Tuesday 18 June 2024 at Maketū Community Centre. This was to be co-led by BOPRC staff, community board staff and local iwi - an invitation to the event would be sent to members.

##### Resolved

**That the Monitoring and Operations Committee:**

- 1 Confirms the Monitoring and Operations Committee Minutes - 5 March 2024 as a true and correct record.**

**Scott/Campbell  
CARRIED**

## 4. Presentations

#### 4.1 Land Optimisation for Fresh Water Quality Restoration

*Presentation: Land optimisation for fresh water quality restoration: Objective ID A4697822* ⇒

Presented by: Alison Dewes and John Burke

##### Key Points:

- New Zealand farmers were facing significant pressures and change within a short timeframe
- Recommended that members read the Kerry Warsnop paper on designing agricultural policy for a future in farming: [The mountain we need to climb: Kerry Warsnop - February 2024.](#)

9.45 am – Cr Matemoana McDonald **entered** the meeting.

- Unprecedented levels of challenges were ahead, overlaid by climate change effects
- Outlined global risks by category and ranked by severity over the short and long term, including the biggest challenges these created for low-lying areas
- Highlighted the scale of the problem for heavily impacted estuaries in the region
- Explored land use transition and noted that 58% of farms in the catchment alone had unlined ponds

- Noted that good management practices would not be enough to resolve the issues
- Food systems were exerting significant pressures on the environment
- Farmers desired straight-forward, clear messaging to ensure correct interpretation and action, particularly for regional plans, policies and rules
- Moving forward, consumer pressure and catchment groups working with regional councils and tangata whenua would be required to assist farmers in moving forward with agility and pace
- Described a 'market ready farm' as one that could be handed down to future generations as well as being market ready for global and trade partner requirements
- Animal numbers across coastal Bay of Plenty and dairy farms were declining due to a range of pressures on farmers
- Considered that the calculator used for dairy effluent compliance did not take into account additional weather events, nor the higher frequency of saturated soils
- Highlighted the importance of aligning what the market required with regional council planning and requirements. Outlined the actions regional councils needed to take to better support land use change at catchment scale
- Developing a landscape plan for catchments was critical, along with looking ahead to understand the requirements for land use change in the long term, including considering climate change and sea level rise to achieve objectives
- Farmers required economic incentive to assist in land use change.

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

- Congratulated John Burke for recently being recognised with the Cawthron National Freshwater Champions award
- Building strong relationships would play an important part in moving forward, as would fostering inter-generational change
- It was important to look at the overall macro-economic drivers facing the country, rather than the problem in isolation.

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

- Considered that early adopters of nitrogen trading arrangements were not always rewarded as expected
- E coli was the most readily available proxy for councils to test for pathogenic bacteria in the environment with minimal waste, however this was a somewhat crude option for testing as there were many bacteria it did not pick up
- Bacteria lived in sediments and formed biofilms on the sediment which required more frequent testing and over a longer period of time
- Clarified that the detail in the slide referring to 58% of dairy effluent ponds being unlined should have referred to 58% of farms in the catchment not up to 'best management practice' when looked at in 2016, a component of which included unlined ponds. Many of the consents needed to be brought up to 'good management practice' by 2025. Staff clarified that our approach is to require effluent systems to be upgraded when consents expire and replacement consents are sought.

## **4.2 Maritime New Zealand Oil Spill Response Capacity**

The Chair advised that this presentation would be deferred to a future meeting to accommodate the availability of presenters.

## 5. Reports

### 5.1 Chairperson's Report

*Presentation: Cutwater Road wetland restoration new approach: Objective ID A4697823* [⇒](#)

*Presentation: He Rāhui Herenga Waka Whakatāne Site: Objective ID A4697819* [⇒](#)

*Tabled Document 1 - Letter to Iwi and Councils - Rainbow Mountain Renewable Energy: Objective ID A4698160* [⇒](#)

Presented by: Reuben Fraser - General Manager, Regulatory Services and supported by staff listed below.

#### **Cutwater Road Wetland Restoration - Pim de Monchy, Coastal Catchments Manager and Braden Rowson, Team Leader, Coastal Catchments**

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

- Provided a concept redesign update which included 20 hectares of coastal wetland and 10 hectares of treatment wetland
- Current costings for this option remained approximately the same as costs in the Long Term Plan
- This option would achieve the primary objective of cleaning up the estuary by reducing contaminant load
- Fish passage options would need to be considered
- Outlined the benefits and disadvantages, and the next steps.

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

- The water would likely remain in the wetland for three to four days. The low-lying nature of the land meant that the water volume was manageable and consistent throughout the year
- Considered this was a good option which responded to the challenges of water quality and climate change adaptation
- The proposal was to retain the stopbanks around the land, isolating it from tidal flows
- Some enhancement planting was planned to achieve the outcomes.

#### **He Rāhui Herenga Waka Whakatāne Site - Pete McLaren, Compliance Contractor and Fraser Toulmin, Compliance Team Leader, Land Use**

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

- Barriers to getting the project underway that were within BOPRC's control were:
  - Certification of the last site and soil contamination management plan
  - Finalisation and payment of the bond, for which the final amount needed to be recalculated by assessing the risk through the management plan. The terms of the bond agreement had been agreed by all parties
- Provided a history of the site and Soil Containment Management Plan
- Containment Site 3 (CS3) was BOPRC owned
- The consent was granted by the Environmental Protection Authority (EPA) in June 2022 and BOPRC staff requested more work be undertaken due to suspecting further contamination at the site
- Whilst dioxins were present at trace levels throughout most of the site, results of testing showed levels in the northern side were high enough that the waste

could not be left in place, nor could it be put outside of a secure, contained area. The source of this was different from the majority of waste onsite and likely came from Pinex sawmill waste in the 1980s

- The developer's proposal was that available space in CS3 be used for the containment of this waste. BOPRC policy was that any additional waste would require a change to the consent
- The site included material dredged from Kopeopeo Canal and staff did not want to risk interference with bioremediation efforts already underway, although noting that the risk was small
- Dioxins were persistent chemicals that did not break down but did bind strongly to sediment and organic matter
- Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) were present across site in low concentrations but caused large concerns and posed the risk of potentially contaminating other sites in future.

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

- The bond was able to be reviewed annually and there was a separate bond for Stage 1 and Stage 2
- The wood waste was proposed to be dug out and stockpiled on Stage 3 before being sorted
- Clarified that the bond was in place to ensure compliance with the consent, not to complete remediating the site
- The material that the wood had been treated with in the old Pinex sawmill was Pentachlorophenol (PCP) and dioxin was present in this as a trace contaminant (by-product)
- The groundwater which interacted with the Whakatāne River was known to be contaminated, however levels of contamination in the river were unknown
- The developer's disposal site options were not known but would require consent.

11.17 am - The meeting **adjourned.**

11.30 am - The meeting **reconvened.**

### **Chairperson's Report (Continued)**

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

- Requested staff report back on the Environmental Protection Authority (EPA) decision to extend the use of methyl bromide.

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

- Toi Te Ora commissioned a health risk assessment relating to air quality in Mount Maunganui. The report had findings around the impact of air quality on people's health and BOPRC, along with Tauranga City Council would like to use these findings in planning and resource consent decisions. The EnviroNet report in the agenda was commissioned to provide certainty around the reliability of the data and approach used - staff would request the author, Emily Wilton speak at a future meeting
- Generally 'low risk non-compliance' referred to something that was not having an acute environmental effect e.g. irrigator calibration (technical non-compliance for records not being sent through)
- Farmers' input was required to complete compliance audits, inspections were generally held at the same time of year and usually with 24 - 48 hours' notice
- Abatement notices in the Rotorua airshed were issued to landlords in the first

instance for permitting the activity. There was a good response from landlords quickly replacing the home heating to resolve the issue

- There was a National Institute of Water and Atmospheric Research (NIWA) low-cost sensor project currently underway in Rotorua and BOPRC staff had clarified that all conditions of the contract would be fully met, despite upcoming staff redundancies throughout the NIWA organisation. Staff would draft a letter to NIWA seeking confirmation of this, to be signed by the Committee Chair
- The issue that the Ballance infringement notices were issued for related to a standard stack test carried out on the manufacturing plant and a sulphur dioxide breach was identified which exceeded their consent limits. The issues have been resolved and compliance has been achieved subsequently
- The pollution hotline continued to receive many calls regarding odour in the Mount Maunganui industrial area, noting that these were often not able to be substantiated.

## **Resolved**

### **That the Monitoring and Operations Committee:**

- 1 Receives the report, Chairperson's Report.**

**Winters/Crosby  
CARRIED**

## **Information Only**

### **5.2 Maritime Operations Summer Initiatives**

*Presentation: Maritime Team Update: Objective ID A4697821*

Presented by: Jon Jon Peters - Bay of Plenty Harbourmaster

#### **Key Points:**

- Dealing with abandoned and derelict vessels held its own challenges due to the legal ramifications
- The focus for summer would include the eastern areas of the region
- The maritime Safer Boating campaign finished with 1.2M impressions, with Facebook being the main awareness driver
- The fatality rate on the water of those not wearing lifejackets was three times higher than people who did, stand up paddleboard users had been noted as the least compliant
- Less activity on the water during summer had been noted across the country compared to previous years
- Provided nationwide Safer Boating Survey statistics and noted that taking a way to be able to call for help when heading out on the water was critical
- MV Achilles bulker ship came close to running aground on 24 July 2023 due to steering failure caused by loss of its rudder. Due to the serious navigational risk posed, a Harbourmaster Direction was issued to the ship, subsequently the ship was arrested via a court order which the Harbourmaster used to carry out the arrest by the court officers.

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

- Noted the signage for jetskis at Ōhiwa Harbour needed to be clearer and the Harbourmaster confirmed changes were pending following the new navigational safety bylaws being adopted.

**In Response to Questions:**

- The source of the recent oil spill had still not been determined, with a suspected ship being examined.

**Resolved**

**That the Monitoring and Operations Committee:**

- 1 Receives the report, Maritime Operations Summer Initiatives.**

**McDonald/Campbell  
CARRIED**

### **5.3 Climate Change Quarterly Report**

Presented by: Nic Newman – Climate Change Programme Manager

**Key Points:**

- A community-led adaptation project was underway across the Eastern Bay of Plenty, focusing on Opape, Tōrere and Maraenui to assist in planning for community readiness in terms of climate change and extreme weather events
- Initial discussions were underway with community leaders at Lake Rotoehu and Lake Rotomā around how council could potentially support future adaptation
- Whakatāne District and Tauranga City Councils were planning to undertake global risk assessments for climate change, which would assist in building upon regional risk assessments
- Outlined initial results from NIWA regarding blue carbon samples taken, however the full report was yet to be received
- The Regional Energy Transition Accelerator (RETA) project was complete and local businesses could use the information regarding opportunities for energy transition from this for forward planning. Staff were also undertaking work in the Tauranga geothermal field
- The Western Bay of Plenty circular economy project looked at construction waste and identified opportunities in this space going forward.

**In Response to Questions:**

- The Bay of Plenty had been chosen by the Aotearoa Circle due to the size of the region, the available data from work already undertaken, along with having an engaged community.

**Resolved**

**That the Monitoring and Operations Committee:**

- 1 Receives the report, Climate Change Quarterly Report.**

**Crosby/Leeder  
CARRIED**

## 5.4 ICM Swimmability KPI and Land Management Action

*Presentation: ICM Swimmability KPI and Land Management Action: Objective ID A4697817* [↗](#)

Presented by: Jackson Efford - Principal Advisor, Land and Water and James Dare - Environmental Scientist, Water Quality

### **Key Points:**

- Highlighted the different mitigations funded by BOPRC for environmental and water quality outcomes (within council's sphere of influence)
- The wider the buffer (e.g. riparian setbacks), the greater the contamination removal that could be achieved
- Treatment wetlands and detainment bunds had been proven to have highly successful outcomes in contamination reduction, although they were expensive to build
- For the Key Performance Indicator (KPI) the current methodology used was 'Table 9' from the National Policy Statement for Freshwater Management (NPS-FM), as when it was first established this was the only table that considered faecal contamination
- Both the 'average' method (69.6% of sites deemed swimmable) and the 'worst' method (39.1% sites deemed swimmable) were currently being used for reporting
- Noted that sites often failed on the 95<sup>th</sup> percentile statistic (rainfall events). Proposed a new approach involving a rainfall threshold for each of the sites, which separated rainfall affected results from non-rainfall affected results. This would also be a more reflective output of land management activity (potential to detect 'improvements' at baseflow as a result of the mitigations funded)
- The new approach was being reviewed externally, as well as by auditors before being adopted into the Long Term Plan (LTP)
- Utuhina drinking water at Pukehangi Road was in poor condition despite its proximity to Karamu Takina Spring, as the upper Utuhina catchment was a mix of pastoral and forestry with a separate source which was not hydraulically connected to the spring.

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

- It was important to continue to be able to track short and long term trends to analyse going forward
- Cautioned over drawing a correlation between integrated catchment management initiatives and rainfall data without understanding the intensity, duration and geology.

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

- General advice was to not swim if the water was turbid or within 48 hours following rainfall, however different catchments responded differently to rainfall events and this had been taken into consideration during analysis
- Agreed protocol came from the microbiological water quality guidelines and the National Policy Statement for Freshwater Management (NPS-FM)
- Both sets of data would be reported with the new approach, however targets would be set with the rainfall-removed analysis
- The Ohau channel was one of the sites deemed to be not heavily affected by rainfall and the classification came from the NPS-FM Table 22
- Noted the complications involved in pulling the different data sources together
- The swimmability KPI had changed several times since it was developed due to

changes in the NPS-FM, and the new methodology sought to address this.

## Resolved

### That the Monitoring and Operations Committee:

#### 1 Receives the report, ICM Swimmability KPI and Land Management Action .

McDonald/Crosby  
CARRIED

12.33 pm - Cr Shirley withdrew from the meeting.

## 5.5 Findings from NIWA's 'Doubling on-farm diffuse pollution mitigation programme'

*Presentation: Doubling on-farm diffuse pollution mitigation programme overview:  
Objective ID A4697999* [⇒](#)

Presented by: Dr Chris Tanner (via Zoom)

### Key Points:

- Outlined the specific research aims of the 'Interceptor Project'
- Five interceptive mitigations included riparian buffers, woodchip bioreactors, filamentous algal nutrient scrubbers, constructed wetlands and detainment bunds
- Grass filter strips were particularly effective in removing fine sediment, however planted zones with deeper roots helped remove nutrients from shallow groundwater and provided more ecological benefits
- Ideally, the width of the riparian buffer needed to change depending on how much catchment up-slope would drain to it
- Woodchip filters were suitable for treating nutrients in tile drainage with low sediment loads and aimed to provide an organic carbon source that slowly released
- Outlined work undertaken and findings from carbon dosing field trials
- Provided phosphate concentration results from modifying wood chips
- Filamentous algae from nutrient scrubbers (FANS) could be put back on farmland as a slow release fertiliser and had potential for other uses. There were three different operation modes being trialled, a performance comparison with constructed wetlands and full-scale harvest methods
- Detention/detainment bunds were most relevant for upland areas with more rolling country where sediment associated contaminants were important
- Explained the key contaminant removal process for surface-flow constructed wetlands and how runoff flow paths were intercepted
- Each mitigation method provided different benefits and mitigated a range of contaminants
- Te Rere Maniatutu wetland was 1.9 hectares and received inflow from surface drainage and groundwater. Summarised findings to date of contaminant concentration reduction through monitoring data
- Monitoring needed to be completed over a period of time to ensure the full spectrum of flow events was captured
- Outlined what was needed to accelerate implementation including rules and policies that promoted rather than inhibited uptake.

**In Response to Questions:**

- Water at Te Rere Maniatutu wetland remained an average of two to three days, fluctuating to three to four hours during large weather events.

**Resolved****That the Monitoring and Operations Committee:**

- 1 **Receives the presentation, Findings from NIWA's 'Doubling on-farm diffuse pollution mitigation programme'.**

**Campbell/Scott  
CARRIED**

**5.6 Rates Collection Status Update**

Presented by: Jo Pellew – Rates Manager.

**Resolved****That the Monitoring and Operations Committee:**

- 1 **Receives the report, Rates Collection Status Update.**

**Crosby/McDonald  
CARRIED**

**1.38 pm – the meeting closed.**

**CONFIRMED**

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Cr Kevin Winters  
Chairperson, Monitoring and Operations  
Committee