

Kaituna, he taonga tuku iho

Proposed Kaituna River Document

Te Maru o Kaituna River Authority's Decisions on Submissions Report

This report satisfies the requirements of
Section 127 of the Tapuika Claims Settlement Act 2014



22 June 2018

Te Maru o Kaituna River Authority

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1 Introduction

Kaituna, he taonga tuku iho – a treasure gifted to us is the name of the first proposed Kaituna River Document (the Document).

This report outlines Te Maru o Kaituna River Authority's decisions on matters raised in submissions received to the proposed Kaituna River Document. It satisfies the requirements of s127(3) of the Tapuika Claims Settlement Act 2014 (TCSA or the Act) specifying how submissions consistent with the purpose of the Kaituna River Document have been dealt with. This decisions report includes a tracked changes version of amendments made to the proposed version of the Document as a result of decisions made in Appendix B and also a copy of the final approved Kaituna River Document in Appendix C.

2 Statutory framework

The general legal context and framework which establishes Te Maru o Kaituna River Authority and within which it operates is set out below.

2.1 Te Maru o Kaituna River Authority

Te Maru o Kaituna River Authority (TMoK or the Authority) is the co-governance partnership established under the TCSA. TMoK is made up of iwi representatives from Tapuika Iwi Authority Trust, Te Kapu Ō Waitaha, Te Pumautanga o Te Arawa Trust, Te Tāhuhu o Tawakeheimoa Trust and council representatives from Toi Moana - Bay of Plenty Regional Council, Rotorua Lakes Council, Western Bay of Plenty District Council and Tauranga City Council. Te Maru o Kaituna River Authority is a permanent joint committee of the four councils.

At its meeting on 17 June 2017, TMoK invited Te Komiti Nui o Ngāti Whakaeu to be an informal member of TMoK with full voting rights, until such time as formal membership can be confirmed via their settlement process with the Crown. At the same time, to balance representation within the Authority, TMoK appointed an additional Toi Moana - Bay of Plenty Regional Council representative as envisaged under clause 5.18.2 of the Tapuika Deed of Settlement 2012.

2.1.1 Purpose and functions of Te Maru o Kaituna River Authority

The purpose of TMoK is outlined in s115 of the Act and is *'the restoration, protection, and enhancement of the environmental, cultural, and spiritual health and well-being of the Kaituna River.'* In seeking to achieve its purpose, TMoK *'may have regard to the social and economic well-being of people and communities'*.

The Authority's functions are set out in s117 of the Act. One of the key functions is the preparation and approval of the Kaituna River Document. The process to be followed is set out in s125 through to s128 of the Act.

2.1.2 Decision making

Administration and procedural matters relevant to all TMoK business is outlined in Schedule 5 of the Act, which includes decision making relevant to the preparation and approval of the Kaituna River Document. Clause 4 sets specific requirements for decision making, while clauses 5 - 7 cover matters pertaining to the declaration of and conflict of interests of members.

TMoK decisions must be made by vote at a meeting. Members must approach decision making in a manner that:

- (a) Seeks to achieve consensus; and
- (b) Is consistent with, and reflects the purpose of TMoK; and
- (c) Acknowledges, as appropriate, the interests of iwi in particular parts of the Kaituna River and its catchment.

2.2 Kaituna River Document

2.2.1 Purpose and scope

One of TMoK's key functions is the preparation and approval of the Kaituna River Document. The purpose and scope of the Kaituna River Document is set out in s122 of the Act and is:

- '(a) to promote the restoration, protection, and enhancement of the environmental, cultural, and spiritual well-being of the Kaituna River; and*
- (b) to the extent necessary to fulfil the purpose described in paragraph (a), to provide for the social and economic well-being of people and communities.'*

The river document *may* contain a vision, objectives and desired outcomes for the Kaituna River, and *may* also identify significant issues facing the River. It *must not*, however, contain rules or other methods for achieving its purpose.

2.2.2 Area covered

The area covered by the Kaituna River Document, is defined in the Act and is the area shown on Deed Plan OTS-209-79. It contains the Kaituna River and its tributaries within the area on the Deed Plan. This area is shown in the Document and referred to as the '*Kaituna co-governance framework area*'.

To avoid doubt, the Kaituna River Document and / or the Kaituna co-governance framework area do not over-ride any iwi rohe, areas of interest or have any dominance over mana whenua of iwi or hapū whether they are represented by a member of TMoK or otherwise. Further, the framework area is not the same as Tapuika Iwi Authority's area of interest as set out in the Tapuika Deed of Settlement.

2.2.3 Effect on RMA and local government matters

The Act sets out how the approved Kaituna River Document will influence Resource Management Act 1991 (RMA) planning documents, resource consent processing and local government matters in s123 and 124 respectively.

Once approved, the vision, objectives and desired outcomes of the Kaituna River Document must be recognised and provided when Council's propose changes to RMA policies or plans. Until this occurs, where relevant, Councils must have regard to them when considering applications for resource consents within the catchment. Council's must also take into account the document where relevant to decisions made under the Local Government Act 2002.

Toi Moana - Bay of Plenty Regional Council is currently working with iwi, the Kaituna Freshwater Community Group and TMoK to implement the National Policy Statement for Freshwater Management 2014 (NPS-FM) for the Kaituna catchment. This work will in time result in a plan change to the Bay of Plenty Regional Natural Resources Plan (RNRP) setting water quality and quantity limits for the Kaituna River catchment. In drafting the freshwater plan change, Toi Moana will need to recognise and provide for the vision, objectives and desired outcomes of the approved Kaituna River Document.

2.3 Preparation of the Kaituna River Document

The statutory process for preparing and approving the first Kaituna River Document (the Document) is set out in s125 through to s128 of the Act.

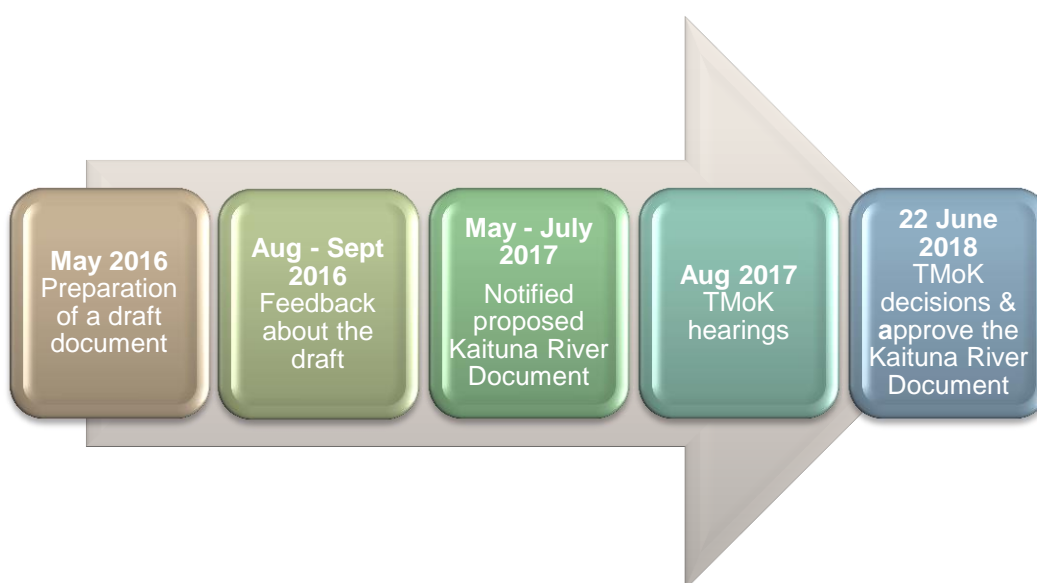
2.3.1 Statutory timeframes

The Act requires TMoK to commence preparation of the river document no later than 3 years after the settlement date and publicly notify the proposed river document within 12 months of starting its preparation. Settlement date is defined in the Act as being 20 working days after the date the Act came into force which means it falls within May 2014.

TMoK formally commenced preparation of the proposed Kaituna River Document on 27 May 2016, well within the 3 year statutory window. The proposed river document was publicly notified exactly 12 months later on 27 May 2017, thereby meeting both statutory timeframes. For completeness, the Act requires TMoK to allow at least 20 working days after the date of public notification for the lodging of submissions, which TMoK doubled to 40 working days. The Act does not, however, stipulate any further statutory timeframes between close of submissions and public notice of approval of the document and release of decisions on submissions.

2.3.2 Process to prepare the document

Whilst the Act does not require preparation of a draft version as well as a proposed version, TMoK chose this two-step process to ensure a range of views were heard when developing the document. The following illustrates the journey followed to develop the Document in an inclusive way to not only ensure it reflected views from organisations appointed to TMoK but the wider iwi and community.



Process Te Maru followed to prepare and approve the first Kaituna River Document

2.4 **Draft *Kaituna, he taonga tuku iho – a treasure gifted to us***

Te Maru o Kaituna River Authority commenced the preparation of the draft version of the Kaituna River Document on 27 May 2016.

In preparing it, TMoK considered current state information relevant to the Kaituna catchment and noted the following issues: the Kaituna River and its tributaries are no longer providing an abundance of food; the water quality is not always good enough for swimming or drinking; the river in some places is losing its special qualities and is becoming unfit for holding rituals/ ceremonies; young people no longer have strong ties with the river; in places the river has not always been looked after and its water quality is considered unsatisfactory to those who hold mana whenua (authority) over the land.

TMoK also reviewed the *Kaituna River and Ōngātoto / Maketū Estuary Strategy 2009*. Content considered appropriate and consistent with the purpose of the Document was worked into the draft. In preparing the draft, alternatives to the vision, objectives, and desired outcomes were considered as well as the potential benefits and costs.

2.4.1 **Informal feedback on the draft Kaituna River Document**

Targeted feedback was sought on the draft version of *Kaituna, he taonga tuku iho* during August and September 2016. Ten hui were held with iwi and key stakeholders. A public information session was also held in Te Puke to check in with the wider community as to whether the Document was considered to be on the right track.

Sixty eight pieces of informal feedback were received, which were considered and used to refine the proposed version of the Document. While the Act does not require TMoK to release a draft document for informal feedback as well as public notification for formal submissions, this additional step was undertaken to ensure that the community had the opportunity to provide early feedback and to enable TMoK to incorporate public opinion on the draft vision, objectives and desired outcomes to produce a refined proposed version of the Document.

The proposed Document sets the vision, objectives and desired outcomes for the Kaituna River and its tributaries. It aims to balance competing interests (social, cultural, recreational, and economic), while ensuring the mauri (life force) of the river is restored where it has been lost. It is an aspirational document, noting that the waters of the Kaituna River and its tributaries have, since time immemorial, sustained those living within its catchment.

2.5 **Proposed *Kaituna, he taonga tuku iho – a treasure gifted to us***

Kaituna, he taonga tuku iho – a treasure gifted to us was publicly notified for submissions on 27 May 2017 and closed on 24 July 2017. This allowed 40 working days for people to lodge submissions, double the minimum time set by s126 of the Act. TMoK chose to double the time period to allow ample opportunity for iwi and the wider community to have their say.

2.6 **Submissions**

A total of sixty two submissions were received which were summarised into four hundred and fifty seven submission points. Copies of all original submissions, the 'Summary of Submissions' reports and the hearing schedule were made available to all on TMoK's website www.kaituna.org.nz. Figure 2 shows the number of submission points received to each part of the Document and Figure 3 shows the percentage of submission points which support or oppose various parts of the Document.

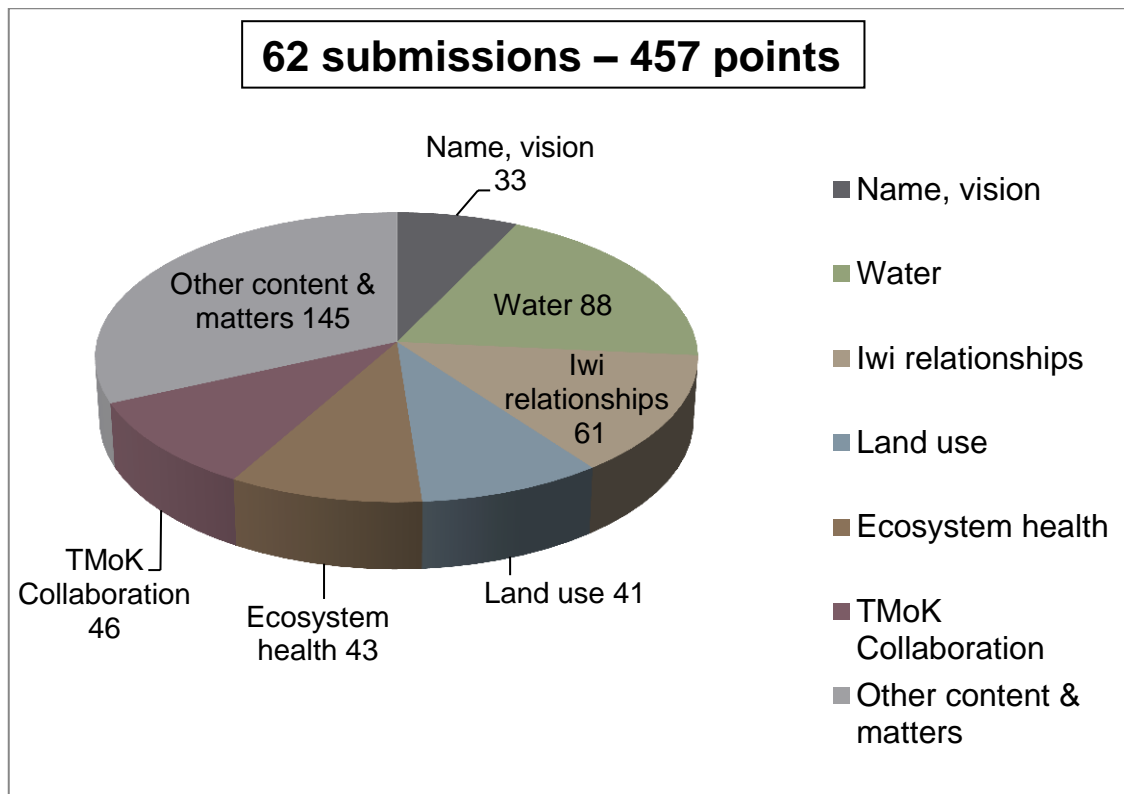


Figure 2 Submission point overview – number of submission points by part of the Document

3 Decisions on submissions

Section 127 of the Act provides direction on what matters Te Maru o Kaituna River Authority must consider when considering submissions received to the river document.

When making its decision the Panel: **must** -

- consider submissions made to the proposed river document to the extent that those submissions are consistent with the purpose of the Kaituna River document;
- make decisions on the matters raised in the submissions and prepare a report that specifies how the submissions were dealt with; and
- approve the document.

The Panel **may** -

- hold a hearing; and
- amend the Kaituna River Document after considering submissions and completing a hearing (if a hearing is held).

Initially, matters that need to be considered when making decisions are whether or not matters raised are within:

- TMoK's purpose and function; and
- The purpose and scope of the Kaituna River Document.

The Panel was mindful a number of points raised were matters outside of the scope of TMoK to address or outside of the scope of the Kaituna River Document.

3.1 Local Government Act 2002

Because TMoK is a joint committee of the four council's which are members of TMoK, relevant parts of the Local Government Act 2002 (LGA) apply unless otherwise stated in Schedule 5 of the Tapuika Claims Settlement Act 2014.

Section 82 of the LGA ensures that all parties who will or may be affected by, or have an interest in the river document, are provided with reasonable access to information, and the opportunity to present their views to TMoK. Specific mention is provided for consultation with Māori in s82(2) LGA.

The Panel in making their decisions must give consideration to the views and preferences of any persons affected by or who has an interest in the matter, in addition to the specific decision making requirements contained within Schedule 5 clause 4 of the Tapuika Claims Settlement Act 2014.

3.2 Decision to hold a hearing

While the Act requires TMoK to consider and make decisions on submissions, there is no requirement to hold a public hearing. Due to the importance of the Document to iwi and the wider community, TMoK decided to hold a hearing if submitters indicated they wished to be heard. At that same meeting, it was also decided that the Hearing Panel would be made up of all primary members of TMoK rather than a smaller Panel.

The Panel's role was confirmed as being to hear, consider and make decisions on relevant matters raised by submissions, and also make any amendments to the proposed version of the Document in response to submissions received, prepare this report specifying how the submissions were dealt with and approve the first Kaituna River Document pursuant to s127 of the Act.

3.3 Hearing

The Panel conducted a public hearing on the 11 and 15 of August 2017 at the Te Puke War Memorial Hall for the twenty eight submitters who indicated that they wished to be heard. The parties who appeared at the hearing in support of their submissions are listed in chronological order of appearance in Appendix A.

For the record, a small number of submitters indicated in their submissions and / or when contacted that they wished to be heard and could attend the hearing on the day and time allocated, however, did not attend or present at the hearing. In some cases other submitters presented evidence on their behalf.

All submitters were given the opportunity of attending the hearing and addressing their submission. Questions of clarification were directed to submitters by members of the Panel. Verbal and written submissions were received from a number of submitters, with some providing additional hard and / or electronic material at the hearing. The Panel recognise that some matters raised by submitters were outside the purpose and scope of the Kaituna River Document and / or outside of TMoK's purpose and /or functions. Hearing notes summarise all matters raised in the interests of completeness. Only those matters considered to be within 'scope' of the Kaituna River Document were considered by the Panel in making decisions on submissions.

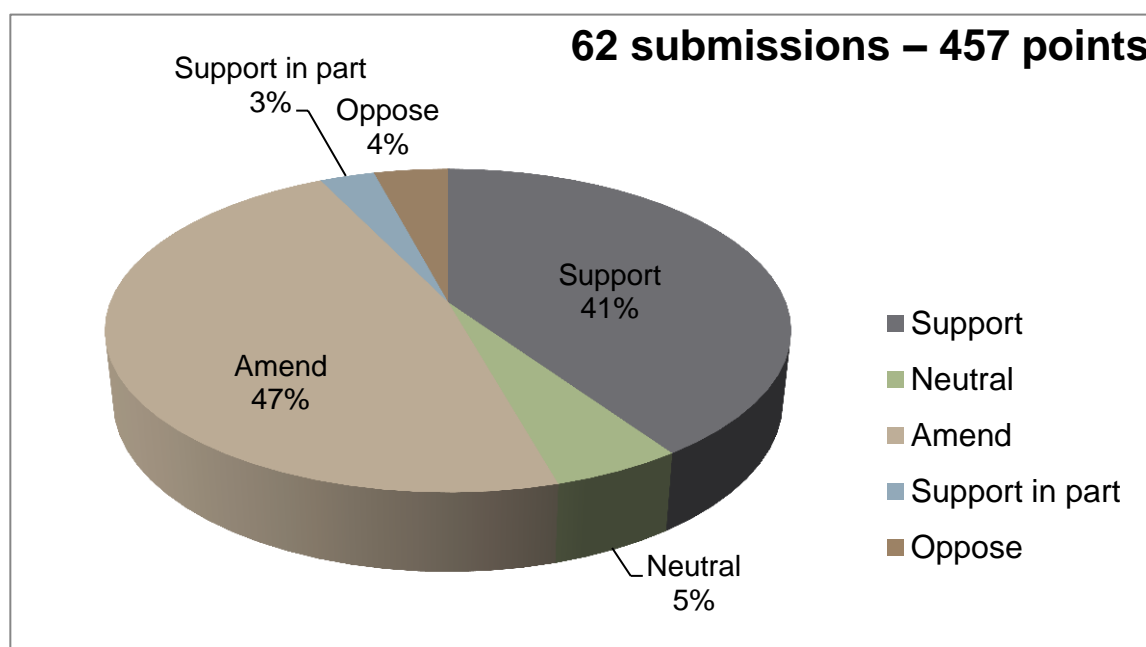
The hearing was formally closed at the conclusion of the second day on the 15 August 2017.

3.4 Deliberations

The Panel met and deliberated on matters raised in submissions in public excluded workshops on 8 November, 7 December 2017 and 6 March 2018. A further workshop was held on 27 April 2018 to conclude deliberations, confirm final decisions on submissions and agree on the content for the final version of the Kaituna River Document.

The Panel noted that most submission points were generally supportive of the proposed Kaituna River Document or suggested constructive amendments. Figure 3 shows the percentage of submission points received which provided support, support in part, suggested amendments, were neutral or opposed aspects of the proposed Document.

Many supported the vision and some or all of the objectives and desired outcomes without change. Constructive amendments were suggested by a large number of submitters both within their written submissions and oral presentations at the hearing. All relevant submission points have been considered as part of the deliberation process. Some amendments have been made as a result while other suggestions have not been included in the final version of the Document; they nevertheless guided the Panel in making their decisions.



A small number of submission points opposed parts of the Document. Generally, they questioned Te Maru o Kaituna River Authority's membership, authority and the area of influence referred to in the TCSA as the "Co-governance Framework Area".

Figure 3 Percentage of submission points supporting or opposing the proposed Document

4 Matters considered

The Panel worked through material to assist with deliberations in the form of four deliberations packs which identified the key matters to consider and submission topics as follows:

- Out of scope matters raised by submissions
- Name, Vision and supporting text
- Statutory Matters covered by Part 2 – Te Marae Ātea
 - Iwi Relationships with the River – Objectives 1 & 2 and desired outcomes
 - Water Quality and Quantity – Objectives 3, 4, & 5 and desired outcomes
 - Land use and Ecosystem Health – Objectives 6 & 7 and desired outcomes
 - Collaboration with Iwi and Community – Objective 8 and desired outcomes
 - Consideration of additional Objectives
- Non statutory matters covered by Part 1 – Te Waharoa
- Non statutory matters covered by Part 3 – Te Wharenui
- Structure and format
- Te reo matters
- Other and general matters

The following records the Panel decisions on submissions made under the headings above as follows:

5 Name of the Document

Panel's Decision

The Panel noted the small number of submission points suggesting changes to the name of the Document which indicates general support for the proposed name.

After considering all submission points made about the name, the Panel have decided to accepted submission point 20-1, changing the name from *Kaituna, he taonga tuku iho – a treasure gifted to us* to '*Kaituna, he taonga tuku iho – a treasure handed down*' so that the English translation of the name aligns with the te reo version, being clear the river is a treasure that is handed down from our ancestors rather than one that has been gifted.

Reasons for the Panel's Decision

The table below outlines the submissions received to the name of the Document and the Panel's decision regarding these:

Submission no.	Summary of Submission Point	Decision
8 - 1	The name of the Document needs to reflect the mana, values, respect and relationship that iwi have with the Kaituna. No amendment or new name suggested.	Noted. The Panel considers the name to sufficiently reflect the mana, values, respect and the relationship iwi have with the Kaituna River as well as the wider community.
20 - 1	Amend the name to: <i>Kaituna, he taonga tuku iho – a treasure gifted to us handed down</i> or <i>'Kaituna, he taonga tuku iho <u>kia tātou</u> – Kaituna, a treasure <u>handed down</u> gifted to us <u>all</u></i>	Accept the first suggestion. The Panel have decided to amend the name of the Document as suggested, so the English translation aligns with the te reo, being clear the river is a treasure that is handed down from our ancestors rather than gifted.
41 - 5	River should also be referred to by its alternative name. Use 'Te Awanui o Tapuika' as the name of the river throughout the Document or at least in the name of the Document.	Reject. The Panel acknowledges the river is also known as Te Awanui o Tapuika by Tapuika. Names for the Kaituna River or parts of it recognised by different iwi are highlighted within the iwi histories part of the Document.

6 Part 2 Te Marae Ātea

6.1 Our Vision and Tauparapara (supporting text)

Panel's Decision

After considering all submission points made about the proposed Vision and supporting text, the Panel have decided to:

- 1 Retain the Vision as proposed which is *'The Kaituna River is in a healthy state and protected for current and future generations.'*
- 2 Add the te reo of the Vision ahead of the English where it appears in the Document: *'E ora ana te mauri o te Kaituna, e tiakina ana hoki mō ngā whakatupuranga ō nāianeī, ō muri nei hoki.'*
- 3 Amend the tauparapara (Vision's supporting text) by:
 - (a) Adding 'Moemoeā -' to the header of 'Our Vision' so it reads: *'Moemoeā - Our Vision'* in both places it appears in the Document;
 - (b) Amending the tauparapara to read as follows, both under 'Our Vision' and also within the Message from the Chair.

Ko Kaituna te awa tupua

Ko Kaituna te mauri ora

Ko Kaituna te awa tūpuna

Ko Kaituna te oranga whānui

Ko Kaituna te awa honohono i te tangata

Mai uta ki te tai

Kaituna our guardian

Kaituna our life force

Kaituna our ancestral river

Kaituna our sustenance

Kaituna a connector of people

From the lakes to the sea

Reasons for the Panel's Decision:

The Panel considered all thirty three submission points made about the proposed Vision and its supporting text and have decided to retain the wording of the Vision as proposed which is 'The Kaituna River is in a healthy state and protected for current and future generations.' The Panel also decided to add a te reo version of the vision ahead of the English to be consistent and align with the Panel's decision to have te reo in headings ahead of the English throughout the Document.

In coming to this decision, the Panel noted the process for developing the Document which included an informal round of targeted stakeholder feedback which refined the wording of the Vision. Twenty five of the thirty three submissions received, supported the wording of the Vision with no change and seven suggested some amendments. Submission 2-2 suggested an alternative vision about Lake Rotorua which the Panel considered to be out of scope.

Amendments suggested by submissions included expanding the Vision by adding words to:

- (i) protect and promote native species and the history / significance of the river; (12-5)
- (ii) refer to the tributaries and Lakes Rotorua and Rotoiti; (11-2)
- (iii) include 'Toku Moemoeā – Our Vision 'Te Awanui o Tapuika is restored' within the vision; (14-1)
- (iv) reflect the Kaituna's rich history and acknowledge future generations; (20-2)
- (v) include the well-being's and acknowledge future generations to make the vision more like the purpose of the RMA 1991; (32-1)
- (vi) strengthen and reflect whakaaro Māori and return the river to a pristine condition as in c.1840. (59-1)

Succinct Vision

Suggested amendments were mostly minor changes which the Panel consider added more words to the Vision without necessarily strengthening it. Overall, the Panel decided the Vision should be as succinct as possible given its purpose is an overarching, aspirational and enduring statement. Matters raised include protecting and promoting native species, strengthening and reflecting more of the historic significance of the river and whakaaro Māori within the Vision. The Panel considered that these are sufficiently covered by the tauparapara (Vision's supporting text), objectives and the rest of the document which flesh out the Vision's detail.

Returning the awa to a pristine condition

While acknowledging the river document can be aspirational with a longer term vision than other planning documents, the Panel considered the suggestion to strengthen the vision to strive for returning the awa to a pristine condition or the condition the awa was when our Treaty partnership c1840 was first formed to be unrealistic. The Panel notes that 'pristine' may mean different things to different parties. If all of the Kaituna catchment were to be returned to native bush, there may still be some naturally-occurring contaminants affecting water quality. A 'pristine' state would be one with no human intervention which is not considered a plausible future for the Kaituna.

Referencing the Kaituna's tributaries and lakes

Some submission points sought referencing of not only the Kaituna River within the Vision but adding '*and its tributaries*', '*Lakes Rotorua & Rotoiti*' and / or listing the twenty four main tributaries within the Vision. The Panel considered this would be too cumbersome and noted the definition of '*Kaituna River*' in the Tapuika Claims Settlement Act 2014 includes its tributaries within the catchment area shown on Deed Plan OTS-209-79. Reference to this is clearly stated up front in the Document and within the definition of '*Kaituna River or river*' in the glossary which avoids having to list all of the Kaituna River's tributaries where ever it is mentioned throughout the document. Other points mention listing the tributaries within the text which the Panel has accepted, but not within the Vision.

Te Awanui o Tapuika

Submission 14-1 requested 'Te Awanui o Tapuika' be included within the Vision. The Panel acknowledges the river is also known as Te Awanui o Tapuika and notes names for the Kaituna River or parts of it recognised by different iwi can and are highlighted within the iwi histories section of the document.

Moemoeā

The Panel agreed with the suggestion made by submission 14-1 to add 'Moemoeā' to the heading. In line with other decisions, the Panel prefers the te reo Māori to go ahead of the English so 'Our Vision' reads: ' Moemoeā - Our Vision' making it consistent with te reo headers throughout the document.

Broadening of the Vision to reflect the Resource Management Act

With respect to the suggestion to include all well-beings within the Vision so it reflects the broad purpose of the Resource Management Act 1991 (RMA), the Panel considers this inappropriate as the river document is mandated by the Tapuika Claims Settlement Act 2014 rather than by the RMA. (32-1)

Vision's supporting text (tauparapara)

The Panel considered submission points made about the tauparapara and acknowledge that it is generic, which was TMOK's intention. The supporting text is generic to ensure it is appropriate for all who hold an affinity to the Kaituna rather than particular to a specific iwi or group. After considering changes suggested in submissions, the Panel have decided to enhance the proposed version of the text by accepting in part suggested amendments made by 20-3 by including additional third and fifth lines both within te reo and English versions as well as making minor changes to the rest of the text for consistency throughout.

Accept: support Vision without change: 1 - 1, 5 - 1, 7 - 1, 13 - 1, 16 - 1, 17 - 1, 19 - 1, 21 - 1, 22 - 2, 25 - 1, 26 - 1, 27 - 1, 29 - 2, 30 - 1, 38 - 1,

40 - 1, 42 - 1, 43 - 1, 44 - 1, 47 - 1, 49 - 1, 52 - 2, 56 - 1, 58 - 1, 60 - 1

Accept in part: add 'Moemoeā' to header: 14-1, various changes to Vision's supporting text: 20-3

Reject: add its tributaries: 11 - 2, protect and promote native species: 12 - 5, rich history within the vision: 20 - 2, add RMA well-beings to Vision: 32 - 1, pristine and / or pre Treaty condition: 59 - 1

Out of scope: 2 - 2

The table below outlines the submissions received to the Vision and supporting text and the Panel's decision regarding these:

Submission no.	Summary of Submission Point	Decision
1 - 1	No change sought.	Accept
5 - 1	Support in principle. No change sought.	Accept
7 - 1	At last a well overdue chance to forge ahead with a united document to protect the future health of the Kaituna River, headwaters, tributaries, wetlands, estuaries, harbour, aquifers and surrounding corridors and catchment. No change sought.	Accept. Support for the document noted.
13 - 1	Support vision. It describes the overarching view. Excellent. No relief sought.	Accept
16 - 1	Decision Sought: No relief sought.	Accept
17 - 1	I personally congratulate your committee on its vision. Decision Sought: No relief sought.	Accept
19 - 1	See full submission for background context about who Te Tumu Landowners Group (TTLG) are, the statutory and planning context and detail about the Te Tumu Strategic Planning Study. Te Tumu Landowners Group supports the Vision, Objectives 1-7 and desired outcomes. Decision Sought: No relief sought.	Accept. Support for the document noted.
21 - 1	Rotorua Lakes Council (RLC) would like to commend Te Maru o Kaituna for delivering a document that will ensure the health of the Kaituna River, whilst considering sustainable land use. Except for some minor amendments suggested in this submission, RLC supports the vision, objectives and desired outcomes. Decision Sought: No relief sought.	Accept. Support for the document noted.
22 - 2	Support. No change sought	Accept
25 - 1	Support these provisions as proposed. Decision Sought: No relief sought.	Accept
26 - 1	Support the Vision as proposed. Decision Sought:	Accept

Submission no.	Summary of Submission Point	Decision
	No change sought.	
27 - 1	Support the Vision as proposed. Decision Sought: No change sought.	Accept
29 - 2	The river and its tributaries play a key role in the provision of water supply for both urban and rural uses. A key component in providing for current and future generations in the Western Bay of Plenty sub-region. Tauranga City Council also recognises the wider use of the river for the recreational opportunities including gathering of mahinga kai and the amenity it provides for both current and future generations. Decision Sought: Approve the Vision of the Proposed Kaituna River Document 2017.	Accept. Support for the document noted.
30 - 1	Decision Sought: No relief sought.	Accept
38 - 1	Mercury supports the intention of the Kaituna River Document to carry on from the aspiration set out in the Kaituna River & Ōngātoto/ Maketū Estuary Strategy 2009. Decision Sought: The overall Vision is appropriate for this purpose and should be retained in the same or similar form.	Accept
40 - 1	Support for the Vision. Decision Sought: No change sought.	Accept
42 - 1	Want our awa cleaned up, to enjoy our awa again. Decision Sought: No relief sought.	Accept
43 - 1	Decision Sought: No change sought.	Accept
44 - 1	Support the vision. Decision Sought: No change sought.	Accept
47 - 1	Decision Sought: No relief sought.	Accept
49 - 1	Decision Sought: No relief sought.	Accept
52 - 2	Decision Sought: No change sought.	Accept
56 - 1	Decision Sought: No relief sought.	Accept
58 - 1	Decision Sought: No relief sought.	Accept
60 - 1	Decision Sought: No relief sought.	Accept
14 - 1	Amend Vision Decision Sought: Call it 'Toku Moemoeā - Our Vision', and amend to 'The Kaituna River – Te Awanui o Tapuika – is restored to a healthy state and protected for current and future generations'.	Accept in part. The Panel accepted the addition of 'Moemoeā' to the header of the Vision. The Panel acknowledges the river is also known as Te Awanui o Tapuika by Tapuika. Names for the Kaituna River or parts of it recognised by different iwi are highlighted within the

Submission no.	Summary of Submission Point	Decision
		iwi histories part of the Document.
20 - 3	<p>The supporting text for the Vision appears to be a generic and non-specific reference to our River that has no grounding in Tapuika's world view. A more appropriate term of reference for the River is recommended in the relief sought. Decision Sought: To amend the tauparapara to read:</p> <p style="padding-left: 40px;">Ko Kaituna, he awa taniwha Ko Kaituna, he awa waitotohi Ko Kaituna, he awa nohonga Ko Kaituna, he awa waiora Ko Kaituna, he awa honohonoa i te tangata Mai i tona puna putake tae atu ki te moana</p> <p style="padding-left: 40px;">Kaituna, a river of demons Kaituna, a river of ritual waters Kaituna, a river of settlement Kaituna, a river of life-giving waters Kaituna, a river that joins people together From its source spring all the way to the ocean</p>	Accept in part. The Panel has amended the tauparapara to reflect the essence of the submission point
11 - 2	<p>Change the vision to read: 'The Kaituna River and its tributaries are in a healthy state and protected for current and future generations.' We think this is a good vision and just puts into words the nuts and bolts of what has to be done.</p> <p>An amendment in either the vision or objectives that refers to the river being of national significance would also be good. Given it is one of the rivers recognised in the NPSFM we think that it should show that in the vision.</p> <p>Decision Sought: Amend the vision by including 'and its tributaries are' so it reads: 'The Kaituna River and its tributaries are in a healthy state and protected for current and future generations.' Consider amending either the vision or objectives so they refer to the river being of national significance.</p>	Reject for the reasons set out above and under "Reasons for Panel's Decision".
12 - 5	Decision Sought: Amend the vision by adding 'through the protection and promotion of native species and is' so it reads: 'The Kaituna River is in a healthy state through the protection and promotion of native species and is protected for current and future generations.'	Reject for the reasons set out above and under "Reasons for Panel's Decision".

Submission no.	Summary of Submission Point	Decision
20 - 2	<p>This Vision is simple but gives no acknowledgement to the history of the River itself. This history is a fundamental aspect of the River's makeup and with a better understanding of this history will come a greater appreciation of its current state as well as its proposed future restored state. Understanding the history of the River will also help inform key conservation principles and approaches in times to come. It is proposed that some reference to the history of the River be incorporated into the Vision to make it more reflective of the River in its holistic state.</p> <p>Decision Sought: Replace Proposed vision with: 'The Kaituna is a water way with a rich history and healthy state that is protected for all past, present and future generations.'</p>	<p>Reject for the reasons set out above and under "Reasons for Panel's Decision".</p>
32 - 1	<p>Vision should reflect the broad purpose of the Resource Management Act and be reworded as follows: 'The Kaituna River is in a healthy state and protected for the cultural, social and economic wellbeing of current and future generations'. The prologue to Part 2 of the Document simply says 'for enjoyment'. It is submitted the Vision should be more explicit.</p> <p>Decision Sought: That the Vision be reworded to: 'The Kaituna River is in a healthy state and protected for the cultural, social and economic wellbeing of current and future generations'.</p>	<p>Reject for the reasons set out above and under "Reasons for Panel's Decision".</p>
59 - 1	<p>Feedback from our hui focussed on wondering if the vision could be strengthened and reflect whakaaro Māori. The vision we would like to see for our awa is that it is returned to the pristine condition it was in when our Treaty partnership was first formed. While we understand that this may seem like an ambitious task, we would like to see nothing less than perfection aimed for when it comes to our awa.</p> <p>Decision Sought: That the vision be strengthened and reflect whakaaro Māori - have the ambition that the river be returned to a pristine condition as in c.1840.</p>	<p>Reject for the reasons set out above and under "Reasons for Panel's Decision".</p>

6.2 General submission points about Part 2 – Te Marae Ātea

Submission no.	Summary of Submission Point	Decision
8 - 11	<p>Our knowledge values and beliefs mean that our approach to living in harmony with our environment and the care of the environment is taken seriously. All efforts in this document should not in our view be undermined as a public document. We therefore encourage consideration to include not only outcomes but to state “what the benefits are” as a result of the efforts prescribed in the plan.</p> <p>Decision sought: Consider including not only outcomes but to state “what the benefits are” as a result of the efforts prescribed in the plan.</p>	Reject: Whilst the Panel agreed that it is important that the benefits of the document are articulated, the Panel considers the development and implementation of the Action Plan, will sufficiently articulate the benefits of activities under the guidance of the document.
14 - 11	<p>Ngati Moko Tapuika believes the term “Desired Outcomes” is too wishy washy and not definitive enough. I prefer “Expected Outcomes” – Desired implies oh well if we can’t how sad and that is not good enough. This document is an authoritative document and it should be framed in terms that reflect that authority. Ngati Moko o Tapuika expects no less.</p> <p>Decision sought: Amend Desired Outcomes to Expected Outcomes. Also some text amendments as shown in the full submission.</p>	Reject. The point made about making sure the outcomes are ‘expected’ rather than just ‘desired’ is noted, however, the term ‘desired outcomes’ is the term used within the TCSA. It is part of TMoK’s functions to make sure the outcomes are achieved.
31 - 1	<p>No relief sought. The submission makes the following comment:</p> <ol style="list-style-type: none"> 1 Support for Māori cultural and spiritual values. 2 Support protection of the Kaituna River and its natural environment. 3 Water quality must always be maintained for current and future generations. 4 It is harmful and wrong to dump sewerage waste into the Kaituna River. 5 Valuation of our lakes and waterways within the Ngati Pikiao rohe including the Kaituna River must remain a high priority. 6 I support the Tapuika Claims Settlement and provision for Te Maru o Kaituna River Authority to create this Document. 	Noted. No relief sought.

Submission no.	Summary of Submission Point	Decision
38 - 7	<p>Mercury considers that the objectives and desired outcomes in the Kaituna River Document, including those specifically mentioned (which are Vision, Objective 6 & desired outcome 'c', Objective 8 and desired outcome 'c'), strike an appropriate balance between the restoration, protection and enhancement imperatives and the use of freshwater in the Kaituna River catchment, including for industrial and economic purposes. Except as otherwise noted (Suggested amendment to Water quality and quantity desired outcome 'c') these provisions should be retained in the same or similar form.</p> <p>Decision sought: Except as otherwise noted (Suggested amendment to Water quality and quantity desired outcome 'c'), Objectives and desired outcomes in the Kaituna River Document should be retained in the same or similar form.</p>	Noted. No relief sought.
54 - 1	<p>The Rotoiti and Rotorua lakes catchments have a direct impact on the Kaituna River. Residents of these lakes have particular interest and concerns around the evolving research and management decisions and policies designed to enhance and improve lakes water quality and associated ecological outcomes whilst sustaining opportunities for continued recreational activities and economic growth within our district and its environs.</p> <p>In this respect we recognise that the Document seeks to advance and build upon the key directions of the 2009 Strategy which has contributed to further significant investment made by authorities and communities towards achieving these aims. We note also the acknowledgement of Te Arawa Lakes Strategy Group as a separate co-governance body with responsibility for the sustainable management and improvement of water quality in these lakes.</p> <p>Lakes Community Board will continue to work closely with the community and its representative groups within the Rotoiti and Rotorua lakes areas to support and advocate in their interests. No relief sought.</p>	Support noted. No relief sought.
55 - 1	<p>I tautoko the kaupapa of TMOK, and tautoko the Proposed Document. I do not wish to suggest any changes. Submitter attaches a korero from the late Bob Gourlay of Maketū dated 1991 See full submission for further details. No relief sought.</p>	Support noted. No relief sought.

6.3 Iwi Relationships with the River - Nga Piringa me ngā Herenga

Panel's Decision

The Panel noted that overall submissions were generally supportive of the direction the proposed document was going with respect to the objectives and desired outcomes for iwi relationships with the river. Thirty six submission points supported the proposed direction without change, fourteen points sought amendments, three submissions were neutral and eight submissions were in opposition.

Submission points on Iwi Relationships with the River Objectives 1 and 2 and their associated desired outcomes are discussed below:

Objective 1: Traditional and Contemporary Relationships

After considering all submission points made about Objective 1, the Panel decided to amend Objective 1 by moving where *'provided for'* sits within the objective and strengthening the language by adding *'protected'* so the final version of Objective 1 reads: *'The traditional and contemporary relationships that iwi and hapū have with the Kaituna River are provided for, recognised and protected.'*

Reasons for the Panel's Decision:

The Panel agreed with the majority of submission points in that the language, and therefore the statement, required strengthening to underline proactive sustainability with a focus on protection. The focus of these submissions related to how the original terminology should be taken into account by authorities.

The Panel decided to strengthen the language of Objective 1 in order to clearly articulate how the Objective should be considered by relevant authorities with a particular emphasis on protection.

Amendments suggested by submissions focussed on strengthening the language used of Objective 1 by:

- (i) Removing *'recognised and provided for'*
- (ii) Including *'are provided for, recognised and protected'*

The table below outlines the submissions that sought specific amendments to Objective 1 and the Panel's Decisions regarding these submissions:

Submission no.	Summary of Submission Point	Decision
40 - 2	Our awa is not a taonga. Individual iwi should show their area of interest. Oppose. Remove Objectives 1 and 2 and their desired outcomes.	Reject The Panel has noted and have decided not to show iwi rohe or areas of interest on maps as the purpose of the maps is not to delineate individual areas but work together for the betterment of the awa.
11 - 7	Amend the words to include <i>'the preservation and protection of the traditional relationships that iwi have with the river and are recognised and provided for'</i>	Accepted in part: The Panel have decided to strengthen the language by adding <i>'protected'</i> to Objective 1

Submission no.	Summary of Submission Point	Decision
12 - 6	Strengthen words used in the objective – other than <i>'provide for'</i>	Accepted in part: The Panel have decided to strengthen Objective 1 by adding 'protected' to its wording.
39 - 1	Alternative wording that may enhance the statement	Accepted in part for the reasons stated above.
48 - 6	Amend Objective 1 to read: The traditional and contemporary relationship Tapuika iwi and hapū are provided for. Mana Mauri te Mana o Te Wai, Te Mana Whakahono, Whakaponu. Insert 'Tapuika' rather than using iwi or hapū. Would like to raise the profile of Tapuika.	Rejected. The Panel considers that this is not the intent of the legislation and the suggestion would not recognise other iwi and their associations with the river.

Objective 2: Iwi Led Projects

After considering all submission points made about Objective 2, the Panel decided to amend the Objective by:

- 1 Removing *'approved by Te Maru o Kaituna, 'promote the restoration' and 'taken into account in the long term and annual plan processes of local authorities'*, and
- 2 Adding *'protect', 'or' and 'actively encouraged, promoted and supported by Te Maru o Kaituna through its Action Plan'*.

The final version of Objective 2 now reads: *'Iwi-led projects which restore, protect and / or enhance the Kaituna River are actively encouraged, promoted and supported by Te Maru o Kaituna through its Action Plan.'*

Reasons for the Panel's Decision:

The Panel considered all submission points and in particular those that sought amendments to Objective 2. The focus of these submissions largely sought clarification of TMoK's role concerning criteria and decision making processes for the approval of restoration activities in relation to the river.

The Panel agreed that more clarity around the use of 'approved' was required to eliminate the perceived confusion that only TMoK can authorise or approve restoration projects in relation to the river. Moreover, the Panel wanted to provide clarity around the scope of TMoK's role in the promotion of restoration projects. Hence the Panel's decision to remove the wording *'approved by Te Maru o Kaituna'* from the amended text of Objective 2.

The final wording delineates TMoK's role as one of proactive support of restoration projects rather than a perceived passive role as described by the words *'taking into account'* in the proposed wording of Objective 2. To this end the Panel accepted submissions points seeking strengthening of this function by focussing on active promotion through the use of *'promotion, encouragement and support'*.

In addition to clarifying TMoK's role regarding restoration project development, the Panel considered it important to identify that support for TMoK, its relationships and activities will be resourced through an Action Plan denoted in the amended text, *'supported by TMoK through its Action Plan'*.

The table below outlines the submissions that sought specific amendments to Objective 2 and the Panel decisions regarding these submissions:

Submission no.	Summary of Submission Point	Decision
12 - 7	Would like to see objective 2 stated a little stronger	Accepted. The Panel have strengthened Objective 2.
21 - 3	Amend the text to enable a shorter process for approving projects	Accepted. The Panel have simplified and clarified the process.
33 - 1	Recognise hapū in the document.	Rejected: The status of iwi / hapū / whānau as mana whenua or kaitiaki over parts of the catchment is considered to be out of scope. The Panel advises that the river document does not override mana whenua, affect land ownership rights or detract from kaitiaki roles.
35 - 3	Would like clarification on Te Maru's role in approving restoration projects	Accepted. The Panel have simplified and clarified the process.
36 - 5	Clarification sought on approving projects	Accepted. The Panel have simplified and clarified the process.

Desired outcomes

After considering all submission points made about the desired outcomes for Iwi Relationships with the River, the Panel decided to amend them as follows:

- 1 Desired outcome c: Delete full text of objective c and replace with '*Priority restoration, protection and enhancement projects are identified by Te Maru o Kaituna in their Action Plan*'.
- 2 Add a new desired outcome d: '*Te Maru o Kaituna members promote and take into account priority projects in their long-term and annual plan processes.*'
- 3 Desired outcome f: Remove '*tauranga waka*' and replaced with '*taunga waka*'
- 4 Minor amendments to te reo terms – remove the macron from 'tāngata' so it is spelt '*tangata*' throughout the document as appropriate.

The final version of the desired outcomes now read:

- (a) *Access for tangata whenua to the Kaituna River and identified sites of significance are provided for.*
- (b) *Pou and other appropriate markers are erected adjacent to the Kaituna River where considered appropriate by iwi, to indicate sites of special significance.*
- (c) *Priority restoration, protection and enhancement projects are identified by Te Maru o Kaituna in their Action Plan.*
- (d) *Te Maru o Kaituna members promote and take into account priority projects as part of the long-term and annual plan processes.*
- (e) *Information on the environmental state of the Kaituna River is regularly exchanged between iwi and relevant agencies.*
- (f) *Appropriate sites along the Kaituna River are identified and set aside for taunga waka (traditional waka landing places)*

- (g) *Iwi and hapū associations with the Kaituna River are strengthened through recognition of iwi/hapū management plans in the management of land use, access to the river and protection of cultural heritage.*

Reasons for the Panel's Decision:

Clarity of Te Maru's role

The majority of submissions about the desired outcomes focussed on the role of TMOk in restoration project development. The content of these submissions suggests that there is a misunderstanding about the role of Te Maru in approving restoration projects on the river. The Panel sought to clarify this and also to emphasise that iwi and community led projects will be actively supported by TMOk through the development and implementation of the Kaituna River Document's action plan.

The Panel's decision includes the addition of a new desired outcome to be slotted in as desired outcome d emphasising each TMOk members support for priority project promotion through each of their council and / or appointing organisations long term and annual planning processes.

Whole of river ecology focus

Submissions about desired outcome c focussed on restoration projects for entire river ecology rather than a narrow focus on areas of mahinga kai. The Panel agreed and decided to amend desired outcome c accordingly. The Panel considered that a focus on river ecology will also include and provide for areas of mahinga kai and replaced the proposed text with new wording as outlined above. Furthermore, the desired outcome was amended to include emphasis on identification and support of restoration projects through the TMOk Action Plan.

Replacing the term 'tauranga waka'

One submission point sought a minor amendment in relation to the use of the word 'tauranga waka', which can be translated as 'traditional waka landing places'. The submitter sought to amend this to 'taunga waka' as the use of 'tauranga waka' may have been confusing to the reader. The new terminology does not change the meaning of the desired outcome. 'Taunga' is a synonym for 'Tauranga'. The Panel decided that using term 'taunga waka' would be consistent with, and does not distract from the Te Arawa theme of the document and also amended it within the glossary.

The table below outlines the submissions that sought specific amendments to Objective 2 Desired Outcomes and the Panel's Decisions regarding these:

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
12 - 8	Objective 2/ Outcome c	Too much focus on mahinga kai. Request to broaden so it includes ecology	Accepted
13 - 2	Outcome c	Other projects initiated by iwi to be supported by Te Maru.	Accepted in part
21 - 4	Outcome c	Same as above	Accepted in part
35 - 4	Outcome c	Same as above	Accepted in part
36 - 6	Outcome c	Same as above	Accepted in part
20 - 6	Outcome e	Change 'Tauranga' to 'taunga'	Accepted
24 - 12	Outcome e	Note the invisibility of whanau in this	The Panel noted point made and

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
		desired outcome. Ngāti Pikiao Iwi Resource Management Plan 1997 is not recognised in the document. Decision Sought: Recognise the Ngāti Pikiao Iwi Resource Management Plan 1997 in the document.	advises that TMOK reviewed iwi management plans when putting together the river document. Iwi relationships with the River - Desired outcome g recognises iwi / hapū management plans.
1 - 2	General	Support objectives 1 & 2 and desired outcomes. No change sought	Accept
5 - 2	General	Recognise iwi relationship with the river. No change sought	Accept. Comment noted.
7 - 2	General	Continuing education, demonstration and acknowledgement by the wider community of Māori concepts of kaitiakitanga, rangitiratanga, matauranga and tikanga is supported. Support no change sought	Noted. No relief sought.
14 - 12	General	<p>Submitter requests minor text amendments for Objective 2 and provides the following two comments: 'It would be good to have a brief historical outline of River settlement and association from the time of the landing of the Te Arawa waka at Maketu in 1100 AD to European Settlement in 1840 – 1908 – 1954 – 2009 – Kaituna River Catchment Board and predecessors of the Kaituna River Authority.'</p> <p>'Performance Management Supervision and Monitoring of Objectives 1 & 2 – I believe that these Expected Outcomes should be measured against some objective standard to assess performance e.g. There should be at least 2 Iwi initiated projects approved over 3 years.'</p> <p>Minor text amendments for Objective 2. See full tracked change submission text for detail of changes sought in context.</p>	<p>Rejected. The Panel considers the history of the river settlement to be sufficiently covered in the existing text including iwi histories.</p> <p>The Panel advises that monitoring of the objectives and the desired outcomes is out of scope for the river document and will be part of the next steps to be developed and co-ordinated through the implementation of the action plan.</p>
16 - 2	General	Support. No relief sought.	No relief sought.
17 - 2	General	Support. No relief sought.	No relief sought.
22 - 3	General	Support. No relief sought.	No relief sought.
25 - 2	General	Support. No relief sought.	No relief sought.

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
26 - 2	General	Support. No relief sought.	No relief sought.
27 - 2	General	Support these provisions as proposed.	No relief sought.
30 - 2	General	Support. No relief sought.	No relief sought.
32 - 2	General	AFFCO relies on the Kaituna River for its Rangiuru operations, and has been able to demonstrate over the years that the Company's operations are environmentally sustainable within the context of other river users. AFFCO supports and has been involved with iwi co-governance initiatives elsewhere in NZ, particularly in the Waikato, where the Company has worked towards developing good relationships with iwi. In the Bay of Plenty, Maori comprise a high proportion of the workforce at AFFCO Rangiuru and AFFCO has been working with iwi in relation to consenting for the Company's Kaituna River discharges. AFFCO looks forward to engaging with all river users in the management of the Kaituna River through the Te Maru o Kaituna River Authority process.	No relief sought.
40 - 2	General	Our awa is not a taonga. Individual iwi should show their area of interest. Oppose Objectives 1 & 2 and desired outcomes.	Reject The Panel has noted and have decided not to show iwi rohe or areas of interest on maps as the purpose of the maps is not to delineate individual areas but work together for the betterment of the awa. The Panel advises that the river document does not override mana whenua, affect land ownership rights or detract from kaitiaki roles.
42 - 2	General	Support. No relief sought.	No relief sought.
43 - 2	General	Support. No relief sought.	No relief sought.
45 - 1	General	Support. No relief sought.	No relief sought.
46 - 1	General	Support. No relief sought.	No relief sought.
47 - 2	General	Support. No relief sought.	No relief sought.
48 - 1	General	Support. No relief sought.	No relief sought.
49 - 2	General	Support. No relief sought.	No relief sought.

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
50 - 1	General	Support. No relief sought.	No relief sought.
52 - 3	General	Support. No relief sought.	No relief sought.
56 - 2	General	Support. No relief sought.	No relief sought.
58 - 2	General	WBOPDC supports the collaborative management and care of the Kaituna. No relief sought.	No relief sought.
59 - 2	General	<p>Clarify 'recognised and provide for' - an explanation on what is meant by how this will be taken into account by authorities.</p> <p>Use language such as 'enabling' and 'removing barriers' in regard to iwi re-establishing traditional practices.</p> <p>Objectives could be linked in a way that shows our holistic relationship with the awa, through our roles as landowners, traditional practices, as well as recreational users. For example, if the water quality is improved, then it enables our relationship to the Kaituna to be strengthened as we aren't restricted on how we interact with the awa. This could be shown through an infographic.</p>	Accepted in part: The Panel has decided to strengthen the language of Objective 1 in order to clearly articulate how the objective should be considered by relevant authorities with a particular emphasis on protection.
60 - 2	General	Support. No relief sought.	No relief sought.
11 - 7	Objective 1	<p>We suggest stronger wording of Objective 1 by adding 'The preservation and protection of' the traditional and deleting 'and contemporary' relationships that iwi and hapū have with the Kaituna River are recognised and provided for. We disagree that a contemporary relationship should be provide for.</p> <p>Amend Objective 1 to read: 'The preservation and protection of the traditional relationships that iwi and hapu have with the Kaituna River are recognised and provided for'.</p>	Accepted in part: The Panel have decided to strengthen the language by adding 'protected' to Objective 1.

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
12 - 6	Objective 1	The last phrase in Objective 1 'and provided for' is weak and should be replaced by 'encouraged and supported in all projects and documents'. Amend Objective 1 so it reads: The traditional and contemporary relationships that iwi and hapu have with the Kaituna River are recognise and encouraged and supported in all projects and documents.	Accepted in part: The Panel decided to add 'protect' to the wording of Objective 1.
24 - 7	Objective 1	<p>(a) the invisibility of whanau is noted</p> <p>(b) how are these relationships going to be 'recognised and provided for'?</p> <p>(c) what relationships are being referred to in terms of traditional and contemporary?</p> <p>(d) with regard to Taheke 8C lands, neither Te Maru o Kaituna nor the wider hapu and iwi are land owners so who does Te Maru o Kaituna think will be responsible to meet the onerous obligations set out in the Health and Safety at Work Act 2016.</p> <p>Oppose Reject this objective.</p>	<p>Rejected: The status of iwi / hapū / whānau as mana whenua or kaitiaki over parts of the catchment is considered to be out of scope.</p> <p>The Panel advises that the river document does not override mana whenua, affect land ownership rights or detract from kaitiaki roles.</p>
29 - 3	Objective 1	The Te Tumu Urban Growth Area of Tauranga City lies between the Kaituna River and the coast. The Te Tumu Urban Growth Area has been identified for future development since the early 2000s as an outcome of the Papamoa East (Wairakei – Te Tumu) Urban Development Planning Study and also through SmartGrowth, and is identified for urban growth within the Operative Bay of Plenty Regional Policy Statement. In recognising that the Kaituna River flows through this area and the relationship of Te Maru o Kaituna River Authority with the river, the project has been reported to the River Authority on a regular basis. These reports will continue throughout the process in accordance with Te Maru o Kaituna River Authority resolutions. Approve Objective 1.	Support. No relief sought.

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
39 - 1	Objective 1	<p>No change sought to the Objectives in the Proposed Document - see the full submission for explanation and supporting statements. It is possible the submitter is seeking a change in Objective 1 as follows:</p> <p>Objective 1 - That the traditional and contemporary relationship Tapuika Iwi and Hapu are provided for Te Maru o Kaituna in collaboration with Iwi and the community a Treaty Relationship.</p> <p>The submitter justifies the change identifying with matters of national importance with in the RMA. A key point shared is the importance that any planning document must recognise and provide for the relationship of Maori and their culture. Request change to insure that a Māori perspective is not ignored. See full submission for more information.</p>	Accepted in part for the reasons stated above under "The reasons for the Panel's Decision".
48 - 6	Objective 1	Amend Objective 1 to read: The traditional and contemporary relationship Tapuika iwi and hapū are provided for. Mana Mauri te Mana o Te Wai, Te Mana Whakahono, Whakapono.	Rejected. The Panel advises this is not the intent of the legislation. The suggested wording would not recognise other iwi and their associations with the river.
51 - 1	Objective 1	<p>Support for Objective 1. For Tapuika - iwi, hapū, tangata and the river are one.</p> <p>No change sought to the Objectives in the Proposed Document - see the full submission for explanation, images and supporting statements.</p>	No relief sought.
12 - 7	Objective 2	<p>The phrase 'restoration and enhancement' is too vague. Restoration of what and enhancement of what? The term 'taken into account' is far too weak.</p> <p>Decision Sought: Strengthen Objective 2 by amending it to read 'Iwi-led projects approved by Te Maru o Kaituna, which promote the 'ecological' restoration and 'environmental' enhancement of the Kaituna River are provided for, and 'given a degree of priority in the long-term and annual plan processes.'</p>	Accept in part. The Panel have amended Objective 2. Taken into account has been removed.

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
21 - 3	Objective 2	<p>The current wording of Objective 2 implies that the implementation of these projects is subject to a long process, first approval by Te Maru o Kaituna and then by the local authority, which could prove cumbersome and time consuming for iwi. The amended narrative places the focus on iwi led projects and the approval process takes secondary place. Stating iwi-led projects as the main objective links better with the desired outcomes which are iwi focussed.</p> <p>Decision Sought: Amend Objective 2 by moving 'approved by Te Maru o Kaituna' within the objective so it reads: "Iwi-led projects which promote the restoration and enhancement of the Kaituna River, are approved by Te Maru o Kaituna and taken into account in the long-term and annual plan processes of local authorities".</p>	Accept in part. The Panel have reworded Objective 2 clarifying TMoK's intent regarding encouraging, promoting and supporting iwi led projects.
24 - 8	Objective 2	<p>(a) what form will Te Maru o Kaituna approvals take. i.e. will Te Maru o Kaituna and /or councils fund such approved restoration and enhancement projects?</p> <p>(b) if so, what will these entities expect in return?</p> <p>(c) what will happen if restoration and enhancement projects are carried out without Te Maru o Kaituna approval?</p> <p>(d) Taheke 8C will not bend its knee to Te Maru o Kaituna to seek approval for any restoration and enhancement on Taheke 8C lands. Taheke 8C mana whenua is not and will never be open for discussion.</p> <p>Decision Sought: Reject this objective.</p>	<p>Accepted in part: The Panel agreed that more clarity around the use of 'approved' was required to eliminate the perceived confusion that only TMoK can authorise or approve restoration projects.</p> <p>Hence the Panel's decision to remove the wording 'approved by Te Maru o Kaituna' from the amended text of Objective 2.</p>
29 - 4	Objective 2	Support. Approve Objective 2.	Accept in part. Support noted. The Panel have made changes in response to other submission points which strengthen the wording and intent of Objective 2.

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
33 - 1	Objective 2	<p>That hapū are recognised as partners in the management of the river.</p> <p>Decision Sought: Amend Objective 2 or the Desired Outcomes as required to also recognise hapū as partners in the management of the river,</p>	<p>Noted: The Panel consider hapū to be sufficiently recognised in the Document without making changing Objective 2. Desired outcomes c and g recognise hapū.</p> <p>Rejected: The status of iwi / hapū / whānau as mana whenua or kaitiaki over parts of the catchment is considered to be out of scope.</p> <p>The Panel advises that the river document does not override mana whenua, affect land ownership rights or detract from kaitiaki roles</p>
35 - 3	Objective 2	<p>Clarification sought. Nga tangata ahi kaa roa have long term plans to restore the river where they have kaitiakitanga responsibilities. As this objective reads, Te Maru o Kaituna would have to approve Nga tangata ahi kaa roa plans before Council would fund them. We note the reference is to Iwi led projects. Issues which arise from this statement:</p> <ol style="list-style-type: none"> 1 Does this mean that non-Iwi led projects, viz pakeha groups do not need to have their projects run past Te Maru o Kaituna? 2 More importantly this statement seems to contravene other parts of the plan. In enabling kaitiakitanga, it would not be appropriate to require other iwi plans to be approved by Te Maru o Kaituna before they can be funded by Council. This undermines our kaitiakitanga and our tino rangatiratanga and our long history of kaitiakitanga of the river. We also wonder about the legality of that requirement since it seems to infer a greater power than that intended by the Crown. 3 This objective as worded appears to conflict with the last para, page 3 with respect to the mana of Iwi and hapu. It would be demeaning for Iwi, hapu and whanau who have intergenerationally lived next to the river and been kaitiaki, to now have to seek permission to continue and 	<p>Accepted. The Panel have simplified and clarified the process</p>

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
		progress that kaitiakitanga. Decision Sought: Clarification of intent may resolve these issues.	
36 - 5	Objective 2	<p>The Society objects to Objective 2 and submits that:</p> <ul style="list-style-type: none"> Ngati Pikiao will not seek approval of its projects by the Authority as this undermines Ngāti Pikiao Rangatiratanga and Kaitiakitanga as provided for under S6, 7, 8 of the Resource Management Act 1991. Ngati Pikiao has its own long-term plans to restore the river where they have rangatiratanga and kaitiakitanga responsibilities. <p>Decision Sought: No relief sought.</p>	Accepted. The Panel have simplified and clarified the process.
51 - 2	Objective 2	<p>Support for Objective 2, and points out Te Mana Whakahono as a possible example of a Tapuika iwi-led project.</p> <p>Decision Sought: No change sought to the Objectives in the Proposed Document - see the full submission for explanation, images and supporting statements.</p>	No relief sought.
53 - 1	Objective 2	Fish and Game support Objective 2 which seeks to promote the restoration and enhancement of the Kaituna River. No relief sought.	No relief sought.
24 - 9	Desired outcomes - General	Desired outcomes, a, b, c, e are a clear infringement of the mana whenua of Taheke 8C Incorporation. Decision Sought: Reject the desired outcomes listed in the summary.	Rejected: The status of iwi / hapū / whānau as mana whenua or kaitiaki over parts of the catchment is considered to be out of scope. The Panel advises that the river document does not override mana whenua, affect land ownership rights or detract from kaitiaki roles.
29 - 6	Desired outcomes - General	Support. No change sought.	No relief sought.
61 - 1	Desired outcomes - General	Support all of the desired outcomes expressed in the document. No change sought.	No relief sought.

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
29 - 5	Desired outcome - a	Council is working directly with hapu and iwi of the river in the Te Tumu area in relation to sites of significance and their recognition and protection as well as other features identified in iwi/hapu management plans. Access to the river will also form part of the overall development of the growth area. No change sought.	No relief sought.
35 - 5	Desired outcome - a	Support. No change	No relief sought.
35 - 6	Desired outcome - b	Support. No change	No relief sought.
12 - 8	Desired outcome - c	The focus in desired outcome c on mahinga kai is too narrowly focussed. Decision Sought: Amend desired outcome c. to state: '.....restoration projects that support the ecological restoration of the river and native wildlife including sites for mahinga kai.'	Accepted
13 - 2	Desired outcome - c	Decision Sought: Amend desired outcome c by adding "and other projects sympathetic"....after 'iwi, hapu' so it reads: 'Te Maru o Kaituna coordinates and assist iwi and hapu and other projects sympathetic to restoration projects that support sites for mahinga kai (food sources).'	Accepted in part
21 - 4	Desired outcome - c	Amend desired outcome c by adding 'including projects' to clarify that restoration projects are not limited to only these projects. It is important to ensure other restoration projects identified by iwi are considered for approval by Te Maru o Kaituna. Decision Sought: Amend desired outcome 'c' by adding 'including projects' so that it reads: "Te Maru o Kaituna coordinates and assists iwi and hapu with restoration projects, including projects that support sites for mahinga kai (food sources)".	Accepted in part

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
35 - 4	Desired outcome - c	<p>Nga tangata ahi kaa roa o Maketu kaitiakitanga does not need Te Maru o Kaituna assistance for restoration projects. We have been doing these projects since mai ra no, and have the capacity to do our own projects. Whilst political support for our projects would be appreciated, this approach implies a hierarchy of bureaucracy which is not acceptable.</p> <p>Decision Sought: This needs to be rephrased, the intent needs to be clarified.</p>	Accepted in part
36 - 6	Desired outcome - c	<p>The Society objects to desired outcome c and submits that:</p> <ul style="list-style-type: none"> • Ngati Pikiao kaitiakitanga does not need the Authority's assistance for restoration projects. • Ngati Pikiao have been doing these projects for many years, and have the capacity to do its own projects. • Ngati Pikiao has its own matauranga Maori around the mahinga kai and restoration. • Ngati Pikiao chooses to be independent of the authority in exercising it kaitiakitanga, matauranga and tino rangatiratanga. <p>Decision Sought: Reject desired outcome c.</p>	Accepted in part
24 - 11	Desired outcome - d	Decision Sought: Information is also shared with Taheke 8C.	Accept in part: Key information from TMoK can be distributed to all stakeholders and the wider community.
35 - 7	Desired outcome - d	Support. No change	Accept
61 - 6	Desired outcome - d	Particular support for desired outcome d which requires the exchange of information on the environmental state of the Kaituna River as this is pivotal for the health of the river and for the achievement of all of the other desired outcomes. No relief sought.	Accept. No relief sought

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
20 - 6	Desired outcome - e	Decision Sought: Tauranga waka should be amended to: 'taunga waka'.	Accepted
35 - 8	Desired outcome - e	Support. No change	Accept
24 - 12	Desired outcome - d	Note the invisibility of whanau in this desired outcome. Ngāti Pikiao Iwi Resource Management Plan 1997 is not recognised in the document. Decision Sought: Recognise the Ngāti Pikiao Iwi Resource Management Plan 1997 in the document.	The Panel noted point made and advises that TMOK reviewed iwi management plans when putting together the river document. Iwi relationships with the River - Desired outcome g recognises iwi / hapū management plans.
35 - 9	Desired outcome - d	Support. No change	No relief sought.

6.4 Water Quality and Quantity - Te Mauri me te Tohatoha o te Wai

Panel's Decision

After considering all submission points made about the Water Quality & Quantity objectives and desired outcomes, the Panel have decided to:

- 1 Retain Objective 3 as proposed which reads: *'Water quality and the mauri of the water in the Kaituna River are restored to a healthy state and meet agreed standards.'*
- 2 Amend Objective 4 by splitting out proposed part b into three separate items and changing *'significant ecological values and recreational values'* to *'protect ecological values'* and *'protect recreational values'* so the final version of Objective 4 reads:

There is sufficient water quantity in the Kaituna River to:

- (a) *support the mauri of rivers and streams:*
 - (b) *protect tāngata whenua values:*
 - (c) *protect ecological values:*
 - (d) *protect recreational values.*
- 3 Retain Objective 5 as proposed which reads: *'Water from the Kaituna River is sustainably allocated and efficiently used to provide for the social, economic and cultural well-being of iwi, hapū and communities, now and for future generations.'*
 - 4 Amend the Desired Outcomes follows by:
 - (a) Amending Desired Outcome a by removing reference to *'wherever practical'*, amending point iii: to be clear it refers to kai moana within Maketū estuary, removing the listed kai awa and kai moana species the outcome applies to all rather being limited to those listed and also making special note that Tuna (eels) are of particular importance.
 - (b) Amending Desired Outcome b so it is clear the intention is that Mātauranga Māori and science are to be used to support the objectives of the Document

rather than the originally broad reference to supporting the restoration of water quality and mauri. Reference to 'western' science has been deleted.

- (c) Deleting Desired Outcomes c and d; and replacing them a new outcome which more clearly reflects Te Maru o Kaituna River Authority's intended outcome with respect to groundwater abstraction.

5 The final version of the Desired Outcomes for Water Quality and Quantity reads:

- (a) *Limits for contaminants in the Kaituna River are established to ensure the water:*
 - (i) *is clean and safe for swimming in locations where people wish to swim, with specific locations identified and recommended by Te Maru o Kaituna*
 - (ii) *provides safe drinking water sources*
 - (iii) *is suitable to sustain plentiful kai awa (food sourced from the river) and kai moana (food sourced from the sea) within the Maketū Estuary which is safe to eat. Tuna (eels) are of particular importance: and*
 - (iv) *is suitable for cultural ceremonies.*
- (b) *Mātauranga Māori (Māori knowledge) is acknowledged and used as a credible tool alongside science, to support the objectives of the Kaituna River Document.*
- (c) *Abstraction of groundwater from aquifers is sustainably managed to:*
 - (i) *Protect puna (spring) flows*
 - (ii) *Meet the relevant objectives in the Kaituna River Document.*

Reasons for the Panel's Decision:

Of the sixty two submissions made to the proposed Kaituna River Document, over two thirds or forty four submissions made eighty eight points specifically about water quality and quantity. Other submissions also made points of a broader or more general nature sharing their passion and / or concerns about water quality and quantity within the Kaituna River catchment.

The Panel considered all eighty eight submission points made by forty four different submitters about water quality and quantity, Objectives 3, 4 & 5 and their associated Desired Outcomes a – d. Thirty three submission points were in support and a further five were in support in part. Forty four points sought amendments, four provided neutral comment and two were opposed to aspects regarding water.

The Panel have decided to retain the wording of Objectives 3 and 5 as proposed and make the changes outline above for the reasons set out below.

General Water Quality and Quantity

The Panel noted, that overall submissions received about water were generally supportive of the direction the proposed version of document was going, with the vast majority supporting the proposed wording without change or suggesting amendments they considered would enhance or refine the proposed wording rather than seeking amendment which significantly changed the intent.

Request for water resource consent stocktake

One submission point (8-6) requested Te Maru o Kaituna undertake a stocktake of all water resource consents within the Kaituna catchment and make sure these are collectively accounted for in a holistic way and their impact considered for future water allocation. Further that no new water resource consents be approved above what is actually required for the purpose intended.

The Panel has noted the points raised and agree a holistic view of water allocation is required to inform decisions. Further that comprehensive water accounting information for the Kaituna catchment is key to understanding what water has been allocated. It is part of the information being considered by the Bay of Plenty Regional Council through the implementation of the National Policy Statement on Freshwater Management (2014) to set water quality and quantity limits for the Kaituna catchment.

Water allocation accounting and water permit resource consenting are Regional Council matters which sit outside of the scope of the river document. However once the river document is approved, it will be a key document recognised by the Bay of Plenty Regional Council when setting appropriate water quality and quantity limits for the Kaituna catchment.

Te Maru's functions include working with council's and providing advice and recommendations about matters relevant to the management of the river and is actively making sure good water accounting information is available to help inform decisions about future water allocation limits in the Kaituna. The Panel has also noted these matters as being out of scope but relevant to consider when Te Maru develop the action plan for the river document.

Objective 3 – Water Quality and Mauri

The Panel considered all submission points raised about Objective 3 and those generally applicable. In addition to the eighteen submission points supporting all water quality and quantity objectives and desired outcomes without change, a further four submission points specifically supported Objective 3 without change.

Agreed Standards

Thirteen submission points sought definition or clarification about what the '*agreed standards*' stated within Objective 3 would be. The Panel noted there were no specific suggestions made within submissions about defining specific standards to be included within Objective 3. One (14-13) suggested amending Objective 3 by expanding it to capture protection of the traditional freshwater while others suggest deleting reference to '*agreed standards*' if not defined.

While the Panel understands the concern raised by submitters seeking further definition of what the agreed standards to be met within Objective 3 will be, the Panel has decided to retain the proposed wording and reject points made seeking further definition, suggesting alternative wording or seeking the statement be deleted from the Objective.

The Panel notes that the river document is a high level aspirational document. The appropriate and agreed standards to be met will be worked up and defined further as Te Maru o Kaituna River Authority continues to work with councils, engage with iwi and the wider community. TMoK will continue to provide advice and make recommendations to the Bay of Plenty Regional Council to inform the work currently underway in setting water quality and quantity limits for the Kaituna.

Mauri

A submission point (21-5) considers the term 'mauri' used within Objective 3 and as defined in the glossary is '*very subjective and immeasurable and focus within the objective should be placed on standards which are measureable*'. The submission point sought suggested amendments to Objective 3 including deletion of the term mauri so the focus is placed on the standards within the Objective. The Panel reject the suggested amendments including deletion of reference to mauri within the Objective in favour of retaining the proposed wording. Other submission points have raised the use and definition of 'mauri' in other parts of the document so this point will be included when these are considered within the Glossary section.

Other matters

Other points submitters made about Objective 3 included:

- (i) Promote the removal of nitrate and phosphate exceedances. Algae bloom is a hazard when whanau swim in the Kaituna River and feeder tributaries. (50-7)
- (ii) Use '*preserved*' in place of '*restored*' in Objective 3 until there is a better understanding of how this objective can be achieved. (58-3)
- (iii) Drinkability should be the goal for water quality throughout the catchment. (59-4)
- (iv) Strengthen Objective 3 by amending it to state "The water quality is improved to a level where the life force of the river is visibly enhanced....." (11-8)

These were considered, with the Panel preferring the proposed wording over suggestions made. While the Panel appreciate submitters seeking to strengthen the wording, some are matters which will come later when implementing the action plan such as the suggestion to promote removal of nitrate and phosphate.

'Restored' has been retained over terms such as 'preserved' suggested as the wording clearly aligns with the purpose and scope of the river document set out in the Tapuika Claims Settlement Act 2014.

Drinkable vs swimmable

While striving for water quality that is 'drinkable' throughout the catchment as requested by one submission is aspirational, the Panel notes it is a very high bar and has implications in terms of compliance with the New Zealand Drinking Water Standards. For the whole of the awa to be drinkable, the drinking water standards would likely require treatment which is obviously the not the submitters intent. The Panel is satisfied that desired outcome a i sets Te Maru o Kaituna's direction that water in the awa needs to be clean and safe for swimming. The standards applicable for primary contact or swimming are set out in the National Policy Statement for Freshwater Management which are set to ensure people can safely be immersed in the water in locations people wish to without getting sick.

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
1 - 3	General	Support objectives 3, 4 & 5 and desired outcomes. Canoeists, rafting adventurers and kayakers wishing to paddle portions of the Kaituna River. Maintaining water quality and the ecological beauty of the river is of course integral to this use of the river as it is for Māori and other users. No change sought.	Accept. Comment noted.
5 - 3	General	Water quality and quantity needs to be sustainable. No change sought.	Accept. Comment noted
7 - 3	General	Establishing a founding document is timely, especially in light of recent debacles over water contamination, ownership and abuse. No change sought.	Accept. Comment noted.
12 - 9	General Introductory text	The last sentence of the water quality and quantity introduction states: 'The challenge to be met' suggests that there is a conflict between the 'values that we hold dear' and 'our aspirations'. If this really is the case, there is a serious cultural problem! We suggest replacing the last five words which currently state 'our aspirations to be met' with 'the river to be used for commercial or recreational purposes' might be closer to the meaning you are looking for. Amend the last sentence of the water quality and quantity introduction from 'our aspirations to be met' to 'the river to be used for commercial or recreational purposes' might be closer to the meaning you are looking for.	Accept in part. The Panel has made amendments to the introductory text to better reflect TMoK's intention.
16 - 3	General	Support these provisions as proposed. No relief sought.	Accept
17 - 3	General	Support these provisions as proposed. No relief sought.	Accept
22 - 4	General	Support these provisions as proposed. No relief sought.	Accept
25 - 3	General	Support these provisions as proposed. No relief sought.	Accept
26 - 3	General	Support these provisions as proposed. No relief sought.	Accept

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
30 - 3	General	Support these provisions as proposed. No relief sought.	Accept
39 - 2	General	Support for the water quality and quantity objectives. No change sought to the Objectives in the Proposed Document - see the full submission for explanation and supporting statements.	Accept
42 - 3	General Agreed standards	Support but need a starting point and need to define 'agreed standards' for water quality and mauri, potentially through the action plan.	Reject for reasons stated above under Objective 3 – Water Quality and Mauri - Agreed standards.
45 - 2	General	Support water quality and quantity objectives. See full text of submission regarding concerns including: 1 Effects of over abstraction; 2 Increased demands for irrigation, domestic water supply and effect of over abstraction. No relief sought.	Accept. Comment noted.
46 - 2	General	Support these provisions as proposed. No relief sought.	Accept
47 - 3	General	Support these provisions as proposed. No relief sought.	Accept
48 - 2	General	Support these provisions as proposed. No relief sought.	Accept
49 - 3	General	Support these provisions as proposed. No relief sought.	Accept
50 - 2	General	Support these provisions as proposed. No relief sought.	Accept
52 - 4	General Agreed standards	Water Quality 'agreed standard'. What is it? This needs to be defined in final Document.	Reject for reasons stated above under Objective 3 – Water Quality and Mauri - Agreed standards.
56 - 3	General	Support these provisions as proposed. No relief sought.	Accept
60 - 3	General	Support these provisions as proposed. No relief sought.	Accept

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
8 - 5	Objective 3 Agreed standards	It would be beneficial to state what is meant by "agreed standards". Objectives must be measurable, the statement is vague and therefore it is uncertain how the outcome to this objective is measured. Decision Sought: State what is meant by "agreed standards".	Reject for reasons stated above under Objective 3 – Water Quality and Mauri - Agreed standards.
11 - 8	Objective 3	We think the wording about water quality should be stronger to ensure there is a commitment in place that leads to real action. Decision Sought: Amend Objective 3 to state. "The water quality is improved to a level where the life force of the river is visibly enhanced....."	Reject for reasons stated above under Objective 3 – Water Quality and Mauri - Agreed standards.
13 - 3	Objective 3	Support Objective 3 & 5. I presume that community implies / includes tauiwi. No relief sought.	Accept
14 - 13	Objective 3 Agreed standards	Recommend text changes to Objective 3 and provides the following comment; "There is no reference as to what objective standards and criteria are to be used to determine "Quality" e.g. The National Policy Statement on Freshwater. The KRA will ensure that Water Quality meets traditional and cultural standards according to Mātauranga Māori and according to scientifically determined standards. More Statements should be made as this the primary focus of the KRA – Improving Enhancing and protecting the Water Quality of the River." Decision Sought: Amend Objective 3 to: "Water quality and the mauri of the water in the Kaituna River are restored to a healthy state and meet agreed standards which will meet the needs of and protects the traditional Freshwater Fishery – Tuna Whitebait Koura and Trout and associated Wildlife."	Reject for reasons stated above under Objective 3 – Water Quality and Mauri - Agreed standards. Comment noted regarding link between the Kaituna River Document and work to be undertaken to implement the National Policy Statement for Freshwater Management. Reject suggested amendment to Objective 3 about including specific mention of traditional freshwater fisheries as this will narrow the intentionally broad objective.

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
21 - 5	Objective 3 Mauri	<p>Although RLC supports providing for the mauri of the water, mauri as defined in the glossary is very subjective and immeasurable. It is considered that meeting the agreed standards results in water quality and mauri restoration. The suggested amendment does not change the intent of the objective, but ensures the focus is placed on the standards, which are measurable. It takes a similar approach to objective 4. It is also important to note that not all areas of the river are in an unhealthy state. With the focus on the agreed standards, it would address the difference in standards required across the different areas.</p> <p>Decision Sought: Amend objective 3 to read: "Water quality of the water in the Kaituna River meet agreed standards to: a. restore it to a healthy state b. support the mauri of rivers and streams". If the suggested changes are not adopted, amend objective 3 by adding 'maintained or' so that it reads: "Water quality and the mauri of the water in the Kaituna River are maintained or restored to a healthy state and meet agreed standards".</p>	<p>Reject for reasons stated under mauri above and under the glossary.</p> <p>The Panel's decision on the use of the term mauri throughout the document is discussed within the glossary part of the decision report.</p> <p>The Panel does not agree with separating of outcomes and consider the restoration of mauri as a crucial priority of the document.</p>
27 - 3	Objective 3 Agreed standards	<p>The phrase "agreed standards" is vague – we suggest a more specific wording for Objective 3 as shown in the Relief Sought.</p> <p>Decision Sought: Amend Objective 3 as follows: Water quality and the mauri of the water in the Kaituna River are restored to 'and maintained in' a healthy state 'for long term sustainability of the ecosystem and to support mahinga kai and ceremonial purposes'. (Delete 'and meet agreed standards').</p>	Reject for reasons stated above under Objective 3 – Water Quality and Mauri - Agreed standards.
29 - 7	Objective 3	The River and its tributaries play a key role in the provision of water supply for both urban and rural uses. No change sought.	Accept

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
35 - 10	Objective 3 Agreed standards	Nga tangata ahi kaa roa has concerns with the reference to "agreed standards" and seeks clarification before we can support. As per our introduction, the devil may be in the detail. Who will be responsible for agreeing to standards? Decision Sought: Seeks clarification in reference to "agreed standards".	Reject for reasons stated above under Objective 3 – Water Quality and Mauri - Agreed standards.
36 - 7	Objective 3 Agreed standards	Decision Sought: Objective 3 needs further clarification and explanation for the term "agreed standards". Who will be responsible for agreeing to standards?	Reject for reasons stated above under Objective 3 – Water Quality and Mauri - Agreed standards.
41 - 1	Objective 3 Agreed standards	Decision Sought: Define 'agreed standards' in Objective 3 or explain how these will be established.	Reject for reasons stated above under Objective 3 – Water Quality and Mauri - Agreed standards.
43 - 3	Objective 3 Agreed standards	Water quality is an issue. A defined standard is needed. Be specific so no one is guessing. Decision Sought: Amend by defining 'agreed standard'.	Reject for reasons stated above under Objective 3 – Water Quality and Mauri - Agreed standards.
44 - 2	Objective 3 Agreed standards	Support Objective 3 but define 'agreed standards'. Decision Sought: Define agreed standards for water quality and mauri - potentially through the action plan.	Reject for reasons stated above under Objective 3 – Water Quality and Mauri - Agreed standards.
50 - 7	Objective 3	That the water extend to include the mauri of the water in the Kaituna River restored to a healthy state to meet agreed standards. Promote the removal of nitrate and phosphate exceedances algae bloom is a hazard when whanau swim in the Kaituna River and feeder tributaries.	Reject for reasons stated above under Objective 3 – Other matters. Noted for action plan
51 - 3	Objective 3	Support for Objective 3, and refers to PC10 to the Regional Water and Land Plan by BOPRC. No change sought to the Objectives in the Proposed Document - see the full submission for explanation, images and supporting statements.	Accept

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
53 - 2	Objective 3	Fish and Game supports Objective 3 which seeks to restore water quality and mauri of the water in the Kaituna River to a healthy state and meet agreed standards. No relief sought.	Accept
58 - 3	Objective 3	WBOPDC supports the vision of the River Document for a healthy river. Submitter supports in part the desired outcomes including clean and safe water for drinking and swimming. However there are some challenges with restoration of water quality (objective 3). The methodology for achieving this, timeframes and affordability have not been determined. Council's preference is for the use of "preserved" in place of "restored" until there is better understanding of how this objective can be achieved. Decision Sought: Amend Objective 3 by using "preserved" in place of "restored".	Reject for reasons stated above under Objective 3 – Other matters.
59 - 3	Objective 3 Agreed standards	Decision Sought: We would like the document to clarify further on what is meant by 'agreed standards' in particular who agrees the standards and what these might look like. Clarify what is meant by 'agreed standards'.	Reject for reasons stated above under Objective 3 – Water Quality and Mauri - Agreed standards.
59 - 4	Objective 3	We support the desired outcomes but would like to see drinkability to be the goal for the water quality throughout the catchment.	Support noted. The Panel rejects aspiring to a drinkable standard for the reasons set out under drinkable vs swimmable outlined under Objective 3.

Objective 4 – Water Quantity

In addition to the eighteen submission points supporting all water quality and quantity objectives and desired outcomes with no change, a further fourteen submission points were received about Objective 4. Five support Objective 4 without change, eight are generally supportive but seek amendment and one is opposed.

The point in opposition considers Objective 4 has the potential to be used to restrict Māori land holding entities from taking water to further development aspirations. It also makes the point that local authorities must make sure fair and equitable water extraction limits are set for both upper and lower catchment and the first in best dressed approach is neither, sustainable or fair. Others share that past negative cumulative effect on the quantity of the water in the Kaituna need to be taken into account as a minimum.

After considering all submission points about Objective 4, the Panel, decided to refine it, by splitting out proposed part b into three separate items and changing '*significant ecological values and recreational values*' to '*protect ecological values*' and '*protect recreational values*' as suggested by submission points 12-10 and 46-6 and to reject other suggestions. The Panel noted that much of the suggested text was picked up in other objectives and / or desired outcomes. For example, listing of specific tangata whenua values within the Objective would unnecessarily limit it to those lists, as would listing some freshwater fishery species. The inclusion of cultural, social and economic wellbeing of current and future generations was considered to extend outside of the purpose of the River Document as stated in the Act.

Effect on Māori land holdings

The Panel considers submission point 24-14 to be out of scope, as the River Document cannot contain rules about water permits or takes which is a regional council function. The Panel notes that it is not TMOK's intention that Objective 4 be used to restrict Māori land holding entities in the upper catchment. TMOK cannot influence the legislation about first in first served consenting under the RMA, but can play an active role in setting aspirational policy about fair and equitable water allocation in all parts of the catchment both by preparing and approving the river document but also by providing co-governance leadership when helping set limits for water quantity when implementing the National Policy Statement for Freshwater for the catchment.

The final version of Objective 4 reads:

There is sufficient water quantity in the Kaituna River to:

- (a) *support the mauri of rivers and streams*
- (b) *protect tangata whenua values*
- (c) *protect ecological values*
- (d) *protect recreational values.*

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
11 - 9	Objective 4	Amend Objective 4 b so it reads 'Protect tangata whenua values of foraging for kai, fishing, hunting and gathering of aquatic plant life.' and add a new 'c ecological and recreational values' making sure the word 'significant' is removed.	Reject for reasons stated above under – Objective 4 - Water Quantity above.
12 - 10	Objective 4	Delete the word 'significant' from Objective 4 part b as it is not defined and is unnecessary.	Accept. The Panel's amendments to Objective 4 include deleting the word 'significant'.
13 - 4	Objective 4	Objective 4 is too broad. Add 'c take into account communities rights and responsibilities to continue to co-exist within the Kaituna catchment area.'	Reject for reasons stated above under – Objective 4 - Water Quantity above.

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
14 - 14	Objective 4	<p>Submitter recommends amendments and makes the following comments: "There is no reference as to what objective standards and criteria are to be used to determine proper "Quantity" e.g. The National Policy Statement on Freshwater or NIWA standards. The KRA must ensure that Water Quantity meets traditional and cultural standards according to Mātauranga Māori and according to scientifically determined standards. More Statements should be made as this is the primary focus of the KRA – Improving Enhancing and protecting the Water Quantity of the River.</p> <p>Ngāti Moko Tapuika believes that more Statements should be made as this the secondary focus of the KRA – increasing enhancing and preserving the Water Quantity and availability of the water in the River system– which is already heavily over allocated."</p> <p>Decision Sought: Amend to: "There is sufficient water quantity in the Kaituna River to:</p> <ul style="list-style-type: none"> (a) support the mauri of rivers and streams, and (b) enhance the environmental health and wellbeing of the river, its ecosystems, the fisheries, wildlife and river environs (c) support and maintain the existing Freshwater Fishery - Tuna Whitebait Koura and Trout 	<p>Reject for reasons stated above under – Objective 4 - Water Quantity above.</p> <p>The Panel notes comment about links between the KRD and NPS Freshwater work.</p>
27 - 5	Objective 4	Support Objective 4. No change sought.	Accept
29 - 8	Objective 4	Tauranga City Council is a submitter to Plan Change 9 Water Quantity and Use (Regional Land and Water Plan) and a stakeholder in the Freshwater Management Unit setting process for this catchment. Support with no change sought.	Accept

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
32 - 3	Objective 4	<p>Rephrase Objective 4(b) to be consistent with approach in existing Objective 5, see relief sought.</p> <p>Decision Sought: Amend Objective 4 (b) to read: "protect tangata whenua values, significant ecological values and recreational values to provide for the cultural, social and economic wellbeing of current and future generations".</p>	Reject for reasons stated above under – Objective 4 - Water Quantity above.
35 - 11	Objective 4	<p>When assessing sufficient quantity, the minimum should take into account the past negative cumulative effects on the quantity of water in the Kaituna. Changing the perception that the Kaituna is a drain or a commodity to be abused to support of economic development activities is no longer acceptable. Restoring the mauri needs to be given due space to happen.</p>	Accept. Comment noted
36 - 8	Objective 4	<p>When assessing sufficient quantity, at the minimum take into account the past negative cumulative effects on the quantity of water in the Kaituna.</p>	Accept. Comment noted
46 - 6	Objective 4	<p>See relief sought and full text on submission for further information about amendments sought.</p> <p>Decision Sought: Amend objective 4 to read: That there is sufficient water quantity (provided in plan change 12) that will enable:</p> <ul style="list-style-type: none"> (a) support the mauri of rivers and streams (b) protect tangata whenua values (c) protect significant ecological values (d) protect recreational values 	Accept in part. The Panel's amendments to Objective 4 include splitting out ecological and recreational values and being clear they are to each be protected.

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
48 - 8	Objective 4	<p>The following statement is made in the submission. 'The Kaituna River Authority must ensure that base flow rates are maintained to ensure that there is sufficient water in the River system. Base flow rates and water quality are provided to protect the values and aspirations of iwi, hapū and tangata whenua.'</p> <p>Decision Sought: Although not clear from the submission, amendment maybe being sought to amend Objective 4 to the wording stated in the summary or alternatively perhaps a new Objective or Desired outcome is sought?</p>	Accept. The Panel notes comments made which will be addressed in the next steps were limits will be set as part of implementing the KRD and NPS for Freshwater work.
51 - 4	Objective 4	<p>Support for Objective 4, and refers to PC9 to the Regional Water and Land Plan by BOPRC. Stop over-abstraction.</p> <p>Decision Sought: No change sought to the Objectives - see the full submission for explanation, images and supporting statements.</p>	Accept
53 - 3	Objective 4	<p>Fish and Game supports Objective 4 which seeks to ensure that is sufficient water quantity in the river to support the mauri of rivers and streams, and protect tangata whenua values, significant ecological values and recreational values. No relief sought.</p>	Accept

Objective 5 – Water Allocation

In addition to the eighteen submission points supporting all water quality and quantity objectives and desired outcomes with no change, a further five specifically support Objective 5 without change. A further two points (24-5 and 33-2) seek amendment but did not provide specific wording.

After considering all submission points about Objective 5, the Panel, decided to retain the wording of Objective 5. In doing so the Panel noted the strong support for the Objective without change and considers the suggestion about including discharges within the objective is better dealt with within the desired outcomes.

Effect on Māori land holdings

Submission point 24-5 states that *'This objective must not be used to restrict Māori land holding entities in the upper catchment from taking water to further their development aspirations. Local government agencies responsible for water allocation must make sure fair and equitable water extraction limits for both upper and lower catchments. The former first in best dressed approach is neither sustainable nor fair.'* The Panel consider this point to be out of scope for the same reasons outlined under Objective 4 – Effect on Māori land holdings.

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
13 - 11	Objective 5	Support Objective 3 & 5. I presume that community implies / includes tauiwi. No relief sought.	Accept
27 - 6	Objective 5	Support Objective 5. No relief sought.	Accept
29 - 9	Objective 5	Ensuring the quality, quantity and sustainable allocation of water from the Kaituna River and its tributaries is key to ensuring current and future generations' social, economic and cultural wellbeing. No relief sought.	Accept. Comment noted
33 - 2	Objective 5	Amend Objective 5 to include reference to discharges of water into the Kaituna should be in a better state that the quality where it is taken from the river upstream.	Reject for reasons stated above under – Objective 5 – Water Allocation
47 - 7	Objective 5	Support. See pages 33 - 35 of the full text submission for further detail in support of objective 5 including literature review.	Accept.
51 - 5	Objective 5	Support Objective 5 - including reference to PC12 to the Regional Water and Land Plan by BOPRC. No change sought to the Objectives in the Proposed Document - see the full submission for explanation, images and supporting statements.	Accept. Noted no change sought.

Desired Outcomes

Twenty three submission points were received are about the desired outcomes for water quality and quantity a - d. and a further four suggested new outcomes. The Panel noted, most suggested amendments do not alter the intent of the outcomes with the exception of requiring water quality throughout the river be to a drinkable standard or there to be no contaminants in the awa.

After taking into account the submissions received and noting the strong level of support without change, the Panel decided to amend the Desired Outcomes follows by:

- (a) Amending Desired Outcome a, removing reference to *'wherever practical'*.

- (b) Amending Desired Outcome a point iii to be clear it refers to kai moana within Maketū estuary, removing the listed kai awa and kai moana species the outcome applies to all rather being limited to those listed and also making special note that Tuna (eels) are of particular importance.
- (c) Amending Desired Outcome b so it is clear the intention is that Mātauranga Māori and science are to be used to support the objectives of the Document rather than the originally broad reference to supporting the restoration of water quality and mauri. Delete reference to 'western' science.
- (d) Deleting Desired Outcomes c and d; and replacing them a new outcome which more clearly reflects Te Maru o Kaituna River Authority's intended outcome with respect to groundwater abstraction.

The final version of the Desired Outcomes for Water Quality and Quantity read:

- (a) *Limits for contaminants in the Kaituna River are established to ensure the water:*
 - (i) *is clean and safe for swimming in locations where people wish to swim, with specific locations identified and recommended by Te Maru o Kaituna*
 - (ii) *provides safe drinking water sources*
 - (iii) *is suitable to sustain plentiful kai awa (food sourced from the river) and kai moana (food sourced from the sea) within the Maketū estuary which is safe to eat. Tuna (eels) are of particular importance*
 - (iv) *is suitable for cultural ceremonies.*
- (b) *Mātauranga Māori (Māori knowledge) is acknowledged and used as a credible tool alongside science, to support the objectives of the Kaituna River Document.*
- (c) *Abstraction of groundwater from aquifers is sustainably managed to:*
 - (i) *Protect puna (spring) flows*
 - (ii) *Meet the relevant objectives in the Kaituna River Document.*

Outcome a – 'Wherever practical'

Four submission points sought deletion of 'wherever practical' from Outcome a (12 - 11, 24 - 16, 35 - 12, 36 - 9). The Panel have accepted these deciding to removing 'that, where practical' from Outcome a making it clear it is an aspirational document.

Outcome a iii – kai awa and kai moana species

The Panel considered various submissions which pointed out there are more kai of importance that those listed in outcome a. While some submitters sought the inclusion of an exhaustive list the Panel considered these and decided to first add within Maketū to be clear about the extent of kai moana covered by the river document and remove the list of species because by listing them the Panel felt, limits the outcome to just those in the list which wasn't the intent. The intent of the outcome was broader, seeking to ensure water quality is suitable to sustain plentiful and safe kai. In saying that though the Panel felt tuna were of particular importance, so have added the last sentence.

The Panel have also decided to work into the water quality and quantity introductory text the list of special species of kai awa and kai moana to ensure taonga species are acknowledged within the Document without limiting the outcome to those in response to removing the list from water quality and quantity desired outcome a iii) by adding '*Mahinga kai species of particular value and importance to the Kaituna community include tuna (eels), inanga (whitebait), kōura (crayfish), kuku (mussels), and other shellfish.*' (Various 7 - 8, 14 - 14, 20 - 7).

Specifying locations for kai in much the same way as swimming

A submission point sought specifying of the locations for swimming within the Document rather than at a later date and also specifying locations to gather kai in much the same way within Outcome a iii. The Panel rejected this point, preferring not to limit outcome a iii to only specific locations within the river. The intent is to be able to sustain plentiful and safe kai throughout the river.

Outcome b – removing reference to ‘western’ science & linking to objectives in the River Document

One submission (12 - 11) pointed out that science is science and suggested removing the word western which the Panel agreed with. Another submitter (21 - 7) sought amendments linking the use of mātauranga Māori and science to support the objectives for the river document more broadly rather than the proposed wording which focussed only on water quality and mauri. The Panel accepted this point making the changes sought.

Outcomes c and d – groundwater from aquifers

The Panel noted the connectedness of the ground and surface water pointed out by submission point 38 - 2 and also noted the importance of sustainably managing aquifers to ensure wai nuku (ability for taniwha to traverse). After considering all relevant submissions the Panel settled on the combining outcomes c and d into one which better reflects TMoK's intention and aligns with the various submissions points seeking greater clarity in the outcome relevant to groundwater and aquifers.

Geothermal resources

The Panel noted one submission (46 - 7) sought the inclusion of geothermal resources within the outcomes. In the Kaituna catchment, geothermal heat comes from hot rocks which heat freshwater it comes in contact with, rather than there being a source of geothermal water or fluid which could be affected by freshwater levels or limits. For this reason, it is only the temperature of geothermally heated freshwater which could be affected by freshwater levels. In most cases within the catchment warm freshwater is considered an issue rather than an opportunity by water users. The Panel noted the submission point choose not amend the Document.

Out of scope and action plan matters

Some suggestions, the Panel considered to be out of scope as they are seeking actions. While out of the scope of matters may be able to be resolved by adding them to the draft action plan discussion and others will be matters about detail which can be further considered when setting limits, objectives and methods to implement the National Policy Statement for Freshwater Management (NPSFM) in the catchment which will be put in place as Kaituna Water Management Area (Plan Change 12) in future.

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
12 - 11	Desired outcomes a - General	<p>Delete 'wherever practical'. It is important to be aligned with the outcome of the Kaituna/Maketū Freshwater Management Group consultation where it was unanimously agreed that water quality should be top priority with the river and its tributaries swimmable at all times.</p> <ul style="list-style-type: none"> The whole river needs to be swimmable at all times. Delete the word 'western'. Science is science, there are no geographic distinctions. Change the word 'compromise' for 'affect' being a stronger word. Suggest the word 'avoided' is weak and should be replaced with 'prevented' or 'prohibited'. 	<p>Accept in part. The Panel has decided to delete '<i>wherever practical</i>' from outcome a</p> <p>The Panel has also decided to remove the word 'western' from science agreeing with the submitter that science is science.</p> <p>Changed made to outcome c have also strengthened wording as suggested.</p>
14 - 15	Desired outcomes - General	<p>Amend outcomes to be as follows: "Expected Outcomes</p> <p>(a) Water over allocation is addressed and that fair and equitable, allocation principles are determined in accordance with Mātauranga Māori and Western Science</p> <p>(b) Restrictions (and where feasible prohibition) and Limits for all contaminants in the Kaituna River are established to ensure that, wherever practical, the water: For detail regard i- v see full submission</p>	<p>Accept in part. Limits for contaminants will form part of the next steps – setting limits under the NPSFM.</p> <p>Reject listing of kai within the desired outcome but will list them within the water quality and quantity header paragraph for the reasons set out above under "The reasons for the Panel's decision."</p>
29 - 10	Desired outcomes - General	Support. No change sought.	Accept
61 - 2	Desired outcomes - General	Support all of the desired outcomes expressed in the document. No relief sought.	Accept
61 - 7	Desired outcomes - General	Decision Sought: Amend the document so there are desired outcomes under each of Objectives 3, 4 & 5. Each Objective should be fleshed out with individual desired outcomes including the need to identify the source of contaminants so that specific outcomes can be met.	Reject. The Panel considered one set of outcomes under the three objectives is adequate for the Document. The action plan will be the place to identify specifics.

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
8 - 7	Desired outcomes - a	<p>Decision Sought: We recommend to avoid conflict that the desired outcome read “no contaminants in the Kaituna river to ensure is;</p> <p>(i) Clean and safe for swimming [...]</p> <p>(ii) (ii) Provides safe drinking water [...]" etc.</p>	Reject. While the Panel acknowledges the Document is aspirational ‘no contaminants’ would effectively shut down most activities in the catchment. The Panel considers the balance in the Document will allow restoration, protection and enhancement within acceptable limits.
20 - 7	Desired outcomes - a	<p>There are more kai of importance than those listed in desired outcome (a) - all food sources linked to the River should be listed and it must also be stated that this is not an exhaustive list either. See relief sought.</p> <p>Decision Sought: Amend Desired Outcome (a)(iii) to include: ...tohetaka (dandelions which grow on the river banks), watakirihi (watercress), ngā momo ika (different fish types), nga momo manu (bird species), ngā ururakau me te tikouka (groves of trees that stood along the riverbanks and cabbage trees).</p>	Noted, reject for reasons outlined above. The Panel have removed the list of kai for the reasons set out above, noting making the outcome broader gets away from having to have an exhaustive list.
21 - 6	Desired outcomes - a	<p>It is important to first identify the locations that need protection and then set the limits for contaminants. See decision sought for specific changes.</p> <p>RLC suggests that desired outcome ‘a’ is split into two and amended as set out in the full submission.</p>	Reject. The Panel chose not to limit the locations within the Document given the broad purpose of the Act. Specific locations will be focussed on when developing the action plan and when fulfilling outcome a i.
24 - 16	Desired outcomes - a	<p>Inclusion of the words 'wherever practical' in the lead sentence leaves the door open to those who seek to 'work around' this point.</p> <p>In regards to i) should access to swimming locations involve unauthorised crossing of Taheke 8C land this would be a clear infringement of the mana whenua of Taheke 8C as well as trespass. It also raises significant health and safety concerns. The river as it runs through Taheke 8C lands is notorious for drownings. Who does Te Maru o Kaituna think will be responsible for meeting onerous health and safety obligations.</p> <p>In regards to ii) - iv) who will ensure</p>	<p>Accept in part. The Panel has deleted ‘<i>wherever practical</i>’ from outcome a</p> <p>Reject other points due to being out of scope. The River document does not confer a right of access over private or Māori owned land.</p> <p>Food safety requirements and authorities will remain unchanged by the river document. Safety of shellfish for gathering is for example covered Toi te Ora Health.</p>

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
		<p>such food complies with all statutory requirements and who will be liable should people become ill after eating such food?</p> <p>Decision Sought: Remove 'wherever practical' from desired outcome a. and reject desired outcome subpoints i) - iv) for the reasons summarised.</p>	
30 - 8	Desired outcomes - a	<p>Whitewater NZ would appreciate the opportunity to consult with Te Maru o Kaituna regarding the mentioned 'swimming locations', which will receive high levels of protection under the document.</p> <p>Decision Sought: Te Maru o Kaituna to consult Whitewater NZ when determining swimming locations outlined in Water Quality and Quantity desired outcome a.</p>	Comment noted. The Panel will address 'swimming locations' as part of the action plan.
32 - 4	Desired outcomes - a	<p>Strongly support specificity of locations in existing Desired Outcome a(i) "...specific locations identified" under Water Quality and Quantity. No change sought.</p>	Accept but reject identifying locations now. TMOK will identify 'swimming locations' as part of developing the action plan.
32 - 5	Desired outcomes - a	<p>Specific approach in Objective 4 Outcome a(i) and Objective 7 (b) should apply to Objective 4 Outcome a(iv) to refer to specific locations.</p> <p>Decision Sought: Amend the Desired Outcome a(iii) under Water Quality and Quantity to include the following text at the end of the first sentence as follows ...is suitable to sustain plentiful kai awa (food sourced from the river) and kai moana (food sourced from the sea) which is safe to eat, 'with specific locations identified and recommended by Te Maru o Kaituna'.</p>	Reject for reasons outlined above under "The reasons for Panel's decision, and comments under desired outcomes.
35 - 12	Desired outcomes - a	<p>Inconsistent with mauri. There is no place for contaminants in the river or any waterway. Decision Sought: Delete 'wherever practical'</p>	Accept. The Panel has decided to delete ' <i>wherever practical</i> ' from outcome a

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
36 - 9	Desired outcomes - a	The Society objects to desired outcome 'a' and submits that it is inconsistent with mauri and with Ngati Pikiao values. There is no place for contaminants in the river or any waterway. Delete 'wherever practical'.	Accept. The Panel has decided to delete 'wherever practical' from outcome a
58 - 6	Desired outcomes - a	<p>The desired outcomes for contaminants in the Kaituna River are established to ensure wherever practical ii) provides for safe drinking water sources. Council must apply the National Environmental Standard for sources of Human Drinking Water, which sets the requirements.</p> <p>To apply the NES Council must chlorinate water to ensure it is free from contaminants. There has also been a move away from surface water takes. The desired outcome is therefore not relevant for potable (drinkable) water.</p> <p>Decision Sought: Amend or delete a (ii) as the desired outcome is therefore not relevant for potable (drinkable) water.</p>	Rejected. The Panel considers the setting of drinking water standards to be a function of local government. Moreover the Panel considers applying a chlorination regime to drinking water to be an activity to occur post extraction of water and is therefore a responsibility of local government.
21 - 7	Desired outcomes - b	RLC suggests that desired outcome 'b' is amended by adding 'objectives for the' delete 'restoration of water quality and mauri in the' so that it reads as follows to ensure it encapsulates all the objectives relating to water quality, quantity and mauri: "Mātauranga Māori (Māori knowledge) is acknowledged and used as a credible tool alongside western science, to support the objectives for the Kaituna River.'	Accept for the reasons set out under 'linking to objectives in the River Document' above.
24 - 17	Desired outcomes - b	Support Mātauranga Māori on condition that when it relates to te awa Okere such knowledge is based on Ngāti Pikiao tikanga and is controlled by Ngāti Pikiao solely. No relief sought.	Noted. TMoK have a Ngāti Pikiao member (via Te Pūmautanga o Te Arawa Trust member) to make sure Mātauranga Māori is appropriate for the top part of the awa.
38 - 2	Desired outcomes - c	Mercury supports Objectives 4 and 5 relating to sufficient water quantity in the Kaituna River, and that water is sustainably allocated and efficiently used, including to provide for the social, economic and cultural well-being of iwi, hapu and communities. In relation to the water	Accept in part. The Panel have decided to reworked both outcomes c and d as outlined above which are considered to address the submitters concerns.

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
		<p>quantity objectives, desired outcome (c) relates only to the effects of groundwater abstraction on aquifers.</p> <p>Decision Sought: Outcome 'c' should apply to both groundwater and surface water abstractions, along the lines of the following: "Aquifers and surface waters are sustainably managed so that abstraction of groundwater and surface water does not compromise the objectives and desired outcomes for the Kaituna River."</p>	
13 - 5	Desired outcomes - d	Desired outcome d. change 'ground water is avoided' to 'ground water is managed'. Covers all other aspects well.	Accept. The Panel have decided to reworked both outcomes c and d as outlined above which are considered to address the submitters concerns.
4 - 1	Desired outcomes - new	<p>Encourage interaction with Fish & Game. The rivers and streams contain trout. Licenses are free for children. We should encourage fishing for trout in clean water.</p> <p>Decision Sought: Add the word 'trout' to the document, placed in the context of positive support from all sides.</p>	Reject. The Panel acknowledges the recreational value of trout in the Kaituna. Improving ecological health of the river will benefit trout however the Panel do not wish to highlight particular species within the Document
46 - 7	Desired outcomes - new	New objective or outcome suggested. Groundwater management within rohe o Tapuika must take account for and consider the effect the geothermal resource.	Reject for the reasons set out above and under geothermal resources commentary.
61 - 8	Desired outcomes - new	<p>Information from this new desired outcomes should of course be linked to the information exchange required by Iwi Relationships desired outcome 'd'</p> <p>Decision Sought: Amend the document so there are desired outcomes under each of Objectives 3, 4 & 5. New desired outcome 'a' for Objective 3 should state: 'Water quality should be sampled at all major confluences (including pump stations) to identify the source of contaminants.'</p>	<p>Reject. The Panel considered one set of outcomes under the three objectives is adequate for the Document. The action plan will be the place to identify specifics.</p> <p>Monitoring of water quality at major confluences is already undertaken by the regional council and information is available.</p>

6.5 Land Use - Mahinga Whenua

Panel's Decision

After considering submissions made about Objective 6, and noting the strong support for the proposed wording, the Panel decided to retain the proposed wording without amendment. Objective 6 reads: *"The environmental wellbeing of the Kaituna River is enhanced through improved land management practices."*

Reasons for the Panel's Decision:

Forty one submission points referred to land use generally or were more specifically relevant to Objective 6 and the desired outcomes. Twenty four submission points supported Objective 6 and all of the outcomes without change with one being specific that outcome c should be retained in the same or similar form. About seventy percent of these were in support of the approach taken in the proposed document, while the remainder made suggestions for minor changes or additions. The submission points that raised general concerns about land use emphasised that economic use of land for dairy and dry-stock farming, horticulture, industry and urban growth will inevitably have some adverse effects on the environmental well-being of the Kaituna River. The majority of submitter suggestions did not substantially alter the intent of the objective and the desired outcomes, therefore the Panel decided to retain the wording of Objective 6 unchanged.

The table below outlines the submission that sought specific amendment to Objective 6 and the Panels' Decision regarding it:

Submission no.	Summary of Submission Point	Decision
8 - 8	Re-word the objective and desired outcomes with more specific results in mind. Measuring the many terms used may be difficult.	Rejected. Measuring the progress towards meeting the objectives and desired objectives will be a key part of TMOk's functions and is part of the next steps – implementation and action plan.
14 - 16	Current land management practices within the Kaituna catchment and especially the Lower Kaituna are seriously detrimental to the overall health and well-being of the river and such practices are in serious need of improved review and better management and supervision	Rejected. The Panel considers this point is sufficiently addressed by Objective 6.
41 - 3	Provide for polluters to pay for the implementation of this objective and use the money for enhancement.	Rejected. TMOk does not have authority to charge fees. Regional council can set fees and therefore is considered out of scope.

Desired outcomes

The Panel noted the strong support for the four desired outcomes. Twenty four submission points supported Objective 6 and all of the outcomes without change, with one specifically stating that outcome c should be retained in the same or similar form.

There was some discussion about the difference between desired outcome b (rural land management) and desired outcome c (management of consented activities) and whether or not there was duplication between the two desired outcomes. The Panel decided to keep the two outcomes, noting that not all rural land management activities are consented.

After considering all submission points, the Panel decided to retain the Desired Objectives without amendments. The Desired Outcomes read:

- (a) *An appropriate mix of rules, incentives and industry leadership is used to improve land management practices.*
- (b) *Rural land management is improved over time by adopting best practice techniques, taking advantage of technological and information advances and through more efficient use of inputs such as fertiliser, stock or crop quantity and/or outputs such as discharge quality and quantity limits.*
- (c) *Consented activities for agriculture, forestry, horticulture, industry, urban development, including the disposal of stormwater and wastewater are managed so that the ecological and cultural health of the Kaituna River is maintained or improved.*
- (d) *Kaitiakitanga (guardianship) and rangatiratanga (autonomy, authority, and ownership) are integrated into the management of land use, access to the river and protection of cultural heritage in specific locations in the catchment.*

The table below outlines the submissions that sought specific amendments to the desired outcomes and the Panel's Decisions regarding these:

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
36 - 10	Desired objective a	Amend desired objective a to clarify that not all activities on land practise contribute to pollution.	Rejected for the reasons set out above under commentary on Desired Outcomes.
12 - 13	Desired outcome b	Desired outcome b could be amended or abbreviated to aim for a sustainable agricultural system with reduced inputs and outputs.	Rejected. The Panel will consider this matter when developing the action plan.
24 - 19	Desired outcome b	Remove desired outcome b as it is covered by c	Rejected. Not all rural land activities are consented.
27 - 7	Desired outcome c	Desired outcome c refers to consented activities being managed so that the health of the river is 'maintained or improved'. Suggest removing the word 'maintain' to ensure a stronger emphasis on improved land management practices.	Rejected. 'Maintained and improved' is considered by the Panel to refer to the status of the river rather than activities associated with the river.
12 - 14	Desired outcome c	Desired outcome c refers to consented activities being managed so that the health of the river is 'maintained or improved'. Suggest removing the word 'maintain' to ensure a stronger emphasis on improved land management practices. Suggest that discharges to the river from 2030 should be made through a treatment wetland.	Rejected. 'Maintained and improved' is considered by the Panel to refer to the status of the river rather than activities associated with the river. While the Panel consider the suggestion to require discharges to be put through a treatment wetland as more of a rule or consenting matter which is outside of the documents scope, TMoK will consider actions including wetlands when developing the action plan.

Land Use - Mahinga Whenua

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
1 - 4	General	Support objective 6 and desired outcomes. No change sought.	Accepted in part
5 - 4	General	Associated land uses need to recognise relationship with water. No change sought.	Accepted in part
12 - 12	General	<p>We are concerned that balancing long term environmental goals with the needs for urban growth and local industry is a good way to guarantee environmental loss. We suggest that environment must come first.</p> <p>Decision Sought: Amend the last sentence of the introductory paragraph for land use to state: 'Our long-term environmental and cultural goals are our key priorities; however, we accept that there will be some environmental loss to allow for urban growth and economic activity.'</p>	Rejected. The Panel acknowledges that development and growth are priorities for the wider community. However, the focus of the document is on the restoration, protection and enhancement of the river to enable the cultural, social and other benefits that a healthy river system will bring to the community.
14 - 16	General	<p>Submitter recommends changes and makes the following comment: "Ngati Moko o Tapuika believes that these are the major contributors to the current ill health of the River. There needs to be more statements that address the current malpractices and this one of the principal reasons that Tapuika Iwi Authority sought the establishment of KRA – to control and manage the effects of Livestock & Dairy Farming, Horticulture, Meat Processing, Forestry, Roding Infrastructure, Residential and Urban development and curtail or mitigate the serious impacts of all these activities upon the overall health and wellbeing of the Kaituna River and its tributaries. Performance Measurements - There are no Performance measurement standards for the KRA to ensure compliance with these objectives. Action plans will deliver programmes to produce or relate to expected outcomes however it has no objective criteria to show compliance with overall objectives and this should be covered in the KRD."</p>	Rejected. The Panel considers this point is sufficiently addressed by Objective 6.

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
		<p>Decision Sought:</p> <p>Extensive amendments to the Objective, its supporting text and the outcomes - see full submission. Also recommended to prepare action plans - see relief sought.</p> <p>For Objective 6 itself, suggested to be as follows: "Objective 6 – Improved Land Management Practices The environmental well-being of the Kaituna River is enhanced through improved land management practices. Current Land Management Practices within the Kaituna Catchment and especially the Lower Kaituna are seriously detrimental to the overall health and well-being of the river and such practices are in serious need of improved review and better management and supervision."</p>	
16 - 4	General	Support. No relief sought.	No relief sought.
17 - 4	General	Support. No relief sought.	No relief sought.
22 - 5	General	Support. No relief sought.	No relief sought.
25 - 4	General	Support these provisions as proposed. No relief sought.	No relief sought.
26 - 4	General	Support these provisions as proposed. No relief sought.	No relief sought.
29 - 11	General	TCC holds a comprehensive stormwater consent from Bay of Plenty Regional Council for stormwater management and discharge from Wairakei - Te Tumu and Bell Road catchments. These include a provision for overflow discharge allowance from the Wairakei Stream into the Kaituna River. The delivery of the overflow will occur in accordance with the existing consent and future development of Te Tumu. TCC also holds a consent for a municipal water taken from the Waiari. This project will be commissioned in 2021. These consents are subject to conditions through which effects on the River are addressed. No relief sought.	No relief sought.
30 - 4	General	Support. No relief sought.	No relief sought.

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
33 - 3	General	Submission of support. No change sought.	No relief sought.
42 - 4	General	Support. No relief sought.	No relief sought.
43 - 4	General	Local industry has impacted on the river quality. Local council is to blame for the mess our river is in. If you let industry do what they want, you fix the mess. Councils need to fix the mess they have made, No excuse.	Rejected. The Panel considers the document acknowledges poor practices in the past, however, the focus of the document is on protection and enhancement through meaningful relationships with the community and considers the document to provide an optimistic approach to the improved river wellbeing through collaborative relationships.
45 - 3	General	Support. No relief sought.	No relief sought.
46 - 3	General	Support. No relief sought.	No relief sought.
47 - 4	General	Support. No relief sought.	No relief sought.
48 - 3	General	Support. No relief sought.	No relief sought.
49 - 4	General	Support. No relief sought.	No relief sought.
50 - 3	General	Support. No relief sought.	No relief sought.
52 - 5	General	Land use - impact on river has had detrimental effect, need stricter guidelines.	No relief sought.
56 - 4	General	Support. No relief sought.	No relief sought.
58 - 4	General	Support. No relief sought.	No relief sought.
59 - 6	General	<p>We understand that the nature of the land use in the catchment is the key contributor to the current health/state of the river. This in mind, our view is that a more aggressive/ proactive approach to achieving the desired outcomes would be preferred.</p> <p>Decision sought: That Crown, iwi and local and territorial authorities actively promote and incentivise landowners to minimize the negative effects of their land management practices on the Kaituna.</p>	Accepted in part: Whilst the role of incentivising good land use practices is a function of Council, and is therefore out of scope, the Panel accepts that collaboration with local government to promote good land use practice will be a focus of the relationship between Te Mana o Kaituna and local government.
60 - 4	General	Support. No relief sought.	No relief sought

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
8 - 8	Objective 6	<p>Objective 6, and its' outcomes have used the following terms;</p> <ul style="list-style-type: none"> (a) enhancement (b) best practice (c) incentives (d) improvement <p>There may be difficulty in honouring these statements given the range of variables associated with measuring "enhancement", "best practice", "improvement" and so on.</p> <p>Decision sought:</p> <p>Recommendation to re-word Objective 6 and its outcomes with a specific result in mind.</p>	Rejected. Measuring the progress towards meeting the objectives and desired objectives will be a key part of TMoK's functions and is part of the next steps – implementation and action plan.
38 - 3	Objective 6	<p>Mercury supports Objective 6 relating to the environmental well-being of the Kaituna River. This is supported by desired outcome (c) for consented activities to maintain or improve the ecological and cultural health of the Kaituna River.</p> <p>Decision sought: Objective 6 and desired outcome 'c' should be retained in the same or similar form.</p>	No relief sought
39 - 3	Objective 6	<p>Support for Objective 6. Decision sought: No change sought to the Objectives in the Proposed Document - see the full submission for explanation and supporting statements.</p>	No relief sought
41 - 3	Objective 6	<p>Support Objective 6 and its outcomes in principle, however polluters (including councils) should pay and \$ set aside to remedy water quality. Land use needs to be monitored. Decision sought: Monitor land use, collect fines from polluters, and use this money for repair and enhancement.</p>	Rejected. TMoK does not have authority to charge fees. Regional council can set fees and therefore is considered out of scope.
51 - 6	Objective 6	<p>Support Objective 6 - refers to synergies with PC10 Rotorua Lakes by BOPRC. Decision sought: No change sought to the Objectives in the Proposed Document - see the full submission for explanation, images and supporting statements.</p>	No relief sought

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
53 - 4	Objective 6	Fish and Game supports Objective 6 which seeks to enhance the environmental wellbeing of the Kaituna River through improved land management practices. No relief sought.	Accept. Support noted
61 - 3	Desired outcome general	Support all of the desired outcomes expressed in the document. No relief sought.	Accept. Support noted
36 - 10	Desired outcome – a	Decision sought: Amend desired outcome c to include the addition of the phrase “where practises are contributing to river pollution” so that the outcome reads: 'An appropriate mix of rules, incentives and industry leadership is used to improve land management practices where practices are contributing to river pollution.' The addition of this phrase recognises that not all land practices are contributing to river pollution.	Rejected for the reasons outlined above and under commentary on desired outcomes.
12 - 13	Desired outcome – b	Decision sought: Add the following to desired outcome b. 'Development of a sustainable agricultural system with reduced inputs and outputs.'	Rejected. The Panel will consider this matter when developing the action plan.
24 - 19	Desired outcome – b	Despite c being prefaced with 'Consented activities' Taheke 8C objects to the apparent primacy given to desired outcome b. rural land management in terms of where is sits in the hierarchy of desired outcomes and its comprehensiveness compared to desired outcome c. Decision sought: Remove b as it is covered by c.	Rejected. Not all rural land activities are consented.
12 - 14	Desired outcome – c	We know that current state is not satisfactory, and that to achieve the other outcomes we must always look to improve the ecological and cultural health of the river. Decision sought: Remove the word 'maintained' from land use desired outcome c. and add the following additional sentence: 'All discharges into the river must be made through a treatment wetland by 2030, to reduce potential pollution.'	Rejected. 'Maintained and improved' is considered by the Panel to refer to the status of the river rather than activities associated with the river. While the Panel consider the suggestion to require discharges to be put through a treatment wetland as more of a rule or consenting matter which is outside of the documents scope, TMoK will consider actions including wetlands when developing the action plan.

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
21 - 8	Desired outcome – c	It is not clear if this outcome refers to existing consented activities or future consents. The adverse effects of existing consented wastewater facilities are already managed through consent conditions. Without a metric or standard of measurement for the ecological and cultural health of the river, they should not be required to be re-consented, other than to give effect to existing consent conditions. Decision sought: Clarify the intent of this outcome.	Rejected. The Panel prefers to retain current text as being sufficiently clear. It acknowledges the constant need to improve and enhance local government processes to ensure the health of the environment, including the Kaituna River, remains the priority.
27 - 7	Desired outcome – c	We support the outcomes listed but would like to see stronger emphasis on improved land management to improve rather than maintain the ecological health of the river. Strong policies and rules are needed here. Decision sought: Amend Desired Outcome (c) under Objective 6 to '... health of the Kaituna River is improved.'	Rejected. 'Maintained and improved' is considered by the Panel to refer to the status of the river rather than activities associated with the river.
38 - 4	Desired outcome – c	Mercury supports Objective 6 relating to the environmental well-being of the Kaituna River. This is supported by desired outcome (c) for consented activities to maintain or improve the ecological and cultural health of the Kaituna River. Decision sought: Objective 6 and desired outcome 'c' should be retained in the same or similar form.	Accept support noted
7 - 4	Desired outcome – new	Collaborative efforts to reduce, reform, rehabilitate land use and the water needed to support the present 'intensive industrial' methods of agriculture, horticulture, forestry etc. is supported. Decision sought: Ensure desired outcomes support the need for collaborate effort as outlined in submission.	Accepted in part. The Panel considers the need for collaborative relationships to be inherent in the wording and intent of the document.

6.6 Ecosystem Health – Te Oranga o Te Pūnaha-hauropi

Panel's Decision

After considering submission points received about ecosystem health, the Panel decided to amend Objective 7 by adding the word '*restored*' so the final wording reads:

“Ecosystem health, habitats that support indigenous vegetation and species, and wetlands within the Kaituna River are restored, protected and enhanced”.

Reasons for the Panel's Decision:

Forty three submission points were about ecosystem health generally or more specifically referred to Objective 7 and its desired outcomes. All except one submission supported the approach taken in the proposed provisions with 26 submission points providing support with no change and 17 suggesting amendments. The majority of suggested amendments are minor, seeking a strengthening of wording, with some suggesting new desired outcomes. Only one submissions point opposed, for reasons relating to mana whenua and whanau as land and resource owners.

Strengthened language in Objective 7

Various submitters suggested the inclusion of different words such as preserved, managed, and /or restored to 'protected and enhanced'. The Panel agreed that restoration is a priority regarding the health of the Kaituna River and decided to strengthen Objective 7 by including the word 'restored' to emphasise restoration is a priority for Te Maru and the community.

Strengthen the Objective or desired outcomes to halt loss of native species, habitat, flora and fauna and

The Panel agreed with the intent of submission (7 - 5), however, consider these matters to be adequately covered by Objective 7, namely "restoration, protection and enhanced".

Provide more recognition of the value of wetlands

The Panel considered this to be covered by the amendments made to the Desired Outcomes for Objective 7.

The table below outlines the submissions that sought specific amendment to Objective 7 and the Panels' Decision regarding these:

Submission no.	Summary of Submission Point	Decision
13 - 6, 14 - 17, 35 - 13, 36 - 11	Strengthening the wording with in the Objective – various submitters suggested include adding different words: preserved, managed, and /or restored to 'protected and enhanced'.	Accepted in part for the reasons set out under 'strengthened language in Objective 7 above.
7 - 5	Strengthen the Objective or desired outcomes to halt loss of native species, habitat, flora and fauna.	Accept in part: The Panel considers halting the loss of native species and their habitats this to be sufficiently addressed in the amended desired outcome with regard to maintaining and improving ecosystems that support indigenous species. The Panel have included 'indigenous' within outcome a
21 - 9	To acknowledge that some parts of the Kaituna are already in a health state by adding 'maintained where they are already in a healthy ecological state'	Rejected for the reasons set out above under commentary on Objective 7. The Panel considered this to be covered by approved wording of Objective 7
53 - 5	Provide more recognition of the value of wetlands and also the importance of the cold water flows for fisheries.	Accept in part for the reasons set out above. The Panel has addressed this by amendments to the desired outcomes.

Desired Outcomes

After considering all submission points made about the desired outcomes, the Panel decided to amend them as follows:

- 1 Desired outcome a: Remove '*healthy*' and '*including wetlands*'. Added '*Identify*' and '*indigenous*'.
- 2 Desired outcome b: Delete outcome b and replace it with new b and c
- 3 Delete original outcome c and add new outcome d.

The final version of the desired outcomes now read:

- (a) *Identify, maintain and improve ecosystems that support and sustain indigenous flora and fauna.*
- (b) *Explore opportunities to create, increase and enhance the extent and quality of wetlands in the lower Kaituna catchment.*
- (c) *Promote the removal of pest species. (11 - 10, 12 - 1, 12 - 16, 62 - 3)*
- (d) *Priority restoration, protection and enhancement projects are identified by Te Maru o Kaituna in their Action Plan.*
- (e) *Te Maru o Kaituna members promote and take into account priority projects in their long-term and annual plan process.*

Add 'native' or 'indigenous' to desired outcome a

The Panel agreed with submission point 12 - 5 that the term indigenous, in relation to fauna and flora, be included in desired outcome a to emphasise the importance of indigenous species and their relationship with the Kaituna River.

Halt the loss of native species and habitats

The panel accepted in part submission point 7 - 5 suggesting to amend desired outcome a, to include halting the loss of native species and their habitats. The Panel considers this to be addressed in the amended desired outcome with regard to maintaining and improving ecosystems that support indigenous species.

Proposed new desired outcomes

Several submissions suggested new desired outcomes regarding ecosystem health.

Promote the removal of pest species

Submission points 11 - 10, 12 - 1, 12 - 16, 62 - 3 raised pest management and / or pest control as an issue which should be covered within the desired outcomes. Submission point 12 - 16 sought a new desired outcome to promote the removal of pest species.

The Panel did agree that this is an important aspect of sustainable river management and decided to add a new desired outcome '*promote the removal of pest species*' to address concerns raised and also to be sufficiently broad enough to encompass not only pest plants but all flora and fauna.

Wetland Creation

Submission point 13 - 7 sought a new desired outcome that focuses on the creation, protection and enhancement of wetlands. The submission sought to increase the size and development of wetlands. The Panel agreed with the submitter that the creation and

enhancement of wetlands is a key contributor to the health of the river and its surrounding environment and made the decision to include new desired outcome b.

Protect and preserve our native species

Submission point 14 - 7 sought a new desired outcome to protect and preserve native species of flora and fauna so they are afforded the same protection as trout. The Panel agreed that protection of native species and their habitats should be a focus and decided to amend desired outcome a to refer to indigenous species to emphasising support for native species and their respective habitats.

The table below outlines the submissions that sought specific amendments to the desired outcomes or new ones and the Panel Decisions regarding these:

Submission no.	Objective/ Outcome	Summary of Submission Points	Decision
12 - 15	Desired outcome a	Desired outcome a: Add 'native' or 'indigenous' between 'sustain' and 'flora and fauna'.	Accepted for the reasons set out above and under commentary on Desired Outcome a. The Panel have included 'indigenous' within outcome a.
7 - 5	Desired outcome a	Desired outcome a: Strengthen desired outcomes to halt loss of native species, habitat, flora and fauna	Accepted in part for the reasons set out above under Desired Outcome a. The Panel have included 'indigenous' within outcome a.
8 - 9	Desired outcome b	Desired outcome b: Strengthen the wording of Outcome b to ensure restoration projects are identified and feature in local authorities LTCCP reviews as opposed to recommended.	Accepted for the reasons set out above under Desired Outcome b. The Panel have decided to include two new desired outcomes c and d to provide emphasis on proactivity via an action plan.
13 - 7	New desired outcome	Include a specific outcome about wetland creation, protection and enhancement. One suggested the wording 'Opportunities are explored to increase the size and development of wetlands.	Accepted for the reasons set out above and under commentary for Desired Outcomes.
14 - 17	New desired outcome	Add an additional outcome to protect and preserve our native species including inanga (whitebait), tuna (eels), koura etc. (in the same way trout are protected) thereby halting the loss of native species, habitat, flora and fauna.	Accepted in part for the reasons set out above under commentary on Desired Outcomes and under 'strengthened language in Objective 7'.

Submission no.	Objective/ Outcome	Summary of Submission Points	Decision
12 - 1	New desired outcome	<p>Maketū Ōngātoto Wetland Society (MOWS) is a community based social enterprise based in Maketū with the objective of assisting in the ecological restoration of the lower Kaituna River, Maketū and Waihi Harbours and the surrounding area, and the creation of a Ramsar Site, a wetland of international significance, therein. As such our aims and objectives are very much in line with the Vision, Objectives and Desired outcomes of Te Maru o Kaituna.</p> <p>MOWS is entirely supportive of the objectives and strategy, however we do feel that in a number of instances the language used is insufficiently clear or rigorous, and that greater emphasis should be placed on the importance and value of native species as well as cultural values and the importance of kai. There is also insufficient emphasis on the damage caused by introduced pest species, especially plants, which have a significant deleterious impact on the river and the estuary. We feel there is insufficient importance attached to the need to clean up the river and problems that pollution causes in the estuary and its impact on Ōngātoto both from a cultural and kai perspective.</p> <p>Decision sought: Clarify and strengthen language as outlined in the summary. Place greater emphasis on the importance and value of native species as well as cultural values and the importance of k</p>	Accept in part: The Panel agreed with the intent of the submission and have decided to add a new desired outcome to the ecosystem health section to promote the removal of pest species for the reasons set out there.
12 - 16	New desired outcome	One suggested 'Promote the removal of pest species, specifically pampas, willow and wattle, and encourage the riparian planting of all drains and waterways.' And another suggested the eradication of pampas and noxious weeds in wetlands.	Accepted in part. The Panel have decided to add a new desired outcome to promote the removal of pest species for the reasons set out above.
Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
1 - 5	General	Support objective 7 & desired outcomes. Canoeists, rafting adventurers and kayakers wishing to paddle portions of the Kaituna river. Maintaining water quality and	Accept. No relief sought

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
		the ecological beauty of the river is of course integral to this use of the river as it is for Maori and other users. No change sought.	
5 - 5	General	Ecosystem health should be improved over time. No change sought.	Accept. No relief sought
7 - 5	General	Definitely urgent attention needed to halt the appalling loss of native species, habitat, flora and fauna. Decision Sought: Strengthen objective and / or desired outcomes to halt the appalling loss of native species, habitat, flora and fauna.	Accept in part: The Panel considers halting the loss of native species and their habitats this to be sufficiently addressed in the amended desired outcome with regard to maintaining and improving ecosystems that support indigenous species. The Panel have included 'indigenous' within outcome a
16 - 5	General	Support. No relief sought.	Accept. No relief sought
17 - 5	General	Support. No relief sought.	Accept. No relief sought
22 - 6	General	Support. No relief sought.	Accept. No relief sought
25 - 5	General	Support these provisions as proposed. No relief sought.	Accept. No relief sought
26 - 5	General	Support these provisions as proposed. No relief sought.	Accept. No relief sought
29 - 12	General	The Te Tumu Urban Growth Area of Tauranga City lies between the Kaituna River and the coast. The area is currently the subject of a structure planning process ahead of plan changes to rezone the land for urban uses. Recognition of existing wetland areas along the river margins have been identified. Some of these will be used as part of stormwater quality management. Council is working directly with hapu and iwi of the river in the Te Tumu area as well as the Department of Conservation in relation to sites of ecological significance and their recognition and protection. No change sought.	No relief sought
30 - 5	General	Support. No relief sought.	Accept. No relief sought
33 - 4	General	Submission of support. No change sought.	Accept. No relief sought
42 - 6	General	Support. Local council needs to lead changes as they made the mess.	Accept. No relief sought

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
45 - 4	General	Support. No relief sought.	Accept. No relief sought
46 - 4	General	Support. No relief sought.	Accept. No relief sought
47 - 5	General	Support. No relief sought.	Accept. No relief sought
48 - 4	General	Support. No relief sought.	Accept. No relief sought
49 - 5	General	Support. No relief sought.	Accept. No relief sought
50 - 4	General	Support. No change sought.	Accept. No relief sought
52 - 6	General	Support. No change sought.	Accept. No relief sought
56 - 5	General	Support. No relief sought.	Accept. No relief sought
60 - 5	General	Support. No relief sought.	Accept. No relief sought
13 - 6	Objective 7	Decision sought: Add 'Managed, protected and enhanced' to Objective 7 Ecosystems.	Accepted in part for the reasons set out under 'strengthened language in Objective 7 above.

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
14 - 17	Objective 7	<p>"Ngati Moko o Tapuika believes that the restoration and enhancement of the river ecosystems should be a priority for the KRA. There is a need to identify in the KRD the specific ecosystems to be prioritised such as Whitebait Tuna Koura Trout and other indigenous species. Ecosystem health is reflected in the overall health and wellbeing of the river itself. Individual and specific outcomes should be listed for each of these fisheries and another for the restoration of wetlands and flax as a priority for the KRA."</p> <p>Decision sought: Amended provisions to: "Ecosystem health, habitats that support indigenous vegetation and species, and wetlands within the Kaituna River are preserved protected and enhanced.</p> <p>Desired Outcomes a Restore maintain and improve healthy ecosystems, including wetlands that support and sustain flora and fauna which contribute to the overall health and wellbeing of the river</p> <p>b Specific areas of habitats and wetlands are identified and prioritised by Te Maru o Kaituna for restoration projects and recommended to the relevant local authority for enhancement and restoration projects</p> <p>Also, other relief sought regarding identification and prioritisation as described in the full submission.</p>	Accepted in part for the reasons set out under 'strengthened the language in objective 7above.
21 - 9	Objective 7	<p>It needs to be acknowledged that some areas in the Kaituna River catchment are in a healthy ecological state.</p> <p>Decision sought: Amend Objective 7 by adding 'maintained where they are already in a healthy ecological state, so that it reads "Ecosystem health, habitats that support indigenous vegetation and species, and wetlands within the Kaituna River are maintained where they are already in a healthy ecological state, protected and enhanced".</p>	Rejected for the reasons set out under and above in commentary on Objective 7. The Panel considered this to be covered by approved wording of Objective 7

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
27 - 8	Objective 7	We strongly support the restoration of ecological health in the wetlands associated with the Kaituna River. Our branch has a long history of involvement with the Kaituna Wetland, both through advocacy and practical work such as planting. Decision sought: Support Objective 7 and its outcomes. No change sought.	Accept. No relief sought
35 - 13	Objective 7	This important Objective 7 omits restoration, hence our claim to business as usual. Decision sought: Add "restoration" so the statement now reads: Ecosystem health, habitats that support indigenous vegetation and species, and wetlands within the Kaituna River are restored, protected and enhanced.	Accepted in part for the reasons set out under 'strengthen the objective or desired outcome' above.
36 - 11	Objective 7	Decision sought: Amend Objective 7 by including "restoration" so that the statement reads: 'Ecosystem health, habitats that support indigenous vegetation and species, and wetlands within the Kaituna River are restored, protected and enhanced.'	Accepted in part for the reasons set out under 'strengthen the objective or desired outcome' above.
39 - 4	Objective 7	Support for Objective 7. Decision sought: No change sought to the Objectives in the Proposed Document - see the full submission for explanation and supporting statements.	Accept. No relief sought
51 - 7	Objective 7	Supports Objective 7. Refers to work on wetlands and biodiversity. Decision sought: No change sought to the Objectives in the Proposed Document - see the full submission for explanation, images and supporting statements.	Accept. No relief sought

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
53 - 5	Objective 7	<p>Fish and Game supports Objective 7 which seeks to protect and enhance ecosystem health and wetlands. As identified in the full text under general submission, wetland habitats need to be created, protected and enhanced. Cold water inflows in the lower Kaituna are also required to protect ecosystem health. See full text for further information about wetlands and cold water inflows.</p> <p>Decision sought: Amend Objective 7 or add objectives to provide more recognition of the value of wetlands and also the importance of cold water inflow for fisheries.</p>	Accept in part for the reasons set out above under commentary on Objective 7. The Panel has addressed this by amendments to the desired outcomes.
61 - 4	Desired outcomes - general	Support all of the desired outcomes expressed in the document. No relief sought.	No relief sought
10 - 3	Desired outcome - a	Agree with the wetlands. I lived on the river bank for years. No relief sought.	No relief sought
12 - 15	Desired outcome - a	Decision sought: Insert the word 'native' or 'indigenous' between 'sustain' and 'flora and fauna' in desired outcome a under Objective 7.	Accepted for the reasons set out above under commentary on Desired Outcome a. The Panel have included 'indigenous' within outcome a.
8 - 9	Desired outcome - b	<p>At a recent meeting with iwi leadership the Mayor of the Western Bay of Plenty DC has signalled that water is a top priority. Further the LTP for WBOPDC is due for review. It would be timely in our view to ensure restoration projects identified by Te Maru O Kaituna feature in the reviewed LTP as opposed to a recommendation. A recommendation does not necessarily achieve a result.</p> <p>Decision sought: Strengthen the wording of Desired outcome (b).</p>	Accepted for the reasons set out above under commentary on Desired Outcome b. The Panel have decided to include two new desired outcomes c and d to provide emphasis on proactivity via an action plan.
24 - 22	Desired outcome - b	Decision sought: Reject this desired outcome for reasons relating to the mana whenua of whanau as land and resource owners.	Rejected: Out of scope. The river document does not override mana whenua, affect land ownership rights or detract from kaitiaki roles.

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
32 - 6	Desired outcome - b	AFFCO strongly supports the approach to specificity in Objective 7 Outcome b - resource users need this sort of certainty for planning. No change sought.	No relief sought. Reject. The Panel after considering all submissions have changed this outcome moving away from specifying areas to prioritising projects which while goes against this submission point aligns better with TMoK's function and purpose.
7 - 8	Desired outcome - new	<p>There are protected trout hatcheries and fisheries but no similar entities for the protection and preservation of our dwindling native species of inanga (whitebait), tuna (eels), koura, etc. Why this anomaly?</p> <p>Decision sought: Ensure desired outcomes protect and preserve our dwindling native species of inanga (whitebait), tuna (eels), koura, etc. in the same way trout is protected.</p>	<p>Accepted in part: The Panel agrees with focussing on the protection and enhancement of indigenous species as a priority.</p> <p>However, the Panel considers this point to be sufficiently addressed in the text of Objective 7 & and in the text of Objective 7 Desired Outcome a without the need for a new outcome</p>
11 - 10	Desired outcome - new	<p>The wetlands in the Kaituna River where are they? The river loops have been removed by the Kaituna River Board in the 70's. The river has been straightened and interfered with over the years. The meandering of the river has disappeared. What used to be wetlands are now used by farmers for stock grazing. How is this document going to remedy those historical wrong doings? The Kaituna River Wetland Reserve requires plenty of freshwater to be called a wetland. Thank goodness for people like Ray Bushell and the Acclimatisation Society members who purchased that land and made it into a wetland reserve. How is this recognised in this document?</p> <p>Decision sought: Add 'create and restore wetlands' to the desired outcome. Strengthen wording of the desired outcomes to improve the function of wetlands in the river and tributaries is required. The eradication of pampus and noxious weeds in wetlands should be added into the desired outcomes.</p>	<p>Accepted in part: The Panel agrees that focus on the protection and enhancement of wetlands is a priority. The Panel considers this point to be sufficiently addressed in the text of Objective 7 and has included new Desired Outcome b to address this point.</p> <p>'Explore opportunities to create, increase and enhance the extent and quality of wetlands in the lower Kaituna catchment'</p> <p>Accepted in part. The Panel have decided to add a new desired outcome to promote the removal of pest species for the reasons set out above.</p>
12 - 16	Desired outcome - new	Decision sought: Suggest adding the following additional desired outcome: 'd. Promote the removal of pest species, especially pampas, willow and wattle, and encourage the riparian planting of all drains and	Accepted in part. The Panel have decided to add a new desired outcome to promote the removal of pest species for the reasons set out above.

Submission no.	Objective/ Outcome	Summary of Submission Point	Decision
		waterways.'	
13 - 7	Desired outcome - new	Decision sought: Add a new desired outcome d opportunities are explored to increase the size and development of wetlands'.	Accepted for the reasons set out under commentary on desired outcomes above
41 - 4	Desired outcome - new	Fix damage that Regional Council did in the past and minimise further damage from local industries. Decision sought: Plant trees, increase wetlands, and repair damage from farming/horticulture/Affco etc.	Rejected: The Panel considers activities identified in this submission are either consenting matters or out of scope for TMoK. Where appropriate, matters outlined in the decision sought can be considered during the development of the action plan.
53 - 7	Desired outcome - new	See relief sought and further details under general submission in the full text. Decision sought: Include specific desired outcomes around wetland creation, and wetland protection and enhancement.	Accepted in part: The Panel agrees that focussing on the protection and enhancement of wetlands is a priority. The Panel and has included new Desired Outcome b to address this point. 'Explore opportunities to create, increase and enhance the extent and quality of wetlands in the lower Kaituna catchment'.
59 - 7	Desired outcome - new	Ngati Whakaue is supportive of this objective (as we are of all the objectives) and would like to see a specific reference to the management of invasive species added to this section to acknowledge the current effect of invasive species as well as preventative measures for the impending threat of devastating species such as catfish. Decision sought: Add specific reference to the management of invasive species to acknowledge the current effect of invasive species as well as preventative measures for the impending threat of devastating species such as catfish.	Accepted in part: The Panel agrees that the management of invasive species is important for the health of the river and its environment however, considers this to be sufficiently accounted for in the existing text of Objective 6 "Ecosystem Health" and the desired outcomes relevant to environmental and ecosystem protection, restoration and enhancement.

6.7 Collaboration with Iwi and the Community - Nga Herenga o Te Maru o Kaituna

Panel's Decision

After considering submissions points, the Panel decided to amend Objective 8 by removing *'The', 'of iwi and the wider community are supported by Te Maru o Kaituna through their responsibility to promote'* and adding *'Te Maru o Kaituna in collaboration with Iwi and the wider community enable'* so the final wording reads:

'Te Maru o Kaituna in collaboration with Iwi and the wider community enable environmental, economic, social, educational and cultural aspirations for the restoration, enhancement and protection of the Kaituna River.'

After considering all submission points made about the desired outcomes, the Panel have decided to amend them as follows:

- 1 Desired outcome b: Remove *'have economic development opportunities, such as tourism'* and added *'Economic development activities for'*;
- 2 Desired outcome c: Remove *'Te Maru o Kaituna'* and *'opportunities for industry and local businesses to establish'* and *'help promote the restoration, protection and enhancement of'* and added *'foster and enable sustainable industry and business practices to actively'*
- 3 Desired outcome d: removed *'Opportunities for'* and *'the environmental'*.

The final version of the desired outcomes now read:

- (a) *Environmental education programmes are promoted by Te Maru o Kaituna.*
- (b) *Economic development opportunities for Iwi and hapū which respect the cultural associations they have with the Kaituna River; promote greater understanding of those associations; and restore, protect or enhance the well-being of the Kaituna River.*
- (c) *Support collaborative relationships that foster and enable sustainable industry and business practices to actively enhance the Kaituna River.*
- (d) *Recreational activities along the Kaituna River do not compromise safety or priorities of Te Maru o Kaituna for the restoration, protection and enhancement of the Kaituna River.*

Reasons for the Panel's Decision:

Twenty three submission points were made about Te Maru o Kaituna in Collaboration with Iwi and the Community - Objective 8 and its desired outcomes.

Objective 8

Ten submission points support TMoK in Collaboration with Iwi and the Community with no change and a further three specifically support Objective 8 without amendment. Four submissions sought amendments to Objective 8, with three seeking to emphasise collaboration between TMoK, Iwi and the community, and one seeking acknowledgement of the planned future urban development in Pāpāmoa East.

Themes of submissions seeking amendments to Objective 8 are:

- (i) Support for the creation of a regional park or equivalent for ecological management, education and enjoyment.
- (ii) Support for native fish species to be extended the same measures of protection as trout.
- (iii) The plan and strategies to take into account the anticipated population growth in Pāpāmoa East.
- (iv) The focus should be on cultural wellbeing rather than cultural aspirations.
- (v) That the outcomes of TMoK enable economic, social and educational iwi aspirations via the restoration, enhancement and preservation on the river.

Collaboration with the Wider Community

Submission points about Objective 8 placed emphasis on the collaboration with the wider community and the role TMoK may play in supporting community wide aspirations in relation to the Kaituna River. Submitters place emphasis on the educational and cultural aspirations of the wider community with regard to the Kaituna River. The Panel decided to amend Objective 8 to reflect TMoK's role of fostering collaboration with the wider community regarding the Kaituna River and in supporting economic, social, educational aspirations in relation to the river as well as environmental and cultural aspirations.

The amendments made to Objective 8 by the Panel, place emphasis on active support of restoration projects with a more direct statement on collaboration than the proposed wording which used more passive language.

The table below outlines the submissions that sought specific amendments to Objective 8 and the Panels' Decision regarding these:

Submission no.	Summary of Submission Point	Decision
12 - 17	Amend words – insert 'local iwi, local conservation groups '	Accept in part
19 - 2	Take into account future communities	Accept in part
27 - 9	Aspirations are not consistent with the RMA. Align objective with S.5 of the RMA	Rejected: The document has authority by virtue of its settlement legislation.
45 - 5	Include educational and cultural	Accept
46 - 5	Include educational and cultural	Accept
47 - 6	Include educational and cultural	Accept
49 - 9	Include educational and cultural	Accept
59 - 8	Insert visual aids / pictures representing native species	Accept in part

Desired outcomes

Economic development opportunities

The Panel considered submissions which suggest widen the focus of desired outcome b to include hunting, fishing and trekking. The Panel decided to reject these submissions as the focus of this objective is to ensure economic development that occurs surrounding the river adheres to, recognises and respects the cultural association of iwi and hapū with regard to the Kaituna River. The Panel considered the suggested activities to be sufficiently included in the description of economic development opportunities hence the Panel's removal of specific examples such as tourism activities from the proposed wording.

Collaborative relationships and sustainable business activities

The Panel considered submissions regarding desired outcome c and did not consider the suggestions altered the intent of the outcome. The Panel decided to amend the outcome to re-emphasise collaborative relationships and the importance of sustainable business and industry practices.

Recreational activities and safety

The Panel considered submissions regarding desired outcome d and in response to submissions, decided to reword it to be more direct and eliminate potential ambiguity around its intent.

The table below outlines the submissions that sought specific amendments to the desired outcomes and the Panel Decisions regarding these:

Submission no.	Objective/Outcome	Summary of Submission Point	Decision
11 - 11	Objective 8/ Desired Outcome b	Add in hunting, fishing and treks	Point noted. The panel considers economic development opportunities to be sufficiently addressed without having to identify specific examples of such activities. The Panel has decided to amend desired outcome by removing reference to 'tourism ventures' which broadens it to cover all economic development opportunities rather than limiting it to those listed.
21 - 10	All desired outcomes under Objective 8	Respects the cultural associations that iwi and hapū have with the river. Promote greater understanding of those associations. Restore, protect and enhance the well-being of the Kaituna River.	Reject. The legislation aligns with the submission.
12 - 18	Outcome c	Consider using other words such as 'will do', 'enhance'	Accepted in part
32 - 7	Outcome c	Propose a re-wording of outcome to emphasise sustainable business development/practices	Consideration of a new Objective 9 rejected. The River Document's purpose is set under

Submission no.	Objective/Outcome	Summary of Submission Point	Decision
		in relation to the river to aligns with the principles of RMA	the TCSA and is focussed on restoration, protection and enhancement of the river rather than economic sustainability. Economic aspirations are considered to be woven through the objectives and desired outcomes to the extent that the legislation allows for.
13 - 8	Outcome d	Change words from 'does not compromise' to 'promotes'	Reject for the reasons stated above under Desired Outcome d.
1 - 6	General	Support objective 8 & desired outcomes. No change sought.	No relief sought
5 - 6	General	Collaboration is a powerful tool towards achieving aspirations for the Kaituna River. No change sought.	No relief sought
7 - 6	General	Hopefully achieve positive kaitiakitanga, governance to legally protect the Kaituna, tributaries, aquifers, estuaries as a valued living taonga. We all 'including fauna and flora' depend on clean water to live healthy lives. No change sought.	No relief sought
12 - 17	General	Add to the introductory text under Te Maru o Kaituna in Collaboration. ...after 'local iwi, insert: 'local community conservation groups,' so that the sentence reads: 'The objective signals Te Maru o Kaituna's intention to work collaboratively with local iwi, local community conservation groups, the wider community and industry.'	Accepted in part
14 - 18	General	<p>Submitter recommends changes to the outcomes in particular, and makes the following comment for the introduction to this Objective: "This might be a place for the various other Interested parties and Stakeholders to be mentioned briefly. I would take advice on this matter. However the reality is that the vision needs to be accepted by all users of the river including Iwi Recreational Industry and others."</p> <p>Decision sought: See full submission for all text changes in context. Amend outcomes section</p>	<p>Rejected: The Panel considers that there is sufficient opportunity to develop sustainable business practices within the existing text of this objective and associated desired outcomes.</p> <p>Moreover, the Panel considers the text provides adequate acknowledgement of sustainable economic development opportunities whilst maintaining the focus of enhancing the wellbeing of the river.</p>

Submission no.	Objective/Outcome	Summary of Submission Point	Decision
		<p>as follows: Expected Outcomes</p> <p>(a) River Environmental Projects and Education programmes endorsed by Te Maru o Kaituna which will enhance the overall health and well-being of the Kaituna River.</p> <p>(b) Iwi and hapū proactively seeking economic development opportunities relating to the river , such as tourism ventures, which respect the cultural associations they have with the Kaituna River, promote greater understanding of those associations and which restore, protect or enhance the overall health and well-being of the Kaituna River.</p> <p>(c) Te Maru o Kaituna will support Industry and local businesses initiatives to establish collaborative relationships that lead to the preservation restoration, protection and enhancement of the Kaituna River.</p> <p>(d) Increased opportunities for recreational activities along the Kaituna River do not compromise safety or the environmental priorities of Te Maru o Kaituna for the restoration, protection and enhancement of the Kaituna River.</p>	
16 - 6	General	Support. No relief sought.	No relief sought
17 - 6	General	Support. No relief sought.	No relief sought
22 - 7	General	Support. No relief sought.	No relief sought
25 - 6	General	Support these provisions as proposed. No relief sought.	No relief sought
26 - 6	General	Support these provisions as proposed. No change sought.	No relief sought
29 - 13	General	The Te Tumu Urban Growth Area of Tauranga City lies between the Kaituna River and the coast. The Te Tumu Urban Growth Area has	No relief sought

Submission no.	Objective/Outcome	Summary of Submission Point	Decision
		<p>been identified for future development since the early 2000s as an outcome of the Papamoa East (Wairakei – Te Tumu) Urban Development Planning Study.</p> <p>The area is currently the subject of a structure planning process ahead of plan changes to rezone the land for urban uses. In recognition of that, the Kaituna River flows through this area and of the relationship of Te Maru O Kaituna River Authority with the river the project has been reported to the Authority on a regular basis and these reports will continue throughout the process in accordance with Te Maru o Kaituna River Authority resolutions.</p> <p>In addition, Tauranga City Council is working directly with hapu and iwi of the river in the Te Tumu area in relation to sites of significance and their recognition and protection as well as other features identified in iwi/hapu management plans. Access to the river will also form part of the overall development of the growth area.</p> <p>No change sought.</p>	
30 - 6	General	Support. No relief sought.	No relief sought
33 - 5	General	Submission of support. No change sought.	No relief sought
38 - 5	General	<p>Mercury supports Objective 8 relating the environmental, economic, social, educational and cultural aspirations of iwi and the wider community. This is supported by desired outcome 'c' for opportunities for industry and local businesses to establish collaborative relationships that help promote the restoration, protection and enhancement of the Kaituna River.</p> <p>Decision sought: Objective 8 and desired outcome 'c' should be retained in the same or similar form.</p>	No relief sought
43 - 5	General	Support. No change sought.	No relief sought

Submission no.	Objective/Outcome	Summary of Submission Point	Decision
49 - 6	General	Support. No relief sought.	No relief sought
49 - 9	General	Decision sought: Amend Objective 8 to read: That Te Maru o Kaituna in collaboration with Iwi and the community enable the environmental, economic, social, educational and cultural aspirations of Iwi for the restoration, enhancement and preservation of the Kaituna River.	Accept
50 - 5	General	Decision sought: Amend Objective 8 to read: That Te Maru o Kaituna in collaboration with Iwi and the community enable the environment, economic, social, educational and cultural aspirations of Iwi for the restoration, enhancement and preservation of the Kaituna River	Accepted in part: The Panel considered all suggested amendments to Objective 8 and has clarified its focus on Te Maru o Kaituna collaborative role in enabling the wellbeing of the river via the aspirations of the wider community including Iwi.
52 - 7	General	Support. No change sought.	No relief sought
56 - 6	General	Support. No relief sought.	No relief sought
57 - 1	General	<p>Submitter supports all proposed provisions, but requests that TMOK ensure environmental and cultural values are given priority over economic plans to support and protect the life and sustainability of our land and waterways around and including the Kaituna River.</p> <p>Decision sought: Submission of support - no specific changes sought other than to stress the importance of environmental and cultural values over economic uses.</p>	No relief sought
58 - 5	General	<p>Council supports the collaborative management and care of the Kaituna.</p> <p>Decision sought: No relief sought.</p>	No relief sought
59 - 8	General	<p>Ngati Whakaue is supportive of this objective and believe a focus on education is key to helping to ensure the health of the river and the sustainable collection/fishing of species.</p> <p>Decision sought: Having accessible visual aids to inform all people of the different species and the state of the awa would</p>	Accept in part

Submission no.	Objective/Outcome	Summary of Submission Point	Decision
		help raise awareness. We would also like to see iwi enabled and empowered to collect/own their own data in regards to the river and management of the river.	
60 - 6	General	Support. No relief sought.	No relief sought
19 - 2	Objective 8	<p>We would like to see Objective 8 amended to recognise future generations, as Papamoa East will grow considerably over the next 50+ years and we seek that opportunities to connect this area with river be considered.</p> <p>Decision sought: Amend Objective 8 by adding 'taking into account planned future communities' so that it reads: The environmental, economic, social, educational and cultural aspirations of iwi and the wider community, taking in account planned future communities, are supported by Te Maru o Kaituna through their responsibility to promote the restoration, protection and enhancement of the Kaituna River.</p>	Accepted in part
27 - 9	Objective 8	<p>In Objective 8 - "Aspirations" is not consistent with the RMA and could apply to activities that are desired but not sustainable. We suggest the appropriate phrase is "wellbeing" from s 5 of the RMA.</p> <p>Decision sought: Amend Objective 8 to read: 'The environmental, economic, social, educational and cultural wellbeing of iwi and the wider community are supported by Te Maru o Kaituna through their responsibility to promote the restoration, protection and enhancement of the Kaituna River.'</p>	Rejected: The document has authority by virtue of its settlement legislation.
35 - 14	Objective 8	Support. No change.	No relief sought
39 - 5	Objective 8	Support for Objective 8. Decision sought: No change sought to the Objectives in the Proposed Document - see the full submission for explanation and supporting statements.	No relief sought
45 - 5	Objective 8	Decision sought: Amend	Accept

Submission no.	Objective/Outcome	Summary of Submission Point	Decision
		Objective 8 to read: That Te Maru o Kaituna in collaboration with iwi and the community enable the environmental, economic, social, educational and cultural aspirations of iwi for the restoration, enhancement and preservation of the Kaituna River.'	
46 - 5	Objective 8	Decision sought: Amend Objective 8 to read: That Te Maru o Kaituna in collaboration with iwi and the community enable the environmental, economic, social, educational and cultural aspirations of iwi for the restoration, enhancement and preservation of the Kaituna River.'	Accept
47 - 6	Objective 8	Decision sought: Amend Objective 8 to read: That Te Maru o Kaituna in collaboration with iwi and the community enable the environmental, economic, social, educational and cultural aspirations of iwi for the restoration, enhancement and preservation of the Kaituna River.'	Accept
48 - 5	Objective 8	Decision sought: Amend Objective 8 to read: That Te Maru o Kaituna in collaboration with iwi and the community enable the environmental, economic, social, educational and cultural aspirations of iwi for the restoration, enhancement and preservation of the Kaituna River.'	Accepted in part: The Panel considered all suggested amendments to Objective 8 and has clarified its focus on Te Maru o Kaituna collaborative role in enabling the wellbeing of the river via the aspirations of the wider community including iwi.
51 - 8	Objective 8	Supports Objective 8. Decision sought: No change sought to the Objectives in the Proposed Document - see the full submission for explanation, images and supporting statements.	No relief sought
61 - 5	Desired outcome - general	Support all of the desired outcomes expressed in the document. No relief sought.	No relief sought
24 - 23	Desired outcome - a	Partial support desired outcomes a - c on the condition that these do not impinge on the mana whenua of Taheke 8C Incorporation. No relief sought.	Partial support noted. The river document does not override mana whenua, affect land ownership rights or detract from kaitiaki roles.
35 - 15	Desired outcome - a	Support. No change.	No relief sought

Submission no.	Objective/Outcome	Summary of Submission Point	Decision
11 - 11	Desired outcome - b	Decision sought: Add 'aquaculture, hunting and fishing treks, tourism ventures etc.' to desired outcome b.	Point noted. The panel considers economic development opportunities to be sufficiently addressed without having to identify specific examples of such activities. The Panel has decided to amend desired outcome by removing reference to 'tourism ventures' which broadens it to cover all economic development opportunities rather than limiting it to those listed.
21 - 10	Desired outcome - b	<p>Decision sought: Amend outcome 'b' to provide more clarity and place the responsibility on Te Maru, rather than on the iwi or hapu so that it reads "Te Maru of Kaituna supports iwi and hapu economic development opportunities, such as tourism ventures, which:</p> <ul style="list-style-type: none"> (a) respect the cultural associations iwi and hapu have with the Kaituna River, (b) promote greater understanding of those associations and (c) restore, protect and enhance the well-being of the Kaituna River. 	Rejected: The Panel considers the focus of desired outcome b should not be one of supporting business opportunities but rather any economic development opportunities which respect the cultural associations they have with the Kaituna River, promote greater understanding of those associations, and restore, protect or enhance the well-being of the Kaituna River.
35 - 16	Desired outcome - b	Support. No change.	No relief sought
8 - 10	Desired outcome - c	<p>There are many industries which rely on the Kaituna River for discharge, water supply, storm water management, among other things. Some corporate bodies incorporate in their annual planning "environmental" responsibility. From a Maori perspective 'koha' is based on the premise of give and take. The reciprocal nature of koha is the same as 'what you give comes back tenfold'.</p> <p>Objective 8 desired Outcome (c) indicates support to industry and local business that could help promote restoration, protection and enhancement of the Kaituna.</p> <p>Amend desired outcome c to show Te Maru O Kaituna takes the position that insists on all</p>	Out of scope – regional council is the consenting authority. TSCA does not allow rules or TMOK to set fees or users pays charges.

Submission no.	Objective/Outcome	Summary of Submission Point	Decision
		those industries and businesses who have received from the Kaituna to include in their annual plans 'environmental' resourcing and contribution back to the river on the same premise of "koha".	
35 - 17	Desired outcome - c	Support. No change.	No relief sought
38 - 6	Desired outcome - c	Mercury supports Objective 8 relating the environmental, economic, social, educational and cultural aspirations of iwi and the wider community. This is supported by desired outcome 'c' for opportunities for industry and local businesses to establish collaborative relationships that help promote the restoration, protection and enhancement of the Kaituna River. Objective 8 and desired outcome 'c' should be retained in the same or similar form.	No relief sought
12 - 18	Desired outcome - d	Delete 'Opportunities for' from desired outcome d as these words add nothing to the outcome. Replace 'do' with 'shall' this is much more emphatic and clarifies and reinforces the position of Te Maru o Kaituna on this issue. Desired outcome d would then read: 'Recreational activities along the Kaituna River shall not compromise safety or the environmental priorities of Te Maru o Kaituna for the restoration, protection, and enhancement of the Kaituna River.'	Accepted in part: The Panel agrees that removal of the word 'Opportunities' provides a more emphatic statement.
13 - 8	Desired outcome - d	Change desired outcome d from 'does not compromise' to 'promotes'.	Rejected: The Panel considers the existing text aligns with the purpose of the Document.
24 - 24	Desired outcome - d	Reject this desired outcome as the words 'do not compromise safety' do not go far enough in terms of Health and Safety.	Rejected: Health and safety matters are out of scope. The Panel advises that health and safety matters are not the focus of the document.
35 - 18	Desired outcome - d	Support. No change.	No relief sought
1 - 7	Desired outcome - new	Canoeists, rafting adventurers and kayakers wishing to paddle portions of the Kaituna River and ensure that access remains open for enthusiasts to practice the	Rejected: The Panel considers recreational use to be sufficiently acknowledged and provided for in Objective 8. Providing access for recreational

Submission no.	Objective/Outcome	Summary of Submission Point	Decision
		<p>sport they love, for the future.</p> <p>Desired outcome f under the iwi relationships with the river objectives strengthens access to the river for iwi and hapū, however, protecting access for recreational users of the river is not clear in objectives or desired outcomes. Add or amend existing objectives and /or desired outcomes to be clear access for not only iwi and hapū but recreational uses should be protected.</p>	users could only be included to the extent that the purpose of the Document allows which is in the context of promoting, protecting and enhancing the river.

6.8 Consideration of Additional Objectives

Panel's Decision and Reasons:

Two submission points suggest additional Objectives be added to the river document, one about education and the other seeking emphasis of economic importance. The Panel rejects both points for the reasons set out in the following table:

Submission no.	Summary of Submission Point	Decision
20 - 8	Insert new Objective 9 such as: Education is provided at the primary and secondary school levels for all local schools as to the history and importance of the Kaituna River as well as how these rangatahi (young people) can make a positive contribution to the health of the River.	Reject but add to the matters TMoK may consider when developing the action plan. The Panel considered the point raised and consider Objective 8 and desired outcome a sufficiently cover education. It is also anticipated many of the actions in the Action Plan will involve education.
32 - 7	Insert a new Objective regarding the need to provide for the sustainable use of the Kaituna River for economic activities.	Reject. The River Document's purpose is set under the TCSA and is focussed on restoration, protection and enhancement of the river rather than economic sustainability. Economic aspirations are considered to be woven through the objectives and desired outcomes to the extent that the legislation allows for.

7 Part 1 Te Waharoa

Part 1 Te Waharoa is the gateway of the proposed Document. The proposed Part 1 contains important background detail which sets the scene covering what the Document is about, what area it covers and who TMoK is.

Panel's Decision

After considering all submission points made about the non-statutory material in Part 1 - Te Waharoa, the Panel decided to amend this part of the Document by:

- 1 Simplifying the graphic on page 2 of the proposed Document to more clearly articulate the relationship between the KRD, key legislation and RMA processes and policy making and local government decision making.
- 2 Listing all twenty four main tributaries on page 20 of the proposed Document and included a reference within the map on page 4.
- 3 Changes have been made to this part as a result of the decision to change the analogy. This has changed the order of material within Part 1 of the Document which is now called Te Waipuna – The Headwaters. As a result of decisions made it now contains introductory paragraphs about Te Waipuna, and sections about this document, the deed of settlement, the Tapuika Claims Settlement Act 2014, the Strategy, what is the relevance of the river document in the planning framework, what area does the document cover?, what will the document respond?, what is being done in and around the river? Material originally under issues facing the catchment has been brought forward and placed under the heading what will the document respond to.
- 4 The purpose of the Kaituna River Document, Note to Reader, Who is TMoK, and a new section about TMoK's new logo has been moved ahead of Part 1 into the Kupu Whakataki - Preface which also includes He Karere - Message from the Chair.
- 5 Updating material about projects already underway.
- 6 Adding the 'Maketū Ōngātoto Wetland Society (MOWS) community conservation group programme' and 'Ōtānewainuku Kiwi Trust community based conservation and pest control' to the 'What is being done in and around the river? 'map. (15 - 2)

Reasons for the Panel's Decision:

General Points

Seventeen submission points sought amends to aspects of Te Waharoa. Two supported the content without change, one supported it in part, three providing a neutral submission while one opposed aspects of the content.

Themes from submission points seeking amendments focussed on:

- Clarity on the document's relationship with the RMA and Regional Policy Statement
- Clarity on who and what has contributed to the rivers current state of health
- State what the key challenges are to the health of the river
- Clarity on co-governance roles in graphics
- Acknowledgement of co-governors status

Position of KRD in relation to key legislation

Some submissions points sought strengthening the position of the KRD in relation to the RMA, the LGA and local government planning. The Panel considered this to be beyond the scope of matters that can be decided, however, acknowledged that more clarity is needed within the Document about how the KRD influences planning documents and local government decision making and the relevant legislation. The Panel have decided to simplify the graphic which is about the influence of the Kaituna River Document on page 2 of the proposed Document to more clearly articulate the relationship between the KRD, key legislation and RMA processes and policy making and local government decision making.

Submission no.	Summary of Submission Point	Decision
14 - 6	Strengthen the KRD position in relation to RMA, LGA and local government planning	Accepted in part. The Document cannot alter the statutory influence of the KRD as set out in TCSA. The Panel did, however, decide to simplify the graphic on page 2 for the reasons set out above.
14 - 7	<p>Submitter recommends a range of amendments to pages 2 and 3.</p> <p>Decision sought: Extensive amendments to the discussion about the 2009 Strategy on pages 2 and 3. See full submission for full track changes sought in context.</p>	<p>Accepted in part and reject other parts – change to KRD Document:</p> <p>Reject: Out of scope. The suggestion to change the statutory influence of the Kaituna River Document as set out in TCSA 2014 with particular reference to RMA planning documents and local government matters is outside of the scope of deliberations.</p> <p>The Panel have decided to simplify the graphic on page 2 as a number of submitters appear to have found the proposed diagram confusing.</p> <p>The Panel have accepted minor changes suggested by this submission including amending pg. 2 & 3 as follows: ‘<i>The vision for the Strategy is <u>was</u> to ensure that as a wider community, our policies and plans, our activities and actions:</i>’ And ‘<i>The four key outcomes identified in the Strategy are <u>were</u>:</i>’</p> <p>And ‘<i>and the wider community including <u>existing river users and other stakeholders</u> to collaborate in achieving the <u>common</u> vision “The Kaituna – under “What will the document respond to?”</i>’</p> <p>And accept the suggestion to set out each of the 24 tributary streams and not just the principle one e.g. Paraiti to Whakamana these tributaries and streams as per the Panel’s decision on other points.</p> <p>Reject other suggests especially those that suggest altering the quoted text from the Strategy.</p>

What will the document respond to?

The key theme from submission points about ‘What the document responds to’ focussed on the current state of the river, challenges faced by the river and linkages between the management of the river and monitoring of the river status. After considering submissions received which sought moving the issues further forward in the Document, the Panel have incorporated the section originally called ‘Issues facing the catchment’ with ‘What will the document respond to’ which is further forward in the Document.

Identify link between tributary management and Kaituna River wellbeing

One submission sought better linkages between the management and monitoring of tributaries and its impact on the well-being of the Kaituna River. This would require TMOK

to seek assurances from Bay of Plenty Regional Council around the monitoring and management of tributaries. Roles of local authorities pursuant to the RMA or Local Government Act 2002 (LGA 2002), including consent authority functions are considered out of scope for discussions in deliberations. The Panel decided this matter will be identified and considered when forming the Document's Action Plan.

Issues and challenges facing the river

Some submission points suggested identifying what the contributors were to the current poor state of the river and what the current key challenges to the rivers wellbeing is. Other submission points requested the current state information be brought towards the front of the Document. The Panel considered the issues and challenges facing the river and their location within the Document alongside changes made to the analogy which have changed the structure of the document and where material sits within it. The Panel has decided to move material which was under 'issues facing the catchment' towards the back of the proposed Document further forward into Part 1 but sitting within 'What will the document respond to' ensuring the Document is upfront about what the issues are but also ensuring the document is optimistic and aspirational.

The table below outlines the submissions that sought specific amendments to the 'What will the document respond to' part of the Document and the Panel's Decisions regarding these submissions:

Submission no.	Summary of Submission Point	Decision
8 - 2	Need to show better linkage between management and monitoring of tributaries for the management and restoration of Mauri to the Kaituna.	Out of scope, consider as part of action plan. Providing BOPRC assurances in the plan for mitigation is out of scope. The Panel consider this matter is best responded to when Te Maru consider their action plan.
35 - 1	Questions whether the requirement for "immediate attention" has been sufficiently addressed in this plan.	Accept. Comment noted
35 - 2	Concerned that the wording in paragraph 4, page 3, infers that iwi are responsible for the current poor state of the river.	Rejected. The Panel considers that no inference of iwi responsibility for current river state exists.
44 - 3, 44 - 4 & 44 - 6	Explanation of what has compromised the quality and quantity of the river water.	Accept in part for the reasons stated under 'what will the document respond to' above. The Panel consider the current state information provides enough detail within the Document. Further the Panel, has decided to move material which was under 'issues facing the catchment' towards the back of the proposed Document further forward into Part 1 but sitting within 'What will the document respond to' ensuring the Document is upfront what the issues are but also ensuring the document is optimistic and aspirational.
59 - 10	It would be useful to have a section or a snapshot of the key challenges facing the river upfront before the objectives and desired outcomes section so that it is clear	Accept. The Panel have considered the order of material within the Document and have brought the issues and challenges facing the river further forward sitting within

Submission no.	Summary of Submission Point	Decision
	<p>what the outcomes will remedy/mitigate.</p> <p>Decision sought: Review the section on key challenges in Part 1.</p>	<p>'What will the document respond to' ensuring the Document is upfront what the issues are but also ensuring the document is optimistic and aspirational.</p>

What area does the document cover?

Submission points about this section of Te Waharoa focussed on the identification of tributaries and areas of iwi interest.

Identifying tributaries

The Panel recognises the merit of identifying the tributary streams within the Kaituna River catchment, but are cognisant of the potential for the map to become unwieldy. The Panel decided to list all twenty four main tributaries within the list of tributaries on page 20 and also to include as many tributaries as possible on the maps.

Identifying iwi rohe/areas of interest

The Panel rejected the suggestion to include a map showing iwi rohe/ areas of interest in the document. The status or ranking of iwi / hapū / whānau as mana whenua or kaitiaki over parts of the catchment is considered out of scope because the river document does not override mana whenua, affect land ownership rights or detract from kaitiaki roles.

The table below outlines the submissions that sought specific amendments to the 'What area does the document cover' part of the Document and the Panel's Decisions regarding these submissions:

Submission no.	Summary of Submission Point	Decision
14 - 9	Identify all twenty four tributary streams rather than only the principal tributaries. Also seeking map of iwi interests but acknowledges it may be highly contentious	Accepted in part. The Panel has decided to list all twenty four main tributaries within the list of some tributaries on page 20 of the proposed Document and also to include as many tributaries as possible on the maps. The Panel also accepted minor changes to wording in keeping with the intent of the Doc such as 'The co-governance framework area does not over-ride the areas of interest or indeed the mana of iwi and hapū <u>that have an interest in or connection to the river.</u> ' Reject: The Panel have chosen not to map iwi rohe / area of interest within the Document or accept other points which are incorrect 'Okere gates authority' for example.
22 – 1	Decision sought: Clarify within the document whether the Okere Gates are within the scope of the Kaituna River Document and under the statutory authority of Te Maru o Kaituna River Authority, or otherwise.	The Panel considered the document is sufficiently clear that the Okere gates are within Lake Rotoiti and are outside of the Kaituna co-governance framework area, however have decided to make minor amendments to 'What area does the document cover?' to further clarify that the Kaituna co governance framework area starts at the top of the Kaituna River

Who is Te Maru o Kaituna River Authority?

Submissions about who TMoK are, were generally supported the membership of Te Maru o Kaituna. Some points, did however, suggest changes to the membership graphic on page 5 of the proposed document, in particular the clear delineation of iwi and council membership. The Panel decided not to incorporate these suggestions preferring the proposed graphic representation of membership but have taken the opportunity to include

'Toi Moana' in the Bay of Plenty Regional Council name and also have the graphic styled to fit the design of the final approved document.

The table below outlines the submissions that sought specific amendments to the 'Who is Te Maru o Kaituna River Authority' part of the Document and the Panel's Decisions regarding these submissions:

Submission no.	Summary of Submission Point	Decision
14 - 10	Local Authorities should be one colour and all the Iwi representation should be separate colours to reflect the Co-governance Partnership arrangement. Local authority representatives should be equally acknowledged as co Governors on behalf of their respective authorities and their roles duties and responsibilities should be specifically defined.	Rejected for the reasons stated above and under 'Who is TMoK'.
8 - 4	Potential confusion between Te Tāhuhu o Tawakeheimoa Trust and Te Pumautanga o Te Arawa	Rejected for the reasons stated above and under 'Who is TMoK'.
About this document		
8 - 12	<p>Given the National Water Policy from government, our expectation is that Government also front resourcing to Te Maru o Kaituna annually,</p> <ul style="list-style-type: none"> as the recognised authority for the Kaituna River for the development and implementation of the plan (compliance within legislation) for the remedies consistent with the NWP <p>Decision sought: Government provide resourcing to Te Maru o Kaituna annually:</p> <ul style="list-style-type: none"> as the recognised authority for the Kaituna River for the development and implementation of the plan (compliance within legislation) for the remedies consistent with the NWP 	Out of scope as submission is seeking central government funding to resource TMoK annually.
14 - 5	Decision sought: Delete paragraph 5 on page 1.	Reject. This point seeks to delete the paragraph concerning the Tapuika Deed of Settlement. The background to the river document includes the statutory instrument that enabled it along with the empowering legislation.
14 - 6	<p>Delete or amend first paragraph on page 2 and amend next paragraph to state: 'The Kaituna River Document informs the Resource Management Act and Local Government Act and requires all relevant local authorities and the Regional Council to give effect to, to recognise and provide for, and must have regard to and take account the provisions of the Kaituna River Document where applicable and as may be appropriate.'</p> <p>Decision sought: Delete first paragraph of</p>	<p>Accepted in part and part out of scope.</p> <p>The suggested relationship between documents is not supported by the legislation. The Document cannot alter the statutory influence of the KRD as set out in TCSA. . This part of the submission is considered out of scope.</p> <p>The Panel did, however, decide to simplify the graphic on page 2 for the reasons set out above relating to the background and purpose of the document.</p>

	text on page 2 and amend the next paragraph by adding 'requires' so it reads: 'The Kaituna River Document informs the Resource Management Act and Local Government Act and requires all relevant local authorities and the Regional Council to give effect to, to recognise and provide for, and must have regard to and take account the provisions of the Kaituna River Document where applicable and as may be appropriate.' and any consequential amendments to the infographic too presumably.	
14 - 7	<p>Submitter recommends a range of amendments to pages 2 and 3.</p> <p>Decision sought: Extensive amendments to the discussion about the 2009 Strategy on pages 2 and 3. See full submission for full track changes sought in context.</p>	<p>Accepted in part and reject other parts – change to KRD Document:</p> <p>Reject: Out of scope. The suggestion to change the statutory influence of the Kaituna River Document as set out in TCSA 2014 with particular reference to RMA planning documents and local government matters is outside of the scope of deliberations.</p> <p>The Panel have decided to simplify the graphic on page 2 as a number of submitters appear to have found the proposed diagram confusing.</p> <p>The Panel have accepted minor changes suggested by this submission including amending pg. 2 & 3 as follows: <i>'The vision for the Strategy is <u>was</u> to ensure that as a wider community, our policies and plans, our activities and actions.'</i> And <i>'The four key outcomes identified in the Strategy are <u>were</u>.'</i></p> <p>And <i>'and the wider community including existing river users and other stakeholders to collaborate in achieving the common vision "The Kaituna – under "What will the document respond to?"'</i></p> <p>And accept the suggestion to set out each of the 24 tributary streams and not just the principle ones e.g. Paraiti to Whakamana these tributaries and streams as per the Panel's decision on other points.</p> <p>Reject other suggests especially those that suggest altering the quoted text from the Strategy.</p>
What will the document respond to?		
8 - 2	The Kaituna River Document refers to the kupu 'waharoa', and is used metaphorically as an introduction to the historical background of the Tapuika Treaty Claim. Secondly the River Document also refers to the 'Kaituna including all its tributaries within the Kaituna catchment', and there are 24 named tributary streams.	<p>Out of scope, consider as part of action plan. Providing BOPRC assurances in the plan for mitigation is out of scope.</p> <p>The Panel have considered matters raised and advise that it is TMoK's intention to focus on the future and remain positive within the Document rather than naming and</p>

	<p>Kawa associated with a waharoa is that no entry is permissible onto the marae ātea without the call of the kai karanga, the process of pōwhiri & wero identify the positive or negative intent of manuhiri. The point is that all tributaries and lake discharge each reach the waharoa of the Kaituna. Recent reports of most tributaries and discharge into the Kaituna brings with it some form of negative impact. From a Maori perspective where this occurs, such entry would be denied and defended for the very reasons stated in the vision:</p> <p>“Ko Kaituna Te Awa Tupua Ko Kaituna Te Mauri Tapu Ko Kaituna Te Oranga Tangata Mai ki Uta ki te Tai”</p> <p>The Proposed Document does not clearly state how it will manage the negative influences which the polluted, or degraded tributaries may bring through the “waharoa” and into the Kaituna. It is our opinion that linkages between the management and monitoring of those tributaries are of significant importance to any efforts for restoration and management of the mauri of the Kaituna.</p> <p>Whilst there is a relationship between governance bodies i.e. Te Maru o Kaituna, and the Rotorua Lakes, there are also wider accountabilities for the regulation of all other contributing tributaries that flow into the Kaituna.</p> <p>Decision sought: That BOPRC provide assurances in the plan for mitigation of negative influences from the tributaries of the Kaituna.</p>	<p>shaming polluters.</p> <p>The current state part of the Document is considered to sufficiently cover the issues, and users of the river.</p> <p>The Panel consider that monitoring and implementation are matters best responded to when TMoK consider their action plan..</p>
14 - 8	<p>Extensive amendments to the brief discussion of what the document will respond to. See full submission for full track changes sought in context.</p>	<p>Reject: The Panel notes the submitter is seeking amendments to the four key outcomes of the Kaituna and Ōngātoto/Maketū Estuary Strategy 2009 which are set in the Strategy and is out of scope for TMoK to change.</p>
35 - 1	<p>Te Maru o Kaituna recognises that there are areas of the Kaituna River that are in a poor state of health and require immediate attention. We agree with this statement, but question whether this requirement for “immediate attention” has been sufficiently addressed in this plan. The tone of the plan reads as “business as usual”. The devil maybe in the detail. No relief sought.</p>	<p>Accept. Comment noted.</p>

35 - 2	<p>While local authorities and community groups are investing a significant amount of time, effort and money....</p> <p>This statement needs to ensure that the Iwi are not to be inferred as being responsible for this need for significant investments. Nga tangata would prefer that this need for significant investment is clearly shown to have arisen from bad past management decisions of government and Councils. As worded it can give the perception to a certain group of BOP citizens that Māori are just seeking more money. Maori values were not considered when those unsustainable decisions were being made which all ratepayers are now paying to remedy.</p> <p>Decision sought: The point needs to be made to make it quite clear that the mess has not been caused by Maori.</p>	<p>Rejected. The Panel considers that the text does not infer iwi responsibility for current river state exists.</p> <p>TMoK's intention is to focus on the future and remain positive within the Document rather than naming and shaming polluters.</p> <p>The current state part of the Document is considered to sufficiently cover the issues, and users of the river.</p>
36 - 2	<p>With reference to page 3, 'Te Maru o Kaituna recognises that there are areas of the Kaituna River that are in a poor state of health and require immediate attention.' The areas of poor river health are the Mangorewa catchment and the Te Puke area due to intensive farming, horticulture and industry in those areas. Ngati Pikiao actively protects the mauri of the river reflected in the Wai 4 Claim and the gifting of lands along the river for scenic reserves purposes. In addition, Ngati Pikiao have extensive forestry plantations in the Kaituna catchment that contribute to protecting the river such as the Taheke-Paengaroa Trust which administers 1276 hectares with 900 hectares approximately in pine and the balance in native bush. No relief sought.</p>	<p>Comments noted and acknowledged.</p>
44 - 3	<p>Explain what has compromised water quality and quantity, and be honest about who pollutes the awa from source to sea. Disclose everything.</p> <p>Decision sought: Show more detailed current state information including water takes and discharges and by whom.</p>	<p>Accept in part for the reasons stated under 'what will the document respond to' above. The Panel advises that it is TMoK's intention is to focus on the future and remain positive within the Document rather than naming and shaming polluters. The current state part of the Document is considered to sufficiently cover the issues, and users of the river.</p>
44 - 4	<p>Tapuika will reserve judgement of TMoK. Iwi are serious about cleaning up the river and its tributaries, and time will tell regarding Council and the joint efforts of TMoK. The submitters would like to know how much investment will be made in implementing the document. See full submission for further detail. No relief sought.</p>	<p>Accept in part for the reasons stated under 'what will the document respond to' above. Tapuika are at the table so can hold TMoK accountable and can use TMoK funds for implementation. Tapuika and TMoK can make submissions to LTP's for funding to implement the document.</p>
44 - 6	<p>Decision sought: Show clear current state information.</p>	<p>Accept in part for the reasons stated under 'what will the document respond to' above. Comment noted. The Panel consider the</p>

		current state information provides enough detail within the Document.
59 - 10	<p>It would be useful to have a section or a snapshot of the key challenges facing the river upfront before the objectives and desired outcomes section so that it is clear what the outcomes will remedy/mitigate.</p> <p>Decision sought: Review the section on key challenges in Part 1.</p>	Accept. The Panel have considered the order of material within the Document and have brought the issues and challenges facing the river further forward.
What area does the document cover?		
14 - 9	<p>Submitter makes suggested amendments (see relief sought) and provides the following comments:</p> <p>"I would set out each of the 24 tributary streams and not just the principal e.g. Paraiti to Whakamana these tributaries and streams. I would include a map to show the respective areas of interest of all the respective Iwi that claim to have an interest in the Kaituna River. This would be a very interesting exercise – probably highly contentious to the iwi members of TMoK but this would define their Mana o te Awa which should be positive and is important bearing in mind the status of this document."</p> <p>Decision sought: Extensive amendments to the discussion of the area that the document covers on pages 3 and 4, including the map. See full submission for tracked changes sought in context.</p>	<p>Accepted in part. The Panel has decided to list all twenty four main tributaries within the list of some tributaries on page 20 and also to include as many tributaries as possible on the maps.</p> <p>The Panel also accepted minor changes to wording in keeping with the intent of the Doc such as 'The co-governance framework area does not over-ride the areas of interest or indeed the mana of iwi and hapū <u>that have an interest in or connection to the river.</u>'</p> <p>Reject: The Panel have chosen not to map iwi rohe / area of interest within the Document or accept other points which are incorrect 'Okere gates authority' for example.</p>
20 - 5	<p>The place Te Awa o Ngātoroirangi does not exist. According to our kuia Kahureremoa Moke and several other local kuia and koroua, the name Ōngātoro is an abbreviated version of Te Tuahu o Ngātoroirangi (The Altar of Ngātoroirangi) which he set up beside the Kaituna River when the waka arrived here in Aotearoa.</p> <p>Decision sought: Change place name references to the correct name for the place that is being referred to is Papahikahawai and Te Tumu lies further to the west.</p>	<p>Reject: The Panel acknowledges the river is also known as Te Awanui o Tapuika by Tapuika. Names for the Kaituna River or parts of it recognised by different iwi are highlighted within the iwi histories part of the Document.</p> <p>The Panel note that 'Te Awa o Ngātoroirangi/Maketū Estuary' is the named which iwi have agreed to use as the name for the Maketū Estuary and have chosen to retain the name within the Document.</p>
24 - 1	<p>See full text for background to Taheke 8C, including Taheke 8C's Vision, Mission and Values. With respect to comments made in the document on page 3 "The co-governance framework area does not override the area of interest or indeed the mana of iwi and hapu. The Crown determined the area where the functions and role of Te Maru o Kaituna apply." This statement is unacceptable to Taheke 8C.</p> <p>Taheke 8C submits that as mana whenua our lands and association with te awa Okere are not 'areas of interest' and further that the</p>	<p>Reject: Out of scope. Status of iwi / hapū / whānau as mana whenua or kaitiaki over parts of the catchment. The river document does not override mana whenua, affect land ownership rights or detract from kaitiaki roles.</p> <p>The Panel advises there is no intention the Document is seeking to over-ride the mana whenua of Taheke 8C and consider the Document is sufficiently clear in this regard.</p>

	<p>objectives espoused in the document do indeed seek to over-ride the mana whenua of Taheke 8C in regard to the Incorporation's governance of its lands that lie adjacent to the awa Okere. The incorporation will not surrender its mana whenua over its lands either to the wider hapu, iwi or Te Maru o Kaituna.</p> <p>Decision sought: Amend text to address concerns raised.</p>	
24 - 4	<p>While the river has been known as the 'Kaituna River' for many years, Taheke 8C is aware that this is not the official name of the river as it runs through Te Arawa rohe. Given the definition of the river in the Act may result in the Kaituna becoming the official name of the river by default.</p> <p>Decision sought: Official acknowledge the cultural and historical names of the river together with the relevant boundaries in all documents and legislation pertaining to the river to that they are not lost in terms of the 'official' record.</p>	<p>The Panel notes that the river document does not override the traditional associations that iwi have with the river.</p> <p>This includes the traditional names by which the respective iwi know the river by. The panel also notes that alternative names known by iwi can be worked into the iwi histories.</p>
36 - 3	<p>With reference to page 3 'Kaituna River', applying 'Kaituna' to the whole of the river system is incorrect. For information; from the Lake Rotoiti headwaters to Kohangakāeaea the river is named 'te awa Okere', from Kohangakāeaea to Paengaroa the river is named "te awa rua" and from Paengaroa to the sea the river is named "te awa o te Kaituna".</p> <p>Decision sought: Name the river correctly: Lake Rotoiti headwaters to Kohangakāeaea the river is named 'te awa Okere', from Kohangakāeaea to Paengaroa the river is named 'te awa rua' and from Paengaroa to the sea the river is named 'te awa o te Kaituna'.</p>	<p>Rejected: The river document does not override the traditional associations that iwi have with the river. This includes the traditional names by which the respective iwi know the river by.</p>
36 - 4	<p>With reference to page 3 'The co-governance framework area does not over-ride the areas of interest or indeed the mana of iwi and hapū. The Crown determined the area where the functions and role of Te Maru o Kaituna apply.' Ngāti Pikiao will be pursuing its own co governance arrangements with various councils and government for its waterways and surrounding lands that properly reflect Ngati Pikiao aspirations, mana and kaitiakitanga in accordance with the Resource Management Act 1991 and Local Government Act 2002. No relief sought.</p>	<p>Accept. Noted</p>

Who is Te Maru o Kaituna River Authority?		
8 - 4	<p>Potential confusion between Te Tāhuhu o Tawakeheimoa Trust and Te Pumautanga o Te Arawa.</p> <p>Decision sought: Te Tāhuhu o Tawakeheimoa Trust appears in the legislation, therefore it would be beneficial to add in brackets the representation as described in the diagram to mitigate any public confusion.</p>	<p>Rejected for the reasons stated under 'Who is TMoK' above Reject.</p> <p>The Panel considers the diagram and (updated) text be retained as being sufficiently clear. Text reflects the TCSA and pie chart reflects iwi authorities rather than trust names where applicable.</p>
8 - 13	<p>Decision sought: Waitaha has 1 membership, and not a shared membership. For the purposes stated, and without prejudice, the alternate must also be Waitaha. The membership diagram on page 5 should be amended to reflect the legislation as intended.</p>	<p>Reject: Out of scope. Membership of TMoK is already set by the TCSA 2014 and is not a matter TMoK can change.</p>
13 - 9	<p>Support for the continued make-up of the present Te Maru o Kaituna River Authority committee. No relief sought.</p>	<p>Accept. No relief sought.</p>
14 - 10	<p>Submitter makes suggested amendments (see relief sought) and provides the following comment regarding the infographic showing membership as at 2017: The Local Authorities should be one colour and all the Iwi representation should be separate colours to reflect the Co governance Partnership arrangement.</p> <p>Decision sought: Recommended changes to infographic and addition of: "Te Maru o Kaituna is a Co governance & Management entity with the relevant Local Authorities and BOP Regional Council having appointed their representatives. These local authority representatives should be equally acknowledged as co Governors on behalf of their respective authorities and their roles duties and responsibilities should be specifically defined in the KRD – Refer to page x."</p>	<p>Rejected for the reasons stated under 'Who is TMoK' above.</p>
Other Te Waharoa matters		
14 - 4	<p>Recommends deletion of text. Decision sought: Delete paragraph 2 on page 1.</p>	<p>Reject: The text the submitter suggests to delete outlines the legislative mandate for the establishment of Te Maru o Kaituna and the development of the Kaituna River Document which the Panel considers is information vital to communicate the purpose the document and TMoK.</p>

8 Part 3 Te Wharenui

Part 3 Te Wharenui follows Te Marae Ātea (which contains the statutory parts in the proposed Document). The proposed Part 3 is Te Wharenui is the sacred building where the whakapapa of the iwi and hapū reside. It presents the tradition and association people have with the Kaituna, acquaints the reader with a snapshot of the past, but also sets the scene for the key initiatives concerning the restoration and enhancement of the Kaituna River and its tributaries.

Panel's Decision

After considering all submission points made about Te Wharenui, the Panel decided to:

- 1 Engage an expert in Te Reo Arawa and mātauranga Māori to advise TMoK on the language and te ao Māori content as well as submission points received about glossary terms: mauri, kaitiakitanga, rangatiratanga and mana whenua. Decisions made as a result of this advice are within the structure, format and also glossary parts of this report.
- 2 Collate a list of relevant matters TMoK may consider when preparing the Action Plan for the Document.

Changes have been made to this part as a result of the Panel's decision to change the analogy. This has changed the order of material within Part 3 of the Document which is now called Ngā Tahatika – The Riverbanks. As a result of decisions made it now contains introductory paragraphs about Ngā Tahatika, and sections covering the importance of the Kaituna River, Iwi of the Kaituna, Pākehā history, what makes our river a treasure (map), Kaituna River changes, the Kaituna River Course, and current state information under where we are now.

No amendments have been made to iwi histories. Each iwi representative on TMoK considered submissions received from their iwi and confirmed no changes were appropriate. Te Kapu Ō Waitaha have not indicated they would like any changes to their iwi history in response to submissions.

Reasons for the Panel's Decision:

General Points:

Fifty four submission points were received in relation to Part 3 Te Wharenui. The majority (forty) sought amendments, with most concerned about getting the iwi histories part of the Document right. Twelve points supported the current content without change, in part or were neutral comment while two opposed the content pertaining to the section entitled 'where are we now'.

Submission points that sought amendments to the Te Wharenui part of the Document had the following themes:

- Iwi to define their areas of interest
- Understanding who the users of the river are
- Distinction between recreational and commercial recreational use
- Importance of the Kaituna Wildlife Management Reserve
- Implement comprehensive pest management regime
- Standard of te reo Māori to reflect the importance of the document

Use of formal te reo Māori

Submissions focussing on the use of te reo Māori fell under three themes

- the use of formal te reo Māori
- the development of a bilingual version of the document
- suggested recruitment of an expert in Te Arawa reo, history and mātauranga Māori to provide advice on the document.

The Panel considered these submissions and agreed with submitters to engage an expert in Te Reo Arawa and mātauranga Māori to advise TMoK on the language and te ao Māori content as well as submission points received about glossary terms: mauri, kaitiakitanga, rangatiratanga and mana whenua. Maika te Amo was engaged and has provide his recommendations to the Panel. Changes considered appropriate by the Panel have been made to the document. These included advice about the analogy, introductory paragraphs, minor changes to te reo dialect used throughout the text and glossary terms.

The Panel also considered submissions seeking a bilingual version of the Document and decided not pursue a bilingual version before making decisions on submissions and approving the Document. TMoK may consider a bilingual version of particular key areas of the Document or within a summary once the Document is approved, rather than a full translation and may consider a full translated version in the future.

The table below outlines the submissions that sought specific amendments about te reo used within the Document and the Panel's Decisions regarding these submissions:

Submission no.	Summary of Submission Point	Decision
11 - 4	Suggests the use of formal Te Reo Māori. Supports the recruitment of a specialist/expert in Te Reo and Mātauranga Māori from Te Arawa to be contracted to work on the document.	Accepted in part for the reasons stated above. TMoK may consider a te reo version of key areas of the Document once approved. As outlined above, the Panel engaged an expert in Te Arawa reo, history and mātauranga Māori to make recommendations to the Panel about these matters.
40 - 4	For the iwi whose Deed produced this board, little of the Proposed Document reflects that. Decision sought: The document should reflect awa, not whare. Also, there should be a te reo version or a fully bilingual document.	Accepted in part for the reasons stated above. TMoK may consider a te reo version of key areas of the Document once approved.

The importance of the Kaituna River

One submission sought to have iwi areas of interest defined within the Document either within the text or on the map graphic. The Panel decided against this suggestion, noting the status or ranking of iwi / hapū / whānau as mana whenua or kaitiaki over parts of the catchment is considered out of scope. The Document does not override mana whenua, affect land ownership rights or detract from kaitiaki roles.

Submission no.	Summary of Submission Point	Decision
41 - 7	Iwi to define their areas of interest	Rejected for the reasons stated above: Mapping iwi rohe / area of interest could be considered out of scope.
11 - 12	Decision Sought: Research Maori Folklore and re-write page 13.	Accept in part: The panel has engaged an expert in Te Reo Arawa and mātauranga Māori to inform the Panel's decisions on the language and te ao Māori content of which folklore will be a focus.
14 - 19	Decision Sought: Submitter recommends deletion of text on pages 13-14, and minor addition on paragraph 2 on page 14. See full submission.	Accept. The Panel have considered the order of material within the Document and have brought the issues and challenges facing the river further forward. Agree in part: The standards and measurement regarding the enhancement, restoration and preservation of ecosystem health will be established as a part of the performance indicators associated with projects to be developed as a part of potential action plan.
20 - 9	Add to the iwi history of the river. Decision Sought: Add the following to Part 3 text under 'The Importance of the Kaituna River': Tapuika's father, Tia, struck his tokotoko against the riverbank of the small stretch of water that joins Lake Rotorua to Lake Rotoiti and caused a spring to flow forth which he named Te Awa Nui o Tapuika.	Reject: Tapuika Representatives on TMOk have confirmed their respective iwi history in the Document. The Panel does acknowledge the diversity of histories within iwi. This decision does not detract or invalidate this diversity of history.
20 - 10	In the iwi history of the river, remove reference to 'Mataatua tradition...' see relief sought. Decision Sought: In last paragraph on page 13, insert 'Te Arawa tradition' and insert 'Nga Marama and Te Tini-o- Kawerau' as being tangata whenua peoples who were living at Maketu when the Te Arawa arrived.	Reject: Tapuika Representatives on TMOk have confirmed their respective iwi history in the document. Accept in part: The Panel agrees with the suggestion to remove reference to Mataatua tradition.
20 - 11	The order of seniority needs correcting in second sentence top of page 14 to the correct order of seniority from tuakana to taina as given by Te Tapore Te Ia who secured the Te Arawa waka on behalf of Tapuika at Ngāruawāhia in the early 20 th century. Decision Sought: In second sentence top of page 14 '...the descendants of Ngātoroirangi, Tamatekapua, Tia and Hei' should read: '...the descendants of Tia, Hei,	Reject: Tapuika Representatives on TMOk have confirmed their respective iwi history in the document.

Submission no.	Summary of Submission Point	Decision
	Ngātoroirangi and Tamatekapua...	
20 - 12	<p>Additional text needs to be added to the iwi history of the Kaituna.</p> <p>Add to top of page 14 where appropriate: ... 'Through his taumau (claim), Tia also made the land, rivers and sea analogous with the body of his oldest son Tapuika. By doing this, Tia made the land tapu (restricted) and he forever made his descendants part of the land, part of the rivers and part of the sea.'</p>	Reject: Tapuika Representatives on TMoK have confirmed their respective iwi history in the document.

The Iwi of the Kaituna

The majority of submissions seeking amendments to Part 3 focussed on iwi histories. A number of submitters spoke passionately at the hearing on this aspect. The Panel considers it is not their role to decide on amendments to be made to each of the iwi histories in light of submissions received, and made the decision to have TMoK iwi representatives consider relevant submissions received about their iwi's history and provide any recommended amendments to the text from their appointing iwi authorities.

All confirmed no changes were to be made to the proposed text in light of submission received. Te Kapu Ō Waitaha's representative was happy with Waitaha's iwi history at the point of notification and no changes have been suggested.

Kaituna River changes

One submission requested that the Kaituna Wildlife Management Reserve (KWMR) be discussed more fully in the Document given its importance. The Panel acknowledges the importance of the KWMR.

Submission no.	Summary of Submission Point	Decision
53 - 6	Discuss Kaituna Wildlife Management Reserve more fully in the Document given its importance.	Accept for the reason stated above.
11 - 13	If any changes are made to the Ngati Whakaue pepeha and paragraphs on page 16 then Te Runanga o Ngati Whakaue ki Maketu should be notified. No changes sought.	Accept. Point noted – No changes made.
14 - 20	<p>Submitter suggests significant changes - deletion of the introduction paragraph and makes the following comments: " The Great River o Tapuika " – Te Awanui o Tapuika Comment – This reflects the significance of the river to Tapuika and Ngati Moko o Tapuika notes that te Awanui o Tapuika is recorded in numerous waiata and patere of Ngati Pikiao and Ngati Whakaue which also acknowledge Te Awanui o Tapuika.</p> <p>It should also be noted that according to Ngati Moko Tapuika Te Awanui o Tapuika</p>	<p>Reject: Tapuika Representatives on TMoK have confirmed their respective iwi history in the document.</p> <p>The Panel acknowledges the diversity within iwi histories. This decision does not invalidate or remove from the full diversity of historical associations with the river.</p>

Submission no.	Summary of Submission Point	Decision
	commences at the Ohau Channel and not at Okere falls as fully recorded in their Patere – “Tera koia ngā uruwhetu” and traverses the side of Lake Rotoiti where the Diversion is currently. The Diversion actually follows Te Awanui o Tapuika. See full submission for changes in context. Additions and deletions.	
14 - 21	Submitter makes the following comment regarding Waitaha section: "I would edit and instead define the area from whence the interest of all these Iwi claiming and interest in the river is derived" See full submission - appears to suggest rewriting Waitaha history.	Reject suggested changes to Waitaha iwi history. Waitaha Iwi Authority have not recommended any changes.
14 - 22	Submitter makes the following comment regarding Ngāti Rangiwewehi section: "I would edit and instead define the area from whence the interest of all these Iwi claiming and interest in the river is derived" See full submission - appears to suggest rewriting Ngāti Rangiwewehi history.	Reject: Ngāti Rangiwewehi representatives on TMOk have confirmed their respective iwi history in the document.
14 - 23	Submitter suggests addition of Tūhourangi section and revising Ngāti Pikiao section and makes the following comment: "I have re inserted Tūhourangi in its own paragraph below otherwise there was no reference to Tūhourangi who held Mana whenua up to Tākinga II and there are acknowledged burial caves and pa sites in the Okere falls area belonging to Tūhourangi." See full submission.	Reject: Iwi representatives on TMOk have confirmed their respective iwi history in the document. The Panel acknowledges the diversity within iwi histories and does not seek to invalidate or remove from the full diversity of historical associations with the river. The Panel also recognise there are iwi other than those who are members of TMOk with an interest in the Kaituna. For the purpose of the KRD, the Panel have decided to limit the iwi histories in the Document to those who are members as the purpose is to provide a brief summary sharing with readers iwi relationships with the river.
14 - 24	Submitter makes various suggested changes, and makes the following comment: "I have re arranged the Whakataukī according to what I believe better reflects the proper kōrero – Te Arawa also acknowledges that Maketu Estuary – Te Awa o Ngatoro (roirangi) was once known as the Food bowl of Te Arawa – a primary and principal food source" Changes as per the full submission.	Reject: Tapuika Representatives on TMOk have confirmed their respective iwi history in the document.
20 - 13	Page 16 contains the iwi history of Ngati Pikiao. The submitter requests amendments be considered regarding discussion of the river Okere. Ngāti Pikiao history on page 16 to be amended by that iwi taking into account the following: The term Ōkere is an abbreviated	Reject: Ngāti Pikiao representatives on TMOk have confirmed their respective iwi history in the document. This does not invalidate the diversity of the iwi's history regarding the river.

Submission no.	Summary of Submission Point	Decision
	<p>form of the name Nga Wairere-o-Marukukere (The Flying Waters of Marukukere). Other abbreviated names in the vicinity include Paengaroa – Nga Paengaroa- o-nga-maara-kumara-o-Marukukere (The Perfected Rows in the Kumara Plantations of Marukukere) and Pukaingataru – Nga Pukai-i-nga-taru-o-nga-maara-kumara-o-Marukukere (The Heaped-up Weeds in the Kumara Plantations of Marukukere). Collectively all of the bodies of water as far as Okere were known as Nga Wai-Roimata-o-Marukukere (The Flowing Tears of Kere). They were sometimes called Nga Wai-o-Kere for short with Kere being an abbreviated name for Marukukere.</p>	
34 - 1	<p>Turehu is my Tupuna matua of Ngati Pikiao ki Ngati Hinerangi me ki Ngati Hinekiri (Tainui/Te Pere o Whanarere). Turehu lived and resided in Pikiao and Maketu all her living life.</p> <p>On behalf of Pikiao I would like to support Pikiao submission, however it is my wish that Ngāti Rangitihi are a part of the proposed Kaituna river proposed plan through our Tapuika links and Pikiao links including Rongomai. We Ngati Rangitihi also have traditional food pits and traditional fishing areas including alters on Oliver Farm (Pakotore).</p> <p>Include Ngati Rangitihi in the discussion of the iwi of the Kaituna. Submitter may also be requesting that Ngati Rangitihi become members of TMoK. See full submission.</p>	<p>Reject. The Panel recognise there are iwi other than those who are members of TMoK with an interest in the Kaituna. For the purpose of the KRD, the Panel have decided to limit the iwi histories in the Document to those who are members as the purpose is to provide a brief summary sharing with readers iwi relationships with the river.</p> <p>Change of the membership of TMoK is out of scope. This does not imply that there are no iwi other than those who are members of TMoK with an interest in the Kaituna.</p>
36 - 1	<p>The Ngāti Pikiao confederation Iwi belong to the confederation of Te Arawa Waka and are tangata whenua of the land contained within the following boundaries: “From Te Tumu in the West, stretching Eastward to Pikowai and heading inland along the Waimimihia Stream, extending to the East of Lake Rotomā, to Lake Tarawera, then North – west encompassing Lakes Rotomā, Rotoehu, Rotoiti, Okataina and a section of Lake Rotorua advancing along the Hururu Stream, to the Ōkere River and down to the Kaituna Estuary, thence back along the coast to Te Tumu”.</p> <p>Ngāti Pikiao has a strong mana whenua association with the Ōkere, Awarua, Kaituna waterways and its surrounding environs and the Maketū and its surrounding environs. This strong association with the waterways and its surrounding environs evolves from Ngāti Pikiao’s conquest of Lake Rotoiti and the re-occupation of Maketū. Furthermore,</p>	<p>Reject. The Panel have considered both submissions from Ngāti Pikiao, which in essence seek to be removed from the Document.</p> <p>The Panel have taken advice from Ngāti Pikiao members of TMoK who have made the decision to retained Ngāti Pikiao within the Document given they are a key iwi represented by Te Pūmautanga o Te Arawa under the TCSA legislation.</p>

Submission no.	Summary of Submission Point	Decision
	<p>the Waitangi Tribunal Report on The Kaituna River Claim (WAI 4) confirms Ngāti Pikiao' strong association. See full text of submission for further detail including introduction, background and context. With reference to page 14 'The iwi of the Kaituna', remove all reference to Ngāti Pikiao, as Ngāti Pikiao was not invited to participate, contribute or consent to the development of the Kaituna river document and as a consequence, the document does not give effect to Ngāti Pikiao in terms of Part 2 of the Resource Management Act 1991, particularly sections 6(e), 6(f), 6(g), 7(a), and 8; and Councils decision making under the Local Government Act 2002.</p> <p>In addition, the document is absent of any recognition of the Ngāti Pikiao Iwi Resource Management Plan – Nga Tikanga Whakahaere Taonga o Ngāti Pikiao Whānui lodged with the Regional and District Councils in 1997. Ngāti Pikiao will be pursuing its own co governance arrangements for its waterways to properly reflect Ngāti Pikiao mana, kaitiakitanga and waiata.</p> <p>With reference to page 14 'The iwi of the Kaituna', remove all reference to Ngāti Pikiao, as Ngāti Pikiao was not invited to participate, contribute or consent to the development of the Kaituna River Document and as a consequence, the document does not give effect to Ngāti Pikiao in terms of Part 2 of the Resource Management Act 1991, particularly sections 6(e), 6(f), 6(g), 7(a), and 8; and Councils decision making under the Local Government Act 2002.</p>	
41 - 7	All iwi should define their areas of interest. Show areas of interest for the relevant iwi in words and on map in Part 3.	Reject: The Panel have chosen not to map iwi rohe / area of interest. Status iwi / hapū / whānau as mana whenua or kaitiaki over parts of the catchment is considered to be out of scope. The river document does not override mana whenua, affect land ownership rights or detract from kaitiaki roles.
42 - 7	Needs more iwi history.	Reject: The Panel advises that the purpose of the Iwi history part of the document is to provide a summary of each iwi's relationship with the river. It is not intended to be a comprehensive history account rather a summary of rich histories. This document cannot capture or articulate the depth of association that iwi have with the river nor is that its purpose.
43 - 6	Document still looks too white and doesn't	Reject: The Panel disagrees. It is a co-

Submission no.	Summary of Submission Point	Decision
	reflect Tapuika. Needs more local (iwi) history.	governance document so has a wide audience which includes not only iwi but the wider community. TMoK have engaged a designer with a brief to capture the essence of the awa. In terms of history, the Panel notes the purpose of the iwi history part of the Document is to provide a summary of each iwi's relationship with the river rather than a comprehensive history.
44 - 5	Show areas of interest in text and on map in Part 3.	Reject: The Panel have choose note to map the areas of interest. Status of iwi / hapū / whānau as mana whenua or kaitiaki over parts of the catchment is considered to be out of scope.

Part 3 Te Wharenui

What makes our river a treasure (map)		
12 - 3	No indication of the cultural, environmental and mahinga kai values of Ōngātoto/Maketū Harbour or of location of Kohangakāeaea – indicated on P.15 as the most sacred place on the river are shown on the map on page 17. Add features outlined in the summary to the map 'What makes our river a treasure'.	Reject: The Panel, whilst acknowledging the submission advises that a focus on restoration projects for the entire river ecology rather than a narrow focus on areas of mahinga kai ensures that the river remains the focus. The information denoted on the map is subject to the impracticality of including all details. The document is not required to identify hapū/iwi values, however, in relation to fresh-water management, PC12 will identify those values. Submissions about desired outcome c focussed on restoration projects for the entire river ecology rather than a narrowing the focus to areas of mahinga kai. A focus on river ecology will also include and provide for areas of mahinga kai.
Kaituna River changes		
6 - 4	Support for Kaituna projects happening now: 2017/18: 1 BOPRC purchase of land to contribute to restoring the estuary's ecology and habitats. 2 Re-diversion works programmed to start this spring 3 Removal of Papahikahawai causeway and new bridge. A hearty thanks to the Regional council and staff, especially Pim and team. No relief	Support noted and acknowledged. Accept No relief sought

	sought.	
7 - 7	Support for the Kaituna mouth re-diversion plan and continued rehabilitation. No changes sought.	Support noted and acknowledged.
10 - 1	Put the river back through the twin cuts or Fords cut. A well proven scheme with the big ponding area. I agree with the wetlands. I lived on the river bank for many years. Support for re-diversion and wetlands	Reject. Out of scope. The Panel will consider this matter when developing their action plan.
14 - 25	Changes as shown in full submission. No specific reason given. Insert some dates and delete a paragraph.	Reject. The Panel considered points raised which focus on inclusion of additional statistical information. Suggestions do not change the intent of this section.
53 - 6	There is some conjecture over the events surrounding the creation of the Kaituna Wildlife Management Reserve (WMR). It would be beneficial to reach agreement between parties on this issue. Given the importance of the Kaituna Wildlife Management Reserve and also wetlands it would be good to more fully discuss these within the document.	Accept. The Panel acknowledges the importance of the KWMR.

Where are we now

The Panel considered submissions that focussed on the current status of the river and those who use its resources. One submission sought to differentiate land use methods by colour. The Panel considers the proposed graphic is fit for purpose and no change is required other than to make sure it fits with the design of the final Document. One submission requested that the Document include a register of river users which the Panel considers to be out of scope. Regional Council is the consenting authority and information is available about consent holders and location of consents.

One submission sought to have the importance of recreational use highlighted. The Panel accepts this point and has made amendments to the wording of the text to differentiate between recreational and commercial white water users of the Kaituna. The Panel rejects the suggestion to list who and what industries use the river as this is considered to be sufficiently addressed on page 22-23 of the proposed Document.

The submissions that suggested specific amendments, and Panel's decisions regarding submissions, are outlined in the table below:

Submission no.	Summary of Submission Point	Decision
11 - 6	<p>Activities listed on page 22 'What we use water in the catchment for' are inconsistent with land use. The fresh water catchment is used by:</p> <ul style="list-style-type: none"> farmers not only for stock drinking water, they discharge into the water too; horticulture not only for frost 	<p>Rejected: The Panel considers this matter to be adequately addressed by the list within the Document.</p> <p>The purpose of this section is to provide a summary of the activities currently undertaken in the catchment. It isn't intended as a detailed outline of specific activities and details.</p>

Submission no.	Summary of Submission Point	Decision
	<p>protection, they take water too for irrigation and storage;</p> <ul style="list-style-type: none"> • hunting and fishing purposes – we don't think recreation covers that we depend on the river for foraging kai purposes; • Resource consent purposes – discharging and water take. <p>Decision sought: What we use water for - page 22. Expand the activities listed to include those mentioned in the summary.</p>	
11 - 14	<p>The history is incorrect and out of chronological order. Tapsell did not come to Maketu at the invitation of Te Arawa chiefs. He already knew where he wanted to start up a flax trading industry because he was told by others on his travels that Maketu had the best quality harakeke (flax). Te Arawa especially Ngati Whakaue wanted a Pakeha of their own to provide them with muskets. Tapsell negotiated with the Te Arawa chiefs at that time for dressed flax in return for goods such as muskets, ammunition, blankets etc.... Maketu became a thriving village where many Iwi came to work. Otairoa on the edges of the Maketu estuary was the land where Tapsell built his store sheds and where he constructed a wharf for the schooner vessels to dock and load/unload cargo. Maketu estuary was used because it had a safety mechanism in place being the high sand dunes (no longer there) and accessibility to the open sea.</p> <p>Pakeha history and river changes - page 18</p> <p>1) Kaituna River Changes – page 18 1956 Add 'Maketu' in front of estuary.</p> <p>2) Correct Pakeha history as outlined in the summary and add 'Maketu' in front of estuary in the timeline of Kaituna River Changes for 1956 so it reads: The Kaituna River Board diverted the river away from the Maketu estuary.....'</p>	Accept in part: include Maketū in front of estuary in timeline for 1956
11 - 15	<p>Its people - page 21 Add expected growth for the next 20 years for people the demographics and also state culture.</p> <p>Consider adding a sub heading for 'Land Development'. Te Tumu Lands are currently undergoing development and will have a significant impact on the Kaituna River and possibly the Wairakei Stream which is significant to Te Arawa coastal hapu. The Rangiuru Business Park is another development that will have a significant impact on the Kaituna River. The graph itself</p>	Accept in part. The Panel have decided to add expected population growth for the life of the document - next 10 years to 'It's people' as requested.

Submission no.	Summary of Submission Point	Decision
	should be in different colour as it looks too green.	
12 - 2	<p>The illustration 'Kaituna River elevation profile' shows various significant sites along the river and their distance from the source/mouth. Kaituna Cut – This is the actual mouth of the river, we think this is intended to be Fords Cut and this is 1km from the mouth and not 4km as indicated. Tauranga Eastern Link Bridge - is shown to be 11kms from the mouth of the river when it is in fact about 5.4km from it. While the other distances indicated may be correct, the fact that these two are not, does not inspire confidence.</p> <p>Check all distances on the illustration of the Kaituna River elevation profile on page 20.</p>	Accept. Make corrections to illustration as necessary.
14 - 26	<p>Submitter suggests various changes to the land use stats and graph. Makes the following comment: "Different colours should be used reflecting the different types of land use would be better. Ngati Moko o Tapuika believe it is a specific responsibility of the KRA to maintain the highest possible water quality and water quantity standards for the Kaituna River bearing in mind the intensive land use activities and will ensure the promotion protection and enhancement of the overall health and well-being of the river taking into account these varied and intensive land uses and the conflicting needs of these users." Various changes as shown and described in the full submission, including to the map.</p>	Rejected. The Panel have chosen not to take up these suggested amendments as they do not change the intent of this part of the Document.
14 - 27	<p>Submitter recommends changes to the section on 'What we use water in the catchment for'. makes the following comment: Ngāti Moko Tapuika believes KRA should establish and as a priority a Register of Kaituna River Water users and Resource consent holders in order to assess the extent of water usage within the river catchment. The KRA is responsible for the proper management utilisation and management of the water of the Kaituna taking into account its statutory responsibility to enhance protect and preserve the health and wellbeing of the Kaituna river.</p> <p>Two new bullet points added to the list relief sought in their comments regarding a register of users etc.</p>	Reject: The suggested actions are functions and roles of local authorities pursuant to the RMA or Local Government Act 2002 (LGA 2002), including consent authority functions which are considered out of scope.
20 - 14	The importance of the underground waterways is not effectively articulated in	Accept in part. The Panel have strengthened water quality and quantity

Submission no.	Summary of Submission Point	Decision
	<p>this document. These subterranean watercourses hold significant cultural importance for Tapuika. Many of these puna have been destroyed over the years through the progressive thinking of entrepreneurs and it is disturbing in the least to see that the aquifers now represent the next entrepreneurial challenge.</p> <p>Decision sought: The submitter requests that the importance of the lower Kaituna aquifer be more effectively articulated on page 22 of the document, due to their significant cultural importance for Tapuika. Add text such as: According to traditional korero (history), these aquifers were subterranean highways which our taniwha used to visit different places throughout the takapu (tribal boundary). The aquifers formed puna (springs) that were outlets for the taniwha to emerge on to the surface to undertake their deeds before returning to their respective homes.</p>	<p>desired outcomes about aquifer.</p>
30 - 7	<p>Whitewater NZ is the national representative organisation of canoe clubs and recreational kayakers throughout New Zealand and has the delegated authority to represent the NZ Canoe Federation on conservation and access issues. For further details about Whitewater NZ see full text submission and points I and III in full text submission.</p> <p>Whitewater NZ commends Te Maru o Kaituna River Authority on a well put together Kaituna River Document, and wishes to propose some important amendments that reflect the values of whitewater recreationalists: Whitewater NZ wishes to highlight the recreational usage, and importance of, the Kaituna catchment.</p> <p>(a) The Kaituna River itself is used for recreational whitewater kayaking, rafting, sledging, and canoe slalom throughout its upper reaches. This includes not only the most commonly run section from the Okere control gates to Trout Pools Falls 'Okere Falls', but also the three subsequent gorges ('Awesome Gorge', 'Gnarly Gorge', and 'Smokey Gorge') which offer harder examples of whitewater. (see photos and maps in full text)</p> <p>(b) Year-round, the Kaituna River is the most popular river in New Zealand for whitewater recreation. The Kaituna offers reliable flows, exciting whitewater, and a range of opportunities for beginner to advanced users. It receives extremely</p>	<p>Accept. The Panel decided to amend the text on page 22 to make a distinction between recreational and commercial white-water uses.</p>

Submission no.	Summary of Submission Point	Decision
	<p>high use by local, national and international users.</p> <p>(c) It is also an important training ground for competitive athletes in a number of disciplines. The waters of the Kaituna attract top canoe slalom paddlers, some of whom have gone on to represent New Zealand in world cup events and at the Olympics (Luuka Jones). The Kaituna of course is also home to 3x Extreme Kayak World Champion Sam Sutton, not to mention the multiple podium finishes local athletes have also had (Jamie Sutton, Mike Dawson, and Toni George).</p> <p>(d) The Mangorewa River in the 'Pyes Pa Rd to Maungarangi Rd section' offers exciting grade 3 – 4 whitewater recreation during times of high river flow. The bedrock features of this river section are a unique example of river geomorphology that is prized by whitewater users.</p> <p>(e) The Waiari Stream offers stunning, crystal clear grade 2 – 3 whitewater recreation throughout its gorge section. This river section is important to beginner and intermediate kayakers throughout the region. It is widely used by kayaking clubs as an introductory river for up skilling less experienced kayakers.</p> <p>Highlight the importance of the Kaituna catchment for recreational usage within the document, specifically, the Kaituna River itself and also the Mangorewa River in the Pyes Pa Rd to Maungarangi Rd section and Waiari Stream. Make the distinction between recreational and commercial whitewater sporting uses. Commercial whitewater rafting was mentioned in the Kaituna River Document, however there are many other commercial whitewater uses of the catchment. Including for kayaking, sledging, swift water rescue training, slalom coaching, jet boating, etc. Private recreationalists currently receive no mention throughout the Kaituna River Document, and we fear that our use and values may have been overlooked.</p>	
30 - 9	<p>Greater distinction could be made throughout the document between what we consider 'consumptive' land-use/water-use activities and 'non consumptive' ones. Whitewater recreation as a water use has an immeasurably small impact to water</p>	<p>Reject: The Panel considers all use of river resources to have an impact and agrees recreational use of white water is at the lesser end of the impact spectrum. Focus is on encouraging sustainable use and behaviour in relation to the river and the</p>

Submission no.	Summary of Submission Point	Decision
	consumption and degradation. See full text submission point IV for further detail.	wider community.
36 - 12	Ngati Pikiao have extensive forestry plantations for which we pay rates in the Kaituna catchment. The Taheke-Paengaroa block is 1276 hectares with 900 ha approximately in pine and the balance in native bush. Forestry is an important land management activity for the limiting of nutrient pollutants into the river and should be encouraged. No relief sought.	Point noted. No relief sought.
37 - 1	<p>The proposed document only mentions the commercial rafting at the upper section (Okere control gates to Troup Pools Falls) of the Kaituna River as the recreational whitewater use of the area. However, there are many more private individuals and club members who kayak, raft, sledge the section of the Kaituna River.</p> <p>The upper section of the Kaituna River, the gorges downstream of Trout Pool Falls ('Awesome Gorge', 'Gnarly Gorge', and 'Smokey Gorge') offer technical whitewater for experienced paddlers. There is no commercial rafting in this section but many individuals, including some AUCC members kayak the section of whitewater.</p> <p>Furthermore, other rivers and stream in the catchment offers many whitewater kayaking opportunities.</p> <p>(a) The Waiari Stream is another popular destination for our club members. The section of the whitewater is relatively easy compared to most of the Kaituna river thus we organise many trips to the stream for our beginners and intermediate paddlers.</p> <p>(b) The Mangorewa River also offers some good whitewater when the river rises with the rain. This is a less common destination for our club members as it is a more technical whitewater and the condition depends on the river flow.</p> <p>Recognise and include wider recreational use of the Kaituna River and its catchment in the Kaituna River Document.</p>	Accept. The Panel have strengthened the wording about recreational values be recognised in the Objective 4 and associated desired outcomes.
42 - 5	Need to show who and what industries use the river including councils.	Rejected for the reasons stated under 'Where are we now' above.
53 - 12	The Eastern Fish and Game region encompasses the area of the Kaituna catchment. The Eastern Fish and Game Council is responsible for managing the	Accept in part: The Panel considers sports fishing and game birds to be sufficiently covered by reference to recreational use

Submission no.	Summary of Submission Point	Decision
	<p>freshwater sports fisheries and game bird populations. See full text for further detail about Eastern Fish and Game, the sports fishery, game bird resource, sports fish and game bird management and general submission about the importance of wetlands and cold water inflows. The full text submission includes detail about the significance of the Kaituna Wildlife Management Reserve (WMR) which is the largest remaining shallow wetlands in the Bay of Plenty and recognised as one of the last remnants of a much larger ecological system that covered vast areas of lowland prior to land development and drainage. The Kaituna WMR provides habitat for a number of game bird species and provides significant recreational opportunities for game bird hunters. The reserve is also significant for its ecological, scientific, natural character, amenity and educational values.</p> <p>Specific relief sought is outlined in other submission points. Include recognition of the sports fishery and game bird resource in the document perhaps near the recreation and tourism section.</p>	throughout the Document.
Issues facing the catchment		
14 - 28	Several changes to the bullet point list of issues - see full submission. Change the heading and add text as shown in full submission.	Reject as suggestions list sewerage schemes, Affco and stormwater discharges and also adding actions about monitoring which is out of scope. Suggested amendments are functions of local government authorities and are therefore out of scope.
27 - 4	<p>The threats to water quality are of real concern in the Kaituna and include:</p> <ol style="list-style-type: none"> 1 Leaching of nitrates and other chemicals from agriculture and horticulture. This must be acknowledged and effective controls put in place. Riparian planting is needed as a matter of urgency. 2 Erosion from forestry harvesting – companies must be required to use methods that protect the water quality of the river. 3 Stormwater disposal – with increasing urban development, particularly in Papamoa, there is a definite threat to the river from stormwater disposal and strict rules must be in place to prevent developers from degrading the water quality in the river. 	Accept in part: The Panel considers amendments suggest assign responsibility for impacts on river which is not the purpose of the document. Suggested amendments detract from aspirational nature of document. Issues raised are covered by existing issues listed within the document and amendments made as a result of submissions which include adding sedimentation.

Submission no.	Summary of Submission Point	Decision
	Ensure that specific reference is made to the threats listed in relief sought.	
43 - 7	Need to be honest. How polluted the awa is? Who is doing it? And what you people will do to fix it up. You wrecked it, you pay to fix it up so our mokopuna can swim and camp safely. Amend the document to be honest about how polluted the awa is, who is doing it and what will be done to fix it up.	Reject: Assigning of responsibility for the current state of the river to is not the intent of the document. TMOK's intention is the Document focusses on the future and is positive.
53 - 8	Bullet point 1 recognises the issue of over allocation but needs amending to articulate the need to claw back over allocation where necessary. Bullet point 3 recognises the issue of increasing nitrate levels in the Kaituna. In an overarching document it is more appropriate to recognise the issue of declining water quality more generally rather than picking out one factor. Add the following additional issue - 'Land use and development are placing increasing pressure on wetland habitats.'	<p>Accept in part: The Panel accepted this point in part by adding 'declining water quality' in addition to increasing nitrates and also add 'land use and development are placing increased pressure on wetland habitats'</p> <p>The Panel rejects the first part about inclusion of a claw back position for over allocation as the Document cannot include rules.</p>
62 - 1	The natural sediment balance can be upset by management that produces too much sediment or management that reduces natural sediment supplies. Un-natural changes have major effects on downstream estuaries, coastal dunes and communities. A major threat to sustaining Maketū and the dune coast line would come from dam construction on the Kaituna / Mangorewa update river section. See full text submission for information on sediment issues including information on long term climate change and sea level rise. No relief sought.	Accept. The Panel accepts this point in part and has added sedimentation to the list of issues facing the catchment as a bullet point.

Submission no.	Summary of Submission Point	Decision
What is being done in and around the river (map)		
12 - 4	<p>Kaituna/Maketu Fresh Water Management Group has been working on freshwater issues and some reference should be made in this document to the importance of aligning the vision and strategy of the group and TMOK.</p> <p>Add Kaituna / Maketu Fresh Water Management Group to the map on page 24 and also reference in text within the document.</p>	Reject. The Kaituna Community group work is noted and acknowledged. The Panel considers it inappropriate to make reference to the community group within the Document as it is the overarching document which will be recognised by the freshwater WMA plan change work.
14 - 29	<p>Add to discussion on page 23 as follows:</p> <ol style="list-style-type: none"> 1 Residential Expansion The KRA will monitor closely this residential and urban development and assess its effects and impacts upon the overall health and well-being of the river and its effect upon its obligation to ensure the preservation protection and enhancement of the overall quality of water of the Kaituna 2 Urban and Industrial Growth - The KRA will monitor closely this scheme and assess its effects and impacts upon the overall health and well-being of the river and its effect upon the preservation protection and enhancement of the overall quality of water of the Kaituna 	Reject. The Panel advises that monitoring will be an activity undertaken once activities are initiated and is out of scope at this stage.
15 - 2	<p>See relief sought and full text submission for the work being undertaken by these kaitiaki groups.</p> <p>Maketu Ōngātoto Wetland Society (MOWS) as well as Ōtānewainuku Kiwi Trust need to be acknowledged by naming them on the map called 'What is being done in and around the River' for the phenomenal work they are doing. I support the Authority acknowledging these groups of kaitiaki for the significant work they are doing in this area.</p>	Accept. The Panel acknowledge these groups and have decided to add them to the map.

9 Part 4 Wharekai

Part 4 Wharekai is where festivities are held in the proposed Document. For the purpose of the Document, it outlines how people have been engaged and how their contributions have been responded to. It is a summary of the process undertaken to develop the document.

Panel's Decision

After considering the submission point made about Part 4 and the overall purpose of this section, the Panel have decided to amend this part of the Document by updating it so it is applicable to the approved version of the Document by updating the public and stakeholder engagement sections to include the final stages of the process including mention of the next step which are development of the action plan and implementation. Further the Panel have also decided to delete the page illustrating the process in the proposed Document. The opportunity has also been taken to add a new section about the design of the document.

Changes have been made to this part as a result of the decision to change the analogy. Part 4 of the Document which is now called Te Kōngutu Awa – The River Mouth. As a result of decisions made it now contains introductory paragraphs about Te Kōngutu Awa, and sections how was this document developed?, public and stakeholder engagement, the design of this document, implementation and review.

Reasons for the Panel's Decision:

Submission point 14 - 3 seeking amendment was received about the Te Wharekai part of the Document.

Implementation, monitoring and reviewing

The Panel considered submission point 14 - 30 which sought to change the intent of this part of the Document from a summary of the process of developing the document, to the monitoring, implementation and review of the Document. The Panel rejected this submission as the substance of the submission is more appropriately addressed in the next steps, namely development of the action plan and implementation of the River Document which unfortunately needs to be considered out of scope. The empowering legislation, which is the Tapuika Claims Settlement Act 2014, does not permit the inclusion of rules, methods or actions within the River Document.

The table below outlines the submission that suggested specific amendments to the Te Wharekai and the Panel's Decision on it:

Submission no.	Summary of Submission Point	Decision
14 - 30	<p>Part 4 Wharekai should be the Implementation & Review Supervision & Monitoring part of the document. Submitter makes the following comment: Ngati Moko o Tapuika would prefer see the Wharekai as the Implementation & Review Supervision & Monitoring Phase – Where the real work is done on the marae including the development of the Annual Action Plan and components of the Plan and how those Actions will enhance protect and promote the overall well-being and health of the Kaituna – Nga hua – The Fruits of the Kaituna River Authority. – The outcomes expected from the Kaituna River Authority – Te Maru – fulfilling its proper statutory duties and responsibilities in a meaningful and responsible manner.</p> <p>Decision sought: Delete existing text about</p>	Out of scope for the reasons stated under 'Part 4 Wharekai' above and added to the draft action plan list.

Submission no.	Summary of Submission Point	Decision
	the preparation phase - see relief sought for detail.	

10 Other suggested content

Submission no.	Summary of Submission Point	Decision
42 - 8	Decision sought: Te Awanui o Tapuika is the original and should be in the title for the document.	Reject: The Panel acknowledges the river is also known as Te Awanui o Tapuika by Tapuika. Names for the Kaituna River or parts of it recognised by different iwi are highlighted within the iwi histories part of the Document.
52 - 9	Decision sought: Rivers original name "Te Awanui o Tapuika" not reflected anywhere.	Accept in part: The Panel acknowledges the river is also known as Te Awanui o Tapuika by Tapuika. Names for the Kaituna River or parts of it recognised by different iwi are highlighted within the iwi histories part of the Document.
52 - 10	Decision sought: Should have baseline testing as a starting point to measure improvements from.	Out of scope. Baseline information has been used to inform the issues within the document. Monitoring is part of the implementation of the Document which is the next step.
59 - 12	<p>The Chair, in his introduction, may wish to emphasise/reference the enabling of the Authority in particular its strength through being a statutory body;</p> <p>Decision sought: Message from the Chair may wish to emphasise/reference the enabling of the Authority in particular its strength through being a statutory body.</p>	<p>Message from the Chair</p> <p>Reject. The Chair has considered comments and has made amendments to the message consistent with the Panel's other decisions. The Chair considers the message as worded is enabling of TMOk and its strength through being a statutory body.</p>

11 General river document matters

Submission no.	Summary of Submission Point	Decision
3 - 2	<p>A visionary document must be guided by evidence based research rather than superstition. Environmental issues are usually very expensive to alter to any perception of a former pristine condition. The expenditure of large sums from the community must be justified by a reasoned assessment based on good science based data which presents all the alternatives and their costs in an understandable manner.</p> <p>Decision sought: Desired outcomes need to be justified after having regard to alternatives and the costs and benefits to the community.</p>	Noted. The Panel noted TMOk have considered alternatives, costs and benefits when developing the Document.

Submission no.	Summary of Submission Point	Decision
6 - 1	<p>Be more precise with strategy and plan issues. Getting the words right first is the key to actually implementing any strategy in the future.</p> <p>Decision sought: Change words to strengthen their meaning throughout the document. 'Maintain' means to keep in existence, a situation, a course of action, or condition without changing or messing up any further than is already messed up. Change to 'effectively maintain'. Change 'improve and enhance' to 'effective/ly improve and enhance' the ecological environments of the Kaituna River and Maketu Estuary for example. 'Sustainable' means only able to be maintained, not necessarily improved. Be more precise. Change and add 'effective management' and 'effective maintenance and enhancement' wherever mentioned in the proposed river document.</p>	<p>Accept in part and noted. The Panel note that language has been strengthened where the Panel considered appropriate to do so.</p>
6 - 2	<p>Set end point time limits ie. 2025 to restore the waters and waterways by upgrading and improving the estuary and its rivers' ecological environments.</p> <p>Decision sought: Complete upgrading and enhancing the Kaituna River and Maketu Estuary within the proposed 10 year period of the documents life. Note: It took but one year for the catchment commission to destroy Te Awa o Ngātoroirangi (Maketu Estuary) by blocking off the fresh water so does not need too much time to reverse, just action.</p>	<p>The Panel have considered whether or not to state a specific end point within the objectives and have chosen not to state a time.</p> <p>What can be achieved by when will be a matter for discussion as part of the action plan.</p>
11 - 1	<p>Strategy Vision – "Celebrate and Honour Kaituna River and Ōngātoto/Maketu Estuary life as taonga". The Maketu estuary (Te Awa o Ngātoroirangi) is important to Ngāti Whakaue ki Maketu hapu. We would support ongoing recognition provided for the estuary in council planning and statutory tools to ensure its well-being is enhanced, preserved and protected. We support the use and enjoyment of the estuary through activities such as recreational sport, hunting, fishing, kaimoana gathering, cultural collection of plants and food. We want to ensure that regional council maintains its commitment to return 75 percent of freshwater to Maketu estuary.</p> <p>Decision sought: No specific relief sought to the document. Support ongoing recognition provided for the Maketū estuary in council planning and statutory tools to ensure its well-being is enhanced, preserved and protected. Ensure that regional council maintains its commitment to return 75 percent of freshwater to Maketu estuary.</p>	<p>Accept. No relief sought. The Panel note this point and acknowledge restoration, enhancement and protection of Kaituna River will benefit the estuary.</p>
14 - 2	<p>Suggest amend the Message from the Chair.</p> <p>Decision sought: See full submission for all suggested track changes in context. Various changes are suggested, including adding the following at the end of the te reo introduction:</p> <p>Ko Rangiuru toku Maunga</p>	<p>Message from the Chair</p> <p>Suggestions noted. The Chair has considered comments and has made amendments to the message consistent with the Panel's other decisions.</p>

Submission no.	Summary of Submission Point	Decision
	<p>Ko Kaituna toku Awa</p> <p>Ko Tapuika toku Iwi</p> <p>Tihei mauri ora</p> <p>Also suggests adding 'Te Awanui o Tapuika more commonly referred to as the Kaituna River ...' in the message from the Chair.</p>	
24 - 5	<p>See points 4. 5. & 6. of the full text submission. The invisibility of whanau in the document is not surprising but disappointing that Te Maru o Kaituna apparently support the approach taken in the review of the RMA. Whanau is the fundamental base of our structures. Without whanau there is no hapu and without whanau there is no iwi. The fundamental structures especially in regard to the whenua and resources must be maintained and further that the importance of whanau as mana whenua and kaitiaki is protected and inserted into all documents and legislation pertaining to the river and adjoining lands.</p> <p>Decision sought: Amend the document to ensure the importance of whanau as mana whenua and kaitiaki is protected. Inserted into all documents and legislation pertaining to the river and adjoining lands as outlined in points 4. 5. & 6. of the full text submission.</p>	<p>Rejected: the Panel does not consider the document ignores and/or overriding the mana, mana whenua and kaitiakitanga roles and responsibilities of whānau in relation to the river.</p> <p>Out of scope: Status of iwi / hapū / whānau as mana whenua or kaitiaki over parts of the catchment can be considered out of scope. The river document does not override mana whenua, affect land ownership rights or detract from kaitiaki roles.</p>
29 - 1	<p>As an organisation with representation on the Te Maru o Kaituna River Authority, Tauranga City Council supports the Proposed Kaituna River Document 2017. In addition, the Te Tumu Urban Growth Area of Tauranga City lies between the Kaituna River and the coast. This area is currently the subject of a structure planning process ahead of plan changes to rezone the land for urban uses. A key component of this work is the recognition of the Kaituna River and the relationship of iwi/hapu with the river. Tauranga City Council is committed to continue to work with Te Maru O Kaituna River Authority as the Authority develops the implementation strategy to the Vision, Objectives and Desired Outcomes of this foundation document.</p> <p>Decision sought: Approve the Proposed Kaituna River Document 2017.</p>	Accepted: No relief sought
40 - 3	<p>The real name of the Kaituna is Te Awanui o Tapuika.</p> <p>Decision sought: Refer to the Kaituna River as 'Te Awanui o Tapuika'.</p>	Rejected. The Panel acknowledges the river is also known as Te Awanui o Tapuika by Tapuika. Names for the Kaituna River or parts of it recognised by different iwi are highlighted within the iwi histories part of the Document.

12 Structure and Format

There were approximately sixty two submission points made in relation to the structure and format of the proposed Document. Submissions largely disagreed with the use of a marae structural analogy of the Kaituna River Document as a marae analogy is not considered to capture, or reflect, the river, its environment and communities.

Structure

Themes of submission points seeking amendment to proposed structure:

- (i) Marae analogy does not reflect the river and its environment;
- (ii) Arrange structure in a way that streamlines flow and provides a better narrative.

Panel's Decision

With the majority of submissions suggesting a change of structural analogy that better fits with a river environment, the Panel have decided with the help of expert advice about Te Arawa reo, tikanga, mātauranga Māori and history to change the structural analogy from the proposed marae to that of an awa or river.

Replace marae analogy

The overwhelming majority of submitters stated that the marae structural analogy does not capture or reflect the river, its environment and communities. Submitters suggested an analogy more akin to the river environment such as a river, a waka or a hīnaki, for example. The Panel agreed with submitters that the structural analogy needs to better reflect the Kaituna River, its people and its environment and decided to change the analogy to reflect the awa. Substantial structural changes have been made to where the material fits within the document to align with the new analogy.

Renaming parts of the marae analogy

Some submissions (11 - 7, 28 - 1) suggested making changes to the marae analogy to make the analogy more appropriate. One suggestion sought to rename aspects of the marae analogy (11 - 27) to emphasise tangata whenua hospitality. Another submission suggested expanding the analogy to incorporate other aspects of a marae (28 - 1). Whilst the Panel understood the reason behind these submissions, they have been superseded by the Panel's decision to change the structural analogy to one more akin to a river environment.

Rearrange structure of document

Three submissions (53 - 9, 53 - 11, 59 - 9) suggested that the structure needs to be rearranged to provide better flow to the document. The Panel considers these submission points alongside changes made to the structural analogy and have accepted these submission points by making sure the material is in an appropriate order that aligns more closely with the analogy. Issues facing the catchment have been brought forward as suggested and now sit in Part One within 'What will the document respond to?'

The table below outlines the submissions that suggested specific amendments about the structure of the Document and the Panel's decision regarding these submissions:

Submission no.	Summary of Submission Point	Decision
53 - 11	Move issues facing the catchment to the beginning of Part 2 so that the order becomes vision, the issues, objectives and the desired outcomes.	Accept issues facing the catchment have been moved further forward and are now within Part One under 'What will the document respond to?'
53 - 9	Move issues facing the catchment to the beginning of Part 2 so the order becomes vision, the issues, the objectives and the desired outcomes.	Accept issues facing the catchment have been moved further forward and are now within Part One under 'What will the document respond to?'
13 - 10	<p>Te Marae Ātea paragraph statement does not acknowledge the role of manuhiri ie. Treaty partner - the crown involvement is inferred in the document e.g.. the submission process is what I would see in a similar way to Manuhiri on the Marae. Making it more explicit would enhance the document.</p> <p>Decision sought: Make the Crown's involvement in the document more explicit in the paragraph statement would enhance the document.</p>	<p>Reject. The first part about manuhiri will be addressed by changing the analogy.</p> <p>Making the Crown's involvement more explicit is not considered appropriate.</p>

Renaming section 'Whare Kuia'

The Panel considered the submission seeking to change the name from 'Wharekai' to 'Whare Kuia' as part of considering submissions about change the analogy for the Document. The Panel considers this submission redundant given the decision to change the structural analogy to an awa which is more akin to a river environment.

Submission no.	Summary of Submission Point	Decision
11 - 16	<p>Part 4 – Whare Kuia From a manuhiri perception it may be where a cuppa tea is shared for a “catching up with each other.” A whare kuia is an inaugural part of the cultural setting it shows tangata whenua hospitality and caring for its visitors. Positive relationships are formed not only amongst those feasting but also between the co-workers in the kitchen who are providing the food. They may have had to go out and pick watercress or gather pipi or catch tuna to put this hakari on. Those sitting and feasting with visitors are there for a purpose to build good relations between hapu, iwi, council etc.... We support a more informed and formal approach when referring to our ancestral houses.</p> <p>Decision sought: Name of Part 4 - Rename this part of the document 'Part 4 - Whare Kuia' and change text to a more informed and formal approach when referring to our ancestral homes.</p>	Rejected for the reasons under 'renaming section 'Whare Kuia' above.

Format

Themes of submission points seeking amendments to proposed format:

- (i) Application of te reo Māori in document is ad-hoc;
- (ii) Translations of key terms do not reflect the depth of meaning for these terms;
- (iii) Engage a person of Te Arawa descent, knowledgeable in te reo and mātauranga Māori, to recommend responses to submissions and suggest amendments to the proposed document;
- (iv) The flow of the document needs to be more streamlined.

Panel's Decision

The majority of submissions about format focus on how te reo Māori is applied throughout the Document.

Te reo Māori too informal and too ad-hoc

Submissions suggested that the use of te reo Māori in the proposed version of the Document is too informal and doesn't articulate the depth that the Document requires. Moreover, submitters felt the te reo Māori is ad-hoc and disrupts the flow of the Document. The Panel agree that the application of te reo Māori in the Document needs to better reflect the depth behind te reo and Te Arawa tikanga with regard to the Kaituna River and the Document. The Panel have engaged and taken advice from an expert in Te Arawa reo, history and tikanga to provide guidance including advice on ensuring the use and format of te reo Māori in the Document is both appropriate and adds to the mana of the Document. Recommendations considered appropriate by the Panel have been adopted and changes woven into the Document.

The table below outlines the submissions that suggested specific amendments about the format of the Document and the Panel's decision regarding these submissions:

Submission no.	Summary of Submission Point	Decision
11 - 4	This document is riddled with informal reo e.g. Wharenui which means big house. The formal reference is where tūpuna the ancestral house named after an eponymous chief. Another is wharekai which means eating house. The formal reference is where kuia because it again is a house named after a female ancestor, which is usually the chiefs' wife. There is a lack of reference to who carried out the karanga, why? We support an expert of Te Arawa descent and who is very knowledgeable in Te Reo Maori, Maori mythology and Mātauranga Māori be contracted to work on this document. We don't generally agree with some of the myths or how they have been written. For example: page 13 there are some inaccuracies when writing about Ngaa Atua Maori we do not want our mythologies to be used without a purpose. Last paragraph where there is reference to Mataatua waka.	Accept in part: The Panel have engaged an expert in Te Arawa reo, history and mātauranga Māori to provide advice to inform our decisions. Consistency in terms of the level and appropriateness of te reo Māori has been considered and the Panel have made appropriate amendments to the text of the Document.

Submission no.	Summary of Submission Point	Decision
	<p>What is the purpose of this reference?</p> <p>Decision sought: If the River Document is a high level document then we suggest the use of formal Te Reo Maori. We support an expert of Te Arawa descent and who is very knowledgeable in Te Reo Maori, Maori mythology and mātauranga Maori be contracted to work on this document. Myths and mythology must be used with purpose.</p>	
11 - 5	<p>Brackets after every Maori word disturbs the reading and should be a footnote at the bottom of each page which is followed by a glossary in the document.</p> <p>Decision sought: Change brackets after every Maori word to footnotes and reference back to the glossary.</p>	<p>Accept in part: The Panel have engaged an expert in Te Arawa reo, history and mātauranga Māori to provide advice to inform the Panels decisions regarding appropriate use, including format, of te reo Māori throughout the document.</p> <p>Consistency in terms of the level and appropriateness of te reo Māori is a key part advice provided about the te reo and tikanga components of the document.</p> <p>Whilst the Panel acknowledges that brackets are somewhat distracting, having te reo within the document and brief English translations brackets where the terms first appear in the document is preferred by the Panel over footnotes. Changes the Panel have made as a result of changing the analogy to an awa have introduced extensive new tracts of reo especially within the introductory paragraphs with English below.</p>
14 - 3	<p>Suggested changes to page ii: Purpose of the River Document and Note to Reader. The submitter states regarding Note to the Reader: Personally I have difficulty relating this Marae analogy to the Awa. A marae is static whereas a river flows – gently but unceasingly. It exemplifies nature at its best. It is powerful albeit contained but this is a personal view only. I have no alternative analogy to offer.</p> <p>Decision sought: See full submission for all suggested track changes in context. Suggest replacing Purpose of the River Document with 'The Kaituna River Document – A Constitutional Document'. Suggests deleting the three paragraphs from page ii and other text changes.</p>	<p>Accepted. The Panel have engaged an expert in Te Arawa reo, tikanga, mātauranga Māori and history to provide advice to inform the Panel's decisions about change the structural analogy to better suit the Kaituna River as outlined above.</p>
20 - 4	<p>The Note to Reader page ii describes the use of a marae based framework to incorporate the key features of the document is misaligned. A more appropriate construct maybe that of the elements of a river itself.</p> <p>Decision sought: Utilise a revised structure</p>	<p>Accepted. The Panel have engaged an expert in Te Arawa reo, tikanga, mātauranga Māori and history to provide advice to inform the Panel's decisions about change the structural analogy to better suit the Kaituna River as outlined above.</p> <p>The Panel have accepted the suggested</p>

Submission no.	Summary of Submission Point	Decision
	<p>and headings for the document as follows:</p> <ol style="list-style-type: none"> 1 Te Waipuna (The Headwaters or Source) could be substituted for Te Waharoa and show why we have a river document and its purpose; 2 Nga Wai Hohonu (The Water Depths) could be substituted for Te Wharekai and show how this document was prepared based on the in-depth preliminary conversations that were had with the Kaituna River community; 3 Nga Tahatika (The Riverbanks) could be substituted for Te Wharenuui and show the connections of people to the River, its history and issues facing the river; and 4 Te Kōngutu Awa (The River Mouth) could be substituted for Te Marae Ātea and show the objectives and desired outcomes for the future of the Kaituna River. 	<p>headings and have revised the structure of the Document generally as suggested in this submission.</p>
28 - 1	<p>The proposed Kaituna River Document takes various parts of the marae to illustrate the different progressive aspects of the document and actions relevant to each part of the marae and to the document. Two very important and vital parts of the mara have been omitted - the Pouhaki and the Wharepaku. No marae can function efficiently without these two elements - the flag pole and the ablutions block.</p> <p>With reference to the Pouhaki (flag pole) this signifies two main aspects when flown.</p> <ol style="list-style-type: none"> 1 It indicates to all that a tangihanga is in progress on that marae and in tangata whēnua tikanga invites Maori people passing the marae to call in and pay their respect. 2 It identifies the Tupuna and mana of the local hapu. <p>With reference to the Te Wharepaku (ablutions block), in any society or group this is an essential and vital part of their Health and Safety. Our ancestors and elders had this sussed in their time by efficient use of water for cleaning and disposal of wastes and wastewater. They used the "long drop" as an efficient way of disposing body waste because eventually it all turned back to dust (earth).</p> <p>Decision sought: Amend the document to include the two parts of the Marae concept that are currently missing which are the</p>	<p>Reject. The Panel have decided to change the analogy to be more akin to the river than the proposed marae analogy in response to the overwhelming majority of submitters regarding the structural analogy.</p> <p>The Panel have engaged and taken advice from an expert in Te Arawa reo, tikanga, mātauranga Māori and history who has helped develop a structural analogy that better suits the Kaituna River as outlined above.</p>

Submission no.	Summary of Submission Point	Decision
	pouhaki (flag pole) and the wharepaku (the ablution block) in the finished product. A marae without a Pouhaki and a Wharepaku is like a ship without a sail and a rudder so too the Kaituna River Document.	
40 - 4	<p>For the iwi whose Deed produced this board, little of the Proposed Document reflects that.</p> <p>Decision sought: The document should reflect awa, not whare. Also, there should be a te reo version or a fully bilingual document.</p>	<p>Accept in part: The Panel have chosen to change the structure and analogy from the proposed marae to the awa and have also engaged a Te Arawa reo expert to provide advice which have informed the Panel's decisions.</p> <p>TMoK may consider a te reo version of key areas of the Document once the River Document is approved.</p> <p>Reject in part: The Panel considers iwi with related Deeds of Settlement to be sufficiently acknowledged and reflected in the document.</p>
42 - 9	<p>Don't like the document split up by the whare analogy. Decision sought: Use some other way of splitting up the document.</p>	<p>Accept in part: The Panel have chosen to change the structure and analogy from the proposed marae to the awa and have also engaged a Te Arawa reo expert to provide advice to inform the Panel's decisions.</p>
52 - 8	<p>Decision sought: "Whare" analogy not appropriate in document. All rivers and streams should be named that flow into the Kaituna.</p>	<p>Accept: The Panel have chosen to change the structure of the Document and analogy from the proposed marae to the awa and have also engaged a Te Arawa reo expert to provide advice to inform the Panel's decisions. The Panel have also chosen to name the main streams on the maps and within the text.</p>
59 - 9	<p>We would like to see the document structure reflect more of a narrative and be better streamlined as a number of our constituents found the flow of the document difficult to follow.</p> <p>Decision sought: Change the document structure to reflect more of a narrative and be better streamlined. Refine so that other documents are acknowledged, but not take away from the mana of the Kaituna River Document. A key example of this is the extensive reference to the 2009 Kaituna and Ōngātoto Maketu Estuary Strategy - we are happy to sit with the drafters to explain this further.</p>	<p>Accept: The Panel have made changes to the structure of the document in response to this submission point and others</p>
59 - 11	<p>It seemed a little odd that the metaphors for the river document were of a marae complex and wondered that if this was necessary to have that sort of structure that perhaps a waka or hinaki might be more fitting.</p>	<p>Accepted for the reasons above.</p>

Submission no.	Summary of Submission Point	Decision
	Decision sought: Reconsider structure - perhaps a waka or hinaki might be more fitting.	

13 Glossary

Submission no.	Summary of Submission Point	Decision
Mauri		
3 - 3	Mauri: Terms such as swimmable are vague enough but are capable of some quantification. Terms such as mauri are not quantifiable and interpretation depends on the agenda of the user. Mauri: No specific relief sought.	Reject: The Panel have considered all submissions received about the term 'mauri' and have noted that the interpretation of mauri varies between iwi, hapū and whānau. It is impossible to provide a finite definition, and therefore a predetermined interpretation, of what mauri is when interpretation of the concept varies between iwi, hapū and whānau. The concept of a life force or spark of life however is constant amongst established definitions and interpretations.
6 - 3	Mauri: (life force) to me means: the essential, actual and invariable nature of a thing and its significant individual elements and features: From seed, to living life - every living thing – Every life has value. Mauri: Rework the glossary term to reflect summary.	Reject: For the reasons set out under 3-3 above.
15 - 1	<p>Mauri: Public money should not be used to measure mauri. This document mentions a number of times "Mauri" – the life force. Mauri is a spiritual reality. The motivating yet indescribable force that promotes life. It is real, and intertwined with the physical and biotic world, but cannot be detected by the five senses of mankind, hence it is spiritual in nature. Consequently it cannot be scientifically tested using the methodologies for identifying physical/ biological/ chemical indicators, such as invertebrate presence, pH, turbidity, and so forth.</p> <p>Measuring these, even though they have a relationship with, and are reflective of mauri, should not be confused with measuring mauri as there is no methodology for quantifying spiritual realities. With the emphasis on mauri in Objective 3 and 4, it necessitates making provision to prevent opportunistic individuals or hapu, from coming forward, and using this plan as justification to obtain public money to measure mauri, and this is the concern of this submission.</p> <p>You cannot measure spiritual realities. How this change is catered for, is up to Te Maru. My suggestion would be to add a footnote somewhere, and it may be in the glossary against the word "Mauri" that it is the opinion of the forum that mauri itself cannot be monitored. This assertion, in no way negates the need to use Matauranga Maori as mentioned in Water Quality and Quantity desired outcome b. Matauranga Maori should be used as a credible tool alongside western science, to support the restoration of water quality and mauri in the Kaituna River.</p>	<p>Accept in part: The Panel acknowledges the complexities associated with mauri and its measurement.</p> <p>The Panel also acknowledges that mātauranga Māori will play an important role in the assessment of progress towards, and achievement of, restoration work in association with the river.</p>

Submission no.	Summary of Submission Point	Decision
	Decision sought: Mauri: How this change is catered for, is up to Te Maru. My suggestion would be to add a footnote somewhere, and it may be in the glossary against the word "Mauri" that it is the opinion of the forum that mauri itself cannot be monitored.	
21 - 12	<p>Mauri: Although there is support for providing for the mauri of the water, mauri as defined in the glossary is very subjective and immeasurable. Focus should be placed on the agreed standards which are measurable and which will result in water quality and restoration of mauri.</p> <p>Decision sought: Mauri: Relief sought to objective 4 covered by submission point 5. No specific relief sought to the glossary term mauri.</p>	Reject: The Panel does not agree with separating of outcomes and consider the restoration of mauri as a crucial priority of the document.
48 - 7	<p>Mauri: See full text submission regarding mauri. Further information about mauri is included under the following heading:</p> <p>Mauri Maori World View, Maintenance of Mauri Maori World View, Mauri Monitoring Tools, Mauri Methodology Mauri Modelling Mauri Pathways and process</p> <p>Decision sought: Mauri: No relief sought specific to the document.</p>	Reject: The Panel does not consider defining mauri to be the intent of the document.
Kaitiakitanga		
24 - 20	<p>Kaitiakitanga: Concerning land use desired outcome d, the definition of kaitiakitanga as 'guardianship' or 'the ethic of stewardship; as defined in the RMA implies that any person or entity can exercise kaitiakitanga. In our view in order to exercise kaitiakitanga one must first be kaitiaki. and in order to be rightly recognised as kaitiaki one must fulfil the obligations of ahi ka.</p> <p>Decision sought: Kaitiakitanga: To interpret kaitiakitanga as guardianship marginalises a fundamental concept in tikanga Maori. Reference to guardianship as kaitiakitanga must be removed. Amend definition in glossary to reflect the concept of kaitiakitanga outlined in point 17 of the full text.</p>	<p>Reject: Iwi and hapū represented on TMoK agree with the definition of kaitiakitanga provided by the submitter in that ahi ka is the main qualifier to be a kaitiaki.</p> <p>Represented iwi consider their ahi ka to have been maintained similar to the submitter. The Panel have decided to retain the proposed definition of kaitiakitanga used and consider it to be sufficient.</p>
Rangatiratanga and mana whenua		
24 - 21	<p>Rangatiratanga and mana whenua: The definitions of rangatiratanga and mana whenua (as defined by the RMA) usurps the mana whenua of whanau as land and resource owners. Mana whenua is defined in the RMA as customary authority exercised by an iwi or hapu in an identified area.</p> <p>Decision sought: Rangatiratanga and mana whenua:</p>	Reject: The Panel notes that river document does not override mana whenua, affect land ownership rights or detract from kaitiaki roles and have decided to retain the proposed definitions.

Submission no.	Summary of Submission Point	Decision
	Reject definitions both in this document and the RMA.	
Local Authority		
21 - 2	Local Authority: RLC suggests that 'local authority' is defined in the glossary as follows: 'Local authority means a regional council or territorial authority.' This will provide clarification to the public that may interpret it to only refer to the local council.	Accept. The Panel has added 'local authority' to the glossary.

14 Action Plan Matters

The Panel considered a number of submission points relating to the inclusion of methods or actions which unfortunately are out of scope. The empowering legislation, which is the Tapuika Claims Settlement Act 2014, does not permit the inclusion of rules, methods or actions within the River Document.

The Panel have decided to note the following matters raised in submissions as matters TMoK may consider when preparing the Action Plan for the Document:

- 1 List of kai important to iwi
- 2 Sampling at the confluences
- 3 Access
- 4 Education – collate material, school programme

The table below outlines other submissions suggesting the inclusion of specific methods or actions which TMoK may consider when preparing the Action Plan:

Submission no.	Summary of Submission Point	Decision
8 - 6	<p>All water take allocations are considered on a case by case basis. Most will inform minor impact if any to our river systems. Yet collectively all consents approved for water allocation from a specific waterway may paint quite a different picture. Examples of over prescribed water allocations currently exist for example the Ohineangaanga stream.</p> <p>A Māori view on any topic is multi-dimensional and never linear, in that consideration MUST take into account all that feature positives, and consequence. In other words nothing is treated in a silo fashion, in particular when using the term “mauri”. Any failure to do so is also a failure to protect “mauri”. Objective 5 and the desired outcomes do not capture this approach to assure sustainable allocation in order to protect “mauri”.</p> <p>Decision Sought:</p> <ol style="list-style-type: none"> 1 That a stock take on ALL approved 	<p>Out of scope. BOPRC consenting matters. KRD will inform water quality and quantity limit setting process.</p> <p>The Panel have noted comments and will consider whether there are any actions needed when developing the Documents action plan.</p>

Submission no.	Summary of Submission Point	Decision
	<p>consents be undertaken for the Kaituna, and those tributaries that feed into it on the premise that what affects one waterway affects another.</p> <p>2 Secondly, considerations for future water allocations will also take into account the collective volume of water take from the Kaituna. The impact will include the length of time, and consent expiry.</p> <p>3 Finally, no new consent shall be approved above what is actually required for the purposes intended.</p>	
5 - 7	<p>Support the creation of a regional park or equivalent near the river mouth that is along the Kaituna River margins, open coast/dunes and estuary for landscape and ecological management and for education and enjoyment. See pages 3-7 of submission which outlines who the Regional Parks Establishment Group are, their vision, members of the steering group and coloured A3 concept plans of the Regional Park Concept for the 'Kaituna Regional Park submission Dec 2008' and a copy of the group's submission to Tauranga City Council's Annual Plan 2017/18.</p> <p>Create a Kaituna Regional Park or equivalent near the river mouth as outlined in the Regional Park Concept. The Kaituna Regional Park would be a Bay of Plenty Regional Park, with Tauranga City and Western Bay of Plenty District and Crown Land (DoC) included.</p>	<p>Out of scope for the reasons stated above and added to the draft action plan list.</p> <p>The suggested actions are functions and roles of local authorities namely Regional Council and are considered out of scope.</p>
10 - 2	<p>Put the river back through the twin cuts or Fords cut. A well proven scheme with the big ponding area.</p>	<p>Suggestion noted. The Kaituna River re-diversion and Ōngātoto / Maketū Estuary enhancement project is well underway and will significantly increase the volume of water flowing from the Kaituna River into the Ōngātoto / Maketū Estuary. These were actions from the Strategy.</p>

Submission no.	Summary of Submission Point	Decision
19 - 3	<p>Te Tumu Landowners Group (TTLG) would like to be involved in the process of developing Te Maru o Kaituna River Authority's Action Plan as the proposed urbanisation of their lands and the Te Tumu area will over the next 30-50 years result in a population of 20,000 plus being located on the lower Kaituna River. TTLG would therefore like to work with Te Maru o Kaituna River Authority to explore opportunities with regard to:</p> <ul style="list-style-type: none"> • Recreation on the river; • Access to the river; • Erosion protection; • Walkways and Cycleways along the river; • The opportunity for a Marina at the eastern end of the Te Tumu Growth Area; • Opportunities for marine and research related uses for Ford Island; • Transportation, walking and cycling access across the river; and • Safe ocean access. <p>Te Tumu Landowners Group (TTLG) would like to be involved in the process of developing the Te Maru o Kaituna River Authority's Action Plan. See opportunities set out in summary.</p>	<p>The Panel notes Te Tumu Landowners Groups' support and willingness to be involved with developing the action plan. TMoK are intending to work alongside all community stakeholders to develop the action plan.</p>
29 - 14	<p>Tauranga City is committed to continuing to work with Te Maru o Kaituna River Authority as the Authority develops the Action Plan to achieve the Vision, Objectives and Desired Outcomes of this foundation document.</p> <p>Approve the Proposed Kaituna River Document 2017 and commence the development of the related Action Plan by Te Maru o Kaituna River Authority.</p>	<p>The Panel notes Tauranga City Council's support and willingness to be involved with developing the action plan.</p>
30 - 10	<p>Whitewater sports allow travel into otherwise inaccessible stretches of rivers (such as the extremely deep and swift Kaituna Gorges below Trout Pool Falls) we are often privy to unique insights of rivers.</p> <p>(a) The whitewater community has become increasingly concerned with the dangers of riverside logging of plantation trees in the Kaituna Catchment. Plantation trees fall into the river and become jammed, posing a threat for many years.</p>	<p>Out of scope. The maintenance of river margins and the removal of blockages from rivers is a responsibility of regional council. Submissions on the functions and roles of local authorities are considered out of scope.</p> <p>The key points, however, will be added for consideration when developing the action plan list</p>

Submission no.	Summary of Submission Point	Decision
	<p>(b) These dangers are not just theoretical, but have now been directly implicated in fatalities of experienced kayakers.</p> <p>(c) Plantation trees falling into a river represents an unnatural phenomenon, incompatible with normal ecosystem function. They are an extreme, needless, and preventable threat to the enjoyment and safety of Kaituna River users.</p> <p>(d) As our pleas to government officials have so far fallen on deaf ears, since the danger remains today, we urge the Te Maru o Kaituna Authority to not allow any land or water user to impact so heavily on natural and respectful usage of the Kaituna River along the entire length by any other group.</p> <p>In the particular case of plantation trees in the Kaituna Gorges; a successful outcome would see both the removal of any existing trees jammed in the river, and a management plan that ensured tree felling into the river is eliminated and lost plantation trees (e.g. wind-blown) recovered. Consider the establishment of a native riparian strip throughout forestry areas to materially decrease the risk of plantation trees ending up in the river. This would also significantly increase the length and connectivity of already established native riparian vegetation from the lake source downstream.</p>	
41 - 6	Test river water quality as a starting point for the future. Baseline water quality testing should be in the action plan.	Noted. Water quality testing is undertaken by the regional council. TMoK will ensure they have baseline water quality information as part of the next step: when development of proposed action plan, monitoring and implementation.
44 - 7	<p>We want a document that is clear and honest, can be measured and captures Tapuika and other iwi aspirations, simple and easy to understand. Needs to make real difference through action plan.</p> <p>No specific change sought, except to create and implement an action plan.</p>	Comment noted. The Panel agrees.

Submission no.	Summary of Submission Point	Decision
50 - 6	<p>Submission provides detail about water quality with reference to the Annual Plan and Long Term Plans under the following titles: Restoration, Enhancement and Preservation. See full text for further details</p> <p>Support for seeking funding for actions from the various councils using the Annual Plan and Long Term Plan process.</p>	No relief sought.
53 - 10	<p>Fish and Game supports the process for developing an Action Plan to sit alongside the river document, and the recognition of Fish and Game as an organisation with functions relevant to Kaituna catchment. No relief sought.</p>	The Panel notes Fish and Game NZ's support and willingness to be involved with developing the action plan.
62 - 2	<p>Biodiversity issues are outlined in the full text submission including cause of loss of biodiversity values of native catchments and the need for widespread, sustained and integrated pest control controlling the whole suite of introduced pests.</p> <p>Decision sought: Widespread, sustained and integrated pest control controlling the whole suite of introduced pests to halt and reverse the national decline of biodiversity.</p>	<p>Implement a wide ranging, sustained and integrated pest management regime is out of scope for the reasons stated above and added to the draft action plan list.</p> <p>While implementation is out of scope at this stage it is noted that the Panel have decided to add a new desired outcome under ecosystem health to promote the removal of pest species for the reasons set out under ecosystem health.</p>
62 - 3	<p>Manage sediment, water flows and biodiversity values in the upper part of the catchment to sustain communities, ecosystems and natural processes in both parts of the catchment. We recommend the management options or actions outlined in the relief sought. For further detail see full text submission including information on sediment and biodiversity issues.</p> <p>Decision sought:</p> <ol style="list-style-type: none"> 1 Pursue regional planning rules that prohibit damming of the upper Kaituna and Mangorewa river system. Rules have a limited 10 year life but are a start and can be implemented immediately. 2 Apply for a national 'Water Conservation Order' over the upper Kaituna and Mangorewa river system that prohibits dam construction and extraction. This also gives permanent protection to natural landscape values that you want to protect. Water Conservation Orders take time to put in place, 3 Promote initiatives to continually upgrade the requirements for riparian retirement, stocking rates and forestry clear-fell coupe size in line with 	<p>Out of scope as the Document cannot contain rules.</p> <p>The provision of pest control resourcing and coordination is the function of local government, namely Regional Council. Submissions on the functions and roles of local authorities pursuant to the RMA or Local Government Act 2002 (LGA 2002), are considered out of scope.</p> <p>While implementation is out of scope at this stage it is noted that the Panel have decided to add a new desired outcome under ecosystem health to promote the removal of pest species for the reasons set out under ecosystem health and added consideration of Water Conservation Orders, initiatives to promote and pest management to the draft action plan list.</p>

Submission no.	Summary of Submission Point	Decision
	<p>increasing climate threats.</p> <p>4 Support and promote widespread and integrated control of introduced pests in our catchment and conservation forests by aerial dispensing of 1080 poisoned baits.</p>	

15 Out of Scope of Submissions Points

The Panel in making its decisions must consider submissions ‘to the extent that those submissions are consistent with the purpose of the Kaituna River document’ as required by section 127 of the Act. The Panel considers each of the matters listed a) – n) below as being out of scope matters as they raise matters which are either outside of:

- 1 the purpose and scope of the Kaituna River Document, and / or
- 2 TMoK’s purpose and functions

Some ‘out of scope’ items, the Panel considers appropriate to pass on to the relevant agency or local authority for consideration or action. Other out of scope matters seeking specific actions, the Panel has identified as being relevant for TMoK to consider when developing the action plan. These have been listed in the Action Plan section of this report and may be considered by TMoK when it turns its attention to developing the action plan for the Kaituna River Document.

The Panel did not make decisions on submission points which raised the following specific matters:

- (a) The purpose of the Kaituna River Document and the purpose, role and functions of TMoK. These are prescribed in sections 113 through to 132 Membership of TMoK, as this is prescribed in section 118 TCSA.
- (b) The statutory influence of the Kaituna River Document. This is set out in the TCSA 2014, with particular reference to its influence on Resource Management Act 1991 (RMA) planning documents (section 123 TCSA) and local government matters (section 124 TCSA).
- (c) Definitions of terms that are defined in legislation such as the Resource Management Act 1991 (RMA) and TCSA 2014.
- (d) Functions and roles of local authorities pursuant to the RMA or Local Government Act 2002 (LGA 2002), including consent authority functions.
- (e) Existing rules and regulations under other legislation, for example District and Regional Plans, and health and safety legislation.
- (f) Existing resource consents issued by a local authority pursuant to the RMA 1991.
- (g) Bylaws prepared under the LGA 2002, including the Bay of Plenty Regional Navigation Safety Bylaw 2017.
- (h) Official geographic names for waterways and sites across the co-governance area, including the Kaituna River as defined in the TCSA 2014. It is acknowledged that a number of submission points seek alternative names for places and parts of the river which is noted can be worked into the iwi history part of the Document.
- (i) Objectives or outcomes related specifically to Lake Rotorua, Lake Rotoiti, the Ōhau Channel, or the Okere gates. Although it is acknowledged that the waters from

these lakes and their catchments are in the upper catchment and flow through to the Kaituna River they are outside of the Kaituna co-governance framework area and are covered by the Rotorua Te Arawa Lakes Strategy under the governance of the Rotorua Te Arawa Lakes Strategy Group.

- (j) Central government funding for TMOk.
- (k) Status or ranking of iwi / hapū / whānau as mana whenua or kaitiaki over parts of the catchment. The river document does not override mana whenua, affect land ownership rights or detract from kaitiaki roles.
- (l) Waitangi tribunal findings as well as current and future claims, unless relevant to the purpose of the river document.
- (m) Any protocol or formal iwi participation arrangement such as Mana Whakahono a Rohe entered into or in the process of negotiation with, a local authority, unless relevant to the purpose of the river document.
- (n) Official historical accounts for any iwi/hapū or entity other than for the purpose of providing a brief overview of each iwi's historical account providing context about each iwi's connection with the awa, their cultural and spiritual well-being relevant to the awa within the document. Submissions which seek corrections, amendments to this extent were considered within scope. Submissions seeking the document include extensive and full historical accounts within the river document the Panel considered to be out of scope.

The following table lists each submission point the Panel consider to be out of scope and rejects them on that basis.

Subn No	Submitters position	Summary & decision sought by submission point
Navigation and safety		
9 - 1	Seek Amendment	Private recreational jet boating to remain a permitted activity on the Kaituna River. No support for commercial jet boating on the Kaituna River.
17 - 7	Seek Amendment	Decision Sought: Uplift the 5km hour speed restriction in upper reaches of the Kaituna River for recreational users from the Mangorewa River (Paraiti River) to the upper reaches and gorges. Registration of those wishing to use the Kaituna River for tourism and fishing purposes could effectively generate a society of gatekeepers who police users and in particular abusers. Registration would be similar to an access licence. See letter from Tom Walters attached to the submission for further details.
18 - 1	Seek Amendment	Decision Sought: Add a new desired outcome ensuring recreational boaters are able to continue to use the Kaituna River at safe and sensible speeds for activities such as: 1) Family day trips up stream to enjoy the scenic beauty and take in the historic sites that few people can enjoy without suitable boat access. 2) Fishing trips on the river and as a passage out to sea through the entrance. See full text submission for further detail.
23 - 1	Neutral	Decision Sought: Unfettered access to the river for jet boating for those who are safe and responsible. Submitter is available to join and or support body/party that would supervise safe use of the Kaituna.
District council matters		
27 - 10	Support	Decision Sought: Ensure the Plan Change for Te Tumu Block contains strong policies and rules are to keep developers on the right track.

Subn No	Submitters position	Summary & decision sought by submission point
27 - 11	Seek Amendment	Decision Sought: Ensure that dune protection is considered in the Plan Change for the Te Tumu block.
Rotorua lakes matters		
2 - 1	Seek Amendment	Decision Sought: Remove the Rotorua Wastewater Treatment Plant and the Kaituna River will come back to life. Stop discharge into Lake Rotorua. Clean Puarenga, Utuhina, Kaipakau Streams. ALL THE AWA's!
2 - 2	Seek Amendment	Treated wastewater is to be discharged into Lake Rotorua via six pipes submerged in Puarenga Bay. For further detail see submitter 2 submission point 1 under Other matters, Rotorua Lakes Matters. Amend vision to read 'To clean Lake Rotorua. Ko te pito.'
24 - 10	Seek Amendment	Decision Sought: All pollutants entering the river from the lakes catchment must be recorded as contributing factors to the environmental state of the river.
Consenting issues		
41 - 2	Seek Amendment	TMoK should be at the 'allocation' table and not just the Regional Council alone. Iwi should have a say too. Decision Sought: Create a role for TMoK members in consenting of water takes.
Settlement legislation		
8 - 3	Seek Amendment	Waitaha has 1 membership, and not a shared membership. For the purposes stated, and without prejudice, the alternate must also be Waitaha. The membership diagram on page 5 should be amended to reflect the legislation as intended.
11 - 3	Support in Part	We agree with the Iwi at the table but do not support any of the Iwi having to be recognised under their Post Settlement Governance Entity. For Ngati Whakaue ki Maketu we see it as imperative that we have representation into this statutory tool under our own mana.
24 - 2	Oppose	Taheke 8C does not recognise or accept that the Crown appointed Te Pumautanga o te Arawa to represent Taheke 8C not only in regard to our association with te awa Okere but also in regard to our land and resources.
Trespass		
24 - 6	Oppose	Trespass: Taheke 8C on behalf of its owners is ahi ka, kaitiaki, mana whenua as outlined under point 7. of the full text submission. Taheke 8C advises Te Maru o Kaituna that any person or entity that enters on to our land without consent of the Incorporation is subject to trespass. The Incorporation does not and will not yield our mana whenua to any entity that is not mandated by our owners. For further detail see points 7. & 8. of the full text submission.
Mana whakahono a rohe		
46 - 8	Neutral	Mana whakahono a rohe: The consenting authorities - Bay of Plenty Regional Council, City and District Councils, resource users and the community will work with Tapuika Iwi Authority and tangata whenua within the rohe a Tapuika to progressively develop freshwater management framework planning processes. With the Tapuika Mana Whakahono provision be made for the setting of freshwater objectives and limits for

Subn No	Submitters position	Summary & decision sought by submission point	
		water bodies. For further details see full text submission.	
49 - 8	Not Applicable	Mana whakahono a rohe: Submitter notes the significance of Te Mana Whakahono Agreements and is supporting the application of Tapuika Iwi Authority of its application to BOPRC with regard to the co management of the Kaituna River catchment.	
Other out of scope matters			
24 - 13	Objective 3 Agreed standards	<p>Any resultant strategy including 'agreed standards' must be discussed and agreed by Ngāti Pikiao including Ngati Pikiao landholding entities like Taheke 8C that own land adjacent to such water way. Water quality and the mauri of the water in the river cannot be dealt with in isolation of the water quality and mauri of the lakes waters. See full text of submission for further detail.</p> <p>Decision Sought: Any resultant strategy including 'agreed standards' must be discussed and agreed by Ngāti Pikiao including Ngati Pikiao landholding entities like Taheke 8C that own land adjacent to such water way.</p>	<p>Out of scope. Standards will be defined as part of actions and freshwater plan change work.</p> <p>Ngāti Pikiao have representation on TMoK through Te Pumautanga o Te Arawa.</p>
24 - 14	Objective 4	<p>The majority of the water is taken for horticulture and urban development in the lower catchment. Additionally Tapuika has established the Tapuika Fisheries Trust within their tribal boundary downstream of Hururu Stream to the sea.</p> <p>This objective is too open ended and must not be used to restrict Māori land holding entities like Taheke 8C in the upper catchment from taking water to further their development aspirations. Local government agencies responsible for water allocation must make sure fair and equitable water extraction limits for both upper and lower catchments. The former first in best dressed approach is neither sustainable nor fair.</p> <p>Decision Sought: This objective is too open ended and must not be used to restrict Māori land holding entities like Taheke 8C in the upper catchment from taking water to further their development aspirations. Local government</p>	<p>Out of scope for reasons stated in Panels Decision – Objective 4- Water Quantity Effect on Māori land holdings.</p>

		agencies responsible for water allocation must make sure fair and equitable water extraction limits for both upper and lower catchments. The former first in best dressed approach is neither sustainable nor fair.	
24 - 15	Objective 5	<p>Communities are mentioned but whanau is ignored. Whanau are not communities in the context of this document.</p> <p>Decision Sought: Amend to ensure the fundamental importance of whanau as mana whenua is protected. See point 6. and 14. of full text submission for further details.</p> <p>This objective must not be used to restrict Ngati Pikiao land holding entities like Taheke 8C in the upper catchment from taking water to further their development aspirations. Local government agencies responsible for water allocation must make sure fair and equitable water extraction limits for both upper and lower catchments. The former first in best dressed approach is neither sustainable nor fair.</p>	Reject. Matters about restricting landholding entities - out of scope for the same reasons stated in Panels Decision – Objective 4- Water Quantity Effect on Māori land holdings.
58 - 7	Desired outcomes - General	Specific monitoring data and trends are not included (see pg. 23) as this sort of data would become out dated, however it is vital that the condition of the river is monitored to ensure the desired outcomes are being met.	Comment noted. Out of scope for the river document. Monitoring will be part of the implementation of the KRD
24 - 18	Desired outcomes - c	Monitoring of abstraction of groundwater from any and all aquifer located on or under Taheke 8C shall comply with the Incorporations access requirements and information shared with Taheke 8C. No relief sought.	Out of scope. Any access on to Māori land would need to be discussed with landowners.
59 - 5	Desired outcomes - c	Decision Sought: Surrendered resource consents for water takes in over-allocated catchments to be allocated to Kaituna River iwi on a first right of refusal basis.	Reject out of scope. Water quantity limits and mechanisms to 'claw' back over allocated catchments will be part of addressing NPSFM.
21 - 11	Desired outcomes - new	Add a new desired outcome under the 'Water Quality and Quantity' section as follows or alternative amendment with similar intent which states: "Review the rate of flow or capacity of Okere Gate and Ohau Weir to allow draining of the lakes".	Out of scope. Review of the consents relevant to lake levels is a matter for the regional council not TMoK.

3 - 1		<p>The document is the outcome of racially biased legislation that benefits only the interests of a tribal minority. While the outcomes of the document are not necessarily divergent from the majority position, 'outcomes' put forward by a minority privileged by legislation must not take precedence over the interests of the catchment community as a whole.</p> <p>Decision sought: The document needs to be rewritten to exclude tribal interests.</p>	Out of scope. The submission point challenges the settlement legislation.
24 - 3		<p>Taheke 8C does not accept the framework area of Te Maru o Kaituna which in effect seeks to extend the boundary of the Tapuika Settlement beyond their traditional boundary of the Hururu Stream.</p> <p>Decision sought: Taheke 8C rejects the framework area established under the guise of the Tapuika Settlement while ignoring the findings of the Waitangi Tribunal in regard to Wai 4 - the Kaituna River Claim.</p>	Out of scope. The extent of the Kaituna co-governance area is defined in the TCSA and is the area shown on Deed Plan OTS-209-79

16 Evaluation and Conclusion

16.1 Evaluation

In giving our decision, as TMOK's duly appointed Hearing Panel, we have considered submissions made under s126(4) of the Act (including additional material provided verbally, electronically and / or by way of hard copies presented at our public hearing), to the extent that those submissions are consistent with the purpose of the Kaituna River Document.

The purpose of the Kaituna River Authority is:

- '(a) to promote the restoration, protection, and enhancement of the environmental, cultural, and spiritual well-being of the Kaituna River; and*
- (b) to the extent necessary to fulfil the purpose described in paragraph (a), to provide for the social and economic well-being of people and communities.'*

While the Panel was cognisant of the competing tensions between the aspiration of returning the River to a pristine or pre Treaty state, and the substantive rights of all those whose livelihoods depend on the River and its tributaries today, including horticulturalists, foresters, farmers, industrial businesses and local communities (both Maori and Pākehā), we have been tasked with the consideration of submissions received to the proposed Kaituna River Document, and must undertake this as required and within the structure and constraints set by the Tapuika Claims Settlement Act 2014.

This report specifies how submissions have been dealt with, and includes the Panels reasons for accepting, accepting in part, noting or rejecting submission points made. It is also notes where the Panel did not make decisions as matters raised in submission points were considered to be out of scope. Some points made were outside of the purpose of the Kaituna River Document, while others were about matters outside of TMOK's purpose, functions or jurisdiction. Where TMOK consider appropriate, after release of decisions, we may forward relevant matters to the organisations who have responsibility for the area of concern raised for their information or action.

The Panel's decision also includes in Appendix B a tracked changes version of the Kaituna River Document which shows amendments made to the proposed version of the Document as a result of consideration of submissions received. Appendix C includes the final approved *Kaituna, he taonga tuku iho – a treasure handed down*, the first Kaituna River Document.

In making our decision, each member of the Panel was cognisant of their obligations with respect to the manner in which members approached decision making as set out in Schedule 5 of the Act. Where members had made personal submissions or presented submissions on behalf of appointing organisations, Panel members were careful to be sure to remove themselves from making decisions on those parts of deliberations and decisions.

For the record, Panel members have not searched for other alternatives or options from our own initiatives but have confined decisions and amendment to the Document to matters raised by submissions throughout the process. In response to submissions received about the appropriateness of te reo used throughout the proposed version of the Document, the Panel engaged a Te Arawa te reo expert, Mr Maika te Amo to recommend suggested amendments to address concerns which has greatly assisted with decisions in this regard, with the Document being the richer for it.

16.2 Conclusion

The Panel appreciates the time and expertise that has been dedicated by all parties to ensuring the approved version of the Kaituna River Document will positively contribute to the restoration, protection and enhancement of the Kaituna River and its tributaries. In time the Panel trusts *Kaituna, he taonga tuku iho* will be recognised and provided for within the Regional Policy Statement and relevant changes to the Regional Natural Resources Plan and District and City Plans. Approval of the river document ahead of Toi Moana drafting the Plan Change to implement the National Policy Statement for Freshwater Management 2014 for the Kaituna catchment provides a really opportunity for it to guide and inform freshwater management for the Kaituna catchment.

The Panel wishes to acknowledge the time and effort of all submitters in lodging submissions, sharing their views during the hearing, and in particular the helpful and positive approach all parties adopted throughout the process. The Panel also wish to acknowledge Toi Moana - Bay of Plenty Regional Council staff who have undertaken the administrative and technical support directed by TMOK and the Panel in reaching this significant milestone.

The Panel have considered and deliberated on the sixty two submissions TMOK received to the proposed Kaituna River Document. We have had the benefit of the full copies of original submissions, Summary of submission reports, and also verbal, electronic and / or hard copy evidence presented at the public hearing, as well as advice received from our Te Arawa te reo expert. The relevant matters considered and reasons for our decisions are set out above.

The Panel is satisfied that our decision and final amendments to *Kaituna, he taonga tuku iho* (as set out in Appendices to this report) are within the purpose and scope of the Kaituna River Document and are the most appropriate. Further this report serves as a true record of the amendments made to the Document as a result of considering submissions received, evidence heard and our deliberations process.

Dated 22 June 2018

Member	Appointing organisation
Chair Dean Flavell / Dr Bryce Kihirini (alternate)	Tapuika Iwi Authority Trust
Deputy Chair Cr Arapeta Tahana / Cr Jane Nees / Cr Macdonald (alternate)	Toi Moana - Bay of Plenty Regional Council
Rikihana Hancock / Nicki Douglas (alternate)	Te Tāhuhu o Tawakeheimoa Trust
Hakopa Paul / Piki Thomas (alternate)	Te Pumautanga o Te Arawa Trust
Cr Tania Tapsell / Nick Chater (alternate)	Rotorua Lakes Council
Cr Steve Morris / Cr Molloy (alternate)	Tauranga City Council
Cr Kevin Marsh / Cr Scrimgeour (alternate)	Western Bay of Plenty District Council
Maria Horne / Raymond Pou Pousa (alternate)	Te Komiti Nui o Ngāti Whakaue

Appendices

- APPENDIX A** Schedule of submitters who wished to be heard and Hearing notes - 11 & 15 August 2017
- APPENDIX B** *Kaituna, he taonga tuku iho – Kaituna River Document* (Track Changes version)
- APPENDIX C** Approved *Kaituna, he taonga tuku iho – a treasure handed down* - Kaituna River Document

APPENDIX A Schedule of submitters who wished to be heard and Hearing notes - 11 & 15 August 2017

Schedule of Submitters who wished to be heard

#	Day 1: Friday, 11 August 2017	Submitter
1	Ngāti Moko o hapū Tapuika - Tony Wihapi – did not present at hearing	14
2	Tapuika Iwi Authority – Hohepa Maxwell & William Taiao - Electronic presentation and hard copies provided by Hohepa Maxwell	51
3	Rawiri Biel	40
4	Te Komiti Nui o Ngāti Whakaue – Pauline Tangahau Chief Executive & Kerri-Anne Hancock	59
5	Rereamanu Wihapi – Tapuika	28
6	Mary and Jim Stanton – Ngāti Pikiao	31
7	Theresa Rondon-Harvey	34
8	Te Tāhuhu o Tawakeheimoa Trust – Ngāti Rangiwewehi - Te Rangikaheke Bidois	25
9	Rangiwewehi Charitable Trust – Ngāti Rangiwewehi - Te Rangikaheke Bidois on behalf of Lee Anne Bidois	26
10	Te Maru o Ngāti Rangiwewehi Iwi Authority – Ngāti Rangiwewehi - Te Rangikaheke Bidois on behalf of Joseph Tuhakaraina	60
11	Dr Bryce Kirihini	20
12	Tauranga City Council (TCC) – Statement of evidence presented by Karen Marjoribanks	29
13	Western Bay of Plenty District Council - Rachel Pinn on behalf of Mayor Webber	58
14	Te Puke Branch, Royal Forest and Bird Carole Long – did not present at hearing	27
#	Day 2: Tuesday, 15 August 2017	
15	Maketū Ōngatōro Wetland Society Incorporated – Julian Fitter chair of MOWS	12
16	Te Rūnanga o Ngati Whakaue ki Maketū – Statement presented by Maria Horne on behalf of Manu Pene	11
17	Te Kapu o Waitaha Trust – Vivienne Robinson	8
18	Eastern Fish and Game Council – Eben Herbert with support from Lindsay Lyons chair of NZ F& G and Barry Roderick former chair	53

19	Michael Pittar- did not present at hearing	10
20	The Proprietors of Taheke 8C & Adjoining Blocks Incorporated – Sandra Eru, Te Ariki, Derek Morehu and Bill Vercoe	24
21	Wild Fowlers BOP & Maketū Community for the Environment – Ray Bushell with support from Barry Roderick - Tabled photos and copies of letters provided	6
22	Lakeswater Quality Society Incorporated – Warren Webber	22
23	AFFCO NZ Ltd (Rangiuru) – Statements of evidence by Doug Hallberg & Gary Venus	32
24	Te Tumu Landowners Group – Jeff Fletcher	19
25	Whitewater New Zealand – Isaac Bain - did not present at hearing	30
26	Marcus Wilkins	17
27	Jet Boating New Zealand Northern Districts - Allen Meredith	18
28	Wayne Fuller – Marcus Wilkins presented on behalf of Wayne Fuller	23
29	Bay of Plenty Regional Parks Establishment Group - Richard Hart	5

Hearing Notes

Kaituna River Document Hearing – 11 August 2017 – Day 1

Friday 11th August 2017 Te Puke War Memorial Hall

Hearing panel: Dean Flavell (Chair), Cr Arapeta Tahana, Maria Horne, Rikihana Hancock, Cr Tania Tapsell, Cr Steve Morris, Cr Kevin Marsh, Cr Janes Nees, Maru Tapsell (Observer)

Other TMoK members present: Cr McDonald (alternate BOPRC), Dr Bryce Kihirini (alternate Tapuika) until 2.45pm

Note: Page No in the table below refer to page numbers within the hard copy book of full text submissions.

Submitter No	Page No	Name
14	46	Ngāti Moko o hapū Tapuika - Tony Wihapi
Did not present at the hearing.		
Submitter No	Page No	Name
51	236	Tapuika Iwi Authority - Hohepa Maxwell
<p>11.40am: Hohepa Maxwell – Resource Management Unit presented his submission on behalf of Tapuika Iwi Authority (TIA). He invited Kaumātua - William Taiao to the submitters table. He provided an electronic powerpoint presentation and hard copies for the Panel.</p> <p>Tapuika Iwi Authority support the 8 focussed objectives:</p> <ul style="list-style-type: none"> Objective 1 – the language in the Act is active and the document must be given effect to, recognised and provided for and TIA are seeking support for this. 		

<ul style="list-style-type: none"> Objective 2 – TIA requests Te Maru o Kaituna (TMoK) support for Te Mana Whakahono and would like a partnership with BOPRC in respect of the management of the river. Objective 3, 4 and 5 – TIA support implementation of these Objectives and believe a Plan Change 10 approach, supplemented by Plan Change 9 will assist this. Toxic pathogens and Bell Road pump station were referred to as causing adverse effects on the river. TIA are not supportive of the existing consented takes and discharges. Objective 6 – TIA support improved land management practices. Objective 7 – TIA support a protected and enhanced ecosystem. TIA would like TMoK to support the prevention of commercial white baiting and to encourage spawning grounds. Objective 8 - TIA signalled their desire for a collaborative approach with TMoK in relation to the Kaituna River Document. <p>Questions from Panel members:</p> <p>Panel members asked the following questions of clarification:</p> <ul style="list-style-type: none"> Do you consider that an objective on pollution should be included in the document? Hohepa considered it would be covered in Plan Changes 9 and 12. In your view should there be more proverbs in the document? Hohepa replied, yes, however, there may be difficulties with the translation of proverbs. It was better to have a greater understanding of the Treaty partnership. 		
Submitter No	Page No	Name
40	190	Rawiri Biel
<p>12.07am: Mr Biel spoke in te reo. Translation was provided to Panel members not conversant in te reo was by BOPRC staff.</p> <ul style="list-style-type: none"> Mr Biel's Tauparapara (haka of Tapuika) gave greetings to the Kaituna and its inhabitant. He is a descendant of Tapuika, who grew up here. Mr Biel believes the Kaituna River is a tupuna not a taonga and its correct name is Te Awanui. He also believes the document should be written in te reo Māori as well as English. The Te Whare construction of the document is not right. It should be based on the river with its iwi associations and the history that corresponds to it. Iwi histories within the document need further work – Where is the history of Ko ngā Roimata o Okere (Marukukere)? TMoK should have come to us (Tapuika) to find out. Concern about what the 'agreed standards' are – the needs further explanation. <p>Questions from Panel members:</p> <p>Cr Tahana responded, and was in agreement with what Mr Biel had said. With respect to getting the iwi history right he advised Mr Biel that TMoK had made requests to iwi to review iwi history parts of the document prior to notifying it. Please tell us and direct us now so we can get it right.</p>		
Submitter No	Page No	Name
59	287	Te Komiti Nui o Ngāti Whakaue (TKNoNW)
<p>Pauline Tangahau Chief Executive, introduced Kerri-Anne Hancock who presented their submission on behalf of Te Komiti Nui o Ngāti Whakaue (TKNoNW). TKNoNW have taken the proposed river document out their people for their views.</p> <p>Key points shared:</p> <ul style="list-style-type: none"> Te Komiti Nui o Ngāti Whakaue (TKNoNW) are not 100% supportive of the vision. It needs to be more aspirational and should be returning the awa to its pristine state as it would have been at the time of the signing of the treaty. Objective 1 – What does 'recognised and provided for' really mean? We suggest using words like 'enabling' and 'removing barriers'. Strengthen traditional practices. Objective 2 – TKNoNW are supportive of the desired outcome about Pou as it is a powerful tool, reminding people why things need to be protected. Objective 3, 4 & 5 –improving water quality will help strengthen relationships with the awa and will remove barriers for iwi to enjoy the river. What are the 'agreed standards'? Suggest swimmability be changed to the more ambitious target of drinkable. Objective 6 – land use and land management should be stronger, particularly the kaupapa on 		

environmental decisions which would help when making economic decisions.

- Objective 7 –suggest adding the prevention and management of invasive species in waterways. Be more upfront - information should be readily available on protected species, perhaps something visual similar to the fire risk signage.
- TKNoNW suggested a status page about the current condition of the awa. Any improvements would then be seen when the document is reviewed in 10 years' time.

Questions from Panel members:

A Panel member asked if TKoNW had any issue with the whare analogy? Ms Hancock advised that the format of the document doesn't really matter to TKoNW as it is more about the content. Some of our people had questioned why it wasn't an awa analogy.

Submitter No	Page No	Name
28	139	Rereamanu Wihapi

1.30pm: Manu Wihapi initially spoke in te reo and then in English.

- Mr Wihapi's mihi included greetings to the lord above, to our treasure and tīpuna, to all those who have passed on to go in peace, and those just recently.
- Greetings to Te Maru o Kaituna (TMoK) and the mokopuna who had spoken.
- Mr Wihapi spoke of how good the water was in the past. He remembers men going up the River to get good water for the tangi. They would go by horseback and drag 44 gallon drums of water back to the marae. At the Waitangi Tribunal hearing WAI 4. Kaumātua said that Rotorua Council will not dump tiko (wastewater) into the awa 'over his dead body'.
- Mr Wihapi sees what is going on the river these days and believes it is not what it used to be.
- Mr Wihapi congratulated TMoK on preparing the document.
- He liked the metaphorical use of Marae and suggested enhancing it by adding the Pou haki (flagpole) and wharepaku (ablutions block). The Pou haki is a symbol of welcoming or signal that something important has happened and the wharepaku is about getting rid of waste – cleaning up the river or enhancing it.

Questions from Panel members:

Panel members ask further clarification about the structure of the document.

- Should we change the structure from the Marae to the awa? Mr Wihapi suggested sticking with the marae analogy.
- Is there an alternative term for wharepaku? Mr Wihapi suggested heketua (long drop) as an alternative.

Submitter No	Page No	Name
31	156	Mary and Jim Stanton – Ngāti Pikiao

1.15pm: Mary and Jim Stanton (Ngāti Pikiao iwi) opened their presentation with a mihi to Ike, Ngaki and Pat Wihapi whose leadership Mary admired for many years when she was in the air force with them. May they rest in peace.

Key points shared:

- The Stanton's support the Kaituna River Document, regarding it is as comprehensive and outstanding. They remembered the times when the elders gathered kai and shared stories of their associations.
- Objective 2 – recreational activities are increasing pressure on the river and these should be managed to the extent that they recognise the cultural association with the river.
- Objective 3 – support the maintenance of water quality for future generations. Water quality has been compromised with excessive loading from Lakes Rotorua and Rotoiti. Mixing waste waters with waters for gathering food is completely unacceptable to Maori. Through the Waitangi Tribunal WAI 4 case, Mary's father opposed the Rotorua District Council's application to discharge waste water into the Kaituna which lead to a decline in that application and the proposal to dispose of wastewater to a land. Future treatment proposals must not unduly impact on the river.
- Mary suggests that the Te Arawa Lakes Strategy Group and Te Maru o Kaituna should be working together. The Stanton's support the document's intentions as it is important to keep mauri of the river at the forefront of any decision making.

Submitter No	Page No	Name
34	162	Theresa Rondon-Harvey
<p>1.45pm: Theresa Rondon-Harvey presented her submission to the Panel being clear she was representing herself rather than her iwi.</p> <ul style="list-style-type: none"> Ms Rondon-Harvey explained her family connection to Kaituna iwi and confirmed her support for Te Ao Māori, the Kaituna River Document and Te Maru o Kaituna (TMoK) authority. Her main objective in making a submission is to learn more about what is going on with water. Her interest in history including teachings from Don Stafford and Jimmy Schuster had already influenced her and provided learnings. Ms Rondon-Harvey believes education on cleaning up the river is important for children. Ms Rondon-Harvey also submitted that the Māori economy is important and iwi farmers need to be part of the solution. 		
Submitter No	Page No	Name
25	133	Te Tāhuhu o Tawakeheimoa Trust (TToTT) – Ngāti Rangiwewehi - Te Rangikaheke Bidois GM
<p>1.55pm: Te Rangikaheke Bidois - General Manager, Te Tāhuhu o Tawakeheimoa Trust (TToTT) and her husband spoke to this submission as well as Rangiwewehi Charitable Trust and submissions.</p> <ul style="list-style-type: none"> Ms Bidois opened with a mihi to the people gathered at the hearing, noting that Ngāti Rangiwewehi stood before the Panel remembering those who were not with us today. TToTT submitted that they agree with the Kaituna River Document confirming that TToTT, Rangiwewehi Charitable Trust and Te Maru o Ngāti Rangiwewehi Iwi Authority were speaking all together. TToTT referred to page 15 of the document (iwi histories). Ngāti Rangiwewehi and Tapuika are on the same page. It was important to the integrity of the process to honour Tapuika's involvement in the river document given the settlement. Ngāti Rangiwewehi have a refreshed relationship with Tapuika post settlement. TToTT understand the effort taken to get to this point as Ngāti Rangiwewehi have been going through something similar with Taniwha springs. Ngāti Rangiwewehi's Environmental Management Plan has been in with Council since 2015. TToTT strongly emphasised the importance of quality of the water and supported every facet of improving water quality from swimmable to drinkable. They agreed with Mr Wihapi's submission. They also noted Rangiwewehi's support for improvements in water quality. TToTT asked how come a whare nui analogy? The document is a huge improvement on the draft but there is room to improve on it. TToTT support a Tapuika member being employed by BOPRC to help administer TMoK. Support for Komiti Māori at BOPRC. 		
Submitter No	Page No	Name
26	135	Rangiwewehi Charitable Trust Lee Anne Bidois
<p>See Te Tāhuhu submission. Te Rangikaheke also spoke on behalf of Lee Anne Bidois who could not be present at the hearing.</p>		
Submitter No	Page No	Name
60	290	Te Maru o Ngāti Rangiwewehi Iwi Authority Joseph Tuhakaraina
<p>See Te Tāhuhu submission. Te Rangikaheke also spoke on behalf of Joseph Tuhakaraina who could not be present at the hearing.</p>		

Submitter No	Page No	Name
20	110	Dr Bryce Kirihiini
<p>2.10pm: Dr Kirihiini introduced his submission in te reo. He made it clear his submission was a personal one. He lives beside the river and comes from Waitangi next to the Dairy.</p> <p>Dr Kirihiini's comments expanded on his written submission and included key points:</p> <ul style="list-style-type: none"> • Translation of the Taonga Tuku iho – the history of the river should be included in the document. There is a lack of recognition of historical impacts and requested recognition be given to history within the vision by adding the past to the current and future generations. • Kaituna te awa – use of the generic. Ko Kaituna he awa Taniwha – this symbolises the taniwha, the washing of babies, burials, post battle rituals – wai tapu, wai hono. He awa nohonga – the place where you lived, a place of sustenance, used to catch tuna, whitebait – Kaituna honohono i te tangata – from the source to the sea. • Many families still dip new babies into the river as part of birthing rites – these practises are under threat due to water quality issues. • The wharenui structure of the document represents a potential misalignment. Awa being a better fit than the metaphor of wharenui, which was a misalignment. • Te Tuahu o Ngatoroirangi – the alter of Ngatoroirangi – Papahikahawai • History of the Kaituna needs to be added. Whanake (claim) of Tapuika. The river is a reflection of us. • Aquifers are understated and are extremely important to Tapuika. This will be the next economic challenge. Safeguarding aquifers as they are the highways for taniwha to travel from one puna to another. • A lot of kai is missing, for example tohetaka – see written submission • The inclusion of an objective about Mataauranga Māori education of the next generation and how future generations can contribute to health. • Removing the reference to Mataatua to put it into Te Arawa tradition and reordering the descendants of Te Arawa in order of importance. Order of Seniority – Tia, Hei, Ngatoroirangi, Tamatekapua. 		
Submitter No	Page No	Name
29	143	Tauranga City Council (TCC) - Karen Marjoribanks
<p>3.10pm: Karen Marjoribanks presented on behalf of Tauranga City Council.</p> <ul style="list-style-type: none"> • Tauranga City Council (TCC) supports the Kaituna River Document and acknowledges the vision, objectives and desired outcomes must be given effect to. • Objectives 1, 2 and 8 – TCC support these objectives. Relationship with iwi is important particular with respect to the Te Tumu Structure plan. • Objectives 3 and 4 are supported by TCC. Noting TCC are a submitter to Plan Change 9 and a member of the Kaituna Community Group. • Recognition of the rivers wider uses of the river • Objective 6 – are supported by TCC. TCC confirmed they hold a consent with conditions, for a municipal take from the Waiari Stream and discharge consents. • Objective 7 are supported by TCC, highlighting that wetlands have been identified in Te Tumu. • TCC noted that a key part of the approved River Document will be the action plan and they are keen to work with Te Maru o Kaituna on developing this. <p>Questions from Panel members:</p> <ul style="list-style-type: none"> • In response to the question regarding the structure of the document, particularly in relation to the marae, TCC said they were happy for the structure of the document to be a matter for TMOK. • When asked how the desired outcomes would be achieved in relation to Te Tumu, TCC said there will be a cultural management plan and monitoring developed for the site. Wetlands are proposed and will be part of the cleansing of stormwater discharges. Protection of margins of the river and cultural sites. Waiari take will provide water. • TCC were asked if any data was available about whether the wetlands are working. TCC responded that there are monitoring conditions that require information to go back to iwi and hapū who are party to that consent. 		

Submitter No	Page No	Name
58	285	Western Bay of Plenty District Council (WBOP) Rachel Pinn or Mayor Webber
<p>3.20pm: Mayor Gary Webber sent his apologies. Rachel Pinn presented WBOP's submission on his behalf.</p> <ul style="list-style-type: none"> WBOP support the vision and the objectives, noting, however, that there are challenges in relation to Objective 3. WBOP suggested that the objective should 'preserve current state' rather than restore it. WBOP believe 'preserve' would prevent it from getting worse until costs and the quantum of change are identified. WBOP consider aspiring to drinkable waterways is an unrealistic target. Drinking water standards have moved away from surface water takes as they can create greater risks to users. WBOP suggest good monitoring of water quality. <p>Questions from Panel members:</p> <ul style="list-style-type: none"> In response to a question regarding their aspirational views, WBOP said they were very supportive of the vision which they believe is aspirational. WBOP agreed that the challenge with growth and aspirations is who will pay for the work it entails. The Panel asked WBOP what would be a realistic target, if 'drinkable' wasn't realistic. WBOP feel there is tension for New Zealanders balancing aspirations and rules and regulations. 		
Submitter No	Page No	Name
27	142	Te Puke Branch, Royal Forest and Bird Carole Long
Did not present at the hearing.		

Kaituna River Document Hearing – 15 August 2017 – Day 2

Tuesday 15th August 2017 Te Puke War Memorial Hall

Hearing panel: Cr Arapeta Tahana (Chair), Dr Kihirini, Maria Horne, Rikihana Hancock, Maru Tapsell (observer for Waitaha/Tapuika), Cr Tania Tapsell (late arrival), Cr Steve Morris (left 12.30pm), Cr Kevin Marsh, Cr Janes Nees

Apologies: Dean Flavell, no Te Pumautanga representative present

Also present: Cr McDonald (alternate BOPRC), Nick Chater (alternate RLC, part day), Cr Scrimgeour (alternate WBOP part day)

Note: Page No in the table below refers to the page number within the hard copy book of full text submissions.

Submitter No	Page No	Name
12	Pg 40	Maketu Ōngatōro Wetland Society Incorporated (MOWS) Chair Julian Fitter
<p>10.05am: Julian Fitter Chair of the Maketu Ōngatōro Wetland Society Incorporated (MOWS) presented his submission</p> <ul style="list-style-type: none"> MOWS's view is that overall the Kaituna River Document is not sufficiently rigorous and it needs to aim higher (be bolder) in its aspirations as the objective should be the cleanest possible river. MOWS believe the freshwater management Kaituna Community Group (KCG) and TMoK could be aligned and could benefit from working together. MOWS feel there should be more emphasis on the environment first and gave pest eradication as an example, highlighting native plants and animals will contribute to making the river stay clean. MOWS have no issues with the economic benefits that arise, but not at the expense of the environment. MOWS believe use must be sustainable ie. something that can be carried on for generations. They suggested local people are employed to do the work which also provides a good way of building local 		

communities.

- In MOWS' view alliances with like-minded people could be formed and more recognition given to local environmental and landowner groups. This example of cultures working together could then be used as an example of how iwi and communities can work together.
- MOWS highlighted that 'western' science is a dangerous term. There is only one science based on facts and evidence.

Questions from Panel members:

- In response to the Panel's question about whether the Kaituna Community Group should meet with TMOK, MOWS said they should be aligned given both are working on water in the catchment.
- MOWS responded to the Panel's comment about politics and water by saying that everything is political. Julian stressed the importance of Councillor's and local MPs being on side and making this an example of what can be done in the region.
- The Panel asked if MOWS had any thoughts on slimming down the Kaituna Strategy reference in the Document. MOWS stressed the estuary is the end game and is important part and he could not see what would benefit would be gained by removing it.
- The Panel pointed out that MOWS' submission was seeking an amendment to the vision. MOWS reiterated that the vision is not as strong as it could be and it needed to be aspirational and stronger. Julian highlighted, that if you look after the wildlife it will look after you. Healthy state is not defined.
- When asked, MOWS explained to the Panel that the estuary is partially linked to the river and will be better linked with the re-diversion.

Submitter No	Page No	Name
11	36	Te Rūnanga o Ngati Whakaue ki Maketū (TRoNWkM)

Maria Horne presented TRoNW's submission on behalf of Manu Pene who could not be present at the hearing:

- TRoNWkM would like the Kaituna River Document to align with the NPS-FM and other documents.
- TRoNWkM supports the document being written in both te reo Māori and English. We would like to see more formal te reo translations and suggest the Mataatua references be taken out. TRoNW suggest engaging an expert of Te Arawa descent to advice about te reo, not someone from eastern bay.
- TRoNWkM would also prefer an alternative to the marae structure.
- TRoNWkM submitted that Objectives 1 and 3 should be stronger. Hunting and gathering should be recognised, but separately from recreation.
- With regard to Objective 7, TRoNWkM pointed out that more wetlands are being created. They suggest a new objective about eradication of pests and pampas removal from wetlands.
- Objective 8 – TRoNWkM support farming.
- Maketū history – needs to be more accurate. Reference histories correctly.

Questions from Panel members:

In response to Panel questions,

- TRoNW explained to the Panel that 'contemporary' means non-traditional.
- TRoNW would prefer to use an external party for the translation of the document as it needs to reflect Te Arawa.
- The Panel asked if the alignment with other documents and the NPS-FM should be the other way around. TRoNW replied that it was more appropriate to align with rather than be subservient to national documents.
- The Panel explained that part of the process had been to engage with the people to write the iwi history kōrero. TRoNW were unable to comment as they had not been part of it.

Submitter No	Page No	Name
8	Pg 35	Te Kapu o Waitaha Trust - Vivienne Robinson

11.42 am: Te Kapu o Waitaha's Kaumātua opened the presentation with a karakia and spoke in te reo first.

- Waitaha would prefer the name of this taonga to be in te reo and not refer to it as a document.
- Waitaha submitted that more work should be done on the tributaries as they have all been impacted on. They believe that all tributaries flow through the Waharoa, which is an unusual way of introducing

the document. The wairua and mauri are also dependent on the tributaries, but none of this is visible in the document.

- Waitaha support the vision in Māori, but feel the document is still too much like a Council document. They suggest more principles regarding kawa, tikanga, etc. and deeper association / korero from Tapuika.
- There should be more accountability, BOPRC we want to see some mitigation of degradation.
- Waitaha are supportive of the Mr Bushell's advice and agree bolder objectives should be set and language that has more certainty should be used.
- Waitaha would like to know what is meant by 'agreed standards'. They believe kawa could inform those standards and it would be beneficial to define the standards as they need to be measurable.
- In terms of sustainable allocation and particularly Objective 5, Waitaha suggested:
 - applications not be looked at in isolation; currently the objective doesn't reflect the cumulative consideration of effects
 - a specific goal for protecting the mauri of the water, make it black and white
 - zero tolerance for contaminants
 - crown funding to TMOK to resource implementation of the Kaituna River Document and the NPS-FM
 - including in the document a stock take of all approved consents
 - only issuing consents for what is required to avoid water banking
- Waitaha suggested rewording Objective 6 with a specific result in mind
- In relation to Objective 7, Waitaha would like restoration projects featured in LTP discussions
- For Objective 8, Waitaha insisted that industry and businesses provide a koha back to the river in terms of the desired outcome. They also suggested using rāhui for management of matters that affect the awa.
- Waitaha suggested the inclusion of a new objective that would state what the benefits are as a result of those objectives.
- Waitaha also felt mauri should be included as a separate objective that talks about the essence and well-being of the river (Ko Te Awatia a Maru – the place of Maru the taniwha). Waitaha Kaumātua closed in te reo.

Panel members response:

The Panel highlighted that they loved Waitaha explanations. They also suggested a kōrero between different iwi.

Submitter No	Page No	Name
53	Page 269	Eastern Fish and Game Council - Eben Herbert

12.20pm: Eben Herbert presented Eastern Fish and Game's submission with the support of Lindsay Lyons, Chair of NZ Fish & Game, and Barry Roderick former chair.

- EF&G support the objectives of the Kaituna River Document.
- EF&G highlighted to the Panel that a lot work has gone into the Wildlife Management Reserve, which is an important hunting area. Sports fishery mainly happens in the main stem; the lowland being important locally for trout. Waiari and Pakipaki Streams provide cold water refuge for sport fishery and are very important to sustaining population.
- EF&G would like the Reserve to be afforded more discussion in the document.
- EF&G would like more specificity in the document, particularly in relation to the desired outcomes. This would help to identify detail for the action plan. The document should recognise that all parties have contributed to the reserve; hunters would like to actively participate.
- With regard to the structure of the document, EF&G suggested the order should follow conventional planning document with vision, issues, objectives and outcomes.
- In terms of over allocation, EF&G supports the objectives. However, they believe the documents needs to state how these are to be resolved. They believe in clawing back over allocation.
- EF&G would like to participate in the working group for the action plan.

Questions from Panel members:

- EF&G were asked if they represent wildfowlers? EF&G noted that the wildfowlers have their own specific interests, but EF&G represent licence holders at a higher level.

<ul style="list-style-type: none"> The Panel asked if EF&G saw a working committee for an action plan as a good idea. EF&G said they had no preference as to the mechanism, but they would like to be involved. EF&G were also asked if F&G rules align with kaitiaki and TMoK's aspirations. EF&G confirmed they share a lot of the values expressed in the document. 		
Submitter No	Page No	Name
10		Michael Pittar
Did not present at the hearing.		
Submitter No	Page No	Name
24	Pg 123	The Proprietors of Taheke 8C & Adjoining Blocks (Inc.) - Sandra Eru
<p>Sandra Eru GM for Taheke 8C, Te Ariki, Kaumātua Ngāti Pikiao, Derek Morehu, Bill Vercoe, Committee Management and two others submitted on behalf of Taheke 8C.</p> <p>Taheke 8C have significant concerns regarding content of the Kaituna River Document:</p> <p>Part 1</p> <ul style="list-style-type: none"> Te Pumautanga doesn't represent Taheke 8C. They aren't a post-settlement entity; they have existed for 60 years Taheke 8C are unhappy that the framework area extends over their land (noting Taheke 8C is on both sides of the river). They also contend there was no engagement with them about the extent of the framework area. Taheke 8C reject the framework as the Tapuika settlement ignores the Waitangi tribunal settlement over their geothermal resources. Tapuika Claims Settlement Act 2014 sets the name Kaituna in statute and ignores the other names previously mentioned (Te Awa Okere, Te Awarua, Te Kaituna). These traditional names should be included so their identity is not lost. <p>Part 2</p> <ul style="list-style-type: none"> Taheke 8C are tired of the reinterpretation of the culture for the sake of expediency. They stressed they do not recognise any agency entering onto Taheke 8C lands. They exercise mana whenua on their private land and are already carrying out enhancement works which extend to the riverbank. They believe the importance of mana whenua and kaitiaki needs reinforcing. Taheke 8C submitted that the outcomes under Objective 2 don't apply to Taheke 8C in any way. They believe that water quality in the lakes can't be separated from the river and that pollutants entering the Lakes Rotoiti and Rotorua must be considered in the context of these outcomes In terms of Objectives 3,4 and 5, water allocation in the upper catchment should not be on a first in first served basis. Each iwi has their own kōrero which should be reflected in the document. <p>Questions from Panel members:</p> <p>The Panel asked if the names for the awa mentioned are consistent throughout Ngāti Pikiao were consistent. Taheke 8C advised yes they were.</p>		
Submitter No	Page No	Name
6	Pg 20	Wild Fowlers BOP & Maketū Community for the Environment - Ray Bushell
<p>Mr Bushell presented on behalf of the Wild Fowlers BOP & Maketū Community for the Environment and was supported by Barry Roderick.</p> <ul style="list-style-type: none"> Mr Bushell thanked Pim for his efforts on the re-diversion. Mr Bushell submitted that he was seeking a closer relationship with councils and central government agencies. Mr Bushell objects to housing projects which channel their waste to the river and would like to see more wetlands and more marshland. He pointed out that wildfowlers have a mission to increase wetland habitat. (Mr Bushell used a map, not included in his handout, to highlight the areas). Mr Bushell would like to more specificity in the document; more clearly defined limits. He believes the estuarine environment should be included in the desired outcomes (shell-fish etc.). In terms of the documents content, Mr Bushell suggested the use of stronger words, for example, 		

'significantly improved' in relation to land management. He suggested saying what you mean would be preferable to using the term 'best practice'. Mr Bushell would like to set the goal higher and change the phrase 'maintain or improve'. Remove the word 'maintain'.

- In relation to Objective 7, Mr Bushell wanted more specificity and inclusion of statements such as 'species associated with unique locations'.
- In relation to Objective 8 and the desired outcome, Mr Bushell suggested the words be changed around to protection, enhancement and then restoration.
- Mr Bushell pointed out that there needs to be a link from the river to the estuary.

Questions from Panel members:

- Mr Bushell was asked by the Panel about the difference between marshland and wetland. Mr Bushell responded everyone wants to plant wetlands. Marshland is close to the river and overflows from the natural river banks. Marshlands are home to Hine o te repo – the lady of the swamps with beautiful daughters tending to the riverbanks. Brighter than the morning star twinkling along the river side – plants that are neither in or out of the water – tending to the river / cleaning it. Little plants that grow in the water where the life starts.
- The Panel asked whether people were still being stopped from going on the stop banks. Mr Bushell didn't know if people were still being stopped from going onto the stop bank as he hasn't been there in the last month.
- Barry Roderick (Eastern F & G former chairman) was supportive of Mr Bushell's submission.. He reinforced the foresight of WBOP to purchase the wetland.
- Mr Bushell was asked how many river links there are to the wetlands and could the connections be returned. He said that the river access was supposed to move at the time Council dug the ditch to the sea, however that hadn't happened because someone else was using it.
- Mr Bushell's final point reinforced that this document will affect the estuary and the link to the river was needed sooner rather than later.

Submitter No	Page No	Name
22	Pg 120	Lakeswater Quality Society Incorporated (LWQS) – Warren Webber

2.00pm Warren Webber presented on behalf of the Lakeswater Quality Society. (LWQS)

- LWQS are supportive of the Kaituna River Document and its aspirational goals for the river which align well with LWQS work.
- In terms of rural land management, LWQS are supportive of the action plan. They see the devil as being in the detail and the implementation.
- LWQS suggest better definition of what is included in the area – Are the Okere gates with the documents area or not?
- LWQS have a concern that multiple groups are working on similar issues. Warren is on the Kaituna Community Group about NPSFM which is also working on similar issues. He suggests the need for more collaboration together and the removal of duplication.

Submitter No	Page No	Name
32	157	AFFCO NZ Ltd (Rangiuru) - Garry Venus

Doug Hallberg, AFFCO Operations and Garry Venus Environmental consultant – Argo presented on behalf of AFFCO and provided a handout of material to be covered.

- AFFCO supports the Kaituna River Document in general. AFFCO would like credible scientific methodology to be employed to inform any of the measures that may be developed as a result of this document.
- AFFCO are supportive of the objectives subject to the RMA framework and evidence based science.
- AFFCO explained that it discharges 95% of its water back into the river following an extensive treatment process. Discharge contaminants are within their resource consent and prescribed guidelines and testing has shown that the pathogen levels in the water are low in comparison with human waste water.
- AFFCO suggested that the vision could reflect the purpose of the RMA which also incorporates social and economic wellbeing.
- AFFCO would like to see economic interests reflected in the River Document and support the

approach. Their concerns are regarding the detail.

- AFFCO is supportive of the importance of having strong relationships with the iwi.
- AFFCO would like clarity and consistency for the objectives. They suggested specific locations be identified within Objective 4.
- Specificity around areas for protection and enhancement would make other users of the river aware and inform planning for future.

Questions from Panel members:

- Mr Venus confirmed to the Panel he was an environmental consultant and he did benefit from his association with AFFCO.
- The Panel noted that there is a discernible difference in water quality below AFFCO's outfall. When asked, Mr Venus said he would allow his child to swim below the outfall.
- The Panel questioned the e-coli levels. Mr Venus explained that AFFCO analysed 7 pathogens, including e-coli, using a two year baseline and also against other plants. Mr Venus suggested that in terms of the level of health risk, data allowed for a mixing zone of 200m to make it safe. Mr Venus told the Panel that the wetlands hadn't been improved since 2014.
- Mr Venus told the Panel that the treatment system was installed in the 1990s, but is continuously monitored. The Panel noted that technology has advanced and they would like to know if a review for an upgrade was planned. Mr Venus said they were currently making application for a discharge which will address continuous improvement.
- Mr Venus confirmed that AFFCO would be interested in being on a working part about actions.

Submitter N	Page No	Name
19	107	Te Tumu Landowners Group (TTLG) - Jeff Fletcher

Jeff Fletcher presented on behalf of Te Tumu Landowners Group (TTLG):

- TTLG are supportive of the Kaituna River Document as they believe it sets a platform for the future management of the river.
- In relation to Objective 8, TTLG would like to include "new future communities" to recognise that more people will be living adjacent to the lower Kaituna over the next 50 years of the Te Tumu development.
- TTLG would like to be involved in any collaboration and make a contribution to the action plan.

Questions from Panel members:

- TTLG agreed that they would be happy with the wording "future generations" rather than "planned future communities".
- The Panel asked about the proposed marina. TTLG explained that it was aspirational at this stage. The concept was for 50 berths around Ford Island. The idea of establishing a research facility in there had been put forward. There could be collaboration with other groups, tertiary educators and 100% tangata whenua.

Submitter No	Page No	Name
30	150	Whitewater New Zealand - Isaac Bain

Did not present at the hearing

Submitter No	Page No	Name
17	92	Marcus Wilkins

- Mr Wilkins was generally supportive of the document, but would like to speak on behalf of jet boating.
- Mr Wilkins explained his families association with the area since 1892 and his since 1962 in terms of jet boating the river. He had learnt that the river is 1 metre deeper at Maungarangi Rd bridge and erosion had lowered the whole channel. Mr Wilkin believes that blaming erosion on jetboating is unfounded and untrue.
- Mr Wilkins talked about the importance of safety for jet boaters and considers upstream of the Mangorewa confluence is safe. He believes that the erosion is not caused by wake from the jet boats. Inaccuracies about current and access have meant that New Zealanders haven't been able to enjoy parts of the river only accessible by jet boat.

Questions from Panel members:

- The Panel questioned whether it was access or speed that was prohibiting jet boating access. Mr

Wilkins said the speed limit restrictions stop access because jet boats need the speed to operate.		
Submitter No	Page No	Name
18	104	Jet Boating New Zealand Northern Districts - Allen Meredith
<p>Mr Meredith presented on behalf of Jet Boating NZ who have over 2000 members nationwide. He shared with the Panel that he was not representing tourist or jet sprint commercial operators, just families who wanted to explore rivers by jet boats up to a 20 knots max.</p> <p>Mr Meredith requested that recreational jet boaters continue to be able to use the Kaituna at sensible speeds. He didn't see there would be any conflict if specific swimming locations were identified. He was also happy to avoid using the river during cultural ceremonies.</p>		
Submitter No	Page No	Name
23	122	Wayne Fuller
<p>Marcus Wilkins read out Wayne's submission on his behalf as he couldn't be here.</p> <p>The submitters is disappointed at not being able to access the river upstream of Mangorewa confluence for jet boating.</p>		
Submitter No	Page No	Name
05	12	Richard Hart – Bay of Plenty Regional Park Establish Group (BOPRPEG)
<p>1.45pm: Richard Hart presented on behalf of Bay of Plenty Regional Park Establish Group</p> <ul style="list-style-type: none"> • BOPRPEG have been successful in advocating for the establishment of regional parks and would like one for the lower Kaituna, recognising the history and recreational use of the area. • BOPRPEG believe the document is aspirational but there is little mention of the Regional Parks except for the map on page 24. • BOPRPEG suggested TMoK is ideally placed to govern the park and to assemble the land. <p>Questions from Panel members:</p> <ul style="list-style-type: none"> • The Panel asked how the creation of a regional park would help restore the awa. BOPRPEG said that the river can't be separated from the land. A Regional Park would allow the reconnection of the people with the river; it wasn't purely for the wildlife. • BOPRPEG said that they were aware of the sub-regional wetland in the Strategy and believed a Regional Park would add to that. • The Panel asked how did BOPRPEG see co-governance working in this space. Richard replied that there is an area within Tauranga City Council on the Te Tumu side of the river, the Te Tumu development, the Maketū Ōngātoro Wetlands Society and Te Maru o Kaituna all working in this space. BOPRPEG are worried that the expansion of the city won't set aside enough area for regional parks that benefit not only water quality, wildlife, but also allow reconnection of people with the river. 		