Te Arawa River Iwi Trust and Waikato Regional Council Co-Governance Committee

Date: Thursday, 14 March, 2019
Time: 10:00 am
Location: Council Chamber
Waikato Regional Council
401 Grey Street
Hamilton East

Members:
R Pikia - Co-Chair (Te Arawa River Iwi Trust)
A Livingston - Co-Chair (Waikato Regional Council)
E Forrest - Deputy Co-Chair (Te Arawa River Iwi Trust)
Cr K White - Deputy Co-Chair (Waikato Regional Council)
E George (Te Arawa River Iwi Trust)
P East (Te Arawa River Iwi Trust)
Cr K Hodge (Waikato Regional Council)
T Mahuta (Waikato Regional Council)
Cr H Vercoe - Alternate (Waikato Regional Council)

Notice of Meeting:
I hereby give notice that an ordinary Meeting of the Te Arawa River Iwi Trust and Waikato Regional Council Co-Governance Committee will be held as detailed above.

VRJ Payne
Chief Executive Officer
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Te Arawa River Iwi Trust and Waikato Regional Council Co-Governance Committee

REPORTING TO: Waikato Regional Council and Te Arawa River Iwi Trust

CONSTITUTION: Four (4) Councillors appointed by Waikato Regional Council; and four (4) Trustees appointed by Te Arawa River Iwi Trust.

Both organisations have the ability to appoint alternate members to the Co-Governance Committee. The alternates will have full voting rights in the absence of the member they are representing.

The Co-Governance Committee will be Co-Chaired by a member of each organisation.

QUORUM: Four (4) made up of two (2) members from each organisation

MEETING FREQUENCY: Annually (or more often if agreed).

OBJECTIVE: To give effect to the guardianship provisions as provided for pursuant to clause 12 of the Joint Management Agreement between the organisations.

SCOPE OF ACTIVITY:

1. The Co-Governance Committee as guardian of the Joint Management Agreement will ensure that the Joint Management Agreement is being implemented to the satisfaction of both organisations and in accordance with the principles set out in Clause 4 of the Joint Management Agreement.

SUPPORT FOR THE CO-GOVERNANCE COMMITTEE:

1. The venue for the meetings will alternate between the offices of the Waikato Regional Council and those provided by the Te Arawa River Iwi Trust.
2. The Waikato Regional Council will provide secretariat support for the Co-Governance Committee.
3. Minutes will be approved by the Co-Chairpersons prior to circulation which will be within a fortnight of the meeting.
4. The Co-Chairs will be the spokespersons for the Co-Governance Committee.

TECHNICAL SUPPORT:

1. The Co-Governance Committee may invite staff members from both organisations to attend the meetings for technical support.

REFERENCE DOCUMENTS:

1. Co-Governance Committee Standing Orders between Te Arawa River Iwi Trust and Waikato Regional Council (Doc#4082962).
Te Arawa River Iwi Trust and Waikato Regional Council Co-Governance Committee
OPEN MINUTES

Minutes of a meeting of the Te Arawa River Iwi Trust and Waikato Regional Council Co-Governance Committee held in the Te Arawa River Iwi Trust Office, GHA Building, Ground Floor, 1108 Fenton Street, Rotorua on Tuesday, 16 October 2018 at 10.00am.

The meeting was opened with a karakia whakataki by Trustee George

Present:

Te Arawa River Iwi Trust
Trustee Eru George
Trustee Evelyn Forrest (Deputy Co-Chair)

Waikato Regional Council
Cr Alan Livingston (Co-Chair)
Cr Kathy White (Deputy Co-Chair)
Cr Kataraina Hodge
Cr Tipa Mahuta

In Attendance:

Te Arawa River Iwi Trust Staff
E Berryman-Kamp, Chief Executive Officer

Waikato Regional Council Councillor
Cr Fred Litchwark

Waikato Regional Council Staff
N Williams, Director Community and Services
A McLeod, Section Manager, Taupō/Upper Waikato
M Carey, Kaiwhakarite
M Brockelsby,
T Douglas, Kaiwhakarite
B McAuliffe, Team Leader, Water Policy
M Hamer
M Graham

M Poole, Meeting Secretary

Apologies

Te Arawa River Iwi Trust
Trustee Roger Pikia (Co-Chair)
Trustee Paul East

Accepted
The meeting was opened with a karakia whakataki by Trustee George

**Apologies**
(Agenda Item 2)

Te Arawa River Iwi Trust
Trustee Roger Pikia (Co-Chair)
Trustee Paul East

Cr Livingston moved/Cr White seconded

TACG18/11  **RESOLVED**
THAT the apologies from Te Arawa River Iwi Trust members Roger Pikia and Paul East be accepted.

The motion was put and carried (TACG18/11)

**Confirmation of Agenda**
(Agenda Item 3)

Cr Livingston moved/Cr White seconded

TACG18/12  **RESOLVED**
THAT the agenda for the meeting of the Te Arawa River Iwi Trust and Waikato Regional Council Co-Governance Committee of 16 October 2018, as circulated, be confirmed as the business for the meeting.

The motion was put and carried (TACG18/12)

**Disclosures of Interest**
(Agenda Item 4)

There were no disclosures of interest.

**Minutes of Previous Meeting**
(Agenda Item 5) Doc 11959703

Cr Mahuta moved/Cr White seconded

TACG18/13  **RESOLVED**
THAT the Minutes of the Te Arawa River Iwi Trust and Waikato Regional Council Co-Governance Committee meeting of 14 March 2018 (Open Section) be received and approved as a true and correct record.

The motion was put and carried (TACG18/13)

**Mercury Consent Review**
(Agenda Item 6) verbal update

Senior Advisor (M Brockelsby) presented a verbal report on the Mercury Energy resource consent review evaluation process and outcome, noting by way of background that:

- Section 128 of the Resource Management Act 1991 sets out the circumstances when consent conditions can be reviewed. The resource consent must include a review condition that will state the frequency at which such a review could be initiated.
• the legal ‘bar’ to initiate a review process is quite high and a review can only be initiated in circumstances where the Waikato Regional Council (WRC) becomes aware of/has evidence of significant effects and that those effects are different to, or have arisen since, the granting of the consent. The review process is not a mechanism to re-litigate the same issues; there must be something ‘new’ on the table with good evidence of an issue/problem that meets the ‘tests’ before a review process could be initiated.

• Mercury Energy resource consents include a five-yearly review condition. The Mercury Energy resource consents relate to a large-scale activity which has impacts and these were the subject of comprehensive technical evidence and evaluation at the time the applications were lodged and considered before granting with extensive conditions.

• an assessment of the consents was undertaken by a team of WRC staff and external technical experts, including lake level issues and effects, and Mercury Energy’s water management regime and contribution to those effects. There was also informal liaison with key stakeholders including Waikato River iwi. The findings from the process, including legal advice, were that there was no evidence of new issues and/or effects.

Arising out of questions and discussion, the following points were noted:

• flooding issues around the Wai-o-Tapu stream have been raised/discussed at the Upper Waikato Catchment Committee. Queried whether this is a result of the Mercury Energy consent operating levels regime or climate change/weather event impacts. There is strong evidence that the flooding is weather related rather than a river level management issue.

• there is a three-year catchment works programme for the Wai-o-Tapu Stream catchment, with Rotorua Lakes District Council looking at drainage maintenance works and WRC working with landowners on stream clearance projects. These works will help with water passage, particularly during adverse weather events. Cr White requested more information about the works done/planned for the Wai-o-Tapu Stream catchment, including funds budgeted/spent and water level monitoring data.

• Waikato Regional Council Taupo office staff and Mercury Energy are in regular contact and there has been a recent conversation around the ‘best’ site for the existing monitoring equipment.

• all Waikato River iwi were advised of the review assessment process and the opportunity to provide feedback/input. Te Arawa River Iwi Trust (TARIT) did respond/provide feedback to WRC.

• Cr Mahuta requested that responses to the following questions be provided – how were river iwi consulted; what has changed between 2013 and 2018 and how have any changes been addressed; and how are river iwi being reported back to on this matter, not just verbal, but to meet WRC’s obligations to report on the Vision and Strategy.

• there was no requirement to undertake a review. A reasonably in-depth assessment of the issues was completed, including the specific Wai-o-Tapu Stream matters. The assessment process is not a public process and there is no public right to make submissions. The decision is solely whether or not to initiate a review process, based on the ‘tests’ and criteria set out in the legislation. The decision, in this case, not to initiate a review means that the existing consents and conditions remain unchanged.

• Mercury Energy take their relationships with stakeholders and the community seriously and have their own direct relationship with each of the river iwi. WRC will continue to liaise with Mercury Energy and look for opportunities to encourage their support and involvement with appropriate river related issues as they arise.

Cr Hodge moved/Cr White seconded

TAGC18/14  RESOLVED
THAT the verbal report ‘Mercury Consent Review’ be received.

THAT the Waikato Regional Council staff communicate to Mercury Energy the benefits of ensuring ongoing communication/discussion with impacted stakeholders.

THAT the Waikato Regional Council provide Te Arawa River Iwi Trust with a written report on the review evaluation process undertaken and conclusions, with reasons.

The motion was put and carried (TACG18/14)

IPOU and RiverSense Project update
(Agenda Item 7) Doc 13160109

Te Arawa River Iwi Trust Chief Executive Officer (E Berryman-Kamp) presented an update on the IPOU and RiverSense projects via a powerpoint presentation, and highlighted the following:
- the IPOU Project has been funded by Waikato River Authority (WRA) grants.
- the POU are interactive signage marker posts that will provide users with access to digital information about each selected site within the TARIT rohe.
- the installation of, in total, ten POU will be completed by late November 2018 and the digital content will be finalised by the end of October 2018. The content (stories, information/data, images, etc) has been supplied by affiliate iwi.
- it will be possible to do a ‘virtual tour’ by using Google maps to identify the next site and ‘navigate’ around the rohe.
- the IPOU project does not limit what information can be included. Several collaborative and information sharing opportunities have already been identified including DoC (eg. biodiversity values, fish species) and WRC (eg. water quality and flow data) relevant to the location of each POU.
- collection of access/usage data will provide information about the ‘uptake’ of the project and the value of using technology this way.
- via this project, there may also be applications that assist with future community engagement and education.
- the objective of the RiverSense project is to place five remote water monitoring sensors into the Waikato River, and its tributaries within the TARIT rohe, to monitor in real time the ‘condition’ of the water as it flows through the upper catchment (Huka Falls to Atiamuri).
- the installation of the sensors is due to be completed by the end of October and they will measure pH, dissolved oxygen, temperature and conductivity (science parameters).
- having these additional water monitoring sites is also anticipated to enhance and complement the water related data that WRC collects, and therefore the information available to TARIT and its affiliate iwi and the wider community.

Arising out of questions/responses and discussion, the following points were noted:
- queried whether it is proposed to measure, and make available to the community, parameters associated with ‘safe to swim’ and/or ‘safe to harvest kai’. Stage I is the ‘science’ parameter data collection and refining how best to share that information with the community in a meaningful/useful manner. Technology advances are ongoing and within the next five years the human/water contact data goals may be achievable – perhaps the ‘safe to swim’ results could be available via colour coded traffic lights.
- with technology advances and increased data reliability over time, the goal is to explore how to integrate the data within the WRC system/layers of monitoring information. Positive support has been received from WRC on this project.
- monitoring parameters like nitrogen and phosphorus could also provide valuable data on the effects of land use practices/changes on water quality. The Healthy Rivers Plan Change will also contribute to the river iwi kaitiake role of caring for the environment.
- from WRC’s perspective monitoring is critical to measure changes in water quality, particularly to confirm that tools like the Healthy Rivers Plan Change and work done by landowners does result in improvements over time.

Cr White moved/Cr Hodge seconded

TACG18/15

RESOLVED

THAT the report ‘IPOU and RiverSense Project Update’ (Doc #13160109 dated 4 October 2018) and powerpoint presentation/verbal update by E Berryman-Kamp be received

The motion was put and carried (TACG18/15)

He Taiao Mauriora update

(Agenda Item 8) verbal update

M Graham presented a verbal update on the review process and timing for the two Waikato Plans – Coastal (stage 1) and Regional (stage 2)

Arising out of the presentation, questions and discussion, the following points were noted:
- as per the JMA provisions with respect to Plan reviews, representatives from each of the six iwi and WRC councillors met earlier this year to discuss/progress the process.
- to date TARIT, Raukawa, Maniapoto and Hauraki have responded in support of the Plan review processes. Waikato-Tainui have indicated they will be in a position to respond by the end of October and Tuwharetoa have advised that they do not consider the process to be true co-governance if the final ‘sign-off’ lies with WRC.
- Plan reviews/changes are Resource Management Act Schedule 1 processes, and responsibilities around decision-making are set out in the legislation.
- discussion/consultation is ongoing with Tuwharetoa to work through this response and at present the project is ‘paused’ until the matter is resolved.
- staff are continuing to draft a discussion paper for Stage 1 (the Coastal Plan review), so that once agreement with iwi has been finalised, the project is ready to proceed through the next steps.
- the proposed Plan review timeline is for stage 1 (Coastal) to be notified in 2020/21 and stage 2 (Regional) to be notified in 2022/23, with the process completed and the Plans operative in/by 2027/28.
- given the situation that there are six iwi within the region, and therefore six JMAs between each of the iwi and WRC, what opportunities are there to encourage all the iwi to collaborate and develop a collective view on high level/significant region-wide matters/outcomes?

Trustee George moved/Cr White seconded

TACG18/16

RESOLVED

THAT the verbal update ‘He Taiao Mauriora’ be received.

The motion was put and carried (TACG18/16)

TARIT Story Map Pilot Project

(Agenda Item 11) Doc 13146693
T Douglas presented the report on the TARIT Story Map Pilot Project, and arising out of the presentation, questions and discussion the following points were noted:

- this joint project between WRC and TARIT involves the collection and collation of Te Arawa River Iwi related environmental information and making it available in a way that is easy for WRC staff to access via WRC’s spatial platform (mapping system). There will be ‘layers’ of information using tools/data including RiverSense, monitoring results and resource consents/conditions.
- this compilation of information will ‘tell the story’ within the TARIT rohe/Waikato River sub-catchment. The project is still in the early stages of development, with staff of the two organisations working together. The content will start at the ‘public domain’ end of what can/is appropriate to be made available/shared.
- there are a range of expected benefits associated with the implementation of this project as outlined in the report.
- TARIT and its river iwi affiliates support this project and are happy to be the first to have their story/information shared in this way.
- from TARIT’s perspective there are a range of positives with this project including the opportunity to share environment information, with this greater knowledge leading to better decision making; enhanced relationships between the council/its staff and TARIT/each of its affiliates, and therefore to enable kanohi ki kanohi engagement to be undertaken in more appropriate ways into the future.

Trustee George moved/Cr Mahuta seconded

**RESOLVED**

**TACG18/17**

**THAT the report ‘TARIT Story Map Pilot Project’ (Doc #13146693 dated 1 October 2018) be received.**

The motion was put and carried (TACG18/17)

**Update on Healthy Rivers Plan Change Schedule 1 Process**

(Agenda Item 10) Doc 13103225

B McAuliffe presented the report and a verbal update on the Healthy Rivers Plan Change process, and arising out of the presentation, questions and discussion the following points were noted:

- the Executive Summary (written report) was updated with respect to the total number of further submissions received (now 70); the expected date for the preliminary hearing (now either late October 2018 or early 2019); that science and economics information forums have now been scheduled for 20-22 November 2018; the public hearings are now expected to commence late February 2019 and continue through to July 2019; and the hearing panel is expected to make its recommendations to council in September 2019 (also refer to the milestone dates set out in Clause 23 of the written report).
- the date by which council is required to make their decision/s on the matters raised in submissions for this Plan Change has been extended by 18 months to 30 April 2020. This is the maximum timeframe allowed in the legislation (RMA).
- 700 submitters have advised that they wish to be heard, with this number potentially changing between now and the start of the public hearings.
- an independent planner has been engaged to prepare the Section 42A (RMA) Report and work on this is progressing.
- participation in the science and economics information forums (set down for November 2018) is only for those submitters who made submissions on the economic and scientific modules of the Plan Change. The forums will be run by independent facilitators and
while the registration to attend close-off date has passed, eligible submitters can still contact staff about attending.

- the only opportunity for a party with potentially relevant economic and/or scientific information, who is not a submitter, to participate in the information forums is to be there supporting and/or representing one or more submitters.

- the issues around different economic models, their respective approach and what they do/not do may be something that needs to be caucused. Mr McAuliffe to raise this issue with the independent hearings panel and/or mediator/s as appropriate for direction.

- a couple of land use ‘gaps’ were identified in the Plan Change, being commercial horticultural production and the equine industry. Work has subsequently been done to meet/have discussions with representatives of those two sectors. The S42A report will include reference to and rules associated with those two industries. Discussions are ongoing and there may need to be mediation on what is being proposed.

- given the challenges of getting all the members of the Healthy Rivers Committee together, it is important that agendas comprise ‘need to meet’ business and make best use of everyone’s time. It may be an option for ‘work in progress’/update reports on the Plan Change hearing process to be presented to the respective Co-Governance Committees ‘for information’. WRC Chair and WRC Director, Community & Services to identify what/if any obligations to meet are set out in the Healthy Rivers Committee’s Terms of Reference and how appropriate updates/progress reports on the Plan Change hearing processes could be shared with iwi partners.

Cr White moved/Cr Hodge seconded

**RESOLVED**

**TACG18/18**

THAT the report ‘Update on Healthy Rivers Plan Change 1 Schedule 1 Process’ (Doc #13103225 dated 20 September 2018) be received.

The motion was put and carried (TACG18/18)

**Topics for the TARIT/Crown Ministerial Forum November 2018**

(Agenda Item 9) Doc 13162281

E Berryman-Kamp requested that the report be taken as read and arising out of the verbal summary and update, questions and discussion the following points were noted:

- with the change of government at the last election, the ministerial ‘faces’ around the table will all be new, perhaps with one exception - Nanaia Mahuta.

- Waikato-Tainui is hosting this year’s annual forum on 30 November 2018 (date tbc) on behalf of all five Waikato River iwi, with each iwi having their own meeting with the Crown and a combined meeting of all iwi/the Crown.

- the ‘candidate’ topics identified by TARIT, to be discussed/finalised at the next board meeting are as set out in the written report Clause 6 (a) to (g) and with respect to:
  
  (b) are expecting an update on last year’s topic
  
  (d) data indicates that 90 percent of NZ’s biodiversity is on Maori land, therefore the economic, environmental and social issues and implications around development versus biodiversity protection need to be discussed.

  (e) many of the minerals required for batteries come from geothermal areas. There are economic and environmental issues and implications associated with any alternative land use/‘green’ mining proposals.

- TARIT’s mandate is solely around the restoration of the Waikato River and its tributaries within the rohe.
- enquired if the issue of pest control methods and their environmental effects had been raised in this rohe. In response advised that it has not been identified to date and is too late to discuss for this year’s Forum. If iwi within the rohe identified this as an issue in the future, then it could be discussed/explored further.
- commented that whatever is applied to the land may affect water quality and instream species. A recent example being the death of large number of koura (near Putaruru) and the investigations into the cause of this adverse event.
- observed that most of the topics involve politically dependant relationships. WRC is an ‘agent’ of the Crown via its legislative (RMA) responsibilities and obligations in respect of freshwater policy development and implementation, land use, biodiversity and the Treaty Settlements/JMAs. The WRC Chair asked if there are any issues/topics that WRC could assist TARIT with in their engagement with the Crown at the Forum, by providing information and/or support.

Cr Hodge moved/Trustee George seconded

TACG18/19

RESOLVED

THAT the report “Topics for the TARIT/Crown Ministerial Forum November 2018 (Doc #13162281 dated 4 October 2018) be received.

The motion was put and carried (TACG18/19)

Whirinaki Catchment Project – Progress Update

(Agenda Item 12) Doc 13110194

A McLeod requested that the report be taken as read and arising out of the verbal update, questions and discussion the following points were noted:
- since the last report, a Working/Steering Group for the catchment project has been established and that there is overall positive community support for the project.
- while the project is a bit behind schedule, six projects have now been submitted/assessed with two funded/already underway, one to be finalised/approved before the end of October and the three unsuccessful applications to be further discussed with the relevant landowners to determine how these projects could potentially be progressed. Acknowledged that recent WRC staff changes had resulted in a temporary ‘slowdown’ in progress/momentum
- the opportunity, via the TARIT IPOU and RiverSense Projects, of a site for each on/in the Whirinaki sub-catchment to be identified. The support from TARIT was acknowledged and is very much appreciated. Progress reports and updates will be provided to this committee ongoing.

Cr Mahuta moved/Trustee George seconded

TACG18/20

RESOLVED

THAT the report ‘Whirinaki Catchment Project – Progress Update’ (Doc #13110194 dated 28 September 2018) and verbal updated be received.

The motion was put and carried (TACG18/20)
Resolutions to Exclude the Public
(Agenda Item 13)

Cr Hodge moved/Cr Mahuta seconded

THAT the public be excluded from the following part/s of the meeting:

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

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<tr>
<th>General subject of each matter to be considered</th>
<th>Reason for passing this resolution in relation to each matter</th>
<th>Ground(s) under section 48(1) for the passing of this resolution</th>
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<tr>
<td>Public Excluded minutes of the Te Arawa River Iwi Trust and Waikato Regional Council Co-Governance meeting 14 March 2018</td>
<td>Good reason to withhold exists under Section 7.</td>
<td>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)</td>
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This resolution is made in reliance on sections 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

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<th>Item No</th>
<th>Interest</th>
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<td>14</td>
<td>Maintain legal professional privilege (Section 7(2)(g))</td>
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<tr>
<td>14</td>
<td>Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Section 7(2)(i))</td>
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Return to Open meeting at 12.15pm

The WRC Chair thanked TARIT for hosting the meeting and updates/discussions, and in particular noted the implementation of the IPOU and RiverSense projects, with their technology focus/solutions to both obtaining and sharing information about the rohe and the river.

In response the TARIT CEO noted a next stage technology proposal to create, via an avatar the opportunity for people to have a ‘virtual discussion’ with the river.
Trustee George raised a query in respect of the Treetops Lodge resource consent, relevant to both Waikato and Bay of Plenty Regional Councils; and concerns that during the rainfall/flooding events in late April 2018 something adverse may have happened to one of the three dams, which has resulted in significant riverbank damage near the Marae. WRC staff responded that they do communicate/work with Bay of Plenty Regional Council staff and that this query/issue will be discussed at the TARIT/WRC officers meeting to be held later in the day.

Meeting closed with a karakia at 12.18pm

Doc 13255921
Purpose

1. A verbal update for the information of the committee will be provided by the staff of the Waikato Regional Council. The update will include the progress on these matters plus the current status of the project.

2. On 19th February the Waikato River ran brown after a holding pond's wall failed. Contact Energy said the brown material came from a pond for the Wairakei geothermal power station. The material flowed into a small stream that feeds the Waikato River, resulting in muddy water flowing over the Huka Falls, and down the Waikato River.

Staff Recommendation:

3. That the verbal report ‘Update on Contact Energy Pond Spill’ (Doc # 13888197 dated 25 February 2019) be received.
Report to Te Arawa River Iwi Trust and Waikato Regional Council Co-Governance Committee – March 2019

Date: 25 February 2019

Authors: Allan Kirk, Anne McLeod (Zone Manager)

Authoriser: Neville Williams (WRC Director Community and Services)

Subject: Update on the Whirinaki Arm Project

Section: A (Committee has delegated authority to make a decision)

Purpose

1. A verbal update for the information of the committee will be provided by the staff of the Waikato Regional Council. The update will include the progress on these matters plus the current status of the project.

2. In 2017, Waikato Regional Council and Te Arawa River Iwi Trust staff (‘The Partners’) submitted to WRA a funding application for the proposed Whirinaki Arm Project. This is a multi-stakeholder project designed to empower and engage whole communities in the Whirinaki Arm to seek positive outcomes, cultural and environmental on the Waikato River.

Staff Recommendation:

Report to Te Arawa River Iwi Trust and Waikato Regional Council Co-Governance Committee

Date: 11 February 2019
Author: Michael Carey (WRC), Allan Kirk (WRC), Anne McLeod (WRC)
Authoriser: Neville Williams (WRC), Claire Cricket (WRC)
Subject: Kearoa Marae Flooding Episode
Section: A (Committee has delegated authority to make decision)

Purpose
1. The purpose of this report is to provide an update to the co-governance committee on the matter of the flooding event at Kearoa Marae.

Executive Summary
2. Kearoa marae has obtained funding from the WRA and will be planting trees in autumn, based upon recommendations from WRC. Riparian management is being introduced to reduce the potential for future channel damage. WRC has provided advice and assistance on riparian management, tree plantings and modification of the river channel.

Staff Recommendation:
That the report ‘Kearoa Marae Flooding Episode” be received. (Doc# 13770938, dated 11th February 2019)

Background
3. In April 2018 there was an extreme rainfall event in the Rotorua area, which lead to localised flooding in the stream that runs through Kearoa Marae. Although we have no readings for the vicinity of Kearoa, it is noted that about 62mm of rain fell in one hour on Sunday April 29, prompting the Rotorua Mayor to declare a State of Emergency.

Observations in the Waiotapu Stream that also experienced the same rainfall event were that there was significant bed scouring and bank decay (damage to the channel) that occurred. Expectations would be that similar damage may have also occurred in this area as a result of the April rainfall event.

It was reported by Kataraina George (the Environment Manager for “Te Runanga o Ngāti Kea Ngāti Tuara Trust) that the marae was quite affected by this flooding, losing up to 2-3 metres of river bank. The micro hydro unit inlet and outlet was blocked by the large amount of sediment that came down the river as well. The marae has been applying for funding to assist in bank stabilisation around the marae, and has had Allan Kirk (WRC) visit the area and give advice. The marae was concerned that a dam might have broken
upstream and the hapū didn’t want to spend a lot of time and money on trying to fix up the river banks, only for the dam to burst again, and potentially damage that work.

The earth works of the dams are within the headwater catchment of the Pokaitu Stream being a tributary of a larger stream that flows into the Waikato River. The Treetops property straddles two catchments. As a result a portion of the property is in the Bay of Plenty Region and a portion is in the Waikato Region. The drawing of the Regional boundary generally follows property boundaries and has resulted in this property being located in the Bay of Plenty Region. Bay of Plenty Region staff have visited the Treetops property and were taken to the dams by a Treetops employee. Their officers saw no evidence of a breach in the dam, nor could they identify any former breaches.

A key aspect of this matter is that the weather event that created this current issue was considered an extreme event. With the effect of similar such rainfall events linked to climate change and global warming, consideration needs to be given as to the possibility of further significant events in the future. This would require proactive riparian management to reduce the potential for future channel damage. WRC has provided advice and assistance on riparian management, tree plantings and modification of the river channel, to reduce the future potential for channel damage. Kearoa marae has obtained funding from the WRA and will be planting trees in autumn, based upon recommendations from WRC.

Conclusion

4. Climate change increases the probability of heavy rains similar to the April 2018 event. Like all property owners, especially those located close to rivers and other water bodies, Kearoa marae will need to consider and plan for the likelihood of the reoccurrence of such events. As well as flooding, these events exacerbate erosion issues triggering slips and riverbank collapses in riparian areas. WRC will continue to provide Kearoa marae [and all affected parties] with proactive advice to assist with building local resilience and reduce where possible the impact of such events.
Report to Te Arawa River Iwi Trust Board and Waikato Regional Council Co-Governance Committee

Date: 14th February 2019
Authors: Michael Carey (WRC)
Authoriser: Neville Williams (WRC – Director Community and Services)
Subject: Joint Management Agreement Obligations Implementation report

Purpose

1. To present and seek feedback on the draft template progress report of the Joint Management Agreement (JMA) between Waikato Regional Council (WRC) and the Te Arawa River Iwi Trust.

Staff Recommendation:

1. That the report “Joint Management Agreement Obligations Implementation report” be received for information (doc# 13888188 dated 14th February 2019).
2. That the governance committee provide feedback to staff on the draft template.

Monitoring progress of the JMA

2. In August 2012 the JMA was signed between the Waikato Regional Council and Te Arawa River Iwi Trust.

3. Staff seek input and feedback from the governance committee on a mechanism to monitor the progress of the obligations as agreed in the JMA.

4. Staff proposal is to establish a high level report to enable governance to:
   - Monitor the progress of our obligations and actions.
   - Enable a strategic discussion in relation to prioritising key actions for the year
   - Have strategic discussion around resourcing and capacity to deliver on the agreed prioritised actions.

5. For the purpose of initiating a discussion, this report includes information that can be provided on to each governance meeting based on the information we currently capture in relation to the JMA.

6. Figure 1 below, the pie chart shows a high level summary of how we are tracking on the actions that contribute to meeting our JMA obligations. The ‘key’ defines the ‘statuses for each action.

7. Figure 2 shows a small sample of the detail of the obligations and the actions and the status of how these actions are tracking. Staff recommend this list being tabled at a strategic planning meeting of the governance committee to enable a prioritisation process. However the follow on reporting be
based on ‘exceptions based’ – where an agreed prioritised action have not been commenced or is classed as ‘help needed’ to enable a discussion at the governance level to identify next steps.

8. Figure 1: high level summary of how JMA actions are tracking

<table>
<thead>
<tr>
<th>Status of actions being delivered</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>On track</strong> Actions progressing according to timeframes/schedules</td>
</tr>
<tr>
<td><strong>Attention required</strong> Discussion needed to address issues that are preventing the action from progressing (e.g. adequate resourcing etc.)</td>
</tr>
<tr>
<td><strong>Incorporated into BAU</strong> These actions have been incorporated into business as usual (for example, setting up bi-annual meetings, notifications etc.)</td>
</tr>
<tr>
<td><strong>To commence</strong> These actions are yet to be commenced or may have been ‘parked’ by agreement from all parties not to commence as yet.</td>
</tr>
<tr>
<td><strong>Opportunity did not arise</strong> Opportunity to implement the action has not risen within the reporting period.</td>
</tr>
<tr>
<td><strong>Completed</strong> Action has been completed.</td>
</tr>
</tbody>
</table>

**Figure 2: Small sample of the complete list**

<table>
<thead>
<tr>
<th>Action No.</th>
<th>Status of the JMA</th>
<th>Details</th>
<th>Actions from the JMA</th>
<th>Status of JMA action</th>
<th>Actions being delivered or agreed by both parties</th>
<th>Status of action</th>
<th>Commentary</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZH0101</td>
<td>The Parties establish and implement a jointly agreed monitoring framework by 31 December 2020</td>
<td>Establish and implement an integrated monitoring framework</td>
<td>Attention required</td>
<td>Current note</td>
<td>To commence</td>
<td>This action needs to be looked at in conjunction with the approaches taken with other interceptor and recognition actions already undertaken with existing monitoring.</td>
<td></td>
</tr>
<tr>
<td>ZH0102</td>
<td>The Parties acknowledge that the Regional Council has kept monitoring measures on track for both national and regional management of the environment reporting and analysis. The Parties will ensure that the actions are taken to establish and maintain monitoring obligations. Ensure compatibility between new and existing monitoring obligations in relation to the regional state of the environment reporting and end products.</td>
<td>Incorporate into BAU</td>
<td>Incorporate into BAU</td>
<td>WRC supporting IWMI monitoring project with technical advice, other not defined in the state of the environment reporting and end products.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hold</td>
<td>An initial meeting between the Parties will be held by 31 December 2020, to agree on a programme to achieve a fully integrated monitoring framework.</td>
<td>Initial meeting to discuss and agree on a programme and planning to achieve an integrated monitoring framework.</td>
<td>To commence</td>
<td>To commence</td>
<td>Discussion points at operational meeting.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Report to Te Arawa River Iwi Trust and Waikato Regional Council Go-Governance Committee

Date: 3 March 2019
Author: Pou Tuhono: Community and Services
Authoriser: Director: Community and Services
Subject: Overview of the 2019 local authority elections for Waikato Regional Council
Section: A (Committee has delegated authority to make decision)

Purpose
1. To provide an overview of the 2019 local authority elections (the elections) for Waikato Regional Council.

Executive Summary
2. The Local Electoral Act 2001 (LEA), its amendments and regulations, is the presiding legislation for elections. Council undertook a representation review in 2017/2018 in preparation for the 2019 elections. In undertaking the review Council resolved to retain the First Past the Post electoral system, retain Māori representation and retain the status quo representation arrangements which provide for the election of 14 councillors (being 12 councillors elected from six general constituencies and two councillors elected from two Māori constituencies).

Staff Recommendation:
That the report Overview of the 2019 local authority elections for Waikato Regional Council (Doc #13888925 dated 3 March 2019) be received.

Background
3. The LEA, its amendments and regulations, is the presiding legislation for elections. It covers all matters relating to the conduct of the elections including voting methods, voting systems, nomination requirements, length of voting period and progressive voting period, candidate profiles and campaign expenditure limits.

4. The key dates for the 2019 election are:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>Friday 12 July 2019</td>
<td>Pre-election period commences</td>
</tr>
<tr>
<td>Friday 19 July</td>
<td>Nominations open / electoral roll open for inspection</td>
</tr>
<tr>
<td>Friday 16 August</td>
<td>Nominations close / electoral roll closes</td>
</tr>
<tr>
<td>Friday 20 September – Wednesday 25 September</td>
<td>Voting documents delivered to electors</td>
</tr>
<tr>
<td>Saturday 12 October (noon)</td>
<td>Election day</td>
</tr>
<tr>
<td>Saturday 12 October – Thursday 17 October</td>
<td>Official count</td>
</tr>
</tbody>
</table>
Issue

5. All local authorities are required to carry out a representation review at least once every six years. The review covers the number of constituencies, their boundaries, names, and number of members. Council undertook its most recent representation review in 2017/2018 in preparation for the 2019 triennial elections.

Options and analysis

Choice of electoral system

6. One of the preliminary steps of the review required council to consider the choice of electoral system.

7. The options for electoral systems is as follows:
   a) Retain First Past the Post (FPP).
   b) Resolve to change the electoral system to Single Transferable Voting system (STV) to take effect for the next two elections (2019 and 2022), or
   c) Resolve to hold an electoral system poll.

8. Council resolved to retain the FPP electoral system.

Maori representation

9. Council also had the opportunity to reconsider Māori constituencies. The LEA provides that Māori constituencies may be established. The statutory provisions for establishing Maori constituencies are set out in sections 19Z to 19ZH of the LEA.

10. The provision for Māori constituencies options is as follows:
    a) Retain the status quo, in which case Māori constituencies remain in effect until either a further resolution of council or a poll of electors occurs,
    b) Resolve to hold a poll of electors, the outcome of which is binding, or
    c) Disestablish Māori constituencies.

11. Council resolved to retain the status quo therefore Māori constituencies will remain in effect until either a further resolution of council or a poll of electors occurs.

Representation review

12. The representation arrangements review process is designed to ensure that the statutory requirements of the LEA are met. The review covers the number of constituencies, their boundaries, names, and number of members. A number of scenarios were presented to Council to assist the exploration of options and prompt discussion.

13. Given the physical size of the region, the number of ‘regional communities of interest’, and the need to meet the workload requirements of the council, all options presented were based on the maximum number of regional councillors permitted (14 being 12 elected from general constituencies and 2 elected from Māori constituencies).

14. Following consideration of the various options, Council resolved to adopt the existing representation arrangements as its initial representation arrangements proposal. This resolution was then publicly notified with a one-month submission period. Five submissions were received to the initial proposal – three in support (from constituent territorial authorities) and two not in support (preferred catchment-based general constituencies but supported Māori constituencies).

15. Council considered the submissions received and resolved to confirm its initial proposal and gave public notice of the final proposal. No appeals and/or objections were received, therefore the proposal (status quo) is confirmed as the basis for election.
3. For 2019 election 14 councillors (being 12 councillors elected from six general constituencies and two councillors elected from two Māori constituencies) will be elected as follows:

- Hamilton General Constituency (4 councillors).
- Ngā Hau e Whā Māori Constituency (1 councillor).
- Ngā Tai Ki Uta Māori Constituency (1 councillor).
- Taupō-Rotorua General Constituency (1 councillor).
- Thames-Coromandel General Constituency (1 councillor).
- Waikato General Constituency (2 councillors).
- Waipa-King Country General Constituency (2 councillors).

Conclusion
16. Council undertook its most recent representation review in 2017/2018 in preparation for the 2019 elections. In undertaking the review Council reconsidered the electoral system, Māori representation, the number of constituencies, their boundaries, names, and number of members.

Attachments
Appendix 1: General constituency map
Appendix 2: Māori constituency map
Maori electoral population estimates (2017) by the current constituencies

For Waikato Regional Council staff and councillors only

Acknowledgements and Disclaimers

1. Maori electoral population estimates sourced from Stats NZ customised report and licensed by Stats NZ for use under the Creative Commons Attribution 4.0 International License.
2. Digital Boundary Data sourced from Statistics New Zealand. CROWN COPYRIGHT RESERVED.
3. Topographic Imagery sourced from Land Information New Zealand data. Crown Copyright Reserved.

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Report to Te Arawa River Iwi Trust and Waikato Regional Council Co-Governance Committee – March 2019

Date: 25 February 2019
Authors: Manu Graham
Authoriser: Neville Williams, Director – Community and Services
Subject: Update on Healthy Environments
Section: A (Committee has delegated authority to make a decision)

Purpose

1. A verbal update for the information of the committee will be provided by the staff of the Waikato Regional Council. The update will include the progress on these matters plus the current status of the project.

2. Healthy Environments (He Taiao Mauriora) is the project that will review the Waikato Regional Coastal Plan and the Waikato Regional Plan. These plans set out objectives, policies and rules that the Regional Council will use to manage natural resources, including air, land, fresh water and coastal.

Staff Recommendation:
3. That the verbal report ‘Update on Healthy Environments” (Doc # 13887591 dated 25 February 2019) be received.
Report to Te Arawa River Iwi Trust and Waikato Regional Council Co-Governance Committee

Date: 04 March 2019

Author: Bruce McAuliffe, Team Leader, Water Policy

Authoriser: Tracey May, Director Science and Strategy

Subject: Update on Healthy Rivers Plan Change 1 Schedule 1 process

Section: A (Committee has delegated authority to make decision)

Purpose
1. The purpose of this report is to update the Te Arawa River Iwi Trust and Waikato Regional Council Co-Governance Committee on the progress of Waikato Proposed Plan Change 1: Waikato and Waipā River Catchments.

Executive Summary
2. Overall the development of Proposed Plan Change 1 is progressing in accordance with its revised timeframe and has entered the hearings stage of the project.

Staff Recommendation:
That the report ‘Update on Healthy Rivers Plan Change 1 Schedule 1 process’ (Doc # 13881287 dated 04 March 2019) be received.

Background
3. Proposed Plan Change 1 (PPC1) was notified for public submissions on 22 October 2016 with 1023 submissions being received. A variation to PPC1, reinstating the withdrawn area and proposing some amendments to implementation dates, was subsequently notified on 10 April 2018 with 61 submissions being received. A call for further submissions was made on 20 August and closed on 17 September 2018. 69 further submissions have been received. An independent hearings panel has been appointed to make recommendations to Council on changes to PPC1 based on the issues raised in submissions and public hearings.

Plan Change 1 Hearings
4. The development of PPC1 is progressing in accordance with the revised timeframe and is entering the hearings phase of the project. The independent hearings panel will make recommendations to Council on changes to the Proposed Plan Change based on the issues raised in submissions and public hearings.

5. The timeframe for those hearings and the panel’s recommendations has been based on best estimates but may need to be revised depending upon the number of submitters who wish to be heard, the complexity of issues raised and other, unknown factors. It is expected that Council will be provided with the hearings panel recommendations in September 2019 and will be asked to make a decision on those recommendations and any changes to the Proposed Plan Change.
6. Preparation for the hearings is ongoing and a draft Hearings schedule has been completed and notified on the Plan Change website (Attachment 1). The first block of hearings is to start on 11 March 2019.

7. The Hearings Panel met on 14 February to review the Section 42A report and develop questions for Council that need answers at the opening of the hearing. Council staff are preparing responses to the Hearings Panel questions. These will be presented on the first day of the Hearings.

8. The Section 42A Report Parts A and B have been completed and are now publicly available on the website. The S42A report for the second block of hearings is in preparation. Evidence for the first block of hearings was due on 15 February, and over 100 pieces of evidence were filed. Rebuttal evidence has now also been filed.

Upcoming activities
9. The Hearings Panel has requested that conferencing occur regarding the Plan Change provisions for Commercial Vegetable Production. These sessions were scheduled for 19 February and also to occur on 5 March. The facilitator, David Hill, has determined the agenda and is incorporating lessons learned from the first conferencing session.

10. Conferencing has also been scheduled for Farm Environment Plans and Sub-catchment planning, this will begin in April. The Hearings Panel have now released another minute requesting that expert conferencing also occur on Table 3.11.1. Short term and long term numerical water quality targets for the Waikato and Waipā River catchments.

Conclusion
11. The development of PPC1 is progressing in accordance with the revised timeframe and is entering the hearings preparation phase of the project.

Attachment
1. Draft Hearings Schedule
**Attachment:** Draft Hearings Schedule

### 2019 Calendar

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<th>February</th>
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**Output deadline to allow one week before any eDA issued for updates from Panel Written questions.**

### Forum 1: Science & Economics Modeling
- Science & Economics Modeling

### Forum 2: Commercial Vegetable Production
- Commercial Vegetable Production

### Forum 3: Farm Environment Plans
- Farm Environment Plans

### Forum 4: Catchment Planning
- Catchment Planning

**Waitakere Pardays**