

Lake Rotoiti Resource Consent Variation
Assessment of Environmental Effects

Proposed Variation to Resource Consents 65979

Lake Level Control Trial

3rd August 2021

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N.B. All maps and graphs in this document are also reproduced in larger format in Appendix 1

1. Introduction

1.1 Background

Bay of Plenty Regional Council (BOPRC) is the consent holder for Resource Consent (RC) 65979.

This resource consents authorise activities associated with the operation and maintenance of the Okere Control Gates at the outlet of Lake Rotoiti. Consent 65979 specifically authorises the following activities:

- (i) Use and maintain a control structure, being the Okere Control Gates, at the outlet of Lake Rotoiti; and*
- (ii) Dam the outlet of Lake Rotoiti, being at or about map reference NZMS 260 U15039485; and*
- (iii) Artificially control the water levels in Lake Rotoiti; and*
- (iv) Discharge water from Lake Rotoiti to the Kaituna River through the Okere Control Gates.*

BOPRC is seeking variation to resource consent 65979. The proposed change is to enable;

- A trial for a period of four years and five months to drawing the lake level down to RL278.85m for a period of one week within the trial period. This trial is based on a joint proposal by Bay of Plenty Regional Council (BOPRC) and Ngāti Pikiao Environmental Incorporated Society (NPES) and will allow investigation of impacts on Lake Rotoiti identified in the '*Cultural Management Plan (CMP) for the Okere Gates and Ohau Weir*' prepared by Atkins, Holm and Majurey (2016).

1.2 Location

Lake Rotoiti is located approximately 15 kms northeast of Rotorua.

See Figure 1 and Appendix 1 Figures 1 and 2

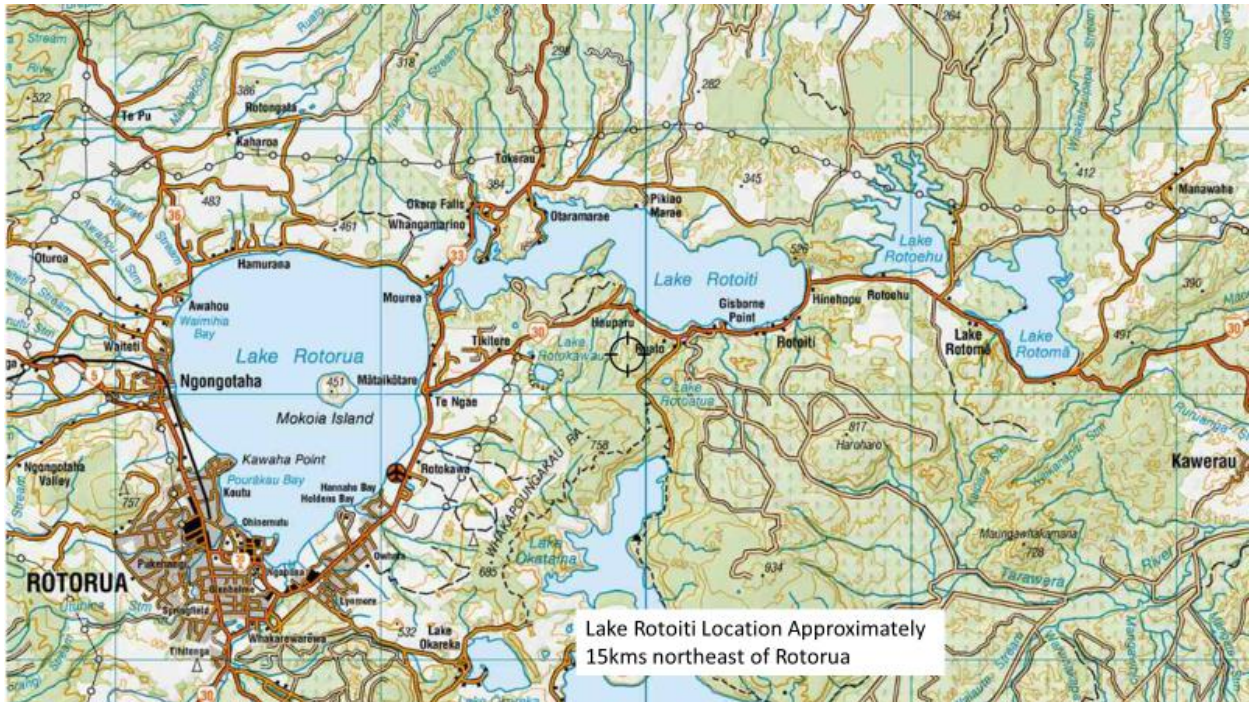


Figure 1 Lake Rotoiti Location (Appendix 1 Figure 1)

1.3 Applicant and Legal Description

| | |
|-------------------------|--------------------------------|
| Applicant | Bay of Plenty Regional Council |
| Legal Description | Section 1 SO 338986 |
| See Appendix 1 Figure 3 | |

2. Proposed Lake Level Reduction Trial

Duration – Four Years and 5 Months

Within the current Resource Consent (RC 65979), condition 9.9 required preparation of a Rotoiti Cultural Management Plan (CMP). The Plan was developed by Atkins Holm Majurey Limited on behalf of the Ohau ki Rotoiti Kaitiaki Group and Ngati Pikiao Environmental society (NPES). The plan identified issues and concerns including reduction of the lake level range, loss of beaches, flooding and loss of access to sites of cultural significance. Following discussions between NPES and BOPRC, it was agreed that BOPRC as the holder of the resource consent will seek a variations to RC 65979 to allow a trial to be undertaken for a period of four years and five months to address some of the concerns raised.

The Key parameters for the trial are outlined below. Appendix 8 contains the original resource consent along with the proposed changes to conditions.

Within the period after Waitangi Day (6th February) to June 30th the lake level will be drawn down to RL278.85m (150mm lower than current consent minimum) and held at that level for **one week** before allowing the level to return to the target range of 279.1- 279.2m. This will be a one off drawdown during the three years and five months trial. The one week drawdown will allow time for the community, particularly iwi, to observe and monitor the beaches and cultural

sites. This will be attempted in the first autumn of the trial (from 6th February). If, due to high lake levels and/or high rainfall the drawdown cannot be achieved in first year of the drawdown (2022), it will be reassessed in February 2023 and if necessary will be reassessed each year up to 2025, but it will be a one off activity for one week within the trial period and will not be repeated.

During the trial, the following key guiding parameters will remain:

- Maintain Kaituna minimum flows
- The outflow through the Kaituna Gates will be equal to or greater than the inflow from the Ohau Channel.

3. Area Affected by the Proposed Lake Level Reduction - Trial

| | |
|---------------|---|
| Duration | Trial – One week within the trial duration 4 years and 5 months (7 th February 2022 to 30 th June 2025) |
| Area Affected | Whole Lake |

4. Reasons for the Application

Section 127 of the Resource Management Act allows the holder of a resource consent to apply for a change to the conditions of the consent. The application is required to be considered as though it is were a resource consent application for a discretionary activity. Consideration of the activity is limited to the effects of the proposed changes to the consent conditions.

4.1 Existing Resource Consent

The following table (Figure 6) sets out the Regional Council resource consent activities which are affected by this application. Both resource consents are attached as Appendix 6.

| BOPRC REFERENCE | ACTIVITY | PLAN | RELEVANT RULE | ACTIVITY STATUS |
|------------------------|--|-------------|----------------------|------------------------|
| 65979 | Use and maintain a control structure, being the Okere Control Gates, at the outlet of Lake Rotoiti | RWLP | Rule 71 | Discretionary activity |
| | Dam the outlet of Lake Rotoiti, being at or about map reference NZMS 260 U15039485 | RWLP | Rule 48 | Discretionary activity |
| | Artificially control the water levels in Lake Rotoiti | RWLP | Rule 50 | Discretionary activity |
| | Discharge water from Lake Rotoiti to the Kaituna River through the Okere Control Gates. | RWLP | Rule 37 | Discretionary activity |

Figure 6 Resource Consent 65979 Activities and Relevant Rules

5. Statutory Requirements

Section 88(2)(b) for the Resource Management Act stipulates that an application shall include an assessment of environmental effects prepared in accordance with the Forth Schedule and be in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment. This assessment can be found in Section 8 of this report.

Under Section 127 of the Act, consideration of application should be undertaken as though it were for a resource consent for a discretionary activity and the references to resource consent and to the activity relate only to the change or cancellation of the consent conditions and the effects of the change.

6. Notification Assessment

As explained previously, the consideration of this application is limited to the proposed changes to the activities authorised by the existing consent and whether any new or increased environmental effects will result.

6.1 Affected Persons

Section 95E requires determination of affected persons. In preparation of this resource consent application.

Section 127 of the Act states that;

- (4) For the purposes of determining who is adversely affected by the change or cancellation, the consent authority must consider in particular, every person who-*
- (a) made a submission on the original application; and*
 - (b) may be affected by the change or cancellation*

The following is a summary of individuals and organisations who provided submissions at the original hearing for Resource Consent 65979 in 2010.

A total of 133 submissions were received on the original resource consent application. Of these submissions, 114 were in support, 12 were opposed and 4 were neither supported or opposed. Three submissions did not state their position. Submitters included the residents and owners of properties located adjacent to Lake Rotoiti, Lake Rotorua and the Kaituna River. Submissions were also received from members of the wider community, tangata whenua, recreational and community groups, Rotorua Lakes Council, tourism operators, Fish and Game, Department of Conservation and Forest & Bird.

As the subject of a drawdown trail was not considered in the original resource consent application, there were no submissions that are specific to the proposed variation, however the submissions have been reviewed to identify any parties that may be affected by the proposed variation.

6.1.1 Lake Levels

6.1.1.1 Submissions to RC 65979 Hearing

Of the 133 submissions, 54 made specific reference to low lake level, namely issues around boat access to ramps, jetties and boatsheds. Of the 54 submissions, 33 provided the same (or similar) responses, namely:

- *Seeks the consent to be granted*
- *Submitter details provided (usually lakeside property owners)*
- *Requiring a lake level of at least 279.1m to allow access to jetties/boat ramps or sheds*
- *Seeking conditions that the lake level is only drawn below RL279.1m for the purpose of flushing the Ohau Channel and this should occur for no longer than 20 days per year and that the community be notified at least 48 hours prior to the anticipated level fall below 279.1m*

There were also comments about the effects of low levels on navigation.

6.1.1.2 Consultation on Proposed Resource Consent Variation

Bay of Plenty Trailer Yacht Squadron, Lake Rotoiti Wooden and Classic and Wooden Boat Association and 12 individual submitters **opposed the drawdown trial on the grounds of reduced or difficult access to boat ramps, boat sheds and jetties caused by low water level.** Some also raised the question of the duration of the low level if drought conditions prevailed, and some also raised concern about navigation issues associated with the lower level.

Sections 95A-G of the Resource Management Act set out the matters to be considered when deciding whether to subject the application to limited or public notification. These matters are addressed in Section 8 of this report.

* NB Some submitted commented on more than one relevant aspect

7. Assessment of Environmental Effects

7.1 Lake Level Reduction Trial

Within the trial, the lake level will be drawn down to RL278.85m and held at that level for one week. After the one week drawdown the lake level will be allowed to return to the 'normal' range RL279.1m – 279.2m. This will be achieved by maintaining the lake discharge at slightly above the inflow from the Ohau Channel and in accordance with the resource consent. The lake level will increase in response to rainfall in the Rotoiti catchment. When balancing catchment contribution (rainfall and spring fed) and surface water evaporation, the lake level response to rainfall is approximately 1:1, i.e. a rainfall event of 100mm will result in a 100mm increase in lake level. This is a very general relationship for illustrative purposes as the actual response will depend on a range of factors around the rainfall event and ground saturation conditions at the time. The proposed drawdown to RL278.85m is 250mm below the 'normal' target minimum. Figure 7 shows monthly rainfall at Okawa Bay for the historical average, 2019 and 2020.

Figures 8 - 10 in Appendix 1 show rainfall and lake levels for the year to December 2020.

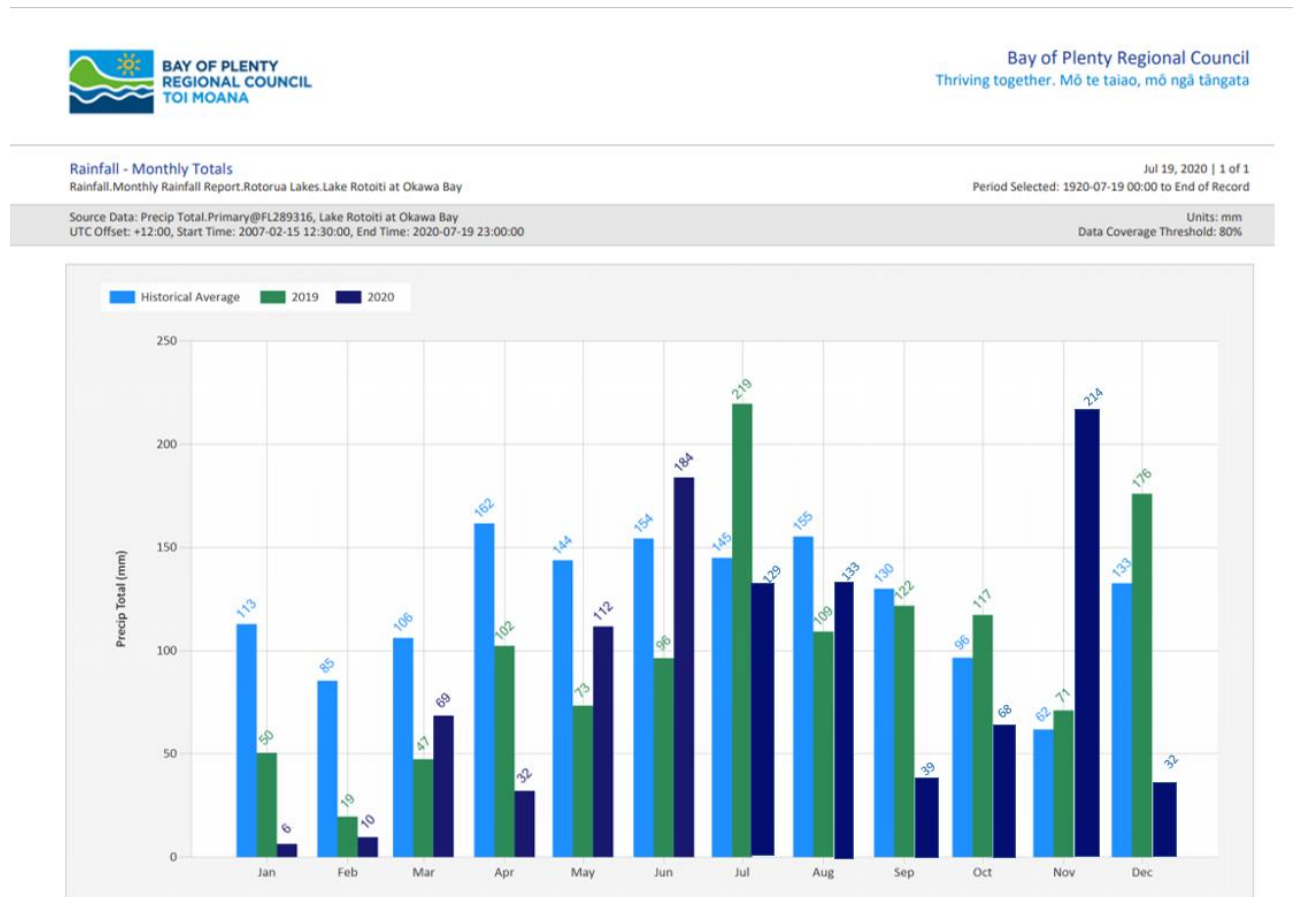


Figure 7 Rainfall Okawa Bay; Historic Average*, 2019 and 2020. (Appendix 1 Figure 8)

*Historical Average 2007 - 2020

From these data sets, Figure 8 shows the monthly rainfall totals for the months of March to June.

| Period | March | April | May | June | July | August |
|--------------------|-------|-------|-----|------|------|--------|
| Historical Average | 106 | 162 | 144 | 154 | 145 | 155 |
| 2019 | 47 | 102 | 73 | 96 | 219 | 109 |
| 2020 | 69 | 32 | 112 | 184 | 129 | 133 |

Figure 8 Monthly Rainfall Totals

* Table constructed 1 January 2021

Based on the monthly totals, after the drawdown trial, the lake would be below RL279.1m for;

- Historical Average 50 - 57 days
- 2019 47 -95 days
- 2020 49 -77 days

Bay of Plenty Trailer Yacht Squadron, Lake Rotoiti Wooden and Classic and Wooden Boat Association and 12 individual submitters opposed the drawdown trial on the grounds of reduced or difficult access to boat ramps, boat sheds and jetties caused by low water level. These are discussed in Section 7 Consultation. Reduction in lake level can have an adverse effect on boat access to some jetties, boat houses and ramps. Concerns have also been raised around navigation. Details of the proposed drawdown trial were sent to the Harbourmaster who *'has no maritime safety concerns with the proposal'*. Effects of low water levels have been experienced recently (March 2020) when the lake level fell to RL278.93mm which is only 80mm above the target drawdown level. There will be four opportunities to draw the level down (February to June in 2022, 2023, 2024 or 2025). If levels are high in any year the drawdown will be deferred. Concern have been raised that although the drawdown is only for one week, if there is no subsequent rainfall, the lake level will remain low and could prolong the effects on boat users and the ecology of the lake. **Whilst there is no guarantee of rain after the drawdown, the recovery duration based on Figure 4 will be between 49 and 95 days to return to the normal range. Boat access occur at levels below RL279.1m so the duration of limited jetty/ramp access is likely to be less than 50 -95 days.**

Figure 7 shows that historically (pre gates) the lake level fluctuated by 942mm with lake levels below the proposed target minimum (RL279.1m) for 15% of the time. The lowest recorded level of RL278.826m is 24mm below the proposed drawdown trial. Figures 13 and 14 in Appendix 1 provide a more detailed breakdown of lake levels and range over different time periods. **Again, it is noted that lake levels under the current management regime can fall outside of consent limits, so access to jetties at low water levels is not confined to the drawdown trial.**

The potential effects on birds has been assessed by Willie Shaw of Wildlands Consultants and potential effects on native fish by Dr David Rowe. Both have made recommendations about the timing of the trial and these will be considered when determining the lake level drawdown. Both reports are attached in as Appendix 4. The Lakes Water Quality Society has raised concerns that the lake level reduction trial could have an adverse effect on the ecology of the lake, particularly on the lake margins (littoral zone) and beaches. Mr Shaw and Dr Rowe have provided

specific comments on these concerns and their responses are also contained in Appendix 4. Both experts have concluded that the effects will be no more than minor unless there is a subsequent drought but even then, the effects will not be significant once the lake level recovers. They also noted that the trial is still within the natural pre-gates range so the drawdown is more reflective of natural fluctuations than the current narrow range.

The drawdown trial will allow iwi and other affected/interested parties to inspect beaches, other sites of cultural interest and other values identified in the Cultural Management Plan.

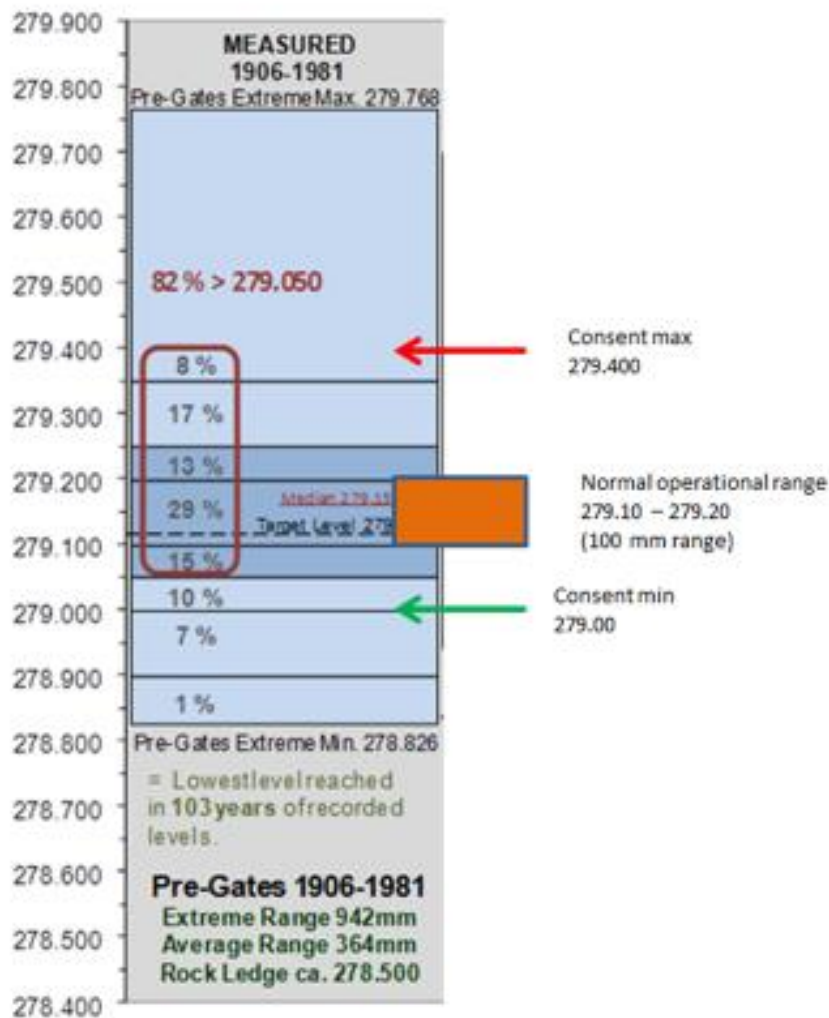


Figure 9 (Appendix 1 Figure 11)

Historic Lake Levels Pre Okere gates (1906 to 1981).

7.2 Cultural Effects

The proposed trial is intended to address some of the issues raised in the '*Cultural Management Plan (CMP) for the Okere Gates and Ohau Weir*' prepared by Atkins, Holm and Majurey (2016). This document was produced in accordance with RC condition 9.1 and 9.9.

The report details the concerns, proposed outcomes and consultation methodology which form the basis for the trial element contained in the proposed resource consent variation.

8 Consultation

The proposed variation has been the subject of wide consultation with the community, local organisations, stricture owners and other individuals.

8.1 Ngati Pikiao Environmental Society

Ngati Pikiao through their representation on the Ohau ki Rotoiti Kaitiaki Group were instrumental in the development of the Cultural Management Plan. The trial component of the resource consent variation addresses some of the issues raised in the CMP.

8.2 Te Tahuna Trust

A presentation was made to Te Tahuna Trust on 10th August 2020 and written approval was received 15th August 2020.

8.3 Rotorua Te Arawa Lakes Operational Liaison Group (RTALOLG)

8.3.1 Annual Meeting 26th November 2019

The annual meeting of the Rotorua Te Arawa Lakes Operational Liaison Group (RTALOLG) took place on 26th November 2019. Those present included representatives from Ngati Pikiao, Lake Rotoiti Community Association, Kaituna Water Sports operators and users, Te Arawa Lakes Trust, Rotorua Lakes Council and Bay of Plenty Regional Council.

The meeting included four presentations;

- Consent Holders Annual Report – Graeme O’Rourke
- Lake Level Trial Cultural Perspective - Joe Tahana
- Joint BOPRC NPES Proposed Trial – Andy Bruere
- Historic Lake Levels and Future Management – Warren Webber

Following the presentations, the proposed trial and other consent changes were discussed. It was noted that there would be concerns from the community and it would be essential to fully inform residents including communication channels and the AGM of the Lake Rotoiti Community Association. A motion was proposed that the RTALOLG supports in principle the proposed trial and other changes to the resource consent conditions. The motion was passed unanimously. The full minutes and presentation details are contained in Appendix 5.

8.3.2 Annual Meeting 22nd September 2020

An update on the resource consent variation was provided by Andy Woolhouse. This was accepted by the group.

8.4 Te Arawa Lakes Trust

Te Arawa Lakes Trust have provided a letter of support (30th April 2020) whilst acknowledging *‘the mana of iwi, hapu or whanau who have an interest in this application’*.

8.5 Harbour Master

The BOP Harbour Master provided written response to the proposed variation on 28th February 2020 which '*confirmed he has no maritime safety concerns with the proposal*'.

8.6 Rotorua Lakes Council

RLC has requested inspection of boat ramps during the draw down. A monitoring programme was agreed with RLC who have provided s959(E)(3)(A) support.

8.7 Lake Rotoiti Community Association

The Lake Rotoiti Community Association (LRCA) has played an extremely valuable role for many months informing members, local residents and lake users about the proposed variation and seeking feedback.

The association newsletter is mailed out to more than 600 addresses. Recipients include members, non-members local councillors and MPs. Copies are also freely available at local stores and petrol station. It is also available on the organisation website.

LRCA has provided the following information;

19th December 2019 Newsletter contained a 1 page article on the proposed resource consent variation and summarised the presentation which had been made to the Rotorua Te Arawa Lakes Operations Liaison Group (RTALOLG) Annual Meeting on 26 November 2019.

2nd January 2020 LRCA Annual General Meeting attended by 50-60 people which heard presentations by Andy Bruere (BOPRC) and Warren Webber (LRCA) on the proposal.

18th March 2020 'News Update' emailed to members and others on the mailing list and available on the LRCA website. This update provided details on LRCA's support for the proposed variation following the January 2nd AGM. It also contained links to the proposal summary and letter of support along with details on how to provide individual written responses to the proposed variation.

31st March 2020 'New Update' advising that the lodgement of the application will be delayed by Covid 19.

Lake Rotoiti Community Association provided a letter of support for the proposed resource consent variation on 26th February 2020. The following extract is taken from LRCA's response.

With regard to the Joint Proposal (JP) initiated between Bay of Plenty Regional Council (BOPRC) and Ngāti Pūkiao Environmental Society (NPES). The Lake Rotoiti Community Association Inc. (LRCA) can confirm its general support for the JP as set out in the report presented to the Association's Annual General Meeting held on 2 January 2020. Some 50-60 members were in attendance and the matter was discussed at length. Whilst a few expressed misgivings specifically pertaining to the potential inability to retrieve the normal operating lake level in the event of a continuing lack of rain following the proposed drop to RL278.85 moturiki datum, there remained broad understanding and acceptance of the JP and its intentions.

Meeting minutes, correspondence and relevant documents from the LRCA website are contained in Appendix 5.

8.8 Fish and Game

Fish & Game provided written support (RMA s95E(3)(A)) to the proposed changes on 15th April 2020. They requested that there is no reduction in flow below the current minimum rates into the Kaituna River. This condition will be met. They made three recommendations which will be considered when determining the timing of the drawdown component of the trial.

8.9 Department of Conservation

In addition to the resource consent variation, the Department of Conservation (DOC) received the ecological reports and provided a s95(3)(A) letter of approval on 7th July 2020.

8.10 Lakes Water Quality Society

The Lakes Water Quality Society (LWQS) completed an 'Affected persons' form opposing the drawdown trial. Specifically, they were concerned about the effect of the drawdown on the littoral zone. They also expressed concern about the duration of the low water level as the return to within the 'normal' range would be dependent on rainfall after the trial. Ecological reports by Willie Shaw (Wildland Consultants) on effects on avifauna and Dr David Rowe (Ex NIWA) on native fish were provided to LWQS as part of initial consultation. The comments from LWQS were forwarded to the two consultants who provided responses. These were forwarded to LWQS on 10th June 2020 but to date there has been no response from LWQS.

8.11 Bay of Plenty Trailer Yacht Squadron

The Bay of Plenty Trailer Yacht Squadron (BOPTYS) is located in Okawa Bay. It has approximately 130 Members. A presentation was made to the BOPTYS committee on 2nd March 2020. Written responses were received on 23rd and 24th March 2020. BOPTYS acknowledged the concept of the reduced lake level trial but expressed concern that the low lake level made ramp access difficult or impossible and damage to boats and trailers had already occurred at the low levels (which were above the proposed trial level) experienced around summer 2020, caused by very low rainfall. The organisation also commented that remedial work to the boat ramp at the club should be completed before the trial. Concerns were also expressed about the unknown duration of the low level as a return to 'normal' operating level would be dependent on rainfall.

8.12 Lake Rotoiti Classic and Wooden Boats Association

The Lake Rotoiti Classic and Wooden Boats Association (LRCWBA) had 300 members and provided written response on 18th March 2020. The association opposes the drawdown trial, raising concerns about navigation, safety, access to boatsheds, jetties and boat ramps. The organisation suggested the following mitigation,

1. *Buoys and markers.*
2. *Plenty of advice as to what is occurring and when, to enable members to act.*
3. *The ability to use anchoring in 5 knot areas for a period of time while the lake is low especially in high winds or a storm.*
4. *Notices to advise shallow and danger areas.*

With regard to item 3, the harbourmaster has replied that boat owners 'are free to anchor as they see fit provided they have anchor light on at night'.

8.13 Individual Responses

There were ten other individual responses in the form of emails or letters which all opposed the drawdown trial. The main concerns were loss of access to boat ramps, jetties and boat houses, erosion around ramps, navigation and safety issues

One person who is a lakeside resident has completed an 'Affected persons form. This is attached in Appendix 5a. The following is a summary of the comments, but the completed form should be read to fully understand the points raised.

The submitter made the following comments;

- *Oppose the one off draw down trial to RL78.85m. 'The proposed trial will lower levels to the extent that many of the existing structures will be unusable. This is contrary to the Te Arawa Lakes Settlement Act 2006 which provides protection to existing structures*
- *Any diminishment in the utilisation of jetties and boat sheds is a reduction in the value of associated properties that benefit from their use. Compensation would be sought to reflect the diminishment in value associated with the detriment caused to the property rights.*
- *There is no need to lower the lake further to understand the proposed level. Under drought conditions the lake is at extremely low levels and can be observed by walking around in it. In a red band pair of gumboots it is easy to stand where the water line would be and observe the extent of beaches.*
- *The recreation of the beaches could equally be achieved by allowing the lake to fluctuate more within the consented limits. This would better reflect the historical levels.*
- *While the trial is for 1 week it could take a significant time to refill the lake to 279.1m substantially increasing the inconvenience. This will not occur until there is significant rain. There is further risk that the lake will drop further as minimum consent discharge flows are maintained.*
- *Additional navigation hazards will occur and should be marked before the lake is lowered.*
- *Except for drought years there is no historical evidence of the lake being as low as requested.*
 - *In 1915, when there were no gates, the recorded lowest level was 278.826m.*
 - *Pre-gates the minimum was 278.998 with a range of +0.364m*
 - *In the last 6 years with the flush the average minimum has been 278.995.*

- *The building of many of the boat sheds provides good evidence of prior normal levels of the lake. To now render many of them unusable confirms the reductions sought as being outside prior lake levels.*

Outcomes Sought

We request the trial be withdrawn and if a variation to the consent is still desired a fully notified variation be advised and expert evidence be provided addressing the above concerns.

Appendix 5a contains a table summarising responses received. Organisational responses are contained in full within Appendix 5. In order to protect privacy, the names of individual respondents have been covered over in the summary list. All individual written responses are available to BOPRC on request.

9 Monitoring

Except where specified in the resource consent variation, the general monitoring and reporting requirements will remain unchanged. For the drawdown trial BOPRC will arrange access to the beaches, sites of cultural interest and any other sites requested by NPES and other affected parties. Photo records of the beaches will be added to the annual beach monitoring results.

Rotorua Lakes Council have requested that during the lake level drawdown, notices to be placed at all public boat ramps advising of low lake levels. They have also requested that each ramp is inspected and assessed for boat access and egress at the drawdown level. The monitoring programme will include inspection of all public boat ramps and include boat offload and onload at all ramps and include a measurement of water depth at the end of the concrete apron of each ramp and evidence of power-loading holes. This work will be undertaken by an experienced contractor approved by Rotorua Lakes Council.

The ecological reports by Willies Shaw and Dr David Rowe (Appendix 4) did not make any monitoring recommendations.

10 Section 104 Assessment

10.1 National Policy Statement for Freshwater Management 2014 (Updated 2017)

The activities contained within the proposed resource consent variation are consistent with the following objectives and policy;

A. Water quality

- *Objective A1*

To safeguard:

- a) *the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water; and*

b) *the health of people and communities, as affected by contact with fresh water; in sustainably managing the use and development of land, and of discharges of contaminants.*

- *Objective A2*

The overall quality of fresh water within a freshwater management unit is maintained or improved while:

a) *protecting the significant values of outstanding freshwater bodies;*

b) *protecting the significant values of wetlands; and*

c) *improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.*

D. Tangata whenua roles and interests

- *Objective D1*

To provide for the involvement of iwi and hapū, and to ensure that tangata whenua values and interests are identified and reflected in the management of fresh water including associated ecosystems, and decision-making regarding freshwater planning, including on how all other objectives of this national policy statement are given effect to.

- *Policy D1*

Local authorities shall take reasonable steps to:

a) *involve iwi and hapū in the management of fresh water and freshwater ecosystems in the region;*

b) *work with iwi and hapū to identify tangata whenua values and interests in fresh water and freshwater ecosystems in the region; and*

c) *reflect tangata whenua values and interests in the management of, and decision-making regarding, fresh water and freshwater ecosystems in the region.*

10.2 Bay of Plenty Regional Policy Statements

The activities contained within the proposed resource consent variation are consistent with the Bay of Plenty Regional Policy Statement, particularly objectives and policies relevant to Iwi resource management namely;

- *Policy IW 2B Recognising matters significant to iwi*
- *Policy IW 4B Taking into account iwi and hapu management plans*
- *Policy IW5B Adverse effects on matters significant to Maori*
- *Policy IW 6b Encouraging tangata whenua to identify measures to avoid, remedy or mitigate adverse cultural effects.*

10.3 Bay of Plenty Regional Natural Resources Plan

The activities contained within the proposed resource consent variation are consistent with relevant sections of the Bay of Plenty Regional Natural Resources Plan, particularly the following objectives and policies;

11.3.1 Kaitiaki

- *KT 03 (Objective 3) Consultation with tangata whenua that recognises their societal structures, practices, protocols, and procedures, and status under the Act.*
- *KT 04 (Objective 4) The water, land and geothermal concerns of tangata whenua are taken into account and addressed as part of resource management processes, while recognising that different iwi and hapu may have different concerns or practices.*
- *KT 05 (Objective 5) Water, land and geothermal resource management decisions have regard to iwi resource management planning documents.*
- *KT 07 (Objective 7) The extent of the spiritual, cultural and historical values of water, land and geothermal resources (including waahi tapu, taonga and sites of traditional activities) to tangata whenua are identified.*

- *KT P3 (Policy 3) To encourage tangata whenua to identify their particular requirements to address sections 6(e), 7(a) and 8 of the Act, in relation to their ancestral lands (rohe), sites or resources, and mauri.*
- *KT P5 (Policy 5) To ensure that resource management issues of concern to tangata whenua are taken into account and addressed, where these concerns are relevant and within the functions of the Regional Council.*
- *KT P8 (Policy 8) To recognise that kaitiakitanga involves both:*
 - (a) The use and development of land, water and geothermal resources by tangata whenua, and*
 - (b) The protection of taonga, waahi tapu, significant sites, traditional use sites, and other natural and physical resources of importance to tangata whenua.*
- *KT P9 (Policy 9) To have particular regard to kaitiakitanga, including customary use and management practices relating to water, land and geothermal resources, including mahinga kai whenua and mahinga kai awa, waahi tapu and taonga raranga, in accordance with tikanga Maori, and the mana and responsibilities of Nga Tangata Pukenga, where this is consistent with the Act.*
- *KT P10 (Policy 10) To identify the extent of cultural values associated with rivers, streams, lakes, wetlands, geothermal resources and land, where this is considered appropriate by tangata whenua.*
- *KT P14 (Policy 14) To consult tangata whenua on water, land and geothermal resource management issues according to the requirements of the Act, tikanga Maori methods of consultation, and in a manner consistent with case law*
- *KT P17 (Policy 17) To:*
 - (a) Take into account iwi resource management planning documents, when preparing or changing a regional plan, where such documents exist.*
 - (b) Have regard to iwi resource management planning documents when considering resource consent applications, where such documents exist*
- *KT P19 (Policy 19) To encourage tangata whenua to recommend appropriate measures to avoid, remedy or mitigate the adverse environmental effects of the use and development of water, land and geothermal resources.*

11.3.2 Integrated Management

- *IM 02 (Objective 10) Stewardship of Natural resources which:*
 - (a) Sustain the life supporting capacity of soil, water and ecosystems*
 - (b) Maintains and where appropriate, protects cultural, ecological, amenity, natural character and landscape values through management practices that avoid, remedy or mitigate adverse effects.*

The proposal has been developed with a specific focus on avoiding adverse effects and will not affect cultural values, ecological or landscape values. It is acknowledged that the one week trial reduction may temporarily reduce amenity values by restricting access to some lake structures.

11. Summary

The proposed short duration trial will allow investigation of beaches and historic sites and streamline some of the management and reporting procedures. Although the lake level reduction trial may affect lake access for some users, these effects will be of short duration and the level reduction more closely mirrors the natural lake level fluctuation than the current managed level regime.