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30 May 2022

Chief Executive
Bay of Plenty Regional Council
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Tēnā Koe

Resource Consent Change Application No. CH21-02259 (65979)

ADDITIONAL EVIDENCE FOR HEARING

1. Lake Rotoiti Community Association Incorporated (LRCA) is a well respected Charitable not for profit organisation which, in various guises, has represented local community interests for the past 50 years. By way of background, LRCA instigated the request for BoP Regional Council to undertake a review of Rotoiti lake level operations in 1994-95 resulting in the change to managing the lake by operating to more explicit target levels wherever practicable. Furthermore, LRCA campaigned tirelessly in debating and challenging the proposals put forward in the most recent review of 2009-12, and were instrumental towards influencing the eventual decisions and enhancements to the primary parameters that form the basis of the current operations. These remain essentially optimised to meet the expectations of most stakeholders and lake users today.

2. The Association continues to be a constant guardian towards ensuring that operational conditions are adhered to in the ongoing management of Rotoiti lake levels. It has maintained frequent communication with BoPRC lakes management and operational personnel in that respect over many years. It participates as one of the primary stakeholders forming the Rotorua Te Arawa Lakes Operational Liaison Group (RATLOLG) created as a requirement of the current Consent conditions to maintain an oversight of these operations.

3. It is understood that this Application is intended to assist in meeting recommendations contained within the 2016 Ngāti Pikiao Cultural Management Plan (CMP). The consent application seeks to temporarily vary the existing operating conditions to allow for a proposed one-off event to lower the lake to an extremely low level, so providing an opportunity *‘to observe and monitor the beaches and cultural sites’*.

4. LRCA was invited by BOPRC to comment as part of consultation at the outset of this proposal in mid-2019. Whilst endorsing BOPRC obligations to meet Ngāti Pikiao cultural concerns raised in the CMP, LRCA also recommended that a number of critical and important amendments to the proposal needed to also be considered to engender support from our members and other lake users.

5. This included some key principles and considerations:

- a) maintain suppression of high lake levels to avoid flooding effects that have happened in the past around the Lake;
- b) ensure compliance with the caveat of Okere outflow equaling or exceeding Ohau inflow;
- c) maintenance of minimum flows for the Kaituna river;
- d) ensuring close management of all levels <RL279.10m;
- e) in terms of natural distribution of lake levels, recognition of the 75-year pre-gate period in setting the normal range, confirmed by expert evidence in the previous Okere Gates consent hearing ;
- f) support for the dispensing of the annual Ohau Channel flush since it has not served its objective;
- g) support for the dispensing with the generally unattainable aspirational target percentages and maintaining a preferred target range where practicable within the over-riding caveat of the input/output regime. It was noted that in recent years the percentage of levels below RL279.10m was greater than the 75-year pre-gate average;
- h) if the lake was to be dropped to a low level to meet local cultural interests, then the Council needed to drop the lake level as a one-off event in Autumn and record the result for posterity in photos/video/commentary etc, and
- i) that any proposed changes would need to be consulted with the wider community and their view(s) taken into consideration.

6. These formed an integral part of the presentations and discussions at the RTALOLG Meeting of November 2019. The original Proposal was consequently amended to reflect most of these important factors which then provided the basis for the RTALOLG unanimous support in principle.

7. The full details of this presentation from an LRCA perspective were then produced in our December 2019 newsletter and were repeated at our January 2020 AGM. At the AGM the matter was robustly debated. There was a clear indication that the primary concerns were the timing of any drawdown and its effect on lake users and property/boat owners and the potential effects if the proposed levels remained for a prolonged period in the event that rainfall did not immediately ensue to replenish the lake. The feedback from members at the 2020 AGM indicated that whilst there was opposition to any intentional draw-down during the prime summer months or prolonged drought period, the desire of Ngāti Pikiao to observe the lake at a lower level to make observations relating to cultural and historical interests was accepted, providing it was carried out at a least disruptive time of the year (i.e. late Autumn through winter). LRCA subsequently sent out a news update in March 2020 to our members and others outlining these views and inviting further feedback.

8. As stated in our submission, whilst historically supporting the proposal in general, LRCA clarified its position regarding the expectation that any intentional lowering of the lake should not occur until after Easter Monday in any year during the draw-down period. We reiterated that the timing of the draw-down along with the ability to return the lake to its normal operating range within the shortest possible timeframe was a major concern of a large sector of our members and other lake users.

9. At its AGM of January 2022 and following continued member concerns, LRCA resolved to seek further engagement with BoPRC to discuss enhancement of the proposed conditions to try to address the primary objections being expressed by many of our members and submitters to this application. Our delegated LCRA representatives then met with BoPRC's engineering and legal team in late January 2022 during which we recommended several detailed enhancements to the Draft Conditions with the aim of providing greater clarity around procedures with respect to the draw-down conditions including a detailed Management Plan for the observation and recording process. Council undertook to review the Application regarding our input and report back.

10. Further discussions and reviews followed. LCRA are gratified that the co-operative stance taken by BoPRC in consideration of these concerns has culminated in agreement to incorporate virtually all of the recommendations advanced by LRCA into the modified conditions including the important aspects around timing restrictions for the proposed draw-down, appropriate controls prior to any such undertaking, one attempt only per year, detailed monitoring procedures and obligations during the observation period, and adopting the template that LRCA submitted to BoPRC for public feedback. Capturing and Recording of this feedback is important in the event that any further changes are proposed. These are reflected in the current revision (17 May 2022) of the Draft Conditions for drawdown and the accompanying Observation Monitoring Plan.

11. Having not been formally notified, LRCA became aware of the 'Limited' Notification dated 3 August 2021 via some of its members. Given the significant time lapse (some 18 months) between providing early support in principle and subsequent promulgation of the Notification, it was unfortunate that LRCA was not given the opportunity for prior appraisal which could have addressed the considered shortcomings of the AEE narrative and resulted in earlier adoption of the recent changes now agreed to which, if consent is granted, will meet most of the issues raised by submitters and/or within our community.

12. With the benefit of hindsight, a different approach by BoPRC to notify the application to a wider stakeholder group, followed by more consultation with lake users and boat owners over conditions and timing, would likely have altered the level of opposing submissions. This has created an unfortunate level of opposition and has upset some locals about the Council's handling of this application.

13. LCRA has attempted to discuss this matter with our community and work on draft conditions to address all of the reasonable concerns raised. However, some of our members and other lake users remain opposed to this proposal.

14. LRCA continues to act in good faith towards meeting its Constitution's objectives of promoting the interests, welfare and harmonious relationships of all of the Lake Rotoiti community. This includes recognition and support of Ngāti Pikiao and other hapū and iwi with Mana Whenua status in the Rotoiti rohe. The maintenance, enhancement and protection of Lake Rotoiti and places of cultural and/or spiritual significance to Ngāti Pikiao and Te Arawa are common objectives of our members, who are closely tied together by a mutual love of Lake Rotoiti, all seeking to protect and enhance the lake for future generations.

15. The LCRA committee now consider it appropriate to defer the decision to the Commissioner panel and wish that our submission be viewed as neutral rather than in opposition or support.

16. If the Application is granted, we do seek to have it based on all of LRCA's recommended draft conditions, Management Plan and template observer form (or versions that are similar or more stringent) to address the environmental effects LCRA and its members have raised concerns about in their submissions.

Nāku noa, nā

Jim S

Jim Stanton
Representative – Lake Levels Management

Reina

Reina Engelen
Chairperson