

TE ARAWA LAKES TRUST

**LAKE
STRUCTURE
POLICY**

This report has been prepared for the Te Arawa lakes Trust as a lake structures policy for the Rotorua Te Arawa Lakes.

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SECTION A: BACKGROUND INFORMATION

1.0 ROLE OF THE TE ARAWA LAKES TRUST

The Te Arawa Lakes Trust ("Trust") previously Te Arawa Maori Trust Board is the Te Arawa post-settlement governance entity that was established for the purpose of the Deed of Settlement 2004 of the Te Arawa Lakes Historical Claims and remaining Annuity Issues and the Te Arawa Lakes Settlement Act 2006 ("Lakes Settlement Act 2006").

The Trust is the settlement entity that has been established to receive, hold, manage and administer the assets and funds received under the Lakes Settlement Act on behalf of and for the benefit of the present and future members of Te Arawa. The Trust is representative of Te Arawa hapu and iwi as listed in Appendices A and B.

Under the Lakes Settlement Act, the traditional, historical, cultural and spiritual relationship and association that Te Arawa hapu/iwi have with the Te Arawa Lakes is recognised by the vesting of the lakebeds of thirteen lakes in the Trust. The Te Arawa lakes as shown on a map in Appendix C are:

- Lake Rotoehu;
- Lake Rotoma;
- Lake Rotoiti (Te Roto-kite-a-Ihenga-i-Ariki-ai-a-Kahumatamomoe);
- Lake Rotorua (Te Rotorua-nui-a-Kahumatamomoe);
- Lake Okataina (Te Moana-i-kataina-a-Te-Rangikaroro);
- Lake Okareka;
- Lake Rerewhakaaitu;
- Lake Tarawera;
- Lake Rotomahana;
- Lake Tikitapu;
- Lake Ngahewa;
- Lake Tutaeinanga;
- Lake Ngapouri (or Opouri); and
- Lake Okaro (or Ngakaro)-currently with Rotorua District Council and in negotiations for its return to Te Arawa

Three of the Te Arawa lakes-Ngapouri /Opouri, Tutaeinanga and Ngahewa are located in the Environment Waikato Regional Council Region therefore, within the catchment of the upper Waikato River.

The key elements of the Lakes Settlement Act include:

- a) the establishment of the Rotorua Te Arawa Lakes Strategy Group-a tri-partite body with representation from the Trust, Environment Bay of Plenty and Rotorua District Council - to contribute to the promotion of the sustainable management of the Rotorua Lakes and their catchments for the use and enjoyment of present and future generations, while recognising and providing for the traditional relationship of Te Arawa with their ancestral lakes;

- b) the development and promulgation of the Te Arawa Lakes Fisheries Regulations 2006 (which apply across all thirteen Te Arawa lakes identified above);
- c) the vesting of the fee simple estate of each Te Arawa lakebed and the rights and obligations to ownership of the Te Arawa lakebeds;
- d) various engagements with the Rotorua District Council, Environment Bay of Plenty and Western Bay of Plenty District Council; include Research institutions, Eastern Region Fish and Game, and
- e) other formal relationships with Crown agencies including the Department of Conservation, the Ministry for Primary Industries previously Ministry of Fisheries, Land Information New Zealand, Ministry of Culture and Heritage and the Ministry for the Environment.

2.0 INTRODUCTION AND PURPOSE OF POLICY DOCUMENT

Lake structures are an integral feature of the Rotorua-Te Arawa lakes and have mainly served the purpose of providing access from land to the water to enable recreational activities, access, shelter for watercraft and erosion protection. Consideration of lake structures, their use, both current and future use, and who they serve requires full consideration and evaluation by the Trust.

The purpose of this document is to provide background and guidance to Te Arawa Lakes Trust (TALT or 'the Trust') staff, external agencies, community, research institutions and customers who are seeking information regarding lakes structures or wish to make applications for lake structures within the Rotorua-Te Arawa lakes. This framework will ensure that lakes structures do not adversely affect the lakes and cultural relationship Te Arawa has with their lakes. The framework recognises the roles and responsibilities of the local and regional authorities in regards to their statutory responsibilities managing lakes structures, however this framework is focused at Te Arawa at kaitiaki and kai tangata of the Te Arawa lakes.

Stratum Consultants Ltd was engaged to assist with the collation of existing material and information to be utilised by the Trust for the purposes of creating a policy document for lake structures, in, around and on the Te Arawa lakes.

The Trust has formed a Strategic Plan with its mission "*To support sustainable cultural, social, health, environmental and economic development for Te Arawa iwi and hapa members.*" As part of this mission, the Trust has four Strategic Goals:

1. *Pursue the restoration of the Te Arawa lakes and waterways to a pristine state;*
2. *Pursue the ownership of the water;*
3. *Contribute to the cultural, social, environmental and economic enhancement of Te Arawa; and*
4. *Provide leadership and foster unity amongst Te Arawa to enhance the wellbeing of iwi and hapa.*

Strategic Goals 1 and 3 are the most relevant for lakes structure activities. Each Goal has Objectives that require action from the Trust and the relevant Objectives for lakes structures are outlined overleaf.

Strategic Goal1: Pursue the restoration of the Te Arawa lakes and waterways to a pristine state.

Objectives:

- 1) *Maintain an influential position on all lakes, waterways, water courses, riverbeds, puna and associated whenua developments*
- 2) *Ensure the protection of all lakes to an environmentally and culturally sustainable level*
- 3) *Maintain kaitiakitanga of lakes, waterways and lands*
- 4) *Lead the design and development of the Lakes Structure strategy for existing lakes structures with partner organisations*

Strategic Goal 3: Contribute to the cultural, social, environmental and economic enhancement of Te Arawa

Objectives:

- 1) *Oversee the performance of the commercial company*
- 2) *Investigate environmental opportunities*
- 3) *Provide sustainable benefits to Te Arawa members*
- 4) *Support and promote Te Arawa events*
- 5) *Encourage the cultural development of Te Arawa*

In accordance with these Goals and Objectives it is necessary for the Trust to have a position on lake structures and their role within the existing and future Rotorua-Te Arawa lakes environment. In 2012, the Trust in partnership with the Bay of Plenty Regional Council (BOPRC) undertook a Baseline Landscape Assessment of the Rotorua Te Arawa Lakes. This document has formed the basis for this policy document given its extensive research and analysis of the issues for lakes structures.

In this policy document, clarification of the Trust's role within the structure process is identified and its ability to maintain the Te Arawa culture within the lakes environment.

3.0 **TE ARAWA LAKES TRUST PRINCIPLES OF ENGAGEMENT**

The Trust has the ability to make decisions on the resources, natural or human, that it has mandate for. The Trust's Principles of Engagement is outlined below. The Principles are relevant for lake structures and for the multiple parties that are involved in the lake structure consenting process.

The following principles are multi-dimensional in meaning and application and are inter-related and affect each other. They will assist to define and maintain focus on the desired outcomes and underpin all policies and procedures and relationships.

- Kaitiakitanga (sustainable protection of taonga- resources)-Ensures the current and future care, conservation, protection and maintenance of relationships with the taonga as well as the use of resources through responsible actions, behaviour, conduct and practices. An active approach ensures the ability to interact with the resources in a manner that is beneficial to both the resources and the welfare of the people. Example: Participating at all levels of resource management; technical, management, governance, application, education.
- Whanaungatanga (Relationships, Inter-relationships) Underlying principle that binds whanau, hapu and iwi and affirms the values of the collective. Examples: formal

protocols, integrated management committees, which may be established, maintained, encouraged, enhanced and sustained for the betterment of people, places and purpose.

- Oranqatanga (state of Wellbeing, Health) to be in good health and vigor is to essentially have balance and sustenance to perform the correct functions for livelihood and continued existence. Example: continued lack of nutrients or too much nutrients can cause imbalance and subsequent changes in original state.
- Wairuatanga (Spiritual)- recognition, acknowledgement and belief that spiritual links exist between people, places and purpose. It is an acknowledgement of the relationship with people to their maunga, awa, moana, marae, tuupuna and atua. Example: Karakia (prayer) conducted and received for gratitude, knowledge, thanks and good intentions.
- Whakapapa (Genealogy) - maintaining ancestral links between Te Arawa, whenua/moana, atua and acknowledges and defines the relationships and connectedness with the physical and spiritual elements when analysing and synthesising information and knowledge. Example: Te Arawa Lakes Settlement Act 2006-acknowledges the traditional, spiritual, cultural and economic importance and of the Te Arawa lakes and its resources (taonga) to Te Arawa.
- Mana Whenua - whanau/hapu/iwi determination of resources. Recognition through ancestral right by lands occupied. Influential and primary principle in terms of where you belong, where you count, where you are important, and where you can contribute. They are essential for Te Arawa well-being. Example: Ngati Whakaue /Tuhourangi Manawhenua to lands that SCION premises occupy.
- Manaakitanga - (contribution, hospitality, mutual respect, support, encourage, generosity, enhancement and maintenance of integrity). The ability to care and provide support is integral to working together to achieve aspirations while maintaining the integrity and upholding the mana of others. Example: Hakari: a celebratory dinner of banquet proportions after a significant event recognizes and acknowledges the importance of the event and those who participated.
- Rangatiratanga (Leadership, Guidance, Direction, Integrity, Honesty) Recognition and implementation of values and attributes that build long lasting foundations and can be exercised in a way that has mutual benefit, respect and purpose for all people, now and in the future. Example: Organisation Mission and Vision.
- Kanohi kite Kanohi (Face to Face interaction and is applicable to people and places) To make contact, meet, discuss, express, share, hui, interact on any issue. These interactions provide a time to mingle, gain understanding, seek clarification of views, perspectives and knowledge and is a process that has ability to scope levels of opportunity to establish, build maintain, extinguish relationships. Example: Conducting a site visit with consultants.
- Tikanga – is being responsible for the safety and wellbeing of ourselves and others. Provides for a process and guidelines of what is deemed appropriate for that particular occasion. Example: TALT Policies and Guiding Principles to maintain safe working environment for all.
- Mauri- (Essence, life giving) encapsulates vitality and liveliness and has the ability to attract and deter, as well as be maintained, enhanced and diminished, purely through ones actions, behavior and conduct. Example: original state of wellbeing for the lakes

is diminishing therefore what ability and added value can we give for it to continue to exist and revitalize.

In summary, the Trust is willing to engage with respective lake structure parties to ensure that the best outcome for the environment and the people are achieved after consideration of all matters in accordance with Trust policies. In addition, it is important for other parties to understand the role of Te Arawa as kaitiaki and the engagement principles ensure that on-going relationships can be maintained and encouraged.

4.0 LEGISLATIVE ENVIRONMENT

4.1 Resource Management Act 1991

Part 6 of the Resource Management Act 1991 provides for Matters of National Importance. The following underlined passages have relevance to the Trust and the role that lake structures provide.

"In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

(g) the protection of protected customary rights."

4.2 Te Arawa Lakes Settlement 2006

As noted previously The Te Arawa Lakes Settlement Act 2006 and Deed of Settlement 2004 saw the establishment of the Te Arawa Lakes Trust (previously Te Arawa Maori Board Trust Board) to receive and manage the settlement assets on behalf of and for the benefit of the present and future members of Te Arawa.

Part 2 of the Lakes Settlement Act 2006 refers to existing and new activities and structures. Part 3 refers to the cultural redress sought and outlines the relationships the Trust has with Council's and government agencies and also includes the formation and role of the Rotorua Lakes Strategy Group.

5.0 LAKE STRUCTURES DEFINITION

5.1 Definition

A lake structure is a physical man-made structure that is located wholly or partially on, over, or under a water body. A lake structure may be temporary or permanent in nature. A lake structure may require a resource consent and/or a building consent. A definition provided by BOPRC states:

"Lake structures mean any thing constructed, whether temporary or permanent, moveable or immovable, where any part intrudes into, or is placed over, the waters of a lake, or is on land that would be covered by water when the lake is at its 2% AEP flood level; include buildings (boatsheds), jetties, boat ramps, moorings, walls and retaining walls"

Lake structures can be defined into four group types as outlined below. The list is not exhaustive however includes the following types of structures:

- 1) Public infrastructure. These temporary or permanent structures include public utilities (as defined by Section 37 of Lakes Settlement Act 2006), pipes, outlets, culverts, dams, weirs, control gates, drains, flood protection structures, pylons, erosion stability structures and fences.
- 2) Scientific structures. Often of a short-term or temporary nature, these structures are for the pre-dominant purpose of collecting or facilitating improved lake water quality. These structures include public utilities (as defined by Section 37 of Lakes Settlement Act 2006), diversion walls, aeration fans, monitoring buoys, floating wetlands, and water quality monitoring equipment.
- 3) Access and recreation structures. Often of a permanent nature, these structures provide access to the water body for public or commercial recreation activities on the lake. These structures include moorings, navigational buoys and signage, jetties, retaining walls, shoreline walls, pontoons, platforms, boat ramps, slipways, maimai, and boat sheds.
- 4) Customary structures. These short-term structures include koura farming racks, mahinga kai markers.

The Baseline Landscape Assessment document provides extensive definitions of lake structures, particularly for structures that provide recreational access to the lakes.

It is noted that activities being undertaken on the Rotorua Te Arawa lakes, for example sailing, water skiing etc) are **not** part of any assessment for lakes structures. The **purpose and use** of the lake structure itself is only of interest to the Trust.

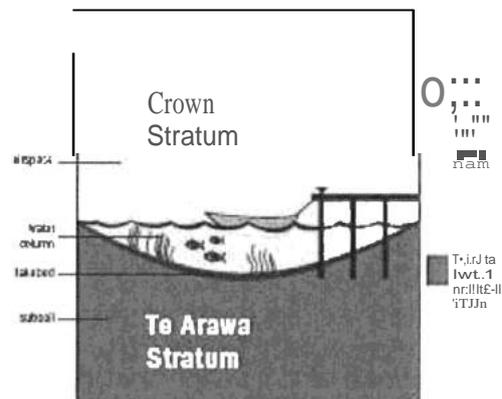
5.2 Use of Structures

All lake structures are considered to be public structures, although there may be situations where the general public has limited access or use of a structure. Limitations on structure use may include non-cultural considerations such as when health and safety concerns exist, for example refuelling jetties.

Public use of structures located on private land or lakebed is subject to the landowners permission.

5.3 Ownership of Structures

The ownership of the physical lake structure is determined by the Applicant making application to the relevant authorities. However the lakebed and subsoil is administered by TALT on behalf of Te Arawa. The water column and airspace above the water column is administered by Land Information New Zealand (LINZ) on behalf of the Crown. Therefore any applications for lake structures must have the written consent from LINZ and TALT. The ownership is shown by diagram below.



The land adjoining the structure may be privately owned, Trust owned, publicly owned, or in the lake itself. Public owners include the Department of Conservation, District Council or the Crown.

6.0 ADMINISTRATION OF LAKE STRUCTURES

6.1 Roles and Responsibilities

A chart outlining the roles and responsibilities of each agency who deals with each aspect of lake structures, including, policy, permission to occupy, permission to use and the operation thereof, is shown in the Lake Structure flowchart in Appendix E.

6.2 Applications for Lake Structures

In summary, the process to make application for any type of lake structure is:

- a) Applicant applies to TALT for Lease to Occupy Lake Bed for a new or modification to an existing lakes structure.
If approved, Applicant then able to make application for resource consent to BoPRC.
- b) Affected parties consent obtained by Applicant for renewal to an existing consent of a lakes structure.
- c) Affected parties consultation with TALT and LINZ undertaken.
- d) Consent granted if in accordance with BoPRC Water and Land Plan (including assessment of appropriateness of lake structure) and other requirements.
Or, Consent granted in accordance with Waikato RC, Regional Plan for Rotorua Te Arawa lakes located in Waikato boundary.
- e) Applicant enters Lease with TALT and LINZ.
- f) Building consent application lodged with ROC.
- g) Monitoring of consent undertaken by BoPRC or Waikato RC.

7.0 CULTURAL LANDSCAPE OF THE ROTORUA TE ARAWA LAKES

The Rotorua Te Arawa lakes have significant historical and cultural importance, as many significant events have occurred at particular locations on or around the lakes. Iwi / hapu groups have historical links with each of the lakes. Food harvesting or collection sites were noted for their ability to provide food for people. Descriptions of these sites or areas and their significance are outlined below.

7.1 Iwi/hapu associated with the Rotorua Te Arawa lakes

The iwi/hapu associated with each of the 13 lakes is outlined in Appendix B. Tribal or hapO boundaries around lake shorelines are not defined accurately by map lines or coordinates. Many still are defined by landmarks, such as a 'line' from a totara tree to a certain ridge top, or a stream mouth to a swamp edge, or one pa site to another.

7.2 Iwi Management Plans

Some iwi/hapO around the shores of certain lakes have, over the past 10 years, developed, published and filed their Iwi Management Plan documents with the ROC and BOPRC. These documents are taken into account when the issue of lakes structures is being considered and discussed by either council.

Most current Iwi Management Plans were written before Treaty of Waitangi claims were settled and, consequently, many may need to be reviewed to further assist councils in how these plans through the treaty settlement process can be recognised and acknowledged and given effect. Iwi Management Plans that are current and make reference to lake structures in their documentation must be taken into account and given effect to, should the situation arise, in accordance with the BOPRC Regional Water and Land Plan (Policy 17).

Iwi/hapO that do not have an Iwi Management Plan have the opportunity to discuss lakes structure issues with iwi/hapO who have a process of engagement established, otherwise may have to rely on the Resource Management Act or the Historic Places Act to assist in any controversial lakes structure decisions.

8.0 CULTURAL ACTIVITIES UNDERTAKEN ON THE ROTORUA TE ARAWA LAKES

There are many activities historically or currently undertaken on the lakes by Te Arawa people. The main types are identified below.

8.1 Pa sites

Pa are fortified villages. Many pa sites still exist around the shores of the Rotorua Te Arawa lakes and all are archaeological sites identified by the NZ Archaeological Association (NZAA) on their Archsite website. All archaeological sites recorded or unrecorded are protected by the Historic Places Act. Site information sheets on the NZAA website give pa names and a brief history in most cases. Unless an archaeological authority has been granted by the NZHPT, a proposed lake structure that seeks to attach to or impact on an archaeological site will be declined. It is noted that most pa sites stretch from high hilltop points down to the lake edge. Accordingly, maps showing pa sites are indicative only and field assessment is required. All archaeological sites recorded or unrecorded are protected by the Historic Places Act. It is illegal to destroy, damage or modify an archaeological site without an archaeological authority from the NZ Historic Places Trust.

8.2 Waahi tapu

Waahi tapu are scared sites. Not all waahi tapu are archaeological sites. Some natural features around the lake shores, such as kohatu (rocks), repo (swamps), ana (caves), puna (springs), ngawha (hot pools), motu (islands) are regarded as waahi tapu by various hapO for many different reasons, for example, Iriirikapua, Te Kuri a Te Roi, Motutara, Te Rua o Umukaria, Te Ana o Tunohopu. Most of the above natural features have, at some time in local Maori history, been associated with death, burials, or battles, taniwha, or blood spillage. Over centuries and fluctuating lake levels, many of these waahi tapu may now be above or below a lake surface or margin.

The Historic Places Act defines waahi tapu as "*places sacred to Maori in the traditional, spiritual, religious, ritual or mythological sense*": a very broad definition that encompasses all sites significant to Maori. There are very few sites in the Te Arawa region that are registered with the NZ Historic Places Trust as waahi tapu. Many, however, are listed on the ROC's District Plan.

Boffa Miskell has published maps and names of sites of significance to Maori, around the shores of the lakes Rotorua, Rotoiti, Rotoehu, and Rotoma. The site information given to and gathered by Don Stafford, and to a lesser extent Boffa Miskell, is the cultural and intellectual property of those iwi/hapO that live on, and/or have mana whenua over those sites. Consultation with iwi/hapO and or a relevant iwi authority is paramount when proposed new structures are being considered. Site information does not always include the entire story. Iwi/hapO will only give information that they are willing to share with the public and often very sacred sites or information is withheld by them, hence the need for consultation.

8.3 Mahinga kai

Mahinga kai are traditional food gathering or collection areas. Te Arawa Lakes (Fisheries) Regulations 2006 sees the return of management of customary non-commercial fishing to Te Arawa. The fisheries regulations provide for kaitiakitanga, establishment of komiti whakahaere (fisheries committees) and the development of mahire whakahaere (fisheries plans) for Te Arawa's five taonga species, koura, koaro, kakahi (fresh water mussel), tuna (eel), and inanga, including morihana (carp). Traditional species offish and shellfish are still gathered at certain times of the year from most lakes.

Some lakes were more renowned than others for their abundance of koura, inanga, kakahi, morihana, toitoi (bully), or tuna. Other native species have disappeared since the introduction of trout. Traditional methods of gathering these native species are still used. The materials used to make the traditional snare or net device may have changed but the methods used to make the catch are the same.

Koura is probably the most desired of all the traditional food sources. Koura is often referred to as a "kinaki"; a delicacy to add relish to a feast. Most of the lakes and streams in the Te Arawa district have koura. The traditional tau or koura trap is still used as well as the "rama koura" method. Rama koura is where a gatherer will use a lamp/torch and walk along shallow lake edges at night when the koura come into the shallow waters to feed during the late spring and summer months. The gatherers catch them either in their hands or with a korapa (long handled scoop net). In areas where there are a high density of lakes structures, this practise is almost impossible.

8.4 Mahinga raranga/whatu

Mahinga raranga/whatu are traditional plant gathering places. Harvesting of traditional resource plant materials from many lakes is still practised, but not as often as it once was.

Harvest is mainly for weavers of traditional Maori garments, artefacts and art works, who gather harakeke, raupo, toetoe, paopao, and paru from traditional harvesting places around the lake edges.

Weavers of traditional garments, mats, and kits will gather plant materials from their own lake resource areas first. If there are none there they will go to the lake of a related iwi/hapū. Lists are provided of the tribes which belonged to each lake. This custom also relates to traditional foods. All of the resources listed in the previous sections of this report are available from other areas not near a lake edge, such as a swamp or roadside or a drain or forest edge. The two plants that grow best in the lakes are paopao (also known as kuta) and raupo. The deeper the water where these plants grow, the longer the whenu (weft and warp strips) that weavers can work with. Both raupo and kuta once grew prolifically around all the lakes in the district and would have helped to filter nutrients out of the water. The cultural impacts of the removal of plant resource materials to make way for proposed lake structures, should be avoided, or at least mitigated.

9.0 APPROPRIATENESS OF STRUCTURES WITHIN CULTURAL ENVIRONMENT

Consideration of the existing lake environment is required before determining if a lake structure is appropriate for the locale. Existing lake structures, cultural sites, iwi management plans and lake character/landscape all require consideration. The intended purpose and use of the proposed structure requires consideration. The Trust has five principles that it wishes to consider and maintain as part of all lakes structures:

1. Safety- ensuring the structure is safe for public use.
2. Sharing – ensuring that combined use of existing and new structures is promoted.
3. Appropriate-ensuring that only structures that are necessary are provided.
4. Effects – ensuring that lake structures do not contribute to adverse or cumulative effects of structures on the lakes.
5. Sustainability-ensuring that the natural and physical resource is maintained and is not compromised by lake structures.

These Principles support the values of:

1. Cultural-ensuring that the historical and future practises and traditions may be maintained.
2. Natural-ensuring that the physical lake environment is maintained for future generations.
3. Social-ensuring that economic development and social events are provided for.
4. Recreation-ensuring that access to the Rotorua-Te Arawa lakes is provided for recreational opportunities.

Given these matters, some existing structures have provided tension and/or generated issues for the Trust due to:

- Structure location on, or adjoining culturally sensitive land, for example Kariri Point, Lake Tarawera
- Proliferation of structures relative to adjacent land development, for example Gisborne Point, Lake Rotoiti and Kariri Point, Lake Tarawera
- Inconsistent design and appearance of structures
- Domination of shoreline walls and adverse visual effects
- Lack of appreciation for natural lake processes, including erosion and accretion

- Lake vegetation clearance and excavation of lake bed for channels to gain access to lake structures
- Maintenance and upkeep of structures not undertaken
- Expectation that each Applicant can have own structure, rather than shared use
- Alternative structures not readily considered, ie, a mooring may be beneficial rather than a jetty
- Cultural harvesting practises, including mahinga kai, affected by structure use and location
- Lack of consultation with appropriate iwi/hapu

10.0 ACTUAL OR POTENTIAL EFFECTS OF LAKE STRUCTURES

Lake structures can have positive effects including, erosion protection, foreshore protection, controlled discharges to the lake body, regulation of lake level, water quality data collection, access to lake water and mahinga kai grounds.

However lake structures also have the ability to generate adverse effects on the environment and culture of the lakes as a result of their size, location, type and their cumulative effects when considered with other structures.

Actual or potential adverse effects can include:

- Prominent locations, including within Outstanding Natural Landscape areas.
- Visual effects including dominance of structures due to size, type, materials used, colour, or location out of character with natural lake environment.
- Shore line character changed from rural lake character to residential/urban character.
- Cumulative effects from a number or proximity to shore or dominance of structures, for example shore line retaining walls, or high number of jetties within a bay. Size, shape and extent of structures also can contribute to cumulative effects.
- The natural function of the water body compromised, due to the presence of structure/s, including shoreline walls, dams or weirs.
- Cultural sites compromised due to location, number, proximity to shore or dominance of structures.
- Maintenance and upkeep of structures not undertaken, detracting from the visual amenity of the lakes.
- Ephemeral or seasonal effects.

Fundamental principles to consider to remedy, avoid or mitigate actual or potential adverse effects:

- Structures should be located clear of locally significant natural features and landscapes, such as islands, peninsulas, vegetation or trees, where they split and divide beaches or bays. Prominent locations should be avoided.
- Structures should be located clear of culturally significant sites including marae, waahi tapu and mahinga kai areas.
- Arrangements of structures that increase the apparent bulk and scale of built development are undesirable.
- Numbers of structures in a single area contribute to cumulative visual effects.
- Boat sheds are large structures and are more visually dominant.
- Public infrastructure structures are often long term in duration and may be visually dominant. They may effect or enhance natural lake ecosystems.
- Navigational structures may be visually prominent detracting from natural visual amenity.

- Scientific structures are intended to be of short term nature yet can contribute to positive and adverse effects due to the size and scale of the structures.
- Shoreline walls can be visually dominant and often contribute to areas where lake structures have the worst cumulative effects. From the water, walls affect the greatest length of shoreline of all the structure types. They impede the functioning of natural systems such as beach formation and they limit or prevent natural revegetation. They disturb the natural resilience and interplay of microclimate, changes to the lake shore, and also to vegetation and habitat. Extensive lengths of shoreline can have considerable adverse landscape and visual effects. Walls become progressively more prominent with greater height.
- Structures are least prominent where camouflaged by vegetation, in shadow, weathered, or darker in colour.
- Natural treatments of the lake margins are preferable.
- Lake margins are naturally dynamic and resilient, varying with rising and falling water levels, with the weather, and seasonally. Vegetation, habitat, and natural succession occur accordingly. Shoreline walls interfere with these natural processes and should be avoided as they prevent naturally dynamic lake margin changes over time.
- Few of the lake margin shoreline walls are consented, even though they have significant landscape and visual effects. It is often unclear whether walls are in the lake or on land. This becomes a site-specific jurisdictional issue.

SECTION B: ASSESSMENT DETAIL

11.0 PRINCIPLE OBJECTIVES AND POLICIES

The policies for each Principle are outlined below.

11.1 Principle One: Safety

Principle One: Ensuring the structure is safe for public use.

Policies:

1. That all lake structures are designed, constructed, and maintained in accordance with regulatory standards.
2. That lake structures are fit for purpose and their intended use.
3. The ability to access the lake water is not restricted or impeded by lake structures.
4. Structures for critical infrastructure purposes are safe to all lake users.
5. That safety or navigational markers are utilised when appropriate for hazard identification, and restrict the potential for underwater hazards.
6. That access and use of commercial structures by the general public may be restricted if hazards are present.

11.2 Principle Two: Sharing

Principle Two: Ensuring that combined use of structures is promoted.

Policies:

1. That the sharing of structures is required.
2. That commercialrecreational access structures are also accessible for public use.
3. That the overall number of lake structures is restricted and may be reduced by sharing and allocation.
4. Ensure that sharing does not contribute to over-proportional use of structures.
5. Non-renewal of leases when structures become surplus due to sharing agreements.

11.3 Principle Three: Appropriateness

Principle Three: Ensuring that only structures that are necessary are provided, in suitable locations.

Policies:

1. That lake structures are only provided for in suitable locations, when critical for specific activities and alternatives have been explored.
2. Incremental or cumulative effects are avoided.
3. That the size, scale and design of the structure is the minimum needed for the intended purpose and use and the design is cognisant of site variables.
4. That the natural lake systems, including ecology, habitat, landform, shoreline, and hydrology are maintained and that the lake depth and/or lake bed are not permanently disturbed by the use of the structure.
5. That structures are standardised in design, although cognisant of site specific variables.

6. Undeveloped and unbuilt lake shore is maintained through limiting lake structures. That the visibility of the structure from the water, public reserves, roads and viewing locations is kept to a minimum.
7. That lake structures are not located in, on or within culturally or historically significant areas, including waahi tapu, marae, mahinga kai or mahinga raranga areas; natural landscape areas (significant natural features or natural dominant areas); or significant ecological areas or habitat.
8. That the wairua (spirit or soul) / mauri (life principle) of the locality not to be affected or compromised.
9. The ability to access the lake water is not restricted or impeded by lake structures.

11.4 Principle Four: Effects

Principle Four: Ensuring that lake structures do not contribute to adverse or cumulative effects on the lakes.

Policies:

1. Lake structures shall not contribute to adverse, incremental or cumulative effects on the lake environment.
2. That the natural systems and cultural harvesting areas are maintained.
3. Ensure that minimum distances between structures are provided.
4. Effects on landscape, ecology, habitat and hydrology are limited.
5. Use standard structure designs ensuring size, scale, colour and location appropriate for intended purpose and use.
6. Encourage structures that are likely to provide positive ecological contributions to lake environment.
7. Ensure that effects on indigenous habitat and wildlife (removal/replacement/modification) are reduced or mitigated.
8. Restrict vegetation and habitat removal.
9. That the wairua (spirit or soul) / mauri (life principle) of the locality not to be affected or compromised.
10. That the size, scale and design of the structure is the minimum needed for the intended purpose and use and the design is cognisant of site variables.
11. That the natural lake systems, including ecology, habitat, landform, shoreline, and hydrology are maintained and that the lake depth and/or lake bed are not permanently disturbed by the use of the structure.

11.5 Principle Five: Sustainability

Principle Five: That the principle of kaitiakitanga is provided; where kaitiakitanga means the sustainable protection of taonga and resources.

Policies:

1. Lake structures are assessed in a wider catchment and whole lake context to ensure that the natural lake ecosystems and patterns are considered and maintained.
2. That the use of the natural and physical resource has positive benefit/s for the resource and for the welfare of people.
3. That the wairua (spirit or soul) / mauri (life principle) of the natural and physical resource is not affected or compromised.

12.0 APPLICATION CONTENT AND CONSIDERATION

12.1 Application Requirements

As a minimum any application for a lake structure on any lake should detail:

- a) Type and purpose of structure.
- b) Use and frequency of structure for public or private use identified.
- c) Structure design including colours and finishes, dimensions, materials proposed.
- d) Location shown on plan and distances to all other existing lakes structures or developments identified. Use of survey or topographical plan is encouraged.
- e) Discussion how a structure compliments existing structures within vicinity.
- f) Ecological changes to lake bed and associated vegetation outlined including excavation works or disturbance.
- g) Discussion of alternatives to lake structure locations, sharing and/or design considered.
- h) Identification if removal of any structure being undertaken.
- i) Consultation with neighbours or other parties outlined.
- j) Mitigation measures identified and shown on plan.

12.2 Trust Assessment Considerations

Applications for lake structures should contain the necessary information for the Trust to make a decision on the appropriateness of a lake structure, using the four principles described above. They should be assessed the following information:

- a) Reference to the BOPRC Regional Policy Statement criteria, for landscape and ecology;
- b) Evaluation of natural character of the lake;
- c) Review Applicants drawings showing location, dimensions, materials and colours of proposed structure;
- d) Photographs of the locality, from the proposed site and towards the site from nearby public reserves, roads, launch ramps and the lake;
- e) Visual audience assessment (especially from other launch ramps, reserves, and roads);
- f) Effects on indigenous habitat and wildlife (removal, modification);
- g) Consideration of proposed mitigation measures to remedy and mitigate for potential adverse effects (planting, pest control, enhancement);
- h) Consideration if any overall public benefit involved, for example, improvement in natural character or lake access;
- i) Recognition of cultural landscape indicators, such as, Kohatu (rocks of cultural significance), and landmarks;
- j) Recognition and consideration of cultural practise and potential effects on those practices such as mahinga kai;
- k) Relevant iwi/ hapu to be consulted and their views incorporated into any application or structure design;
- l) Use of principles from the Baseline Landscape Assessment; and
- m) Has the sharing of the existing structures been considered, or sharing of the new structure.
- n) Minimum distances between structures provided, and as a general rule, 100m between recreational structures, and 400m from cultural site or harvest area.

13.0 LIMITATIONS

This report has been prepared for the Te Arawa Lakes Trust as a lake structures policy for the Rotorua-Te Arawa Lakes. It is not to be relied upon or used out of context by any other person without reference to Stratum Consultants Ltd. The reliance by other parties on the information or opinions contained within this report shall, without prior review and agreement in writing, be at such parties sole risk.

Report authorised by:



Karla Putt
Senior Planner
Stratum Consultants Limited

14.0 REFERENCES

MTEC Consultants Ltd, Wildland Consultants Ltd Toi Ora Associates. 2012. *Baseline Landscape Assessment Rotorua Te Arawa Lakes*. Report prepared for Te Arawa Lakes Trust and the Bay of Plenty Regional Council.

Stafford, O. 1994, Landmarks of TeArawa, Volume 1.

Stafford, D. 1996, Landmarks of Te Arawa, Volume 2.

Schedule 2
Iwi and hapū of Te Arawa

s12

Ngati Hinekura	Ngati Rangitihī	Ngati Tunohopū
Ngati Hinernihi	Ngati Rangiwewehi	Ngati Tūohonoa
Ngati Hinerangi	Ngati Rehu	Ngati Tura
Ngati Hurunga Te Rangi	Ngati Rereāmanu	Ngati Tūtaki-a-Hani
Ngati Kahuupoko	Ngati Ririū	Ngati Tūtaki-a-Koti
Ngati Kārenga	Ngati Rongomai	Ngati Tūteniu
Ngati Kawiti	Ngati Taeōtu	Ngati Uenukukōpako
Ngati Kearoa	Ngati Tahu	Ngati Wahanui
Ngati Kereru	Ngati Tamakari	Ngati Wāhiao
Ngati Kuri	Ngiti Tnmateatutahi	Ngati Waoku
Ngati Makino	Ngati Tāōi	Ngati Whakahemo
Ngati Marukukerc	Ngati Tarāwhai	Ngati Whakakeu
Ngati Moemiti	Ngati Tāwhaki	Ngati Whakaokorau
Ngati Moko	Ngati Te Ngākau	Ngati Whakaue
Ngati Ngārarānui	Ngati Te Purei	Ngati Whaoa
Ngati Ngata	Ngati Te Rangiunuora	Tapuika
Ngati Pāruaharanui	Ngati Te Takinga	Te Roro o Te Rangi
Ngati Pikiāo	Ngati Tu	Tuhourangi
Ngati Pūkākāi	Ngati Tuara	Waitaha
Ngati Rangiiwaho	Ngati Tūheke	
Ngati Rangiteaorere	Ngati Tumatawera	

Rotoehu

Ngati Makino, Ngati TamateatutahiiKawiti

Rotoma

Ngati Makino, Ngati TamateatutahiiKawiti, Ngati Awa, Ngati Tuwharetoa ki Kawerau.

Rotoiti

Ngati Te Takinga, Ngati Hinerangi, Ngati TamateatutahiiKawiti, Ngati Hinekura, Ngati Rongomai, Ngati Makino, Ngati Te Rangiuuora, Ngati Pikia, Ngati Te Rangiuuora.

Rotorua

Ngati Whakaue, Ngati Uenukukopako, Ngati Rangiteaorere, Ngati Te Takinga, Ngati Parua, Ngati Rangiwewehi, Ngati Hurunga.

Okataina

Ngati Tarawhai, Ngati Rongomai

Okareka

Ngati Whakaue, Ngati Uenukukopako, Ngati Tarawhai, Tuhourangi.

Rerewhakaaitu

Tuhourangi, Ngati Rangitih

Tarawera

Tuhourangi, Ngati Wahiao, Ngati Rangitih.

Rotomahana

Tuhourangi, Ngati Rangitih

Tikitapu

Tuhourangi

Ngahewa

Tuhourangi, Ngati Rangitih, Ngati Tahu / Ngati Whaoa

Tutaenanga

Ngati Tahu / Ngati Whaoa, Ngati Rangitih

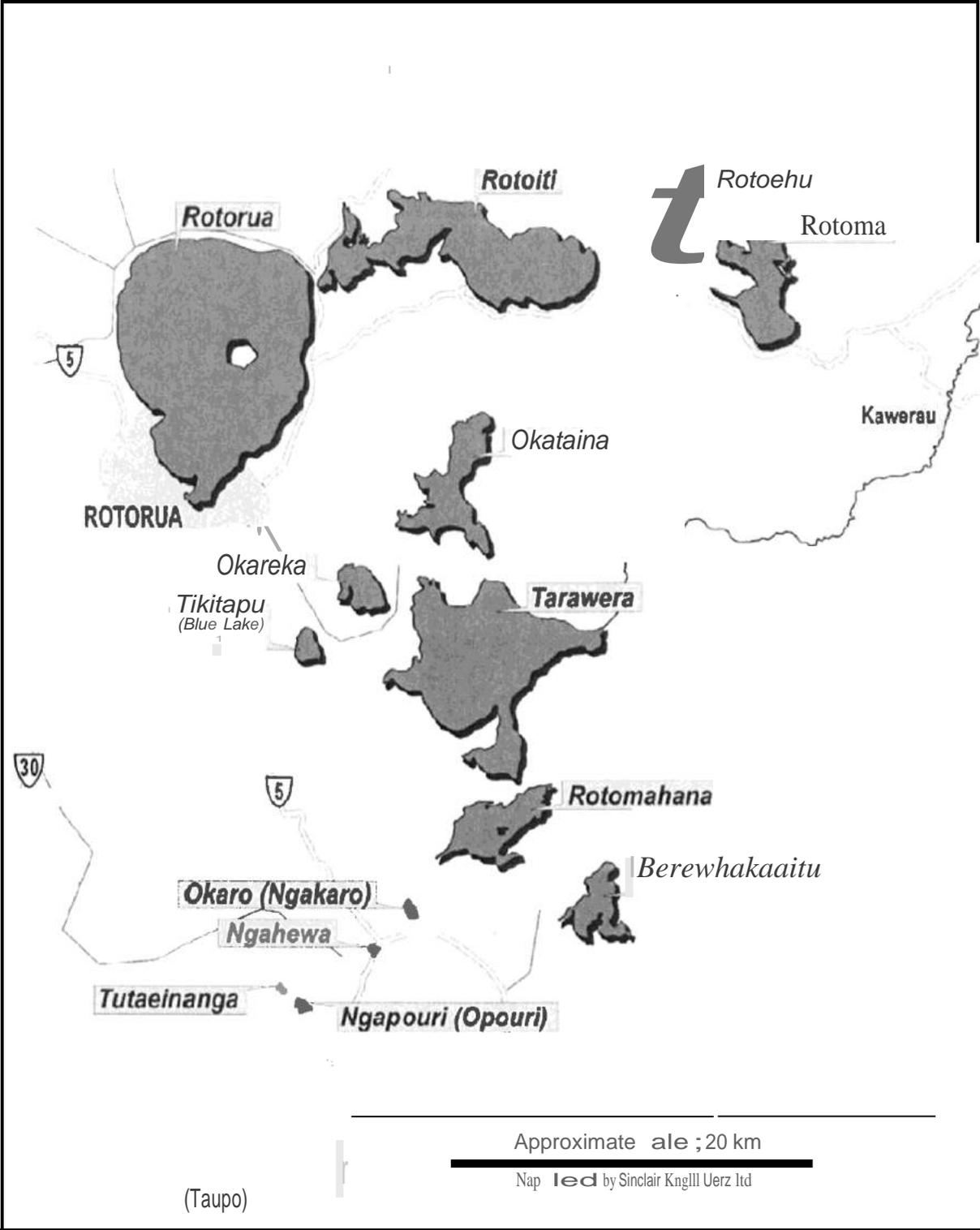
Ngapouri

Ngati Tahu / Ngati Whaoa, Ngati Rangitih

Okaro

Ngati Tahu / Ngati Whaoa, Ngati Rangitih

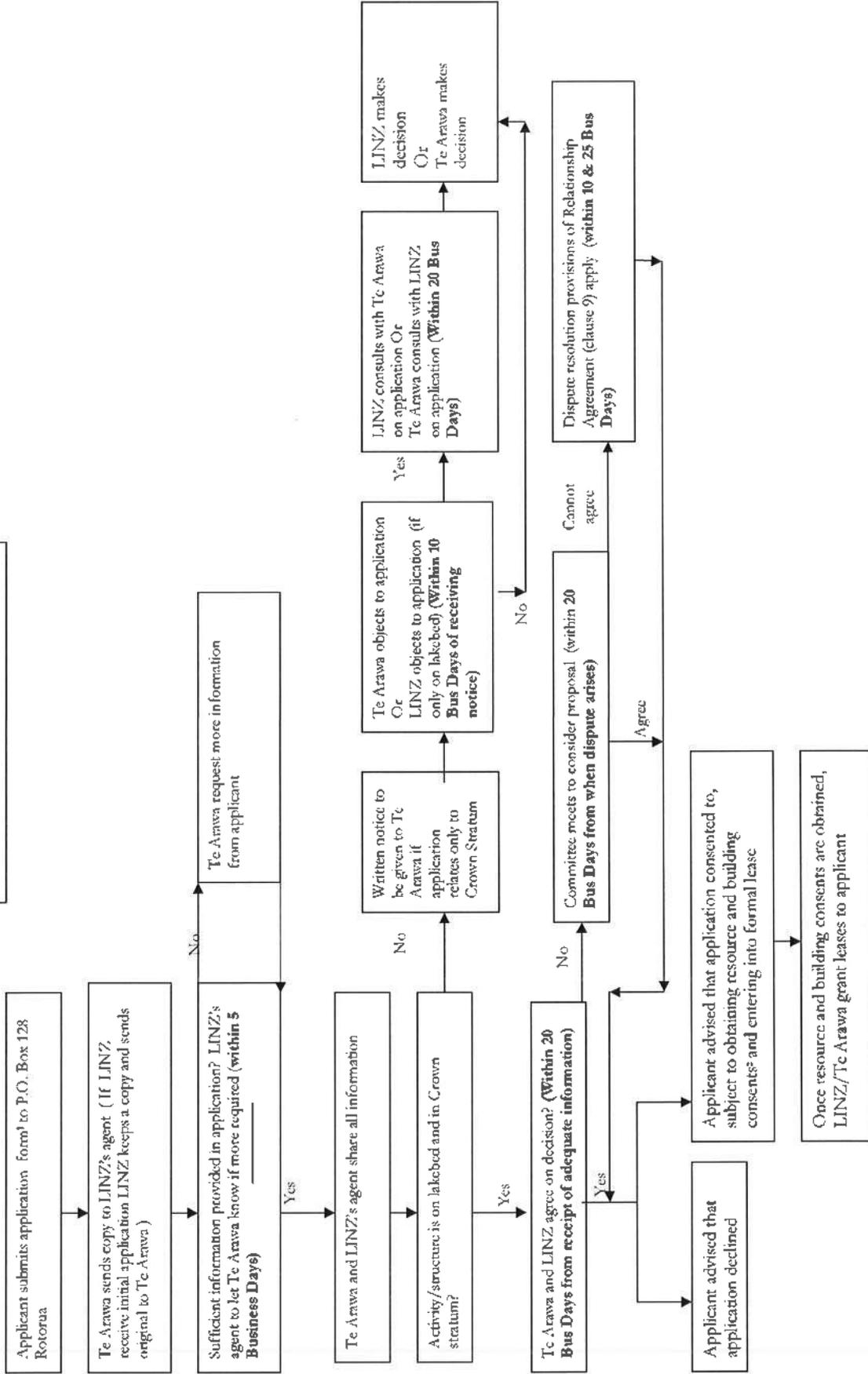
APPENDIX C
MAP OF TE ARAWA LAKES



The following Iwi Management plans are recognised for the Te Arawa rohe:

NGATI RANGAITIHI
TOHOURANGI NGATI
TARAWHAI
NGATI UENUKUKOPAKO
NGATI WHAKAUE AND TUHOURANGI
NGATI KEAROA/ NGATI TUARA
NGATI TAHU / NGATI WHAOA
TE ARAWA MAORI TRUST BOARD (FORMER)
NGATI RANGIWEWEHI
NGATI PIKIAO
NGATI RONGOMAI
NGATI RANGITEAORERE

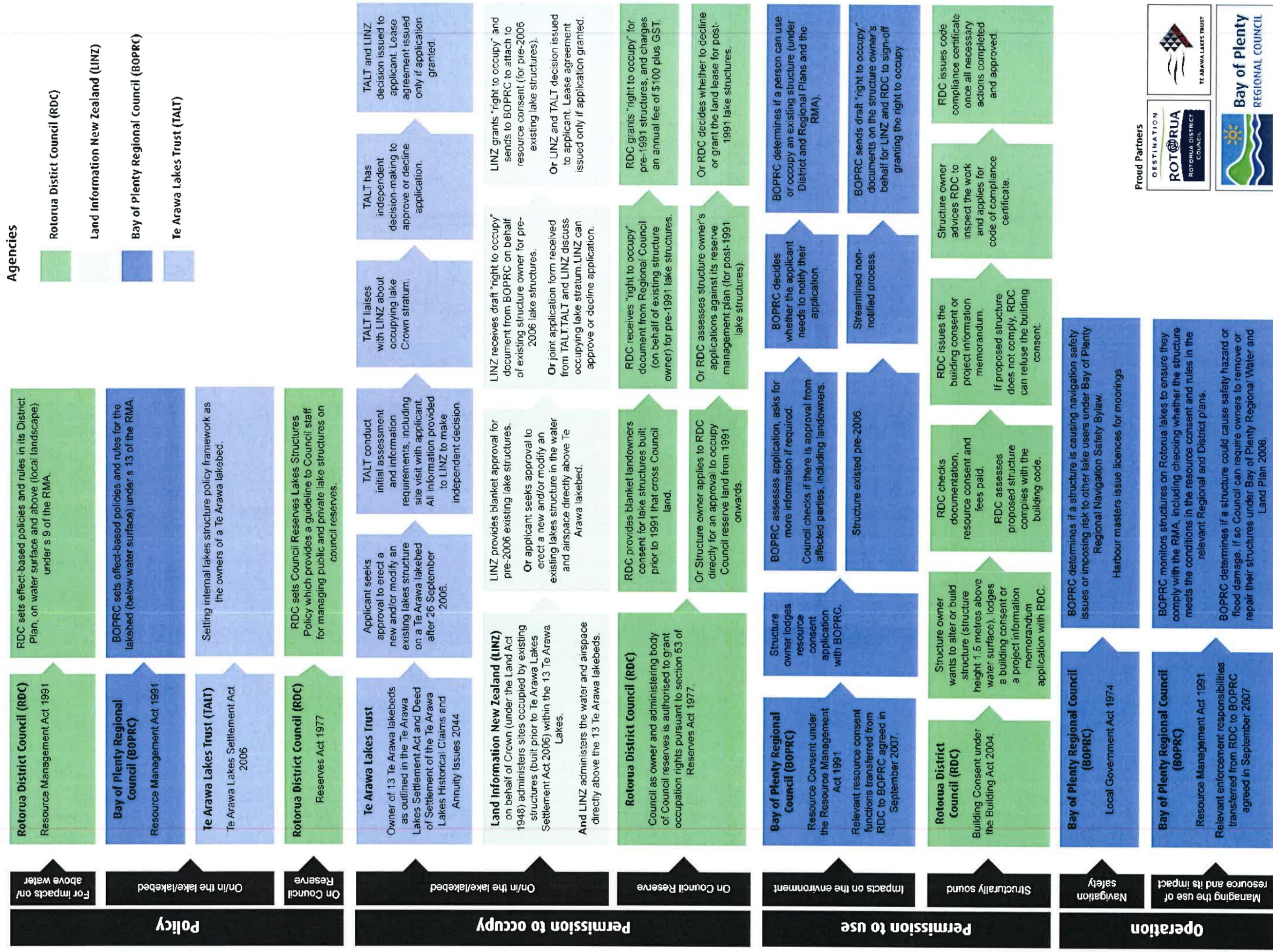
APPLICATION PROCESS



1. One application form for lake owners consent will need to be completed and sent to a joint address for distribution.
2. This letter is copied to the appropriate local authority.

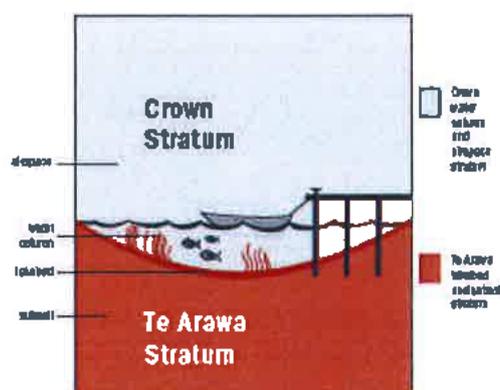
Lake Structure process snapshot: a guide by agency for internal purposes

(for lakes in the Rotorua district only) December 2013



APPLICATION PACK FOR LEASE OF NEW STRUCTURE ON THE TE ARAWA LAKES¹

1. The area that you are applying for a lease over is likely to be comprised partly of lakebed and partly of the water and airspace directly above the lakebed.
 - 1.1 The lakebed is owned by the Te Arawa Lakes Trust (the **Lakes Trust**).
 - 1.2 The water and airspace is Crown land under the Land Act 1948 (the **Land Act**). It is owned by the Commissioner of Crown Lands and, for the purposes of this application, is administered by Land Information New Zealand (**LINZ**).
2. In order to make applying for leases of the two areas more straightforward, the Lakes Trust and LINZ have set up a process whereby a single application covers both the lakebed owned by the Lakes Trust and the area administered by LINZ. This means that although you are actually applying for two separate leases of two separate areas, you only have to make one application. It also means that you only have to correspond with one owner, which will usually be the Lakes Trust, although that owner will pass all information on to the other owner so that both owners can make a decision on your application.



3. This application pack contains:
 - 3.1 an application form for a lease of an area on one of the Te Arawa Lakes for a new structure (there are different application forms for residential and commercial structures – please make sure that you have the correct one); and
 - 3.2 a statutory declaration for you to complete, as required by the Crown pursuant to section 74 of the Land Act; and
 - 3.3 a copy of the lease (which combines the lease of the Lakes Trust’s lakebed and the lease of the Crown’s area) that will be used if your application is successful (there are different leases for residential and commercial structures – please make sure that you have the correct one).
4. Rentals will be charged for leases of the Te Arawa Lakes. Lease rentals for residential structures are based on a market valuation, which will vary according to the size and the nature of the use of the structure that you want to construct, and the lake on which it is to be built. As a guide, lease rentals for standard residential structures will range between \$500.00 and \$2000.00 per annum.
5. If part of the structure you wish to construct is to be built on land bordering the lake and you do not own that land, you will also need to obtain the consent of the owner(s) of that land. You will need to contact the owner(s) of that land separately for their consent. In some cases the owner of the land

¹ The Te Arawa Lakes are Lakes Ngahewa, Ngapouri (also known as Opouri), Okareka, Okataina, Rerewhakaaitu, Rotoehu, Rotoiti, Rotoma, Rotomahana, Rotorua, Tarawera, Tikitapu and Tutaeinanga.

bordering the lake will be a private individual, and in some cases it will be the Department of Conservation or the Rotorua District Council.

6. Your structure is likely to require resource consent and/or consent under the Building Act 2004 also. You will need to contact Environment Bay of Plenty and the relevant building consent authority for the appropriate application forms. Even if your application for a lease is successful, it will be conditional upon you providing a copy of these resource and building consents to the Lakes Trust and LINZ and the Lakes Trust and LINZ being satisfied that these consents accord with the proposal set out in your original application.
7. Any approval of your application will also be conditional on the Lakes Trust, LINZ and yourself signing a formal lease in the form enclosed. The terms of the lease are not open to negotiation. You may wish to seek legal advice before submitting your application.
8. If you would like to make an application you will need to complete the Application for Lease and return it together with your cheque for the application fee of \$410.00 (incl GST), which is non-refundable, to:

Applications for Leases of Te Arawa Lakes
Te Arawa Lakes Trust
PO Box 128
Rotorua

9. You will be contacted if any further information is required in order to process your application. Once the Lakes Trust and LINZ have all the information they need, you will be notified of their decision. It is expected that this will take approximately two months.
10. If you only require use of an area on the Te Arawa Lakes temporarily and you do not intend to erect a significant structure, please contact Hera Smith, Te Arawa Lakes Trust, PO Box 128 Rotorua, ph (07) 346 1761.
11. If you have any other questions about the application process please contact Hera Smith at the address given above.

NOTE: The information contained in this Application Pack, and the application process itself, are updated by LINZ and the Lakes Trust from time to time. This may affect the information you need to supply and/or the application process itself. If your application is not based on the latest Application Pack it may not be accepted. Before you submit your application you should check that the Application Pack that you have used is the most recent version.



APPLICATION REF NO:

APPLICATION FOR LEASE OF AREA FOR A NEW RESIDENTIAL STRUCTURE ON A TE ARAWA LAKE

Version 3

APPLICANT'S DETAILS

NAME*

POSTAL ADDRESS

CONTACT TELEPHONE NUMBER

EMAIL ADDRESS

*If consent is sought on behalf of a group, identify the group (including the name of the registered company or trust formed by the group, if relevant) and a key contact person.

PROPOSED RESIDENTIAL STRUCTURE DETAILS

PHYSICAL LOCATION OF STRUCTURE IN RELATION TO APPLICANT'S ADDRESS

TYPE OF STRUCTURE

LOCATION OF STRUCTURE (please provide a detailed plan showing the proposed legal boundaries, water boundary, and any water features, as well as copies of current Computer Interest Registers for all affected land and GPS coordinates of the proposed structure)

LAKE

CLOSEST EXISTING STRUCTURES (please provide plate numbers of neighbouring structures together with distances and locations of those structures from proposed location of new structure)

DIMENSIONS OF STRUCTURE (As a minimum, you should include structural and engineering plans, as-built drawings, and any material that accompanied your application for building and/or resource consent, but please include as much other information as possible)

PROPOSED USE OF STRUCTURE

APPLICATION FEE

An application fee of \$ 410.00 (incl GST) is required to cover the costs of processing an application for a new residential structure on the Te Arawa lakes. This fee will not be refunded.

CHEQUE – I enclose \$410.00 made out to Te Arawa Lakes Trust

Name on Cheque

Bank:

Branch:

OTHER INFORMATION

WHY IS THIS STRUCTURE NEEDED? (Why can existing structures not be used?)

RESOURCE CONSENT

Granted, copy attached.

Applied for on / / 200_

ANY OTHER RELEVANT INFORMATION

WARRANTIES

In making this application I/ we:

- warrant that all information provided in this application is correct to the best of my/ our knowledge;
- undertake to advise the Lakes Trust and LINZ immediately if I/we become aware of any error in the information provided;
- understand that all the information provided will be held by the Lakes Trust and LINZ for the purposes of assessing and determining this application and that I/we have rights under the Privacy Act 1993 to see and correct personal information which the Lakes Trust and LINZ hold about me/us; and
- understand that all information held by LINZ is held subject to the Official Information Act 1982.

SIGNATURE(S) OF APPLICANT:

DATE: / /

OFFICE USE ONLY

Application received:

Sufficient information included? Yes No

Date referred to other party:

Decision:

Applicant advised of decision

APPENDIX E
LAKESTRUCTUREPROCESS
