

Komiti Māori

NOTICE IS GIVEN

that the next meeting of **Komiti Māori** will be held at **Wairuru Marae, 9860 State Highway 35, Raukōkore, Waihou Bay** on:

Tuesday, 11 June 2019 commencing at 9.30 am

Please note: A pōhiri/welcome will take place at 9.30 am with the meeting to start at approximately 10.30 am.

Fiona McTavish
Chief Executive
30 May 2019



Komiti Māori

Terms of Reference

The Komiti Māori has the core function of implementing and monitoring Council's legislative obligations to Māori.

Delegated Function

To set operational direction for Council's legislative obligations to Māori and monitor how these obligations are implemented. This will be achieved through the development of specific operational decisions which translate legislative obligations to Māori into action.

Membership

Three Māori constituency councillors and three general constituency councillors (the membership of the general constituency councillors to be rotated every two years), and the Chairman as ex-officio.

Quorum

In accordance with Council standing order 10.2, the quorum at a meeting of the committee is not fewer than three members of the committee.

Co-Chairs to preside at meetings

Notwithstanding the Komiti Māori has an appointed Chairperson, Māori Constituency Councillors may host-Chair committee meetings that are held in the rohe of their respective constituency.

Term of the Committee

For the period of the 2016-2019 Triennium unless discharged earlier by the Regional Council.

Meeting frequency

Two-monthly.

Specific Responsibilities and Delegated Authority

The Komiti Māori is delegated the power of authority to:

- Monitor Council's compliance with its obligations to Māori under the Local Government Act 2002 and the Resource Management Act 1991;
- Approve actions to enhance Māori capacity to contribute to Council's decision-making processes for inclusion in the development of the Long Term Plan;
- Recommend to Council effective Maori consultation mechanisms and processes;
- Identify any relevant emerging issues for the region relating to the principles of the Te Tiriti o Waitangi, legislative obligations to Māori under different statutes and programmes to build the capability of Māori;
- Facilitate tangata whenua input into community outcomes, Council policy development and implementation work;
- Formally receive iwi/hapū management plans;

- Make submissions on Māori related matters, except where the submissions may have a wide impact on Council's activities, in which case they might be handled by the Regional Direction and Delivery Committee or Council;
- Request an annual or 6 monthly report on Council's responsiveness to Maori;¹
- Establish subcommittees and delegate to them any authorities that have been delegated by Council to the Komiti Māori and to appoint members (not limited to members of the Komiti Māori);
- Approve its subcommittee's recommendations for matters outside the subcommittee delegated authority;
- Recommend to Council the establishment of advisory groups to represent sub-region or constituency areas and to consider specific issues.

Note:

The Komiti Māori reports directly to the Regional Council.

¹ Insertion as per resolution 2(e) Minute Item 13.6, Regional Council Meeting 22 May 2018

Membership

Chairperson:	A Tahana
Deputy Chairperson:	T Marr
Councillors:	W Clark, D Love, M McDonald, L Thurston
Ex Officio:	Chairman D Leeder
Committee Advisor:	S Kameta

Recommendations in reports are not to be construed as Council policy until adopted by Council.

Agenda

1 Karakia Whakapuare/Opening Karakia

2 Host Chair to Preside

Notwithstanding the Komiti Māori has an appointed Chairperson, Māori Constituency Councillors may host-Chair committee meetings that are held in the rohe of their respective constituency.

3 Apologies

4 Acceptance of Late Items

5 General Business

6 Declarations of Conflicts of Interests

7 Previous Minutes

7.1 Komiti Māori Minutes - 09 April 2019

9

8 Presentations

8.1 Te Whānau ā Apanui Strategic Issues - Willie Te Aho

Please refer to Agenda item 9.3 (page 41) for background information.

8.2 Te Raukumara Ranges - Ora Barlow-Tukaki

Please refer to Agenda item 9.3 (page 41) for background information.

8.3 Water Safety New Zealand - Neil McInnes and Pererika Makiha

Please refer to Agenda item 9.3 (page 41) for background information.

9 Reports

9.1 Water take resource consents on the East Coast 21

9.2 Update on Treaty Settlements in the Bay of Plenty 29

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SUPPORTING DOCUMENT - 2018 BOP Water Safety Strategy Final 59

SUPPORTING DOCUMENT - Taking Account of Iwi Planning Documents 61

PRESENTATION

Please note: this item will include a presentation of certificates to the He Toka Tumoana Environmental Scholarship Recipients.

10 Consideration of General Business

11 Open Forum

A short period of time will be set aside at the conclusion of the meeting to enable tangata whenua and members of the public to raise matters. Any matters raised and the time allowed for each speaker will be at the discretion of the Chair.

No decisions can be made from matters raised in the Open Forum.

12 Karakia Whakakapi/Closing Karakia

Previous Minutes

Minutes of the Komiti Māori Meeting held at Tapuaekura Rākeiao Marae, 110 Curtis Road, Tikitere, Rotoiti on Tuesday, 9 April 2019 commencing at 9.30 am.

Present:

Chairman: Arapeta Tahana

Deputy Chairman: Tīpene Marr

Councillors: Lyall Thurston, Bill Clark

In Attendance: Bay of Plenty Regional Council: Namouta Poutasi – General Manager Strategy & Science, Kataraina O’Brien – Strategic Engagement Manager, Fiona McTavish – Chief Executive, Helen Creagh – Rotorua Catchments Manager, Rawiri Bhana – Kaupapa Māori Advisor, Clark Koopu – Senior Advisor Treaty, Lisa Tauroa – Internal Services Officer, Winiata Tahau-Anderson – Kaituitui (Strategic Engagement Coordinator), Shari Kameta – Committee Advisor

Externals: Wairangi Whata – Ngāti Rongomai, Frances Teinakore-Curtis, Raewyn Bennett – Ngāti Rongomai/Ngāti Pikiao, Maru Tapsell, Anaru Williams – Te Arawa Lakes Trust, Maramena Vercoe – Te Rūnanga o Ngāti Manawa, Te Rongo Curtis - Ngāti Rongomai, Katie Paul – Tautara Matawhaura Trustee, Aneta Morgan – Rotorua Lakes Council/Rangiwewehi/ Tūhourangi/Wahiao

Apologies: David Love (leave of absence), Matemoana McDonald, Chairman Doug Leeder

1 **Opening Karakia**

Provided by Kaumatua Tom Herbert.

2 **Apologies**

Resolved

That the Komiti Māori:

- 1 **Accepts the apologies from Councillors David Love, Matemoana McDonald and Chairman Doug Leeder tendered at the meeting.**

Thurston/Marr
CARRIED

3 **Acceptance of Late Items**

Nil

4 General Business

An update on Local Authority Elections would be discussed after the Open Forum.

5 Declaration of Conflicts of Interest

Nil

6 Previous Minutes

6.1 Komiti Māori Minutes - 12 February 2019

Resolved

That the Komiti Māori:

1 Confirms the Komiti Māori Minutes - 12 February 2019 with the following amendment:

- Komiti Māori Minutes - 04 December, Minute Item 7.1, agenda page 10 – amend the resolution to include a correction to page 1 of the minutes to amend the meeting chair from Councillor Arapeta Tahana to Councillor Tipene Marr.

Tahana/Marr
CARRIED

7 Presentation

7.1 Rotoiti Rotomā Wastewater Treatment Project

Refer Presentation and Videos: Objective ID [A3181407](#) and [A3207055](#).

Frances Teinakore-Curtis and Wairangi Whata gave a presentation on the East Rotoiti-Rotomā Wastewater Sewerage Scheme Project.

Key points included:

- Background on the 2011-2013 Environment Court appeal against the initial Lake Rotomā reticulation plant resource consent.
- Iwi representation on the Rotoiti-Rotoma Sewerage Steering Committee.
- Location of the scheme's construction site on the Haumingi 9B3B Block behind the Emery General Store at Lake Rotoiti.
- Noted the project was the first time Māori landowners had shared land for a reticulation scheme for two communities.
- Sewerage network pipeline was approximately 24km-46km beginning at Matahi lagoon at Lake Rotoma through to the Haumingi 9B3B Block at Rotoiti.
- Timeframes for system installation for Rotoma was imminent and expected to be April 2020 for East-Rotoiti.
- A comprehensive Cultural Impact Assessment and Cultural Management Plan (CMP) Agreements provided recommendations and solutions over the scheme's lifetime.
- CMP Agreement framework included: cultural values, key issues and recommendations, cultural statements and reporting requirements.

- Recommendations included: appointment of iwi representatives embedded into the project team, establishment of an Iwi Wastewater Liaison Group and development of iwi protocols for all aspects of the scheme comprising:
 - Participation in the network design to ensure resilience and minimisation of impacts to the environment and cultural sites.
 - Cultural site monitors working alongside construction contractors.
 - Cultural health and safety inductions for all contractors and interested participants, noting positive feedback and experience received.
 - Weekly on-site karakia.
 - Engagement of Māori land researchers.
- An outline of cultural findings and accidental discovery protocols.
- Ms Teinakore-Curtis's PhD thesis was iwi-driven and based on culturally appropriate solutions for demands on wastewater systems.
- Investigations into STEP pre-treatment and vermicast systems.
- The vermicast system trial provided positive results to mitigate against cultural offence and was being explored as an option for the scheme.

In Response to Questions:

- The wastewater reticulation plant was designed to accommodate an additional 900 households and future growth in papakāinga.
- Treated water would be disposed to land with options being explored for reuse.
- A STEP system would be used for Rotomā, while a vermi-filtration system was the preferred option for Rotoiti, with the option of clusters to assist with costs.

Key points from Members:

- Queried mitigation plans and the use of treated overflow at the reticulation plant.
- Commended the presentation and Iwi representatives that were involved, noting the project was a model example to be shared with other Iwi and councils.
- Affordability was an issue for the community and funding options were being explored.
- Frances thanked Council and Komiti Māori for their support with her PHD Thesis having been a recipient of the He Toka Tumoana Scholarship in 2018, which had assisted with her studies, in particular carrying out interviews to inform her work.

Change to Order of Business

The Chair advised that Agenda item 7.2, Te Arawa Taiohi Toa Presentation had been withdrawn from the agenda, due to the presenter Harina Rupapera being unable to attend and present at the meeting.

8 Reports

8.1 Matters of Interest - General Manager Update

Refer PowerPoint Presentation: Objective ID [A3180436](#).

The report provided an update on current matters of interest and sought support of recommendations following the Council Workshop held on 19 March 2019.

8.1.1 Volunteer Catfish Response Presentation

In relation to the update on catfish incursion, a presentation was provided by Te Arawa Lakes Trust's Te Hunga Hika Ahi Hapori Community Coordinator Anaru Williams on the Volunteer Catfish Response.

Key points included:

- Mr Williams' role and the response effort had begun in September/October 2018.
- The first open season event received positive feedback, with suggestions made for improved communication and agency coordination.
- Volunteer response was building public interest within schools, the community and from other volunteer fisher networks from across the country.
- 3,000 catfish had been caught to date.
- Nets had been set in Lakes Rotorua, Rotoiti, Rotoehu, Rotoma, Okareka and Tarawera.
- Mr Williams' mahi had expanded to: giving presentations and attending meetings, marae and community AGMs, organising competitions and media releases, pest education, wananga and promotion of biosecurity job opportunities.
- Future events scheduled included: Festival, spearfishing and marae competitions and Te Arawa Games 2020.
- Due to growing community interest, a grant application had been submitted to seek funding for a new community engagement position that would support more community involvement.

In Response to Questions:

- Volunteers used green lipped mussel and soya oil sardines for bait however Mr Williams noted they had recently caught more catfish without bait.
- Noted there may be a potential market for catfish products.
- The programme's objective was for progressive containment as eradication would be a significant challenge.
- Secondary monitoring of other fish species was undertaken by volunteers as part of the programme.
- The most affected lakes were Lakes Rotoiti and Rotorua, with substantial numbers located in Lake Rotoiti at Te Weta Bay.

Key points from Members:

- Commended Te Arawa Lakes Trust for delivery of the community coordinator role which was supported by Regional Council funding.
- Considered the programme was a great example of iwi and council working together.

8.1.2 General Manager's Update

General Manager Strategy and Science Namouta Poutasi and Strategic Engagement Manager Kataraina O'Brien highlighted key points from the report.

Key points:

- Plan Change 10 Hearing had adjourned and was awaiting outcome of Stage 1.
- Applications made to the He Toka Tumoana Environmental Scholarship would be notified at the end of April.
- The Te Hapai Ora Regional Community Fund had approved 23 applications.
- Environmental Enhancement Fund was currently funding 10 programmes ranging from predator free traps, energy conservation and pest control.

- The Council Workshop on 19 March 2019 explored and provided background information on the changing cultural landscape and models to support hapū and iwi participation in resource management processes.
- Mahaanui Kurataiao Ltd had presented at the Council workshop and to Iwi representatives on 20 March 2019 and had been well received.
- The development of a Regional Council Māori Engagement and Relationship Strategy (Strategy) was underway and an informal working group was recommended to oversee this work. It was recommended that the working group comprise councillors and for the chairs of treaty co-governance forums administered by the Regional Council to be invited onto the working group.

In response to Questions:

- Regarding a question raised from the floor, rationale for the composition of the informal working group and limiting invitation to co-governance chairs was to inform the process of the regional wānanga and Māori Relationship and Engagement Strategy, noting that wider views of hapū and iwi would be sought at the regional wānanga.

Key points from Members:

- Considered the unique model used in Canterbury was worth exploring, however recognised the Bay of Plenty region's cultural landscape was substantially different to the Canterbury region.
- Noted the overarching issue for Iwi was the challenge of engaging with councils on multiple kaupapa, which the regional wānanga and development of the Strategy would explore.

Resolved

That Komiti Māori:

- 1 Receives the report, Matters of Interest Update – General Manager Update;**
- 2 Confirms their support for the direction sought at the 19th March 2019 Council Workshop on The Changing Landscape for Māori and Council – Opportunities and Challenges:**
 - a) Recognise the changing cultural landscape and changing operating environment.**
 - b) Endorses the work programme and timeline (outlined under section 3 of the report) proposed to strengthen alignment and improve efficiencies.**
 - c) Notes that staff provide continued support to Iwi who wish to explore a shared resource management service similar to the Canterbury model.**
- 3 Establishes an informal working group to oversee the development of the Māori Engagement and Relationship Strategy.**
 - **The participants to be made up of the three constituent Māori Councillors and other interested general Councillors.**
 - **Invitations to participate in the informal Working Group to be extended to the Chairs of the three Co-Governance Forums (Te Arawa Rotorua Lakes Strategy Group, Rangitaiki River Forum and Te Maru o Kaituna – Kaituna River Authority).**

**Thurston/Clark
CARRIED**

9 **Change to Order of Business**

The Chair advised that the Open Forum would be taken next before General Business.

10 **Open Forum**

10.1 **Hinemoa Curtis**

- Raised concern of her observations of declining fish populations at Lake Rotoiti, which may be attributed to jigging and catfish incursion.
- Requested assistance from Council to investigate or provide further information.

Staff Follow-up Action:

- Staff were requested to investigate declining fish populations at Lake Rotoiti and make enquiries with Fish and Game.

10.2 **Maru Tapsell**

- Expressed disappointment with the Waitaha vacancy on Te Maru o Kaituna.
- He stressed the importance of taking into account the Waitaha Treaty Legislation and Deed of Settlement in planning and resource consent processes.
- He advised that Waitaha would not be endorsing Te Maru o Kaituna's planning documents and would be taking the matter further.

Points raised by Members:

- The Chair responded noting this particular kaupapa was out of the hands of the Regional Council, as the Treaty Legislation dictated the membership composition on Te Maru o Kaituna.

10.3 **Katie Paul**

- Considered that councils should be proactively supporting marae communities, particularly rural marae communities to ensure basic infrastructure services, such as sewerage, drinking water supply and connectivity was provided.
- She suggested this matter be raised and discussed at the regional wānanga.

10.4 **Margaret Herbert**

- Expressed concern and sought Council advice and assistance regarding erosion issues at Te Pani urupa, located behind Rakeiao Marae.

Staff Follow-up Action:

- Staff to liaise with land management and engineering teams to investigate and provide advice on erosion issues at Te Pani urupa.

11 Consideration of General Business

11.1 Update on Local Authority Elections

Councillor Tahana wished to remind tangata whenua and whānau of the forthcoming Local Authority Elections for district, city and regional councils, which would be held in October 2019. The timelines for the process was outlined on page 31 of the agenda.

Councillor Tahana took the opportunity (on his marae) to announce he would not be standing for re-election as a Māori Constituent councillor for Toi Moana as he wished to focus more time on supporting iwi issues and capacity outside of Council. He encouraged tangata whenua representatives to stand in the forthcoming elections, noting that the role provided an important mangai voice for iwi and hapu.

He expressed his thanks and appreciation to his whānau, iwi and hapū and council colleagues and staff for their support during his involvement on Council.

12 Closing Karakia

Provided by kaumatua Tom Herbert.

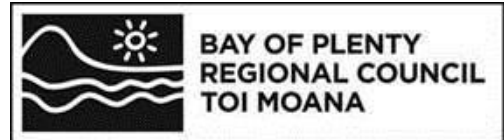
The meeting closed at 12:44 pm.

CONFIRMED: DATE

A Tahana
Chairperson, Komiti Māori

Presentations

Reports



Receives Only – No Decisions

Report To: Komiti Māori

Meeting Date: 11 June 2019

Report From: Reuben Fraser, Consents Manager

Water take resource consents on the East Coast

Executive Summary

Water is a valuable resource, and is required for the establishment of different land uses throughout the region.

In order to ensure the sustainable use of water resources, Council must ensure that there are no unacceptable adverse effects caused by the take and use of water, which includes effects on tangata whenua and their relationship with water.

Between Haurere Point and Lottin Point the establishment of different land uses is occurring and water is sought to be used for these purposes. There are 13 current consents, six applications in process, and some proposals that are expected to apply for consent in the near future. Council staff are not aware of additional takes which require resource consent.

Applicants for resource consent are encouraged to engage with tangata whenua in order to understand and address any cultural effects that may be associated with each individual activity. There are multiple opportunities and benefits for tangata whenua in this engagement including the increased knowledge of the resources they have, kaitiaki over through monitoring programmes and the provision of clean drinking water for marae and communities. This establishment of different land use also may create economic and employment opportunities.

This report will outline all of these aspects in more detail, along with explaining the consenting framework.

Recommendations

That Komiti Māori:

- 1 Receives the report, Water take resource consents on the East Coast.**

1 East Coast Water Takes

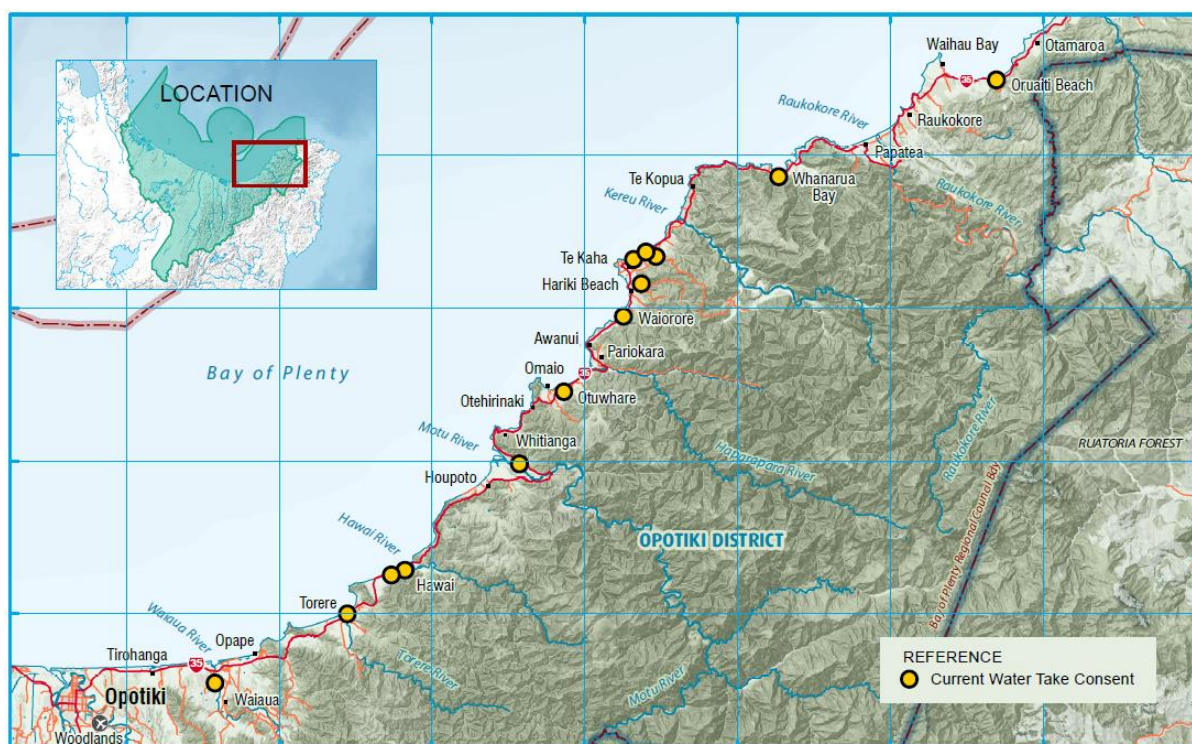
1.1 Approved Water Takes

There are 13 current consents authorising the abstraction and use of water currently in place between Haurere Point and Lotten Point. These consents, identified in Table 1, have been through a resource consent process and been determined to be consistent with the planning frameworks of the time.

Table 1: Water takes authorised by current resource consents

Project ID	Consent Holder	Purpose	Expiry Date	Max Total Water (m ³ /yr)	Max Rate (l/sec)
61174	Opotiki District Council	Take Water from Gravel Beds adjacent to the Puremutahuri Stream for the Te Kaha Community Water Supply	30-Sep-2021	354,780	15.00
61804	New Zealand Transport Agency	Divert the Torere river	30-Apr-2038		
64543	Whanarua Bay Water Supply Soc.	Take and use water from the Whanarua stream for community water supply	31-Jan-2022	39,420	3.10
68184	Iwik Management Ltd	Harvesting and Use Surface Water From the Waiōrore Stream	30-Sep-2030	35,000	13.00
68394	Waiaua Irrigation Scheme Ltd	Take and use water from the Waiaua river for irrigation, frost protection, dairy shed use, stock water and domestic use	31-Jul-2032	443,839	60.00
68480	Motu Metal Crushing Limited	Take Surface Water from the Motu River	30-Dec-2025	273,750	21.00
RM16-0215	Omaio 39 Ahuwhenua Trust - the trustees	Take and use water from a bore	30-Jul-2026	14,220	0.68
RM16-0546	Matapapa 12 Trust	take and use surface water	12-Mar-2028	7,300	1.80
RM17-0488	Te Kaha 14B2 Trust	Take and use groundwater	31-Oct-2027	13,870	0.53
RM18-0150	Huakiwi Developments Limited Partnership	take and use groundwater for the irrigation of 6.43 hectares of gold kiwifruit orchard	31-Oct-2033	28,199	1.80
RM18-0203	Huakiwi Developments Limited Partnership	Take and use groundwater for irrigation	31-Oct-2033	16,699	1.80
RM18-0458	Te Kaha 9B Ahuwhenua Trust	take groundwater from a bore for irrigation	31-Aug-2033	19,567	1.40
RM18-0552	Seeka Limited	take ground water for irrigation, and spraying	31-Jan-2034	19,494	3.90

Map 1: Current water take resource consent locations



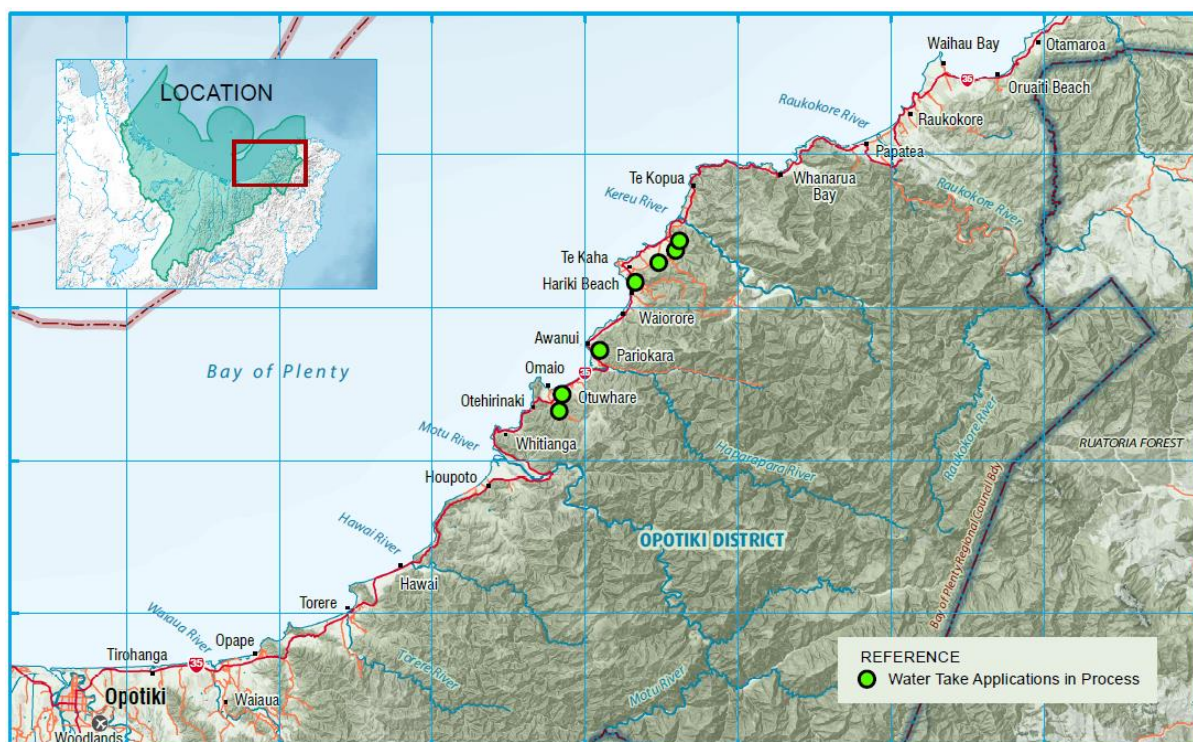
1.2 Water Takes in Process of Obtaining Consent

Seven water takes are currently going through the consenting process. These consents, identified in Table 2, have been applied for as a result of Council's unconsented water take project. As reported to this Komiti in December 2018, that project started in 2015/16 with the aim of identifying and bringing those taking water without resource consent into compliance, so Council can better account for and manage sustainable levels of water use. These consents involve surface water takes that have been occurring for an excess of 30 years without consent.

Table 2: Consent applications currently being processed

Project ID	Consent Holder	Site Address
68173	Huakiwi Te Kaha 35C 2B Orchard Ltd	6656 State Highway 35 Te Kaha
68174	Huakiwi Copenhagen Lot 4 Orchard Limited	194 Copenhagen Road Te Kaha
68175	Huakiwi Te Kaha 85 Orchard Limited	298 Copenhagen Road Te Kaha
68176	Huakiwi Omaio49 Limited, Huakiwi Omaio53 Limited & Huakiwi T	Ohotu Road Omaio
68186	Omaio 36 Orchard Joint Venture	Ohotu Road SH35 Omaio
68187	Awanui 4A2B Orchard Joint Venture	Albert Road SH 35 Te Kaha
68188	Maungaroa 27 Orchard Joint Venture	SH 35 Te Kaha

Map 2: Locations of consent applications currently being processed



2 Consenting Process and Effects on Tangata Whenua

Any water take (surface or ground) exceeding permitted activity criteria¹ requires resource consent. In most cases, water takes are a discretionary activity, which means Council can assess the effects of water takes on the environment on a case by case basis according to the objectives, policies and methods contained in the plan (and plan change). Council has the ability to grant or refuse consent applications for discretionary activities and has a broad ability to impose conditions on any resource consents that are granted. On a generic basis, the following table summarises what is usually assessed for any surface water or groundwater consent.

Groundwater	Surface Water
Is there allocation available in the aquifer?	Is there allocation available in the river/stream?
Efficiency of use (SPASMO model) ²	Efficiency of use (SPASMO model)
Potential for saltwater intrusion/contamination	Ecological effects
Effects on other bores in the area	Effects on downstream users
Effects on surface water	Intake structure and its effects on the ecology
Cultural Effects	Cultural Effects

¹ The taking of up to 15 cubic metres per day of groundwater for properties under five hectares, and up to 35 cubic metres for properties over 5 hectares, is a permitted activity subject to meeting other criteria. The taking of surface water at a rate up to 2.5 litres per second and a volume up to 15 cubic metres per day is a permitted activity subject to meeting other criteria.

² SPASMO – Soil Plant Atmosphere Systems Model.

The first step when processing an application to take water is to determine whether there is any allocation remaining. The allocable flow is defined as:

- For surface waters the allocable flow is 10% of the average low flow that is expected to occur every five years i.e. a 20% chance of occurring each year (Q5 seven day low flow). The Regional Natural Resources Plan requirements minimum instream flow to be 90% of this average low flow to sustain ecological values and water quality, while allowing for 10% to be allocated.
- For groundwater the allocable flow is 35% of the residual annual average recharge; this is from the Proposed National Environmental Standard on Ecological Flows and Water Levels and is proposed as a limit in the Region-wide Water Quantity plan change.

The main considerations when processing an application to take water are:

1. Ecological effects (surface water) – Generally, ecological effects are considered to be acceptable if the water body has allocation available as outlined above. If there is no allocation available, consent applicants are required to carry out site specific assessments to determine whether it is ecologically acceptable to allocate additional flow. The allocation limit is conservative, so sometimes it is possible to allocate additional flow without compromising the ecological health of the water body.
2. The impact on the sustainability of the aquifer (groundwater) – Generally the effect on the sustainability of the aquifer is considered to be acceptable if the aquifer has allocation available as outlined above. Beyond that limit, the question of whether a take will adversely affect the sustainability of an aquifer is not easy to answer and adequate science to inform policy and consent decisions is still evolving. Current practice when there is not allocation remaining is to require the installation of electronic monitoring systems on wells if consent is granted at all. This will assist in ensuring that Council has data available to log the relationship between the water take and aquifer levels if and when required.
3. Efficiency of the use – we currently use SPASMO-IR³ (Soil Plant Atmosphere System Model – Irrigation) for assessing weekly and annual allocation for water take consent applications. The model is based on:
 - (i) The location;
 - (ii) The nearest virtual climate station which is representative of the environmental conditions experienced at the applicant's location;
 - (iii) The crop type;
 - (iv) The soil type;
 - (v) An efficiency value of 80% which is a level used for the design of irrigation systems as a minimum requirement for varying types of sprinkler systems⁴; and
 - (vi) A probability value of 90% which assumes that nine out of every ten years, the irrigation amount will be sufficient to meet the crop's requirements.

³ Steve Green, The New Zealand Institute for Plant & Food Research Limited (2011), The SPASMO-IR tool to determine reasonable water use for the Bay of Plenty. SPTS No. 5908.

⁴ Irrigation New Zealand, Irrigation Code of Practice and Irrigation Design Standards, March 2007.

4. Effects on nearby bores (groundwater only) – applicants are required to carry out pump tests and have the results analysed to determine whether the proposed rate of abstraction will have an impact on the water level in surrounding bores.
5. Cultural effects – an assessment of cultural effects is generally required for surface water takes, or groundwater takes that may impact on surface water features. Best practice dictates that cultural impact assessments are carried out by the applicant with the relevant iwi authority or hapū and should contain (at least):
 - a. Information on the relevant Māori cultural values, interests and associations with the river, stream, or spring;
 - b. The potential effects of the proposed activity on those values and interests.
 - c. Methods to avoid, remedy or mitigate cultural effects, including suggested consent conditions.
6. If the application is to replace an existing consent, Council must consider the value of the investment of the consent holder. The Resource Management Act does not provide for consent renewals, when a resource consent expires it needs to be replaced with a new consent, subject to the considerations outlined above. Commonly, older consents did not include limitations on seasonal or annual abstraction, and those are included in new consents, so as consents are replaced the amount of water allocated generally reduces.
7. Consent term – the Bay of Plenty Regional Policy Statement provides for terms of up to 15 years for water take consents. Consents are generally granted for a term of 15 years if telemetry is provided, otherwise 10 years.

Before deciding whether to grant an application to take water, staff must determine whether the application should be subject to public or limited notification, or processed without notification. The RMA requires that if an application will have or is likely to have adverse effects on the environment that are more than minor that application must be publicly notified, which means that anyone is able to make a submission on that application. Any application for a new take and use in an over-allocated catchment will likely be publically notified and the potential cost and risk involved in public notification often discourage people from making applications to take more water in over allocated catchments.

If public notification is not required, Council must give limited notification to any person that the water take will have a minor (or more than minor) adverse effect on unless those people have provided written approval. In practice this is most commonly people taking water from nearby bores or tangata whenua.

In order for consent to be granted non-notified, the applicant must demonstrate that relevant environmental effects will be less than minor and there are no adversely affected persons. The seven water take consents mentioned have not been granted as the applicant is still attempting to work through cultural effects with the hapū involved. Consents staff have been working with Māori Policy team at Regional Council closely on this to find a way forward.

Some hapū have stated that they will not comment on any applications relating to water until their treaty settlement has been finalised. Without assessment from tangata whenua to inform decision making, Council often notifies applications to the relevant

hapū as we know they are interested in these water takes but we cannot be certain what the implications are for tangata whenua without input.

In this scenario, we are aware that it may be detrimental to push for these hapū to provide comment (or lose the right to do so) through a notification process when they have already taken the position of not commenting. Māori Policy has been working to help the hapū understand the situation so we can work towards a better outcome with positive relationships between tangata whenua, applicants, and Council.

3 Upcoming Consent Application

There is a large kiwifruit irrigation proposal in the 'pre-application' stage that the consents team has provided some consenting advice on. This proposal involves a large water take from the Haparapara River for the irrigation of approximately 225 ha of kiwifruit throughout the Ōmaio area, along with community supply for marae and dwellings. This water take is not currently occurring but staff have outlined what we would expect in a consent application to take and use surface water should they wish to pursue this venture.

As outlined above, the applicant will be encouraged to engage with relevant iwi and hapū.

4 Implications for Māori

The Resource Management Act 1991 (RMA) and our regional plans and policies direct both the applicants and the consenting authority to consider effects on tangata whenua for water take applications. In order for all parties to understand what these effects are, applicants and tangata whenua are encouraged to work together to discuss these matters. These discussions can provide opportunities for hapū to expand their own knowledge of these valuable resources by being involved in monitoring programs and collaboration of data to ensure the health of water-ways is maintained.

Using the previously mentioned seven water takes (surface water) going through the consenting process as an example, the applicant has addressed the aspects of ecological effects through a rigorous monitoring process in conjunction with NIWA that has been assessed by Council's science team as being acceptable.

Council is aware that stream ecology is of high importance to tangata whenua. As these applications are discretionary activities, there is potential for BOPRC to impose consent conditions that require the applicant to work with tangata whenua on this monitoring to achieve environmental outcomes that are positive for all parties. This is one example of consent conditions that could enable hapū to have even greater knowledge around the resources they have Kaitiaki over and to help build strong positive relationships.

Another example is the 'Up and Coming Consent Application' mentioned. This application intends to supply communities and marae throughout the region with reliable and clean water as part of the consent.

However, potential for positive benefits is greatly reduced if hapū are not willing to participate in this consenting process, which is why it is highly encouraged for applicants and hapū to engage in discussions.

Council staff recognise that capacity to respond to requests to engage can be a significant barrier.

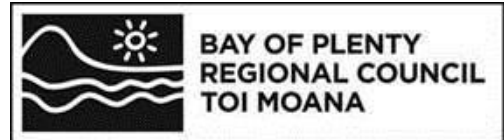
5 Community Outcomes

These projects that require consent do come with several opportunities for tangata whenua. There are the economic benefits for the region created from the development of land, along with the employment opportunities that arise from this. The opportunity to learn and gather further information about the resources throughout the region will help with the establishment of different land uses without compromising sustainability and their health.

Jacob Steens
Consents Officer

for Consents Manager

30 May 2019



Receives Only – No Decisions

Report To: Komiti Māori

Meeting Date: 11 June 2019

Report From: Kataraina O'Brien, Strategic Engagement Manager

Update on Treaty Settlements in the Bay of Plenty

Executive Summary

The Bay of Plenty is the turangawaewae for many Māori entities (whānau, hapū, iwi, land trusts and incorporations). Nationally, this region has the highest number of Iwi authorities. The strong Māori presence is recognised and identified through Treaty claims and settlements.

This report provides an update on the progress of Treaty settlements in the Bay of Plenty Region and on other matters of National significance.

Twenty two comprehensive settlements in the Bay of Plenty region have been completed by the Crown and five Deeds of Settlement signed and awaiting legislation.

An Urgent Hearing of the Waitangi Tribunal was convened for 8 April 2019 at the request of iwi from Tauranga Moana, Waikato, Coromandel and Auckland regions. The request was in response to two pending settlements for the Pare-Hauraki Collective and Marutūāhu Collective.

The Ngāti Rangitihī and Te Whanau ā Apanui negotiations with the Crown are progressing with the expectation that Deeds of Settlement could be signed by the end of 2019.

Staff will continue to monitor developments and provide update reports through Komiti Māori.

Recommendations

That Komiti Māori:

1 Receives the report, Update on Treaty Settlements in the Bay of Plenty.

1 Treaty Settlements at a Glance

To date 22 comprehensive Treaty settlements have been enacted, one of which (Pare Hauraki interlinked with the Tauranga Moana Framework) has partial settlement status and is the subject of an Urgent Hearing of the Waitangi Tribunal. This item is addressed later in the report.

The table below summarises the status of settlements and claims to date. For further details the “Status of Treaty Claims and Settlements Maps is attached to this report.

No	Status settlements and claims	Comments
22	Comprehensive Treaty Claims settled (legislation enacted)	<ul style="list-style-type: none"> • 19 individual iwi • 3 iwi collectives
5	Deeds of Settlement (DoS initialled / awaiting legislation)	<ul style="list-style-type: none"> • Ngāti Tara Tokanui • Ngāti Tamatea • Ngāti Maru • Ngāti Ranginui • Ngāi Te Rangi • Ngā Pōtiki • Pare Hauraki Collective (12 iwi)
2	Agreement in Principle	<ul style="list-style-type: none"> • Whakatōhea • Ngāti Hinerangi • Ngāti Rangitahi
2	Negotiations (in progress)	<ul style="list-style-type: none"> • Ngāti Rangitahi • Te Whanau a Apanui
1	Mandate (to be confirmed by signed agreement)	<ul style="list-style-type: none"> • Whakatohea (re-mandating)
3	On-hold	<ul style="list-style-type: none"> • Tauranga Moana Collective (Harbour interests) and Tauranga Moana Framework • Pare Hauraki (Tauranga Harbour interests) • Ngāti Whakaue
1	Not currently active	<ul style="list-style-type: none"> • Ngai Tai

As partners to the Treaty of Waitangi, Māori are increasingly beginning to play a key role in the social and economic development of the region. Treaty settlement legislation requires Council to engage through mechanisms including co-governance, co-management and partnerships with iwi.

Many settlements involve implementation responsibility for Council particularly co-governance and/or management arrangements. Currently we are responsible for three statutory co-governance entities regarding the Rotorua Lakes, Rangitāiki River and Kaituna River, with others expected in the near future.

2 Treaty Settlements under Negotiation

NOTE: Where the Crown is in negotiations with iwi, the details of those discussions are confidential. The updates provided here relating to Te Whānau a Apanui and Ngāti Rangitahi are general and do not confirm any content that may appear in the respective forthcoming Deeds of Settlement.

Ngāti Rangitahi

The Crown and Ngāti Rangitahi are in the process of finalising aspects of the settlement particularly in regard to the establishment of a Tarawera River mauri restoration body.

Whakatōhea

On 17 April 2018 the Waitangi Tribunal release its report on the Urgent Inquiry into the Whakatōhea mandating process. As a consequence of the report and the recommendations of the Tribunal the Crown was directed to undertake a re-mandating process. The Crown has yet to determine whether it shall proceed or cease negotiations. At the time of preparing this report no decision had been made.

Te Whānau ā Apanui

Te Whānau ā Apanui are continuing discussions with the Crown on a proposal to enable recognition and provision of Te Whānau ā Apanui values and principles in settlement legislation.

3 Matters of High Interest

Wai 2358 (Freshwater and Geothermal)

The WAI 2358 claim centres on the Crown's resource management reforms which in the view of the claimants do not include a process or plan to recognise and provide for Māori rights and interests in fresh water. The pivotal questions for the Tribunal to consider are:

1. Is the current law in respect of fresh water and freshwater bodies consistent with the principles of the Treaty of Waitangi?
2. Is the Crown's freshwater reform package, including completed reforms, proposed reforms, and reform options, consistent with the principles of the Treaty of Waitangi?
 - To what extent does the completed reform package, proposed reforms, or reform options (including those proposed by the Crown in consultation) address Māori rights and interests in specific freshwater resources, as identified by the Tribunal in Stage 1?
 - Do the Crown's completed reforms or proposed reforms or reform options omit to address Māori rights and interests? What, if any, limits in addressing Māori rights might be appropriate today in Treaty terms?
 - To the extent that Māori rights and interests are addressed, is the resultant recognition of those rights consistent with the principles of the Treaty?
 - To the extent that the Crown has omitted to address Māori rights and interests, or has addressed them adequately, what amendments or further reforms are required to ensure consistent with the principles of the Treaty?

The Waitangi Tribunal final stage 2 hearing on WAI 2358 was held in November 2018. The Tribunal is now preparing its report and recommendations which is not expected to be submitted to the Crown until mid-2019. The New Zealand Māori Council (NZMC) is a proponent of the claim and has been actively pushing for recognition of tangata whenua rights in the freshwater space.

Given the large number of submissions from individuals, hapū, and iwi reflect the undertone of Māori proprietary rights to the freshwater resource. With respect to the Māori interests, the two central issues, privatisation (under WAI 2357 – privatisation of state owned enterprises) and water rights, are linked: privatisation (or more specifically – ownership of the infrastructure and delivery of the resource) provides state owned enterprises control over the use of fresh water to the exclusion of Māori rights and

interests. Addressing these issues is complex and is why the Tribunal has taken its time in holding additional hui before preparing its report and making recommendations.

In light of the significance of this claim and the number of submissions the Tribunal must consider it now has the task of considering this information against the back-drop of the Treaty of Waitangi and its principles. Staff will continue to keep the Komiti updated as developments are made public.

The Ministry for the Environment is observing the progress of the claim and is aware of the Māori ownership interests. The current freshwater reform timelines may be affected to the extent that Crown compensation may require more direct involvement by in the management of fresh water.

WAI: 2521 (Mōtiti Island)

On 1 May 2019, the Crown made its opening submissions to the Waitangi Tribunal Hearing held in Tauranga. In summary the Crown's submission noted that the catalyst for the claim was the development of the Tauranga Moana Framework (TMF) as part of the wider Tauranga Moana Settlement. The rights and interests asserted under the TMF were of concern to claimants from Mōtiti Island. The Crown's investigations into the identity of Ngā Hapū o Moutere o Mōtiti expedited responses from other tangata whenua who held different views than those of the claimants.

The next Hearing dates are scheduled for July 2019.

Pare Hauraki/ Tauranga Moana Framework settlements

During the week of 8 April 2019 an Urgent Hearing of the Waitangi Tribunal was held to consider the Crown's approach in dealing with overlapping claims. This was initiated by iwi who were concerned that the Pare-Hauraki and Marutūāhu settlements would adversely affect the mana of iwi from Tauranga Moana, Waikato, the Coromandel and Auckland.

The Pare-Hauraki Collective Deed of Settlement has been signed by 7 of the 12 Hauraki iwi. It is not clear as to why the remaining 5 have not signed. The Minister for Treaty Negotiations has indicated to the Tribunal that he will not commence the legislative process until the Deed is signed by all iwi of the Collective, and when he has considered the recommendations of the Waitangi Tribunal Urgent Hearing.

The Tauranga Moana Framework Settlement remains on hold until those matters in the Pare-Hauraki Collective settlement which pertain to the Tauranga Harbour are resolved.

4 Implications for Māori

The Treaty settlement process is the acknowledgement by the Crown of its breach of the Treaty of Waitangi through its actions that adversely impacted on the cultural, social, and economic well-being of Māori. Settlements provide compensatory relief by way of instruments such as:

- Offer back of Crown-owned land – right of first refusal
- Offer back of Crown Forest Land (but retention of current leases and licenses)
- Reserve land or National Parks (as in the case of Te Urewera)
- Enhanced participation in local government decision-making through co-governance arrangements; joint management or co-management

agreements; statutory acknowledgements; and representation on committees through the establishment of independent bodies (as in the case of Auckland for example: The Maunga Authority and the Independent Māori Statutory Board).

Where the outcomes of Treaty settlements obligate local government to implement and administer settlement outcomes, there is a duty to ensure that those rights and interests afforded Maori are undertaken in good faith and in the context of the relevant settlement legislation.

Many settlements have enabled iwi to become significant stakeholders in the future well-being of the regions in which they are located and in the national and global theatres of social, cultural and financial discourse. It is expected that this trend will become significant as more iwi begin to settle with the Crown.

5 Budget Implications

5.1 Current Year Budget

There are no budget implications. This report is for information only purposes.

6 Community Outcomes

This item directly contributes to the “Healthy Environment”, “Freshwater for Life” and “Vibrant Region” Community Outcome in the Council’s Long Term Plan 2018-2028.

Anaru Vercoe
Pou Ngaio (Technical/Cultural)

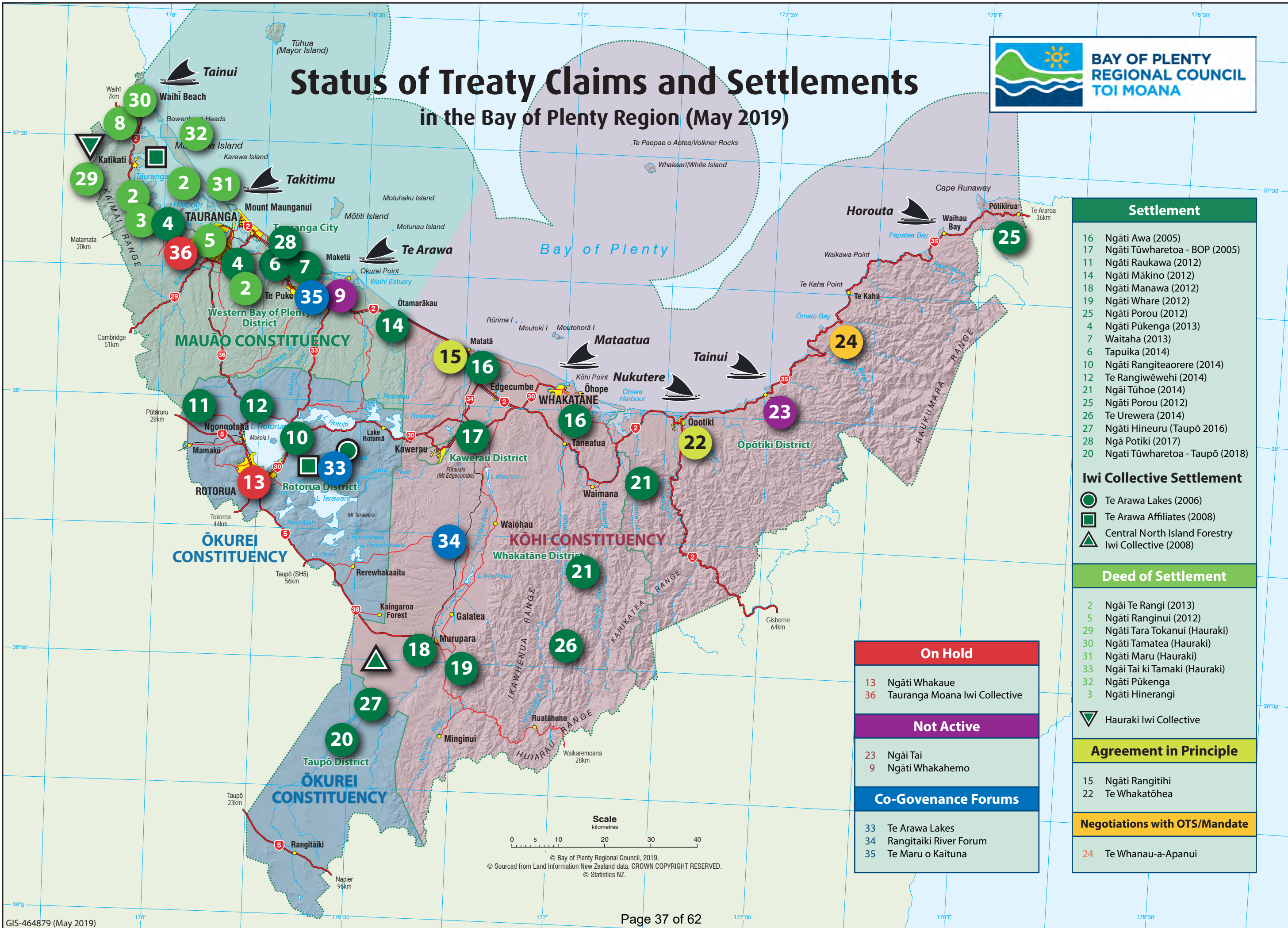
for Strategic Engagement Manager

30 May 2019

APPENDIX 1

Status of Treaty Claims Map

Status of Treaty Claims and Settlements in the Bay of Plenty Region (May 2019)



Settlement	
16	Ngāti Awa (2005)
17	Ngāti Tūwharetoa - BOP (2005)
11	Ngāti Raukawa (2012)
14	Ngāti Mākino (2012)
18	Ngāti Manawa (2012)
19	Ngāti Whare (2012)
25	Ngāti Porou (2012)
4	Ngāti Pūkenga (2013)
7	Waitaha (2013)
6	Tapuika (2014)
10	Ngāti Rangitearere (2014)
12	Te Rangiwēwehi (2014)
21	Ngāi Tūhoe (2014)
25	Ngāti Porou (2012)
26	Te Urewera (2014)
27	Ngāti Hineuru (Taupō 2016)
28	Ngā Potiki (2017)
20	Ngāti Tūwharetoa - Taupō (2018)

Iwi Collective Settlement	
●	Te Arawa Lakes (2006)
■	Te Arawa Affiliates (2008)
▲	Central North Island Forestry Iwi Collective (2008)

Deed of Settlement	
2	Ngāi Te Rangī (2013)
5	Ngāti Ranginui (2012)
29	Ngāti Tara Tokanui (Hauraki)
30	Ngāti Tamatea (Hauraki)
31	Ngāti Maru (Hauraki)
33	Ngāi Tai ki Tamaki (Hauraki)
32	Ngāti Pūkenga
3	Ngāti Hinerangi
▼	Hauraki Iwi Collective

On Hold	
13	Ngāti Whakaue
36	Tauranga Moana Iwi Collective

Not Active	
23	Ngāi Tai
9	Ngāti Whakahemo

Co-Governance Forums	
33	Te Arawa Lakes
34	Rangitaiki River Forum
35	Te Maru o Kaituna

Agreement in Principle	
15	Ngāti Rangitihī
22	Te Whakatōhea

Negotiations with OTS/Mandate	
24	Te Whanau-a-Apanui

Scale
kilometres
0 5 10 20 30 40

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Receives Only – No Decisions

Report To: Komiti Māori

Meeting Date: 11 June 2019

Report From: Kataraina O'Brien, Strategic Engagement Manager

Matters of Interest - General Manager Update

Executive Summary

The purpose of this report is to provide Komiti Māori members with a snapshot of current matters of interest. The report includes:

- A brief summary introducing Wairuru Marae and Te Whanau a Maruhaeremuri Hapū.
- Tangata Whenua Presentations: Ora Barlow-Tukaki – Te Raukūmara Ranges and Willie Te Aho - Te Whānau a Apanui Hapū Chair Forum Presentation.
- Presentation from Water Safety New Zealand on their draft Bay of Plenty Water Safety Strategy.
- He Korowai Mātauranga (the Mātauranga Māori framework) update.
- Land Management support for landowners.
- Climate Change update.
- Taking Account of Iwi Planning Document Guidelines for Staff.
- Funding update around the successful recipients of He Toka Tumoana Environmental Scholarship and Te Hapai Ora Regional Community Outcomes Fund.
- Local Authority Triennial Elections 2019 information.
- Implications for Māori.
- Komiti Māori Post Meeting Actions.

Recommendations

That Komiti Māori:

- 1 Receives the report, Matters of Interest - General Manager Update.**

1 Kaupapa Tuatahi: Wairuru Marae

Te Whānau ā Maruhaeremuri

Ko Te Whānau a Apanui te Iwi
Ko Te Whānau a Maruhaeremuri te Hapū
Ko Kirieke te maunga
Ko Raukōkore, ko Waiongatiawa, ko Wairuru ngā awa
Ko Mataatua te waka
Ko Hinemahuru, Ko Mihi Kotukutuku ngā Whareniui
Ko Maruharehuri te Whakrekai
Ko Wairuru te pa.

Wairuru Pa is located along State Highway 35 in the picturesque settlement of Raukōkore bearing the same name as the river. Its principal Hapū is Te Whānau a Maruhaeremuri (Maru) of the Te Whānau a Apanui Iwi. The whareniui are called Hinemahuru and Mihi Kotukutuku and the whare kai is Maruhaeremuri. The hapū connects to the Mataatua waka. Their mountain is maunga Kirieke and their awa are the Raukōkore, Waiongatiawa and Wairuru.

The whareniui Mihi Kotukutuku is named after the High Chieftess Mihi Kotukutuku Stirling who died in 1956. She was among the few women of her generation who had the right to speak on the marae in the district. In an exchange that became famous among Māori, Mihi challenged a Te Arawa leader when she was told to sit down and forbade her from trampling on the protocol of his Marae. Mihi responded by giving her genealogy, which established her senior descent over the Te Arawa Leader. She then turned and exposed herself in the derisive act known as whakapohane, saying that he should not derogate women, since a woman had given birth to him.

A notable feature in the area is the Anglican Church built by and designed by Duncan Stirling in 1894. Stirling married local Chieftess Mihi Kotukutuku.

The fisheries are very important to the local hapū. In 2011 the Hapū established a Mataitai Reserve for their bay – Papatea. This recognises and provides for the traditional fishing through local management. They allow customary and recreational fishing but don't allow commercial fishing. This is how they manage their fisheries today under customary fishing regulations and the Fisheries in a way that best fits their local practices.



2 Kaupapa Tuarua: Tangata Whenua Presentations

2.1 Willie Te Aho – Te Whānau a Apanui Chair Forum Presentation

Presentation will encompass all barriers and issues Whānau Apanui hapū are facing at the moment. It will include a look at the current settlement space, community development and taiao issues with a particular focus on wai.

2.2 Ora Barlow-Tukaki – Te Raukūmara Ranges

Te Raukūmara is in an advanced state of collapse. After decades of neglect, we must intervene. Te Whānau a Apanui and Ngāti Porou are driving the kaupapa to bring Te Raukūmara back to life.

Ora Barlow-Tukaki is of Te Whānau a Hikarukutai Hapū, very passionate advocate for her whānau in and around Te Kaha. She will present a video clip featuring Uncle Danny in Te Raukūmara Ranges.

3 Kaupapa Tuatoru: Water Safety New Zealand

Neil McInnes and Pererika Makiha from Water Safety New Zealand (WSNZ) will present on the Bay of Plenty Water Safety Strategy and Water Safety New Zealand's Māori Strategy.

3.1 Purpose for attending Komiti Māori

WSNZ would like to present to Bay of Plenty Regional Council (BOPRC) Councillors and Bay of Plenty tangata whenua on:

- Māori drowning statistics for the Bay of Plenty;
- The Bay of Plenty Water Safety Strategy; and
- WSNZ Māori strategy refresh.

By attending the Komiti Māori, WSNZ seeks to:

- Increase knowledge and awareness of the nature of Māori drowning in the Bay of Plenty;
- Build support for the objectives of the Bay of Plenty Water Safety Strategy that relate to Māori drowning, and for the strategy more generally;
- Raise awareness of WSNZ's work with TAR on the Māori Strategy refresh and identify opportunities for working with Bay of Plenty tangata whenua on Māori drowning prevention;
- Develop the initial relationships with BOPRC Councillors and Bay of Plenty tangata whenua and identify ways to maintain and enhance the relationships going forward;
- Enhance WSNZs knowledge and understanding of Māori organisations that can contribute to improved drowning prevention outcomes for Māori;
- Build support for the provision of funding for the implementation of the Bay of Plenty Water Safety Strategy, particularly the salary and operational costs of the Strategy Manager; and
- Identify ways in which BOPRC and Bay of Plenty tangata whenua can work in partnership with WSNZ in the development of signage and in developing better collaborative relationships with Māori.

3.2 **About Water Safety New Zealand**

Water Safety New Zealand (WSNZ) is an incorporated society, with charitable status, that was established in 1949. WSNZ has 37 member organisations, and an elected board consisting of five independent directors and three delegates from the core water safety organisations: Surf-Lifesaving NZ; Coastguard NZ; and Swimming NZ.

WSNZ is an enabling organisation; it funds and supports, rather than delivers, drowning prevention initiatives. We run an annual competitive investment round primarily using NZ Lottery Grant Board funding, along with some corporate sponsorship and funding from philanthropic sources. For the 2018/19 WSNZ funding round, \$2.22 million was available for distribution. WSNZ also fundraises for specific drowning-prevention initiatives and programmes. WSNZ's operating budget is funded by Sport NZ and Accident Compensation Corporation.

WSNZ work contributes to the reduction in drownings and to a thriving society for individuals, families and communities. WSNZ's stated purpose is to lead a step change in New Zealand, so people don't drown. The vision of WSNZ is that by 2025 more people in New Zealand respect the water and have the skills, knowledge and awareness to enjoy it safely.

3.3 **Bay of Plenty Water Safety Strategy**

Over the past 24 months WSNZ has been facilitating the development of a series of pilot water safety strategies in regions with high preventable drowning rates, including the Bay of Plenty. The objective of this work is to develop a coordinated and collaborative action plan for water safety in a region that identifies priority work streams and investments for drowning prevention.

A draft Bay of Plenty Water Safety Strategy has been developed in consultation with sector stakeholders and the community, and it focuses on reducing drowning deaths and injuries and building a culture of safe enjoyment around water in the Bay of Plenty. For more information around the strategy please refer to the supporting document "Bay of Plenty Water Safety Strategy 2019-2023.

3.4 **WSNZ Māori Strategy Refresh**

Since 2003 WSNZ has had several iterations of a Māori water safety strategy to guide its drowning prevention interventions targeting Māori (since 2008 the strategy has been called Kia Maanu, Kia Ora). The last iteration of Kia Maanu, Kia Ora finished in 2015. From late 2015 WSNZ's focus has been on sector level strategies, but a 2017 proposal to develop a water safety sector Māori strategy was not supported by sector stakeholders as they considered that WSNZ did not have the capability to deliver on its aspirations for Māori. WSNZ is now working on refreshing its Māori strategy and improving its capability to work with Māori.

In May 2018 WSNZ held a hui with key Māori water safety experts and practitioners to discuss the refresh of WSNZ's Māori strategy. It was agreed that hui participants would form as an interim Advisory Group to WSNZ called Tangaroa Ara Rau (TAR) and they would work with WSNZ on the refresh of the Māori water safety strategy. A Memorandum of Understanding (MoU) to formalise the relationship between WSNZ and TAR has been developed and it covers a 12-month period to September 2019.

A work programme has been developed for the strategy refresh and WSNZ and TAR have been working on the deliverables across five different workstreams. The objectives of the refresh project include:

- Establishing a Māori Advisory Group for WSNZ;
- Improving WSNZ's capability to engage with Māori on drowning prevention;
- Refreshing the Kia Maanu, Kia Ora brand and helping develop criteria for its use;
- Clarifying how outcomes for Māori are to be funded by WSNZ's investment programme;
- Supporting the development of a Kaupapa Māori approach to WSFL by Otago University;
- Developing criteria for assessing best practice for Māori drowning prevention initiatives;
- Identifying Māori drowning prevention research priorities; and
- Examining Māori data management issues for WSNZ.

WSNZ and TAR will also work together to improve Māori drowning prevention outcomes more broadly by:

- Examining options for increased Māori participation in the governance of the water safety sector;
- Identifying potential Maori workforce development opportunities in the water safety sector;
- Promoting the benefits of a water safety sector Māori strategy through engagement with key influencers in the sector; and
- Exploring how a holistic approach to Māori water safety that includes cultural and spiritual elements, can be given effect in Māori water safety initiatives and programmes.

For more information around the Bay of Plenty Water Safety Strategy 2019-2023, please refer to the supporting document.

4 Kaupapa Tuawha: He Korowai Mātauranga Update

He Korowai Mātauranga (HKM), our regional mātauranga Māori internal staff framework is a key Long Term Plan project and is essential to having successful outcomes for the way Toi Moana and tangata whenua work together. HKM was approved by Komiti Māori in December 2018. Staff are developing a draft implementation plan which is due to be completed by 30 June 2019. We are on target to meet this date.

The implementation plan will give effect to three Muka or strands:

- developing cultural responsiveness tools to support staff;
- preparing a relationship strategy that will enhance staff capability to respond to tangata whenua; and
- the interfacing of mātauranga with science, and development of a repository of mātauranga that is centralised and managed in collaboration with Māori.

He Korowai Mātauranga has been socialised with staff via information sessions held across regional offices and approximately 150 staff attended the six sessions, providing valuable input across the framework strands. The staff sessions confirmed

strong support for HKM and a lot of interest in ways to give effect to it. A common thread was the understanding that we all benefit from having the tools to help us build productive and meaningful relationships with tangata whenua. A collaborative hub or focus group is being established and will have representatives from relevant teams. This will provide opportunities for specific advice around needs and possible solutions for the implementation plan. Tāngata Whenua input will occur via Regional wānanga/hui.

Please find attached as Appendix 1, a copy of He Korowai Matauranga Implementation Plan summary with more details around the actions and timeframes around this how and when this project will be implemented.

5 Kaupapa Tuarima: Land Management Support for Landowners

In collaboration with Department of Conservation (DOC), Staff have recently completed an in depth look at the state of indigenous biodiversity (forest, wetlands, sand dunes etc.) and prioritised particular ecosystems that are under threat or rare for protection. These ecosystems have in turn been ranked from Priority 1 to 3 (1 being highly significant to 3 being significant) according to their significance. On the East Coast there are large areas that are considered to be priority biodiversity sites. There may be funding available to support landowners to protect these sites.

Depending on the site, protection may involve fencing from stock, pest control and weed control. Priority one sites (mostly wetlands) take precedence for funding.

The funding is also available to landowners wanting to protect water quality values (for example – fencing and planting of stream margins). Again, with demand from landowners exceeding limited funding available, we also have to prioritise this work. Priority is given to waterways where there is an identified issue with poor water quality that is impacting on stream health and communities.

To find out more around funding or priority sites, the key contact is Tim Senior - Land Management Officer (Eastern) for Bay of Plenty Regional Council, email Tim.Senior@boprc.govt.nz, phone 0800 884 880 ext. 6010 or 0274958834.

6 Kaupapa Tuaono: Climate Change Update

Climate Change is one of the key strategic challenges for the Long Term Plan 2018-2028 and was a significant issue raised by members of the community through the LTP consultation process. Council is committed to developing a 'climate change action plan' through the Chairman signing up to the 'New Zealand Local Government Leaders' Climate Change Declaration 2017' in October.

6.1 Bay of Plenty Regional Council (BOPRC) Action Plan

The BOPRC Action Plan covers both mitigation and adaptation, and is organised into four focus areas:

Focus area	Actions
1. Mitigation (internal)	Undertaking "house in order" actions (including fleet management, property, procurement)
2. Decision-making (internal)	Incorporating climate change into all the decisions we make on behalf of or with our community

<p>3. The work we do: 3a. services provided 3b. adaptation</p>	<p>Building on the work we already do around climate change in the services we provide in terms of mitigation (e.g. electric buses) and adaptation (e.g. working with communities to build resilience)</p>
<p>4. Community outreach</p>	<p>Looking at a regional response to climate change and the role we could play in supporting our communities, iwi, industry, organisations and individuals.</p>

6.2 Climate Change Response (Zero Carbon) Amendment Bill

The Climate Change Response (Zero Carbon) Amendment Bill was released by Central Government on 8 May 2019.

The purpose of the amendment bill is to provide a framework by which New Zealand can develop and implement clear and stable climate change policies. These will contribute to the global effort under the Paris Agreement to limit the global average temperature increase to 1.5° Celsius above pre-industrial levels.

The original proposal was for a separate piece of legislation called the Zero Carbon Bill. The Government has now decided to introduce it as an amendment to the current Climate Change Response Act 2002 and to include adaptation as a legislative element. This will ensure that all key climate legislation is within one Act.

The amendment bill will do four key things:

1. Set new greenhouse gas emission reduction targets to:
 - reduce all long lived (carbon dioxide and nitrous oxide) greenhouse gases to net zero by 2050
 - reduce emissions of biogenic methane (short-lived greenhouse gas) to within the range of 24–47 per cent below 2017 levels by 2050 including to 10 per cent below 2017 levels by 2030.
2. Set a series of emissions budgets to act as stepping stones towards the long-term target.
3. Require the Government to develop and implement policies for climate change adaptation and mitigation.
4. Establish a new, independent Climate Change Commission to provide expert advice and monitoring to help keep successive governments on track to meeting long-term goals.

For adaptation, the bill is proposing the development of a framework for enhanced action on adaptation which will consist of:

- A National Climate Change Risk Assessment, to improve our understanding of the climate risks that Aotearoa New Zealand faces
- A National Adaptation Plan, which will outline the Government’s approach to improving New Zealand’s resilience to the effects of climate change
- Monitoring and reporting against the National Adaptation Plan to ensure accountability.

The next step is the first reading of the amendment bill in May 2019. Then the Select Committee will start and there will be a call for public submission on the bill. There are no dates set for this process as yet.

6.3 National Action

Nelson City Council and Environment Canterbury have followed the UK and a number of other cities and countries around the world by declaring a ‘Climate Change Emergency’ late last week. The emergency declaration does not give councils extra powers but builds an awareness that climate change is on their agenda.

7 Kaupapa Tuawhitu: Taking Account of Iwi Planning Document Guidelines for Staff

Guidelines on the importance of Iwi Management Plans and how they should be used have been prepared for staff.

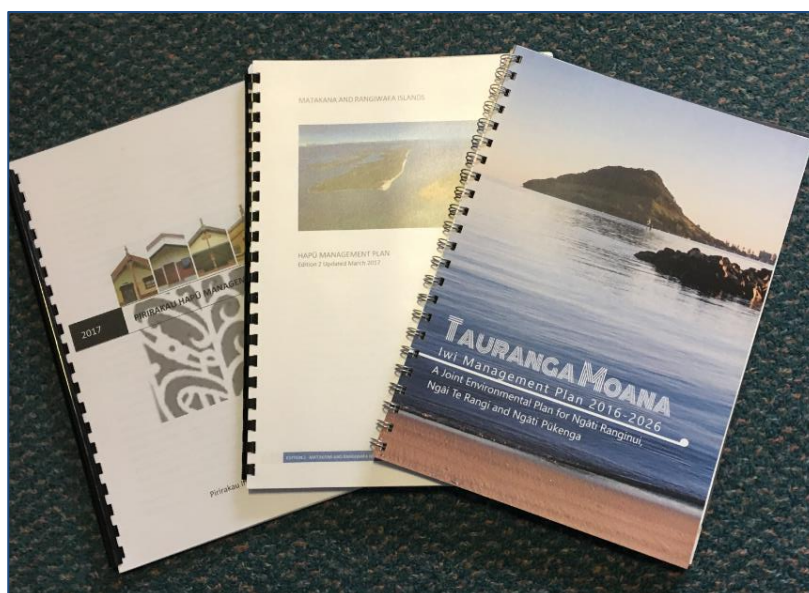
The Guideline cover:

- The meaning of “take into account”: A brief statement on the legal and statutory intent of the words.
- An explanation of what an Iwi Planning Document is.
- Guidance on what constitutes an Iwi.
- Overlapping Interests and what mana whenua is.
- A process on how to take into account an iwi planning document.
- What Council cannot take into account.
- Statutory and legal obligations of Council under the RMA, the RPS and case law in regard to iwi planning documents.
- Where staff can get support.

As policy in this area develops and where new direction is provided through case law and statutory obligations, Māori Policy will update the guidelines accordingly.

For more information around Taking Account of Iwi Planning Documents, please refer to the supporting document.

Below are examples of planning documents recognised by the Iwi.



8 Kaupapa Tuawaru: Funding Update

8.1 He Toka Tumoana Environmental Scholarship

He Toka Tūmoana - Toi Moana Environmental Scholarship is a Council approved initiative established in 2017 to recognise and support students who are undertaking study, research or training that aligns with the enhancement of our Taiao (environment).

Applications for the He Toka Tumoana environmental scholarships opened in February 2019 and closed on the 22 March 2019. There were 29 applications received, a higher number than in previous years which may be attributed to the new online application process through the Council website. Of the 29 applications received 12 applications were received from Mauāo constituency, 10 from Kōhī and 7 from Ōkurei with the majority of students studying at either the University of Waikato, Toi Ohomai Institute of Technology and or Te Whare Wānanga o Awanuiarangi.

The calibre of applications this year was excellent and the level of competition was intense. General Manager Strategy & Science made the final decision and subsequently four lucky students have each been awarded a \$2,500 scholarship to aid their study paths. They have also been invited to attend Komiti Māori to receive their certificates.

Successful Recipients

The four recipients of the He Toka Tumoana environmental scholarship are:

Emily McKay

Emily is from Pāpāmoa, has a strong connection to the Eastern Bay of Plenty and is studying a Master's degree in Environmental Science at the University of Waikato. She has been involved with two consecutive summer student internships at Toi Moana and has an impressive history of community involvements throughout the Bay. Emily's Postgraduate papers particularly focus on combining Mātauranga Māori with Western Science and how they can be used together to improve our knowledge of how the environment can be protected and conserved while considering the relationship between people and the environment. Emily seeks to return home at the completion of her degree.

Maia Eruera

Maia is Ngāti Awa descent, is in her 3rd year of a Bachelor of Commerce degree working towards a triple major in Commercial Law, Management and Information Systems/IT Solutions at the University of Victoria. Maia was a member of the Community Engagement team last summer on the Toi Moana student internship programme where she thrived in the application of her student research in a real-time setting. Maia intends to return home to the sunny Bay of Plenty at the end of this year and hopes that through her studies she can educate organisations of the importance of technological advancements as being a catalyst in the reduction of using our natural resources.

Oriana Van Nistelrooy

Oriana is of Te Arawa descent, is currently studying towards a Postgraduate Diploma as part of a Master's degree in Environmental Science at the University of Waikato and has been an intern within the Science Team at Toi Moana for the past 3 years. During her tenure in Council she's gained a wealth of experience in marine and freshwater data collection, monitoring, and identifying patterns and changes in macro and epi-fauna as part of the Kaituna River Diversion project. Oriana hopes to fulfil the

advocacy role of tangata whenua as kaitiaki by becoming a compliance officer for Council when she completes her degree.

Aroha Kopae

Aroha is of Ngāti Awa and Ngāi Te Rangi descent and is in her second year of an Environmental Management Diploma at Toi Ohomai Institute of Technology. She is extremely passionate about the environment and has volunteered for a number of community projects in the past. Aroha is a solo mother of three children and believes that education starts at home and being a role model firstly to her tamariki is a good start to enhancing our taiao. Aroha acknowledges that the scholarship will help her ascertain the tools of becoming closer to her goal of being a kaitiaki mo te ao Taiao, Mai Nga Kuri a Whareki ki Tihirau.

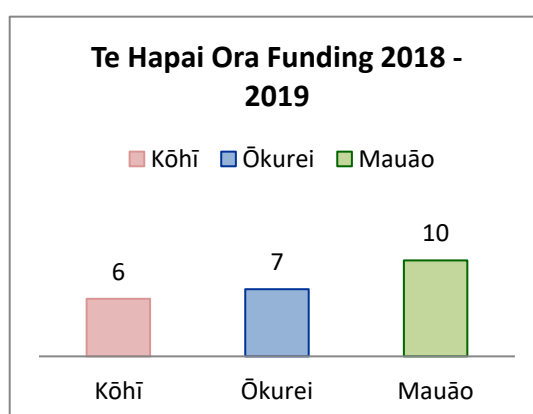
8.2 Te Hapai Ora Regional Community Outcomes Fund

Te Hapai Ora – Regional Community Outcomes Fund has an annual Sponsorship Fund of \$31,000 that is administered by the Group Manager Strategy & Science. Applicants can apply for up to \$2,000 and must show how their project/event/kaupapa positively contributes to our regional community outcomes.

In the 2018-2019 funding year, 25 community applications have been received with 23 being successful and 2 applications declined due to ineligibility. The graph below shows the spread of funding across the region.

Key projects that we have funded:

- Environmental projects and events in building capability and capacity.
- Supporting tangata whenua with cultural and traditional practices.
- Supporting local education providers with projects and events.
- Supporting ahurei, wananga and conferences throughout the region.



9 Kaupapa Tuaiwa: Local Authority Triennial Elections 2019

Throughout Aotearoa local authority triennial elections will take place on **Saturday 12 October 2019**. Bay of Plenty Regional Council will elect 11 general Councillors and three Māori Constituents. These are held once every three years. The election results are declared the following week by public notice. Below is a table of keys dates.

Key dates for Local Authority Elections 2019

19 July 2019	Nominations open for candidates. Nominations have to be sent to the electoral officer for the council, district health board or licensing trust. Rolls open for inspection at council offices and other sites locally.
16 August 2019	Nominations close at 12 noon. Rolls close. After this date, anyone who is entitled to vote and who is not enrolled as an elector, or whose details are incorrectly recorded on the roll, will have to cast a 'special vote'.
21 August 2019	Election date and candidates' names publicised by electoral officers.
20-25 September 2019	Voting documents delivered to households. Electors can post the documents back to electoral officers as soon as they have voted.
12 October 2019	Polling day. The voting documents must be at the council before voting closes at 12 noon. Preliminary results (i.e. once all 'ordinary' votes are counted) will be available as soon as possible afterwards.
17-23 October 2019	Official results (including all valid ordinary and special votes) declared.

Enrolments and Candidate Nominations

Nominations are open for candidates who wish to run for Council on **19 July 2019**. A candidate must be nominated by two registered electors enrolled in the electoral district and a nomination cannot be withdrawn after 12 noon on the nomination closing day.

- Go to www.elections.org.nz to enrol on line.
- Visit your nearest Post Shop.
- Call 0800 36 76 56.
- Text your address to 3676 and enrolment forms will be sent to you.
- Registrations close 16 August 2019 at 12 noon.

10 Kaupapa Tekau: Nga Take Pamai Māori – Implications for Maori

The Bay of Plenty Regional Council has statutory obligations to Māori under the Resource Management Act 1991 and the Local Government Act 2002. These obligations require Council to recognise the cultural, economic, environment and social interests of Māori particularly with respect to their lands, and associations with water bodies.

The Regional Policy Statement also sets out a number of policies and objectives that obligate Council to ensure that where the activities of all Councils undertaken in the Bay of Plenty's natural environment have or may have an impact on the interests of Māori, do not compromise the directive intent of those policies and objectives.

Komiti Māori provides a direct route for Māori to contribute to Councils decision-making processes. The constituent Māori Councillors were established through discrete legislation in 2001 and Komiti Māori has been in place since 2006.

The forthcoming Local Authority election presents an opportunity to nominate and/or vote for preferred candidates. Māori can vote through the general roll process if they are enrolled on the general roll. Those on the Māori roll can vote for the Māori Constituent seats, which will play an important role as mangai for Māori.

11 Kaupapa Tekau ma tahi: Komiti Māori Post Meeting Actions

At the last Komiti Māori hui held at Tapuaekura Rākeiao Marae on 9 April 2019, actions arose and required post-meeting follow up. Refer to Appendix 2 for the Post Meeting Actions table which gives an update of previous actions.

12 Budget Implications

Current Year Budget

Funding for Te Hapai Ora and He Toka Tumoana Environmental Scholarship are provided for through the Māori Engagement budget.

13 Community Outcomes

Matters in this report directly contribute to “A Vibrant Region” Community Outcome in the Council’s Long Term Plan 2018-2028.

Sandy Hohepa
Maori Policy Advisor

for Strategic Engagement Manager

30 May 2019

APPENDIX 1

Matauranga Maori Plan on a Page



HE KOROWAI MĀTAURANGA IMPLEMENTATION PLAN SUMMARY



Moemoeā - Vision

He puna mātauranga, kia ora ai te tāngata - A source of knowledge to enlighten the people

Aronga - Purpose

To recognise and acknowledge mātauranga Māori when it is received by Council. Its long term goal: to provide staff with the tools to incorporate mātauranga into the business of Council.

<p>Muka: Strand 1 Aho: Kia Mārama Ai Improve Understanding of Te Ao Māori</p> <p>ACTION: Develop tools for staff to enhance Māori cultural responsiveness and capability.</p>	<p>Muka: Strand 2 Io: Tūtukuhia ngā Whakaaro Bridging the Gap</p> <p>ACTION: Develop a strategy to enhance relationships between staff and tangata whenua.</p>	<p>Muka: Strand 3 Taura: Whakaruruhaungia te Mātauranga Recognising & Protecting Mātauranga Māori</p> <p>ACTION: Develop a repository of mātauranga for staff with agreed tangata whenua protocols</p>
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2019/20 - YEAR 1			2020/21 - YEAR 2			2021/22 - YEAR 3		
ACTION	TEAM	BUDGET	ACTION	TEAM	BUDGET	ACTION	TEAM	BUDGET
Draft HKM Implementation Plan for stage 1 complete (to be approved by Komiti Māori/RDD in August?)	Māori Policy	N/A						
Develop Tools to support Toi Tangata (People and Culture Plan)	People & Capability w. Māori Policy	P&C and Māori Policy budgets	Suite 2 of Professional Development Training that meet the needs of staff roles and responsibilities	P & C and Māori Policy	Unknown	Suite 2 of Professional Development Tools and Training	P & C and Māori Policy	Unknown
Develop a Māori Relationship and Engagement Strategy (MRES)	Māori Policy w. advisory group	LTP allocated budget	Relationship Strategy tools and resources developed and tested (eg refreshed Treaty training)	Māori Policy	Existing budget + LTP allocated budget	Develop SOPs to operationalise MM Assessment Processes.	Māori Policy	Existing budget
Develop a Te Reo Māori Strategy	Māori Policy w. People & Capability	Māori Policy budget	Te Reo Māori Strategy Phase 2 Implementation (eg bilingual signage, translation protocols etc)	Māori Policy	Existing budget (Māori Policy / P&C)	Options developed for a mātauranga Māori repository system	Māori Policy w. IT and relevant teams	Partial LTP allocated budget, partial- team specific
Establish an internal technical Focus Group to develop MM assessment guidelines.	Māori Policy	Māori Policy budget	Establish a MM Practitioner group which will convene on a case by case basis – advisory for staff	Māori Policy	Existing and LTP allocated budget	Cultural capacity tools developed (eg Te Reo Māori app)		
Develop a MM Practitioner list.	Māori Policy	Māori Policy budget	Report outcomes of pilot case study and feed into MM assessment guidelines.	Science Team w. Māori Policy	Existing budget.	Review of HKM Framework and Implementation programme including Professional Development	Māori Policy w. People & Capability	Existing budget
Pilot a case study to partner with tangata whenua and MM scientist.	Māori Policy and Science	Māori Policy and Science budget	Hold a MM Symposium for Councillors (optional) and staff.	Māori Policy and Science Team	Partial LTP allocated budget, partial- team specific	Collaborative research projects and mātauranga Māori case study compendium	Māori Policy w. Science Team	Existing budget
Stocktake and refresh of existing BOPRC “HKM” resources	Māori Policy	Existing budget	Draft MM Assessment Guidelines for Science, Policy and Planning approved by KM or RDD	Māori Policy and relevant teams	N/A			
Draft HKM Communications Strategy in action – look, feel, messaging	Communications Team w. Māori Policy	Existing budget						

APPENDIX 2

Komiti Maori Actions June 2019

Bay of Plenty Regional Council Komiti Māori – Post Meeting Actions

No	Issue or report item	Raised by	Action	Referred to	Date referred and due by	Progress/ Comments
ACTIONS FROM KOMITI MĀORI HELD ON 9 April 2019 – Tapuaekura Rākeiao Marae Rotorua						
Code	Issue	Raised by	Action	Referred to	Date referred and due by	Progress/comments
1	Urupa at Tapuaekura Marae	Makere Herbet	<ul style="list-style-type: none"> BOPRC Land Management Officer has been assigned and is making suitable time to meet with Tom Herbet. The LMO will also make an assessment whether an engineer is also required. This issue is currently being worked through. 	Rawiri Bhana	In progress	Makere and Tom Herbet contacted and suitable date to be found. Land Management Officer assigned to meet with Tom Herbet at urupa and will make an assessment on possible mitigation and whether an engineer also needs to become involved.
ACTIONS FROM KOMITI MĀORI HELD ON 4 December 2018						
Code	Issue	Raised by	Action	Referred to	Date referred and due by	Progress/comments
2	He Korowai Matauranga	Cr Tahana	<ul style="list-style-type: none"> Implementation Plan - Roadmap to be presented to Komiti Maori in June 2019 for approval. 	Katerina Pihera-Ridge	In progress	Present the Draft Implementation Plan to Komiti Māori and Regional Direction and Delivery Committees by July 2019.
3	Ngati Tura / Ngati Te Ngakau	Te Poari Newton	<ul style="list-style-type: none"> High levels of ecoli readings in the Ngongotaha and Waiteti streams had been reported at a recent catchment meeting, which has raised concern for tangata whenua. Mr Newton noted that tangata whenua had not been informed of the results and wished to be informed of such matters in future. There is a communication breakdown where Ngati Tura/Te Ngakau and Ngati 	Katerina Pihera-Ridge and Reuben Fraser	In progress	This action is scheduled to be on the Komiti Māori agenda at the hui in Ōkurei on 9 April 2019.

Bay of Plenty Regional Council Komiti Māori – Post Meeting Actions

No	Issue or report item	Raised by	Action	Referred to	Date referred and due by	Progress/ Comments
			Whakaue had not been notified of Resource Consents 68220 and 67343 regarding disposal of contaminated waste at Kahikatea/Waikuta wetlands and at the top of Paradise Valley Springs, which Mr Newton requested to be addressed.			
ACTIONS FROM KOMITI MĀORI HELD ON 9 October 2018						
Code	Issue	Raised by	Action	Referred to	Date referred and due by	Progress/comments
4	Treetops Ltd <ul style="list-style-type: none"> Possible dam breach BOPRC boundary clarification 	Eru George	BOPRC consents team identified the consents were historically issued by WRC but should sit with BOPRC. This issue is currently being worked through.	Terry Long Reuben Fraser (BOPRC)	In progress	Meetings have transpired between the relevant parties.
1	Ngāpuna Air Pollution	Peter Staite	BOPRC staff to continue to monitor the air pollution issues and keep in contact with Peter Staite.	Stephen Mellor (BOPRC)	Incomplete Next Komiti Māori in Ōkurei 2019	Report update at the next Ōkurei Komiti Māori. <i>This Action was first raised at the April 2018 hui in Ōkurei.</i>

Code Key

1	Incomplete
4	In progress
	Complete
	Total

SUPPORTING DOCUMENT - 2018 BOP Water Safety Strategy Final

SUPPORTING DOCUMENT - Taking Account of Iwi Planning Documents

