

Strategy and Policy Committee

NOTICE IS GIVEN

that the next meeting of the **Strategy and Policy Committee** will be held in **Council Chambers, Bay of Plenty Regional Council, Regional House, 1 Elizabeth Street, Tauranga** on:

Thursday, 18 June 2020 commencing at 9.30 am

Fiona McTavish
Chief Executive
10 June 2020



Strategy and Policy Committee

Membership

Chairperson	Cr Paula Thompson
Deputy Chairperson	Cr Stuart Crosby
Members	All Councillors
Quorum	Seven members, consisting of half the number of members
Meeting frequency	Six weekly rotation between committee meetings and strategic sessions

Purpose

- Inform the strategic direction for the Council and implement through approved planning and policy frameworks.
- Identify regional issues resulting from emerging trends, providing thought leadership on matters of regional significance, analysing implications and developing a strategic response.

Role

- Develop, implement and review best practice strategy, policy and planning framework for decision making which enables connection across committees of Council.
- Consider emerging environmental issues and provide advice on the implications for effective resource management within the region.
- Inform Council's strategic direction, including prioritisation and policy responses.
- Enhance awareness and understanding of emerging issues and trends relating to meeting Councils strategic direction.
- Develop Council's position on regionally significant issues and provide guidance on sub-regional and regional strategy matters such as spatial planning and SmartGrowth.
- Approve submissions on matters relating to the committee's areas of responsibility that are not delegated to staff.
- The provision of governance oversight into the development and review of policies, plans, and strategies.

- Approve statutory and non-statutory plans, strategy and policy other than those required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement.
- Develop, review and approve Council's position on regional economic development.
- Consider any issues delegated by Council that have a regional, environmental, social or economic focus.
- Develop and review bylaws.
- Delegate to hearings commissioners under section 34A of the Resource Management Act 1991 to exercise the powers, functions duties in relation to any authorities that have been delegated by Council to the committee.

Power to Act

To make all decisions necessary to fulfil the role and scope of the committee subject to the limitations imposed.

The Strategy and Policy Committee is not delegated authority to:

- Approve the Regional Policy Statement and bylaws;
- Review and adopt the Long Term Plan and Annual Plan;
- Develop and review funding, financial, Risk and Assurance Policy and frameworks;
- Approve Council submissions on Maori related matters;
- Develop, approve or review non statutory policy for co-governance partnerships.

Power to Recommend

To Council and/or any standing committee as it deems appropriate.

Public Forum

1. A period of up to 15 minutes may be set aside near the beginning of the meeting to enable members of the public to make statements about any matter on the agenda of that meeting which is open to the public, but excluding any matter on which comment could prejudice any specified statutory process the council is required to follow.
2. The time allowed for each speaker will normally be up to 5 minutes but will be up to the discretion of the chair. A maximum of 3 public participants will be allowed per meeting.
3. No statements by public participants to the Council shall be allowed unless a written, electronic or oral application has been received by the Chief Executive (Governance Team) by 12.00 noon of the working day prior to the meeting and the Chair's approval has subsequently been obtained. The application shall include the following:
 - name of participant;
 - organisation represented (if any);
 - meeting at which they wish to participate; and matter on the agenda to be addressed.
4. Members of the meeting may put questions to any public participants, relevant to the matter being raised through the chair. Any questions must be asked and answered within the time period given to a public participant. The chair shall determine the number of questions.

Agenda

- 1 Apologies**
- 2 Public Forum**
- 3 Acceptance of Late Items**
- 4 General Business**
- 5 Confidential Business to be Transferred into the Open**
- 6 Declarations of Conflicts of Interests**
- 7 Previous Minutes**
- 7.1 Strategy and Policy Committee Minutes - 05 May 2020 11**
- 8 Reports**
- 8.1 Te Hononga: Maori Relationship and Engagement Plan for the NPSFM2020 21**
- APPENDIX 1 - Draft Te Hononga: Regional Maori Engagement Plan for Implementing the NPSFM (2020) 29
- 8.2 Recovery Project Update and Confirmation of Direction**
- This item will be circulated under separate.
- 9 Public Excluded Section 65**

Resolution to exclude the public

THAT the public be excluded from the following parts of the proceedings of this meeting.

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

General Subject of Matter to be Considered	Reason for passing this resolution in relation to this matter	Grounds under Section 48(1) LGOIMA 1987 for passing this resolution
9.1 Public Excluded Strategy and Policy	As listed in the open section	Good reason for withholding exists under

Committee Minutes - 05 May 2020	of the minutes.	Section 48(1)(a).
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**9.1 Public Excluded Strategy and Policy Committee Minutes - 05 May
2020** **67**

10 Confidential Business to be Transferred into the Open

11 Readmit the Public

12 Consideration of Late Items

13 Consideration of General Business

Previous Minutes

Minutes of the Strategy and Policy Committee Meeting held via Zoom (Audio Visual Meeting), Bay of Plenty Regional Council, Virtual Meeting Room on Tuesday, 5 May 2020 commencing at 9.32 am

Present:

Chairman: Paula Thompson

Deputy Chairman: Stuart Crosby

Councillors: Norm Bruning, Bill Clark, Andrew von Dadelszen, Toi Kai Rākau Iti, Matemoana McDonald, Chairman Doug Leeder, David Love, Deputy Chair Jane Nees, Stacey Rose, Lyall Thurston, Kevin Winters, Te Taru White

In Attendance: Namouta Poutasi – General Manager Strategy & Science, Chris Ingle – General Manager Integrated Catchments, Stephen Lamb - Environmental Strategy Manager, Annika Lane – Regional Development Manager, Julie Bevan - Policy & Planning Manager, Greg Corbett – Biosecurity Manager, Nassah Rolleston-Steed – Principal Advisor, Mark Ivamy – Senior Planner Natural Hazards, Yvonne Tatton – Governance Manager, Shari Kameta – Committee Advisor

External Presenters: Paul Blair – Chief Executive Officer, Infrastructure New Zealand, Ken Tremaine – SmartGrowth Strategic Advisor

1 **Apologies**

Nil

2 **Public Forum**

Nil

3 **Acceptance of Late Items**

The Chair advised two supplementary documents had been circulated before the meeting in relation to Agenda Item 8.2, '*SmartGrowth Leadership Group Agreement and Memorandum of Understanding*' as follows:

1. Report Appendix 2: SmartGrowth and Central Government Spatial Plan Partnership - Memorandum of Understanding (Track Changes) (refer Tabled Document 1)
2. Confidential - SmartGrowth Urban Growth Agenda & Partnership Presentation Slides (refer Public Excluded Tabled Document 2).

4 Declaration of Conflicts of Interest

Nil

5 Previous Minutes

5.1 Strategy and Policy Committee Minutes - 18 February 2020

Matter Arising

- Minute item 8.8, 'Waste to resource opportunities' – An update was requested on the status of progress made towards enhancing roles in integrated waste management. General Manager Integrated Catchments advised that no further work had been done to progress this matter in the current COVID-19 environment.

Action for Staff Follow-Up

- Ensure enhanced roles in integrated waste management is kept on the work programme and captured in Council's strategic session post COVID-19.

Resolved

That the Strategy and Policy Committee:

- 1 Confirms the Strategy and Policy Committee Minutes - 18 February 2020 are a true and correct record.

Thompson/Rose
CARRIED

6 Presentation

6.1 Building Regions – A vision for local government, planning law and funding reform

Refer PowerPoint Presentation: Objective ID A3527784

The presentation was provided by Infrastructure New Zealand (INZ) Chief Executive Officer Paul Blair.

Key Points

- Building Regions was a comprehensive, system-wide view to better align Central and Local Government in New Zealand and enable infrastructure tools and funding.
- INZ's vision was for all New Zealanders to enjoy the benefits of world class infrastructure based around five key pillars and a strategy of five policy priorities and themes for community driven infrastructure.
- Desktop research of New Zealand's infrastructure asset ownership and funding model showed misalignment and unequal relationship between central and local government, and the need for consideration towards better inclusion of the private sector to drive innovation.
- INZ's membership agreed to the common objectives to support city and regional deals around partnership and setting better outcomes.
- Considered a regional development grant framework, long-term integrated spatial planning, measured capability, alignment of goals, inclusion of regional scale infrastructure and further reform was needed.

In Response to Questions

- INZ had been vocal with the Government and opposition parties, noting strategic thinking would happen between now and September.
- INZ agreed with the Climate Change Commission's advice on transitioning to a climate-resilient economy and providing for the green economy.
- In terms of overseas models, regional collaboration and changes in behaviour would be vital to support objectives and outcomes.
- INZ had lobbied for and strongly supported the Infrastructure Commission.
- Social sustainability and procurement was a key driver of INZ's membership, which had subsequently led to the establishment of the Construction Sector Accord.
- Delivery of capacity and capability would be addressed by the Construction Sector Accord in collaboration with the public and private sector. While there were major systemic and under-investment issues within the sector, a joint plan had been put together to work through the issues.
- Achieving exemplar community engagement would require trust, a more balanced approach and for a number of award winning alliances to be a part of delivery.

Key Points – Members

- The presentation highlighted a range of structural issues facing New Zealand, which would require take up by Central Government and all parties to resolve the issues in a constructive collaborative way to achieve the necessary outcomes.
- Encouraged Councillors to view INZ's webinar of 22 April 2020 that included an address from Minister Twyford on the Government's reform agenda and priorities regarding the Future of Economic Development, Transport & Urban Development in the COVID-19 landscape.

Action for Staff Follow-up

- Circulate to Councillors the website link to the Building Regions report.

Resolved

That the Strategy and Policy Committee:

- 1 Receives the presentation, Building Regions – A vision for local government, planning law and funding reform from New Zealand Infrastructure.**

Thompson/von Dadelszen
CARRIED

7 **Reports**7.1 **Chairman's Operating Environment Report**

The Chair and General Manager Strategy and Science Namouta Poutasi spoke to the report that had been circulated under separate cover.

Key Points

- A review of Council's strategic direction and changed operating environment in the short and long-term post COVID-19 would be essential.
- Work on Central Government policy initiatives was continuing to progress on track.
- Central Government's Freshwater subgroup had met the week before, with no change to the current timeframes.

Key Points – Members

- Recovery planning should be incorporated into the strategic direction review.

- Central Government/Local Government Forum was scheduled to meet on 28 May where COVID-19 would be a key item on the agenda.
- Climate change was a key piece of Council's work and forward planning.

Actions for Staff Follow-up

- Provide regular updates on the operating environment and matters that impact the region in the Central Government space.

Resolved

That Strategy and Policy Committee:

- 1 Receives the report, Chairman's Operating Environment Report.**

**Thurston/Nees
CARRIED**

7.2 SmartGrowth Leadership Group Agreement and Memorandum of Understanding

Refer Tabled Document 1: SmartGrowth and Central Government Spatial Plan Partnership - Memorandum of Understanding (Revised) Objective ID A3531904; and Public Excluded Tabled Document 2: Confidential - SmartGrowth Urban Growth Agenda & Partnership Presentation Slides Objective ID A3531905.

The Chair noted the two supplementary tabled documents that had been circulated before the meeting, and that any discussion requested on confidential Tabled Document 2 would need to be held in the public excluded section.

The item was presented by General Manager Strategy and Science Namouta Poutasi, SmartGrowth Strategic Advisor Ken Tremaine and Chief Executive Fiona McTavish.

Key Points

- The SmartGrowth Leadership Group (SLG) Agreement and Memorandum of Understanding (MoU) provided a framework for engaging with the Government on an urban growth plan to support Central Government funding in the region and better timely investment and delivery of urban growth coordination.
- A revised MoU (refer Tabled Document 1) was outlined for consideration that sought to ensure investment and funding commitments were agreed and to include other authorities where agreed.
- Since COVID-19, Central Government was interested in investment in the regions with the Crown Infrastructure Partners projects and more recently with supporting the Local Government Funding Agency (LGFA) proposal to raise the debt to revenue cap from 250% to 300%, as well as suggesting Local Government works with the Reserve Bank to introduce 100-year low interest bonds.
- Staff expected all of these new tools to benefit the Western Bay and especially Tauranga City Council, given its financial position.
- Given the significance of the Central Government post COVID-19 investment in the regions, staff recommended a further recommendation to note the key benefits of these agreements to work in partnership with central government.

In Response to Questions

- The discrepancy between the SLG Agreement and Terms of Reference (refer Report Appendix 1) in regard to meeting frequency would be corrected.
- Important linkages with the Waikato and rail capacity investment for regenerating the economy was noted.

Key Points – Members

- Commended the significant work undertaken on the urban development partnership.
- Supported the principle of the Central Government engagement agreement and the revisions made to the MoU (refer Tabled Document 1).
- Raised issue with the updated SLG Agreement regarding the removal of alternate members and the risk of partner members losing their voting ability if a member was unable to attend a meeting, therefore wished for this to be revisited. Further to this matter, the voting right of the Independent Chair was raised for further consideration.

Resolved**That the Strategy and Policy Committee:**

- 1 Receives the report, SmartGrowth Leadership Group Agreement and Memorandum of Understanding;**

That the Strategy and Policy Committee recommend that the Regional Council:

- 1 Adopt the updated SmartGrowth Leadership Group Agreement and associated Terms of Reference attached to this report as Appendix 1.**
- 2 Authorise the Bay of Plenty Regional Council Chair to sign the SmartGrowth Leadership Group Agreement.**
- 3 Approve in principle the Memorandum of Understanding between the SmartGrowth partners and Central Government, as revised (refer Tabled Document 1).**
- 4 Authorise the Bay of Plenty Regional Council Chair to approve any minor amendments to the Memorandum of Understanding if sought by Central Government and to sign the Memorandum of Understanding once it has been agreed to by Central Government.**
- 5 Note that a key benefit of these agreements are working in partnership with Central Government which includes securing appropriate infrastructure funding for the Western Bay of Plenty and noting since COVID-19, Central Government has introduced and supported further funding and financing tools to support job creation and growth in the region. It is expected these tools will be key to the agreed investment and funding principles outlined in these agreements.**

**Thurston/Rose
CARRIED**

Additional Motion

- 6 Recommend to the SmartGrowth partners that Councils' retain the ability to appoint alternate members and that the Independent Chair position be a non-voting position.**

Cr von Dadelszen/Cr Nees
The additional motion was **PUT** and **CARRIED**

Thurston/Rose
The substantive motion was **PUT** and **CARRIED**

7.3 **Development of an Inter-Regional Marine Pest Pathway Plan**

The report was presented by General Manager Integrated Catchments Chris Ingle and Biosecurity Manager Greg Corbett.

In Response to Questions

- Biofouling rules would apply to all recreational and domestic commercial boats in the saltwater marine environments across Northland, Auckland, Waikato and the Bay of Plenty.
- Freshwater pest pathways differed substantially to marine pest pathways, where boat hull inspections were managed at boat ramps as opposed to harbour ports and moorings.
- Examples of designated places included marine reserves, aquaculture farms and harbours, but were yet to be defined.
- Mechanism for implementation, monitoring and enforcement of Option 3 would likely require a vessel tracking system, with options being investigated.
- Staff were working closely with their Top of the North (TON) region counterparts, however noted challenges with central government agencies who had differing views and functions. As with all projects, relationships and good communication with partners was key.
- Noted that the IRMPP was a first for the regional sector.

Key Points – Members

- Congratulated staff for their work and efforts on the project.

Resolved

That the Strategy and Policy Committee:

- 1 Receives the report, Development of an Inter-Regional Marine Pest Pathway Plan;**

That the Strategy and Policy Committee recommend that the Regional Council:

- 1 Authorise the development of an inter-regional marine pest pathway proposal on the basis of Option 3 as outlined within this report.**
- 2 Authorises staff to develop a formal proposal for an inter-regional marine pest pathway plan under the Biosecurity Act 1993 in conjunction with project partners.**
- 3 Authorises staff to engage with Maori and key stakeholders in developing the proposal.**
- 4 Request that staff bring the proposal back to Council for consideration later in 2020, including the supporting information required under the Biosecurity Act 1993 and the results of further consultation with Maori and key stakeholders.**

**Winters/Rose
CARRIED**

7.4 Natural Hazards Way Forward Project

The report was presented by Nassah Rolleston-Steed - Principal Advisor, Policy & Planning.

Key Points

- The Natural Hazards Way Forward (NHWF) Project was initiated to identify and validate issues encountered with implementing the RPS Natural Hazards (NH) provisions and to meet SmartGrowth requirements and the urban growth agenda.
- Key recommendations of the project was for Council to establish a working group to work collaboratively to resolve technical and implementation issues, amend the Natural Hazards Planning Charter and investigate amending some of the RPS NH provisions to overcome barriers encountered to date.
- Staff would provide a project update at the Committee's workshop on 18 June 2020.

In Response to Questions

- Key recommendations and project work could be managed through the current RPS budget.
- Linkages to the development sector would be via Tauranga City Council to the collective forum, with the expectation of keeping them informed and updated as work progressed.
- Timing considerations for amendments to the RPS NH and Urban Growth limits provisions would depend on timing of progress made on the NHWF, Urban Form and Transport Initiative (UFTI) and Future Development Strategy (FDS) projects.
- The key reason for the project was largely in response to the implementation challenges encountered by Tauranga City Council to intensify existing developed areas within urban limits, which were susceptible to natural hazards.
- Project linkages with the SmartGrowth spatial plan were currently via UFTI, which included the completion of constraints layer mapping.
- Regarding implications for under-developed Māori land within urban limits, Te Ara Rau Tangata Collective were leading facilitation of this with membership from councils, Te Puni Kokiri and other relevant government and non-government agencies.
- Recommendations outlined on agenda page 98 were staff level matters.

Key Points – Members

- Noted comments made by the Minister for Local Government Nanaia Mahuta on the importance of natural hazards resilience.

Actions for Staff Follow-up

- Circulate UFTI constraints mapping to councillors for information.

Resolved

That the Strategy and Policy Committee:

- 1 Receives the report, Natural Hazards Way Forward Project.**

**Winters/White
CARRIED**

8 Public Excluded Section

Resolved

THAT the public be excluded from the following parts of the proceedings of this meeting.

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

General Subject of Matter to be Considered	Reason for passing this resolution in relation to this matter	Grounds under Section 48(1) LGOIMA 1987 for passing this resolution
9.1 Public Excluded Strategy and Policy Committee Minutes - 18 February 2020	Please refer to the relevant clauses in the open minutes.	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
Confidential - SmartGrowth Urban Growth Agenda & Partnership Presentation Slides (Public Excluded Tabled Document 2) – refer Agenda Item 8.2	Withholding the information is necessary to protect information which is the subject to an obligation of confidence to ensure that in the public interest, the supply of similar information, or information from the same source, continue to be supplied.	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

**Thompson/von Dadelszen
CARRIED**

9 Confidential Business to be Transferred into the Open

Nil

The meeting closed at the conclusion of the public excluded section at 11:38 am.

Confirmed DATE

Councillor Paula Thompson
Chairperson - Strategy and Policy Committee

Reports



Report To: Strategy and Policy Committee

Meeting Date: 18 June 2020

Report From: Namouta Poutasi, General Manager, Strategy & Science

Te Hononga: Maori Relationship and Engagement Plan for the NPSFM2020

Executive Summary

On 28 May 2020, the Government released further details on the National Policy Statement for Freshwater Management (NPSFM 2020). Until this version is gazetted the NPSFM 2017 will remain in force. Staff provided advice to this Committee last year on the draft NPSFM 2020, noting that following submissions it was subject to change. Staff can now confirm the following:

- Introduction of a set of principles and a hierarchy of obligations with respect to applying Te Mana o Te Wai.
- Regional councils must include an objective in their regional policy statements that gives effect to Te Mana o Te Wai.
- Preparation of long term vision statement concerning Te Mana o Te Wai that is to be inserted into Regional Policy Statements and which reflects the local context. Regional Councils must also report on the progress towards the long-term vision.
- Introduction of a new compulsory Māori value, Mahinga Kai that will require a collaborative or partnership approach to identify the values and the associated attributes to monitor those values. The new value will be included in the National Objective Framework (NOF).

Each of these components of the NPSFM will augment the role of Māori in the implementation of the policy through a plan change. Staff advise that it is now prudent to initiate early discussions with Māori using Te Hononga as the platform for determining how Māori would like to participate. To achieve this, a collaborative or partnership approach is recommended with Maori. Identification of values and co-design of the attributes inherently means a sharing of mātauranga Māori by Kaitiaki with Council, the ownership of which remains with Kaitiaki.

At its workshop on 28 May 2020 Komiti Māori received Te Hononga for its comments and direction. The Komiti raised a number of matters concerning clarifying what “partnership” may look like, scope, budget and the importance of being clear with Māori regarding the framework we are working within. These matters are addressed in this report.

This paper summarises the approaches to engagement options proposed in *Te Hononga* that will set the platform for early discussions with Māori. This is essentially the aim of *Te Hononga*, to identify the optimal partnership approaches that will work for Māori, and that are achievable within the constraints set by the NPSFM 2020.

Recommendations

That the Strategy and Policy Committee:

- 1 Receives the report, *Te Hononga: the Maori Relationship and Engagement Plan for the NPSFM2020*;**
- 2 Approves *Te Hononga*, and directs staff to initiate early discussions with Māori.**

1 The NPSFM 2020 & Te Hononga

Confirmation of Key Kaupapa Māori related provisions

On 28 May 2020 The Minister for Environment presented the Government's "Action for Healthy Waterways" package. With respect to the NPSFM 2020, staff can now confirm that the key policy provisions in the NPSFM with respect to kaupapa Māori are:

- Introduction of a hierarchy of obligations with respect to the application of Te Mana o Te Wai. The hierarchy set the first priority as the "health and well-being of waterbodies and freshwater ecosystems"; second, "the essential needs of the people"; and third, "the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future".
- Regional councils must include an objective in their regional policy statements that gives effect to Te Mana o Te Wai.
- A vision statement with respect to Te Mana o Te Wai is to be inserted into Regional Policy Statements and which reflects the local context.
- Introduction of a new Māori value, Mahinga Kai that will require a collaborative or partnership approach with Maori to identify values and associated attributes to monitor those values.

Staff expect that the amended NPSFM will be gazetted shortly, but have already undertaken a substantial amount of work in preparation for any changes to the national policy. It is within this context that *Te Hononga* has been prepared.

Te Hononga: Summary of Options

Te Hononga (appendix 1) presents several options to enable collaborative options of working alongside tangata whenua as summarised below). The workshop provides Councillors opportunity to make comment and provide direction on the appropriateness, feasibility and general principles underpinning the approach presented in *Te Hononga*. Each option can be combined with others, or, as a singular approach to engagement. This will be confirmed once discussions with tangata whenua advance.

The general concept and associated actions relating to each of the following options are set out in the appendices of *Te Hononga*.

Kaitiaki Reference Groups (specialist practitioners)

These include practitioners and iwi technical groups or individuals who can provide advice on the application of Mātauranga Māori and offer solutions on how it may be applied in the planning and policy framework.

Taiao Hubs

These groups may have a membership of staff and tangata whenua that could be deployed at a regional or sub-regional level. Similar to the Kaitiaki Reference Groups, in this case staff work with tangata whenua.

Collectives

There are iwi who have close whakapapa associations and share similar issues that may choose to collaborate as a collective.

Sub-Regional Hui

Sub-regional hui provide opportunity to raise the awareness of the NPSFM work on a larger scale. Not as effective as some of the other options, but can include a broader range of interests. Hui also provide a “litmus” test to check understanding of the NPSFM and consistency of views amongst the wider population of tangata whenua.

Options proposed by tangata whenua

The majority of tangata whenua groups may expect face to face meetings with council staff. The practicalities of achieving this are constrained by the proposed notification timeframe and size of the work program. However, the opportunity must be given to tangata whenua to express preferred alternative options for engagement.

Consultants

Consultants, working on behalf of iwi, or for Council, can be an effective and efficient way of undertaking a large amount of work. They can take pressure off iwi representatives and staff resources that may be needed for other work. The use and success of this approach is dependent on clearly drafted project briefs that have explicit milestones and timeframes, and must be prudently managed.

Co-governance and Komiti Māori

Komiti Māori has large regional networks and long held associations with tangata whenua. Tasked with providing direction on the engagement approach, this committee provides an additional strategic lens at local and regional levels. Te Maru o Kaituna (TMoK), the Rangitāiki River Forum (RRF), and the Rotorua Te Arawa Lakes Strategy Group are statutory entities established via Treaty settlement legislation. Staff will seek guidance from these entities within the auspices of their authority.

Legal Opinion

Each of the issues raised by Councillors, at Komiti Maori save the preparation of an update tool and section 77, have been considered during the preparation of *Te Hononga*. A Legal Review of *Te Hononga* undertaken by Tompkins & Wake noted in summary the following:

- *Te Hononga* provides a sound platform “for Council to satisfy its statutory obligations under the RMA (and where relevant under the LGA)” and to give effect to the NPSFM.
- Once the NPSFM is gazetted, staff must ensure that the options presented in *Te Hononga* will need to be assessed against any obligations pursuant to

Maori participation under the RMA. Staff undertook this assessment against Part 2 and Schedule 1 of the RMA during the preparation of Te Hononga, noting also any Mana Whakahono a Rohe agreements, and any relevant legislation that requires Maori participation and or decision making. This included Treaty settlement legislation).

- Minor changes were made as to consistency of language and insertion of additional legal and statutory references.
- The Ministry for the Environment website has produced content to guide how consultation may be conducted and makes specific reference to the Court of Appeal decision in *Wellington International Airport v Air New Zealand*. The decision effectively clarifies the intention “to consult”. The legal opinion was of the view that *the Engagement Plan, through its partnership model, will provide for a robust framework for early engagement and meaningful consultation. Accordingly, the Engagement Plan will be a valuable tool for meeting Council’s consultation obligations required to give effect to the NPS-FM.*

Noting the legal opinion and the matters raised by Councillors, staff consider that the engagement options presented in Te Hononga satisfy the relevant requirements for consultation with Maori under the RMA and LGA.

Councillors may seek a copy of the legal review through the Chief Executive Officer.

Kaupapa Maori Workstream

Noting the announcement on the *Healthy Waterways* package, staff had anticipated that those policy provisions relating to kaupapa Maori would not significantly change. The government presented two compulsory Maori value options in its September 2019 discussion document. It is now confirmed that *Mahinga Kai* will be inserted into the National Objectives Framework.

Early project planning has provided for the scope of work to be discussed with Māori. Generally, the scope includes:

- Developing appropriate frameworks.
- Setting freshwater objectives based on values.
- Setting measureable water quality objectives and limits, and manage according to national attributes
- Setting water quality limits.
- Implementing Mātauranga Maori.

A review of the Healthy Waterways package, and gazetting of the NPSFM will support further the preparation of the scope of work required to give effect to the policy.

Staff with the requisite skills and experience have been appointed to the kaupapa Maori workstream and an interim appointment has also been made to the Project Lead Team.

Commentary

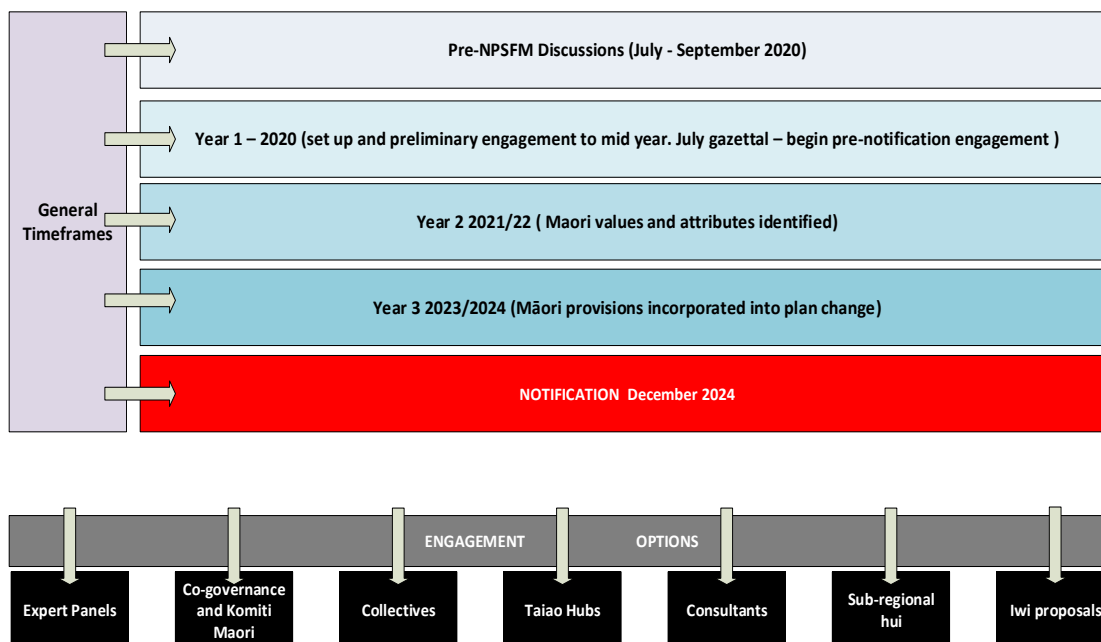
The options are subject to discussions with Maori and in this regard may change to suit local conditions. The success of Te Hononga is based on having early discussions with Maori to ascertain the optimal approaches that will pragmatically satisfy the interests of Maori and the statutory obligations placed on Council.

The scope of options post discussions will be refined along with confirmed budgets and resourcing to support implementation and then presented to Komiti Maori for its

direction. Subsequently, the Strategy and Policy Committee will consider staff recommendations and make its decision.

Overview of timeframes for implementation

Scheduling of phases for implementation have been presented in Te Hononga, noting that with the shift of the notification timeframe from 2023 to 2024, adjustments to the implementation programme have had to be made.



2 Komiti Māori Workshop 28 May 2020

On 28 May 2020 Komiti Māori held a workshop to discuss and provide direction on Te Hononga. Councillors raised several items for discussion:

Partnership: Staff are to ensure that engagement is authentic and that establishing partnerships must have the support of Māori. Clear provision of scope concerning co-design with Māori should be assessed against section 77 (below).

Include Section 77 of the Local Government Act 2002 in Te Hononga: This section sets out the parameters to achieve informed decision making particularly. This applies to the options respect to assessing options for engagement with Maori and under Te Hononga. Sections 78 and 79 also apply. Once discussions with Māori have been completed the options analysis as per section 77 will be undertaken and reported to Council.

Clarity around deliverables: The deliverables are provided for under the proposed kaupapa Māori workstream in Te Hononga. These will form an important part of the discussions with Māori. Staff will report back once early discussions have been completed.

Sub-regional/regional approach: There are a wide range of Māori organisations representing particular interests. These include land and whānau trusts, post settlement entities, incorporations, and hapū/iwi governance entities. Ensuring that any of the Te Hononga options are inclusive of all these entities will also be the subject of discussions with Māori. Staff will report back to Komiti Māori and the Strategy and

Policy committee on the scope of those options and recommendations concerning the scale of engagement.

Funding: staff will have more clarity on funding arrangements and their intended purpose in relation to the engagement options once discussions with Maori have been undertaken. Staff have presented indicative costs in this paper.

Preparation of tool to update Councillors: Councillors would like to have a report on the progress of discussions with Māori on the engagement options. If possible this would also include any other matters that requires Council's attention. The Kaupapa Māori work-stream team has now identified this as one of its deliverables.

3 Indicative Budgets

Staff are working on budgets to support the *NPSFM Implementation and RNRP Review work programme* as a whole, including the Kaupapa Māori mahi. The costs set out below are subject to change once the whole work programme has been confirmed and discussions with Maori have been completed.

While estimates are still indicative, we anticipate that iwi engagement costs up to \$500,000 can be accommodated within the current budgets for 2020/2021. This would be achieved through existing budgets, and by reassigning budget that was tagged for other purposes which would not progress in 2020/2021 under the new programme.

These would include hearing and legal costs, expert fees, modelling costs, and community group costs (given a different approach will be needed). This will be confirmed after working up the NPSFM Implementation and RNRP Review programme as a whole. The longer term budget may need to be revised for the upcoming LTP process.

Engagement Option	Indicative cost per year	Source of funds 2020/2021
Regional Hui	\$4000	Redistribution of budget from : - Existing budgets - Legal advice, hearings commissioners and expert fees - Catchment modelling - Community group engagement costs - Expenses
Kaitiaki Reference Groups x 3 (sub-regional)	\$36,000	
Kaitiaki field work	\$45,000	
Collective (multiple iwi)	\$12,000	
Taiao Hubs (mixture of staff, tangata whenua practitioners & technical experts)	\$36,000	
Consultants for sub-regional work ¹	\$363,000	
TOTAL/YEAR	\$496,000²	

¹ Consultant/contractor costs depend on the scope of work. Costs in this scenario are at the higher end of the range.

² Staff costs have not been included.

4 Community Outcomes

This item/project directly contributes to the “A Healthy Environment/Freshwater for Life” community outcome in the Council’s Long Term Plan 2018-2028.

Anaru Vercoe
Strategic Engagement Manager

for General Manager, Strategy & Science

10 June 2020

APPENDIX 1

Draft Te Hononga: Regional Maori Engagement Plan for Implementing the NPSFM (2020)

Te Hononga

‘The Confluence’

TE HONONGA: REGIONAL MĀORI ENGAGEMENT PLAN FOR IMPLEMENTING THE NPSFM (2020)

June 2020 Strategy and Policy Committee

(Draft only)

Authorship and Approval

	Status quo	Date
Author/s	Anaru Vercoe	6 May 2020
Final review	Nicki Green, Reuben Gardiner	21 May 2020
Approved by	Namouta Poutasi	21 May 2020

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3.0	For Komiti Māori Workshop	Namouta Poutasi	May 2020
3.1	For General Manager Approval (Strategy and Policy Committee)	Namouta Poutasi	June 2020

DRAFT

Executive summary

Toi Moana Bay of Plenty Regional Council (BOPRC/Council) is implementing the National Policy Statement for Freshwater Management (NPSFM) in stages (addressing a few water management areas at a time), and has initiated rolling review of the Regional Natural Resources Plan (Land and Water) (RNRP). The current programme is to deliver several plan changes, completing by the end of 2030.

Government intends to gazette an amended National Policy Statement for Freshwater Management (NPSFM 2020) before elections, which will include new requirements, and an implementation deadline for the whole region of December 2024. It includes stronger direction to Council to involve iwi and hapū, and to better integrate Māori knowledge and practices (Mātauranga Māori) in to regional planning for freshwater.

In response, Council will need to revisit the *NPSFM Implementation and RNRP Review* work programme to achieve effective and efficient delivery within the timeframe. It is likely to deliver one plan change for the whole region to achieve this. Council is reconsidering its approach to iwi engagement, in light of these upcoming changes and also of *He Korowai Mātauranga*, Council's organisation-wide Māori Relationship and Engagement Strategy for building kaupapa Māori capability and developing enhanced relationships with tangata whenua. Given the region has 37 iwi and 260 hapū, engagement will need to be focussed and recognise the four well beings – environmental, social, cultural, and economic in accordance with the Local Government Act 2002 (LGA) and the Government's Living Standards Framework).

Purpose – Why *Te Hononga* was prepared

Te Hononga: the Regional Māori Engagement Plan for Implementing the NPSFM 2020 (Te Hononga) is the Māori relationships and engagement plan for the NPSFM and RNRP work programme. It is an action under *He Korowai Mātauranga* focussed on building relationships with Māori and provides a pathway to support the implementation of the NPSFM 2020.

Te Hononga has been informed by many recent engagements and reviews relating to tangata whenua values and interests in freshwater management.

Objectives – What needs to be delivered?

The objective of this plan and the wider project is to enable Māori to actively participate in the NPSFM implementation process and RNRP Review Programme.

The fundamental principles of the *Te Hononga* are:

- Understanding the iwi context.
- Introducing a focussed partnership discussion, shifting away from “involvement”.
- Recognising the relationship that tangata whenua have with freshwater bodies.
- Recognising iwi expectations and working within the guidelines set by the NPSFM and the statutory framework under the Resource Management Act 1991 (RMA).
- Working together to fashion a win-win engagement approach.
- Establishing protocols for the use of mātauranga Māori.
- Reviewing and understanding what iwi have already told us and ensuring this information and any new information received is stored in a way that is easily searchable, accessible and annotated with conditions of use.

It is likely that iwi and hapū will have an interest in many RNRP topics, and also in the planning provisions which will be developed for Water Management Areas (e.g., for water quality and quantity). In addition, there are several policies in the NPSFM (current and new draft versions) specifically relating to Māori values and interests, which require the involvement of iwi and hapū. The latter will include the following, to be confirmed once the NPSFM 2020 is gazetted:

Setting freshwater objectives based on values

- 1 Gain an understanding of the nature and location of cultural uses and values. Where we can identify where uses are relative to takes and discharges different management scenarios can be tested to see how they affect these values.

Setting measurable water quality objectives and limits, and manage according to national attributes

- 2 Gain an understanding of how contaminant levels, or other related freshwater characteristics impact on cultural values.
- 3 Investigate special/cultural nutrient allocation and whether/how policy options (and rules) affect or could disadvantage tangata whenua.

Setting water quantity limits

- 4 Investigate how water flows in rivers and streams (and potentially water levels in aquifers) are linked to cultural concerns.
- 5 Consider alternatives for water allocation, particularly for Māori land. This is dependent on potential government direction on water allocation.

Mātauranga Maori monitoring

- 6 Identify mātauranga Māori indicators and monitoring options. The NPSFM requires Council to incorporate Mātauranga into the monitoring program.

Overview of the Engagement Approach – How we may engage and deliver

Te Hononga recognises that iwi and hapū across the region have different interests, different levels of readiness, and varying ranges of capacity and capability to participate in planning processes. In response, a flexible approach is proposed, in which various different options for involvement are made available, individually or in combination (as listed below).

Confirmation of engagement options will be clarified following discussions with iwi, and in consideration of iwi preferences, total budgets (indicatively \$500,000), staff resourcing, and timeframes. This work will have dedicated reprioritised staff resourcing to progress discussion, establish engagement methods, and progress work. This will be funded through the reprioritisation of existing budgets.

Covid 19 and the social and economic impacts of constraints under the current and recent alert levels will impact on the readiness and capacity of both council and iwi. Current restrictions may also influence the protocols and tikanga that iwi and hapū usually apply to engagement, particularly engaging and interacting with iwi leaders and kaumātua/kuia. Council is cognisant of these potential impacts and will apply the necessary flexibility, agility and resources to support meaningful and safe engagement utilising technology and other innovative methods. In summary the proposed engagement options for discussion with iwi are:

Kaitiaki Reference Groups (specialist practitioners)

These include practitioners and iwi technical groups or individuals who can provide advice on the application of Mātauranga Māori and offer solutions on how it may be applied in the planning and policy framework. These groups would offer independent advice providing the opportunity for tangata whenua to produce work

based on Te Ao Māori. Advice would be subsequently considered through the policy, planning and regulatory framework.

Taiao Hubs

These groups have a membership of staff and tangata whenua that could be deployed at a regional or sub-regional level. Similar to the Kaitiaki Reference Groups, in this case staff work with tangata whenua. The outcome is recognition of kaupapa Māori incorporated in the planning and policy framework through a partnership approach. This may offer a solution in terms of having a team appropriately resourced to drive engagement, policy development and constitute a fair representation of tangata whenua values and interests.

Collectives

There are iwi who have close associations with issues that may choose to collaborate as a collective. Examples of this include: Rangitāiki (Ngāti Awa, Ngāti Manawa, Ngāti Whare); Group 1 PC9 appellants; Ngāti Rangiwewehi, Te Rangiaorere and Tapuika; Te Pumautanga (Te Arawa); CNI and Ngāi Te Rangi, Ngāti Ranginui and Pūkenga. Collectives offer the opportunity to identify common issues and solutions and have the potential to resolve overlapping interests early on.

Sub-Regional Hui

Sub-regional hui provide the opportunity to raise the awareness of the NPSFM work on a larger scale. Not as effective as some of the other options but can be inclusive of a broader range of interests. Hui also provide a “litmus” test to ascertain the understanding of the NPSFM and consistency of views amongst the wider population of tangata whenua.

Options proposed by tangata whenua

The majority of tangata whenua groups may expect face to face meetings with Council staff. The practicalities of achieving this are constrained by the proposed notification timeframe and size of the work program. However, the opportunity must be given to tangata whenua to express preferred alternative options for engagement. Achieving an approach for engagement may take longer, but is likely to be highly successful if parties can agree on common goals. This option rests on the way in which tangata whenua view “partnership” that includes having direct access to decision making. In many respects this approach, as all of the others is not limited to the NPSFM but could potentially be the standard by which all future engagement with Māori is designed.

Consultants

Consultants, working on behalf of iwi, or for Council, can be an effective and efficient way of undertaking a large amount of work. They can take pressure off iwi representatives, and staff resources that may be needed for other work. The use and success of this approach is dependent on clearly drafted project briefs that have explicit milestones and timeframes, and must be prudently managed.

Co-governance and Komiti Māori

Komiti Māori has large regional networks and long held associations with tangata whenua. Tasked with providing direction on the engagement approach, this committee provides an additional strategic lens at both local and regional levels. Te Maru o Kaituna (TMoK), the Rangitāiki River Forum (RRF), and the Rotorua Te Arawa Lakes Strategy Group are statutory entities established via Treaty settlement legislation. Staff will need to work with these groups to identify the most appropriate approach to engage, particularly for TMoK and the RRF which have river documents.

Two key phases are proposed:

Phase 1 (Now-Dec 2020): informal hui to establish engagement preferences and set up the project;

Phase 2 (2021-2023): Confirm and establish engagement options and deliver kaupapa Māori work.

Importantly, discussions with iwi need to progress immediately. *Te Hononga* sets out key considerations and recommended actions for these discussions in different parts of the region.

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Part 1: Introduction

1.1 National Policy Direction for Freshwater

Currently Toi Moana Bay of Plenty Regional Council (BOPRC) is implementing the National Policy Statement for Freshwater Management (NPSFM) in stages across the region that involve several plan changes, to be completed by December 2030. A rolling review of the former Regional Natural Resources Plan (Land and Water) (RNRP) is also underway alongside NPSFM plan changes.

The Government is in the process of amending the RMA and NPSFM, as well as introducing freshwater regulations, before the national elections in September. The NPSFM 2020 will include additional requirements that Council will be required to implement across the whole region by December 2024. The NPSFM amendments also strengthen direction to Council to involve iwi and hapū, and to better integrate mātauranga Māori in regional planning for freshwater. Council will need to reset the *NPSFM Implementation and RNRP Review work programme* in response to these changes, to support effective and efficient delivery within the statutory timeframe.

In light of this, Council should reconsider its approach to iwi engagement, framed within collaboration or partnerships. The tight timeframe is likely to require Council shifting to NPSFM implementation for the whole region via one plan change.

Given the region has 37 iwi and 260 hapū, 1800 land trusts and 224 marae, engagement will need to be focussed and require early conversations with tangata whenua. Early discussions will support building relationships and familiarity with the amendments to the NPSFM. This is central to the success of Te Hononga.

1.2 Purpose – Why Te Hononga was prepared

The purpose of *Te Hononga* is to utilise *He Korowai Mātauranga* and technical information we have to support the implementation of the NPSFM 2020, particularly those policies relating to Kaupapa Māori, through a tailored engagement approach with Māori.

Te Hononga recognises the importance of building relationships to enable policy development that reflects the interests of Māori and the objectives of the NPSFM 2020. It also recognises that we are now moving into a new and challenging era for both Council and Māori. It proposes innovative engagement approaches that recognise the importance of working with Māori in a collaborative and mutually beneficial way.

Te Hononga is built upon the fundamental principles of *He Korowai Mātauranga*¹ which set the direction for engagement on the freshwater package, particularly for the NPSFM. Tangata whenua will have a critical role in how Mātauranga Māori is recognised and incorporated into policy.

To date Council has undertaken approximately 128 hui and engagements with 22 iwi and hapū and 5 co-governance/iwi collective bodies through the Bay of Plenty. In

¹ See He Korowai Mātauranga for specific details.

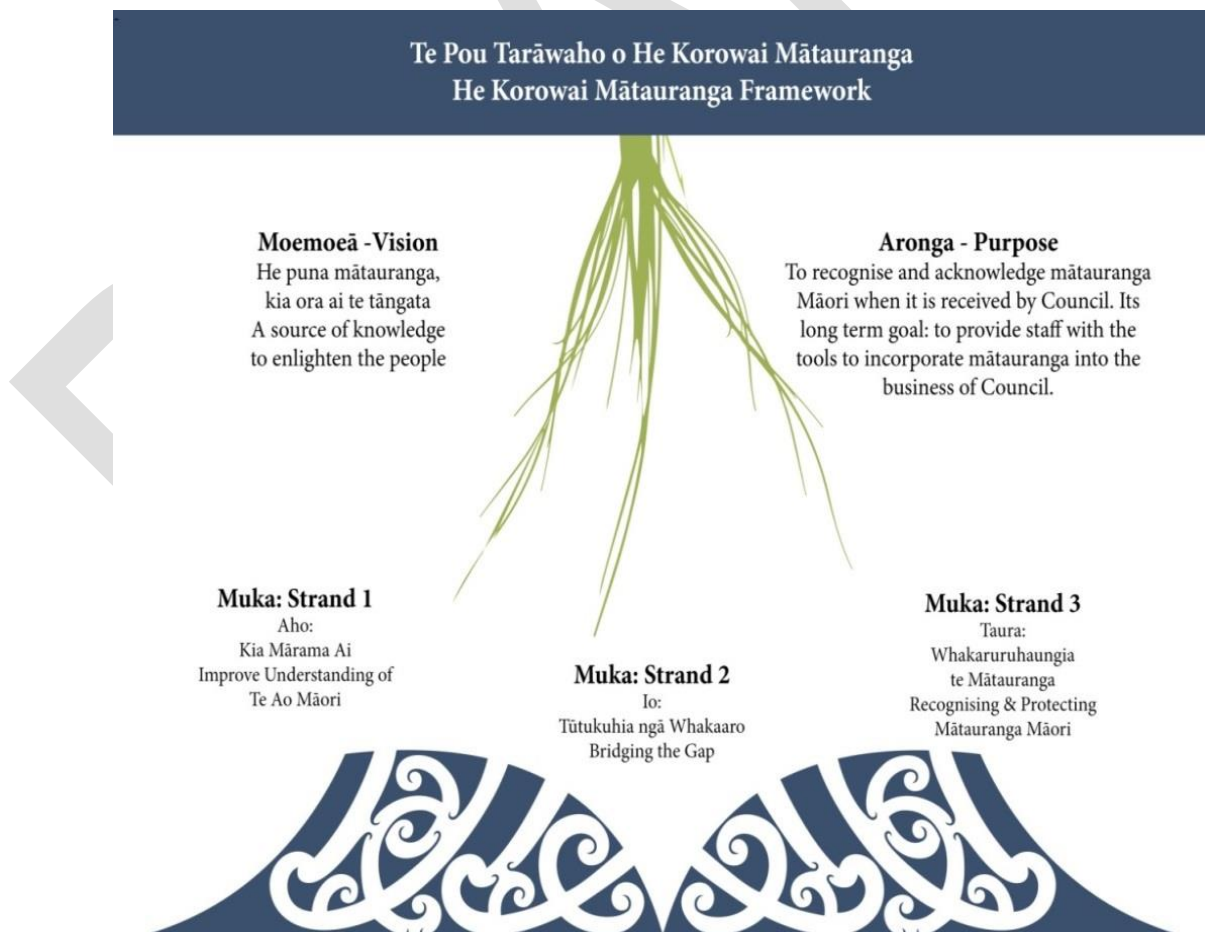
In addition Council has reviewed approximately 28 iwi/hapū management plans and over 100 submissions on go-governance arrangements to identify the key issues, aspirations, themes and best practice relating to tangata whenua values and interests in the management of fresh water. *Te Hononga* has been informed by these engagements and reviews in progressing the way both Māori and Council work together.

Meaning of Te Hononga

Te Hononga is a metaphor denoting a confluence of tributaries coming together, in a similar fashion where tangata whenua and Council come together culminating in a ‘mingling’ of opinion that eventually forms and feeds into a shared approach.

1.3 He Korowai Mātauranga

He Korowai Mātauranga is the overarching framework for building kaupapa Māori capability to engage in consultation within Council and developing enhanced relationships with tangata whenua. Underpinning *He Korowai Mātauranga* is the concept of partnership, recognising the strengths, values and interests held by parties, whilst acknowledging that working towards a common goal is the primary objective. There are three strands, or “Muka” which delineate the categories of work specified through an implementation plan. *Te Hononga* is primarily a workstream under Muka 2: Tūtukihia ngā Whakaaro/Bridging the Gap (see images below). It is a flexible and adaptable plan that can be tailored to suit local conditions.



Part 2: Objectives - *What we seek to achieve*

2.1 NPSFM Implementation and RNRP Review Work Programme

Based on the recent announcement and confirmation by the Minister for the Environment of a revised national policy, the *NPSFM 2020 Implementation and RNRP Review* work programme is being developed, with the following *draft* overarching programme objectives².

- 1 A Regional Policy Statement change is notified by 31 December 2023 and made operative by 31 December 2025, which gives effect to relevant NPSFM 2020 policies.
- 2 A RNRP change is notified by 31 December 2024 and made operative by 31 December 2026, which fully implements the NPSFM 2020, National Planning Standards, and RNRP 10 yearly review (s. 79, RMA).
- 3 The RNRP is fit for purpose, that is, it effectively promotes sustainable management of land and freshwater, and Government's objectives of halting degradation and starting to turn around past degradation of freshwater bodies across Bay of Plenty region.
- 4 Council delivers duties set by the RMA, LGA, NPSFM, the National Environmental Standard for Freshwater (2020), and National Planning Standards professionally and competently.
- 5 Māori are involved in the process through partnership options developed under the direction of *Te Hononga* within the statutory framework for consultation under the RMA, and consider how Mātauranga Māori is integrated in to plan changes and freshwater management.
- 6 Community and stakeholders have genuine opportunity to provide input on options and plan provisions, and council transparently demonstrates how input is considered and decided upon.
- 7 The work programme follows and delivers good plan making practice and satisfies RMA statutory requirements for consultation.
- 8 The evidence base supporting the plan is fit for purpose and quality of technical work is assured.

The programme includes a particular focus on Kaupapa Māori aligned with objective 5, guided by *He Korowai Matauranga*.

² These objectives are yet to be approved by the Strategy and Policy Committee.

2.2 Principles

Central to the success of the Kaupapa Māori part of the work programme, is building relationships and consideration of partnership options through early informal discussions. An engagement/relationship process will incorporate the following principles:

- Understanding the iwi context in terms of other commitments.
- Introducing a focussed partnership discussion, shifting away from “involvement”.
- Recognising the relationship that tangata whenua have with freshwater bodies.
- Recognising iwi expectations and working within the guidelines set by the NPSFM and the statutory framework for consultation under the RMA.
- Working together to fashion a win-win engagement approach.
- Establishing protocols for the use of mātauranga Māori.
- Reviewing and understanding iwi interest and concerns, including those which have already told us and ensuring this information and any new information received is stored in a way that is easily searchable, accessible and annotated with conditions of use.
- Acknowledging and responding to concerns raised

Using these principles as sign posts to give direction on how engagement approaches are fashioned, will enable a more collaborative approach to engagement. Ultimately, the timeframe for notification will temper the extent to which relationships are developed. *Te Hononga* should not be considered a panacea in building relationships, rather it signals the beginning of a new journey for how Council will work with Māori for all future activities.

2.3 Kaupapa Māori

Appendix 1 summarises the draft NPSFM policies and objectives that iwi/hapū will need or want to be involved in implementing. This will be revisited when NPSFM 2020 is gazetted.

The content of work that Council will need to deliver with iwi and hapū will be developed around these policies and objectives, and any amendments to the RMA. However, a draft outline of the type of work that will need to be completed is below.

Developing appropriate “frameworks”

- 1 Begin investigation into local interpretation of Te Mana o Te Wai (“the mana of the water”, refers to the fundamental value of water and the importance of prioritising the health and wellbeing of water before providing for human needs and wants). Early work on this is critical, given the importance Māori have placed on this aspect of the NPSFM.
- 2 Review Group 1 PC9 appellants concerns and identify how best to respond in the RNRP.

- 3 Review the Kaitiakitanga section of the RNRP in light of NPSFM policy direction.

Setting freshwater objectives based on values

- 4 Gain an understanding of the nature and location of cultural uses and values. Where we can identify uses that are relative to takes and discharges different management scenarios can be tested to see how they affect these values. This is contingent upon establishing clear Mātauranga Māori information protocols with iwi and hapū, and identifying methods that yield information that is relevant to Māori and Council.

Setting measurable water quality objectives and limits, and manage according to national attributes

- 5 Gain an understanding of how contaminant levels, or other related freshwater characteristics impact on cultural values.
- 6 Investigate special/cultural nutrient allocation and whether/how policy options (and rules) affect or could disadvantage tangata whenua.

Setting water quantity limits

- 7 Recognise cultural uses and values and consider how these could be recognised or otherwise provided for through the policy process.
- 8 Investigate ways of linking water flows in rivers and streams (and potentially water levels in aquifers) to cultural attributes. There are several methodologies that could potentially be considered.
- 9 Consider alternatives for water allocation, particularly for Māori land. This is dependent on where the Government lands on water allocation.

Mātauranga Māori monitoring

- 10 The NPSFM requires Council to incorporate mātauranga into the monitoring program. Identify Mātauranga Māori indicators and monitoring options.

Outputs

Implementation of the NPSFM via a plan change requires a strong evidence base. Technical reports, referenced within planning reports and summaries for consultation, are the usual/appropriate way to provide for this. Based on the tasks set out above, outputs like the following are likely to be needed:

- 1 A **map** of values obtained from Waitangi Tribunal settlement documents and IMPs, and collating any other immediately available value data. Early circulation of this work to tangata whenua/iwi would be advantageous to the policy development process and would allow them to consider alternatives/options to provide advice.
- 2 A **report and the associated maps** linking water quality to cultural values. Where possible the report should have a strong link to the maps to connect cultural information with other data (flows, modelled quality etc.). As appropriate, mapped data can be used for a range of different purposes (i.e.

- directly in consents, for Iwi Management Plans, by industry feasibility assessments).
- 3 A **report** linking river, lake (and possibly groundwater and wetland) flows and levels to cultural values.
 - 4 A **research paper/think piece** on cultural nutrient and water allocation options.
 - 5 **Updated IMPs** can assist in framing up the data and analysis done.
 - 6 A **Mātauranga report** indicating how tangata whenua prefer to assess the state of their waterways. This is dependent upon the level of support Māori may or may not need to prepare information, and whether the appropriate usage protocols are in place.
 - 7 A **report** providing direction on the following:
 - (a) Gaps that must be addressed to apply Te Mana o te Wai approaches in the region.
 - (b) Required changes to the kaitiakitanga section of the RNRP with recommendations for how to achieve alignment with the RPS and planning standards.
 - 8 Local Iwi/Rūnanga based **report(s)** or **survey(s)** that identifies any critical gaps in the BOPRC high level “Tangata whenua values and interests” report for consideration during policy development.
 - 9 A **report** that provides a roadmap for greater tangata whenua involvement in future freshwater management. This should be preceded by options development, analysis.
 - 10 **Protocols** to protect Iwi and ensure the safety, integrity and interpretation of Mātauranga Māori and other sensitive information generated during this work.

Part 3: Engagement Approach – *how we will engage and deliver*

This plan has been designed to meet the notification deadline of 2024. Consideration must be given to the practicalities of how to engage whilst still achieving a high level of involvement of tangata whenua under the NPSFM 2020.

3.1 Engagement Options

Te Hononga establishes an agile and flexible engagement framework for Council and Māori to work in partnership in the delivery of the work programme to implement NPSFM 2020. This is underpinned by Councils commitment to take a broad, inclusive approach when identifying affected parties, being transparent in the exchange of relevant information in an easily digestible form and providing a reasonable opportunity for parties to share their views.

Council sees this commitment as being central to providing for a successful plan change as far as tangata whenua are concerned. Individual plan changes will not fulfil the obligations imposed on Council by the amended NPSFM and the timeframe that is proposed. Councils response must consider how best to target Māori engagement whilst at the same time foster the development of tangata whenua capacity to respond and engage with council

A survey was conducted in late 2018 to ascertain what tangata whenua (including Māori organisations) considered to be essential for meaningful engagement and how the process could be improved. In large part, this was driven by the freshwater programme and the engagement that had been undertaken in PC12:

- 1 In what ways could Regional Council involve tangata whenua/iwi in the management of freshwater?
- 2 What information do you think would enhance and inform the way freshwater is managed into the future?
- 3 How could Regional Council provide opportunities for practitioners or kaitiaki to participate in freshwater [management]?

There were 52 responses to the survey which generally covered:

- The opportunity to say how they would like to be involved in freshwater management.
- Establishing viable partnerships with Council.
- Educating tangata whenua about the NPSFM.
- Establishing advisory groups.
- Having direct input into decision making.
- Regular updates on policy concerning freshwater.
- Use of Māori consultants.

- Recognition of Kaitiaki rights and interests.
- Collaborating and exploring the waterways together.
- Face to face conversations.
- Understanding Mātauranga Māori and incorporating it into the planning process.

In considering responses received from the survey, Council identified collaboration, partnerships, recognition of interests and meaningful engagement as key themes arising. These themes are consistent with submissions and appeals made by tangata whenua generally on RMA plan changes, submissions on consents, and through the Long Term Plan (LTP) process.

While tangata whenua will have a view on what collaboration and partnership looks like, Council will be guided by the consultation requirements in the RMA and RPS. The approaches for engagement in *Te Hononga* recognise that enhanced involvement by tangata whenua is central to the success of achieving a draft regional plan ready for notification, and is the first step towards achieving the broader goal of how Council engages with iwi on all of its activities.

A summary of options follow and are **subject to change following discussions with iwi and hapū**.

These options or approaches for engagement **may be used in combination** or as the **primary method**. *The common purpose is to support co-design of policy. They are not ranked in any particular order* and recognise that localised conditions would need to be factored in.

Kaitiaki Reference Groups (specialist practitioners)

These include practitioners and iwi technical groups or individuals who can provide advice on the application of mātauranga Māori and offer solutions on how it may be applied in the planning and policy framework. These groups would offer independent advice providing the opportunity for tangata whenua to produce work solely based on Te Ao Māori. Advice would be subsequently considered through the policy, planning and regulatory framework. Iwi/hapū nominate and mandate practitioners – these could be formed at a sub-regional level (3 Māori constituencies) and supported by a staff member. The principle challenge with this type of arrangement is nomination (process) for kaitiaki.

Taiao Hubs

These groups have a membership of staff (with Te Ao Māori and RMA expertise) and tangata whenua that could be deployed at a sub-regional level. Similar to the Kaitiaki Reference Groups, in this case staff work with tangata whenua, enabling immediate feedback and information sharing, with direct input to policy work. The outcome is recognition of kaupapa Māori incorporated in the planning and policy framework through a partnership approach. A version of this approach could be designed at either a sub-regional or regional level and may offer a solution in terms of having an entity appropriately resourced to drive engagement, policy development and constitute a fair representation of tangata whenua values and interests.

Collectives

There are iwi who have close associations with issues that may choose to collaborate as a collective. Examples of this include: Rangitāiki (Ngāti Awa, Ngāti Manawa, Ngāti Whare); Group 1 PC9 appellants; Ngāti Rangiwewehi, Te Rangiaorere and Tapuika; Te Pumautanga (Te Arawa); CNI and Ngāi Te Rangi, Ngāti Ranginui and Pūkenga; iwi on Te Maru o Kaituna. Collectives offer the opportunity to identify common issues and solutions and have the potential to resolve overlapping interests early on. They may take time to establish.

Sub-Regional Hui

Sub-regional hui provide the opportunity to raise the awareness of the NPSFM work on a larger scale. Not as effective as some of the other options but can be inclusive of a broader range of interests Hui also provide a “litmus” test to ascertain the understanding of the NPSFM and consistency of views amongst the wider population of tangata whenua.

Options proposed by tangata whenua

The majority of tangata whenua groups will expect face to face meetings with Council staff. The practicalities of achieving this are constrained by the proposed notification timeframe and size of the work program. However, the opportunity must be given to tangata whenua to express alternative options for engagement. Achieving an approach for engagement may take longer, but is likely to be highly successful if parties can agree on common goals. This option rests on the way in which tangata whenua view “partnership” where they have direct access to decision making. In many respects this approach is not limited to the NPSFM but could potentially be the model for all engagement with tangata whenua in the future.

Consultants/contracted services

Consultants, working on behalf of iwi, or for Council, can be an effective and efficient way of undertaking a large amount of work. They can take pressure off iwi representatives, and staff resources that may be needed for other work. The use and success of this approach is dependent on clearly drafted project briefs that have explicit milestones and timeframes, and must be prudently managed. Consultants may also prove useful in supporting Māori groups that may not have the resources to engage effectively or to be able to represent their interests within the policy development process. It is important that Council builds its relationships with tangata whenua, having a presence, and developing an understanding of the key issues and challenges of the region.

Co-governance and Komiti Māori

Komiti Māori has large regional networks and long held associations with tangata whenua. Tasked with providing direction on the engagement approach, this committee provides an additional strategic lens at both local and regional levels. Te Maru o Kaituna (TMoK), the Rangitāiki River Forum (RRF), and the Rotorua Te Arawa Lakes Strategy Group are statutory entities established via Treaty Settlement legislation. Staff will need to work with these groups to identify the most appropriate approach to engage, particularly for TMoK and the RRF which have river documents.

Moving towards a more targeted or tailored engagement process has its advantages and disadvantages:

Opportunities

The benefits directly relate to the availability of staff and other resources as well as a reliance on the structure of the project. By identifying what the needs of iwi, groups of iwi are, the appropriate option/s can be applied and ascertain how best to deploy

resources. For example, those iwi that are more familiar with the iterations of the NPSFM could receive focussed engagement through the use of consultants, Taiao Hubs (similar to what is proposed to address the Wai Māori Kaupapa), or expert panels.

The fundamental benefit of providing a range of options is that it enables strategic deployment of resources. Engagement can be specifically tailored to suit local conditions and address the proposed provisions and requirements with respect to tangata whenua under the NPSFM.

Risks and Mitigations

Tangata whenua capacity and capability determines the success of any Māori engagement approach. Key to minimising the effects of this is provision of support, strong relationships, a smart project management structure, building partnerships, and ensuring that engagement is aligned across all portfolios of the project.

Early informal pre-gazettal discussions will assist with more detailed analysis of how best to maximise resources and provide the opportunity for tangata whenua to become familiar with the work we need to deliver under the NPSFM.

Other risks include:

- Weak relationships, or relationships that have yet to be established.
- Lack of availability/capacity of experienced staff, although BOPRC is better resourced than many other regional councils in this respect.
- Availability of consultants.
- Readiness of tangata whenua groups.
- Other priorities for tangata whenua (Treaty settlements etc.).
- Tight timeframes.

All of these risks can be managed, but it will require an efficient project management process. Given the scale of engagement, a skilled Kaupapa Māori Team will be assigned and supported by staff from other parts of Council as needed.

3.2 Implementation

This work will have dedicated staff resourcing to progress discussions, establish engagement methods, and progress work. While cost estimates are indicative, it is expected that iwi engagement costs up to \$500,000 can be accommodated within the current budgets for 2020/2021. This would be achieved by reallocating staff and resources to this priority area. Noting some costs would not progress in 2020/2021 under the new programme, such as hearing and legal costs, expert fees, modelling costs, and community group costs (given a different approach will be needed), as outlined below. This will be confirmed after working up the NPSFM Implementation and RNRP Review programme as a whole. The longer term budget may need to be revised for the upcoming LTP process.

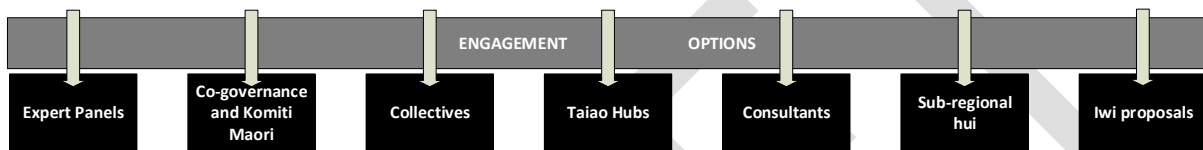
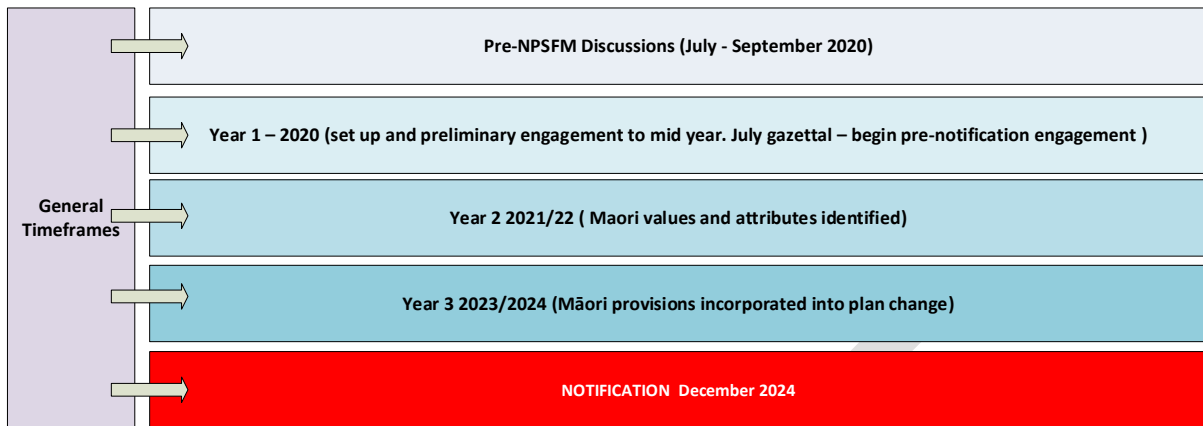
Engagement Option	Indicative cost per year	Source of funds 2020/2021
Regional Hui	\$4000	Redistribution of budget from : - Existing budgets - legal advice, hearings commissioners and expert fees. - catchment modelling expenses - community group engagement fees and associated costs (venue hire and catering)
Kaitiaki Reference Groups x 3 (sub-regional)	\$36,000	
Kaitiaki field work	\$45,000	
Collective (multiple iwi)	\$12,000	
Taiao Hubs (mixture of staff, tangata whenua practitioners & technical experts)	\$36,000	
Consultants for sub-regional work ³	\$363,000	
TOTAL/YEAR	\$496,000⁴	\$496,000

There are two key phases spanning three and a half years (depending upon when this plan is actioned): **Phase 1:** early identification of affected parties, informal hui to establish preferred engagement options and set up project plans (2020); **Phase 2:** Confirmation engagement options to be applied and delivery of information (2021-2023).

³ Consultant/contractor costs depend on the scope of work. Costs in this scenario are at the higher end of the range.

⁴ Staff costs have not been included.

O



view of timeframes

Table 1 below outlines the actions required to deliver phase 1 and 2. Table 2 provides information about iwi in sub-regions to inform engagement approaches on the new freshwater package. **The actions proposed to support and deliver the options can be found in the appendices.**

Table 1: Actions to progress phases 1 and 2

Phase	Commentary	Actions/Process
<p>Phase 1 - Informal hui (pre-cursor engagement)</p> <p>March</p> <p>– December 2020</p>	<p><i>Progressing development of this approach is contingent upon gazetting of the final version of the NPSFM. Council and Māori will also have to agree to the options presented here and will seek changes or further clarification on their viability. Understanding of iwi/tangata whenua expectations will be important when considering an approach that recognises their interests, but which also meets Council’s obligation to notify a plan by December 2024. Keeping abreast of MFE implementation approaches will also inform the engagement approach.</i></p> <p><i>Council has a wealth of information to inform the engagement approaches presented in this plan. That information is essential to preparing staff for discussions and to ensure that matters raised by Māori in the past have been carefully considered in this new approach.</i></p> <p>Collaboration and partnership opportunities: The NPSFM requires council to work with tangata whenua to (among other things) identify their interests and values (particularly for those iwi that have not previously been engaged) as well as develop the appropriate attributes and limits for the compulsory Māori values (either option).</p> <p>Seeking tangata whenua advice and input into how this may work is essential. Collaborative approaches should be flexible enough to accommodate tangata whenua capacity and capability. Iwi or iwi groups should be mandated by the appropriate body/bodies and reasonably equipped to undertake a large amount of work.</p> <p>Council must also be in a position to respond quickly to advice received from such groups.</p> <p>Communicating new NPSFM requirements and work programme: This is to ensure that tangata whenua are aware of new government policy and that Council confirms early on who the principal contacts for subsequent discussions are. Eastern Bay of Plenty (Kōhī) requires ground up relationship building given the focus for recent engagement has been central (Ōkurei) and western (Mauao) Bay of Plenty. The latter sub-regions require general updates on where government policy is heading and early discussions may need to focus only on delivery (how to undertake engagement).</p>	<p>Pre-implementation discussions (Sub-regional hui or individual iwi hui)</p> <ul style="list-style-type: none"> – Check Accela contacts and update where required. Contact tangata whenua reps and arrange hui (offer a number of dates). – Appoint primary council staff contact/s to facilitate ongoing communication. – Prepare outline of key changes to government policy including new freshwater regulations (high level). – Undertake general review of information gathered by Council (IMPs, previous consultation, etc). – Arrange iwi meetings and sub-regional iwi hui - initiate open discussion on freshwater issues and raise potential options for engagement/collaboration. – Providing clear and reasonable deadlines/timeframes which feedback must be provided by – Note timeframes and seek tangata whenua feedback on how to proceed. This would include how they would like to participate in engagement options and policy preparation process. – Responding to feedback received – Report to Komiti Māori on preferred options. Record and provide feedback to tangata whenua. – Depending on the options for engagement presented in this plan or those proposed by tangata whenua, start to establish structures, appointments and agreements to progress options.
<p>Year 1 (mid) to Year 3</p> <p>Phase 2: Preparation and set up of engagement options, protocols for Mātauranga, reports to LT and Council.</p>	<p>What must be addressed under Phase 2 (2021/2022):</p> <p>Specify deliverables</p> <p>Clearly express scope and deliverables once the NPSFM 2020 is gazetted and any national direction on implementation.</p> <p>This is the intensive process of establishing partnership mechanisms, programming work, and confirming funding to support implementation.</p> <p>Preparation of Mātauranga Māori protocols</p> <p>Essential to the success of engagement is the arrangement of protocols with tangata whenua. As owners of the knowledge they will expect that the use of it is protected and sanctioned by the relevant iwi/hapū/whānau/trust. By virtue of this requirement Council must collaborate with tangata whenua (going beyond the IAP2 definition of “involve”) to achieve a mutually beneficial outcome.</p>	<ul style="list-style-type: none"> – Lead the set up of options – Maintain a register of contacts. – Prepare Mātauranga Māori protocols. – Identify any additional funding options, including external sources. – Initiate and manage the ‘set up’ process. <p><i>More actions for each option are listed in Appendix 2.</i></p>

Set Up the selected Engagement Options

This involves:

- Maintain the relationship established under phase 1 and early establishment of groups on the advice of tangata whenua
- Establishing the structures, appointments and agreements needed to implement the options
- Providing/agreeing a clear scope of the work required and direction setting as per the NPSFM
- Confirm and/or seek funding to support options
- Support of tangata whenua capability building
- Establish reliable processes to ensure mandated representation is achieved
- Establish lines of communication, reporting, frequency of meetings etc
- Establish briefs and contracts
- Skill, expertise and experience on the part of the practitioner

Table 2: Outline of sub-regional considerations that may inform engagement approaches with iwi

	Commentary	Actions/Procees
Regional characteristics and approach	<p>Having an understanding of the local nuances of the region is essential. These are summarised below, however, they do not represent all of the issues dealt with by Māori. The descriptions are a guide only and will change depending on local circumstances.</p> <p>Some Rangitāiki and the Kaituna-Pongakawa-Waitahanui tangata whenua have had early discussions about NPSFM implementation. In some respects as well, Ōkurei iwi that have overlapping interests in Kaituna catchment (Ngāti Whakaue, Ngāti Rangiwewehi, Tapuika, and Ngāti Pikiāo) are across the policy provisions under the current NPSFM.</p> <p>Those iwi who were PC9 appellants have a comprehensive understanding of the water quantity propositions presented under PC9. This group, which includes some of the Tauranga Moana iwi have a good understanding of government’s freshwater package.</p> <p>The remaining Ōkurei iwi will require a ground up approach, or more intensive engagement during the early stages, i.e., they have had limited or no involvement with Council freshwater management processes or government’s freshwater policy proposals.</p> <p>It is therefore prudent to tailor regional engagement according to the exposure or “relative understanding” that iwi have had to the planning and policy activities of Council. Understanding the various freshwater issues and where the pressures are significant will also be essential.</p> <p>Treaty Settlements: Of particular note, Te Whānau a Apanui are finalising discussions on what is to be included in a deed of settlement – the current proposal is for water management areas having some form of collaboration arrangement with council. A form of limited authority may also be introduced along with a rohe document that will require changes to the RPS and relevant regional plans.</p> <p>In terms of timing, it is not likely that the Whakatōhea settlement will be ready by the time the NPSFM has been gazetted. This settlement considers the formalisation of the Ōhiwa Harbour Advisory Group as a statutory entity and may have a document similar to the RRF and Te Maru o Kaituna.</p> <p>Ngāti Rangitihī is close to signing a Deed of Settlement that will include a co-governance entity over the Tarawera River. The bill or enabling legislation is also in the early stages of drafting. The iwi have</p>	<p>It is recommended that when undertaking a regional approach the following are taken into account:</p> <ul style="list-style-type: none"> - <i>Approximately 2/3rds of the region’s iwi are familiar with BOPRC’s freshwater policy and planning activities.</i> - <i>The Eastern Bay requires greater or more intense engagement.</i> - <i>Treaty settlement negotiations in the Eastern Bay have an element of freshwater management within the proposed settlement packages.</i> - <i>Information gathered from PC9, PC12 and PC10 and RPS engagements will provide a solid foundation for a more streamlined engagement approach.</i> <p>Recommended actions are:</p> <ul style="list-style-type: none"> - <i>Tailor engagement options to suit</i> - <i>Identify sub-regional characteristics – noting the commentary in this document</i>

not been involved in PC12 due mainly to the settlement process. Similar in some respects to the RRF and Te Maru o Kaituna, the new entity will be tasked with developing a document that must be recognised and provided for in the RPS.

The Tauranga Moana and Hauraki settlements are likely to be delayed until the government responds to the recommendations of the Waitangi Tribunal. Alongside these and other settlements, the government has yet to respond to the Tribunal's recommendations on WAI 2358 (Stage 2 Report on the National Freshwater and Geothermal Resources Claims). These settlements also intersect with the comprehensive review of the RMA inasmuch as section 6 of the Act could be subject to amendment based on recent Environment Court, Court of Appeal and Supreme Court decisions.

Eastern Bay of Plenty /Kōhī

The following iwi are mana whenua in this sub-region:

- *Whakatōhea* (note that the hapū [Ngai Tamahaua, Ngāti Ira and Ngāti Ngahere] are highly politicised and in some respects are at odds with the Whakatōhea Trust Board. Hapū are also at the centre of gravel issues on the Ōtara and Waioeka rivers. The Treaty claim is currently on hold, but is likely to formalise the Ōhiwa Harbour Group through settlement legislation as a statutory co-governance body.
- *Upokorehe* consider that they are an iwi and not a hapū of Whakatōhea. Council cannot resolve this but can respond to requests or queries regardless of whether the entity is a hapū or iwi.
- *Ngāi Tai* have not had any interaction with Council on the NPSFM. They are currently progressing claims under both the MACA and their historical Treaty of Waitangi claim.
- *Te Whānau a Apanui* have a number of mechanisms which embody recognition of Te Whānau a Apanui values; relationship agreements; possible functions, duties or powers performed by council. Their settlement may have wider implications for Council particularly with respect to freshwater management
- *Tūhoe* rely on their settlements to make judgement on whether or not to participate in Council planning, policy and regulatory activities. There remains a difference of opinion between Te Uru Taumatua (principal authority for Tūhoe) and Council concerning the import of the RMA and the efficacy of Tūhoe Treaty settlements.
- *Ngāti Awa* are well versed in all iterations of the NPSFM and have been party to the PC9 appeals. As with other group one appellants there is a higher expectation that the issues raised through the appeal process will be met under the approach taken to implement the NPSFM.
- *Ngāti Rangitīhi* are in the process of preparing a draft deed of settlement. Their interests cover the Tarawera River. A co-governance entity is currently proposed that will amongst other matters be tasked with preparing a river document. (similar to the RRF and TMoK).
- *Ngāti Manawa/Ngāti Whare* have membership on the Rangitāiki River Forum and have received regular updates via the Freshwater Futures programme. There are representatives from both iwi on the Rangitāiki Community Group.
- *Tūwharetoa (BoP)* are also members on the Rangitāiki River Forum but have chosen not to fully engage with staff on the NPSFM.

Rangitāiki Water Management Area

Some iwi within this Water Management area have had high exposure via PC 12 and PC9. In many respects a focussed or more specific approach may suit: Kaitiaki/technical expert groups or Taiao Hubs. Tūhoe will require an agreed approach noting the settlement provisions and any additional documentation relating to Uruwera and be included as part of a more intense programme of relationship building.

Eastern Bay: Ground up approach for the Eastern Bay is recommended taking the following into account when preparing detailed engagement plans:

- *Capability and capacity will be tested*
- *Location and distance will need to be factored in particularly with respect to Te Whānau a Apanui*
- *BOPRC's relationship with iwi in the Eastern Bay to date is sporadic*

Recommended actions for this sub-region are:

- *Key area for policy work and engagement: arrange informal meeting as soon as possible*
- *A senior staff member should have a good understanding of the settlements occurring in this sub-region*
- *Appoint primary council contact to facilitate ongoing communication.*
- *Provide outline of key changes to government policy including new freshwater regulations (high level).*
- *Undertake general review of information gathered by Council (IMPs, previous consultation, etc).*
- *Initiate open discussion on freshwater issues (not limited to government policy) and raise potential options for engagement/collaboration.*
- *Note timeframes and seek tangata whenua feedback on how to proceed*
- *Record and provide feedback to tangata whenua*

Ōkurei

- *Organise pre-implementation sub-regional hui (and respond to additional requests)*
- *Appoint primary council contact to facilitate ongoing communication.*
- *Determine readiness of TALT to set up environment hub: Consider providing fast track set up support.*
- *Provide outline of key changes to government policy including new freshwater regulations (high level).*
- *Undertake general review of information gathered by Council (IMPs, previous consultation, etc).*
- *Note timeframes and seek tangata whenua feedback on how to proceed.*
- *Record and provide feedback to tangata whenua.*

Mauao

Ōkurei

Many of the iwi in this sub-region have had some exposure to council freshwater programmes. In some cases where areas of interest overlap (Ōkurei/Mauao; Kōhī/Ōkurei), iwi exposure to freshwater policy and planning has been intense. There are iwi however which may require “ground up” relationship building, and include -

- *Ngāti Kearoa/Ngāti Tuarā*
- *Ngāti Tūwharetoa (Taupō)*
- *Ngāti Rongomai*
- *Rangiteaorere*
- *Ngāti Tarāwhai*
- *Ngāti Hineuru (Taupō)*
- *Ngāti Tahu/Ngāti Whaoa*

A streamlined or targeted approach, using one or more of the proposed options could be used for the remaining iwi such as, for example, Ngāti Pikiao, Ngāti Rangiwēwēhi, Tapuika, and Ngāti Whakaue.

TALT Environment Hub: TALT has also been provided funding to establish an environment hub. This may be the starting point for engagement depending upon support from iwi/hapū in the Ōkurei area. Te Pumautanga, CNI and other PSGEs may also consider participation in a hub tailored to suit their aspirations.

Mauao

Tauranga Moana iwi are generally familiar with freshwater policy and in some respects have the technical expertise to engage with council staff. This is however limited to iwi. Hapū are central to engagement to the extent that iwi authorities will direct staff to hapū entities. The Tauranga Moana Collective settlement recognises the mana of hapū. Most iwi are familiar with the iterations of the NPSFM and include:

- *Ngāi Te Rangi*
- *Ngāti Ranginui*
- *Pūkenga*
- *Ngā Potiki (who are recognised as an iwi)*

Other groups such Hinerangi, Ngāti Tamatera and Ngāti Taratokanui (who affiliate to Waikato and Hauraki respectively) also have interests in the Mauao area. A decision will need to be made about when Council should initiate discussions with them.

It is important to note that Pare-Hauraki has identified strong associations within the Tauranga Moana area via a Deed of Settlement and in some cases within the tribal rohe of Tauranga Moana iwi. The Tribunal has recommended that the Pare-Hauraki settlement be placed on hold until outstanding matters have been resolved by the Crown and iwi.

- *Arrange a Tauranga Moana hui.*
- *Support role out of the Wai Māori approach, or, discuss options 1 to 4 – or facilitate wider Tauranga discussion on Ngāi Te Rangi proposal.*

Part 4: Conclusion

Te Hononga promotes collaborative engagement and partnerships with iwi in freshwater management planning towards NPSFM implementation and RNRP review. Given the diversity of iwi relationships, involvement to date, capacity and capability, different engagement approaches will be necessary across the region. While several options have been presented, and sub-regional/multi-iwi options suggested, **the critical element** of developing collaborative approaches **is discussion with iwi and to establish approaches that are agreeable and workable for Council and iwi**. All options have implications in terms of resourcing and timing, as well as meeting the statutory timeframe of 2024. Discussions with iwi (phase 1) need to progress immediately, with a view to settling on agreed approaches and work programmes for 2021/2022.

Covid 19 and the social and economic impacts of constraints under Alert levels 1 or 2 will have a significant impact on readiness and capacity of both Council and iwi. Dealing with these effects with respect to the NPSFM will not be known until Council initiates discussions with Māori.

Appendix 1

Commentary on the Draft NPSFM (2019 consultation version) – Key kaupapa Māori related provisions

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NPSFM – key kaupapa Māori related provisions

1.5: Fundamental concept – Te Mana o Te Wai: There are multiple views on what this encompasses. The intention is set out in the discussion document beginning with the hierarchy of obligations; the specific provisions under 1.5 (a–e; notably (b),(c) and (d), but must be applied within a regional context. Council and Māori will need to determine to what extent local interpretation is provided for under the plan change.

2.1 & 3.1 - Implementation of Objectives: This includes inserting an objective statement into the RPS using the words (or similar) provided under 3.2(1). The requirement to engage with the wider community and tangata whenua is addressed under 3.2(4). 3.2(6) requires councils to develop a long term vision which must reflect under 3.2(6)(a) the long term wishes of the community and tangata whenua for water bodies in their region.

2.2: Policies – Policy 5 directs the involvement of iwi and hapū in freshwater management.

3.2: Te Mana o Te Wai (~ vision statement)

3.3: Tangata whenua roles and interests – note Discussion Document:

- 2.3: Iwi and hapū demonstrating leadership
- 2.7: Interactions with Treaty settlements
- 4.3: (high significance) New Compulsory Mahinga Kai Compulsory Value strengthens priority given to tangata whenua freshwater values. – see discussion below under 3.7 (“enable and support tangata whenua to . . . develop attributes” p.31 as per the government discussion document).

3.4: Integrated Management – Must be consistent with the regional interpretation of Te Mana o Te Wai.

3.5: Overview of National Objectives Frame (NOF) – the compulsory Mahinga Kai value is to be inserted into the National Objectives Framework.

3.6: Identify Freshwater Management Units and monitoring sites: To be based on the values identified under the NOF (includes compulsory Māori value).

3.7: Identifying values and environmental outcomes: Compulsory Mahinga Kai Value – Councils are required to “enable” and “support” tangata whenua locally to develop attributes that represent the compulsory value. Collaboration with tangata whenua is a requirement in this regard. NOTE protocols will need to be developed for the use of Mātauranga Māori. Usually a form of nondisclosure will be requested from tangata whenua.

3.8: Identifying attribute states: Requires working with tangata whenua to set meaningful water quality attribute states and limits.

3.9: Setting target attribute states: Tangata whenua are most likely to request that target states are set high. It should be emphasised that target states are progressive and can be accommodated over short, medium or long term parameters.

3.10: Identifying limits on resource use and preparing action plans: Tangata whenua may be involved depending upon the nature of the activity and its location.

3.11: Setting environmental limits: This will be new ground for Council in terms of enabling Mātauranga Māori to inform how limits are to be set. Noting that this NPSFM is specifically about water quality and setting limits, cultural flow approaches may vary across the region.

3.12: Identifying take limits: may be linked to cultural flow, however “take limits” must be expressed as total rate or total volume. Tangata whenua are likely to input into minimum flow setting, including consideration of cultural flows, allocation/take limits (total rate and/or volume), as well as other policy aspects of water quantity management, e.g., relating to phasing out over allocation, approaches to any prioritisation of uses etc.

3.13: Monitoring: Methods of monitoring must include Mātauranga Māori.

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Appendix 2

Actions to progress each engagement option

The engagement options can be a mix of all options depending upon the level of support tangata whenua may require.

General actions for all engagement options may include:

- Arrange sub-regional hui on freshwater (3 constituencies) – to discuss options on engagement (all options). This may be used as a supplement to engagement.
- Arrange internal discussions on Taiao Hubs with impacted team managers if tangata whenua identify this as a suitable option.
- Initiate specific informal discussions with tangata whenua groups. Secure mandate for representatives (for all options).whenua (July - September 2020).
- Support set up of options.
- Establish a register of contacts.
- Preparation of mātauranga Māori protocols.
- Identify funding options, including external sources.
- Assign staff to initiate and manage the 'set' up process.
- Preparation of business case to the Leadership Team.
- Preparation of reports to Komiti Māori and Strategy and Policy Committee.

All options can be adapted to suit local conditions. Tangata whenua should be invited to consider these approaches and offer any other suggestions that reasonably meet their needs.

Actions for Option 1 – Expert/kaitiaki panels or groups

- Determine availability of kaitiaki practitioners and the number of groups/panels across the region.
- Consider whether these groups have a level of independence to enable the development of tangata whenua influenced policy outcomes.
- Confirm funding.
- Negotiate contracts with clear milestones and timeframes (monitoring, protocols for the development of mātauranga Māori etc).
- Negotiate a programme of work and set up reporting and administration requirements (including mapping).

Actions for Option 2 – Composite Council staff and tangata whenua groups (Taiao or Environment Hubs)

- Confirm funding and allocation of resources.
- Determine and confirm the scope of work.
- Assign staff with commensurate capability in mātauranga Māori and determine whether short term (possibly revolving) secondments would be the best approach (see Section 5).
- Commit to early discussions with tangata whenua on the purpose and scope of the work to be undertaken by the Hub/s.
- An approach inside of this option is to second staff to iwi organisations. Staff would need to be confident that the work they will be tasked with would be on behalf of the iwi. The benefit in proceeding this way is Council technical expertise could assist iwi in identifying the parameters within the policy and regulatory framework to produce viable objectives, policies, attributes and limits.
- Negotiate a work programme/prepare contracts/set milestones.

Actions for Option 3 – Collectives

- Identify and confirm with tangata whenua possible collective arrangements amongst iwi.
- If agreeable confirm how the collective arrangement would work, noting that other options may sit inside of this umbrella approach.
- Identify key contacts.
- Confirm funding.
- Negotiate a work programme and how a collective would contribute to the implementation of the NPSFM (again noting that other options may sit within this approach).

Actions for Option 4 – Regional Hui

- These can be held at any time and may be useful as a means of keeping wider tangata whenua groups abreast on the progress of implementing the NPSFM.
- Up to three regional hui to be held in each of the Maori constituencies.
- Arrange with Marae that are able to host hui and confirm funding to support catering and venue fees.
- Prepare agenda and invite tangata whenua to make contributions on the topic of freshwater.

Actions for Option 5 – Options proposed by tangata whenua

- Partnership discussions to be held prior to the gazettal of the NPSFM where tangata whenua are able to express their views on what a partnership approach may look like.
- Identify staff who are equipped with the experience and understanding of tangata whenua issues and interests (possibly establish a Partnership Team to manage this process).
- Negotiate an approach that will meet the requirements under the proposed NPSFM.
- Negotiate the scale, scope, timelines and key milestones to achieve outcomes.

Actions for Option 6 – Contractors/consultants

- Identify appropriate contractors/consultants who are familiar with Te Ao Māori.
- Determine and confirm where in the region they would be best deployed.
- Confirm scope of work, milestones and timeframes.
- Contractors and consultants may also be used in combination with the other options proposed in this plan.

Actions for Option 7 – Co-governance and Komiti Māori (Komiti Māori are tasked with providing staff direction on Māori engagement)

Komiti Māori

- Report to Komiti Māori in May 2020 meeting on the proposed Māori Relationship and Engagement Plan for Freshwater, and make any changes recommended by the Komiti.
- Develop with Komiti Māori, a schedule of meeting (including reports) on the progress of engagement.
- Receive recommendations and report back to the Strategy and Policy Committee.
- Invite tangata whenua to Komiti Māori hui to express their views on freshwater management.
- Work with Māori Councillors to participate in the engagement process.

Co-governance

- Arrange workshops with co-governance entities and seek direction on any matters that may impact on river documents and action plans.
- Receive any recommendations on matters relating to those entities roles, functions and purposes with respect to freshwater management.
- Arrange opportunities for entities to meet and discuss shared interests in freshwater management and make joint recommendations.
- Invite iwi representatives on co-governance entities to attend Komiti Māori and Strategy and Policy Committee meetings in regard to the implementation of the NPSFM.