

Minutes of the Komiti Māori Meeting held in Conference Room, Tūnohopu Marae, 5 Tūnohopu Street, Ōhinemutu, Rotorua on Tuesday, 9 October 2018 commencing at 9.30 a.m.

Present:

Chairman: Councillor Arapeta Tahana

Deputy Chairman: Councillor Tiipene Marr

Councillors: Lyall Thurston, David Love, Matemoana McDonald

In Attendance: Bay of Plenty Regional Council: Namouta Poutasi – General Manager Strategy & Science, Kataraina O'Brien – Strategic Engagement Manager, Shari Kameta – Committee Advisor, Rawiri Bhana, Katerina Pihera-Ridge, Sandy Hohepa – Māori Policy Advisors, Moana Stensness, Nathan Capper – Pou Ngaio (Technical/Cultural), Penny Doorman – Programme Leader - Geothermal, Glenys Kroon – Senior Policy Analyst (Water Policy), Stephen Mellor – Compliance Manager – Urban, Industry & Response, Lucas McDonald – Biosecurity Officer, Helen Creagh – Rotorua Catchments Manager, Wiki Ngawaka – Strategic Engagement Coordinator, Sue Simpson – Planning Coordinator

Tangata Whenua/Members of the Public: Lani Kereopa - Ngāti Whakaue ki Ōhinemutu, Amanda Hunt, Toro Bidois - Ngāti Rangiwewehi, Jody Paul, Makoha Gardiner, Makareti Herbert, Bryce Murray - Ngāti Whakaue, Debbie Bly, Jenny Riini - Rotorua Lakes Council, Taparoto Nicholson – Te Puia, Manuera Jefferies, Mihaere Kirby, Maru Tapsell – Tūnohopū, Vicki Bhana - Te Kuirau Marae, Lawrence Ehau – Te Roro o te Rangi, Geoff Rolleston – Te Arawa Lakes Trust, Eru George – Ngāti Kea/Ngāti Tuara, Roland Kingi – Ngāti Pikiao, Peter Staite – Ngāti Hurunga Te Rangi, Greg Allen – Te Kuirau Marae & Te Komiro o te Utuhina

Apologies: Chairman D Leeder, W Clark

Tangata Whenua/Members of the Public: Buddy Mikaere - Ngati Pukenga ki Tauranga, Kahuariki Hancock, Rikihana Hancock, Kataraina George, Norma Sturley – Chairperson Tūnohopū Marae, Monty Morrison, Tuwhakairiora O'Brien

1 Pōhiri/Welcome

A pōhiri took place at 9.30am before the start of the meeting at 10.30 am.

2 Karakia Whakapuare/Opening Karakia

Provided by Eru George.

Mihi/Reply: Chair Arapeta Tahana.

3 **Apologies**

Resolved

That the Komiti Māori:

- 1 **Accepts the apologies from: Chairman Leeder, Councillor Bill Clark and members of the public tendered at the meeting.**

Thurston/Marr
CARRIED

4 **Acceptance of Late Items**

Nil

5 **General Business**

Nil

6 **Declaration of Conflicts of Interest**

Nil

7 **Previous Minutes**

7.1 **Komiti Māori minutes - 22 August 2018**

Resolved

That the Komiti Māori:

- 1 **Confirms the Komiti Māori minutes of 22 August 2018 as a true and correct record.**

Love/McDonald
CARRIED

8 **Tangata whenua Presentations**

8.1 **Te Paratehoata Te Kohea/Tunohopu Marae Komiti**

Mihaere Kirby of Ngati Tunohopu hapū provided an update on matters of interest and concern for Te Paratehoata Te Kohea and Tunohopu Marae.

Key points:

- Tunohopu Marae was one of the busiest marae in the Rotorua rohe where various gatherings were held on a daily and frequent basis;
- The marae had significant issues with the ngāwhā (geothermal activity) within the marae complex, which was impacting on the ablution blocks, cooking facilities, piping network and land sinkage beneath the wharenuī;

- These issues along with bora in the wharenuī and issues with the fire sprinkler system posed a health and safety risk, which had resulted in the marae's closure during one month, with possible risk of future closures;
- An increase in water rates and being able to meet new geothermal policies were also raised as a concern for the marae trustees;
- Support and assistance was sought from Regional Council on the issues raised.

Comments from the Floor:

- Lawrence Ehau of Ngāti Te Roro o te Rangi hapū raised a concern and sought assistance with noxious plant issues and overgrown trees along the stream banks of Te Utuhina awa from the river mouth to Lake Road bridge.

In response to Questions:

- Mr Kirby advised the issues with the ngawha had been ongoing for the past 10 years, with substantial funding spent on trying to fix the issues without success.

Members' Comments:

- Noted agenda item 8.2, Review of Geothermal Management Policy in Rotorua would be discussed later on the agenda, which may provide further information and understanding on the issues and how Council might be able to provide support and advice;
- Acknowledged Regional Council staff had carried out work during the previous year on the Te Utuhina Stream beautification programme and that further follow-up was needed.

Staff Follow-up Action:

- Biosecurity staff to follow-up with Lawrence Ehau (Ngāti Te Roro o te Rangi hapū) regarding noxious plant concerns at Te Utuhina Stream.

8.2 **Te Komiro o Te Utuhina & Ohinemutu Development Working Party – Lani Kereopa and Greg Allen**

Refer PowerPoint Presentation (Objective ID A3015763).

Lani Kereopa and Greg Allen on behalf of Te Komiro o Te Utuhina and the Ohinemutu Developing Working Party gave a presentation on issues affecting Te Utuhina Stream and Te Ruapeka Bay.

The Chair acknowledged the issues that had been raised at an earlier Komiti Māori hui at Waitetī Marae, including the mahi that hapū and whānau had undertaken and noted that working relationships with Regional Council needed to be rekindled.

10:55 am – Councillor Tahana **withdrew** from the meeting and Cr Tiipene Marr assumed the Chair.

Key points:

- Highlighted the hapū's relationship with Te Utuhina Stream and its importance as a recreational area that needed to be preserved;
- Raised significant concern with the stream's water quality and impacts from noxious weeds, bank erosion, stormwater and wastewater entering the awa;

- Sought support from Council for Te Utuhina awa to be recognised on MfE's list of At-Risk Catchments;
- Considered hapū cultural rights to source kai from the awa had been diminished by a lack of management by the Regional Council and Rotorua Lakes Council;
- Noted climate change and possible flooding impacts was a concern for the Utuhina and Ōhinemutu community;
- Previous rain events had saturated stream banks making them unstable and dangerous, which Te Komiro was endeavouring to support restoration by replanting the stream banks;
- Highlighted recent barriers in communication with Regional Council and Rotorua Lakes Council; and wished to partner with the councils to find a way forward;
- Considered riparian zones should be included as part of consent conditions and that Te Komiro o te Utuhina and Ōhinemutu Development Working Party should be consulted on all associated consent applications;
- Raised concern at the state of Te Ruapeka Bay as a Significant Natural Area and confusion from Regional Council and Rotorua Lakes Council over responsibility of its management and care;
- Requested geothermal management, green infrastructure development, resource consent processes and restorative solutions for Te Utuhina Stream and Te Ruapeka Bay incorporate and provide for Mātauranga Māori, cultural rights and partnerships.
- Considered Regional Council's resource consent process did not appropriately provide for tangata whenua input.

Comments from the Floor:

- Had observed erosion and subsidence in proximity of Sunset Road and Malfroy Road, felling of pines at the cricket park and untreated greywater, which may be contributing factors to the issues raised;
- Raised concern regarding the granting of a non-notified consent that had provided for a substantial taking of water, which considered Iwi and hapū should have been notified and consulted on.

Members Comments:

- Acknowledged the concerns raised and the importance for staff and hau kāinga to meet and agree on solutions to progress the issues raised;
- Noted Regional Council was still in the progress of implementing its Mātauranga Māori framework and supported staff and Rotorua Lakes Council meeting with hau kāinga to seek solutions on how to provide for mātauranga in Council processes.

Staff response to Questions:

- Confirmed that Te Utuhina awa was on MfE's list of At-Risk Catchments;
- Developing Regional Council's Mātauranga Māori framework would include the establishment of Māori reference groups, which would require engaging people with the requisite skills to assist, implement and ensure mātauranga was not compromised.
- Staff had met with Te Arawa Lakes Trust regarding the resource consent issue raised and had undertaken to follow-up and address.

- Acknowledged the ongoing issues with consent processes for Iwi and hapū across the region and advised that staff were arranging region-wide wananga for Iwi to work through concerns that had been raised.

Staff Follow-up Action:

- Staff to arrange an engagement meeting with Ms Kereopa, Mr Allen and Rotorua Lakes Council to progress the issues raised.

9 Reports

9.1 Region-wide Water Quantity Proposed Plan Change 9 - Decision

Refer PowerPoint Presentation (Objective ID A3015766).

Senior Policy Analyst (Water Policy) Glenys Kroon highlighted points from the report regarding the adoption of Plan Change 9 (PC9) decisions.

Key points:

- PC9 was the first step in a two-step process to implement the NPS for Freshwater Management (NPS-FM) to improve water quantity and quality management in the region, which PC9 aimed to “hold the line” on current water allocation, fix some existing problems and ensure better information was gathered on water use;
- Stage two would involve more comprehensive sub-regional plan changes at the localised area for each water management area, which preliminary work had begun for Rotorua and Tauranga Moana;
- Outlined PC9’s consultation, submission and hearing process and dates for notification of the decision (9 October) and closing of appeals (21 November);

12:10 pm – Councillor Tahana **re-entered** the meeting and assumed the Chair.

- Summarised key decisions on issues raised by tangata whenua, which had provided for: tangata whenua values (Mātauranga Māori) and interests, more robust allocation limits, water transfer restrictions and unauthorised use;
- While PC9 did not fully achieve NPS-FM requirements or matters of concern to Māori, some issues would be addressed by sub-regional plan changes for each water management area;
- Implementation of PC9 would include: a high standard of water metering, system and data capture improvements, science modelling, pre-lodgement meetings, compliance timeframes for registration of permitted takes and controlled activities and raising awareness with industry;

In response to Questions:

- Incorporating Mātauranga Māori would require engagement and input from tangata whenua at the localised level for each water management area;
- In general, water allocation applications would continue to require consultation with Iwi and hapū;
- Recognition of cultural water takes and imposing of conditions would be considered during the sub-regional plan change process, which would include engagement and consultation with tangata whenua and the community;

- Work had commenced on gathering background information held by Council, which included existing iwi and hapū management plans;
- Staff were keen to engage with tangata whenua on how they wished cultural takes to be provided for within each water management;
- Council was unable to impose metering on existing resource consents until they had expired and new PC9 rules provided 12 months for unauthorised dairy takes to comply with metering requirements.
- Municipal supply and how it was metered was the responsibility of Rotorua Lakes Council and other district and city councils.
- Ensuring geothermal reinjection depths were not harmful to the groundwater resource would be addressed within the resource consent process.

Members' Comments:

- Noted the challenges of providing for Mātauranga Māori at the region-wide level, which was better addressed by respective iwi and hapū at a localised level within each water management area.

Resolved

That Komiti Māori:

- 1 Receives the report, Region-wide Water Quantity Proposed Plan Change 9 – Decision.**

**Thurston/Marr
CARRIED**

9.2 Review of Geothermal Management Policy in Rotorua

Refer PowerPoint Presentation (Objective ID A2982744).

Programme Leader – Geothermal Penny Doorman highlighted points from the report on progress toward reviewing geothermal management policy in Rotorua.

Key points:

- Provided background on Council's responsibility to sustainably manage the region's geothermal resource and the subsequent review of geothermal management policy;
- The review process would include development of a system management plan for Rotorua, which would inform a formal plan change to the Regional Natural Resources Plan for allocating geothermal resource;
- The review process was broad, which timeframes would be influenced by the engagement process and involve five stages of: initial discussions and information, science gathering, system management plan development, a review of plan provisions, later leading to a formal plan change;
- Direction received from Komiti Māori and the Regional Direction and Delivery Committee had provided an approach to engage early and with Māori first;
- Three initial hui had been held with tangata whenua in May 2018 in Rotoiti, Ōhinemutu and Whakarewarewa on the review and how tangata whenua wished to

be engaged. Further hui were held again in September in Ōhinemutu, Ngāpuna and Whakarewarewa, focusing on the Rotorua area and system management plan;

- Staff were working on gathering existing western science information and new data however, acknowledged that they did not have Mātauranga Māori;
- Clear messages received from initial Maori engagement hui asked staff to ensure they talk to the right people, not just Iwi Authorities, recognise mana whenua, Ahu Whenua Trusts and tangata whenua;
- Other key aspects raised by tangata whenua included: unique rights and interests of Māori, a general lack of trust in government agencies, the need for genuine involvement, prioritising traditional use, provision for Mātauranga and governance decision-making;
- Staff recommended the establishment of ahi kaa groups comprising representatives from Ngāpuna, Ōhinemutu and Whakarewarewa to build capacity, form ideas, test advice and provide recommendations to Council as the decision-making body;
- Next steps would involve: receiving tangata whenua feedback on the proposed approach to establish ahi kaa groups, engaging with other Māori entities and stakeholders and to begin testing ideas on principles and values.

In response to Questions:

- Ms Doorman confirmed that future economic considerations of geothermal systems had been undertaken.

Comments from the Floor:

- Noted Te Pumautanga o Te Arawa (TPoTA) and its 11 affiliates had undertaken investigations to explore how the geothermal resource could benefit tangata whenua and provide for mātauranga; and as a consequence cautioned how individual beneficiaries engaged in the review process;
- Referenced the Waiariki Māori Geothermal Advisory Group who were interested in advocating for tangata whenua on geothermal matters;
- Informed of the need for Council staff to be cognisant of the capacity differences between settled and unsettled Iwi, which had created an unfair playing field;
- Provided explanation of the different entities and relationships of Te Arawa and that tribal business entities, which represented investment arms of Iwi did not represent tangata whenua on the ground.
- Commended Council's engagement approach of engaging with tangata whenua through an ahi kaa approach.

Resolved

That Komiti Māori:

- 1 Receives the report, Review of Geothermal Management Policy in Rotorua;**
- 2 Agrees in principle to the proposed engagement approach for the development of the Rotorua System Management Plan, including the establishment and resourcing of an 'Ahi Kaa' type working group (or similar), subject to feedback from tangata whenua.**

**Tahana/Thurston
CARRIED**

9.3 **Ngapuna Air Quality - Compliance Update**

Compliance Manager - Urban, Industry & Response Stephen Mellor and Compliance Officer Lucas MacDonald presented the report on dust mitigation measures in the Ngapuna industrial area.

The Chair acknowledged Mr Peter Staite who had brought the Ngapuna air quality issue to the attention of Council and commended his ongoing work to inform staff of environmental impacts. The Chair provided Mr Staite the opportunity to comment on the issues.

Key points from Mr Staite:

- Highlighted his frustration regarding the dust issues and the significant impacts to the health of his whānau and community, which had led him to raising the matter;
- Acknowledged staff who had taken action to ensure the issue and appropriate monitoring, action and mitigation were progressed;
- Noted and questioned why some roads where the offending had taken place had been omitted from the report.

Staff response to Questions:

- Confirmed Council had issued an abatement notice to Claymark Limited who had recognised discharge issues from its silo in November 2017 however, plans to address the matter had been halted due to building consent requirements;
- In the interim, Claymark had installed a vacuum extraction system, had begun washing down trucks and would be putting in further mitigation of a shower curtain.
- Staff would ensure ongoing monitoring was undertaken in regard to the dust issues in the Ngāpuna industrial area.

Resolved

That Komiti Māori:

- 1 **Receives the report, Ngapuna Air Quality - Compliance Update.**

**Tahana/Thurston
CARRIED**

9.4 **Kia Kaha Te Reo Maori - Te Wiki o Te Reo Maori Update**

Strategic Engagement Manager Kataraina O'Brien presented the item and took the report as read.

Members' Comments:

- Acknowledged the work of staff in promoting Te Reo Māori within the organisation.

Resolved

That Komiti Māori:

- 1 **Receives the report, Kia Kaha Te Reo Maori - Te Wiki o Te Reo Maori Update;**
- 2 **Consider the future preparation of an internal Te Reo Maori Policy.**

**Love/Thurston
CARRIED**

9.5 General Manager's Update

The report was provided by General Manager Namouta is to update the Komiti on matters of interest.

Key points:

- Highlighted funding opportunities in regard to the Lake Rotorua Incentives Gorse Conversion Fund and Wetland Enhancement Fund for multiple Maori owned land.
- Iwi and tangata whenua who were interested in further information could contact Regional Council's Rotorua Catchments team.

Resolved**That Komiti Māori:**

- 1 **Receives the report, General Manager's Update.**

**Tahana/Thurston
CARRIED**

10 Open Forum**10.1 Mr Eru George**

- Raised concern in regard to a dam breach associated with the Tree Tops Lodge resource consent, which had impacted approximately four metres of riverbank in proximity to Kearoa Marae at Apirana Road, which posed a serious danger and risk to health and safety to tamariki and whānau;
- Advised the consent had been issued by Waikato Regional Council however, compliance and monitoring was Bay of Plenty Regional Council's responsibility.

Staff Follow-up Action:

Staff to liaise with Mr Eru George regarding the matter raised.

10.2 Mr Maru Tapsell

Ngāti Tūnohopū and Ngāti Whakaue was going through a comprehensive Treaty settlement process, noting the importance for tangata whenua to be consulted and to ensure that the appropriate mandate be given to negotiate.

10.3 **Mr Mihaere Kirby**

In light of consenting issues raised at the Komiti Māori hui, sought consideration from Regional Council to ensure consent officers had the necessary cultural expertise to assist with resource consent and compliance monitoring processes.

11 **Closing Mihi/Karakia Whakakapi**

Provided by Mr Mihaere Kirby and Mr Eru George.

The meeting closed at 1:35 pm.

CONFIRMED:

A Tahana
Chairperson, Komiti Māori