

Komiti Māori

NOTICE IS GIVEN

that the next meeting of **Komiti Māori** will be held at **Te Hokowhitu A Tu Marae, 25B Keepa Road, Coastlands, Whakatane** on:

Tuesday, 4 December 2018 commencing at 9.30 am.

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

Fiona McTavish
Chief Executive
23 November 2018



Komiti Māori

Terms of Reference

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

Delegated Function

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

Membership

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

Quorum

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

Co-Chairs to preside at meetings

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

Term of the Committee

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

Meeting frequency

Two-monthly.

Specific Responsibilities and Delegated Authority

The Komiti Māori is delegated the power of authority to:

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

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

Note:

The Komiti Māori reports directly to the Regional Council.

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

Membership

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

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

Agenda

1 Karakia Whakapuare/Opening Prayer

2 Host Chair to Preside

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

3 Apologies

4 Acceptance of Late Items

5 General Business

6 Declarations of Conflicts of Interests

7 Previous Minutes

7.1 Komiti Māori Minutes - 09 October 2018

9

8 Presentations

8.1 Key Issues and Aspirations for Ngati Hokopu Hapū - Dr Te Arani Barrett

Refer Agenda item 9.3 for background information.

8.2 Ministry for the Environment – NES-FM and Crown Maori Relations

Refer Agenda item 9.3 for background information.

9 Reports

9.1 Update - He Korowai Matauranga (Mātauranga Maori Framework) 23

SUPPORTING DOCUMENT - He Korowai Matauranga Framework Finalised Document -
to be tabled at the meeting 29

9.2 Toi Moana Kōmiti Maori 2018 Highlights 31

9.3 Other Matters of Interest 39

APPENDIX 1 - Komiti Maori Actions October 2018 47

APPENDIX 2 - FINAL Regional Council Submission on Private Plan Change 2 - Keepa
Road Structure Plan 53

APPENDIX 3 - FINAL Indicative Structure Plan Keepa Road GSP-559747 - Aerial
updated 11 April 2018 77

10 Consideration of General Business

11 Open Forum

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

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

12 Karakia Whakakapi/Closing Prayer

Previous Minutes

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 Ōhinemutu 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

Presentations

Reports

Report To: Komiti Māori

Meeting Date: 04 December 2018

Report From: Kataraina O'Brien, Strategic Engagement Manager

Update - He Korowai Matauranga (Mātauranga Maori Framework)

Executive Summary

At this meeting we are seeking endorsement from Kōmiti Maori for the final He Korowai Mātauranga (HKM) document, and a road map to develop a fit for purpose implementation plan. HKM was approved by Kōmiti Māori in February 2018 with scope to make edits and amendments.

The pivotal components of the framework remain unchanged however updates to the document have been made to reflect a professional document that provides concise content for its target audience. References to implementation and actions details have been removed from the framework to improve the flow and intent of the framework and will be reflected in the implementation plan as it is being developed.

HKM is an internal tool to enhance staff understanding of mātauranga Maori (Māori knowledge) and provide guidance on ways to implement and give effect to mātauranga Maori. The proposed implementation plan will have a particular focus on relationship building and the alignment of mātauranga Māori with Council decision making processes including resource management.

The development and roll out of the Implementation Plan will align with Councils Long Term Plan 2018-2028 of which \$20,000 for years 1 and 2 have been budgeted for.

Recommendations

That Kōmiti Māori:

- 1 Receives the report, He Korowai Mātauranga: Roadmap to Implementation;**
- 2 Endorse the Finalised He Korowai Mātauranga Framework document, an internal staff resource.**
- 3 Endorse the He Korowai Mātauranga Roadmap (outlined under section 5 of the report) to develop an Implementation Plan that is fit for purpose.**

1 He Korowai Mātauranga

He Korowai Mātauranga translates to mean ‘the cloak of knowledge’. In the context of the document, He Korowai Mātauranga refers to the ‘act of sheltering or protecting knowledge’, in this case, the protection of mātauranga Māori we receive from tangata whenua.

The vision “He puna mātauranga, kia ora ai te tangata” – (a source of knowledge to enlighten the people) is a slight variation from ‘He puna mātauranga, kia ora ai te ao’. This wording has been finessed to ensure a specific focus on our people and capability of our Toi Moana staff instead of an outward focus of enlightening the global community.

This slight but important variance also displays humility, as it is an important value to Māori; eharā te kūmara e kōrero ki tona reka, the kūmara doesn’t speak of its own sweetness.

The vision and framework has the following goals:

1. That mātauranga Māori becomes a fundamental part of all Toi Moana work.
2. Staff capability and cultural competency will be enhanced.
3. Mātauranga Māori is stored, accessible and used in decision-making

He Korowai Mātauranga has the potential to significantly contribute to the way Māori knowledge is integrated into Council process

2 Mandate and Key Dates

Kōmiti Maori

On 27 February 2018 Kōmiti Māori resolved to:

- Approve He Korowai Mātauranga (the Draft Mātauranga Māori Framework)
- Endorsed staff to make edits to the Draft framework.
- Endorsed the development of an implementation plan and recognised that a future budget may be required to operationalise the plan.

At the 24 April 2018 Kōmiti Māori meeting staff reported:

- Amendments were underway which included structural and formatting edits.
- The structural edits would not change the content intent of the framework and are intended to enhance the reader experience and understanding, flow and readability.
- They were working on the development of an implementation plan.

Regional Direction and Delivery Committee

At the 15 May 2018 the Regional Direction and Delivery committee meeting staff presented the draft He Korowai Mātauranga Māori document and noted that:

- Māori Policy are leading the development of an implementation plan to operationalise the document in the future.
- Staff would provide a draft implementation plan to the Leadership Team for feedback prior to the plan being presented to Kōmiti Māori and the Regional Direction and Delivery Committee (if requested).
- The implementation plan should be drafted by the end of December 2018
- Staff would prepare a proposed budget for implementation.

3 Current Status

The Final Document is ready and will be tabled and presented to Komiti Māori at this meeting for endorsement. Staff had anticipated an earlier date for completion but due to staff changes and competing workloads as well as the need to engage the services of a professional external designer (Creative Law) the date was pushed out.

The development plan is overdue and is not ready for this meeting. Māori Policy have recently dedicated a member of the team to give priority to this work going forward. We anticipate a draft implementation plan will be ready by the end of June 2019.

We have developed a road map for the development of the implementation plan. Roll out of the Implementation Plan will align with Councils Long Term Plan 2018-2028 of which \$20,000 for years 1 and 2 have been budgeted for.

4 Toi Moana Long Term Plan 2018-2028

We received many submissions from Māori that expressed the importance of mātauranga Māori and support for the Mātauranga Māori Framework and associated implementation plan.

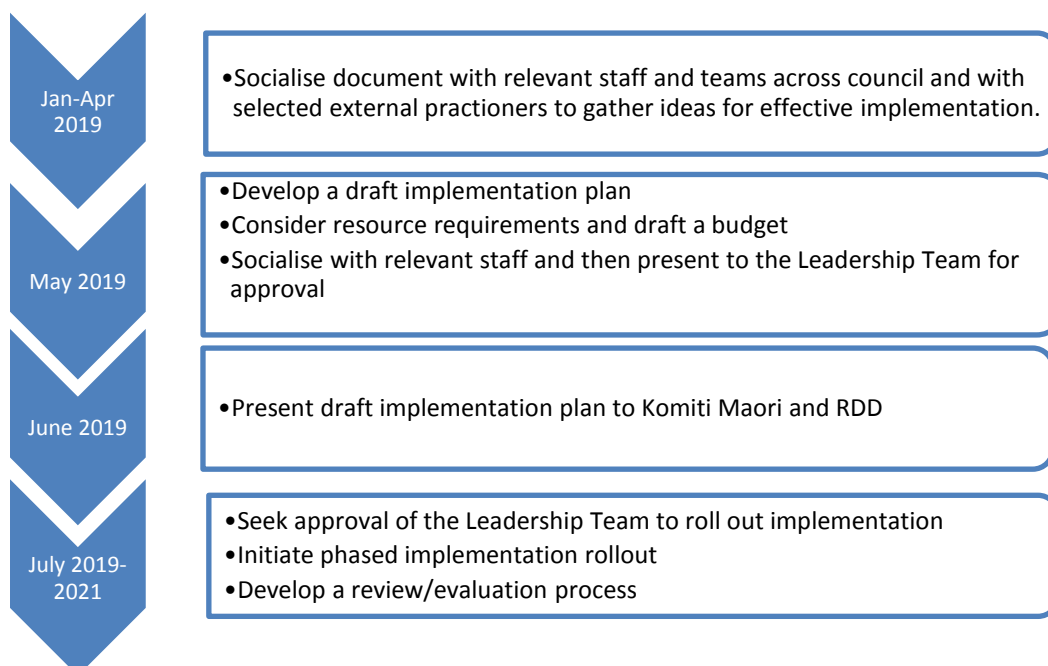
Key commentary in submissions by Māori included:

- Mātauranga Māori should be given visibility and be used to inform Council decision making process.
- Mātauranga in the workplace would help to build staff understanding of Te Ao Māori and enhance tangata whenua perspectives.
- There is alignment with building better working relationships and improving engagement with Māori.

Through the 2018 LTP process, Council agreed to fund \$20,000 in years 2 and 3 to support the rollout of implementation plan.

5 Development of Implementation Plan – Road Map

The key milestones in developing the implementation plan are:



6 Implementation Considerations

Staff are considering a suite of potential actions to give effect to and operationalise the implementation plan. Actions plans will be developed in consultation with relevant staff and external practitioners.

Some considerations are:

- Developing a set of guidelines for staff on methods to integrate mātauranga Māori into work practices and processes;
- Providing cultural capability training by contributing to a future workforce strategy
- Setting up a register of mātauranga Māori practitioners;
- Development of a Māori Relationship Strategy that aligns with internal Public Consultation and Engagement Project outcomes.
- Building a system to house mātauranga Māori (repository)
- Establishing a review process
- Producing a fit-for-purpose budget

7 Implications for Maori

There will be positive implications for Māori as the framework and implementation plan will directly contribute to the way in which Toi Moana staff receive, respect and incorporate Mātauranga Māori into their projects and business.

This framework alongside the implementation plan will ultimately guide the way staff receive and incorporate Mātauranga Māori into their projects and business as usual responsibilities. The tools aim to complement the mainstream knowledge utilised by staff with a greater understanding of mātauranga, how to respect it, and how tangata whenua can assist them in achieving common goals.

Systems and processes to receive mātauranga Māori will be established ensuring that the value of the information is given respect and used to inform decision making processes.

8 Summary

He Korowai Mātauranga provides a wrap around cloak of support for Toi Moana and its staff. It promotes the intertwining of muka strands used to make traditional korowai interweaving Te Ao Hurihuri – the contemporary world and Te Ao Māori – the Māori world view. This will enhance Toi Moana and its staff's ability to receive, acknowledge and respect mātauranga Māori, ultimately, complementing the business of Toi Moana.

As we look forward to the implementation of the framework, we aim to develop a plan that has both cultural competency and cultural safety as fundamental components of the approach. It will involve input from key staff members as well as mātauranga Māori practitioners who will have input into how we can grow Toi Moana capacity and capability in mātauranga Māori and achieve common environmental goals.

Nā to rourou, nā toku rourou, ka ora ai te Iwi - with your contribution and ours, the region will flourish.

9 Council's Accountability Framework

He Korowai Mātauranga contributes to Community Outcomes for a Vibrant Community and Healthy Environment.

This work is being undertaken within the Māori Policy budget of the Long Term Plan 2018-2028 - \$20,000 in Year 2 and Year 3 has been budgeted to support implementation.

Katerina Pihera-Ridge
Maori Policy Advisor

for Strategic Engagement Manager

23 November 2018

**SUPPORTING DOCUMENT - He Korowai Matauranga
Framework Finalised Document - to be tabled at the
meeting**



Report To: Komiti Māori

Meeting Date: 04 December 2018

Report From: Kataraina O'Brien, Strategic Engagement Manager

Toi Moana Kōmiti Maori 2018 Highlights

Executive Summary

Established in 2006 Kōmiti Māori provides a valuable interface between Māori and Council. Kōmiti Māori is unique as it is the first (and only) committee of a regional council in New Zealand that operates as a decision-making committee comprising of three Māori Constituent Councillors presiding alongside General Constituent Councillors.

The delegated function of Kōmiti Māori is to set operational direction for Council's legislative obligations to Māori and monitor how these obligations are implemented. This is achieved through specific operational decisions which translate legislative obligations to Māori into action. Some of the specific delegations include:

- Monitoring Councils compliance with its obligations to Māori under the Local Government and Resource Management Acts;
- Approving actions to enhance Māori capacity to contribute to decision-making processes
- Recommending effective Māori engagement consultation processes and mechanisms;
- Identifying relevant emerging issues relating to the principles of the Treaty of Waitangi, legislative obligations to Māori and programmes to build the capacity of Māori;

This report highlights some key decisions and actions given effect through the Kōmiti Māori Terms of Reference (TOR) which have resulted in positive outcomes and outputs in 2018.

Recommendations

That Kōmiti Māori:

- 1 Receives the report, Kōmiti Māori Highlights Report 2018;**
- 2 Notes the Terms of Reference may be amended in 2019 to give effect to related outcomes in the Long Term Plan (2018-2028).**

1 Background

The Bay of Plenty Regional Council Māori Committee (Kōmiti Māori) was established in November 2006. Kōmiti Māori has the core function of implementing and monitoring Council's legislative obligations to Māori.

Currently in its 4th triennium, Kōmiti Māori provides a positive interface between Māori and Council. The committee meets bi-monthly on marae across the region.

A key strength of the committee is recognised through the membership of three Māori Constituent Councillors. They play an important role in decision making processes and provide strategic and cultural advice to councillors and staff.

Below members of Kōmiti Māori: From left t Māori Councillors Tīpene Marr (Kōhī), Arapeta Tahana (Ōkurei – Kōmiti Māori Chair); Matemoana McDonald(Mauao); General Councillors Doug Leader (Toi Moana Chair), David Love, Lyall Thurston and Bill Clarke.



2 Kōmiti Māori Terms of Reference

The delegated function of this committee is to set operational direction for Council's legislative obligations to Māori and monitor how these are implemented.

The content of this report provides a snap shot of how Council gives effect to the TOR through recommendations, endorsement and decisions.

The outcome of Council's Long Term Plan (2018-2028) resolved to amend Kōmiti Māori TOR to give them delegated authority to request an annual or 6 monthly report on Council's responsiveness to Māori. This work will be progressed in 2019.

3 Rotating Meetings on Marae

Since its establishment in 2006, Kōmiti Māori has held 44 hui on marae across the Bay of Plenty. In 2018, the committee was privileged to be hosted by six marae (refer pictures).

Rotating meetings enables members to engage directly with tangata whenua at a local level. The kanohi ki te kanohi (face to face) approach is an appropriate and effective way of interacting with Māori.

Experiencing Tikanga, Te Reo and Te Ao Marae provides an excellent platform to build cultural understanding for staff and members of the public.

Committee standing orders are flexible so as to respect marae protocols and encourage public interaction and participation.

Interaction between Māori and councillors and active participation of Māori in council decision making is the key rationale behind holding Kōmiti Māori hui within a marae environment. This is an active demonstration of Council's commitment to building enduring relationships with Māori.

Pukehina Marae (February 2018)



Taharangi Marae (April 2018)



Tōrere Marae (June 2018)



Hei Marae (August 2018)



Tunahopu Marae (October 2018)



Te Hokowhitu-a-Tu Marae (December 2018)



4 Key Achievements in 2018

The following section provides an overview of the key achievements and highlights from Kōmiti Māori during the 2018 calendar year.

4.1 He Korowai Mātauranga – Mātauranga Māori Framework

Kōmiti Māori endorsed the draft He Korowai Mātauranga framework on 27 February 2018 at Pukehina Marae. They also supported the development of a companion implementation plan which is currently in progress. Through the Long Term Plan 2018-2028 process, Council approved funding of \$20,000 in year 2 and 3 respectively to assist with operationalising implementation actions.

At this meeting, staff are requesting Kōmiti Māori endorse the final document.

4.2 He Toka Tumoana - Toi Moana Environmental Scholarship

At the April 2018 meeting, four tertiary students were awarded \$2,500 Toka Tumoana scholarships. Toka Tumoana was set up to provide funding assistance to students across the region studying environmental topics. The recipients ranged from undergraduate to doctoral level. The next round of scholarships will be available from January 2019.



From left: Chair of Kōmiti Māori, Councillor Arapeta Tahana; scholarship recipients; Vanessa Taikato, Ashlei McMahon, Julie Shepherd and Francis Teinakore-Curtis.

Taharangi Marae, Rotorua (24 April 2018).

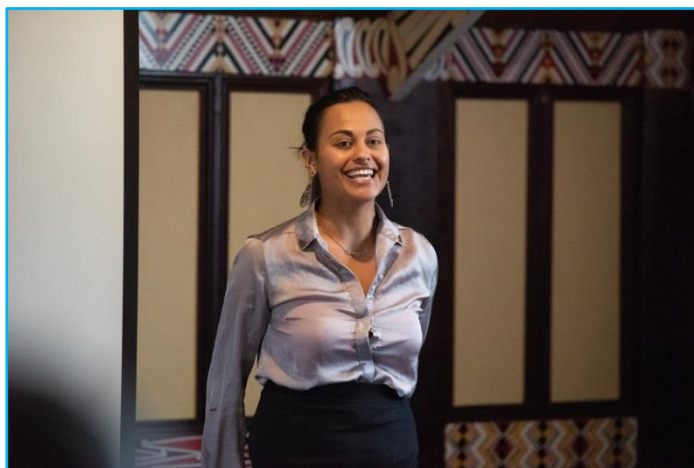
4.3 Targeted Engagement with Māori

Through the request of the Māori Councillors and Kōmiti Māori targeted engagement with Iwi was undertaken for a number of council processes such as:

- Long Term Plan 2018-2028
- Policy Plan Changes
- Regional Plan changes
- Regional Plan reviews

4.4 Summer Students

Kōmiti Māori is very supportive of Council's annual summer internship programme. From November 2017 to February 2018 three Kotahitanga students were deployed part-time to assist and support hapū/Iwi. This year (from November 2018 to February 2019), two students will also provide a level of support to Iwi Authorities as well as assisting teams with projects and mahi.



Former student Rangipare Ngaropo speaking at the Pukehina Marae 2018 Kōmiti Māori meeting.

4.5 Long Term Plan 2018-2028

Kōmiti Māori members are very supportive of actions that contribute to enhancing Māori capacity and capability. Through its long term plan process funding and support was provided to:

- Operationalise actions aligned to the forthcoming Mātauranga Māori implementation plan (\$20,000 for years 2-3)
- Support the development of Iwi Participation Agreements (\$3,000 per agreement)
- Hold Iwi Wānanga across the region
- Develop a Māori responsiveness reporting process
- Retain Iwi Management plan annual funding (\$70,000 per annum)
- Engage summer students
- Sponsor Hearing Commissioner Training (\$2,500 x 3 iwi per annum)
- Award Toka Tumoana Environmental Scholarships (4 x \$2,500 per annum)
- Retaining the Hapai Ora Community Outcomes Fund (\$30,000 per annum)

A report outlining the decisions in relation to positive outcomes for Māori were presented at the August 2018 Kōmiti Māori hui held at Hei Marae.



Kōmiti Māori Councillor Lyall Thurston embracing Punohu McClausland at the August 2018 Kōmiti Māori meeting, Hei Marae, Te Puke.

4.6 Tangata Whenua Presentations

At each Kōmiti Māori hui, tangata whenua are invited to present on important kaupapa. In 2018 the committee heard more than 15 presentations from individuals and groups. Key actions are recorded and actioned accordingly. Significant environmental matters are taken seriously and tracked by staff on behalf of Kōmiti Māori some of which related to:

- Historical contaminated sites on Matakana Island
- Ngāpuna Air Quality
- Utuhina River water quality
- Ōhinemutu weed and sedimentation issues
- Hunters Creek ecological monitoring
- Catfish Incursions
- Environmental Enhancement Fund Projects

4.7 Formally Receiving Hapū/Iwi Resource Management Plans

Kōmiti Māori is responsible for formally receiving iwi and hapū resource management plans. The committee also supported the retention of annual budget to assist hapū and iwi to develop such plans.

In 2018 two completed plans have been lodged with the committee. Four are currently in progress and two have been finished and will formally be lodged in early 2019. The two plans lodged in 2018 were:

- Ngāti Kearoa/Tuara Iwi Management Plan
- He Mahere Putahitanga – A pan-tribal Planning Document for the Central North Island Forests Iwi Collective

4.8 Hearing Commissioner Sponsorship for Iwi Representatives

Each year, via Kōmiti Māori, Council sponsors three iwi representatives to attend the Making Good Decisions Foundation Course. The sponsorship provides an opportunity for Māori to attain a recognised qualification as a hearing commissioner. Learnings from the training assist to build resource management knowledge and understanding.

Through the support of Komiti Māori, the pool of qualified Māori Hearing Commissioners has increased.

4.9 Pou Ngaio and RMA Training for Māori

The Toi Moana Pou Ngaio role (technical/cultural specialist) was established through recommendations from Kōmiti Māori. The position holder has been active in rolling out RMA training for Māori across the region. In 2018 four training workshops were held with tangata whenua across the region. This training is a way to build understanding and contributes to enhancing resource management capability.

4.10 Māori Engagement Video

The Māori Councillors and Kōmiti Māori supported the development of a Māori Engagement video as a resource for staff to explain the importance of engaging with Māori. The video is available on Council's website and is used for new staff inductions. It is an excellent resource and viewers have commented on its usefulness.

4.11 Komiti Māori E-Panui

The Komiti Māori E-Panui is popular Council panui. In 2018 as well as notifying the public of committee meetings and agenda items, many important issues are socialised and membership continues to increase.

5 Implications for Māori

Through Kōmiti Māori, Council is able to contribute to processes which enable Māori to participate and contribute to matters which inform Council decision-making.

Financial decisions influenced by Kōmiti Māori members, such as LTP budgets, provide a level of assistance to support kaitiakitanga and kaupapa Māori.

Kōmiti Māori actively seeks ways in which it can assist Council and staff to meet legislative responsibilities such as requesting robust engagement processes that are respectful of Tikanga and Te Reo Māori.

The Mātauranga Māori Framework and Implementation Plan will set clear guidelines and will positively influence cultural information received by Māori, which will ultimately improve and inform decision making processes.

Council's Accountability Framework

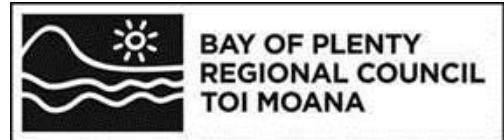
5.1 Community Outcomes and Long Term Plan Alignment

The items in this report contribute to community outcomes aligned with a vibrant region and healthy environment. Work is accounted for under the Māori Policy activity and budgets have been provided through Council's Long Term Plan 2018-2028.

Reuben Gardiner
Maori Policy Advisor

for Strategic Engagement Manager

23 November 2018



Receives Only - No Decisions

Report To: Komiti Māori

Meeting Date: 04 December 2018

Report From: Kataraina O'Brien, Strategic Engagement Manager

Other Matters of Interest

Executive Summary

The purpose of this report is to update the Kōmiti on matters of interest. The report includes:

- Te Hokowhitu-A-Tu Marae
- Kōmiti Māori Post Meeting Actions (follow up on key actions from previous Kōmiti Māori hui)
- Ministry for the Environment – Presentation
- Kopeopeo Remediation Project Update
- Operative Whakatāne District Plan – Private Plan Change 2
- Unconsented Water Take Project – Consultation with Tangata Whenua
- WAI 2521 : Motiti Urgency Inquiry
- Update on Te Hapai Ora – Regional Community Outcomes Fund
- Māori Policy summer students

Recommendations

That Kōmiti Māori:

1 Receives the report, Other Matters of Interest.

1 Te Hokowhitu-A-Tu Marae

Kōmiti Māori are privileged to be invited to Te Hokowhitu-A-Tu Marae, a marae of Ngāti Hokopū. Ngāti Hokopū are a sub-tribe of Ngāti Awa.

Ngāti Hokopū were primarily situated around Te Whare o Toroa (Wairaka Marae - near the present day Regional Council office in Whakatane), as the hapū expanded over time, settlements were established across the river on its western front. In 1923, Te Hokowhitu-A-Tu was opened to commemorate those who lost their lives and served in the 'Great War' (WW1). Similarly, the wharekai Te Rau Aroha, pays homage to the

28th Māori Battalion Canteen Truck (gifted by the children of the Native Schools of NZ), that travelled with the battalion throughout WW2, providing sustenance, hope and a reminder of home. In this way the marae stands as a living memorial to those that served in both wars.

Dr Te Arani Barrett, ahi kaa and representative for Ngāti Hokopu on Te Runanga o Ngati Awa will present on key issues and aspirations of the hapū.

2 Kōmiti Māori Post Meeting Actions

At the last Kōmiti Māori hui held at Tūnohopu Marae on 9 October 2018, a number of actions arose and required a post-meeting follow up. Refer appendix for post meeting actions table which give an update of previous actions (refer to Appendix 1).

3 Ministry for the Environment – Presentation

On 5 October 2018, the Ministry for the Environment (MfE) and Crown Māori Relations (CMR) portfolio, released the Government's blueprint to improve freshwater quality. The document also sets out a new approach to the Māori/Crown relationship that will acknowledge Māori interests in fair access to water to aid in the development of Māori land.

On 9th November 2018, a two stage process to improve the resource management system was also announced by the Environment Minister.

1. Stage One will reverse some changes made by the previous Government in 2017, including measures that prevent public notification and appeals against residential and subdivision consent applications. Stage Two will be a more comprehensive review of the resource management system and Government work priorities, including urban development, climate change and freshwater.
2. Stage Two is currently being scoped and is expected to start in 2019.

Ministry for the Environment officials will be in attendance to present on these two matters.

4 Kopeopeo Remediation Project Update

The Kopeopeo Canal Remediation Project (KCRP) is to safely remove elevated levels of dioxin contaminated sediment from the 5.1km of the Kopeopeo Canal in the Whakatāne District. The project consists of physical works to safely remove and securely contain contaminated sediment from the canal within two containment sites, followed by bioremediation for up to 15 years. In addition to addressing the human health risks, clean-up of the canal will allow normal canal drainage practices to resume, maintaining the canal's capacity to drain parts of the Rangitāiki Plains.

The Kopeopeo Canal Remediation Project is jointly funded by Bay of Plenty Regional Council and the Ministry for the Environment through their Contaminated Site Remediation Fund (CSRF). The Kopeopeo Project is currently ranked number two nationwide, on the CSRF priority list.



Photo 3: Sediment dredging in the canal in early January 2018.

4.1 Summary of remediation

The consented remediation process involves the extraction and transfer of contaminated sediment via a cutter suction dredge and pipeline to engineered containment sites. Once the slurry; a mixture of sediment and canal water, arrives at the containment site it is screened to remove oversized material before being treated with a flocculent, and then pumped into large geotextile bags for long term storage. The treatment process results in separating the canal water from the sediment. Treated canal water is then discharged back to the canal.

Long term the sediment is inoculated with fungi and plant bacteria which help break down the contaminants while it is safely contained. This is a continuation of the Te Ohu Mō Papatūānuku trials established by the late Joe Harawira, with technical support and monitoring contracted to Waikato University.

4.2 Tangata Whenua involvement

The project is supported by tangata whenua with engagement and reporting processes being in place now for over ten years. Cultural needs have been identified through the engagement process and are being implemented. The project Cultural Monitor, Eula Toko is present to oversee the remediation process and assist with implementing the discovery protocols if koiwi or taonga are found. Access to Opihi urupa for tangihanga is provided for when required. Ms Toko is the key contact for such matters.

Mr Tane Wharewera has been a member of the Community Liaison Group (CLG) for some time and was recently appointed as the new Community Monitor. This role was established to provide better links between the community and tangata whenua.

4.3 Current status

Both containment sites have been constructed. Dredging is currently 60% completed. The dredging progress has been slower than forecast. The project completion date forecast is now April/May 2019. Water treatment plant is forecast to be moved over to

Containment Site 3 (CS3) off Keepa Road in late November. Access to the Whakatāne River off Keepa Road and through CS3 continues to be restricted to foot/bike traffic only. Public notices about restricted access have been sent out to community bulletins via Radio 1XX.

Baseline eel tissue monitoring report indicates that eel within the canal extending out to Powdrell Road remain unsafe to eat. Annual monitoring of eel tissue following completion of the project is proposed and data will be assessed prior to lifting the rāhui and health advisory notices on eel fishing within this section of the canal.

Regular updates to the project are provided to the community via CLG and Project Steering Group (PSG) meetings and the project website www.boprc.govt.nz/kopeopeo.

For more information around the Kopeopeo Canal Project, contact Brendon Love, Contractor Project Manager on (029) 633-9577 or refer to the Bay of Plenty Regional Council website www.boprc.govt.nz.

5 Operative Whakatāne District Plan – Private Plan Change 2

The Operative Whakatāne District Plan - Private Plan Change 2 was notified on 9 March 2018. It proposes a rezoning of Light Industrial land at 23 & 45 Keepa Road to Residential. The applicant Lysaght Developments seeks to enable future residential “structure plan” development. The Plan Change includes two indicative subdivision scheme plans for approximately 80 dwellings.

Bay of Plenty Regional Council’s submission opposes this Plan Change as it was not supported by relevant investigations and assessments to take into consideration cultural impacts, natural hazards, contaminated land and traffic impacts. Refer to Appendix 2 for further information.

Additionally, a number of mitigation measures were proposed by Bay of Plenty Regional Council to address the potential for cultural effects intrusion on Te Hokowhitu-A-Tu Marae including:

- additional acoustic fencing adjacent to the Marae;
- additional restrictions within a proposed Marae Protection Area Overlay; and
- locating a recreational reserve adjacent to the Marae entry.

The applicant advised on 8 November 2018 that this plan change will be placed on hold until the end of the year and this property will be listed for sale. Dependent on the sale outcome, in early 2019 the applicant will confirm if the plan change will be progressed or withdrawn. This change in direction follows work undertaken on a number of technical assessments (following the close of further submissions on 27 June 2018) including: traffic, flood risk, contaminated land and geotechnical.

The applicant’s representative had previously advised they were working through a package of measures to address cultural effects.

6 Regional Council’s Unconsented Water Take Project

The Project started in 2015/16 with the aim of identifying and bringing those taking water without resource consent into compliance, so Council can better account for and manage sustainable levels of water use.

A thorough assessment was carried out which concluded that takes on approximately 60 properties across the region required consent for their ground or surface water take.

The property owners who require consent were advised in July this year that they must lodge a complete resource consent application by 30 September 2018. Not all property owners have been able to meet the 30 September deadline.

We are now at a point where we're ready to bring these unconsented water takes into compliance.

Regional Council recognises that tangata whenua and kaitiaki will play a crucial role in addressing the unconsented water take issue. We value our relationships with tangata whenua and have implemented measures to assist in the process.

Council understands that any potential solution will result in additional workloads on hapū and iwi kaitiaki. In recognition of this, Council has implemented the following measures to assist:

- Regional Council has committed to following a streamlined processing system for these applications.
- To make assessing any potential cultural effects as easy as possible for tangata whenua, Council has agreed to check and send complete applications to tangata whenua on behalf of the applicants.
- Processing timeframes have been put on hold to allow some flexibility for processing these applications and to allow sufficient time for consultation with tangata whenua.
- Regional Council Staff checks will include confirming that water allocation information is up-to-date, Assessments of Effects are complete and efficiency assessments of the water volumes applied for have been carried out.

These will be sent in catchment-specific batches as and when they are received and deemed complete. Accompanying these applications will be details about the process and estimated timeframes for tangata whenua to respond.

We will be available to assist tangata whenua during this time by clarifying any matters however any consultation beyond this point will be between the applicant and tangata whenua. Regional Council staff will, however, be available to assist with information and to provide clarity to tangata whenua.

Questions or queries can be directed to the Duty Consents Officer on 0800 884 880.

7 WAI 2521: Motiti Urgency Inquiry

In March 2017 Ngā Hapū o te Moutere were granted an urgent hearing by the Waitangi Tribunal in relation to the Tauranga Moana Iwi Collective (TMIC) Settlement and other matters. The claim raises several issues including recognition of hapū identity and the ability to participate in the Tauranga Moana Framework. Hearings were recently held in Tauranga and Whakatāne, with the prospect of further hearings to follow before the Tribunal releases its findings, anticipated in early 2019.

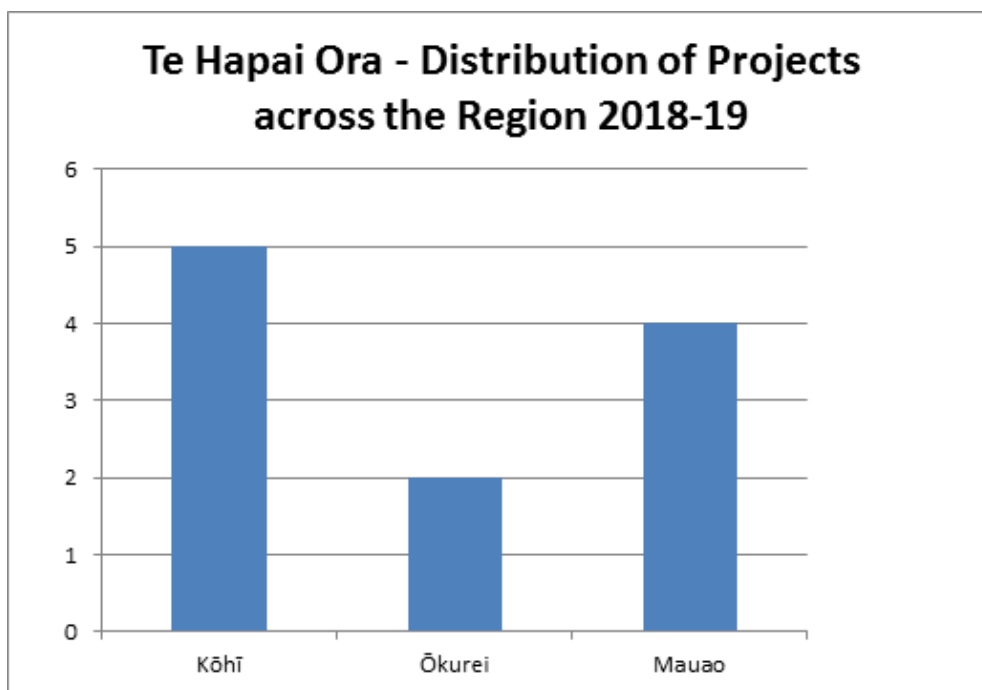
8 Update on Te Hapai Ora Fund – Regional Community Outcomes Fund

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

In the 2018-2019 funding year, 14 community applications have been received with 11 being successful and two applications declined. One application is currently in the assessment process.

The graph below gives a distribution of projects that have been supported throughout the region within the 2018/2019 financial year.

There is currently \$15,500 in funding available from Te Hapai Ora Fund for the remainder of the 2018-2019 funding year.



Graph 1 : Distribution of projects across the Region.

9 Kotahitanga Summer Student Internship

Welcome to Maia Eruera and Winiata Tahau-Anderson who are the summer students for the Kotahitanga team. These two students join the intake of summer students for the Bay of Plenty Regional Council.

Maia and Winiata are locals from the Bay of Plenty with whānau who reside in Whakatāne.

Maia studies at Victoria University aiming to complete a Bachelor of Commerce degree with an information systems, commercial law and management major. Winiata has just completed a Bachelor of Law degree and graduates in December.

10



Photo 4: Maia Eruera



Photo 5: Winiata Tahau-Anderson

We are excited about the capability of our students this year and look forward to developing them over the coming three months while they contribute to our core work within the Kotahitanga team.

The students will provide a presentation to the Kōmiti at the February 2019 Kōmiti Māori hui highlighting the work that they have completed and share their experiences gained from this opportunity.

11 Hand on Water Event

Hands-on-Water is a fantastic cross-agency collaborative education event. This year it was held from 14-15 November 2018 at Redwood Valley Farm in Paengaroa.

The purpose of the event is to bring together students from across the region and give them a hands-on learning experience about freshwater and how important it is that we protect and maintain it for our future generations.

Five amazing partner organisations were involved in delivering interactive activities to over 150 children about all different types of freshwater. Activities included in-stream water monitoring testing, how aquatic pests affect freshwater, how to be safe on a boat in the water and mātauranga Māori and wai which was a highlight activity with a number of the students.

The schools that attended include: St Mary's Rotorua, Murupara Area, Kāingaroa Forest, Matatā, Ōmanu, Te Puke, Whakamarama, Selwyn Ridge, Tauranga Intermediate and St Thomas. The Community Engagement Team, one of the key organisers, received a lot of positive feedback from students, teachers and observers. Staff will provide a short presentation at this meeting.

12 Implications for Māori

Māori interests and recognition of them are continuing to have a rising profile and are represented in the matters presented in items summarised in this report. The status and condition of the region's lakes, rivers, streams and coastal margins are central to the concerns held by Māori.

Their participation in regional projects and in the decision-making processes of Council is now enhanced through the April 2017 changes to the Resource Management Act 1991. The Private Plan Change that has implications for Te Hokowhitu Marae is an example of where tangata whenua cultural values, interests and mātauranga Māori should have been considered. Prior to notification of a plan change or variation to a plan, the notifying Council is obligated under Schedule 1 4A to provide a copy of the proposal to tangata whenua for their consideration and must allow reasonable time for this to occur. Although the RMA does not place a duty on those requesting a private plan change, it is often good practice and beneficial for them to do so.

Given that Māori participation in decision-making concerning the Resource Management Act 1991 has been enhanced with potentially greater influence over the preparation of plans and the processing of resource consents in the Bay of Plenty region, it is essential that relationships are supported through clear communications.

13 Council's Accountability Framework

13.1 Community Outcomes

This project/proposal directly contributes to the Regional Community Outcome/s in the council's Long Term Plan 2018-2028.

13.2 Long Term Plan Alignment

This work is being undertaken within the current budget from Kotahitanga Strategic Engagement in the Annual Plan 2018-2028.

Current Budget Implications

Kotahitanga Strategic Engagement activities noted in this report are provided for through the Kotahitanga Strategic Engagement activity budget.

Future Budget Implications

Future sponsorship is provided for in Council's Long Term Plan 2018-2028.

Sandy Hohepa
Maori Policy Advisor

for Strategic Engagement Manager

23 November 2018

APPENDIX 1

Komiti Maori Actions October 2018

Bay of Plenty Regional Council Komiti Māori – Post Meeting Actions

No	Issue or report item	Raised by	Action	Referred to	Date referred and due by	Progress/ Comments
ACTIONS FROM KOMITI MĀORI HELD ON 9 October 2018						
Code	Issue	Raised by	Action	Referred to	Date referred and due by	Progress/comments
	Te Komiro o Te Utuhina issues: <ul style="list-style-type: none"> Noxious weeds Stormwater inflow management Erosion and pollution Sedimentation Significant Natural sites 	Laurence, Lani Kereopa, Greg Allen.	To address the issues raised by Te Komiro o Te Utuhina and Council Staff.	Rosemary Cross, Helen Creagh, Chris Ingle (BOPRC) Starvos Michael, Jenny Riini (RLC)	25 October 2018	Issues actioned following the hui held with key representatives of Te Komiro o Te Utuhina, BOPRC, RLC and TALT on 25 October 2018.
	Treetops Ltd <ul style="list-style-type: none"> Possible dam breach BOPRC boundary clarification 	Eru George	BOPRC to action accordingly.	Terry Long Reuben Fraser (BOPRC)	In progress	Meetings have transpired between the relevant parties.
	Ngāpuna Air Pollution	Peter Staite	BOPRC staff to continue to monitor the air pollution issues and keep in contact with Peter Staite.	Stephen Mellor (BOPRC)	Next Komiti Māori in Ōkurei 2019	Report update at the next Ōkurei Komiti Māori.
<u>Update from meeting of 18 October 2018</u>						
A meeting was held with all parties on 18 October 2018 to discuss the issues raised at Komiti Māori on 9 October 2018. Below are a number of topics and agreed						

Bay of Plenty Regional Council Komiti Māori – Post Meeting Actions

No	Issue or report item	Raised by	Action	Referred to	Date referred and due by	Progress/ Comments
	<p>actions for all in attendance. Notes provided by Helen Creagh (BOPRC):</p> <p>Stormwater Inflow Management (Rotorua Lakes Council)</p> <p>Agreed that Rotorua Lakes Council will progress a comprehensive stormwater consent application including comprehensive effects assessment. Agreed Te Komiro o Te Utuhina to be involved in the preparation of this application. The following to be specifically considered with the application:</p> <ul style="list-style-type: none"> • Erosion at stormwater outlets. • Discharges from industrial areas (Lakes Council Pollution Team ensure regular inspection of discharge management from industrial sites, including ensuring appropriate mitigations in place for these sites). • Debris capture at outlets. • Understanding water quality issues in streams so solutions can be considered for those (Regional Council can assist with monitoring data for this). • Opportunities for low impact design. • Establishment of Kaitiaki Group (included within proposed conditions). <p>Erosion – High Rainfall Events (Bay of Plenty Regional Council)</p> <ul style="list-style-type: none"> • Te Roro Marae Erosion, Regional Council to arrange to look at this with our River Engineer, consider planting also. • Regional Council to arrange to look at the erosion sites along the Utuhina and make sure those presented in the photo provided are included in the priority works list, e.g. the swimming hole on the stream walking track at the sportsgrounds beside the stadium. <p>Witches Hat Trial (Bay of Plenty Regional Council)</p> <ul style="list-style-type: none"> • Regional Council to investigate trial of this option and involve Te Komiro representatives. <p>Shared Pathways (Rotorua Lakes Council)</p> <ul style="list-style-type: none"> • Lakes Council to look at opportunities for weed control and planting as part of this project and also use of Department of Corrections for people power. • Some joint funding from the Regional Council could also be provided once opportunities identified. <p>Significant Natural Area - Behind Bath House (Both Councils)</p>					

Bay of Plenty Regional Council Komiti Māori – Post Meeting Actions

No	Issue or report item	Raised by	Action	Referred to	Date referred and due by	Progress/ Comments
	<ul style="list-style-type: none"> Lakes Council to progress funding application for this including providing plants. Regional Council to arrange and pay for contractor to remove pest plants from site to enable planting. <p>Rubbish and Illegal Dumping (Both Councils)</p> <ul style="list-style-type: none"> Lakes Council and Regional Council working together to respond to illegal dumping of rubbish and can arrange for any clean up, please just make contact as required. <p>Pollution Events (Bay of Plenty Regional Council)</p> <ul style="list-style-type: none"> These should be notified through the Regional Council’s 24/7 Pollution Hotline as soon as possible. If the person making the complaint is not happy with the response received please notify Regional Council and they will personally follow that issue up. Regional Council (Jacqui Mackle) to make sure pollution events for the Utuhina are tagged with her team for investigation. <p>Ruapeka Sedimentation (Bay of Plenty Regional Council)</p> <ul style="list-style-type: none"> Generally agreed that dredging could be considered only if there is a Health & Safety risk from Ruapeka to the Ōhinemutu community and visitors. It was noted that this would require resource consent and therefore confirmation of wider iwi support if dredging were to go to be proposed for resource consent. Regional Council to arrange an expert opinion on the Health & Safety risk which includes geothermal expertise but also cultural expertise in terms of an analysis of the history of the site to determine if action should be taken. <p>Stream Restoration Project (Bay of Plenty Regional Council)</p> <ul style="list-style-type: none"> Te Arawa Lakes Trust and Te Komiro agreed to look at a restoration plan, setting out priorities that they would like to see along the Utuhina and could support with manpower and community participation/co-ordination. Regional Council can then look at funding these through the Environmental Enhancement Fund or other funding from the Region wide pot as appropriate. 					

APPENDIX 2

FINAL Regional Council Submission on Private Plan Change 2 - Keepa Road Structure Plan

Regional Council Submission on Private Plan Change 2 to the Whakatāne District Plan - Keepa Road Structure Plan (12 April 2018)

Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
General submission points - relating to <u>all</u> of the Private Plan Change 2 Request (the Plan Change) to rezone 23 & 45 Keepa Road as part of a Structure Plan proposal			
Whole Plan Change	<p>Regional Council acknowledges the report prepared by Boffa Miskell for Whakatāne District Council entitled: <i>Whakatāne District Industrial and Residential Zoning, 7 September 2016</i> (The Report). The Report considered the rezoning of 23 and 45 Keepa Road (the site) and it concludes (p15) that the “rezoning of the subject land from Industrial to Residential is generally appropriate.”</p> <p>The Report recommends that these matters be considered for a plan change:</p> <ul style="list-style-type: none"> - Confirming sufficient capacity to service the development; - Addressing mitigation of reverse sensitivity effects from residential use to light industrial business and to Hokowhitu Marae through specific plan provisions such as setbacks, buffer areas, and visual, glare and noise protection within the residential site; - Undertaking a risk assessment under the RPS Natural Hazard provisions; - Determining how safe and convenient access from the site to local community services, particularly schools, convenience retail and neighbourhood reserves might be achieved (p15). <p>Method 18 in the Bay of Plenty Regional Policy Statement (RPS) requires structure plans be prepared for large-scale land use changes to: ensure coordinated development through the provision of infrastructure and integrated management of related environmental effects. It includes the need to consider identifying and addressing the above matters recommended in the Report. It also includes the need to identify and address other matters not currently addressed by the Plan Change including significant cultural view shafts and consultation with tangata whenua. Regional Council considers further work is necessary to satisfy these requirements.</p>	<p>General opposition: Regional Council supports well managed growth and structure planning for new urban development but the Plan Change is opposed as additional investigation is required to adequately assess its impacts. For example this application does not adequately assess the following matters:</p> <ul style="list-style-type: none"> - Mitigation of reverse sensitivity on the Marae: there is no cultural impact assessment or recorded response from/ to the Marae/ tangata whenua indicating what, or how their concerns have been addressed. Consultation referred to in the Plan Change, Appendix 9 (p29) does not address section 6(e) of the RMA, RPS Policies IW 2B and IW 5B and RPS Methods 41 and 42. - Traffic impacts: including safety, access and connectivity with surrounding land use for vehicles, cyclist and pedestrians. - Contaminated land: a Detailed Site Investigation is required for a change in land use and subdivision and this should reference the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS). - How low natural hazard risk will be achieved as required by RPS Policy NH 9B. <p>Further information is necessary to ‘give effect’ to RPS Method 18.</p> <p>Notwithstanding Regional Council's opposition to the Plan Change - amendments have been requested to the structure plan map, rules and criteria to illustrate a better alignment with the RPS, Regional Natural Resources Plan and District Plan.</p>	<p>Decline the Plan Change until further investigations are undertaken to address issues raised in this submission.</p>

Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
<p>Whole Plan Change Traffic</p> <p>Policy 1, Strategic Objective 6</p>	<p>The Report (p14) references Policy 1, Strategic Objective 6 – Creating Liveable Places in the Whakatāne District Plan for the following statement:</p> <p><i>Design principles should be applied to future residential development including provision for connectivity, pedestrian and cycle links, access to suitable reserves, provision for low impact stormwater disposal and energy efficiency.</i></p> <p>The Report concludes with regard to connectivity and safety, that the Plan Change should consider (p15):</p> <p><i>Determining how safe and convenient access from the site to local community services, particularly schools, convenience retail and neighbourhood reserves might be achieved.</i></p> <p>The Plan Change (Appendix 4) includes two indicative subdivision options showing access to the site off Keepa Road, neither option shows access to Gateway Drive (lot 91). These access ways are shown in Plan Change Appendix 2, Keepa Road Structure Plan.</p> <p>The Plan Change (Appendix 9) includes consultation emails in May/ June 2017 with the New Zealand Transport Agency (NZTA). These emails focus on an acoustic fence adjoining State Highway 30 which if provided would remove the requirement for a residential setback. NZTA also requested assessment/ consideration of pedestrian/cycling links, connectivity and safety.</p> <p>These matters have not been addressed in a Traffic Impact Assessment, as none was provided.</p> <p>The Plan Change does include an overview of traffic volumes, vehicle access and pedestrian/ cycle movement. It also states (p7) it: <i>'is not a suitable environment for a pedestrian crossing and it would not be economically viable to construct one'</i>.</p>	<p>Oppose: this Plan Change until an adequate Traffic Impact Assessment has been provided and measures proposed to demonstrate how it will 'give effect' to relevant RPS Policies including:</p> <p>Policy UG 3A: <i>Promoting travel demand management across the region</i>, Policy UG 9B: <i>Co-ordinating new urban development with infrastructure</i> and Policy UG 11B: <i>Managing the effects of subdivision, use and development on infrastructure.</i></p> <p>The Plan Change does not refer to traffic safety being addressed by the Whakatāne District Council and/ or NZTA as part of a wider road network nor does it address:</p> <ul style="list-style-type: none"> - the impact of additional traffic loading on the bridge into Whakatāne. This was referred to in the Whakatāne Urban Growth Strategy, 2010 (p18): <i>A new State Highway river crossing will be required regardless of options. The Whakatāne River bridge will require additional capacity by 2016.</i> - pedestrian access to the Hub development, as this could create a significant safety issue. - congestion/ queuing at the Hub roundabout Keepa Road/ SH 30 and safe access off/ to Keepa Road with consideration of speed limits. - connectivity with surrounding land use including pedestrian and cyclist access via the bridge. <p>The Plan Change also fails to meet Whakatāne District Plan Rule 2.2.3.1 which requires documentation for structure plans which at least:</p> <p><i>d. Demonstrates how provision has been made for public transport, cycleways, and pedestrian connections, and roading connectivity with adjacent blocks of land.</i></p>	<p>Decline the Plan Change as further information is required to address traffic issues and consequential amendments (for example to the structure plan and associated rules, assessment criteria) should result from this information.</p>

Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
<p>Whole Plan Change</p> <p><i>Natural Hazards Flooding</i></p>	<p>The Report (p15) specifically recommends that a risk assessment under the RPS Natural Hazard provisions be undertaken to support the Plan Change.</p> <p>The Plan Change (p15) identifies three potential natural hazards being earthquake, tsunami and flooding and while there might be some risk of volcanic hazards a specific risk assessment was not considered to be necessary (as it is at a similar level for the Whakatāne township and other areas in the district). Additional information is provided but this does not meet the requirement to assess natural hazard risk under:</p> <p>RPS Policy NH 9B <i>Assessment of natural hazard risk at the time of subdivision, or change or intensification of land use before Policies NH 7A and NH 8A have been given effect to.</i></p> <p>This risk assessment is required regardless of the current zoning and it is particularly relevant as existing zoning was not supported by a natural hazard risk assessment. Under RPS Policy NH 9B a risk assessment using the methodology set out in Appendix L is required.</p> <p>RPS Method 18 includes: <i>“Structure plans shall, as appropriate and applicable: ...</i></p> <p><i>(ha) Identify all known natural hazards that land to be used for urban purposes may be subject to, or contain, and show how low natural hazard risk is to be maintained or achieved”</i></p>	<p>Oppose: as the Plan Change does not ‘give effect’ to RPS requirements. It does not include a natural risk assessment as required under RPS Policy NH 9B using methodology set out in Appendix L.</p> <p>Nor does the proposed Keepa Road Structure Plan, Appendix 2.6.4 meet the requirements of RPS Method 18.</p> <p>This Plan Change is a development proposal to change land use to ‘residential land use’ and it must reflect the findings of natural hazard risk assessments. For example Regional Council agrees with the Plan Change (p9) that further consideration is <i>“necessary to consider the wider flood risk in the surrounding area”</i>. As this should be considered along with other natural hazards for example earthquake fault rupture.</p> <p>RPS Policy NH 4B requires new development to achieve a Low natural hazard risk (as defined by the RPS this is ‘acceptable’). The Plan Change (p9) proposes managing the risk of flooding to an acceptable level by raising the lower parts of the site to above the 1% AEP flood level (RL 3m) as part of any residential development.”</p> <p>But this does not meet the requirements of Policy NH 9B to assess the risk. Only when risk is assessed will it be known whether levels above the 1% AEP flood level (RL 3m) will achieve Low risk, as required by Policy NH 4B.</p> <p>This is particularly important given the potential flood and inundation issues on this site.</p>	<p>Decline the Plan Change as further information is required for natural hazards including an RPS natural hazard risk assessment and the provision of a Structure Plan which complies with Method 18 of the RPS.</p>
<p>Whole Plan Change</p> <p>Section 32</p> <p>Strategic Objective 1</p>	<p>A section 32 evaluation must:</p> <p><i>“(1)(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—...</i></p> <p><i>(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives;”</i></p> <p>The Section 32 Evaluation (p22) states <i>“No new objectives or policies or amendments to existing objectives or policies are</i></p>	<p>Oppose: this Plan Change as the section 32 analysis is not adequate.</p> <p>This Plan Change does not demonstrate that it is effective in achieving <i>“managing risk from natural hazards”</i> to achieve Objective 1 of the Whakatāne District Plan.</p> <p>Page 57 of 80</p>	<p>Decline the Plan Change because the section 32 evaluation does not demonstrate that it is effective in achieving Objective 1 of the District Plan.</p>

Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
	<p><i>proposed</i>". It quotes Strategic Objective 1 from the Whakatāne District Plan:</p> <p><i>"Growth is encouraged in a carefully planned, sustainable way while minimising the impact on existing communities; retaining the characteristics and values of the District; and managing risk from natural hazards."</i></p>		
<p>Whole Plan Change <i>Contaminated Land</i></p>	<p>The Plan Change (p10, 11) identifies contaminated land as an issue for residential development. A report by Tonkin and Taylor, 2004 (Appendix 6) includes investigation work collected in 2003 and 2004, well before the NESCS which came into force in 2011. The Gulf Resource Management Ltd (GRM) Report, 2003 for Regional Council referred to in the Plan Change (p10) did not include sampling - it was a visual assessment that wood waste was present.</p> <p>Tonkin & Taylor only sampled three locations for dioxin at various depths (TP1 – 0.5 m, TP3 – 1.3 m, TP6 – 0.7 m) all in the northern wood waste location. No dioxin sampling was undertaken in the southern wood waste location adjacent to the marae access road (which was identified in the GRM report). Given the nature of the wood waste and disposal methodology by trucks, contamination may still be present in pockets of wood waste and, in underlying/ overlying material.</p> <p>The Plan Change (p12) states <i>"as the contaminant standards are below the applicable standard set out in the NESCS for residential land use, the application can be assessed as a controlled activity"</i>.</p> <p>Regional Council does not agree with this comment as wood waste areas have not been adequately characterised.</p> <p>Additionally, a quote by Tonkin & Taylor, 2015 (Appendix 6, p3) to remove contaminated waste off-site also states that it might be worth considering other options for wood waste which could potentially involve retention on site.</p>	<p>Oppose: this Plan Change as contamination, if present, has not been adequately characterised and assessed and Regional Council cannot assess the remediation processes to be employed.</p> <p>The reports provided with the Plan Change do not meet the necessary standard for controlled activity status for a change in land use and subdivision under the NESCS. The contamination investigations do not comply with DW P23 (Policy 59) and DW M48 (Method 144) of the Regional Natural Resource Plan (RNRP).</p> <p>This land use change requires a Detailed Site Investigation that has been undertaken by a suitably qualified and experienced practitioner (SQEP) in accordance with the Ministry for the Environment's Contaminated Land Management Guidelines No. 1 – 5. And, Regional Council is unable to assess if a consent will be required under DW R25 (Rule 35) of the RNRP based on information provided in the Plan Change.</p> <p>A Detailed Site Investigation would also determine whether a Remedial Action Plan and/or a Site Management Plan is required. As the quote by Tonkin and Taylor, 2015 (Appendix 6) indicates that a decision on the remediation and/or management of any contaminated material (which has not been adequately characterised) has not been decided and is likely not appropriate given this structure plan rezoning could give controlled status for subdivision and development. This is concerning given additional soil sampling may be required to investigate dioxin contamination sourced from the adjacent Kopeopeo Canal.</p>	<p>Decline this Plan Change until a Detailed Site Investigation has been undertaken by a suitably qualified and experienced practitioner (SQEP) so the extent of contaminated land can be better understood to inform appropriate remediation and mitigation of adverse effects.</p>

Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
<p>Whole Plan Change Appendix 2.4.6 Keepa Road NEW Marae Protection Area overlay</p>	<p>The Report and Plan Change recognise there is a need to manage effects at the boundary of Hokowhitu Marae. The Report (p14) identifies Strategic Objective 7, Policy 2 in the Whakatāne District Plan. This Policy reads:</p> <p><i>To recognise marae and Papakāinga as an essential focus of the retention of Māori culture, traditions, society...</i></p> <p>The Plan Change (p22) s32 evaluation does not consider Strategic Objective 7 – Māori and Iwi or its supporting policies but it states prior (p21): <i>the impact of the rezoning on cultural practices carried out at the marae is a significant consideration.</i></p> <p>The Whakatāne District Plan includes specific rules protecting Hokowhitu-a-tu-Marae from industrial activities including: amenity yards (setbacks and exclusion areas), visual restrictions (on interfacing opening windows, doors) and an acoustic fence. As outlined in the Report (p14) similar certainty on <i>how the Marae will be protected from the reverse sensitivity effects of residential development will be needed.</i></p> <p>The Whakatāne Integrated Urban Growth Strategy (2010, p11) has a Principle: <i>Develop and articulate the Māori cultural landscape.</i> The implication of applying this (p11) is to: <i>Protect, recognise and celebrate sites of significance to tangata whenua.</i></p> <p>The Plan Change (p29) refers to, as part of an initial round of consultation meeting with Ngāti Hokopu, at a hui held on Te Hokowhitu-a-Tu Marae in February 2017. Potential concerns regarding reverse sensitivity effects were raised and further consultation signalled. There are no meeting minutes or written responses identifying what was discussed and how concerns have been addressed. Nor, does the Plan Change include a Cultural Impact Assessment to support 'controlled activity status' being sought for development/ subdivision.</p> <p>To adequately address cultural effects a discretionary activity status for subdivision and development with a new Marae Protection Area overlay is considered appropriate. It should</p>	<p>Seek amendments (outlined separately): to include additional provisions which recognise and protect tangata whenua relationships with Te Hokowhitu-a-Tu marae as this is a matter of national importance under section 6(e) of the Resource Management Act 1991.</p> <p>It is also important the Plan Change gives effect to RPS Iwi Resource Management Policy IW 5B 'Adverse effect on matters of significance to Māori.'</p> <p>And, RPS Iwi Resource Management Policy IW 2B(b) states: 'Only tangata whenua can identify their relationship and that of their culture and traditions with the ancestral lands, water, sites and other taonga.'</p> <p>In the absence of a Cultural Impact Assessment or consultation records there is insufficient information to determine whether existing measures for Te Hokowhitu-a-Tu marae are sufficient to address potential reverse sensitivity cultural effects.</p> <p>Regional Council therefore requests a <i>Marae Protection Area</i> overlay to be illustrated on Appendix 2.6.4 Keepa Road Structure Plan (Appendix 2 of the Plan Change). This will provide for the management of reverse sensitivity from a residential zone, activities that could be potentially culturally offensive to Te Hokowhitu-a-Tu marae. Additional policy, rules and assessment criteria have been requested (separately) to integrate with and manage activities in the 'Marae Protection Area' overlay.</p> <p>These provisions focus on retaining a level of visual privacy (windows, balconies and decks) on neighbouring residential properties in instances where this could overlook the Marae area creating a culturally intrusive view of sensitive cultural activities taking place.</p> <p>It is also noted that there are culturally significant view shafts from Te Hokowhitu-a-Tu marae to landmarks such as Putuaki and Kaputerangi (Toi's pa) that may also be ob</p>	<p>Decline this Plan Change until a Cultural Impact Assessment with Te Hokowhitu-a-Tu Marae has been undertaken so the cultural values and impacts can be better understood and provided for as part of any subdivision or development by way of consequential amendments to plan provisions.</p> <p>Alternatively, amendments as outlined in subsequent submission points are requested. These include the provision of a 'Marae Protection Area' overlay to be illustrated in Planning Maps 105B, and in the Appendix 2.6.4 Keepa Road Structure Plan (see the Indicative Keepa Road Structure Plan, Appendix 1). This would be supported by an associated policy, rules and assessment criteria.</p>

Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
	also be noted that the Plan Change (p20) refers to a review of an Iwi Management Plan lodged by Ngāti Awa with the Whakatāne District Council but this is incorrect.		
Chapter 2 - Strategic New Policy Request			
Policy for Te Hokowhitu-a-tu-Marae' Objective Ind 1 Policy 4 Strategic Objective 7 – Maori and Iwi NEW Policy 8 NEW Marae Protection Area overlay Appendix 2.4.6	<p>The Whakatāne District Plan recognises the cultural importance of and accords protection for Te Hokowhitu-a-Tu Marae from potential light industrial activities. These provisions respect 'cultural and amenity values' of places to iwi and hapū including Objective Ind1, Policy 4 which reads:</p> <p><i>“To ensure that industrial or business activities on sites adjoining the places listed in (a) to (d) below, respect the cultural and amenity values of these places to iwi and hapu:</i></p> <p><i>a. Te Hokowhitu-a-Tu Marae, Keepa Road...”</i></p> <p>The Plan Change (p2) does not seek to make any changes or additions to objectives or policies in the District Plan. It is proposed that Policy 4 will remain in the Light Industrial zone as it will still apply on the western and southern boundaries of the Marae.</p>	<p>Seek an amendment: to retain policy recognition for Te Hokowhitu-a-Tu Marae via a new policy under Strategic Objective 7 so that it is relevant to this Plan Change. As the Plan Change does not propose on-going policy recognition for 'Te Hokowhitu-a-Tu Marae' cultural and amenity values for the site should it be rezoned to residential land.</p> <p>As stated previously, the Report (p15) recognises mitigation of reverse sensitivity effects from residential activities on adjacent Hokowhitu Marae need to be considered such as: <i>setbacks, buffer areas, and visual, glare and noise protection...</i> To address this, Regional Council requests that a new policy (supported by additional planning provisions) include recognition of a 'Marae Protection Area' overlay as shown in the 'Indicative Structure Plan Keepa Road' attached as <i>Appendix 1</i>.</p>	<p>Request a new policy 8 under Strategic Objective 7 to read:</p> <p><i>To ensure that residential activities on sites within the 'Marae Protection Area' for Te Hokowhitu-a-Tu Marae (as shown in Appendix 2.4.6) respect the cultural and amenity values of hapu and iwi.</i></p>
Plan Change requests - Chapter 6 Industrial Zone including Planning Maps 105B and Appendix 6.6.1 with amendments requested to Appendix 2.6.4 Keepa Road Structure Plan			
Rule 6.2.3.2.c.i Rule 6.2.3.2.c.ii Yard Setback Rule 6.2.7.1.b Rule 6.2.7.3 Marae and Urupa Amenity Yard Rule 6.2.8.1 Rule 6.2.8.2 Marae Amenity,	<p>The Plan Change (p2-4) seeks to remove existing rules which apply specifically to Te Hokowhitu-a-Tu Marae in the Industrial zone (listed in column 1). In summary these rules provide the following recognition for the Marae:</p> <ul style="list-style-type: none"> - Yard setbacks (minimum 6m setback to the eastern boundary of 25A Keepa Road). - Amenity Yards (20m eastern boundary of 25B Keepa Road, 6m on the eastern boundary of 25A Keepa Road). - Location of buildings (entrances, windows and doors e.g no entranceways greater than 1m width facing the Marae). - Acoustic Fence on the northern boundary of 25B Keepa Road next to Te Hokowhitu-a-Tu Marae. 	<p>Seek amendments: to Appendix 2.4.6 Keepa Road Structure Plan (Plan Change, Appendix 2) to illustrate existing and new plan provisions which will recognise and protect cultural activities on Te Hokowhitu-a-Tu Marae.</p> <p>The Plan Change states (p23): <i>reverse sensitivity effects on the adjacent light industrial and marae land uses are addressed through either existing provisions in the District Plan or through the proposed acoustic mitigation and building setback...</i></p> <p>Regional Council seeks amendments to ensure the requirement for an acoustic fence (northern boundary) is illustrated on the Keepa Road Structure Plan and a request is Page 60 of 80 proposed acoustic barrier adjoining Te</p>	<p>Amend Keepa Road Structure Plan, Appendix 2.6.4 as illustrated in <i>Appendix 1</i> 'Indicative Structure Plan Keepa Road' to:</p> <ul style="list-style-type: none"> - <i>Include existing District Plan provisions for Te Hokowhitu-a-Tu Marae including amenity yard setbacks and a new acoustic barrier on the northern boundary of 25B Keepa Road (Allotment 28B3C1);</i> - <i>Extend the proposed new acoustic barrier on the eastern boundary of 25B (Allotment 28B3C1) to the eastern and south western boundary of 25A Keepa Road (Lot 1DPS 18658) with the exception of existing marae access.</i>

Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
Building Location Rule 6.2.9.1 Rule 6.2.9.2 Marae Amenity, Acoustic Fence Map 105B Appendix 6.6.1 Appendix 2.6.4 Keepa Road Structure Plan	<p>There is an existing fence on the northern boundary of the Marae but this is older and it has not been assessed as part of this Plan Change to identify if it could function as an acoustic fence.</p> <p>The Plan Change indicates an acoustic barrier will be provided between 25B Keepa Road and Lot 2 DP 452650 as this is referred to as an assessmesnt criteria in proposed Rules 2.3.4.1.c and 2.4.5.1.c in the Plan Change (p13, 14). But there is no consideration of recognising cultural sensivity through the provision of additional fencing on the eastern and south western boundaries of 25A Keepa Road despite this property being utilised for Marae activities. It would also adjoin proposed residential sites. This should also be considered as part of a Cultural Impact Assessment.</p> <p>Rule 6.2.7.3 which the Plan Change seeks to delete should also be considered this reads:</p> <p><i>When the land comprising the 20m and 6m Marae amenity yard east of Te Hokowhitu-a-Tu Marae, vests in the Council as reserve, the marae amenity yard will no longer apply.</i></p>	<p>Hokowhitu-a-Tu marae along the eastern boundary so that this extends to the eastern and south western boundary of 25B Keepa Road with the exception of existing marae access.</p> <p>Locating a reserve along the eastern boundary adjacent Te Hokowhitu-a-Tu marae is a potential means of mitigating reverse sensitivity effects from residential activities. This also appears to align with the intent of Rule 6.2.7.3 for a reserve in this amenity set back area to vest in Council.</p> <p>In the absence of any detailed Cultural Impact Assessment it is difficult to ascertain whether these measures would be sufficient. Additional measures could be imposed on the reserve to ensure any structures and uses thereon are culturally appropriate.</p>	<p>- <i>Move the proposed reserve illustrated in the Keepa Road Structure Plan to the 20m amenity yard for Te Hokowhitu-a-Tu Marae or provide an additional reserve area in this location.</i></p> <p>Additional requests including a request for a 'Marae Protection Overlay' to address visual privacy and cultural sensitivity are referred to separately in this submission.</p>

Plan Change requests - Chapter 2 Strategic of the Whakatāne District Plan including a new Appendix 2.6.4 Keepa Road Structure Plan

Rule 2.2.2 Structure Plans for Opihi, Port Ōhope and Shaw/ Huna Road Rule 2.2.2.1 New Structure Plans for Residential Development New Rule 2.2.2.4	<p>The Plan Change (p13) proposes controlled structure plan activity status for development and subdivision through Rule 2.2.2.1, this rule would then read :</p> <p><i>Any subdivision and development at Opihi, Port Ōhope, <u>Keepa Road</u> and Shaw/Huna Road shall be undertaken in general accordance with the Structure Plans in Appendix 2.6.1, 2.6.2, and 2.6.3 and 2.6.4 as a Controlled Activity.</i></p> <p>No amendment is proposed for Rule 2.2.2.2. which reads:</p> <p><i>Non-compliance with Rule 2.2.2.1 shall be a Restricted Discretionary Activity.</i></p> <p>Rule 2.2.3 New Structure Plans for Residential Development provides guidance for structure plan documentation including in Rule 2.2.3.1.d:</p>	<p>Oppose: Regional Council <u>strongly</u> opposes controlled activity status for subdivision and development in the Keepa Road Structure Plan, Appendix 2.6.4 for reasons provided in the General – Whole of Plan section of this submission.</p> <p>The Plan Change lacks adequate assessments for: contaminated land, traffic, cultural impacts and natural hazard risk and the results of these assessments should be considered and incorporated within plan provisions inclusive of amendments to the Keepa Road Structure Plan, Appendix 2.4.6 as part of this Plan Change.</p> <p>Should this process continue, a default RDA (in place of controlled) status has been requested.</p> <p>Page 61 of 80 <small>Non-compliance would then default to discretionary activity</small></p>	<p>Decline the Plan Change for reasons given in the general submission points.</p> <p>Decline the request to amend Rule 2.2.2.1 and retain as is in the Whakatāne District Plan.</p> <p>Alternatively, insert a new Rule 2.2.2.4 to read (subject to Appendix 2, new Rule 2.5.2):</p> <p><i><u>Any subdivision and development at Keepa Road shall be undertaken in general accordance with the Keepa Road Structure Plan in Appendix 2.6.4 as a Restricted Discretionary Activity except, subdivision or development within the Te Hokowhitu-a-Tu Marae Protection Area shall be a discretionary</u></i></p>
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Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
New Rule 2.2.2.5 Appendix 2.6.4 Keepa Road Structure Plan	<p><i>Demonstrates how provision has been made for public transport cycleways and pedestrian connections and roading connectivity with adjacent blocks of land.</i></p> <p>As stated in the second submission point this has not been provided as part of this Plan Change.</p>	<p>status and an additional discretionary rule is requested for subdivision/ development within a new 'Marae Protection Area' to address reverse sensitivity effects on the Marae (see relevant submission points for further discussion on this).</p>	<p><u>activity.</u></p> <p>Insert a new Rule 2.2.2.5 to read:</p> <p><u>Non-compliance with Rule 2.2.2.4 - Keepa Road Structure Plan shall be a Discretionary Activity.</u></p> <p>Insert as Appendix 2.6.4 Keepa Road Structure Plan the attached 'Indicative Keepa Road Structure Plan' (Appendix 1).</p>

Plan Change request to insert new Rules 2.3.4.1 and 2.4.5.1 Assessment Criteria for Controlled and Restricted Discretionary Activities at Keepa Road Structure Plan Appendix 2.4.6

General Rules Rule 2.3.4.1 Rule 2.4.5.1 c. acoustic Barrier f. Marae Interface g. traffic h. building platforms NEW Rule 2.5 Assessment Criteria for Discretionary Activities in the Keepa Road Structure Plan Rule 2.5.1 Rule 2.5.2	<p>The Plan Change (p13, 14) provides a list of criteria under proposed new Rules 2.3.4.1 (Controlled Activities) and 2.4.5.1 (Restricted Discretionary Activities where it is not in accordance with the structure plan) setting out what Whakatāne District Council can exercise control/ restrict its discretion over.</p> <p>These read:</p> <p>a. <u>the consistency of the development with the Structure Plan in Appendix 2.6.4</u></p> <p>b. <u>the means by which the subdivision design addresses the reverse sensitivity of traffic noise from State Highway 30. The method chosen to address this issue shall consider how that method impacts on amenity for the residential development and the wider environment.</u></p> <p>c. <u>The design of the acoustic barrier between 25B Keepa Road (Allotment 28B3C1) and Lot 2 DP 452650 (or any resulting lot from the subdivision of Lot 2 DP 452650).</u></p> <p>d. <u>the criteria listed in 12.7.1; 13.2.26; 13.2.27; 13.2.28 and 13.2.29;</u></p> <p>e. <u>the means by which the interface with industrial land is managed to minimise visual and noise impacts and other reverse sensitivity effects of industrial activities on</u></p>	<p>Seek amendments: to require a minimum of RDA status for subdivision and development in the Keepa Road Structure Plan. As controlled activity status is inappropriate given the level of detail that has been provided with the Plan Change (see general submission points).</p> <p>Regional Council has requested amendments to proposed RDA and discretionary criteria as controlled assessment criteria should no longer apply (see Appendix 2 to this submission).</p> <p>Regional Council also requests a specific discretionary activity supported by assessment criteria to manage reverse sensitivity impacts from new residential development near Te Hokowhitu-a-Tu Marae (new Rule 2.5.2). This includes the provision of a 'Marae Protection Area' as shown on the 'Indicative Structure Plan Keepa Road' attached as Appendix 1.</p> <p>Comments on Plan Change assessment criteria</p> <p>Criteria b. to mitigate noise impacts on the Marae and residents in the local surrounds is supported.</p> <p>Criteria c. to provide an acoustic barrier is also supported, it is however requested that this be:</p> <ul style="list-style-type: none"> - include existing provision for an acoustic fence on the Page 62 of 80y of 25B Keepa Road and; 	<p>Decline a new Rule 2.3.4.1 for Controlled Assessment Criteria and amend Rule 2.4.5.1 (to be replicated in new Rule 2.5.1), see Appendix 2.</p> <p>Amend proposed Rule 2.4.5.1.c and request new Rule 2.5.1.c to read:</p> <p><u>the design of the acoustic barrier between: the eastern boundary of 25B Keepa Road (Allotment 28B3C1) and Lot 2 DP 452650 and on the northern boundary with Allotment 28B9B2A Parish of Rangitiaki (or any resulting lot from the subdivision of these lots) excluding agreed access and; on the eastern and south western boundary of 25A Keepa Road (Lot 1 DPS 18658) with Lot 2 DP 452650 (or any resulting lot from the subdivision of Lot 2 DP 452650);</u></p> <p>Insert new Rule 2.5.2 (in place of proposed criteria f.) to provide new Discretionary Activity Assessment Criteria to manage the interface with Te Hokowhitu-a Tu Marae 25A and 25B Keepa Road within the 'Marae Protection Area' overlay which has been requested separately.</p>
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Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
	<p><u>neighbours:</u></p> <p>f. <u>the means by which the interface with 25A and 25B Keepa Road (Allotment 28B3C1 and Lot 1 DPS 18658) is managed to minimise visual, noise and other effects from the adjoining residential zone;</u></p> <p>g. <u>the means by which traffic impacts on Keepa Road and the Keepa Road/ State Highway 30 intersection are mitigated;</u></p> <p>h. <u>the means by which the building platforms comply with Rule 18.2.3.2.</u></p> <p>These criteria are identical as this is consistent with other Structure Plans in the Whakatāne District Plan. And, Regional Council acknowledges the Plan Change's reference (p9) to consultation with Regional Council (an Engineering Manager) to determine that the 1% AEP flood level in the Keepa Road area is RL 3.0m, inclusive of 500mm freeboard.</p>	<p>- that it be extended (from the proposed acoustic barrier for 25B Keepa Road on the eastern boundary) to continue along the eastern and south western boundaries of 25A Keepa Road.</p> <p>An amendment to h. (building platforms) is requested as compliance with Rule 18.2.3.2 will not 'give effect' to RPS Policy NH 4B which requires new development to achieve a Low natural hazard risk.</p> <p>A natural hazard risk assessment as required by Policy NH 9B, using methodology in Appendix L can establish what finished ground level will be required to achieve a Low level of risk. This assessment has not been undertaken despite the Plan Change (p9) acknowledging that the site will need to be filled to ensure building platforms are provided above the 1%AEP flood level.</p> <p>Additionally, Regional Council has requested a number of new criteria, these are set out in other submission points.</p>	<p>Amend h. in Rule 2.4.5.1 and new Rule 2.5.1.h to read (or similar):</p> <p><i>the means by which the building platforms comply with Rule 18.2.3.2. and the setting of the finished ground level to achieve Low risk</i></p> <p>Insert Plan Change criteria (as new RDA and discretionary criteria) under Rules 2.4.5.1 and new Rule 2.5.1 as notified and numbered: a, b, d, e, g.</p>
<p>Rule 2.3.4.1</p> <p>Rule 2.4.5.1</p> <p>New Rule 2.5.1</p> <p>Connectivity to/ from Keepa Road Structure Plan</p>	<p>The Report (p15) recommended the Plan Change address:</p> <p><i>Determining how safe and convenient access from the site to local community services, particularly schools, convenience retail and neighbourhood reserves might be achieved (p15).</i></p>	<p>Seek an amendment: to include a new assessment criteria which was required by the Report (p15) but has not been provided within the Plan Change.</p>	<p>Decline the request for controlled activity criteria (as this would not apply) and insert in Rule 2.4.5.1 and new Rule 2.5.1 to read:</p> <p><i>determine as part of a traffic impact assessment how safe connectivity will be provided for traffic, cycle and pedestrian access to/ from Keepa Road and; illustrate how connectivity within the local surrounds will be achieved</i></p>
<p>Rule 2.3.4.1</p> <p>Rule 2.4.5.1</p> <p>New Rule 2.5.1.1</p> <p>Contaminated Land</p>	<p>The Plan Change (p10, 11) identifies contaminated land as an issue for residential development but this has not been adequately assessed (as set out in the General Whole of Plan submission points).</p> <p>The Plan Change does not include a Detailed Site Investigation undertaken by a suitably qualified and experienced practitioner. Without this there is insufficient information to fully understand and inform appropriate</p>	<p>Seek an amendment: to include a reference to assessment criteria listed in Section 3.7.24 – Contaminated Land of the Whakatāne District Plan for development/ subdivision in the Keepa Road Structure Plan.</p> <p>This is not intended to replace Regional Council's opposition to the Plan Change due to insufficient information inclusive of a Detailed Site Investigation. It will</p>	<p>Insert a new RDA assessment criteria under Rule 2.4.5.1 and new Rule 2.5.1.1 given the earlier request to decline controlled activity criteria in Rule 2.3.4.1. It should read:</p> <p><i>the criteria listed in 3.7.24 contaminated land remediation</i></p>

Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
	remediation and mitigation of adverse effects prior to development	be considered with an appropriate activity status for contaminated land.	
Rule 2.3.4.1 Rule 2.4.5.1 New Rule 2.5.1 Earthquake Rupture	<p>The Plan Change assessment criteria do not include 'earthquake rupture' despite being identified as a potential natural hazard (p15).</p> <p>Figure 9 (p16) in the Plan Change is referred to as being a mapped basis for indicating "the subject site is clear of known active faults." It shows a fault line through Whakatāne township which ends at the Whakatāne River. That does not equate to the fault ending there as it may continue towards and into the subject site.</p>	<p>Seek amendment: to include a new criteria for earthquake rupture as mapping of the fault rupture hazard susceptibility area as required by RPS Policy NH 7A has not yet been undertaken.</p> <p>Site investigations are required to establish whether the fault is located on the site. These necessary investigations are required under Policy NH 9B, to assess the risk. The Council should therefore reserve control over: <i>earthquake fault rupture risk</i>.</p>	<p>Insert a new assessment criteria under Rule 2.4.5.1 and new Rule 2.5.1 (see Appendix 2) given the earlier request to decline controlled activity criteria in Rule 2.3.4.1. It should read:</p> <p><u><i>management of earthquake fault rupture risk</i></u></p>
Rule 2.3.4.1 Rule 2.4.5.1 New Rule 2.5.1 Keepa Road Structure Plan Appendix 2.6.4 New Stopbank Setback	<p>The Plan Change (p16) identified the site as being <i>potentially affected by flooding hazards, including local stormwater flooding as well as inundation resulting from overtopping of the Kopeopeo Canal or the Whakatāne River stopbanks... The site also adjoins the Kopeopeo Canal which is part of the Rangitāiki Drainage Scheme.</i></p> <p>The indicative subdivision plans (Appendix 4) illustrate proposed development up to the northern boundary of 45 Keepa Road adjacent to the Kopeopeo Canal's stopbank.</p> <p>'Section 3.2 Defences against Water' of the Bay of Plenty Regional Council Floodway and Drainage Bylaw 2008 (the Bylaw, p4) restricts activities including structures and planting of shrubs, hedges, trees and disturbance within 12 meters of the landward side of a stopbank unless written authority is provided by Regional Council.</p>	<p>Seek amendment: Regional Council seeks an amendment to Keepa Road Structure Plan, Appendix 2.6 to ensure it illustrates the stopbank setback. An additional criteria is also requested to ensure the Bylaw is considered as part of any development or subdivision.</p> <p>This is a known restriction on development on the site, in an area which is potentially affected by flooding hazards.</p> <p>Regional Council have shown this setback in attached 'Indicative Structure Plan Keepa Road', <i>Appendix 1</i>.</p>	<p>Insert a new assessment criteria under Rule 2.4.5.1 and new Rule 2.5.1 given the earlier request to decline controlled activity criteria in Rule 2.3.4.1. It should read:</p> <p><u><i>obtain any necessary floodway and drainage bylaw authority from the Regional Council.</i></u></p> <p>Amend Appendix 2.6.4 to include a stopbank setback as illustrated in <i>Appendix 1</i> Indicative Structure Plan Keepa Road.</p>
Rule 2.3.4.1 Rule 2.4.5.1 New Rule 2.5.1 Advice Note Keepa Road	<p>The Plan Change (p8) proposes the use of an existing pump station, on-site disposal and detention. An Engineering Services Assessment Report, 2017 (Appendix 5) by East Bay Surveyors concludes (p4):</p> <p><i>All stormwater runoff from the development can be controlled via a primary system including ground soakage, onsite storage and the piped network, which leads to the existing stormwater pump station. A secondary system will included a ponding</i></p>	<p>Seek amendment: as there is no authorisation to discharge to the Kopeopeo Canal from the site. Regional Council would not support a new discharge outlet to the Kopeopeo Canal from the proposed stormwater detention pond which is referred to as part of the secondary system. It is assumed that all stormwater will be serviced by the existing pump station which discharges to the Whakatāne</p> <p>RiPage 64 of 80</p>	<p>Insert a new Advice Note under Rule 2.4.5.1 and new Rule 2.5.1 given the earlier request to decline controlled activity criteria in Rule 2.3.4.1 to read:</p> <p><u><i>Advice Note 1: The Kopeopeo Canal is part of the Rangitāiki Plains Drainage Scheme which is managed by the Bay of Plenty Regional Council. An additional connection to the</i></u></p>

Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
Structure Plan Appendix 2.6.4 Ponding area	<p>area situated in the northwest corner of Allotment 28B9B2A Rangitiaki Parish, overlaid flowpaths along the roads and right of ways, and the piped network, which leads to the existing stormwater pond.</p> <p>The proposed ponding area is not illustrated on the Keepa Road Structure Area, Appendix 2.6.4 despite the indicative location being known.</p>	Notwithstanding which, Regional Council requests a new Advice Note to sit beneath assessment criteria for Keepa Road Structure Plan to highlight the importance of managing any discharges from the site. This is particularly important given the potential inundation and flooding issues acknowledged in the Plan Change (p16). The advice note is worded to replicate Advice Note 1 in Rule 13.2.28.8 which applies to the Shaw/ Huna Road Structure Plan.	<p><u>drainage scheme requires a bylaw approval under the Bay of Plenty Regional Council Floodway and Drainage Bylaw 2008. The discharge of stormwater to the Kopeopeo Canal also requires a resource consent from the Regional Council.</u></p> <p>Amend Appendix 2.6.4 Structure Plan Keepa Road: to include the location of the ponding area.</p>
New Rule 2.5 Discretionary Activity Criteria for Subdivision and Development in the Keepa Road Structure Area, Appendix 2.6.4 (see attached Appendix 2)			
Rule 2.3.4.1 Rule 2.4.5.1 New Rule 2.5.1. Subdivision and Development of Land not in accordance with the Keepa Road Structure Plan New Rule 2.2.2.5	<p>The Plan Change (p13, 14) provides a list of criteria under proposed new Rules 2.3.4.1 (Controlled Activities) and 2.4.5.1 for Restricted Discretionary Activities where it is not in accordance with the structure plan.</p> <p>These criteria set out what Whakatāne District Council can exercise control/ restrict its discretion over.</p> <p>For reasons set throughout this submission but in particular in the General Whole of Plan submission points Regional Council opposes this Plan Change as it is <u>not supported</u> by sufficient information.</p> <p>Regional Council has provided alternative submission points to retain an appeal position on specific plan change requests to ensure these provide a better alignment with the RPS, Regional Natural Resources Plan and the Whakatāne District Plan.</p>	<p>Seek an amendment: to provide for a default RDA status as controlled activity status requested in the Plan Change via a new Rule 2.3.4.1 is strongly opposed due to the lack of information and uncertainties relating to : traffic, cultural impacts, contaminated land and natural hazard effects.</p> <p>New rule 2.2.2.5 has been requested above to reference the new discretionary assessment criteria and reflect the change in status for subdivision and development not in general accordance with the structure plan.</p> <p>These discretionary activity criteria replicate the amendments sought for Restricted Discretionary Activities under Rule 2.4.5.1 (see attached Appendix 2).</p>	<p>Insert a new Discretionary Activity Assessment Criteria Rule 2.5.1 given the earlier request to decline controlled activity criteria in Rule 2.3.4.1. The new section title for 2.5 to read (or similar):</p> <p><u>Discretionary Assessment Criteria for Keepa Road Structure Plan</u></p> <p>Insert a new Rule 2.5.1 entitled:</p> <p><u>Subdivision and Development of Land not in accordance with the Keepa Road Structure Plan</u></p> <p>List criteria (to replicate that in Rule 2.4.5.1 as requested above) after the introduction:</p> <p><u>Discretionary criteria for subdivision and development of land within Appendix 2.6.4 Keepa Road Structure Plan that is not in general accordance with the Structure Plan:</u></p>
New Discretionary Activity Rule 2.5.2 Subdivision and	Residential activities are not currently anticipated in the Keepa Road Structure Plan area as a discretionary consent would be required for a dwelling in the light industrial zone and a non-complying consent would be required for 2/ 3 dwellings per lot (Activity Status Table 3.4.1.1, 1 and 3.4.1.1, 2).	Seek amendments to include a new 'Marae Protection Area' overlay as part of the Keepa Road Structure Plan, Appendix 2.4.6 as illustrated in the attached 'Indicative Structure Plan Keepa Road' (Appendix 1). Recognition of this overlay with appropriate matters of discretion will provide for the protection of the aural and visual privacy of	Insert a new title for Rule 2.5.2 to read: <u>Subdivision and development within the Te Hokowhitu-a-Tu 'Marae Protection Area' as shown in the Structure Plan - Keepa Road (Appendix 2.4.6).</u>

Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
<p>development within the Te Hokowhiti-a-Tu Marae Protection Area</p> <p>Keepa Road Structure Plan – Appendix 2.4.6</p> <p>New</p> <p>Marae Protection Area overlay</p> <p>New</p> <p>Rule 2.2.2.4</p>	<p>The indicative subdivision options provided with the Plan Change (Appendix 4) illustrate 84 approximate dwellings are proposed. The Plan Change acknowledges reverse sensitivity impacts will result from residential development (p13, 14) and includes an assessment criteria (f.) which reads:</p> <p><u><i>the means by which the interface with 25A and 25B Keepa Road (Allotment 28B3C1 and Lot 1 DPS 18658) is managed to minimise visual, noise and other effects from the adjoining residential zone;</i></u></p> <p>The Report (p15) identifies the need to mitigate reverse sensitivity effects from residential use to Hokowhiti Marae through specific plan provisions such as setbacks, buffer areas, and visual, glare and noise protection within the residential site.</p> <p>The Plan Change does not include documented consultation responses from tangata whenua nor does it include a Cultural Impact Assessment despite the reference to reverse sensitivity concerns from tangata whenua at an initial consultation hui in February 2017.</p> <p>Yet it seeks ‘controlled activity status’ for development/subdivision through a structure plan proposal. A proposal which would be non-complying if it went through a resource consent process. The Plan Change provides two criteria to acknowledge the Marae but it does not include in the Keepa Road Structure Plan, Appendix 2.4.6 (Appendix 2) recognition of Te Hokowhiti-a-Tu marae despite Plan Change references to retaining these, for example it (p10) states:</p> <p><i>... It is proposed that these protections remain in place to ensure that the users of the Hokowhiti-a-tu Marae can continue to use their Marae unhindered by any future residential development.</i></p> <p>Also, the issue of visual privacy (and cultural sensitivity extends beyond this) is not new to residential provisions in the Whakatāne District Plan. It is recognised in residential Rule 4.2.9 Visual Privacy to restrict a direct line of sight between</p>	<p>cultural practices undertaken on Te Hokowhiti-a-Tu marae from neighbouring residential activities.</p> <p>This gives effect to RPS Policy IW 5B: <i>Adverse effects on matters of significance to Māori</i> which recognises that growth and development including proposed subdivision and development can have adverse cultural effects and measures to avoid these need to be identified. And, where avoidance is not practicable measures to remedy or mitigate potential adverse cultural impacts need to be identified.</p> <p>Regional Council's request for a <i>Marae Protection Area</i> overlay to be illustrated on the Keepa Road Structure Plan, Appendix 2.6.4 (Appendix 1) is supported by requests for an additional policy and rule recognition including new Rules 2.2.2.4 and 2.5.2 which would require a discretionary assessment for any residential activities in this overlay area. These requests that have been made in the absence of a Cultural Impact Assessment or consultation record from tangata whenua.</p> <p>The assessment criteria for the <i>Marae Protection Area</i> are shown in the adjacent column and in Appendix 2. This overlay has been requested to extend 60 meters into the adjoining residential zoned area from the nearest boundary to 25A (Lot 1 DPS 18658) Keepa Road and 25B (Allotment 28B3C1).</p> <p>The assessment criteria focus on retaining a level of visual privacy (windows, balconies and decks) on neighbouring residential properties in instances where they could overlook the Marae atea creating a culturally intrusive and offensive view of sensitive cultural activities taking place.</p> <p>It should also be noted that there are additional culturally significant view shafts from Te Hokowhiti-a-Tu marae to landmarks such as Kaputerangi (Toi's pa) that may also be obstructed and these criteria could be refined should a Cultural Impact Assessment be provided.</p> <p>Page 66 of 80</p>	<p>Insert Rule 2.5.2 to read (or similar see Appendix 2):</p> <p><u><i>Council shall have regard to the following matters for any activities within the ‘Marae Protection Area’ as shown in Appendix 2.4.6 Keepa Road Structure Plan:</i></u></p> <p><u><i>a. protection of the aural and visual privacy for cultural practices undertaken on Te Hokowhiti-a-Tu marae from neighbouring residential activities;</i></u></p> <p><u><i>b. measures to mitigate or avoid built development that obstructs view shafts to Kaputerangi from Te Hokowhiti-a-Tu Marae;</i></u></p> <p><u><i>c. recommendations contained in a cultural impact assessment from Te Hokowhiti-a-Tu Marae Committee;</i></u></p> <p><u><i>d. the location of new or, alternations to existing buildings and subdivision within the Marae Protection Area to include consideration of:</i></u></p> <p><u><i>i. the orientation of the building to avoid, remedy or mitigate second floor windows or balconies looking directly into or over the marae complex;</i></u></p> <p><u><i>ii. distance from the Marae;</i></u></p> <p><u><i>iii. landscaping or screening to reduce visual privacy effects looking into the Marae;</i></u></p> <p><u><i>iv. the exterior treatment and materials to avoid glare and reflectivity effects on the Marae.</i></u></p> <p>Amend Appendix 2.4.6 Structure Plan Keepa Road to include a ‘Marae Protection Area’ overlay extending no less than 60 meters outward into the residential zone from 25A Keepa Road (Lot 1 DPS 18658) and 25B Keepa Road (Allotment 28B3C1).</p>

Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
	residential living areas including outdoor living spaces.		<p>Amend Keepa Road Structure Plan, Appendix 2.4.6 to include (as illustrated in Appendix 1):</p> <ol style="list-style-type: none"> 1. Existing plan requirements for the acoustic barrier and Marae setbacks. 2. New additions including a reserve within the 20m Marae setback and an extended fence line adjoining the Marae.
Planning Map 105B and 109B			
<p>Map 105B Map 109B Appendix 2.4.6 Keepa Road Structure Plan</p>	<p>Oppose: the rezoning of the site to residential, as requested in the Plan Change and illustrated in Appendix 2 the Keepa Road Structure Plan. The Plan Change requests residential zoning be shown on Planning Maps 105B and 109B as provided for in Appendix 2.4.6 Keepa Road Structure Plan (p1).</p> <p>Regional Council opposes this until such time as adequate information is provided to fully assess the Plan Change, structure plan and appropriate plan provisions.</p> <p>But, should rezoning be considered Regional Council request a 'Te Hokowhiti-a-Tu Marae Protection Area' overlay be shown on district planning map 105B and on the Keepa Road Structure Plan, Appendix 2.4.6 (see Indicative Structure Plan Keepa Road, Appendix 1). This would work in conjunction with proposed new provisions requested above.</p>	<p>Retain Whakatāne District Planning Maps 105B and 109B in their current form without rezoning until sufficient information is provided to support the Plan Change.</p> <p>Alternatively, identify on Map 105B and Appendix 2.6.4 a 'Te Hokowhiti-a-Tu Marae Protection Area' overlay extending no less than 60m outward into the residential zone from the nearest boundary to 25A Keepa Road (Lot 1 DPS 18658) and 25B Keepa Road (Allotment 28B3C1) subject to tangata whenua consultation confirming support for such an approach through a Cultural Impact Assessment.</p>	

Note:

References to Plan Change page numbers are shown above in brackets this refers to the Private Plan Change Request which was prepared by Harrison Grierson for the applicant Lysaght Developments.

There has been a pagination error as there are two occurrences of pages 1 to 12 in this report which is also supported by Appendices 1 to 10.

Appendix 1:

Regional Council - Indicative Structure Plan Keepa Road (Appendix 2.6.4)

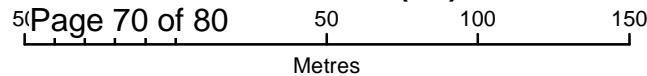


HORIZONTAL DATUM: New Zealand Geodetic Datum 2000
 For practical purposes, NZGD2000 equates to WGS84
 VERTICAL DATUM: Moturiki
 PROJECTION: New Zealand Transverse Mercator 2000

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Indicative Structure Plan Keepa Road

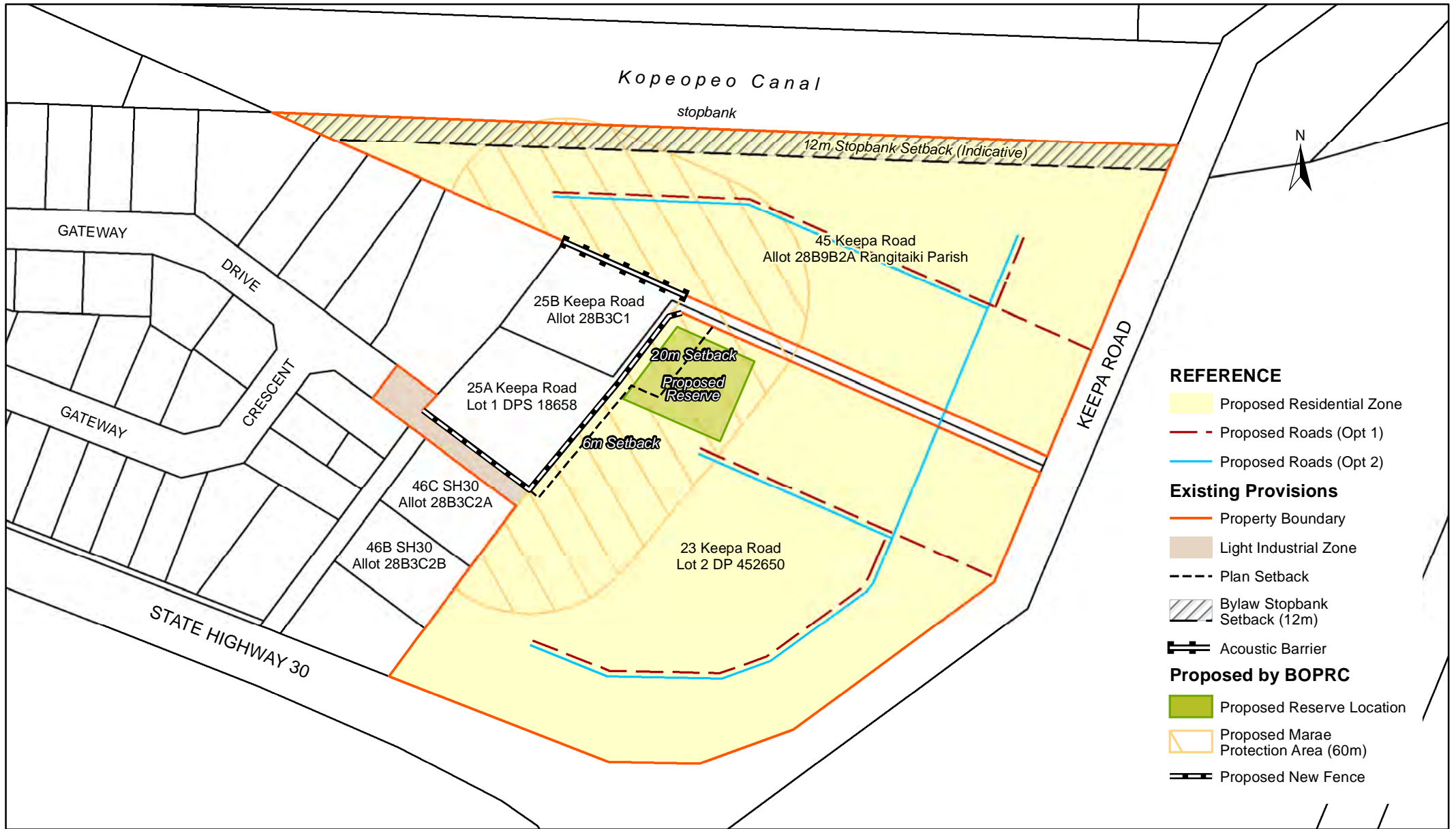
Scale 1:2500 (A4)



GSP-559747_Aerial

Sheet 1 of 1

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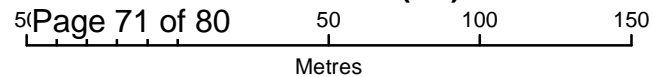


HORIZONTAL DATUM: New Zealand Geodetic Datum 2000
 For practical purposes, NZGD2000 equates to WGS84
 VERTICAL DATUM: Moturiki
 PROJECTION: New Zealand Transverse Mercator 2000

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Indicative Structure Plan Keepa Road

Scale 1:2500 (A4)



GSP-559747_Structure

Sheet 1 of 1

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Appendix 2:

Regional Council – New Rule 2.5 Discretionary Activity Assessment Rules

NEW Discretionary Rule	Rule content as requested by Regional Council for reasons provided in the submission
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New Rule 2.5 Assessment Criteria for Discretionary Activities in the Keepa Road Structure Plan

**New Rule 2.5.1
Subdivision and
Development of Land not in
accordance with the Keepa
Road Structure Plan**

Discretionary criteria for subdivision and development of land within Appendix 2.6.4 Keepa Road Structure Plan that is not in general accordance with the Structure Plan:

- a. the consistency of the development with the Structure Plan in Appendix 2.6.4
- b. the means by which the subdivision design addresses the reverse sensitivity of traffic noise from State Highway 30. The method chosen to address this issue shall consider how that method impacts on amenity for the residential development and the wider environment.
- c. the design of the acoustic barrier between: the eastern boundary of 25B Keepa Road (Allotment 28B3C1) and Lot 2 DP 452650 and on the northern boundary with Allotment 28B9B2A Parish of Rangitiaki (or any resulting lot from the subdivision of these lots) excluding agreed access and; on the eastern and south western boundary of 25A Keepa Road (Lot 1 DPS 18658) with Lot 2 DP 452650 (or any resulting lot from the subdivision of Lot 2 DP 452650);
- d. the criteria listed in 12.7.1; 13.2.26; 13.2.27; 13.2.28 and 13.2.29;
- e. the means by which the interface with industrial land is managed to minimise visual and noise impacts and other reverse sensitivity effects of industrial activities on neighbours;
- f. the means by which traffic impacts on Keepa Road and the Keepa Road/ State Highway 30 intersection are mitigated;
- g. determine as part of a traffic impact assessment how safe connectivity will be provided for traffic, cycle and pedestrian access to/ from Keepa Road and illustrate how connectivity within the local surrounds will be achieved;
- h. the means by which the building platforms comply with Rule 18.2.3.2, and the setting of the finished ground level to achieve Low risk;
- i. the criteria listed in 3.7.24 contaminated land remediation;
- j. management of earthquake fault rupture risk;
- k. obtain any necessary floodway and drainage bylaw authority from the Regional Council.

Advice Note 1: The Kopeopeo Canal is part of the Rangitāiki Plains Drainage Scheme which is managed by the Bay of Plenty Regional Council. An additional connection to the drainage scheme requires a bylaw approval under the Bay of Plenty Regional Council Floodway and Drainage Bylaw 2008. The discharge of stormwater to the Kopeopeo Canal also requires a resource consent form the Regional Council.

New Rule 2.5.2

Subdivision and development within the Te Hokowhitu-a-Tu 'Marae Protection Area' as shown in the Structure Plan - Keepa Road (Appendix 2.4.6).

Council shall have regard to the following matters for any activities within the 'Marae Protection Area' as shown in Appendix 2.4.6 Keepa Road Structure Plan:

- a) protection of the aural and visual privacy for cultural practices undertaken on Te Hokowhitu-a-Tu marae from neighbouring residential activities;
- b) measures to mitigate or avoid built development that obstructs view shafts to Kaputerangi from Te Hokowhitu-a-Tu Marae;
- c) recommendations contained in a cultural impact assessment from Te Hokowhitu-a-Tu Marae Committee;
- d) the location of new or, alternations to existing buildings and subdivision within the Marae Protection Area to include consideration of:
 - i. the orientation of the building to avoid, remedy or mitigate second floor windows or balconies looking directly into or over the marae complex;
 - ii. distance from the Marae;
 - iii. landscaping or screening to reduce visual privacy effects looking into the Marae;
 - iv. the exterior treatment and materials to avoid glare and reflectivity effects on the Marae.

APPENDIX 3

FINAL Indicative Structure Plan Keepa Road GSP- 559747 - Aerial updated 11 April 2018



BOP Ortho Aerials Coastal, 2014
Source: BOPLASS CC-BY 3.0

REFERENCE

- Proposed Residential Zone
- Proposed Roads (Opt 1)
- Proposed Roads (Opt 2)

Existing Provisions

- Property Boundary
- Light Industrial Zone
- Plan Setback
- Bylaw Stopbank Setback (12m)
- Acoustic Barrier

Proposed by BOPRC

- Proposed Reserve Location
- Proposed Marae Protection Area (60m)
- Proposed New Fence

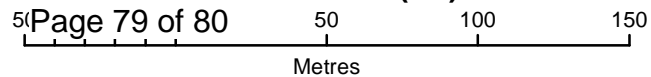


HORIZONTAL DATUM: New Zealand Geodetic Datum 2000
For practical purposes, NZGD2000 equates to WGS84
VERTICAL DATUM: Moturiki
PROJECTION: New Zealand Transverse Mercator 2000

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Indicative Structure Plan Keepa Road

Scale 1:2500 (A4)



GSP-559747_Aerial

Sheet 1 of 1

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