

# Bay of Plenty Mayoral Forum Agenda

NOTICE IS GIVEN that the next meeting of the Bay of Plenty Mayoral Forum will be held in Regional House Chambers, 1 Elizabeth Street, Tauranga (and via Zoom for meeting participants) on:

Wednesday 8 June 2022  
COMMENCING AT 9.30 am

This meeting will be chaired by Commission Chair Anne Tolley, Tauranga City Council

**This meeting will be recorded.**

The Public section of this meeting will be recorded and uploaded to Bay of Plenty Regional Council's website. Further details on this can be found after the Terms of Reference within the Agenda.

[Bay of Plenty Regional Council - YouTube](#)

Fiona McTavish, Chief Executive  
Bay of Plenty Regional Council Toi Moana  
30 May 2022



# Bay of Plenty Mayoral Forum

## Membership

<b>Chairperson</b>	On a rotational basis
<b>Members</b>	
Bay of Plenty Regional Council	Chairman Doug Leeder Chief Executive Fiona McTavish
Kawerau District Council	Mayor Malcolm Campbell Chief Executive Russell George
Ōpōtiki District Council	Mayor Lyn Riesterer Chief Executive Aileen Lawrie
Rotorua Lakes Council	Mayor Steve Chadwick Chief Executive Geoff Williams
Taupō District Council	Mayor David Trewavas Chief Executive Gareth Green
Tauranga City Council	Commission Chair Anne Tolley Chief Executive Marty Grenfell
Western Bay of Plenty District Council	Mayor Garry Webber Chief Executive John Holyoake
Whakatāne District Council	Mayor Judy Turner Chief Executive Stephanie O'Sullivan
<b>Quorum</b>	N/A
<b>Frequency</b>	4-monthly

## Triennial Agreement 2019 - 2022

The Bay of Plenty Mayoral Forum is guided by the Triennial Agreement, which is entered into after each local government election as a requirement under Section 15 of the Local Government Act 2002.

The Triennial Agreement 2019-2022 was agreed to by each partner council at the Bay of Plenty Mayoral Forum meeting on 14 February 2020.

## Recording of Meetings

Please note the Public section of this meeting is being recorded and will be uploaded Bay of Plenty Regional Council's web site in accordance with Council's Live Streaming and Recording of Meetings Protocols which can be viewed on Council's website. The recording will be archived and made publicly available on Council's website within two working days after the meeting on [www.boprc.govt.nz](http://www.boprc.govt.nz) for a period of three years (or as otherwise agreed to by Council).

All care is taken to maintain your privacy; however, as a visitor in the public gallery or as a participant at the meeting, your presence may be recorded. By remaining in the public gallery, it is understood your consent is given if your image is inadvertently broadcast.

Opinions expressed or statements made by individual persons during a meeting are not the opinions or statements of the Bay of Plenty Regional Council. Council accepts no liability for any opinions or statements made during a meeting.

# Agenda

## Opening and Welcome by Commission Chair Anne Tolley - Tauranga City Council

### 1. Apologies

### 2. Acceptance of Late Items

### 3. Minutes

#### Minutes to be Confirmed

#### 3.1 Bay of Plenty Mayoral Forum Minutes - 15 October 2021 5

### 4. Presentations

#### 4.1 Trade Waste Strategy

Presented by Sam Fellows - Tauranga City Council

#### 4.2 Ōpōtiki Harbour Project Update

Presented by Mayor Lyn Riesterer - Ōpōtiki District Council

#### 4.3 Update on Resource Management Reforms

Presented by Chief Executive Aileen Lawrie - Ōpōtiki District Council

#### 4.4 Update on Waiariki Bay of Plenty Regional Leadership Group

Presented by Ezra Shuster - Ministry of Health

#### 4.5 Update by Infrastructure Commission Chief Executive Ross Copland (Tentative Item)

This item is tentative only and will be confirmed closer to the date of the meeting.

### 5. Reports

#### 5.1 Treaty of Waitangi Settlements, Claims and Related Kaupapa 16

#### 5.2 Climate Change Programme Update 25

### 6. Recognition of Chief Executive Aileen Lawrie - Ōpōtiki District Council

Presented by: Mayor Lyn Riesterer - Ōpōtiki District Council

### 7. Consideration of Late Items

# Bay of Plenty Mayoral Forum

## Open Minutes

- Commencing:** Friday 15 October 2021, 9.30am
- Venue:** Zoom (Audio Visual meeting)
- Chairperson:** Mayor Judy Turner – for this meeting
- Members:** Chairman Doug Leeder – Bay of Plenty Regional Council  
Mayor Steve Chadwick – Rotorua Lakes Council  
Mayor David Trewavas – Taupō District Council  
Mayor Garry Webber – Western Bay of Plenty District Council  
Mayor Lyn Riesterer – Ōpōtiki District Council  
Mayor Malcolm Campbell – Kawerau District Council  
Commission Chair Anne Tolley – Tauranga City Council
- In Attendance:** Geoff Williams - Chief Executive – Rotorua Lakes Council  
Stephanie O’Sullivan - Chief Executive – Whakatāne District Council  
Sarah Omundsen – Acting Chief Executive – Bay of Plenty Regional Council  
Aileen Lawrie - Chief Executive – Ōpōtiki District Council  
Marty Grenfell - Chief Executive – Tauranga City Council  
Gareth Green - Chief Executive – Taupō District Council  
Russell George - Chief Executive – Kawerau District Council  
John Holyoake - Chief Executive – Western Bay of Plenty District Council  
Deputy Mayor Faylene Tunui – Kawerau District Council  
Cr Nándor Tánczos – Whakatāne District Council
- Presenters  
Amos Kamo, Kahurangi Tapsell and Stacey Beer - Kāinga Ora  
Mi’i Keelan and Liane Gardiner - Te Puni Kōkiri  
Stephen Boyle – BOPLASS  
Bevan Gray – Whakatāne District Council  
Georgina Fletcher – Whakatāne District Council
- Apologies:** Fiona McTavish – Chief Executive – Bay of Plenty Regional Council

### 1. Opening and Welcome

Mayor Judy Turner opened the Zoom meeting and welcomed those present.

Noted the following changes to the agenda:

- The presentation by Victoria Carroll: Challenges and Opportunities in Papakāinga Housing had been deferred to a future meeting.

- The presentation by Kainga Ora had been moved up to accommodate this change, as had the RMA Reforms Update discussion.

Advised that this Mayoral Forum Zoom meeting was being recorded and that the recording would be made available on the Bay of Plenty Regional Council website following the meeting.

Video recording of meeting <https://www.youtube.com/watch?v=zefmK5tJqDE>

## 2. Apologies

### Resolved

**That the Bay of Plenty Mayoral Forum:**

- 1 **Accepts the apologies from Fiona McTavish - Chief Executive Bay of Plenty Regional Council and for early departure for Mayor Garry Webber tendered at the meeting.**

**Riesterer/Webber  
CARRIED**

## 3. Minutes

### Minutes to be Confirmed

#### 3.1 Bay of Plenty Mayoral Forum Minutes - 18 June 2021

### Resolved

**That the Bay of Plenty Mayoral Forum:**

- 1 **Confirms the Bay of Plenty Mayoral Forum Minutes - 18 June 2021 as a true and correct record.**

**Chadwick/Webber  
CARRIED**

## 4. Presentations and Verbal Updates

#### 4.1 Withdrawn: Challenges and Opportunities of Papakāinga Housing

Noted that this item had been deferred to a future meeting.

#### 4.2 Kāinga Ora Update

*Presentation - Kainga Ora - Whenua Maori PDF - 15 October 2021: Objective ID A3953708*

Presented by: Amos Kamo, Kahurangi Tapsell and Stacey Beer - Kāinga Ora.

#### **Key Points - Presentation:**

- Whenua Māori Development Team
- Our Legacy Organisations
- Our Vision - *Building better, brighter homes, communities and lives.*
- The Kāinga Ora - Homes and Communities Act 2019 / The Urban Development Act 2020
- MAIHI (Māori and Iwi Housing Innovation) Partnership Programme
- MAIHI Funding
- Getting the Mahi Done
- Range of Opportunities
- Whenua Māori Development Team
- Key Whenua Partnerships Initiative – Whenua Leasing
- Social Procurement Initiatives – a subset of Pā Harakeke
- Disposal Partnerships.

**Key Points:**

- Was actively seeking commercial funding partners
- Recognised the high pressure housing needs in Tauranga and Rotorua, combined with increased housing costs
- Kāinga Ora was a place-based organisation and should leverage on established relationships within the regions
- Kāinga Ora was not seeking to take ownership of land, rather it was a co-operative approach to assist landowners to achieve their aspirations
- Private sector finance/public-private partnership opportunities was a key consideration that needed further exploration
- Short-term lease scenarios was not considered a financially viable option.

**Key Points - Members:**

- Concerned that the proposed approach was to a large extent unchanged from previous years
- Sought opportunities for how to underwrite housing loans/debt, which was a significant issue for Māori
- There was infrastructure in place on Maketū land owned by Te Arawa Lakes Trust that had been earmarked for affordable/social housing. However, there had been little or no progress and there needed to be options for successful co-operation between councils, Kāinga Ora and Iwi so developments could commence.

### 4.3 Housing Update - Rotorua

Verbal Update by Mayor Chadwick - Rotorua Lakes Council.

**Key Points:**

- Local led solutions/partnership was a key factor for successful progress
- There was an increasing proportion of young māori, and high degree of beneficiaries/unemployment
- Challenges had been amplified by Covid and provision of housing/infrastructure had not matched growth and increasing housing prices
- Covid had been detrimental to tourism and the overall economy in Rotorua
- A joint emergency housing taskforce comprising a combination of agencies and supported by central government, had been established
- 850 local families were currently in emergency housing/motels, which was not sustainable
- Was working towards supplying 3000 social/affordable homes over the next three year, which was recognised as an aspiration goal
- There was a need for increased security measures associated with the emergency housing.

10.30am - The meeting **adjourned**.

10.40am - The meeting **reconvened**.

### 4.4 Maori Housing Support - Te Puni Kōkiri (TPK)

*Presentation TPK BOP Mayoral Forum PDF - 15 October 2021: Objective ID A3952369*

Presented by Mi'i Keelan and Liane Gardiner - Te Puni Kōkiri (TPK)

**Key Points - Presentation:**

- Te Puni Kōkiri, Ministry of Māori Development
- Our role in the public sector system
- Te Puni Kōkiri Strategic Priorities
- MAIHI



- Principles and Framework
- Kā Ora - The National Māori Housing Strategy
- Investment and approach
- Opportunities.

**Key Points:**

- Western Bay of Plenty had been identified by central government as a 'housing need hot spot'
- TPK also recognised the significant housing shortage in Eastern Bay of Plenty
- TPK's was focussed on working with iwi to support their whānau in identifying needs and aspirations, and to achieve housing goals
- Was working with Trusts in the Eastern Bay of Plenty that had housing aspirations for its land, and facilitated connections with other groups and agencies
- Worked with a number of service providers in its housing repair programme
- Main repair focus was for housing on whenua māori land, however māori housing located on generally owned land and in need of repairs, would still be considered
- Public funding could not be used for repairs of unconsented residences and a conversation around how to reach a positive outcomes would instead take place.

#### **4.5 Opportunity for Mayors and Chairs to Provide an Update on Housing Developments on Māori Owned Land Within Each Rohe**

Mayor Steve Chadwick – Rotorua Lakes Council

**Key Points:**

- Council was working in a positive partnership with Iwi/Hapū
- Major impediment was provision of infrastructure, rather than consenting/planning challenges.

Commission Chair Anne Tolley – Tauranga City Council

**Key Points:**

- Housing affordable/availability in Tauranga was a major issue
- Would not be able to meet the NPS-UD threshold with regards to provision of housing

- Was working on increased co-operation with local iwi/hapū trusts and encouraged open communication
- Was reviewing the Council toolkit available for Trusts who were wanting to progress land development.

Mayor Garry Webber – Western Bay of Plenty District Council

**Key Points:**

- Noted the success of the Healthy Homes Programme
- Council was offering reduced development contribution rates for papakāinga housing/developments on multiple owned māori land, however progress was slower than ideally preferred.

Mayor Lyn Riesterer – Ōpōtiki District Council

**Key Points:**

- There was approximately 200 unconsented dwellings along the Ōpōtiki coast and recognised the dire need for adequate housing
- Considerations for development of multiple owned Māori land included:
  - Ability to develop land
  - Loan repayment ability
  - Needs analysis and prioritisation
- There was an ongoing need for housing, made more urgent as a result of the number of people who had returned to Ōpōtiki due to Covid.

Chief Executive Gareth Green – Taupō District Council

**Key Points:**

- Housing shortage/affordability was a relatively new issue for Taupō
- Was currently assessing regulatory frameworks to identify opportunities to assist in housing developments
- Significant work was being undertaken in the papakāinga housing space
- Increasing concerns regarding substandard/unconsented dwellings being used for housing.

Chairman Doug Leeder – Bay of Plenty Regional Council

**Key Points:**

- Encouraged TAs to continue their current housing drive and would support and facilitate initiatives
- Recognised that this was not BOPRC's core business.

Mayor Judy Turner – Whakatāne District Council

**Key Points:**

- Outlined the developments and initiatives currently taking place in the Whakatāne District
- District Plan was formulated to support and enable Papakāinga housing
- Recognised the need for adequate infrastructure/wastewater facilities to support housing developments
- The return of large number of residents due to Covid had increased the need for housing.

**Mayor Malcolm Campbell and Deputy Mayor Faylene Tunui – Kawerau District Council****Key Points:**

- Council was currently developing 31 residential properties on the old school land
- Recognised and welcomed the housing providers presenting at this meeting into the Kawerau community, where 62% of the population was Māori
- Settlement outcomes meant that Māori had been required to purchase back ancestral land, with this cost significantly impacting on the overall cost of housing developments/infrastructure
- Noted the distinction between Tūwharetoa Kawerau and Tūwharetoa Taupō.

**4.6 BOPLASS - Summary of LTP Projects to be Delivered Across the Region Over the Next 10 Years.**

Presented by Stephen Boyle – BOPLASS and Bevan Gray – Whakatāne District Council.

**Key Points:**

- Provided an outline of the Long Term Plans (LTPs) for all the Bay of Plenty councils
- Sought input from councils on how to mitigate risks associated with the increasing costs of projects set out in the LTPs
- The dashboard displayed high level information, which could be further drilled down into as require
- Dashboard also included projects that had obtained Provincial Growth Fund (PGF) funding, which was useful when seen in context of the other projects in the region

- Compiling the information would assist in attracting confident investors into the region.

**Key Points - Members:**

- Suggested that the information be provided to the region's Economic Development Agencies (EDAs)
- The information could provide the Mayors/Chairs an understanding of the scope and scale of LTP projects currently planned or in-train in the region. It could also assist in approaching/working with central government in the funding and delivery of large scale projects
- Identifying the need for skilled labour; creating new opportunities for apprenticeships etc. could be an additional outcome
- Supply/demand issues could be identified and planned for as part of this overall provision of information/understanding of region-wide projects.

11.35am – Mayor Garry Webber **withdrew** from the meeting.

#### **4.7 Whakatāne District Council: Climate Change Action Plan**

*Presentation - WDC Climate change action plan PDF - Mayoral Forum 15 October 2021: Objective ID A3965308*

Mayor Turner introduced Cr Nandor Tanchoz and Georgina Fletcher – Whakatāne District Council who presented this item.

**Key Points - Presentation:**

- Climate Change Strategy 2020-23
- Carbon emissions from the Whakatāne District Council
- Our Climate Change Principles
- Our Climate Change Project
- 'Educate both the young and the old'.

**Key Points:**

- Important to recognise the expertise within the various communities with regards to energy efficiency and climate change initiatives
- Next challenge was to work closer with the community to achieve a transformational shift and make positive changes.

**Key Points - Members:**

- Recognised that there was significant expertise across all councils and that co-operation was key in 'making a difference'.

## 4.8 Bay of Plenty Regional Council: Climate Change Update

Presented by Acting Chief Executive Sarah Omundsen – Bay of Plenty Regional Council.

### Key Points:

- Region Wide Risk Assessment
  - Tonkin and Taylor had been contracted to undertake this piece of work
  - Wide range of stakeholders would be involved
  - Final report was scheduled for June 2023
- Carbon footprint
  - Last carbon footprint for Bay of Plenty had been undertaken in 2015, so an update was timely
  - Had obtained both pre and post Covid footprint information
  - Format of the report would follow previous report; Taupō District Council would be included; higher focus on transport emissions which was a key area for reduction
- Other Collaborative Projects
  - TA/Regional Council staff continued to meet regularly on climate matters
  - Government had just released its first Emissions Reduction Plan (ERP) for consultation and there was the possibility of the Bay of Plenty TAs making a joint submission
  - Noted the publication of the Lifeline Regional Risk Assessment report
  - Adoption of the ERP and carbon budgets would be delayed due to Covid-19.

### Key Points - Members:

- Recognised the co-operation at staff level across the Bay of Plenty Region with regards to stormwater/flooding modelling, and the significant effort and expertise within Regional Council in this area.

## 4.9 RMA Reforms Update

An opportunity for each Council to provide a verbal update with regards to the current Resource Management Act reforms.

### Mayor Turner – Whakatāne District Council

- Recognised the several significant reforms currently taking place that affected local government

- The focus on the three waters reform had to some extent distracted councils from the RMA reforms
- Recognised the short timeframes for submissions on the various processes, in particular the three waters reforms.

Mayor Campbell – Kawerau District Council

- A Council workshop would be held the following week to obtain a better understanding of the reform and identify the next steps in the process.

Mayor Chadwick – Rotorua Lakes Council

- Noted the advice from Central Government that the Resource Management Steering Group had been established, and the level of comfort for the region in the capability of the appointees
- Recognised that the RMA reforms was a result of the ongoing housing issues.

Mayor Riesterer – Ōpōtiki District Council

- Referred this update to Chief Executive Lawrie as she had been appointed to the RM Steering Group.

Chief Executive Aileen Lawrie – Ōpōtiki District Council

- The resource management review had commenced in 2009 and the final report had become the blueprint for the current reforms
- The main change of the Natural and Built Environments Bill (compared to the RMA) was its focus on *outcomes*, rather than *effects*
- Noted the move away from local approach to a more regional approach
- Recognised the far-reaching nature of the reforms and the impact it would have
- Steering Group met on a weekly basis and the workload was significant
- Noted that MfE would engage with the Mayoral Forum to provide updates.

Chairman Leeder – Bay of Plenty Regional Council

- Recognised the gravity of the issues and the challenges the reforms presented
- Commitment to the process and outcome was critical as the reform was to be completed in mid-2022
- Supported the concern that the three waters reform was detracting from the other reforms in progress, in particular the RM reform.

12.22 pm – Mayor Turner’s Zoom connection temporarily disconnected and Chairman Leeder **assumed** the chair.

Commission Chair Tolley – Tauranga City Council

- Informal resource management reform discussions had taken place to ensure it was not 'forgotten' as the three waters reform progressed
- The fast pace of the reforms made it challenging to provide substantive and joint feedback
- Concerned that the reform of the local government, which provided the structure and form for the RMA reforms, was taking place afterwards
- Recognised the concerns expressed regarding differing local issues, however a joint approach and 'speaking with one voice' at a regional level would carry more traction with Central Government.

**Chief Executive O'Sullivan – Whakatāne District Council**

- Had appointed a Programme Manager for the three reforms to ensure consistency and to provide a more proactive approach to the resource management reform, rather than the reactive process of the three waters reform

12.30pm – Mayor Turner reconnected to the meeting and **assumed** the chair.

- Supported the concept of regional responses when there was alignment between councils on the various issues.

**Mayor Turner – Whakatāne District Council**

- The Natural and Built Environments Bill exposure draft was high level which made it challenging to provide a considered submission
- Concerned regarding lack of clarity around existing use rights and existing consents
- Suggested including regular updates on the current reforms on the Mayoral Forum agendas.

**12.34pm – the meeting closed.**

**CONFIRMED**

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**MAYOR JUDY TURNER  
WHAKATĀNE DISTRICT COUNCIL**



<b>Report To:</b>	Bay of Plenty Mayoral Forum
<b>Meeting Date:</b>	8 June 2022
<b>Report Writer:</b>	Michelle Hingston, Advisor - Kaupapa Maori
<b>Report Authoriser:</b>	Kataraina O'Brien, Director, Strategic Engagement
<b>Purpose:</b>	Provide an update on Treaty Settlements and other matters relating to Tangata Whenua

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## Treaty of Waitangi Settlements, Claims and Related Kaupapa

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### Executive Summary

This report provides an update on Treaty Settlements, Waitangi Tribunal inquiries, the Marine and Coastal Area (Takutai Moana) Act and other related matters.

In March 2022, Ngāti Rangitahi settlement legislation was enacted, which will see the establishment of the Tarawera Restoration Strategy Group. Similarly the Whakatōhea settlement which provides for a new Kaitiaki Forum, is progressing through its final stages. Local councils will have membership in both forums.

Also in March 2022, the Waitangi Tribunal released its Motiti Inquiry 'kinship review' report, which clarifies the tangata whenua status of different groupings and provides useful guidance for Crown and other agencies when engaging with the tangata o Motiti.

A number of Marine and Coastal Act (Takutai Moana) orders over coastal areas in Tauranga Moana and Ōpōtiki have recently been made by the High Court, the first examples of orders under this regime.

In other matters, Te Puni Kokiri is working on drafting a declaration plan to realise the United Nations Declaration on the Rights of Indigenous Peoples. The update provides a time line on the prospective plan.

### Recommendations

**That the Bay of Plenty Mayoral Forum:**

- 1. Receives the report, Treaty of Waitangi Settlements, Claims and Related Kaupapa.**



## 1. Introduction

The Bay of Plenty region has the largest proportion nationally of hapū/iwi (approximately one third) giving rise to a significant number of Treaty settlements at various stages of completion (see summary below).

Progressively, approximately two thirds of historic Treaty claims within the region are now settled. However, among remaining settlements are significant components including Tauranga Moana framework and other bespoke resource management arrangements in both the Whakatōhea and Te Whānau-a-Apanui settlements.

Treaty settlement legislation frequently includes obligations for Councils to partner and work collaboratively with Māori, through mechanisms including co-governance, co-management and joint management arrangements. Newly established examples of these are further discussed below.

No	Status settlements and claims	Comments
21	Completed Treaty Settlements (legislation enacted)	<ul style="list-style-type: none"> <li>• 18 individual iwi</li> <li>• 3 iwi collectives</li> </ul>
6 1	Individual Deeds of Settlement Collective Deed of Settlement (awaiting ratification / legislation)	<ul style="list-style-type: none"> <li>• Ngāi Te Rangi &amp; Ngā Pōtiki</li> <li>• Ngāti Ranginui</li> <li>• Whakatohea</li> <li>• Ngāti Tara Tokanui</li> <li>• Ngāti Tamatera</li> <li>• Ngāti Maru</li> <li>-----</li> <li>• Tauranga Moana (Harbour interests) Collective (on hold)</li> </ul>
1	Agreement in Principle	<ul style="list-style-type: none"> <li>• Te Whānau a Apanui</li> </ul>
4	Yet to be negotiated	<ul style="list-style-type: none"> <li>• Pare Hauraki (Tauranga Harbour interests)</li> <li>• Ngāti Whakaue, Ngāti Whakahemo, Ngai Tai.</li> </ul>

## 1.1 Legislative Framework

### Treaty Settlements

- Ngāti Rangitihi Settlement Claims Act, sections 121-143
- Te Whānau a Apanui Agreement in Principle, Part 6 (Te Ao Turoa)
- Whakatōhea Deed of Settlement of Historical Claims, section 5.17 (Whakatōhea Kaitiaki Forum)

## 1.2 Alignment with Strategic Framework

- **A Healthy Environment**
- **Freshwater for Life**

### 1.2.1 Community Well-beings Assessment

Dominant Well-Beings Affected			
<input type="checkbox"/> Environmental Medium - Positive	<input checked="" type="checkbox"/> Cultural High - Positive	<input type="checkbox"/> Social Medium - Positive	<input type="checkbox"/> Economic Medium - Positive

## 2. Treaty Landscape

### 2.1 Settlements under negotiation

#### 2.1.1 Ngāti Rangitihi

The Ngāti Rangitihi settlement legislation was enacted on 15 March 2022. The settlement establishes the *Tarawera Restoration Strategy Group* (TRSG) as a co-governance entity for the Tarawera River catchment. Key points:

- The TRSG comprises of eight representatives, four iwi appointed: Ngāti Rangitihi, Ngāti Awa, Ngāti Mākino, Ngāti Tūwharetoa (BoP), and four from councils: BOPRC, Kawerau, Rotorua Lakes, and Whakatāne.
- Importantly, council representatives are not limited to elected officials, with new discretion to appoint council staff or other persons to the position.
- BOPRC is responsible for administrative support to the group for the first 3 years, at which point responsibility may transfer to another member,
- The TRSG must commence the preparation of the draft Strategy Document no later than 3 years after the settlement date (April 2022)

#### 2.1.2 Te Whakatōhea

The Whakatōhea Deed of settlement was initialled 23 December 2021, with a ratification process currently underway. If successful, settlement legislation will then

be enacted. We anticipate a period of approximately 12-18 months to reach that point. Concurrent with this, the Waitangi Tribunal is also progressing its Inquiry into Whakatōhea Historical Claims (see section 3).

The settlement provides for the establishment of the *Whakatōhea Kaitiaki Forum*, a natural resource arrangement over the rivers and their catchments in the Whakatōhea rohe. Other key points;

- Permanent Joint Committee of BOPRC and Ōpōtiki District Councils.
- BOPRC is responsible for admin and technical support for first term (3 years). Thereafter it passes to Iwi.
- The first term must commence within 6 months of the Settlement Date (anticipate mid-late 2023).

### 2.1.3 Te Whānau a Apanui

Te Whānau-a-Apanui signed an Agreement in Principle in June 2019 and are working towards a Deed of Settlement (anticipated mid 2022), with settlement legislation anticipated late 2023.

The settlement provides a bespoke natural resources arrangement - Te Ao Turoa - over the entirety of the Apanui rohe. Central to the arrangement are three components; Development of a Relationship Agreement, Rohe Document and Freshwater Plan. Of particular note:

- *Time sensitivity*: Alignment of the Apanui Freshwater Plan with 2024 National Policy Statement Fresh Water Management timeframe is a potentially significant issue. A number of mitigation measures are being considered, including advanced initiation of Te Ao Turoa, prior to settlement legislation enactment, and/or concurrent rather than sequential development of its 3 key components.
- There is no joint council-iwi 'forum' as with existing Local government co-governance /co-management arrangements, however, Governance level decisions will still be required at key points i.e on scope of the proposed Relationship Agreement.

### 2.1.4 Tauranga Moana Collective

Following the signing of the Pare Hauraki Settlement in 2018, a tikanga based process was put in place to resolve overlapping claims in respect of Tauranga Moana Harbour. Discussions between Hauraki and Tauranga Moana remain ongoing, however there is no indication of timeframes for this process or next steps.

## 2.2 Waitangi Tribunal

### 2.2.1 Whakatōhea Inquiry (North-Eastern BOP District Inquiry)

The Waitangi Tribunal has commenced a North-Eastern BOP district inquiry (WAI 1750) to take place alongside continuing settlement negotiations between Whakatōhea and the Crown. This 'parallel process' of concurrent negotiations and Tribunal inquiry is a unique occurrence not previously undertaken across the Treaty settlement landscape.

While Whakatōhea historical claims would be a key focus of the Inquiry, it will also hear Whakatōhea contemporary grievances (events post 1992), and from other

claimants within the inquiry district not affiliated to Whakatōhea, ie Ngāi Tai (Tōrere).

The inquiry is currently in the planning and research phase with the inquiry schedule and timeframes yet to be determined.

### 2.2.2 Motiti Inquiry

The Waitangi Tribunal released its Report on Te Moutere o Motiti Inquiry (Wai 2521) on 21 March 2022.

The claimants were Graham Hoete, Umuhuri Matehaere, Kataraina Keepa, Jacqueline Taro Haimona, and Te Atarangi Sayers on behalf of Ngā Hapū o te Moutere o Motiti. They alleged that the Crown breached Te Tiriti by failing to recognise Ngā Hapū o te Moutere o Motiti as a distinct tribal group with historical and contemporary claims not settled by the Ngāti Awa Treaty Settlement Act 2005. They argued in particular that the Crown, through its process to assess their tribal status – known as the kinship review – breached the principles of partnership, active protection, and equal treatment.

The Tribunal took the (relatively unusual) approach of determining who were the tāngata whenua of Motiti before going on to consider whether the Crown's process was in breach of Te Tiriti. The parties agreed that this was necessary. The Tribunal acknowledged that the issue was highly contested but after considering all of the evidence found that:

- Te Patuwai are the tangata whenua, Te Patuwai is a unified tribal identity that affiliates to Ngāti Awa, and that Ngāi Te Hapū is an integral part of the Te Patuwai identity.
- Te Whānau a Tauwhao, a hapū of Ngāi Te Rangi, are also tangata whenua on Motiti.
- The Ngāti Awa Claims Settlement Act 2005 settled Motiti Island historical claims based on descent from Te Hapū.

The Tribunal concluded that the Crown's process did not breach the principles and as a result made no formal recommendations. However it recognised some flaws with the process and provided some suggestions about how the Crown should approach disputes about tribal identity in general. Essentially these involve supporting and working more closely with all parties in designing the process and exercising caution, perhaps using independent facilitators, where the question of identity is contested.

In the case of Motiti, the Crown was aware of the conflicts between the groups and should have approached the review with a heightened awareness of the need to promote whanaungatanga and avoid further damaging relationships between them.

The Tribunal also offers specific suggestions about how the Crown should engage with the tāngata whenua of Motiti in the future. This focusses on Te Patuwai rather than Te Whānau a Tauwhao, given engagement with Tauwhao was not the inquiry's focus. The Tribunal concluded that the Te Patuwai Tribal structure is the legitimate vehicle for exercising mana over Motiti and so has suggested that on all issues concerning Motiti, the Crown should first engage with the Te Patuwai Tribal Committee to receive direction on which entities it needs to engage with – marae, hapū, or iwi – about that issue. Depending on the kaupapa, the Te Patuwai Tribal Committee will connect the Crown with the relevant representatives of the marae, the hapū, or the iwi as appropriate.

The Tribunal also considered the role of the Motiti Rohe Moana Trust and said “We cannot accept that the Motiti Rohe Moana Trust, which operates independently of this structure, is a legitimate body representing and exercising the mana of Te Patuwai on Motiti. Although the Trust initially had the support of the Motiti Marae Committee, it later lost this support. Since then, it has largely operated under the exclusive guidance of individuals who support the Trust, rather than with the support of the Motiti marae and wider hapū.”

The Tribunal’s findings and suggestions are not binding but are authoritative and entitled to respect. While they do not necessarily directly affect current Court processes or operative plans, including where those relate to the Motiti Rohe Moana Trust, they may be relevant to future processes.

Council already works directly with Te Patuwai in relation to Motiti Island matters, and is committed to building a strong working relationship with the hapū, including most recently in relation to the Motiti Protection Areas and the associated monitoring.

Staff are aware that the findings have not been accepted by all parties and legal challenges have already been signalled.

**2.3 Other matters of interest**

**2.3.1 United Nations Declaration on the rights of Indigenous Peoples**

The UN Declaration on the Rights of Indigenous Peoples (the Declaration) is a comprehensive international human rights document on the rights of indigenous peoples.

It covers a broad range of rights and freedoms, including the right to self-determination, culture and identity, and rights to education, economic development, religious customs, health and language.

Te Puni Kōkiri is leading the development of a Declaration plan, to guide the Government’s progress towards implementation of the Declaration’s aspirations and is working closely with the National Iwi Chairs Forum and the Human Rights Commission on this.

In recent months the government has undertaken targeted engagement primarily with key Māori entities, including 30 national Māori organisations and Pou Tikanga from National Iwi Chairs Forum. The next step (March 2022) will be a report on engagement feedback and approval of proposed drafting process for the Declaration plan.

<b>Proposed timeframes for developing a Declaration plan: Steps</b>	<b>Timeframe</b>
Cabinet approval to undertake targeted engagement	June 2021
Design, approve and implement targeted engagement	July - February 2022

Report back on feedback from targeted engagement and seek approval of proposed process for drafting Declaration plan	March 2022
Drafting Declaration plan	April - May 2022
Seek Cabinet approval of draft Declaration plan and proposal for wider public consultation	June 2022
Public consultation	June - October 2022
Report back to Cabinet for approval of a Declaration Plan	December 2022
Release Declaration Plan	February 2023

It is expected that along with this plan there will be actions allocated to specific government departments and potentially local government to assist in realising the Declaration.

## 2.4 Marine and Coastal Area Hearings

A number of Marine and Coastal (Takutai Moana) Act 2011 orders over coastal areas in Tauranga Moana and Ōpōtiki have recently been made by the High Court, the first examples of orders under this regime. The potential implications of these orders may affect harbour and marine projects.

### 2.4.1 Re Edwards

The Edwards claim was approached in two stages. The first covered the entirety of the claim and the claimants were granted customary marine title and protected customary rights in the High Court in 2021. Several cross appeals have since been lodged in the Court of Appeal and it is expected further appeals will later be made to higher courts. A substantive hearing is yet to be set down.

The second stage of hearings was to ascertain boundaries and detail for the customary marine title and protected customary rights orders.

### 2.4.2 Ngā Potiki

The Ngā Potiki claim (Re Reeder) has been separated into stages to assist in decision making due to the large geographical nature of the claim. The area claimed covers the Bay of Plenty Coastline from Ōmanu to Te Tumu and out 12 nautical sea miles encompassing Motiti and Motunau Islands and associated reefs. The claim also covers Rangataua Bay between Bay Park and Maungatapu.

Stage one covered Te Tahuna o Rangataua (Rangataua Bay, Tauranga) and joint customary title was granted to Ngā Potiki o Tamapahore, Ngāti He, Ngāti Tapu, Ngāi

Tukairangi and Ngāti Pūkenga. Crown and Iwi applicants have requested a further hearing (5 December 2022) on the waahi tapu status and conditions.

Stage two of the hearings covers the Te Tumu (Pāpāmoa East- Kaituna cut) to Ōmanu (Mount Maunganui) coastline and out 12 nautical miles to sea, therefore encompassing Motiti and other islands. Only customary marine titles are covered in this stage. A decision is pending and it is anticipated that a further hearing will be set down to deal with orders if they are granted.

### 3. Considerations

#### 3.1 Risks and Mitigations

Risk	Mitigation
Increase in resource capacity to implement	Dedicated staff to support
Non-settled Iwi may expect similar redress	Will meet statutory obligations to Māori
Change in representative government may change some outcomes	Will implement legislative responsibilities

#### 3.2 Climate Change

The matters addressed in this report are of a procedural nature and there is no need to consider climate change impacts.

#### 3.3 Implications for Māori

The completion of each Treaty settlement marks a significant milestone for the iwi concerned, and more broadly, the wider region as well.

Treaty settlements have produced a number of new arrangements to bolster the role of Maori in local leadership, as drivers of strategic plans, iwi-lead initiatives and economic development opportunities across the region. As we move further into the post-Treaty settlement era, it is expected this trend will continue.

#### 3.4 Community Engagement

This is a Crown process. Community Engagement is not required, Treaty negotiations are between the Crown and the Treaty Partner.

#### 3.5 Financial Implications

There are no material unbudgeted financial implications and this fits within the allocated budget.

Te Arawhiti is providing one off cost contributions to the establishment and administration of the following settlement outcomes:

- Tarawera River Restoration Strategy Forum
- Te Ao Turoa- Te Whānau a Apanui
- Whakatōhea Kaitiaki forum

### 4. Next Steps

Staff will continue to keep a watching brief on all the matters above and provide updates and advice as necessary.

**Item 5.1**





<b>Report To:</b>	Bay of Plenty Mayoral Forum
<b>Meeting Date:</b>	8 June 2022
<b>Report Writer:</b>	Laverne Mason, Integrated Catchments Programme Manager and Alicia Burningham, Programme Coordinator Integrated Catchments
<b>Report Authoriser:</b>	Fiona McTavish, Chief Executive
<b>Purpose:</b>	Update on regional action on climate change

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## Climate Change Programme Update

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### Executive Summary

This report provides an update on regional actions on climate change which are being monitored and reported on through Bay of Plenty Regional Council's Climate Change Programme and by the Bay of Plenty's local authorities.

## Recommendations

**That the Bay of Plenty Mayoral Forum:**

- 1 Receives the report, Climate Change Programme Update.**

### 1. Introduction

Climate change is a key issue for the Bay of Plenty's local authorities. It is a strategic priority for the Bay of Plenty Regional Council, with a primary focus on ensuring the region is adapting to the changing climate. Our vision is that the Regional Council strengthens the long-term resilience and sustainability of the Bay of Plenty region through climate change action and awareness.

BOPRC's [2021-23 Climate Change Action Plan](#), identifies 19 Action Plan projects aligned to four goals:

1. Bay of Plenty Regional Council is net zero carbon by 2050
2. Reducing regional greenhouse gas emissions
3. As a region we understand, are preparing for and adapting to a changing climate
4. Our Bay of Plenty community is aware, engaged and resilient

This report provides an update on regional actions on climate change that are being monitored and reported on through the Climate Change Programme, following the last update provided to the Mayoral Forum in June 2021.

## 2. Climate change programme update

### 2.1 National overview/context

Climate change continues to be a key focus in Central Government policy development, both as direct climate policy and in other areas such as the current resource management reforms and implementation of National Policy Statements for Freshwater Management and Urban Development.

#### 2.1.1 Mitigation

##### **National Emissions Reduction plan**

Staff from across the BOP local authorities collaborated on a joint local authority submission on the ERP discussion document, submitted to MFE on 24 November 2021.

#### 2.1.2 Adaptation

##### **National Adaptation network**

Staff from the Regional Council and other TAs are involved in a national adaptation network for local government focusing on sharing and supporting adaptation practice carried out by TAs and Regional Councils across the country.

## 2.2 Regional overview

### 2.2.1 Greenhouse gas emissions 2019

Stats NZ released an update to the regional greenhouse gas emissions data on 29 September: [Greenhouse gas emissions by region \(industry and household\): Year ended 2019](#) on 29 September.

This will be further informed by the Bay of Plenty Regional Carbon Footprint update project due to be completed in April/May 2022.

### 2.2.2 Collaboration

#### **Regional climate change group**

The region's Territorial Authorities (TAs) are part of a regional climate change group (covering general climate change and sustainability matters) and a specific climate adaptation staff working group, both established by and facilitated by Regional Council.

#### **Adaptation technical working group**

The Bay of Plenty local authorities are also working collaboratively towards ensuring the region is adapting to a changing climate. The key focus of this group at present is the climate change risk assessment for the region (see next section).

## 2.3 Action plan projects

Key projects in the Regional Council Climate Change Action Plan with a strong regional focus include:

### **Climate change regional risk assessment**

The first stage of this project has been completed. The key outputs were a detailed risk workbook and a summary 'He tirohanga Māori ki ngā tūraru mō te āhuarangi ki roto o Te Moana-a-Toi /Perspectives on climate change risks to Māori in the Bay of Plenty'. Stage two involves a detailed technical risk assessment of the direct risks identified in stage one, alongside further exploration of Māori perspectives of climate change risks. The outputs from this phase are expected by the end of July 2022.

The Adaptation technical working group has oversight of this project.

### **Community and iwi-led adaptation planning**

Over two rounds of applications, five community-led climate change adaptation projects have been approved to receive \$15,000 of funding each from BOPRC. These projects will support adaptation planning including identification of risks, key priorities and next steps, for two coastal hapū.

### **Climate Change narrative and story maps**

The Regional Council GIS team has developed an online mapping tool which displays climate change projections for Bay of Plenty for 2040 and 2090, based on two different scenarios. This tool brings to life the climate change data and impacts identified in the 2019 NIWA report available on our [Climate Change webpage along with a short summary video](#). The maps allow you to zoom into any part of the region and take a look at some of the changes projected for the Bay of Plenty climate, such as hot days, dry days and rainfall. These maps will be a valuable tool in support conversations and planning around climate change risks in the region.

### **Bay of Plenty Regional Carbon Footprint update**

Regional Council is updating the 2015 Regional Carbon footprint, including a breakdown by district and greater detail around transport emissions. The update will cover the years 2018/19, 2019/20 and 2020/21 and will provide some insight into the impact of the COVID-19 restrictions. The final report is expected by the end of the year.

### **Wednesday Challenge**

[The Wednesday Challenge](#) is being administered by Envirohub with funding provided by BOPRC, TCC and Waka Kotahi. The initiative launched in March 2022 and aims to facilitate a step change reduction in car dependency in Tauranga / Western Bay with a target to achieve 20% mode share, one day a week, within a year.

### **Regional Business Support**

The EDAs are working with the Sustainable Business Network to run sub-regional workshops introducing the new 'Climate Action Toolbox' in Whakatane and Rotorua following a successful workshop in Tauranga in late 2021 run by Priority One and funded by TCC.

**Sustainable Homes Scheme**

Regional Council is working to establish a scheme to provide support for homeowners to install solar panels, insulation and/or efficient heating through a combination of low interest loans, no interest loans, and partial grants (for low-income households).

The loan component of the scheme is currently on hold, with the grants component progressing as planned.

Regional Council will work with the Bay of Plenty local authorities to determine specific criteria for how this scheme will be best targeted across the sub-regions.

**Toitu Carbon Reduce audit**

The 2020-21 Toitu Carbon Reduce certification has now been finalised and received. Verified emissions for financial year 2020-21 show BOPRC generated 999 tonnes CO<sub>2</sub>-equivalent. This represents a 3.8% reduction in emissions from 2019-20, and 15.3% reduction from the 2018-19 baseline year. The top 3 emissions sources are vehicle diesel (66% total), electricity usage (20.5% total), and air travel (4.7% total).