

Komiti Māori Rārangi Take (Agenda)

NOTICE IS GIVEN that the next meeting of Komiti Māori will be held in Council Chambers, Regional House, 1 Elizabeth Street, Tauranga on:

TUESDAY 10 OCTOBER 2023 COMMENCING AT 9:30 AM

This meeting will be livestreamed and recorded.

The Public section of this meeting will be livestreamed and recorded and uploaded to Bay of Plenty Regional Council's website - [Bay of Plenty Regional Council - YouTube](#). Further details on this can be found after the Terms of Reference within the Agenda.

Komiti Māori

Membership

Chairperson Notwithstanding that Komiti Māori has an appointed Chairperson, Māori Constituency Councillors may host-Chair committee meetings that are held in the rohe of their respective constituency	Cr Matemoana McDonald
Deputy Chairperson	Cr Toi Kai Rākau Iti
Members	All Councillors
Quorum	Seven members, consisting of half the number of members
Meeting frequency	Two monthly

Purpose

To provide direction and guidance on Council's obligations to Māori in relation to: growth of authentic partnerships with Tangata Whenua, strategic direction, emerging issues, legal requirements, effective engagement, awareness and understanding.

Role

- First and foremost to provide leadership to Council on enhancing the kaupapa of shared decision-making with Māori across all aspects of Council's work.
- Drive enhancements to Council's responsiveness to Māori (including monitoring and reporting) and to ensure compliance with its obligations to Maori under legislation.
- Facilitate tangata whenua input into community outcomes, Council policy development and implementation work;
- Formally receive iwi/hapū management plans on behalf of Council;
- Identify and provide direction on 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;
- Provide direction on effective Māori engagement and on actions to enhance Māori capacity to contribute to Council's decision-making, including recommendations for Long Term Plan funding to achieve this;
- Make submissions on Māori related matters, in conjunction with other relevant Council committees where appropriate;

- Support and promote co-governance entities;
- Recommend to Council the establishment of advisory groups or other governance mechanisms, to represent sub-region or constituency areas and/or to consider specific issues;
- Recommend to Council, and/or appropriate committees, actions to achieve the committee's purpose and roles.

Power to Act

To make all decisions necessary to achieve the purpose and roles of Komiti Māori.

Power to Recommend

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

Komiti Māori reports directly to the Regional Council.

Recording of Meetings

Please note the Public section of this meeting is being recorded and streamed live on Bay of Plenty Regional Council's website 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 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.

Bay of Plenty Regional Council - Toi Moana

Governance Commitment

**mō te taiao, mō ngā tāngata - our environment and our people
go hand-in-hand.**

We provide excellent governance when, individually and collectively, we:

- Trust and respect each other
- Stay strategic and focused
- Are courageous and challenge the status quo in all we do
- Listen to our stakeholders and value their input
- Listen to each other to understand various perspectives
- Act as a team who can challenge, change and add value
- Continually evaluate what we do

**TREAD LIGHTLY, THINK DEEPLY,
ACT WISELY, SPEAK KINDLY, JOURNEY TOGETHER.**

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

Agenda

Rārangi Take

- 1. Opening Prayer**
Karakia Whakatuwhera
- 2. Apologies**
Ngā Hōnea
- 3. Public Forum**
Wāhanga Tūmatanui
- 4. Items not on the Agenda**
Ngā Take Tōmuri
- 5. Order of Business**
Raupapa o Ngā Take
- 6. Declaration of Conflicts of Interest**
Whakapuakanga o Ngā Take Whai Taha-Rua
- 7. Minutes**
Ngā Meneti

Minutes to be Confirmed
Kia Whakaūngia Ngā Meneti

- 7.1 Komiti Māori Minutes - 22 August 2023** **8**

8. Presentations

Whakaaturanga

Refer to item 9.5, Komiti Māori Chair Update Report for background information on presentations.

8.1 Water Services Reform Programme and Te Mana o Te Wai

Statements

Presented by: Dayle Hunia and Amiria McGarvey - Iwi Māori Directorate,
Department of Internal Affairs

8.2 Treaty Settlements and Resource Management Reform Update

Presented by: Michal Akurangi, Kaitohutohu Mātāmua/Principal Advisor and Ben White, Ministry for the Environment

9.	Reports Ngā Pūrongo	
	Decisions Required Ngā Whakatau e Hiahiatia Ana	
9.1	Implications for Māori of National Policy Statement for Highly Productive Land	14
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10.	Consideration of Items not on the Agenda Ngā Take Tōmuri Hei Whakaaroaro	
11.	Closing Prayer Karakia Kati	

Komiti Māori

Ngā Meneti

Open Minutes

Commencing: Tuesday 22 August 2023, 11:30 am

Venue: Iramoko Marae, 244 Withy Road, Manawahe

Heamana Tuarua

Deputy Chairperson: Cr Toi Kai Rākau Iti (Host-Chair)

Ngā Kopounga

Members:

Cr Malcolm Campbell
 Cr Stuart Crosby
 Chairman Doug Leeder
 Cr Kat Macmillan
 Cr Ken Shirley
 Cr Te Taru White
Via Zoom:
 Cr Jane Nees
 Cr Ron Scott
 Cr Lyall Thurston
 Cr Andrew von Dadelszen

In Attendance:

Bay of Plenty Regional Council Toi Moana (BOPRC): Fiona McTavish - Tumu Whakarae/Chief Executive, Kataraina O'Brien - Tumu Herenga Tangata/General Manager Strategic Engagement, Stephen Lamb - Environmental Strategy Manager, Herewini Simpson - Te Amorangi Lead, Sharon Ainsworth - Project Manager, Kerry Brown - Kaitohutohu Taiao Matua/Senior Advisor, Shari Kameta - Committee Advisor, Via Zoom: Steve Groom - Governance Manager, Natalie Richards - Community Engagement Advisor

External: Presenters/speakers as listed in the minutes, Amohaere Tangitu (Kuia/Kaikaranga, Iramoko Marae), Anau Apanui - Ngāti Ira/Waiora Mātaatua, Ben Hudson - Ngāti Hokopu/Wairaka, Nina Tumata - Te Puni Kokiri, Hiria Hape - Waitapu Rūātoki, Te Ataahua Kingi - Waiora Mātaatua mai Waioweka

Ngā Hōnea

Apologies:

Cr Matemoana McDonald (Chairperson)
 Cr Paula Thompson
 Cr Kevin Winters
External: Geoff Rice (Tapuika) and Tiipene Marr

A pōwhiri took place at 9:45 am followed by an informal address from the Marae Chair Dr Pouroto Ngaropo, supported by Mereana Hona and Kadin Tuck, prior to the meeting being declared open (refer to attached Addendum).

1. Opening Prayer Karakia Whakatuwhera

A karakia was provided by Dr Pouroto Ngaropo.

2. Host Chair to Preside Ko te Māngai ā-Rohe te Heamana

Deputy Chair/Host Chair Cr Iti welcomed all in attendance. He acknowledged the hau kainga for hosting the meeting and noted that Council standing orders would take precedence at the meeting.

3. Apologies Ngā Hōnea

Resolved

That the Komiti Māori:

- 1 Accepts the apologies from Cr Matemoana McDonald, Cr Paula Thompson and Cr Kevin Winters for absence tendered at the meeting.

Iti/Macmillan
CARRIED

11:32 am – Chairman Leeder and Cr Campbell entered the meeting.

4. Declaration of Conflicts of Interest Whakapuakanga o Ngā Take Whai Taha-Rua

None declared.

5. Minutes Ngā Meneti

Minutes to be Confirmed
Kia Whakaūngia Ngā Meneti

5.1 Komiti Māori Minutes - 20 June 2023

Resolved

That the Komiti Māori:

- 1 Confirms the Komiti Māori Minutes - 20 June 2023 as a true and correct record.

Macmillan/Crosby
CARRIED

6. Presentations Whakaaturanga

6.1 Te Rūnanga o Ngāti Awa - Activity Update

Presentation - Ngāti Awa Te Toki: Objective ID A4448185

Presented by: Tuwhakairiora O'Brien, Tumuaki/Chairman and Reuben Araroa, Manahautū/Chief Executive, Te Rūnanga o Ngāti Awa

Key Points - Presenters:

- Background on Ngāti Awa's Settlement Claim 2005 in relation to the ongoing effects from the historical loss of life, whenua and leadership
- Overview of Te Rūnanga o Ngāti Awa's Governance structure representing 22 hapū and current membership of 22,000 iwi members
- Guiding principles:
 - Manaakitanga: emphasis on rangatahi (youth) and pūkenga (elderly)
 - Kaitiakitanga: protection of culture, environment, resources, people, reo and cultural identity
- Challenges, competing priorities and issues:
 - Health and wellbeing, education, housing and obligations to the taiao
 - Central government reforms, national policy statements, district and regional plans and bylaws
 - Stretched resources and capability/capacity
 - Cross-boundary issues and litigation
 - Marine and Coastal Area (MACA) applications
- Opportunities that had been working well:
 - Working together with co-governance and joint management forums, such as the Rangitāiki River Forum and Ōhiwa Harbour Implementation Forum and human resource shared services with BOPRC
- Ngāti Awa 2050 vision was to restore confidence and culture and advance gains by 2030
- Noted current projects and initiatives:
 - Korehāhā Whakahau was restoring the taiao and improving Mātauranga Māori within rangatahi development
 - Entrepreneurship, trade training apprenticeships via project involvement within: Whakatāne boat harbour development, aquaculture, Rangiora business park and housing development
- Asked how BOPRC could provide opportunities to improve the confidence for Ngāti Awa to prosper.

In Response to Questions:

- Considered current labour challenges in relation to the aquaculture industry in Ōpōtiki needed a mindset shift towards mechanisation
- Viewed the need for meaningful workforce development locally and across export market chains
- In regard to climate change and biodiversity effects – sought clarity around messaging and programmes that could assist with sustainability and potential need for migration of people inland in the future.

Key Points - Members:

- Supported the sovereignty of hapū/iwi and the strategic intent to build confidence

6.2 Waiora Mātaatua Project

Presentation - Waiora Mata-atua 2040 - A kaitiaki vision for waiora in Mata-atua: Objective ID A4457555

Presented by: James Hudson, Principal, Waiora Systems and Kaumātua Tu Waaka

It was noted that Taumata Kaumātua of the Waiora Mātaatua Collective requested some of the PowerPoint presentation graphics to be withheld and not released for viewing.

Key Points - Presenters:

- Acknowledged the support of BOPRC, Kaumātua Te Kei Merito and Mate Kopae who had been the original driver of the Waiora Mātaatua project
- The project provided a high level vision, values and issues in regard to Wai Māori (freshwater) for 2040 that were based around the lived experiences of kaitiaki (primarily within the Kōhī constituency)
- Kaitiaki kōrero had been guided by a Taumata Kaumātua rōpu
- Kōrero was available to iwi authorities, BOPRC (in particular for implementing the National Policy Statement for Freshwater Management (NPS-FM)) and those within the Mātaatua rohe that may find it useful
- Outlined project principles, data streams, facilitated wānanga, case studies and *Te Ara Waiora* delivery framework that had been supported by Te Puna Ora o Mātaatua, Te Whare Wānanga o Awanuiārangi, BOPRC and the Ministry for the Environment
- Kaitiaki insights had been supplemented by research and a desktop review and analysis of collective Mātaatua declaration frameworks
- Data had been synthesised into: 9 domains and vision statements, 49 attributes, 245 kaitiaki insights and 30 recommendations to enhance waiora to 2024
- The project had produced the following frameworks:
 - *Mana* framework – Vision for waiora for 2040 - a living framework with wairua at the centre utilising the takarangi (double spiral of creation) and kaitiaki constellation
 - *Mahi* framework – domains and mahi to be undertaken; and
 - *Puna* framework – a collaborative eco-system for all to come together with knowledge, innovation and advocacy
- Taumata Kaumātua had met to give final feedback and emphasised the need for wairua to be embedded at the core in relation to the wai and taiao
- Next steps was to seek feedback from BOPRC on the draft report
- Noted the need for communication at the ground level and with Taumata Kaumātua who played a pivotal part within their hapori.

Key Points - Members:

- Acknowledged the need for communication and the notion of wairua which was important.

6.3 Ministry for Primary Industries - Māori Agribusiness Funding

Presentation - Māori Agribusiness: Objective ID A4445847

Presented by: Daniel Phillips, Māori Agribusiness Unit North Team Manager and Jane Waldon, Senior Regional Advisor

Key Points - Presenters:

- Outlined Ministry for Primary Industries (MPI) Agribusiness services to support Māori landowner aspirations to raise land productivity through a partnership approach
- Provided advice, support and funding for whenua Māori landowners to make informed decisions
- Outlined four funding programmes and products, case studies and key findings, objectives and examples of achievements
- While the service did not have a fund to raise capital, MPI worked across government agencies to support landowner development pathways. Funding streams also supported Māori landowners on general title land that could demonstrate benefit towards a wider whānau/hapū/iwi setting.

7. Reports Ngā Pūrongo

7.1 Chairperson's Report

The report was accepted and taken as read.

Resolved

That the Komiti Māori:

- 1 Receives the report, Chairperson's Report.**

**White/Macmillan
CARRIED**

8. Open Forum

There were no matters raised.

9. Closing Prayer Karakia Kati

A karakia was provided by Dr Pouroto Ngaropo.

1:43 pm - the meeting closed.

CONFIRMED

Cr Matemoana McDonald
Chairperson, Komiti Māori

10. Addendum

10.1 Iramoko Marae Hau Kainga Address

Presentation - Te Mauri o te Wai: Objective ID A4472384

*Presentation - Iramoko Marae Strategic Plan Overview (in part pages 1 - 11):
Objective ID A4472386*

Presented by: Marae Chair Dr Pouroto Ngaropo, supported by Mereana Hona, Marae Administrator and Kadin Tuck, Poutiaki o te Awa

Key Points:

- Background on the origins and whakapapa of Ngāti Awa and Te Tawera hapū
- Te Tawera hapū/whānau had worked hard to re-establish Iramoko Marae, their tribal connections and sovereignty with the support of Ngāti Awa and Te Whare o Awanuiārangi
- Kadin Tuck had a background in sociology from the University of Waikato and was undertaking research on behalf of Te Tawera Hapū and outlined his report findings on the current health and mauri of the Tarawera Awa and its local tributaries that aligned with Mātauranga Māori from a hapū perspective
- Some of the taiao issues that Te Tawera hapū were involved with were:
 - Supporting the Braemar water treatment plant upgrade
 - Awakaponga water scheme and Matatā water and wastewater sewerage scheme
 - Planting of trees around Awakaponga cemetery as part of contribution towards climate change, which local schools; Ngāti Awa, Ngāti Rangitihi and Ngāti Tūwharetoa had been involved
- Iramoko Marae had its own research and archive library which was accessible to those who wished to learn about the area.

Key Points - Members:

- Commended the mahi that Dr Pouroto Ngaropo and Te Tawera hapū were undertaking, noting their stance on mana motuhake (sovereignty and self-determination)
- Acknowledged the connections and cultural values being implemented by Te Tawera Hapū that were linked with Toi Moana's mahi and the implementation of the National Policy Statement for Freshwater Management.



Pūrongo Ki: Report To:	Komiti Māori
Rā Hui: Meeting Date:	10 October 2023
Kaituhi Pūrongo: Report Writer:	Nassah Rolleston-Steed, Principal Advisor, Policy and Planning and Anaru Vercoe, Pou Whaingā - Principal Advisor
Kaiwhakamana Pūrongo: Report Authoriser:	Namouta Poutasi, General Manager, Strategy and Science Kataraina O'Brien, General Manager, Strategic Engagement
Kaupapa: Purpose:	To analyse implications of NPS-HPL for iwi Māori

Implications for Māori of National Policy Statement for Highly Productive Land

Whakarāpopototanga Executive Summary

The Strategy and Policy Committee gave approval to commence external consultation with tangata whenua, affected landowners and stakeholders on the key implications of the National Policy Statement for Highly Productive Land 2022 (NPS-HPL) on the 16 May 2023. To date hui have been held with Tauranga City Council, Western Bay of Plenty District Council, Whakatāne District Council and Te Rūnanga o Ngāti Awa representatives.

A Proposed Change 8 (NPS-HPL) to the Bay of Plenty Regional Policy Statement page is now live on Council's website. In August staff emailed iwi Māori contacts, city and district councils and key stakeholders (e.g. Federated Farmers and Horticulture NZ) to initiate external consultation.

Key issues raised in consultation hui to date are summarised in this report. For some Māori land owners restrictions on the ability to provide housing for whānau who own general title land situated on highly productive land in rural zoned areas is a primary concern. Many Māori own small blocks of general title land in rural areas and want the ability to build more homes for their whānau.

The NPS-HPL restricts the ability to build more homes as it prioritises the protection of highly productive land for land based primary production and seeks to avoid rural lifestyle subdivision or development. Noting the issues set out this report concerning Māori land in general title, Komiti Māori may consider preparing specific submission points as part of the Council submission.

The [Ministry for the Environment](#) are currently seeking feedback on potential amendments to the NPS-HPL. Since the NPS-HPL was gazetted in October 2022, two issues have been raised about its restrictions on the use and development of highly productive land for activities that do not rely on soil. Namely for renewable electricity generation and indoor primary production/greenhouses. The changes do not address the issues raised by Ngāti Awa representatives. Submissions close on Tuesday 31 October 2023.

Ngā tūtohunga Recommendations

That the Komiti Māori:

- 1 **Receives the report, Implications for Māori of National Policy Statement for Highly Productive Land;**
- 2 **Prepare a submission that presents the implications of the NPS HPL on Māori land held in general title that is not intended for primary production.**

1. **Kupu Whakataki Introduction**

The National Policy Statement for Highly Productive Land 2022 (NPS-HPL) took effect on the 17 October 2022. Its primary objective is the protection of highly productive land for use in land based primary production, both now and for future generations. Land-based primary production means production from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land.

The NPS-HPL seeks to enhance the protection of Aotearoa's most productive land, whilst still allowing for some development of highly productive land in limited circumstances (for example, on specified Māori land and land subject to permanent or long-term constraints). The NPS-HPL is a response to the issue of productive land being lost to urban growth, housing developments and rural lifestyle subdivision and is intended to complement the National Policy Statement for Urban Development 2020 (NPS-UD).

The NPS-HPL directs urban development away from highly productive land by preventing inappropriate rezoning, subdivision, and use of highly productive land. The direction includes avoiding further housing development and rural lifestyle subdivision in rural areas.

1.1 **NPS-HPL Effect on Specified Māori Land**

Clause 2.2 of the NPS sets out 9 policies specifying the type of land use to be avoided on Highly Productive Land (HPL) except where it has been provided for under a specific set of exemptions.

Māori land held under general title by trusts and incorporations not covered by the “specified Māori land exemption” is impacted by the NPS-HPL. In many cases Māori freehold land was changed to general title as a means of obtaining finance to enable development on the land mainly for housing. These converted land blocks are typically small in area (reflecting areas partitioned for occupation purposes) and don’t have suitable area to be developed into economically viable primary production units.

The eastern Bay of Plenty, particularly Whakatāne, Ōpōtiki and through to the East Cape, has a large proportion of multiple-owned Māori land. Due to exemptions on specified Māori land the strict NPS HPL protection requirements do not constrain the ability to build on Māori land however there are still requirements to avoid reverse sensitivity effects on existing rural production activities.

1.2 **Pou Tarāwaho ā-Ture** **Legislative Framework**

National Policy Statements (NPSs) enable central government to set out objectives and policies relating to matters of national significance. NPSs guide local resource management decision making that RPS, regional and district plans are required to give effect to under sections 62(3), 67(3) and 75(3) of the Resource Management Act 1991 (RMA).

The NPS-HPL policies require additional focus on a number of themes including recognition of the value of highly productive land and protecting it from inappropriate use, integrated management, mapping of highly productive land, prioritising land-based primary production.

The NPS-HPL requires regional councils to map all highly productive land in the region in the RPS by 17 October 2025. RPS mapping to identify highly productive land in the region must be done in collaboration with the region’s territorial authorities (TAs) and in consultation with tangata whenua. In doing so, Regional Council must actively involve tangata whenua to the extent they wish to be involved.

The policy contains directive threshold criteria in Clause 3.6 for proposals involving urban rezoning of highly productive land. The NPS-HPL and existing RPS provisions protecting versatile land restricts the ability for urban rezoning of highly productive land. The only areas exempted from these provisions are land which territorial authorities have formally identified for future urban development prior to this NPS-HPL coming into force.

The NPS-HPL adds an additional element to be considered while undertaking other policy work required to implement the NPS-FM and NPS-UD. Regional policy statements, regional and district plans must give effect to national policy statements, which means that the full suite of national direction needs to be considered as regional policy is developed. This includes resolving tensions between competing values identified in different national policy statements, through consideration in a regional (or more specific) context.

The RPS highly productive land mapping that is to be undertaken will also inform and fit in with other policy development in future, such as mapping for a Regional Spatial Strategy which will be required under the resource management reforms.

The region’s territorial authorities must include maps of highly productive land in their district plans no later than six months after the RPS highly productive land maps become operative. The process to amend district plans is subject to section 55(2) of the Resource Management Act 1991 which avoids the need to go through a Schedule 1 submissions and hearings process.

1.3 Te Hāngai ki te Pou Tarāwaho Rautaki Alignment with Strategic Framework

A Healthy Environment	We develop and implement regional plans and policy to protect our natural environment.
The Way We Work	We honour our obligations to Māori.

Draft Proposed Change 8 (NPS-HPL) is in direct response to central government direction that Regional Council must publicly notify for submissions by the 17 October 2025 deadline.

1.3.1 Community Well-beings Assessment

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

The purpose of Proposed Change 8 (NPS-HPL) is to achieve the purpose of the NPS-HPL which involves directing new housing developments, urban growth and rural lifestyle subdivision away from highly productive land, where possible. Preventing inappropriate subdivision, use and development will ensure the availability of highly productive land for food and fibre production.

2. Purpose of Proposed Change 8 (NPS-HPL)

Proposed Change 8 (NPS-HPL) purpose is to implement the highly productive land mapping requirements under Policy 3 and Clause 3.4 of the NPS-HPL. Other amendments to the RPS rural growth management provisions will also be necessary to align with NPS-HPL terminology and policy nuances.

2.1 Engagement with tangata whenua

Clause 3.3 requires that in preparing Proposed Change 8 (NPS-HPL) to the RPS Regional Council must actively involve tangata whenua to the extent they wish to be involved. Active involvement of tangata whenua is to be early, meaningful and as far as practicable in accordance with tikanga Māori.

2.1.1 Region Wide Tangata Whenua Consultation

Invitations to consult on Proposed Change 8 (NPS-HPL) were sent to all iwi Māori contacts in August. A further invitation will be sent in November. To date the only consultation hui requested by tangata whenua was by Te Rūnanga o Ngāti Awa representatives. A hui was held on the Wednesday 6 September. The main concern expressed by iwi representatives was in relation to the impacts of the NPS-HPL on the ability to build more homes for whānau in general title land owned by Māori. This issue is discussed below.

2.1.2 Communication and Engagement Plan

A Communication and Engagement Plan was developed earlier this year in liaison and with input from both the Communications and Te Amorangi teams. That plan was attached to the 16 May 2023 report to the Strategy and Policy Committee. Staff have subsequently commenced tangata whenua, key stakeholder consultation in line with its own consultation policies.

In particular RPS Policy IR 4B *'Using consultation in the identification and resolution of resource management issues'* states:

Encourage the timely exchange, consideration of, and response to, relevant information by all parties with an interest in the resolution of a resource management issue by:

- (a) *Consulting as widely as practicable in the preparation, implementation and review of policy statements and plans;*
- (b) *Consulting all potentially affected parties and interest groups in the planning, implementation and review of councils' own operational activities in relation to the use, development and protection of natural and physical resources; and*
- (c) *Encouraging all parties undertaking resource use, development and protection activities to consult with others who may be affected.*

Furthermore RPS Method 41 states: *'Promote consultation with potentially affected tangata whenua'* which states:

Promote consultation with tangata whenua and any other parties affected:

- (a) *Early in a proposal development and, as appropriate, to continue this consultation during the implementation of any consented activity; and*
- (b) *As the occasion may dictate, in accordance with tikanga Māori (consultation may be through tribal federations or runanga, iwi authorities, hapū or whānau, depending on the issue).*
- (c) *Implementation responsibility: Regional council and city and district councils*

For all RPS changes an open-door consultation policy approach applies throughout the drafting phase prior to notifying for formal submissions. During the later stages of the process leading to public notification and once an RPS change is notified, the consultation process will be limited. Hence the importance of early and flexible engagement approaches prior to notification.

2.1.3 Engagement Spectrum

The NPS-HPL is very directive and leaves little discretion to Regional Council for how to implement its directions. This means that despite its requirement to engage tangata whenua there is limited ability to address concerns arising from consultation. For example, whānau concerns about enabling further housing on general title land that will be mapped as highly productive land. The NPS-HPL exempts 'specified Māori land' but not general title land owned by Māori. There are only two clear options via the policy to circumvent this requirement:

1. Change land title to multiple owned Māori land under the Te Ture Whenua Māori Land Act 1993; or
2. Seek a zone change to Māori Purpose zone.

Consequently, the process of consultation with tangata whenua and other key stakeholders is more an exercise of informing and awareness raising the NPS-HPL implications for landowners.

2.1.4 External Consultant Resource

An external consultant was commissioned to assist with tangata whenua engagement based on internal expert advice. There is a recognition that Council and the community are currently experiencing a period of significant local government and resource management reform. This has adversely affected tangata whenua to engage meaningfully across the breadth of various projects underway to implement national directions including the NPSFM. Many iwi and hapū are already struggling with limited capability and capacity to contribute to existing processes.

Huiarau Stewart was engaged to assist with tangata whenua engagement. She was also commissioned to assist tangata whenua engagement for Regional Council's rating project for whenua Māori and has extensive relationships with Māori landowners through previous roles with Māori Land Court and Te Puni Kōkiri.

Her work has assisted with identifying general title land owned by Māori and is now systematically reaching out to these landowners to inform them of Proposed Change 8 (NPS-HPL) and its implications. The data she has collected is currently being used to develop another layer in Geoview and will be available for other relevant future projects.

2.2 General Title Land owned by Māori

Māori land held under general title by trusts and incorporations not covered by the "specified Māori land" exemption will be most affected by the criteria applied to HPL. In some cases these land blocks typically would not have the capacity for primary production due to size (1 - 3ha) and consequently would not be economically viable to develop.

Land held under general title that has been transferred to the iwi Post Settlement Governance Entity (PSGE) does not attract the restrictions placed on other properties and are exempt by virtue of NPS HPL Clause 1.3 Interpretation - specified Māori land means land that is any of the following:

(f): Land held by or on behalf of an iwi or hapū if the land was transferred from the Crown, a Crown body, or a local authority [usually reserves that are Crown owned]¹ with the intention of returning the land to the holders of the mana whenua over the land.

At a local level, a primary concern that has been expressed by Ngāti Awa is that NPS-HPL restricts the ability to build more homes for whānau on land held in general title. Many Māori land trusts or individual Māori own this category of land. Historically the land may have been multiply owned either by way of customary title or by order of the Māori Land Court as freehold title and at some stage has been changed to general title through the Māori Land Court to enable beneficiaries to secure finance to enable them to build homes.

As per the general comment above, many of the rural zoned general title land blocks discussed by Ngāti Awa representatives are small in size (i.e. < 2ha area) and have been partitioned through the Māori Land Court from larger adjoining multiple owned land blocks. Their small size limits options for economically viable rural production units. Ngāti Awa whanau seek the opportunity to provide their tamariki with the opportunity to build their own homes on land they have a whakapapa connection to. These aspirations are at odds with the NPS-HPL provisions to prioritise using highly

¹ Parenthesis added.

productive land for land based primary production and to avoid rural lifestyle (i.e. residential) subdivision and development. However as Māori begin to participate in the process to implement the NPS HPL and additional data is gathered on land in general title, there may be a case for setting thresholds with respect to size, capacity and location of land blocks (noting also the reverse sensitivity provisions) within HPL.

Some district plans include Papakāinga provisions to enable building homes for whānau on ancestral land in rural areas. However, those provisions generally only apply to multiple-owned Māori land and not general title land.

At this point whānau have two options to overcome this issue as outlined above, to either seek a spot zone change through the district plan to a Māori purpose zone or seek to change land back to multiple owned Māori land. Neither option is a straightforward process. Changing general title land to multiple owned Māori land cannot be pursued if it has securities registered against it (i.e. a mortgage).

Seeking a spot Māori purpose zone is also not a straightforward process as the relevant Council will need to agree to consider such when they undertake their next district plan review. This will also include the relevant costs associated with either a council-initiated plan change or a private plan change. There is also a moratorium currently in place on plan reviews until the RM reform has been progressed. However further investigation into these options should continue along with other matters impacting on Māori as a consequence of the RM reforms.

Climate change adaptation and spatial planning should take into account land available for managed retreat and areas requiring increased connectivity via communications, infrastructure and upgrading the road network. For coastal marae both are matters of high priority for iwi/hapū and land-owners. Managed retreat from the coast may mean locating marae and Papakāinga on land held in general title which falls within LUC 1 – 3 HPL. This scenario prevails for a large majority of the coastline in the Bay of Plenty.

Insufficient data on land held in general title by Māori has possibly led to the scope of policy provisions in the NPS HPL. While this work to gather further information is being undertaken sporadically across the country it appears that the policy has focussed mainly on either Māori customary land or Māori freehold land. The virtues relating to whakapapa and traditional association with the land have been limited to these two categories and have not been applied to land held in general title for other purposes and not for primary production.

2.3 Water Quality v HPL Protection

Integrated Management Clause 3.2 (of the NPS-HPL) signals the need to manage the effects of subdivision, use and development of highly productive land in an integrated way which includes considering how land based primary production interacts with freshwater management at a catchment level. In some freshwater management units, or parts thereof, the protection of water quality may be a higher priority for the community than protecting highly productive land.

The existing RPS has an example of a policy position with respect to balancing versatile land (equivalent of highly productive land) and water quality improvements in the Lake Rotorua catchment. Policy UG 18B (below) of the operative RPS provides an example of how this balancing act plays out in the Lake Rotorua catchment as follows:

Policy UG 18B: Managing rural development and protecting versatile land

The productive rural land resource shall be protected for rural production activities by ensuring that to the extent practicable subdivision, use and development in rural areas does not result in versatile land being used for non-productive purposes outside existing and planned urban-zoned areas, or outside the urban limits for the western Bay of Plenty shown in Appendix E, unless it is for regionally significant infrastructure which has a functional, technical or locational need to be located there.

Particular regard shall be given to whether the proposal will result in a loss of productivity of the rural area, including loss of versatile land, and cumulative impacts that would reduce the potential for food or other primary production.

In the catchments of the Rotorua Te Arawa Lakes, land-use change to achieve reduced nutrient losses may justify over-riding this policy. Any such changes in land use must however be integrated and co-ordinated with the provision of appropriate infrastructure.

Further guidance on how to balance water quality v versatile land/highly productive land protection requirements is provided by the policy explanation text as follows:

It is important to protect the natural productivity of the region's land. Soil and its life-supporting capacity are a finite resource, which need to be managed and sustained for future generations. Rural production is one of the region's economic drivers and this production is reliant on retaining and protecting rural land and soils.

In areas where rural production activities occur, the protection of finite versatile land primarily for pastoral farming and horticulture is a priority for sustainable management. However, with respect to planned urban development as well as to the legitimate establishment of rural servicing activities in rural areas, it is inevitable that some versatile land will be lost to productive use. The issue then becomes one of ensuring that the extent of such loss is minimised through the efficient use and development of the finite land resource.

In the Rotorua Te Arawa Lakes area, protecting water quality from increased nutrient losses may also be given priority over protection of versatile land. Water quality in Rotorua Te Arawa Lakes' catchments has been degraded mainly by human activities and nutrient losses from pastoral farming and sewage leachate from residential areas.

Reducing nutrient losses into these lakes is a priority. Rotorua District Council, regional councils, central government and Te Arawa Lakes Trust are working together on a range of initiatives designed to mitigate the effects of nutrients into these lakes.

The need to avoid nutrient losses into the receiving waters of some regional catchments at risk may result in rural lifestyle subdivision being a preferred option. However, forward planning and care is needed to prevent the loss of rural character and inefficient land, infrastructure and energy use.

While this policy approach is considered appropriate it was developed in the absence of both the NPSFM and NPS-HPL. Therefore, as part of Proposed Change 8 (NPS-HPL) and Proposed Change 7 (NPS-FM) this weighting will need to be formally reconsidered.

2.4 Changes to NPS-HPL

[Ministry for the Environment](#) are currently seeking feedback on potential amendments to the NPS-HPL. Since the NPS-HPL was gazetted in October 2022, two issues have been raised about its restrictions on the use and development of highly productive land for activities that do not rely on soil. The two issues being consulted on is lack of a clear consent pathway for:

1. Construction of new specified infrastructure on HPL in clause 3.9(2)(j)(i). Specified infrastructure can include developments such as solar farms and infrastructure needed at pace, for example to support the recovery after Cyclone Gabrielle.
2. Development and relocation of intensive indoor primary production and greenhouses on HPL.

For those interested here is a link to the [discussion document](#). Submissions close on Tuesday 31 October 2023.

Submission points relating to Māori land in general title

Staff seek Councillor advice on whether to progress with a submission covering the matters raised in this report. The key matter relates to Māori land in general title falling outside of the scope for submissions. Officials from the Ministry for the Environment have encouraged a submission on this basis.

3. Ngā Whakaarohanga Considerations

3.1 Ngā Mōrea me Ngā Whakangāwaritanga Risks and Mitigations

There is low risk associated with progressing Proposed Change 8 (NPS-HPL) as regional council are required to implement the highly productive land mapping requirements. This change is required to implement the National Policy Statement for Highly Productive Land which is a national direction requirement that must be implemented. Staff have engaged early with the region's territorial authorities. Staff consider there is greater risk in delaying tangata whenua and external stakeholder and landowner consultation as it will reduce time available for meaningful engagement.

3.2 Huringa Āhuarangi Climate Change

The matters addressed in this report are of a procedural nature and there is no need to consider climate change impacts. Existing Regional Policy Statement climate change provisions will continue to apply to rural and urban growth management considerations in so far as they relate to highly productive land. In particular Policy NH 11B 'Providing for climate change' and Policy IR 2B 'Having regard to the likely effects of climate change' will continue to apply.

3.3 Ngā Pānga ki te Māori Implications for Māori

The NPS-HPL requires Toi Moana to actively involve tangata whenua (to the extent they wish to be involved) in giving effect to its RPS highly productive land mapping requirements.

Clause 3.3(2) provides direction on what actively involve constitutes in relation to tangata whenua consultation being:

1. *Early, meaningful and, as far as practicable, in accordance with tikanga Māori; and*
2. *Undertaken at the appropriate levels of whānau, hapū and iwi decision-making structures, recognising that:*
 - i. *Some delegates will have to represent the interests and perspectives of more than one group; and*
 - ii. *Some committees are not always fully representative of every iwi and hapū in the region; and*
 - iii. *Each constituent group will continue to be entitled to make submissions on notified plans and retain all other rights to be heard and have standing for appeals.*

Specified provisions are included in the NPS-HPL in response to consultation undertaken with iwi and Māori in developing the draft NPS-HPL. Highly productive land comprises approximately 9% of Māori customary and freehold land (113,200 ha) nationally. This equates to approximately 3% of highly productive land nationally. Another 32,160 ha of Treaty Settlement Land is LUC 1-3, however most of this land was returned as general title land and will be subject to NPS-HPL protection mechanisms.

In the NPS HPL '*specified Māori land*' means land that is any of the following:

- (a) *Māori customary land or Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):*
- (b) *land vested in the Māori Trustee that—*
 - (i) *is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955; and*
 - (ii) *remains subject to that Act:*
- (c) *land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953:*
- (d) *land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land within the meaning of section 7 of the Te Urewera Act 2014):*
- (e) *the maunga listed in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014:*
- (f) *land held by or on behalf of an iwi or hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of the mana whenua over the land.*

Land that is rezoned a Māori purpose zone, or included within a Māori purpose zone, is not highly productive land because land is only highly productive land if it is zoned general rural or rural production zone or equivalent.

The effects on Māori land in general title will vary and will be dependent on location, size of the land area, access, and the costs associated with seeking relief through mechanisms such as Māori Purpose Zones. The NPS-HPL must be considered alongside other national policies that also place restrictions on development, notably the NPSFM and the NPS UD 2020 in addition to managed retreat under the Climate Change Adaptation Plan.

Land and the association that Māori have with it is a fundamental aspect of whakapapa and identity. Where it is held under customary, freehold or general title the association with the land remains the same.

3.4 **Whakawhitiwhiti ā-Hapori** **Community Engagement**

A Communication and Engagement Plan was approved at the 16 May 2023 Strategy and Policy Committee meeting. The NPS-HPL also requires regional council to collaborate with the region's TAs when preparing highly productive land maps in the RPS. Initial discussions with the relevant Policy and Planning staff at the region's TAs commenced at the Regional Planners Forum hui in Ōpōtiki on 18 November 2022. Since then, discussions with Tauranga, Whakatāne and Western Bay of Plenty District Council staff have expressed interest in establishing a sub-group of TA Policy staff to develop generic provisions for inclusion in district plans to give effect to the NPS-HPL. Also appointing a single Hearing Panel to consider and hear submissions on the RPS and district plan changes to give effect to the NPS-HPL. While noting that is a decision for elected officials, staff consider there is merit in considering such an approach from an efficiency and effectiveness perspective. Particularly if generic district plan highly productive land provisions are adopted by the region's TAs. Furthermore, the new National Planning Framework is moving toward a combined plan (i.e. amalgamating all the region's district plans into one similar to Auckland's Unitary Plan).

Meetings have been scheduled with Opoitiki District Council staff to discuss areas they are considering for urban growth spatial planning and ways and means these can be factored into the RPS highly productive land mapping exercise. They are also concerned about the impacts of RPS highly productive land mapping on Maori land development opportunities in the Opoitiki district.

Taupo District Council have no highly productive land in their part of the district which is in the Bay of Plenty region. On that basis their planning staff have opted out of the RPS highly productive land mapping meetings with TAs in the Bay of Plenty region.

3.5 **Ngā Pānga ā-Pūtea** **Financial Implications**

There are no material unbudgeted financial implications and this fits within the allocated budget. Proposed Change 8 (NPS-HPL) is under the Regional Planning activity. The costs for this process involve staff time, consultancy and legal fees. Legal input and reviews are intended to be accommodated in house but depending on the scale and nature of submissions may need to be outsourced. Future costs (such as hearings and the Schedule 1 process) are accommodated within the Long-Term Plan 2021-2031 budget. Costs for the Schedule 1 process are administrative (e.g., public notification, printing), staff time, and Hearing Panel costs). These costs are typical of RPS change processes and similar to those for Proposed Change 6 (NPS-UD) which hearings were held in June 2023 and the freshwater RPS changes which give effect to the NPSFM 2020. Those RPS changes similarly stem from

recent central government directives and fit within the allocated budget for the 2022/2023 and 2023/2024 years.

3.5.1 Future Budget Implications

Additional funding may be required if appeals are lodged against Council's decisions and mediation or Environment Court hearing is required to resolve formal challenges. Staff will assess whether the budget is sufficient if/when an appeal(s) is/are received.

4. Ngā Mahi Whai Ake Next Steps

The scope of Proposed Change 8 (NPS-HPL) is focused primarily on implementing the NPS-HPL RPS highly productive land mapping requirements. It will also include minor changes to existing RPS rural growth management provisions to align with the NPS-HPL. This includes changing *Versatile Land* references to *Highly Productive Land* along with other minor policy amendments that ensure alignment with the NPS-HPL.

This project covers stages and timeframes up to the point of publicly notifying Proposed Change 8 (NPS-HPL) for submissions. Once the project enters the Schedule 1 submissions process the steps set out in the plan change process manual must be followed. This involves regular project update reports to the Strategy and Policy Committee as well as any key directions sought. The project plan sets out the key project stages, milestones and steps as follows:

Milestone	Date
External stakeholder, TA's, iwi/hapū/Māori land trusts consultation.	August 2023 - ongoing until public notification to commence Schedule 1 process
Commence preparation of first draft RPS highly productive land maps and track changes version showing amendments to RPS rural growth management provisions.	November 2023
Strategy and Policy Committee approve Draft Proposed Change 8 (NPS-HPL) highly productive land maps and proposed changes to RPS rural growth management provisions	Third quarter 2023
Regional Council approves Proposed Change 8 (NPS-HPL) for public notification	First quarter - mid 2025
Proposed Change 8 (NPSHPL) notified for submissions	Third quarter 2025
Change 8 (NPS-HPL) made operative	Mid - fourth quarter 2026



Pūrongo Ki: Report To:	Komiti Māori
Rā Hui: Meeting Date:	10 October 2023
Kaituhi Pūrongo: Report Writer:	Charlie Roddick, Rates Engagement Team Leader (Whenua Maori - Engagement and Relations); Jo Pellew, Rates Manager and Gillian Payne, Principal Advisor
Kaiwhakamana Pūrongo: Report Authoriser:	Mat Taylor, General Manager, Corporate
Kaupapa: Purpose:	To inform Komiti Māori on the feedback received to date and seek direction on key aspects that will influence the development of a draft Rates Remission and Postponement Policy for consultation.

Review of Rates Remission Policy (Whenua Māori)

Whakarāpopototanga Executive Summary

On 20 June 2023, staff sought direction and guidance from Komiti Māori on an agreed approach and process for review of the current Rates Remission and Postponement Policy in relation to Whenua Māori (the Policy).

This report outlines:

- Engagement undertaken with Tangata Whenua which has included an online survey, through Council's *Participate* page, and three in-person hui held at the three Council offices.
- Feedback, stories, and experiences gathered from these avenues which have provided insights to help staff understand barriers and issues that may hinder development or fair rating on the whenua.

Insights gathered from this engagement process will assist in shaping the framework of a suitable rates remission policy that is aligned with Council's strategic direction.

Staff seek direction and guidance from Komiti Māori on the development of this Policy.

Feedback received through this engagement which does not relate to the Rates Remission Policy review will be collated and reported to Komiti Māori at a subsequent meeting and forwarded to relevant Toi Moana staff.

Ngā tūtohutanga Recommendations

That the Komiti Māori:

- 1 **Receives the report, Review of Rates Remission Policy (Whenua Māori).**
- 2 **Considers and provides further direction on information received from the engagement process regarding Rates Remissions on Māori Freehold Land**
- 3 **Discuss and provide further direction to assist with ongoing development for education and guidance for remissions/ processes and development of Whenua Māori and General title properties.**

1. Kupu Whakataki Introduction

A full review of the Rates Remission and Postponement Policy is being undertaken, and the new policy will come into effect on 1 July 2024, this comprehensive review is in response to the change in how we collect our rates, enabling our remissions to reflect our strategic direction, rather than that of the Local Authorities who formerly collected rates on our behalf.

The first step in this process was to agree draft principles and objectives for the Policy. This was completed at the Council workshop on 25 May 2023.

Staff sought direction and guidance at the Komiti Māori, 20 June 2023 meeting on the approach and process for review of the Rates Remission and Postponement Policy (the Policy) with respect to Whenua Māori. Staff then presented a proposed engagement plan to Komiti Māori which was approved.

The engagement sought feedback, stories, and experiences of the owners, trustees, and occupiers of Whenua Māori to help identify barriers, and ongoing issues that hinder development or fair rating on the whenua. It also sought feedback on other considerations regarding potential remissions for Whenua Māori.

1.1 Pou Tarāwaho ā-Ture Legislative Framework

There are three pieces of legislation that guide this work.

- Local Government Act 2002 (LGA)
 - requirement to have a policy on the remission and postponement of rates on Māori freehold land that supports the principles in the Preamble to the Te Ture Whenua Māori Act 1993 (s102)
 - matters to be considered, and objectives of rates relief on Māori Freehold Land, LGA Schedule 11

- for clarity, a policy adopted under s102 is not required to provide for the remission of, or postponement of rates on Māori freehold land (s108).
- Local Government Rating Act 2002 (LGRA)
 - Part 4 - Rating of Māori freehold land, particularly s 114A which requires councils to consider applications for remission on Māori freehold land that is under development.
 - Schedule 1 - Categories of - non-rateable land
- Te Ture Whenua Māori Act 1993 (TTWMA) - principles in the Preamble.

1.2 Te Hāngai ki te Pou Tarāwaho Rautaki Alignment with Strategic Framework

The Way We Work

We honour our obligations to Māori.
We look to partnerships for best outcomes.

1.2.1 Community Well-beings Assessment

Dominant Well-Beings Affected

<input type="checkbox"/> Environmental	<input checked="" type="checkbox"/> Cultural Medium - Positive	<input checked="" type="checkbox"/> Social Low - Positive	<input checked="" type="checkbox"/> Economic Low - Positive
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Staff organised hui at each of our offices, where we invited owners, occupiers, and trustees to share their experiences and provide valuable insights on the existing challenges associated with the rating of Māori Freehold Land.

These hui have served as a platform for gathering information and stories, enabling Councillors to gain a deeper understanding of barriers, and experiences faced. Additionally, the online feedback platform has allowed a wider range of people to contribute their perspectives.

The insights gathered from the engagement hui and online feedback will play a critical role in shaping the design of a suitable remission policy. By understanding the identified barriers, the remission policy can be developed to help promote and facilitate the future use and development of Whenua Māori.

2. Discussion

2.1 Context

In July 2021, the Local Government (Rating of Whenua Māori) Amendment Act 2021 came into effect. These changes were to support whānau and regional development through reducing barriers for owners of Māori land who want to use, occupy, build housing, and develop the whenua. It aimed to ensure uniformity, fairness, and transparent rating practices for Māori land which look to benefit both landowners and local councils.

Rating legislation now references the principles of the Preamble to the Te Ture Whenua Māori Act 1993 (TTWMA), which aim to support the protection of Māori land for future generations and support the ability to use and develop land to meet aspirations of whānau.

As part of this 2021 legislative change, councils are required to consider applications for remissions on Māori freehold land under development (LGRA S114A). Māori freehold landowners can apply for a rates remission while the land is under development and receive rates relief while the land is transitioning into alternative use. This provision is provided for in the current Rates Remission and Postponement Policy.

Despite the 2021 amendments to TTWMA, Māori landowners and trustees still face layers of bureaucracy, practical impediments, coping with new regulations relating to their land and the effects of past injustices. As expected, the issues raised during the engagement were not confined to rating matters. As examples, the impact of the National Policy Statement on Highly Productive Land was mentioned, trust administration and Māori Land Court challenges were frequently shared, and queries about accessing support for environmental programmes were common.

At the time of writing, the online engagement is still open, so this report does not address all the feedback we expect to receive. It focusses on matters relating to rates and rates remission policy options, based on feedback received by mid-September.

2.2 Process

Figure 1 below illustrates the Policy review process milestones and sets the context of the engagement process.



2.3 Current Rates Remission and Postponement Policy

The existing Policy includes a transition provision to ensure that remissions based on the Territorial Local Authorities' (TLA) policies will be observed until a new or revised Policy is adopted for implementation. This also contains provisions relating to Māori Freehold Land as shown in Attachment 1.

These clauses form the basis for considering the feedback received from the engagement.

2.4 Engagement findings

This section summarises the engagement feedback that is pertinent to the rates remission policy process. Other comments received that are beyond the scope of this policy review have been passed through to relevant departments within Toi Moana to address.

A full report will be completed and distributed to Councillors, Local TLA's, attendees of the hui and online submitters after the online *Participate* page closes on 30 September 2023.

Consultation material consisted of the following questions, and relevant feedback received to date is noted below each question.

a) Aspirations and obstacles

Thinking about what your whanau would like to see on the whenua (rating unit):

What kinds of barriers do you face in achieving this/these dreams and aspirations?

- *Rates not adjusted for flood damaged land.*
- *Financial roadblocks, access to finance.*
- *Support needed to navigate bureaucracy.*
- *Unable to access information easily.*

b) Unused land

Under the legislation, unused land is non-rateable. Do you think that there are other situations where Council should not charge rates, or should reduce rates on the whenua?

- *Reduced rates on Māori land that is used for business.*
- *Land that is only partially used for housing.*
- *All Māori land should be free of rates.*
- *Leased land should have a threshold before being charged rates.*
- *No rates on Māori land that is occupied.*
- *Recognition of kaitiaki – where one whānau have occupied or cared for land for hundreds of years.*

Guidance sought

During discussion at one hui, the issue of terminology was raised, with several people noting that the term “unused land” carried inappropriate connotations of neglect or waste, and urged staff to use a different term that was more in line with Te Ao Māori values relating to land.

Noting that this term is used in legislation, it may be difficult to avoid entirely, but staff will endeavour to qualify the term in Council’s policy and seek the guidance of Komiti in this regard.

c) Remissions for land being developed for Papakāinga.

Remissions (a discount) are applied during development of Papakainga. The current Council policy can remit up to 100% of the rates on a pro-rata (percentage) basis for the area of the land that is proposed to be developed for Papakāinga or other housing/accommodation and associated infrastructure support.

The remission may be applied until the development can be occupied (based on the initial development plan) and may include partial phasing out of remissions as areas become occupied. The maximum term of the remission will be agreed in advance based on the development plan and will generally be for five years or less.

Do you have any comments on the current remission for Papakainga?

- *Definition of Papakāinga is unclear.*
- *5 years not long enough, or a minimum of 5 years at least*
- *Remission on flood areas.*
- *No rates on Papakāinga*
- *Consider remission during repairs not just development of land.*

Are there any other situations we should consider?

- *Rating phased in as homes are occupied.*
- *Commercial business on Māori land when it earns over a certain amount should pay rates.*
- *Only rate part of the land not the whole block*
- *Need capability and capacity support.*

Guidance sought

Is five years sufficient for the development of Māori Freehold Land for Papakainga?

Should a limit be set, or should this be determined on a case-by-case basis, based on the application?

Are there triggers that could be used (e.g. occupation of homes) that could be used instead?

d) Valuation and rating

Māori land values can be affected by neighbouring land developments (subdivisions or commercial activities). Land value increases can lead to rate increases, which can affect affordability. A solution to this issue would be to consider a remission.

Do you have some ideas of how we can create a remission that could address this issue?

- *Consider the impact of increased land value due to developments – this does not always translate to increased wealth for the Māori land block.*
- *Recognise the Māori landowners can't realise capital gains because we can't sell our land.*
- *Special Māori land valuations, Remissions to provide level of equity.*
- *Discretion in setting rates – apply a discount in urban and rural residential areas.*
- *Separate Māori land rates*

e) Administration of whenua and land blocks

Council is aware that administration of Māori land blocks including succession to, trustee roles and responsibilities and occupying can be challenging. Do you have any thoughts or concerns around this for your whenua?

- *Need councils to listen rather than dictate.*
- *Let us be the guardians of our whenua.*
- *So many owners that it is impossible to do anything.*
- *Cross agency collaboration hubs could help.*
- *Councils engage better with Māori landowners.*
- *Kainga whenua not lending for tiny homes is not helpful.*
- *If no administrative structure over the land, then it should receive 100% rebate.*
- *Succession/Administration*

f) Any other feedback?

Is there any other information you want us to consider when allowing for remissions on whenua Māori? Or any other comments or feedback you have on the development of this policy?

- *Councils need to understand the wider context for Māori land trusts.*
- *BOPRC quantify and explain the current rates taken from Māori land.*
- *Be mindful of the history of the whenua.*
- *Māori land difficult to get access to build on.*
- *If no services are supplied, no rates should be applied.*
- *Multiple ownership.*
- *Māori land that has been changed to general title purely to access mortgage should be classed as Māori land ownership if the whānau are still the same owners.*
- *Should be leases paid for land taken for infrastructure and this is used to offset on Māori land.*
- *Māori should not be subsidising non-Māori values, e.g., Weed spraying.*

3. Ngā Whakaarohanga Considerations

3.1 Ngā Mōrea me Ngā Whakangāwaritanga Risks and Mitigations

There are no significant risks associated with this matter.

3.2 Huringa Āhuarangi Climate Change

There are no perceived impacts with respect to 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 Ngā Pānga ki te Māori Implications for Māori

Staff seek guidance and insights from members of Komiti Māori to help shape a draft policy for Māori Freehold Land for Council consideration later in this year. It will be helpful to obtain guidance on how the draft Policy can recognise Te Ao Māori in relation to how the policy is framed.

This engagement has enabled Māori landowners to express their views on rates and rates remission policies. The *Participate* online survey closes 30 September 2023.

This has been an opportunity to provide staff with information on local history, identify barriers and current practices that could be improved.

This engagement has enabled staff to strengthen ties, breaking down barriers and provide education on rating matters.

A robust rates remission policy for Whenua Māori will provide an essential connection in the recognition of the appropriate application of rating relief in situations that are not provided for in rating legislation.

3.4 Whakawhitiwhiti ā-Hapori Community Engagement



CO-OPERATE Mahi Ngātahi

To work closely with affected communities to develop alternatives and recommend a preferred solution.

The engagement undertaken has enhanced co-operation between Tangata Whenua, Council and local TLAs and has helped build trust and openness. Although the Kaupapa was developing rates remission policy options, the engagement has also as identified opportunities for improvement in Council processes.

In response to a suggestion at a hui, development is currently underway to design and implement a simple, web process to provide resources and information to assist interested landowners and occupiers to understand the rating of Māori land.

At one of the hui a participant told staff that we needed to provide information in relation to Whenua Māori in a simple and straightforward way, devoid of technical terms and policy references.

The concept, now in design phase, is a series of yes/no questions that will lead the user to relevant information, for example, a remission they may be entitled to, when land is considered non-rateable, or other general information that could support greater understanding in relation to rates on Whenua Māori.

Staff expect that this tool will facilitate education, support remission applications, and strengthen ties with our community. It will be designed to be simple but informative, and interactive. It is expected that this web refresh will be completed by December 2023.

3.5 **Ngā Pānga ā-Pūtea** **Financial Implications**

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

4. **Ngā Mahi Whai Ake** **Next Steps**

The feedback from the community engagement hui, the online *Participate* website and Komiti Māori's direction from this meeting will be compiled by the staff and presented to the Council workshop in November. This workshop will seek guidance for the development of draft Whenua Māori Rates Remissions within the broader draft Rates Remission and Postponement policy that will be part of the community consultation in March 2024.

Tuhinga Tautoko **Attachments**

Attachment 1 - Current Rates Remission and Postponement Policy - Extract of MFL provisions [↓](#)

Attachment 1

Extract of current BOPRC Remission and Postponement of Rates Policy - Sections relating to Māori Freehold Land

Adopted 23 June 2022

1. RATES REMISSIONS AND POSTPONEMENT FOR MĀORI FREEHOLD LAND

Background

Māori Freehold Land represents a significant opportunity as it covers nearly 20% of the Region and Partnerships with Māori is one of Council's key impact areas. The legislation in relation to Māori Freehold Land is extensive and seeks to promote the retention of ownership, development and utilisation of land for the benefits of its owners, and protection of wahi tapu. The appropriate principles from Te Ture Whenua Māori Act are incorporated into the objective for each remission policy.

General conditions and criteria applying to each type of remission for MFL

Each remission for Māori Freehold Land is subject to the following conditions:

- (a) The land must be legally recognised as Māori Freehold Land.
- (b) Application for a remission must be made in writing and should where practicable be made prior to the commencement of the rating year.
- (c) Council may approve a multi-year remission if the owners or trustees provide an undertaking to notify Council of any proposed changes in use that may affect the remission.
- (d) Council may consider writing off rates arrears (including any penalties) that have been assessed.
- (e) Owners or trustees making applications should include the following information in their applications:
 - i. Details of the rating unit or units involved
 - ii. Documentation that shows that the land qualifies as land whose beneficial ownership has been determined by a freehold order issued by the Māori Land Court
 - iii. Supporting information to demonstrate that the remission will help achieve the policy objective.
- (f) Where Council refers to "land" and "rating unit(s)" in the conditions and criteria below, it will also consider remitting rates on a part or parts of a rating unit where only part of the rating unit qualifies for remission.

1.1 General Remission of Rates on Māori Freehold Land

Objectives

To support the principles in the Preamble to Te Ture Whenua Maori Act 1993, in particular to recognise that land is a taonga tuku iho of special significance to Maori people and, for that reason, to promote the retention of that land in the hands of its owners, their whanau, and their hapu, and

Attachment 1

Item 9.2, Attachment 1

to protect wahi tapu: and to facilitate the utilisation of that land for the benefit of its owners, their whanau, and their hapū.

Council recognises that some land is made non-rateable by the Local Government (Rating) Act 2002. It wishes to extend relief by way of remission to rateable land that has characteristics similar to non-rateable land.

Conditions and Criteria

Council may remit up to 100% of rates (including any penalties that may have been assessed) on a pro-rata basis for the area of land that:

- (a) Is used for Traditional or Māori cultural purposes that excludes or prevents use for economic or housing purposes
- (b) Is subject to waahi tapu or other cultural considerations that makes the land unsuitable for economic or housing purposes.
- (c) Provides valuable preservation of the natural character of the coastal environment, protection of outstanding natural features or protection of significant indigenous vegetation and significant habitats of indigenous fauna.

In addition, Council recognises that the economic benefit of land ownership is different between Māori Freehold Land and land in general ownership. Council may choose to remit rates to reflect the difference between the rating value of the land (highest and best use) and the estimated value (as determined by Council) based on the actual use of the land.

1.2 Remission and Postponement of Rates on Māori Freehold Land that is being developed for economic use

Objectives

To recognise that land is a taonga tuku iho of special significance to Māori people and, for that reason, to promote the retention of that land in the hands of its owners, their whanau, and their hapu, and to facilitate the development, and utilisation of that land for the benefit of its owners, their whanau, and their hapū.

Council recognises the statutory remission that may be applied for Māori freehold land under development in section 114A Local Government (Rating) Act 2002 and wishes to consider remitting rates for a part or parts of a rating unit on a similar basis.

Conditions and Criteria

Council may remit up to 100% of the rates on a pro-rata basis for the area of the land that is proposed to be developed. The remission may be applied for the period until the development is likely to generate income (based on the initial development plan), which may include partial phasing out of remissions as areas are intended to become operational.

The maximum term of the remission will be agreed in advance based on the development plan, and will generally be for five years or less.

Attachment 1

Item 9.2, Attachment 1

1.3 Remission of Rates on Māori Freehold Land that is being developed for Papakāinga or other housing/accommodation**Objective**

To recognise that land is a taonga tuku iho of special significance to Māori people and, for that reason, to promote the retention of that land in the hands of its owners, their whanau, and their hapu, and to facilitate the occupation and utilisation of that land for the benefit of its owners, their whanau, and their hapū.

Council recognises the statutory remission that may be applied for Māori freehold land under development in section 114A Local Government (Rating) Act 2002 and wishes to consider remitting rates for a part or parts of a rating unit on a similar basis.

Conditions and Criteria

Council may remit up to 100% of the rates on a pro-rata basis for the area of the land that is proposed to be developed for Papakāinga or other housing/accommodation and associated infrastructure support. This remission may be applied until the development is likely to be able to be occupied (based on the initial development plan), which may include partial phasing out of remissions as areas are intended to be occupied.

The maximum term of the remission will be agreed in advance based on the development plan, and will generally be for five years or less.

1.4 Postponement

Council does not offer postponement of the requirement to pay rates under this Policy.



Pūrongo Ki: Report To:	Komiti Māori
Rā Hui: Meeting Date:	10 October 2023
Kaituhi Pūrongo: Report Writer:	Merehine Waiari, Senior Advisor and Stephanie Macdonald, Community Engagement Team Leader
Kaiwhakamana Pūrongo: Report Authoriser:	Kataraina O'Brien, General Manager, Strategic Engagement
Kaupapa: Purpose:	Seeking direction on consulting with Māori on the LTP

Long Term Plan 2024-2034 : Consultation with Māori

Whakarāpopototanga Executive Summary

At a workshop held in May 2023, Council approved a draft strategic framework to guide the development of the 2024-2034 Long Term Plan (LTP).

Consulting with the community on the LTP is a legislative requirement under section 93(2) of the Local Government Act 2002 (LGA). Consultation with the Bay of Plenty Community is planned to take place between February to March 2024. Our regional context is dynamic and diverse and the LTP consultation process will reflect this.

Section 4 of the LGA further requires Council to take appropriate account of the principles of the Treaty of Waitangi, and to maintain and improve opportunities for Māori to contribute to local government decision-making.

Our region has a number of Treaty settlements with bespoke arrangements that Council is party to. We value Māori partnerships and relationships and will aim to consult with Māori in a respectful and efficient manner that recognises Te Ao Māori, Tikanga Māori and Te Reo Māori.

Under its Terms of Reference, Komiti Māori has the delegated authority to provide direction and guidance on effective engagement for Māori and to facilitate tangata whenua input into community outcomes.

This report is seeking Komiti Māori support to develop a tailored consultation approach to enhance and promote the participation of Māori in LTP conversations.

Ngā tūtohunga Recommendations

That the Komiti Māori:

- 1 **Receives the report, Long Term Plan 2024-2034 : Consultation with Māori;**
- 2 **Staff develop a bespoke LTP Māori Consultation plan that is cost effective and in aligns with Councils formal LTP consultation approach;**
- 3 **LTP Draft Māori Consultation Plan be endorsed at the December 2023 Komiti Māori meeting in readiness for consultation in February to March 2024.**

1. Kupu Whakataki Introduction

The LTP sets the strategic direction for the next ten years, including the work Council will deliver and how that work will be funded. A key component of the LTP process is community consultation which allows residents to provide feedback on the proposed LTP to inform Council decision making.

Partnerships with Māori is a strategic priority that acknowledges Council's commitment to building enduring relationships and supporting enhanced Māori participation. This is reflected across operational teams moving from one-off consultation to tailored engagement pathways.

Under its Terms of Reference, Komiti Māori has the delegated authority to provide direction and guidance on effective engagement for Māori and to facilitate tangata whenua input into community outcomes.

This report is seeking direction from Komiti Māori on options for LTP Māori Consultation, ensuring alignment with the wider community consultation. Staff propose to develop a specifically tailored approach, based on the current landscape and what has worked in past LTP consultation.

1.1 Pou Tarāwaho ā-Ture Legislative Framework

The LTP is the key planning tool for Council that enables integrated decision-making and co-ordination of resources over a ten-year period. It provides a basis for accountability to the community and describes the services Council plans to provide, the community outcomes it will contribute to and the long-term focus under section 93(6) of the Local Government Act 2002 (LGA).

Council must use the special consultative procedure in adopting the LTP under sections 93(2) and 93A of the LGA. This requires Council to clearly present the significant issues, plans and projects proposed for the LTP and provide an

opportunity for the community to give feedback that will help to inform the final decision-making.

Provision for Māori in the LGA include:

- Establishing and maintaining processes to provide opportunities for Māori to contribute to decision-making processes (section 81(1)(a));
- Considering ways in which it may foster the development of Māori capacity to contribute to the decision-making processes (section 81(1)(b));
- Providing relevant information to Māori (section 81(1)(c));
- Taking into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna and other taonga (section 77(1)(c); and
- Taking appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes (section 4).

1.2 Te Hāngai ki te Pou Tarāwaho Rautaki Alignment with Strategic Framework

A Healthy Environment	We work cohesively with volunteers and others, to sustainably manage and improve our natural resources.
Freshwater for Life	We listen to our communities and consider their values and priorities in our regional plans.
Safe and Resilient Communities	We work with communities and others to consider long term views of natural hazard risks through our regional plans and policies.
A Vibrant Region	We work with and connect the right people to create a prosperous region and economy.
The Way We Work	We honour our obligations to Māori.

1.2.1 Community Well-beings Assessment

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

The LTP encompasses Council's responsibilities and planned activities for the next ten years. Meaningful engagement with Māori to develop the LTP supports four well-beings with a particular emphasis on strengthening cultural wellbeing.

One of the proposed new community outcomes for the LTP is Te Ara Poutama. Te Ara Poutama is an outcome in the pursuit of excellence and aims to strengthen partnerships to create a prosperous and equitable regional future.

2. Proposed LTP Engagement with Māori on the LTP

Based on previous LTP consultation experiences, enhanced Māori participation in LTP processes requires a tailored and targeted approach.

Māori entities and communities continue to be bombarded with multiple requests for their time, input and participation. This includes a number of requests from Toi Moana for tangata whenua involvement in plan changes, projects and the implementation of national policy statements. Although meaningful engagement with Māori is important, the demand is relentless and creates challenges for Toi Moana. We are not the top priority for Māori and often times are competing with other Councils and Agencies for their attention and input, to inform our mahi.

Therefore, our consultation approach must be cognisant of the local and regional landscape. Designing a bespoke consultation approach will ensure that LTP consultation is effective, efficient and fit for purpose for Māori.

2.1 Proposed consultation approach

- a) Consultation with Māori is to be approached in a respectful and efficient manner, recognising Te Ao Māori, Tikanga Māori and Te Reo Māori.
- b) Consultation is to be early, accessible and relevant.
- c) Consultation material is to be tailored for a Māori audience, accommodating sub-regional differences.
- d) Consultation schedules and venues (including online) are to be considerate of the availability of Māori, and their resources.
- e) Essential to connect early with Iwi-Hapu Authorities, Post Settlement Governance Entities, Co-Governance forums and other relevant entities.
- f) Leverage off established relationships and networks of Toi Moana Councillors, particularly the Māori Constituent Councillors.
- g) Where possible LTP consultation should be co-ordinated with existing Council engagement and hui with tangata whenua.
- h) Have available a mixture of consultation platforms, such as online Wānanga (discussion), presentations (if invited) to marae and hapū hui, or meeting directly with Iwi leaders.
- i) Take opportunities to share LTP information at Māori events such as kapa haka, ahurei, annual general meetings and festivals.
- j) Develop user-friendly submission forms and processes.
- k) Ensure that Māori submitters are supported appropriately if they wish to speak to their submissions.

3. **Ngā Whakaarohanga Considerations**

3.1 **Ngā Mōrea me Ngā Whakangāwaritanga Risks and Mitigations**

Our region is culturally diverse and has several mature Treaty settlements with expected in the coming years. Our partnerships with Māori strategic priority demonstrates the commitment we have made to providing opportunities for Māori to contribute to Council decision making. We are continually building on the relationships we have with Māori. If Council does not consult with Māori appropriately, there may be potential reputational and relationship risks. We have the benefit of hindsight and can draw on approaches that have worked and yielded good participation.

Consultation fatigue, high engagement demands from council and other agencies and competing priorities may make it difficult to secure Māori participation during the formal consultation period. This can be partly mitigated through early and appropriate language communication, reducing barriers to participation, working with existing events, networks and structures and active support from community leaders including councillors.

3.2 **Huringa Āhuarangi Climate Change**

Māori are increasingly experiencing the impacts of climate change through sea level rise, more intense and frequent weather events and other consequences of climate change. Coastal marae and culturally significant sites in the Bay of Plenty region are already under threat. LTP engagement topics are still to be confirmed however adaptation and mitigation are expected to be areas of interest for both Māori and Council.

3.3 **Ngā Pānga ki te Māori Implications for Māori**

Council has statutory responsibilities to take appropriate account of the principles of the Treaty of Waitangi and involve Māori in decision-making processes. Māori Partnerships is currently a strategic priority for Council with a dedicated implementation plan. This aligns with Te Ara Poutama, one of the proposed Community Outcomes of the LTP.

Quality consultation with Māori will inform the decisions of Council and achieve outcomes for the Taiao that benefit present and future generations.

A tailored consultation approach will ensure that Council better utilises the limited resources of iwi, hapū and Māori communities. Early engagement with Māori on the LTP is encouraged to help identify what matters most for Māori and how this should inform the development of the draft LTP. Tailored consultation during the formal consultation process will also ensure Māori understand significant issues, plans and projects that are relevant for Māori and can provide detailed feedback that will help to inform the final LTP.

3.4 Whakawhitiwhiti ā-Hapori Community Engagement



CONSULT Whakauiuia

To obtain input or feedback from affected communities about our analysis, alternatives, and /or proposed decisions.

Staff will ensure that the LTP Māori Consultation plan aligns and compliments consultation with the general public. Relevant staff will work together to capture potential synergies.

If desired, a more detailed draft engagement plan can be presented at the next Komiti Māori hui in December for endorsement by this committee.

3.5 Ngā Pānga ā-Pūtea Financial Implications

For this report, there are no material unbudgeted financial implications.

4. Ngā Mahi Whai Ake Next Steps

Following on from this meeting, staff will incorporate advice from Komiti Māori members and commence drafting a tailored LTP Māori Consultation Plan which can be ready for endorsement at the next Komiti Māori hui in December 2023.



Pūrongo Ki: Report To:	Komiti Māori
Rā Hui: Meeting Date:	10 October 2023
Kaituhi Pūrongo: Report Writer:	Margaret Courtney, Senior Advisor
Kaiwhakamana Pūrongo: Report Authoriser:	Kataraina O'Brien, General Manager, Strategic Engagement
Kaupapa: Purpose:	To seek support from Komiti Māori on the change of engagement approach with Tangata Whenua for the National Policy Statement for Freshwater Management (NPS-FM)

Engagement with Tangata Whenua for the implementation of the National Policy Statement for Freshwater Management (NPS-FM)

Whakarāpopototanga Executive Summary

The Kaupapa Māori workstream team are responsible for leading tangata whenua engagement on the implementation of the National Policy Statement for Freshwater, including ensuring that the engagement outcomes inform the writing of the new Regional Natural Resources Plan (Plan) change.

The existing approach to engagement with tangata whenua included a series of hui-a-rohe, with the first round being held in May 2023 across the three Māori constituencies.

Following the most recent Komiti Māori hui in August 2023, and feedback from Māori Councillors about the trajectory of Kaupapa Māori engagement with tangata whenua, there has been a reset on our engagement approach. Rather than hui-a-rohe, there will be dedicated focus on engaging directly with iwi and hapū who are actively leading wai Māori and freshwater resource management Kaupapa, and are eager and able to be involved with the Regional Council.

The Terms of Reference for Komiti Māori enables the committee to provide direction on effective Māori engagement and on actions to enhance Māori capacity to contribute to decision making processes. This report seeks to update Komiti Māori and seeks its endorsement to focus on direct and quality engagement.

Ngā tūtohunga Recommendations

That the Komiti Māori:

- 1 Receives the report, Engagement with Tangata Whenua for the implementation of the National Policy Statement for Freshwater Management (NPS-FM).**
- 2 Endorse the change in engagement approach from hui-a-rohe to targeted tangata whenua engagement.**

1. **Kupu Whakataki Introduction**

Toi Moana is currently implementing the National Policy Statement for Freshwater Management (NPS-FM) which involves reviewing and updating the operative Regional Natural Resources Plan, for public notification by December 2024. The NPS-FM gives stronger direction to councils to involve iwi and hapū, and to better integrate tangata whenua values like mātauranga Māori in regional planning for freshwater. The timeline for the first iteration of the Plan is for completion in December 2023 with release of the draft plans early 2024.

The Kaupapa Māori workstream was established to lead tangata whenua engagement on the implementation of the NPS-FM and the updating of the Plan. Te Hononga outlines a variety of engagement options, offering flexibility of approach based on the readiness of Māori to be involved in this space.

The various engagements to date have included:

- Hui-a-rohe
- Community meetings
- Facilitating hui and workshops
- Presenting at hui and workshops
- Supporting iwi, hapū and whānau lead wai Māori Kaupapa with resource including funding and water monitoring kits
- Supporting the development of Iwi and Hapū Management Plans
- Supporting the development of Mana Whakahono ā Rohe
- Supporting the development of Te Mana o Te Wai statements

1.1 **Pou Tarāwaho ā-Ture Legislative Framework**

- Te Mana o Te Wai is the concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater, in turn will protect the health and wellbeing of the wider environment.

- Te Mana o Te Wai underpins the National Policy Statement for Freshwater Management 2020 (NPS-FM). The NPS-FM provides for a hierarchy of obligations with the health and wellbeing of water bodies and freshwater ecosystems being first.
- Six principles relate to the roles of tangata whenua and other New Zealanders in freshwater management. All six principles are important², however of particular relevance to tangata whenua is the principles of mana whakahaere, kaitiakitanga and manaakitanga. These principles incorporate the active role that tangata whenua can play in freshwater management, that inform the NPS and its implementation.
- Policy 2 of the NPS-FM also provides that tangata whenua are to be actively involved in freshwater management (including decision making processes) and that Māori freshwater values are identified and provided for.
- Mahinga Kai is a compulsory value within the NPS-FM. The NPS-FM provides that Mahinga Kai is when kai is safe to harvest and eat, and where the mauri of the place is intact – Kei te ora te Māuri. Other values include waahi tapu and Tauranga waka. Tangata whenua can also identify other cultural values of significance to them. This presents an opportunity for the Council to apply a diversity of systems of value including Mātauranga Māori. It provides an opportunity for tangata whenua to provide their knowledge and Mātauranga Maori into the policy and planning processes now and into the future, if they choose to do so.
- Overarching the NPS-FM are Councils obligations to Māori in the Local Government Act 2002 (LGA). This includes establishing and maintaining processes to provide opportunities for Māori to contribute to decision-making processes (section 81(1)(a)) and considering ways to foster the development of Māori capacity to contribute to the decision-making processes (section 81(1)(a)).
- Section 77 (1)(c) also requires Councils in the course of their decision making, particularly involving a significant decision in relation to land or a body of water, take into account the relationship that Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna and other taonga.
- Section 6 of the Resource Management Act 1991 requires matters of national importance shall be recognised and provided for. For tangata whenua that includes section 6 (e) the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, and other taonga and 6 (g) the protection of protected customary rights.
- As the Natural Built Environment Act 2023 is being implemented, Council is cognisant of those provisions that may affect tangata whenua, particularly Te Tiriti o Waitangi, decision making principles, freshwater related consents, and Māori participation policies to name a few.

² Mana Whakahaere, Kaitiakitanga, Manaakitanga, Governance, Stewardship, Care and Respect

1.2 Te Hāngai ki te Pou Tarāwaho Rautaki Alignment with Strategic Framework

A Healthy Environment	We develop and implement regional plans and policy to protect our natural environment.
	We develop and implement regional plans and policy to protect our natural environment.
Freshwater for Life	We listen to our communities and consider their values and priorities in our regional plans.
	Good decision making is supported through improving knowledge of our water resources.
The Way We Work	We honour our obligations to Māori.
	We continually seek opportunities to innovate and improve.

Council's Long-Term Plan 2021-2031 identifies 'Partnerships with Māori' as one of its eight strategic priorities. Council has committed to working with Māori in partnerships to deliver outcomes for the region through a Partnerships with Māori Impact Statement. Council's vision is to 'enhance delivery and shared decision-making towards improved equity and prosperity for an inclusive and sustainable regional future'.

In respect of Council's mahi in freshwater are:

- Strengthening Māori Capacity to participate in processes across all levels of Council decision-making.
- Progressing our shared decision-making journey through a focus on enhancing current arrangements and establishing new ones as appropriate.
- Continued recognition and support for new and existing Treaty arrangements.
- Implementing Te Hononga (Māori Fresh Water Engagement Plan) to improve working relationships, and
- Recognising the value contribution of Te Ao Māori and mātauranga Māori to our mahi.

1.2.1 Community Well-beings Assessment

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

2. Tangata Whenua Engagement

Hui ā-rohe

There have been several Hui-a-rohe held in the Bay of Plenty over the past few years. The latest round of hui-a-rohe took place in May 2023. Due to the generic nature of holding an open hui there were mixed responses to representation and participation. The Māori Constituent Councillors attended each hui-a-rohe. Staff have taken

onboard feedback from hui-a-rohe participants, from presenters at the 22 August Komiti Māori hui held at Iramoko Marae and from our Māori Councillors. It is considered that a more targeted approach will yield better quality engagement and be more effective given the tight timeframe of the NPS-FM.

2.1.1 Practical Examples

Targeted and focussed engagement will enable Kaupapa Māori resource to support an existing list of iwi and hapū who are engaging already in various freshwater kaupapa. Examples include:

- Working with Te Arawa Arataua (Te Arawa Primary Sector) to understand the implications of policy options on landowner aspirations and to get their feedback on the draft management options being considered.
- The Rangitāiki River Forum have requested a focussed freshwater workshop which is currently being planned for October. The workshop will consider developing a cultural health index model across four awa and seek input into policy considerations such as the portal approach.
- Te Arawa Freshwater Working Group (comprising 5 iwi) presented their Te Mana O Te Wai statements to Toi Moana and Rotorua Lakes Council in July 2023. TMoTW statements provides an initial connection point and context for “next steps”. In reviewing the statements, it will be helpful for Council to develop an understanding to a deeper, more specific level the expectations of how these statements might be implemented. A suggested way forward is a series of wānanga with the Freshwater Group (facilitated by Te Papa Ahurewa) designed to allow Council to explore how the developing freshwater regulatory framework would interact with the Te Mana o Te Wai statements.
- Te Maru o Kaituna have also requested a freshwater workshop and staff are awaiting a date (to be held at Awahou) and context for this workshop from Nicki Douglas.
- Ngāti Mākino will be updating their Iwi Management Plan with support from Anaru Vercoe and Elva Conroy. This will be a next generation plan with a freshwater chapter focussed on articulating the detail required to inform the NPSFM implementation into the Regional Plan change.
- Ngāi Tai kaitiaki would like to carry out mauri monitoring in Wainui awa, and have sought support from Ian Ruru to roll out a case study using ‘The Mauri Compass’. Kaupapa Māori will be supporting this kaupapa by facilitating Wānanga between the iwi and Regional Council, and also by supporting their expression of interest for funding from MFE.
- There are more hapū interested in working with BOPRC to develop respective freshwater management plans (for example Te Tawera, Ngāi Tamawera, Ngāti Ira and Te Upokorehe).

2.1.2 Te Mana o Te Wai Statements – Water Services Reform Programme

Amiria McGarvey and Dayle Hunia from the Iwi Māori Directorate, Department of Internal Affairs, will be providing information about the Water Services Reform Programme and Te Mana o Te Wai Statements.

Te Mana o Te Wai acts as the guiding principle for Water Services Entities (WSEs) to make decisions on how best to deliver water services to all communities.

WSEs will give effect to Te Mana o Te Wai through their strategic and operational planning and reflect this in their response to Te Mana o Te Wai statements submitted by Mana Whenua to deliver on those commitments.

Te Mana o Te Wai statements provide an important opportunity to enable mana whenua to articulate their position and expectations for water services delivery. Mana whenua and Iwi Collectives are currently preparing Statements as part of the transition period to inform and support the establishment of the WSEs in a way that gives effect to Te Mana o te Wai.

As noted above, Council has received several Te Mana o Te Wai statements from iwi and are looking to develop an understanding at a more specific level the expectations of how these statements might be implemented. Connecting with DIA will be important as we move forward together with tangata whenua.

3. **Ngā Whakaarohanga Considerations**

3.1 **Ngā Mōrea me Ngā Whakangāwaritanga Risks and Mitigations**

Te Hononga sets the framework for staff to be flexible and to cater for the dynamic landscape of the Bay of Plenty. There are minor risks to changing engagement approaches. The key risk to Council is not receiving the level of information required to inform Councils Plan Change, within statutory timeframes. We have to work at the pace of hapū/iwi who are faced with multiple demands and competing priorities. Sickness and tangihanga across the region have impacted on our ability to engage of late.

With a deadline fast approaching, we are mindful that engagement outcomes need to be targeted to support existing tangata whenua initiatives in the wai Māori space.

3.2 **Huringa Āhuarangi Climate Change**

Mitigation			Adaptation	
Reduce GHG emissions	Produce GHG emissions	Sequester carbon	Anticipate climate change impacts	Respond to climate change impacts
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The matters addressed in this report are of a procedural nature. However, we highlight the fact that Māori are increasingly experiencing the impacts of climate change through sea and lake level rises, and more intense and frequent weather events, and other consequences. Climate change impacts affect our water bodies, water ways and receiving environments.

3.3 **Ngā Pānga ki te Māori Implications for Māori**

The change of engagement approach is viewed positively by the Kaupapa Māori team. Not only will existing resources be targeted to providing support to tangata whenua led initiatives, but it also enables targeted feedback towards solving planning and policy issues.

One of the biggest risks to note however is the tight statutory timeframe as notification is in December 2024. It is envisaged however that a draft RPS and RNRP will be release in December 2023 for feedback during January 2024 – March 2024. The targeted engagement approach enables tangata whenua to be geared to receive the draft plans and to provide their feedback.

Tangata whenua have also expressed their concerns about providing Mātauranga Māori, and how this will be translated into Council processes. The Kaupapa Māori team currently are developing policy papers to address some of these concerns.

It should be noted that those who we are already engaging with are supportive of the more targeted and specific engagement process. We have also received positive response to this change.

This change in approach does not affect tangata whenua opportunity to engage, as we continue to keep the door open.

3.4 **Whakawhitiwhiti ā-Hapori** **Community Engagement**



CONSULT **Whakauiuia**

To obtain input or feedback from affected communities about our analysis, alternatives, and /or proposed decisions.

Community engagement is a separate workstream to the Kaupapa Māori team. This work is not affected.

3.5 **Ngā Pānga ā-Pūtea** **Financial Implications**

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

4. **Ngā Mahi Whai Ake** **Next Steps**

Staff acknowledge the role of Komiti Māori in providing direction for effective Māori engagement. We seek endorsement from Komiti Māori to maintain a flexible approach that will yield quality engagement and support the aspirations of tangata whenua.

We are committed to continued engagement with, and supporting iwi, hapū, tangata whenua as they develop their Te Mana o Te Wai Statements, their next steps, and building a relationship with DIA to ensure best outcomes for our people (through this transition).



Report To: Komiti Māori
Meeting Date: 10 October 2023
Report Authoriser: Kataraina O'Brien

Komiti Māori Chair Update

Executive Summary

This report provides a collective update on matters within Komiti Māori focus areas and general matters of interest across the regional Māori landscape including:

1. External Presentations:
 - a. Water Services Reform Programme and Te Mana o Te Wai Statements.
 - b. Treaty Settlements and Resource Management Reform Update.
2. State of the Māori Nation:
 - a. Te Whānau a Apanui – brief Treaty update;
 - b. He Poutama – Tikanga Māori in Aotearoa New Zealand Law;
 - c. Community Led Retreat and Climate Adaptation;
 - d. National Planning Framework;
 - e. Freshwater Farm Plan System;
 - f. Te Puni Kokiri – Long Term Insights Briefing Thriving Whānau in 2040;
 - g. Inquiry into Economic Inclusion and Social Mobility: A Fair Chance for All; and
 - h. Te Wiki o Te Reo Māori.

Recommendations

That the Komiti Māori:

- 1 Receives the report, Komiti Māori Chair Update.**

1. Kaupapa Tuatahi: External Presentations

1.1 Water Services Reform Programme and Te Mana o Te Wai Statements

Presenter: Dayle Hunia and Amiria McGarvey - Department of Internal Affairs (attending via Zoom)

Amiria McGarvey and Dayle Huna from the Iwi Māori Directorate, with the Department of Internal Affairs, will be providing information about the Water Services Reform Programme and Te Mana o Te Wai Statements.

Te Mana o Te Wai acts as the guiding principle for Water Services Entities (WSEs) to make decisions on how best to deliver water services to all communities. WSEs will give effect to Te Mana o Te Wai through their strategic and operational planning and reflect this in their response to Te Mana o Te Wai Statements submitted by tangata whenua to deliver on those commitments.

Te Mana o Te Wai Statements provide an important opportunity to enable mana whenua to articulate their position and expectations for water services delivery. Mana whenua and Iwi Collectives are currently preparing Statements as part of the transition period to inform and support the establishment of the WSEs in a way that gives effect to Te Mana o Te Wai.

1.2 Treaty Settlements and Resource Management Reform Update

Presenter: Michal Akurangi, Kaitohutohu Mātāmua/Principal Advisor & Ben White - Ministry for the Environment

The government has undertaken to reform the resource management system through the recent enactment of the Spatial Planning Act and Natural and Built Environment Act. Both the Spatial Planning Act and the Natural and Built Environment Act require the Crown to uphold the integrity, intent, and effect of Treaty settlement redress. Similarly Joint Management Agreements (JMAs) and Mana Whakahono ā Rohe (MWAR) that have been agreed between iwi/hapū and local authorities outside of Treaty settlements under the RMA must be upheld.

Ministry for the Environment engagement leads and officials – Ben White, Shadrach Rolleston and Michal Akurangi will provide an update on the work currently underway with Post Settlement Governance Entities in the region, including the arrangements the Council is party to – Rangitāiki River Forum, Tarawera Awa Restoration Strategy Group, Te Arawa Lakes Strategy Group and Te Maru o Kaituna.

2. Kaupapa Tuarua: State of the Māori Nation

2.1 Recent Treaty Negotiations milestone

Te Whānau-a-Apanui (East Coast)

Te Whānau-a-Apanui have initialled a deed of settlement (DoS) in recognition of their historical Treaty of Waitangi claims. This is a significant milestone for Te Whānau-a-Apanui who first began negotiations in 2004 and later signed an Agreement in Principle with the Crown in 2019. The DoS will now be considered by Te Whānau-a-Apanui who will vote on whether or not to ratify the document.

The redress package includes financial, cultural and commercial redress of \$30 million, the vesting of twelve sites of cultural significance, reservation of 5,000

hectares of marine space for aquaculture and a bespoke Te Ao Tūroa framework for approaching the natural environment in a way that reflects the values of Te Whānau-a-Apanui. The Te Ao Tūroa framework will operate alongside, and interact with, aspects of the Resource Management Act 1991 and the Natural and Built Environment Act 2023. The DoS also provides a framework to formalise a joint relationship agreement between Te Whānau-a-Apanui, Toi Moana and Ōpōtiki District Council. Toi Moana staff continue to engage with the Crown and Apanui representatives around the timing and phasing of the natural resource and environment components.

2.2 He Poutama – Tikanga Māori in Aotearoa New Zealand Law

Te Aka Matua o te Ture | Law Commission has published a new study paper He Poutama³, which builds on the authentic understanding of tikanga and offers a guiding framework on the ways tikanga and state law can properly engage in a manner respectful to both systems parameters. Requested by the Minister of Justice in 2021, He Poutama includes a thoroughly researched examination of what tikanga is and identifies strategies within judicial and public sector processes that will preserve the integrity of tikanga while also allowing for its incorporation into legislation. The paper is divided into three parts in accordance with the goals of the review and gives invaluable guidance to law makers and policy makers who are required to implement this developing body of law.

A guide for engaging with tikanga

He Poutama provides guidance for engaging with tikanga in a manner that promotes and protects the integrity of tikanga, using input from pūkenga (experts). The guide can be used as an initial analytical or information gathering step to clarify tikanga focused facts but is also open ended to enable consideration of other relevant tikanga. The guide also includes six hypothetical case studies that demonstrate how tikanga concepts are reflected in common factual scenarios for Māori. This includes a case study that focuses on how tikanga can be used to navigate complex iwi and hapū dynamics when local authorities are required to consult on a particular resource issue. The case study identifies how approaches to consultation by local authorities can affect the mana of iwi and hapū, which has implications for their relationships and respective mana in their rohe. The Commission also suggests how these scenarios can be resolved either by agreement between iwi and hapū or in the form of a kawenata with the local council.

The scenarios demonstrate how tikanga is pragmatic and how it adapts to different circumstances. The Commission also suggests consulting with pūkenga to obtain guidance on appropriate sources of information or to test preliminary analysis.

Tikanga and environmental law

The Commission considers how tikanga has been addressed in environmental law over the last 30 years. The introduction of the Resource Management Act 1991 (RMA) has been recognised as the first genuine attempt to engage with tikanga in any category of state law. Section 6 requires all persons exercising functions and powers under the RMA to recognise and provide for the relationship of Māori with their culture and traditions, the protection of sites of significance to Māori including wāhi tapu and the protection of protected customary rights. Section 7 also requires local authorities to have particular regard to kaitiakitanga which is defined as the

³ *He Poutama* is available on the Law Commission website [here](#).

exercise of guardianship by tangata whenua in accordance with tikanga Māori.⁴ Several cases are cited by the Commission as demonstrating the different ways that the courts attempt to engage with tikanga in relation to environmental issues. The Supreme Court affirmation that tikanga continues to apply in New Zealand in cases where it is relevant also applies to local authorities.⁵ As more laws are developed that incorporate tikanga, it is increasingly important for local authorities to properly engage with tikanga when putting these laws into effect.

Tikanga proficiency in the public sector

The Commission provides guidance on how to facilitate public sector engagement with and understanding of tikanga while also ensuring safeguards for tikanga are in place.

The four recommendations for working towards these objectives are:

1. Building public sector capability and capacity

Policy and legal staff need competence and confidence when engaging with tikanga, when recognising if tikanga has a bearing on their work and being able to respond adequately. Work is already under way towards capacity and capability building but there are opportunities for improving processes and prioritising tikanga.

2. Developing procedural guidance

The Commission recommends a process for embedding fuller guidance on tikanga so that public agencies can properly address tikanga during the policy and legislative process. Cabinet policy paper requirements, a tikanga focused Cabinet Office Circular and Regulatory Impact Statements are discussed as possible option for further guidance.

3. Establishing an expert tikanga advisory body

No existing body is suited to the task of providing agencies with tikanga-focused guidance, therefore an expert advisory group may be required. The group would be established to enable tikanga experts to communicate about tikanga with public agencies. The expert advisory body would retain a connection with the Crown through its membership and appointment process but will also have appropriate mandate from Māori.

4. Kupu Māori in legislation

The RMA was the first general legislation to reference a tikanga concept, referring to kaitiakitanga in section 7 of the Act. Other tikanga concepts have since been included in legislation, however, there remains issues in defining tikanga concepts and in their interpretation. Tikanga concepts can have varied and broad meanings to different people and between iwi and hapū. Attempts to translate or define tikanga concepts into English can risk losing the cultural nuances, resulting in inadequate or artificial meanings that reduce their significance. It is vital that kupu Māori produce tikanga-connected outcomes and should be reserved for situations when a Māori meaning is intended.

⁴ Resource Management Act 1991, s 2.

⁵ *Ellis v R (Continuance)* [2022] NZSC 114, [2022] 1 NZLR 239 at [19].

Opportunities for Toi Moana

As local authorities engage with tikanga in existing local government legislation, the systemic issues and opportunities identified in He Poutama are relevant for Toi Moana. Toi Moana is already aligned with some of the guidance and suggestions in He Poutama which is reflected in existing frameworks and processes, including He Korowai Mātauranga⁶ (the internal mātauranga Māori framework). However, further consideration of the recommendations in He Poutama are required with the impending changes under the Natural and Built Environment Act 2023 (NBA) and Spatial Planning Act 2023 that aim to better align the resource management with te ao Māori. The foundational concept of the new system is Te Oranga o te Taiao which inherently relies on tikanga concepts to reflect te ao Māori in the core of the system. All persons exercising powers under the NBA must also recognise and provide for the responsibility and mana of each iwi and hapū to protect and sustain the health of te taiao in accordance with kawa, tikanga Māori and mātauranga Māori. Although new terms introduced under the NBA such as mana, mauri and kawa remain undefined and are in common use in the resource management space already, a proper understanding of these terms is essential in giving effect to these provisions in the NBA.

He Poutama provides an opportunity for Toi Moana to build on existing mahi that recognises and engages with tikanga in a mana-enhancing manner. Part One of the paper which focuses on building an understanding of tikanga, strongly reflects “Tuhoetanga” or a “Mātaatua waka” perspective due to the input from Awanuiāranga pūkenga. The comprehensive tikanga information has considerable relevance for Toi Moana in understanding how tikanga is understood and applied for iwi and hapū in the eastern Bay of Plenty region. Further analysis of He Poutama will be undertaken by Komiti Māori to identify the opportunities for properly engaging and weaving tikanga into the Toi Moana frameworks using the guidance and recommendations of the Commission.

2.3 Community Led Retreat and Climate Adaptation

The Ministry for the Environment released a discussion paper on Community-led retreat and adaptation funding in August 2023.⁷ The issues and options paper, was written to assist the Select Committee inquiry into community-led retreat and adaptation funding and the development of the proposed Climate Change Adaptation Bill.

The paper acknowledges the increasing risk of climate change on our communities as demonstrated in recent extreme weather events like Cyclone Gabrielle. Some areas of Aotearoa that are at risk are densely populated so the challenges and costs of adapting will be significant and require a proactive approach. Māori will be disproportionately impacted by the effects of climate change with coastal marae and culturally significant sites already under threat from rising sea levels and flooding. The paper considers what powers and regulatory settings are needed at a community level to facilitate adaptation and retreat, who should fund climate change adaptation and how barriers to Māori participation can be removed to ensure that Māori rights and interests are upheld under a future system.

Te Tiriti o Waitangi considerations are specifically discussed in chapter 3 which focuses on how to ensure the adaptation system upholds rights and interests that are unique to Māori. The recommendations support broader efforts in the environmental space

⁶ He Korowai Mātauranga is available on the Toi Moana website [here](#).

⁷ The Community-led retreat and adaptation funding paper is available [here](#).

that recognise the rights of tangata whenua as kaitiaki and encourage a Māori-led climate adaptation approach to address current and future challenges.

Key recommendations in the paper include:

- The Crown must proactively work with iwi, hapū and Māori to understand how to uphold Māori rights and interests and kāwanatanga obligations in a way that creates spaces for Tino rangatiratanga.
- Te Ao Māori and local mātauranga should be central to the development of risk assessments and adaptation planning at place.
- Iwi, hapū and Māori should be supported to prepare risk assessments and adaptation plans.
- In areas where community-led retreat may be the only option, iwi, hapū and Māori should retain ownership of the land to maintain connection with whenua.
- Impacts on Treaty settlement land will need to be addressed on a case-by-case basis through agreements between post-settlement governance entities and the Crown.

Select Committee Inquiry

The Environment Committee inquiry into climate adaptation focuses on how Aotearoa could enable communities to relocate from areas at high risk from climate change and how the associated costs could be met. Toi Moana will be making a submission to the Environment Committee which closes on 1 November 2023.

2.4 National Planning Framework

The Ministry for the Environment released a draft of the transitional National Policy Framework (NPF) in September 2023 for targeted engagement with local government and tangata whenua.⁸ The NPF is a key component of the new resource management system that brings together existing central government direction into a single integrated document.

The Natural and Built Environment Act 2023 (NBA) and Spatial Planning Act 2023 were enacted on 23 August 2023. The NBA is the main replacement for the Resource Management Act 1991 and introduces the NPF that will provide direction on matters of national significance, environmental limits and targets and help to resolve conflict among outcomes where practicable. The first NPF is intended to be transitional, supporting the phased transition into the new system and will come into effect in 2025. The intention of the NPF pre-engagement with local government and tangata whenua is to ensure a stronger proposal prior to public notification of the NPF and public submissions in 2024.

Feedback on the engagement draft of the transitional NPF will close on 13 December 2023.

⁸ The draft National Planning Framework is available [here](#).

2.5 Freshwater Farm Plan System

The Freshwater Farm Plan (FW-FP) regulations came into force on 1 August 2023.⁹ The new regulatory tool aims to improve water quality by ensuring farmers and growers can identify, manage and reduce the impact of their activities on freshwater resources and ecosystems. It is a key component of the Essential Freshwater package and provides a nationally consistent farm planning framework that puts the health of water at the centre of farm decision-making. FW-FPs are now required in parts of the Waikato and Southland regions and will be phased into the Bay of Plenty Region by December 2025.

Te Mana o te Wai

Te Mana o te Wai is the central concept in the National Policy for Statement for Freshwater Management 2020 (NPS-FM). It refers to the importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment.

Extensive engagement with tangata whenua is already underway to determine how Te Mana o Te Wai applies to water bodies and ecosystems in the region and how Council will give effect to Te Mana o Te Wai in the Regional Policy Statement and Regional Natural Resources Plan. Te Mana o Te Wai will be reflected in freshwater farm plans through Catchment Context, Challenges and Values (CCCV). The CCCV provides tailored catchment information, including cultural matters of importance for tangata whenua and relevant freshwater matters in iwi planning documents lodged with Council. The CCCV will help farmers and growers understand the cultural and community significance of their catchment and will be used to inform FW-FP risk assessments.

Engagement with Tangata Whenua

Tangata whenua have a vital role in the freshwater management system as kaitiaki and Te Tiriti partners. Under the NPS-FM, Council must actively involve tangata whenua in freshwater management (including decision-making processes) in a manner that reflects the principles of Te Tiriti o Waitangi. This obligation includes engaging with tangata whenua in the freshwater farm planning by utilising existing processes and relationships that have been developed through NPS-FM engagement.

Tangata whenua will also have a role in the freshwater farm plan system (to the extent that they want to be involved) by:

- Supporting and influencing the preparation of the CCCV which will inform individual freshwater farm plans. Values and matters of importance to tangata whenua that are relevant to freshwater will form part of the CCCV;
- Build the capability of the freshwater farm plan workforce. This includes providing oversight of the development and delivery of training to certifiers and auditors who are required to demonstrate an understanding of Te Tiriti;
 - Waitangi, Te Ao Māori, Te Mana o te Wai and any relevant freshwater matters in iwi planning documents lodged with Council.

⁹ Freshwater farm plans have been legislated under Part 9A of the Resource Management Act 1991 and the Resource Management (Freshwater Farm Plans) Regulations 2023.

Next steps

Preparation work has begun in anticipation of the regulations coming into force in the Bay of Plenty region. This includes how Council will work with tangata whenua in the freshwater farm planning. A further report on the implications of the FW-FP regulations for tangata whenua will be provided to Komiti Māori in early 2024.

2.6 **Te Puni Kōkiri – Long Term Insights Briefing Thriving Whānau in 2040**

Te Puni Kōkiri released its first Long-term Insights Briefing (LTIB) Thriving Whānau in 2040 in August 2023.¹⁰ The LTIB provides information about medium to long term trends and risk and opportunities that may affect Māori living in Aotearoa. The new requirement for LTIB was established under the Public Service Act 2020 for departmental chief executives as a think-piece on the future rather than government policy. It is also an opportunity to enhance conversations about long-term issues and demonstrate how a Māori-led approach to wellbeing can produce better outcomes for Māori and all people in Aotearoa.

By 2040 the Māori population is projected to be almost 1.2 million in Aotearoa, therefore the LTIB focuses on what the future for Māori will look like at this significant point in time. Thriving whānau 'encompasses a holistic view of wellbeing where whānau are actively contributing towards achieving their social and economic aspirations'. The projections revealed that the average experience for Māori in 2040 will likely be lower overall than other New Zealanders and that Māori on average are likely to remain worse off. While some social indicators are expected to improve the gaps in experience will continue to widen including the income gap between Māori and non-Māori, the health outcomes required to ensure Māori wellbeing, the average achievement levels of Māori students and home ownership for whānau Māori.

Key findings from the LTIB indicated that:

- By 2040 the Māori population will remain young comparative to other ethnicities but will slowly be maturing (median age of 31 years by 2040). A young and ageing Māori population means that Māori will make up a large proportion of the labour force and will play a pivotal role in the future economy of Aotearoa.
- An ageing Māori population may impact on current inequities and vulnerabilities with other New Zealanders and there may be generational differences that will be more pronounced.
- Cost of living increases and the flow on impact to wages will have a disproportionate effect on whānau Māori (as demonstrated during the Covid-19 lockdowns). Māori are more susceptible to global economic shocks and there remain challenges to achieving Māori household economic resilience over time.
- The taiao and the natural world is one of the building blocks of te ao Māori and Māori identity. Whenua, water and taonga species are being affected by climate change, which threatens future opportunities as well as traditional practices connected to Māori identity and wellbeing. The impacts of climate change through extreme weather events and how we deal with climate change going forward will have a significant impact for all Māori.

¹⁰ The Long-term Insights Briefing 2023 is available [here](#).

- 9/10 Māori rate the health of the taiao as very important but only 32% of Māori had taken part in activities to care for the health of the environment.
- The increasing urbanisation of the Māori population is likely to lead to whānau becoming more disconnected from their tūrangawaewae and whenua.

The health of the taiao and the importance of kaitiakitanga in retaining traditional practices connected to identity and wellbeing continue to be key priorities for Māori. Note that there are limitations in the data used in the projections which have been taken from the 2018 Census. A more accurate projection of the future of Māori in 2040 can be undertaken using the 2023 Census data once it is available.

Three Key Insights

Te Puni Kōkiri identified three clear insights in the LTIB and how they can shape Māori public policy in a way that supports a future pathway for whānau to achieve their goals by 2040.

Insight 1: Te Ao Māori is an asset

Te Ao Māori is unique to Aotearoa and central to cultural wellbeing for Māori. Normalising the incorporation of Te Ao Māori concepts and approaches within the system will enable improved wellbeing outcomes for all New Zealanders. Improvements to policy and investment settings are required in order to maximise the protection and utilisation of Te Ao Māori.

Insight 2: System-shift is a pre-requisite

Māori are clear that they are seeking better wellbeing outcomes and expect this to occur well before 2040. Significant shift in policy and investment settings that focus on sustained improvements and outcomes are required if the public service system is to significantly improve whānau and Māori wellbeing outcomes. Strong partnership between the government and iwi and hapū will be required to achieve necessary system change. This will enable greater provision by Māori organisations of critical interventions, a stronger focus by the public service on improving outcomes and greater use of whānau centred and locally led approaches.

Insight 3: Adaptability is a strength

Māori play a prominent role across a broad range of sectors and have demonstrated their ability to respond positively to and embrace change. Strengthening Māori innovation and entrepreneurialism during a time of technology advancement will support Māori wellbeing into the future.

The concerning projections for Māori if the government take a 'business as usual approach' are consistent with findings in various reports that have identified the barriers to achieving wellbeing for Māori. The LTIB makes it clear that the issues Māori now face require Māori led solutions. The three key insights are also helpful in informing the development of effective Māori public policy. Although they are already being implemented successfully in some government organisations, the insights need to be implemented consistently across central and local government to bring about the change that is needed. A commitment to supporting Māori in the exercise of rangatiratanga, so that they are empowered to design their pathway into the future, is also required to reach the equity goals that meet Māori expectations.

2.7 Inquiry into Economic Inclusion and Social Mobility: A Fair Chance for All

The New Zealand Productivity Commission released their final report **A Fair Chance for All - Breaking the cycle of Persistent Disadvantage** in June 2023.¹¹ The final report contains 20 findings and 20 recommendations that are focussed on addressing system-level issues in the public management system that contribute to persistent disadvantage. The inquiry was initiated in 2021 with the Productivity Commission directed to undertake an inquiry into economic inclusion and social mobility. The scope of the inquiry was to understand the dynamics, drivers and impacts persistent disadvantage has on population groups and what new changes are required to prevent its occurrence.

A key finding revealed that 697,000 New Zealanders experience persistent disadvantage and are not getting a 'fair chance'. This is defined as disadvantage that is ongoing for two or more years across the following three domains: being left out, doing without and being income poor. Although many people experience challenges that can impact wellbeing, these periods of disadvantage are usually temporary. However, for Māori, Pacific peoples, people with disabilities, and sole parents they experience higher rates of persistent disadvantage which can have a long-lasting impact on wellbeing and prosperity. This includes adequate income, housing, health and social connection, cultural identity and belonging and knowledge and skills. Consequently, the disadvantage persists and compounds creating disadvantage that can span across generations.

The drivers of disadvantage were found to be systemic, with broader societal barriers reflected in the public management system. Power imbalances, discrimination, and the ongoing impacts of colonisation in Aotearoa were identified as being key drivers of disadvantage in the public system. Assimilation and land alienation policies also continue to disadvantage Māori today, through ongoing institutional racism and discrimination. The system is not responsive to Māori who are experiencing generational disadvantage and who are struggling to get the support they need.

Key recommendations in the inquiry include:

- Strengthening the influence of Te Tiriti o Waitangi throughout the public management system is critical in order to address the neglect of Te Tiriti o Waitangi as the nation's founding constitutional document. The Productivity Commission recommend that the Government give effect to Te Tiriti o Waitangi by embedding tikanga frameworks such as He Ara Waiora into the public management system.
- Aligning the wellbeing roles and responsibilities of local and central government, taking into account the final recommendations from the Review in the Future for Local Government.
- Introducing a Wellbeing of Future Generations Act and establish a Commissioner for Future Generations, whose statutory role is to represent the interests of future generations.
- Commissioning a programme to support locally led, whānau-centred and centrally enabled initiatives as the most effective approach to providing assistance to people in persistent disadvantage. The programme must

¹¹ The Fair Chance for All report is available [here](#).

understand the lived realities of communities experiencing disadvantage and learn what matters to them most.

- Resourcing better community engagement to ensure Te Tiriti partners and community stakeholders can be active partners in development, decision making, implementation and learning, in relation to policies and programmes to reduce persistent disadvantage.

The findings on Māori disadvantage reflect the Māori wellbeing trends identified in Te Tai Waiora, the Treasury's first report on the state of wellbeing in Aotearoa.¹² They re-iterate that transformational shift is needed to break the cycle of persistent disadvantage for Māori. Continuing with approaches that do not work or that only allow for minor or short-term improvements prolong the suffering for the most disadvantaged groups in our community. Many of the recommendations are already underway such as the embedding of Te Tiriti o Waitangi and Te Ao Māori across central and local government. However, a more urgent response is needed and recommendations that propose a fundamental shift in the public system have been acknowledged by the Government as being deserving of further investigation. The recommendations also require consideration by local government who have a statutory responsibility for improving the social, economic, environmental and cultural wellbeing of communities.

A detailed response to the report will be undertaken by the government following the October 2023 elections.

2.8 Te Wiki o Te Reo Māori

The theme for Te Wiki o Te Reo Māori 2023 was *Kia Kaha Te Reo Māori* – Make the Language Stronger, a campaign that focuses on securing and strengthening te reo Māori as a living, rich and dynamic language. Some of the past key developments to enable this have included:

Māori Language Movement

- Te reo Māori was declared to be an official language of Aotearoa under Te Pire Mo Te Reo Māori 1987 (the Māori Language Act).
- The Māori Language Commission was also established to promote and raise awareness of te reo Māori and Māori language issues.
- The Act also established Te Mātāwai, the Māori entity sector leader that gives direction and oversight of Te Taura Whiri i te Reo Māori (Māori Language Commission)
- Te Mātāwai established Te Maihi Kaurana in 2019, the Māori language strategy that outlines what the Crown will do to support a strong, healthy and thriving Māori language.
- Te Maihi Kaurana is a sister strategy to Te Maihi Māori, the Māori language strategy that aims to have one million people using te reo Māori in community immersion domains by 2040.

¹² A summary of the key Māori wellbeing trends in Te Tai Waiora are available in the [Komiti Māori Agenda](#) for 13 April 2023. A copy of the full report is available [here](#).

Te Wiki o Te Reo Māori at Toi Moana

Toi Moana celebrated Te Wiki o Te Reo Māori with several activities held for staff from 11 - 17 September. Activities included guest speakers who discussed the te reo Māori movement and how te reo Māori became an official language, tukutuku panel making, learning the Toi Moana waiata, local hīkoi at each of the Toi Moana office and a hangi to celebrate the end of Te Wiki o Te Reo Māori. Toi Moana is committed to lifting the understanding and awareness of te reo Māori with the He Waka Eke Noa programme which is dedicated to supporting te reo Māori transmission and understanding across the organisation. The programme has custom learning materials and classes that support each staff member on their individual te reo Māori learning journey.

3. Ngā Pānga ki te Māori Implications for Māori

The report covers a wide range of kaupapa that intersect Councils relationship with Māori at the regional and national level. These kaupapa represent the increased recognition of the value that Te Ao Māori contributes to society. Although these kaupapa are substantive they represent just a sample of the many kaupapa that Māori and tangata whenua are confronting which directly impacts on their relationship with Council.

Despite the wide scope of kaupapa covered in this report the implications for Māori are consistent irrespective of the report item. The implications were informed by the following:

- The need for strengthened capacity to enable Māori to take advantage of the opportunities to participate.
- Te Ao Māori and Mātauranga Māori are increasingly becoming critical in the resource management sector for assessing and determining values and risks, adaptation and planning and understanding the health of communities and the environment.
- The increase pace at which tikanga Māori is being considered and catered for by the public and judicial sectors.
- The expanding list of environmental policy kaupapa which required Te Ao Māori and Mātauranga Māori influence and guidance.
- In increased pace of Treaty settlement and post settlement priorities of iwi and hapu

The implications for Māori can therefore be summarised as:

- The many opportunities presented in this report are overall positive for our relationship with Māori but should be balanced against the ability for Māori to participate.
- Existing capacity barriers, competing priorities and demands, the management of finite iwi time, resources and people and their own respective priorities will determine the level of Māori participation.
- How council manages engagement and partnership opportunities in a way that avoids unnecessary duplication to better manage the demand on finite iwi resources will be critical moving forward.