

Komiti Māori

Ngā Meneti Open Minutes

Commencing: Tuesday 10 October 2023, 9:30 AM

Venue: Council Chambers, Regional House, 1 Elizabeth Street, Tauranga

Heamana

Chairperson: Cr Matemoana McDonald

Heamana Tuarua

Deputy Chairperson: Cr Toi Kai Rākau Iti

Ngā Kopounga

Members: Cr Malcolm Campbell
Cr Stuart Crosby
Cr Andrew von Dadelszen
Chairman Doug Leeder
Cr Kat Macmillan
Cr Jane Nees
Cr Ron Scott
Cr Ken Shirley
Cr Paula Thompson (via Zoom)
Cr Lyall Thurston (via Zoom)
Cr Te Taru White
Cr Kevin Winters (via Zoom)

In Attendance: Bay of Plenty Regional Council Toi Moana (BOPRC):
Kataraina O'Brien - General Manager Strategic Engagement, Fiona McTavish - Chief Executive, Reuben Fraser - General Manager Regulatory Services, Namouta Poutasi - General Manager Strategy & Policy, Staff presenters - as listed in the minutes, Shari Kameta - Committee Advisor, Via Zoom: Rawiri Bhana - Senior Advisor (Treaty), Stephen Lamb - Environmental Strategy Manager, Sandy Hohepa - Māori Policy Advisor, Georgia Thomson - Community Engagement Advisor; Externals: Presenters - as listed in the minutes, Raewyn Bennett, Anaru Tibble, Zyon Mohi-Wiritana

Ngā Hōnea

Apologies: Cr Toi Kai Rākau Iti and Cr Paula Thompson (for late arrival)
Cr Stuart Crosby (for interim departure 10am-11am)

Chair Cr McDonald advised those present that the meeting was being livestreamed and recorded and that the recording would be made available on the BOPRC YouTube channel following the meeting - [Komiti Māori Meeting - 10 October 2023 - YouTube](#)

1. Opening Prayer Karakia Whakatuwhera

A karakia was provided by Cr White.

2. Apologies Ngā Hōnea

Resolved

That the Komiti Māori:

- 1 Accepts the apologies from Cr Iti and Cr Thompson for late arrival and Cr Stuart Crosby for interim departure tendered at the meeting.

White/Macmillan
CARRIED

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

Cr White declared a potential interest in Agenda Item 9.4, Engagement with Tangata Whenua for the implementation of the National Policy Statement for Freshwater Management (NPS-FM). As an executive member of Te Arawa Arataua (Te Arawa Primary Sector) which had been referred to in the report, Cr White would determine if there was any conflict during discussion of the item.

4. Minutes Ngā Meneti

Minutes to be Confirmed Kia Whakaūngia Ngā Meneti

4.1 Komiti Māori Minutes - 22 August 2023

Resolved

That the Komiti Māori:

- 1 Confirms the Komiti Māori Minutes - 22 August 2023 as a true and correct record.

Macmillan/White
CARRIED

9:05 am – Cr Paula Thompson **entered** the meeting (via Zoom).

5. Presentations Whakaaturanga

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

Presentation - Water Services Reform: Objective ID A4500603 ⇨

*Tabled Document 1 - Water Services Reform Programme Te Mana o te Wai
Statements Fact Sheet (awaiting final leg clauses): Objective
ID A4505670*

Presented by: Amiria McGarvey - Iwi Māori Directorate, Department of Internal Affairs (DIA)

Key Points:

- Noted the apology of Dayle Hunia (Principal Analyst, DIA Transition team) who was unable to attend the meeting
- The role of DIA's Māori Directorate was to ensure Iwi collectives were engaged in the reform across the 10 Water Services Entities (WSEs)
- Te Mana o te Wai (TMoTW) would be the guiding principle for WSEs
- TMoTW statements were for iwi to determine and decide how they wished to participate in their preparation. Noted that some statements were already underway in the Bay of Plenty
- A TMoTW fact sheet was circulated for information (refer Tabled Document 1), which Dayle Hunia could expand on in further detail at a future date
- Due to the uncertainty of the general election, space was being held for iwi to apply to the He Pūkenga Wai fund to enable them to participate in the process. Noted there were some criteria issues for Tauranga Moana iwi with applying to the fund, which DIA were working with the iwi to ensure they could participate
- Noted the high level entity transition timeframe/runway and establishment opportunities for WSEs
- Was currently working with councils and iwi to pull together draft position statements in preparation for the incoming Government and Minister.

In Response to Questions:

- Reconciling the various TMoTW statements for the region at this stage was unclear, but would need to be co-designed as the establishment progressed
- Multi-agency collaboration would be important to support iwi-Māori
- Dayle Hunia as the TMoTW workstream lead could confirm if TMoTW statements for the region could be shared
- He Pūkenga Wai funding process would be determined by the funding team with further clarity provided post-election. Noted that internal discussions were taking place on how to support unsuccessful applicants.

9:35 am - Cr Thompson **entered** the meeting (Via Zoom).

Key Points - Members:

- Sought the opportunity to collaborate with DIA, Ministry for the Environment and other central/local government agencies for the next Toi Moana symposium for Iwi-Māori within the region.

Key Points - Staff:

- Were working with DIA and MfE to synergise on common kaupapa/matters for the benefit of Iwi-Māori.

9:48 am - Chairman Leeder **entered** the meeting.

5.2 Treaty Settlements and Resource Management Reform Update

Presentation - Our new Resource Management System: Objective ID A4501775 ⇒

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

Key Points:

- Outlined the new resource management (RM) system, key changes and approach towards a more streamlined consenting process.

10:00 am - Cr Iti **entered** the meeting.

- Ministry for the Environment (MfE) had been working with Post-Settlement Governance Entities (PSGEs) for the past 18 months to agree and ensure the integrity, intent and effect of Treaty Settlement redress was upheld within the new resource management system
- While co-governance arrangements would remain unchanged, regional planning committees (RPCs) would be responsible for preparing regional plans under the new system.

In Response to Questions:

- The intention was for RPCs to be assisted by secretariats.
- Transition to the new system would take up to 10 years, starting with notification of the National Planning Framework (NPF) in early 2024 followed by regional spatial strategies and a National Built Environment Act plan for the region. The existing RMA would remain during transition
- Implementation of the system would need to be worked through with the Crown, regional councils, local authorities and Iwi-Māori
- Acknowledged the uncertainty of the reform due to the general election however, noted that the Government was legally bound to uphold Treaty Settlements
- Advice was being prepared for the incoming Minister that would likely recommend no significant changes to the system due to the extent of time/work undertaken by a large number of parties
- The new Acts provided a process for iwi/hapū to make appointments to RPCs. Scope of Deeds to Amend were to ensure the new system reflected Treaty Settlements, not to seek further redress or enhancements
- If agreement could not be reached with PSGEs, there were provisions in the new Acts stating that existing RMA provisions would prevail
- The new national Māori entity was an independent monitoring group that parties could take issues to for consideration. The group could make recommendations to various agencies, which would not prevent parties from making an application to the Waitangi Tribunal.

Key Points - Members:

- Raised concerns with the new RM system in relation to:
 - Its implementation, transition and management
 - Impact/cost on regional councils, long term plans and ratepayers
 - How RPCs will be paid for and potential for membership to be unwieldy
 - Potential cost/risk of a reset following the general election
- Wished MfE well in the transition and the work required to implement the new system.

Key Points - Presenters:

- Would note the concerns raised and suggest that the wider MfE team present to Council post-election on the broader questions of the reform.

10:36 am – the meeting **adjourned**.

10:57 am – the meeting **reconvened**.

6. Reports Ngā Pūrongo

Decisions Required Ngā Whakatau e Hiahiatia Ana

6.1 Implications for Māori of National Policy Statement for Highly Productive Land

Presentation - NPS for Highly Productive Land 2022 Impact on Maori land held in general title: Objective ID A4501813 [↗](#)

Presented by: Anaru Vercoe, Pou Whaingā, Principal Advisor
Supported by Huiarau Stewart, Contractor

Key Points:

- Outlined the objective and policies of the National Policy Statement for Highly Productive Land (NPS-HPL) and classes of Māori land that were exempt under the NPS-HPL. The NPS-HPL required regional policy statements to map HPL by 17 October 2025
- Highlighted the impacts that the NPS-HPL had on Māori land that had been transferred into general title. Data relating to land held in general title was incomplete and required further information and understanding
- Options/relief provided by the NPS-HPL were costly, required a high level of coordination and were an issue for land with financial lending attached. Additionally, converting general title land back into Māori freehold land was complex and triggered other implications
- Illustrated areas in the region that were affected by the NPS-HPL (refer Presentation slides 9-11, land shaded blue, pink and grey)
- Considered that the impacts had not been looked at carefully enough
- Sought support from Komiti Māori to make a submission on the matters raised, in particular to designate small land blocks outside of the NPS-HPL
- While the matters were out of scope of submissions being sought by the Ministry for the Environment (MfE), feedback had been encouraged.

In Response to Questions:

- The National Planning Framework, due to be notified in April 2024, would address which NPS had precedence over another however, noted that the general election may impact on current legislative reforms
- Land that had already been through a sub-division process were exempt from NPS-HPL restrictions
- Mapping would not cover all land parcels, but could provide an opportunity for people to voice their concerns. Confirmed that staff would look at information held by Land Information New Zealand

- Small Māori land blocks in general title that were caught by the NPS-HPL would not impact majorly on future thinking for appropriate use of HPL
- Clarified the distinction between general title land and Māori land held in general title
- Most of the Māori land that had been transferred into general title following the 1967 Maori Affairs Amendment Act had been recorded by the Māori Land Court (MLC) and overlaid into the Regional Policy Statement maps however, the MLC would not have captured all affected land

Key Points - Members:

- Supported making a submission to raise awareness of the issues
- Sought consideration whether a land block size (i.e. one to three hectares) would be recommended and defined within the submission.

Key Points - Staff:

- Would provide further information to councillors for feedback prior to finalising the submission for release.

Resolved

That the Komiti Māori:

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

**Iti/Campbell
CARRIED**

6.2 Review of Rates Remission Policy (Whenua Māori)

Presentation - Rates Remission Policy Review: Objective ID A4502810 [⇒](#)

Presented by: Charlie Roddick, Rates Engagement Team Leader (Whenua Māori)
Jo Pellew, Rates Manager and Jill Payne, Principal Advisor

Key Points:

- Sought guidance/direction on feedback received from initial engagement on the rates remission policy as outlined in the report, alongside additional feedback received from the online Participate website following publication of the agenda (refer PowerPoint Presentation)
- Could share participants' responses to provide councillors with visibility
- Next steps would be to provide detailed draft policy options to Council in early November and a wider policy review to the 25 October Council Workshop.

In Response to Questions:

- Language and meaning – considered it important to reflect and incorporate Te Ao Māori values alongside legal descriptions
- Papakāinga development terms and criteria – providing an option to extend would not unduly impact on administrative processes

- Economic development on Māori Freehold Land (MFL) – the alternative policy proposed would be a positive benefit that supported relationships with Māori
- Māori land blocks that were planted in forestry had carbon credits applied through the Government’s emission trading scheme and were rated.

Key Points - Members:

- Language and meaning – supported retaining terms used in the Act and to reflect Te Ao Māori concepts with the inclusion of the legislative descriptors where relevant
- Papakāinga development term for remissions, prompts and criteria – supported a five year term with the option to extend on a case by case basis, noting there were criteria in place to trigger some form of payment
- Recognition of Māori Freehold Land – supported the suggested guidance outlined in the presentation as adopted by Western Bay of Plenty District Council. Considered it important to provide explanatory background for those required to implement the policy
- Economic development on MFL – agreed in principle to the alternative policy, however recommended a shorter period and taking advice on monitoring risk and pre-profit stages of business cases without impeding the start-up of economic development
- Considered it important to understand any wording implications that may impact unfairly on MFL
- Wished to receive further information on economic development incentives that rates remissions could support
- Noted concern in regard to taking a case by case approach that did not provide certainty or would make it difficult for staff to implement the policy
- Temporary dwellings, cabins and caravans – recognised the issues regarding poverty and sub-standard living however, agreed that the policy needed to be consistent with the legislation, therefore supported rating land with temporary dwellings, cabins and caravans
- Limitations to occupation – supported a time-bound remission under exceptional circumstances for flood damage and applying this to all land, however considered this should exclude new builds on flood areas and land affected by air pollution
- Requested a track change version of the proposed changes made to the policy that was to be presented at the Workshop on 25 October.

Resolved

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 Discusses and provides further direction to assist with ongoing development for education and guidance for remissions/processes and development of Whenua Māori and General title properties.**

**Iti/Scott
CARRIED**

12:38 pm - the meeting **adjourned**.

1:08 pm - the meeting **reconvened**.

6.3 Long Term Plan 2024-2034 : Consultation with Māori

*Presentation - Te Mahere Turoa Long Term Plan 2024-2034 Consultation with Māori:
Objective ID A4503660* [⇒](#)

Presented by: Merehine Waiari, Senior Advisor; Stephanie Macdonald, Community Engagement Team Leader and Herewini Simpson – Kaihautu (Te Amorangi Lead)

Key Points:

- Outlined the approach for a tailored plan to engage with Māori on the Long Term Plan (LTP), noting that it would be topic-focused and based on the audited LTP consultation document
- Highlighted the challenges and limited capacity of Māori and the need to engage early and efficiently with a mixture of consultation platforms
- Next steps would include providing a list of proposed questions to a Council LTP workshop for feedback before seeking endorsement of the draft LTP Māori Consultation Plan at the Komiti Māori meeting in December 2023.

Key Points - Members:

- Supported the targeted engagement plan and the proposed approach
- Wished to see an increase in LTP submissions from Māori and targeting engagement with those that had the ability to make submissions
- Providing a good overview of the LTP along with key issues for Toi Moana and the region would also be important
- Noted the need for equity around consulting with the wider community
- Suggested utilising councillors to convey messaging to constituents via social media and digital platforms
- It would be beneficial to include a question that would seek feedback on Council's partnerships with Māori.

Resolved

That the Komiti Māori:

- 1 Receives the report, Long Term Plan 2024-2034 : Consultation with Māori;**
- 2 Endorses a bespoke LTP Māori Consultation Plan that is cost effective and aligns with Council's formal LTP consultation approach;**
- 3 Notes the LTP Draft Māori Consultation Plan will be presented for endorsement at the December 2023 Komiti Māori meeting in readiness for consultation in February to March 2024.**

**Nees/Iti
CARRIED**

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

Presented by: Margaret Courtney, Senior Advisor
Kerry Brown, Kaitohutou Taiao Matua (Senior Advisor)

Key Points:

- The report sought endorsement of a change to a targeted engagement approach with tangata whenua and was in response to feedback received from hui-a-rohe participants and following the Komiti Maori held in August

- The general approach used previously with hui-a-iwi was not yielding the quality of feedback due to the short timeframe, therefore wished to engage directly where the hapū/iwi/practitioners were able to do so and were working on the ground
- Engaging with Māori in freshwater was significant and needed to be flexible
- Noted another approach that had recently come to light that was not covered in the report to re-establish the Ngā Kaitohutohu rōpu, which comprised tangata whenua experts/planners to inform some of the policy development and support the review period that would be shared with iwi.

Key Points - Members:

- Supported a targeted approach, providing safe spaces and opportunities for tangata whenua and kaitiaki on the ground to lead conversations, being honest about the constraints placed on Council and examining examples of success on the ground that may assist with conversations
- Considered it important to convey and demonstrate integrity in Council's process and approach.

Resolved

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 Endorses the change in engagement approach from hui-a-rohe to targeted tangata whenua engagement.**

**White/Iti
CARRIED**

**Information Only
Hei Pānuī Anake**

6.5 Komiti Māori Chair Update

Resolved

That the Komiti Māori:

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

**Iti/Crosby
CARRIED**

**7. Closing Prayer
Karakia Kati**

A karakia was provided by Cr White.

1:50 pm - the meeting closed.

CONFIRMED

Cr Matemoana McDonald
Chairperson, Komiti Māori