



Komiti Māori Rārangi Take (Agenda)

NOTICE IS GIVEN that the next meeting of Komiti Māori will be held via Zoom (Audio Visual Meeting) on:

TUESDAY 19 OCTOBER 2021 COMMENCING AT 9.30 AM

Due to Covid-19 Alert Level 2 restrictions, this meeting will now be held via Zoom (Audio Visual Meeting) and recorded and livestreamed.

The Public section of this meeting will be recorded and streamed live on Bay of Plenty Regional Council's website. To watch the meeting live, click on the following link: <https://www.youtube.com/user/bopregionalcouncil>. Further details on this can be found after the Terms of Reference within the Agenda.

Fiona McTavish
Chief Executive, Bay of Plenty Regional Council Toi Moana
11 October 2021

Komiti Māori

Membership

Chairperson Notwithstanding the Komiti Māori has an appointed Chairperson, Māori Constituency Councillors may host-Chair committee meetings that are held in the rohe of their respective constituency	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 will be uploaded Bay of Plenty Regional Council's web site in accordance with Council's Live Streaming and Recording of Meetings Protocols which can be viewed on Council's website. The recording will be archived and made publicly available on Council's website within two working days after the meeting on www.boprc.govt.nz 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.**

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. Wāhanga Tūmatanui**
Public Forum
- 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

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Ngā Pūrongo

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Komiti Māori

Ngā Meneti Open Minutes

Commencing: Tuesday 17 August 2021, 10.33 am

Venue: Te Papaïouru Marae, Mataiāwhea Street, Ōhinemutu, Rotorua

**Heamana
Chairperson:** Cr Te Taru White – Host-Chair

**Heamana Tuarua
Deputy Chairperson:** Cr Toi Kai Rākau Iti

**Ngā Kopounga
Members:**

- Cr Matemoana McDonald – Komiti Māori Chair
- Cr Norm Bruning
- Cr Bill Clark
- Cr Stuart Crosby
- Chairman Doug Leeder
- Cr Jane Nees
- Cr Stacey Rose
- Cr Paula Thompson
- Cr Lyall Thurston
- Cr Kevin Winters

In Attendance:

Fiona McTavish (Chief Executive), Kataraina O'Brien (Director Strategic Engagement), Namouta Poutasi (General Manager Strategy & Science), Rawiri Bhana (Māori Policy Advisor), Sandy Hohepa (Māori Policy Advisor), Herewini Simpson (Senior Advisor (Treaty)), Clarke Koopu, (Senior Advisors (Treaty)), Gina Mohi (Pūtaiao Mātauranga), Ashleigh Grant (Kaikarere Communications Partner), Lisa Tauroa (Internal Services Officer), Nathan Capper (Pou Ngaio Technical/Cultural), Sanjana France (Communications Partner), Natalie Ridler (Communication Engagement Advisor), Freya Camburn (Senior Policy Analyst), Penny Doorman (Programme Leader – Geothermal), Helen Creagh (Rotorua Catchments Manager), Lynda Frew (Legal Counsel Commerical Lead), Rachel Boyte (Legal Counsel), Shari Kameta (Committee Advisor)

Externals: Hon Nanaia Mahuta, Rawiri Waru, Jude Pani (Te Tatau o Te Arawa), Nicki Douglas, Te Rangikaheke Bidois (Ngāti Rangiwewehi - Te Tāhuhu o Tawakeheimoa Trust) Tanira Kingi, Bill Young (Te Arawa Arataua), Elva Conroy, Lani Kereopa (Te Ahi Kaa Roa Roopu), Kepa Morgan (Ngāti Pikiao), U Brown (Ngāti Rangiwewehi), Harina Rupapera,

Renee Kiriona (Te Arawa), Peter Staite (Ngāti Hurunga te Rangi), Kiri Pōtaka, Karla Kereopa (MfE/Ngāti Whakāue), Jenny Riini (Te Tatau o Te Arawa), Monica Waititi (Office of MP Rawiri Waititi), Pirihira Haira, Paul Warbrick (Whakatāne District Council), Anthony Olsen, Kenneth Raureti (Ngāti Rangitahi), Roku Mihinui (Tūhourangi), Maramena Vercoe, Maxeen Newton (Te Rūnanga o Ngāti Manawa), Maryana Garua (NZME), Awhina Coffey (Ministers Office), Tamati Coffey (Labour Party Member), Geoff Rice, Eileen Jones, Geoff Rolleston, Vicki Bhana, T Williams, Raina Meha, Possum Roberts, Sonia Cooper, Ike Retimana, Tere Tapsell (Ngāti Whakāue), Moananui Pedlow, Ken Dinsdale (Tia/Tapuika – Rangitahi), Tony Wihapi, Maru Tapsell, Paki Nikora

Ngā Hōnea Apologies:

Cr David Love
Cr Andrew von Dadszen

1. Opening Prayer Karakia Whakatuwhera

A karakia was provided during the pōwhiri by kaumātua Monty Morrison.

2. Apologies Ngā Hōnea

Resolved

That the Komiti Māori:

- 1 Accepts the apologies from: Cr David Love and Cr Andrew von Dadszen and from tangata whenua/members of the public: Blanche Hohepa-Kiriona, Karen Vercoe and Joseph Tuhakaraina tendered at the meeting.

Thurston/McDonald
CARRIED

3. Deputations Wāhanga Manuhiri

3.1 Opening Address by Hon Nanaia Mahuta

Hon Nanaia Mahuta, Minister for Foreign Affairs, Local Government and Associate Minister for Māori Development provided a keynote address on her perspectives and insights regarding some key kaupapa for local and central government involving partnerships with Māori.

Key Points:

- Aotearoa New Zealand was at a critical juncture of resolving past Treaty issues, looking forward to the future and willingness within society to move towards partnership in the tenants of Te Tiriti o Waitangi.
- Role and interface of central and local government was a part of the picture.

- Central government could create some conditions in partnership with local government to ensure communities flourished by enabling co-design of outcomes, and applying a Treaty based approach in a practical way to achieve broader environmental, economic, social and cultural wellbeing outcomes.
- Relationships were key to the aspirations of partnership.
- Noted significant matters that were being addressed as first priorities:
 - Major investment in infrastructure, with Three Waters reform to:
 - Strengthen long term resilience, financial sustainability, asset management and the health and environmental wellbeing.
 - Lift partnerships and long term aspirations of Iwi-Māori on the health of waterways
 - Underpin economic opportunity and growth in the regions and smaller communities in a coherent way
 - Future for Local Government Review
 - Had announced the commencement of a review panel to engage with councils/iwi/communities/business/stakeholders to look at current local and central government systems to help design a road map on how partnerships could be better achieved.
 - Partnership models to support projects that enable communities to define who they were, provide sense of purpose, connectedness and place.
 - Aspirations to co-design a new innovative way of working together.
 - Treaty relationship and climate change objectives were a part of this.
 - Public Sector Act had changed to become more agile for local/central government to work more coherently together, with consideration being given to where delivery/implementation might be best achieved alongside community/iwi/business.
- Recognised accountability of ensuring better outcomes for Māori, bringing Māori voices to the decision making table, and enabling Māori and ethnic inclusion to bring greater diversity and innovative solutions.
- Central and local government needed to be courageous to amplify a partnership approach.
- Social procurement stewardship goals within Māori development portfolio:
 - Vibrant communities underpinned by whānau participation within the local economy to lift Māori socio-economic household levels and amplify circular economy within a (holistic) climate change aware future.
 - Support to small-medium Māori and Pacific entrepreneurship would bring local benefits through bespoke support, research, science and innovation and capital investment.
 - Enabling succession to Māori whenua and papakāinga to break down legal barriers and provide access to capital investment.
- Opportunity of partnership would not be without challenge.
- Needed to be courageous and prepared to listen to each other to contest a space for a new future, which would be critically important to shaping New Zealand's identity while the global community reset itself, particularly from the Covid-19 pandemic.
- Looked forward to hearing tangata whenua presentations to gain insight into local issues.

Minister in Response to Questions:

- Light earth homes and affordable housing - Te Puni Kokiri had initiated a project to find pathways and eliminate barriers to support whānau to build on their whenua, noting some of the challenges in regard to navigating the Building Act, Papakāinga Planning standards and access to grant funding.

- The Three Waters reform did not affect private water suppliers and only affected Council water infrastructure. The reform incorporated Te Mana o Te Wai principles, safeguarded against privatisation, set direction for new entities tasked with managing and operating investment, ensured community voice was heard, and lifted the representative opportunity for iwi/mana whenua to be involved in the conversation to the benefit of the whole community.
- Acknowledged there would be challenges, which would require councils and mana whenua groups to work out what was most important for their catchment across an entity.

4. Presentations Whakaaturanga

4.1 Te Tatau o Te Arawa - Te Arawa 2050 Vision

Presentation - Te Tatau o Te Arawa 2050 Vision: Objective ID A3903721

Presented by: Rawiri Waru, Te Tatau o Te Arawa Deputy Chair and Jude Pani Manahautu

Key Points:

- Background on Te Tatau o Te Arawa and Te Arawa 2050 Vision.
- The Vision document encompassed:
 - Vision statement: Mauri tu, mauri ora, te Arawa e!
 - Value statements (Ngā Mātāpono) provided by Te Arawa elders
 - Seven pou/strategic directions (Te Whakaterenga o te Waka)
 - 2021-23 strategic priorities/plan included: a transformational economic plan, model for housing, spatial plan, embedding Te Arawatanga into Rotorua City, hapū capacity building and marae connectivity
- Te Tātau o Te Arawa would work with its local government partners where there was alignment with its strategic priorities.
- Collaborated with Auckland University in the national science challenge to develop a compass indicator for housing and community wellbeing.
- Hoped for central government support of local government/initiatives.

4.2 Ngāti Rangiwewehi - Implications of the National Policy Statement for Freshwater Management and Three Waters Reform

Presentation - Ngati Rangiwewehi: Objective ID A3903590

Presented by: Nicki Douglas supported by Te Rangikaheke Bidois

Provided Te MoTW, partnerships around Te Tiriti and whenua, what was happening next for Ngāti Rangiwewehi.

Key Points:

- Ngāti Rangiwewehi ancestral rohe, confiscation of whenua, wai and rangatiratanga (authority) and reclamation of authority of Pekehaua Awahou awa.
- Confiscated in 1996 for town water supply, Pekehaua Awahou was returned to the iwi through a series of court challenges and treaty settlement.

- The iwi had since agreed to a joint consent process for town water supply, incorporating western science and Mātauranga Māori model to inform how the water would be used and protected.
- Expectation of the iwi was to be directly involved in all decisions regarding the joint consent, whichever entity managed the wai.
- Ngāti Rangiwewehi's 2040 Vision and Strategy, mission statement, values.
- Key pillars/focus was on: taiao, education and economic development and development of the Pekehaua story (available online).
- Ngāti Rangiwewehi whenua holdings.
- Supported the Minister's commitment to Wai 262, the Waitangi Tribunal report, *Ko Aotearoa Tenei*, and the commitment for an action plan to ensure taonga, whakapapa, Mātauranga, and iwi connections are protected.
- Acknowledged BOPRC and the Treaty partnership/relationship that was in place regarding how Ngāti Rangiwewehi Mātauranga was applied and used to protect taonga, and hoped that it would give effect to kawanatanga (governance) and rangatiratanga (authority) of the iwi.

In Response to Questions:

- Regarding unique responsibilities of Ngāti Rangiwewehi in regard to the town water supply joint consent, a model was being developed to measure instream minimum flow applying Te Mana o te Wai hierarchy principles and Ngāti Rangiwewehi values and uses in regard to allocation, and the role of iwi in regard to flow monitoring, management of infrastructure and capability and capacity building.
- Ngāti Rangiwewehi had chosen a joint consent process for Taniwha Springs as their preferred option.

Key Points - Members:

- Acknowledged the progress made by Ngāti Rangiwewehi.

4.3 Te Arawa Arataua (Te Arawa Primary Sector Inc)

Presentation - Te Arawa Arataua - NPSFM & Te Mana o Te Wai: Objective ID A3903586

Presented by: Dr Tanira Kingi

Key Points:

- Background on Te Arawa Arataua (TAPS) established in 2011.
- Te Arawa Te Ture Whenua Māori rohe profile.
- Current policy environment and challenges for Māori land entities whose responses would depend on their profile.
- Smaller blocks would be under considerable pressure to comply and need support.
- Mana Whakahaere was an important concept/structure within Te Mana o te Wai and RMA reform to enable iwi/hapū/ahi kaa/land entities to participate in policy design/implementation decisions over their taonga.
- TAPS was working on four outcomes in response to Te Hononga and implementing NPSFM and were in discussion with BOPRC to understand how Mana Whakahaere would work within Te Arawa rohe.
- Other activity to support this mahi were:
 - Presentations to Te Arawa and Tūwharetoa land entities on proposed freshwater farm plans on 27 August and 3 September.

- Aligning policy programmes of the National Policy Statement for Freshwater Management 2020 (NPSFM) and TAPS Partnership, He Waka Eke Noa (HWEN) to simplify messages to farmers and considering a number of solutions to achieve mutual outcomes
- Questioned central government's and BOPRC's role in supporting moving beyond compliance and transitioning to alternative high value/low emission land uses and infrastructure investment of local processing and manufacturing chains.
- Provided examples of alternatives to land use and improving farm management practices to achieve climate change and water outcomes.

In Response to Questions:

- The 80 hectare HWEN threshold could comprise a number of titles/blocks or a single title.
- Appetite for carbon farming and establishment of forests for carbon revenue as a long-term investment was in front of land entities, however noted the challenge of high conversion and establishment costs.

Key Points - Members:

- Local production for large Māori land entities would benefit from vertical integration of supply chains entities utilising collective structures.

4.4 Te Arawa Lakes Trust

Presentation - Te Papa Ahurewa: Objective ID A3903577

Presented by: Te Rangimārie Williams and Mariana Te Rangi

Te Rangimarie Williams and Mariana Te Rangi provided a presentation on Te Papa Ahurewa, the newly established organisation and initiative of Te Arawa Lakes Trust (TALT).

Key Points:

- Te Papa Ahurewa was responsible for providing environmental policy, planning and resource consent expertise from a kaupapa Māori perspective in response and to support iwi/hapū/whānau.
- Supported by one year funding from BOPRC and comprised a team of four.
- Vision:
 - Support Te Arawa hapū/whānau/iwi to ensure their values were reflected in policy and consents to ensure environmental outcomes.
 - Iwi-Māori were constantly reacting to Government reform and regional and local councils, therefore wished to drive environmental policy change at the central government level to effect change.
- Guided by iwi/hapū/whānau.
- Opportunities supported by Te Papa Ahurewa:
 - Building relationships with central government to influence policy decisions
 - Engagement hui with hapū/whānau on resource management reforms
 - Working with BOPRC on projects and policy changes
 - Partnerships with central/local government based on relationships
 - Capacity building of iwi/hapū/whānau
 - Supporting the reconnection and health of the taiao and people.
 - Designing outcomes for future generations
 - Building partnerships with and investing in the community at any levels.

- Carbon wetland restoration was a key focus to enable better water quality outcomes and to build opportunities within the community.

4.5 Te Ahi Kaa Roa Roopu

Presentation - Ngā Wai Ariki o Rotorua: He Kohikohinga - Hau Kāinga Perspectives on the Health of Geothermal Taonga within Rotorua: Objective ID A3903588

Presented by: Elva Conroy and Lani Kereopa

Elva Conroy and Lani Kereopa provided an update on behalf of Te Ahi Kaa Roa Roopu on work that was being developed, which included the Ngā Wai Ariki o Rotorua Report included within the agenda.

Key Points:

- Te Ahi Kaa Roa Roopu was a working group that had been established with BOPRC to determine the health of geothermal taonga within Whakarewarewa, Ōhinemutu, Tārewa Pounamu and Ngāpuna villages from a hau kainga perspective to inform and provide for Mātauranga Māori of the resource within the Rotorua Geothermal Regional Plan review.
- Key findings:
 - Mixed recovery of the taonga since the 1980 bore closures programme.
 - Significant change and reduction/loss in geothermal use by hau kainga.
 - Loss of intergenerational knowledge, practices and ability to be kaitiaki of the resource
- Te Arawa's vision/strategy for whānau/hapū included energy security and sovereignty that included:
 - Healthy homes for whānau, recognition and protection of their taonga
 - Sustainable use of natural resources for the benefit of environment
 - A township and surrounds supported by green infrastructure
 - Hau kainga utilising geothermal taonga for heating, cooking, bathing
 - Whānau empowered to transition to green jobs, inter-generational and sustainable prosperity
- Sought a genuine partnership/commitment to co-design, co-governance and co-management of the geothermal resource.
- Where to from here:
 - Geothermal planning/decision-making that reflected: inter-generational thinking, our place in the world, and balance and reciprocity
 - Geothermal allocation that prioritised use for: tangata whenua cultural activities, followed by Rotorua ratepayers, community facilities, and then industrial/commercial.

In Response to Questions:

- Establishment of the Ahi Kaa Roa Roopu had been BOPRC initiated-led as the first phase of engagement in the policy development process; and had included three hui-a-iwi with the representative communities.
- Resourcing of tangata whenua engagement in a way that worked for tangata whenua was something that councils needed to look at.

Key Points - Members:

- Sought collaboration with Central Government agencies to identify/target gaps in funding, support participation of Iwi-Māori to assist in capacity building in local government sphere.

- Kahui Wai Māori had re-purposed the Te Mana o Te Wai Fund (\$30 million) for Iwi-Māori capacity and capability building; and needed to ensure that Crown and BOPRC funding was aligned.
- BOPRC had provided funding to Te Arawa initiatives through its Long Term Plan.

Minister - In Response to Questions:

- Congratulated the presentation and perspective on energy security and community roles.
- Regional Sector Group had raised/identified the issue of delegated mandates given to local government regarding Treaty settlements and engagement obligations.
- Ministers were mindful of specific legislative reform proposals and enabling conversations around successful implementation.

5. Host-Chair's Announcement

On behalf of Komiti Māori, Host-Chair Cr White thanked Minister Mahuta and presenters for their time and attending the hui.

12:35 pm – the meeting **adjourned**.

1:25pm – the meeting **reconvened**. Chairman Leeder **withdrew** from the meeting.

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

None declared.

7. Minutes Ngā Meneti

Minutes to be Confirmed
Kia Whakaūngia Ngā Meneti

7.1 Komiti Māori Minutes - 24 June 2021

Matters Arising

- Host-Chair Cr White acknowledged the recent passing of Te Whareoteriri Rahiri who had previously presented in the public forum of the meeting held on 24 June 2021.

Resolved

That the Komiti Māori:

- 1 Confirms the Komiti Māori Minutes - 24 June 2021 as a true and correct record.**

Rose/Nees
CARRIED

8. Reports Ngā Pūrongo

Decisions Required Ngā Whakatau e Hiahiatia Ana

8.1 Chairperson's Report

Refer Draft Komiti Māori Work Plan and Draft Partnerships with Māori Position Statement circulated under separate cover.

Presented: Kataraina O'Brien, Director Strategic Engagement

Key Points:

- Sought approval of the draft Komiti Maori Work Plan 2021/22 and draft Partnerships with Māori Position Statement, which amendments had been made following the Komiti Workshop on 11 August 2021.

Key Points - Members:

- Commented on the Three Waters reform which only applied to water services held in public ownership and not private schemes. Private suppliers were interrelated in terms of health, but would be managed under different legislation. The Water Services Bill had ramification for BOPRC, which would need BOPRC oversight; and a mechanism for transfer of privatisation. All 67 authorities were presumed to be opted in, but at a point in time could choose to opt out.

Resolved

That the Komiti Māori:

- 1 **Receives the report, Chairperson's Report;**
- 2 **Approves the Draft Komiti Māori Work Plan for June 2021 – August 2022 (circulated under separate cover);**
- 3 **Approves the Partnerships with Māori Position Statement (circulated under separate cover), subject to an amendment to include “working towards” within the heading.**

**Rose/Iti
CARRIED**

9. Open Forum

9.1 Maru Tapsell

Key Points:

- Sought meaningful consultation and understanding from BOPRC regarding the Waitaha Claims Settlement Act and historical links to Pāpāmoa Hills, and requested more consultation as an affected party.

- Noted there was still a lot of misunderstanding regarding the concept of social capital which took priority over economic capital within the Waitaha Settlement.

8.2 Harina Rupapera

Presentation - Te Arawa Taiohi Toa: Objective ID A3900248

Harina Rupapera, Pou Taiohi, Te Arawa Lakes Trust (TALT) and social researcher for Chatham Islands gave a presentation on Te Arawa Taiohi Toa.

Key Points:

- Founded in 2019 and previously endorsed by Komiti Māori, Te Arawa Taiohi Toa was a programme investing and contributing to the development of future leaders of Te Arawa and was in its fourth year.
- Framework had been endorsed and supported by TALT, kaumātua and iwi.
- Wānanga were held by pūkenga (experts) each year to contribute/share knowledge to benefit the teaching of rangatahi.
- Strengthening and building knowledge/relationships of iwi/hapū/marae.
- Kaitiakitanga practices and wānanga were interwoven with tangata/taiao.
- Vision and mission: Arawa Ahu Hawaiki was aligned to deliver outcomes for: the taiao, hapū/iwi environmental plans, Te Arawa 2050 Vision, Te Arawa Climate Change Strategy, Te Tuāpapa o Ngā Wai framework, Te Arawa Lakes Trust Mahere Taiao.
- Thanked BOPRC and kaumātua for their support, belief and contribution to the kaupapa.
- Te Arawa Taiohi Toa Environmental Youth Summit was planned in January 2022, which included opening a forum and space on 23 August at Ngāti Pikiao Board Room for those who were interested in contributing.

10. Closing Prayer Karakia Kati

A karakia was provided by Cr Toi Iti.

1:57 pm – the meeting closed.

CONFIRMED

Cr Te Taru White
Host Chairperson, Komiti Māori



Pūrongo Ki: Report To:	Komiti Māori
Rā Hui: Meeting Date:	19 October 2021
Kaituhi Pūrongo: Report Writer:	Mark Le Comte, Principal Advisor, Finance
Kaiwhakamana Pūrongo: Report Authoriser:	Mat Taylor, General Manager, Corporate
Kaupapa: Purpose:	To confirm the engagement approach for Rates Remissions and Postponements for Māori Freehold Land.

Rates Remissions and Postponements

Whakarāpopototanga Executive Summary

Council currently adopts the Rates Remissions and Postponement Policies of each of the Territorial Local Authorities that act as our rating agents. As part of the transition to collecting our own rates, Council is required to set its own policies.

This must include a Policy on the Remission and Postponement of Rates on Māori Freehold Land.

The purpose of this report is to seek Komiti Māori's endorsement to conduct early engagement with a range of Māori Freehold Land governance entities to identify likely issues. This will inform the draft Policy, which will be formally consulted on in 2022.

Ngā tūtohutanga Recommendations

That the Komiti Māori:

- 1 Receives the report, Rates Remissions and Postponements.**

- 2 Directs the early engagement with a range of Māori Freehold Land governance entities on the proposed Rates Remissions and Postponements for Māori Freehold land to identify likely issues.
- 3 Notes that early engagement will inform the development of the draft Policy on Remissions and Postponements for Māori Freehold Land which will be subject to a full consultation process.

1. **Kupu Whakataki** **Introduction**

Council currently adopts the Rates Remissions and Postponement Policies of each of the Territorial Local Authorities that act as our rating agents. As part of the transition to collecting our own rates, Council is required to set its own policies.

This must include a Policy on the Remission and Postponement of Rates on Māori Freehold Land.

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

Rates remissions and postponement policies are prepared and adopted under the Local Government Act. There are related provisions and rules under the Local Government (Rating) Act and Te Ture Whenua Māori Act.

Council must have a policy on the remission and postponement of rates on Māori freehold land and may have policies on rates remissions and rates postponements. Each of these policies must be consulted on in a manner that gives effect to the principles of consultation in the LGA s82.

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

The Way We Work We honour our obligations to Māori.

Rates remissions on Māori Freehold Land are one way that Māori can be supported to achieve the best appropriate use of their land.

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

Rates Remissions and Postponements on Māori Freehold Land primarily recognise the cultural significance of the land and may also provide for environmental preservation and economic/residential development.

2. **Background**

Māori Freehold Land is a specific legal status of land ownership. There are approximately 5,400 blocks of Māori Freehold Land in the Bay of Plenty Region with a total area of 240,000 ha. As part of the transition to collecting our own rates,

Council is required to set its own policies. This must include a Policy on the Remission and Postponement of Rates on Māori Freehold Land.

2.1 Legislative Changes

The Local Government (Rating of Whenua Māori) Amendment Act 2021 amended parts of the Local Government Act (LGA) and Local Government (Rating) Act LG(R)A and those changes must be incorporated as part of this policy review. One of the major changes is the requirement to support the principles set out in the Preamble to the Te Ture Whenua Māori Act, which states:

Nā te mea i riro nā te Tiriti o Waitangi i motuhake ai te noho a te iwi me te Karauna: ā, nā te mea e tika ana kia whakaūtia anō te wairua o te wā i riro atu ai te kāwanatanga kia riro mai ai te mau tonu o te rangatiratanga e takoto nei i roto i te Tiriti o Waitangi: ā, nā te mea e tika ana kia mārama ko te whenua he taonga tuku iho e tino whakaaro nuitia ana e te iwi Māori, ā, nā tērā he whakahau kia mau tonu taua whenua ki te iwi nōna, ki ō rātou whānau, hapū hoki, a, a ki te whakangungu i ngā wāhi tapu hei whakamāmā i te nohotanga, i te whakahaeretanga, i te whakamahitanga o taua whenua hei painga mō te hunga nōna, mō ō rātou whānau, hapū hoki: ā, nā te mea e tika ana kia tū tonu he Te Kooti, ā, kia whakatakototia he tikanga hei āwhina i te iwi Māori kia taea ai ēnei kaupapa te whakatinana.

Whereas the Treaty of Waitangi established the special relationship between the Maori people and the Crown: And whereas it is desirable that the spirit of the exchange of kawanatanga for the protection of rangatiratanga embodied in the Treaty of Waitangi be reaffirmed: And whereas it is desirable 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 to protect wahi tapu: and to facilitate the occupation, development, and utilisation of that land for the benefit of its owners, their whanau, and their hapu: And whereas it is desirable to maintain a court and to establish mechanisms to assist the Maori people to achieve the implementation of these principles.

The amendments to the LG(R)A included updates to specific types of land that are non-rateable, many of which would have required remissions in the past. The specific new types of non-rateable land that are applicable to this paper are:

11 Māori customary land.

12 Land that is used for the purposes of a marae, excluding any land used —

(a) primarily for commercial or agricultural activity; or

(b) as residential accommodation.

13 Land that is set apart under section 338 of Te Ture Whenua Maori Act 1993 or any corresponding former provision of that Act and used for the purposes of a meeting place, excluding any land used—

(a) primarily for commercial or agricultural activity; or

(b) as residential accommodation.

13A Māori freehold land on which a meeting house is erected, excluding any land used—

(a) primarily for commercial or agricultural activity; or

(b) as residential accommodation.

13B Land that is a Māori reservation held for the common use and benefit of the people of New Zealand under section 340 of Te Ture Whenua Maori Act 1993.

14 Māori freehold land that is, for the time being, non-rateable by virtue of an Order in Council made under section 116 of this Act, to the extent specified in the order.

14A An unused rating unit of Māori freehold land.

It is not desirable for Māori Freehold Land to be sold and the frequent multiple ownership status can make development/investment difficult. These considerations need to be held in mind when considering what is appropriate for rates on this land.

2.2 Proposed remissions

Regional Councillors have had initial discussion on remissions and postponements. The general intention at this stage is to have remissions and postponements for:

- General financial hardship.
- Māori freehold land that is being developed for Papakāinga/accommodation or economic use during the development period.
- Māori freehold land that is used for a lower value purpose than it is zoned for.
- Māori Freehold Land and General Land that is used for Māori cultural purposes or subject to waahi tapu of other cultural considerations that makes development undesirable.

Development of detailed policy objectives and criteria is in progress based on current territorial local authority remission (attachment 1), however, this needs to be 'ground truthed' with the needs of Māori Freehold Land governors.

3. Consultation

Legislatively, the Remissions and Postponements Policy can be adopted following the consultation process set out in the Local Government Act. It is intended that this will be conducted in conjunction with other consultations related to the Annual Plan 2022/23.

While this will meet the statutory requirement, the capacity of the various Māori Freehold Land governance entities will vary based on their size and scale, and the other consultations that they may choose to engage on which may include those run by other local authorities and government. Direct engagement with the representatives for approximately 5,400 blocks of Māori Freehold Land would be very time consuming and assumes that this consultation is a high priority for those entities.

Therefore, it is proposed to conduct early engagement with a selection of Māori Freehold Land governors to gain an understanding of generic issues that may apply to different sizes, uses, and locations of Māori Freehold Land. It is important to note that every entity will be able to provide submissions during the formal consultation process.

In addition, staff intend to engage with relevant rates specialists at each territorial local authority to understand the application of their currently policies and aggregate issues as they understand them.

The early engagement is to gain a better view of the 'ground truth' than that which is possible through a policy review process, and will not seek any entity to represent other entities or their views.

4. **Ngā Whakaarohanga Considerations**

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

The most significant risk is the level of importance that Māori place on this consultation given other changes that are in progress. Mitigating this, the Rates Remissions and Postponement Policies can be amended at any time following the consultation principles in s82 of the LGA and there is intended to be a 'general equity and fairness' remission provision that could allow for one-off circumstances to be considered.

4.2 **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.

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

Māori Freehold Land is land where Māori customary interests have been converted to freehold title by the Māori Land Court or its predecessors by a freehold order. This land has therefore never been out of Māori ownership. Most Māori freehold land titles were created by the Land Courts in the 19th and early 20th centuries as part of a drive to convert communal ownership to individual title.

Legally and culturally, land is a taonga tuku iho of special significance to Māori people. Despite this, the uses of the land ranges includes unoccupied, marae and Papakāinga, urupa, and economically productive land. Rates remissions on Māori Freehold Land are one tool to recognise the special status of this land and ensure that rates are appropriately allocated.

4.4 **Whakawhitiwhiti ā-Hapori Community Engagement**



CONSULT Whakauia

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

Council is required to consult on the draft policy using the principles of consultation in s82 of the LGA. This will give every governance entity of Māori Freehold Land the opportunity to provide a submission.

In order to consider the likely views of the governance entities, it is proposed to conduct early engagement with several organisations that govern multiple blocks of

Māori Freehold Land. This engagement would cover each district in the Bay of Plenty and a range of land uses and sizes.

Komiti Māori are requested to confirm that this approach is appropriate and recommend to staff any key governance entities that should be included.

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

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

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

Following approval of this report, staff intend to contract specialist Māori support to engage with selected Māori Freehold Land governance entities and prepare the draft policy for consultation.

Tuhinga Tautoko **Attachments**

Attachment 1 - Current Remissions for Maori Freehold Land [↓](#)

Current Remissions and Postponements for Māori Freehold Land

1. Kawerau

1.1 Rates remission and postponement for Maori Freehold Land

Policy objective

The objective of this policy is to ensure the fair and equitable collection of rates from all ratepayers, recognising that certain Māori owned lands have particular conditions, features, ownership structures or other circumstances which make it appropriate to provide relief from rates.

Principles

The principles which underpin this policy are:

- That, as provided by section 91 of the Local Government (Rating) Act 2002, Māori freehold land is liable for rates in the same manner as if it were general land.
- That Council will decide on the provision of rate relief on Māori Freehold Land should any applications be received.
- That the policy does not provide for the permanent remission or postponement of rates on the land concerned.

Definition

Maori freehold land: Means land whose beneficial ownership has been determined by the Māori Land Court by freehold order (that is; the Court has created a title for the land and determined the beneficial owners to that land).

Background

The LGA requires Council to adopt a policy on the remission and postponement of rates on Māori freehold land. A policy adopted under this requirement does not need to provide for the remission and postponement of rates on Māori freehold land, but in determining a policy, Council must consider the following matters:

- The desirability and importance within the District of each of the objectives listed below.
- Whether and to what extent, the attainment of any of those objectives could be prejudicially affected if there is no remission of rates or postponement of the requirement to pay rates on Māori freehold land.
- Whether and to what extent, the attainment of those objectives is likely to be facilitated by the remission of rates or postponement of the requirement to pay rates on Māori freehold land.

- The extent to which different criteria and conditions for rates relief may contribute to different objectives.

The objectives that Council must consider are:

- Supporting the use of the land by the owners for traditional purposes.
- Recognising and supporting the relationship of Māori and its culture and traditions with its ancestral lands.
- Avoiding further alienation of Māori freehold land.
- Facilitating any wish of the owners to develop the land for economic use.
- Recognising and taking account of the presence of waahi tapu that may affect the use of the land for other purposes.
- Recognising and taking account of the importance of the land in providing economic and infrastructure support for marae and associated papakainga housing (whether on the land or elsewhere).
- Recognising and taking account of the importance of the land for community goals relating to:
 - The preservation of the natural character of the coastal environment.
 - The protection of outstanding natural features.
 - The protection of significant indigenous vegetation and significant habitats of indigenous fauna.
- Recognising the level of community services provided to the land and its occupiers.
- Recognising matters related to the physical accessibility of the land.

Policy statement

Applications for rates remission or postponement should include the following information:

- Details of the rating unit or units involved.
- 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.
- Council may, of its own volition, investigate and grant remission or postponement of rates on any Māori freehold land in the District.
- Relief and the extent thereof, are at the sole discretion of the Council and may be cancelled and reduced at any time.

Council will give a remission or postponement of up to 100% of all rates for the year for which it is applied, based on the extent to which the remission or postponement of rates will achieve objectives described in the background section of this policy. In addition,

Council will consider how an application would provide for an efficient collection of rates and the removal of rating debt

2. Ōpōtiki

2.1 Rates postponement on Maori Land Policy

Background

The Rates Postponement on Māori Land policy explains the circumstances where rate relief can be granted.

Purpose

To facilitate the development and use of the land for economic use where Council considers utilisation would be uneconomic if full rates are required during the years of development and establishment of pasture or crop.

Policy statement

Conditions and criteria

Council will consider postponement of rates where previously unoccupied land is subject to clearing, development, and the growing of crops.

Application should be made prior to commencement of the development. Applications made after the commencement of the development may be accepted at the discretion of Council.

Making application should include the following information in their applications:

- details of the property
- the objectives that will be achieved by providing postponement
- details of the proposed development

Council will consider postponement for each individual application according to the circumstances of that application.

No postponement will be granted on targeted rates for water supply, sewage disposal, or refuse collection.

Council may also, at its discretion, partially remit rates that are otherwise subject to postponement.

3. Rotorua

3.1 Remission of rates on Maori Freehold Land

In developing this policy Council has given consideration to how either providing or not providing rates remissions would contribute to the following objectives.

Objectives

- Supporting the use of the land by the owners for traditional purposes.
- Recognising and supporting the relationship of Māori, and their culture and traditions, with their ancestral lands.
- Avoiding further alienation of Māori freehold land.
- Facilitating any wish of the owners to develop the land further for economic use. Recognising and taking account of the presence of waahi tapu that may affect the use of the land for other purposes.
- Recognising and taking account of the importance of the land in providing economic and infrastructure support for marae and associated papakainga housing (whether on the land or elsewhere).
- Recognising and taking account of the importance of the land for community goals relating to:
 - the preservation of the natural character of the lakes environment
 - the protection of outstanding natural features
 - the protection of significant indigenous vegetation and significant habitats of indigenous fauna
- Recognising the level of community services provided to the land and its occupiers. Recognising matters relating to the physical accessibility of the land.
- Encouraging productive use or occupation of part or all of the land and payment of rates on part or all of the land.
- Taking into account other factors (e.g. value of land based on highest and best use, compared with actual or most practical use) that contribute to the block being unoccupied and unproductive.

Special conditions and criteria

50% rates remission may be provided where any of the objectives 1-9 are supported.

75% rates remission may be provided for a period of 5 years where land that is previously not used is brought into productive economic use. After 5 years the remission will be either removed or reduced where conditions continue to prevent full economic use of the land, e.g. zoning value, access difficulties, flooding or erosion. This remission may only be applied for once every ten years in respect of the same property. (objectives 4 and 10 supported).

Multiple sets of uniform annual general charges and uniform targeted rates may be remitted where multiple rating units are being used as one property, e.g. forestry, farming. Rating units need not necessarily be contiguous (objectives 4 and 10 supported).

Part of the rates may be remitted where some other aspect beyond the reasonable control of the owners prevents the full economic use of the land e.g. access, flooding, erosion etc. Remission amount will be on a case by case basis at the discretion of council (objective 9 supported).

Part of the rates may be remitted where:

- The land is multiple owned and unoccupied, and
- Remission of part of the rates assessed will enable all or part of the land to be utilised, and enable payment of the balance of the rates assessed (objective 10 supported).

Part of the rates may be remitted where:

- The land is multiple owned, and
- The rateable value exceeds the value that is relevant for the purpose for which the land will be used, e.g. land is zoned residential yet is used for farming (objective 11 supported).

Calculation of remissions under objective 11 are to be on a case by case basis, with the determination of 'actual use' rateable value to be made by Council's valuation service provider.

General conditions and criteria

If any remaining rates after a remission is applied are not paid by the relevant due date no further remission will be provided.

No remission of service charges will be provided.

No rates postponements will be provided on Māori freehold land.

Consideration will be given to the following matters (but not limited to these) as part of the decision-making process:

- The number of owners
- The rateable land value per hectare relative to similar parcels of land
- Any restriction of access, bearing in mind this will have been accounted for to some extent by Council's valuers
- Potential for future use/economic development of the land.

For the purposes of this policy, multiple owned Māori freehold land means Māori freehold land owned by more than two persons.

Each case will be considered on its individual merits at Council's discretion. This means that an application for remission that seems to meet the conditions and criteria may not necessarily be approved.

Properties approved to receive a remission will be subject to regular review and generally this will be on an annual basis.

Application for rates remissions under any of the above conditions is required to be submitted on the 'MFL remission application form'.

4. **Tauranga**

4.1 **Remission and postponement of rates on Maori Freehold Land Policy**

Objectives

To enable Council to acknowledge the special circumstances where there is no occupier or person gaining an economic or financial benefit from the land.

To provide relief for land that is appropriately set aside for non-use due to its natural features.

To provide relief where the land may be physically inaccessible.

To recognise and take account of the presence of waahi tapu that may affect the use of the land for other purposes.

To grant remission for the portion of unoccupied land where a block of land is partially occupied.

To facilitate the development and use of the land for economic use where Council considers utilisation would be uneconomic if full rates are required during the years of development.

Principles

The overarching principles identified in the Revenue and Financing policy apply.

Under Section 91 of the Local Government (Rating) Act 2002, Maori freehold land is liable for rates in the same manner as if it were general land.

Council and the community benefit through the efficient collection of rates that are properly payable and the removal of rating debt that is considered non collectible.

Definitions

General Rate is the rate that the local authority sets for the general purposes of the local authority.

Maori Freehold Land is land which has beneficial ownership that has been determined by a Freehold Order issued by the Maori Land Court.

Occupied land is land used as a place of residence, or occupied for a period of time exceeding six months in a calendar year.

Ratepayer means the person or persons identified in the rating information database as the person who is liable for rates – generally that person is the owner of the rating unit.

Rating Unit is defined in the Rating Valuations Act 1998. It is the block of land which attracts the liability for rates. The main criteria is the existence of a separate certificate of title.

Remission is the requirement to pay the rate for a particular financial year is forgiven.

Residential means the use of land and buildings for domestic or related purposes.

Services Charges are a targeted rate specifically relating to the provision of water and waste water services to a rating unit.

Unutilised Land is land that has not been developed from its natural state and not generating revenue and not used in any way, other than for the purposes of vegetation control

Waahi Tapu means the place sacred to Maori in the traditional, spiritual, religious, historical, or mythological sense. Those places defined as 'waahi tapu' vary from hapu to hapu.

Policy statement

In determining this policy, Council has considered the matters set out in Schedule 11 of the Local Government Act 2002.

Rates remission

Tauranga City Council will assess all Maori freehold land on an annual basis to determine the eligibility of rates remission using the below criteria.

Remissions will also be considered on receipt of a remission application, to ensure an opportunity for specific properties to be considered on a case-by case basis exists.

Applications for remission must be in respect of Maori freehold land.

Applications for remission are to specify:

- the number of owners on the land; and
- the physical location of the land; and
- the nature and extent of any Waahi Tapu and the impact of that Waahi Tapu on land development and usage; and
- the amount of income being derived from the block; and
- whether the land is occupied and to what extent it is occupied; and
- whether the block of land is connected to council services e.g. water and sewerage; and
- whether there are any potential development options for the block of land.

Consideration of the above will determine whether a remission will apply.

Level of remission**Occupied properties**

The level of remission will be negotiated with an owner or occupier according to the benefits of occupation, having regard to equity with charges made to other ratepayers. No remission will be applied to Uniform Annual General Charges on occupied land.

Unoccupied properties with multiple owners

Where the land is unoccupied, unutilised, not suitable for occupation and ownership is fragmented so that any form of collection action is impractical, then full or partial remission may be granted to both General rates and Uniform Annual General Charges.

Partitions for building sites subject to Te Ture Whenua Maori Act

Rates may be remitted on vacant Maori freehold land which has been partitioned under Te Ture Whenua Maori Act 1993 and the land has two or less owners.

Postponement of rates

- A postponement of rates will be considered on receipt of an application and where land is: unoccupied: and
- has no service connection: and
- has the potential for development

When an application to postpone rates has been approved, a formal postponement agreement will be entered into by both the ratepayer and Council and will:

- state the amount of postponement; and
- state the timeframe or conditions upon which the postponed rates will become due and payable;
- and acknowledge that the postponed rates will be registered as a charge against the land; and
- be signed by both parties.

The postponed rates or any part thereof may be paid at any time. The ratepayer may elect to postpone the payment of a sum lesser than that which the ratepayer would be entitled to have postponed under this policy.

5. Western Bay of Plenty**5.1 Rates relief on Maori freehold land****Interpretation**

Māori freehold land means:

- Land whose beneficial ownership has been determined by a freehold order issued by the Māori Land Court (as defined in Local Government (Rating) Act 2002); or
- At Council's discretion, former Māori freehold land whose status was changed to general land by the 1967 Status Declaration legislation

General approach

This policy aims to:

- Contribute to the fair and equitable collection of rates from all sectors of the community, whilst recognising that certain Māori lands have particular conditions, features, ownership structures or other circumstances that make it appropriate to provide relief from rates;
- Identify Māori freehold land that qualifies for longer term remission due to limited productive use or the presence of special features; and
- Implement rates remissions on Māori freehold land and write off of rate arrears and penalties, subject to the conditions and criteria set out in this policy.

Objectives

To recognise situations where there is no trust, person or owner gaining an economic or financial benefit from the land;

To recognise and take into account the importance of the land for community goals relating to:

- The preservation of the natural character of the coastal environment;
- The protection of natural features;
- The protection of significant indigenous vegetation and significant habitats of indigenous fauna;
- To recognise and take account of the presence of waahi tapu that may affect the use of the land for other purposes;
- To recognise matters related to the physical accessibility of the land;
- To avoid further alienation of Māori freehold land;
- To recognise and support the relationship with Māori and their culture and traditions with their ancestral land
- Where part only of a block is occupied, to grant remission for the portion of the land not occupied
- To facilitate and encourage economic development on Māori freehold land in order to increase the productive capacity of underutilised land, thereby generating economic or financial benefit for land owners.

Postponement of rates

Council's policy does not provide for the postponement of rates on Māori freehold land, as security cannot be taken against Māori freehold land for postponed rates. Council will remit rates where it considers rates relief is appropriate.

Remissions for limited productive use

Council will consider placing Māori freehold land on the Annual Remissions List where it meets the following conditions and criteria:

Idle and unoccupied lots

- Council will place unoccupied land on the Annual Remissions List where it considers that the land:
- Is idle and is not being used for any productive purpose, or may be too small to be productive;
- Does not generate any economic or financial benefit for any person; and
- Has no immediate possibility of development.

Unique features

Council will place wholly or partially unoccupied Māori freehold land on the Annual Remissions List where it considers that the land:

- Contains indigenous forest of high ecological value;
- Provides traditional and important food source for tangata whenua;
- Provides a traditional and important source for cultural, medicinal and spiritual needs of tangata whenua;
- Has demonstrable strong spiritual and symbolic significance to iwi/hapu/whanau, above and beyond that of other Māori land;
- Includes important tribal landmarks significant to tangata whenua; and/or Is an important water catchment system to tangata whenua for sustaining physical and spiritual values.

Council will also have regard to whether the land:

- Has road access and/or access to other services;
- Is contiguous with forest reserves; Is complementary to Marae Reserve Areas (as determined by the Māori Land Court);
- Is high land or dispersed blocks of bush land;
- Offers protection of low land development and investment in roads;
- Complements water catchment areas; or
- Enhances wildlife areas.

Remissions for economic development

Council will consider remission of rates on Māori freehold land as set out below, for a maximum period of 5 years.

The maximum rates to be written off are:

- Year 1 Not more than 80% written off in year one
- Year 2 Not more than 60% written off in year two
- Year 3 Not more than 40% written off in year three
- Year 4 Not more than 20% written off in year four

- Year 5 Full rates payable in year five

In considering any application for remission, Council will need to be satisfied that:

- The projected cash flow shows an increase in the annual cash surplus over the period;
- The projected cash flow is realistic and can be achieved;
- The economic development proposal is likely to generate sufficient cash surplus so as to cover full rates following the period of remission;
- The proposal is viable under the District Plan and any other bylaws or regulations that may apply to the proposal; and
- There are no outstanding rates arrears due on the land (Note: Council may waive this requirement at its sole discretion).

Where rates have been remitted for economic development, Council will require an Annual Report to be provided by the applicant by no later than 1 June in each year, in order for the remissions to continue in the following rating year. The Annual Report must include to Council's satisfaction:

- Annual accounts, prepared by a suitably qualified person;
- Project cash flow for the remaining rating years for which the remission applies; and
- A brief description on progress and milestones achieved in implementing the economic development proposal for which remission has been granted.

Apportionments for multiple dwellings

Council will consider creating apportionments on land where there is more than one dwelling.

This means the rates payable will be divided pro rata, based on the area occupied by each dwelling on the land. Each apportionment will be no less than 666m².

Where part of the land is unutilised, a separate apportionment shall be created for this residue amount. The residue shall be placed on the Annual Remission List until such a time as the land becomes utilised.

Arrears and penalties

At Council's sole discretion, it may write off arrears and penalties for land that has limited productive use, having regard to:

- Any targeted rates applicable to the land; and
- Whether the rates are likely to accumulate to the point where they are not recoverable in a court of law after a period of six years in accordance with the Limitation Act 2010.

Residues created through apportionments may have the portion of arrears and penalties that relate to the residue written off at Council's sole discretion, having regard to (a) and (b) above.

Where Māori freehold land is not otherwise eligible for a remission under any other section of this policy, Council will negotiate with the land owner to write off all arrears and penalties if current rates are met over a period of 5 years.

Applications for remission

Applications should be made no later than 1 June prior to the rating year. Applications made after the commencement of the rating year may be accepted at the discretion of Council.

All applications made for remission under this part of the policy must be in writing and include to Council's satisfaction:

- Confirmation that the land is Māori freehold land, as defined in this policy;
- Identification of each title for which the application for remission applies. This is expected to include photographs, valuation data and any relevant legal documentation associated with the land's title or status. Council reserves the right to require a site inspection by Council officers for any new applications for remission.
- Confirmation that the applicant:
 - Is identified owner for entering on rating records pursuant to Section 92 Local Government (Rating) Act 2002; and
 - Has agreement from the landowners or Trust for the application to be made.

Remission applications made for economic development must also include to Council's satisfaction:

- A description of the economic development proposal that the landowner(s) intend to undertake;
- Demonstration that the proposal is viable under the District Plan and any other bylaws or regulations that may apply to the proposal;
- Annual accounts and cash flow statements for the previous 3 years prepared by suitably qualified persons; and
- A projected cash flow prepared by a suitably qualified person, covering the period of remission the application seeks (to a maximum of 5 years).

Policy procedure

Council staff will support Māori freehold land owners in preparing applications for remission.

Applications for remission that contain all relevant information as set out in this policy will be processed within 20 working days of receipt.

Unsuccessful applicants will be advised of the reason(s) why the application was declined, and will be given the opportunity to resubmit the application.

Annual Remission Lists shall be submitted to Council for information at the end of each rating year.

Any Māori freehold land that is granted a remission due to containing indigenous forest of high ecological value, will be entered on to Council's Bush Lots Register.

The Bush Lots Register shall be checked every four years to verify the use of land on the register has remained the same. Where the land has been developed, Council will establish status of the land in question, and determine any rates that will apply as a result.

6. Whakatāne

6.1 Policy on the remission and postponement of rates on Maori Freehold Land

Introduction

The aim of this policy is to recognise that Māori Freehold Land may have particular conditions, ownership structures or other circumstances, which make it appropriate to remit or postpone rates for defined periods. Remission of rates involves reducing the amount owing or waiving collection of rates altogether. Postponement of rates means that the payment of rates is not waived in the first instance, but delayed for a certain time, or until certain events occur.

The Local Government Act 2002 (LGA 2002) requires the Council to adopt policies for the remission and/or postponement of rates on Māori Freehold Land (section 102(4) (f)). In developing this policy, the Council must consider the matters set out in Schedule 11 of the LGA 2002. This includes the recognition that there are particular cultural, historical and legal factors that distinguish Māori Freehold Land from General Land. These factors include:

- The land is generally multiply owned; and/or
- There are legislative and cultural constraints on the ability to alienate Māori Freehold Land; and/or
- The land is undeveloped and/or unoccupied for cultural, spiritual or practical reasons; and/or
- Māori Freehold Land is not freely tradeable and is difficult to alienate (and in many cases, the owners do not want to alienate the land).

In compliance with the LGA 2002 and in recognition that the nature of Māori Freehold Land is different to General Land, the Council has formulated a Policy on the Remission and Postponement of Rates on Māori Freehold Land.

Key definitions

“Māori Freehold Land” means land whose beneficial ownership has been determined by the Māori Land Court by freehold order (Section 5, Local Government (Rating) Act 2002).

“Unoccupied” means, in respect of a block of land or a portion¹ of a block of land, that there is no person, whether with a beneficial interest in the land or not, who, alone or with others: leases the land, and/or

- does any of the following things on the land, with the intention of making a profit or for any other benefit
- resides on the land
- de-pastures or maintains livestock on the land
- stores anything on the land

“Waahi Tapu” means a place sacred to Māori in the traditional, spiritual, religious, ritual or mythological sense (Section 2 of the Historic Places Act 1993).

“General Land” means land that is not Māori Freehold Land as defined above

Policy objectives

To recognise that Māori Freehold Land may have particular conditions, ownership structures or other circumstances which make it appropriate to remit or postpone rates for defined periods of time.

To introduce a policy which promotes the collection of rates from owners of Māori Freehold Land in order to achieve a fair and equitable collection of rates from all sectors of the community.

What is available?

There are three parts to this policy. Each part deals with distinct situations.

- The remission of rates on Māori Freehold Land that is unoccupied and undeveloped.
- The postponement of rates on Māori Freehold Land to facilitate the development and use of that land for economic purposes: where the Council considers that the utilisation of that land would be uneconomic if full rates were payable immediately.
- The remission of uniform charges on Māori Freehold Land as encouragement for that land to be used for agricultural purposes in conjunction with other adjacent land.

6.2 Māori Freehold Land that is unoccupied and undeveloped**Background**

The Whakatāne District contains areas of Māori Freehold Land that is unoccupied. This land creates a significant rating burden on the Māori owners

who may not have the means or in some cases, the desire to make economic use of the land.

The reason why Māori Freehold Land remains unoccupied is due to a number of factors which may include:

- the nature of land ownership (for example, the land is owned by multiple owners, many of whom do not live near the land); and/or
- the land has some special significance which makes it undesirable to develop or reside on; and/or
- the land is isolated, difficult to access and marginal in quality

Objectives

Recognise situations where land has been set aside for cultural or natural heritage reason and no income is derived from the land.

To avoid further alienation of Māori Freehold Land as result of pressures that may be brought by the imposition of rates on unoccupied land.

To recognise matters relating to the physical inaccessibility of land.

To provide the ability to grant remission for portions of land that is not occupied.

To support the traditional relationship of kaitiakitanga (guardianship) to the land including the use of the land by the owners for traditional purposes.

Conditions and criteria

The Council will consider remitting rates on Māori Freehold Land under Part 1 if the following criteria are met:

- The land is Māori Freehold Land as defined by section 5 of the Local Government (Rating) Act 2002. This definition is set out above under the heading "Key definitions"
- The land is unoccupied, as defined above under the heading "Key definitions".
- The land has been identified as requiring special treatment for rating purposes. This includes land which is:
 - Unoccupied; AND
 - it is uneconomic to use; OR
 - no tangible benefit is derived from the use and occupation of the land; OR - the land is inaccessible; OR
 - the community benefits from -
 - The protection of outstanding natural features on the land; OR
 - The protection of significant indigenous vegetation and significant habitats of indigenous fauna on the land; OR
 - The land contains waahi tapu affecting the use of the land for other purposes

Any application for a remission of rates is to be made in writing annually, except where a remission has been granted for a longer period OR when staff recognises that a property is unoccupied or uneconomic to use, staff may initiate the application for remission of rates so that arrears are not overstated in the Council's records.

Where applicable, staff has the discretion to negotiate remission of rates and penalties as a tool to clear arrears and current rates.

The Council may consider a portion of a block of Māori Freehold Land to be unoccupied.

The Council reserves the right to seek such additional information from the applicant/s or from any other source as it may determine as necessary in considering that application.

Rates to be remitted

Rates remissions (for all or part) may be applied to all rates charged on Māori Freehold Land with the exception of any targeted rate for connection to water and wastewater services or where a refuse collection service is provided.

Any approved remission will generally be for a period of one year, but may be considered for up to three consecutive rating years. With the exception, that where the Council is considering a remission of rates for past rating years, the three year maximum period of remission may be exceeded at the Council's discretion.

6.3 Postponement of rates on Maori Freehold Land to facilitate development and use

Background

The Council recognises that significant rate arrears can act as a disincentive to any new or existing occupation of Māori Freehold Land.

Policies for the postponement of rates for Māori Freehold Land encourage the use of the land by occupiers who agree to pay the current and future rates for the period of time that they will use the land.

Postponement means that the rates remain as a debt against the property until they are written off after six years or the status of the land changes. Whilst the rates are postponed, the Council does not seek to collect them.

This part of the policy is consistent with the objectives set out in Schedule 11 of the Local Government Act 2002, which include the need to facilitate the wish of the owners of Māori Freehold Land to develop the land for economic use.

It provides for the remission of outstanding penalties and the postponement of rate arrears outstanding at the time that the agreement contemplated under this policy comes into force.

In the event that the current rates continue to be paid, the postponed rates will be remitted at the completion of the time period specified by the Council, which will not exceed six years after the date which they were charged to the land.

Objectives

To facilitate the development and use of Māori Freehold Land for economic use where the Council considers that the utilisation of that land would be uneconomic if full rates were payable.

To support any wish of the owners to develop the land for economic or other purposes by removing the rates burden while they plan for this development.

Conditions and criteria

The Council will consider agreeing to postpone the arrears of rates on Māori Freehold Land subject to the land being continuously used by a person or persons as defined by section 96 of the Local Government (Rating) Act 2002 and that person or persons agreeing to pay the current and future rates by the due date, while they are using the land, subject to the following criteria:

The land is Māori Freehold Land as defined by section 5 of the Local Government (Rating) Act 2002, set out above.

The application must be in writing signed by the owner/s, their agent, or the person or persons proposing to use the land.

The person or persons using the land must enter into an agreement in writing with the Council to keep the current and future rates up to date while they are using the land.

All previous instalments of the current years rates must be paid in full within one month of the agreement date or in part payments, by the 30th June of the applicable year OR at the discretion of the Council an agreement may be entered into with the owners or trustees of any Māori Freehold Land, which allows for the staged payment of rates over a 5-year period according to the following schedule:

Year 1: Not less than 20% payable for that year
 Year 2: Not less than 40% payable for that year
 Year 3: Not less than 60% payable for that year
 Year 4: Not less than 80% payable for that year
 Year 5: 100% payable that year.

- Any agreement negotiated under clause 4 must be supported by the following information: A 5-year projected cash flow prepared by a

suitably qualified person, which shows the increase in annual cash surplus over the 5-year period.

- An assessment by the Council that the projected cash flow is realistic and can be achieved. An annual report from the owners or trustees.
- Any other documents the Council considers necessary to make an assessment.

The Council will have the sole judgement on whether or not to grant the application and may seek such additional information as it may require before making the final decision.

Pursuant to section 88 of the Local Government (Rating) Act 2002, a postponement fee may be added to the postponed rates.

Termination and repayment of postponed rates

Postponed rates will remain as a charge on the property for a period of six years from the date on which the rate was assessed, after which time they will be remitted.

If the current and future rates are not paid within one month of the due dates, the Council reserves the right to reapply the postponed rates to the land, subject to any agreement negotiated under clause 4 of Part 2 of this Policy.

6.4 Remission of uniform charges on Maori Freehold Land

Background

There are situations where opportunities to utilise Māori Freehold Land for agricultural purposes in conjunction with adjacent General land or other adjoining Māori freehold land blocks used contiguously are lost due to the rating liability attached to the Māori Freehold Land.

Objective

The intent of this part of this policy is to remove that impediment so as to facilitate productive use of that Māori Freehold Land.

Conditions and criteria

The Council will consider remitting all uniform charges on Māori Freehold Land under this Part if the following criteria are met:

- The land is Māori Freehold Land as defined by section 5 of the Local Government (Rating) Act 2002. This definition is set out above under the heading "Key definitions"
- There is agreement for the land to be used together with adjacent General land or Māori freehold land used contiguously for agricultural purposes
- Any application for a remission of uniform charges is to be made in writing annually, except where a remission has been granted for a longer period

Rates to be remitted

Rates remissions may be applied to all uniform charges assessed on the Māori Freehold Land during the period that the Māori Freehold is utilised together with the adjacent General Land for agricultural purposes.



Pūrongo Ki: Report To:	Komiti Māori
Rā Hui: Meeting Date:	19 October 2021
Kaituhi Pūrongo: Report Writer:	Sandy Hohepa, Maori Policy Advisor
Kaiwhakamana Pūrongo: Report Authoriser:	Kataraina O'Brien, Director, Strategic Engagement
Kaupapa: Purpose:	Provide a snapshot of current matters of interest from the Chairperson.

Chairperson's Report

Whakarāpopototanga Executive Summary

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

1. Future of Local Government Review: Interim report released
2. Marine and Coastal Area (Takutai Moana) Act 2011 - recent Court decision and on-going appeals
3. Emergency Management Bay of Plenty (EMBOP) - Mārae Preparedness initiative.
4. Essential Freshwater Policy Programme - tangata whenua engagement
5. Climate Change - hapū/iwi climate change adaptation planning
6. Te Wiki o Te Reo Māori - Councils ongoing in-house initiatives
7. Geothermal & Ahi Kaa Roa Roopu - further information following presentation
8. Hon. Nanaia Mahuta presentation - recap of key kaupapa for local & central government, noting alignment with our Māori Partnerships priority.

Ngā tūtohutanga Recommendations

That the Komiti Māori:

1 Receives the report, Chairperson's Report.

1. **Kupu Whakataki** **Introduction**

The Future for Local Government Review interim report, has been released publicly, and identifies the challenges facing local government over the next 30 years. Sustainability and relationships were at the core of the issues identified, with local government also needing to strengthen iwi and Māori partnerships under Te Tiriti o Waitangi.

Applications were granted under the Customary Marine Title (CMT) and Protected Customary Rights (PCR) recognition orders. These orders will provide the relevant Iwi and Hapū with particular rights in relation to various processes, including under the RMA permission right, where CMT group can refuse permission for an activity that requires a resource consent to commence. These rights will not take effect until the draft orders are submitted and sealed by the High Court. Toi Moana Bay of Plenty Regional Council have applied to join these proceedings as an interested but neutral party.

The role of Civil Defence is to take an integrated approach to emergency management, based on Reduction, Readiness, Response and Recovery. Emergency Management Bay of Plenty (EMBOP) focus has been enabling Marae Preparedness and also the implementation of their information strategy 'He Kahu Pitongatonga' – The Cloak of Protection.

Staff within the Essential Freshwater Policy Programme are progressing well with Tangata Whenua involvement in implementation of the National Policy Statement for Freshwater Management (NPSFM). Although it is reported through Strategy & Policy, staff provide a further summary to Komiti Māori given the significance of water to Māori.

Climate Change is important to Māori communities as noted in the Long Term Plan (LTP) submissions, and can also have major impacts on coastal marae. In the Bay of Plenty, iwi and hapū are leading the way in the response to climate change.

Staff at Toi Moana celebrated Te Wiki o Te Reo Māori as they journey in lifting the understanding and awareness of Te Ao Māori through providing learning, development and capability building opportunities for kaimahi (staff) of Toi Moana. Staff had the chance to attend waiata, pepeha, karakia, and mihimihi.

Komiti Māori were honoured to have an opening address from Hon Nanaia Mahuta, Minister for Foreign Affairs, Local Government and Associate Minister for Māori Development at the Komiti Maori meeting on 17 August 2021, providing a keynote address on her perspectives and insights regarding some key kaupapa for local and central government involving partnerships with Māori.

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

Freshwater for Life	We recognise and provide for Te Mana o Te Wai (intrinsic value of water).
The Way We Work	We honour our obligations to Māori.

2. Kaupapa Tuatahi: Future of Local Government Review: Interim report

In April 2021 the Minister of Local Government established a review into the future of local government. The independent review panels *interim* report “Ārewa ake te Kaupapa: Raising the Platform”¹ was publically released on 8 October and sets out the broad direction and priority questions for the review in order to support engagement about the future of local governance and democracy.

The review panel’s initial report has identified a swathe of issues in the sector including limited funding and capacity, poor cohesion and collaboration, low diversity, mistrust between local and central government, and high demands on iwi and Māori without wellbeing outcomes.²

It also identifies any redesigned local governance would need to address current pressures including potentially moving some functions to central government, greater collaboration, and better reflecting all interests including iwi and Māori.

In response to the issues identified, the review discusses a number of early opportunities for change, including:

- Developing a national framework to build capacity for iwi and Māori to take part in the reforms;
- Using the Māori Committee of Local Government New Zealand or the Office for Māori-Crown Relations to provide national support to new Māori ward councillors at next year’s elections;

The next stage of the review is around broader engagement on identified issues alongside research and policy development, with draft findings and initial recommendations to be issued for public consultation in September 2022. The third stage will involve formal consultation on draft recommendations, with a final report in April 2023.

The independent review panel of five, includes Antoine Coffin (Ngai Te Rangi, Ngāti Ranginui, Ngāti Raukawa) who holds 25 years’ experience in Māori resource management, cultural heritage planning, community engagement and facilitation. He is a qualified RMA Commissioner and a Crown appointed Freshwater Commissioner.

¹ [link](#) to “Ārewa ake te Kaupapa: Raising the Platform” report.

² via Radio NZ - [link](#)

3. **Kaupapa Tuarua: Updates on the Marine and Coastal Area (Takutai Moana) Act 2011**

The High Court in *Re Edwards* granted a number of applications for Customary Marine Title (CMT) and Protected Customary Rights (PCR) recognition orders. These recognition orders will provide the relevant iwi and hapū with particular rights in relation to various processes, including under the RMA. These include an RMA permission right, where a CMT group can refuse permission for an activity that requires a resource consent (including a controlled activity) to commence, a right to prepare a CMT planning document that has statutory weight, and a right to undertake PCR activities regardless of whether that activity breaches a rule in a Plan / the RMA. Activities with more than minor adverse effects on the exercise of a PCR are not to be allowed. There are some exceptions, including for certain local authority infrastructure. These rights will not take effect until the draft orders are submitted and sealed by the High Court.

The High Court's decision is subject to a number of appeals to the Court of Appeal. These are likely to be heard next year. The Regional Council has applied to join these proceedings as an interested but neutral party.

However, notwithstanding these Court of Appeal appeals the High Court will proceed to consider the draft recognition orders. A further hearing is currently scheduled for February 2022. Regional Council will be participating in that hearing in light of the implications the orders have for the exercise of the Regional Council's functions in the Coastal Marine Area. Again, the position will be neutral and focussed solely on obtaining the necessary detail and certainty in the orders to ensure they are not undermined, and Council is able to fulfil its responsibilities in relation to them.

To this end, the successful claimants for CMT and PCR are currently preparing draft recognition orders and have indicated that these will be submitted to the Court towards the end of November. The recognition orders will identify the surveyed boundaries of their CMT and the areas in which they exercise PCR, as well as any waahi tapu conditions in the CMT areas and the scope and limitations on the exercise of PCR. Those groups that have been granted PCRs are working collaboratively together to prepare their drafts. Council has met with the successful PCR applicants and is seeking opportunities to collaborate with them in the process of drafting these recognition orders. This is for the following reasons:

- We want to assist them, to the extent we can, by sharing existing information held by Council (GIS data sets, maps, consent information, monitoring etc.), recognising that they are facing resourcing constraints; and
- Given the content and framing of the orders is important for Council moving forward, we want to work with the groups and input into the drafting of the orders in preference to formally responding in a Court process.

There appears to be a willingness from those groups to work collaboratively with Regional Council. One of the issues they raised in our meeting with them was the lack of funding by Te Arawhiti. This related to the whole process but specifically to the tasks required to complete the recognition orders, including the required survey work. They asked whether Council would be willing to assist with funding. Council has, since the meeting, provided support to groups via GIS data sets (consenting information), information about survey costs, and a table of planning documents relating to the coastal marine area. In terms of the funding request, we explained that Council is unable to commit to any funding at this point. We are conscious that a number of recognition orders may be granted across the Toi Moana rohe and there

is a need to consider funding requests with the strategic context for Council. We expressed that we would support funding proposals to Te Arawhiti to assist with preparing, executing, and implementing recognition orders. Council also acknowledges that funding is a national issue for the Regional Sector and will raise this matter at respective Central government and Regional Sector forums.

The decision in Stage 1 of Re Reeder (Ngā Potiki) is expected to be released within the next week. That application relates to Rangataua Bay and involved the majority of iwi and hapū applicants joining together to seek a joint CMT order. Stage 2 of the Re Reeder application, which relates to the area along the Pāpāmoa Coast from Ōmanu (Parakiri) in the west to Te Tumu in the east and 12 nautical miles out, including Motiti Island, is currently being heard in Pāpāmoa. There are a number of other applications which will be heard either in full or in part in this hearing.

3 **Kaupapa Tuatoru: Emergency Management Bay of Plenty Update**

3.1 **What have we been doing?**

Emergency Management Bay of Plenty (EMBOP) focus has been enabling Mārae Preparedness. EMBOP as part of the Bay of Plenty CDEM Group have done this by implementing their information strategy 'He Kahu Pitongatonga' which looks at four key themes, these being:

1. Whakawhanaungatanga
2. Mātauranga Māori
3. Bay of Plenty Civil Defence Emergency Management Kaupapa; and
4. Whakapakari.

To help work through these themes we developed 5 guiding Pou:

1. Pou Tautoko - Supporting people to help people
2. Pou Tikanga - Cultural Practices shaping readiness
3. Pou Whakarae - Being response ready
4. Pou Arahi - Education and Training
5. Hono - Business continuity.

We have been delivering this strategy across the rohe. The goal being for this strategy is to be Iwi led, locally enabled and regionally supported.

Please refer to Attachment 1: He Kahu Pitongatonga – A Cloak of Protection: Bay of Plenty CDEM Te Ao Māori Framework.

3.2 **What does this look like on the ground?**

Kia Takatu is Tauranga City Council's Marae Preparedness project, and also for Tauranga Moana Iwi and Marae using the He Kahu Pitongatonga strategy. Led by Stu and Mārama McDonald, all Tauranga Moana Marae have been engaged with the Marae Preparedness. A plan to start looking at Wānanga around Pou Whakarae and Pou Arahi are also being considered. Championed by Tauranga City Council and supported by Emergency Management Bay of Plenty.

The below photo is a hui with Ōpōtiki District Council and Emergency Management Bay of Plenty and hosted by Omarumutu Marae with Whakatōhea Iwi delivering the He Kahu Pitongatonga strategy.

In attendance were Marae representatives from:

- Omarumutu
- Maromahue
- Waioweka
- Te Rere
- Waiaua
- Ōpape
- Ōmarumutu
- Tōrere Nui ā Rua

There will be more engagement meetings following this Covid Delta outbreak that triggered an Alert Level 4 lockdown response with Iwi, Hapū and Marae who were a lot better informed this time around!



Photo 1 : Marae Preparedness Hui

4 Kuapapa Tuawha: Essential Freshwater Policy Programme – Involving Tangata Whenua

The NPSFM requires Council to involve tangata whenua (**to the extent they wish to be involved**) in freshwater management, and states some particular matters within the scope of this involvement.

Here is a quick summary of the capacity and capability levels of iwi and hapū they engaged with during the Essential Freshwater Policy Programme (EFPP), the preferred methods of inclusion expressed by iwi and hapū during engagements, and the expectation these iwi have of their relationship with Council with respect to freshwater management and policy development.

4.1 Capacity and Capability Spectrum

The EFPP Kaupapa Māori workstream team analysed the capacity and capability of iwi and hapū based on engagements in the last 12 months with over 30 iwi, hapū and collectives. File notes from iwi engagements were reviewed to ascertain the preferred methods of participation, key capacity needs, barriers and opportunities expressed at this point.

Key aspects

This analysis focussed on understanding the following:

- How iwi and hapu wish to be involved in NPSFM implementation and post implementation partnerships.
- The barriers iwi and hapū face to engaging with Council and involvement in freshwater management including post NPSFM implementation.
- The capacity and capability needs expressed by iwi.
- In a practical sense, how to better align capacity building to the working relationship with tangata whenua and our respective and mutual outcomes.

The analysis aligned these aspirations against the following indicators of contemporary Resource Management Act (RMA) capacity to ascertain iwi preparedness and capacity to participate in the NPSFM implementation process:

1. Treaty of Waitangi Settlement.
2. Current mandated Iwi or Hapū Management Plan.
3. Corporate/Iwi structure that includes a Resource Management (RM) Unit and staff.
4. Dedicated RMA budget.

The level of support iwi are seeking correlates with the level of capacity, experience and understanding of the RM space. Iwi and hapū that do not have the capability and capacity will require targeted support and resourcing to enable their participation while the more capable iwi and hapu tend have a specific focus for their input.

4.2 Supporting Iwi Input

Depending on their position on the capacity spectrum, iwi and hapū have expressed the methods of their input in proportion to their relative capacity needs and experience in the RMA environment.

Appendix 2 outlines the range of projects and interventions iwi have expressed to us via our engagements.

4.3 Summary

Some groups require longer term support offered by Councils Māori Partnership programme being led through Te Amorangi. However, we will be actively progressing discussions about values, vision and outcomes with those iwi that are ready from October onwards. At the very least, all iwi will be provided with information about this and invited to participate.

Participation is also contingent upon the:

- strength of the relationship tangata whenua have with Council;
- priority given to the NPSFM by tangata whenua, particularly where it has not addressed matters relating to ownership; and

- priority of other more immediate issues facing tangata whenua.

Te Hononga was designed to suit the four year implementation process and therefore should be regarded as the baseline approach to building partnerships and strengthening relationships. In this regard the longer term aspects of partnership outcomes led by Te Amorangi will be a critical feature in building the capacity and capability of tangata whenua to participate in other activities council is and will be undertaking.

5 Kaupapa Tuarima: Climate Change Update

Council adopted its revised Climate Change Action Plan at the 4 August Strategy and Policy Committee meeting. The Action Plan guides Toi Moana's response to the challenge of climate change and drives its climate change focused work and projects. The revised Plan has been updated to reflect the enhanced funding of \$350,000 per annum for climate change initiatives under the current LTP 2021-31. These initiatives are being managed through Council's Climate Change Programme, ensuring coordinated delivery, monitoring and reporting

Climate change risk assessment and adaptation planning is a key area of focus for involving tangata whenua. Over the last six months, the Programme has sponsored a Kaupapa Māori Risk Assessment Project to pilot a Kaupapa Māori approach to assessing climate risks. This work is currently being carried out by Te Urunga o Kea and Te Arawa Lakes Trust.

Through the Action Plan, Council is also providing funding to support hapū/iwi led climate change adaptation planning (Action Plan project 14). Funding is available over the three years of the LTP for hapū/iwi who may be starting to grapple with what climate change means for their communities and how they might adapt. Funding information and application guidelines are available on the link <https://www.boprc.govt.nz/environment/climate-change> and have also been sent directly to those hapū/iwi who took the time to provide submissions on climate change through the LTP process.

6 Kaupapa Tuaono: Te Wiki o Te Reo Māori – Toi Moana

Our efforts to celebrate Te Wiki o Te Reo Māori were mainly virtual this year due to being in Alert Level 2. However, this has allowed our staff across the region, both in the office and those working from home to join in, together.

At Toi Moana we are on a journey in lifting the understanding and awareness of Te Ao Māori (Māori world view) through providing learning, development and capability building opportunities for kaimahi (staff) of Toi Moana. This is a key focus of our People Plan, Toi Tangata, which sets out how we develop our staff.

Te Ao Māori initiative ensures that Te Ao Māori is seen, heard, felt and spoken - Ko Te Ao Māori ka kitea, ka rangona, ka kōrerohia.

Initiatives currently underway include:

- He Korowai Mātauranga – an internal Māori strategy to incorporate mātauranga Māori into the business of Toi Moana to inform decision making processes.
- He Waka Eke Noa - This programme is dedicated to support the lift of te reo Māori transmission and understanding across the organisation. It includes te reo Māori classes and waiata sessions, with the aim to also offer staff

workshops on mana whenua, Te Tiriti o Waitangi and Mātauranga Māori wānanga.

- Hei āhurutanga i te Reo Māori | Te Reo Māori Guidelines – specific guidelines to guide how we use Te Reo Māori and maintain its mana in our organisation.

Te Wiki o Te Reo Māori has been an opportunity for us to further embed some of these programmes with staff.

Organisational-wide karakia were scheduled each morning. These sessions were led by a member of our leadership team. Staff are also encouraged to use the karakia they are learning in hui beyond this week.

Ako (learning) sessions were held covering different topics such as pepehā, ngā mihi, and taku whanau. Waiata sessions have been running throughout all offices.

Te Wiki o Te Reo Māori is a fun time to celebrate Te Reo Māori at Toi Moana but is by no means a one-off event.

With over 289 participants throughout the week, the highest number since 2008, we are hoping for an even better year in 2022.



Photo 2 : Winner of the Quiz Danni Manderson



Photo 3: Winner of Wharewhare Stacey Brooks

7 Kaupapa Tuawhitu: Geothermal and Ahi Kaa Roa Roopu

Further information on several matter following the Ahi Kaa Roa Roopu presentation at the last Komiti Māori, are provided below.

The establishment of the Ahi Kaa Roa Roopu was a Toi Moana|BOPRC initiative, led-out during the first phase of engagement in the policy development process. That process included three hui-a-iwi with the representative communities.

In response to questions from Local MP Tamati Coffey, an email summarising costs of the Ahi Kaa process was provided for, for his reference, together with additional background information outlining the process to date, future Māori engagement and key next steps.

Key themes supporting the projects ongoing development include: geothermal planning and decision-making that reflects inter-generational thinking, our place in the world, balance and reciprocity. Geothermal allocation recognising prioritised use

for tangata whenua cultural activities, followed by Rotorua ratepayers, community facilities and then industrial and commercial.

8 Kaupapa Tuawaru: Opening Address by Hon Nanaia Mahuta

Hon Nanaia Mahuta, Minister for Foreign Affairs, Local Government and Associate Minister for Māori Development provided a keynote address on her perspectives and insights regarding some key kaupapa for local and central government involving partnerships with Māori. Key points captured were:

- Aotearoa New Zealand was at a critical juncture of resolving past Treaty issues, looking forward to the future and willingness within society to move towards partnership in the tenants of Te Tiriti o Waitangi.
- Central government could create some conditions in partnership with local government to ensure communities flourished by enabling co-design of outcomes, and applying a Treaty based approach in a practical way to achieve broader enviro, economic, social & cultural wellbeing outcomes.
- Major investment in infrastructure with Three Waters reform to lift partnerships and long term aspirations of Iwi Māori on the health of waterways and underpin economic opportunity and growth in the regions and smaller communities in a coherent way.
- Future Local Government Review:
 - Announced the commencement of a review panel to engage with councils, Iwi, communities, businesses and stakeholders to look at current local and central government systems to help design a road map on how partnerships could be better achieved.
 - Partnership models to support projects that enable communities to define who they were, provide sense of purpose, connectedness and place.
 - Aspirations to co-design a new innovative way of working together.
 - Treaty relationship & climate change objectives were a part of this to.
- Recognised accountability of ensuring better outcomes for Māori, bringing Māori voices to the decision making table, and enabling Māori and ethnic inclusion to bring greater diversity and innovative solutions.
- Central and local government needed to be courageous to amplify a partnership approach.
- Social procurement stewardship goals within Māori development portfolio
 - Vibrant communities underpinned by whanau participation within the local economy to lift Māori socio-economic household levels and amplify circular economy within a (holistic) climate change aware future.
 - Support to small-medium Māori and Pacific entrepreneurship would bring local benefits through bespoke support, research, science and innovation and capital investment.
 - Enabling succession to Māori whenua and papakāinga to break down legal barriers and provide access to capital investment.

4. **Ngā Whakaarohanga Considerations**

4.1 **Huringa Āhuarangi Climate Change**

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

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

The items presented in this report cover a range of initiatives which have a positive impact on Māori. The co-design of strategies with tangata whenua groups to align processes and planning with Mātauranga have provided impetus on co-partnering and building relationships with tangata whenua and further promoting Te Mana o te Taiao.

Internal efforts by Council to enable tangata whenua to lead in spaces such as Emergency Management is a reflection and acknowledgement of the high capacity and capability of Māori to respond in times of crisis.

Therefore, the implications for Māori can only be positive where Council recognises opportunities to enhance Māori capacity through co-design of strategy and Iwi led planning that can enhance and build partnerships. These partnerships have benefits to Māori and the wider community.

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

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

5. **Ngā Mahi Whai Ake Next Steps**

As an omnibus report of independent matters and other kaupapa led through respective areas of Council operations, no specific action is recommended via this report.

Tuhinga Tautoko Attachments

Attachment 1 - He Kahu Presentation [↓](#)

Attachment 2 - Projects and Interventions from Iwi [↓](#)

He Kahu Pitongatonga

A Cloak of Protection: Bay of
Plenty CDEM Te Ao Maori
Framework.

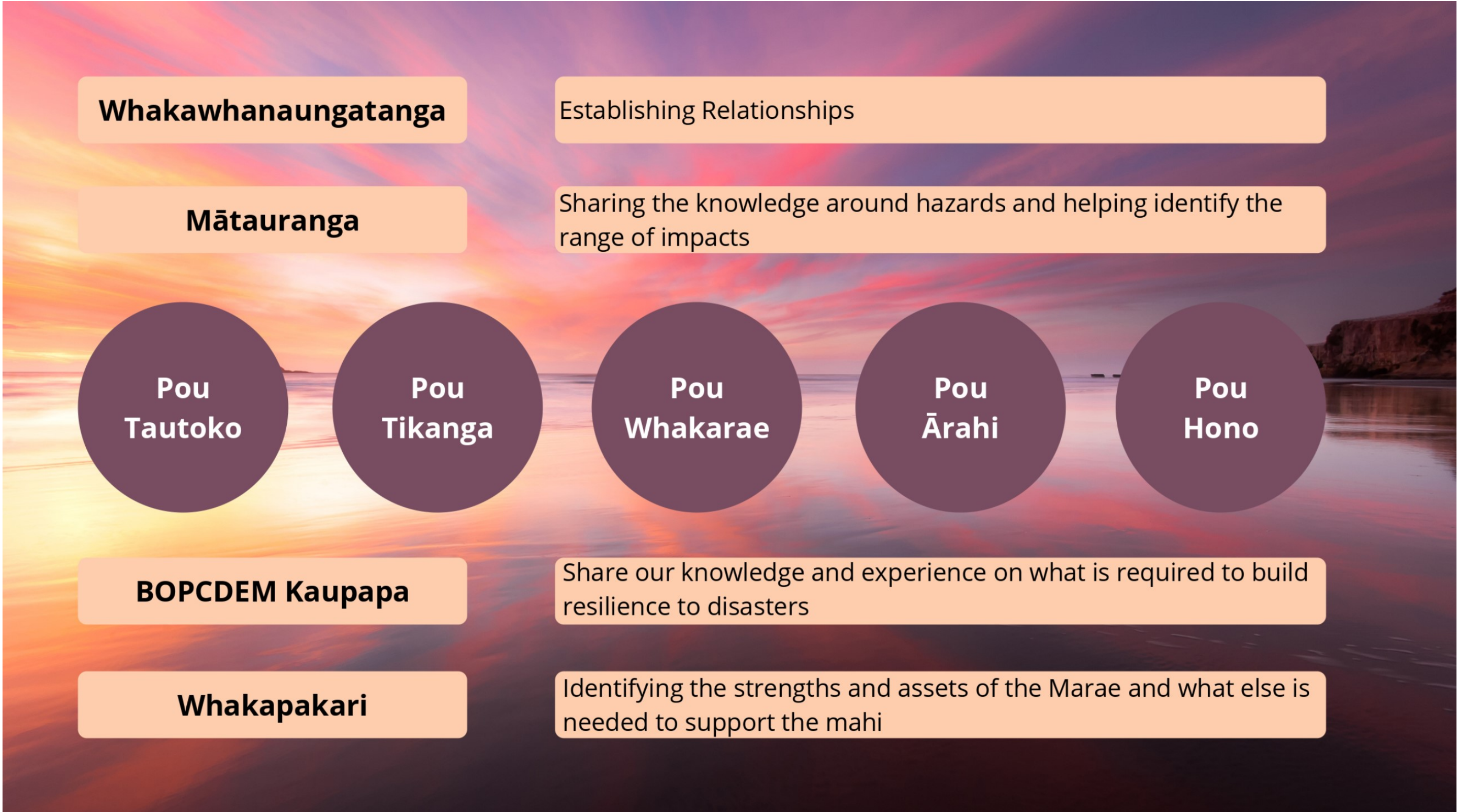


TĒ TŌIA, TĒ HAUMATIA KIA RITE, KIA MAU.

Taipu Haunui - Tawhiao

*"Nothing can be achieved without
a plan, workforce and a way of
doing things; be prepared to take
action"*

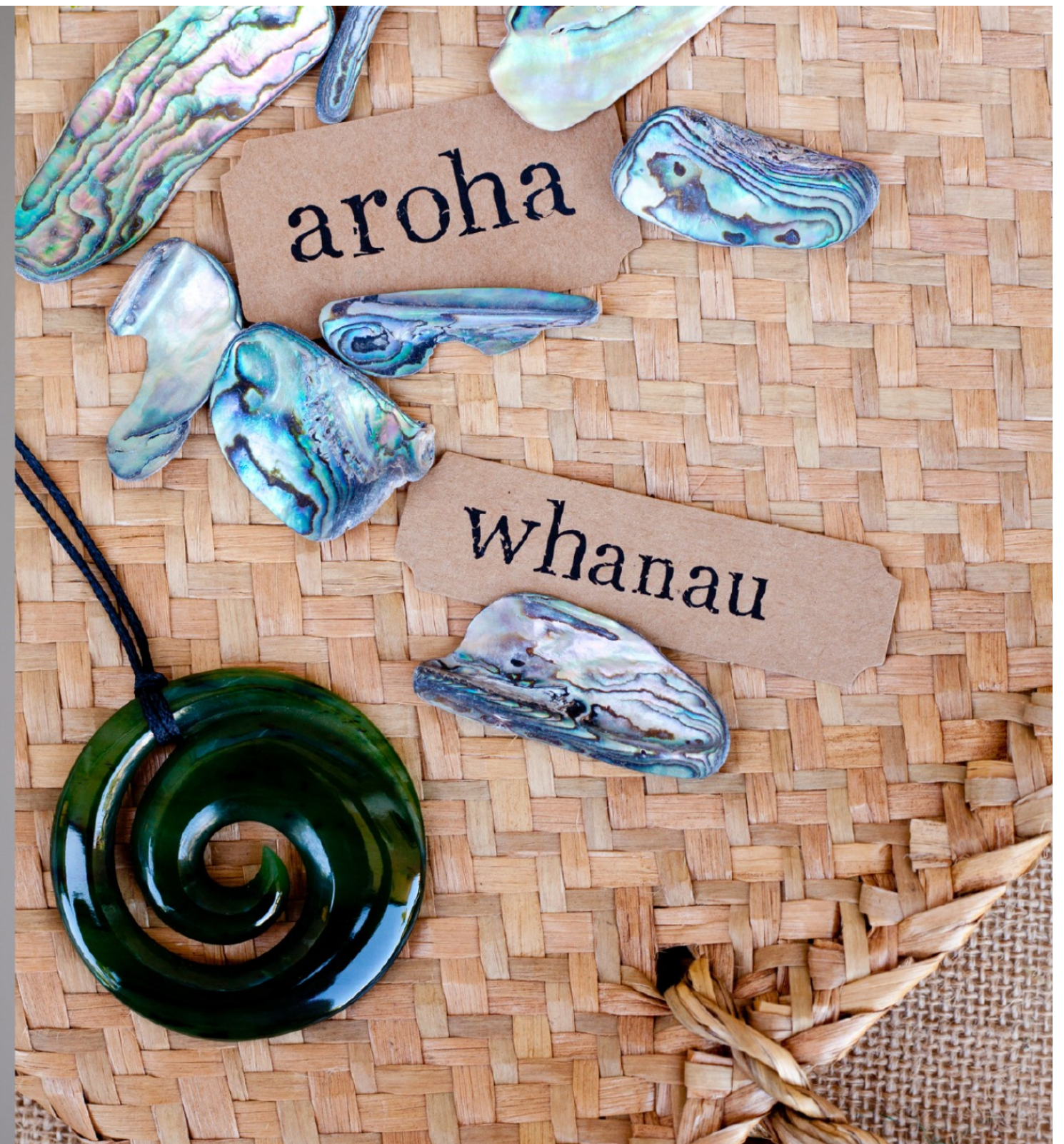




POU TAUTOKO

Supporting people to help people before and during an event.

- Having up to date information on whanau, hapu and iwi
- People who might need extra help during an event
- Support structures that are in place and could be used during an event
- People who have skills that might be of use before and during an event – thinkers, doers, getters, talkers, carers
- What you might do with your animals and pets during an event
- Getting whanau to complete Whakareri Mahere Marae – Marae Preparedness Plan

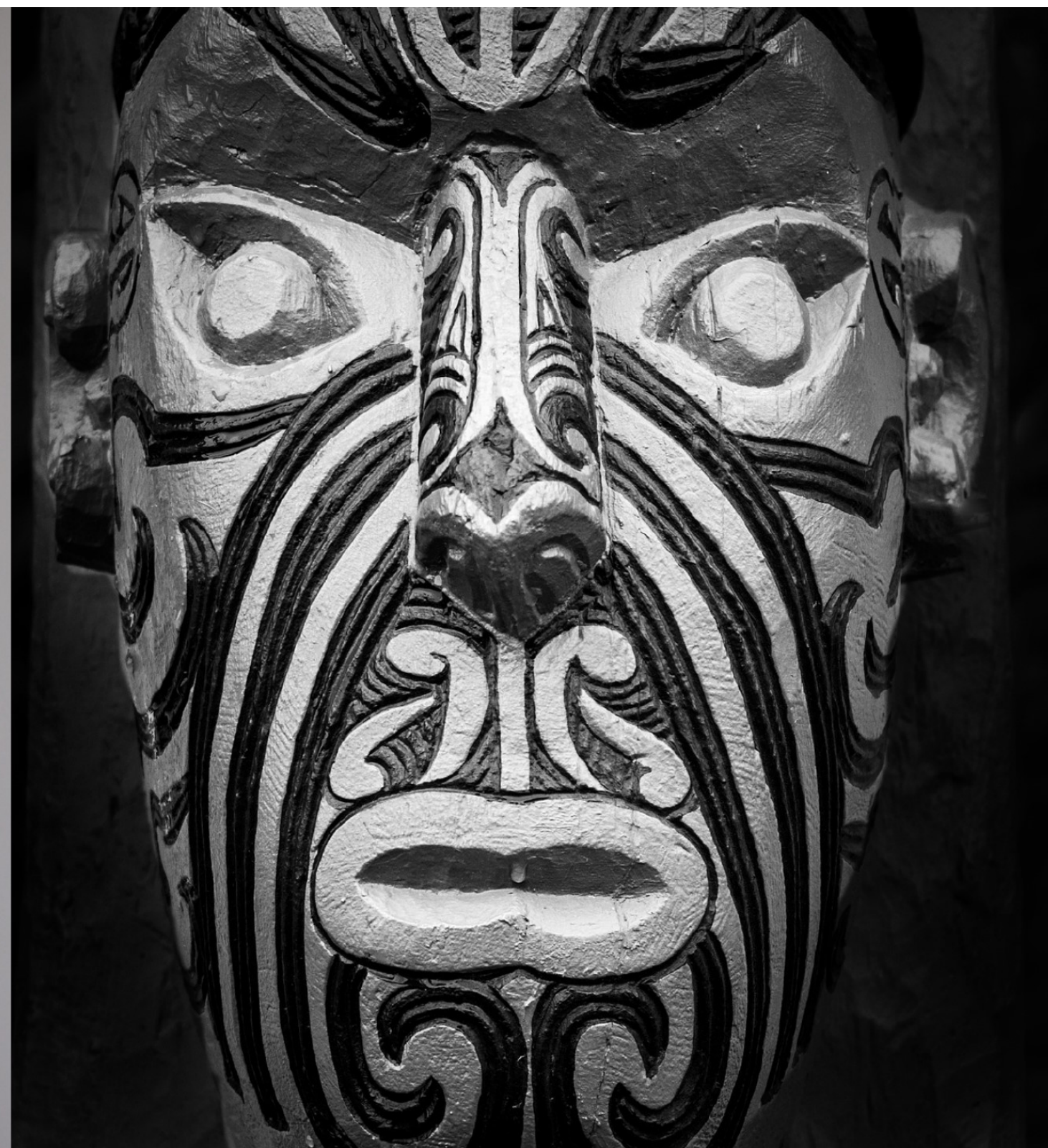


POU TIKANGA

Cultural practices shaping readiness and response to ensure safety and wellbeing.

Sharing the knowledge we have gained from other iwi across the motu who have been through significant disaster events, including:

- Shoes to be worn in marae following experience of Canterbury earthquakes
- Many iwi stopped doing hongi as a result of Covid-19
- Iwi working in response during the Pigeon Valley fire in Nelson
- Manaakitanga at the Takahanga Marae in the aftermath of the Kaikoura earthquakes



POU WHAKARAE

Being response ready

We can help with developing a marae response plan including:

- Structures to help run a response
- Communications protocols
- How you might access the resources you need
- Advice on contents for emergency kete



POU ĀRAHI

Providing training and education to support the marae

There are a number of possible initiatives to support this pou:

- Emergency exercises based on possible events to test readiness
- Activities to raise awareness of hazards and impacts
- Activities to ensure whanau, hapu and iwi know how to be prepared
- Specialised training in areas such as first aid
- Upskilling people on how to share this knowledge with whanau, hapu and iwi



POU HONO

Ensuring the Marae operations continue

We can support the marae to:

- Define what needs to be done to reduce risks
- Put a Business Continuity Plan in place to ensure the marae can keep its essential functions up and running during a time of disruption





Projects and Interventions from Iwi

Iwi with no or limited capacity	
These iwi want to: <ul style="list-style-type: none"> Clarify and communicate their kaitiakitanga expectations, aspirations and strategy via IMPs Build their capacity and understanding to apply their kaitiakitanga in a RMA setting via training, education and mentoring from council and other partners Enhance and sharpen their kaitiakitanga through education and exposure to contemporary practices Understand the connection between Council and national policy and how they experience council decisions on the ground 	They want to do this by: <ul style="list-style-type: none"> Establishing, repairing or strengthening their relationship with Council Developing an IMP Undertaking RMA training and education Developing practical level expertise in scientific and technical methods
Iwi with developing capacity and experience	
These iwi want to: <ul style="list-style-type: none"> Establish, repair or strengthen their relationship with council Sharpen their technical and RMA expertise Expand and augment their planning mechanisms Ensure their beneficiaries and community are taken along the journey of our partnership Take advantage of their connections to other iwi where desired Embed their cultural expectations and aspiration across the planning structure and the spectrum of council business 	They want to do this by: <ul style="list-style-type: none"> Investing in and strengthening their relationship with council Updating or developing dedicated iwi freshwater and catchment plans Wānanga amongst themselves to revive and strengthen their Mātauranga Māori Only where there is a willingness to work collectively to harness resources
Iwi with good capacity and experience	
These iwi want to: <ul style="list-style-type: none"> Strengthen their relationship with council Embed their cultural expectations and aspirations across the planning structure and the spectrum of council business Increase their leadership in the council decision making process Provide and sharpen their cultural direction at a technical, operational and leadership level in terms of councils freshwater management 	They want to do this by: <ul style="list-style-type: none"> Dedicated programmes of cultural research Targeted capacity building at a technical and policy development level Kaitiaki reference groups Providing feedback and input into reviews and the development of policy document Tangible relationship outcomes via MoU and bespoke working parties
Iwi with strong capacity and experience	
These iwi want to: <ul style="list-style-type: none"> Play a greater leadership role in the iwi council relationship Be engaged on, and work towards, specific and relevant topics and kaupapa Have specific outcomes relative to their strategic, environmental and social outcomes More focussed on participating and informing than capacity building 	They want to do this by: <ul style="list-style-type: none"> Input into specific topics of EFPP work streams and other work of council relating to freshwater Advocacy and engagement with constituent iwi



Pūrongo Ki: Report To:	Komiti Māori
Rā Hui: Meeting Date:	19 October 2021
Kaituhi Pūrongo: Report Writer:	Kataraina O'Brien, Director, Strategic Engagement
Kaiwhakamana Pūrongo: Report Authoriser:	Kataraina O'Brien, Director, Strategic Engagement
Kaupapa: Purpose:	Our Partnerships with Māori Statement - Update

Partnerships with Māori Statement - Update

Whakarāpopototanga Executive Summary

Partnerships with Māori is a key focus area of Council's eight strategic priorities.

At the last Komiti Māori hui held on 17 August 2021 at Te Papaouru Marae, Rotorua, members approved 'Our Partnerships with Māori Statement.

Our Partnerships with Māori Statement Vision is to 'Enhance delivery and shared decision-making towards improved equity and prosperity for an inclusive and sustainable regional future'. An action plan and programme are under development which are guided by Our Partnerships with Māori principles, objectives, goals and actions.

This report provides a brief update and next steps.

Ngā tūtohutanga Recommendations

That the Komiti Māori:

- 1 Receives the report, Partnerships with Māori Statement - Update.**

1. **Kupu Whakataki Introduction**

The purpose of Komiti Māori is to provide direction and guidance on Council's obligations to Māori in relation to; growth of authentic partnerships with Māori, strategic direction, emerging issues, legal requirements, effective engagement, awareness and understanding.

Driving enhancements to Council's responsiveness to Māori is ongoing in our mahi and a catalyst for promoting transformational change. We recognise that relationships and partnerships with Māori must be a key focus and is one of our top three priorities.

On 17 August 2021, Komiti Māori approved Council's Partnerships with Māori Position Statement which was developed to guide governance and operations in the way we work, partner and actively support Māori. The statement has a vision, principles, objectives and goals, and identifies actions to enhance and innovate future partnerships.

2. **Our Partnerships with Māori Position Statement**

Vision

Enhance delivery and shared decision making towards improved equity and prosperity for an inclusive and sustainable regional future.

Principle and Objectives

- We will plan together on key priority areas;
- We share decision making with a priority on existing opportunities;
- We value and reflect knowledge contributions/mātauranga Māori in all our mahi;
- We deliver meaningful outcomes for Council, Māori and the Community.

Transformational shift required

- Seeking enhanced participation in operational activities, and progressing new opportunities where they arise within existing operations;
- Seek out new partnership opportunities including shared decision making;
- Supporting Māori capacity and capability building to empower proactive relationships;
- Ensuring an equitable approach to the four wellbeing's and delivery of community outcomes;
- Being responsive, flexible and adaptable to accommodate different world views, needs and capabilities.

We will work towards

- 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;

- Continues recognition and support for new existing Treaty settlements arrangements;
- Implementing Te Hononga to improve working relationships;
- Advancing Māori involvement in spatial planning;
- Recognising the value contributions of Te Ao Māori and mātauranga Māori to our mahi;

Our Goals

- The involvement of Māori in Council decision-making processes is embedded throughout operations and governance;
- We increase the quantity and improve the quality of shared decision making arrangements;
- Key Māori entities have robust resource management capability and capacity to proactively engage with Council;
- Understand and value the contribution Te Ao Māori and Mātauranga Māori make to our work;

3. Timeline of Key Decisions

The list below outlines key decisions made by Councillors leading to the development of our Partnerships with Māori Position Statement and Action Plan:

Date	Decision
Feb 2018	Komiti Maori approves: <ul style="list-style-type: none"> • He Korowai Mātauranga – Mātauranga Māori Framework • Development of a Mātauranga Māori Implementation Plan
May 2018	Council approves LTP Funding for: <ul style="list-style-type: none"> • Enhanced internal cultural/technical capability
Jun 2020	Council approves Annual Plan Funding for: <ul style="list-style-type: none"> • Building partnerships/capacity and capability (Te Arawa Taiao Hub and Toi Kai Rawa)
Jun 2020	Strategy and Policy Committee approves: <ul style="list-style-type: none"> • Te Hononga – Māori Engagement Plan for Fresh Water
Apr 2021	Council approves: <ul style="list-style-type: none"> • Amendments to Komiti Māori Terms of Reference. • Māori Partnerships and shared decision-making to be progressed through Komiti Māori.
May 2021	Council approves LTP funding: <ul style="list-style-type: none"> • Māori Engagement for Freshwater. • Māori Economic Development. • Building Māori Capacity and Capability.

Aug 2021	Komiti Māori approves: <ul style="list-style-type: none"> Our partnerships with Māori Position Statement.
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4. Mahi Snapshot – Current and Progressing

The table below provides a ‘snapshot’ of existing arrangements, projects and initiatives which are being progressed by staff across teams. Some projects are underway, while others are being developed, many with tangata whenua participation, input or advice.

4.1 Internal mahi in progress

Group/Team Lead	Māori partnerships and participation mahi
Integrated Catchments	<ul style="list-style-type: none"> Co-Governance Fora Management Biodiversity plans (design and implementation) Sustainable land use actions and incentives Regional Park co-management River Scheme Advisory Group enhancement Gravel management Pest Management Planning and implementation Te Pourepo o Kaituna Rangitāiki Wetlands Kaimai Mamaku biodiversity TALT project and programme support Flood protection and drainage (authority management plans) Pāpāmoa Hills upgrade Jobs for nature alignment and training
Strategy and Science	<ul style="list-style-type: none"> Freshwater Implementation <ul style="list-style-type: none"> Te Hononga Implementation Māori Engagement Kaitohutohu Co-Design/Co-Author Kaitiaki Wānanga Technical support Mātauranga Māori Policy co-design CNI Relationship Protocol Co-author/co-design Geothermal Plan Co-lead on Climate Change initiatives Mātauranga Māori in Science (operationalise Science Strategy) OSET – involve and upskill tangata whenua Spatial/Urban Planning Māori Economic Development (Toi Kai Rawa) Motiti Protection Area – working with hapū/iwi Housing action plans (Western, Eastern and Rotorua)
Strategic Engagement	<ul style="list-style-type: none"> Establish Treaty Co-Governance Secretariat Next generation Hapū/Iwi Management Plans Set up an Internal Relationship Hub

	<ul style="list-style-type: none"> • Explore Regional Iwi Governance Options • Deliver Komiti Māori work plan • Develop monitoring process for Our Partnerships with Māori Statement • Explore Māori Participation Agreements • Resource Management Training for tangata whenua • Expansion of Te Hononga into a Region-Wide Māori Relationship Strategy • Treaty policy implementation • Mātauranga Māori Framework implementation • Kahui kaumātua • Community Champions • Increase Voter Participation • Te Hapai Ora Community/Iwi Management Plan Funding • Technical support services for tangata whenua • Māori remuneration guidelines
Regulatory Services	<ul style="list-style-type: none"> • Establish arrangements to train and on board tangata whenua into compliance and monitoring roles • Technical secondments with Iwi • Resource consent training • Involvement of Iwi in recruiting for key roles • On-water training for Iwi across the region • CDEM Māori cadetship roles (marae preparedness)
People and Leadership	<ul style="list-style-type: none"> • Toi Tangata Plan (work force development) <ul style="list-style-type: none"> ➢ Treaty of Waitangi Training ➢ Enhance cultural competencies ➢ Inclusive recruiting processes
Corporate and Finance	<ul style="list-style-type: none"> • Social Procurement Plan • Rates remission policy on whenua Māori • Environmental Enhancement Funding

4.2 External Connections

The table below captures some of the examples of where our staff currently have involvement or roles which can influence Māori partnership outcomes:

- Regional Sector
- Regional Leadership Group (Waiariki)
- Mātaatua Leadership Group
- Ngā Kairapu – Māori Special Interest Group
- NZ Planning Institute
- MFE Spatial Planning
- MFE Fresh Water Implementation
- Smart Growth - Urban Growth Partnership
- Eastern BOP Spatial Plan
- Department of Conservation (Jobs for Nature)

4.3 Reporting

- Staff will report to Komiti Māori on Our Māori Partnerships Action Plan in six monthly cycles.
- Staff will report when requested to Committees of Council.

5. Pou Tarāwaho ā-Ture Legislative Framework

Council's operational framework incorporates a number of Māori outcomes underpinned by specific statutory obligations to Māori. Specifically, the Local Government Act 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 processes.
- Establish and maintain processes to provide opportunities for Māori to contribute to the decision making processes of the local authority, and;
- Consider way in which it may foster the development of Māori capacity to contribute to decision making processes of the local authority.

Similarly the Resource Management Act 1991 recognises the Treaty partnership and principles and includes a myriad of obligations which shape Councils relationship to tangata whenua.

We acknowledge pending changes through National policy and regulatory reform will enhance and promote provision for Māori as Treaty partners, within the machinery of local government.

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

Council's Long Term Plan 2021-2031 identifies 'Partnerships with Māori' as one of its eight strategic priorities. Specifically, Council has committed to 'working with Māori in partnerships to deliver outcomes for the region'.

6. Ngā Whakaarohanga Considerations

Partnerships with Māori mahi is operationalised across the organisation and touches all teams either directly or indirectly. The programme currently under development seeks to connect with existing work projects, identify alignment and support opportunities to create or enhance new initiatives.

6.1 Huringa Āhuarangi Climate Change

Our Partnerships with Māori Statement aligns with the Climate Change Position Statement. The Climate Change programme and action plan identifies opportunities to involve Māori in projects and planning so as to recognise and provide for valued input and perspectives.

6.2 Ngā Pānga ki te Māori Implications for Māori

Councils Long Term Plan 2021-2031 identifies 'Partnerships with Māori' as one of its eight strategic priorities. Specifically Council has committed to 'working with Māori in partnerships to deliver outcomes for the region'.

The table above under section 4.1 outlines operational mahi that is underway, progressing or being considered to contribute efforts to ensure we meet our obligations and responsibilities to Māori.

Our Partnerships with Māori Statement sets a road map for how we will progress towards transforming our responsiveness to Māori, creating structures and mechanisms for partnership and shared decision-making over matters that are important to Māori. Building capacity and capability must feature in our planning to achieve a level of equity.

6.3 Ngā Pānga ā-Pūtea Financial Implications

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

7. Ngā Mahi Whai Ake Next Steps

Staff are developing an action plan and programme for approval within six months.



Pūrongo Ki:	Komiti Māori
Report To:	
Rā Hui:	19 October 2021
Meeting Date:	
Kaituhi Pūrongo:	Steve Pickles, Regulatory Compliance Specialist
Report Writer:	
Kaiwhakamana Pūrongo:	Sarah Omundsen, General Manager, Regulatory Services
Report Authoriser:	
Kaupapa:	To provide an update on progress with the Western Bay of Plenty marae wastewater upgrades, and to outline a proposal for engagement and assessment of Kōhī based marae wastewater systems
Purpose:	

Toi Moana Marae Wastewater update

Whakarāpopototanga Executive Summary

This paper updates Komiti Māori on marae wastewater projects underway in Tauranga Moana and the Western Bay, and planned for in the Eastern Bay.

Marae in the Bay of Plenty are largely serviced by onsite effluent treatment and disposal systems for wastewater needs, although in many cases little is known about those systems. In a pilot study, many marae wastewater systems were found to be inadequate to properly safeguard human and environmental health. In addition, many of the systems do not allow the marae to expand to meet the aspirations of the trustees and hapū.

A successful project in Tauranga Moana has seen almost all their marae wastewater systems assessed. This has resulted in several marae connecting to sewer, with many more undertaking works to improve their onsite systems. Western Bay of Plenty District Council are now leading this project, and have expanded it to include the whole Western Bay District.

It is now time to roll out a similar project for marae in the Kōhi Eastern Bay rohe. With over 60 marae and multiple iwi in the rohe, the project needs careful consideration and planning.

Ahead of engaging with iwi and hapu, staff have initiated discussions with both Whakatāne and Ōpōtiki District Councils to maximise the opportunities and tap into their existing programmes and community connections. This collaboration will likely open up avenues to not only assist with funding the assessments and any possible upgrades. It could also create opportunities to tautoko tangata whenua and build capacity.

Ngā tūtohutanga Recommendations

That the Komiti Māori:

- 1 **Receives the report, Toi Moana Marae Wastewater update;**
- 2 **Notes progress towards implementing wastewater solutions in the Mauao rohe;**
- 3 **Notes that staff will now start engaging with iwi and hapu in the Kōhi rohe ahead of developing a process for carrying out marae wastewater assessments;**
- 4 **Notes that any additional resourcing required for the project will be sought through the 2022/23 Annual Plan process.**

1. **Kupu Whakataki Introduction**

There are a large variety of wastewater systems servicing over 160 marae in the Bay of Plenty region. Many marae have resource consents, while some are reticulated to a municipal scheme, however for the majority very little is known about their systems.

The nature of marae use means that wastewater can be difficult to manage. For example, a marae may have little to no use most of the time, but any tangi or hui can generate large volumes of wastewater over a short period of time. Some wastewater systems struggle to cope with large fluctuations in flows, and occasionally result in overflows.

The goal of the project is to support hapū and iwi to protect the ora of their marae, improve health and wellbeing outcomes and protect the wai and whenua. This mahi is not being driven with a regulatory focus.

Importantly, the assessment phase of the project will take into account the future use of the marae and surrounding whenua. This is important as it allows for hapū aspirations to be factored into any potential design solutions.

The project was initially focussed on Tauranga Moana marae, but was extended to cover all of the Western Bay. Tauranga City Council have connected, or committed to connect, all remaining marae within their district. Similarly, Western Bay of Plenty District Council are now successfully driving the project in their district.

The focus now turns towards rolling out the project in the Kōhī Eastern Bay rohe.

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

This project is not being undertaken with a regulatory focus. Its purpose is to help provide option to marae where existing wastewater systems do not provide safe and sanitary solutions to protect both people and environmental health.

However, there are Regional Plan rules that apply to the discharge of onsite wastewater within the Bay of Plenty. These rules sit within the Bay of Plenty Onsite Effluent Treatment Regional Plan. Under existing rules, wastewater produced from marae would not meet the definition of “domestic” wastewater. Therefore, in most

cases, wastewater from marae would not be deemed to be a Permitted Activity, and as such would likely require a resource consent.

The outcome of the Marae Wastewater project will not only address health and environmental risks, but will also ensure that, where needed, marae wastewater systems are consented (costs to be borne by the Regional Council). Learnings from the project will also help inform future Regional Plan changes.

In addition to the wastewater component, marae water will be assessed to ensure that source water risks are identified. The information collected will also help enable marae to assess any water supply requirements of the new Taumata Arowai legislation.

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

A Healthy Environment	We manage our natural resources effectively through regulation, education and action.
Freshwater for Life	We deliver solutions to local problems to improve water quality and manage quantity.
Safe and Resilient Communities	We work with our partners to develop plans and policies, and we lead and enable our communities to respond and recover from an emergency.
The Way We Work	We look to partnerships for best outcomes.

Well designed and managed marae wastewater systems protect the health and wellbeing of tangata whenua within the Bay of Plenty. Solutions will be marae focussed and developed in conjunction with future aspirations front of mind. The project aims to support marae have facilities that are robust and capable of providing security during times of emergency, as well as during normal marae operations.

The project will be collaborative with Toi Moana staff working alongside tangata whenua and District Councils, and other technical experts where needed.

1.2.1 Community Well-beings Assessment

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

The majority of the well beings are affected in a positive way.

However, there will be an economic cost associated with the investigation phase, consenting and upgrading the wastewater systems (where deemed necessary). This has been classed as a Low – Negative effect, as it is offset by the positive financial benefits that result from systems not failing i.e. will avoid the high costs associated with undertaking short term fixes when overflows occur (e.g. using sucker trucks), or having to replace failed soakage trenches/soak holes.

2. Tauranga Moana Marae OSET Pilot Project

The Tauranga Moana Marae OSET project was undertaken to understand the challenges which marae face with managing OSET systems, and identify

opportunities to facilitate and/or support marae to have safe and effective waste water treatment systems.

It involved contacting the trustees of 14 Tauranga Moana marae not connected to reticulation or with a resource consent in place for their system. This resulted in commitments from both District Councils to reticulate a number of marae in their respective districts (including all four identified in Tauranga). Western Bay of Plenty District Council have obtained central government funding to address Marae wastewater infrastructure across the entire Western Bay District (including those in the Eastern/Kaituna catchments). This project includes implementation, and funding is contingent on infrastructure being installed by March 2022.

While the project was initially led by the Regional Council and focussed on Marae within Tauranga Moana, Western Bay of Plenty District Council are now leading the project and implementing it across the entire Western Bay district.

A risk assessment, to identify the needs of all Western Bay Marae, was completed to ensure those who are in most need receive assistance first. The contractors are working with Marae Trustees to ensure that future aspirations and preferred solutions are taken into account.

Regional Council has committed to processing the resource consent applications for the on-site wastewater system systems free of charge and is continuing to work closely with the District Council to assist in the project going forward. Regional Council have also agreed to waive annual fees as an extra incentive and have committed to reviewing the s36 charges policy with respect to Marae compliance charges.

2.1 Summary of progress in the Mauao rohe

Excellent progress has been made on the project. All marae in Tauranga City Council's boundary are now either reticulated or will be shortly.

Of the 23 marae located within the Western Bay of Plenty District Council boundary, only three marae have yet to engage in the process. Of the remaining 20 marae:

	Connected to sewer	Potentially connecting to sewer	OSET Solution
Number of Marae	3	3	14

Of those fourteen marae which require an on-site solution, seven either have that solution in place or underway, four are currently working through the design process, and consultation remains ongoing with the remaining three.

3. Proposed Kōhi marae project

Staff were given direction from Councillors at the Monitoring and Operations Committee on 9 March 2021 to progress a programme that focusses on marae outside of the Western Bay region. Following a further assessment of council records, it was identified that the majority of marae which would fall within the project were located in the Kōhī constituency, with only two marae remaining in each of Mauao and Ōkurei. In light of this, and through discussions and feedback from Māori Constituent Councillors, staff consider it appropriate that the next phase of

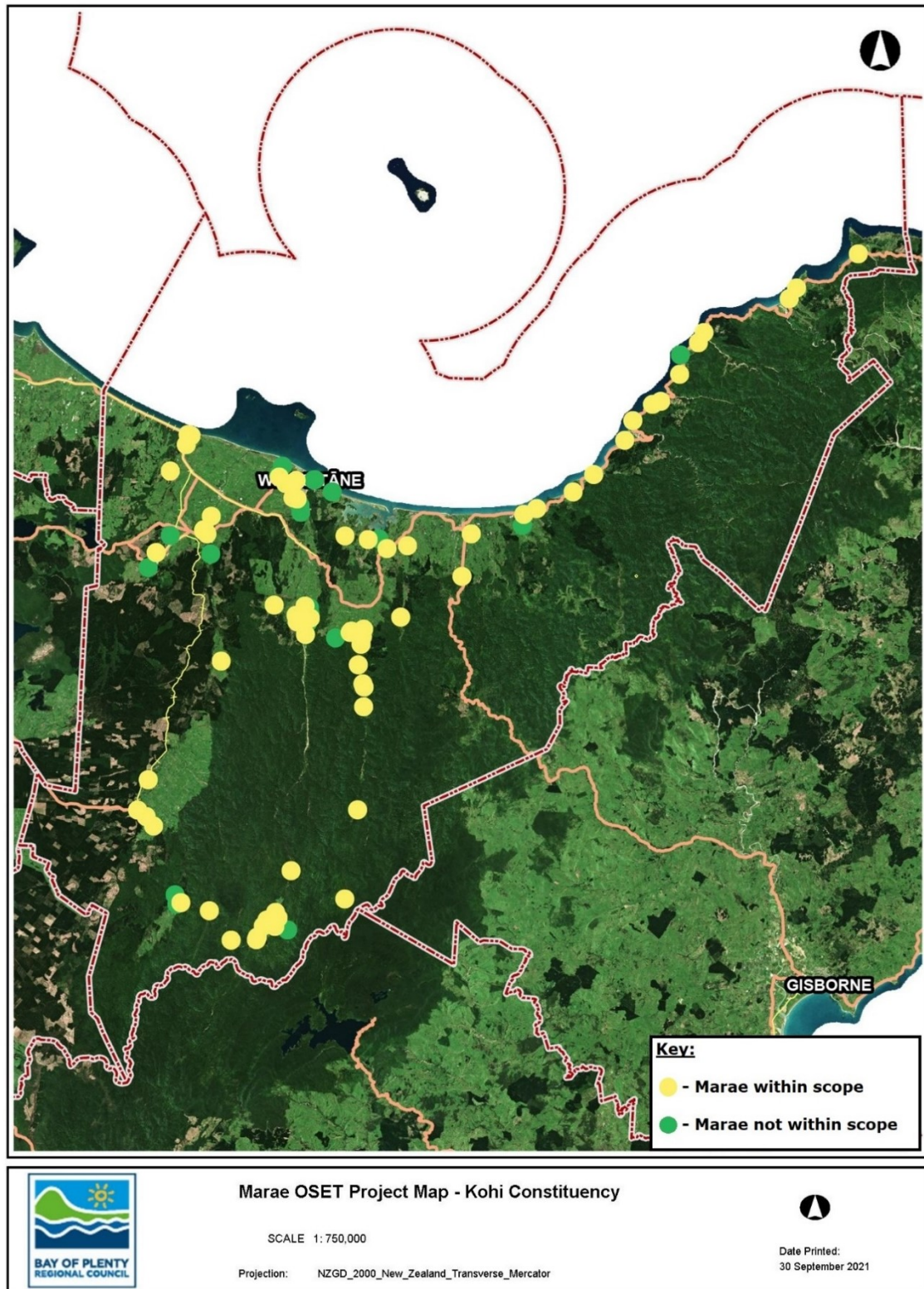
the project focus on the marae located within the Kōhī constituency, in the Eastern Bay of Plenty.

As well as internal hui, staff from Toi Moana have met with both Ōpōtiki and Whakatāne District Council to discuss the proposed project. Both Councils are supportive of the project and see value in working collectively to deliver the mahi.

Based on experience from the Western Bay Project, the level of engagement by hapū/iwi and marae trustees will vary and there is no “one size fits all” approach. This is understandable and must be respected as we progress the project. The level of engagement will become clear once initial hui begin shortly.

Marae within the project’s scope are those that are either not reticulated to a municipal wastewater scheme, or do not hold a current resource consent. The in-scope marae are identified as yellow dots on Map 1 below. Initial assessment of marae in the Eastern Bay indicates approximately 65 marae will need to be visited.

Map 1: Location of marae within the Kōhī constituency



Given the very large number, it is proposed that we implement a phased approach to rolling out the mahi. This should help reduce the risk of overloading tangata whenua particularly while there is considerable pressure on their time with other consultation, Covid response, etc.

3.1 Engaging with Iwi, hapu and Marae Trustees

Appropriate, respectful engagement with tangata whenua is vital for ensuring the success of the project. To date, a decision has been made to hold off direct

engagement with iwi in the Eastern Bay. However, this is expected to commence shortly after taking into account any feedback received from Komiti Māori.

Staff acknowledge marae trustees may not want to identify issues within existing wastewater systems for a variety of reasons. Therefore, clear messaging of the “Why” and “How” will be vital.

Although the “Why” is well documented and as such, can be relatively easily explained, there has been considerable effort been put into the “How” before engagement starts.

To date, staff have been developing the project taking into account lessons learnt, and successes achieved, from the Western Bay project. This includes securing appropriate resourcing/funding and establishing strong connections with the District Councils.

Toi Moana's Te Amorangi team are providing advice and direction for the project given their experience and networks, and will continue to do so throughout the project.

3.2 Working with the Eastern Bay District Councils

Staff have recently met with both Ōpōtiki and Whakatāne District Councils. Both Councils are very supportive of working together on this project and are interested in weaving this project into other Council works programmes e.g. safe drinking water (Taumata Arowai).

For example, Whakatane District Council have a programme in place to evaluate and support non-reticulated communities, of which marae are often an example. This project fits nicely alongside that kaupapa.

Another example is Ōpōtiki District Councils work alongside Te Whānau a Apanui. This mahi aims to look for capacity building opportunities within their rohe, including creating cadetships. It is possible that one of the cadet schemes may be able to assist with the Marae wastewater project, enabling the cadet to build skills around wastewater/water site assessment and design.

Both Councils have indicated support via resources and/or funding may be available to contribute to the project, alongside Toi Moana funding and support. Staff will continue to work with both District Councils to further develop a plan to incorporate:

- An engagement strategy for marae in the Kōhī constituency; and
- Identification of funding options, including tapping into Central Government funding streams, and seeking additional resources through the 2022/23 Annual Plan processes.

Working closely with marae trustees and other tangata whenua is universally seen as being very important to the success of all of this work.

3.3 Stage 1: The Assessment Phase

Similar to the approach taken in the Western Bay, the priority for the first stage of the project is to engage with marae trustees to ascertain:

- the source and security of the water supply;
- soil types and proximity to groundwater;

- the type and adequacy of existing wastewater systems;
- the history of current or past wastewater system problems;
- where the system was undersized, the opportunity to upgrade; and
- the Trustees future aspirations for development of the marae.

It's important to note that, given the number of marae located in very remote areas of the region, it is anticipated that different solutions may be required in order to support marae, particularly given that reticulation is unlikely to be available, and the level of use may not justify a significant upgrade to the entire system.

There is also an opportunity for this project to inform the revision of planning provisions relating to marae wastewater, which will be occurring as part the implementation of the National Policy Statement for Freshwater Management.

3.3.1 He Kahu Pitongatonga – A Cloak of Protection

The Bay of Plenty Civil Defence Emergency Management have developed “He Kahu Pitongatonga – A Cloak of Protection” under its Te Ao Māori framework. This aims to ensure marae are ready for any future emergency event by helping the iwi, hapū, whānau and wider community to be prepared.

“He Kahu Pitongatonga” relies on a holistic approach to identifying marae’s needs and aspirations through four key themes (Whakawhanaungatanga, Mātauranga, the BOPCDEM Kaupapa, and Whakapakari) which are supported by five Pou (Pou Tautoko, Pou Tikanga, Pou Whakara, Pou Arahi, Pou Hono).

The Marae Wastewater project sits across several of the Pou, however one in particular, Pou Hono, is particularly relevant. This Pou is aimed at ensuring the Marae operations function throughout an emergency event and encourages us (BOP CDEM/Council) to provide support to the marae to identify and address risks to their business continuity. This is very much in alignment with the kaupapa of the wastewater project, where it aims to provide a healthy and safe system for people and the environment.

“He Kahu Pitongatonga” has been presented to nine Eastern Bay marae. Seven of the marae are within Whakatohea’s rohe, while the remaining two are Te Whānau a Apanui marae.

Given that engagement with these marae has been established and well received, it is proposed that initial focus on these marae from within the Opotiki District will cement working relationships and will also assist with fulfilling BOP CDEM’s obligations to provide support to marae.

While the plan is to start with these marae, we will certainly take any opportunities as and when they arise.

3.3.2 Resourcing requirements

The following estimates for Stage 1 Assessments are based off the Western Bay project. These estimates were found to be reasonable as an average across all of the marae. The site visit travel time/costs associated with the Eastern Bay marae will likely be significantly more than the Western Bay experience given some of their remoteness.

OSET risk assessment task	Hours required per Marae (estimate)
Contact Marae Trustees or Chair to request site visit	1 hour
Site visit and risk assessment	4 hours (2hr x 2 people)
Obtain any other relevant information relating to Marae and site, and complete assessment paperwork	2 hours
Total hours per Marae – risk assessment only	7 hours

Given the nature of the work, and following the success of the Western Bay approach, we will ideally utilise the skills of two assessors. One will be proficient in Te Reo and Tikanga Māori, while the other must have a background in wastewater design/installation - ideally be an Approved OSET system designer for the Eastern Bay of Plenty.

One of the goals of this project will be to tautoko tangata whenua by working alongside a technical expert during the onsite wastewater assessments. Ideally this will help build capacity and may ultimately provide opportunities to help marae trustees manage wastewater and water supply across the rohe.

It will be important that the engagement and subsequent assessments is done through kānohi kitea.

Funding for assessment of the nine proposed marae identified through the He Kahu Pitongatonga programme, will be undertaken from within existing budgets. However extending the project to cover all of the remaining Eastern Bay marae will likely require additional funding (noting the District Councils may have access to some funding).

It is proposed that a funding request through the Annual Plan process is made to cover the Stage 1 assessments for any remaining marae. It is likely that getting through all 65 marae will extend beyond one or two financial years.

A key goal of this project is to identify, and access, joint funding opportunities to support marae in preparing their consent applications, and to design and install any system upgrades. This will likely be a collective application made to external agencies, such as through Central Government funding avenues.

4. Ngā Whakaarohanga Considerations

4.1 Ngā Mōrea me Ngā Whakangāwaritanga Risks and Mitigations

This project is primarily focussed on supporting marae to have safe and effective waste water treatment systems. However, through the course of this project, it is expected that Regional Council will identify a number of instances of non-compliance with Regional Plan rules. In some cases, these non-compliances may be considered significant.

It is important to note that Regional Council has discretion in its enforcement decision making and will take into account the intent of this project, and ability to achieve the desired outcomes for our marae community in the Bay of Plenty, along with any other factors relevant to the non-compliance.

There is a risk that some marae may not open their doors to an assessment. This could be due to a number of reasons, including a lack of trust of working with Councils, or the risk that by opening their doors they could also then be opening their doors to incurring ongoing costs.

Building trust can take time. Experience from the Western Bay project has shown that working with appropriate “connectors” to help establish a relationship between the marae trustees and the project team is vital. As discussed above, ideally where possible this project will tautoko tangata whenua to help mitigate this risk.

Toi Moana has previously considered the issue of costs. There will be no cost to iwi for the costs associated with carrying out the Stage 1 Assessments.

If the marae’s existing wastewater system is found to be of a suitable standard, but the marae does not have a resource consent authorising the discharge, then the cost of consenting the existing system will be borne by Council. In addition, annual resource management charges and compliance fees will be waived for the term of the consent.

If an upgraded onsite wastewater solution is required for the marae, then Toi Moana will work with the marae and other partners, including District Councils and central government organisations (for example Te Puni Kokiri’s Oranga Marae workstream) to identify funding opportunities.

It should also be noted that Toi Moana is also currently investigating other opportunities to reduce the financial burden on marae, through avenues such as the Whenua Māori Rates remission policy.

4.2 **Huringa Āhuarangi** **Climate Change**

The potential impacts of climate change are expected to have significant implications for land-based wastewater disposal, particularly in low-lying and coastal areas; this project seeks to provide solutions which will improve community resilience.

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

The project team for the Tauranga Moana Pilot Project noted the esteem in which Marae are held as a turangawaewae for their hapū and iwi. Having a robust and effective wastewater system will support hapū/iwi towards achieving their aspirations by improving marae infrastructure to meet the ongoing needs of the marae, as a living centre of cultural expression.

The primary purpose of this project is to provide support to marae in obtaining solutions for compliant wastewater treatment and disposal, in order to provide for better health and environmental outcomes.

Iwi and hapu across the Bay of Plenty are experiencing increasing demands for their time in relation to resource management mahi, including National Policy Statement for Freshwater Management and ongoing RMA reforms. Therefore this project will be rolled out with a staged approach in mind to try and reduce the demand on tangata whenua. We will also look for opportunities to align this project with other mahi/engagement being done by Toi Moana and the local District Councils, as a potential mitigation measure.

4.4 **Whakawhitiwhiti ā-Hapori** **Community Engagement**

This project is very reliant on successful engagement with relevant iwi, hapū and marae Trustees.

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

The initial assessments carried out during the 2021/22 financial year can be covered by existing budgets, with expected support from the relevant District Councils.

Continuing the programme beyond the current financial year, will require reprioritisation of existing budgets and/or a specific funding allocation via the next Annual Plan.

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

The next task for the project will be to initiate contact with iwi/hapu and marae trustees across the rohe. Initial contact will likely be through a panui, containing relevant information. An offer to present to the relevant hapu Chairs Forums will be made.

After taking account of any feedback, it is proposed that we then begin assessing marae that have recently engaged through the “He Kahu Pitongatonga” kaupapa. This would initially focus on two Te Whānau a Apanui marae and seven Whakatōhea marae.

Additional marae may be added to the initial programme, depending on resourcing and funding availability, and through ongoing discussions with both the Whakatāne and Ōpōtiki District Councils, and with relevant iwi/hapu.

It's important also to note that opportunities may arise to engage with marae and progress this mahi, outside of the project itself; this might include where Council receives an application for resource consent, or staff become aware of marae renovations, which could save money by incorporating any necessary wastewater upgrades at the same time.

Staff will update progress with this project to Komiti Māori on a regular basis, through the Chairperson's report.