



greater WELLINGTON
REGIONAL COUNCIL
Te Pane Matua Taiao

If calling please ask for: Democratic Services

1 December 2017

Te Upoko Taiao - Natural Resources Plan Committee

Order Paper for meeting to be held in the Council Chamber, Greater Wellington Regional Council, Level 2, 15 Walter Street, Te Aro, Wellington on

Thursday, 7 December 2017 at 10.00am

Membership of Committee

Cr Ponter (Co Chair)

Cr Donaldson

Cr Laidlaw

Cr Swain

Cr Gaylor

Cr Staples

Morris Te Whiti Love

Hikitia Ropata

Reuben Raihania Tipoki

Hohepa Potini

Rawiri Smith

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

Te Upoko Taiao - Natural Resources Plan Committee

Order Paper for the meeting to be held on Thursday, 7 December 2017 in the Council Chamber, Greater Wellington Regional Council, Level 2, 15 Walter Street, Te Aro, Wellington at 10.00am

Public Business

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2. Declarations of conflict of interest		
3. Public participation		
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6. New Marine and Coastal Area Act 2011 obligations	Report 17.492	17
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9. pNRP update	Oral	



Please note that these minutes remain unconfirmed until the meeting of Te Upoko Taiao – Natural Resources Plan Committee on 7 December 2017

Report 17.217

14/06/2016

File: CCAB-11-172

Public minutes of Te Upoko Taiao – Natural Resources Plan Committee meeting held on Wednesday, 14 June 2017 in the Level 2 East meeting room, Westpac Stadium, Waterloo Quay, Wellington at 10.01am

Present

Councillors Ponter (Co-Chair), Donaldson, Gaylor, Laidlaw (until 12.46pm), Staples and Swain; and Morris Te Whiti Love, Hohepa Potini, Hikitia Ropata and Rawiri Smith.

Cr Ponter chaired the meeting.

Morris Te Whiti Love opened the meeting with a karakia timatanga.

Cr Ponter welcomed the Committee members and referenced the importance of this Committee in providing an integrated approach between mana whenua and Council in the development and monitoring of the Natural Resources Plan for the Wellington Region.

Public Business

1 **Apologies**

Moved

(Rawiri Smith/ Cr Staples)

That the Committee accepts apologies for absence from Reuben Raihania Tipoki.

The motion was **CARRIED**.

2 **Conflict of interest declarations**

There were no declarations of conflict of interest.

3 **Public participation**

There was no public participation.

4 **Committee Terms of Reference**

Oral Report

The Committee received an oral report from Francis Ryan regarding the Committee's terms of reference.

5 **Appointment of the non-Councillor Co-Chair of Te Upoko Taiao – Natural Resources Plan Committee**

Report 17.42

File: CCAB-11-135

Moved

(Morris Te Whiti Love/ Rawiri Smith)

That the Committee:

1. *Receives the report.*
2. *Notes the content of the report.*
3. *Appoints Hikitia Ropata as the non-Councillor Co-Chair of Te Upoko Taiao – Natural Resources Plan Committee.*

The motion was **CARRIED**.

6 **Proposed Natural Resources Plan for the Wellington Region development and update**

Report 17.203

File: CCAB-11-167

Matthew Hickman, Manager, Environmental Policy, Lucy Harper, Team Leader, Environmental Policy, and Mike Grace, Senior Policy Advisor, spoke to the report.

Moved

(Cr Laidlaw/ Morris Te Whiti Love)

That the Committee:

1. *Receives the report.*
2. *Notes the content of the report.*

The motion was **CARRIED**.

The meeting adjourned at 12.04pm and reconvened at 12.35pm.

7 Proposed Natural Resources Plan – implementation programme

Report 17.204

File: CCAB-11-168

Mike Grace, Senior Policy Advisor and Lucy Harper, Team Leader, Environmental Policy, spoke to the report.

Councillor Laidlaw left the meeting at 12.46pm, during consideration of this item.

Moved

(Cr Ponter/ Cr Donaldson)

That the Committee:

- 1. Receives the report.*
- 2. Notes the content of the report.*

The motion was **CARRIED**.

8 Introduction to the plan monitoring and evaluation framework

Oral Report

The Committee received an oral report from Lucy Baker, Team Leader, Science Strategy and Information, regarding the plan monitoring and evaluation framework.

The Committee was advised that it is a legislative requirement to monitor the effectiveness of the proposed natural resources plan. However, the real value is in identifying:

- where our activities are making a difference
- where they are not making a difference; and
- where we need to change what we do or how we do it.

Any findings need to feedback into the policy planning process.

9 Regional Kaitiaki Monitoring Framework and Kaitiaki Monitoring and information strategies (method 2 PNRP)

Report 17.208

File: CCAB-11-169

Brett Cockeram, Science Co-ordinator - Kaitiaki, spoke to the report.

Moved

(Hikitia Ropata/ Rawiri Smith)

That the Committee:

- 1. Receives the report.*
- 2. Notes the content of the report.*

The motion was **CARRIED**.

10 Programme for the remainder of 2017

Oral Report

The Committee received an oral report from Nigel Corry, General Manager, Environment Management, regarding the Committee's programme for the remainder of 2017. Mr Corry advised that officers will arrange site visits for the Committee on the dates scheduled for the two remaining Committee meetings in 2017.

Morris Te Whiti Love closed the meeting with a karakia whakamutunga.

The meeting closed at 1.55pm.

Cr D Ponter
Co-Chair

.....
Co-Chair

Date:

H Ropata
Co-Chair

.....
Co-Chair

Date:

Report 2017.491
Date 7 December 2017
File CCAB-11-197

Committee Te Upoko Taiao - Natural Resources Plan Committee
Author Pauline Hill, Kaitohutohu Matua, Senior Advisor, Te Hunga Whiriwhiri

Treaty of Waitangi settlements and links to Whaitua processes

1. Purpose

To provide an overview on the status of iwi settlements in the Wellington Region and links to existing and future whaitua processes.

2. Background

2.1 Mana whenua relationships

GWRC has had long-standing, resilient relationships of more than 20 years managed through the partnership forum of Ara Tahi. Ara Tahi sets the strategic priorities for the six mana whenua including environmental, cultural, social and economic. The forum consists of two representatives from Council (the Chair and a second Councillor) and two representatives from each of the mana whenua mandated organisations listed below:

- Ātiawa ki Whakarongotai Charitable Trust
- Ngāti Raukawa ki te Tonga as represented by Ngā Hapū o Ōtaki
- Ngāti Kahungunu ki Wairarapa Charitable Trust
- Port Nicholson Block Settlement Trust
- Rangitāne o Wairarapa Inc
- Te Rūnanga o Toa Rangatira Inc.

2.2 Partnership approaches

GWRC and mana whenua have consolidated their long standing partnership through broad, innovative engagement opportunities that inform decision-making and achieve mutually beneficial outcomes. Examples include: Ara Tahi leadership; Te Upoko Taiao guidance; Māori representation to standing committees; Treaty settlement arrangements; whaitua committees; working parties; consenting processes and direct one-to-one engagements with each of our mandated iwi organisations.

2.3 Mātāwaka relationships

Parts 2 and 6 of the Local Government Act 2002 facilitate participation of Māori in local government. Local government is charged with the responsibility to provide opportunities for Māori to contribute to its decision-making processes. These provisions apply to all Māori in the city, district, or region. They acknowledge that Māori other than mana whenua may be resident in the area.¹

In 2016, Council signalled it would “work collaboratively with mātāwaka² on whole-of-community issues”.³ Mātāwaka have established marae and relationships with the community throughout the region over many years. The greatest concentration of mātāwaka marae is located in the Wellington and Hutt areas. Refer to **Attachment 1** for a map of mana whenua and mātāwaka marae in the Wellington Region. Whole-of-community issues refer to any issues that involve all sectors of the community. Examples include the whaitua programmes and GWRC’s Long Term Plan.

2.4 Overview Treaty of Waitangi settlements in the Greater Wellington region

Three of GWRC’s six mana whenua partners have settled their Treaty of Waitangi historical claims with the Crown. These are:

- Port Nicholson Block Settlement Trust 30 July, 2009
- Te Rūnanga o Toa Rangatira Inc 17 April, 2014
- Rangitāne o Wairarapa Tamaki Nui a Rua (new post-settlement relationship with GWRC) 10 August, 2017.⁴

For Greater Wellington there are specific statutory obligations that we are required to deliver for each iwi and their settlement. The full detail is included in **Attachment 2**.

The three remaining mana whenua partners yet to settle are:

- Ngāti Kahungunu ki Wairarapa Tamaki Nui a Rua (new post-settlement entity) expected to settle their claims in 2018
- The Office of Treaty Settlements has reported that Ātiawa ki Whakarongotai Charitable Trust and Ngāti Raukawa ki te Tonga, including Ngā Hapū o Ōtaki, are not yet in active engagement with the Crown.⁵

2.5 Whaitua

GWRC has two whaitua programmes underway for the Ruamāhanga and Te Awarua-o-Porirua and planning has commenced for a third at Wellington Harbour and Hutt Valley. The remaining two planned programmes will be implemented consecutively at Kapiti Coast and the Wairarapa Coast as each programme is completed. The Whaitua programme and the resulting regional plan changes must be completed by 2025.

1 http://www.localcouncils.govt.nz/lqip.nsf/wpg_url/About-Local-Government-M%C4%81ori-Participation-in-Local-Government-What-does-the-Local-Government-Act-say-about-The-Treaty

2 Mātāwaka refers to iwi who have settled in the region and are not mana whenua.

3 Greater Wellington Regional Council “Maori Partnership Framework 2016-2026”

4 Office of Treaty Settlements, “Year-to-Date Progress Report 1 July 2017 – 30 September 2017” Page 8-9

5 Office of Treaty Settlements, “Year-to-Date Progress Report 1 July 2017 – 30 September 2017” Page 5

Refer to **Attachment 3: Map of existing and future proposed Whaitua.**

3. Comment

Apart from the shared high workloads on mana whenua, there are no apparent links between the Treaty settlements and whaitua programmes. Any overlap of the two processes is by coincidence rather than design. They are essentially two separate workstreams and differ in every aspect in terms of their drivers, expected deliverables, timeframes and outcomes.

3.1 Similarities and differences

The following table summarises the similarities and differences between the Treaty of Waitangi settlements and Whaitua models and workstreams.

Table 1: Similarities and differences

	Treaty of Waitangi settlement redress	Whaitua
Statutory obligations	GWRC meets its statutory obligations associated with mana whenua under specific settlement legislation in addition to other statutory obligations (eg Resource Management Act 1991 and subsequent amendments)	Local Government Act 2002 provisions, GWRC is required to facilitate participation by all Māori in the city, district, or region in local government decision-making. ⁶ The National Policy Statement for Freshwater management has requirements to reflect iwi values and interests in decision making
Māori engagement	GWRC supports a best practice service delivery model and meets its mana whenua partner obligations as well as recognising all of its statutory obligations ⁷	GWRC's Māori Partnership Framework signalled the intent to engage with mātāwaka and mana whenua on whole of community issues. ⁸
Relationship model	Treaty relationship is between the Crown and each mana whenua of the region.	Whaitua model is a whole-of-community relationship model.

6 http://www.localcouncils.govt.nz/lcip.nsf/wpg_url/About-Local-Government-M%C4%81ori-Participation-in-Local-Government-What-does-the-Local-Government-Act-say-about-The-Treaty

7 Buddle Findlay "Stocktake of Mechanisms for Working with Maori- Appendix One Table Greater Wellington Regional Council Stocktake of Statutory Obligations to Maori/Te Tiriti o Waitangi 2015 "

8 Greater Wellington Regional Council :Maori Partnership Framework 2016-2026" 2017 "

	GWRC has a partnership relationship, but not a Treaty of Waitangi, relationship, with mana whenua. ⁹	
Māori membership	Exclusive mana whenua partners membership.	Should have both mana whenua representatives and mātāwaka representatives
Decision making	Equal Treaty based decision making frameworks (eg Te Upoko Taiao)	The Whaitua 100% consensus decision making requirements for the mana whenua members are in conflict with Treaty principles
Shared outcomes	Shared strong focus on improved environmental outcomes for the region	

3.2 Treaty and whaitua work stream demands on mana whenua

3.2.1 Ngāti Toa

The Ngāti Toa Treaty and whaitua processes followed each other. Ngāti Toa resolved their settlement in 2014 and subsequently moved straight into the Te Awarua-o-Porirua whaitua process. They are the only iwi with overlapping interests in three whaitua areas (at times these will operate congruently). The existing and future whaitua will place huge demands on their resources over an extended timeframe of up to a decade, unless we streamline our existing processes.

Their participation is as follows:

- Te Awarua-o-Porirua Whaitua (started in 2015)
- Wellington Harbour and Hutt Valley (to start in 2018); and
- Kapiti Coast (to start around 2021).

GWRC officers are working with Ngāti Toa to determine how we can assist them in managing the huge whaitua demand.

3.2.2 Wairarapa Iwi

Both Ngāti Kahungunu and Rangitāne have adopted a dual entity approach in managing the competing and parallel Treaty and whaitua demands. This enabled them to spread their resources to manage the huge workstreams in the last 4 years. Wairarapa iwi will have some time before re-engaging in the final Wairarapa Coast Whaitua starting around 2023.

⁹ http://www.localcouncils.govt.nz/lqip.nsf/wpg_url/About-Local-Government-M%C4%81ori-Participation-in-Local-Government-What-does-the-Local-Government-Act-say-about-The-Treaty

Since August 2017, GWRC has been preparing for the new Wairarapa iwi post-settlement environment. Activities include discussions between key GWRC and Post Settlement Governance Entity representatives to enable information sharing on the opportunities of key GWRC projects (eg Ruamāhanga Whaitua) and a seamless transition of relevant GWRC projects.

3.2.3 Port Nicholson Block Settlement Trust

The Port Nicholson Block Settlement Trust was the first iwi of the region to settle their claims with the Crown in 2009. The planning for, and implementation of, the Wellington Harbour and Hutt Valley whaitua is underway. This will place new demands on their resources as they manage their post-settlement strategic and operational decision making.

3.2.4 Remaining iwi yet to settle

It is likely that Ātiawa ki Whakarongotai and Raukawa ki te Tonga including Ngā Hapū o Ōtaki will be balancing the huge parallel demands of their Treaty settlement and whaitua programmes in the future.

4. Climate change

There are no climate change implications associated with this report

5. Communication

No communications are necessary as a result of this report as it is written primarily for internal purposes.

6. The decision-making process and significance

No decision is being sought in this report.

6.1 Engagement

Engagement on this matter is unnecessary.

7. Recommendations

That the Committee:

- 1. Receives the report.*
- 2. Notes the content of the report.*

Report prepared by:

Pauline Hill
Kaitohutohu Matua, Senior
Advisor, Te Hunga Whiriwhiri

Report approved by:

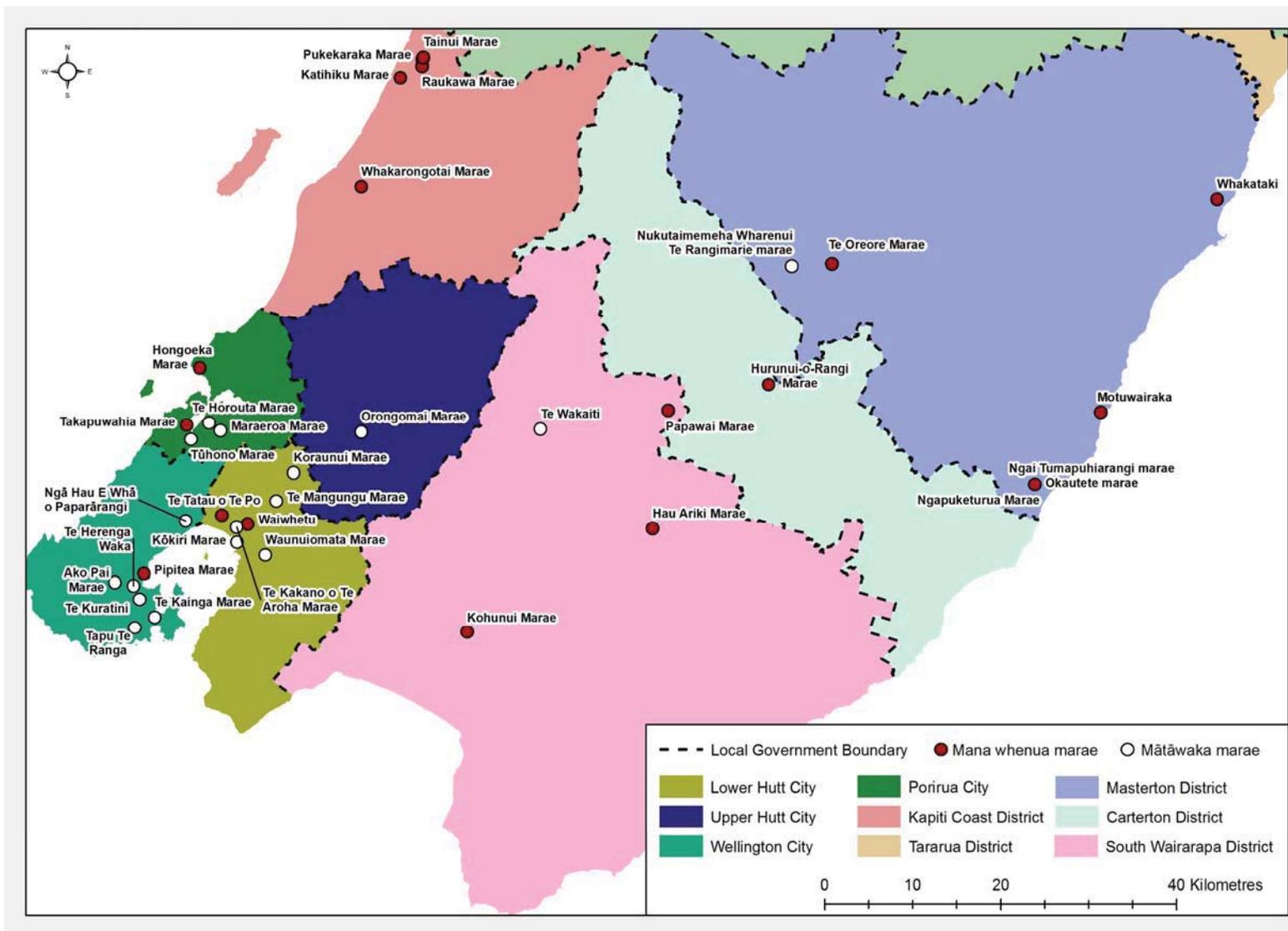
Monica Fraser
Te Pou Whakarae, Te Hunga
Whiriwhiri

Report approved by:

Nigel Corry
GM, Environment
Management

- Attachment 1:** Map showing mana whenua and mātāwaka marae of the Wellington Region
- Attachment 2:** Overview of Council's Treaty of Waitangi settlement redress obligations
- Attachment 3:** Map of whaitua existing and future proposed

Map showing mana whenua and mātāwaka marae of the Wellington Region



Reference Greater Wellington Regional Council, “Māori Partnership Framework 2016-2026” Page 13.

Overview of Council's Treaty of Waitangi settlement redress obligations

The following tables provide an overview of Council's statutory obligations under the Treaty of Waitangi settlement legislation of mana whenua of the region.

Port Nicholson Block Settlement Trust

<p>East Harbour Park</p> <p>Parangarahu Lakes Conservation Covenant</p>	<p>Memorandum of Understanding: Council is to manage the land within the requirements of the covenant</p> <p>Joint management plan: for the management of the lake beds, esplanade lands and surrounding areas signed 2015. To be reviewed in 2018</p> <p>Joint Management Group-Te Roopu Tiaki: Council and PNBST staff to operationalise the management plan</p> <p>Dendroglyph site:</p> <ul style="list-style-type: none"> • site vested in PNBST trustees and granted an easement to the site • set apart as a Māori reservation
<p>Statutory Acknowledgements</p>	<p>Statutory areas and Statements of association include: Rimutaka Forest Park, Wainuiomata Scenic Reserve</p> <p>Statutory plans: attach statutory acknowledgements to all statutory plans</p> <p>Resource consents: Forward copies resource consents to PNBST trustees, 'Have regard to' statutory acknowledgement</p>
<p>Right of First Refusal</p>	<p>Redress of particular relevance to Council include: Wainuiomata Scenic Reserve</p>
<p>Name changes</p>	<p>Number of name changes identified in the Council Style guide for staff</p>

Te Rūnanga o Toa Rangatira

<p>Whitireia Park Management</p>	<p>Whitireia park recreation reserve controlled and managed by a joint board - 3 members appointed by The Ngāti Toa trustees and 3 appointed by Council</p> <p>Council has a service level agreement with the Board on management of the park and for admin and secretariat support provided to the Board and has developed a management plan</p>
<p>Cook Strait Forum</p>	<p>Council to convene an annual meeting of the Forum with relevant iwi, Council and central agency entities and shared responsibilities with the Marlborough District Council</p>
<p>Statutory Acknowledgements</p>	<p>Statutory areas and Statements of association include: Queen Elizabeth Park, Whareroa farm, Battle Hill Farm Forest Park,</p> <p>Poutiaki plan for the Cook Strait:</p> <ul style="list-style-type: none"> • Ngāti Toa may develop a Poutiaki plan for the Cook Strait area • Council must "take into account" the plan where it has a bearing on the regional coastal plan aspects of the pNRP <p>Resource consents: Forward copies resource consents to TRoTR trustees, 'Have regard to' statutory acknowledgement</p>
<p>Commercial Redress Property For No Consideration</p>	<p>Queen Elizabeth Park: Caretaker's residence and Office Block</p>
<p>Name changes</p>	<p>Number of name changes identified in the Council Style guide for staff</p>

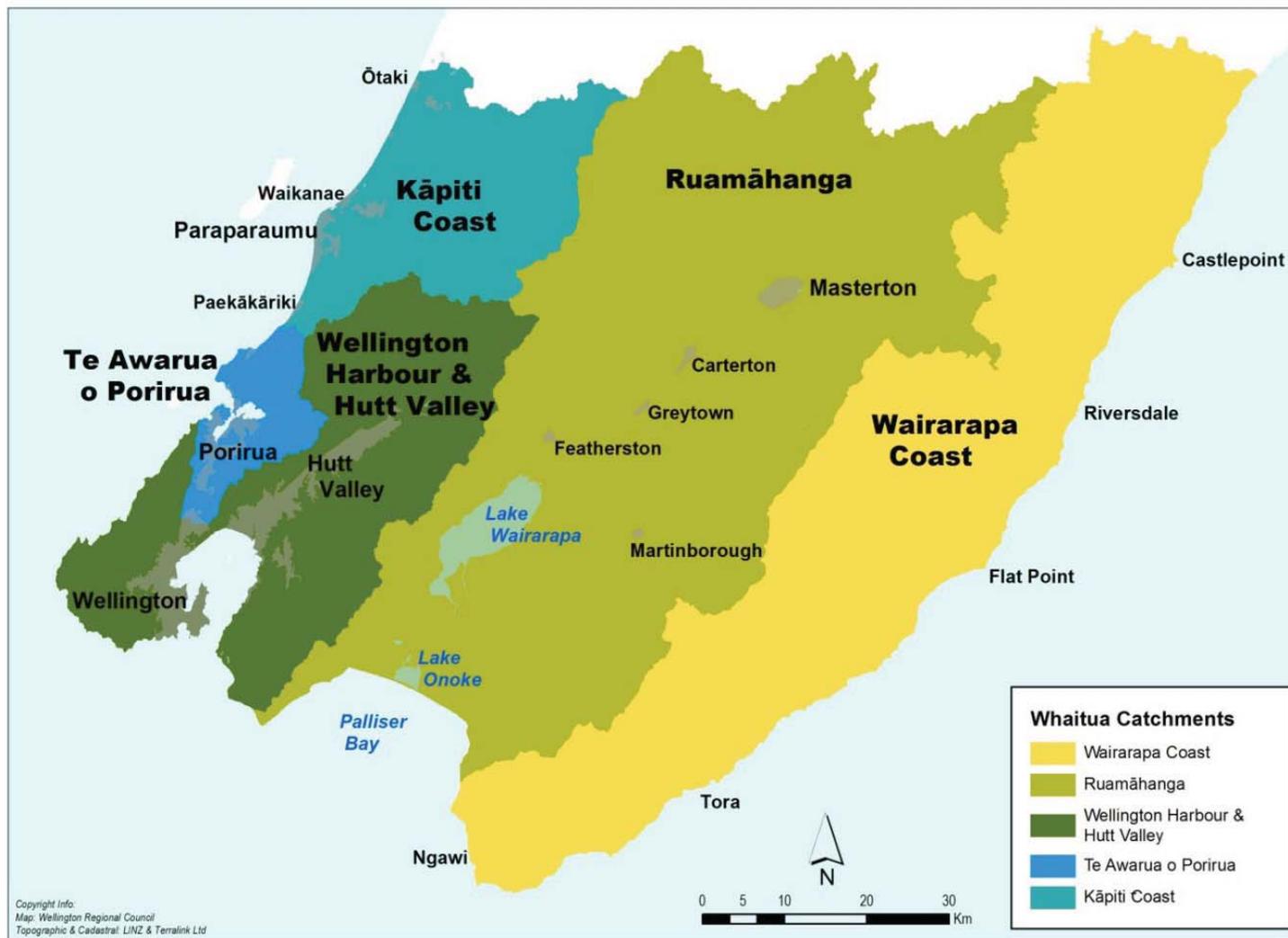
Rangitane o Wairarapa Tamaki Nui a Rua

Wairarapa Moana Statutory Board	Shared redress with RoWTNaR and NKKWTNaR. This Board will be established through the NKKWTNaR settlement legislation
Pukaha / Mount Bruce National Wildlife Centre Reserve and the Pukaha / Mount Bruce Scenic Reserve	Vesting and gift back to the Crown site means each of Pukaha / Mount Bruce National Wildlife Centre Reserve and Pukaha / Mount Bruce Scenic Reserve
Rongokaha property	Council easement for a right to install, access and operate an environmental monitoring station on this property transferred in fee simple by Minister of Conservation
Statutory Acknowledgements	Statutory plans: attach statutory acknowledgements to all statutory plans Resource consents: Forward copies resource consents to RoWTNaR trustees, 'Have regard to' statutory acknowledgement
Name changes	Number of name changes identified in the Council Style guide for staff

Ngāti Kahungunu ki Wairarapa Tamaki Nui a Rua

Wairarapa Moana Statutory Board	Shared redress with RoWTNaR. The Board will be established through the NKKWTNaR settlement legislation and will develop: <ul style="list-style-type: none"> • Wairarapa Moana Board Document: which includes the overarching vision and shared outcomes. • Reserves management plan: This is a DoC responsibility • Natural resources document: The Crown has transferred \$500k to Council for the Board to develop this document. Council to appoint one of a seven member subcommittee of the Board to prepare & recommend the document to the Board. The document must not contain any rules or regulatory methods which will come from the Ruamāhanga Whaitua committee
Remutaka Summit transfer title	Settlement legislation will provide transfer of title subject to conditions eg Council able to undertake functions and public able to access
Te Upoko Taiao permanency	Settlement legislation will provide Te Upoko Taiao :as a permanent committee of Council with conditions: <ul style="list-style-type: none"> • Terms of Reference may only be changed by Council on the recommendation of the committee • Committee can only be disestablished by Council on the recommendation of the committee
Takaputao block	Settlement legislation will provide Right of First Refusal and the development of a relationship agreement
Statutory Acknowledgements	Statutory plans: attach statutory acknowledgements to all statutory plans Resource consents: Forward copies resource consents to NKKWTNaR trustees, 'Have regard to' statutory acknowledgement
Name changes	Number of name changes identified in the Council Style guide for staff

Map of whitua existing and future proposed



Report 2017.492
Date 1 December 2017
File CCAB-11-198

Committee Te Upoko Taiao - Natural Resources Plan Committee
Author Pauline Hill, Kaitohutohu Matua/ Senior Policy Advisor Te Hunga Whiriwhiri

New Marine and Coastal Area Act 2011 obligations

1. Purpose

To provide an overview of Greater Wellington Regional Council's (GWRC) key obligations under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA).

2. Background

2.1 The Act

MACA came into force in April 2011. The new Act implemented a 'no-ownership' regime over the marine and coastal area (with some limited exceptions) and introduced mechanisms to recognise the customary rights of iwi, hapū and whānau in the common marine and coastal area. Public access to the common marine and coastal area is guaranteed by the Act.¹ The marine and coastal area is the area between the mean high water springs and the outer limits of the territorial sea 12 nautical miles from shore. The common marine and coastal areas are the parts of the marine and coastal area that aren't in private ownership or part of a conservation area.

Since April 2017, GWRC has had MACA statutory obligations to engage with relevant Customary Marine Title (CMT) applicants as a coastal consent applicant during the Phase one pre-consent lodgement phase. However, there are no statutory obligations for GWRC's coastal consent processing functions to be engaged in the MACA pre-consent lodgement processes during Phase one. The Phase two implications are more significant. The MACA requirements are discussed in more detail later in this briefing.

2.2 Iwi Leaders' concerns

In 2003, the Court of Appeal ruled that:

- Māori might be able to show customary ownership of areas of the marine and coastal area

¹ Office of Treaty Settlements website, Protecting the interests of all New Zealanders in the marine and coastal area" <https://www.justice.govt.nz/maori-land-treaty/marine-and-coastal-area/>

- The Māori Land Court had the power to consider this question and then recognise that ownership.

The government responded with the Foreshore and Seabed Act 2004. This Act gave the government legal ownership of the foreshore and seabed and extinguished Māori rights to have ownership claims investigated. After widespread protest from Māori, and criticism from the Waitangi Tribunal and the Human Rights Commission, the Foreshore and Seabed Act was abolished and replaced with the Marine and Coastal Area (Takutai Moana) Act 2011.

In 2010, Iwi Leaders criticised the MACA Bill because of its similarity to the Foreshore and Seabed Act. In November 2010, Ngāti Toa leader Matiu Rei reported the Iwi Leaders Forum’s unified opposition to the MACA Bill following a hui at Takapuwāhia Marae. The Leaders argued the Bill set too high a bar for iwi to realistically claim customary rights to areas of the coast. They confirmed they would seek changes to the Bill through the select committee process.² That same month, Te Rūnanga o Ngāi Tahu criticised the MACA Bill in its submission to the Select Committee. They considered the “test for establishing customary title set out in the Bill is discriminatory’. They argued it would be almost impossible for Ngāi Tahu, and virtually all other iwi, to meet.”³

By 3 April 2017, hundreds of whānau, hapū and iwi leaders sought recognition of their customary rights. Refer to **Attachment 2** for further detail. The applications varied in scope and detail. One example is Cletus Maanu Paul’s global claim to ‘protect the rights of all Māori, and by definition, all citizens of New Zealand’. He also claimed on behalf of his whānau who had exercised customary rights to kaimoana for hundreds of years at Ohope.⁴

2.3 Impact on GWRC’s iwi partners

GWRC has long-standing, resilient relationships with six iwi partners that have evolved over more than 20 years:

- Ātiawa ki Whakarongotai Charitable Trust
- Ngā Hapū o Ōtaki
- Ngāti Kahungunu ki Wairarapa Charitable Trust
- Port Nicholson Block Settlement Trust
- Rangitāne o Wairarapa Inc
- Te Rūnanga o Toa Rangatira Inc.

Under MACA, GWRC is required to engage on coastal consents with more mana whenua representatives than it currently does. In addition to engaging with iwi partners, GWRC has to notify and seek the views of up to 20-30 mana whenua CMT applicants on a case-by-case basis before lodging the consent. While most of these applicants have close

² “Iwi Leaders confirm reservations about Marine Bill” November 15, 2010 (Source | Watea News)

³ Te Rūnanga o Ngāi Tahu ki te Maori Affairs Select Committee 19 November 2010 On the Marine And Coastal Area (Takutai Moana) Bill 2010, Page 8

⁴ “Iwi leader makes foreshore and sea bed claim on behalf of all Maori” <http://www.stuff.co.nz/national/92110692/iwi-leader-makes-foreshore-and-sea-bed-claim-on-behalf-of-all-maori>

whakapapa associations with each other and with one or more of GWRC’s iwi partners, few have direct relationships with GWRC.

2.4 Overview recognition of Māori customary rights

Māori are able to claim recognition of two customary rights in the marine and coastal area under MACA. All 20-30 applicants with MACA interests in the Wellington region have sought recognition of both rights:

- **Customary Marine Title.** Recognition of customary interests in the common marine and coastal area. Provides an interest in land for iwi, hapū or whānau that is similar to ownership and exclusive possession. The rights are restricted (eg can’t sell the area or exclude the New Zealand public from using it)⁵
- **Protected Customary Rights (PCRs)** Involves recognition of PCRs which allows certain traditional practices (eg launching a waka, gathering of hangi stones) in the common marine and coastal area to be exercised without undue regulatory constraint.⁶

There are two pathways for Māori to seek recognition of their MACA rights:

- **High Court**–16 (of 199 who applied nationwide)⁷ sought recognition of their customary rights in the Wellington region through this pathway
- **direct engagement with the Crown**–20 (of 381 who applied nationwide)⁸ sought recognition of their customary rights in the Wellington region through this pathway. The Ministry of Justice (MoJ) has placed details of 12 of these applicants on its website and will post the rest once the applicants have provided all the required information
- approximately 9 (of 20-30) applicants have sought recognition through both pathways.⁹

The High Court and the Crown implement the same legal tests irrespective of the applicants’ chosen pathway.

Table 1: High Court and the Crown legal tests for CMT and PCRs applications

CMT application legal tests	PCRs application legal tests
<p>A CMT applicant group must demonstrate it:</p> <ul style="list-style-type: none"> • holds part of the specified area in accordance with tikanga; and • has exclusively used and occupied the specified area, without substantial interruption, either: 	<p>A PCRs applicant group must demonstrate it:</p> <ul style="list-style-type: none"> • has exercised a certain customary activity since 1840; and • continues to exercise that activity in accordance with tikanga by the applicant group whether it continues to be exercised

5 OTS website Provisions For Protecting Customary Interests Information for local government ‘Provisions for Protecting Customary interests’ Page 6 <https://www.justice.govt.nz/assets/Documents/Publications/MACA-provisions-for-protecting-customary-interests.pdf>

6 OTS website Customary interests under the Marine & Coastal Area Act “Protected Customary Rights” <https://www.justice.govt.nz/maori-land-treaty/marine-and-coastal-area/customary-interests-under-the-marine-and-coastal-area-act/>

7 Courts of New Zealand, “Marine and Coastal Area (Takutai Moana) Act 2011 applications for recognition orders” <https://www.courtsofnz.govt.nz/the-courts/high-court/high-court-lists/marine-and-coastal-area-takutai-moana-act-2011-applications-for-recognition-orders>

8 Coastline claims ‘not about ownership’ – Māori 3 May 2017 <http://www.radionz.co.nz/news/te-manu-korihī/329957/coastline-claims-%27not-about-ownership%27-maori>

9 OTS website Provisions For Protecting Customary Interests Information for local government <https://www.justice.govt.nz/maori-land-treaty/marine-and-coastal-area/>

<ul style="list-style-type: none"> from 1840 to the present day or from the time of a customary transfer until the present day. 	<ul style="list-style-type: none"> in exactly the same way or a similar way or evolves over time is not extinguished as a matter of law
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The High Court and the Crown will award the same rights to recognised CMT and PCRs applicants'. Further details on the rights are discussed later in this report.

There are two phases in the MACA recognition processes:

- **Pre-MACA rights recognition (Phase one)**—This phase has been effective from 3 April 2017 and will last until decisions on MACA applications are resolved. The focus is on coastal consent applicants and CMT applicants in the pre-consent lodgement period
- **Post-MACA rights recognition (Phase two)**—This Phase is initiated by the formal recognition of each CMT and PCR groups' claims of customary rights through the Court or the Crown.

2.4.1 What areas are involved?

There are multiple overlapping MACA applicants' interests among neighbouring whānau, hapū and iwi along the East and West coasts of the Wellington region. The Crown has divided the country into 10 regions. The applications with interests in the Wellington regions have been clustered under 2 groupings M and N. Refer to the **Attachment 3** map.

2.5 Applicant outcomes

To date, Ngāti Pāhauwera is the only iwi that has progressed to the final stages of having their CMT rights recognised through the direct engagement with the Crown. The MoJ has also published the names of 13 applicants from February 2012 to April 2017 that the Minister for Treaty of Waitangi Settlements declined to engage with.¹⁰ None of these applications had identified interests in the Wellington region.

Through the High Court, only one applicant has had their CMT rights granted albeit in a remote and discrete area of Southland.¹¹

2.5.1 Ngāti Pāhauwera MACA overview

In 2017, the Minister for Treaty of Waitangi Negotiations, on behalf of the Crown, offered to enter into a recognition agreement with Ngāti Pāhauwera. After approximately 13 years of negotiations and other activities, the Crown recognised, in part, the CMT rights. However, the Minister was not satisfied the legal tests were met for PCRs or wāhi tapu protection rights. In July 2017, Ngāti Pāhauwera completed its iwi ratification of the Deed of Agreement. The Crown is required to present a Bill to the House of Representatives to finalise this process within 12 months.¹²

10 OTS website Recognition agreements and orders <https://www.justice.govt.nz/maori-land-treaty/marine-and-coastal-area/applications/agreements-and-orders/>

11 Letter Buddle Finlay to Greater Wellington Regional Council "Marine and Coastal Area (Takutai Moana) Act" applications

12 OTS website Recognition agreements and orders <https://www.justice.govt.nz/maori-land-treaty/marine-and-coastal-area/applications/agreements-and-orders/>

The Hawkes Bay Regional Council (HBRC) has confirmed they were not invited to participate in the Ngāti Pāhauwera process. HBRC were notified approximately one year after the Minister had finalised the recognition agreement process.

3. Comment

The two MACA phases enables GWRC to design measures to meet the immediate Phase one obligations and plan for the Phase two requirements in a more considered way. MACA obligations will significantly change the landscape in which GWRC engages with its iwi partners and the recognised CMT and PCRs groups.

4. Pre-MACA recognition (Phase one)

We are in Phase one now. If the Crown and High Court do not streamline their existing recognition processes, this Phase is likely to be protracted and last at least a decade.

4.1.1 GWRC's Phase one MACA resource consent obligations and activities

In Phase one, the only implications for GWRC are as a coastal applicant during the pre-lodgement stage of a consent.

GWRC is a small player in the coastal consent environment. Table 2 confirms that in the past 5 years, 255 or 9% of the total number of consents GWRC received were coastal consents. Of the 255, only five (2%) were GWRC's coastal consents (Flood Protection 4, and Environmental Science 1).

Table 2: Coastal consent applications 1 July 2012–30 June 2017

Year	No of coastal applications	Total no applications received	Percentage coastal applications
2012–2013	51	597	9%
2013–2014	42	556	8%
2014–2015	37	481	8%
2015–2016	63	584	11%
2016–2017	62	619	10%
TOTAL	255	2837	9%

In Phase one, GWRC as a coastal consent applicant (primarily through the Flood Protection functions) shares the same MACA statutory obligations as other coastal applicants to **notify** and **seek the views** of relevant CMT applicants prior to lodging a consent.

This statutory obligation began in April 2017 and continues until the High Court or the Crown make final decisions on each individual MACA application. This means GWRC

will engage with its iwi partners and relevant MACA groups before lodging any Flood Protection coastal consent or permit applications for the next decade.

4.1.2 New relationships under MACA

GWRC supports its iwi partners in helping them achieve their aspirations of mutual benefit. Currently, the MoJ website information suggests that two of GWRC's six iwi partners under the Memorandum of Partnership 2013 have sought recognition of their MACA rights:

- **Te Rūnanga o Toa Rangatira Inc** has confirmed they are one of eight remaining Crown direct applicants¹³ whose information is yet to be posted on the MoJ website
- **Ātiawa ki Whakarongotai Charitable Trust** has applied through both the High Court and Crown direct pathways.

The extent to which GWRC's remaining four iwi partners are directly engaged in MACA processes will emerge once MoJ posts the remaining applicant information on its website.

4.1.3 Phase one: A potential west coast MACA scenario

The new requirements could see one potential Wellington Region west coast scenario for GWRC as a coastal consent applicant:

- engaging early in the pre-consent lodgement phase with three iwi partners (Te Rūnanga o Toa Rangatira Inc, Ātiawa ki Whakarongotai Charitable Trust and Ngā Hapū o Otaki), and
- **notifying and seeking the views** of up to 5 mana whenua CMT applicants in their own right (ie the Hongoeka community, Muaupoko Tribal Authority, Ngāti Raukawa ki te Tonga, Ātiawa ki te Upoko o te Ika Potiki Trust, Pomare and Rangihaeata whānau).

The requirement to seek the views of the Muaupoko Tribal Authority sets a precedent. For the first time, GWRC will engage with a mana whenua entity located outside of GWRC's regional boundaries.

5. Post-MACA recognition (Phase two)

For GWRC, Phase two will commence on a staggered basis as the Wellington region CMT and PCR application processes are successfully resolved through the Crown or the High Court. GWRC's current focus is on developing the systems and processes needed to respond effectively in Phase two. There are more complexities in managing the sensitive relationships as the recognised CMT and PCRs groups' influence increases in importance and scope. GWRC has begun discussing the implications of the new obligations and challenges with Ara Tahi.

¹³ Coastline claims 'not about ownership' – Māori 3 May 2017 <http://www.radionz.co.nz/news/te-manu-korihī/329957/coastline-claims-%27not-about-ownership%27-maori>

5.1.1 Phase two: RMA Planning

MACA provides recognised CMT groups with the right to prepare a planning document in accordance with its tikanga. The purpose of the planning document is to:

- identify issues relevant to the regulation and management of the CMT area
- set out the regulatory and management objectives of the group for its CMT area
- set out policies for achieving those objectives.

A recognised CMT group's planning document cannot include rules. Councils will have the flexibility to find the most efficient and effective methods for meeting the objectives and implementing the policies set out in the document.¹⁴ MACA requires GWRC to “recognise and provide for” or 'take into account' the matters identified in a CMT planning document within or outside a CMT area’.

5.1.2 Proposed Natural Resources example

MACA will not impact on the current schedule one hearings process for the proposed Natural Resources Plan (pNRP). There is no opportunity for new parties to join proceedings, have input into the schedule one hearings process, or to appeal the pNRP. Final decisions on submissions on the pNRP are due by 30 November 2018. Those parts of the pNRP not appealed will then become operative and subject to the outcomes of the appeal process. It is envisaged the entire plan will be fully operative by 2020.

However, the MACA implications on GWRC's future RMA planning processes are potentially significant and will bring changes to its iwi partner relationships. GWRC is required to recognise new titles and user rights in areas recognised CMT groups. This includes ensuring that CMT groups are recognised in regional plans and policy statements. Under MACA, GWRC will have new relationships with mana whenua groupings that have specific rights and interests over spatially defined areas. These rights will require GWRC to review existing regulation on the common coastal and marine area and engage with recognised CMT and PCRs groups in developing future plan changes to the pNRP and/or regional policy statement.

5.1.3 Whaitua example

The rolling plan changes for the pNRP whaitua process will require GWRC to respond to any CMT planning document or submissions from recognised CMT and PCRs groups as these occur. The MACA impact on pNRP whaitua processes and associated plan changes will be determined by the actual timing of completed High Court and Crown processes. Once finalised, obligations will come into effect that impact on the whaitua and associated plan change processes. The Ruamāhanga and Te Awarua-o-Porirua Whaitua Implementation Programmes (WIP) are expected to be completed and to enter the schedule one hearings process by mid-2018. It is unlikely the CMT or PCRs decisions will be

¹⁴ OTS website Provisions For Protecting Customary Interests Information for local government “Customary marine title group planning document, <https://www.justice.govt.nz/assets/Documents/Publications/MACA-customary-marine-title-group-planning-document.pdf>

finalised before the plan changes associated with these whitua processes are notified and enter the schedule one hearings process.

The Wellington Harbour and Hutt Valley Whitua is the third project underway. There are implications if CMT and PCRs applicants are recognised during the development of this, or any remaining, whitua processes. The Kāpiti Coast and the Wairarapa Coast are the final two whitua yet to begin. They have the most extensive coastlines of the region and are most likely to be affected by MACA because of their later planned time frames.

GWRC is not required to include CMT or PCRs representatives in its planning processes. Should it wish to do so, the scope and process will be determined in the context of the relationships GWRC has with its iwi partners. GWRC expects the recognised CMT and PCRs groups and its iwi partners will decide how their engagement in council decision making on MACA issues will operate. This will operate within a framework of any practical and scope considerations of GWRC’s existing agreements or terms of reference.

5.1.4 Phase two: RMA resource consents

The recognised CMT and PCRs groups’ rights will impact significantly on GWRC’s coastal consent functions. Key consent issues are highlighted in Table 3.

Table 3: Recognised CMT and PCRs groups’ rights

Recognised CMT groups’ rights	Recognised PCRs groups’ rights
<p>RMA consent permission right Where an RMA permission right applies:</p> <ul style="list-style-type: none"> • CMT groups say yes or no to activities that need resource consents or permits in the area • it is an offence for activities to occur without written permission • recognised CMT groups may give or decline permission to grant a consent for activities in their CMT area on any grounds • CMT groups must notify GWRC of its decisions • a CMT decision to give or to decline permission for an activity is not subject to appeal or objection.¹⁵ • CMT groups have the right to be consulted on changes to Coastal Policy Statements • the interim ownership of taonga tūturu found in the area¹⁶ 	<p>PCRs coastal resource consent GWRC must not grant a consent unless a PCR group has provided written approval for activity:</p> <ul style="list-style-type: none"> • where controlled activities are wholly or partly carried out in a PCRs area • that will, or is likely to, have ‘adverse effects that are more than minor’ on the exercise of PCRs¹⁷ <p>A PCR is protected in three key ways:</p> <ul style="list-style-type: none"> • no requirement for the holder to gain a resource consent to continue the activity • no resource consents for activities more than minor adverse effect on exercise of PCR, unless PCR group gives written approval • no plans, proposed plans or rules that describe activity as a permitted activity if it will, or is likely to, have adverse effect

¹⁵ Letter Buddle Finlay to Greater Wellington Regional Council “Marine and Coastal Area (Takutai Moana) Act” applications

¹⁶ OTS website Customary interests under the Marine & Coastal Area Act “Customary Marine Title” <https://www.justice.govt.nz/maori-land-treaty/marine-and-coastal-area/customary-interests-under-the-marine-and-coastal-area-act/>

	that's more than minor on a PCR
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To ensure GWRC is well positioned to engage with recognised CMT and PCRs, we will extend our current iwi partners' focus to determine how activities might impact on MACA applicants' interests. GWRC's analysis will involve a combination of mātauranga Māori and science knowledge systems. Currently, GWRC is working with iwi partners to develop cultural health frameworks and indices which will help develop a broader understanding of the health and wellbeing of the region's water both freshwater and coastal.

5.1.5 Flood Protection consent example

Like other coastal consent applicants, GWRC's Flood Protection consent processes will be impacted by the rights of the recognised CMT groups. GWRC's role in the coastal marine area is primarily focused on its River Management Schemes. Currently GWRC holds resource consents that relate to Lake Onoke and the Lower Wairarapa Valley Development Scheme to extract and redeposit material.

GWRC's coastal permit renewal applications (part of the larger river management consent project) were notified in February 2017 and the process is still underway. This enables GWRC to undertake operations and maintenance activities in the Waikanae River mouth, Waimeha Stream mouth and the Otaki River mouth for realignment, beach ripping and recontouring, clearance of flood debris, removal of beach vegetation, and maintenance of existing structures.

It is likely that the demand for current activities will continue into Phase two. This includes any associated excavation, movement and deposition of natural materials onto the foreshore, discharge of sediment and the damming and diversion of water at Waikanae and Otaki Rivers. GWRC also, at varying times, cuts river and stream mouths for flood protection and erosion purposes at the following locations: Waimeha Stream, Makara Stream, Waitohu Stream, Otaki River, Waikanae River and Lake Onoke.

5.1.6 Phase two: Protection of wāhi tapu

Under MACA, the RMA was amended so GWRC must not grant a resource consent contrary to the wāhi tapu conditions included in a CMT order or agreement. A recognised CMT has the ability to protect wāhi tapu or wāhi tapu areas through restrictions on public access. Such constraints on access are dependent on a CMT group providing evidence to establish its connection with the area in accordance with tikanga.

MACA enhances the protection that can already be provided under the RMA and Historic Places Act 1993. Restrictions on access cannot be imposed in an ad hoc manner. They must be attached as conditions to a CMT order or agreement with reasons. The conditions must

¹⁷ OTS website Provisions For Protecting Customary Interests Information for local government "Provisions for Protecting Customary Interests" <https://www.justice.govt.nz/assets/Documents/Publications/MACA-provisions-for-protecting-customary-interests.pdf>

set out the location of boundaries of the wāhi tapu area and any exemptions for specified individuals to carry out a PCR in the area.¹⁸

6. Consideration of climate change

As the climate changes extreme weather events increase in severity, this will compound issues related to sea level rise and coastal inundation. Coastal communities will want to respond to these impacts with a range of measures including building or strengthening fortifications, modifying coastal, estuarine and river environments and in some cases retreating. These activities are likely to result in an increase in consent applications over the next 10 to 20 years. Table 2 confirms that in the past 5 years, 255 (9%) of the notified and non-notified consent applications were coastal applications. The actual number increased gradually from 51 to 62 during that period.

Climate change will also impact on the kaitiaki responsibilities and daily lives of GWRC's iwi partners and recognised CMT and PCRs groups who live by the coast or water bodies. Whānau, hapū and iwi are already contemplating the implications of climate change on:

- The potential need to move marae from coastal areas to higher ground through a process of managed retreat
- Mahinga kai and other moana based cultural practices.

7. Communication

This report is written primarily for internal purposes.

8. The decision-making process and significance

No decision is being sought in this report.

8.1 Engagement

Engagement on this matter is unnecessary.

9. Recommendations

That the Committee:

- 1. Receives the report.*
- 2. Notes the content of the report.*

¹⁸ OTS website Provisions For Protecting Customary Interests Information for local government 'Role of councils in respect of wāhi tapu and wāhi tapu area' <https://www.justice.govt.nz/assets/Documents/Publications/MACA-provisions-for-protecting-customary-interests.pdf>

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Attachment 1 Glossary
Attachment 2 Table of MACA applicants
Attachment 3 Map of MACA groupings

Glossary

Term	Meaning
Common marine and coastal area (CMCA)	Starts from the mean (average) high-tide mark (roughly the highest point washed by the tide) to 12 nautical miles offshore but excludes certain conservation areas and existing private titles (ie land owned by any person other than the Crown and includes Māori customary land and Māori freehold land).
Customary marine title (CMT)	Comes from a common law concept that recognises property rights of indigenous people that have continued since or before acquisition of Crown sovereignty to the present day. It is inalienable—the land cannot be sold—and cannot be converted to freehold title. Recognises the relationship that has existed, and will continue to exist, between iwi, hapū and whānau and the common marine and coastal area.
Customary marine title order	An order of the High Court recognising customary marine title.
Customary marine title recognition agreement	Defines the contents of the customary marine title. Most of the information will be collected by the applicant group and the Marine and Coastal Area team in the evidence-gathering Phase
Marine and coastal area.	Starts from the mean (average) high-tide mark (roughly the highest point washed by the tide) to 12 nautical miles offshore
Protected Customary Right (PCR)	Recognises and protects customary activities, uses and practices that are exercised in the common marine and coastal area (examples are collecting hangi stones or launching waka).
Protected Customary Right Area	Any part of the common marine and coastal area where a protected customary rights order or protected customary rights recognition agreement applies.
Protected Customary Right Order	An order of the High Court recognising protected customary rights of a group.

Table of MACA applicants with interests in Greater Wellington Region. Excludes the eight applicants missing from the Ministry of Justice website

Name of Applicant		Area that is the subject of the Application	Group	GWRC Iwi partner	Engagement Type
1	Cletus Maanu Paul	Claim on behalf of all Māori	All groups A-S	Not applicable	High Court
2	Hapu of Utauta Parata and Hona Webber	Kapiti Island Coastal area from Arapawaiti Point at the north-west to Kurukohatu point in the North-east, including Tokahaki and Tokaiti points, then south along the eastern Kapiti shore to Wharekohu Point, including Motungarara Island, then west to Tahirimongo Point.	N	TBC	Crown direct engagement only
3	Hongoeka community (Tiratu Williams)	Hongoeka Blocks	N	Has an association with iwi partner Te Rūnanga o Toa Rangatira Inc	High Court
4	Muaupoko Tribal Authority Incorporated Society	Sinclair Head to northern side of the Rangitikei River including areas surrounding Kapiti Island, Motungarara Island, Tahoramaurea Island, Tokomapuna Island and Mana Island	N	Not applicable	High Court
5	New Zealand Māori Council members (Rihari Dargaville)	All the coast line of New Zealand including off shore from to including adjacent islands.	All groups A-S	Not applicable	High Court

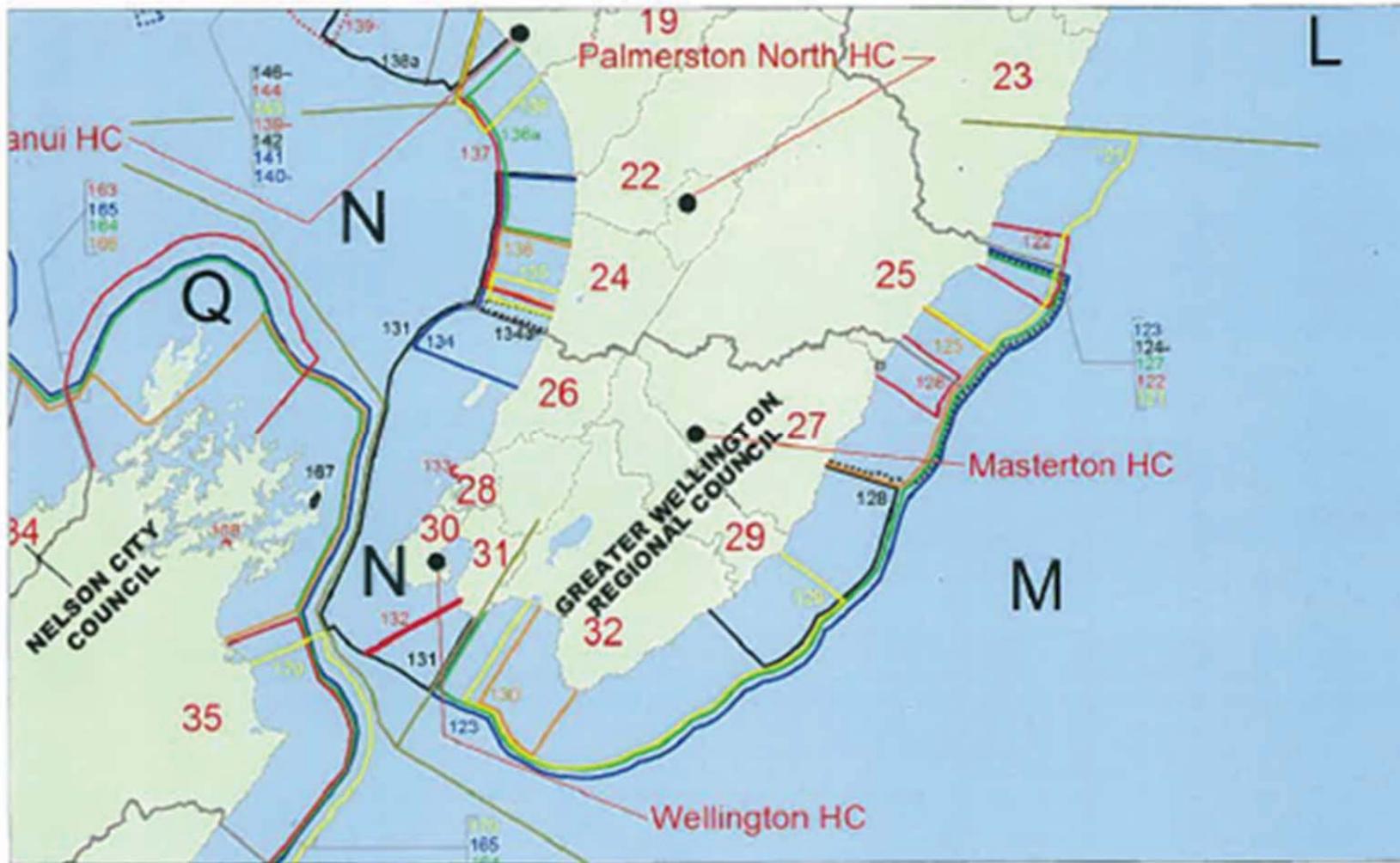
6	Ngai Tumapuhia-A-Rangi Māori Marae Committee Incorporated	East coast southern part North Island in Wairarapa, from the Whareama River in north to the mouth of Pahoao River in south, line from mean high water springs extending to outer limits of the Territorial Sea seaward.	M	Has an association with iwi partner Ngati Kahungunu ki Wairarapa Charitable Trust	Dual engagement
7	Ngati Hinewakame ona Karangaranga Trust on behalf of Ngati Hinewaka	Marine coastal area between Lake Onoke and Flat Point	M	Has an association with iwi partner Ngati Kahungunu ki Wairarapa Charitable Trust	High Court
8	Ngati Kahungunu ki Wairarapa Tamaki nui-a-Rua Settlement Trust [filed by Braithwaite and Smail Limited]	Poroporo to Turakirae Head (North Poroporo latitude 40.44568 and longitude 176.62323 to south Turakirae Head latitude 41.43767 and longitude 174.91848)	M	Has an association with iwi partner Ngati Kahungunu ki Wairarapa Charitable Trust	Dual engagement
9	Ngati Raukawa ki te Tonga (Rachel Ann Selby)	From mouth of Rangitikei River to outer limits of the territorial sea; to the south by line extends from coast abutting Kukutauaki to outer limits of territorial sea.	N	This is one of council's 6 iwi partners represented by Nga Hapu o Otaki	High Court
10	Papauma Marae Trustees on behalf of the original owners of Mataikona 1, 2 and 3 Blocks and their descendants [filed by Kahui	The common marine and coastal area contiguous, adjoining and abutting the Mataikona 1, 2 and 3 Blocks (marked 'A' on map attached to application)	M	Has an association with iwi partner Rangitane o Wairarapa Inc	Dual engagement

	Legal]				
11	Pomare & Rangihaeta Whānau	Hongoeka Bay, 100m north of the Plimmerton Boating Club - along the mean high-water springs extending to a seaward boundary of 1000m straight line south point Mana Island, along coastline to Haukopua and Wairaka Point and Pukerua Bay from Wairaka Point to Fisherman's Table Restaurant	N		Crown direct engagement only
12	Rangitane Tū Mai Rā Trust Trustees on behalf of Rangitane o Wairarapa and Rangitane o Tamaki nui-a-rua iwi	Northward side line extends coast abutting Arataura (Poroporo) to outer limit territorial sea; and southward side by line extends from coast abutting Turakirae Point to limits territorial sea.	M	Has an association with iwi partner Rangitane o Wairarapa Inc	Dual engagement
13	Te Atiawa ki te Upoko o te Ika a Māui Pōtiki Trust	Extending from Pipinui Point in the west of the lower North Island south and then east to Windy Point in the lower North Island.	Not on the Crown list but have public notice	Morrie Love (PNBST Trustee) confirmed this is a MIO of one of the iwi that PNBST represents	Dual engagement
14	Te Atiawa ki Whakarongotai Charitable Trust on behalf of Ngā uri o te Atiawa ki Whakarongotai	Extends from landward boundary being outer limits of territorial sea of tribal boundary which is: Kukutauaki to Whareroa to Pukemore and to	No group has been allocated due to difficulty locating one of the boundary	This is one of council's 6 iwi partners	Dual engagement

		Maunganui northward to Kapakapanui and Pukeatua to Ngawahakangutu, then westward to Kukutauaki.	points		
15	Te Hika o Papauma (Rebecca Harper)	East coast of the south-western part of the North Island starting at Akitio River/ Cape Turnagain in north , south to Whareama River and extending 12 nautical miles seaward from boundary markers and all points in between	M	Has an association with iwi partner Rangitane o Wairarapa Inc	High Court
16	Te Hika o Pāpāuma Mandated Iwi Authority (Anita Broughton)	From Whareama River mouth up to Poroporo to the outer limits of the territorial sea.	M	Has an association with iwi partner Rangitane o Wairarapa Inc	Dual engagement
17	Te Rūnanga o Toa Rangatira Inc on behalf of Ngati Toa Rangatira		N	This is one of 6 GWRC iwi partners (NB copy of application received by GWRC but not posted on the MoJ website)	Crown direct engagement only
18	The Piere Whānau Trust and Te Hika Papauma	The area from Akitio River/Cape Turnagain following south to Whareama River. This area extends 12 nautical miles offshore between these two points.	M	Has an association with iwi partner Rangitane o Wairarapa Inc	Crown direct engagement only
19	Tukōkō and Ngaīti Moe (Kahura James Watene)	Coastline bounded by Lake Ferry and Mataikona , known as Cape Palliser, in southwest. The seaward extent of	M	Has an association with iwi partner Ngati Kahungunu ki Wairarapa	Dual engagement

		marine area extends to approximately half way between the North and South Islands and then to the edge of the territorial sea at 12 nautical miles.			
20	Tupoki Takarangi Trust 1996 Trustees [filed by Kahui Legal]	Eastern boundary of Parangarahu Block 2B1 and western boundary of Parangarahu 2C Block (marked 'A' on map attached to application)	N	This is a whānau Trust arms distance but associated to PNBST BUT the lakes PNBST settlement redress	Dual engagement

Map of MACA groupings



Report 2017.496
Date 30 November 2017
File EMR-7-67

Committee Te Upoko Taiao – Natural Resources Plan Committee
Authors Lucy Baker, Team Leader, Environmental Science
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Evaluating effectiveness of the proposed Natural Resources Plan: Measuring the things that matter

1. Purpose

To keep the Committee informed of the process and aims of our evaluation process for the proposed Natural Resources Plan.

2. Background

S35 of the Resource Management Act 1991 requires us to monitor the efficiency and effectiveness of policies, rules or other methods in our plan as well as the state of the environment in the Region. There are also requirements from the National Policy Statement for Freshwater Management for monitoring which will need to be integrated into any evaluation programme.

Previous state of the environment monitoring strategies have been set up on a ‘pressure-state-response’ model.

Pressures from human activities on a resource or an aspect of the resource are identified in a number of ways, including through monitoring programmes, and become issues to be responded to. The state of the resource is monitored and provides information to develop the responses (provisions in the Plan) to address the pressure. Further monitoring of the state will show whether the response which is anticipated to be achieved by implementing the provisions has been achieved.

The inherent difficulty in this model is to actually ascribe any changes in the state of the environment to the provisions which have been enacted through the proposed Natural Resources Plan (the responses) and therefore to say whether the Plan is working as intended. Change maybe occurring because of another entirely unrelated driver (such as a change in commodity markets) or may occur too slowly to be picked up in a relatively short timeframe, such as five or even ten years.

A limited number of other regional councils are also at the stage of establishing new monitoring and evaluation programmes for second generation regional plans. The focus appears to be on measuring the implementation ‘what have we done?’ or ‘have we done what we said we would do to support the plan?’ at this stage. This is inherently easier to answer than the evaluation as to whether the actions that have been taken are responsible for any changes in the environmental outcomes which have been measured.

Likewise, we have identified the need to look at what has been done and then what effect this has had, i.e. the outcomes, together with communities. Some detailed or targeted investigation may be required as part of this evaluation and in order to demonstrate to our communities that we are indeed tracking towards the desired outcomes and objectives in the Plan.

3. Comment

In order to deliver this piece of work, we have taken a collaborative approach, involving a number of departments across GWRC, as well as iwi partners and Wellington Water. More recently, we have invited representatives from the Department of Conservation and Ministry for the Environment to be part of the process, both of whom have indicated their interest in being involved.

One benefit of this approach will be that governance and staff working towards particular sets of objectives will be part of developing measures, ensuring their relevance and meaningfulness. Additionally, it means that we are embedding the evaluation as part of the process, rather than as an add-on. Additional side benefits have already been identified, including better working relationships, more effective communication and a better understanding of how various parts of Council and partners work together to contribute to the proposed Natural Resources Plan as a whole.

The group have identified some key aspects of this evaluation:

- Where relevant, we will produce measures that include cultural, social and economic wellbeing’s as well as environmental measures.
- We will continue to include staff from other departments as much as possible in the monitoring and reporting so that the objectives of the proposed Natural Resources Plan are seen as integrated with, and meaningful for, delivery of other work programmes.
- We will use existing data sources and information which may be being gathered for other purposes as well as new data requirements.
- We will prioritise our evaluation rather than attempt to evaluate progress on all objectives straight away. The intention is to look at objectives with a high level of interest from the community and central government direction first, and cluster objectives which are leading to a number of related anticipated environmental results. The working group have identified contact recreation and Māori customary use (Objective O24 and related aspects) as a high priority. This also links with the work we are doing related to the National Policy Statement-Freshwater

Management amendments and associated ability to swim targets. The ongoing Kaitiaki Monitoring Strategy work will also form a key contribution to evaluating this objective.

4. Next steps

The recent field trip to the Porirua catchment was intended to show Committee members the variety of issues and responses that apply within a catchment. It also illustrated the need to have a variety of disciplines involved in evaluation processes.

At the next meeting we will be seeking direction from the Committee on priority objectives for evaluation, so that we can respond to community expectations and show progress on environmental improvement and resource use.

5. Communication

We intend to publicise the results of our evaluation once we have an agreed set of measures and once the proposed Natural Resources Plan becomes operational. The Resource Management Act 1991 requires us to make available to the public a review of the results of this evaluation at least once every 5 years.

6. Consideration of Climate Change

No decision is being sought in this report.

The matters addressed in this report have been considered by officers in accordance with the process set out in the GWRC Climate Change Consideration Guide.

6.1 Mitigation assessment

Officers have considered the effect of the matter on the climate. Officers recommend that the matter will have no effect.

Officers note that the matter does not affect the Council's interests in the Emissions Trading Scheme or the Permanent Forest Sink Initiative Adaptation assessment.

Officers have considered the impacts of climate change in relation to the matters in the report. Officers recommend that climate change has no bearing on these matters.

7. The decision-making process and significance

No decision is being sought in this report.

The report is to inform the committee of the process for evaluation of the proposed Natural Resources Plan and progress made to date.

7.1 Engagement

Engagement on this matter is unnecessary.

8. Recommendations

That the Committee:

1. *Receives the report.*
2. *Notes the content of the report.*

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