



Kia Tu Pakari ai Tatou

“Kia Tu Pakari ai Tatou”

SmartGrowth Combined Tangata Whenua Forum

Wednesday; 5 December 2018 at 9:30am – 12:30pm

Venue: Balcony Room, Historic Village, Tauranga

Karakia / Whakatau

9:30am	1. Meeting protocols	Chairperson
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9:30am	2. Apologies	Chairperson
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Minutes and Actions

9:35am	3. Previous minutes from 24 October 2018 (<i>Paper A</i>)	Chairperson
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9:40am	4. Actions from previous meetings (<i>Included in the minutes</i>)	Chairperson
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Forum Matters



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9:45am	5. Update – Future Development Strategy & Tauranga Urban Strategy	Tu Pakari Advisor
10:00am	6. Iwi and Hapu RMA Support – Virtual Consultancy	Tu Pakari Advisor
10:45am	7. Plan Change 9 Appeals Update (<i>Paper B</i>)	Pia Bennett
11:30am	8. Work Program 2019/2020	Tu Pakari Advisor
Other Business		
	9. SmartGrowth Partnership Bi-Monthly Report – For your information SmartGrowth Partnership Reports August 2018	Information Only
Conclusion		
12:00pm	10. Key message for SmartGrowth Leadership Group	Chair
12:30pm	11. Karakia Whakamutunga	Chairperson
Future CTWF meetings		
Bi-monthly meeting – Next meeting Wednesday 30 January 2019		



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Combined Tangata Whenua Forum Terms of Reference

6.3 Combined Tangata Whenua Forum

Key Responsibilities:

- Have input into the development of the SmartGrowth strategies and implementation of actions from tangata whenua perspective.
- Support the implementation of the Strategy through an audit role and the provision of information and advice.
- Provide timely and effective feedback on implementation actions.
- Provide essential communication links to and from constituent iwi and hapu.
- Provide input into the appointment of a Tu Pakari Advisor in conjunction with SLG chair and CTWF chair.
- Maintain links between Treaty settlement outcomes and strategy implementation.

Form:

- Membership comprising the Tauranga Moana Tangata Whenua Collective (TCC) and iwi/hapu members of Partnership Forums (WBOPDC).
- Meet at least six times a calendar year, generally on a bi-monthly basis.
- Meet up to six times a calendar year, generally on a bi-monthly basis to workshop issues and topics of interest to SmartGrowth and the CTWF
- Meeting attendance funded in a manner consistent with TCC and WBOPDC Council policy.
- Scope for members of the CTWF to be seconded to the Committee if required to provide insight into specific issues.
- Serviced by the Tu Pakari Advisor in respect of agendas, papers, and report preparation.
- Tu Pakari Advisor shall be co-Chairperson of the CTWF, the CTWF shall elect a co-Chairperson of the CTWF and follow the elections process as CTWF members to SLG



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CTWF Representation to SLG:

- Representation from the CTWF to SLG will consist of:
 - 1 member appointed by the Tauranga Moana Tangata Whenua Collective (TCC);
 - 1 member appointed by the Partnership Forums (WBOPDC);
 - 2 members elected by the CTWF; and
- CTWF representatives to SLG term will be 3 years and rotating on an annual basis starting from the:
 - local body elections confirming the Tauranga Moana Tangata Whenua Collective appointee and Partnership Forums appointee (year 1)
 - longest serving CTWF elected member (year 2)
 - next serving CTWF elected member (year 3)
- Appointments or elections will take place in the last calendar quarter of the year unless a SLG CTWF vacancy occurs
- Nominees for CTWF members to SLG must be a member of either the Tauranga Moana Tangata Whenua Collective or Partnership Forums
- Nominees will require the written support of one other CTWF member which must be submitted to the Tu Pakari Advisor one month prior to the scheduled meeting
- CTWF members will receive the agenda including, where provided information on the nominees
- If one nomination is received, no election will be required

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- The CTWF will be responsible for ensuring the Rangatiratanga of the hapu and Iwi (tangata whenua values, principles, traditions and customs) are taken into account and maintained throughout the implementation of the strategy.
- The CTWF is a reference group to support the future growth related needs of hapu and Iwi.

Tangata whenua Audit:

- An audit on the implementation of the strategy by the CTWF will be a key monitoring function for tangata whenua in assessing the outcomes of the strategy.

Tangata whenua Leadership

- The collective knowledge and experience within the CTWF provides strong leadership and direction to the SmartGrowth Implementation decisions on specific and generic actions affecting tangata whenua.
- Tangata whenua will provide leadership in the implementation of some actions solely, shared as a member of the SmartGrowth Implementation



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Committee or as a support to other lead agencies.

- Tangata whenua engagement in the implementation and monitoring will provide confidence in the growth and development processes.

Communication and Liaison with Tangata whenua:

- The CTWF provides a regional forum for hapu, Iwi and Maori to raise implementation issues. The use of Marae and specialist workshops has proven to be an effective communication tool in engaging tangata whenua. These internal networks and techniques should be utilised to ensure that momentum of the strategy is maintained.

Relationships:

- CTWF participants are able to raise issues for discussion within the CTWF meetings to be taken to the SLG and other forums by the tangata whenua representative and/or the Tu Pakari Advisor.
- The CTWF is able to develop issues/ recommendations that have not been solicited by the SLG and present these to the committee.

Participation:

- The CTWF will openly debate issues, with the opportunity for all participants to contribute. All meetings are open to whanau, hapu Iwi and Maori across the sub-region.

Autonomy:

- The CTWF will consolidate and summarise all the knowledge and representations of the participating hapu and iwi.
- It is recognised that this knowledge will be based on personal/hapu and iwi values and views.
- It is acknowledged that the CTWF participants will not always agree on issues.
- Any feedback/ recommendation to the SLG will include all of the opinions and positions of the CTWF participants.
- CTWF participants will be able to present, in person, their differing views to the SLG, to ensure their position is appropriately articulated.

Communication:

- Communication between the CTWF and the SLG will be either a formal written report or presentation prepared by the Tu Pakari Advisor.
- A major focus of the communication between the two groups will be on building relationships, trust and honest interaction.



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Operational Process:

- Facilitation, Independent Chair to continue in this role.
- CTWF participants own the process and operation of the group so they must contribute to the running of the process.
- Participating hapu and iwi will support each other to ensure equal opportunity to contribute.
- Open invitation for members of both the CTWF and SLG to attend each other's meetings.
- Alternate's representation is allowable.
- Alternate must come prepared for meetings and may not propose different hapu and iwi agendas to those already raised by the usual representative. The CTWF will have access to copies of all the reports sent to the SLG.

Combined Tangata Whenua Forum [CTWF] – Membership

Members	Representation	Members	Representation
Shad Rolleston	SmartGrowth Tu Pakari Advisor	Des Tata, Peri Kohu	Te Mana O Ngai Tamarawaho Inc
Reon Tuanau, Whitiora McLeod	Ngāi Te Rangi	Tiki Bluegum	Ngāi Tamawhariua
Te Pio Kawe, Rangiwhakaehu Walker	Ngāi Te Ahi	Reremanu Wihapi, Dean Flavell	Tapuika Iwi Authority
Mita Rahiri, Ngaronoa Reweti-Ngata	Ngāti Kahu	Kevin Tohiariki	Te Whanau A Tauwhao
Pia Bennett	Ngāti Mākino	Nessie Kuka	Matakana Island
Verna Ohia-Gate, Matire Duncan	Nga Potiki	Sylvia Willison	Ngai Tamarawaho
Buddy Mikaere	Ngāti Pūkenga	Julie Shepherd	Pirirakau Hapu
Wiremu Hiamoe, Rapata Rangitukunoa	Ngāti Tapu	Riki Nelson	Ngāti Te Wai
Sonny Ranapia	Ngāti Whakahemo	Manu Wihapi	Tuhourangi
Maria Horne	Ngāti Whakaue	Stanley Walker, Lance Waaka	Te Waka a Ngāti Ruahine
Hayden Henry, Neil Te Kani	Ngāi Tukairangi	Maru Tapsell, Archie Grant	Waitaha
Carlton Bidois	Ngāti Ranginui	Puhirake Ihaka	Tangata Whenua Collective Chairperson



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Veronica Manu Seddon, Tawharangi Nuku	Ngāti Hangarau	Tania Turner	(Ngati Whakahemo)
Gail Kataraina Skerrett-White, Raewyn Bennett	Ngāti Pikiāo	SmartGrowth Partner Staff	
Pine McLeod	Ngāti He	Carlo Ellis, Keren Paekau	Tauranga City Council
Reg Hodge	Ngāti Whakaue	Chris Nepia, Petera Tapsell	Western Bay of Plenty District Council
Dean McLeod	Ngati Kaahu	Clarke Koopu	Bay of Plenty Regional Council
Wharekonehu Tenoni	Rangiwewehi		
John Pini	Tapuika		
Nathan James, Chris Stokes	Ngati Kuku		



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“Kia Tu Pakari ai Tatou”
Minutes of SmartGrowth Combined Tangata Whenua Forum
Wednesday 24 October 2018 from 9:00am to 12:30pm
Balcony Room, Historic Village, 17th Avenue

Present at the Hui were:			
Shad Rolleston	Chairperson	Irene Walker	Ngai Te Ahi
Puhirake Ihaka	Tangata Whenua Collective Chairperson	Gail Kataraina Skerrett-White	Ngāti Pikiao
Whitiora McLeod	Ngaiterangi Iwi Runanga	Reg Hodge	Ngāti Whakaue ki Maketū
Maru Tapsell	Waitaha	Verna Ohia-Gate	Nga Potiki
Hayden Henry	Ngai Tukairangi	Wiremu Hiamoe	Ngati Tapu
Veronica Manu Seddon	Ngāti Hangarau	John Pini	Tapuika
Nessie Kuka	Ngati Tuwhiwhia		
Wharekonehu Tenoni	Rangiwewehi		
Dean McLeod	Ngati Kaahu		
Nathan James	Ngāti Kuku		
SmartGrowth	Vicki Jones (minutes)		
Other	Lisa Hickling (FDS&TUS submission writer)		



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Partner Staff			
Apologies forum members:		Buddy Mikaere, Mita Rahiri, Kevin Tohiariki, Roland Kingi, Lisa Gardner	Moved: Irene Walker Seconded: Puhirake Ihaka
Previous Minutes	<p>The minutes of the previous 1 August 2018 meeting were accepted.</p> <p><u>Moved</u> Veronica Manu Seddon <u>Seconded</u> Irene Walker</p> <p><u>Previous actions</u></p> <p>Ongoing</p> <p>Moved: Riki Nelson Seconded: Verna Ohia-Gate</p>		
Tauranga Moana – Water Planning	<p>Pia Bennett presented on Wai Maori effecting our rights and interests</p> <p>Overview: Tauranga Moana Submissions Plan Change 9 & Decisions, A Tauranga Moana position (proposed) PC9 appeal.</p> <p><u>Common themes identified through submissions:</u></p> <ul style="list-style-type: none"> • Expression of rights and interests • Regulation v ownership • Embedding Te Mana O Te Wai • Nga Matapono O Te Wai • Matauranga Vua Kaitiakitanga <p>Plan Change 9 Decisions</p> <p>The following themes prevail in response to Maori issues:</p> <ul style="list-style-type: none"> • It doesn't need to be done right now 		



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- We can revisit at the WMA level
- No evidence supporting the relief
- No framework or technical basis
- Nothing in the higher order documents
- Issue of water ownership is a treaty issue and beyond the scope of PC9
- Can't be seen to be giving Maori 'Preferential Treatment' But will still fund establishment of rural advisory groups to advise on water; and
- Support water user groups because they are owed certainty of their rights to continue using water (as efficient way to promote sustainable use and transfers)
- IWI MGMT plans (mataatua declaration on freshwater contains issues beyond the scope of PC9)
- No intention to restore natural flow variations of impacted waterbodies.
- 'Paper' allocation misrepresents actual situation
- Renewals exempt from over allocation policy
- 'Must have regard' to vs 'recognise and provide for' S6 (e)

The NPS-FW requires regional council to:

Set flows for freshwater bodies to safeguard their life supporting capacities and awuative

PC9 Appeal representing TGA Moana

We need clear policy direction that:

- Set out role of Maori as decision-makers (allocation)
- Incorporates cultural methods in flow assessment and methodology for establishing allocation limits
- Set out a cultural allocation dimension as consumptive use of water
- Sets out a similar framework for nutrient discharges
- Sets out the circumstances that activate TMOTW

Conclusion:

Request that CTWF support a Tauranga Moana Appeal against PC9 decision

Same support sought direct W Hapu submitters

Intra-lwi effort complements inter-lwi efforts



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	<p>Build on strategy at this weekends Wai Maori Huihuinga Sat 27 October Whakatau at 9.15am register via pia@ngaiterangi.org.nz Would the CTWF forum like to place own appeals or Pia appeals on behalf of the forum? CTWF put in submission previously and support the appeal that Pia will submit.</p> <p>Moved: Puhirake Ihaka Seconded: Reg Hodge</p>
Action	Vicki to send out power point on Wai Maori effecting our rights and interests to CTWF forum
Tauranga Transport Network	<p>Glen Crowther presented to the forum on the Tauranga Transport Network. Tauranga 61% of emissions come from transport 2030 Targets: Key for Tauranga Moana: cut transport emissions in half by 2030 Key points: TTAP 5 Point Plan Congestion Free PT Network – Integrated system</p>
Action	Vicki send out power point on Tauranga Transport Network to CTWF members
FDS & TUS Conversations	<p>Phillip Martelli and Ana Hancock provided an overview of the Future Development Strategy (FDS) and Tauranga Urban Strategy (TUS). These two strategies sit alongside one another and are being consulted on at the same time from 5 October to 5 November 2018. Lisa Hickling from Calibre Consultancy has been contracted by SmartGrowth to draft the CTWF submission to the two strategies and was present to receive comments and feedback. Submissions will be presented by the forum to the SLG at a workshop on 31 October.</p> <p>FDS: Councils in high growth areas are required, under the National Policy Statement for Urban Development Capacity (NPS-UDC), to create a development strategy to show there is sufficient capacity for the projected population growth over the next 30 years.</p> <p>TUS: Ana noted 86% of new housing in the last ten years has been located in greenfield areas. The city needs a balance between intensification and greenfield development and we need to do it smartly with good use of space and transport links, while</p>



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	<p>balancing economic, social, cultural and environmental outcomes for our community. The TUS looks to create great places for people to live, providing housing choice, accessibility, vibrant centres and connected neighbourhoods.</p> <p>The TUS is based on four key outcomes:</p> <ol style="list-style-type: none"> 1. We use our land and resources efficiently while reducing our impact on the environment 2. Our centres, neighbourhoods and marae are vibrant, thriving and accessible 3. Our centres, neighbourhoods and marae support healthy, safe, connected communities 4. Our streets and public spaces are distinctive and reflect the character and identity of the community <p>Discussion followed and Lisa took comments and feedback to begin creating the CTWF forums submission. Forums will present their submissions to the SmartGrowth Leadership Group at a 31 October workshop.</p>	
Action	Lisa Hicking to draft up submission on behalf of CTWF forum to be presented at SLG on 31 October 2018	
Key message for SmartGrowth Leadership Group	None	
Meeting Closed at: 12.30pm	Next meeting Wednesday 28 November 9.30-12.30pm, Historic Village, Balcony Room	



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Outstanding Actions

Action No.	Meeting	Description	Action
1.	June 17	Council staff and Tu Pakari Advisor will have discussions with individual Hapu & Iwi to see if they wish to put forward cultural heritage information for the database. - Ongoing	Tu Pakari Advisor
2.	1 August 18	Vicki to email out the BOPRC Freshwater power point presentation to CTWF forum (complete)	Vicki
3.	1 August 18	Every Iwi and Hapu is to put together a group of representatives to work with the councils	Iwi / Hapu
4.	1 August 18	BOPRC come back with a couple of proposed items for consideration by the CTWF. This needs to be in regards to how the Tauranga catchment arrangement can work going forward with the Hapu and Iwi groups either at governance or management level.	BOPRC
5.	24 October 18	Powerpoint presented by Pia Bennett on Wai Maori effecting our rights and interests (still be received)	Vicki send to forum once received
6.	24 October 18	Vicki send out power point on Tauranga Transport Network to CTWF members (still be received)	Vicki send out to forum once received
7.	24 October 18	Lisa Hicking to draft up submission on behalf of CTWF forum to be presented at SLG on 31 October 2018	Completed

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV-2018-AKL

**I MUA I TE KOOTI TAIAO O AOTEAROA
TĀMAKI MAKAU RAU**

UNDER the Resource Management Act 1991 (the RMA)

IN THE MATTER of an appeal under clause 14, Schedule 1 of the RMA

BETWEEN **TE RUNANGA O NGAI TE RANGI IWI TRUST, TE
RUNANGA O NGATI RANGINUI INCORPORATED,
NGAI TE AHI RESOURCE MANAGEMENT UNIT,
PIRIRAKAU ENVIRONMENTAL SOCIETY
INCORPORATED SOCIETY, COMBINED TANGATA
WHENUA FORUM collectively referred to as
“TAURANGA MOANA”**
Appellant

AND **NGATI PIKIAO ENVIRONMENTAL SOCIETY**
Appellant

AND **TE MARU O NGATI RANGIWEWEHI & ORS**
Appellant

AND **BAY OF PLENTY REGIONAL COUNCIL**
Respondent

**NOTICE OF APPEAL AGAINST DECISION ON PLAN CHANGE 9:
REGION WIDE WATER QUANTITY**

21 NOVEMBER 2018

Tauranga Moana
C/- Te Runanga o Ngai Te Rangi Iwi
PO Box 4369
Mount Maunganui South 3149
pia@ngaiterangi.org.nz

Ngati Pikiao
C/- 27 Otimi Street,
Maketu RD9
Te Puke 3189
raewynbennett@actrix.co.nz

Ngati Rangiwewehi
PO Box 131
Ngongotaha
Rotorua 3041
terangikaheke@gmail.com

The Registrar
Environment Court
PO Box 7147
Wellesley Street
AUCKLAND

INTRODUCTION

1. Tauranga Moana¹, Ngati Pikiao Environmental Society Inc (“Ngati Pikiao”) and Te Maru o Ngati Rangiwehewhi Iwi Authority & Ors (“TMONR”) appeal against parts of the decision(s) of the Bay of Plenty Regional Council (“BOPRC”) on Proposed Plan Change 9 - Water Quantity (“PC9”) to the Operative Bay of Plenty Regional Natural Resources Plan (“BOP-NRP”).
2. Tauranga Moana, Ngati Pikiao and TMONR made submissions² and further submissions³ to Plan Change 9 and appeared before the hearing panel to speak in support of those submissions⁴.
3. Tauranga Moana, Ngati Pikiao and TMONR are not trade competitors for the purposes of section 308D of the Resource Management Act 1991 (“RMA”).
4. The decision(s) were made by BOPRC and were publicly notified on 09 October 2018.
5. PC9 proposes amendments to the preface and introductory statements, objectives, policies and rules relating to water quantity in the Operative BOP-NRP as part of a staged approach to the implementation of the National Policy Statement for Freshwater Management 2014 (“NPS-FW”).
6. Because of the nature of Maori issues, the topics of appeal are not necessarily limited to Tauranga Moana, Ngati Pikiao or TMONR submissions or single parts of the PC9 decision.

¹ The following iwi and hapu, referred to as Tauranga Moana for the purposes of this appeal, are represented by this appeal: Ngai Te Rangi, Ngati Ranginui, Whanau a Tauwhao, Te Ngare, Ngai Tamawhariua ki Matakana, Ngati Tauaiti, Ngai Tuwhiwhia, Ngati Te Wai, Ngai Tamawhariua ki Te Rereatukahia, Pirirakau Hapu, Wairoa Hapu (Ngati Kahu, Ngati Rangi, Ngati Pango), Ngati Hangarau, Ngai Te Ahi, Ngati He, Ngati Tapu, Ngai Tukairangi, Ngati Kaahu ki Mangatawa, Nga Potiki

² Original Submissions 047, 053, 063, 071, 076, 079, 080,

³ Further Submissions FS10, FS23, FS29

⁴ Supplementary submission presented at hearing – refer attached

7. With this in mind, this appeal by extension includes issues in submissions made by other Maori submitters⁵ and encompasses the issues contained in those submissions where the issues correspond with, complement and promote the outcomes Tauranga Moana and Ngati Pikiao seek by way of this appeal.

SUMMARY OF APPEAL

8. The submissions by Tauranga Moana, Ngati Pikiao and TMONR were motivated by a need to give proper recognition to our collective and respective rangatiratanga and kaitiakitanga roles and responsibilities in the governance and management of our wai maori taonga;
9. We want to see our enduring and unique relationships with our taonga being provided for in practical ways. We want certainty that the management of our taonga will occur in ways that provide for our social, cultural, economic and political needs. In our view, this requires action at the 'overarching plan' level⁶ where these expectations and envisaged intentions to achieve these ends are established and embedded.
10. Tauranga Moana, Ngati Pikiao and TMONR sought amendments to ensure that with respect to wai maori, iwi Maori responsibilities and needs were recognised and provided for. The premise that these views can fit into a generic values mold is a misconception. Iwi Maori have a distinct set of natural values which are conceptualized within a distinct worldview. Iwi Maori have different needs and thus require a more balanced, responsive and inclusive provisions framework.
11. Without clear recognition and understanding of the state of the characteristics of special value to iwi Maori, it is difficult, if not impossible, to translate into measurable management and restoration objectives.
12. Maori attributes or values associated with wai maori are characterized not only by natural and physical aspects, but also through place names and associated traditions and events that bind us to our landscapes and awa, just as the awa is a part of us, both the tangible and intangible.

⁵ Original submissions 006, 009, 030, 045, 052, 058, 061, 064, 065, 067, 071, 074, 075, 079 and Further Submissions FS04, FS09, FS10, FS 16, FS23, FS24, FS28; FS29

⁶ Pages 18, 20, 25 & 6 of Plan Change 9 Deliberations Document - Report and Recommendations of the Hearing Committee – received 14 September 2018

13. Such perceptions evoke a whanaungatanga that link creation traditions with whakapapa, underpinning our manawhenua, manamoana-mana-awa and giving body to our kawa and tikanga. Wai maori contributes to our identity.
14. The overarching focus of this appeal relates to the short-comings of the decision to recognise and provide for the rights, responsibilities, values and interests of iwi Maori as they relate to the practical expression of Te Tiriti o Waitangi and the control, management and governance of wai maori taonga.
15. In some cases, a single issue may be relevant to more than one provision or topic area of PC9. Therefore, there is a need to be mindful of any consequential changes and the potential of those changes to affect the issues and relief measures being sought by Tauranga Moana and other iwi Maori submitters through this appeal.
16. Our general observations of the parts of the decisions being appealed are summarized as follows:

Plan Change 9:

- (a) Does not give effect to the National Policy Statement on Freshwater 2014;
- (b) Does not give effect to the New Zealand Coastal Policy Statement, in relation to freshwater resources that are in the coastal environment;
- (c) Does not give effect to the Regional Policy Statement;
- (d) Is not consistent with the relevant statutory and planning framework and fails to meet Council's functions under s30 RMA, fails to undertake appropriate s32 and s32AA analysis, and is not consistent with the relevant Part 2 RMA values including s5, s6, s7 and s8.
- (e) Wrongly interpret and consequently wrongly apply Policy AA1 and Part D of NPS-FW
- (f) Wrongly place inappropriate controls on the scope of the role of kaitiaki and on the rights, roles and responsibilities of Maori as they relate to wai maori taonga
- (g) Fail to understand or recognise the distinction that exists between the terms 'tangata whenua' and 'iwi and hapu' and therefore how the terms are appropriately applied in practice and therefore within PC9

- (h) Elevates and prioritises particular uses and users above the rights, responsibilities and fails to provide for the particular sensitivities afforded to Maori
- (i) Elevate and prioritize particular provisions of national policy statements ahead of the NPS-FW eg. National Policy Statement Renewable Electricity Generation 2011 in a way that abrogates the obligation to give effect to the NPS-FW
- (j) Fails to adequately recognise or take into account the content of Iwi Management Plans;
- (k) Fails to incorporate mātauranga Māori into objectives, policy or rules and provide for its use in decision making
- (l) Fails to provide appropriately constructed and sufficient overarching policy pathways specifically to direct and support operationalizing the role of Māori in the management, governance and regulation of wai māori taonga, including a regulatory role for Māori in governance and management level decision making in relation to the allocation of wai māori
- (m) Does not adequately protect or support future use and development aspirations of iwi Māori
- (n) All WQ Issues, Objectives, Policies and Rules ignore the relationship that Māori have with waterways and Treaty of Waitangi obligations, including te tino rangatiratanga, rights of control and (its equivalent) ownership in relation to water quality and allocation.

17. The Report and Recommendations of the Hearing Committee does not provide acceptable reasons for the Council's decision to reject and/or at least marginalise the position put in the Tauranga Moana and Ngāti Pikiao submissions.

18. Tauranga Moana, Ngāti Pikiao and TMONR assert that deferral by the BOPRC of dealing with Māori values issues, objectives, policies, methods and rules as the proposed plan promotes, is unacceptable

PARTS OF THE DECISION BEING APPEALED:

19. Without limiting the above general appeal topics, specific parts of the decision that are being appealed are set out in the following discussion and corresponding relief and include:

- (a) Part II WQ Preamble
- (b) WQ I1, WQ I3, WQ I5, WQ I6 & WQ I10
- (c) WQ O2, WQ O3, WQ O4, WQ O7, WQ O8 & WQ O12
- (d) WQ P2, WQ P11, WQ P12, WQ P13, WQ P14, WQ P15, WQ P16, WQ P17, WQ P18, WQ P23, WQ P29, WQ P30, WQ P31
- (e) WQ M1, WQ M2, WQ M4, WQ M8 & WQ M9
- (f) All WQ Rules in general and WQ R2, WQ RX, WQ R3, WQ R4, WQ R5, WQ R7 – WQ R11
- (g) All Schedule 7 Criteria in general and Dairy Farm Water Use
- (h) Schedule 15

REASONS FOR THE APPEAL

20. Tauranga Moana, Ngati Pikiao and TMONR are responsible for ensuring that our natural world and wai maori taonga are afforded appropriate recognitions and protections so that they are preserved in a healthy state for present and future generations; and where use of water is needed, that it is done so in a safe and well-managed way that befits the taonga. We refer to these responsibilities as “mokopuna decisions”.

21. This is critical to Tauranga Moana, Ngati Pikiao and Ngati Rangiwewehi indigeneity, wellbeing and identity.

22. Therefore, it is critical that the provisions of PC9 (including issues, objectives, policies, methods and definitions):

- (a) Contain the necessary provisions to achieve its intent and purpose under the Act, the NPS-FW and RPS and in accordance with Te Tiriti o Waitangi;
- (b) Ensures the implementation of Te Mana o Te Wai and that it will demonstrably inform and underpin all PC9 decisions on provisions and that PC9 provisions are consistent with Te Mana o Te Wai
- (c) Ensures the connectedness of the provisions;
- (d) Ensures PC9 contains adaptive, balanced and consistent frameworks; and non-discriminatory objectives, policy and rules;

- (e) Ensures PC9 demonstrably and clearly implements the provisions of the NPS-FW and RPS;
- (f) Ensures PC9 provisions enable the effective exercise of kaitiakitanga and rangatiratanga, in accordance with tikanga Maori preferences and Te Tiriti o Waitangi
- (g) Creates vertical and horizontal integration including all consequential amendments to achieve the matters identified in this Appeal.

23. Without limiting the generality of any of the above, further specific reasons are given in relation to each appeal point under the headings below which form part of the grounds for this appeal:

Part II WQ Preamble

24. Does not give due recognition to Te Tiriti o Waitangi or Te Mana o Te Wai and therefore applies insufficient context to PC9 indirectly deferring dealing with Maori values, issues, objectives, policies, methods and rules.

WQ I1, WQ I3, WQ I5, WQ I6 & WQ I10

25. Ignore dealing with Maori issues that would then inform suitable objectives, policies, methods and rules;

WQ O2, WQ O3, WQ O4, WQ O7, WQ O8 & WQ O12

26. Ignore dealing with Maori values, issues and objectives that are required to provide appropriate backdrop to inform policies, methods and rules; and therefore creating a deficiency situation whereby directive policy and guidance in relation to a regulatory role for Maori in governance and management level decision making in relation to the allocation of freshwater and water rights is completely absent or lacking; and

- (a) Fail to observe Te Tiriti o Waitangi or Te Mana o Te Wai at development, mechanism or procedural levels
- (b) Do not adequately recognise the role of iwi Maori as kaitiaki or provide for iwi Maori involvement in management of freshwater taonga in the coastal environment;

- (c) Unfairly provide certainty to users through provisions that have not been balanced or considered against iwi Maori rights, responsibilities or interests (present or future);
- (d) Fail to provide any certainty to Maori uses or purpose – both consumptive and non-consumptive uses/purposes
- (e) Fail to accommodate any provision for iwi and hapu allocation of water
- (f) Do not adequately consider or address the matters set out in the submission, further submission and supplementary position papers⁷ of iwi Maori and Tauranga Moana, Ngati Pikiao and TMONR;

WQ P2, WQ P11, WQ P12, WQ P13, WQ P14, WQ P15, WQ P16, WQ P17, WQ P18, WQ P23, WQ P29, WQ P30, WQ P31

27. Ignore dealing with Maori values, issues and objectives and policies that are required to provide the appropriate backdrop to inform methods and rules; and therefore, creating a deficiency situation whereby directive policy and guidance in relation to a regulatory role for Maori in governance and management level decision making in relation to the allocation of freshwater and water rights is completely absent or lacking; and

- (a) Fail to observe Te Tiriti o Waitangi or Te Mana o Te Wai at development, mechanism or procedural levels
- (b) Do not adequately recognise the role of iwi Maori as kaitiaki or provide for iwi Maori involvement in management of freshwater taonga in the coastal environment;
- (c) Unfairly provide certainty to users through provisions that have not been balanced or considered against iwi Maori rights, responsibilities or interests (present or future);
- (d) Fail to provide any certainty to Maori uses or purpose – both consumptive and non-consumptive uses/purposes
- (e) Fail to accommodate any provision for iwi and hapu allocation of water
- (f) Do not adequately consider or address the matters set out in the submission, further submission and supplementary position papers⁸ of iwi Maori and Tauranga Moana and Ngati Pikiao;
- (g) Creates a tradeable regime of water rights by providing for the partial or temporary transfer of water permits.

⁷ Supplementary submission presented at hearing – refer attached

⁸ Supplementary submission presented at hearing – refer attached

WQ M1, WQ M2, WQ M4, WQ M8 & WQ M9

28. Ignore dealing with Maori values, issues, objectives, policies, methods and rules as the proposed plan promotes; and contains insufficient directive policy and guidance in relation to a regulatory role for Maori in governance and management level decision making in relation to the allocation of freshwater and water rights, and
29. Do not adequately consider or address the matters set out in the submission, further submission and supplementary position papers⁹ of iwi Maori and Tauranga Moana, Ngati Pikiao and TMONR;

All WQ Rules in general and WQ R2, WQ RX, WQ R3, WQ R4, WQ R5, WQ R7 – WQ R11

30. Ignore dealing with Maori values, issues, objectives, policies, methods and rules as the proposed plan promotes; and contains insufficient directive policy and guidance in relation to a regulatory role for Maori in governance and management level decision making in relation to the allocation of freshwater and water rights; and put at risk the rights, responsibilities and interests of iwi Maori in accordance with Te Tiriti o Waitangi

All Schedule 7 Criteria in general and Dairy Farm Water Use & Schedule 15

31. Ignore dealing with Maori values, issues, objectives, policies, methods and rules as the proposed plan promotes; and contains insufficient directive policy and guidance in relation to a regulatory role for Maori in governance and management level decision making in relation to the allocation of freshwater and water rights; and put at risk the rights, responsibilities and interests of iwi Maori in accordance with Te Tiriti o Waitangi

RELIEF SOUGHT:

32. Tauranga Moana, Ngati Pikiao and TMONR seek relief in general that will ensure that we are appropriately recognised and provided for within the planning framework in a way that has proper regard for our ongoing obligations, rights and interests in keeping with our iwi and hapu relationships with our lands, waters, sites, wāhi tapu and taonga under s6(e) RMA; our kaitiakitanga relationships under s7(a) RMA and Te Tiriti o Waitangi under s8 RMA.

⁹ Supplementary submissions presented at hearing – refer attached marked “D” ectera

33. Under s8 RMA and Treaty principles, iwi and hapu have an interest in water equivalent to ownership and control. This creates a priority interest for allocation of water and needs to be reflected in an appropriate issue, objective, policy and rule/method.
 34. Included in this relief, and in addition to the relief sought by way of submissions and further submissions by Maori to PC9, we seek the following additions and amendments to PC9 as notified, including consequential amendments to PC9 to give proper effect to the concerns raised in submissions, further submissions and supplementary position/submission papers as provided in full in the attached Schedule
-

General Relief

35. Include in the preface, korero that reflects Te Mana o Te Wai, Te Tiriti o Waitangi, Section 6(e) RMA, Kaitiakitanga and the role of iwi and hapu in allocation decision-making eg. the exercise of discretion in the allocation itself [beyond setting of limits], and
36. Reflect the above within new specific issues objectives, policies and methods (including rules) of PC9
37. Include in PC9 provisions, korero that ensures the following relief is demonstrably implemented:
 - (a) By ensuring that Te Mana o te Wai is the primary lens for all PC9 decisions regarding the management of fresh water in order to ensure the proper implementation of the NPS-FW, its policies, and intended objectives;
 - (b) By embedding the principles of Te Tiriti o Waitangi within PC9 provisions and giving priority to Treaty principles including control over freshwater resources and the equivalent ownership interests under te tino rangatiratanga;

- (c) The rights of Maori as Indigenous Peoples are respected and observed as defined by the United Nations Declaration of the Rights of Indigenous Peoples (“UNDRIP”)¹⁰ and in accordance with the relationship between UNDRIP and Te Tiriti o Waitangi
 - (d) The creation of a priority interest for allocation of water needs to be reflected in an appropriate issue, objective, policy and rule/method.
 - (e) Creates vertical and horizontal integration including all consequential amendments to achieve the matters identified in this Appeal;
 - (f) When assessing resource consent applications, if consent is to be granted, then requiring cultural mitigation, offsetting and/or compensation to address impacts on iwi and hapu values and interests.
38. Alongside Te Puna Wai Maori o Tauranga Moana, Ngati Pikiao and TMONR construct appropriate and sufficient overarching policy pathways specifically to direct and support operationalizing the role of iwi and hapu in the management, governance and regulation of freshwater taonga and including clear and undisputable processes and safeguards that recognise critical componentry required to support Maori decision making and to guide its practical application and to ensure successful implementation occurs, including:
- (a) Sufficient and appropriate Maori decision-making processes and decision-making support tools; and
 - (b) Include the potential for including a specific Maori cultural dimension in any water quantity allocation methodology prior to setting water allocation limits for waterways i.e. the methodology that is used to apply limits must include a Maori cultural element
 - (c) Clear and definitive direction, mechanisms and criteria upon which to determine a quantum of an iwi/hapu allocation of water;
 - (d) Clear and definitive direction, mechanisms and criteria which assist iwi and hapu decisions in relation to the activation of an iwi/hapu allocation of water;

¹⁰ UNDRIP Articles 25 - 35 in particular but also 18, 19, 20, 21 & 23

- (e) Incorporation of Maori decision-making processes and assessment tools/assessment mechanisms;
- (f) Involving kaitiaki and geo-specific matauranga;
- (g) The process for identifying characteristics of the wai maori environment of special value to iwi Maori so it can be done in ways appropriate to and consistent with tikanga Maori of the relevant mana whenua and ahikaa tribes and hapu;
- (h) Mechanisms for assessment (criteria & attributes) and ability to develop rule frameworks for planning for wai maori bodies of significant cultural value;
- (i) Appropriate tikanga or matauranga assessment requirements in particular circumstances;
- (j) Assessment of the cultural health of special characteristics and for this assessment to form the basis for the identification of measurable management priorities for those characteristics;
- (k) Provide for Maori-determined remedies, mitigation, offsetting and compensation to address Māori rights, interests and values in freshwater when deciding whether to grant consents and when imposing consent conditions;
- (l) Ensuring TMOTW is to be given practical expression at all levels of decision making including:
 - i. The significance of Te Mana o te Wai as a conceptual basis to inform understanding, decisions and practices in ways that afford particular sensitivity to Maori
 - ii. In the formulation of plan provisions [including any future sub-regional plans [WMA} and corresponding provisions]; and
 - iii. In the execution of PC9 plan provisions including rules [and all future sub-regional [WMA] plans and corresponding provisions]

39. Additional provisions necessary to ensure self-determined Maori involvement in future sub-regional [WMA] plan processes] including any Maori determined provisions and directives (issues, objectives, policies, rules and methods) as well as amendments to introductory statements, that clearly provide for the following:
- (a) Decision-making authority for ahikaa to determine the need to provide for an iwi/hapu allocation [of water] within the limits setting process;
 - (b) Decision-making authority for ahikaa or representative tribal authorities to determine the need to include an iwi/hapu allocation [of nutrients] within the limits setting process [that must be consistent and supplementary with (a) above];
 - (c) Decision-making authority for ahikaa in the exercise of allocating water
40. Adequate protections for special wai maori entities [or characteristics of freshwater environs] (including groundwater, tributaries, ana and ara taniwha, tapu headwaters and other tapu features, puna or springs and the source Papatuanuku herself) of special value to iwi and/or hapu
41. In places the term tangata whenua is used inappropriately. Where this occurs, replace the term 'tangata whenua' with iwi and hapu. This will involve receiving and reflecting advice from iwi and hapu technicians.

Non-Specific Relief

New Provisions:

WQ IX	Authentic Treaty Partnerships Without clear and directive provisions regarding the role of Maori as decision makers, the Tiriti o Waitangi will not be honored and the relationship of Maori with their taonga will be diminished
WQ OX	Authentic Treaty Partnerships The Treaty relationship between the BOPRC and iwi Māori is characterized by the principles of the Treaty of Waitangi through power sharing to achieve an authentic and productive partnership between both groups

WQ PX	Authentic Treaty Partnerships Allocation decision making is determined equally with iwi and hapu
WQ IXX	Access to water is a fundamental right guaranteed to iwi and hapu by Te Tiriti o Waitangi. Allocating water without protecting these rights for present or future generations of iwi and hapu would be a breach of those treaty rights
WQ OXX	Allocation and availability of clean water is protected for present or future use as determined by Maori
WQ PXX	Account for the rights of Maori to water and the rights of the wai maori taonga before setting allocation limits
WQ MX	Add New Method that reflects the same procedural matters as WQ M2 but that is framed specifically to work in partnership with iwi and hapu to deal with General Relief points 6, 7 & 8 and to produce the information required and including information that will inform Rule setting at WMA/FMU levels
WQ MXX	Support Iwi and Hapu, including Ahikaaa, to prepare tailored monitoring plans at WMA and/or FMU scale that incorporate geo-specific matauranga indicators, sufficient to track progress towards the achievement of iwi and hapu objectives set for the Freshwater Management Units.
WQ MXXX	Add New Method that reflects the same procedural matters as WQ M8 but that is framed specifically to deal with and implement General Relief points 6, 7 & 8 and NPS-FW D Matters, RPS Method 45
WQ MXXXX	Work with Iwi and Hapu Technicians to develop a better process for appointing Iwi/Hapu nominated hearings commissioners and Pukenga to resource management related decision-making roles

Consequential Relief (red text)

PART II : Water Quantity

Take and/or Use of Surface Water and Groundwater

Part II WQ of this regional plan addresses consumptive and iwi and hapu uses of water where the water is taken out of a surface water body or groundwater system (e.g. irrigation, industrial use, municipal water supply).

The NPSFM defines “Freshwater management unit” as an area determined by the regional council as the appropriate spatial scale for setting freshwater objectives and limits and for freshwater accounting and management purposes. This is a much smaller scale than WMAs, which exist solely for Council administrative/project management purposes. Council will in partnership with iwi and hapu develop FMUs for each WMA depending on a mixture of scientific and community views. FMUs may comprise multiple water bodies for which limits are to be set.

The NPSFM recognises that tangata-whenua iwi and hapu have particular rights, responsibilities, uses, values and interests in freshwater. Therefore, it is important that freshwater management and decision-making reflects these values and interests. A key element of the WMA process will be working with tangata-whenua iwi and hapu to determine how this can best be achieved.

WQ Issues

WQ I1 Potential physical adverse effects of over-abstraction that are evident in the Bay of Plenty are reduced habitat for fish and invertebrates, reduced water velocities (which can allow the accumulation of sediment and algae), reduced dilution of contaminants (which increases the impact of contaminants such as ammonia), increased water temperature, and reduced oxygen concentration as re-aeration is reduced and plant respiration increases. Over-abstraction of surface water adversely effects iwi and hapu relationships to their wai maori taonga and

protections afforded to them by Te Tiriti o Waitangi.

Over-abstraction can also adversely affect other users, including non-consumptive uses.

WQ I3, I5, I6 add korero that recognises the effects on Papatuanuku and the connection to wider environment

WQ I10 add "... can adversely affect Maori values and wellbeing ... "

WQ Objectives

WQ O2 subject to avoiding risk to the rights and responsibilities guaranteed to Maori (access, quantity and security to clean water) by TOW

WQ O3, 4, 7 & 8 add korero that clearly recognises the need to care and account for Papatuanuku and her wellbeing and the connection to wider environment

WQ O8 remove 'cultural benefits' from objective and replace with new objective that deals exclusively with iwi and hapu matters; include explanation of 'cultural benefits'; and recognition of the need to enable iwi and hapu as decision-makers OR similar relief that achieves same intent

WQ O12 replace with New Objective – WQ OX: Authentic Treaty Partnership (see non-specific relief)

WQ Policies

WQ P2 Need to reword or replace (b) and (ba) to reflect and sit consistently with General Relief 5(a), (b) and (c), 6(a) – (j)(iii), 7(a) and (b) & 8

Need to include:

- aquifers at (c)
- enhancing or maintaining the relationship of Maori ahi kaa at (f)

WQ P11	Delete (c)(ii)
WQ P12	<p>To recognise and provide certainty to our Treaty Partners and to existing authorised users of freshwater, including non-consumptive users, by:</p> <p>(b) Giving priority to our neglected treaty partners over existing users and over new users when considering the renewal of existing resource consents.</p> <p>(bb) Giving priority to existing users over new users when considering the renewal of existing resource consents</p> <p>(g) Considering granting an application that is the renewal of an existing authorised take and is</p> <p>(i) Not putting at risk protections afforded to Maori in accordance with TOW</p> <p>Taking into account any applicants investment in water storage or harvesting or other water efficiency and sustainability measures. Link this to WQ P13</p>
WQ P13	Reflect the above
WQ P14.	Subject to avoiding risk to the rights guaranteed to Maori (access, quantity and security to clean water)
WQ P15	<p>Add “The effects of the take on the relationship the ahi kaa have with the water-body” to the criteria</p> <p>Add new (gb) cumulative effects on iwi Maori, iwi and hapu</p> <p>Add assessments of effects on the relationships of ahikaa, iwi and hapu to the water-way</p> <p>Add wai maori statements</p>

Delete (e) unless qualified with “as determined by process outlined by ...
[as per general relief 5(a), (b) and (c), 6(a) – (j)(iii), 7(a) and (b) & 8] and

Non-specific relief 10 & 11, and

Subject to avoiding risk to the rights and responsibilities guaranteed to
Maori (access, quantity and security to clean water) by TOW

Add “tangata whenua values” to (f) and (fa)

Amend (la) to reflect NPS-FW wording at Matters D

WQ P16

Add TMOTW, effects on Papatuanuku and ahikaa wellbeing

Any condition needs to be wholly paid for by the applicant; discretion to
sit with Council and Iwi/hapu decision-makers

WQ P17

Keep 10-year term for all consented activities

Include assessments of effects on the relationships of ahikaa, iwi and
hapu to the water-way

WQ P18

add TMOTW and NPS-FW Policy D matters and Treaty rights as per
general relief 5(a), (b) and (c), 6(a) – (j)(iii), 7(a) and (b) & 8] and Non-
specific relief 10 & 11, and any negative impacts on the relationship
between tangata whenua and the water-body

WQ P23

To consider the transfer of water permits to take and/or use water in
whole or part to another site providing the transfer:

(aa) whether the water to be transferred has been offered back to
Iwi/hapu, AND

(aaa) Provided that an iwi/hapu assessment proves that there is no
impact on the relationship of ahikaa, Iwi or Hapu; AND

- (a) Is within the same catchment or aquifer as the original resource consent.
- (b) Is for the same or a lesser amount of water.
- (c) Does not result in more than minor adverse effects.
- (d) Is no more than that required for the intended use.
- (e) Does not increase the rate and volume of take of water that the transferor is able to demonstrate has actually been taken and used in accordance with the conditions on the existing water permits at any time in the preceding 5 years.

WQ P29	Add water recycling including wastewater and storm-water as water conservation measures
WQ P30	Add to (a) iwi, hapu and ahikaa
WQ P31	Add (aa) marae, mahinga kai and other key iwi and hapu use needs associated with kai eg. human health/consumption such as growing, harvesting, restoring, maintaining or cooking

WQ Methods of Implementation

General	Lack of involvement of iwi and hapu in decision-making and therefore the provision of relationship and Treaty rights and responsibilities.
WQ M1	Add “work with treaty partners (iwi and hapu) make submissions...”
WQ M2	Add New Method that reflects the same procedural matters as WQ M2 but that is framed specifically to work in partnership with iwi and hapu to deal with General Relief points 6, 7 & 8 and to produce the information required and including information that will inform Rule setting at WMA/FMU levels
WQ M4	Replace tangata whenua with iwi, hapu and ahikaa Include awa restoration, cultural health and flow assessment and habitat enhancement projects

	Add New Method that reflects similar procedural matters as WQ M4 but that is framed specifically to deal with General Relief points 6, 7 & 8
WQ M8	Add New Method that reflects the same procedural matters as WQ M8 but that is framed specifically to deal with General Relief points 6, 7 & 8 and NPS-FW D Matters, RPS Method 45
WQ M9	<p>Amend (a) to reflect “The role of specialists in mātauranga and tikanga, such as ahikaa, technicians, kaumātua and pūkenga, in resource management decisions where tangata-whenua iwi and/or hapu specific values or interests, or the mauri of freshwater are affected”.</p> <p>Add (d) The role of Iwi and Hapu technicians in the application of mātauranga and practice of tikanga as it relates to planning and policy development.</p> <p>Add (e) The role of ahikaa and kaitiaki as the holders and practitioners of geo-specific mātauranga and tikanga-a-taiao as it relates to the exercise of kaitiakitanga</p> <p>Amend Advice Note to reflect: WQ M9(c, d & e) supports the preparation of Cultural Values/Impact Assessments as well as the use of Iwi/Hapu nominated Hearing Commissioners who have a strong background and understanding of geo-specific mātauranga and tikanga.</p>
NEW Method	Support Iwi and Hapu to prepare tailored monitoring plans at WMA and/or FMU scale that incorporate geo-specific mātauranga indicators, sufficient to track progress towards the achievement of iwi and hapu objectives set for the Freshwater Management Units.

Part III WQ Rules

All WQ Rules

Need amending to:

- Recognise the relationship of ahikaa, Iwi & Hapu [section 6(e)]
- Ensure they do not diminish protections afforded to Maori in accordance with TOW & UNDRIP
- Reflect General Relief points 6, 7 & 8 and NPS-FW D Matters & RPS Method 45

WQ R2

Provided that an iwi/hapu assessment proves that there is no impact on the relationship of ahikaa, Iwi or Hapu which recognises the relationship of ahikaa, Iwi or Hapu [section 6(e)]; **AND**

That protections afforded to Maori in accordance with TOW are not diminished

General Relief points 6, 7 & 8 and NPS-FW D Matters are reflected in the Rule

WQ RX

Delete Rule **OR**

Elevate activity status to minimum Restricted Discretionary thus requiring resource consent; **AND**

Include in matters of discretion (a) whether the water to be transferred has been offered back to Iwi/hapu, **AND**

Provided that an iwi/hapu assessment proves that there is no impact on the relationship of ahikaa, Iwi or Hapu, **AND/OR** [in order to reflect]

Matters to reflect General Relief points 6, 7 & 8 and NPS-FW D Matters, RPS Method 45

WQ R3

As noted above at WQ R2

WQ R4	As noted above at WQ R2
WQ R5	As noted above at WQ R2 & WQ RX
	Matters of discretion to reflect relief noted at General Relief points 6, 7 & 8 and NPS-FW D Matters & RPS Method 45 and at WQ RX
WQ R7	As noted above at WQ R2 & WQ RX
	Matters of discretion to reflect relief noted at General Relief points 6, 7 & 8 and NPS-FW D Matters & RPS Method 45 and at WQ RX
	Prevent the development of a tradeable regime of water rights by preventing the partial or temporary transfer of water permits.
WQ R8,9, 10 & 11	As noted above at WQ R2 & WQ RX
	Matters of discretion to reflect relief noted at General Relief points 6, 7 & 8 and NPS-FW D Matters & RPS Method 45 and at WQ RX

Schedule 7 – Reasonable and Efficient Use Criteria

All Sch.7 Criteria Need amending to:

- Recognise the relationship of ahikaa, Iwi & Hapu [section 6(e)]
- Ensure they do not diminish protections afforded to Maori in accordance with TOW & UNDRIP
- Reflect General Relief points 6, 7 & 8 and NPS-FW D Matters & RPS Method 45

Farm Water Use Amend to include stocking rates or cows per Ha

Schedule 15 – Method for estimating surface water and groundwater allocation status

Surface water	<p>Total current authorised allocations will be compared with the Q5 7-day low flow to determine whether the river or stream is under-, fully or over-allocated at the proposed point of take in relation to the limits in WQ P5.</p> <p>Amend to make consistent with integrated management and to apply to whole of water-body not point of take</p> <p>Amend to make interim limit until iwi/hapu inputs understood and incorporated</p>
Groundwater	<p>Residual Average Annual Recharge is calculated as follows:</p> <p>Amend to make interim limit until iwi/hapu inputs understood and incorporated</p>
Other	<p>Such further or other relief or other consequential amendments that are considered appropriate and necessary to give effect to the matters of concern set out above.</p>

ATTACHMENTS/SCHEDULES

42. The following documents are attached to this notice of appeal:

- (a) a copy of the Decision marked “A”;
- (b) Copies of the Tauranga Moana, Ngati Pikiao & Ngati Rangiwewehi submissions marked “B1, B2 etc...”
- (c) a copy of Tauranga Moana, Ngati Pikiao & Ngati Rangiwewehi further submissions marked “C1, C2 etc”;
- (d) a copy of the Supplementary Papers presented at the Hearings marked “D1, D2 etc”; and
- (e) an unexecuted copy of the Tauranga Moana Wai Maori Statement marked “E”; and
- (f) a copy of the Mataatua Declaration marked “F”; and

- (g) a list of names and addresses of person to be served with a copy of this notice marked "G".
-

Paimarire,



na Pia Bennett
Dated: 21.11.2018

Tauranga Moana (address for service)
PO Box 4369
Mount Maunganui South 3149
pia@ngaiterangi.org.nz



na Raewyn Bennett
Dated: 21.11.2018

Ngati Pikiao (address for service)
C/- 27 Otimi Street, RD9, Maketu
Te Puke 3189
raewynbennett@actrix.co.nz



na Te Rangikaheke Bidois QSM
Dated: 21.11.18

Ngati Rangiwewehi (address for Service)
PO Box 131, Ngongotaha 3041
terangikaheke@gmail.com

ADVICE TO RECIPIENTS OF COPY OF NOTICE OF APPEAL

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 15 working days after the period for lodging a notice of appeal ends.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the appellant's submission or the decision appealed. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court Unit of the Department for Courts in Auckland, Wellington or Christchurch.