

RRSS Whenua Māori Project

Minutes of the hui ā hapū

Saturday 10 October 2020

13.00pm

Te Kura Kaupapa Māori o Te Rotoiti

Attendees:

Wayne Fleming, Matekino Lawless, Christina Hurihia Lawless, Cheryl Manley, Maru Haerepo Poihipi Tapsell, Arapeta Tahana, Peter Dine, Patricia Waugh, Ben Manley, Gina Rangī, Sarah Pauli, Waitiahoaho Emery, Wairangi Whata, Phyllis Savage, John Koning.

Arapeta Tahana: Karakia to open the hui.

[Inaudible]... me tēnei whenua o te Kura o Te Rotoiti, Te Kura Kaupapa Maori o Te Rotoiti, otirā kei roto i te rohe whānui o Ngāti Pīkiao, o Ngāti Tarawhai, o Ngāti Rongomai. No reira tēnei te mihi o te hau kāinga ki a tātou katoa, ki a tātou anō. Ka mihi ake ki ōku whaea, ki ōku kuia otirā ki ōku papa, ki a tātou katoa. Heoi kāore tēnei te tō roa ake i ngā mihi engari kia tau ai tātou ki runga i ēnei whenua ki roto ki te kaupapa kei mua i te aroaro. Ā, kia tīmata pai ai to tātou hui ka tukuna atu he īnoi ki te Runga Rawa, nō reira kia īnoi tātou.

E Pā te matua tēnei anō mātou āu pononga e koropiko atu nei i mua i tāu aroaro. Kia tata tonu mai koe ki a mātou i tēnei haora hei arahi ngā korero e whai ake nei. Kia tūwhera ake te kūaha o te tika, o te pono, o te māramatanga me te aroha, kia whai ake mātou i ngā hua hei painga mō tēnei rohe whānui, otirā, mō tātou katoa e noho mai nei ki ēnei hui. Nō reira tēnei mātou e īnoi atu i runga i tāu ingoa tapu. Āmene.

Ka pai, kia ora rā tātou, for those of you who don't know me my name is Arapeta Tahana. I realised in the previous presentation I didn't introduce myself so aroha mai. I better do it properly this time, but um when you're having a hui where you live you typically don't think about having to introduce yourselves so aroha mai.

Those of you who don't know me, Arapeta Tahana. I live a couple of hundred metres away from here, from the kura. You don't need the rest of the story. Anyway, the kaupapa we are here for today is to kōrero about the Rotoiti Rotomā Sewerage scheme and in particular Māori Land approvals. In a nut shell there's a main trunk line that runs under the road from Matahī Spit, end of Lake Rotomā, all the way to Curtis Road, and then it connects up to the properties. Now in some cases the connections to properties need to go through some Māori Land to be able to reach the houses that are around it. So what we are talking about today is that process and the approvals that Rotorua Lakes Council will need to get with each of those Māori Land blocks, and it's a pretty significant exercise in the sense that there is over 100 Māori Land blocks that are affected by that.

Some of those are our marae reservations, others are Ahu Whenua trusts. There is also some in there that are old roadways from when at one point in the past there was intention by the government to set up a native township out here. That never eventuated but in that process they created all these titles for roadways. So we've got all these roadways that these pipes need to go through but there's no governance structures on those. And then there are other blocks that are

owned by whānau where there might just be a single owner or a couple of owners in there. So essentially today is our initial hui to help land owners to become aware of this take and the process that we'll need to go through.

So you're going to hear a few presentations today. First off you'll hear from the Ngāti Pikiao Cultural Impacts Team, Waitiahoaho will give us a kōrero about the whakapapa of the Scheme from a Pikiao perspective and the involvement of the iwi in developing the scheme. Then we'll hear from Peter Dine from RLC and he'll just talk about the infrastructure involved in the Scheme, some of the technical stuff. Then we're going to have Māori Land Court to share a bit of information about how they can assist us Māori land owners and trusts through the process, and then finally we will have John Koning. He has been brought in as an independent legal advisor to give us an overview of the legal considerations, the things that we might need to think about as land owners and trustees across these various blocks.

So that's essentially the agenda for today. I think we'd set out a couple of hours and we finished a little bit earlier on that side. We've probably got a smaller crowd and less questions so may not take the full two hours, but we'll see how we go. Ka pai? So that's the agenda, any questions before we get into the substance?

I forgot the housekeeping stuff. Wharepaku, if you need to use the wharepaku it's just on the other side of the marquee up some stairs on to the left. There's no smoking on the school grounds. If there's an emergency we'll all meet up on the field up here, pai? We don't have an automatic alarm system if there's a fire so I've got to ring the bell if there is, so if I shoot off at some point that's what I'm up to. Ka pai. Okay. Well I'll invite Waitiahoaho to give us the whakapapa from a Pikiao perspective of the scheme. Nau mai.

Waitiahoaho Emery: Tēnā koutou katoa, Tēnā tātou Ka nui ngā mihi ki a tātou kua huihui mai nei i tēnei rā I runga anō i tēnei o ngā kaupapa e pā ana ki ō tātou moana me o tātou whenua. Kei te mihi ake ki a Aunty Mate kōrua ko Tina, nau mai haere mai. Ki a koe anō hoki e Maru, pai te ki te kite atu i tō kanohi I waenganui i a tātou. Ki a kōrua hoki, tātou katoa e hāpai nei i tēnei o ngā kaupapa.

Ko wai tēnei e tū ake nei, he uri ahau nō Ngāti Pikiao, nō Ngāti Te Tākinga, engari he hononga wāku ki ngā whenua me ngā marae, ngā hapū katoa o Ngāti Pikiao. Ko tērā te taha ki tōku māmā. Ki te taha o tōku pāpā, no Ngāti Maniapoto, Ngāti Unu-Ngāti Kahu ki Te Awamutu. Nō reira ko Waitiahoaho Emery tōku ingoa. Tēnā koutou katoa.

My name is Waitiahoaho Emery and I'm going to be doing this presentation, the first presentation and it generally focuses around the cultural management agreement that Ngāti Pikiao entered into with the Rotorua Lakes Council around the Rotoiti Rotomā Sewerage Scheme. So, I'm just going to start off with a little bit of whakapapa of the events that took place and that led up to the Scheme being developed.

So during the years 2011-2013, the Rotorua Lakes Council and Ngāti Pikiao were engaged in an environment court case, and the proposed wastewater treatment plant which was to be built on Manawahe Road, we actually protested about that and that didn't go through. So as a result of that, a steering committee was set up... I can't see this very well... a steering committee was set up in 2014 and that consisted of local marae and hapū representatives, representation from Rotorua

Lakes Council, Bay of Plenty Regional Council and also other environmental bodies in Rotorua. As a result of that the Haumingi 9B3B trustees offered their whenua as a site for the wastewater treatment plant up behind Taurua Marae and behind Emery Store.

Following that, the cultural management agreement started to be developed because things were moving quite quickly. As you see that was 2014, 2016 and there was quite a bit of activity and the Cultural Impacts Team was also initiated because there was so much taking place. So in 2017, July, the resource consent hearing was held at Taurua Marae and attended by lots and lots of people from Ngāti Pīkiao, and during that process there was a group of Ngāti Te Rangiuuora whanau who weren't happy with some of the conditions in the resource consent and they put in a submission saying exactly that, and Aunty Mattie and Tina were part of that. As a result of that they went through quite a number of meetings and discussions with the Rotorua Lakes Council until such time that an agreement was reached and those conditions met to the Ngāti Te Rangiuuora... not totally to their satisfaction, but they reached a place where they felt they could give their... not their consent but that they could go "Okay, that's fine we're happy with the resource consent now".

So soon after that the cultural management plan was also signed off and that was on November 17th, again up at Taurua Marae, and it was signed off by our Ngāti Pīkiao koeke who had all gathered up there, and who we have kept informed all along the way that this process has been taking place. We have koeke hui and give a reports to them and get approval etc. from them. So the cultural management agreement was signed off by the koeke, and by the Ngāti Pīkiao Enviromental Society who are our environmental body.

In that same year, later that year, the earthworks commenced on Haumingi 9B3B. So as part of the agreement we said that one of our expectations was that Ngāti Pīkiao protocols as determined by Ngāti Pīkiao would be enacted or would take place during any procedure whether that might... be up in the top, you see that in the photo *[refers to pictures on slide]* is actually the karakia that took place while clearing the whenua for the wastewater treatment plant, to begin earthworks there. In the bottom picture that was at the opening, where two of the mokopuna took part in the proceedings of that day. These are just some of the things, a couple of things that we... there were quite a lot of things we expected would happen.

At the same time as the earthworks commenced, so too did the main pipeline as Arapeta said, from Matahī Spit up to Curtis Road. Two years later in August the wastewater treatment plant was ready, it was commissioned and went into operation as the main pipeline to Emery store had been completed. All of the properties, nearly all of the properties at Rotoma had been connected and it was ready to receive the para that would be coming through the pipes.

So today in October 2020, we are now in the process of going through the tender process for the selection of the onsite treatment systems and somebody said to me before when we were sitting, there's actually a lot that some people don't know. So one of the conditions of the cultural agreement was that for every property there would be an onsite system that would treat the para, sewage before it entered the pipes. And that was just one of the things Ngāti Pīkiao wanted to make sure, that when para is going through the pipes that there's already been some form of treatment so that if there's a breakage or spillage that raw sewage isn't flowing into our waterways, because the pipeline goes along the lake edge.

So that's where we're up to now and we're also up to this part of the project which is the Whenua Māori Project. In the agreement, three of the key recommendations were the appointment of iwi representatives into the Scheme project team, the establishment of the Iwi Wastewater Liaison Group, and as I said before, iwi protocols that will be determined by iwi, and that would be included in all aspects of the Scheme throughout its whole life. Whether that be technical, cultural, environmental, economical; it's expected that we would have a part in making decisions around those things.

So, we ask ourselves... well we probably don't need to ask ourselves, why did we expect that there would be some recommendations in that agreement? And it's about Mana Moana. I'm going to read out Wairangi's kōrero about mana moana from her cultural health and safety induction:

"Lakes Rotoiti, Rotoehu and Rotoma are taonga to local iwi and hapū. They are significant features of our landscape and our identity. 'We are lakes people' For hundreds of years our lakes, ngahere and whenua have been our pātaka kai, our waitukukiri, the waters we bathed in. They have provided for and sustained local iwi and hapū physically and spiritually. We are bound by the intergenerational cultural and spiritual obligations to ensure that the lakes are maintained and continue to sustain our people today and in the future. Hapū and iwi desire clean and healthy waterways with abundant fresh water environments. We support the protection and restoration of the waterways and the surrounding environment through initiatives such as RRSS. However environmental effects and the economic impact of activities must be balanced with our spiritual and cultural values."

So therefore we support the scheme because that's what's going to help keep our moana clean, and help to maintain the mauri of our Moana and whenua as well. However we want to make sure the things that are culturally important and significant to us are maintained within that.

And so why else do we support this? Mana whenua. The majority of the land surrounding lakes Rotoiti, Rotoehu and Rotoma remain under the mana, the control and management by the descendants of its original owners. The extent of the land base is enlarged when general lands in Māori ownership and statutory reserve areas governed by local iwi are also taken into account. If you look up at the map there you can see all of the land that's still in Ngāti Pīkiao ownership. There are over 15,000 ha of land under whānau, hapū and iwi ownership affected by the scheme. Most of these lands are managed by Māori land trusts and incorporations on behalf of their owners, their shareholders and the beneficiaries. And then to carry on from that Ngāti Pīkiao has had occupation of this area for over 600 years, and the lakes as we said before, the lakes in the surrounding lands were scenes of inter-tribal activities and warfare, the places where we lived and played and fought and carried out our iwi activities. The water bodies and the lands have been providers of sustenance, and in the rohe there are over 100 pā sites and wāhi tapu and also other significant sites. So these are all the reasons why we want to make sure that we were at the table when Council were making decisions about our whenua and our moana. In addition to that we also have seven marae who each stand on hapū whenua and have their respective urupā and cultural sites of significance attached to them. All of the marae are alongside the lake or river ways, places that would be impacted by the Scheme. Finally, Taurua Marae sits below the site of the wastewater treatment plant and this has been constructed up there in that slide on the left [refers to slide], and there is also an urupā directly behind the marae. The effluent that is created at the wastewater treatment plant goes into the whenua which is all pumice, does a bit of filtering as well as what happens in the plant, filters down and disperses into the lake. These were reasons why we wanted to ensure that in the

recommendations we had the opportunity to be able to sit at the table with Council and help with decisions made around things that happen with the Scheme. One more slide [refers to slide] of Haumingi 9B3B managed by the Ahu Whenua Trust.

So in saying this, we've said that these are all the things that are precious to us, what would we actually do about this? Taking all these things into consideration we are guided by overarching Ngāti Pikiao and te iwi Māori uarā principles, and these are some of them here. These are the four main principles that we thought from this drop all of the other values and practices that we as Ngāti Pikiao and as iwi Māori hold fast to.

Tapu and noa. We know that tapu means that something is restricted or has conditions around it, or it is protected, or might be under the guardianship of a particular atua at any particular time that that has been designated, and that noa is the opposite of that, and that it's free from restrictions and free from limitations or conditions. So we wanted to make sure that we are held fast to this and that the mana, tapu and tikanga was upheld and not compromised, and that if we act upon the tapu and noa, that all of the things will fall into place from there.

Taonga tuku iho, these are all of the things tangible and intangible that have been handed down to us by our ancestors, and that are precious to us; and that we are the kaitiaki of those things, or ways of being. Therefore as kaitiaki it's also essential that we take our obligations seriously around these taonga tuku iho, that the respect is upheld and protected and maintained, not only by us but by all other people whom we come in contact with when we're working on the development and building and construction for the scheme.

Lastly, the wāhi tapu, It remains our duty to ensure that the tapu of our restricted places is safeguarded, as we saw before in one of the previous slides, Ngāti Pikiao has over 100 wāhi tapu and significant places, and although some of them are known publicly there are also many that haven't been disclosed, because we are conscious they need to be taken care of and there have been occasions when those sites have been desecrated.

Nō reira, we think about all of those things and we go, so what are we going to do about that? How are we going to translate that into action on the ground? And to mahi so that it isn't a whole lot of words that sit on a piece of paper? How are we actually going to act upon them? And one of the first things, the recommendation one which I spoke about previously, we set up the Ngāti Pikiao Cultural Impacts Team and it has grown into a team of 10 people now.

There were two cultural impact assessments, one for Haumingi 9B3B for the whenua and one for the reticulation network from Matahī to Curtis Road and so we had two of those and so generally speaking the appointments fell out of those, so that there's an appointment for each part of the Scheme. So the two cultural impact assessment authors are Colleen Skerrett and Wairangi Whata. The Cultural Impacts Manager is myself, and Wairangi fills in for me when I'm on holiday in Spain or somewhere [laughing], or tired, or there's something that maybe I don't know how to do because as I said before I'm not an expert in environmental, and Wairangi has more expertise in that than me. We were very fortunate that in Ngāti Pikiao, Ngāti Te Rangiunuora actually, we have two engineers. I think we have more than two. We were lucky that we had Taira Wichman and Kepa Morgan, and they were most valuable in giving their technical knowledge and experience in having discussions with Peter and the team around particular aspects like how big the pipes are, and how should we

manage the piping when it goes over Waiiti stream. Should it go through the water or under, or over? We also have two cultural facilitators, Emily Skerrett and Wairangi Whata. An archaeological and site cultural monitor – Rakeiao Skerrett, and he was a cultural monitor for Haumingi 9B3B. And the cultural monitor for the reticulation network is Pini Tahana. We also have a PhD student doing her PhD on this particular project and her name is Frances Teinakore-Curtis.

So then we thought... when the scheme is completed, it's all built and it's all operating from Matahī down to Curtis Road and all going up to Haumingi 9B3B wastewater treatment plant, what would happen when there's no role for the Cultural Impacts Team anymore? Who would pick that mahi up to just be a presence and an eye, have a view over all of the mahi that would still be taking place? And we thought that we would establish the Iwi Wastewater Liaison Group, which we did in collaboration with the Rotorua Lakes Council. The members of the Iwi Wastewater Liaison Group, there's representatives from each of those trusts, Haumingi 9B3B trust, Haumingi 9B3 Ngāti Te Rangiunuora submitters, Ngāti Pikiāo Iwi Trust, Ngāti Rongomai Iwi Trust, Ngāti Mākinō Iwi Authority and the Ngāti Pikiāo Environmental Society – who were co-signees with the koeke on the cultural management agreement. And also the Bay Of Plenty Regional Council and the Rotorua Lakes Council are a part of that group.

What is the role of the Iwi Wastewater Liaison Group? I guess for all members of that group it's about environmental and cultural monitoring associated with the Scheme and in having robust discussions, information sharing, kōrero about the issues and developments in the operation and the discharge of the treated effluent on the land, and the effects this might have on the waterways, and being able to come to sound decisions on how to manage that.

For the Rotorua Lakes Council it's about monitoring and reporting on the performance of the wastewater treatment plant on the land disposal system and also on the reticulation network. Then for the Bay of Plenty Regional Council, their role is to actually monitor the conditions in the resource consent, to review and monitor those conditions and ensure they have been implemented correctly.

That brings us to the Whenua Māori Project. As I've said before the role of our Cultural Impacts Team has been to ensure that the expectations and recommendations of Ngāti Pikiāo through the cultural impacts assessments and as stated in the cultural management plan and also written into resource conditions, to ensure that those are acted upon. We were instrumental in this project, this particular part of the project, the Whenua Māori Project, right at the beginning when it was just being set up and helped with the Rotorua Lakes Council to get it cracking. We have one of our other team members who I haven't mentioned Patricia Waugh, she's been along with Dixie Yates, Anahera Teinakore-Curtis and Terehia Wickliffe, they were the ones who did all of the Māori Land Court research on all of the whenua because it was quite a huge job. When you hear John speak, you will see how huge it is, 102 blocks I think it was. They also helped collate the contact details to start having meetings like this. We have stepped back a little bit and we just want to make sure we are there at the table, know what's going on and that we can go "Wait, hang on, or yes or no, or let's have a kōrero about that Peter". Just so that we're there and that Ngāti Pikiāo is represented and we'll be here during the engagement phase and the approval phase. This is the beginning of the engagement phase and John and Peter will explain to you the approval phase. We'll just continue to be here for you and for us.

No reira, that's me. So, kua mutu, kōrero i konei, ka nui ngā mihi ki a koutou kua tae mai, ko te tumanako kua whai māramatanga i wāku kōrero. I hope that you got something from that kōrero and I hope that you can see Ngāti Pikiao really is trying and doing our very best to ensure that we're right there, and know what's going on, and that we're a part of that whole process. Nō reira, he pātai? Anyone got a question, don't be shy.

Aunty Matekino: You were so clear that we don't have any questions.

Waitiahoaho Emery: Thank you Aunty.

Arapeta Tahana: Awesome, ngā mihi Waitiahoaho. Okay going to get Peter Dine up now just to talk about the infrastructure of the Scheme, nau mai Peter.

Peter Dine: Kia ora and welcome on this rather chilly afternoon, glad to have you here. I'm Peter Dine and I'm the Project Manager for the Scheme. So I've been involved since about 2018 early on, principally to build it, and we've worked really closely with the Cultural Impacts Team to get where we are. The plant itself [refers to picture on slide] as of last week, nice and tidy, make a great spot for a hotel looking out at the lake *[laughing]*.

The purpose of this scheme is essentially to protect lake water quality. Currently with discharges to the lake from septic tanks, all nutrients are building up in the lake and unless you address those nutrients long term the lake will continue to, or will deteriorate in time with the build-up of nutrients which result in algal growths and undesirable plants etc. Also to protect public health as the wastewater reticulates bugs and diseases, and controlling that and managing that will protect the public health of the community.

Very briefly, the Scheme is largely funded by the Bay of Plenty Regional Council, Ministry of the Environment and Ministry of Health along with the District Council. The Scheme as you've heard is essentially from Matahī Spit through to Curtis Road, and there's provision once we've got funding made available to connect Rotoehu community.

Just a little statistics, the scheme is obviously a wastewater treatment plant, there's about 47km of main pipe reticulation to get the wastewater from the individual properties to the treatment plant. There's three pumping stations along the road you've probably driven past many times. There's two flushing systems which can be used to cleanse or flush out any build-up of debris within the system, and we've got 5 flowing monitoring sites so we can collate flows and make sure that everything's working properly, and so we're not losing flow from one site to the next. As you've heard the consent required an on-site system, it's the on-site system for Rotomā [referring to picture on slide] – essentially about a 3m tank in the ground and it provides the level of pre-treatment before discharging into the pipes. We're currently out for tender for Rotoiti ones, likely to be the same -will be a tank of about 3m or so, length is a couple of metres high, basically replacing existing septic tanks or whatever system is on the current site.

Where are we with the Project? About a year ago the plant was commissioned up behind Emery Store on Haumingi 9B3B. The Rotomā area is now fully reticulated and all the properties have connected. The Rotoiti area within the public road, all the reticulation system is built, the pump station just past Ruatō Bay is now complete and commissioned and the tender for the on-site systems for the Rotoiti area is currently to the market closing mid-November, and we hope to start

installing systems in this area shortly, early in the New Year. Remaining bit of reticulation to do in the Rotoiti area is on private land which is the subject of this hui.

What does it mean on private land? Well it's a pipeline, that's a slide [refers to picture on slide] or a plan of the area down at Hinehopu and I don't know how well you can see it. The red and yellow is in Māori road lines so that's privately owned land that we need to get approval to enter and put in the pipe. That pipe is relatively small diameter about 50-80mm depending upon how many people are connected to it. It's installed by directionally drilling, so drill a pipeline or drill a hole to another pit, it might be 100m away and pull a pipe through it. So it's no great excavation, no big long trenches or dirt everywhere. It's a relatively simple process and doesn't create a great deal of mess but we obviously need approval from owners to enter upon the land and install those pipelines.

Just a little bit about the treatment plant itself, it's designed for nutrient removal which is the... principally nitrogen phosphorus which results in algal blooms and other undesirable effects when they build up or too high concentration in the lake. The effluent discharges to the land, prior to discharge it's treated with UV treatment which kills bugs or viruses and all will be killed by UV process. It's able to operate remotely, it's all connected to our main treatment plant through Wi-Fi system and able to be operated remotely even though we have someone visit it every day. It's a... the consent conditions are pretty strict in terms of what the [Bay of Plenty] Regional Council is consented the plant to discharge. We happen to have been operating for a year and we've just completed the first annual report [refers to chart on slide], and there's just some of the parameters that we monitor and have to report on. Suspended solids which is any organic matter that's still in the waste discharge limit was 5mg/L per litre. Over the year we've achieved an average of 1.2mg/L. E-coli which is bugs, the consent limit was 50 CFU per 100ml of liquid. The raw sewerage that CFU in the hundreds of thousands, consent limit is 50, we've achieved about 1 CFU/100ml for the year. So virtually nothing. Nitrogen consent limit was 7mg/L and we achieved 6mg/L. And phosphorus which is the other nutrient, 3mg/L and we achieved .19mg/L. So the plant is actually performing well in excess of its consented limits.

Arapeta Tahana: [Inaudible]

Peter Dine: It's very low actually when the plant has more load on it, it actually will perform better. At the moment it's operating with some 210 people connected to it ultimately there will be 700 odd, much higher load, and it will actually perform a lot better. At the moment we're having to artificially dose the chemicals or carbon into the plant in form of sugar to actually create enough food source for the bacteria to live. With better load it will perform better but we're more than comfortable with the performance of the plant.

So where to from here? So most of the scheme is built but... mentioned the on-site systems that were going out for tender that we'll be installing next year, but the other main component is getting the pipelines installed to connect up properties where they're affected by Māori Land blocks which is the subject of this hui, and John will talk in detail about the complexities about doing all that. Any queries, questions? Happy to answer.

Maru Tapsell: ...[inaudible]... We're reducing the nutrients into the waterway so therefore are you...—it should be part and parcel national policy to save global warming, and the rest of it should be part and parcel with that... that's the end result if you like, but I have some queries about the

modern technology not catching up with the Māori world view. Now what have we done when we've left... came from Hawaiiki we were brought up with our gods. Those gods have been taken over by the Department of Conservation, and Tāne Māhuta's forest has been taken over by Department of Conservation, and Tangaroa by the Ministry of Fisheries, and the rest of it. They never took our values into account when we left Hawaiiki. When we left Hawaiiki there was a global warming there at Hawaiiki nui. Hawaiiki nui was when they all broke up into islands. So global warming isn't new to us, and it's all those long histories that interacted into our gods where we created the relationship with the environment. Now coming back to the modern times, in terms of the Māori Land Court it's absolutely necessary that those lands should remain with the Māori Land Court, Ture whenua, under the Te Ture Whenua Māori Act the reason being is because the key principle of the Te ture Whenua act is the retention of Māori Land that stays in Māori ownership. And if we take some incidents in history, the Waikato river for example, he piko he taniwha, means there's a taniwha on every turn of the river. As a consequence it is managed by all of the iwi. The Waikato River when Auckland ran short of water, and they attempted to go and get some free bucks, under the present legislation they found out that the Tainui claim had stopped them from doing that and told them to go and fix their water problem up. Now having said all that, this new sewerage system if you take into account our world view, you'll find that the... taking the nutrients and that out of the solids, in our world view that's Haumietiketike the god of the root crops that actually turns it into pure fertiliser that gives richness to the forest and so your... we're saying that your... I'm saying that your system may not have caught up with our Māori world view and the wastewater should go to Rongomātane, who's the god of the leaf crops, so you purify the water to such an extent that it goes into the... to make rich miro trees. And if you do that then kereru will become a pest and because they would, no legally be our legal tegal chickens. So there's a whole world view in this cultural assessment, needs to be taken, more than a desktop evaluation. It needs to be practised. What I'm saying is that we don't know you, you owe us for the use of our land and our resources in order to do that. So it's not any concern of the [Bay of Plenty] Regional Council, it's a concern of this whole panic that's going on about global warming. I just see that demands... told you I wasn't a whakaputa mōhio, but some people with think I am. Whakaputa mōhio means know all.

Waitiahoaho Emery: Just in response to you Maru, one of the conditions that was negotiated for the cultural management agreement and for the resource consent was that the effluent that eventually came out of the wastewater treatment plant was treated to the highest standard possible. We've actually had people from Australia come and they've just marvelled at the actual standard of the wastewater treatment plant. And like Peter said, the effluent is actually treated with ultra violet rays and that makes it just absolutely awesome. But you know talking about effluent being awesome, we've actually got a tap that's been installed, because one of the things that we had spoken about during the time when we were developing the cultural management agreement and plan was that we would like to be able to grow some form of crop on Haumingi 9B3B using the treated effluent, and so we can actually turn the tap on and disperse that over whatever crop we decide to grow, but we haven't got to that stage yet. There is one stage we've got to, and with our beautiful Aunty Mattie and my beautiful cousin Tina... we actually met with our weavers and said if you were to want some crops grown up here for whatu and for raranga and for tukutuku what would you like to have? And so we've actually met with them and put together a planting plan for that, and that will be put

in progress because we are going to develop some māra for harakeke and kiekie and some of the other species. Thank you.

Arapeta Tahana: Any other questions?

Peter Dine: Thank you... bye.

Arapeta Tahana: Thank you Peter, so we're now going to hear from the Māori Land Court... we've got Phyllis Savage here. She's going to give us an overview of how the Māori Land Court can support and a little bit about Te Ture Whenua Māori Act.

Phyllis Savage: Tēnā tātou katoa, my name is Phyl and yeah I'm from the Māori Land Court. Our purpose in being here today is around how we can support the land owners with going through this project and that's around issues with Māori Land, with the act, filing applications, the court processes and what happens after court process. One of the things around that space is that we don't give legal advice, that's something we are not able to do.

What we're going to do, we'll just run you through... well not actually run you through.... Okay, so in terms of the Te Ture Whenua Māori Act we're just going to go back to our preamble and that covers off around tango tuku iho, retention, occupation, development and utilisation. The act is the mechanism to support these principles, this is where we're going to come in and help you. The Māori Land Court has been touch point in this project since 2013 from what I've been told and at that time Maria Graham was the lead person. Since then Sean Vercoe has now become the lead for the Māori Land Court in helping it. Sean gives his apologies, unfortunately he wasn't able to make it this afternoon, he was here this morning but he's had to leave. I've just said it's around us supporting you through this process but not providing you with legal advice.

In terms of our act, there are changes that have been made, those changes come into effect on Waitangi Day 2021. The legal changes are there so they're out at the moment for people to have a look at, just means it won't take effect until that time. Along with the legislation changes there will be technology changes, as well as process changes as well as structure changes within the Māori Land Court. So how can we support you?

So our way of supporting you is to try education programmes, so that's around succession programmes on how you do a succession and what it means. That's around trusts, what are trusts? How do they work? That's around understanding trusts and trustees roles and responsibilities. What that looks like? Assistance and support when you hold a meeting of owners – we're more than happy to come and be involved and let everybody know what the process is, and how things are going to work within the Māori Land Court. And like I mentioned before it is also around filing the applications, but it's not actually just coming to the court and saying "Hey, I need to file an application", it's guiding you through the process of what we need for the application, what's going to happen when we get to court, and stuff around that space.

Given that we're aware of this happening we are looking at other opportunities of how we can make this process... the whole project a lot simpler. And one of the things we are currently looking at is maybe having a Court hearing on the land, or the block or wherever it is. And if there are block applications, perhaps having a court sitting just for that purpose so that it all ties in, and it's around

helping you. So we're also on our end coming up with ideas and other ways of making things a lot easier for you.

Kia ora and that's us, and if you have any questions, more than happy to answer them. I'll be around for a little bit longer and I'll be more than happy to answer any questions then, ka pai?

Arapeta Tahana: Thank you Phyllis. Okay, so our next speaker is John Koning, and he's just going to give us an overview of the legal considerations and also the various types of blocks and instruments that might be required to get approval by Māori Land Court. Just before he comes up, we didn't have these numbers in any of the slides, just to give a sense of how many Māori Land blocks and what types of blocks are affected, there's 102 blocks that at some point these pipelines need to go through to connect another property to. Of those blocks, there's 24 that have multiple owners but have no governance structure, so no trust or incorporation over it. There's 18 Māori roadways that have no owners assigned to them at all. There's 22 ahu whenua trusts, so they've got a governance structure there. There's 8 Māori Reservations, so most of those are our marae. There's also sole ownership, so Māori Land but there's only a single owner, there's 24 like that. So those ones are probably relatively easy. Then there's joint tenancy where there's two or three owners in a Māori Land block, there's 12 of those types of blocks. And then there's three Māori Incorporations. So 102 blocks in total.

John mentioned to us that he's never seen a case like this where there's been that degree of Māori Land and in the complexity of the different types of ownership structures over them. We just wanted to give you that context before John gets into similar legal considerations. So kia ora John.

John Koning: Thank you Arapeta, for those of you who don't know me my name is John Koning, I'm a barrister based at Te Puke. I've had a long involvement with Māori Land my first job a long time ago was as a research officer for the Waitangi Tribunal, then I worked as a historian at the Crown Forestry Rental Trust, and for the last 22 years I've been in private practice up until last year as a solicitor with a firm, but now I'm a barrister sole, so just work on my own. For the last decade or so I've been practicing almost exclusively in the Māori Land Court.

So I've been asked— I'm not Council's lawyer, I'm not giving legal advice to the Council, I've been asked to assist the Whenua Māori Project team with some general advice to the land owners about what they can expect in terms of the legal issues that will arise trying to finalise the wastewater system. So I'm not the Council's lawyer but I could... [inaudible]... that they are paying me.

So anyway, I'll just click on this [changing slide]. So anyway, what I'll do this afternoon is just give you a general overview. It's my general overview of what can be expected from the land owners, it's my distillation of a lot of information and based on my experience but what I've been able to do is briefly, not in any great detail, but briefly review about 102 block files. Those block files are based on the information contained in Māori Land Online. Some information contained under the Land Transfer Act which is a different set of records. The Rotorua Lakes Council provided me with those block files and some plans of where the pipeline is proposed to go. But, before I start on some of the detail, I've got to emphasise that each block has to be dealt with separately and it's the land owners of each block that will make the decision and be consulted about the pipeline that may cross their land because the project involves going from State Highway 30 to the block boundary.

So that's the first effectively, authority that the Council will need. So to benefit this block they might have to have an easement across other blocks and so the Council will clearly need an authority to put in a pipeline, and then once you're on the block as Peter said there's a pre-treatment, effectively the replacement for the septic tank. That itself will also require an authority in favour of the Council because that system is paid for and put in place by the Council. And so, for both the pipeline from State Highway 30 and the replacement of the septic tank, the Council will need an authority to install both of those. But not only just install them they need an authority to be able to access them for ongoing repairs and maintenance. So that is the authority the Council will need to get from 102 block owners.

As Arapeta said, I've dealt with a lot of blocks of Māori Land and done easements and licences and various other things. I'm not aware in my practice of a project of this size and scale and I would add complexity. Because it's a relatively complex system of land tenure along here at Rotoiti. You've got some big blocks that go out the back which are probably generally the Ahu Whenua Trusts, and then along the State Highway you've got ribbons of smaller blocks that have been quite heavily partitioned, and they have a lot of roadways as well over them, and as Arapeta mentioned there's the Rotoiti native township which had its own issues and blocks, and some of those, there's some historical hang over from them. And so, it is a complicated process and the previous meeting this morning, I estimated how long it will take and I thought five years at least. Some blocks will be able to be dealt with quicker, some blocks will be complicated. So I can't give you a detailed view of your own blocks or what you have ownership or shareholdings in. This is not independent legal advice, it's just a general overview based on my experience in looking through the records.

Question from audience: Inaudible.

John Koning: I think that's what is proposed...

Question from audience: Inaudible.

John Koning: I'm not involved with the technical side of it but that is what I understand.

Peter Dine: Inaudible.

John Koning: So just on that, and obviously, you're all entitled, all the land owners are entitled to take their own independent legal advice on aspects of it. So as I say the Council proposes those... and I would... it's one project, but it has two parts to it: one to the boundary, and one to the little system on your block boundary.

As Arapeta said its 102 blocks. Now those blocks as Arapeta said vary enormously in size status, not all the blocks are Māori freehold land, some are general land and rather confusingly some are general land owned by Māori. They range in ownership from one owner to probably 400-500 owners. Management, some as Arapeta said don't have any governance structure over them, others do. They've got Ahu Whenua Trusts, Māori reservations which are usually under the control of the marae committee or marae trustees, and a vast range of different occupation. You've got single dwelling, multiple dwellings, some of the bigger blocks may only have a few dwellings but forestry and farming. A very wide range of blocks which adds to the complexity.

As I've said, I've covered that point there's two, effectively two parts of the process. So the legal issues for the land owners are that you've got to grant an authority for the Council to do this. An easement is a formal..., or an authority, is a formal legal instrument or agreement that will give the Council the legal authority to come onto your land, put those pipes in and give them ongoing access, and that access has to be reasonable and sometimes on notice, but it is ongoing access.

The discussion this morning, there was a question about how wide will the pipeline be but Peter said the pipeline itself is relatively small, but I think Council requires 1m either side or 1.5m, so effectively a 3m corridor, and for the land owners once that corridor is in you can't build over that. You may be able to use it as part of the roadway or it may be able to be used for other purposes, but I suspect you won't be able to build anything permanent over the top of it because that would interfere with the Council's ability to be able to access it, and maintain it, and repair it. So that's the physical part of it.

The second part is what are the terms and conditions of their access. So that's not agreed, there's no decision on that but that will have to be I think developed over the next year or so.

We've gone through those, the blocks structures, sole owners, 24 I think you said Arapeta which is actually quite high. Most blocks of Māori Land are obviously in multiple ownership, it's a little unusual to have that many in sole ownership. You've got 12 with joint tenants, which is quite interesting. Joint tenants. If you're a joint tenant and one of the joint tenants passes away the ownership of the land automatically goes by survivorship, the surviving tenant. So theoretically if you had 10 joint tenants and 9 passed away the whole block will end up being owned by a single joint tenant. Little unusual to have joint tenant in Māori Land, but probably generally married couples, and maybe brothers and sisters, or cousins or something like that. Actually quite interesting is that high 24 multiply owned with no governance structure, I think. We've got 18 roadways, 22 Ahu Whenua Trusts which is quite high in proportionate terms. 8 Māori reservations, I think 7 marae, and one papakāinga. That's right. And 3 incorporations.

When I was doing work on claims I think somebody once told me that Ngāti Pikiao was the iwi that had retained the highest proportionate amount of land, so I think it's close to 90%, which is actually very high, but that adds to probably the complications of this project. So that is high, somebody who'd done quite a bit of research on Ngāti Pikiao came up with that figure. I don't think that includes Maketū or those areas around Pūkāingatahu, but around here 90% of the land that went through the Māori Land Court retained in your ownership today. Under a different tenure I might add but that's a high percentage.

So the usage as I say, single dwellings, there's multiple dwellings on single blocks, Māori roadways – some are used and formed, some are formed as Māori roadways but not used, they're just sitting there effectively on the title, you can see that when you're looking at it. And then you've got Māori reservations and then the Ahu Whenua Trusts and Māori incorporations.

So I don't want to go... bore you, but in terms of all those 102 blocks there's three types of status. There's Māori freehold land, and usually there's a status order on the title or it's in Māori Land Online clearly as Māori freehold Land. There's quite a few roadways that just appear to have no owners and do not have any status under Te Ture Whenua Māori Act, but my own view is they have both. There will be owners on Māori roadways, it's just that historically sometimes they've fallen off Māori Land Court records and they don't show up in Māori Land Online, but there is actually a

deeming provision under The Māori Affairs Act 1953 which still applies today, that those Māori roadways will invariably be Māori freehold land, and they will have the owners who'll actually be the owners in the parent block, and you'd just have to do the successions to bring down the current ownership. I know that the Rotorua Lakes Council recently did an application to get a list of owners for an electricity easement they were doing not far from here, and the Court did the process where it both declared the roadway was Māori freehold Land and actually declared who the list of owners were. So it's probably not accurate to say they've got no owners but it's actually quite a job to do, effectively bringing it up and giving it a consolidated order. But anyway that's Māori Freehold Land. That would be the most of the blocks that we're dealing with. Then there's General land, that would be probably be quite a few of the solely owned blocks or blocks in joint tenancy, and they will be blocks where the status was changed from Māori freehold land to general land under the Māori Affairs Amendment Act 1967. So those blocks I don't want to go into that, but those blocks will have the status today of general land even though they're owned by Māori. Then we have this other status today which is General Land owned by Māori for the purposes of Te Ture Whenua Māori Act.

So in summary those are the three block statuses that we're dealing with. Now, doesn't matter which type of status, the Council will require what I've called a network authority. Council have no ability to be able to come on and lay out easements or put in that pipeline without the authority of the land owners. As Peter said, it's private land. Sometimes in the... back in the old days, Council just used to put easements over Māori Land, particularly for some reason in Tauranga Moana. I've come across 3 cases recently where there's two electricity, big electricity easements, and another sewerage pipeline that's been put in across Māori land with no easement and no authority. Then the Councils, sorry to be... don't want to get on Council, but the Council and the network authority which I think is now Power Co just said "Oh well it's here now can we just reach an agreement." So I think that it's good that Council are getting..., front footing this and acknowledging that everything has to be done with the land owners consent. Can't be done by the iwi or the hapū, it's the land owners that will agree.

So there's really three types of authority: one's called an easement in gross which is a common one or a network utility in favour of Council or an electricity provider. The land owners grants the authority to the Rotorua Lakes Council to put in the pipeline and to install it, maintain it, and have access for repairs and maintenance. That's what is called an easement in gross.

Then there's a second one which I have to say I'm not particularly familiar with but it is something that the Rotorua Lakes Council have used previously. It's a power to construct public works on private land under the Local Government Act, and it also will provide the Council with access, reasonable access while that pipeline is in the ground, for repairs and maintenance. It's a local government equivalent of an easement. I think the Council have used it elsewhere on some Māori land. It's not something I'm particularly familiar with. On its face doesn't require the approval of the Māori Land Court but that would depend on who's agreeing to it in terms of the land owners. But whatever is agreed it would have to be noted in the records of the Māori Land Court.

Then there's what I've called a network lease, its better off I called it a network licence. A lease has a certain kind of connotation with it but it's more a licence that the land owners and the Council could agree with to lay down the pipeline and have access rights, but it's not either in perpetuity like an easement, and is not under the Local Government Act, more of a private agreement. I've done one

of those for an electricity provider where they wanted access, they were doing a reticulated network for a Māori reservation, and Māori reservations have very stringent or strict restrictions on what you can do on them. The network provider, Power Co wanted an easement, I said to my client that she can't have an easement under Te Ture Whenua Māori Act, what about this more informal network licence? And so I worked with Power Co and they were quite happy to have more of an informal arrangement where they could put down all their equipment that they retain ownership for, that the papakāinga could connect to, that they had rights of access on reasonable notice, but that it didn't create any interest in the land in favour of the power company. It's possibly quite important to realise that an easement... those formal arrangements exist in perpetuity and create an interest in the land in favour of the Council. So my clients in Tauranga Moana weren't happy with that, so they said we're quite happy to grant you access, put in your pipe for the electricity, but it's got to be a bit more informal, and so that's what I'm saying there is a network licence. That might be the most appropriate for the Māori reservation, the seven marae, and the papakāinga. I'll be briefly get onto why I think that's the best option for that.

So, I don't want to bore you on a Saturday afternoon but how do you create easements? There's two ways. One is by order of the Māori Land Court, so the Māori Land Court can make an order, granting easements over Māori Freehold Land or general land owned by Māori. That would be by way of a formal application to the Māori Land Court, a public hearing and in support of that application there would be generally a signed agreement between the land owners and the Council saying that we've reached this agreement and we would like you to grant an easement on these terms. So that's by order of the Māori Land Court. The benefit of an order by the Māori Land Court creating an easement is that the Māori Land Court has an ongoing jurisdiction over that easement and if circumstances change in the future, the Māori Land Court has the jurisdiction to amend or cancel that easement. Whereas if you do it the second way, the second way is the owners, but it's got to be all the owners, can agree and sign an agreement with the Council and they can then register that agreement under the Land Transfer Act, and that is the other way of creating an easement. The difficulty there is that once it's on the title it's very hard to get it off. The Council would then have to agree to remove it and it wouldn't involve the Māori Land Court but that's another way to create an easement. That's the most common way that easements would be created for network utilities. So that's the registration of the instrument under the Land Transfer Act.

So the next one is the power to create or power to construct public works on private land under section 181 of Local Government Act. I understand that that's by way of an agreement, there's a statutory procedure but once again if you're doing that all the owners have to agree to that. So if you've got a block of Māori freehold land that's owned by 52 owners of which 10 are passed away, three can't be contacted and you can only get 20 signatures out of 52, you can't do it that way, because under the Local Government Act all the owners need to sign it. The alternative for the Council under that particular provision, is that they can, if they can't get all the owners, or there is disagreement about it, the Council can notify the owners that they intend to build that public work on your private land and that gives the owners the right to object to the Council. The Council can then say no we're not going to proceed with that and we're going to do it another way, or the Council can determine to proceed with it, and if the owners are still objecting to it, then it can go to an objection to the District Court who's decision is binding. So that's another process that's outside of the Māori Land Court and it's not something I'm, as I say, familiar with particularly. But it appears from my research to be open to the parties to agree to that.

The third way as I said is by private agreement what I would call a network lease or licence. And once again if that's agreed to it should be noted on the memorial schedule for that particular block. So some of the issues that you will face as land owners is how are you going to deal with all... what I call the assembled owners. So they're the blocks, how many have we got? So you've got 24 multiply owned blocks that have no governance structure and you've got 18 roadways. The roadways won't have a governance structure either. So my maths is not too good but that's about 50 blocks. Where there's ostensibly no mechanism to get the owners to sign off, it's not that in my view it's not wholly accurate, because under Te Ture Whenua Māori Act there are mechanisms to deal with multiply owned blocks of Māori land. One is you can do a meeting of assembled owners and the Court call... you can apply for a meeting of assembled owners. The Court calls that, notifies and calls that meeting. The resolution, and there's provision for proxies, it's sort of provisions for meeting of assembled owners are relatively the same as what you'd be familiar with for an Ahu Whenua Trust, the process for holding that meeting. It's just that it's called by the Māori Land Court, the record is usually taken by somebody in the Māori Land Court and if there's a resolution that resolution can be confirmed by the Court and is binding. So theoretically those blocks of Māori land could the Court have a meeting called? They could pass a resolution to agree on an easement or a licence. It would be confirmed by way of an order. Now the threshold, I should probably mention this now, the threshold for an easement or a licence is probably lower than what you're familiar with. Under these provisions for a long term lease you've got to have 50% of the beneficial ownership approving, not 50% of the owners but 50% of the shareholding. Now that's going to be pretty hard to achieve but you're probably aware that to alienate Māori freehold land it's got to be 75% of the beneficial interest in the land. For an easement its lower so really what we're talking about here today, it's that if it goes to the Māori Land Court, the Māori Land Court would have to be satisfied there's a sufficient degree of support for an easement or other authority amongst the owners.

Now in my experience you're never going to get all the owners attending. You may actually get quite low numbers of owners attending meetings like this. So there's been a recently a couple of cases from the Māori Appellate Court about what the Court do in this sort of situation when dealing with easements. So it will look at the total number of owners, look at the number of owners who turned up, it will then look at how many shares those owners hold, and what's the overall vote, and it will look at the number of objections. So the Court to be able to deal with these Māori roadways, and I think blocks of assembled owners would have to be satisfied there's a sufficient degree of support. I know that sounds nebulous, difficult to pin down. In that case I think there is a case up North I think, effectively it was about 25% of the shareholdings agreed to the easement and so the Court granted it. So it's well below 100% but the Court will also take into account what benefits the block may get from connecting to the reticulated scheme. Whether it facilitates the better use and management of the block but most... if the Court grants an easement it must also consider what compensation if any is entitled to the owners... should get for any easement granted, and any other terms and conditions.

So that's roughly the process. The owners can do it two ways, they can actually have a meeting of assembled owners and pass a resolution, and in my experience you would be able to do that in just one meeting, but it is possible to do it at a meeting of assembled owners. The other way is that the owners could appoint somebody as their agent and they could give that agent full authority to deal with the Council, or it might be a restricted authority to just deal with the negotiations, come back along to the owners and say look we've got this far with the Council, they've agreed to this or not

agreed to that. So that's how to deal with those 50 odd blocks that ostensibly don't have any governance structure but that is something the owners will have to consider with the Council.

Ahu Whenua Trusts are a little easier, you've got 22 Ahu Whenua Trusts, I think, so theoretically an Ahu Whenua Trust can do it two ways. It can agree directly with the Council for an easement, or a power to construct works, or a network licence, because trustees of Ahu Whenua Trusts in law have an absolute authority, it's as though they own the property outright. So they have a general power, so unless there's something that restricts their power, they can deal with the Council directly and deal with it that way. Subject to their vesting orders being up to date and if they're going to sign any document, it has to be registered, all trustees must sign that document. So what I'm saying in blunt terms is that trustees of an Ahu Whenua Trust don't in law have to go back to the beneficial owners to get approval. They can go back to the beneficial owners and say "This is what we're planning to do, what's your position? We'll use that as guidance", but ultimately it's the trustees of an Ahu Whenua Trust that have the legal authority to enter into and agree to easements and other authorities. Unless it's in their trust order that they can't grant an easement without going back to the beneficial owners, they will be able to do that. So that's for trusts, for those of you who are responsible trustees.

Māori reservations is an interesting one, there's eight of them, seven marae and one papakāinga. So you've got an underlying block, and they will all be Māori freehold land, and over the top of that block a gazette notice has created a Māori reservation and that Māori reservation in law is a separate piece of land and it has a separate purpose. So the beneficiaries of a Māori reservation are those people mentioned in the gazette notice, and they're the ones together with the marae trustees that will make the decision. Not the owners of the underlying land. It's a little odd but they only have an interest in that land, if this gazette notice is cancelled, is what I've got up there, a reversionary interest, so that would mean that if the marae trustees go to a meeting they would have to consult with the beneficiaries under the gazette notice which I think some are for the common use and benefit of the owners and their descendants. Others are for hapū and maybe even Ngāti Pikiao in general, but they're the beneficiaries of that, and the marae trustees are the responsible trustees of the reservation. Marae trustees or trustees in Māori reservations don't have that general power to alienate or deal directly with the Council. They're quite restricted in what they can and can't agree to, and for the purposes of this pipeline currently they could only agree to a lease or licence for a maximum of 14 years and that would also require the confirmation of the Māori Land Court. So Māori reservations have an elevated status because they're... and the case law holds that they're the last remnant of land held for a hapū or iwi benefit. So that's why they're given an elevated status and protection and so you cannot just put a roadway or an easement across a Māori reservation so that's something that the Council will have to look at. There's I can see in my research, there's a few red lines going across Māori reservation, they may be able to do that but it will have to be probably be by way of a licence. There's a new amendment that comes into effect early next year under the Te Ture Whenua Māori Amendment Act, longer title, but it's that, which allows the marae trustees to grant a longer term maybe 28 years for health, papakāinga and sort of those purposes. So that would come within this, but marae... Māori reservation, and I can't probably stress this enough, Māori reservation would have to be dealt with differently than all the other blocks.

Maru Tapsell: [Inaudible].

John Koning: So that's Māori reservations. So in summary, so the Council will need authority to put any pipeline across any block whether it's to connect to that block or to connect to a further block out the back. It's going to have to be dealt with separately and under the applicable statutory regime which will predominately be the Te Ture Whenua Māori Act, or it could be under the Local Government Act, or it could be by private agreement, but it's going to have to be dealt with that way. I'm more than happy to take any questions. It's a lot of material, I know, pretty heavy stuff. I'm happy to take any questions.

Maru Tapsell: [Inaudible]... brain damage... the responsibility of your local Councils, and [Bay of Plenty] Regional Council, and local governments, and the RMA – Resource Management Act is to consult. And I use the word affected parties. Now the affected parties in this argument is a whole list of people that you've mentioned and trusts and so forth and all that. But I notice you don't use languages like sine die, on account of, and those matter in which I think they are matters that should be conjured up by the Māori Land Court, and the Resource Management Act, to use that. So in other words the Crown uses the term stick together as a common grouping but normally they've got a hidden agenda for common grouping. And those common groupings normally becomes unnatural groupings. In this case finding a common grouping is highly important for consultation. So that's means meeting at those issues like sine die..., sine die, and on account may very well mean it's a deal to be struck. We want a cheap access to sewerage as part of the deal on behalf of our owners or on behalf of our affected parties. So that's getting... we're going into a deal, and there's arrangement that needs to be sorted out through the responsibilities of Council and Councils and that, who are obliged to consult the affected people, and the responsibility of the Māori Land Court to mix and match into a common arrangement. That's my view on that, I don't know whether that's cheeky or whatever.

John Koning: No, no I don't think it's cheeky. I think what I said out there, and I apologise for the brain damage but what I've set out there is a legal framework for how this will be dealt with. The next step is that the land owners with their solicitors or advisors will need to engage with the Council about an agreement for each of those easements. Each of those agreements for the easements will have to look at what bargain is going to be agreed to between the land owners and Council. It's not a matter as I understand of the Council just saying you must have this pipeline put across your land and you will have to agree. It's because there's two... probably aspects of that. One is that the Council will need to get that agreement and provide a benefit to the landowners for that agreement. The second is, the Māori Land Court if it's dealing with easements, it has a discretion, it does not have to grant an easement or grant the application, and as part of Section 315 of Te Ture Whenua Māori Act in terms of exercising its discretion to grant an easement, Māori Land Court has to consider the issues of what are the terms of the easement, and specifically in the provision it says compensation. Compensation as I said this morning could be monetary or it could be in kind. But that's an issue, that agreement and bargain is not for me to impose on you or suggest. It's really a matter between you the landowners and the Council.

Maru Tapsell: [Inaudible].

John Koning: Well, I always thought sine die meant indefinitely. I don't know, I can't answer that one. In terms of if what your saying is on account, there is a discussion between each of the blocks

and Council about what are the terms of the agreement for the pipeline, and does that involve compensation in its broadest terms, then that's entirely between the parties.

Maru Tapsell: [Inaudible].

John Koning: Correct, don't want to give you any more brain damage unless there's any questions? And remember this is just very much an introductory, preliminary overview from me. I may not be involved much more with each of the land owners. I hope you found that helpful.

Arapeta Tahana: Thank you John. That brings us to the end of the presentations. I'll talk very briefly about where to next. The next steps for Council will be to start engaging directly with each of those blocks and working through that approval process, and as you've heard today it's not a simple process. There's a fair bit of complexity in it, we don't know exactly how long this is going to take. So we can't say this is going to be done and dusted in a years' time, maybe that it takes a few years. Peter can you just remind me briefly how many properties can you connect right now without the Māori Land approvals.

Peter Dine: 300 Odd.

Arapeta Tahana: And that's out of about 400. So about 75% of the properties could be connected right now, the rest will require these approvals to occur. The Ngāti Pūkiao Cultural Impacts Team will stay involved in this process and help inform Council on the best way to approach it. We're also thinking too that there'll probably be some prioritisation in the sense that we'll focus on the blocks that we can negotiate with easily because they have governance structure... is in place, so that's probably where we'll start, so the likes of Māori reservations and Ahu Whenua Trusts, and the Māori incorporations, and move onto the other blocks.

So today was essentially just an opportunity to socialise the kaupapa to let land owners know this is coming. But it'll be over the next year or however long it's going to take through those individual kōrero with each block that we'll get the final approvals. I suppose just before we wrap up if we bring it back to what's the real kaupapa here it's about our whenua our roto moana, the mauri of those things and the mauri of our people out here, that's really why we're doing all of this. So despite the brain damage, I hope it's worthwhile going through the process to ensure the mauri of our moana, our whenua and our people is solid and strong into the future.

Koia te tino kaupapa e karanga nei i a tātou. Okay whānau, so any final question or comments before I close up with a karakia, kāo? Okay.

Kia tau kia tātou katoa, te atawhai o to tātou ariki a Ihu Karaiti.

Sorry one final thing there is a bit of kai here, take away bags so feel free to grab some kai and if you want to hang around and have a kōrero kei te pai otherwise you're welcome to head home.

Ka mihi ki a tātou.