

**RRSS Whenua Māori Project**

**Minutes of the hui ā hapū**

**Sunday 11 October 2020**

**10am**

**Te Kura Kaupapa Māori o Te Rotoiti**

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**Attendees:**

Jim Schuster, Robert Trotman, Sheryl Morrison, Jimmy Morrison, Margaret brown, Angela Tunui, Arapeta Tahana, Peter Dine, , Ben Manley, Gina Rangi, Sarah Pauli, Waitiahoaho Emery, Sean Vercoe, John Koning.

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**Arapeta Tahana:** Karakia and opening/opening of hui

Ko te wehi o te atua te tīmatanga o te whakaaro nui nō reira he hōnore he korōria ki a ia, he maunga rongō ki runga i te mata o te whenua, he whakaaro pai ki ngā tangata katoa. No reira kei te tini, ko te whakaaro ake ki tō tātou kuia Nanny Cissy i hinga atu inanahi nei rā, nō reira e kui ko tēnei mātou e tangi mōteatea, e hakū ana mōu. Haere, haere hoki atu rā ki ō tūpuna, ki te wāhi ngaro, ki te kāinga tūturu mō tāua te tangata, otirā, ka whakaaro ake ki te whānau pani e pania e te korowai o te mate. Otirā ka whakaaro ake ki to mātou whanaunga ki a Wairangi i āwhina, i tautoko ia i ngā mahi o te rā nei, te kaupapa o te rā nei. Nō reira ko te whakaaro ki te atua ki a manaakihia te whānau pani i tēnei wā. Nō reira e kui, haere haere okioki atu. Otirā ki ngā mate huhua o te wā kei runga i tēnā, i tēnā o tātou, haria maihia kia tangihia anō, kia mōteatea anā ki a rātou, kia whakaaro anō ki a rātou, nō reira koutou katoa kua wheturangihia, haere haere okioki atu. Nā, kia hoki mai kia tātou te hunga ora, tēnei rā te mihi ake kia tātou i tēnei rā, te mihi ake ki a koutou kua whai wā te haere mai te whakarongo ki ēnei kōrero e pā ana ki ō tātou whenua, otirā, ki tēnei pūnaha hamuti me ki e whakatikatika ana i ērā paru kia kore ai e pēhiatia te mauri o ō tātou moana, o tātou whenua, otirā ō tātou te hau kāinga e noho mai nei ki ēnei whenua. Nō reira ka mihi ake ki ngā mana, ki ngā reo, ki ngā whakapapa kei waenganui i a tātou, tēnā koutou, tēnā koutou, tēnā rā tātou katoa.

Mōrena whānau. Firstly thank you for taking the time to come out on a cold Sunday morning. It's a little bit warmer now that we've got another wall on the tent today, yesterday it got a little bit chilly. That said it's been really informative. So the kaupapa today, the purpose of today's Hui really is an initial Hui to inform land owners that are affected by the Scheme and when I saw affected by the sewerage Scheme, in particular we're talking about connections through Māori Land to access properties. So there's a main trunk line that runs along the road reserve, there are points where we'll need to get through Māori Land to connect up properties. So essentially today's korero is, initial korero with land owners and trustees to give you an overview of what's involved in that and then there'll be a series of follow up korero with individual blocks to have a korero about the specific approvals that would be required for Council to be able to lay their pipelines through that whenua. So in terms of today's agenda and the process we'll go through. We've got 4 presentations so the first one will be Waitiahoaho Emery and she's just going to talk from a Pikiāo perspective, our involvement in the Scheme. Why we believe it's important. A few of the characteristics our involvement, yeah the involvement of Pikiāo in the process. Then we're going to pass on to Peter Dine from RLC and he'll just talk a bit about the infrastructure involved in the Scheme. Then we've

got Sean Vercoe, one of our whanaunga, who's representing the MLC. He's just going to talk briefly about what support the MLC can provide for Māori land Owners and Trustees. And then finally, we're going to have John Koning who is an independent lawyer, who's going to give you an overview of the legal considerations. What we need to be thinking about as land owners and trustees. So that's our agenda for the day.

A few housekeeping things, in the event of a fire or an earthquake we'll assemble up on the fields where the cars are parked. If you need to use the wharepaku I understand these ones are locked at the moment, so someone can open them... So if you need to go to the wharepaku, just on the other side of the tent here... stairs that lead up to the wharepaku.

A couple of other things, we are recording this Hui, and that's essentially so we can share it online for other owners. We're conscious that there are quite a lot of owners involved and affected by the Scheme but they were unable to be here today so that's the purpose of recording it. And we're also zooming, live zooming this as well. So they're may be a few people watching online, We had about 10 people yesterday who watched the presentation online, just so you're aware of that. Any questions before we get into the presentations? Kao, ok. Waitiahoaho, nau mai.

**Waitiahoaho Emery:** Mōrena tātou katoa, ko tēnei te tautoko i ngā mihi kua mihiā e Arapeta ki a koutou kua tae mai nei i tēnei ata, nau mai haere mai. Ana, ko te whakaaro hoki ki te whanau o Aunty Cissy kua wehe atu rā, ana, ki a Aunty Kataraina O'Brien i tanumia inanahi rā, no reira e mihi ake ana ki a rāua otirā ki a rātou katoa kua huihui atu ki te huihuinga o te kahurangi. Nō reira tēnā koutou

This presentation is as Arapeta said given on behalf of the Cultural Impacts Team, the Ngāti Pikiao Cultural Impacts Team, and gives a bit of background to the mahi that's taken place and the input that we've had into that mahi for the Scheme and also for the Whenua Māori project. No reira, ka tīmata ahau.

So essentially the presentation revolves around the Cultural Management Agreement which Ngāti Pikiao has with Rotorua Lakes Council, and this is an agreement that was signed off by our koeke and by the Ngāti Pikiao Environmental Society as our environmental body for the iwi, on November 17<sup>th</sup> at Taurua Marae. And from this agreement we had a large number of recommendations from the cultural impacts assessments that were undertaken, that were actually incorporated into the resource consent and also into the Cultural Management Agreement.

No reira, three of the key recommendations that actually came out of the cultural management agreement, and as I said there are quite a number of other ones, and they all drop out of these key ones. So one was the appointment of iwi representatives to be imbedded into the project team, two – the establishment of the Iwi Wastewater Liaison Group, and three – iwi protocols as determined by iwi to be included in all aspects of the Scheme. And so why you might ask, why were these things required? So first of all Mana Moana, and here we have a map of, three maps of our moana and the

various groupings of hapū, iwi and the land areas, and the moana that those hapū boundaries cover. And I'm going to read some of the korero from the cultural health and safety induction that Wairangi does with all people who come either onto the whenua up on Haumingi 9B3B or if they come on to do any work on any parts of the reticulation network. And just to mention here as well that prior to the wastewater treatment plant being opened, we actually conducted cultural health and safety inductions particularly and specifically for Haumingi 9B3B, and these were done by Emily Skerrett.

No reira, Mana Moana. Lakes Rotoiti, Rotoehu and Rotoma are taonga to local iwi and hapū. They are significant features of our landscape and identity. We are lakes people. For hundreds of years our lakes, our ngahere and whenua have been our pātaka kai. Our wai tukukiri, the waters we have bathed in and that have provided for and sustained local iwi and hapū physically and spiritually. We're bound by 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 waterways and the surrounding environment through initiatives such as the RRSS – Rotoiti Rotoma Sewerage Scheme. However environmental effects and the economic impact of activities must be balanced with our spiritual and cultural values.

No reira, ka whai atu i tēnā ko te Mana Whenua. The majority of the land surrounding lakes Rotoiti Rotoehu and Rotoma remains under the mana, the control, and management of its descendants and 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. There are 15,000ha of land under whanau, hapu and iwi ownership affected by the Scheme. Most of these lands are managed by Māori land trusts and incorporations on behalf of the owners, shareholders and beneficiaries and yesterday John shared with us that he had had some information passed onto him some years ago that Ngāti Pikiao actually is one the iwi that has held on to one of the largest percentages of whenua, and that it is around 90%.

So in addition to Mana Moana and Mana Whenua we move onto our Cultural Sites of Significance. So Ngāti Pikiao has occupied our rohe for over 600 years and our three lakes and the surrounding lands were the places of all of our intertribal, all of our tribal activities, and also warfare. Our water bodies and lands as we said before have provided us with sustenance, and in our rohe there are over 100 pa sites and wāhi tapu, and also other sites of significance.

And in our rohe we have our seven marae. All of which have their respective urupā and culturally significant sites attached to them.

And then finally one of the other reasons why we want to ensure that we have a voice in this Scheme and this particular project is that the wastewater treatment plant is actually built on Haumingi 9B3B, and we see the trees up there on your left [in the picture], that's where the waste water treatment plant is built, directly behind Taurua Marae, and directly behind the urupā which stands up to the left of the tūpuna whare. And from that waste water treatment plant all of the treated effluent discharges down into the lake.

So, when we think about all these things in our mahi, sorry that's another view on your left when the trees were cleared for the wastewater treatment plant construction to begin and then on your right here [in picture] you'll see the Haumingi whenua and the wastewater treatment plant... inaudible...

So in taking into consideration all of these things in our work and in our lives, we are guided and informed by overarching Ngāti Pikiao and te iwi Māori uarā, principles. These have been implemented into all aspects of the mahi that has taken place and that continues to be undertaken today and tomorrow by the Cultural Impacts Team, RLC and any other contractor who comes on to the reticulation network site or onto the waste water treatment plant site. So these are our overarching values, cultural principles, ngā uarā.

Tapu and Noa, which you will all know what that means about being restricted, having conditions, being under atua protection and the opposite of that, not having any conditions or not having any restrictions.

Taonga tuku iho. All of those things that are tangible and intangible that we hold precious to ourselves to our iwi, to our hapu and which we want to ensure that we are the custodians, the kaitiaki and so that our obligations as kaitiaki are upheld and protected and maintained in our mahi.

Of course our wāhi tapu which we talked about, or which I referred to in a previous slide. Just ensuring that our places of significance are safe guarded and protected by us, and also, that in Ngāti Pikiao although there are some sites that are known, there are also many that aren't known because that's one way that we can protect them. So you might ask then, we have all of these taonga tuku iho, all of these cultural principles etc. How might we actually translate that into action? Because it's all very well to say these kind of things and they're on our piece of paper and our strategic plan but how are we going to put them into action.

So if you recall I said one of the three key recommendations was that we actually set up the Ngāti Pikiao Cultural Impacts Team, and this team consists of our two authors of the cultural impacts assessments, Wairangi Whata and Colleen Skerrett. The Cultural Impacts Manager, myself, and Wairangi also takes up that role when she needs to, and I'm not there, and when she might have some skills or some knowledge that I don't actually have. Two technical advisors which have been really key to the whole project, Taira Wichman and Kepa Morgan, both engineers. Two Cultural Facilitators responsible, again, for Haumingi 9B3B and also the reticulation network, Wairangi Whata and Emily Skerrett. An Archaeological & Site Cultural Monitor for Haumingi 9B3B is Rakeiao Skerrett, and the Cultural Monitor for the reticulation network is Pini Tahana. In addition to that we also have Francis Teinakore-Curtis, who's in the process of a PhD study.

Now I have just realised that right at the beginning I missed a slide and it was about the whakapapa of the Scheme. I didn't do this did I? So we're going back to the whakapapa which we were meant to do at the beginning.

During the years 2011 – 2013 there was an environment court case between RLC and Ngāti Pikiao. The RLC had proposed to erect, to construct a wastewater treatment plant on Manawahe Rd. That was contested by Ngāti Pikiao and didn't go ahead. So as result of that in 2014 a steering committee was set up to look at what the options might be going forward, because it was still acknowledged that something needed to be done. Because as Arapeta has said we want to protect the mauri of our moana and our whenua. So the steering committee was made up and that consisted of hapū representatives from this side of the lake – East Rotoiti, and RLC representatives, BOP Regional Council, and also some of the other environmental bodies and organisations at different local levels. At the same time the Cultural Management Agreement went into its development stages and also

because there was work beginning to take place, the Cultural Impacts Team was also initiated. So eventually in 2017, the resource consent hearing was held at Taurua Marae, and just so you know there was actually a group of Ngāti Te Rangiunuora who weren't happy with some of the conditions in the Resource consent and they actually put in submissions around that and after quite a series of hui and korero with RLC they actually came to a legal agreement with the Council around those conditions, and they reached an agreement about it. So in November 2017, the Cultural Management Agreement was signed off, as I said, by our koeke and the Ngāti Pūkiao Environmental Society, and then in 2017 the earthworks, excavation of the whenua began up on Haumingi 9B3B, and on your right, in the photo on the right up the top shows the karakia being conducted to clear the whenua for the construction, for the clearing of the whenua to take place. And then also in that same year the main pipeline works began down at Matahī Spit – Matahī Road, and a karakia was also conducted for that.

So in August 2019, the wastewater treatment plant was opened, and you can see two of the mokopuna in the photo below in picture] helping with the ceremony, being a part of the ceremonies. This came about because the pipeline from Matahī Spit to Emery store had been completed. The Rotoma properties, the majority of properties were connected and the wastewater treatment plant kicked into action.

So today, in October [2020], and Peter will talk a bit more about some of the things, is that the tender process is under way for the Rotoiti on-site treatment systems and the reason why we're having on-site treatment systems is because as a part of the agreement this was one of the things that we said that we'd expect, that on every property there would actually be some form of treatment, it won't be that we'd send, have what's called grinder pumps and it sends raw tiko along the pipes beside our lake, past all of our marae up onto our whenua, Haumingi 9B3B.

So that's our Ngāti Pūkiao Cultural Impacts team and this a team of ten, it's grown to ten positions now and in addition to these ones on here as a part of this project we've actually had some researchers and we actually identified that we would use some of our young people coming through and so we've had Dixie Yates-Francis, Anahera Teinakore-Curtis, [Terehia Wickliffe], and currently Patricia Waugh who have all been a part of doing research for this project, the Whenua Māori Project. And with our team we have always wanted to ensure that we're actually looking towards how we can create positions for our own iwi so that you know we're giving them some mahi, not only that, building some skills and capacity amongst ourselves as well.

So the next recommendation was the Iwi Wastewater Liaison Group, the establishment of this group. And the purpose of this group was to ensure that when the work of the Cultural Impacts Team has been done and when the Scheme is completed, that there would actually still be a Ngāti Pūkiao presence in the, or participating in the operations of the Scheme. The members of the group are, there's one representative from each of these organisations [in picture] Haumingi 9B3B Trust, Haumingi 9B3B submitters, Ngāti Pūkiao Iwi Trust, Ngāti Rongomai Iwi Trust, Ngāti Makino Iwi Authority, Ngāti Pūkiao Environmental Society, the BOP Regional Council, and RLC. We had some good questions around this, the makeup of the group yesterday as to how we had arrived at these organisations, and where was the land owner representation. And so our response to that was that it's always open for review because we actually did have quite a challenge trying to think how it might work, because you know considering there are seven marae and the number of hapū, and

how that representation might take place. So this is the role of the Iwi Wastewater Liaison Group. Along with the RLC they're responsible for the environmental and cultural monitoring of the Scheme, any issues with developments that might arise in the operations and in the discharge of the treated effluent into the waterways. They have discussions and korero, and collaborate to make sure that things are going okay. The RLC is largely responsible for reporting on monitoring of the performance of the wastewater treatment plant and the disposal field, also the reticulation network. And then the BOP Regional Council, they're responsible for monitoring and reviewing the resource conditions in the resource consent to ensure they have been adhered to and complied with, and they're pretty good with doing that aye Peter?

So that brings us to this project, the Whenua Māori project for the Rotoiti Rotoma Sewerage Scheme which you've all come here for today. And at this point I'd like to acknowledge Annette Sykes and her office which included Jordan Bartlett, because right at the beginning we knew we needed some legal advice but we weren't quite sure what to do and we went to Annette and Jordan, and they actually gave us some ideas about how we might set up, how we might initiate and set up the project. So I want to acknowledge them and especially our researchers as well, Dixie, Anahera, [Terehia] and Patricia who've done really fantastic work in building up some databases of that information of the whenua and the land owners. So whilst we were instrumental in the initial phases of the project we have stepped back a little bit because we wanted to maintain our position as Ngāti Pikiao as the voice for our hapū and for our iwi and for our marae. As I said, we're involved in the Māori Land Court research and contact details, and we will still be involved in this engagement phase and the approval phase, and it will be as being a presence for Ngāti Pikiao. Also just working alongside the RLC, and I must say that, you know, we've had our ups and downs and a few challenges and haven't agreed on things but generally speaking RLC is very responsive to wanting to make sure they are taking into consideration Ngāti Pikiao's expectations.

No reira ko tēnei te mutunga o taku korero. Ko te tumanako kua whai i ētahi pearls, ētahi māramatanga, no reira tēnā koutou.

**Angela Malcolm:** Tēnā tātou, kei te tautoko i ngā mihi i whārikihia i te ata nei ki o tātou nei whaea kua wehe atu. Huri noa ki a tātou kua huihui mai nei. Kia ora kia tātou. Firstly thank you to all those who have been involved in this mahi. For the benefit of us, our wellbeing and our whenua. I just had a couple of pātai, the first one was around the Mana Moana boundaries where were they derived from? And I think I know, if you could shed some light on that. And the second, on the, well I know we can all whakapapa to Ngāti Pikiao as well as to other iwi who reside here around the shores of our lake like Ngāti Rongomai, like Ngāti Tarawhai, there's an absence of those other iwi in this, and I'm just wondering why that is when we're here too? When we have marae here and we've been here too. And I have a concern for that because it sets a precedent and a record in writing that we want to make sure is correct otherwise our uri grow up to think there's no other uri/iwi around our lake other than Ngāti Pikiao when we know that is not correct. So koinā noa iho otherwise great to see all the mahi, the liaison, the working together the mahi tahi that's going on. Kia ora.

**Arapeta Tahana:** I can't exactly answer the Mana Moana diagram that you saw but from memory that came out of the Cultural Impacts Assessment. But to your point around the representation of Tarawhai and Rongomai, because this came up too around Tamateatūtahi-Kawiti, because a significant part of the land is in there. So there is scope I understand in terms of the membership of that group to include others. So I think we can rectify that, moving forward. As said I think a lot of the people that have been working on the kaupapa, we all whakapapa across all of those, so we're conscious right across the board. But there's some there we can address in terms of specific representation of Rongomai and Tarawhai in that group. Kei te pai? Ka pai. Any other questions for Waitiahoaho?

**Angela Malcolm:** I'm just... cause we're actually looking at the right of Okataina, for Ngāti Tarawhai and so some of your maps kind of, will have a bearing may or not have a bearing on that. I'm just wondering if you can just, have a relook at your boundaries, your mana whenua boundaries again given some of the work that's going on that you might not be aware of. Koinā noa iho e hoa.

**Arapeta Tahana:** Just one other thing I should add about these maps is that it's really only focused on where the Scheme reaches because the Scheme doesn't go up Okataina Road, and also into the Tarawhai rohe, that's why you're only seeing those hapū and iwi there, but certainly something we can factor in moving forward. Ka pai?

Any other questions? Ok we're going to move on to Peter Dine but just before we do I just want to show you the numbers of Māori blocks that are affected. So in total there's 111 Māori land blocks that at some point, these secondary trunk lines need to run through to connect properties, or in some cases this is connecting to a property. It's fairly complex in terms of the status of those blocks too, and I'll leave the detail of that to John's Presentation. Just at a high level, 24 of those blocks are, there's multiple owners but there's no governance structure or incorporation established over that land. 18 blocks are Māori Roadways with no owners, and one of the tricky things for us out here is that at some point in history the government was interested in putting a native township out here and during that process they started to break up the land and set up titles for roadways in different places. We all know that that township never eventuated but those titles were never reverted back into the original blocks. So we've got a number of roadways around our rohe that have no owners at the moment. In reality there are some owners because they came from an original block so there's 18 blocks of these Māori Roadways. 22 blocks that are AWT, so they've got some governance over them. 8 blocks that are Māori reservation, the majority of those are our marae so 7 of them being marae and one of them being a papakāinga. 3 blocks that have Māori incorporations, 12 blocks that have Joint Tenants so it's either 2 or 3 people own that particular block. And there's 24 blocks that have a sole owner, one person that owns that block. This is all Māori Land. Pai? So I just wanted to give you that context, John will talk in more detail about what that means in terms of different status and consideration for all those blocks. The other thing I've mentioned about this, is this is quite a unique project in the sense that the amount of affected Māori land in this type of project we haven't seen anything like this around the country. So quite unique, ok so just wanted to give that context before I pass it on to Peter Dine to tell you a bit about the infrastructure involved in the Scheme so over to you Peter.

Peter Dine: Kia ora koutou katoa, thank you Arapeta. So yes, my name's Peter Dine and I'm the project manager for this sewerage Scheme, getting the thing built, and up and operating. [Picture].

Just a photo of the plant as it is now, Haumingi 9B3B and overlooking the lake. The purpose of this Scheme is essentially to protect the lake water quality, currently with all the on-site systems even though they're discharging to the ground they're still carrying all the nutrients which end up in the lake. Those nutrients build up and cause problems with algal growths and other undesirable effects so keeping the nutrients out of the lake is the major purpose of the sewerage Scheme. It also protects public health, obviously waste water has bugs and germs and unless you've got a good control of that public health can be affected. Just a little bit of the Scheme is funded, additional funding from Regional Council, Ministry for the Environment and the Ministry of Health, and the Ministry of Health obviously in recognition of the health benefits of the Scheme, along with the Rotorua Lakes Council.

The Scheme as you've heard starts all the way down here [picture] at Matahī Spit, all the way down to Curtis Road. And there's provision eventually to connect the communities of Lake Rotoehu, and currently we're going through funding, securing funding to do the Lake Rotoehu communities. What does the Scheme consist of? We'll there's a wastewater treatment plant obviously. There's about 47km of pipeline within, reticulation pipeline to connect up all the houses between Curtis Road and Matahī Spit. Rotoehu will add to that. There's about 700 properties to be connected currently. There's three pumping stations and you've probably seen them on the road, one just past Ruato Bay and one just by Emery Store, that's the main one that pumps up the hill to the plant and there's a further one down at Manawahe. There's two flushing systems, they're used to flush or cleanse the pipe network from time to time and also too, if there's any build-up of solids in the system it can be flushed out. There's flow monitoring sites to ensure the Scheme is, or the reticulation system integrity is maintained. We can use that to collate the flows and ensure we've got no loss of waste water anywhere in the system. As noted there's consent and agreement with the Cultural Impacts Team.

Each property has to have an on-site system that will replace the existing, most properties have an existing tank of some sort that discharges to a soakage field. That will be removed and replaced with an on-site system. That provides a preliminary treatment on-site before being reticulated. This is the one at Rotoma, probably be different at Rotoiti [picture], it's a two stage tank, it's about 3m long probably smaller than most on-site systems now. Provides treatment and the pump at the end it pumps into the system.

Where are we at the moment? Wastewater treatment plant was commissioned about a year ago and the Rotoma area is all fully reticulated, everyone's complete. There's one or two we're still working through. Essentially all complete. The reticulation of the Rotoiti area is now complete where the pipeline is in public road. We're currently gone out for tender for the on-site systems at Rotoiti and that closes middle of next month and we hope to appoint a contractor who will start doing the work in the New Year. The reticulation or the connections to where we've... this is what this hui is all about, connecting from that main pipeline through land to houses where it's affected by privately owned Māori Land. That's what we got to work through, that affects maybe 150 odd properties. [picture] This is one of the plans out of the project Scheme showing where this road line's at Hinehopu, and this is where we need owner's permission to connect to the Scheme. A lot of the bits of land we have to go through are much smaller than that, might have a property fronting the state highway but in front of that property is a roadway we'll need to sort out, so it's just crossing land that we need to get approval for.



A little bit about the treatment plant itself. It's designed for nutrient removal both, nitrogen and phosphorus. The effluent discharges to the land, soaks down into the pumice soils, and into the ground water, and eventually into the lake which provides additional treatment. There's a UV treatment prior to discharge. UV destroys any remaining bacteria. Will operate remotely. There's a bit missing not quite sure. That's actually a photo of the reactor, the main part of the plant that treats the wastewater, biological treatment. Just a little bit we've just completed the first annual report. These are some of the key parameters: suspended solids the consented limit is 5mg/L, we achieved 1.2mg/L. Bugs or E-coli, the consented limit is 50, that's CFU, we achieved 1CFU/100ml. Nitrogen is 7mg/L, we achieved 6mg/L and Phosphorous is 3mg/L and we achieved 0.19mg/L. So the plant's actually performing really well.

Where to from here? The purpose of this Hui is to introduce the idea. We've got a lot of private land to get approval for and RLC will have to start engaging with land owners on securing access to that land and John will discuss in much more detail about what that involves. Any queries, clarification issues?

**Jim Schuster:** Outside my gate I've got this new little red lid and what is that going to connect me to? To the system?

**Peter Dine:** Yeah, so that connects to the main pipeline, and that little red tank is what is known as your boundary assembly which is where the on-site system and the pipeline from that will connect to the little red thing It's got a non-return valve so can only have one-way flow and it connects from the property to the main pipeline.

**Jim Schuster:** On my section where my house is the on-site system goes in, from that point back to that red lid is a stream flows through, where does the pipeline go in, connecting? Does it go under the stream bed or across the top?

**Peter:** So we have to sit down with every property owner and work out those sort of things. We have to work out where the on-site system goes on your property and how it fits into your garden, driveway, next to your shed, balcony, whatever, and if you've got issues like streams we'll have to work out how to get across the stream.

I should have mentioned actually that the... what we're talking about here is relatively small pipelines you know 50-80mls diameter. They're installed most of the time by drilling, so drill a hole and pull the pipe through, so it's no great excavation no big wide.. dirt everywhere. It's just a hole at each end, drill through and pull through. So it can go under the streams but we'll have to know the site details before we can actually answer that.

**Jim Schuster:** There's a few of us affected at Ruato Bay where the streams flow through the bay.

**Peter Dine:** Oh those little streams, so we're aware of those little streams.

**Jim Schuster:** I mean they're nice fresh clean water and we don't want them dirtied either.

**Peter Dine:** You know we've put the pipeline, there is a pipeline that goes up Lake Okataina road now, and it's on the opposite side of the road away from the stream in case there is a problem. It has minimal effect on the stream.

**Arapeta Tahana:** [Inaudible].

**Peter Dine:** It's a pressurised pipeline so it doesn't need to be flat it can go in a big arc, you know.

**Arapeta Tahana:** Any other questions?

**Jim Schuster's neighbour:** I'm Jim's neighbour, same stream. We have a terrible issue with poachers in our streams and I'm just wondering how is that going to affect... these poachers, they just don't care about stuff like that.

**Peter Dine:** Nothing much I can do about poachers I'm afraid.

**Jim Schuster's neighbour:** So is that going to be an issue?

**Peter Dine:** No, the reticulation systems are all underground.

**Jim Schuster's neighbour:** Because like Jim said it's beautiful that's flowing through there.

**Peter Dine:** The design of the Scheme, the pipeline and all of the aspects of the Scheme is over designed to ensure that we don't get any breakages or leaks.

**Jim Schuster's neighbour:** That's great.

**Jim Schuster:** That's our worry, is that these poachers will come up with an axe and chop that line. That's the things they do.

**Peter Dine:** So it's all underground, access to it, you'd have to dig a fairly decent hole.

**Jim Schuster:** At the Waiti they've gone under the bridge under the walkway.

**Peter Dine:** Yeah but it's protected, yeah.

**Jim Schuster:** We might have to have the same thing.

**Peter Dine:** And same with Hauparu Bay, we come across the culvert there, you might see we've just been working there actually, we've come across the stream. It's all protected against the culvert, there's a rather exposed air valve at the moment but we're putting a guard rail around that too, in case someone runs of the road and runs into it.

**Jim Schuster:** One other question I have, not so much a question... inaudible... been living here for quite a few years and over that time the lake deteriorated. I mean this is all about cleaning up the lake and the biggest difference that happened to Lake Rotoiti that I've noticed over the years is when the wall went up down the other end of the Lake, the wall that came out of the Ohau Channel. Because the majority of the pollution in our lake, it was going green in the summer, it was little globules floating around and we couldn't even swim in it. But as soon as that wall went up most of the pollution at that time was coming from Lake Rotorua and it was ending up right down here.

**Peter Dine:** Yeah, I was actually the Project Manager for that wall so I know all about it. Yeah 75% of the nutrients entering Lake Rotoiti came from the Ohau channel.

**Jim Schuster:** But not a lot came from our septic tanks.

**Peter Dine:** There's still a significant amount and the modelling shows that if you don't stop it eventually, those nutrients will keep building in the lake, they're absorbed by plants, algae and that. Plants die and they end up in the sediments and under certain conditions they'll release from the sediments. So the less nutrients you've got going into the lake the better it would be long term.

**Jim Schuster:** I mean another, over the years you used to be able to hear frogs in the morning along the lake edge. And there was raupō and there was lots of other plants growing around probably helping filter out some of that but a lot of that is gone. And those are natural filters.

**Peter Dine:** Yeah, I think that's the sort of regime that the lakes run these days, you know, used to fluctuate about 1m between summer and winter and those reeds and things used to like that sort of environment and now the lake's kept to the very constant level.

**Jim Schuster:** You're right, I think the gates down the other end had a lot to do with it. I mean down this end, the lake level was up, we lost all the beaches along here just so those guys on the other end could drive their boats in to the boat sheds. I mean, yeah I've been involved in...

**Peter Dine:** That's another big subject.

**Jim Schuster:** All these ratepayers associations for years even Arapeta's father and I were on, fighting for the lake levels down this end, but I mean this whole system can only be good for, I mean septic tanks only have a limited lifespan too.

**Peter Dine:** You know, a lot of the people, they're private owned, they're not maintained, overflow and don't work properly if they're not sort of kept up to scratch. Council, these onsite systems are, perhaps I should have mentioned, Council will be looking after them and cleaning them out and ensuring that they function properly and don't overflow and all of that sort of thing.

**Jim Schuster:** I'm hoping I'll get connected up so that I won't have to empty my septic tank again.

**Arapeta Tahana:** I just want to add a couple of comments, sorry Peter. Just listening to that nutrient loading, that 75% was coming essentially from Lake Rotorua and that 25% was coming from here but if we think about the future growth because we've still got quite a lot of land around here for whanau and it's all our own land, papakāinga land. That as more whanau return home that load is going to get higher if we were still on septic tanks moving into the future, that 25% was going to become more. So that's one of the flip sides of this, it opens up our land a bit more to be able to be developed for papakāinga and bringing whanau home.

Waitiahoaho: Sorry, and just in addition to that Peter was saying that the whole Scheme is actually planned you know, higher, to a higher standard being that is required. And so what Arapeta has said is that the capacity of the wastewater treatment plant and the future development of Rotoiti, that is all being considered to ensure that that future development is catered for by the wastewater treatment plant. So I just thought I'd add that.

**Robbie Trotman:** Probably already been worked out and everything but just for peace of mind, eventually the water goes back into that lake after being treated ...inaudible... so is it 100% treated and it's fresh as water that goes back into the lake? Or is there some nutrient that goes back in and how much?

**Peter Dine:** So it goes back through the land and it, where the treatment plant is, it goes about 60m down to go to the water table. So it's got to filter through 60m of ground. Almost, the treatment process removes most of the nutrients but not all. Probably all of the phosphorus will be stripped out in the soils. Phosphorous will bind to clay minerals in particular so phosphorus is probably 0. Nitrogen will probably get through into the lake but it is very low levels and you know way, way, way less than what's currently going through septic tanks.

**Robbie Trotman:** Enough to make an impact on any of the taonga iho, taonga ika. Anything like that?

**Peter Dine:** No, some level of nutrients in the lake is important because you know nutrients enable plant growth, and fish and other organisms rely on that phytoplankton. One of the things we have to monitor is actually the condition of the lake, we've done some baseline surveys on the, it's a difficult word to say, phytoplankton or the microscopic life, so we've got a baseline survey of the microscopic life within the lake. We have to monitor that every two years to see if there's any change as a result of the treatment plant, and the discharge it will eventually seep through the ground to the lake. We're also monitoring I think, is it three springs for change of nutrient load. So we've done all the baseline survey so we know what they're doing now and any impact from the plant with the discharge going as I say down through the soils will become apparent in time as we do that monitoring.

**Robbie Trotman:** Thank you. One more, I don't know whether to ask you or anyone else. My home is one of the ones that were on the trial for Biolytix, do those go and then the new ones go in, no one's told us.

**Peter Dine:** Yeah, so if Biolytix ends up as the option for Rotoiti they'll most likely stay. If a different system goes in it will be changed. We want the same for every property, we don't want to have two or three properties with different systems. All right? Kia ora.

**Arapeta Tahana:** I might just add a bit to the, your question Rob around the nutrient running through the whenua, and Waitiahoaho mentioned this yesterday. So part of the whakaaro is to have some crops growing on the whenua as well. In particular things like harakeke, kiekie, various plants that we'd use for raranga and our arts. So that will be another opportunity to soak up some of that nutrient as it moves through the whenua. And another thing just to appreciate here whanau, we've talked about this being designed at a higher standard than a lot of other systems. So just a few examples just to contrast this to what you see in other areas. So a lot of the reticulation in the Rotorua district area at the site level they have grinder pumps, so all that does is just grinds up the tiko and pushes it in to make it flow through the pipes better. In this Scheme there's actually treatment on site, there's a bit of filtration that's going to happen in the tanks that are going to be put on your property, so the whakaaro there is to ensure that what's ever going through that main trunk line is a bit, at least a bit treated not absolute raw sewerage. So that's one significant difference to what you see in other places. There's also things like, and this has all been through the impact of having a Pikiao Cultural Impacts team and advisors that have been helping to design the Scheme, things like, the original Scheme had the pipeline running on the lake side of the road, we've bought it back to this side of the road. Where the pipeline runs through Te Ara Whakamarumaru o Hinehopu, through Hongi's track area, through that roadway the pipe runs in the middle of the road and the purpose there is to have the least impact on the root structure of all the trees that are there,

and our natives that are through there. Again the discharge, a lot of discharges in other plants around the country is directly to water so once it's gone through the treatment plant they chuck it straight into the river, a stream, the lake or the sea. In this case, we're going to whenua. So you can see there's a number of differences here where we really pushed hard to ensure that the standard's high because we want the best for our whenua and our...Inaudible... Ka pai? Ok we'll keep the korero moving, I'm going to invite Sean Vercoe to give us a bit of a korero about how the MLC can support us as Māori land owners and trustees through this process.

**Question from someone in audience:** Talk about the treatment and the chemicals, what is the chemicals to treat.

**Peter Dine:** So treating of the carbon, that is the carbon load, is biological so consumed by bacteria and bugs that you find naturally. It's just the treatment process enhances their population and we manage the plant to sort of facilitate the growth of that bacteria. So that's how the carbon is got rid of and same with the Nitrogen, just different bacteria. The treatment plant's actually in four separate zones of treatment, some of them are treating the carbon, and some are treating the nitrogen, and you know, you operate the plant, will enhance the viability and the life of those particular bacteria. Phosphorus though, is not treated biologically, that's treated by chemical dosing and we're using alum, aluminium sulphate. So that precipitates out and ends up in the solids which is taken away and goes to the Ecocast composting facility at Kawerau. So, they're using alum actually, the Regional Council, to dose Lake Rotoehu by the Soda Springs. And also in the Puarenga and Utuhina that flow into Lake Rotorua, Regional Council is dosing with alum to strip out phosphorus before it enters the lake.

**Question from someone in the audience:** So none of that chemical doesn't go back into the lake?

**Peter Dine:** Not from our plant.

**Question from someone in the audience:** It goes to Ecocast at Kawerau you say?

**Peter Dine:** So what happens is it binds the phosphorus that's in solution, precipitates it out into the solids, the solids are separated from the liquid, the liquid goes through the disposal field, and solids are separated out and taken off site and go to a composting plant. While I mention the alum dosing that regional Council's doing is that some free alum does end up in the lake, but that tends to bind with phosphorus that's in the lake. Lake Rotorua water qualities improved greatly in the last 5 years and it's largely because of the alum dosing. So alum is harmless unless you overdose, it's relatively harmless. Okay?

**Arapeta Tahana:** Just to add to a bit, just for clarity in terms of the alum dosing in this plant, it gets bound to the solids and it goes to Kawerau.

**Peter Dine:** Precipitates out into solid parts and solids and liquids are separated in the plant... [inaudible].

**Arapeta Tahana:** And then in terms of the... which isn't related to Lakes Council, what the Regional Council have been doing in the lakes is using alum dosing. Just want to pick up on that kaupapa because it is a concern for the iwi in terms of the ongoing use of alum dosing. We've been

comfortable with it as a short term measure. The reason we don't like it from a long-term perspective is it locks up the phosphorus and then it sits in the sediment, if we keep doing that at a point in the future it releases again and you'll have too much, the balance will get out. That's another kaupapa and another korero so we'll wipe all that up. Ok, Sean, nau mai haere mai.

**Sean Vercoe:** Kia ora tātou, tēnā koutou kei āku whanaunga e hui tahi nei i tēnei ata mō tēnei kaupapa matua rā ki to tātou kaupapa.

By way of introduction, the Māori land Court was engaged alongside the project team because of its complexities and because of how, the nature of the project was important for the court to be there to advise on Māori land Court processes because the processes that we know day in day out, at the Māori Land Court may not be so day-in, day-out, when there's all these applications from the project or from this sewerage Scheme which land with the court. So being involved early was important for us as well as a heads up for when the applications do eventually land with the court, so that we can ensure there's an easy transition process, and a stage to approach the way we process applications. So, Te Ture Whenua Māori Act is the legislation that we're dealing with in terms of the applications that are required to do what we need to do, for the Scheme and to start off. I'm not going to go too much into the act because John is going to korero about that in his presentation so he'll go into detail a bit more. In terms of the preamble to the act, the preamble recognizes whenua is a taonga tuku iho; retention, the importance of retentions, occupation, development and utilisation of whenua. And the mechanisms to assist what we're wanting to do, I'll talk to it a little bit later in a couple of slides. Our, my presentation today is very short, it's very brief and it's just the very general overview of what we can do to support Māori land owners, ne? Probably, not only in line with the project but what we can also do outside of the project as well in general because we need to start building awareness, particularly around successions because of the size of the project. I just want to note there are a large number of deceased owners nē, so succession is probably going to be an important, or going to play an important part in what they need to do. Also while we're talking about the act and legislation, I just want to start to plant the seed about the changes that are happening with the Act, that'll take effect on Waitangi Day next year, okay? So there are I'm not sure, you may or may not have heard in the news, social media, wherever, about the different changes that are going to be happening to the Act. Now, they probably... by the time these applications land with the Court, the new Act will probably be in force, Ok? John will also talk about that in finer detail.

So the legislation changes are designed to make things a little bit easier in terms of occupation and utilisation of whenua. And also technology changes for the Māori land Court administrative side which will make things flow a little bit easier, ne. As time goes by you'll see a little bit more information rolling out about the key changes that are happening with the Māori Land Court. This is the support mechanisms that I was talking about in terms of what we can do to support land owners, all right? I guess the key point here is the client education programmes, particularly successions and trustee training. Successions are a big part of it, why? Because, when I mentioned earlier about there being a large number of deceased owners and some of those historical successions as well. So there's a big amount of mahi that has to go into those to bring them up to current, some of these kuia and koroua that are still on the lists of owners who have been passed for many, many years and now have hundreds of uri. So a lot of mahi is required to bring them up to

current. Trustee training, understanding the principles and duties of a trustee. Most of the blocks I think have management structures over them but understanding that those decisions that the trustees are making will impact you, or our whanau as owners and beneficiaries, ne. Happy to provide filing advice through the Māori Land Court process. One thing I'd just want to make clear, we don't do legal advice, ne. We give Māori Land Court process advice but we cannot give you legal advice. Understanding the court process, understanding trusts and assistance and support when you're holding your meeting of owners, happy to come along to meetings of owners to be a Māori Land Court presence, provide applications, information, all the kind of korero, ne. I'm happy to be a contact person, okay, at the Māori Land Court, if I can't help you I'll link you with somebody that can. Come into the Māori Land Court, give us a call, drop us an email. Kei a koutou, all right? Try to make the Māori Land Court a bit more friendly and open to how it may have been viewed in the past. I guess that's probably about it for the time. Over time we might be able to provide a little bit more specific but for now, Koinā katoa ngā korero, me he pātai a koutou, pātai mai. Kia ora tātou.

**Arapeta Tahana:** Kia ora Sean, thank you. Okay so our next speaker is John Koning, so he's an independent lawyer who's just going to give us an overview of the legal considerations and link that to the status of the blocks. Some of the things we need to be thinking about as land owners and trustees as we work through the process, nau mai John.

**John Koning:** Thank you Arapeta, my name is John Koning. As Arapeta noted I'm a barrister based in Te Puke. By way of background, quite a long, quite a few years ago I worked as a research officer at the Waitangi Tribunal and subsequently as a historian at the Crown Forestry Rental Trust. For the past 22 years I've been a solicitor but more recently I've started to practise as a barrister sole, so I just work by myself. For the last sort of decade or so I've practiced almost exclusively in the Māori Land Court and I've been asked to provide some advice to the Whenua Māori Project Team for this particular project. I'm not the Council's lawyer, I'm not engaged by the Council, and I'm not providing legal advice to the Council. Although for the avoidance of doubt, you should know that the Council are paying me, but I'm not the Council's solicitor. The purpose of today is really to give, for me to give you an overview of the legal issues that will arise as the pipeline is obviously designed to be connected to dwellings on Māori freehold land, but there's also general Land owned by Māori that's involved. So what I'm going to do is give you a distillation of what I've looked at in terms of the legal issues that will arise. I don't have all the answers but there are some significant legal issues that will arise and as Arapeta said, this project, I've done quite a lot of easements and other work for utilities on Māori freehold Land. I don't think there's anything that would approach the scale of this project that's going to come probably before the Māori Land Court, before. So it is a complicated process and it will take some time so bear with me. I'll give you the best of my advice on what some of the issues will arise for land owners. So the, as Arapeta's noted, there's 111 blocks of Māori freehold land. I've been given a large number of block files by the Rotorua Lakes Council, they only number 102 blocks so there's been nine added obviously. So I've had a look at those blocks files, now those block files predominantly contain information from Māori Land Online so you'll probably be familiar with Māori land Online, you can go on each block. There's usually a memorial schedule which will contain, not a list of owners, but the memorial schedule will contain status orders and any other orders that affect those blocks of Māori freehold land. So they've been retrieved from the files, so those are there. There will be some other orders and other instruments that may affect Māori freehold land that will have to come from the parallel system which is under the Land Transfer Act. So there are some other issues that will arise, but I won't get into that today. So what I've been

given, is probably not a complete research of all the blocks and some issues may well arise in the future. It gives, provided me with a good overview of some of the issues that will arise anyway and the status of blocks. In summary, each block and that's over 111, has to be dealt with separately by the land owners for any authority to deal with that land, has to be dealt with separately. There's no way that the Council can get an authority on a blanket or large scale basis. Each of the blocks are their own blocks obviously and they are a private land and it's the land owners of each of those blocks that going to have to make that decision and engage with Council. So that's why it's going to be quite a complicated process.

**Question from someone in the audience:** Where there are lands that are under incorporations for example, are you saying that the Council has to liaise directly with the land owners.

**John Koning:** No, so an incorporation that's a body corporate. So the committee of management are the legal owners. So an Ahu Whenua Trust, the responsible trustees in law are the owners. So the Council will be able to deal with the responsible trustees but there are a large number of blocks that as Arapeta has said have no governance structure, so they're going to have to be dealt with separately with those assembled owners, is what I would say. And obviously all the land owners are entitled to independent legal advice because the pipeline will ultimately be an encumbrance upon that land and it may well affect what can be done where the pipeline is in the future. It's like any other easement or roadway, As Peter said it's a small pipeline but with the pipeline the Council will want an authority to be able to install it and to repair and maintain it. So you'll need like a channel if you like, that is free for the Council to be able to repair and maintain that pipeline into the future. So that's effectively the authority that they are seeking. So just in terms of that, I've covered the first two anyway but the connection involved, from my perspective as a lawyer involves two parts. There's the first part from SH 30 to the boundary of the block, so that's that red thing. So that's, but not all blocks are right next door to SH 30, so to get to the boundary of some blocks you're going to have to go across other blocks of Māori freehold land or indeed general land. Or to get to some general land you'll have to go across some Māori freehold land. So there's the first stage which is the connection from SH 30 to a block boundary. Quite simple if you're right next door to SH 30, much more complicated if you live say, for example, behind Tapuaeharuru Marae. That's going to be quite complicated because there's no direct connection straight from SH 30. And then once you get to the boundary of the block, you've got to go from the red box to that sort of underground tank that Peter had, and the Council as I understand are going to take out the septic tank and remove it and put in the new system, that tank that was shown. I don't know anything about the technical details but what I understand, the project, the Council will own and install that tank and be responsible for it. So likewise they will need an authority from the block owners to be able to have to install on your property and to have access to repair and maintain in into the future. So there's two sets of connections, if you like. Makes sense, any questions? So just at the end there. You've got to grant, land owners must grant the Council that authority. There's no other way the Council can get on otherwise its trespass. And then there's obviously the next issue which is what are the terms and conditions of that authority that the land owners will grant to the Council. As Arapeta said, there's, it's quite interesting actually, so the categories of ownership are:

Sole owner, so I see there's 24 blocks of Māori freehold land solely owned that are subject to the Scheme, it's a little unusual. In my experience it's not common for there to be solely owned blocks of Māori freehold land.



So you've got joint tenants, as Arapeta said where there is 2 or 3 owners, so joint tenancy is where the owners own it jointly, so if one owner passes away it automatically, by survivorship, the whole property is then vested in the surviving owner. So that's what joint tenancy is. So that will be predominantly married couples, husband and wife, might be siblings, or cousins, but probably 3 or 4 owners at most. So that's the joint tenants, there's 12 joint tenants.

Assembled owners, that would be the block like Māori roadways and 24 multiply owned blocks, so they're what I would call assembled owners because that's the term that is used in Te Ture Whenua Māori Act. Ostensibly no governance structure, but there is a governance structure because those owners can rely on part 10 of TTWMA which provides for meetings of assembled owners and for those owners to make decision. It's a fairly formal process it requires applications to the Māori Land Court but there is a structure there, or for the owners to use in the Māori Land Court.

Then there's responsible trustees so they will be the 22 Ahu Whenua Trusts and the other set of responsible trustees will predominately be the Marae trustees.

So Māori Reservations are by way of the gazette notice which sets out the Māori Reservations, they are trusts. The Gazette notice that sets up a Māori Reservation, sets up a trust for the benefit of those who have the, for the Māori Reservation. So there's 8 Māori Reservations, 7 Marae and 1 Papakāinga. So there'll be responsible trustees on 8 of those blocks.

And then there's committee of Management for the Incorporations.

So just in terms of the use and occupation, it varies widely. There's single dwellings, there's multiple dwellings on single blocks and there's multiple dwellings on bigger blocks. There's Māori Roadways, as I said Māori Reservations, Ahu Whenua Trusts and Incorporations. So a wide range of both ownership and use in occupation.

So I'll just briefly go on to block status, the figures that I've got are 111 blocks of Māori freehold Land, from what I could gather from the mapping that was provided by the Rotorua Lakes Council, there are also blocks of Māori, of general land that will be, that should be connected to the Scheme and may also have pipelines running over it. If you can see what I mean. Because there are some instances where there's a piece of general land that is clearly owned by a Māori and then at the back of that there's a block of Māori freehold land. To connect the block of Māori freehold land at the back you'll probably likely to have to go down the piece of general land. So it is, status is quite important in terms of what the Māori Land Court can and can't do.

In summary, the bulk of the land will be Māori freehold land that will generally be the blocks that are on the Māori Land Online. There will usually be a status order saying the land has the status of Māori freehold land. There are other blocks of land and they'll be predominately, it seems to me, the Māori roadways, and as Arapeta said, there are a lot of Māori roadways set apart or laid out along in this area. So the Māori roadways are Māori freehold land, they may not have a status declaration, but there's a deeming provision under the Māori Affairs Act 1953 which still applies. And if they're vested in persons for a beneficial interest, they are deemed and are not, no order saying they're general land, they will be deemed to be Māori freehold land. Even though there's no court order saying so. So most of the Māori roadways will be Māori freehold land, they won't show up on Māori freehold land because they've somehow dropped off. They don't have separate block order files, but

there are three examples of that, there's near Emery Place, is it? Emery Road? So I don't know whether it's, I don't have a great grasp of all the detail yet, but there are actually three Māori roadways that run from SH 30 down to the lake, and you can see that they're formed. Some of them now serve pieces of general land and when you look on Māori Land Online you'll see that there's nothing for those roadways. There's no list of owners and there's no status orders, no block order file but those three roadways are still Māori freehold land, and they will have the list of owners who are affectively still have a beneficial entitlement, the owners of the original/parent block at the time of the partition which seemed to me about the 1940's.

**Jim Schuster:** [Inaudible]... sometimes they're given a right of way to water so that she could get to fresh water at the Waiti stream, she had a right of way for her.... [inaudible].

**John Koning:** Yeah, that's an interesting point, I think that's what a lot of people assume that nobody owns it but in reality there won't be any block of Māori freehold land that has no owners. So that's something that obviously is an issue because, simply because it's a Māori roadway doesn't give anybody the entitlement to put in an easement or to use it for any other purpose other than what the roadway order says. The roadway order might say that there's no restrictions on who can use it, it therefore has the same rights of user as a public road, or it might be restricted to the blocks at the end of the roadway for access. But on either of those it doesn't entitle anybody to put down an easement for a pipeline. So roadways are going to become quite complicated in this one but it is important but they will predominately all be Māori freehold land in my view. I'd be surprised if they're general land. So there'll be blocks of general land, in my view they will predominately be blocks that are solely owned or maybe joint tenants. And then general land blocks, and there are some that will be affected by the Scheme, will be blocks that will variably the status was changed between 1967 and 1974 under the Māori Affairs Amendment Act which automatically changed the status of blocks that had four or fewer owners and they've got the status now of general land and there are other blocks that will have the status of general land owned by Māori, not so many of those I don't think. So that's the slightly complicated regime for status. Māori Land Court will be able to grant easements over and for the benefit of Māori freehold land and general land owned by Māori, the Māori Land Court can't grant easements over general land, or for the sole benefit of general land. So an example of that, might be one of those roadways, where at the end of it is a block of general land, Māori Land, and the only benefit of that pipeline is for the general land. The Māori Land Court does not have the statutory jurisdiction to grant an easement over the Māori roadway solely for the benefit of a piece of general land. Anyway on that note, so what is the Council, what are the options for the Council? And the land owners?

So first option is the more common one that's what's called an easement in gross and it means that the land owner grants an individual or an entity, generally an entity and in this case the Council, the right to drain sewerage across their property. Okay? Or install a network utility and drain sewerage across their property. As I say it will include a right of entry for installation and repairs for maintenance. That's the most common regime for this type of project.

And there's another option that Council and the land owners have which is, I'm not so familiar with, the Council under the Local Government Act section 181 can construct public works, a network utility, a sewerage Scheme with pipelines on private land, and that also will includes a right of entry

for repairs and maintenance, so that's like a statutory easement So that's an option that is available to the land owners and the Council.

And the final one is a network, what I've called a network lease or it might be a licence. That's simply a private agreement on the terms and conditions to be agreed between the land owner and the Council. So those are the three options.

**Jim Schuster:** Is there some monetary payment for two and three?

**John Koning:** For one, two and three, yes. Okay. So what that is I don't know and I can't say. The payment may be in kind, but if the Council and the land owners are seeking an easement by way of order in the Māori Land Court the court must consider the question of compensation.

The other matter that the court must consider is the terms of the easement so the court, Māori Land Court if it's granting an easement has a discretion, so what I mean by that is that the Council and land owner may go along to the court, have the joint application and agreed on everything, but the court has a discretion about whether or not, to grant it on those terms. And so it would have to be satisfied that the easement is for the benefit, better utilisation, and will facilitate the better use and management of the land; meets the principle purpose of the act, but also must consider the issue of compensation and the terms of the agreement. So that's for number one.

**Jim Schuster:** And will those three different kinds of arrangements that you've just described do they involve the Māori Land Court?

**John Koning:** No, I'll go back. So only the easement in gross being ordered by way of section 315 of TTWMA would be involved in the Māori Land Court. As I understand the power to construct works under the LGA is under the LGA and any agreement pursuant to that would in my, I would recommend that it be noted on the memorial schedule, but it doesn't involve an order of the Māori Land Court. Neither does a network licence or lease. So it's only the top one, the easement by way of an order of the Māori land Court.

That's probably what I would, in general, recommend because I think the Māori Land Court is well set up to be able to make those decisions. But secondly, under Part 14 of TTWMA, if the Court has set, made an order granting an easement it retains jurisdiction into the future to change the terms of that easement or to cancel it if necessary. There's another way to create an easement and that's just by way of an agreement between the Council and the land owners that's simply registered against the title to the block. That's the way it will be done for general land. The issue there is that that easement is extremely difficult to amend or remove under the Land Transfer Act. So in some ways, what I would recommend is the Māori Land Court by way of order. But ultimately that's not my decision, it's between you the land owners and the Council.

**Ben Manley:** [Inaudible].

**John Koning:** I won't go into this too much but as I've said there's two ways to create the easement, section 315 of the act, or simply the registration of an agreement under the Land Transfer Act. The power to construct under the LGA is by an agreement, it must be with the agreement of all owners. So it's unlikely to be done where you've got multiple owners. There's a procedure in Schedule 12 of the local Government Act where the Council can say, well even if you don't agree we're giving you

notice that we're still going to construct a public work on private land. The owners can object, the objection goes to the Rotorua Lakes Council. The Council laws will make the decision whether to not proceed or to proceed, if they proceed then there's a final right of objection for the land owners to the District Court. Okay, as I say, in my practice I haven't come across that at all, but I understand from Peter that has been used previously by the Rotorua Lakes Council. As I said if that is an option that's chosen then it should be noted on the memorial schedule. That's not a formal process but the agreement would be sent to the Registrar, the Registrar would enter it into the memorial schedule with a title notice. That's to ensure the Court knows all the encumbrances that are on the thing.

And then there's the network lease or licence, I was just about to discuss that might be most appropriate for the eight Māori reservations and I'll get onto that. I've done one of those, it's only one, it took a while but that was a Māori reservation for a client in Tauranga Moana, and Power Co. originally wanted, or just sent me a standard easement that was going to be registered, and I went back and said "Well you can't do an easement over a Māori reservation so we're going to have to come up with a different arrangement." And ultimately what we got was a network licence that allowed Power Co. to put in a reticulated power system. My clients acknowledged that Power Co. retained ownership of that system. Power Co. said that the papakāinga or the houses could connect to it, and that my clients gave the right to access it on reasonable notice in advance for repairs and maintenance.

So to me the legal, sort of the possibly two of the key legal issues that will arise is not so much sole owners and sole blocks that are solely owned, may not arise so much with Incorporations or Ahu Whenua Trust, they're going to... some of the more difficult issues are going to arise with the blocks that may be owned from anywhere between three and four owners to two to three hundred. So those are the blocks that are going to be difficult to work through, I think. They can be worked through but it's going to take some time.

So assembled owners regulations apply to Māori freehold land and general land, so there's two options there. You can have a meeting of assembled owners to actually agree on the terms of an authority to be granted to the Council. Now the meeting of assembled owners is a formal process, it in itself is an application to the Māori Land Court to call a meeting of assembled owners. That meeting is held in accordance with a set of regulations, provides proxies and quorums and various other things. But it is a mechanism that would allow a block of land to be governed for the particular purpose of perhaps granting an authority to the Council. And so the meaning, so you may come up with a resolution confirming or agreeing to an authority for the Council. Now there's no set threshold for an easement in Te Ture Whenua Māori Act, You're probably aware that to do a long term lease you need 50% of the shareholding in the block to agree to a long-term lease. To agree to the sale of Māori freehold land, is 75% of the beneficial interest. So it'll be extremely difficult to get that level for sale but for easements it would be that the Court would have to be satisfied there is a sufficient degree of support amongst the owners for an easement. Now that could vary but there's a recent case approved by the Māori Paletta Court, it might be twenty owners out of seventy five owners and they might hold 30% of the beneficial interest. That might be a sufficient degree of support for the Court. So some of these blocks you're never going to get all the owners to meet, you're never going to get the contact details.

**Question from someone in the audience:** [Inaudible].

**John Koning:** But there is a mechanism to be able to deal with it.

The other way of doing it for those blocks is that they could just agree to appoint an agent and that agent can have their terms of agency restricted, it might just be to the extent of negotiating with the Council, or it could go as far as actually that agent being in power to enter into an agreement with the Council. So those are certainly some of the issues that will arise.

That, and they might be particularly important for the Māori roadways and I think the Māori roadways are going to have to, in my view, be dealt with in this way. I don't recommend setting up a trust to deal with the Māori roadways. It's too cumbersome and not an appropriate mechanism to deal with the Māori roadways. So I think assembled owners might be the way to deal with the Māori roadways.

Ahu Whenua Trusts will be relatively straightforward if the trustees are up to date. Now they can enter or agree to go through the Court process and do an easement by way of an order under Section 315, or they can actually deal directly with the Council and have an easement registered. Remember the responsible trustees are the legal owners of those blocks and unless there's something in the trust order that restricts their powers they will be able to deal with it directly. Now I don't know any of the trusts so I don't think I've ever done any of the work for any of the trusts here. Some of them may come back to the beneficial owners for some guidance for it. Others might well make the decision by themselves. But unless there is something in the trust order that restricts their right or ability to grant or to agree to an easement they will be able to do it themselves. So that will be relatively straightforward.

The same would apply for Incorporations. They're body corporates under Te Ture Whenua Māori Act. The Committee of Management is in power to make decision for and on behalf of the shareholders and that would include granting any easements or authority. Just to note that a decision on this by the trustees is generally by majority. But any document that they might need to sign to register under the Land Transfer Act which would be, not going through the Court but doing it directly they have to do it unanimously. And in terms of being able to deal with the Council, the vesting orders will need to be up to date so you will need the current trustees in office on the vesting order. That vesting order has to go to LINZ to update LINZ titles and it will be those trustees that have the lawful authority to deal with the Council. I know sometimes there are trustees appointed at an AGM and it sometimes takes two or three years to get them through onto the vesting order and then through the LINZ title but that would have to be dealt with relatively quickly if you're dealing with the Council.

Final one, Māori Reservations. So Māori reservations are Māori freehold land but in law you'll be aware that a Māori reservation will be set apart over the top of a block of Māori freehold land. So it's unusual for a Māori reservation to cover the whole of the block so it might be an urupā on an Ahu Whenua Trust and it forms part of the trust land. In law that setting apart of the Māori reservation it actually creates a separate block of land and that's both under Te Ture Whenua Māori Act and quite surprisingly under the Resource Management Act, it's actually considered a separate severance or piece of land. As I said before, the trust from Māori reservation is created by the gazette notice and the purpose of the reservation and the trust beneficiaries are defined by the gazette notice. So we've got a reservation over the top of an Ahu Whenua Trust and this is for the common use and benefit of the hapu but you've got a list of maybe five hundred individual owners.

The individual owners have only what's called a revisionary interest, they don't have any greater interest in the reservation than the beneficiaries even though they're the owners of the underlying land. Can you understand that? That it's actually the trustees and the beneficiaries of the reserve that will make decisions on that land, not the underlying trustees of the Ahu Whenua Trust or the block.

**Question from landowner in the audience:** ...[inaudible].

**John Koning:** Correct, and I see most of your marae are Māori reservations over one block but the theory still works is that block will have a list of underlying owners. They don't have any greater say on the easements or what the ultimate disposition is than... generally there will be a beneficiary of the Māori reservation but it's as a beneficiary that they will have their say. Not as an underlying land owner. So Māori freehold land is obviously subject to a Māori reservation, reservation trustees do not have a general power of alienation. They are not like responsible trustees of an Ahu Whenua Trust. So any Māori freehold land subject to a gazette notice is inalienable to the Crown or any other person whilst that reservation subsists, so responsible trustees of a marae reservation don't actually have the power to grant an easement to the Council because the Section 338(7) of Te Ture Whenua Māori Act says it's inalienable. The land on a reserve is inalienable, so what I'm saying is that because an alienation defined in Te Ture Whenua Māori Act is any disposition of Maori freehold Land and granting a pipeline across a reserve, a Māori reservation is an alienation of Māori Freehold land. But Māori reservations have an elevated status because they're generally for the benefit of hapu and are commonly urupā, marae, papakāinga, and those sort of things. So they do have an elevated status and there's a long history of case law in the Māori Land Court saying that, so they're dealt with much more strictly than Ahu Whenua Trust land, for example. So in general terms the Marae trustees will not be able to grant or sign off an easement that runs across from their boundary to the ablution block. Okay, so what I've said to the Council is that they probably in my view, this is my view remember that the only way that you'll be able to connect the ablution block on a Māori reservation to the boundary of that block is by way of sort of a network lease or licence because under Te Ture Whenua Māori Act you can't alienate Māori reservation land other than by way of a lease or licence for fourteen years. It can't be any longer than fourteen years and that lease or licence must be approved by the Māori Land Court. And just I'll finish that piece off from Sean talked about the amendments from in the new Act, or it's not really a new Act it's sort of a technical amendment, but there is an amendment that will allow for a longer term lease or licence over Māori reservations for the benefit of health purposes and papakāinga housing. So health purposes I think would be interpreted broadly and would include a pipeline to improve the reticulated services for the ablution blocks. But in general those are the, in my view, some of the more difficult issues will clearly be the assembled owners issues and connections to the marae.

I know I've had a brief look at the plan for Tapuaeharuru, there's a pipeline that ostensibly runs across and around the back of it. The wharekai at Tapuaeharuru is half on the reservation block and half on another, so there are other issues that we'll have to, as you and the Council go through these issues. You're going to have to think about some realignment of some boundaries and various other title improvement projects as well which may be appropriate, but the marae will be ones that will have to be treated carefully and probably in my view at the moment anyway, they will have to be dealt with by way of a licence.

**Question from landowner in the audience:** So John, were you. .. are you saying that for a marae that the marae trustees don't have the authority to give the consent?

**John Koning:** No, what I'm saying is that they do, they will have to give their consent as marae trustees and they can only consent to a lease or licence no more than fourteen years and it must also be approved by the Māori Land Court. So their ability to grant a consent is actually quite restricted. And I suspect that the Māori Land Court will want to know what the beneficiaries think as well. In dealing with, remember for Māori reservation the Court has to approve a licence. In the approval process I suspect the judge of the Māori Land Court will want to know what the beneficiaries generally, think of it before they approve. So Māori reservations have to be dealt with completely in compliance with Section 338. No way around it.

**Jim Schuster:** Unless we wait for February 2021.

**John Koning:** Yeah, look, that'll be in place before we get to that stage. But it's still only a licence that could be for a term of fourteen years, it might be twenty eight years but it still has to be approved by the Māori Land Court and the Court will have to be persuaded, I don't think it'll be difficult, but the Court will have to be persuaded that the connection is for the health purposes. Just on that point, the Court might, you might say we'll yes, and more broadly it's for the benefit of the moana, but in any of these questions the Court will be concerned with what's for the better utilisation and management of the blocks. Okay, so I'm quite happy, allegedly I gave one of the participants yesterday brain damage, I don't want to ... hope I haven't done that again. But um I'm happy to take any questions, that's my independent review of this stage we're at now.

**Jim Schuster:** This question is probably more geared for Peter, when maraes connect because there's sort of multiple toilets on marae, do they need a bigger system or is the on-site treatment system able to take six flushing pans?

**Peter Dine:** Yes, essentially a bigger system. We've actually gone and surveyed all the marae and ascertained the number of ablution blocks and kitchen waste and everything so that's all in the plans. We're using a standard from Auckland Council about use of marae or the number you should be designing for, but essentially we'll end up with a bigger system.

**Jim Schuster:** Does that include kaumātua housing, that's on the marae or do they need a separate system? There's kaumātua houses on a couple of Ngāti Hinekura marae and they can connect to that same [system]?

**Peter Dine:** So yeah they'll connect to, so anything on that particular block, there's complexities with the block as John has explained, but anything on that block will be connected through that one system.

**Arapeta Tahana:** For you Peter, just to explain the encumbrance of the easement, so how much land whilst the pipeline is like this (motions straight), my understanding is it'll be about one metre and a half either side that you'd need access to, and also that we wouldn't be able to build anything over it? Correct?

**Peter Dine:** Correct.

**Arapeta Tahana:** So I think one of the considerations particularly for an individual property, some of our septic tanks might be at the back of the property which you might, and is this an option through the process to say, "Let's put the system in the front of the property to save having a pipeline running right through the property and tying up the land", is that an option Peter?

**Peter Dine:** Yeah, it's a complex option, because we've just been through all this process at Rotoma and connect up houses, some with very difficult access and there is one or two properties that the pipeline or connection has gone under their garage or under their deck because all their wastewater was at the back of the house and the only way to get there is to go underneath their garage or something, but it's a last resort. We've got to be practical and if it's our only way to connect to the property, that's what we'll have to do.

**Arapeta Tahana:** So the option is there to, if it's at the back of the property now the septic tank, to have the new system put at the front, or nearest to the boundary to the road?

**Peter Dine:** Yeah, that might involve re-plumbing all the house though because all the wastewater...

**Arapeta Tahana:** Things for us to think about.

**Robbie Trotman:** I know that there's whanau that have papakāinga, some of them aren't even papakāinga but they say they are... that want to build more homes or put more like units on their properties, if they can't do it now and the system's already going through and they want to, say in about five years' time, do they have to apply again through the Council or through the Māori land Court to have those buildings and the things, the pipeline going to the building?

**Peter Dine:** Yeah, so any future development, the Scheme is actually got a lot of growth component in it already so we can add properties as they come online. We would through in a case by case basis for papakāinga if there were 5 there now and there was one on site-system and there was another 5 planned it might be a duplicate one that goes alongside and we'd have to work through the easement process for that. There's provision within the Scheme to have future connections and growth, that in fact we encourage that.

**Arapeta Tahana:** Any other pātai whanau? Kao. Ok, so just in terms of next steps as I mentioned at the beginning the next part of the process will be for the Council to engage individually with all the various blocks. We can't give you a specific timeframe, when we've asked the likes of John and other's that have worked in this kind of space, they've said that it can take some time so it could be anything from a year to several years to work through these blocks. One of the things we intend to do is probably prioritise that engagement and start with the blocks that have governance structures, so the like of our marae reservations, where there's Ahu Whenua Trusts and the Māori incorporations. Just to remind you too, even without these approvals we can connect around about 300 of the 400 properties that need to be connected on the Rotoiti end. There's about one hundred that are dependent on these approvals. So we'll start with those that have got governance structures and then we'll work through the Māori Roadways. That's what the next steps are. In terms of today's hui we have recorded it and we have copies of, or digital copies of these presentations, we intend to email that out to everyone that has attended if you have provided an email address. So if you haven't signed the register at the back there, please chuck that in because we can send you these presentations so you've got those, and also a link to the recording of the



whole hui. We're conscious that there's plenty of other owners that are affected by this kaupapa that weren't able to make it to the hui today so we'll have a recording of the hui available for them. Otherwise that brings us to the end of the Hui, if there's no final questions or comments from everybody.

**Jim Schuster:** What's the timeframe? How long before we get connected up? ...Inaudible...

**Jim Schuster's neighbour:** I don't have one of those red boxes, is there a reason for that? I mean I am Jim's neighbour and he's got one.

**Peter Dine:** I don't know, they could have lost the paint. Without knowing the exact details, I don't know. It may be that you have a piece of private land in front of your property, as I said before, along the state highway, there's the road corridor and in between the road corridor and the properties there is actually a piece of Māori road line.

**Jim Schuster:** This is off Okataina Road.

**Arapeta Tahana:** Opposite side of the road.

**Jim Schuster:** It's outside my driveway.

**Arapeta Tahana:** On your side?

**Jim Schuster:** On my side, but I think hers might be on the other side because the pipeline's going up other side of the road.

**Jim Schuster's neighbour:** Because Shane doesn't have one either aye. Cousin, he's our cousin on the other side.

**Jim Schuster:** inaudible...

Peter Dine: there is a plan about how everyone is connected and where they're connected but we...

**Jim Schuster:** Come off the boundary to the marae... without crossing the stream.

**Peter Dine:** So we do have to engage with everybody about exactly where and how we're connecting and that will happen over the next period.

**Question from landowner in the audience:** Thank you, how far down Okataina does it?

**Peter Dine:** To the last house, about half a km is it?

**Question from landowner in the audience:** Inaudible...

**Jim Schuster:** inaudible...

**Peter Dine:** Well, we'll probably be connecting Rotoiti properties after Christmas, and you know there's a number of people who've rung up and said "My existing system needs maintenance and it's falling apart, can you come and do mine first." So we'll try and work with people to connect up people as soon as practical.

**Jim Schuster:** [Inaudible].

**Peter Dine:** The beauty about Rotoiti is that now that we've got the pipeline in, when we connect people up they'll be connected straight away at the same time. Rotoma, we were putting in tanks with no system in place or we were still building it, so then we had to go back to connect, or also we had the two stage process, this will be much simpler.

**Robbie Trotman:** Kia ora, just more of a statement. Just want to thank everybody that's been involved in the whole thing, the iwi the Council, everybody. I remember ten years ago when they started just planting pegs in our yard and they didn't even tell us what they were for until we heard, and then there was the hui... the system that they proposed at the time was not culturally sensitive. Not talking to us, with owners, and land owners, and rate payers, and all of that. A big mihi to everybody involved in this.

**Arapeta Tahana:** Might just mention a couple of other things that are probably on our minds, the cost side of things. So no one will have to start paying until you're actually connected to the Scheme, so I appreciate the korero about take your time. The other thing I just want whanau to be aware of, and most of you will be that we, as Pikiāo, as an iwi have run a project last year just to get a sense of the affordability of the Scheme for whanau. So went around and surveyed a lot of the whanau and had a korero with them about this, "Are you going to be able to meet the costs for the Scheme cause there's a potentially, a \$15,000 cost up front, and then there's an on-going maintenance cost of around \$400-\$500. Just want you to be aware that as iwi, whanau out here, we are looking at options to try and track some funding. We are conscious when we did that survey, it really highlighted that the income levels aren't that high for a lot of our whanau out here. We've also got a lot of koeke living out here that are on pensions so that cost of the Scheme is going to be quite significant for a lot of our whanau. So collectively we were keen to work with government, our land trusts to try and secure some funding to reduce that cost for whanau. Just wanted to let you know, okay. Ka pai?

**Jim Schuster:** The maraes?

**Arapeta Tahana:** Well the marae don't have to pay, that's one of the things we negotiated, that the Pikiāo Cultural Impacts Team negotiated in the process and the consents, so none of the marae are paying for the connections, it'll just be our individual whanau homes. Ka pai? Actually just from a personal perspective just to back up what Rob just mentioned. I also want to mihi to everybody that's worked on this project, and the way that the project has rolled out the higher standards. I'm very proud of our involvement in the project and also really respect the Council for being very open, because when this started they had done what Rob said, just started putting pegs down, decided where they wanted to have a plant went and purchased some land down Manawahe Road so we had to have a big pakanga before we got to this point, but I really respect the way Council has remedied I suppose that situation from ten years or so ago, and that we're now actively working, we're at the table and we're coming up with solutions that really work for our people and our whenua and our moana. No reira ka mihi ake ki a koutou Peter, ki a koe Gina. Ka pai. All right then whanau, I'll just offer up a karakia to close up our Hui and then we do have some kai out here. There is take away packs so If you want to just grab some kai and go because I know it's a bit makariri, kei te pai. If you want to hang around, have a cup of tea and a korero kei te pai hoki tēnā. Pai? Okay.

Karakia – Kia tau ki a tātou katoa te atawhai o to tātou ariki a Ihu Karaiti. Āmene.