

<b>ELA reference number:</b>	2101
<b>Group name:</b>	Tōrere Reserves Trust
<b>Application type:</b>	New
<b>Proceeding:</b>	TBC
<b>Group's status at proceeding:</b>	Appellant
<b>Conflicts of interest:</b>	9(2)(a)
<i>Please note: conflicted Panel members are not present at evaluations.</i>	

#### **Key details of the Group:**

Tōrere Reserves Trust was established as a charitable trust in November 1999. The objectives of the Trust shall be to govern, administer, protect, preserve and enhance Tōrere Reserves, wāhi tapu, archaeological sites, and associated taonga including intellectual property, traditional knowledge and cultural expressions on behalf of the beneficiaries. All funds and assets of the Tōrere Reserves shall be applied towards furthering the exclusively charitable objects, aims and purposes of sustainably maintaining and improving the cultural, spiritual, social, environmental, political and economic vitality of Ngai Tai.

#### **Key details of the Group's case and the proceeding:**

The group has appealed the Bay of Plenty Regional Councils (BOPRC) decision to grant resource consent to Tōrere Section 64 Inc and the forestry company Eco Rākau, to divert the Tōrere River away from Owhainene Urupā to build a road for forestry as well as upstream access purposes. The group's main concerns are sustainably maintaining and improving the cultural, spiritual, social, environmental, political and economic vitality of Ngai Tai.

BOPRC delegated to the Independent Commissioners the function of the hearing to grant resource consent to Tōrere 64 Block Incorporated on the 13<sup>th</sup> March 2024.

The hearing was scheduled for 13<sup>th</sup> May 2024, resource consent was granted on the 20<sup>th</sup> May 2024.

The Group received notice of decision on the 21<sup>st</sup> May

The Group submitted their notice of appeal in opposition of the Independent Commissioners decision on the 7<sup>th</sup> June. They stated the below reasons (but not limited to)

- The decision was inconsistent with Part 2 of the RMA.
- The decision erred by not correctly interpreting and applying the relevant provisions of the National Policy Statement for Freshwater Management 2020 as amended in Jan 2024.
- The decision was erred by not correctly interpreting and applying the relevant provisions of the Bay of Plenty Regional Policy Statement, IW provisions.
- The decision was erred by not correctly interpreting and applying the relevant provisions of the Bay of Plenty Regional Natural Resource Plan.

- The decision erred by not correctly interpreting and applying the NES-FW.
- The Commissioners erred by considering the positive effects of the proposal advanced by a representative for the Tōrere Reserves Trust, ignoring the detailed negative effects stated by the trustees of the Tōrere Trust

No current court date noted. The Group has no intent to collaborate with any other group.

**Potential implications of the Group’s case and the proceeding:**

The application proposes to reclaim part of a riverbed which sits within the boundaries of a gazetted Māori Reservation set aside as an urupā, and a registered wāhi tapu with NZHPT Act. Accordingly, it falls under s 6(e) and s 6(f) and the impact on the wāhi tapu and the tangata whenua relationship with Owainene is a matter of national importance

**Legal counsel and/or expert witnesses the Group is requesting funding for:**

<b>Name and expertise:</b>	<b>Business/company:</b>	<b>Amount requested (excl GST):</b>
Mike Scott	The Catalyst Group	\$20,000.00
Josh Gear	Sharp Tudhope Lawyers	\$30,000.00
<b>Total requested:</b>		<b>\$50,000</b>

**Evaluation and conclusion:**

The Panel considered the application and supporting documents, and noted the following matters:

- The application meets the primary criteria.

**Recommendation:**

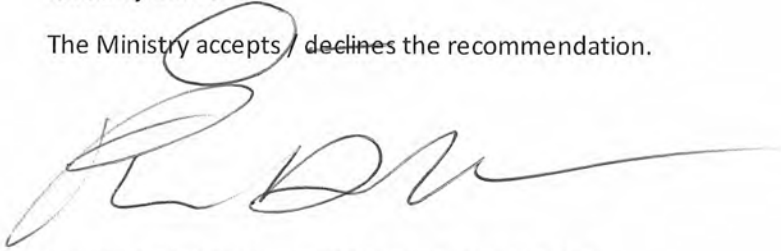
- The Panel notes that:
  - There was limited funding available in this final round for the financial year.
  - Applicant’s may use the funds at their discretion for the quoted expertise listed in their application.

The Panel recommends that funding of up to \$8833.33 (excl GST) be made available to the Group as a contribution towards the costs of its case and be allocated as the Group sees fit among the people in the table below.

<b>Name and expertise:</b>	<b>Business/company:</b>	<b>Amount requested (excl GST):</b>
Mike Scott	The Catalyst Group	\$
Josh Gear	Sharp Tudhope Lawyers	\$
<b>Total requested:</b>		<b>\$8833.33</b>

**Ministry decision:**

The Ministry ~~accepts~~ declines the recommendation.

A handwritten signature in black ink, appearing to read 'P. Appleton', written over the word 'accepts' in the text above.

Phirak Appleton, General Manager – Legal & Risk

**Ministry for the Environment**

Date: 01/08/2024