

Finding the Balance: Community Engagement in the Development of the Rotorua System Management Plan

Penny Doorman, Rawiri Bhana, Freya Camburn

PO Box 364 Whakatāne, Bay of Plenty, New Zealand

rawiri.bhana@boprc.govt.nz; freya.camburn@boprc.govt.nz; penny.doorman@boprc.govt.nz

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ABSTRACT

The Rotorua Geothermal System is located in New Zealand's Taupō Volcanic Zone. It is recognized internationally for its more than fifteen hundred significant surface features (including Pōhutu Geyser). As well as intrinsic, landscape and biodiversity values, the geothermal resource contributes to the local and regional economy through a significant tourism industry and commercial and domestic direct heat use. There are a large number of stakeholder groups with an interest in the management of Rotorua geothermal system, including commercial businesses, tourism operators, domestic users, conservationists, Government agencies and the community in general. Māori, the indigenous people of New Zealand, have a unique relationship with the geothermal resource, with low impact traditional uses part of everyday life. Multiple tribal entities (iwi and hapū) therefore have a strong interest in its management. The Rotorua Geothermal System is currently managed by the Bay of Plenty Regional Council under the Resource Management Act 1991 (RMA). The Council's Regional Policy Statement sets the overall direction for sustainable management of the region's geothermal systems, and categorises the Rotorua System as a 'special purpose' system, where protection of surface features takes precedence over extractive use. Policies and rules governing the use and development of the geothermal resource are contained in the Rotorua Geothermal Regional Plan. A review of this plan is underway and includes the development of a System Management Plan (SMP), or whole system management framework. Community participation in this review is required by the RMA, and Council is engaging with the community at all key stages of plan development. A particular challenge is ensuring the multiple interests of Māori are represented in the process, including their relationship with the resource as tangata whenua (local indigenous people) and kaitiaki (guardians), their role as landowners with access to the geothermal resource, and as their role as investors and developers in the geothermal industry. This has included raising awareness and targeted consultation through workshops with all key stakeholders, including Māori Governance entities. A special working group made up of representatives from the Māori communities that have continuously occupied Rotorua's geothermal areas (Ahi Kā) has also guided development of the document. This unique perspective will be reflected in the broad scope of the SMP, which extends beyond the traditional content of system management plans, to include community values, relationships, history, mātauranga Māori (Māori knowledge) and Māori aspirations.

1. INTRODUCTION

1.1 Background to Rotorua System

The Rotorua Geothermal System is located in New Zealand's Taupō Volcanic Zone within the Bay of Plenty Region. Based on surface expression the system covers an area of approximately 12km² and underlies part of Rotorua City. The system is well known internationally for its many surface features and has some of New Zealand's last remaining areas of geysers, including Pōhutu in the Whakarewarewa Valley. Other features include chloride springs, mud pots, mud pools, mixed springs, fumaroles and sinter terraces. This surface activity is concentrated in several parts of the City, around Whakarewarewa Valley, Ōhinemutu and Kuirau, Ngāpuna, and Arikikapakapa (Scott et al, 2016; Gordon et al 2001).

Māori the indigenous people of New Zealand have considered geothermal (ngāwhā) a treasure (taonga) for hundreds of years. Its use for cooking, bathing, heating, ceremonial use and healing continues today as part of everyday life in communities such as Whakarewarewa, Ōhinemutu and Ngāpuna.

The surface features, often surrounded by rare geothermal vegetation, contribute to the unique landscape of Rotorua. Visiting these features and accessing the geothermal mineral water for bathing fueled early tourism in Rotorua. To accommodate this growth, in 1880 the Government secured the right to develop land for the city through an historical agreement with local Māori, called the Fenton Agreement. This agreement is still cited by Māori in relation to Government obligations around Māori access to the resource.

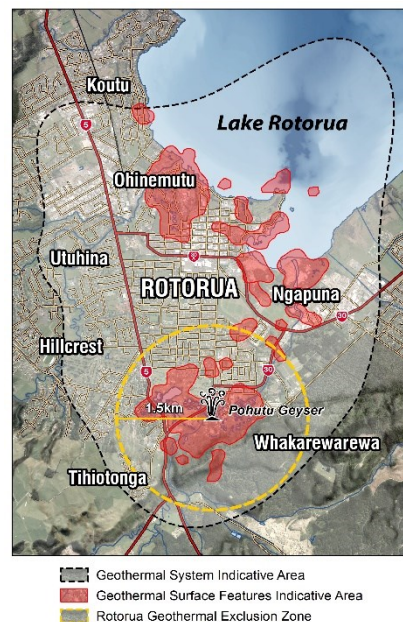


Figure 1: Indicative boundary of the Rotorua Geothermal System showing surface features

1.2 Past use and development

Rotorua City's geothermal resource and unique cultural setting are its point of difference as a tourism destination, and these continue to contribute significantly to the domestic and international tourism economy (Doorman et al 2017).

Because hot fluid is accessible at relatively shallow depths, the Rotorua system has also been extensively developed for commercial and domestic direct heat use for decades. Development of the system accelerated during the 1960s and 1970s, with more than 1000 geothermal wells established. The law at the time did not consider the long term sustainable use of the resource and licenses for use were either not required or were granted with few controls over adverse effects. There was no incentive to manage the resource efficiently and most geothermal water was discharged to waste rather than reinjected (Scott et al, 2016).

The result was a drop in water levels in the geothermal reservoir and a decline in the discharge and heat flow of surface features. By the 1980s many surface features had disappeared or been severely affected, including Waikite, a geyser in Whakarewarewa Valley which last erupted in 1967.

The Government responded by initiating directives now termed the 'bore closures'. Many wells were closed forcibly, reinjection was required, and use was limited within a 1.5km radius of Pōhutu (Gordon et al, 2001). This resulted in rapid increases in pressure and outflows from many springs. However this was not consistent across the system and some features have still not returned to their natural state. There are also signs that the system may still be recovering, with several features exhibiting change in recent years (eg. Papakura).

2 CULTURAL LANDSCAPE

Māori have a unique and uninterrupted relationship with Rotorua's geothermal resource. The different iwi (tribes) who reside in the wider Rotorua area travelled to Aotearoa New Zealand on the waka hourua (double hulled sailing canoe) Te Arawa from Hawaiki and now collectively refer to themselves as Te Arawa. On an individual level though each iwi who descend from those original voyagers on the Te Arawa waka have self-determination and separate governing bodies.

The Te Arawa iwi with an interest in the Rotorua Geothermal System include: Ngāti Whakaue, Ngāti Hurunga te Rangi, Ngāti Rangiwehi, Ngāti Kea Ngāti Tuara, Ngāti Raukawa, Ngāti Uenukukōpako, Ngāti Wāhio and Tūhourangi. Each of these iwi is made up of sub tribes (hapū), or groups of families (whānau) sharing descent from a common ancestor. These people that are local to an area are called tangata whenua or people of the land and are considered to have mana whenua or territorial rights/authority over an area of land.

The views of multiple tribal and sub tribal entities therefore need to be captured through engagement processes and properly represented in the management of the geothermal system. While iwi are considered the tribal governance body in a European context, and are usually the organisation that councils will first engage with, in reality decisions that affect Maori are hapū or whanau (tangata whenua) based.

This political construct has important implications when considering how to engage with, and seek meaningful participation of Māori in the management of geothermal resources.

3 CURRENT MANAGEMENT FRAMEWORK

3.1 Regional policies

The Rotorua Geothermal System is currently managed by the Bay of Plenty Regional Council under the Resource Management Act 1991 (RMA). The Council's Regional Policy Statement (RPS) sets the overall direction for geothermal management through high level objectives and policies. It directs sustainable management of geothermal systems and categorises the Rotorua System as a 'special purpose' system, where protection of surface features overrides extractive use (Doorman et al). The RPS also provides direction about providing for the relationship of Māori and their culture and traditions with geothermal resources.

Detailed policies and rules for the use and development of the geothermal resource are contained in regional plans. These plans include rules on the status of activities (ie. whether a resource consent or permit to use the resource is required) and the matters to be considered in making decisions about these resource consents.

3.2 The Rotorua Geothermal Regional Plan

The Rotorua Geothermal Regional Plan applies specifically to the Rotorua Geothermal System. To achieve the objective of protecting surface features it has requirements to reinject geothermal water and limits on use near the geyser field. These provisions are now being formally reviewed under the RMA. A key step in this process is developing a system management plan, which will contain principles for integrated and sustainable management to inform the regional plan provisions, as shown in Figure 1. Community engagement will be undertaken throughout this process.

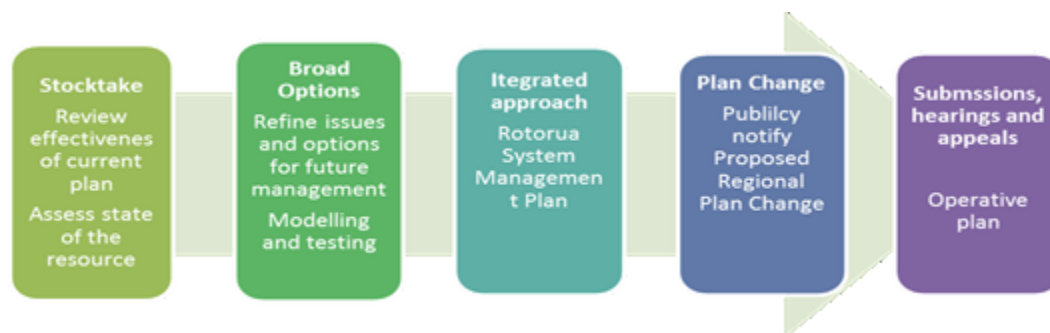


Figure 2: Broad Plan Change Process

4 COMMUNITY PARTICIPATION IN THE REGIONAL PLAN REVIEW

4.1 Community participation under the RMA

The RMA provides extensively for public participation in Council processes. The development of regional policy statements or regional plans follows a set process under the Act (As per Schedule 1 of the RMA) which provides for the community to make formal submissions on the content of a proposed plan and ultimately challenge any decisions that Council makes on the plan through appeals to the Environment Court. There are also specific requirements for Māori engagement, where Councils must consult relevant iwi authorities when reviewing a plan and take into account any relevant iwi management plans.

Māori participation in RMA processes also occurs through resource consents, where iwi (and sometimes hapū and whanau) are sent resource consent applications for which they may be 'affected' parties under the RMA. In certain circumstances they may be able to make a formal submission and appear at a hearing in support of that submission. Councils must recognise tikanga Māori (traditional practice) in these formal hearings and may receive written or spoken evidence in Māori.

There are also provisions in the Act that recognise the unique relationship of Māori with natural resources. Section 6(e) requires that councils recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga. This includes geothermal resources. To be able to do this effectively, Councils must obtain sufficient information from Māori to determine those values that are to be protected, and the scale and magnitude of effects on their resources. Under section 7 Councils must also have regard to kaitiakitanga, which broadly speaking includes guardianship, care and the wise management of resources. Māori as kaitiaki (guardians) of their resources, seek active and meaningful involvement in management of, and decision making in relation to their resources.

Finally section 8 of the Act requires that councils take into account the principles of the Treaty of Waitangi which include, for example, the duty to consult and to act in partnership. To fully give effect to the RMA, there is therefore a high test on Council to work in close partnership with Māori in policy development, and in decision making.

4.2 The Local Government Act 2002

The Local Government Act 2002 (LGA) requires councils to promote the well-being of all communities and to provide ways for those communities to contribute to decision making processes, including for example plan review processes. It also places specific obligations on Councils to provide opportunities and establish and maintain processes for Māori to contribute to decision-making. This includes finding ways to build capacity and capability of Māori to contribute, for example sharing relevant information and ensuring engagement opportunities are responsive and flexible.

5 BROAD PRINCIPLES OF ENGAGEMENT AND PARTICIPATION

A challenge in reviewing the Rotorua Regional Geothermal Plan is ensuring the multiple interests of the community are represented through participation in the planning process. This includes domestic and commercial direct heat users, tourism operators, geothermal industry experts, government agencies, Māori and the wider community.

While there are some statutory minimums set out in the RMA and LGA, many councils now follow best practice and involve the community early and at all key stages of plan development. However a common criticism is that Māori engagement in particular has been reactive and inequitable due to the lack of capacity of Māori to participate in formal planning processes (eg. lack of resources, short planning timeframes, European political structures that do not reflect Māori tribal structures). Councils have also been accused of 'tokenism', or doing the statutory minimum, and a lack of Council staff with knowledge of Te Ao Māori (the Māori world view) means that views are not well provided for in Council documents such as regional plans.

Māori need to be involved as tangata whenua (local indigenous people) and kaitiaki (guardians), as landowners, and as investors and developers in the geothermal industry. Often the same people have multiple roles and interests in the management of the field (ie. they wear different hats), but it is important that the different roles, motivations and values are acknowledged.

There are no rules about what meaningful engagement is, or how this should happen, but there are some broad principles (Local Government NZ, 2007) that are relevant for the review of the regional plan:

- Forming strong enduring relationships (informal and formal)
- Early, ongoing and consistent engagement (rather than intermittent contact)
- Trust through building integrity, transparency and honesty
- Reciprocal knowledge sharing, inclusiveness
- Clear structures for engagement (via committees, forums)
- Flexibility and responsiveness so as not to limit participation of certain groups or people

Council has been trying to apply and build on these through their plan review process.

6 ENGAGEMENT ON THE ROTORUA REGIONAL PLAN REVIEW

The starting point for meaningful community engagement on the Rotorua Regional Geothermal Plan change was to identify key stakeholders, and develop an engagement plan seeking feedback at all key stages of the plan review: identification of issues and options; a draft system management plan, a draft regional plan, and finally the proposed plan change.

To agree on a process for effective Māori engagement and to ensure ongoing political commitment, broad principles of engagement (as above) were endorsed by Councils Māori Committee (Komiti Māori), which is a committee of elected Council members set up to focus on Māori interests.

It was also agreed that Māori themselves must identify their preferred way to work with Council. To gauge this, a series of meetings (hui) were held in Rotorua at three separate locations. The first hui were to inform and establish relationships. The second hui were to build knowledge in the community about the plan change project, and to seek input on the preferred form of engagement.

A clear message from all hui was that:

- Māori have a unique relationship with, and rights to access the resource and seek genuine engagement, not a 'tick box' exercise
- Council needs to recognise local authority (mana whenua) by engaging with tangata whenua not only iwi authorities (which is what the RMA requires as a statutory minimum)
- Past grievances have led to a lack of trust and a reluctance to participate in Council processes, creating a barrier to a partnership approaches
- Concern that participating in Council processes is seen as conceding to Council control of the resource (instead of self-determination by tangata whenua).

Some of these matters are beyond the control of the Regional Council, and are constitutional Central Government matters. However the following broad response has been taken to achieve meaningful engagement within constraints or current Government structures:

- Direct engagement with iwi authorities at all key stages in plan development
- Engagement with Māori commercial entities with reliance on geothermal energy as a key stakeholder and affected party
- Multiple targeted hui with iwi, hapū and affected or potentially affected Māori landowners at all key stages of the process and as requested throughout the process\
- The establishment of a working group (Ahi Kā Roopu) to represent tangata whenua living in communities with especially close relationships with the geothermal resource; and

- Greater use of the Māori language and Māori concepts in engagement material.

6.1 The Ahi Kā Roopu

The Ahi Kā Roopu is intended to ensure the voice of people living in close association with geothermal is heard through the plan review process. This voice is distinct from the iwi authorities, which are Crown constructs and are better placed and resourced to engage directly with Council.

The Ahi Kā Roa consists of 10 people from the Māori villages of Ōhinemutu, Ngāpuna and Whakarewarewa (see Figure 1). The representatives were nominated by their communities, rather than by Council. A terms of reference was agreed with the group, they meet monthly and receive a meeting fee from Council.

The group has no decision making authority, but provides advice and tests ideas. It also ensures that the unique Maori perspective on geothermal management is included in consideration of issues and policy options presented to Council as the decision maker. Throughout the process the Ahi Kā group have stressed that their views are not the views of all iwi, hapū and whanau or the only vehicle for consultation with Māori and that Council should continue to engage widely throughout the process.

6.2 Emerging areas of interest for the Ahi Kā Roopu

Key focus areas emerging so far have been:

- The ongoing protection of customary use of the geothermal resource and protection of this if necessary through allocation limits and priorities (ie. provide for customary use first)
- Opportunities for more efficient and greater use of the resource within sustainable limits
- Desire for more certainty around resource limits
- Identification and protection of geothermal features with significant cultural association and uses (eg. used for spiritual purposes)
- Future use of mātauranga Māori (Māori knowledge) in management and monitoring of the geothermal resource, including a mātauranga perspective on the state or health of the geothermal system, the causes of changes in the system, and the best methods of management
- Improved involvement of Māori in day to day decision making on allocation of the resource through resource consents
- Recognising the multiple roles of Māori, including their role as kaitiaki but also their aspirations to use the resource for customary, private and commercial uses for the betterment of their people.

Although currently outside the scope of the plan changes, other matters of interest to Māori include implications of future Treaty of Waitangi settlements and co-management or go-governance agreements over the geothermal resource.

7 LEARNINGS FROM MĀORI ENGAGEMENT SO FAR

7.1 Opportunities

This engagement process has presented many challenges and opportunities. What tangata whenua consider important for their wellbeing, including continued access to geothermal resources, has been made very clear, as has their expectation of involvement in decision making - being consulted is not enough.

This work has also added to a greater understanding of Māori values and knowledge of the resource for Council. The Māori world view sees all resources as being connected, with strong links to ancestry and tradition. An important output of this engagement process is that the system management plan will now have a broad scope (beyond the traditional content of system management plans), to include community values, relationships, history, mātauranga Māori (Maori knowledge) and Māori aspirations. This information is being collated and provided by tangata whenua, to complement and add to Council's traditional western science understanding of the system.

The sharing of information has been reciprocal. It has presented an opportunity for Council to build and expand on the traditional Eurocentric approach to natural resource management and for the members to build their capability in geothermal management (eg. science, monitoring, planning). An additional benefit is that members are in turn feeding back this knowledge to their communities, which is leading to more meaningful and informed engagement on the plan review from the wider community.

There has also been a building of trust over the long term project and an opportunity to explore new management options and structures.

7.2 Challenges

Council's process includes engagement with other stakeholders, and balancing these values and any competing views of Māori, will be an ongoing challenge. Assessment of policy options and alternatives supported by evidence is crucial, and the engagement process outlined above ensures for the first time that the Māori perspective will be adequately considered.

Other challenges include raising community understanding over the complex nature of geothermal management. The Ahi Kā roopu has needed to rapidly build their understanding of geothermal science and council planning process. As their input into the process is intermittent, retaining large amounts of technical information over long planning timeframes is difficult.

They have also had to navigate carefully between their role supporting and providing information to Council staff and representing the views of their communities, for example the boundary between what is Council 'owned' material, and what has been developed specifically by the Ahi Kā roopu for their own purposes. Council staff also need to be clear of their role working as agents of Council, and working within usual legal and administrative constraints. Honesty and transparency from both parties helps this.

The lack of decision making authority has also caused tension, where members have expressed concern that their recommendations will be overridden by staff and eventually by Council as the decision maker. In response Council staff have undertaken to make clear where any of their recommendations differ, the reasons for that, and to represent these differences openly to the community and to Council.

Finally there is a risk of unrealistic expectations from Council, the roopu and others about the outputs that can be achieved within legal, administrative, resource and time constraints. A clear terms of reference, a strong team of people, accurate records of discussions, openness and honesty about risks and limitations are some of the ways that these risks have been minimized.

CONCLUSIONS

The Bay of Plenty Regional Council is currently reviewing the Rotorua Geothermal Regional Plan, under which the Rotorua System is managed. A key part of that review is engaging with the community to ensure their views are considered in the new plan. As Māori have a long and unique relationship with the Rotorua geothermal resource, a particular issue is ensuring their multiple interests are represented in the process. This is not limited to their statutory bodies, but includes the views of tangata whenua as kaitiaki or guardians of the resource, Maori landowners with access to the geothermal resource, and Māori commercial entities. To address this a multi layered engagement process has been developed, including a special working group made up of representatives from the Maori communities that have continuously occupied Rotorua's geothermal areas. The long term goal is a Rotorua System Management Plan that recognises the unique relationship of Māori with the resource, draws on Māori knowledge, protects Māori customary uses and that ensures the sustainable management of the system.

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