

Cultural wellbeing

Anticipated environmental outcomes

- Protection of sites of significance to Maaori
- Respect for tiikanga Maaori
- Tangata whenua control over tangata whenua's own resources

Executive Summary

The Joint Management Agreement with Waikato-Tainui which sets out how Waikato District Council and Waikato-Tainui will work together to restore and protect the health and wellbeing of the Waikato River, was signed in 2010. Since the signing of this agreement, there has been a focus on effective engagement with iwi and a growing realisation that a holistic approach to this engagement is needed across the organisation. The Joint Management Agreement has provided a springboard to develop a number of initiatives and opportunities to improve how Waikato District Council works with and for iwi, hapu and whanau groups.

In this context, it is my position that the indicators for cultural wellbeing in this report (which were developed prior to the Joint Management Agreement) are not useful because they have not been defined properly and the methods for collating the data on the indicators have not been specifically set up. This report therefore contains our best efforts to comment on the indicators, but more importantly, provides suggestions for more meaningful environmental outcomes for the future.

- **Protection of sites of significance** – A ‘Heads of Agreement’ was reached between New Zealand Historic Places Trust (NZHPT) and Waikato District Council that archaeological sites and sites of significance to Maaori would be addressed for inclusion in the district plan. There was also an agreement to add plan provisions to manage adverse effects on those identified sites. Council has consulted with the landowners and iwi/hapu to prepare a list to be considered for notification under the statutory process in accordance with its responsibilities under the Resource Management Act 1991 (RMA). A list is currently being prepared and Council staff along with NZHPT are still working with iwi to identify the significance of the sites.
- **Respect for tiikanga Maaori** – having not been involved in the development of this outcome it is hard to comment on what was meant and what impact or outcomes that were planned to be achieved. There is certainly no information or data on how the Council shows respect for tiikanga Maaori in an environmental management sense. Anecdotal evidence indicates that staff make an effort to involve mana whenua and iwi in projects across the district, where appropriate, and certainly, since the signing of the Joint Management Agreement there is an increased awareness of the importance of this engagement.
- **Tangata whenua control over tangata whenua's own resources** – there is very little scope within the current local government legislation or processes which enables “control” over resources. Some commentary is provided in this report over recent attempts to involve iwi in decision making, but this does not in any way amount to “control”. Recent experience with the Joint Management Agreement understand what particular examples could be monitored or data collected indicates that the elected members of Council would be very uncomfortable with the concept of iwi having “control” unless that was clearly defined.

Anticipated environmental outcomes for next five year period

1. Ability of iwi, hapu and marae to have input into decision making in relation to the river and its catchment

Measured via the annual review processes included in the Joint Management Agreement's with Waikato-Tainui and Maniapoto Maaori Trust Board.

2. Effective incorporation of iwi, hapu and marae priorities into Council planning

As set out in Waikato-Tainui Iwi Environmental management plan (and any other plans published in the five year period).

3. Protection of identified sites of significance to Maaori

Via methods described in the Waikato District Council Heritage Strategy

4. Plans and actions implemented to increase understanding of tiikanga Maaori and priorities of Waikato-Tainui iwi, hapu and marae

As per the Communications Strategy for the Joint Management Agreement with Waikato-Tainui

New outcomes and measures

Going forward we will be able to measure:

- Number of consents commented on by iwi and hapu groups

Definition – this includes general consents, as per the current process and specific consents that relate to the Waikato and Waipa Rivers and are included in the Joint Management Agreement's.

- Number of consents monitored under Joint Management Agreement (Waikato-Tainui and Maniapoto Maori Trust Board)

Definition – as the Joint Management Agreement's this means those consents where it is agreed that monitoring of conditions of the consent will be in partnership with iwi staff. Again, these will relate to the river and catchment

- Number of joint environmental projects with iwi / hapu / marae groups (River and other)

Definition – any projects which the council and iwi / hapu / marae groups work on together which improves or enhances the environment. May include joint applications to the Waikato River Authority for funding

- Number and type of issues escalated to the Joint Committee/s

Definition – this is a count of those issues that operational staff are unable to resolve and which are escalated to the Joint Committees (under both Joint Management Agreement's) for direction and / or decision.

Pressure

1.1 Define number of complaints received from iwi

A system to specifically record complaints from iwi does not exist. To access information for this portion of the report, a search of the Customer Request Management (CRM) system for issues lodged by known iwi groups and individuals representing iwi groups in the reporting period was made. This measure does not define the types of complaints to be reported therefore, the report contains general enquiries mostly about water and roading.

There were only **37** complaints received from iwi or individuals representing iwi groups in the reporting period. Details of these complaints are set out in the table at **appendix A**.

1.2 Define number of responses to consultation from iwi

Consultation with iwi occurs across the organisation for a number of purposes, including stakeholder relations, planning, consents, projects and roading. The processes for consultation can probably be described as ad hoc, in that, in some instances, iwi consultation is deliberate (ie a consultation meeting with iwi has been specifically arranged) and in other cases, iwi are consulted as part of the wider community.

The RMA requires consultation with iwi for specific purposes and the consents team have a system in place whereby they send a weekly list of all the applications received to iwi groups to enable them to request a copy of the application if they have an interest in it. This system has worked well for a number of years, however, will be reviewed in the near future due to:

- the impact of the Joint Management Agreements with Waikato-Tainui and the Maniapoto Trust Board
- The growing number of iwi groups who are interested in being informed about applications.

See report at **Appendix B** which shows that there were **303** responses from iwi in relation to applications for resource consent.

Note that, in July 2012, a guideline for working with iwi was published by the Council to assist staff on how to carry out good engagement and consultation with iwi, hapu and marae. Further, the schedules to the Joint Management Agreement provide staff with specific instructions on consultation and engagement on particular matters.

1.3 Define area of land in Maaori ownership or management

DESCRIPTION	AREA (ha)	TOTAL AREA (ha)
Pa zone		281.60
Maaori freehold land – Franklin	0.83	
Maaori freehold land – Waikato	12462.46	
Total Maaori freehold land		12463.29

Points to note:

- Pa Zone: There is no Pa zone in Franklin (or an equivalent).
- Maaori freehold land is made up of both Freehold and Leased land. Freehold land equals 4930.69 ha and leased land equals 7532.60 ha.
- This data has been extracted from our system based on an ownership/property type field.

Management structures:

The following information has been obtained from <http://www.justice.govt.nz/courts/maori-land-court> and provides information on the number of management structures (trust and incorporations established pursuant to Te Ture Whenua Maaori Act) for Maaori freehold land in the Waikato Maniapoto Maaori Land Court district. Note, this includes all land in the Waikato Maniapoto Maori Land Court district and **is not** restricted to just the Waikato District Council area.

Rohe	Number of Trusts	No. of blocks with Trusts	No. of blocks no trusts	Area of land vested in trusts (ha)	Area of land not vested in trusts (ha)
Waikato Maniapoto	1263	1589	2245	88,607.3485	37,083.7003

Note information on the number of management structures for Maaori land in the Waikato District Council area is not available.

State

As previously stated it is difficult to provide an accurate number of actual consultations with iwi. Firstly, consultation in this context is not defined and secondly there is no method of collating this data, apart from responses to notification of resource consents.

Responses to resource consent applications from iwi

A weekly list of applications for resource consents is sent to a specified number of iwi groups to inform and advise them of all applications received in the month. If iwi are interested in any of these applications, they will return a form indicating that interest. Consent conditions may include notification to iwi at various points in the process. Iwi groups that respond are credited \$35 for each response that is received within time.

Recent discussions have been held with the Regulatory team about the effectiveness of this process. There is a growing number of iwi groups who are interested and would like to be informed about applications received, however as there are financial implications for the organisation, it has been agreed that the process needs to be reviewed. Further, I was unable to obtain the policy around this process and it is unclear whether a policy actually exists.

The iwi groups that are included in this notification process are:

Representative / Group	Purpose or Hapu	Rohe
Erina Watene-Rawiri Waahi Whaanui Trust	Marae management group and providing environmental and social services	Representing Huntly and districts Marae
George Katipa	Te Awamarahi Marae	Port Waikato
Tim Manukau & others Waikato Tainui Te Kauhanganui Inc	Waikato Raupatu River Trust, providing environmental and historical advice and input, commentary, monitoring, JMA implementation	Entity that represents 66 marae and 33 hapu of Waikato Tainui
Karl Flavell	Ngati Te Ata	Hapu – Pokeno, Tuakau and districts
Lucie Rutherford	Ngati Tamaoho	Hapu – as above
Rangi Mahuta Huakina Development Trust	Marae management group and providing environmental and social services	Representing Port Waikato, Tuakau marae
Wiremu Puke Nga Mana Toopu o Kirikiriroa	Heritage and historical advice	Hamilton and immediate surrounds
Anaru Thompson	Ngati Haua	Hapu – Morrinsville, Matamata

There were **727** notifications sent to iwi in the reporting period and there were **303** responses from iwi. See details in the table at **Appendix B**.

Number of consent conditions imposed to protect iwi interests

This condition is a standard condition on **every resource consent granted**:

The consent holder shall ensure that, should any human remains or archaeological items be exposed while undertaking works to give effect to conditions of this consent, works in that area will cease immediately. The Police, New Zealand Historic Places Trust, and Kaumatua representing the local Tangata Whenua shall be contacted and work shall not recommence in the affected area until any necessary statutory authorisations or consents have been obtained.

Again, data on consent condition imposed to protect iwi interests is not specifically collated. A search of Council records has revealed the following consents with conditions imposed to protect iwi interests:

- 1) Hauauru Mai Raki Windfarm – this was a consent for a large windfarm along the West Coast of the district from Te Akau to Port Waikato. A number of conditions were imposed, covering land management, planting, archaeology, protection of sites, kaitiakitanga, ecology.

Identified iwi, hapu and marae contacts

There are 38 Marae in the Waikato district. The locations of these marae are shown on the map at **Appendix D**. Waikato District Council has access to a list of contacts for these marae and for iwi and hapu management groups in the district (see **Appendix E** –for full list of marae/hapu/iwi contacts).

Number of iwi development and management plans in operation

We are aware that there are two iwi environmental plans in existence but they are both out of date.

A number of plans are currently in development:

- Ngati Haua has indicated that they are currently working on a management plan for their rohe.
- Waahi Whaanui Trust has indicated that they are developing an environmental management plan for Huntly and districts.

As the iwi authority for the Waikato district, Waikato-Tainui is currently consulting with their members on their Draft Environmental Management Plan. That process will take up to 12 months. It is envisaged that the hapu plans (being developed by mana Whenua groups) will be consistent with the overall plan being developed by Waikato-Tainui.

We have been given access to the draft plan and have used this in this report to assist with the development of future State Of the Environment measures.

Wainui Reserve Management Plan (approved by Council 28 August 2012)

Initial work on this started in 2007. Tainui Hapuu were involved at the earliest stage, and did not submit on the plan. A heritage assessment of the site was prepared by a consultant, A Waikato

Tainui Hapuu kaumatua was involved in providing information for this. Tangata whenua were also represented on committee to hear submissions.

Lake Hakanoa and Huntly Domain Reserve Management Plan (approved by Council 28 August 2012)

Waikato-Tainui were involved in this. Waikato-Tainui was involved in key stakeholder workshops and Richard Cocks prepared and spoke to their submission at the hearing. Two Waahi Whaanui Trust reps were also on the hearings committee (representing tangata whenua). Waahi Whaanui Trust also submitted.

Lake Kainui Recreation and Esplanade Reserve Management Plan (approved by Council in 2011)

The process was much the same as the 1 and 2 above. I understand that Waikato-Tainui was directly represented on the hearings panel for this plan.

Vision and Strategy for the Waikato River

Inclusion of the Vision and Strategy for the Waikato River into the district plan, a requirement of the Waikato-Tainui Raupatu (Waikato River) Settlement Act 2010. Julian Williams, manager of Strategy and Support and Tim Manukau, Environmental Manager.

Planned for 2012- 2013:

- I.4.1 Onewhero/Tuakau Reserve Management Plan – input from Tim Manukau.
- I.4.2 Also scheduled for 2012/13 was also the District Wide Reserve Management Plan.
- I.4.3 Waikato-Tainui is in final draft and ready to be submitted to Council for approval. The objectives are:
 - Formally record the relationship between Waikato District Council and Ngaa Uri aa Maahanga and
 - Provide for an enhanced relationship between the parties on areas of common interest.

Response

Joint Management Agreement with Waikato-Tainui

Define number of schedules developed, signed off and so forth

As at October 2012, there are three schedules approved by Waikato District Council and adopted by the Joint Committee. They are:

- Schedule A – Monitoring and Enforcement
- Schedule C – Preparation, Review, Change or Variation of a RMA Planning Document
- Schedule E – Authorised Customary Activities

There is one schedule which has been approved by Waikato District Council but has not yet been adopted by the Joint Committee, as a meeting has not been held:

- Schedule B – Resource Consents

These four schedules are the mandatory schedules under the Waikato River Act.

Three other schedules, which are not mandatory, are still in development. One has been drafted, and is being reviewed by Waikato District Council and Waikato-Tainui:

- Schedule D – Land Management Acquisition and Disposal

The final two, have not yet been started:

- Schedule F – Management of Sites of Significance
- Schedule G - Staff Training and Awareness

Also completed and yet to be adopted by the Joint Committee is the terms of reference for the Committee. This will occur at the next meeting of the Joint committee in the first quarter of 2013.

Implementation of schedules

The four mandatory schedules have been in development for the last 12 months and have been worked on consecutively (eg one after the other). Implementation has therefore been patchy.

Appendix F is the workplan for development and implementation.

Schedule A was the first schedule which was adopted (13 December 2011) and due to the work required to complete the remaining three mandatory schedules, no proper implementation plan was put in place. Now that the four mandatory schedules have been completed an updated plan for implementation has been developed. (**Appendix G**).

Workshops are being held in October 2012 to confirm implementation, develop SOP's, confirm reporting requirements and methods and set up the processes needed to support these decisions.

Waikato River Authority (WRA) grants

Waikato District Council has not yet made an application for funding from the WRA; however staff are attending a WRA funding workshop in October 2012, with the intention of making an application in relation to the Te Kauwhata Wastewater project.

Following is information about the WRA grants. (Source: <http://www.waikatoriver.org.nz/>)

The Waikato River Authority is a statutory body formed under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010. The Authority has ten members who are appointed by the river iwi and Ministers of the Crown. The Authority is the sole Trustee of the Waikato River Clean-up Trust whose role is to fund projects which meet the purpose of the Authority.

The Waikato River and its region have been populated for at least the past 700 to 800 years. The river provided physical and spiritual sustenance for large populations of Maaori living along its catchment. Throughout that time it was a source of food, including eels, fish and plants. It was also an important waka route. A well-known saying about the Waikato River uses taniwha as a metaphor for chiefs: 'Waikato taniwha rau, he piko he taniwha, he piko he taniwha'.

(Waikato of a hundred taniwha, on every bend a taniwha). This saying attributes the power and prestige of the Waikato tribes to that of the river. With the arrival of European settlers in the 1840s and 1850s the Waikato River was the main access route inland for traders and missionaries.

During this time the increasing number of Maaori land sales to the new arrivals was causing concern amongst tribal leadership. In 1858 a number of Maaori chiefs of iwi including Ngati Maniapoto, Ngati Tuwharetoa and Raukawa placed their tribal lands under the mana of Waikato-Tainui chief, Pootatau Te Wherowhero, as a guarantee against their sale to the colonial government. Pootatau was proclaimed King of the tribal grouping at his Ngaaruawaahia marae that year.

This marked the formation of the Kingitanga movement. However the passage of the New Zealand Settlements Act in 1863 authorised the confiscation of land (raupatu) belonging to any tribe who were judged to have rebelled against the British Queen's authority.

The European settlement of Hamilton, which had long been the Maaori settlement of Kirikiriroa, was formally established on 24 August 1864, when Captain William Steele came off the gunboat Rangiriri and established the first military redoubt. In the wars that followed, some 4,869 sq km of Maaori land was confiscated. While some of that land was later returned to Maaori, the land area finally confiscated totalled 3,596sq km. After the land wars, European settlers cleared and developed the land. From the 1880s dairy farming was the main agricultural activity in Waipa and Waikato areas. Small towns grew near dairy factories.

The Waikato River and its tributaries were used for transport and Hamilton, on the Waikato River, became a busy centre of economic activity. The last hundred years have seen sweeping changes to the region's landscapes where people have settled, used and created resources. In the early 20th century, most of the hill country was developed for farming.

After World War II more service towns and industries thrived, and small settlements grew around the hydroelectric dam constructions along the Waikato River

Native timber was logged north and west of Lake Taupo. Pinus radiata planted in the 1920s and 1930s started today's extensive plantation forestry industry. Tokoroa's population more than doubled in the ten years between 1961 and 1971 as people moved to jobs created by the demand for wood products. Many new arrivals were Maaori, as jobs and Government housing policies encouraged Maaori to move to towns and cities. Government incentives during this period promoted sheep and cattle farming and bush clearing, so more land was put into farms and forestry. Much of this was marginal land and could only be farmed with the use of fertiliser.

In the 1970s economic recession, changing markets and automated production of industries meant less employment in the coal and timber industries. The number of people living in Huntly and Tokoroa fell. In the 1980s, New Zealand's economy was restructured.

This meant many industries were deregulated or no longer run by the government. During this time farming subsidies were removed and, as a result, farming had to become more efficient which meant more intensive use was made of the land with increased stocking rates and more application of fertilisers. Over time, the human activities along the Waikato River and the increasingly intensive land uses through its catchments have degraded the Waikato River and reduced the relationships and aspirations of communities who identify with the Waikato River. This degradation of the River and its catchment has severely compromised Waikato River Iwi in their ability to exercise kaitiakitanga or conduct their tikanga and kawa.

In 1987 Sir Robert Mahuta and others filed a claim over the Waikato River with the Waitangi Tribunal in order to redress the confiscation of Waikato lands and the consequences of raupatu which impact on the health and wellbeing of the Waikato River and the relationship of Waikato-Tainui with the Waikato River. Through the Treaty settlement process between Waikato-Tainui and the Crown the Guardians Establishment Committee was formed with the support of other Waikato River Iwi. In 2009 the Guardians Establishment Committee finalised its Vision and Strategy for the Waikato River.

That Vision and Strategy to restore and protect the health and wellbeing of the Waikato River has been incorporated in the settlement legislation for the Waikato River Raupatu Claim – the legislation under which The Waikato River Authority is constituted. The Guardians Establishment Committee's Vision and Strategy incorporates the objectives sought by Waikato-Tainui and other objectives that reflect the interests of Waikato River Iwi and of all New Zealanders.

These objectives encompass all people of the river and their relationships with it – through their communities, industries, recreation, social and cultural pursuits. It will take commitment and time to restore and protect the health and wellbeing of the Waikato River. Only by us all working together collaboratively and cooperatively will the Vision be realised.

Going forward:

There are a number of documents and projects that will inform the way forward:

Communications Strategy for the Joint Management Agreement with Waikato-Tainui (June 2011)

The vision of this strategy is:

“To recognise and apply the guiding principles of the Joint Management Agreement with Waikato-Tainui in everything we say and do.”

The objectives of the strategy are:

1. Council promotes and actively supports an awareness of Waikato-Tainui’s history and tikanga and an understanding of the iwi’s social, economic and environmental aspirations amongst the Councillors and staff.
2. Council actively pursues a reputation as a Lead Council in regard to its relationship with iwi, the implementation of the Joint Management Agreement and related legislation.
3. Council’s communication plans, operational and decision making processes ensure that Waikato Tainui are up to date and informed on all matters that affect and interest them, at the earliest possible stage.
4. Council’s support for Waikato-Tainui’s social, economic and environmental aspirations is actively demonstrated in all operational and decision making processes.
5. Council actively supports and where appropriate attends, significant iwi and community events to enhance reputation and build relationships.
6. Council actively supports initiatives that enhance and protect Maaori heritage and taaonga.

Waikato-Tainui draft environmental management plans

Issues

- Waikato-Tainui is kaitiaki and need to be engaged with as such in a meaningful, durable and sustained manner.
- There is a lack of understanding of Waikato-Tainui tikanga, world view, values and practices and in particular translation of those values and practices into sustainable resource management and development actions.
- Access by Waikato-Tainui to adequate resources (including physical, cultural, economic etc) needs to be recognised, provided for and protected to ensure the continued existence of the Waikato-Tainui way of life.
- Waikato-Tainui representatives are rarely resourced or compensated commensurate with the contribution they provide with regard to Resource Management matters. Waikato-Tainui representatives must be adequately resourced to enable meaningful, durable and sustained engagement and participation in Resource Management matters.

- Waikato-Tainui needs to be able to exercise mana whakahaere as the mechanism through which to fulfil our role, duties and obligations as kaitiaki.
- Waikato-Tainui tribal structures and social capital is underutilised in the effective and efficient delivery of adequate environmental management and monitoring services. Waikato-Tainui marae based structure provides the opportunity to utilise our constant and intergenerational whakapapa based structure to improve the effectiveness, consistency associated with on-going compliance and state of the environmental monitoring.
- There is increasing recognition of the connection between environmental quality and ecosystem health and wellbeing and the health and wellbeing of communities and people individually. Therefore it makes sense for Waikato-Tainui people to plan an active, on-going and constant role in environmental management

Objectives

- For Waikato-Tainui kaitiaki to reassume the duties and obligations passed down to us through Whakapapa. Waikato-Tainui are actively supported (access, resource, financial, information) and continue as kaitiaki over all aspects of the natural environment (place hold) the land and waterways.
- The values of Waikato-Tainui, including those relating to environmental stewardship and management, are retained, practiced and passed on to future generations.
- The mauri of all natural and physical resources (including people) is restored, protected, enhanced and sustained.
- That statutory planning instruments, strategic planning documents and development proposals recognise, preserve, restore and sustain the ability of Waikato-Tainui to access our taonga including rivers, lakes, wetlands, cultural sites (including all waahi tapu and burial grounds), cultural resources and fisheries through an integrated holistic management approach to natural resource use and development and through early and meaningful engagement.
- Waikato-Tainui's role as kaitiaki is recognised and provided for through appropriate recognition in statutory planning instruments and implementation budgets, whilst also providing certainty for all stakeholders.

Policies

(a) Engagement as kaitiaki

- To ensure Waikato-Tainui values and policies are recognised and provided for in statutory planning processes, including developing national policy statements, national environmental standards, regional plans, district plans and resource consent decision making processes.
- To advocate for sufficient resource provisions to support meaningful Waikato-Tainui participation in resource management, protection, restoration, monitoring and maintenance activities. Resource provisions are likely to include financial assistance and funding, access to information, materials and technical expertise, appropriate and reasonable training, and employment and contract opportunities.

- That Waikato-Tainui is actively supported through access to and provision of adequate and appropriate funding and resources (access, resource, financial, information) to continue to act as kaitiaki over all aspects of the natural environment.
- To encourage resource management issues to be addressed using both maatauranga Maaori, good ecological and sustainable development principles, and latest available conventional scientific and technological methods.

(b) Access

- To promote the protection and restoration of Waikato-Tainui relationship with ancestral taonga, the physical environment and its resources are protected and restored, including our economic, social, cultural and spiritual relationships.
- To promote, recognise, preserve and restore the ability of tangata whenua to access our rivers, lakes, wetlands, fisheries, cultural sites (including all waahi tapu and burial grounds) and cultural resources.
- Waikato-Tainui iwi and hapu will exercise kaitiakitanga through increasing involvement in resource management, including:
 - Co-management of the Waikato River through the Waikato River Authority;
 - Development of forums for catchment management, including planning, research and sharing information;
 - Development of iwi and hapu monitoring programmes;
 - Iwi based research, projects and training;
 - Development, implementation and on-going monitoring of joint management agreements with regional and district councils;
 - Involvement in consent decision making processes (including training of commissioners); and
 - Management of statutory authorisations as provided for in the Waikato River Settlement Act including customary fishing permits and cultural harvesting
 - To become an Historic Protection Authority over our tribal area.
 - Creation of GIS based information to record and monitor environmental and physical features including sites of significance; water quality etc.