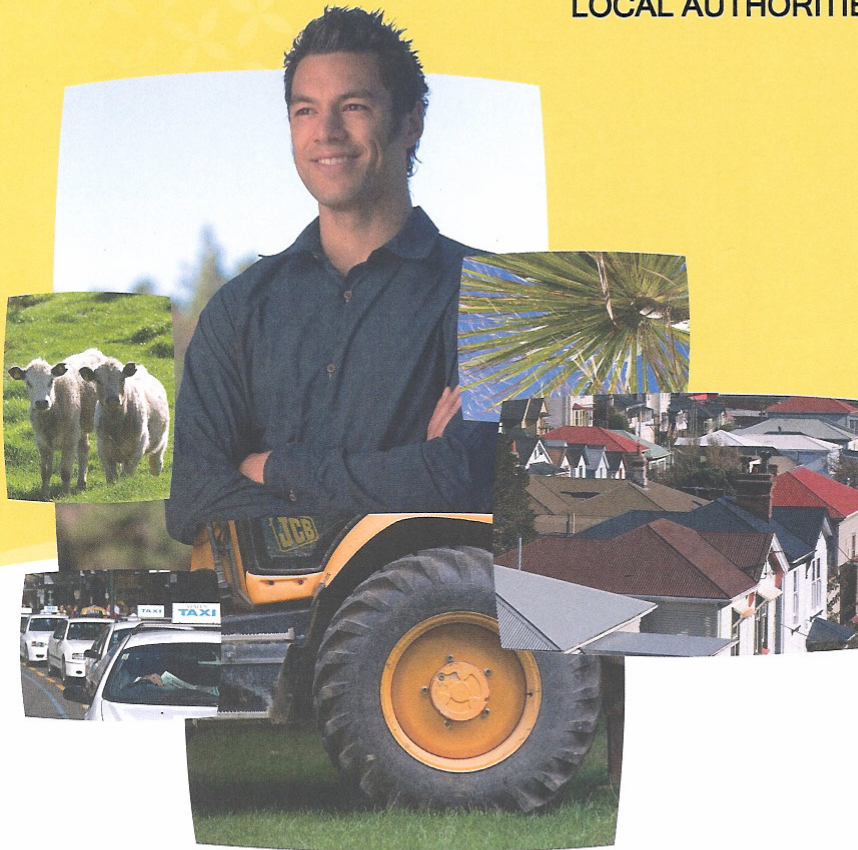


CO-MANAGEMENT: CASE STUDIES INVOLVING
LOCAL AUTHORITIES AND MAORI

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Local Government New Zealand
te pūtahi matakōkiri

FOREWORD

Co-management, as a tool for involving more than one party in managing resources, is attracting more and more interest. Local authorities and Maori are adopting co-management arrangements to involve one another in managing resources.

After learning of the increasing participation by local authorities and Maori in co-management arrangements *Local Government New Zealand*, together with central government agencies, decided to publish a record of five selected case studies.

The purpose of this report is to record the practices and experiences of the parties to co-management arrangements and provide both local authorities and iwi with a better understanding of the different types of co-management arrangements in use, how they operate, and the benefits of establishing them.

I am sure that the information and case studies contained in the report will be a useful resource of information that will lead others to consider co-management as an option for managing resources in their communities.

I would like to thank all the parties to the co-management arrangements featured in this report for permitting their experiences to be recorded, and thank those involved in collecting the information and preparing this report.

Basil Morrison

President

Local Government New Zealand

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1. INTRODUCTION

This report summarises the findings of five case studies of co-management arrangements between local authorities and Maori.

It focuses on describing the practices and experiences of the parties to the arrangements, and provides examples of approaches that local authorities and Maori found useful when establishing co-management arrangements.

The impetus for this report came from a 2004 *Local Government New Zealand* publication titled *Local Authority Engagement with Maori*. In the 2004 report, it was revealed that over 24% of local authorities have at least one active co-management arrangement with Maori. The 2004 report was based on quantitative data, leaving questions around the operational arrangements of these agreements. This report takes things a step further and provides information on some of the operational arrangements.

The case studies were undertaken for two reasons:

- to provide a better understanding of the different types of co-management arrangements in use, how they operate at a local level, and any benefits of establishing them
- to provide updated information for central government to assist in policy development around co-management.

This report is a factual record of 5 specific co-management arrangements. It does not evaluate or assess the arrangements and is not intended as a guide to establishing or implementing co-management arrangements.

2. EXECUTIVE SUMMARY

The report records five co-management arrangements entered into between local authorities and Maori. It describes the practices and experiences of the parties, and provides examples of approaches that local authorities and iwi found useful when establishing co-management arrangements.

The particular co-management arrangements were chosen for their variety, including the way they demonstrate:

- different levels of co-management
- a variety of structures and documents to give effect to the arrangement
- a variety in the number of parties involved in the arrangement and how that has been accommodated in the arrangement.

The five co-management arrangements covered in this report are:

- a memorandum between New Plymouth District Council, Port Taranaki Ltd and Ngati Te Whiti establishing a representative group to facilitate discussion, consultation and oversee the management of selected New Plymouth port assets
- an agreement between Hutt City Council and Te Runanganui o Taranaki Whanui ki Te Upoko o Te Ika a Maui to establish a custodial arrangement for iwi in relation to Te Whiti Park
- A project by local authorities and local iwi to develop a strategy to deliver integrated management of the Ohiwa Harbour and catchment area
- a joint tangata whenua/council committee that manages the Taharoa Domain in accordance with a reserve management plan
- a statutory board that jointly manages the Okahu Bay/Whenua Rangatira Reserve between Ngati Whatua o Orakei and Auckland City Council.

We have identified and drawn together, in a section called Important Elements of Co-management Arrangements, some interesting information on the features and approaches that local authorities and iwi identified as being important to their arrangements. These include:

- acknowledgement of iwi history and circumstances
- common goals and objectives
- strong leadership
- the importance of planning.

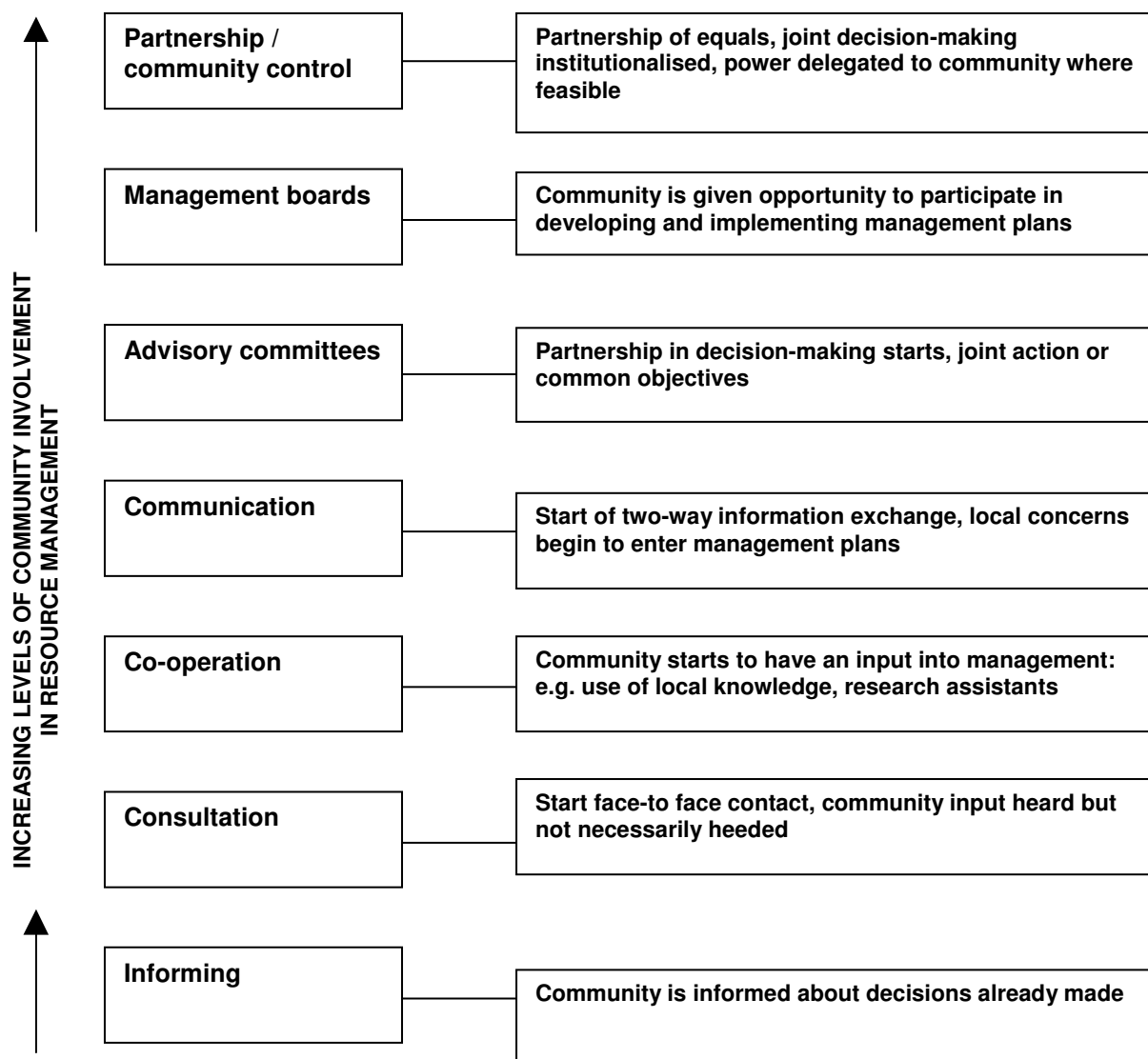
This report ends with a written record of each of the case studies, and appendices containing information for those wanting further details on the case studies.

3. WHAT IS CO-MANAGEMENT?

3.1 Introduction

Co-management describes decision-making processes where more than one party is involved in the process. There is not just one type of co-management, instead the phrase describes a range of processes on a continuum from minimal involvement of an interested party to devolution of power to that interested party.

A diagram of the variety of options for co-management arrangements is drawn below.¹



¹ This diagram has been adapted from Berkes F, Preston R, 1991: Co-management: The evolution in theory and practice of the joint administration of living resources, *Alternatives* 18(2).

In essence, co-management in the resource management context, involves:

- the resource manager involving the community in decision-making and in some situations sharing power and decision-making with the community
- some sharing of responsibility for a resource between the resource manager and the community
- drawing on a range of knowledge systems, including local knowledge, to inform management
- focussing on negotiation and consensus rather than adversarial approaches.

3.2 Co-management in the local authority context in New Zealand

Local Government New Zealand's 2004 survey of local authorities indicated that local authorities have a very broad understanding of what co-management means, an understanding that reflects the continuum diagram of co-management included above.

Twenty four per cent of local authorities advised that they had, or were working on, some form of co-management regime between themselves and Maori, and in some cases with an additional third party.

Further investigations revealed that local authorities interpreted co-management on a spectrum of involvement which includes:

- a high level of control by Maori (for example where Maori have authority and control over a resource or have the ability to have a casting vote on a committee that manages the asset)
- an equal local authority/Maori level of control (for example where local authority and Maori jointly collaborate and assist with input into a local authority led process)
- a low level of Maori involvement (for example where Maori are assured opportunities to input into a local authority process in what could be called enhanced consultation).

The case studies record co-management arrangements across the spectrum of involvement and include the example of local authority involvement in the management of a Maori owned resource.

4. OVERVIEW OF THE CASE STUDIES

4.1 Introduction

This section provides a brief introduction to the five case studies including:

- why and how these particular co-management arrangements were selected for case study
- the key facts of each arrangement
- how local authorities and Maori are involved in the arrangements.

4.2 Selection of case studies

After completing the 2004 Local Authority Engagement with Maori report, officials from Te Puni Kokiri, the Ministry for the Environment, the Department of Internal Affairs and the Department of Prime Minister and Cabinet, together with *Local Government New Zealand* staff, agreed to undertake detailed case studies of some of the co-management arrangements identified in the 2004 report.

These particular co-management arrangements were chosen for their variety, including the way they show:

- different levels of co-management adopted - from a custodial arrangement to involvement in decision-making, to a devolution type arrangement where decision-making rests with a statutory body representing iwi and local authority interests
- a variety of structures and documents used - from statutory mechanisms, through to memoranda of understanding and a custodial agreement to less legal arrangements such as joint committees
- a variety in the number of parties involved in the arrangement and how that has been accommodated in the arrangement - some involve multiple iwi, some involve only one iwi, all involve local authorities, one involves a Regional Council, and one is a statutory body which represents both iwi and a local authority.

4.3 Key Facts

Case study 1: New Plymouth Port Assets

<p>Parties</p> <ul style="list-style-type: none">▪ New Plymouth District Council▪ Port Taranaki Limited (a port company owned by Taranaki Regional Council)▪ Ngati Te Whiti Hapu Society Incorporated.
<p>Co-management area</p> <p>Ngamotu Beach and Pioneer Park - which are owned by Port Taranaki but are areas of historical and cultural significance to Ngati Te Whiti.</p>
<p>Co-management arrangement / structures</p> <p>A Memorandum of Understanding establishes a representative group - the Ngamotu Port Taranaki Liason Group - whose role is to facilitate discussion, consultation, and monitor the management of the port area.</p>

Case study 2: Te Whiti Park

Parties

- Hutt City Council
- Te Runanganui O Taranaki Whanui ki Te Upoko o Te Ika a Maui.

Co-management area

Te Whiti Park, a park owned by the Hutt City Council and managed by a council contractor, that has historical significance for the Runanga and Te Atiawa hapu of Waiwhetu.

Co-management arrangement / structures

The Te Whiti Park Custodial Agreement is a mechanism for the council and the Runanga to work closely together on issues relating to the park, and gives the Runanga a custodian role in relation to the park. The agreement is seen as a platform that will, in the future, enable the Runanga to take a greater role and increased responsibility over the management of the park.

Case study 3: Ohiwa Harbour

Parties

- Environment Bay of Plenty
- Opotiki District Council
- Whakatane District Council
- Whakatohea
- Upokorehe
- Ngati Awa
- Tuhoe.

Co-management area

- Ohiwa Harbour (in the Eastern Bay of Plenty) and catchment - an area of historical and cultural importance to Whakatohea, Upokorehe, Ngati Awa and Tuhoe.

Co-management arrangement/structures

An integrated management approach was sought for the Ohiwa Harbour and a project to develop a strategy to accomplish this was initiated. The three local authorities and tangata whenua worked together to develop a strategy that incorporates statutory and non-statutory implementation actions. An iwi planning document has also been produced to support the strategy.

Case study 4: Taharoa Domain (Kai Iwi Lakes)

Parties

- Kaipara District Council
- Te Roroa
- Te Kuihi.

Co-management area

Taharoa Domain comprises 538 hectares of Crown land which is a recreation reserve and managed by the Kaipara District Council. The domain is taonga to tangata whenua.

Co-management arrangement / structures

The council and iwi developed the Taharoa Domain Reserve Management Plan, under the Reserves Act 1977, to ensure provision for tangata whenua to participate in the management of the domain. A joint committee representing tangata whenua and council manages the reserve in accordance with the Reserve Management Plan.

Case study 5: Okahu Bay/Whenua Rangatira Reserve

Parties

- Auckland City Council
- Okahu Bay/Whenua Rangatira Reserves Board, a statutory board, which represents the Ngati Whatua o Oraki Maori Trust Board ('the Trust Board').

Co-management area

The reserve is owned by the Trust Board under the Orakei Act 1991. A separate entity called the Reserves Board manages the reserve in accordance with a reserve management plan prepared under the Reserves Act 1977. The Reserves Board contains representatives from Auckland City Council and the Trust Board.

Co-management arrangement / structures

The Orakei Act provides a specific statutory framework for ownership and administration of Okahu Bay/Whenua Rangatira Reserve. Management of the reserve is conducted under another statute - the Reserves Act 1977. The Whenua Rangatira Reserve Management Plan was prepared under the Reserves Act and guides the Reserve Board's management decisions. The plan outlines the goals, values, activity areas, and planning process for the Reserve.

4.4 How local authorities and Maori are involved

The co-management arrangements studied show the variety of ways that local authorities and Maori choose to be involved in co-management. This section provides a summary of how local authorities and Maori were involved in the case studies.

4.4.1 How local authorities are involved

Local authorities hold both the day-to-day and long-term responsibilities for the management and governance of physical resources within their boundaries. They have complex roles, which are guided by statutes like the Resource Management Act 1991 and the Local Government Act 2002.

In the co-management arrangements studied in this report, local authorities have been involved at all levels of the arrangements.

Local authority support has included:

- providing funding and staff resources to support the co-management arrangement
- administering the process aspects of the document that records the co-management arrangement eg arranging meetings, agendas and recording minutes
- meeting a portion, or all, of the costs of iwi participation in the co-management arrangement including the costs of producing any documents produced by the parties
- providing staff resource to facilitate between hapu/iwi and community interests and or between hapu/iwi and third parties
- providing staff resource to give guidance on content and strategic matters that arise.

Councillors, as well as local authority employees, took part in the co-management arrangements studied. Councillors played a key role in decision-making, relationship building, governance, and financial approval processes.

4.4.2 How Maori are involved

In relation to the resources managed under these co-management arrangements Maori have maintained a continuous and sustained link with resources within their rohe, which holds both a cultural and spiritual significance to them. Co-management is seen as a way to undertake their

kaitiakitanga role in a meaningful way, while retaining an ongoing relationship with the lands and resources.

In the co-management arrangements studied, Maori representatives were involved at political, management, and operational levels of the arrangements.

Maori had a strong desire to be actively part of decision-making processes. If they were not able to participate in the decision-making processes all the time they sought to be able to have input at critical decision points.

Notable features of Maori involvement in the co-management case studies are:

- it is beneficial for local authorities and iwi to work together as early as possible when developing co-management arrangements so the parties have time to build common goals
- where Maori already have structures and strategies in place to manage a resource these can be used as a base for the co-management structures and strategies
- co-management structures need to include representatives at governance, management and operational levels within iwi
- representatives played a significant role in expressing the Maori world view and an active role in communicating and consulting with the wider iwi, hapu, and whanau.

4.5 Benefits of co-management arrangements

Common benefits arising from co-management arrangements included:

- enhanced communication between the parties
- Increased interaction on a range of activities relating to the co-management arrangement and wider issues
- Improved and more positive relationships.

5. IMPORTANT ELEMENTS OF CO-MANAGEMENT ARRANGEMENTS

5.1 Introduction

This section highlights factors that the parties felt enhanced, or acted as barriers to, the co-management arrangements.

5.2 Important elements

The parties to the case studies identified a number of elements important to their co-management arrangements. We have drawn these together in this section. They are:

- acknowledgement of iwi history and circumstances
- common goals and objectives
- strong leadership
- the importance of planning.

5.2.1 Acknowledgement of iwi history and circumstances

The parties to the case studies identified some characteristics about the resources that are managed under their co-management arrangements. These are:

- the area has historical and ongoing cultural importance to iwi and that is acknowledged by the local authority
- iwi/hapu have maintained a continuous and sustained link with the area
- there is a history of engagement between the local authority and hapu/iwi on a variety of issues both at a political and a bureaucratic level prior to establishing a co-management arrangement
- Maori often have direct or adjoining land ownership interests.

5.2.2 Common goals and objectives

Parties noted that a key element in establishing and making a co-management arrangement work is the willingness of local authorities and Maori to work together to achieve a common goal.

We have identified some common objectives that iwi and local authorities held, which were factors in establishing co-management.

For Maori co-management provided an opportunity:

- to regain or restore mana
- to actively exercise their responsibilities as kaitiakitanga

- to build a relationship with local authorities and the local community.

For local authorities co-management provided an opportunity:

- to develop a working relationship and understanding with local Maori
- to meet their obligations to encourage participation and involvement in the decision-making provisions of the Resource Management Act 1991, Local Government Act 2002 and in some cases the Reserves Act 1977
- to reduce the number of appeals to the Environment Court over District Plan changes
- for the public to benefit from a new approach to managing a resource.

5.2.3 Strong leadership

Strong leadership was identified by the parties as important to the success of any arrangement, leadership and commitment to establishing and making co-management work.

Case studies recognised that establishing and managing the arrangement was not always without difficulties, sometimes issues external to the arrangement such as the foreshore and seabed debate had the potential to derail matters, but leadership and commitment ensured progress.

5.2.4 Planning

Parties emphasised the value of planning when establishing a co-management arrangement. Having a plan to deal with:

- building capacity and capability, within local authorities and iwi
- succession issues (the impact that a departure of personnel can have on a co-management relationship needs to be anticipated and managed)
- the extensive time it can take for consultation to be completed.

5.3 Addressing the challenges to co-management

Barriers and trials surface to challenge the success of all co-management arrangements. The parties identified the following lessons from their experiences of facing and overcoming barriers:

- communication between the parties, both formally and informally, is important
- changes in personnel of local authorities and iwi can impact on relationships and the arrangement, so succession planning needs to be on all parties' minds
- realistic administrative support needs to be factored in

- capacity building (in both iwi and local authorities) needs to be addressed, and assisting with training may be a solution
- reasonable time frames are required for progressing the relationship and the arrangement.

6. CASE STUDIES

Case study 1: New Plymouth port assets

Introduction

On 19 August 2002, a Memorandum of Understanding (MoU) was signed between the New Plymouth District Council (the council), Port Taranaki Limited, a port company, and Ngati Te Whiti Hapu Society Incorporated (Ngati Te Whiti).

The area covered by the MoU is Ngamotu Beach and Pioneer Park which are both owned by Port Taranaki Limited, (a company fully owned by the Taranaki Regional Council). This area is of significance to the New Plymouth public for recreational purposes and is of significant historical and cultural importance to Ngati Te Whiti.

Purpose of co-management arrangement

The purpose of the MoU is to formally set out a process that acknowledges each party's interests and provides a forum to facilitate discussion, consultation and monitor the management of the 'Port Areas of Mutual Interest' (PAMI).

Background to establishment of co-management arrangement

For over two decades Port Taranaki's predecessor, the Harbour Board, appreciated the need to take a more proactive approach to its relationship with Ngati Te Whiti, rather than engage in an issue by issue way. From the hapu perspective, the port sits on their land, and its activities significantly impacted on their traditional food sources, economic, cultural and social development. The Harbour Board recognised Ngati Te Whiti's historical interests with the area and the associated 'bitter history'.

In the late 1990s, Port Taranaki's application for resource consent to dump sand in the inshore area resulted in strong opposition from Maori. A significant body of scientific evidence had been collected to back up Port Taranaki's proposal to dump sand inshore, however, the resource consent process highlighted a conflict between Maori environmental values and science.

Consequently, the council hired a facilitator and established a process to facilitate information sharing between the port, the council, scientists, and Maori. This process led to increased understanding and respect amongst the parties and culminated in a memorandum between the relevant Maori interests and the council being signed in 2001, (separate to the PAMI MoU). Although the resource consent hearing determined that inshore sand dumping could occur, significant monitoring conditions were placed on the consent and no appeal to the decision was made. The MoU developed during the

resource consent application was a forerunner to the MoU governing the Port Area of Mutual Interest (PAMI).

In 2001, the council planned to review the district plan and recognised that a significant number of issues were likely to arise in relation to the port area. The council concluded it needed to be more proactive to reduce the number of appeals to the Environment Court on any plan changes and to minimise litigation risks in general. The council saw an opportunity to forge better ways of operating.

The council facilitated a number of meetings between Council, Port Taranaki and Ngati Te Whiti, with the aim of improving information flow, relationships, discussing issues of concern, and minimising adversarial situations. This led to the development of a framework for an agreement. Meetings took place for about a year initially with the assistance of an iwi liaison officer or facilitator, and a draft MoU was developed.

In mid 2002 the MOU was signed.

Importance of area to iwi

Ngati Te Whiti have a long association with the port area, which was their traditional area of occupation and food gathering.

They were removed from the land in the early 20th century for port development and what authorities at the time claimed to be public health reasons. This event is still part of the living memory of the hapu, including a member of the liaison group, who was a child at the time.

Much of the original area occupied by the hapu has now been reclaimed for port development, including the lagoon that was next to their settlement and an important kaimoana gathering area. Ngati Te Whiti associates with an area wider than that covered by the MoU, as well as having ownership interests in private land adjacent to the PAMI and associations with an urupa on port owned land.

Nature of the co-management arrangement

The MoU facilitates the three parties to work together to manage and plan for an area of common interest and significance, acknowledging that each party's interests are different.

Diverse interests are covered by the MoU, from Port Taranaki Limited as owner and potential developer of the area, Ngati Te Whiti as traditional owner/occupier and kaitiaki having mana-whenua of the locality, and the council, on behalf of the public, maintaining the most popular and safe recreational and family beach in the New Plymouth area. Although Port Taranaki owns the area that the MoU covers, it licences the council to manage the area so it provides for passive recreation, while acknowledging Ngati Te Whiti historical and ongoing interests.

In addition to identifying the interests and specifying the area that the MoU applies to, the MoU records the parties' agreement on how they will constitute

themselves as one representative entity. This is achieved by two members from each party being represented on the Ngamotu - Port Taranaki Liaison Group.

The MoU sets out the group's role and functions including:

- how meetings will operate and their frequency
- the group's focus - to jointly develop a management plan for the area
- each party's obligations to inform their parent bodies
- fiscal responsibilities
- termination of the MoU
- provisions governing temporary closure of the area
- the term of the MoU.

Council role in resourcing the co-management arrangement

The council is responsible for the administration of the MoU, which includes arranging meeting venues and writing up the minutes.

The costs of hapu participation are shared between the parties as are the costs of any reports that the liaison group commissions.

Iwi and local government interaction prior to co-management

The history between Taranaki Maori and the council has been varied and historically there has been significant distrust of council's actions by local Maori. However, since 2000 the council has actively looked to improve its relationship with Maori and have implemented a range of initiatives that seek to facilitate Maori input in to council decision-making processes. These include having Maori representation on the iwi liaison subcommittee and issue specific working parties, having a range of policies and initiatives in place such as cadetships, marae funding, and waahi tapu protocols to improve relationships.

The council has also improved its own capacity to effectively interact with Maori. The council has employed iwi liaison officers, offers Treaty and Te Reo Maori education to staff and councillors, and has integrated Maori protocols into council business. Council now monitors all its activities and policies in relation to iwi responsiveness. This multi-faceted approach has facilitated improved relationships, which have enabled initiatives such as the PAMI to proceed.

Advantages of the co-management arrangement

The relationship between Port Taranaki Limited, the council and hapu has strengthened to such an extent that they now discuss issues outside the MoU. For instance, the port discusses with hapu matters relating to property acquisitions, safety at the port, and development proposals. The hapu is

currently discussing with council and Port Taranaki an appropriate place to build and store waka. The hapu also has input into council plans for tree plantings, and works with council to ensure appropriate acknowledgements of their cultural association with the area are recognised and provided for.

Case study 2: Te Whiti Park

Introduction

In September 1998, a formal agreement was signed between the Hutt City Council ('the council') and Te Runanganui o Taranaki Whanui ki Te Upoko o Te Ika a Maui ('the Runanga') called the Te Whiti Park Custodial Agreement ('the *agreement*').

Te Whiti Park is owned and administered by the council under the Reserves Act 1977.

Purpose of co-management arrangement

The purpose of the *agreement* was to set in place a formal arrangement that recognised the obligations and the interests of each party in relation to Te Whiti Park. In addition the *agreement* was seen as a platform for the two parties to work more closely together and, if it so chose, for the Runanga to take a greater role and increased responsibility for the management and operation of Te Whiti Park over time.

Background to establishment of co-management arrangement

The council has long been aware of the historical significance of the park to the local iwi and their long-standing relationship with it. However, two issues led to the formation of the agreement and facilitated the active participation of iwi in the management of the park.

Firstly, the council made a decision to contract out the management and maintenance of all its parks, meaning the previous arrangement of using a resident park caretaker ceased. Secondly, the iwi were pursuing a Treaty claim through the Waitangi Tribunal.

These two issues created incentives and facilitated opportunities to work jointly with the local tribal organisations, the Runanga and the Te Aroha Hutt Valley Association to manage the operations of the Te Whiti Park.

Council and the Runanga share the long-term goal of Te Whiti Park being of benefit to the community as a whole. This enables the council to pursue the public's interests and the Runanga to continue facilitating community involvement in the park's use.

Importance of area to iwi

The land on which Te Whiti Park is situated is historically significant to the Waiwhetu Maori community. It is one of the few parcels of land, from a larger block that was acquired by the Crown for public works, which remains for public use.

The Runanga has significant interests as owners of land abutting the park. These interests include: the Waiwhetu Marae, a kohanga reo, a significant

number of residential houses including kaumatua housing, a number of economic and social development activities including an art gallery, café, and a new arts and cultural centre which is built on tribal land gifted back by the council. In addition, they also own all but one of the buildings on the park, which are used as a public medical centre, a radio station, a public gym and for other sports related initiatives. All these interests are managed by the iwi under a range of specific Maori or charitable trust structures. The activities on Te Whiti Park are managed under a structure called the Te Aroha Hutt Valley Association.

Nature of the co-management arrangement

The agreement details the council's obligations, and the Runanga's rights and responsibilities as well as setting out a range of general administrative and procedural matters such as termination, renewal of the agreement, and liability and dispute resolution under the agreement. The council gives specific consideration in the agreement for the activities undertaken by the Runanga.

The agreement enables the council, and the company contracted by the council to manage parks, to work with the Runanga to manage Te Whiti Park. This arrangement has enabled the mutual interests of the signatories to be met. For the Runanga, these are to have a more active and meaningful involvement in both the strategic management and day-to-day running of the park. It also enables them to explore further economic, environmental, social and cultural opportunities in relation to the park. The council, who acts on behalf of the public, benefits from the Runanga demonstrating its guardianship and custodian role in relation to the park which enhances it as a safe and well-utilised area for public enjoyment.

Day-to-day management of the park is set out in the *agreement* and requires the parties including the contractor who manages the park, to meet twice a year to discuss what is required to facilitate summer and winter sports. These meetings cover both practical seasonal sport related matters, as well as more substantive issues such as long-term planning and substantive maintenance and infrastructure initiatives.

Iwi and local government interaction prior to co-management

The relationship between the council and the Runanga has developed over a long period and interactions have occurred at a variety of different levels. These include:

- at the political level, a key member of the Runanga has been a member of council, the Mayor is a trustee of the Waiwhetu Marae (a provision in place since 1960)
- Runanga members have provided cultural support for council initiatives such as the sister city projects
- interactions at the officer level, where the Runanga has relationships with various sections of the council

- the Runanga has assisted with urupa maintenance and enhancement and car parks and infrastructure initiatives and participated in Waiwhetu stream enhancement project
- the Chief Executives of the Runanga and the council meet regularly to discuss and monitor the relationship.

These long term and ongoing relationships also set in place the foundations for a relationship based on confidence and trust that has enabled both parties to enter into the Te Whiti Park Agreement.

Advantages of the co-management arrangement

The agreement has resulted in a well-managed facility which meets the needs of the locals and community at large.

The operation of the agreement provides a suitable forum to discuss other issues, not necessarily directly linked to the agreement. For the council, this includes initiatives that may or may not directly impact on the park, such as road or sewage maintenance. For the Runanga, issues raised may include economic activities they are planning either adjoining the park or that they wish to pursue on the park.

The agreement has also increased the number of informal interactions between the parties. By far the majority of interactions between the parties occur in an informal manner, such as through phone calls, email or informal meetings when information needs to be shared (such as park booking arrangements).

All parties feel comfortable that the majority of issues can be discussed and resolved through informal channels and have done so for the last six years.

Case study 3: Ohiwa Harbour

Introduction

Ohiwa Harbour, in the eastern Bay of Plenty, is a special place to many people for many reasons. Ohiwa Harbour is also a place of great significance to Maori people. Ohiwa is an important mahinga mataitai of tangata whenua and is a significant taonga.

The local authorities that manage the harbour and its catchment are Environment Bay of Plenty (Regional Council), Opotiki District Council and Whakatane District Council.

Since 2002 Whakatohea, Upokorehe (a Whakatohea hapu with a predominant role of ahi ka for the harbour), Ngati Awa and Tuhoe have been working with the local authorities to develop a strategy for managing the area. Important input has also come from the Department of Conservation and Ministry of Fisheries.

This case study records the process of strategy development undertaken by the parties involved in the management of the harbour.

Purpose of arrangement

The rationale behind the strategy was to seek an integrated approach to managing the Ohiwa Harbour environment. The strategy incorporates both statutory and non-statutory mechanisms and recognises the range of groups involved in managing an environment, including regulators, interest groups, owners and kaitiaki.

An integral part of developing the strategy was to involve Maori in the issues of importance to them and to ensure that the views of tangata whenua were incorporated into the integrated management of the harbour.

Background to establishment of arrangement

The development of the strategy was planned as a three-year project. However, there is a longer history to the need for a plan for Ohiwa Harbour.

For a number of years the local authorities and the community have considered the development of a plan for the Ohiwa Harbour to be an issue of importance. In 1989, an Ohiwa Harbour Advisory Committee composed of the Whakatane and Opotiki District Councils and tangata whenua was established. This Committee was later disestablished following the passing of the Resource Management Act 1991 that transferred many of the committee's functions to Environment Bay of Plenty.

The need for a strategy was raised in 1995 and again in 2002. Following the latest proposal, Environment Bay of Plenty adopted a process and budget to develop an integrated strategy for Ohiwa Harbour and the relevant catchment area. The regional council had the role of "holding the pen" for the project on behalf of all the parties to the project.

The 2002/03 year was spent refining the scope through information gathering. The 2003/04 year involved further research and issue identification, with the third year 2004/05, dedicated to drafting the strategy.

Importance of area to iwi

The land surrounding Ohiwa Harbour has been populated by Maori for centuries. There are hundreds of archaeological and historic sites within the catchment, with many in close proximity to the harbour itself.

Ohiwa is still recognised as a food basket by the iwi who continue to harvest the shellfish and fish found in the area. One of the names that the harbour is known as is "Te Kete Kai a Tairongo" (the food basket of Tairongo). The harbour is seen as a "taonga", a priceless treasure that must be looked after to ensure that it continues to provide for the people.

The harbour is a source of pride and mana for the tangata whenua, and there is increasing concern that the harbour should be looked after to ensure that its rich resources are still there for future generations.

Process for establishing the arrangement

The development of a strategy for the Harbour began with initial scoping. The scoping exercise involved consulting with interested groups including government agencies and iwi/hapu.

During this initial phase Environment Bay of Plenty discovered that the iwi and hapu already had structures and process in place to support their own planning for the harbour. In an important step Upokorehe, Whakatohea, Ngati Awa and Tuhoe agreed that as tangata whenua they would work co-operatively to exercise kaitiakitanga for the Ohiwa Harbour.

The council worked with Maori to agree the process and structures for developing the strategy. The structures were designed around a committee model based on existing iwi structures. However, the structures acknowledged the different roles that governance, management and technicians would have in developing the strategy. Two committees were identified:

- an inclusive larger group that consists of the iwi, hapu and whanau interests and includes the governance representatives, pukenga, koroua and kuia of these entities, called the iwi/hapu forum

- a working group called Roopu Whakahaere consisting of representatives from the key Maori interests who have relevant expertise and included iwi/hapu resource management practitioners.

Environment Bay of Plenty provided support and expertise to assist the Roopu Whakahaere group to participate in the process of designing the strategy. The group is mandated by the iwi/hapu forum to assist the project. Any work produced by Roopu Whakahaere is submitted to the iwi/hapu forum for approval.

In mid 2003, a hui was held to discuss the management of the Harbour through a strategy. Roopu Whakahaere was mandated by the iwi/hapu forum to draft processes, protocols and practices that give effect to kaitiakitanga in the harbour for inclusion into the strategy and to contribute to all other aspects of the strategy being prepared by Environment Bay of Plenty staff.

In 2005/06 the strategy is being finalised for public consultation. As a result, the current structures for Maori participation may have to adapt to cater for the implementation phase, and the draft iwi planning document that contains draft processes, protocols and practices for giving effect to kaitiakitanga in the Ohiwa harbour. There is a desire and a draft planning document that can provide for Maori to actively participate in implementation and operational functions relevant to managing Ohiwa Harbour.

Prior Iwi and local government interaction

Interaction between the iwi with interests in the Harbour preceded the initiation of the strategy.

In the mid to late 1990's a series of resource consent applications were made to develop sites within the harbour of ecological and cultural significance to iwi. These applications presented an opportunity for iwi to work together and develop a process for undertaking their kaitiaki role for the benefit of Ohiwa Harbour.

The views of iwi were consequently sought by the council with a view to contributing to a strategy for the Harbour that sought integrated management.

Advantages of the arrangement

The strategy process has enabled other initiatives to occur between council and the relevant Maori groups through improved communication and relationships.

One example is a pest eradication initiative that has started. The council pest control officer has worked with the hapu who live next to the harbour, to assist in the management of pests on islands close to their marae. This has had the spin off of education, training and potential employment opportunities as well as improved environmental outcomes.

One significant benefit that has arisen from the project is the development of an iwi planning document for the harbour. This document describes the joint approach that the Upokorehe, Whakatohea, Ngati Awa and Tuhoe will take to

consultation on planning documents and resource management applications. There is the potential for this to be of significant advantage to local government, resource consent applicants and to the iwi themselves.

The strategy contains a number of actions where Maori have a lead role. For example:

- The establishment of a mahinga mataitai for the customary management of Ohiwa
- Identifying the many waahi tapu and waahi taonga in and around Ohiwa Harbour
- The development of protocols that integrate kaitiakitanga into Ohiwa Harbour resource management practices.

In cases the actions provide new or expanded impetus for existing processes. Others are new initiatives that are seen as promoting the sustainable management of the harbour. The incorporation of these actions in the strategy ensures that the other parties to the strategy will support the proposals.

Case study 4: Taharoa Domain (Kai Iwi Lakes)

Introduction

In January 2002, the Kaipara District Council ('the council') in partnership with tangata whenua representatives from Te Roroa and Te Kuihi, released its reserve management plan for Taharoa Domain.

Taharoa Domain (also known as Kai Iwi Lakes) is located just over 30 kilometres northwest of Dargaville, 2.5 kilometres from the Tasman Sea and 30 kilometres south of the Waipoua Forest. Administered by Kaipara District Council, the domain covers 538 hectares of Crown owned land, which has been set aside as recreation reserve.

A council committee called the Taharoa Domain Governance Committee has been tasked with the sustainable management of the domain in accordance with the Taharoa Reserve Management Plan. The committee consists of two councillors and one representative each from Te Roroa and Te Kuihi.

Purpose of co-management arrangement

The Reserve Management Plan provides an overall framework for the Domain's governance and management, including some short-term outcomes.

The continuing governance through the Taharoa Domain Governance Committee will establish longer-term outcomes and actions based on monitoring and research findings. The Reserve Management Plan is a living document.

Background to establishment of co-management arrangement

Tangata Whenua have a long association with the Lakes, and the domain is recognised as taonga. Taharoa Native Reserve, which includes almost all of Lake Kai Iwi, is subject to a Treaty of Waitangi Claim (Wai 38). The Wai 38 Claim was originally lodged in 1986 and a draft Deed of Settlement was agreed by the Crown in 2005.

One of the outcomes from the Waitangi Tribunal's Te Roroa Report 1992, was that the Crown directed the Kaipara and Far North District Councils to ensure that proper provisions are made for effective participation of tangata whenua in the management of any reserves in their districts.

Nature of the co-management arrangement

The plan sets out an overall vision for the domain and is based on the five key aims of: partnership, cultural education, environmental sustainability, social/recreational activities and economic development.

The Reserve Management Plan provides for governance of the area by the Taharoa Domain Governance Committee which meets every two months.

The Chair holds the casting vote, but has never used it - the group prefers to make decisions based on consensus. The Chair of the Committee is rotated annually between the members involved.

The committee is guided by both the intentions of the Reserve Management Plan and a ten-year business plan. As a council committee, any decisions from the governance committee still need council approval.

The committee has set itself ambitious tasks within both the Reserve Management Plan and the Business Plan. To help meet costs relating to the management / governance / development of the domain, the committee has access to funds from activities undertaken on the domain, in particular, camping grounds and forestry. However, the financial demands of the Business Plan, which include a sewage system for the camping ground and re-vegetation in native plantings, exceed the committee's current financial resources, and consequently have required a reprioritisation of initiatives.

Council role in resourcing the co-management arrangement

Kaipara District Council provides support, administration, and direction to the committee group. All committee meetings are arranged by the council, which also prepares minutes and agendas. Council staff work with the committee to help them achieve the outcomes of the Management Plan and Business Plan. The council has recognised a need to provide quality information to assist the committee in decision-making.

Iwi and local government interaction prior to co-management

In the mid 1990's, members of the Wai 38 claimant group approached the council to request the establishment of a board to manage the activities around the Taharoa Domain. Initially the council was hesitant while waiting for resolution of the Wai 38 Claim.

In May 2000, Kaipara District Council decided to review its 1987 reserve management plan for the Taharoa Domain.

In October 2000, Kaipara District Council appointed a consulting group to assist with the development of the Reserve plan. Shortly after this appointment the council held initial meetings with tangata whenua to decide the parameters of the project and the outcomes sought. The council, consultants and tangata whenua group worked to create a common vision that could be discussed with wider audiences.

By March 2001, the council publicly notified its intention to prepare the plan and release the joint council / tangata whenua visions. Copies of a vision brochure were widely distributed throughout Northland. Comments were received from a range of groups and individuals.

During April - June 2001, the council, consultants and tangata whenua developed a draft reserve management plan, drawing on feedback from people's comments on the vision for the domain. An extensive range of background information was collected from meetings with recreational groups, tangata whenua and groups with established presence at the Domain.

During July - September 2001, the draft management plan was publicly notified. Consultation was undertaken with different parties, and submissions were invited.

During December 2001 - January 2002, Te Roroa and Te Kuihi were provided with a choice of either to be part of a hearing committee to listen to submissions, or alternatively presenting a submission on the Plan as an interested party. Both Te Roroa and Te Kuihi decided to be members of the hearing committee.

The iwi groups had a wealth of information for the development of the Management Plan, as they had already prepared a substantial amount of research to support their Treaty of Waitangi Claim.

The Management Plan was prepared and based on the Hearing Committee's recommendations and adopted by the council in January 2002.

Advantages of the co-management arrangement

- Provision of a forum where tangata whenua concerns can be raised and the addressing of concerns commenced. Significant issues have been raised and the first considerations are being given to them. Little progress has been made to date but the process for addressing the concerns is in place and council is moving along a path which should lead to the resolution of the issues
- Recognition of tangata whenua interests, values and mana
- Development of a strong working relationship between Kaipara District Council and tangata whenua which are gaining strength over time
- Interests of Maori being raised with council and the community and being dealt with through the processes established. This will increase general understanding over time.

Case study 5: Okahu Bay/Whenua Rangatira Reserve

Introduction

In 1991, the Crown restored title to Orakei's 150 acre 'Whenua Rangatira' parklands including the foreshore at Okahu Bay.

The Whenua Rangatira is now being administered by the Ngati Whatua o Orakei Reserve Board comprising three representatives of the Ngati Whatua o Orakei Maori Trust Board, and three representatives from Auckland City Council. The chairperson (and the casting vote) is reserved for a Ngati Whatua representative in recognition of the hapu's title and manawhenua.

By statute, the land is managed, financed and developed for the public enjoyment of both the citizens of Auckland and hapu members. Therefore ratepayers through Auckland City Council meet all costs. The Act requires that the Crown will reimburse Auckland City Council for trustee fees paid to the Ngati Whatua representatives.

The fee simple title to the land is registered in favour of the Ngati Whatua o Orakei Maori Trust Board.

Purpose of co-management arrangement

The co-management arrangement for Okahu Bay/Whenua Rangatira Reserve is to a large extent statutorily prescribed. The purpose of the arrangement is to manage the reserve in a way that reflects the interests of the landowners, the parties charged with managing the land, and the citizens of Auckland, whilst also meeting statutory requirements.

Background to establishment of co-management arrangement

The genesis for the Orakei co-management arrangement was the Waitangi Tribunal recommendation that Okahu Park and the headlands of Bastion Point be returned to Ngati Whatua to be used as public parks and that the Orakei marae and the Okahu church and urupa be returned to Ngati Whatua.

The Government developed legislation, the Orakei Act 1991, to recognise the rights of the hapu under the Treaty of Waitangi. Ngati Whatua o Orakei permitted full unimpeded use by the residents of Auckland to parts of the returned land, which included the Joseph Savage Memorial, the Whenua Rangatira and the beaches around Okahu Bay. They agreed to work in partnership with the Auckland City Council to develop a reserve plan for these areas.

Importance of area to iwi

In 1840, paramount chief Apihai Te Kawau and two other rangatira signed the Treaty of Waitangi on behalf of Ngati Whatua o Orakei. Te Kawau invited Governor Hobson to establish a seat of government on land to be provided by Ngati Whatua o Orakei on the shores of Waitemata Harbour.

In 1840 Ngati Whatua o Orakei transferred over 3,000 acres of land in modern-day central Auckland for a township to be established. The Orakei Block was not included in this transaction and was held by the hapu as Papakainga.

By 1845, only five years after the signing of the Treaty, Ngati Whatua o Orakei had transferred a further 60,000 acres to either the Crown or private settlers in the Tamaki Isthmus, West Auckland and the North Shore. These transactions significantly reduced the land holdings of the iwi. By 1855, Ngati Whatua land holdings in the Auckland area were reduced to 700 acres at Orakei. Ngati Whatua applied for a title determination by the Native Land Court in the late 1860s in order to protect this land from future alienation. In 1868 the Court awarded title to the Orakei Block to Ngati Whatua. The block was partitioned between individual owners in 1898. From 1913 to 1950 the Crown bought most of the land at Orakei from owners and in 1950 compulsorily acquired all the remaining land in the block for public purposes, except for a quarter acre urupa at Okahu Bay.

Many Ngati Whatua families nonetheless continued to live on the land. In 1951 the marae and pa were deemed unsafe for habitation. The Auckland City Council evicted all residents from that area and re-settled them in new state housing on another part of the block. Homes and buildings were pulled down and the meeting house was burnt to the ground. The urupa was all that remained.

In 1976, the Crown moved to a final disposal of its remaining lands at Orakei. This was the last 60 acres of uncommitted land at Orakei in which the hapu had notified their interest for the settlement of their claims. Members of Ngati Whatua protested, by occupying Bastion Point for 506 days. On May 25 1978 the Government sent police and the army to evict them for trespassing on Crown land, although for Ngati Whatua it was their ancestral land. Protesters were removed and buildings demolished.

In 1986 the Ngati Whatua o Orakei Maori Trust Board lodged a claim against the Crown with the Waitangi Tribunal.² In 1987, the Waitangi Tribunal found that the Crown had breached the Treaty of Waitangi when it purchased the Orakei Block and that the block should have been kept as a reserve in tribal ownership. The Crown had also failed to protect the rights and property of the hapu, in breach of its Treaty obligations.

The Tribunal recommended that Okahu Park and the headlands of Bastion Point be returned to Ngati Whatua to be made available as public parks and that the Orakei marae, church and urupa be vested in Ngati Whatua.³ In response the Government developed legislation in the form of the Orakei Act 1991 to recognise the rights of the hapu under the Treaty of Waitangi. They

² Appendix B, 2.1.1 of the Whenua Rangitira Management Plan 2003

³ Based on summary from the Waitangi Tribunal Report 1987 (Wai 9)

also paid a putea of \$3 million to Ngati Whatua o Orakei to assist with its housing and other developments.⁴

Even after over 140 years of tension with both the Crown and the Auckland City Council, Ngati Whatua o Orakei decided to allow for full unimpeded use by the residents of Auckland, to parts of the returned land, which included the Joseph Savage Memorial, the Whenua Rangitira and the beaches around Okahu Bay. They agreed to working in partnership with the Auckland City Council to develop a reserve plan for these areas.

Nature of the co-management arrangement

The Orakei Act

The Orakei co-management arrangement has as its basis in the Orakei Act 1991. The Act provides for the recognition of rights secured to Ngati Whatua o Orakei in relation to the Orakei Block by the Treaty of Waitangi. It gives effect to parts of an agreement reached between the Crown and Ngati Whatua o Orakei, to implement agreed recommendations from the Waitangi Tribunal.

The Act vests the lands in the Trust Board and outlines the role of the Ngati Whatua o Orakei Maori Trust Board, with respect to the management and use of these lands. The Trust Board services, administers and develops hapu land, turangawaewae, and putea, for the beneficiaries.

The Act sets out responsibilities for the Whenua Rangitira to be jointly administered by the Ngati Whatua o Orakei Reserve Board. The Reserve Board's role is to develop and maintain a management plan in accordance with section 41 of the Reserves Act 1977.

Unique to this Reserve Board is the power of the casting vote, which is held by Ngati Whatua o Orakei Maori Trust Board. Between 1991 and the present, the casting vote has not been used as the parties prefer to operate by consensus, however Ngati Whatua's interests and rights as owner of the land are recognised in their holding the casting vote.

The Whenua Rangitira Reserve Management Plan

The Reserves Act 1997 establishes the protocol for the preparation of management plans and guided the development of the Whenua Rangitira Reserve Management Plan ('the Plan'). In this case the landowner is Ngati Whatua o Orakei, but with shared interests of the people of Auckland.

In developing the Plan, there was close consultation between Auckland City Council and Ngati Whatua members. This consultation enabled a scoping document to be prepared, establishing both the goals and principles to be followed in the preparation of the plan. The document was made available to the public, with an invitation to make submissions on the use of the Whenua

⁴ Based on Appendix B, 2.1.3 of the Whenua Rangitira Reserve Management Plan 2003

Rangatira. Submissions were received and considered in the preparation of the draft

The overall mission statement for the Plan is:

“The development of the Whenua Rangatira is to reflect the spiritual, social and cultural heart of Ngati Whatua o Orakei (Marae / Urupa / Papakainga) and promote the Whenua Rangatira as a taonga to be treasured by all people living and visiting in Tamaki Makaurau (Auckland).”

The six goals that guide the management and development of the Whenua Rangatira are:

- To ensure the cultural and spiritual sustainability of the Ngati Whatua o Orakei hapu will provide benefits for the public of Auckland
- To ensure the sustainability of the physical resources
- To provide for wider community needs
- To ensure accountability in the management of the Whenua Rangatira
- To ensure the Board fulfils its statutory obligations
- To ensure that any development shall be harmonious and consistent with the principles of the Plan.

The plan was approved in August 2002.

Operation of the Management Plan

The Orakei Act 1991, provides the framework by which the Auckland City Council and Ngati Whatua o Orakei work together to jointly manage Whenua Rangatira. The Act has provided clarity around the ownership and management of the reserve, and the responsibilities of the Ngati Whatua o Orakei Reserve Board.

All decisions relating to, or affecting the Whenua Rangatira, are directed to the Ngati Whatua o Orakei Reserve Board. The Chair of the Board is a member of the Maori Trust Board and the deputy chair is an Auckland City Councillor. This group holds quarterly meetings, which are administered, supported and recorded by Auckland City Council staff.

In decision-making processes, this group is guided by the plan, which identifies the goals, values, activity areas and planning process of the Whenua Rangatira. New projects for the Whenua Rangatira follow a highly consultative seven-stage process, before final agreement and implementation.

Council role in resourcing the co-management arrangement

The Auckland City Council provides a key role in supporting and administering the requirements of the Reserve Board. The council is involved at all levels of decision-making and provides expertise, financial resources and staff to support the developments on the Whenua Rangatira.

In recognition of ongoing public access and use of Whenua Rangatira, the council funds costs associated with the control and management of Whenua Rangatira.

The council provides the funding for any projects following consideration and prioritisation during the normal annual plan process. For projects to be considered, they must successfully complete the seven-stage project development process, as per requirements of the Whenua Rangatira Reserve Management Plan.

The council staff involved in the Whenua Rangatira include:

- The council's executive services team that includes a Maori liaison group called Pae Herenga Tangata. This group is mainly involved in developing the relationship between the council and Ngati Whatua and supporting any planning or project development. In addition they play a major role in the coordination internally;
- The community and city planning team works with Ngati Whatua on the planning and implementation of projects under the auspices of the reserve management plan;
- The recreation and community services team looks after the day to day management of parks and reserves; and
- The democracy team administers and minutes the Reserve Board meetings.

Role of the Ngati Whatua o Orakei Maori Trust Board

The Ngati Whatua o Orakei Maori Trust Board has broad purposes as defined by the Maori Trust Boards Act 1955, and specifically under the Orakei Act services, administers and may develop hapu land, turangawaewae, and putea for its beneficiaries.

The Trust Board also plays a role in communications between the Reserve Board, the hapu and all beneficiaries. They are a key signoff point to any plans or developments that the hapu may wish to undertake - the hapu must seek the approval of the Trust Board.

Advantages of the co-management arrangement

- Development of a strong working relationship between Ngati Whatua o Orakei and the Auckland City Council
- Rather than reflecting only the views of one entity, the reserve benefits from the breadth of views of both the Auckland City Council and Ngati Whatua o Orakei Maori Trust Board
- Lands kept for uninhibited use by all residents of Auckland.