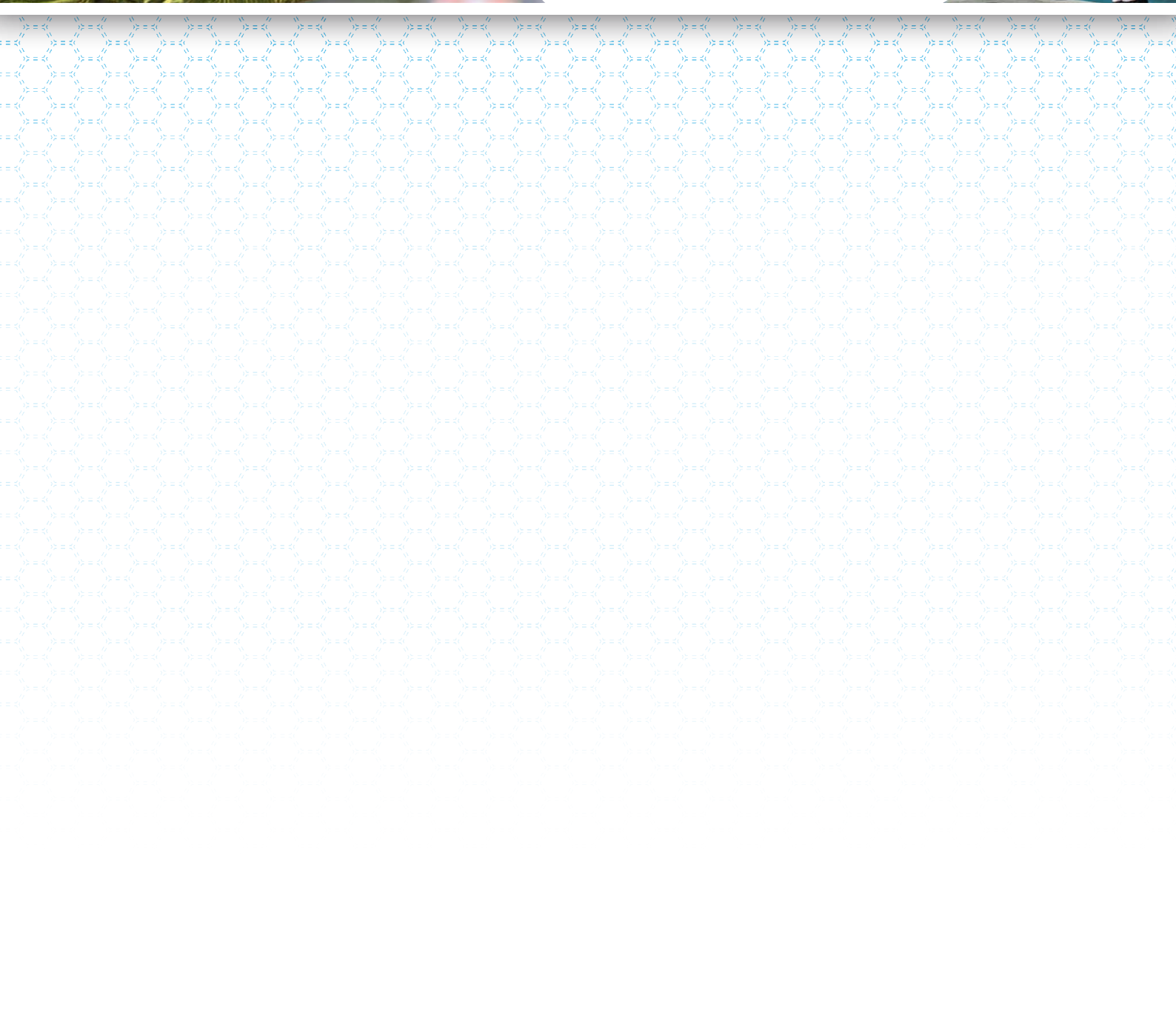


**Local Government
New Zealand**
te pūtahi matakōkiri



Foreword



The local government sector is one that is constantly evolving and developing and it is important as leaders and practitioners in the sector that we learn from each other.

This document is an update of *Co-management: Case studies involving local authorities and Māori* (January 2007) and is designed to be a tool for elected members and staff to learn from what their colleagues in the sector are doing.

The issue of co-management and / or co-governance in any area is a diverse and complex one as there is no one solution that can be perfect for everyone.

However it is hoped that when you read this document you will develop some new ideas and be able to implement them for the benefit of your council and your community.

The document would not have been possible without the support of the contributing councils who have taken the time to share their stories and experiences. I would like to thank and acknowledge everyone who contributed to this publication.

A handwritten signature in blue ink, appearing to read 'L. Yule', with a stylized flourish at the end.

Lawrence Yule
President
Local Government New Zealand

Contents

Foreword	1
Contents	2
Introduction	3
Overview of the local arrangements	4
Overview: joint management agreement - Te Whakaaetanga ma te Whakakotahinga a Rōpū Whakahaere.....	5
Overview: Rotorua Te Arawa Lakes Strategy Group.....	6
Overview: summary of the Waikato river co-governance / co-management arrangements.....	7
Overview: Te Upoko Taiao - Natural Resource Plan Committee.....	8
Joint Management Agreement – Te Whakaaetanga ma te Whakakotahinga a Rōpū Whakahaere.....	9
Rotorua Te Arawa Lakes Strategy Group.....	15
Summary of the Waikato River co-governance / co-management arrangements.....	19
Te Upoko Taiao – Natural Resource Plan Committee.....	27
Appendix: Excerpts from LGNZ 2007 publication: <i>Co-management: case studies involving local authorities and Māori</i>	33
3. What is co-management?.....	33
5. Important elements of co-management arrangements.....	35

Introduction

This report records the practices and experiences from four formal arrangements between local authorities and Māori. The report provides local authorities and iwi with a better understanding of the different types of arrangement in use, how they were developed and how they operate.

This report adds to *Local Government New Zealand's* (LGNZ) library on local authority-Māori arrangements. LGNZ's first report on this subject was prepared in 2007 and can be downloaded from the LGNZ website: [Co-Management: Case studies involving local authorities and Māori](#) (2007.)

The five case studies outlined in the 2007 report were:

- New Plymouth Port Assets
- Te Whiti Park
- Ohiwa Harbour
- Taharoa Domain (Kai Iwi Lakes)
- Okahu Bay / Whenua Rangatira Reserve.

Co-management arrangements such as the case studies in the 2007 report involve day-to-day responsibilities and management of particular areas.

Recent Treaty of Waitangi settlements have introduced new arrangements involving local authorities and Māori working together on strategy, policy and governance. Some local authorities have also moved to a new level of governance arrangement independently of Treaty settlement outcomes. This report focuses on examples of local governance arrangements.

The four arrangements covered in this report are:

- Joint Management Agreement: Te Whakaaetanga ma te Whakakotahinga a Rōpū Whakahaere - a joint management agreement between Taupō District Council and Tūwharetoa Māori Trust Board relating to the hearing of resource consents and private plan changes on multiply-owned Māori land
- Rotorua Te Arawa Lakes Strategy Group - a governance body formed by Bay of Plenty Regional Council (BoPRC) (formerly Environment Bay of Plenty,) Rotorua District Council and Te Arawa Lakes Trust to promote the sustainable management of the Rotorua Lakes and their catchments
- Waikato River Settlement – a summary of the local authorities and iwi co-governance and co-management provisions as relating to the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and agreements with Ngāti Tūwharetoa, Raukawa and Te Arawa (upper river iwi)
- Te Upoko Taiao – Natural Resource Plan Committee - a Greater Wellington Regional Council (GWRC) committee established to oversee the review and development of the Council's second generation regional plans.

Overview of the local arrangements

This section provides a brief overview of the four local arrangements including:

- their purpose
- their key facets
- how local authorities and Māori are involved.

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

- the different levels of co-management and / or co-governance adopted
- a range of legislation providing for their establishment eg Resource Management Act 1991 (RMA), the Local Government Act 2002 (LGA), and / or specific legislation giving effect to Treaty of Waitangi settlements
- a variety of structures and documents used
- a variety in the number of parties involved in the arrangement.

OVERVIEW: JOINT MANAGEMENT AGREEMENT - TE WHAKAAETANGA MA TE WHAKAKOTAHINGA A RŌPŪ WHAKAHAERE

Parties

- Taupō District Council
- Tūwharetoa Māori Trust Board representing the Ngāti Tūwharetoa Iwi

Type of arrangement

Joint management agreement (JMA)

Established via

RMA

Purpose of the arrangement

Te Whakaaetanga ma te Whakakotahinga a Rōpū Whakahaere, (“the JMA”,) relates to the hearing of resource consents and private plan changes on multiply-owned Māori land.

The JMA provides the ability for Māori land owners to have their applications heard and decided by commissioners appointed by the Taupō District Council and Ngāti Tūwharetoa.

Area of the arrangement

Ngāti Tūwharetoa land which falls within the Taupō District. This represents approximately 60 per cent of land in the district.

OVERVIEW: ROTORUA TE ARAWA LAKES STRATEGY GROUP

Parties

- Bay of Plenty Regional Council (BoPRC) (formerly Environment Bay of Plenty)
- Rotorua District Council
- Te Arawa Lakes Trust

These organisations are termed the “partner organisations.”

Type of arrangement

Co-governance committee

Established via

A joint management committee was first established under the LGA in 2003 in anticipation to the group’s formal establishment via the final Te Arawa Lakes Settlement Act 2006.

Purpose of the arrangement

The Rotorua Te Arawa Lakes Strategy Group is a governance body that considers issues that contribute to the promotion of the sustainable management of the Rotorua Lakes and their catchments.

Area of the arrangement

The co-governance “area” includes the lakes of the Rotorua district. The term Rotorua Lakes refers to the twelve large lakes:

- Okareka
- Ōkaro
- Okataina
- Rerewhakaaitu
- Rotoehu
- Rotoiti
- Rotokākahi (Green Lake)
- Rotomā
- Rotomahana
- Rotorua
- Tarawera
- Tikitapu (Blue Lake).

OVERVIEW: SUMMARY OF THE WAIKATO RIVER CO-GOVERNANCE / CO-MANAGEMENT ARRANGEMENTS

Parties

The following parties are involved with various provisions:

- Waikato-Tainui
- Ngāti Tūwharetoa
- Raukawa
- Te Arawa
- Ngāti Maniapoto
- Environment Waikato
- Hamilton City Council
- Waikato District Council
- Waipa District Council
- Taupo District Council.

Type of arrangement

A number of co-governance, co-management and customary activity provisions.

Established via

The arrangements were established in the wake of Treaty of Waitangi negotiations and settlement legislation. At the time of writing the key documents and background included:

- the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010
- the Ngāti Tūwharetoa, Raukawa and Te Arawa River Iwi Waikato River Bill
- Ngāti Maniapoto negotiations towards the signing of a deed of settlement.

Purpose of the arrangements

The co-governance and co-management provisions provide the framework for the management of the Waikato River, and also represent arrangements established as part of a Treaty of Waitangi settlement.

Area of the arrangement

With varying provisions for each party, the co-governance and co-management area involves the Waikato River from Taheke Hukahuka (Huka Falls) to the mouth (Te Puuaha o Waikato) and its catchments.

OVERVIEW: TE UPOKO TAIAO - NATURAL RESOURCE PLAN COMMITTEE

Parties

- GWRC
- The seven iwi authorities in the greater Wellington region:
 - Te Rūnanga o Raukawa Incorporated (Inc)
 - Te Rūnanga o Āti Awa ki Whakarongotai Inc
 - Te Rūnanga o Toa Rangatira Inc
 - Wellington Tenths Trust (Ngā Tekau o Pōneke)
 - Te Rūnanganui Taranaki Whanui ki te Upoko o te Ika a Maui Inc
 - Ngāti Kahungunu o Wairarapa Taiwhenua Inc
 - Rangitāne o Wairarapa Inc

Type of arrangement

A council committee with seven non-council members and seven council elected members. The non-councillor members are appointed for their skills, attributes or knowledge relevant to the work of the committee, and including their knowledge of the rohe of the relevant authority to which they belong. In making appointments, the Council has regard to the recommendation of each of the region's seven iwi authorities.

Established via

LGA

Purpose of the arrangement

The committee was established by GWRC in August 2009 to oversee the development of the regions natural resource management plans.

Area of responsibility

The committee is responsible for the review of regional plans for the Wellington region from the south coast to Otaki, Mt Bruce and Castlepoint in the north.

JOINT MANAGEMENT AGREEMENT – TE WHAKAAETANGA MA TE WHAKAKOTAHINGA A RŌPŪ WHAKAHAERE

Introduction

Ngāti Tūwharetoa is the largest collective landowner in Taupō District, controlling over 60 per cent of the district's land resource.

In early 2008 the Taupō District Council proposed to "provide for the protection of the landscape and natural values" on much of this land under the landscape and natural values plan change. Given their significant land holdings, Ngāti Tūwharetoa concerns regarding the implication for long-term planning for the natural environment and their lands highlighted the need for proper engagement.

After approximately eight months of negotiation between the parties the JMA was formally endorsed by the Tūwharetoa Māori Trust Board and Taupō District Council in October 2008.

The JMA represented the first time in New Zealand a local authority agreed to delegate part of its functions relating to decisions on resource consents to another party – a joint management panel consisting of members from Ngāti Tūwharetoa, Taupō District Council and an independent chair.

Purpose of the arrangement

The JMA provides for Ngāti Tūwharetoa participation in resource consent decision-making and an enhanced consideration and recognition of the relationship of Ngāti Tūwharetoa to their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

The agreement also facilitated a step forward in improving relationships and engagement between Taupō District Council and Ngāti Tūwharetoa.

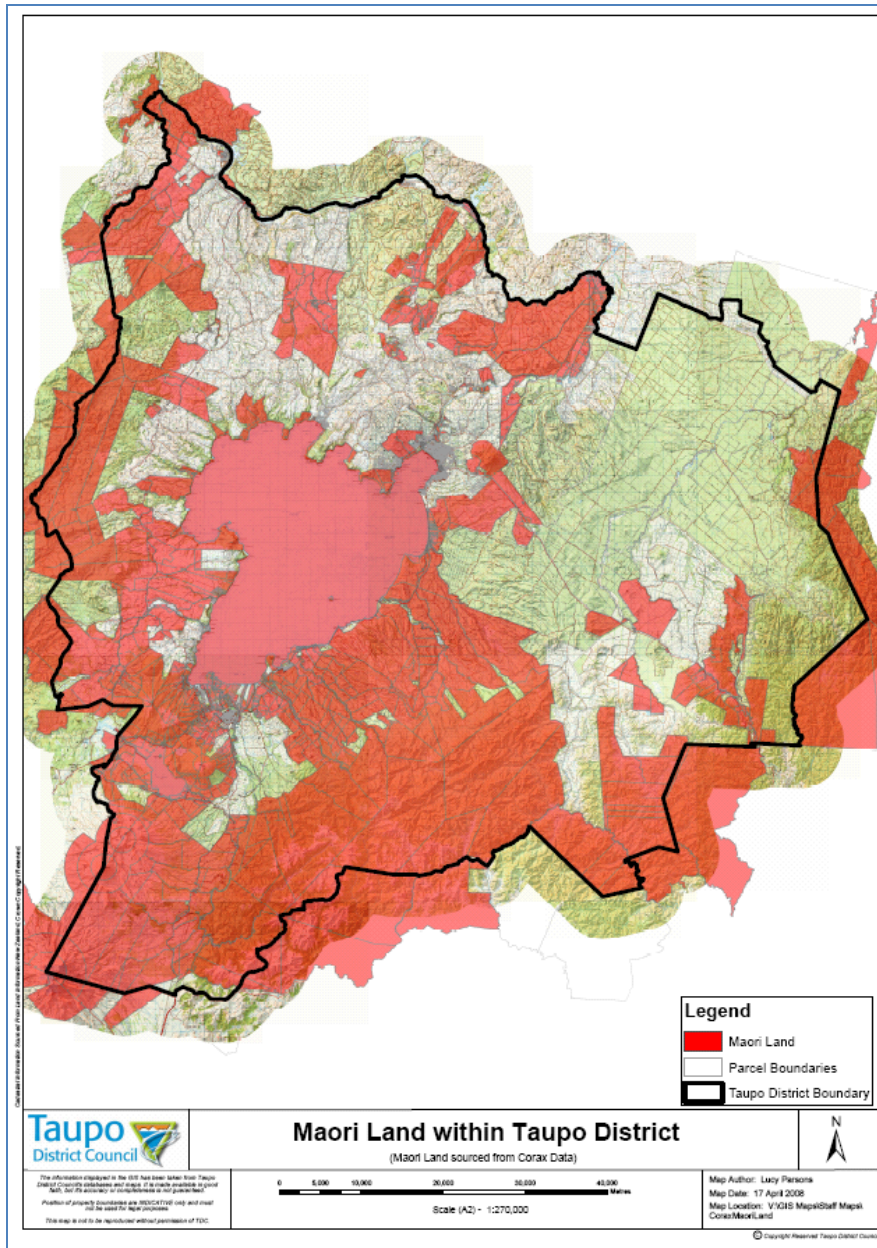
Parties

- Taupō District Council
- Tūwharetoa Māori Trust Board representing the Ngāti Tūwharetoa Iwi

Area of the arrangement

Ngāti Tūwharetoa land which falls within the Taupō District. This represents approximately 60 per cent of land in the district.

Map 1: Māori Land within the Taupō District



Source: Taupō District Council

The arrangement

The JMA relates to the hearing of resource consents and private plan changes on multiply-owned Māori land. The JMA provides the ability for Māori landowners to have their applications heard and decided by commissioners appointed by the Taupō District Council and Ngāti Tūwharetoa. Previously all applications were heard by Taupō District Council councillors only.

The joint management panel provides for Ngāti Tūwharetoa participation in resource consent and private plan change decision-making and an enhanced consideration and recognition of the relationship of Ngāti Tūwharetoa to their culture and traditions.

Nature of the arrangement

The JMA between Taupō District Council and the Tūwharetoa Māori Trust Board represents the first agreement arising from the introduction of section 36B into the RMA Amendment Act 2005. Section 36B established the opportunity for public authorities or iwi authorities (as specifically defined in Section 2 of the Act) to jointly perform or exercise any of the local authorities functions, powers or duties under the RMA relating to natural or physical resources.

The provision was specifically introduced into the RMA as a “stepping stone” towards the full delegation of local authority responsibilities as provided for by section 33 of the Act.

To undertake the specific functions of the JMA a joint management panel was established. The panel, comprising commissioners appointed by Ngāti Tūwharetoa and Taupō District Council, gives Māori land owners the ability to have their applications heard and decided on by commissioners who have an enhanced understanding of Tūwharetoa relationships and issues, tikanga, and legislation with regards to development on multiple-owned Māori land.

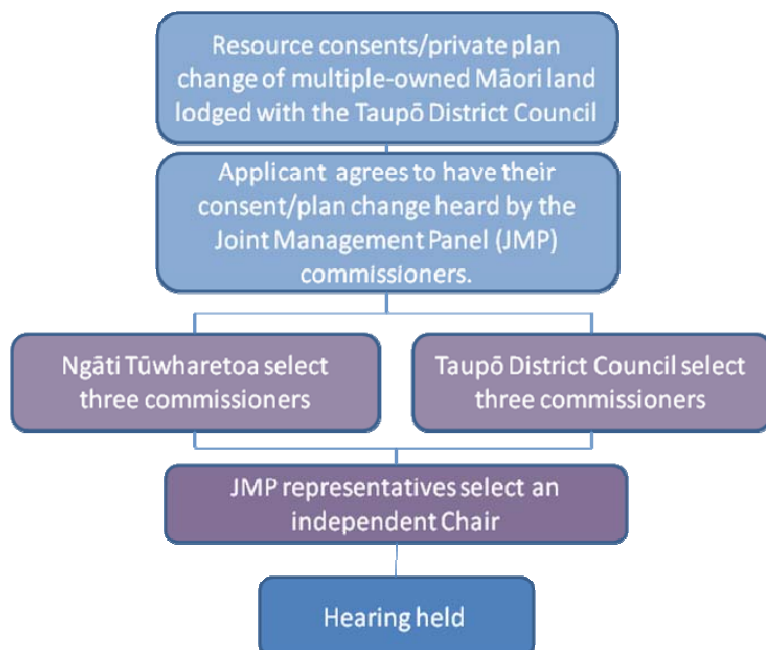
The JMA decision-making process is applicable to all notified resource consent applications and private plan changes on multiple-owned Māori land within the Taupō District.

At the time of application for a notified resource consent or private plan change, council officers will give notice to the applicant and the Trust Board of the option of having the application heard by the joint committee. The applicant will have 20 days to notify the Council that they wish to opt out of the joint hearing process.

All of the panel’s commissioners are to have completed a Making Good Decisions accreditation programme. Other JMA features include the ability of both parties to opt out of the process, specific requirements to declare any conflict of interest and a continuing 12 month review process to allow the JMA to be amended.

The first review was undertaken by both parties in February 2010 with the JMA being continued without change.

Diagram 1: Outline of the Ngāti Tūwharetoa and Taupō District Council Joint Management Process



The background to the establishment of the arrangement

Ngāti Tūwharetoa landowner tenure is relatively unique with the retention of iwi historic title within the meaning of Section 129(1) (a, b or c) of Te Ture Whenua Māori Land Act 1993. Taupō District Council is required to undertake specific consultation considerations with the iwi under section 6(e), 7(a) and 8 of the RMA.

The Taupō district is a largely undeveloped and unmodified district and in early 2005 Taupō District Council proposed to "provide for the protection of the landscape and natural values" on much of the districts land under the Landscape and Natural Values Plan changes.

The plan was appealed to the Environment Court, in part due to lack of consultation with Māori and other land owners. The outcome of that appeal included directions by the court for Taupō District Council to prepare a Plan Change in consultation with landowners.

In 2005 this plan change process was started with initial upfront consultation with all affected landowners as well as wider community groups. Early in the process it was identified that large areas of the potentially affected land was in Māori ownership, meaning that Taupō District Council would need to work with Māori landowners to ensure a more successful project.

After a hui with Taupō District Council and Ngāti Tūwharetoa in 2006, the Tūwharetoa Māori Trust Board facilitated a series of iwi and hapū hui and workshops that established their main issues.

The heart of iwi concerns included:

- their lack of representation, with no Ngāti Tūwharetoa representation on the Council
- the inequity in the proposed protection mechanisms, in that they proposed further development restrictions of lands that were predominately Māori land
- their lack of involvement in planning processes, particularly in terms of the process through which consents are considered
- the lack of effective engagement to handle these issues
- the negative impact of these issues on tribal rangatiratanga.

Working with planning and resource management consultants, the Trust Board and the Council established a working party that proposed the establishment of the JMA.

This group then worked to assess options, and progress the JMA with hapū, iwi, councillors and committees. The JMA was formally endorsed by the Trust Board and Taupō District Council in October 2008 at Pukawa Marae.

The council's role in resourcing

Tūwharetoa and Taupō District Council commissioners will be charged at the same rate as if the hearing was before Taupō District Council councillors.

Advantages of the arrangement

The JMA represented a significant milestone in planning in New Zealand. For the first time a local authority agreed to jointly manage identified responsibilities with a local iwi using RMA provisions.

For Ngāti Tūwharetoa, the JMA represents the opportunity to directly apply their unique knowledge and understanding to the management of ancestral land resources on an equal footing with a local authority.

For Taupō District Council the JMA has promoted a greater acceptance of the participation of tangata whenua in decision-making processes and a significant step forward in terms of improving relationships and engagement with the tangata whenua. It also allowed the Landscape and Natural Values Plan Change to progress.

For both parties the unique governance arrangement provides an innovative structure for the realising of the Treaty of Waitangi and closer relationships at operational, political, governance levels.

It is anticipated that the partnership will pave the way for extending Taupō District Council and Tūwharetoa engagement and present prospects for further joint decision-making and ventures to benefit the wider community as a whole.

Recent activity

To date the arrangement has not been used. This perhaps reflects the well documented difficulties of developing on Māori-owned land and the lack of iwi elected member representation in local government.

The arrangement is however viewed as an important stepping stone in terms of relationship development and Tūwharetoa representation in Council activities.

Further information and contacts

View the Joint Management Agreement - Te Whakaaetanga ma te hakakotahinga a Rōpū Whakahaere [here](#).

For further information on the JMA contact Dylan Tahau, Community and Strategy Group: dtahau@taupo.govt.nz or Rowan Sapsford, Environmental Services: rsapsford@taupo.govt.nz.

ROTORUA TE ARAWA LAKES STRATEGY GROUP

Introduction

The Rotorua Te Arawa Lakes Strategy Group is a co-governance body formed from three partner organisations to promote the sustainable management of the Rotorua Lakes and their catchments.

The co-governance body is a joint committee stemming from historic relationships between the partner organisations that led to its statutory establishment in the Te Arawa Lakes Settlement Act 2006.

Purpose of the arrangement

The joint committee's purpose is to contribute to the promotion of the sustainable management of the Rotorua Lakes and their catchments, for the use and enjoyment of present and future generations, while recognising and providing for the traditional relationship of Te Arawa with their ancestral lakes.

Parties

The partner organisations are BoPRC, Rotorua District Council and Te Arawa Lakes Trust.

Area of the arrangement

The co-governance "area" includes the Lakes of the Rotorua district. The term Rotorua Lakes refers to the twelve lakes managed through the Rotorua Lakes Protection and Restoration Action Programme:

- Lake Okareka
- Lake Ōkaro
- Lake Okataina
- Lake Rerewhakaaitu
- Lake Rotoehu
- Lake Rotoiti
- Lake Rotokākahi (Green Lake)
- Lake Rotomā
- Lake Rotomahana
- Lake Rotorua
- Lake Tarawera
- Lake Tikitapu (Blue Lake).

Nature of the arrangement

The group is a joint committee initially established in 2003 under Clause 30 of Schedule 7 of the Local Government Act 2002. It was given statutory effect through the Te Arawa Lakes Settlement Legislation.

Unlike the usual case where the creation, membership and disestablishment of joint committees are under the control of the partner local government bodies, the settlement legislation directs that the Te Arawa Lakes Trust has an equal membership in the joint committee.

The settlement legislation also:

- requires the establishment of the joint committee
- sets the membership, including non-local government members (Te Arawa Lakes Trust)
- establishes the joint committee as a permanent committee which can only be disestablished with the agreement of all parties.

Background to the establishment of the arrangement

2000

In 2000 the *Strategy for the Lakes of the Rotorua District* was adopted by the three organisations that were to become the partner organisations for the Rotorua Lakes Strategy Group (NB: renamed the Rotorua Te Arawa Lakes Strategy Group by agreement in September 2009.) The process of developing the strategy started in 1998 and involved extensive public consultation.

2001

The three partner organisations considered the opportunities of a joint governance structure. This was presented in a report entitled *Co-Management Options* (October 2001) and recommended the establishment of a co-management entity through the Treaty settlement process.

2003

In the interim before the settlement legislation was enacted, BoPRC and Rotorua District Council established the Rotorua Lakes Strategy Joint Committee under provisions of the LGA. Membership rights were extended to the Te Arawa Māori Trust Board.

2004

In an agreement dated 8 October, the partner organisations agreed the basis for a new joint committee to be called the Rotorua Lakes Strategy Group. This agreement referenced the *Co-Management Options Report 2001*.

In December the Te Arawa Lakes Deed of Settlement 'cultural redress' package included clauses establishing the Rotorua Lakes Strategy Group on the basis of the partners' agreement in October.

2006

The Te Arawa Lakes Settlement Act was passed in September. This legislation assumes, and indirectly refers to, the 2004 agreement as the basis for the Rotorua Lakes Strategy Group. The Act also established the Te Arawa Lakes Trust (which replaced the Te Arawa Māori Trust Board.)

The joint committee was subsequently formally established in October by Rotorua District Council and BoPRC. It first met in November.

Council's role in resourcing

BoPRC provides administration support to the group.

Much of the material that is provided to the group comes from staff employed by BoPRC (such as the Lakes Programme Manager.) This is because BoPRC has a lead role in water quality management.

In particular the group is involved in the large amount of policy work currently being done on lake issues, eg approving lake action plans to address water quality issues, considering the issue of land use change in lake catchments, looking at navigation and safety issues on the lake surfaces, and commenting on position papers and annual planning documents.

Advantages of the arrangement

The group is a governance forum with a role in overseeing and providing policy guidance on the implementation of the Lakes Strategy. The forum therefore provides a key focal point for discussions around the lakes of the Rotorua district.

These lakes are a critical resource for the Bay of Plenty and are iconic in the New Zealand context generating substantial tourism benefits. Having a forum where a collective view can be obtained is extremely useful.

For Te Arawa Lake Trust the arrangement represents the opportunity to provide for Te Arawa's relationship with their ancestral lakes. Under the agreement the Trust brings cultural understanding and perspective to the forum as decision-makers rather than as advisors to a process being run by a local authority.

Recent activities

Recently the three partner organisations have undertaken an independent "health check" on how well the group was meeting the intent of its terms of reference and what could be improved.

The Rotorua Lakes Strategy Group had been operating on its quarterly meeting cycle since its establishment in 2006. As the administrators of the group, BoPRC proposed that the partner organisations undertook an informal assessment of what is working well and what could be improved.

Reasons for undertaking the health check included:

- The group had been in operation for three years and it was timely to check how the partners thought it was working against its intent.
- It provided the partners with an opportunity to take stock of their collective achievements and provide focus for improvements.
- It was seen as useful to check partner organisations' understanding of the terms of reference and how it was working for them.
- Recent Treaty settlements were changing how iwi and local government interact and there was interest in how well the Rotorua Lakes Strategy Group model was working.

The health check process started with a workshop. Three initial actions were agreed for implementation including:

- a change to the name of the group, as agreed at the workshop, to the Rotorua Te Arawa Lakes Strategy Group
- the introduction of meeting payments for Trust members for attendance at group meetings
- having a standard agenda item on emerging issues.

The workshop agreed to explore and report back on:

- the group's constitutional decision-making process to look at the role of the group in relation to particular functions and to develop an agreed understanding of how decision-making on lake-specific "policy, strategies and agreements" will operate
- improving how the group operates: to look at ideas raised at the workshop relating to improving the group's operation in terms of supporting and maintaining good relationships (suggestions included marae meetings, rotating chair and rotating host venues), and the monitoring of the strategy and other programmes.

Further information and contacts

The results of the independent review are available from www.envbop.govt.nz under the joint committee's agenda <http://www.envbop.govt.nz/Agendas/RTALSG-100416-Agenda.pdf>. The report is agenda item 3.5 (page 39 and appendix page 47).

For further information contact the Strategic Development Group, Bay of Plenty Regional Council on 0800 ENV BOP.

SUMMARY OF THE WAIKATO RIVER CO-GOVERNANCE / CO-MANAGEMENT ARRANGEMENTS

Prelude

This summary is intended to give local authorities background knowledge on the key co-governance and co-management provisions of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and agreements with Ngāti Tūwharetoa, Raukawa and Te Arawa (upper river iwi).

The summary primarily focuses on how these arrangements impact local government; however, it is acknowledged that there are also implications for other government sector agencies, such as the Ministry of Fisheries and the Department of Conservation.

At the time of writing, the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act and the Ngāti Tūwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act had passed into law. Ngāti Maniapoto's legislation is pending.

The co-governance framework

The new co-governance / co-management framework for the Waikato River, established through the Treaty of Waitangi settlement, is significantly different from previous settlement outcomes and is an example of the new co-governance approach.

Iwi claims in relation to the Waikato River arose from the Crown's raupatu (land confiscation) and taking of land for public works purposes from the mid-19th century onwards. This excluded river iwi from traditional decision-making rights and interests in the river and its resources.

In August 2008, representatives from the Crown and Waikato-Tainui signed a deed of settlement resolving historical claims over the Waikato River. In late 2009, aspects of the deed related to co-management agreements were reviewed by the Crown resulting in changes to the deed that strengthened the settlement's overarching purpose.

Between 2008 and 2010, deeds were also signed with Ngāti Tūwharetoa, Raukawa, Te Arawa and Ngāti Maniapoto, respectively, formalising their involvement in the co-governance and co-management arrangements.

The Waikato River settlement creates a co-governance and co-management framework for the river between the Crown and river iwi. The primary instruments of the framework are the Waikato River Authority and individual co-management agreements between river iwi and relevant local authorities.

Co-management includes:

- individual joint management agreements between each river iwi and their local authorities, including the regional council
- integrated management plans
- recognition of customary activities
- co-management agreements for managed lands and sites of significance (Waikato -Tainui specific.)

Co-management / co-governance arrangements aim to:

- enhance the relationship between the Crown and Waikato River iwi
- restore and protect the health and well-being of the Waikato River for present and future generations
- recognise and sustain the special relationship river iwi have with the Waikato River.

Vision and Strategy

The *Vision and Strategy for the Waikato River* is the key direction-setting document for the Waikato River. It focuses on restoring and protecting the health and well-being of the river for future generations.

From the date the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act commences, the vision and strategy document is deemed to be part of the Waikato Regional Policy Statement (RPS). In practice this means it must be inserted into the RPS and measures taken to ensure the Council's policies and plans are not inconsistent with the document.

The Waikato River Authority has a three month timeframe from the Act's settlement date to begin a review of the *Vision and Strategy for the Waikato River*. The purpose of the review will be to consider whether targets and methods should be added, or whether the document needs amending. Within six months of this review concluding, the regional council must once again ensure the RPS is not inconsistent with the vision and strategy document. If it is, steps must be taken to remove any inconsistencies.

Local authorities are obliged to ensure RMA planning documents such as regional, coastal and district plans give effect to the vision and strategy document.

The document prevails where there are any inconsistencies with national policy statements or New Zealand coastal policy statements.

Waikato River Authority

The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act establishes the co-governance entity, the Waikato River Authority (WRA). The upper river iwi have deeds with the Crown enabling their participation in the authority.

The purpose of the Authority is to:

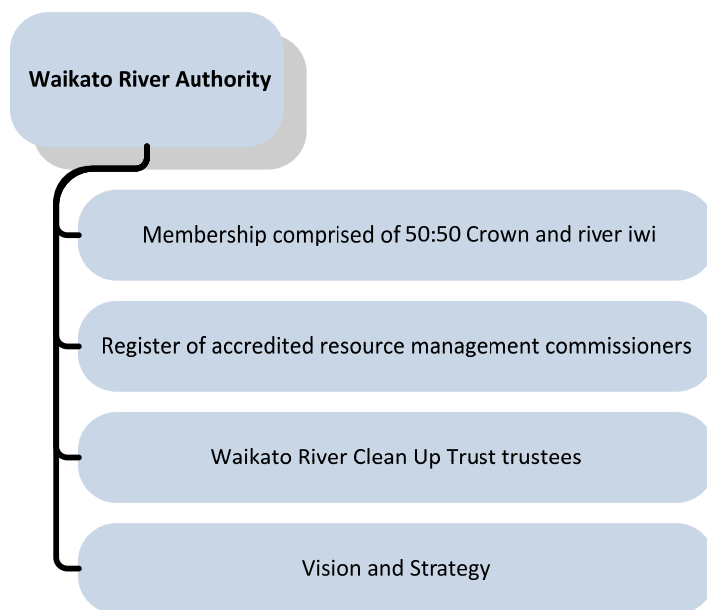
- set the primary direction through the vision and strategy document to achieve the restoration and protection of the health and well-being of the Waikato River for present and future generations
- promote an integrated, holistic and coordinated approach to the implementation of the vision and strategy and the management of the Waikato River.

There are 10 members on the Authority, five Crown-appointed members and five from each river iwi. One Crown member is nominated by Environment Waikato with a second nominated by territorial authorities. There are two co-chairs, one appointed by the Minister for the Environment and the other voted on by iwi. For the first five years the iwi co-chair will be a member of Waikato-Tainui.

At the time of writing, the five Crown appointees have been named as Hon John Luxton (Crown co-chair); Peter Buckley, Chair of Environment Waikato; Alan Livingston, mayor of Waipa District Council; Jenni Vernon and Sally Strang.

Waikato-Tainui has appointed Tukoroirangi Morgan as its representative and co-chair for the next five years. The remaining river iwi are still to appoint their representatives.

Diagram 2: Role of the Waikato River Authority



Local authorities are required to notify the Waikato River Authority and relevant iwi when they receive resource consent applications concerned with the Waikato River.

Environment Waikato hearing committees considering river-related resource consent applications must have 50 per cent Waikato River Authority-appointed commissioners. The authority must maintain a register of approved commissioners and an independent chair will be jointly appointed by the Authority and Environment Waikato.

Authority decisions will be made by consensus; however there are statutory mechanisms to elevate matters to the Minister for the Environment where agreement cannot be reached.

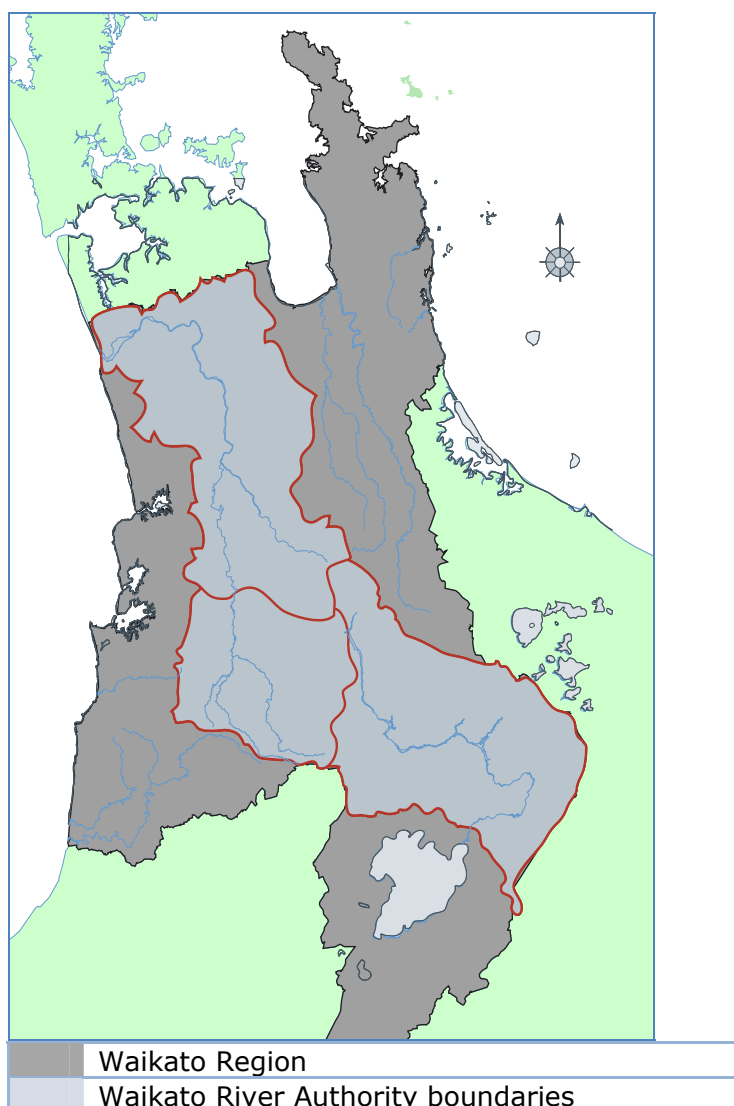
The Authority is the sole trustee of the Waikato River Clean-Up Trust.

Waikato River Clean Up Trust

The Waikato-Tainui Raupatu Claims (Waikato River) Act established the Waikato River Clean-Up Trust, a contestable fund for projects and initiatives contributing to the restoration and protection of the Waikato River. The fund will be available for iwi, local authorities, landowners and other members of the community wanting to undertake river restoration work.

The Crown is making a large investment in the fund, contributing \$7 million per year over 30 years. Provision has been made for others to be able to contribute to the fund. The Waikato River Authority acts as trustee and administers the fund.

Map 2 Waikato River Authority boundaries



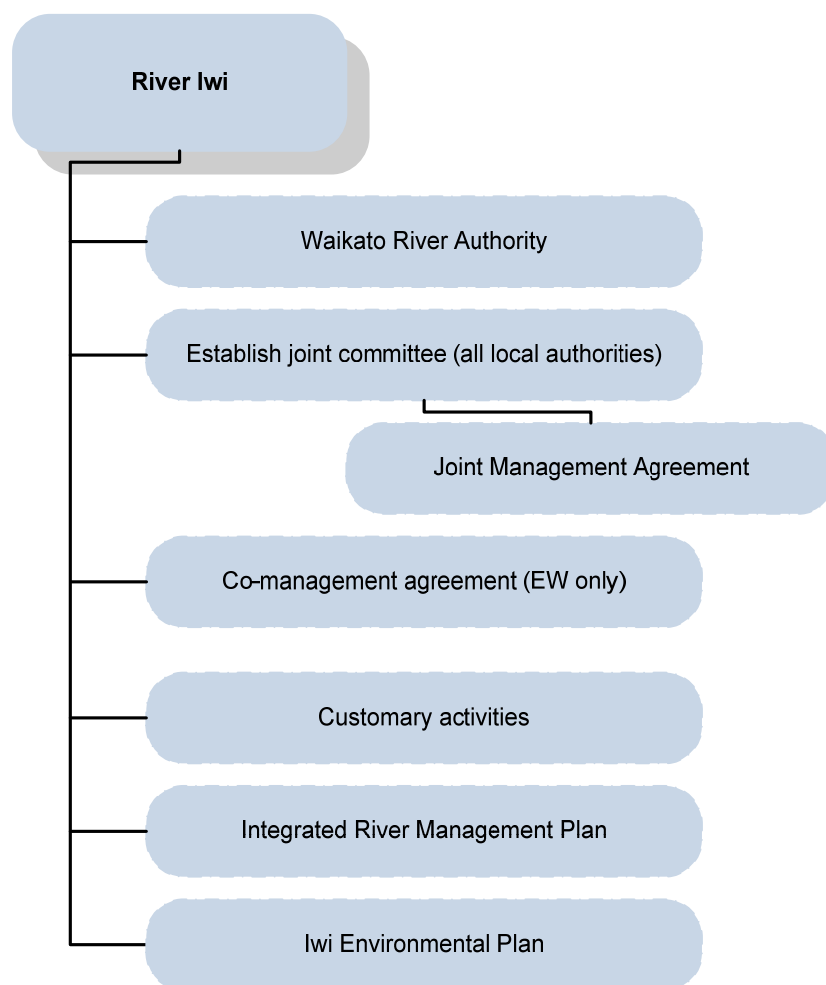
Source: Environment Waikato

Co-management arrangements

The Waikato River Settlement and agreements with the upper river iwi also provide for a range of co-management arrangements including:

- local authority and river iwi joint management agreements
- integrated river management plans
- recognition of customary activities
- managed lands and sites of significance (Waikato-Tainui specific.)

Diagram 3. The roles of river iwi



Joint management agreements

Joint Management Agreements (JMAs) are the main tool to give expression to iwi mana whakahaere (or authority of the tribe) to exercise control and management of the river. The JMAs will include provisions for iwi to become involved in:

- river-related resource consent processing
- monitoring and enforcement of river-related resource consents
- state of the environment, permitted activity and policy effectiveness monitoring

- preparation, review, change or variation of RMA planning documents in relation to the vision and strategy document
- customary activities by way of exempting river iwi from consent requirements for activities fundamental to their relationship with the river.

Joint committees will be established to develop the agreements. Each JMA must be formed between river iwi and local authorities within an 18 month timeframe starting from the time settlement legislation has been fully enacted.

Table 1. Local Authorities and Iwi Joint Management Agreements

		Local Authorities				
		Environment Waikato	Hamilton City Council	Waikato District Council	Waipa District Council	Taupō District Council
Local River Iwi	Waikato-Tainui	✓	✓	✓		
	Ngāti Maniapoto	<i>To be confirmed</i>				
	Raukawa and Te Arawa	✓	✓		✓	✓
	Ngāti Tūwharetoa	✓	✓		✓	✓

Co-management agreements

On the settlement date of the Waikato-Tainui Raupatu Claims (Waikato River) Act, 33 sites of significance will be vested to Waikato-Tainui. Of the 33 sites 15 will be managed by Waikato-Tainui as a local purpose reserve with the remaining 18 co-managed with Environment Waikato as part of the lower Waikato flood protection scheme.

A further 116 managed land sites will be vested in Waikato-Tainui, the majority of which will immediately be gifted to Environment Waikato. These sites will also be co-managed as part of the lower Waikato flood protection scheme.

A co-management agreement will be made between Waikato-Tainui and Environment Waikato within 12 months of the settlement date in relation to sites of significance and flood control scheme managed lands that were transferred from Crown ownership as part of the settlement.

Other Crown-owned river-related land will remain in Crown ownership with Waikato-Tainui establishing co-management arrangements with the relevant Crown agency.

Customary activities

The Waikato River Settlement recognises specific customary activities in relation to the Waikato River through providing direct statutory mechanisms that recognise and / or exempt customary activities from usual resource consent and navigation safety requirements.

Customary activities include the use of traditional whitebait stands and eel weirs, tribally significant waka or kohikohia, tangihanga, hari tuupaapaku, tangohia ngaa momo takawai, waioranga and wairua. Additional customary activities may also become authorised as part of joint management agreement discussions.

The upper river legislation provides for a JMA to provide a process for local authorities and iwi to explore whether customary activities could be carried out by iwi on the Waikato River without the need for statutory authorisation and in particular, whether customary activities could be provided for as permitted activities in relevant regional plans or district plans.

Integrated river management plans

Integrated river management plans will be developed between each river iwi and the Department of Conservation, Ministry of Fisheries and Environment Waikato with the aim of achieving an integrated approach to the management of aquatic life, habitats and natural resources related to the Waikato River.

The plans must be completed within three years of the co-management legislation being enacted.

Environment Waikato must have regard to the plans when preparing, reviewing or changing an RMA planning document.

Iwi environmental plans

Each river iwi has the option to prepare an environmental plan. If iwi decide to prepare a plan, it must be served on the Ministry of Fisheries, Department of Conservation and local authorities.

Local authorities are required to have regard to environmental plans when considering a resource consent application and when preparing, reviewing or changing an RMA planning document.

Conservation and fisheries provisions

Provision has also been made for regulations relating to fisheries and other matters managed under conservation legislation.

Looking forward

Given that the Waikato River settlement is the first time co-management and co-governance frameworks have been instituted to the extent required by this Treaty settlement, local authorities are seeking best practice processes for implementing settlement requirements.

The challenges for local authorities will be to embed legislative requirements into day-to-day business processes including revising their policies and plans to align with vision and strategy reviews, engage (and participate as a member) with Waikato River Authority as an additional statutory body charged with restoring and protecting the Waikato River and establish joint committees with river iwi partners.

Council's role in resourcing

Settlement legislation stipulates that each party must bear its own costs of complying with the legislation. This includes administrative, process and plan change costs.

In relation to restoring the health and well being of the river, the true costs of the settlement are not yet known. Much will depend on the findings of the NIWA scoping study (yet to be released) as it will provide estimate costs of recommended actions.

Further Information

There is a useful summary of the Waikato-Tainui river settlement on the website of the Office of Treaty Settlements: www.ots.govt.nz at 'Documents' – Summaries of settlements – Deed of Settlement summary Waikato River.

For further information on the Waikato River co-governance / co-management arrangements contact Clare Crickett, deputy chief executive Environment Waikato or Anthea Sayer, corporate planner, Environment Waikato on 0(7) 859 0999.

TE UPOKO TAI AO – NATURAL RESOURCE PLAN COMMITTEE

Introduction

Te Upoko Taiao - Natural Resource Plan Committee is a Greater Wellington Regional Council (GWRC) committee established on 18 August 2009.

The committee has full delegated authority to oversee the review and development of the regional natural resource management plans for the Wellington region. The Committee is comprised of seven councillors and seven appointed members.

Purpose of the committee

GWRC has five regional plans which, in accordance with RMA obligations, must now undertake a review process.¹ The purpose of the committee is to oversee the review and development of those plans and substantially improve environmental performance in the region.

The new committee also provides for greater collaborations between GWRC and the region's iwi and further opportunities for Māori participation in the Council decision-making forums.

Parties

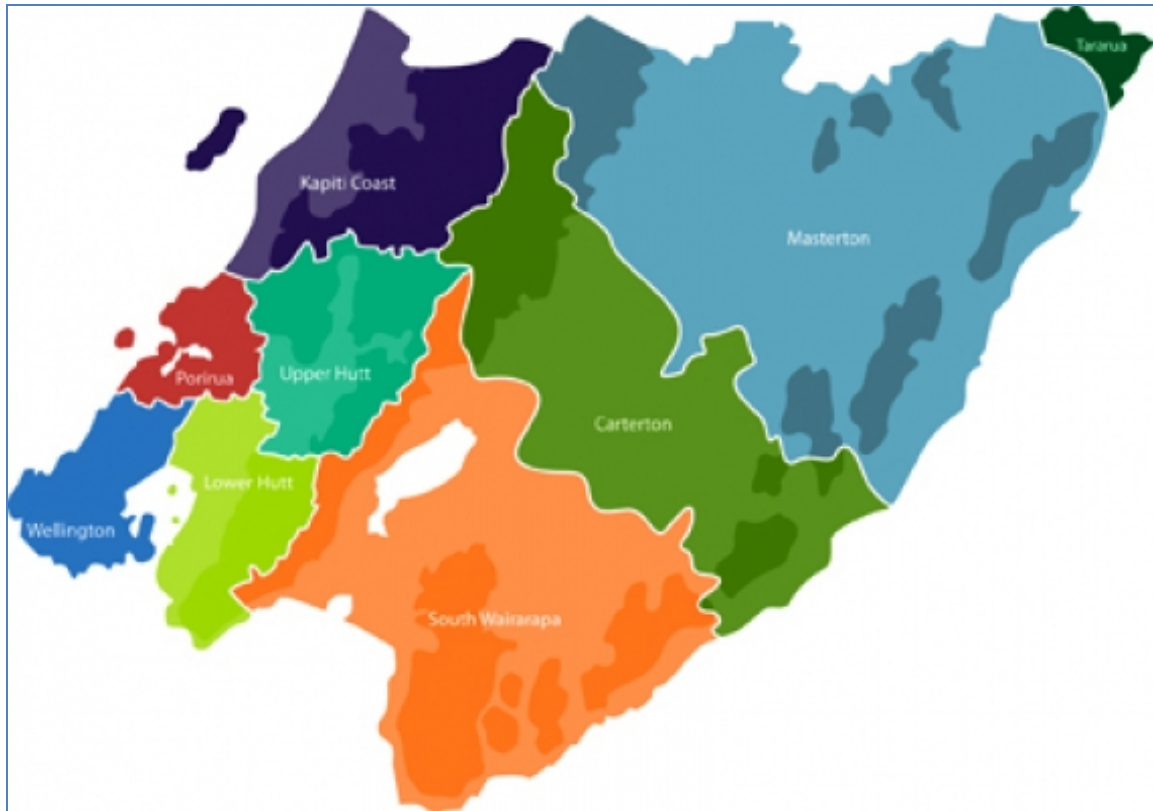
- Greater Wellington Regional Council
- The seven iwi authorities in the greater Wellington region:
 - Te Rūnanga o Raukawa Incorporation (Inc)
 - Te Rūnanga o Āti Awa ki Whakarongotai Inc
 - Te Rūnanga o Toa Rangatira Inc.
 - Wellington Tenths Trust (Ngā Tekau o Pōneke)
 - Te Rūnanganui o Taranaki Whanui ki te Upoko o te Ika a Maui Inc
 - Ngāti Kahungunu o Wairarapa Taiwhenua Inc
 - Rangitāne o Wairarapa Inc

Area of responsibility

The committee is responsible for the review of regional plans for the Wellington region from the south coast to Otaki, Mt Bruce and Castlepoint in the north.

¹ In accordance with the Resource Management Act 1991, council plans must be reviewed after a period of no more than 10 years.

Map 3 Te Upoko Taiao boundaries



Source: GWRC

Nature of the arrangement

Te Upoko Taiao – Natural Resource Plan Committee is a council committee established under the LGA. It is comprised of seven GWRC-elected members and persons appointed by council for their skills, attributes or knowledge relevant to the work of the committee and including their knowledge of the rohe of the relevant iwi authority to which they belong. In making appointments, council has regard to the recommendations of each of the region’s seven iwi authorities.

All members of the committee, either councillors or non-councillors, are tasked with making decisions on resource management matters developed through reviewing and preparing the regions plans. These decisions are governed by RMA provisions.

All representatives on the committee must consider the RMA matters raised in preparing a plan, rather than any individual community of interest. Ultimately, members are required to act in the best interests of the region as a whole.

The committee has specific responsibilities to:

- review the operative regional plans
- prepare proposed regional plans
- prepare any variation to proposed regional plans
- prepare any plan changes in relation to operative regional plans

- recommend to council that any draft proposed plans, variations or plan changes have reached a stage where they can be notified as proposed
- appoint hearings committees and hearings panels to hear and decide submissions on proposed planning documents.

The committee operates on the basis of a shared chair between councillor and appointed members. However, the councillor co-chair becomes the chair of the committee at the point of the committee agreeing the draft Proposed Plan and approving the Plan for public notification. The chair retains the right to exercise a casting vote when the committee is voting on these matters. All members of the committee have full speaking and voting rights.

Delegations to oversee the development of the regional plans for the Wellington region previously rested with GWRC's Regulatory Committee. Te Upoko Taiao – Natural Resource Plan Committee assumed those delegations but all other existing delegations that rested with the Regulatory Committee have been retained by that committee.

Much of the development process for a new regional plan will be done by way of workshops, rather than formal meetings. This allows for the full participation of all councillors not formally represented on the committee. Community-based and special interest group workshops will also form a key component of the engagement process and the development of the plan.

Background to the establishment of the arrangement

GWRC has long looked to build on their overall approach to provide for Māori participation in decision-making. The council have also been keenly observing recent Treaty of Waitangi settlements.

Treaty settlements, most notably in the Waikato, increased GWRC's focus on issues of governance and the management of resources. The Council generally viewed settlement methodology limited in terms of allowing for coordinated local authority and tangata whenua input into the management of natural resources, and building on established tangata whenua and local authority agreed mechanisms and relationships.

While iwi in the Wellington region are at various stages of the Treaty settlement process, it was clear that there is a strong mutual interest in natural resource management issues in the region. There was also a strong desire by iwi to be involved in decision-making. This issue was specifically identified in GWRC's draft and proposed Regional Policy Statement as a matter of significance to the iwi of the region.

RMA obligations to review regional plans provided the opportunity to look at developing new and innovative approaches to planning for and managing the region's natural resources, and the actual decision-making structures around the planning.

With the review process about to commence, the council found it appropriate to consider the governance arrangements for the development of these plans. The Council, while recognising requirements to provide a robust regulatory framework, sought to explore the potential to link and integrate with other statutory approaches and the suite of environmental programmes, works and

incentives GWRC presently delivers. The Council also sought to explore integration with industry-led codes of practice and standards.

Through the Council's existing inter-iwi representative group, Ara Tahī, and iwi appointments to standing committees, the Council was well placed to build on iwi and council relationships and put into place a new committee, and involve appropriate iwi people nominated by iwi authorities when developing and making decisions on its new regional plan.

The approach recognised that the integration of knowledge of Māori relationships to land, water and taonga views into the management of the region's natural resources is both desirable and a necessary outcome of sections 6, 7 and 8 of the RMA and the Treaty provisions of the LGA.

The proposed structure and terms of reference for the new committee needed to appropriately ensure legislative intent and constraints. Accordingly the committee's terms of reference:

- specify that all members be appointed for the particular skills, attributes and knowledge that they will bring to the committee
- ensure that the full council makes the final decision as to notification of proposed planning documents
- ensure that appointed members cannot out-vote elected members when making a recommendation to the Council
- ensure that the committee does not make decisions on submissions but refers those to a hearings committee or panel appointed by the committee which will need to work within the constraints of the RMA and natural justice
- summarise the statutory responsibilities of the committee under the RMA and remind all members of the committee that their role is to apply the provisions of the RMA and not to represent any particular interest
- provide that it is not the role of any member to represent or advocate for any particular interest.

Process for establishing the arrangement

When the prompt came to review the regional plans GWRC had in place a suite of arrangements with iwi and good working outcomes. Political will was looking to build on approaches that provided for Māori participation in decision-making. Advice was sought as to legislative intent and constraints on co-management or co-governance and provisions for Māori participation in decision-making.

Council staff facilitated a number of meetings with councillors and iwi authorities to consider the concept of a natural resource management plan development committee with councillor and non-councillor members.

Meetings took place for about six months between the Council chair, GWRC officers and iwi authorities. On 18 August 2009 the new committee was proposed to council and ratified. On 28 October 2009 Te Upoko Taiao – Natural Resource Plan Committee held its first meeting.

The council's role in resourcing

To assist in equipping the members of the committee for their task all members of the committee who are not currently accredited under the RMA, are to undertake the *Making Good Decisions* programme. Although accreditation is not a requirement for members of the committee, the training is viewed as an opportunity to provide them with relevant skills to assist them in carrying out their responsibilities.

Under the committee's terms of reference, the seven councillor appointees will not receive any additional remuneration for sitting on the committee. However, it is considered appropriate that the appointed members should be remunerated. The appointed members of the committee will be eligible to receive a taxable honorarium of \$500 per day for their participation in committee meetings and workshops. The daily fee is inclusive of mileage, preparation time and all resources committed by each non-Councillor member to their responsibilities on the committee.

The appointed member co-chair of the committee is also eligible for a taxable honorarium of \$5,000 per year. The appointed member co-chair will carry a significant workload outside meetings and workshops.

The Council also expects to carry additional budgetary implications in terms of ongoing additional Order Paper distribution and printing costs, workshop materials and catering expenses, and one-off training costs.

Prior iwi and local government interaction

GWRC and iwi interacted in a number of ways prior to the establishment of the committee. Examples of the interaction included arrangements around consent processes, council iwi liaison officers, and established committees that provide opportunity for ideas and advice exchange, such as, Ara Tahī and Wairarapa Moana Wetlands Management Committee.

Primarily through Ara Tahī, iwi were also highly involved in the review of the Regional Policy Statement which culminated in an innovative approach to identifying and recognising issues of significance to iwi in the region.

Advantages of the new arrangement

The committee's structure strengthens established collaborations between GWRC and the region's iwi and provides further opportunities for people with knowledge of Māori relationships to land, water and taonga to be involved in the region's natural resource management decision-making.

The new arrangement represents the development of an innovative and proactive approach to improve environmental performance in the region. The arrangement also provides a genuine leadership model for the integrated management of natural resources.

The establishment of the committee was not under the direction of a particular Treaty settlement; rather it is a locally developed arrangement that addresses key issues around the ways GWRC and iwi are happy to engage in order to manage resources.

It is an arrangement that presents a new approach to regulation and rules in a non-regulatory framework that incentivises behaviour change and recognises social and economic drivers as well as environmental.

The new natural resource management plan developed by the committee ultimately seeks to substantially improve environmental performance in the region so that the whole community can experience clean air, good water and efficient land use.

Other advantages to the co-management arrangement include the:

- provision of a process of early, positive and meaningful engagement that best places the Council in a position to achieve the best outcomes for the community
- provision of an engagement process that contributes to the recognition that GWRC delivers and supports partnerships with other organisations
- opportunity to strengthen Greater Wellington and tangata whenua relationships
- opportunity to provide for tangata whenua views and participation in resource planning, decision-making and planning.

Further information and contacts

GWRC's website has further information of the committee and its meetings at: www.gw.govt.nz.

For further information contact Nigel Corry, General Manager, Environment Management Group – Greater Wellington Regional Council:
nigel.corry@gw.govt.nz.

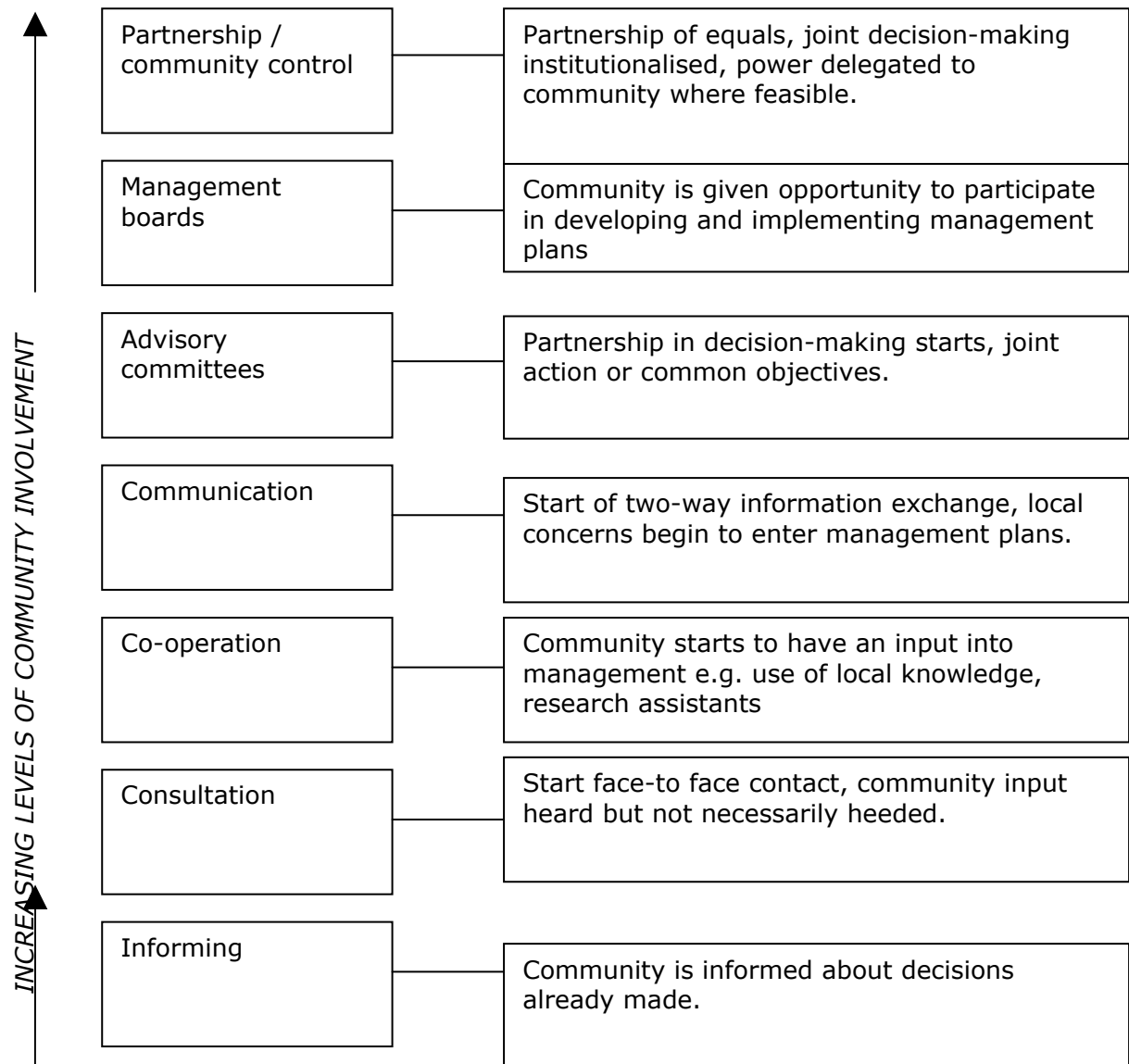
Appendix: Excerpts from LGNZ 2007 publication: *Co-management: case studies involving local authorities and Māori*

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.²



² 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

LGNZ'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 Māori, 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 Māori (for example where Māori 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 / Māori level of control (for example where local authority and Māori jointly collaborate and assist with input into a local authority led process)
- a low level of Māori involvement (for example where Māori 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 Māori owned resource.

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 / hapū have maintained a continuous and sustained link with the area
- there is a history of engagement between the local authority and hapū / iwi on a variety of issues both at a political and a bureaucratic level prior to establishing a co-management arrangement
- Māori 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 Māori 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 Māori 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 Māori
- to meet their obligations to encourage participation and involvement in the decision-making provisions of the RMA, LGA 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.

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.



Local Government
New Zealand
te pūtahi matakōkiri



www.lgnz.co.nz