

Agenda for a meeting of the Waikato District Council to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaaruawaahia on **MONDAY, 9 OCTOBER 2023** commencing at **9.30am**.

*Information and recommendations are included in the reports to assist the Committee in the decision making process and may not constitute Council's decision or policy until considered by the Committee.*

*The meeting will be opened with a karakia.*

## **1. APOLOGIES AND LEAVE OF ABSENCE**

## **2. CONFIRMATION OF STATUS OF AGENDA**

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Gj Ion  
**CHIEF EXECUTIVE**

## TERMS OF REFERENCE

### COUNCIL

<b>Chairperson:</b>	Her Worship the Mayor
<b>Deputy Chairperson:</b>	Deputy Mayor
<b>Membership:</b>	The Mayor and all Councillors
<b>Meeting frequency:</b>	Six weekly – or as required
<b>Quorum:</b>	Half of the members (including vacancies)

### Purpose

1. To provide leadership to, and advocacy on behalf of, the people of the Waikato District.
2. To define and represent the total communities' interests, ensuring ongoing community and economic development, the effective stewardship of existing assets, sustainable management of the environment, and the prudent management of the communities' financial resources.

### Terms of Reference

The Council's terms of reference include the following powers which cannot be delegated to committees, subcommittees, officers or any other subordinate decision-making body:

1. The power to make a rate.
2. The power to make a bylaw.
3. The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-Term Plan.
4. The power to adopt a Long-Term Plan, Annual Plan, or Annual Report.
5. The power to appoint a Chief Executive.
6. The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long-term Plan or developed for the purpose of the local governance statement, including the Council's Infrastructure Strategy.
7. The power to adopt a remuneration and employment policy.
8. The power to approve or amend the Council's Standing Orders.
9. The power to approve or amend the Code of Conduct for elected members, and consider any recommendations made in relation to a complaint lodged under the Code.
10. The power to appoint and discharge:
  - a. members (including chairpersons) of Council committees and subordinate decision-making bodies, subject to the Mayor's powers under section 41A Local Government Act 2002; and
  - b. elected member representatives on external organisations.
11. The power to establish a joint committee with another local authority or other public body and appoint elected members as representatives on such committees or bodies.
12. The power to make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the Ombudsman's recommendation.
13. The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.

14. The power to amend or replace the delegations in Council's Delegations Register (except where expressly permitted in the Delegations Register).

To exercise the following powers and responsibilities of Council, which the Council chooses to retain:

1. To approve a proposed policy statement or plan under the Resource Management Act 1991.
2. To approve changes to boundaries of the District under the Resource Management Act 1991 or any other legislation.
3. In respect of District Plan decisions:
  - a. To appoint independent commissioners to a panel for hearings of a Proposed District Plan;
  - b. To approve the recommendation of hearings commissioners on a proposed plan, plan change or variation (including private plan change); and
  - c. To approve a proposed plan or a change to a district plan under Clause 17, Schedule 1 of the Resource Management Act 1991.
4. To adopt governance level strategies, plans and policies which advance Council's vision and strategic goals (e.g. Hamilton to Auckland rail), other than where expressly delegated to a committee.
5. To approve Council's recommendation to the Remuneration Authority for the remuneration of elected members.
6. To approve the Triennial Agreement.
7. To approve resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
8. To approve any changes to the nature and delegations of any Council committees or subordinate-decision making bodies.
9. To approve the Local Governance Statement.
10. To approve funding requests not allowed for within budgets, in accordance with Significance & Engagement Policy parameters.
11. To approve any additional funding decisions required for the Watercare Services contract.
12. To approve development agreements as recommended by the Development Agreements Subcommittee where infrastructure is not allowed for within the Long Term Plan.
13. To receive six-monthly reports from each Community Board on its activities and projects.

<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Confirmation of Minutes</b>
Date:	2 October 2023
Report Author:	Gaylene Kanawa, Democracy Manager
Authorised by:	Gavin Ion, Chief Executive

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To confirm the minutes for meetings of the Waikato District Council held on:

- i. Monday, 28 August 2023; and
- ii. Wednesday, 27 September 2023.

## **2. Staff recommendations**

### **Tuutohu-aa-kaimahi**

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**THAT the Waikato District Council confirms the minutes as a true and correct record for meetings held on:**

- i. **Monday, 28 August 2023 (Ordinary); and**
- ii. **Wednesday, 27 September 2023 (Extraordinary).**

## **3. Attachments**

### **Ngaa taapirihanga**

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Attachment 4A – CCL Minutes – 28 August 2023

Attachment 4B – CCL Minutes – 27 September 2023

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Minutes for a meeting of the Waikato District Council held in the Council Chambers, 15 Gallileo Street, Ngaaruawaahia on **MONDAY, 28 AUGUST 2023** commencing at **9.30am**.

**Present:**

Her Worship the Mayor, Mrs JA Church (Chairperson)  
Cr C Beavis  
Cr C Eyre (Deputy Mayor)  
Cr J Gibb  
Cr P Matatahi-Poutapu  
Cr K Ngataki  
Cr E Patterson  
Cr M Raumati  
Cr V Reeve  
Cr T Turner  
Cr D Whyte

**Attending:**

Mr GJ Ion (Chief Executive)  
Mr TG Whittaker (Chief Operating Officer)  
Mr R MacCulloch (General Manager Customer Support)  
Ms C Bailey (Finance Manager)  
Mr L Shirley (Zero Harm Manager)  
Mr N Johnston (Advocacy & Investment Advisor)  
Mr A Singh (Transport Operations Team Leader)  
Mr L McCarthy (Roading Contractor)  
Mr S Browning (Roading Contractor)  
Mr W Durning (Mayoral Strategy Manager)  
Mrs GJ Kanawa (Democracy Manager)

The Council and staff opened the meeting with a joint karakia.

**APOLOGIES AND LEAVE OF ABSENCE**

**Resolved: (Crs Gibb/Ngataki)**

**THAT the Waikato District Council:**

- a. accepts the apologies from Cr M Keir, Cr L Thomson and Cr P Thomson for non-attendance.**

**CARRIED**

**WDC2308/01**

**CONFIRMATION OF STATUS OF AGENDA ITEMS**

Agenda Item 2

**Resolved: (Crs Eyre/Reeve)****THAT the agenda and supplementary public excluded agenda for a meeting of the Waikato District Council held on Monday, 28 July 2023 be confirmed:**

- a. with all items therein being considered in open meeting with the exception of those items detailed at agenda items 8, which shall be considered with the public excluded; and
- b. all reports be received.

**CARRIED****WDC2308/02****DISCLOSURES OF INTEREST**

Agenda Item 3

Her Worship the Mayor declared an interest in Item 7.4 - Appointment to funding distributions committee as a previous member on the Wellbeing Trust and recommended appointment of the Mayor in the report. She further noted that she would vacate the Chair during this item.

**CONFIRMATION OF MINUTES**

Agenda Item 4

The report was received [*WDC2308/02 refers*] with no further discussion held.

**Resolved: (Crs Whyte/Ngataki)****THAT the Waikato District Council confirms the minutes for a meeting held on Monday, 17 July 2023 be confirmed as a true and correct record.****CARRIED****WDC2308/03****ACTIONS REGISTER**

The report was received [*WDC2308/02 refers*] and no further discussion was held.

## **COMMITTEE REPORTS**

### *Infrastructure Committee Recommendations – 5 July 2023*

#### Agenda Item 6.1

#### *Road Services Review – Recommendation of preferred option (INF2308/05)*

The report was received [WDC2308/02 refers] and no further discussion was held.

**Resolved: (Crs Patterson/Gibb)**

**THAT the Waikato District Council:**

- a. **approves the option of 4c and 5b/d of the Waikato District Council Road Services Review Report (refer Attachment I) – to bring asset management and contract management inhouse and to design physical works contracts to deliver general maintenance and renewals through appropriately sized and scoped NZS3917 forms of service delivery contracts; and**
- b. **note that the team will proceed to design the detail of this model to deliver on the critical success factors through the following steps:**
  - i. **identify the boundaries for the general maintenance contracts,**
  - ii. **identify areas of specialty activities that would provide better Public Value to tender and manage separately,**
  - iii. **design the team structure required to resource the asset management, programming and contract management tasks inhouse;**
  - iv. **develop the detailed business case to recommend a decision on the best value delivery model for procurement, and**
  - v. **develop the procurement plan to identify contract and tendering details such as tenure of the contracts, supplier selection methodology etc; and**
- c. **note that an enhanced Alliance model will be assessed against a new model to test benefits and efficiencies of any change.**

**CARRIED**

**WDC2308/04**

#### *Endorsement – Upper Northern Waikato Railway Station Indicative Business Case (INF2308/06)*

The report was received [WDC2308/02 refers] and no further discussion was held.

**Resolved: (Crs Patterson/Ngataki)**

**THAT the Waikato District Council:**

- a. **endorses the Upper Northern Waikato Railway Station Indicative Business Case (IBC);**
- b. **notes that endorsing the IBC does not mean making any funding commitment to the construction of a railway station or railway stations;**



- c. notes that the recommended option which has emerged from the IBC is that a railway station is provided at Tuuaakau in the short term (3-5 years) to serve Te Huia in the short term (within 3-5 years) but that there is also a good case or a second station at Pōkeno in the short term;
- d. notes that for a two-station solution (i.e., Tuuaakau and Pookeno) to be provided in the short term, it would be necessary to consider some time saving measures for Te Huia which will need to be investigated further in a Detailed Business Case (DBC);
- e. notes that the findings of the IBC do not preclude the opening of a station at Te Kauwhata in the medium to longer term (6 years+), particularly if additional Te Huia services are introduced which provide opportunities for commuter travel to/from Hamilton;
- f. notes that the case for funding and the confirmation of the costs and benefits of having more than one station in the northern Waikato are examined in further detail in a DBC together with their respective platform layout and the staging of delivery;
- g. notes that the preliminary P95 cost estimates for the preferred station options at Tuuaakau, Pookeno and Te Kauwhata are as follows:
  - Tūākau - \$6,390,000
  - Pōkeno - \$9,230,000
  - Te Kauwhata - \$7,420,000;
- h. notes that the DBC is expected to cost \$500,000 and that this figure (made up of an assumed 51% Waka Kotahi Financial Assistance Rate) be put forward for consideration in both Council's LTP 2024-2034 and the Regional Land Transport Plan;
- i. notes that any funding allocation in the LTP and RLTP for the DBC and, after this, for station construction is subject to a decision on Te Huia continuing beyond June 2024;
- j. agrees that the IBCP95 cost estimates for a railway station Tuuaakau (\$6,390,000) and Pookeno (\$9,230,000) be considered for inclusion post year 4 in Council's 2024-2034 Long Term Plan and the Regional Land Transport Plan subject to a decision on Te Huia continuing beyond June 2024, the completion of a DBC and a proviso of government subsidy for station construction;
- k. requests staff work with the Waikato Regional Council on a review of bus transport in the northern Waikato which would also include investigating a service which connects Te Kauwhata and Pōkeno to the Papakura Railway Station in the short-term and the Drury Railway Station in the medium term;
- l. confirms that a communications plan be developed to clearly articulate the business case process and the key decision-making and funding dependencies so that our communities understand what still needs to be done before any railway station can be constructed.

**CARRIED**

**WDC2308/05**

*Infrastructure Acceleration Fund; Ngaaruawaahia – Budget Amendments (INF2308/07)*

The report was received [WDC2308/02 refers] and no further discussion was held.

**Resolved: (Crs Patterson/Gibb)**

**THAT the Waikato District Council:**

- a. receives the report titled “Budget Amendments for projects funded by the Infrastructure Acceleration Fund, Ngaaruawaahia” dated 16 August 2023;
- b. approves the following budget adjustments:
  - i. replace the local share funding of \$953,449 in the subsidised Roding project with external funding from Kainga Ora (IAF);
  - ii. establish an unsubsidised Roding gross budget of \$6,223,139 due to the increased Roding budget requirement. This is to be funded by \$2,896,171 from Kainga Ora (IAF) and local share funding of \$3,326,968 from the Ngaaruawaahia Structure Plan Reserve.
  - iii. establish a Stormwater, Wastewater and Water gross budget of \$2,627,206. This is to be funded by \$1,470,380 from Kainga Ora (IAF) and local share funding of \$1,156,826 from the Ngaaruawaahia Structure Plan Reserve.

**CARRIED**

**WDC2308/06**

**REPORTS**

Zero Harm

Agenda Item 7.1

The report was received [WDC2308/02 refers] and the following discussion was held:

- Contractor reporting within the Council reports was raised, for which staff confirmed that they did not report Contractor incidents.
- Zero Harm Manager explained the process for Contractors reporting through their health and safety systems and it was a requirement that any incidents be reported to the relevant person in Council overseeing the contract.

**ACTION:** Zero Harm staff to advise of best practice in regard to reporting on contractor incidents.

- Explanation provided around graphs, noting one colour was the current month and the other colour reflected the same month the previous year.
- A summary of the Mental Health Awareness Week activities was provided for Council and Councillors encouraged to attend the session from Jehan Casinader.

**ACTION:** Invite for the Jehan Casinader session to be forwarded to Councillors.

- Issue raised around whether exit interviews were being held with staff and they were comfortable in sharing the information with P&C around mental health wellbeing. Chief Executive was confident that robust information was being provided and all feedback whether positive or negative is a gift to better the organisational culture.

**ACTION:** Zero Harm staff to schedule workshop with Councillors once the bowtie was developed for monitoring mental health wellbeing.

Electoral System for 2025 Local Body Elections

Agenda Item 7.2

The report was received [WDC2308/02 refers] and the following discussion was held:

- Concern was raised that if we were not doing a representation review, how council intended to support the wellbeing and workload for Maaori Ward Councillors.. It was noted that a discussion was being held with Councillors later that day on further support for Maaori Ward Councillors.
- Councillors requested more information on the statistics/demographics for wards
- Concern was raised that a discussion had not been held with Waikato-Tainui in regard to the electoral system to be utilised. It was noted that whilst formal consultation was not undertaken the position of Waikato-Tainui was well known through previous engagement. In future a discussion would be held prior to the report coming to Council.

**ACTION:** Workshop to be held with Council on the statistical/demographics for the current wards once more up to date statistics were available from the latest census.

**Resolved: (Crs Patterson/Turner)**

**That the Waikato District Council:**

- pursuant to section 27 of the Local Electoral Act 2001, the Council resolves to retain the First Past the Post electoral system;**
- public notice be given as soon as practicable (and no later than 19 September 2023) of the Council's resolution and (if option (i) or (ii) above is selected) of the right of electors to demand a poll on the electoral system to be used;**
- notes that a review of Maaori Wards is not required during this triennium due to the decision being made in May 2021 to include Maaori Wards for the 2022 and 2025 elections.**
- confirms that a representation review is not required in this triennium due to the robust review process undertaken in the 2021 Representation Review.**

**CARRIED**

**WDC2308/07**

Additional Meetings for Annual Schedule

## Agenda Item 7.3

The report was received [WDC2308/02 refers] and no further discussion was held.

- It was noted later in the meeting there had been an error in the report in regard to the date of the meeting to be held on 24 October which was rectified in the resolution below.

**Resolved: (Crs Beavis/Gibb)**

**THAT the Waikato District Council confirms the following meetings be added to the schedule of meetings for 2023:**

- Performance & Strategy Committee meeting to be held on Monday, 9 October 2023 at 12noon; and**
- Waikato District Council meeting to be held on Tuesday, 24 October 2023 at 12noon; and**
- Policy & Regulatory Committee (hearings and deliberations to consider the draft Water Supply Bylaw 2023) on Wednesday, 22 November 2023 at 9.30am.**

**CARRIED****WDC2308/08**Appointment to funding distributions committee

## Agenda Item 7.4

Her Worship the Mayor vacated the Chair as per her declaration of interest in this item and Cr Eyre assumed the Chair.

The report was received [WDC2308/02 refers] and the following discussion was held:

- Background was provided on the previous Council's robust review of discretionary funding and this had resulted in the transition from the Wellbeing Community Trust to Momentum Waikato Community Foundation.
- The recommendation in the report was for the Mayor to be appointed as the Council representative for consistency and continuity as she was the Chair of the Wellbeing Trust.
- Council suggested an alternate be added should the Mayor not be available, refer the updated resolution below.
- Whilst the report advised there was no impact on Maaori, it was noted that some of the feedback to Momentum is that a cultural lens be added to the skill requirement for the Community Representative yet to be appointed.

**Resolved: (Crs Matatahi-Poutapu/Gibb)**

**That the Waikato District Council:**

- a. approves the appointment of Mayor Jacqui Church (or her delegate should she be unavailable) to the Waikato District Community Wellbeing Trust distributions committee,
- b. provides feedback to Momentum Waikato Community Foundation regarding expectations for skills, experience and representation in the overall committee composition, including the ability to provide a cultural lens over applications.

**CARRIED**

**WDC2308/09**

Cr Eyre vacated the Chair and Her Worship the Mayor resumed the Chair at this time.

**EXCLUSION OF THE PUBLIC**

Agenda Item 8

**Resolved: (Crs Ngataki/Whyte)**

- a. **THAT** the public be excluded from the following parts of the proceedings of this meeting:

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of this resolution</b>
<b>Item PEX 2 – Confirmation of Minutes for a meeting held on Monday, 17 July 2023</b>	<b>Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987</b>	<b>Section 48(1)(a)</b>
<b>Item PEX 3 – Actions Register</b>		
<b>Item PEX 4.1 – Waters Governance Board Recommendations – 25 July 2023</b>		

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of this resolution</b>
<b>Item 5.1 - Approval of Initial Waka Kotahi Funding Bid</b>	<b>Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987</b>	<b>Section 48(1)(a)</b>
<b>Item PEX 6 – Chief Executive Issues</b>		
<b>Item PEX 7 – Mayoral Issues</b>		

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

<b>Item No.</b>	<b>Section</b>	<b>Interest</b>
<b>Item PEX 2 – Confirmation of Minutes for a meeting held on Monday, 17 July 2023</b>	<b>Refer previous minutes for reasons for exclusion.</b>	
<b>Item PEX 3 – Actions Register</b>	<b>7(2)(c)(i)</b>	<b>To protect information that is subject to an obligation of confidence and to ensure the information avenue remains open, when it is in the public interest for it to do so.</b>
<b>Item PEX 4.1 – Waters Governance Board Recommendations – 25 July 2023</b>	<b>Refer to Waters Governance Board agenda for reasons for exclusion.</b>	
<b>Item 5.1 - Approval of Initial Waka Kotahi Funding Bid</b>	<b>7(2)(h)</b>	<b>To enable commercial activities to be carried out without prejudice or disadvantage.</b>
	<b>7(2)(i)</b>	<b>To enable negotiations to carry on without prejudice or disadvantage.</b>

Item No.	Section	Interest
Item PEX 6 Chief Executive Issues	7(2)(c)(i)	To protect information that is subject to an obligation of confidence and to ensure the information avenue remains open, when it is in the public interest for it to do so.
Item PEX 7 Mayoral Issues		

**CARRIED****WDC2308/10**

*Resolutions WDC2307/11-WDC2307/14 are contained in the public excluded section of these minutes.*

There being no further business the meeting was declared closed at 12.10pm.

Minutes approved and confirmed this                      day                      2023.

JA Church  
**CHAIRPERSON**

Minutes for a meeting of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaaruawaahia **WEDNESDAY, 27 SEPTEMBER 2023** commencing at **12.30pm**.

**Present:**

Her Worship the Mayor, Mrs JA Church (Chairperson)  
Cr C Eyre (Deputy Mayor)  
Cr C Beavis  
Cr M Keir  
Cr K Ngataki  
Cr P Matatahi-Poutapu  
Cr EM Patterson  
Cr M Raumati  
Cr L Thomson  
Cr P Thomson  
Cr T Turner  
Cr D Whyte

**Attending:**

Mr GJ Ion (Chief Executive)  
Mr T Whittaker (Chief Operating Officer)  
Ms M May (Acting General Manager – Service Delivery)  
Mr A Averill (Deputy General Manager, Service Delivery)  
Mr R MacCulloch (General Manager Customer Support)  
Ms A Diaz (Chief Financial Officer)  
Mrs GJ Kanawa (Democracy Manager)

The meeting was opened at 12.38pm and adjourned at 1.40pm.

The meeting resumed at 2.18pm.



**APOLOGIES AND LEVE OF ABSENCE**

Resolved: (Crs P Thomson/L Thomson)

That the Waikato District Council accepts the apologies from Cr Gibb and Cr Reeve for non-attendance.

**CARRIED**

**CCL2309/01**

**CONFIRMATION OF STATUS OF AGENDA ITEMS**

Resolved: (Crs Matahi-Poutapu/Turner)

**THAT** the agenda for a meeting of the Waikato District Council held on Wednesday, 27 September 2023 be confirmed:

- a. with all items therein being considered in the open meeting, with the exception of those items detailed at agenda item 5; and
- b. all reports be received.

**CARRIED**

**CCL2309/02**

**DISCLOSURES OF INTEREST**

Cr Reeve was not present but prior to the meeting declared a conflict of interest for PEX Agenda Item 3.1 as the listing agent for the property under discussion.

## **COMMITTEE REPORTS**

### Infrastructure Committee Recommendations – 27 September 2023

#### Agenda Item 4.1

#### Roading Projects Status Update and Funding Recommendations (INF2309/05)

The report was received [CCL2309/02 refers], and no further discussion was held.

**Resolved: (Cr Patterson/Raumati)**

**THAT the Waikato District Council:**

- a. **approves returning approximately \$1.785M to Waka Kotahi for Local Road Improvements and Road to Zero Projects.**
- b. **approves the establishment of a new 2024 project for District Wide School Signs and approves the reallocation of the local share savings from Local Road Improvements and completed Road to Zero Projects.**
- c. **approves the establishment of a new 2024 project for the Horotiu Raised Platform project to be funded by Waka Kotahi subsidy and voluntary contributions from developers.**
- d. **approves the redirection of the Harrisville Road Bridge FY2024 project budget to the service bridge to enable the relocation of services and replacement of the bridge.**
- e. **acknowledges the second phase to replace the Harrisville Road Bridge estimated at \$2.5M will be included in the LTP 2024-2034 and phased in the 2025 financial year.**
- f. **notes the risk of Pookeno Road Bridge Project and Harrisville Bridge Project being unfunded by Waka Kotahi in next LTP and approves additional local share funding for the project OR waits for subsequent LTP for Waka Kotahi to fund the project.**
- g. **notes the initial capital programme bid of circa \$32M proposed to be submitted to Waka Kotahi in October 2023.**

**CARRIED**

**CCL2309/03**

**EXCLUSION OF THE PUBLIC**

**Resolved: (Crs Eyre/Beavis)**

**THAT** the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Item PEX 2.1 – Infrastructure Committee Recommendations – 27 September 2023	Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
Item 3.1 – Strategic Land Acquisition – Pokeno		
Item PEX 4 – Chief Executive Issues		
Item PEX 5 – Mayoral Issues		

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item No.	Section	Interest
Item PEX 2.1 – Infrastructure Committee Recommendations – 27 September 2023	Refer to Infrastructure Committee agenda for reasons for exclusion.	
Item 3.1 – Strategic Land Acquisition – Pookeno	7(2)(i)	To enable negotiations to carry on without prejudice or disadvantage.
Item PEX 4 – Chief Executive Issues  Item PEX 5 – Mayoral Issues	7(2)(c)(i)	To protect information that is subject to an obligation of confidence and to ensure the information avenue remains open, when it is in the public interest for it to do so.

**CARRIED**

**CCL2309/04**

*Resolutions CCL2309/05 - CCL2309/13 are contained in the public excluded section of these minutes.*

There being no further business the meeting was declared closed at 2.59pm.

The Council closed the meeting with a Karakia.

Minutes approved and confirmed this                      day of                      2023.

Mrs JA Church  
**CHAIRPERSON**

<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Actions Register – October 2023</b>
Date:	26 September 2023
Report Author:	Kaye Whitfield, Executive Assistant to Chief Executive
Authorised By:	Gavin Ion, Chief Executive

### **1. Purpose of the report** **Te Take moo te puurongo**

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To update the Council on actions arising from the previous Council meeting.

### **2. Staff recommendations** **Tuutohu-aa-kaimahi**

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**That the Waikato District Council receives the Actions Register for October 2023.**

### **3. Attachments** **Nгаа тааpирihanga**

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Attachment 1 – Actions Register – October 2023

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22  
**Waikato District Council - Actions Register**  
**October 2023**

<b>Meeting Date</b>	<b>Item and Action</b>	<b>Person / Team Responsible</b>	<b>Status Update</b>
28/08/2023	Zero Harm staff to advise of best practice in regard to reporting on contractor incidents.	Lynn Shirley	<ul style="list-style-type: none"> <li>Reporting of injuries sustained by our suppliers whilst undertaking contracted activity is currently being reviewed by the Zero Harm Team. The development of a dashboard is being progressed and has commenced with a review of current contractual reporting requirements and reporting already being received and reviewed by various Contract Managers and teams within Council.</li> </ul>
28/08/2023	Invite for the Jehan Casinader session to be forwarded to Councillors.	Lynn Shirley	<ul style="list-style-type: none"> <li>Completed. Jehan's talk was very well received by staff.</li> </ul>
28/08/2023	Zero Harm staff to schedule workshop with Councillors once the bowtie was developed for monitoring mental health wellbeing.	Lynn Shirley	<ul style="list-style-type: none"> <li>Zero Harm and People &amp; Capability are continuing the development of this Bowtie</li> </ul>
28/08/2023	Workshop to be held with Council on the statistical/demographics for the current wards once more up to date statistics were available from the latest census.	Will Gauntlett	<ul style="list-style-type: none"> <li>This workshop will be organised once the new census data is available.</li> </ul>

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<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Performance &amp; Strategy Committee Recommendations – 11 September 2023</b>
Date:	Friday, 29 September 2023
Report Author:	Elizabeth Saunders, Senior Democracy Advisor
Authorised by:	Gaylene Kanawa, Democracy Manager

## **1. Executive summary**

### **Whakaraapopototanga matua**

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The purpose of this report is to seek the Council's approval of the recommendation from the Performance & Strategy Committee meeting held on Monday, 11 September 2023.

The Performance & Strategy Committee agenda and attachments from the meeting on Monday, 11 September 2023 can be found on the Council website via the following link:

[https://www.waikatodistrict.govt.nz/docs/default-source/meetings/agenda-2023/230911-p-s-open-agenda596d2cf6-0dd7-48d8-9e90-e308888c0ba0.pdf?sfvrsn=47586bc8\\_1](https://www.waikatodistrict.govt.nz/docs/default-source/meetings/agenda-2023/230911-p-s-open-agenda596d2cf6-0dd7-48d8-9e90-e308888c0ba0.pdf?sfvrsn=47586bc8_1)

## **2. Staff recommendations**

### **Tuutohu-aa-kaimahi**

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Te Nehenehenui (previously Ngaati Maniapoto) Joint Management Agreement (P&S2309/04) & (P&S2309/05)

- a. THAT the Waikato District Council approves the following recommendations of the Te Nehenehenui Joint Management Committee:**
  - i. That, to discharge its responsibilities more effectively and efficiently, the Te Nehenehenui Joint Management Committee assumes the responsibilities of the Ngaa Wai o Waipaa Co-Governance Forum in addition to its own, and the membership structure of the Forum; in accordance with the law by taking all necessary actions including:**
    - 1. executing a joint management agreement between the six member agencies incorporating the responsibilities of the Committee and the Forum and the membership structure of the Forum.**

2. approving the amended terms of reference for adoption by Te Nehenehenui Joint Management Committee incorporating provisions necessary to achieve the purposes of both the Committee and Forum under the Committee's name.
3. confirming the continuation of the current Co-Chairs and Deputy Co-Chairs until, and if, the member agencies indicate new appointments in accordance with the Terms of Reference.
4. the disestablishment of the Forum when all necessary actions to merge the Committee and the Forum are complete.

**b. THAT the Waikato District Council:**

- i. approves the draft Te Nehenehenui Joint Management Agreement.
- ii. authorises Cr Tilly Turner (as Waikato District Council's elected representative on the previous Ngaa Wai o Waipaa Co-Governance Forum and, by default, Council's representative on the Te Nehenehenui Joint Management Agreement Committee) to sign the final agreement (including any subsequent amendments to the draft) on Council's behalf;
- iii. that the name of the Ngaa Wai o Waipaa Co-Governance Forum be changed to the Te Nehenehenui Joint Management Agreement Committee in Council's Governance Structure.

**c. THAT the Waikato District Council:**

- i. appoints Cr M Raumati as Waikato District Council's alternate member in the event that Cr Turner cannot attend.

### **3. Attachments**

#### **Ngaa taapirihanga**

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Link to Performance & Strategy Open Agenda:

[https://www.waikatodistrict.govt.nz/docs/default-source/meetings/agenda-2023/230911-p-s-open-agenda596d2cf6-0dd7-48d8-9e90-e308888c0ba0.pdf?sfvrsn=47586bc8\\_1](https://www.waikatodistrict.govt.nz/docs/default-source/meetings/agenda-2023/230911-p-s-open-agenda596d2cf6-0dd7-48d8-9e90-e308888c0ba0.pdf?sfvrsn=47586bc8_1)

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<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Policy &amp; Regulatory Committee Recommendations – 3 October 2023</b>
Date:	Tuesday, 3 October 2023
Report Author:	Lynette Wainwright, Democracy Advisor
Authorised by:	Gaylene Kanawa, Democracy Manager

## **1. Executive summary**

### **Whakaraapopototanga matua**

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The purpose of this report is to seek the Council's approval of the recommendation from the Policy & Regulatory Committee meeting held on Tuesday, 3 October 2023.

The Policy & Regulatory Committee agenda and attachments from the meeting held on Tuesday, 30 October 2023 can be found on the Council website via the following link:

<https://www.waikatodistrict.govt.nz/your-council/council-committees-boards/council-committees/policy-and-regulatory-committee>

## **2. Staff recommendations**

### **Tuutohu-aa-kaimahi**

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Hearings and Deliberations for the proposed Dangerous, Affected and Insanitary Buildings Policy 2023 (P&R2310/06)

*That the Policy and Regulatory Committee:*

- a. pursuant to section 83 of the Local Government Act 2002, considers and makes decisions on all submissions and, where requested, hears submissions on the proposed Dangerous, Affected and Insanitary Buildings Policy;*
  - b. provides direction to staff on any changes to make to the proposed Dangerous, Affected and Insanitary Buildings Policy;*
-

**THAT Waikato District Council:**

- a. **adopts the Dangerous, Affected and Insanitary Buildings Policy 2023 (Option I), and**
- b. **revokes the Dangerous, Affected and Insanitary Buildings Policy 2018.**

### **3. Attachments**

#### **Ngaa taapirihanga**

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Link to Policy & Regulatory Open Agenda:

[https://www.waikatodistrict.govt.nz/docs/default-source/meetings/agenda-2023/231003-p-r-agenda.pdf?sfvrsn=b6f06ac8\\_1](https://www.waikatodistrict.govt.nz/docs/default-source/meetings/agenda-2023/231003-p-r-agenda.pdf?sfvrsn=b6f06ac8_1)

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<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Zero Harm Update</b>
Date:	25 September 2023
Report Author:	Lynn Shirley, Zero Harm Manager and Joanne McArthur, Zero Harm Advisor
Authorised by:	Gavin Ion, Chief Executive

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To provide Council with an update on the delivery of activities detailed in the Zero Harm Strategic Improvement Plan and overview current health and safety performance.

## **2. Executive summary**

### **Whakaraapopotanga matua**

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- Our strategic improvement plan for FY23/24 has been approved by the Executive Leadership Team.
- Reviews on the Workplace Violence and Mental Wellbeing safety critical risks has commenced.
- An increase in reporting has been noted in August with a total of 24 incidents being recorded in BWare Safety Manager.
- Recommendations from the recent external audit have been entered into BWare Safety Manager and actions have been assigned to relevant people.

## **3. Staff recommendations**

### **Tuutohu-aa-kaimahi**

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**That the Council receives the Zero Harm report for September 2023 and Zero Harm Dashboard for August 2023.**

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## 4. Background

### Koorero whaimaarama

Councils' zero harm culture is supported by a health and safety management system of policies, standards, requirements, and guidelines that are designed to support the elimination or management of risk and enable good practice.

## 5. Discussion

### Matapaki

#### **Zero Harm Strategic Improvement Plan FY23/24 Progress**

Our FY23/24 Zero Harm Strategic Improvement Plan has been reviewed and approved by the Executive Leadership Team.

The finalised plan has also been shared with the Safety Action Team (SAT).

The delivery of activities detailed in the plan is being monitored monthly by the Zero Harm Team and reported to the ELT on a quarterly basis.



#### **Our People**

##### ***Worker Engagement, Participation and Consultation***

Several actions identified at the Safety Action Team (SAT) meeting in July have been progressed including the formation of a SAT working group to determine what activities the SAT representatives would like to be involved with, and to determine minimum requirements around meetings with workers and managers and the sharing of meeting minutes. The working group has developed a survey to gain feedback from all SAT reps and are currently reviewing the feedback that has been gathered.

Training continues for SAT representatives with a total of 9 attending courses over the last month.

Training course delivered	Number of workers trained
Health & Safety Rep Stage 1: Introduction to the HSR role	5
Health & Safety Rep Stage 2: Risk Assessment and Incident Investigation	0
Health & Safety Rep Stage 3: Workplace H&S Culture and Communication	4
Incident Causation Analysis Method (ICAM) Investigation Techniques	0

### ***Work Safe Home Safe 2024 Event***

A dedicated group of staff have volunteered to work with the Zero Harm Team to create another memorable Work Safe Home Safe event in early 2024. Work Safe Home Safe will be a three-week event running from the 12th of February until the 1st of March 2024. Fortnightly meetings are taking place and we have settled on the objectives based on the Zero Harm Strategic Focus for 2024, narrowed down the ideas, and will continue to work on creating activities and interactive sessions that make the focus areas come to life.

### **Effective Systems**

#### ***Auditing and Assurance***

All improvement recommendations from the recent external audit of our Zero Harm Safety Management System (ZHSMS) against the International Standard (ISO) 45001 framework have been assigned and timebound in BWare Safety Manager.

#### ***Contractor Management***

Our ZHMS Contractor Management Standard has progressed significantly and includes the development of additional Procurement Health & Safety requirement/expectation documentation to support our Contract Managers and ensure we meet obligations under section 36, Health and Safety at Work Act 2015. Reporting of injuries sustained by our suppliers whilst undertaking contracted activity is currently being reviewed by the Zero Harm Team. The development of a dashboard is being progressed and has commenced with a review of current contractual reporting requirements, and reporting already being received and reviewed by various Contract Managers and teams within Council.

#### ***Performance Reporting and Event Management***

Council's zero harm performance across several health and safety metrics for August 2023 is shown below. The results for the period July 2022 to June 2023 are included for comparison.

Measures	July 22 to June 23	August 23 <i>(Annualised)</i>	Commentary
Events reported in BWare Safety Manager <i>(Lead)</i>	218	37 (222)	A significant increase in reporting has been noted in August with 24 incidents being recorded in BWare Safety Manager.
Total Recordable Injuries (TRIs) e.g., Lost Time Injury, Restricted Work Injury or Medical Treatment Injury <i>(Lag)</i>	4	0	
WorkSafe NZ Notifiable Events <i>(Lag)</i>	0	0	

Measures	July 22 to June 23	August 23 <i>(Annualised)</i>	Commentary
First Aid Injury events ( <i>Lag</i> )	18	5 (30)	Two minor first aid injuries were reported in August.
Serious Near Miss events ( <i>Lead</i> )	3	0	
Near Miss events ( <i>Lead</i> )	77	10 (60)	A slight reduction in near miss reporting has been noticed over the last couple of months. The Zero Harm team has and will continue to message the importance of reporting.
New Hazards ( <i>Lead</i> )	81	11 (66)	Six new hazards were identified in August compared with 5 in July.
Zero Harm Engagement Conversations ( <i>Lead</i> ) KPI is >162 conversations per month or 1944 annually	2066	403 (2418)	A positive trend in the number of Zero Harm Engagement conversations being undertaken is again noted in August

The attached Zero Harm Dashboard (Attachment 1) illustrates safety performance for August 2023.

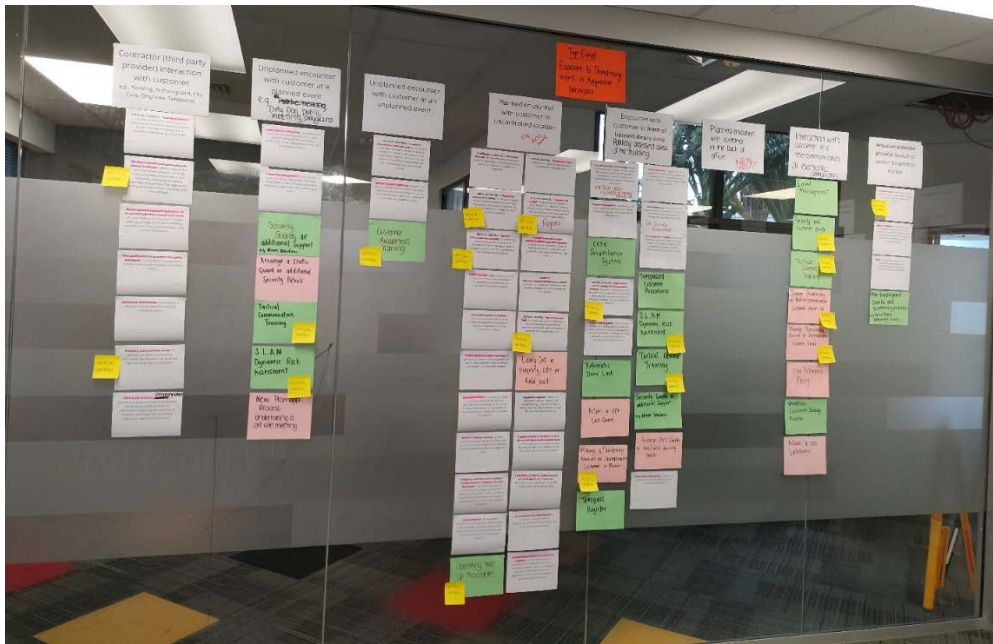
## **Critical Safety Risk Management**

### ***Workplace Violence***

Front counter safety refresher training courses have been completed by Raglan Library and selected Raglan Camp staff, Huntly, Te Kauwhata, Meremere, and Ngaruawahia Customer Delivery Teams.

The Workplace Violence safety critical risk bowtie is in the process of being reviewed by the Zero Harm Team along with members of the Customer Delivery Team, Legal, and Customer Safety. The initial meeting went through all the threat lines to confirm the actual threat and the identified controls were still relevant. This process has seen the addition of extra controls (noted on green paper shown in the photos below) and the identification of current standard operating procedures associated with managing the risk (these are noted on pink in the below photos).

The next steps are to socialise this bowtie with the organisation, develop a verification assessment tool for all safety critical controls, and undertake the initial internal assessment.



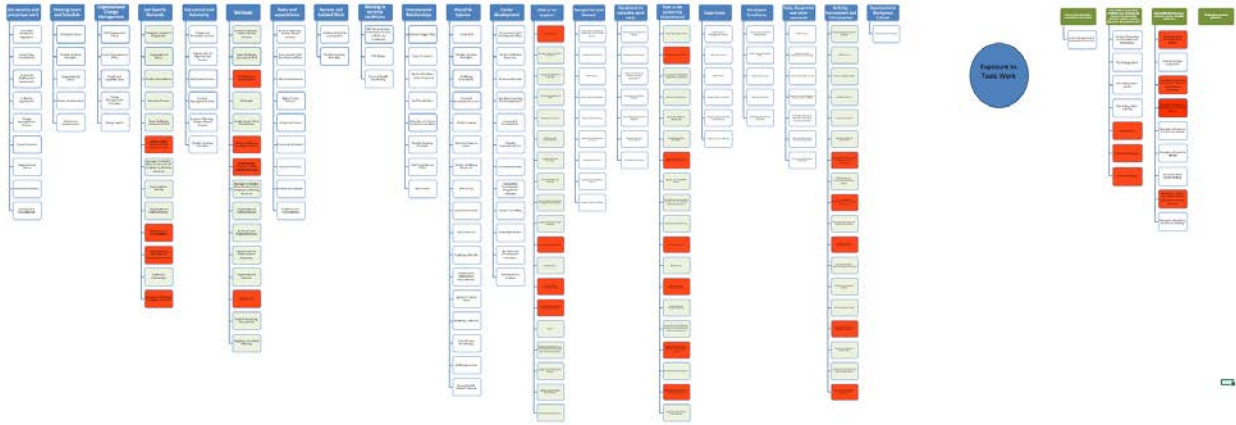
### ***Working with Animals***

The safety critical risk bowtie associated with Working with Animals has been reviewed by the Zero Harm Team in conjunction with key members from the Animal Control Team and socialised with the other members of the Animal Control Team.

A verification assessment tool has been created for all safety critical controls identified and the first assessment was undertaken last week. Several actions have come from this with most being administrative. This internal assessment will be undertaken six monthly, with full external review planned for every two years. The next step is to create verification criteria for the remainder of the controls (non-safety critical controls) and undertake an internal assessment of those.

### ***Mental Wellbeing at Work***

The deep dive on the current Mental Wellbeing risk control plan has commenced with a review of the top event. Taking lead from Dr Hiliary Bennett's work, this is now defined as "Exposure to toxic work". As the review continues, new controls are being identified for the threat lines. There is still a considerable amount of work to be done to complete this review however the bowtie as it stands was socialised amongst the organisation during the recent Mental Health Awareness week (18<sup>th</sup> to 24<sup>th</sup> September). Feedback has been sought from staff on the work done to date.



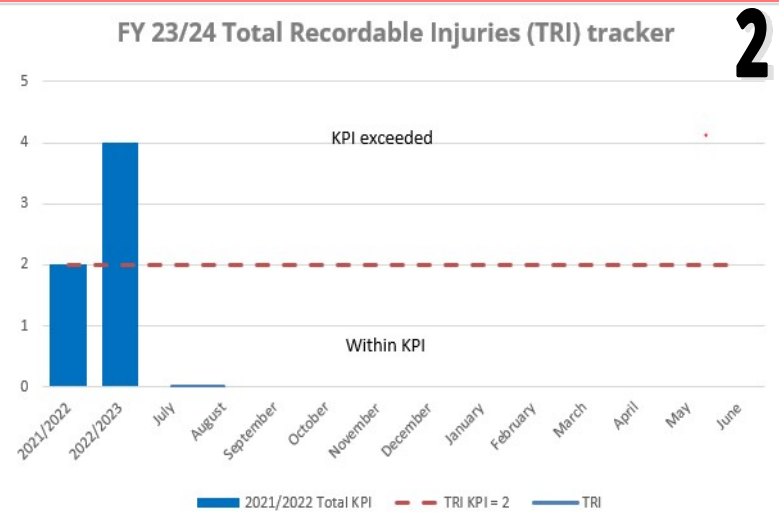
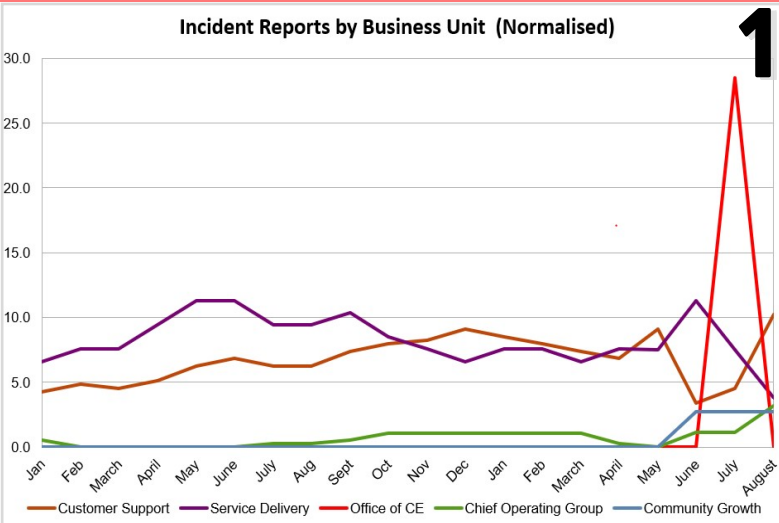
## 6. Attachments Nga taapirihanga

Attachment 1 – Zero Harm Dashboard August 2023

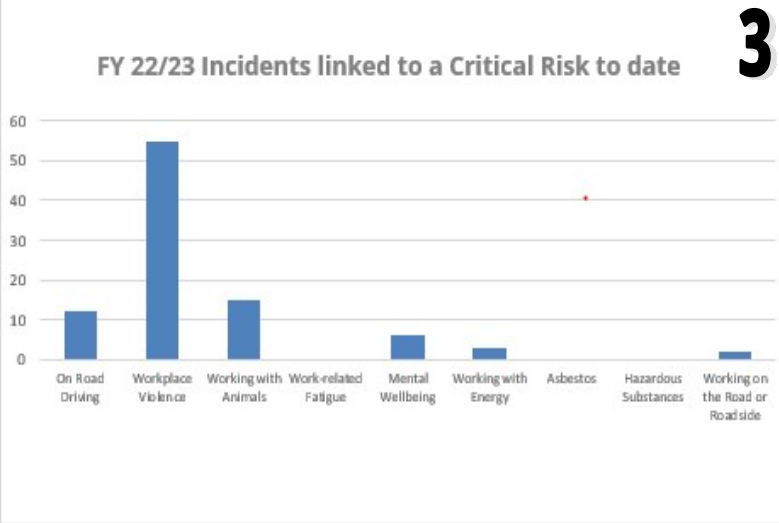




## Incident Management



## Incident Management



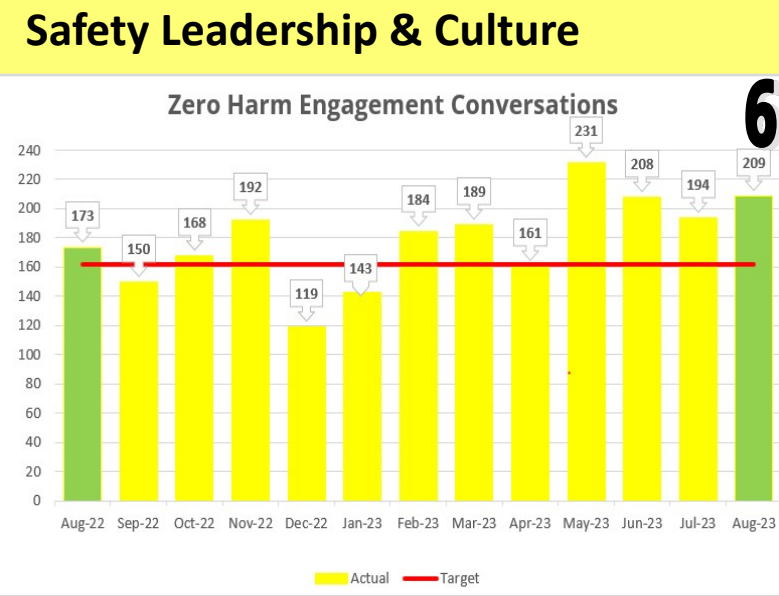
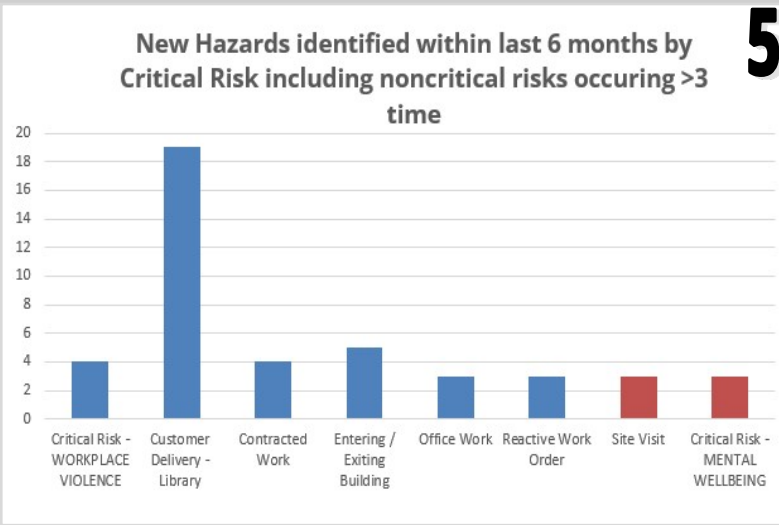
### 4 Top Nature of Injury - Year to date

- Burn/scald/irritation
- Bruising or crushing
- Laceration/cut/abrasion

### Top Mechanisms of harm - Year to date

- Chemicals or other substances
- Mental stress
- Hitting objects with part of body
- Being hit by moving objects

## Hazard & Risk Management



## Commentary

Graph 1 shows the volume of incidents (normalized) being reported in Bware Safety Manager by each business unit each month. A positive trend is noticed in the Customer Support Business unit with 18 incident reported in August.

Table 4 shows the nature of injury and mechanism of harm. Two minor first aid injuries were reported in August. Both resulted in minor cuts or bruising to fingers.

Graph 5 shows an increase in hazards being identified while entering or exiting Council office/library sites

<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Submission to the Minister for the Environment on the Biodiversity Credit System for Aotearoa New Zealand, Discussion Document</b>
Date:	9 October 2023
Report Author:	James Fuller, Senior Environmental Planner
Authorised by:	Will Gauntlett, Acting General Manager Community Growth

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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The purpose of this report is to provide information on the submission to the "Helping nature and people thrive: Exploring a biodiversity credit system for Aotearoa New Zealand - Discussion Document" (BCS Discussion Document), Attachment 2.

#### **AND**

To recommend that Council approves Waikato District Council's submission on the BCS Discussion Document to the Ministry for the Environment, Attachment 1.

## **2. Executive summary**

### **Whakaraapopotanga matua**

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The BCS Discussion Document was released in July 2023 by the Ministry for the Environment and provided consultation questions about how a Biodiversity Credit System could be developed and function. The Council submission has been prepared with the aim of guiding and informing the Ministry for the Environment on how best to conduct and implement the Biodiversity Credit System.

A council group including staff and councillors has provided initial input and the intent of the submission is consistent with Council's vision and supports some of the activities in the Taiao in the Waikato Strategy 2023.

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The BCS Discussion Document's questions focus of four discussion areas:

1. Scope of the BCS and types of ecosystems covered.
2. Why a BCS is needed, and will it attract investment.
3. Principles around the design, implementation, measurement, verification, and reporting.
4. Complementing the wider system and carbon reduction, e.g., the Emissions Trading System (ETS), land use change that supports biodiversity credits with Significant natural Areas (SNAs) and Department of Conservation (DOC) tools.

Staff support some form of Biodiversity Credit System because it could provide a mechanism for landowners to protect, maintain and restore biodiversity in our district. However, the BCS needs to be simple enough to understand and monitor the biodiversity credits with a digital component that baselines new biodiversity areas once established and tracks them over time.

### 3. Staff recommendations Tuutohu-aa-kaimahi

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**That the Waikato District Council:**

- a. **approves the Waikato District Council's submission on the BCS Discussion Document to the Ministry for the Environment (Attachment 1); and**
- b. **delegates the Chief Executive the authority to finalise and submit the submission on behalf of the Waikato District Council.**

### 4. Background Koorero whaimaarama

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The BCS Discussion document, "Helping nature and people thrive: Exploring a Biodiversity Credit System for Aotearoa New Zealand - Discussion Document", was released by the Ministry for the Environment and the Department of Conservation in July 2023. The BCS Discussion Document explores the potential for a biodiversity credit system to be used in New Zealand. It considers various design options, including the types of actions that could be eligible for credits, how credits would be measured and valued, and how a market for credits would be created.

The BCS Discussion Document seeks feedback on the potential for a biodiversity credit system to be used in New Zealand. The public has been invited to provide feedback on the discussion document by November 3, 2023.

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There is growing public concern about the loss of biodiversity in New Zealand, which has a high level of endemic biodiversity, with an estimated 80,000 species of native animals, plants, and fungi. This biodiversity is under threat from a range of factors, including habitat loss, invasive species, and, most recently, climate change, which is likely to accelerate the threat to biodiversity.

The New Zealand Government has developed several policies and initiatives to protect biodiversity. These include the Te Mana o te Taiao – the Aotearoa New Zealand Biodiversity Strategy, the National Policy Statement on Indigenous Biodiversity, and the Biodiversity Act 2014.

The latest policy option put forward by the New Zealand Government to halt and reverse this biodiversity loss is a biodiversity credit system built around a market-based mechanism that could incentivise the protection and restoration of biodiversity. Under a biodiversity credit system, landowners or other sectors in nature-based protection could earn credits for taking actions that protect or restore biodiversity. These credits could then be traded or used to offset other biodiversity impacts.

For staff, the following questions come to mind: What activities would be eligible for credits, and how would credits be measured physically and valued financially? How can biodiversity credit exchange be facilitated in a legitimate market? Should BCS be based on "Outcomes", "Activities", or "Projects"?

## 5. Discussion and analysis

### Taataritanga me ngaa tohutohu

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Council staff received various input from a range of parties (including Waikato Regional Council and Auckland Council) around the submission and the merits of the BCS.

#### 5.1 Options

##### Ngaa koowhiringa

Staff have assessed two viable options for Council to consider. This assessment reflects the significance level (see paragraph 6.1) and the work completed in developing a district-specific submission. The two options are noted below.

**Option 1 (preferred):** Council approves submitting on the BCS Discussion Document. This option will ensure that the Council's views are highlighted in the national consideration of the BCS. This is the preferred option.

**Option 2:** Council does not approve submitting on the BCS Discussion Document. This option would mean no Waikato district-specific views will be progressed.

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## **5.2 Financial considerations**

### **Whaiwhakaaro puutea**

There are no material financial considerations associated with the recommendations of this report right now. However, if public land is included in the BCS, it may impact Council in the future as the owner of the land by providing opportunities to apply for Biodiversity Credits.

## **5.3 Legal considerations**

### **Whaiwhakaaro-aa-ture**

Staff confirm that the submission complies with the Council's legal and policy requirements and best practices.

## **5.4 Strategy and policy considerations**

### **Whaiwhakaaro whakamaaherehere kaupapa here**

The report and recommendations are consistent with the Council's policies, plans, and prior decisions. As suggested, the submission aligns with the Council's vision and supports some of the activities in the Taiao in the Waikato Strategy 2023. It extends the focus on valuing biodiversity in the district.

## **5.5 Maaori and cultural considerations**

### **Whaiwhakaaro Maaori me oona tikanga**

The submission aligns with supporting tangata whenua aspirations, including facilitating conversations with Waikato-Tainui for iwi-led and hapuu-led biodiversity credit opportunities. Waikato-Tainui's Environmental Plan Tai Tumu, Tai Pari, Tai Ao sets out Waikato-Tainui's position on environmental issues and policies. The Council submission reinforces the outcomes identified in Tai Tumu, Tai Pari, Tai Ao.

## **5.6 Climate response and resilience considerations**

### **Whaiwhakaaro-aa-taiao**

The matters covered in the submission are consistent with the Council's Climate Response and Resilience Policy and Climate Action Plan and will help it meet its resilience planning outcomes. It is envisaged that supporting landowners around protecting, managing, and restoring indigenous biodiversity will help the district's resilience to climate change.

## **5.7 Risks**

### **Tuuraru**

The overall risk profile is low. The submission is consistent with council Strategies, particularly Taiao in the Waikato Strategy 2023, and will potentially support the protection, management, and restoration of biodiversity in the Waikato District.

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## 6. Significance and engagement assessment Aromatawai paahekoheko

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### 6.1 Significance Te Hiranga

The decisions and matters of this report are assessed as of low significance in accordance with the Council's [Significance and Engagement Policy](#).

### 6.2 Engagement Te Whakatuutakitaki

This report has considered feedback from a range of other stakeholders. However, community engagement was not required as part of this process. The focus has primarily been on iwi and key stakeholders where a biodiversity credit is relevant. The Council's submission and similar stakeholder submissions are in general accordance with each other, and the district-specific biodiversity matters covered.

Highest level of engagement	Inform <input type="checkbox"/>	Consult <input checked="" type="checkbox"/>	Involve <input type="checkbox"/>	Collaborate <input type="checkbox"/>	Empower <input type="checkbox"/>
	A council group was assembled with staff and councillors to develop and inform the submission. The steering group identified key Stakeholders who were included in discussions as part of the drafting and development of the submission. These agreed on the purpose of the discussion document and that a BCS approach had merit if it was done properly.				

The table below indicates which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Internal
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Community Boards/Community Committees
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Waikato-Tainui/Local iwi and hapuu
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Communities
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Businesses
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Landowners and organisations who might make use of the BCS (for examples Pukemokemoke Bush Reserve, private landowners with native bush or wetlands, farmers, forestry owners, Waka Kotahi etc).

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## 7. Next steps Ahu whakamua

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If the recommendation is approved by Council, the next step is for the Chief Executive to lodge the submission on behalf of Council.

## 8. Confirmation of statutory compliance Te Whakatuuturutanga aa-ture

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As required by the Local Government Act 2002, staff confirm the following:

The report fits with the Council's role and the Committee's/Community Board's Terms of Reference and Delegations.	Confirmed
The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages ( <i>Section 5.1</i> ).	Confirmed
Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy ( <i>Section 6.1</i> ).	Low
The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance ( <i>Section 6.2</i> ).	Confirmed
The report considers impact on Maaori ( <i>Section 5.4</i> )	Confirmed
The report and recommendations are consistent with Council's plans and policies ( <i>Section 5.3</i> ).	Confirmed

## 9. Attachments Ngaa taapirihanga

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Attachment 1 – Biodiversity Credit System Discussion Document – Submission

Attachment 2 – Link to Biodiversity Credit System Discussion Document: [Link](#)

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## Waikato District Council – Submission on Biodiversity Credits System Discussion Document

Consultation Questions		
Section 1	Scope of a BCS and types of ecosystems covered	<p>Outcomes, Activities or Projects</p> <p>Waikato District Council – WDC</p> <p>Waikato District – WD</p> <p>BCS – Biodiversity Credit System</p>
1	Do you support the need for a biodiversity credit system (BCS) for New Zealand? Please give your reasons.	<p>Yes. Aotearoa NZ needs to do something to improve biodiversity and help landowners protect, maintain, and restore biodiversity, habitats and ecosystems. This is also a potential opportunity to increase the amount of indigenous vegetation cover in NZ. If an appropriate BCS can be developed and maintained, it could help in this endeavour. The government must put a fair value on ecosystems and biodiversity as a resource to help conversation and climate resilience outcomes. The credit scheme proposed is only looking at the edges of the problem. while there is sustained pressure on the natural environment and an accelerated decline in biodiversity, greater support needs to happen in this area.</p> <p>Where does the BCS sit in relation to the National Policy Statement – Indigenous Biodiversity, which requires councils to identify and protect Significant Natural Areas (SNAs)? SNAs are areas of land important for the provision of ecosystem services. They include council and crown land and should be in the BCS. This might help councils to fund the assessment of the above SNA process (identification, restoration and monitoring). An ecosystem services approach quantifies the benefits that people obtain from ecosystems and includes more than flora and fauna, including insects, pollinators and fungi that break down material.</p>



2	<p>Below are two options for using biodiversity credits. Which do you agree with?</p> <p>(a) Credits should only be used to recognise positive actions to support biodiversity.</p> <p>(b) Credits should be used to recognise positive action to support biodiversity + and actions that avoid decreases in biodiversity.</p> <p>Please answer (a) or (b) and give your reasons.</p>	<p>(b)</p> <p>WDC does not want to limit the scope of the options to just positive actions in terrestrial environments. Given that climate change and pest control can dramatically alter results from conservation and support for biodiversity initiatives, in the WD even if there is investment in biodiversity, there is still a chance it could go backwards. However, if those measures are not undertaken in the project area, things could be worse for the environment. For example, you won't always see an improvement due to external factors and investment, but the intent is important. Providing pest control of small mammals (eg possums) that consume large quantities of indigenous vegetation, indirectly leads to healthy benefits for native flora and fauna.</p>
3	<p>Which scope do you prefer for a biodiversity credit system?</p> <p>(a) Focus on terrestrial (land) environments.</p> <p>(b) Extend from (a) to freshwater and estuaries (e.g., wetland, estuarine restoration).</p> <p>(c) Extend from (a) and (b) to coastal marine environments (e.g., seagrass restoration). Please answer (a) or (b) or (c) and give your reasons.</p>	<p>(c)</p> <p>As above, why limit opportunities? Marine-based businesses might prefer marine biodiversity protection versus terrestrial-based environments. Also, if we take a mountains-to-sea approach, all these environments are interconnected. Community and iwi/hapuu groups can positively impact these environments, e.g., Raglan Beachcare Group. However, this could be sequenced from a to b then coastal marine environments given there is less knowledge about them.</p>
4	<p>Which scope do you prefer for land-based biodiversity credits?</p> <p>(a) Cover all land types, including both public and private land, including whenua Māori.</p> <p>(b) Be limited to certain categories of land, for example, private land (including whenua Māori).</p> <p>Please answer (a) or (b) and give your reasons.</p>	<p>(a)</p> <p>As mentioned above, why limit options? Public land can be Crown-owned but managed by councils and is still deserving of funding. If the system to identify and recognise all land-based areas consistently uses spatial and ground truthing opportunities, it should incorporate all land types, including whenua Māori.</p>

5	<p>Which approach do you prefer for a biodiversity credit system?</p> <p>(a) Based primarily on the outcome.</p> <p>(b) Based primarily on activities.</p> <p>(c) Based primarily on projects.</p> <p>Please answer approach (a) or (b) or (c) and give your reasons.</p>	<p>WDC propose looking at a three-tiered approach:</p> <p>Outcome-based could be regionally-based with links to a national database (with credits linked to measurable improvements in biodiversity). This would need a nationally-based digital system with criteria/parameters so the technology for monitoring and data collection built into it could be devolved down (minimise duplication across regional and district councils). The benefit is it encapsulates a mountains-to-sea approach and picks up on question 3 (c).</p> <p>At an Activity-based level, district and city-based systems could be utilised (specific conservation activities can motivate a wide range of stakeholders to participate in conservation efforts) and linked to biodiversity improvements.</p> <p>At a Project-based level, it could be done within a catchment (comprehensive conservation projects allow for a more holistic approach, which can lead to demonstrable positive outcomes). Project evaluation and administration need to be simplified with technology, which may favour larger organisations rather than local ones.</p> <p>The key is to protect the most at-risk environments so the biodiversity credits are channelled into high-value areas for flora and fauna.</p>
6	<p>Should there also be a requirement for the project or activity to apply for a specified period to generate credits?</p> <p>Please answer Yes/No and give your reasons.</p>	<p>No, and yes; due to external factors, some guidance though, Best Practice Option (BPO) approach. Outside factors can influence the timeframes, e.g., climate change, funding and sourcing products, slow results on conservation activities, etc. Biodiversity credits should only be given for permanent native biodiversity improvements and have a system where the permanence is guaranteed in perpetuity, similar to QEII National Trust covenants for native habitats. The credits might only be payable for 25 years once the native areas/ecosystems reach a critical mass.</p>

7	<p>Should biodiversity credits be awarded for increasing legal protection of areas of indigenous biodiversity (e.g., QEII National Trust Act 1977 covenants, Conservation Act 1987 covenants or Ngā Whenua Rāhui kawenata)?</p> <p>Please answer Yes/No and give your reasons.</p>	<p>Yes. Using the QEII National Trust Act 1977 as an example, has successfully protected and maintained biodiversity as a portion of private land in perpetuity. QEII has a good database of its national covenants and a monitoring system to review and ensure they are protected, which is generally enforced. Any national system should take these lessons on board.</p>
8	<p>Should biodiversity credits be able to be used to offset development impacts as part of resource management processes, provided they meet the requirements of both the BCS system and regulatory requirements?</p>	<p>No, different processes are available for this, e.g., Biodiversity offsetting. One is a regulatory requirement, and one is a voluntary market system. However, the new Biodiversity Credit system could utilise the biodiversity offsetting valuation methodology to help determine values, or the linkages between the two should be considered. An exception might be that the BCS was used to expand the offset development area.</p>
Section 2	<p>Why we need a BCS and will attract investment</p>	
9	<p>Do you think a biodiversity credit system will attract investment to support indigenous biodiversity in New Zealand? Please give your reasons.</p>	<p>Possibly. Environmental Social and Governance (ESG), is a framework for evaluating how companies manage their sustainability. There are risks and opportunities, and biodiversity is a critical component of ESG opportunities. Businesses could use biodiversity credits to help address environmental impacts, such as water use, air discharges, etc. Investors could use biodiversity credits to invest in projects that protect and restore biodiversity.</p>
10	<p>What do you consider the most important outcomes a New Zealand biodiversity credit system should aim for?</p>	<p>The most important outcome is protecting, restoring and increasing the areas of biodiversity in New Zealand, which has unique species found nowhere else in the world and crucial for ecosystem health. A clear and transparent system using digital and spatial data that tracks the biodiversity in information (improvement levels) and the credits are appropriate and secure.</p>
11	<p>What are the main activities or outcomes that a biodiversity credit system for New Zealand should support?</p>	<p>The BCS needs to protect, maintain, restore and increase the areas for biodiversity to unlock diverse and resilient ecosystems. Priority should be given to threatened habitats, species and wetland restoration, climate change resilience, water quality and landscape.</p>

Section 3	Principles of design, implementation, measurement, verification and reporting	
12	<p>Of the following principles, which do you consider should be the top four to underpin a New Zealand biodiversity credit system?</p> <p>Principle 1– Permanent or long-term (e.g., 25-year) impact</p> <p>Principle 2 – Transparent and verifiable claims</p> <p>Principle 3 – Robust, with measures to prevent abuse of the system</p> <p>Principle 4 – Reward nature-positive additional activities</p> <p>Principle 5 – Complement domestic and international action</p> <p>Principle 6 – No double-counting, and clear rules about the claims that investors can make</p> <p>Principle 7 – Maximise positive impact on biodiversity</p>	<p>Overall, some of the principles could be combined and WDC have chosen the most relevant ones.</p> <p>Principle 1- Not forestry (permanent should be permanent and locked up in perpetuity). The habitat must contain various species endemic to the locations and be allowed to evolve. Establishing new areas may require a focus on endemic species propagation from establishment plants to those longer-lived natives that develop over time, e.g., Kahikatea.</p> <p>Principle 2 - This must be based on a national database with consistent criteria/parameters, possibly administered at a regional level. The best starting point is how QEII manage their portfolio of QEII covenants (nationally), which have detailed information on the blocks and what is contained within them and monitored over time. This also picks up on Principle 6 if it is done properly.</p> <p>Principle 4 - Using financial, non-financial, educational, and policy tools, people can be encouraged to take actions that benefit biodiversity and its associated benefits. The key is funding the private landowners' properties so they can afford to support biodiversity above and beyond its intrinsic value.</p> <p>Principle 5 - Biodiversity is a global issue, and a biodiversity credit system in New Zealand will only be successful if it complements a wider international effort to protect and restore biodiversity (e.g., Sustainable Development Goal 15 – Life on Land). The BCS needs to assess and track the biodiversity benefits over time and have a strong integrity component. This also picks up Principle 7, where the BCS is required to maximise the value generated from the credits put back into protecting and restoring biodiversity. However, for it to work in practice, it needs monitoring and compliance.</p>

13	Have we missed any other important principles? Please list and provide your reasons.	Yes. There needs to be distinguished biodiversity activities to use the biodiversity credit proceeds. With the potential for perverse incentivisation, the document and BCS must discuss mitigating these risks. This could be done by setting standards that are too strict for biodiversity credits or by having a BCS for landowners that helps them monitor the long-term impacts of their actions, which they can clearly articulate to the credit holders. The permanence of the native biodiversity improvements is the key, not time periods ranging from 25 – 100 years. A key principle missing is a reference to Te Tiriti O Waitangi.
14	What assurance would you need to participate in a market, either as a landholder looking after biodiversity or as a potential purchaser of a biodiversity credit?	Well-defined project assessment and selection, e.g., open-sourced and viewable share market scenario ( <a href="https://www.carbonz.io/about-5">https://www.carbonz.io/about-5</a> ), alternatively a blockchain approach. Clear, traceable management of the funds and proceeds. Impact reporting of the work over time all in a digitised spatial network, which is consistently reported and open-sourced. An assurance supported by a robust auditing mechanism that native biodiversity credits are only provided to permanent native biodiversity improvements. As reported in Carbon Pulse, a Swedish Bank buys the first European Biodiversity Credits. It is based on three methodologies, and under each methodology, developers set a series of goals and actions that will be pursued throughout the project <a href="https://carbon-pulse.com/205424/">https://carbon-pulse.com/205424/</a>
15	What do you see as the benefits and risks of a biodiversity credit market not being regulated at all?	<p>There might be benefits if the market takes over the system and becomes peer-to-peer; with the potential for smart contracts, it may also be simpler, e.g., utilising smart contracts or blockchain protocols.</p> <p>The risks are varied but could include scamming, poor management of funds, and no actual or very little biodiversity improvement being undertaken. Clear, concise assessment, benchmarking, and appropriate valuation at the being and storing that information are crucial to the system's integrity over time.</p>

16	<p>A biodiversity credit system has six necessary components (see figure 5). These are:</p> <p>Project provision, Quantification of activities or outcomes, Monitoring measurement and reporting, Verification of claims, Operation of the market and registry, and Investing in credits.</p> <p>To have the most impact in attracting people to the market, which component(s) should the government be involved in? Please give your reasons.</p>	<p>Care should be taken not to overregulate, lessons could be learned from the ETS.</p> <p>However, the government could be involved in all the components to some extent from a leadership perspective, as in the ETS, requiring polluters to become more sustainable. By advancing circularity principles of reuse and recycling, the whole system could be improved and complement the biodiversity credit system.</p> <p>Project provision: Help develop standards and criteria for biodiversity credits.</p> <p>Quantification of Activities or Outcomes: The development of metrics and methods (similar to ETS) to quantify the biodiversity benefits. They provide a framework for the data against a spatial network to support this quantification.</p> <p>Monitoring, measurement, and reporting: Aid in developing standards and procedures for monitoring, measuring, and reporting the biodiversity benefits of biodiversity credit projects. Technical assistance to local government for consistent monitoring, measurement, and reporting requirements. Utilise the above to verify claims about the biodiversity benefits and centralise the market information through registration.</p>
17	<p>In which areas of a biodiversity credit system would government involvement be most likely to stifle a market?</p>	<p>The full operation of the market and some registration aspects. These could include not setting unrealistic or arbitrary standards (difficult or expensive) for landowners to participate. This will be a disincentive. Overregulation based on permits or licenses (an opportunity for a digital option) could make the process unwieldy. Picking winners or providing subsidies to some parties and not others, e.g., not just for land protection but other conservation measures.</p>

18	Should the government play a role in focusing market investment towards particular activities and outcomes and if so why? For example, highlighting geographic areas, ecosystems, species most at threat and in need of protection, significant natural areas, certain categories of land.	Yes. The government needs to design the system and minimise its involvement carefully. Set clear and reasonable standards for the BCS but not overregulate the market. This could be devolved to the regions and supported by the government (including funding for implementation). Care needs to be taken not to use this opt-out of current biodiversity and conservation programmes (Jobs for Nature, Species and Habitat Protection), given the limited support for these programmes and biodiversity protection in general. Threatened, high value areas are generally located in rural areas which have a low ratepayer base and therefore struggle to adequately protect or focus on biodiversity.
Section 4	Complement the wider system and carbon reduction e.g., ETS; Land use change that supports biodiversity credits with SNAs and DOC tools	
19	On a scale of 1, not relevant, to 5, being critical, should a New Zealand biodiversity credit system seek to align with international systems and frameworks? Please give your reasons.	4.  It is good to align with international systems, but ecological districts may have issues that need localised management, particularly around fauna that are not seen internationally. There are few international examples <a href="#">Link</a> . Additionally, see Green Bond Principles, Biodiversity Finance Reference Guide, etc. Natural capital or biodiversity-focused funds target investments in companies seen as doing more than most to limit their impacts or provide solutions to the biodiversity crisis, like vegan "meat" makers or carbon offset developers.
20	Should the government work with private sector providers to pilot biodiversity credit system(s) in different regions to test the concept?  If you support this work, which regions and providers do you suggest?	Yes. Test the BCS in different regions; prerequisites for choosing the regions might depend on which has the most well-developed and resourced monitoring teams and ecologists to check projects and proposals. Consultation on specific regions might involve QEII to test who could facilitate this work appropriately. Possible links to "Jobs for Nature", as that funding will expire soon.

21	<p>What is your preference for how a biodiversity credit system should work alongside the New Zealand Emissions Trading Scheme or voluntary carbon markets?</p> <p>(a) Little/no interaction: biodiversity credit system focuses purely on biodiversity, and carbon storage benefits are a bonus.</p> <p>(b) Some interaction: biodiversity credits should be recognised alongside carbon benefits on the same land, via both systems, where appropriate.</p> <p>(c) High interaction: rigid biodiversity 'standards' are set for nature-generated carbon credits and built into carbon markets, so that investors can have confidence in 'biodiversity positive' carbon credits.</p> <p>Please answer (a) or (b) or (c) and give your reasons.</p>	<p>(a) Some recognition alongside the ETS credits, the potential for it to be a stacked approach.</p> <p>There is some linkage with carbon sequestration. However, given that areas for the biodiversity credits system are likely to hinge on native vegetation and be of a smaller scale, the two should be disassociated at this stage. It might blur the policy objectives of the ETS and carbon removal. Future Carbon markets could look at a collective model for these native areas based on the catchment and for new plantings sequenced differently, given that the vegetation is slower growing but longer lasting and better supports biodiversity versus a monoculture species. Consideration should also be given to non-native tree species that provide habitat for fauna and how to transition these areas into native species that retain their benefits.</p>
22	<p>Should a biodiversity credit system complement the resource management system? (Yes/No)</p> <p>For example, it could prioritise:</p> <ul style="list-style-type: none"> <li>• Significant Natural Areas and their connectivity identified through resource management processes</li> <li>• endangered and at-risk taonga species identified through resource management processes.</li> </ul>	<p>Yes. Ideally, preference should be given to protecting, enhancing, and restoring biodiversity where native areas can be linked into a corridor or as a buffer to urban activities. Some areas may need to be prioritised due to the quality or scarcity of the habitat or at-risk species.</p>



23	<p>Should a biodiversity credit system support land-use reform? (Yes/No)</p> <p>(For example, supporting the return of erosion-prone land to permanent native forest, or nature-based solutions for resilient land use.)</p>	<p>Yes, with some strict controls in place that ensure the areas are permanently protected. Given the changing climatic conditions, we see more extreme weather events, from flooding to droughts. Native plantings, particularly endemic species, will create more resilience to these conditions in slip and flood-prone areas.</p>
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<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Papahua Reserve, Raglan</b>
Date:	9 October 2023
Report Author:	Anthony Averill, Acting Deputy General Manager Service Delivery
Authorised by:	Gavin Ion, Chief Executive

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To confirm the Councils' intention to enter into a Joint Management Agreement with Ngaati Maahanga in respect of the governance of the Papahua Reserve, Whaaingarua - Raglan.

## **2. Executive summary**

### **Whakaraapopotanga matua**

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The Papahua Recreation Reserve in Whaaingarua -Raglan is vested in the Waikato District Council (Council). The owners agreed to gift the land to the Raglan Town Board in 1923, for the purposes of a public reserve. The reserve was gifted under a tuku whenua which set out the understanding upon which Council is to hold the land.

Waikato District Council has acknowledged that Ngaati Maahanga hold mana whenua (cultural authority and control, in the context of this reserve) over the area that they define as their rohe, whenua, moana, ngahere, awa, wahi tapu, taaonga, whanau and hapuu.

The Raglan Coastal Reserves Management Plan was adopted by Council in August 2021 and provides a direction to Council that a partnership with Ngaati Maahanga should be formalised for this reserve.

October 2023 marks 100 years since the tuku whenua was confirmed and Council is now asked to confirm the intent to enter into a Joint Management Agreement with Ngaati Maahanga for the governance of the reserve.

This report recommends a Joint Management Agreement (JMA) be entered into between Council and Ngaati Maahanga. The JMA would be developed by both parties. The proposed agreement would outline the governance principles, which build on the statements in the Coastal Reserves Management Plan and the tuku whenua.

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### 3. Staff recommendations Tuutohu-aa-kaimahi

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**That the Waikato District Council:**

- a. confirms the intention to enter into a Joint Management Agreement with Ngaati Maahanga for the governance of the Papahua Recreation Reserve.**
- b. notes the following in the establishment of the Joint Management Agreement:**
  - i. Ngaati Maahanga are mana whenua for the reserve and will be partners in its governance in recognition of the 1923 tuku whenua.**
  - ii. The Papahua Recreation Reserve is to be governed in a manner consistent with the Raglan Coastal Reserves Management Plan and the Reserves Act 1977, or any subsequent renewal of these.**
  - iii. A draft Joint Management Agreement be brought back to Council for review and endorsement.**

### 4. Background Koorero whaimaarama

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The Papahua Recreation Reserve in Whaingaroa- Raglan is vested in the Waikato District Council (Council).

In 1923, the Raglan Town Board went to Whatawhata to ask Ngaati Hourua – Ngaati Maahanga to sell the block. The request was refused. Under pressure to sell their land, the owners instead held a meeting on 18 October 1923 and made a decision to transfer the land according to customary practice for use as a public reserve on the basis of the following;

- o the land becoming a public reserve,
- o the Raglan Town Board deriving no benefit,
- o the land would be connected to the mainland by a bridge,
- o the burial ground would be preserved to the Maaori owners,
- o the monument in the main street would be transferred to the reserve,
- o the land would be transferred to the Crown and would never be sold,
- o that both Pakeha and Maaori would have equal rights over the land.

The transfer of the reserve was delayed while it was surveyed and then the land formally transferred to the Raglan Town Board in 1924, for the purposes of a public reserve.

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### The Land status

The Papahua Recreation Reserve now comprises three land parcels and is legally described as Part Papahua 2 Block, Section 2 Block 1 Karioi SD and Part Papahua 2 (Roadway) Block.



Papahua Recreation Reserve

In 1941 part of the reserve (Part Papahua No2), being 4 acres, 3 roods, 35 perches) was taken for defence purposes under the Public Works Act 1981. This parcel of land is now part of the larger Local Purpose reserve (aerodrome) being Lot 2 DPS 14166.

In 1950 the Papahua reserve was transferred to the Crown for recreation purposes and became Kopua Domain and the Raglan County Council were appointed to manage and control the land.

In 1980 the land was classified as the Raglan Recreation Reserve and then later became known as Te Kopua Reserve and then transferred to the Waikato District Council through the local government reorganisation in 1989.

In 2018 Ngaati Maahanga sought to have Council recognise the original name of the reserve to Papahua Recreation Reserve to reflect the history and origins of the land.

The Council have acknowledged that Ngaati Maahanga hold mana whenua (cultural authority and control, in the context of this reserve) over the area that they define as their rohe, whenua, moana, ngahere, awa, wahi tapu, taaonga, whanau and hapuu.

The reserve is used for a range of recreational uses and is also home to the Raglan Holiday Park.

### The Solomon Report – October 2022

In 2022 Shane Solomon was engaged to prepare a report (Refer Attachment 2) reviewing what this partnership should look like.

The purpose of the report was to clarify the history of the land, assess the effectiveness of the current governance and management arrangements, assess alternatives and recommend a co governance model for Council and Ngaati Maahanga.

Key points from the report are:

- Ngaati Maahanga have always held and continue to hold mana whenua (cultural authority and control) over the area that they define as their rohe, whenua, moana, ngahere, awa, wahi tapu, taaonga, whanau and hapuu.
  - Papahua is a large reserve that includes public picnic facilities, playgrounds, bike/skate parks, and the Raglan Holiday Park campground. Linked to the Raglan Township by a bridge over the Oporuru Creek, Papahua is the most accessible of these reserves for Also located within the reserve is Papahua No.3, an area held under Maaori title to Ngaati Hourua – Ngaati Maahanga as an uruupa.
  - In 1865 the Native Land Courts began operating and the objective was to move Maaori land out of customary collective title and into individual title.
  - From 1870 until 1918 Ngaati Hourua Maahanga members made many applications to the Native Land Court to have their titles to the Papahua Block recognised.
  - In 1919 the judgement was delivered by the Native Land Court. The Court decided that 10 acres of the Papahua Block belonged to the descendants of Wetini Mahikai, and that land came to be known as the Papahua No.1. The remaining 34 acres was called the Papahua No.2 and was set aside for the descendants of Te Awaitaia and his sisters Hariata Tatai, Irihapeti, and Hemaima, along with the descendants of Whakaari who were first cousins.
  - The Raglan Town Board had been trying to buy or obtain the Papahua Block by 'gift' for many years. The Block was subject to Maaori Land Court proceedings.
  - On 18 October 1923, a meeting of owners of Papahua 2 was convened by the Raglan Town Board to consider the request from Mr Hudson, the Chairman of the Board. The meeting was held in Whatawhata which was where most of the owners were living by then. The request was that a gift of the said block (Papahua No2) be made to the Raglan Town Board. The meeting recorded the owners as agreeing to:
    - the land becoming a public reserve,
    - to the Town Board deriving no benefit,
    - the Block would be connected to the mainland by a bridge,
    - the burying ground would be preserved to the Maaori owners,
    - the monument in the main street would be transferred to the Reserve,
    - the land would be transferred to the Crown and would never be sold,
    - that both Pakeha and Maaori would have equal rights over the land.
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- From the point of view of the descendants of the 'giftors', some of the very important conditions of the gift have not been met by the various administrations of Papahua 2 Block.
- The Raglan Coastal Reserves Management Plan (Attachment 1), notes The Vision for Papahua is...*'To ensure that the cultural, historical heritage, environmental and recreation resources of Papahua are protected through co-management with local mana whenua.'*

The October 2022 report also notes the following.

- The Reserve Management Plan confirmed Council had consulted with Mana Whenua (Ngaati Maahanga and Tainui a Whiro) on the RMP but also expressed its intention that it would enter into Joint Management Agreements respectively with each of these Hapū and importantly eventual co-governance over the appropriate reserve area that the hapuu have mana whenua status.
- Collaboration with Maaori through co-governance arrangements should include the deliberative elements. Importantly it must provide and promote Te Tiriti principles as required under s4 of the LGA and Parts 2 and 6 that provides for Maaori (and the community) to participate in local government decision making processes.
- References a 2016 Auditor General report which notes the following 10 factors (abridged) required for successful co governance:
  1. Develop good relationships.
  2. Be prepared to work together, listen and learn from each other.
  3. Work out a shared understanding of purpose.
  4. Agree how to work together, including deciding what form of governance will work best.
  5. Take the time to plan and set up the processes.
  6. Understand the extent of decisions making powers and clearly define roles and responsibilities.
  7. Find people with the right experience and capacity.
  8. Keep the public informed of progress and what is being achieved.
  9. Provide assurances that finances are well managed.
  10. Plan how the arrangement can be sustained through its lifetime.

The report recommended the formation of a charitable trust with 50% Mana Whenua and 50% Council representatives with co-chairs. The formation of such an entity would although not referred to in the report, become a Council Controlled Organisation (CCO) and as canvassed later in the report other governance options should be considered before commencing the costly and timely process to establish a jointly governed Charitable Trust or Council Controlled Organisation to govern Papahua.

It is considered the administrative time and costs for establishing and operating a Council Controlled Organisation with Ngaati Maahanga for just the one reserve may not be efficient when a formal partnership can be achieved in other ways.

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The Raglan Coastal Reserves Management Plan (Refer Attachment 3) provides a direction to Council that a partnership with Ngaati Māhanga should be formalised. The Solomon report notes reference to the ten factors the 2016 Auditor General guidance on establishing as successful co- governance arrangement.

## 5. Discussion and analysis

### Taataritanga me ngaa tohutohu

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The fo-llowing matters are noted as being relevant to the proposal to have a Co Governance / Management arrangement with Ngati Maahanga in respect of this reserve.

The Papahua reserve is subject to a specific and express Tuku whenua, which sets it apart from other reserves that have been directly gifted by mana whenua with conditions. It is clear that when the decision by mana whenua was made, the Raglan Town Board gave certain undertakings to matters that were important to mana whenua.

The terms of the tuku whenua were as follows:

<b>Term of Tuku</b>	<b>Status</b>
The Land would become a public reserve	The land is a recreation reserve.
The Town Board would derive no benefit	The current Council do not withdraw funds from the reserve revenue, which is primarily the Papahua / Raglan Holiday Park business. It is a requirement of the Reserves Act 1977 that revenue received from reserves is spent on reserves.
The land would be connected to the mainland by a bridge	The bridge has been constructed and is maintained by Council.
The uruupa would be preserved to Maaori owners	This land is Papahua No 3 Block and is held as a Māori reservation for the purpose of an uruupa and historical purposes. This land parcel is not part of the co governance discussion.
The monument in the main street would be transferred to the reserve	The monument has been relocated.
The land would be transferred to the Crown and would never be sold	The land was transferred to the Crown in and was vested in Trust in the Raglan County Council.

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Term of Tuku	Status
That both Pakeha and Māori would have equal rights over the land	The reserve has been held as a recreation reserve and apart from the operations of the Camp the reserve is open to the community. This report seeks to put in place a governance arrangement for the reserve to be jointly governed by mana whenua and the Council.

### The Raglan Holiday Park

The Raglan Holiday Park is operated by Council staff under a governance committee, being the Raglan Camp Board. This Board comprises representatives of Council, the Community and Mana whenua.

It is envisaged that the camp and the reserve will continue to be managed by Council staff, and at this stage it is not proposed to change the governance or Camp Board. The Board's focus will remain on the Governance of the Raglan Holiday Park Business.

### The Raglan Coastal Reserve Management Plan

The Raglan Coastal Reserve Management Plan was adopted by full Council in August 2021. This plan addresses the management or guardianship of Papahua and notes the following actions:

- a. Actions to Implement
  - Recognition: honouring the past, sharing the story
  - Identify Ngaati Maahanga's mana whenua to the land through their identification of key sites for protection and recognition.
  - Ensure the stories of the people and the land are present and visible.
- b. Partnership:
  - Implement a co-management agreement with Ngaati Maahanga
  - Identify and clearly define the role of the advisory groups (Community Board, Raglan Holiday Park Papahua Governance Board), including clearly details roles, custodianship and responsibilities
  - Work together in an open and transparent manner with mana whenua.
  - The agreement is to encourage a collaborative platform for decision making to reflect mana whenua and the wider communities' interests
  - Provide opportunity for the community to be involved.

There is a clear intent in the Reserve Management Plan for Council to enter a co-management agreement with Ngaati Maahanga. This report is progressing that action.

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## Memorandum of Understanding

In 2012 Council and the Nga Uri a Maahanga Trust Board entered in Memorandum of Understanding (MOU).

The Purpose of the MOU is to formally record the relationship between Council and the Trust Board and provide for an enhanced relationship between the parties on areas of common interest.

Ngaati Maahanga have expressed their view that an MOU for Papahua would not be suitable as they believe Council has not honoured the 2012 MOU.

This report therefore builds on the commitment in the Tuku and the intent in the Reserve Management Plan to progress the development of a Joint Management Agreement.

If this is supported by Council, then Council staff will work with Ngaati Maahanga to develop a Draft Agreement for review and endorsement by Council and Ngaati Maahanga.

### **5.1 Options** **Nгаа koowhiri**

Staff have assessed that there are three reasonable and viable options for the Council to consider. This assessment reflects the level of significance (see paragraph 6.1). The options are set out below.

#### **1) Status Quo**

Under this option the Council would continue to be the Governing entity for the management of Papahua Reserve. The reserve would continue to be managed under the policies of the Raglan Coastal Reserves Management Plan and Council staff would continue to engage with Ngaati Maahanga in regard to these matters.

This option however does not align with the intent expressed in the Raglan Coastal Reserves Management Plan for a more formal arrangement.

#### **2) Commence the process to form Joint Trust**

This option aligns with the recommendation of the Solomon Report and would see Ngaati Maahanga and Council form a Trust that would then be the governing entity for the reserve.

The report recommended a Trust with shared interests on a 50/ 50 basis with Council and Ngaati Maahanga. This would be a long-term enduring relationship with possibly three Trustees appointed by Council and three by Ngaati Maahanga.

If Council has the right to directly or indirectly appoint 50% or more of the Trustees then by virtue of the Local Government Act 2002, that entity is deemed a Council Controlled Organisation (CCO).

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Before a CCO can be established the Council must consult on the proposal and go through the process of forming a Trust. In regard to the CCO, there is a need to prepare a Statement of Intent for Council approval and provide the opportunity for public feedback on the proposal to form the CCO.

This option would create a legal entity that would become the management or governing entity for the Papahua Reserve. The CCO would need to comply with the management and reporting requirements under the Local Government Act 2002. This includes quarterly or six-monthly reporting along with an Annual Report and the need to be audited.

This proposal relates to Papahua reserve, it is noted that the costs of establishment and ongoing reporting requirements could be over and above what would normally be reasonable for a recreation reserve of this nature, given the Raglan Holiday Park business is managed separately by a Board.

### **3) Joint Management Agreement**

This option proposes Council and Ngaati Maahanga jointly develop a bespoke agreement to reflect the partnership in managing/ governing this reserve.

The Council will be familiar other Joint Management Agreements and this option reflects the intent of the Raglan Coastal Reserves Management Plan to enter into an agreement, being specific to Papahua.

The Agreement would outline how the Joint Management relationship is to work and address representation which would be on an equal basis with possible a committee of three representatives of each and a co-chair arrangement.

The Agreement would be developed together, noting the guidance from the Solomon Report on what should be included, but would not be limited to include the following framework:

- Purpose and Principles – an enduring, collaborative relationship
- Functions powers and duties to be jointly exercised
- Vision for Papahua
- Reserve Management Plan
- Operational Process / Protocols
- Representation / Chair
- Funding
- Development Planning and implementation.

The staff recommendation is Option three, because this option supports the intent of the Reserve Management Plan, would result in an enduring relationship with Ngaati Maahanga and would be the most efficient into implement and manage.

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If this option is supported, Council staff would work with Ngaati Maahanga to develop a draft framework and then the content for the Agreement. This would then need to be reviewed and endorsed by Council and Ngaati Maahanga.

## **5.2 Financial considerations**

### **Whaiwhakaaro puutea**

The recommended option would require staff input into the development of a Draft Joint Management Agreement for Council to review. The JMA development will also consider the financial resources to enable the members of Ngaati Maahanga to attend and participate in the Joint Management of Papahua.

It may be possible for some of the surpluses generated by the Raglan Holiday Park to be applied to supporting this process and the ongoing function of the Agreement and wider reserve development.

## **5.3 Legal considerations**

### **Whaiwhakaaro-aa-ture**

Staff confirm that the staff recommendation/the preferred option complies with the Council's legal and policy requirements. The recommendation is consistent with the Raglan Coastal Reserve Management Plan, which has been developed and approved by Council under the Reserves Act 1977.

## **5.4 Strategy and policy considerations**

### **Whaiwhakaaro whakamaaherehere kaupapa here**

The report and recommendations are consistent with the Council's policies, plans and prior decisions, specifically the intent of the Raglan Coastal Reserve Management Plan.

## **5.5 Maaori and cultural considerations**

### **Whaiwhakaaro Maaori me oona tikanga**

This report supports the development of a Joint Management Agreement with mana whenua for the management of a significant reserve. Council staff have met with Ngaati Maahanga to discuss this and would continue to work jointly to develop an Agreement.

## **5.6 Climate response and resilience considerations**

### **Whaiwhakaaro-aa-taiao**

The matters in this report have no known impact on climate change or resilience for the Council.

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## 5.7 Risks

### Tuuraru

The intent proposed by this report is consistent with the approved Reserve Management Plan and is bespoke as its genesis is derived from the 1923 decision to gift the land to the Raglan Town Board. There is a risk if Council does not follow through on the intent outlined in the Management Plan that relationships between Council and Mana whenua will be impacted.

## 6. Significance and engagement assessment

### Aromatawai paahekoheko

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### 6.1 Significance

#### Te Hiranga:

The decisions and matters of this report are assessed as of high significance, in accordance with the Council's [Significance and Engagement Policy](#).

The following criteria are particularly relevant in determining the level of significance for this matter:

- The likely impact on present and future interests of the community, recognising Maaori Tikanga (culture values) and their relationship to land and water.

### 6.2 Engagement

#### Te Whakatuutakitaki

The development of the Reserves Management Plan involves a public engagement process with the Draft Management Plan being published for comment. The Council has considered any feedback and adopted a management plan that sets out a strong intent to enter a Joint Management Agreement with Ngaati Maahanga for this reserve.

Highest level of engagement	Inform	Consult	Involve	Collaborate	Empower
	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
	The Consultation has been undertaken through the Reserve Management Plan process.				

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
✓	✓	<input type="checkbox"/>	Internal
✓	<input type="checkbox"/>	<input type="checkbox"/>	Community Boards/Community Committees
<input type="checkbox"/>	✓	<input type="checkbox"/>	Waikato-Tainui/Local iwi and hapuu
<input type="checkbox"/>	<input type="checkbox"/>	✓	Affected Communities

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## 7. Next steps Ahu whakamua

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Should the recommendation be supported, then Council staff will work with Ngaati Maahanga to develop a draft Joint Management Agreement for referral to Council and Ngaati Maahanga to endorse.

## 8. Confirmation of statutory compliance Te Whakatuuturutanga aa-ture

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As required by the Local Government Act 2002, staff confirm the following:

The report fits with Council's role and Terms of Reference and Delegations.	Confirmed
The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages ( <i>Section 5.1</i> ).	Confirmed
Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy ( <i>Section 6.1</i> ).	High
The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance ( <i>Section 6.2</i> ).	Confirmed
The report considers impact on Maaori ( <i>Section 5.5</i> )	Confirmed
The report and recommendations are consistent with Council's plans and policies ( <i>Section 5.4</i> ).	Confirmed This is consistent with the Raglan Coastal Reserves Management Plan
The report and recommendations comply with Council's legal duties and responsibilities ( <i>Section 5.3</i> ).	Confirmed

## 9. Attachments Ngaa taapirihanga

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Attachment 1 – Raglan Coastal Reserves Management Plan – Papahua Section

Attachment 2 – Report – Co – Governance of Raglan Holiday Park Papahua Reserve

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## 2.1. DESCRIPTION

Papahua Recreation Reserve (Papahua) was formerly known as Kopua Domain and Raglan Domain. It is an approximately 12 hectare reserve that includes public picnic facilities, playgrounds, bike and skate parks, open space playing fields and the Raglan Holiday Park (formerly the Kopua Domain campground). Also located within the reserve is Papahua No.3, an area held under Maaori title to Ngaati Hourua – Ngaati Maahanga as an urupaa. This urupaa is part of an older larger urupaa that stretches along the Oporuru riverbank towards the road bridge on Marine Parade.

This reserve management plan does not include the airfield as it is held for purposes other than recreation reserve (Local purpose – aerodrome). The campground is included within this reserve management plan however the daily operation of the campground is managed by the Raglan Holiday Park Papahua Governance Board.



Papahua is located on the end of a sand spit at the confluence of the Oporuru river and the Whaangaroa harbour. Papahua provides access for swimming, with a boat ramp in the Oporuru Creek for kayaks/canoes and small to mid-sized boat launching.

Tainui waka descendants Ngaati Hourua and Ngaati Maahanga continue to occupy the adjacent and surrounding land areas. Originally Maaori land, this area was excluded from the initial European land purchase for the settlement of the Raglan township in 1851.

In 1923 the Raglan Town Board made a formal approach to Ngaati Maahanga Hourua requesting that a “gift” be made of Papahua to the Board.

Under pressure from land legislation inimical to Maaori land interests Ngaati Maahanga Hourua made a decision to make a customary transfer (tuku whenua) of Papahua to the Board which maintained the tribal interest in the whenua (land).

The reserve is now managed by the Waikato District Council as a popular destination recreation reserve. A historical timeline, archaeological sites and services and easements are illustrated in the Appendices.

+ FIGURE 3:  
AERIAL VIEW OF PAPAHAUA RECREATION RESERVE, IDENTIFYING LAND PARCELS



Waikato District Council GIS Aerial Image 2014

### 2.1.1. LEGAL DESCRIPTION

The legal title of this land is shown in Figure 3.

**Part Papahua No.2**, Block, being 11.1967 hectares, held by the Crown as recreation reserve subject to the Reserves Act 1977 and administered by the Waikato District Council by Reorganisation Order 1989, NZ Gazette 1989, page 2460.

**Section 2 Block 1**, Karioi Survey District, being 8852 square metres held by the Crown as recreation reserve in NZ Gazette 1957 page 2705, and administered by the Waikato District Council by Reorganisation Order 1989, NZ Gazette 1989, page 2460.

**Note 1.:** Papahua No.3 Block is set apart as a Maaori reserve for the purpose of a urupaa for cultural and historic purposes, NZ Gazette 1990, page 3434.

**Note 2.:** Part of the former Papahua No2 Block (approximately 2.3 hectares) was taken by the Crown in 1941 by NZ Gazette 1941 page 2789 for defence purposes. This land acquisition also included all Papahua No.1 and Te Kopua blocks. The remaining land currently forms the Raglan aerodrome being Lot 2 DPS 14166 and is not included as part of this reserve management plan, as the land is held for a different purpose (local purpose – aerodrome).



## 2.1.2. HISTORICAL AND CULTURAL CONTEXT

Papahua has been occupied by closely related west coast hapuu since the arrival of the waka of Tainui at Kawhia. The historical narratives are complex and woven through a whakapapa framework that provide the foundation for useage rights to land. Ngaati Maahanga/Hourua, Ngaati Koata, Ngaati Tahinga are closely related but maintain their own specific land interests.

While traversing the west coast from Manukau to Kawhia the waka of Tainui is said to have anchored outside the Kawa stream south of Port Waikato in order to obtain fresh water supplies. A small outrigger (Takere Aotea) was sent ashore, the water was found to be a mixture of salt and fresh water hence the name 'kawa' sour or unpleasant to taste.

### Ngaati Maahanga

Ngaati Maahanga is named from their ancestor, Maahanga who was born at Waikaretu Te Akau but occupied the Waipa area on reaching adulthood. There is evidence of extensive early Maaori activity and settlement around Whaaingaroa Harbour, the area which is confirmed by numerous recorded archaeological sites ranging from pa to shell middens within Whaaingaroa.

Whaaingaroa came under direct Ngaati Maahanga occupation in the early 1800s. Te Awaitaia was a Ngaati Maahanga leader of high rank, a military strategist, negotiator, and diplomat who in the 1820s took Whaaingaroa by raupatu (conquest) of Ngaati Koata in a prolonged series of battles. Ngaati Koata were driven to seek refuge with Ngaati Toa who in 1820 migrated south taking many Ngaati Koata families with them. Those Ngaati Koata who wished to remain were brought back to Whaaingaroa by Te Awaitaia to re-occupy their lands.

In the 1830s Te Awaitaia came under the influence of Wesleyan missionary William White who set up mission stations along the coast including Kawhia and Whaaingaroa. Te Awaitaia converted to Christianity in 1836 and as was the practice then, assumed an English name William Naylor or Wi Neera. He became a signatory to the Treaty of Waitangi in 1840. In March 1851 Te Awaitaia and other tribal leaders sold a large block of land, (Whaaingaroa Block) to the Crown, the current Raglan township is a part of the block. It was one of the earliest land sales within the Waikato area that allowed for Paakehaa settlement.



Travel and commerce for goods were via coastal shipping, native tracks and the main rivers (Waikato and Waipa River), Maaori and Paakehaa vessels were numerous and were regular callers at the Whaaingaroa port which provided a safe anchorage once the harbour bar had been negotiated. The provision of land for settlement coupled with the abundance of natural resources laid the foundation for the development of Raglan township known as Putoetoe.

Oporu inlet runs between the township and Papahua. Access was via private boat or ferry from Rokikore (the sandspit point opposite the existing jetty at the end of Bow St).

Te Awaitaia died on 27 April 1866 and was buried in the urupaa 'Tuuhau' at Papahua. A memorial monument erected by the Crown in 1870 which was originally sited on the Ngaati Maahanga/Hourua tribal reserve at Putoetoe (Raglan township) was relocated to Papahua in 1987. The original epitaph on Te Awaitaia's headstone reads "Kia mau ki te ture".

During the period leading up to 1920, several approaches were made by the Raglan Town Board to the Maaori Land Board to transfer the land at Papahua to be a reserve. As this was Maaori freehold land, Raglan Town Board were required to apply direct to the land owners.

The land known as Papahua was transferred to the Raglan Town Board in 1923 as a "tuku" or customary exchange that recognised mutuality of benefit and obligation between two distinct parties.

#### Conditions accompanied the exchange:

1. Land be a public reserve and never to be sold
2. Land be transferred to the Raglan Town Board / Crown
3. Raglan Town Board would derive no benefit from the land
4. Reserve and mainland be connected by a bridge
5. Burial ground on the beach be preserved and the monument in the main street be moved to the reserve
6. Both Paakehaa and Maaori have equal rights over the land

After Papahua No. 2 land came into the Raglan Town Board's control there was a proposal considered by the Raglan Town Board to lay out a camping ground, children's play area and a residential subdivision on the land, however this later option didn't proceed as the Government questioned whether it was in keeping with the intent of the original gifting of the land. The land was instead developed over time for camping and recreational purposes.

The reserve was vested in the Raglan County Council in 1941. In 1950, the reserve was then transferred to the Crown for recreation purposes, and became Kopua Domain where the Raglan County Council were appointed to manage and control the land.

In 1980 the land was classified as Raglan Recreation Reserve and then later became known as Te Kopua Reserve and then transferred to the Waikato District Council through the local government reorganisation in 1989. This land area has also been known as Putoetoe Point<sup>1</sup>, being on opposite bank to the Putoetoe Redoubt, and as Rokikore.

In 2018 Ngaati Maahanga sought to have Council recognise the original name of the reserve to Papahua Recreational Reserve to reflect the history and origins of the land.

For a more detailed listing of the history of this site, refer to Appendix A – Papahua Historical Timeline.

## 2.1.3. RESERVE USES

Papahua is split into two distinctive zones, the campground and recreation area. The two zones and associated infrastructure have been illustrated in Figure 4

**Raglan Holiday Park** (Formerly known as Raglan Domain Campground or Te Kopua Holiday Park).

The holiday park / campground, occupying approximately 5.0 hectares of reserve land is managed by Council and receives guidance from a campground governance body for daily operation and maintenance. Currently the Raglan Holiday Park Papahua Governance Board includes representation from mana whenua, Council, and the community. The Board is a sub-committee of Council pursuant to Clause 30 of Schedule 7 of the Local Government Act 2002.

Raglan Holiday Park provides powered and tent sites plus cabin and bunk room accommodation. Campground facilities include a large communal kitchen, BBQ area, toilet and laundry facilities and children's playground. Occupancy at the Holiday Park is extremely high over the summer, with sites being completely booked out from end of December to early March.

<sup>1</sup> Land Information New Zealand map BD32 - Raglan



**+ FIGURE 4:**  
CAMPGROUND AND RECREATIONAL AREAS AND ASSOCIATED INFRASTRUCTURE ON PAPA HUA RECREATION RESERVE



Whilst the campground governance board is primarily responsible for the camping ground, it has undertaken joint development in the wider reserve including joint development of the BMX track and an exercise circuit. The public use of the campground area of Papahua Reserve, requires users to pay a daily fee for the use of a site and campground facilities.

#### Remainder of Papahua

Papahua is a well utilised location for active recreation including football, swimming, cycling and play. The reserve infrastructure has been designed to enable a range of recreation activities including changing rooms, toilets, children's playground, BMX track, Skatepark and half court.

Other infrastructure present includes a boat ramp, takeaway shop, picnicking areas and a foot bridge to connect the reserve to the township. The current facilities on Papahua are illustrated in Figure 3.



### 2.1.4. RESERVE ISSUES

Reserve issues can be identified in two groups being environmental and people:

#### 1. Environmental: Coastal Erosion and Sea Level Changes

Whaiaingaroa Harbour is a drowned river valley system with a shoreline of diverse geomorphological structures. The Papahua / Te Kopua sand spit forms the southern coast of the Whaiaingaroa Harbour with its northern shoreline characterised by a sandy beach and backed by dunes of various heights. As this land spit is immediately inside the harbour entrance, this area can be subject to high velocity tidal currents and periodic swell waves through the harbour entrance. These swell waves result in a net eastwards directed longshore sediment movement along the Wainamu Beach<sup>2</sup>. A sand groyne was in place under the foot bridge, however, was not replaced when the bridge was upgraded. Dependent on expert recommendation, the sand groyne may be reinstated to mitigate coastal erosion.

Sea level change – with projected sea level rises, this will affect some of the future use of the reserve. During heavy rain periods and often in relation with high tide and with strong westerly onshore swells, sections of the playing field area may be inundated with ground water / salt water. The campground has a stormwater pump that pumps excess water away from the campground.

#### 2. People: Activities, Impacts and Numbers

There is little data of the numbers of visitors to Papahua either via vehicle or pedestrian access from surrounding areas including over the bridge from Raglan township, except to detail that the reserve is often full of people and activities, particularly during the December – April summer period and fine weekends outside of the summer period. It is estimated that Papahua receives approximately 600,000 visitors per annum.

The high number of day visitors is often reflected with full carparks, cars and trailers parking along the access roads and overflow cars then being allowed to park on the playing fields area. There are also conflicts of the different activities happening in this area, for example boats accessing the harbour via the boat ramp and swimmers in the Opoturu estuary / swimmers jumping off the footbridge, secondly large groups having organized events including ball games, and smaller family groups on the playing fields.



As there is finite space for people and their activities, guidelines and rules will be required to ensure that visitors have a safe and enjoyable experience.

<sup>2</sup> Dahm J, Gibberd B, 2010, Te Kopua Spit – Raglan Coastal Hazards and Setback Recommendations, Environment Waikato, page 3



## 2.2. PAPAHAUA RECREATION RESERVE VISION

To ensure that the cultural, historical heritage, environmental and recreation resources of Papahua are protected through co-management with local mana whenua.

### 2.2.1. CORE VALUES AND PRINCIPLES

The values expressed in this section weave together mana whenua views and the diverse connections all people have to Papahua.

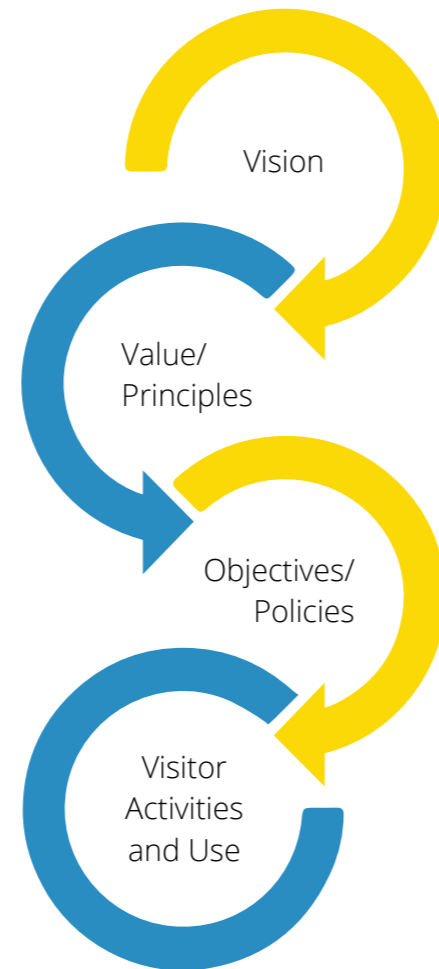
Papahua is a treasure and is to be protected in perpetuity.

Papahua provides for recreation activities including access to the coastal margins.

The land space is limited, therefore some activities may not be appropriate on this land.

### 2.2.2. OBJECTIVES, POLICIES AND IMPLEMENTATION

These objectives have been developed to guide the development, management and use of Papahua. These objectives seek to maximise the vision of Papahua as a cultural and historic site, to protect the coastal environment and maintain an area that provides for a high level of recreation amenities for visitor enjoyment.



## 2.3. GUARDIANSHIP AND PROTECTION - KAITIAKITANGA

### Objective

- A. Recognise the tuku that allowed Papahua to become a public reserve.
- B. Enable Ngaati Maahanga and Council to co-govern together to administer and maintain Papahua as a public reserve.

### Policies

1. Collaborate and foster a co-governance relationship with mana whenua to ensure the use and development of Papahua reflects the interests of mana whenua and the wider community.

### Explanation

This highlights the special relationship that Ngaati Maahanga have with Papahua, which has significance as a site of cultural and historic significance.

Descendants of Ngaati Maahanga gave the land as a tuku (gift of use) that included provisions that both Maaori and Paakehaa would have equal rights to use the land. Ngaati Maahanga were not giving up their customary right to the land, this tuku allowed for public access and use of the land, under the conditions that it was given. As part of their role as mana whenua, they are responsible for the kaitiaki (spiritual guardianship) on behalf of themselves and the wider iwi of the Whaingaroa area. To strengthen a future working relationship, Council and Ngaati Maahanga will establish a working relationship to partner on management decisions for the future well-being of this land.

It is important that the community and visitors to Papahua understand the meaning of this tuku, and that they are supportive of the outcomes of this plan.

### Actions to Implement

- **Recognition: honouring the past, sharing the story**
  - Identify Ngaati Maahanga's mana whenua to the land through their identification of key sites for protection and recognition.
  - Ensure the stories of the people and the land are present and visible.
- **Partnership: Implement a co-management agreement with Ngaati Maahanga**
  - Identify and clearly define the role of the advisory groups (Community Board, Raglan Holiday Park Papahua Governance Board), including clearly details roles, custodianship and responsibilities
  - Work together in an open and transparent manner with mana whenua
  - The agreement is to encourage a collaborative platform for decision making to reflect mana whenua and the wider communities' interests
  - Provide opportunity for the community to be involved

## 2.4. CULTURAL / HISTORICAL HERITAGE - NGAA TAONGA TUKI IHO

### Objectives

- Retain and promote an understanding of the historical and cultural values of Papahua
- Archaeological and historic sites within the reserve are preserved and protected through appropriate management actions.



### Policies

- Maintain the cultural values and features of Papahua and provide information on historical events and locations that are associated to the site
- All archaeological sites and discoveries will be managed in accordance with the Heritage New Zealand Pouhere Taonga Act 2014
- Signage depicting the location and nature of archaeological sites should only occur in agreement with local mana whenua wishes.

### Actions to Implement

- Ensure partnerships with mana whenua reflect the principles outlined in Te Tiriti o Waitangi and tuku, to protect and manage waahi tapu, and establish an authentic Maaori presence
- Develop interpretive signage that provides visitors with an understanding of the cultural and historic values of this area
- Ensure that Council staff and contractors are aware of Council's accidental discovery protocols in regard to the uncovering of cultural or historical artefacts and/or remains
- Support the installation of pou or other appropriate artwork that reflects Ngaati Maahanga's relationship to this land

### Explanation

It is important that there is recognition of Ngaati Maahanga's relationship to this land.

Council and Ngaati Maahanga together will work with key stakeholders, being the Raglan Camp Board and the Raglan community, to protect and manage archaeological sites, historic sites and values. It is important to recognise and provide for the protection of archaeological sites and their values within the reserve environment and ensure that the sites and their values are not compromised by recreational activities (Appendix D:Archaeological Sites).

Council will ensure that HNZTP and Ngaati Maahanga are key partners in any archaeological and waahi tapu discovery, including site identification and management.

Papahua No.3 Block is an urupaa and private land, that is surrounded by the reserve. Only a small portion of this land is fenced off, with the remainder maintained by Council. Until such time as the land owners wish to manage this land separately, Council may continue to manage this by default, and allow for public access across this land.

## 2.5. ENVIRONMENT - TAIAO

### Objective

- Papahua's ecological values are enhanced, protected and maintained
- Ensure the landscape values of Papahua are maintained

### Policies

- Where practical, sustainable coastal dune management shall be undertaken
- Maintain a working relationship with mana whenua, community groups and other government agencies. To develop, maintain and create awareness relating to the ecological values of the dunes and coastal margins.
- Collaboration with community groups to assist revegetation of the estuary dune areas and coastal margins.
- Maintain and enhance the landscape values of the reserve, including the open space nature and estuary views.

### Explanation

The dunes on the Whaaingarua/Raglan harbour side of the reserve form a coastal barrier between the land and sea. Papahua is a coastal sand dune/ sand bar, which has undergone major modifications due to European influences over the last century. The main environmental concerns at Papahua is the impact of coastal erosion on the harbour side of the reserve, and the potential impacts of sea level rise on this low lying reserve area.

High wave action can have an immediate impact along the harbour edge dunes, whilst the gradual rebuilding of the dunes is often not observed. Human impact including the trampling of dune plants inhibits the ability of dunes to recover and rebuild. These areas need to be protected as healthy dunes are wide, gently sloping and have many diverse dune plants to help anchor them, plus catch and bind wind blown sand.

Dune enhancement and protection activities have been undertaken over many years. This activity needs to be extended further around the water margins of the reserve to ensure that sand dunes are retained, visitors are informed of the importance to protect these areas, and to enhance visitor experiences of the reserve.

### Actions to Implement

- Maintain specimen trees and succession planting of new trees
- Monitoring health of specimen trees and undertaking arboriculture work as required
- Provide successional planting with native species for natural shade
- Where trees and shrubs are used to screen buildings, take into account public safety and graffiti control issues identified through Crime Prevention Through Environmental Design Principals (CPTED)
- Maintain a coastal margin enhancement and protection programme, based on local and regional advice
- Continue monitoring of dune changes and erosion along harbour foreshore.
- Encourage visitors and camp users to use only identified access routes between the reserve and harbour / estuary areas.

## 2.6. RECREATION AND LEISURE - NGA TAKARO PUANGI

### Objective

- A. Recreational opportunities allow for multiple reserve uses whilst maintaining a low impact on Papahua
- B. Recreation activities at Papahua are to be sustainable and allow for generation of money to fund the maintenance and development of the reserve.

### Policies

- 1. Recreational activities should not compromise the enjoyment of other reserve users.
- 2. Reserve events shall be managed to ensure that these events have minor impact on the environment and other reserve users.
- 3. Permanent commercial activities at Papahua are limited to and identified as (a) campground and (b) takeaway/shop.

- 4. All other short term commercial and community activities, public events, and mobile concessionaires, will be required to have a licence to operate issued by the Council and operate in accordance to agreements and rules.
- 5. Any monetary funds generated through activities, concessions, events or user fees generated through the use of Papahua, will be used to maintain and develop the whole of this reserve area.



### Activities in Papahua Reserve

	Permitted	Restricted	Prohibited	Notes
Camping		○		Campground area only
Concessions /lease / licence		○		Restricted to specific sites and conditions for the activity
Dogs		○		Restricted to particular sites, refer Council Bylaws
Drones			✗	Not permitted due to location of adjoining airfield
Events		○		Restricted to specific sites and conditions for the activity
Fires			✗	
Fireworks		○		Restricted to particular public events and conditions for the activity approved by Council. No private informal displays permitted.
Fishing	Y			Walking and boating access
Hang gliding /parapenting		○		Restricted to specific sites and conditions for the activity
Horse riding			✗	
Hunting			✗	
Mountain biking / E bikes	Y			On designated trails only and roadways
Motorised vehicles off-road			✗	All areas of reserve
Scooters	Y			Roadways/ designated tracks only
Swimming/ surfing	Y			
Walking/ running /jogging	Y			

### Explanation

Papahua is one of the highest used reserves in the Raglan area. Most of the reserve has been modified to provide for a range of activities, including the Raglan Campground, carparks, boat ramp, sports fields, children’s playground, bmx and skate areas and the open space areas for public use. Most visitors enjoy the coastal margins of this reserve, including swimming, walking and relaxing. A footbridge provides pedestrian access to the reserve over the Oporu estuary from the central Raglan township area.

Papahua is an area where there is a sharing of cultural, heritage, environmental and recreational values with the community and visitors. Based on the six tuku conditions that are allowed for on this land, any commercial activities on this land should support the ongoing maintenance and development of the reserve, thus re-investing back into the land for to maintain the reserve values with a focus on public access, education and enjoyment.

**Leases:** The Raglan Holiday Park is operated as a business unit by Council. As such they have an occupational lease over the land occupied by the

campground, this restricts other public activities being able to be undertaken on this land.

**Community events:** Any groups wishing to use the reserve for a community event will need to apply to Council via the booking system to ensure that the area is available, and to allow maintenance to be programmed. Fees and charges in Council’s Fees and Charges may apply for these activities.

**Concessions:** Any concession for use of part of the reserve will define and limit the area in which the activity is to be carried out. Concessions will not provide for the exclusive use of part of the reserve (ie as in a lease), and will not disadvantage public use of the reserve. Any concession permitted by Council will be specific to the operator and may not be transferable and for a specified period with no automatic right of renewal.

Part of the open space area at Papahua is used as football fields by the Raglan Football Club. The local club have identified growth of their club from nine teams in 2011 to 25 teams in 2020. The Raglan Football club may need to seek alternative fields and facilities to accommodate the club’s growth.

### Actions to Implement

- Maintain current playground areas as safe and accessible.
- Enhance current walkways, and support pedestrian and cycling linkages through Papahua to other public destinations.
- Maintain current boundaries of campground and support the Raglan Holiday Park Governance Board to use generated funds to maintain and enhance Papahua in line with the objectives of this reserve management plan.
- Review lease/licence of takeaway/shop
- Review the Raglan Football Club’s field and storage requirements, and work with the club to investigate alternative opportunities to accommodate the growth of their sport.
- Promote opportunities for the community and public to be involved in the enhancement of the cultural, heritage, and environmental values of Papahua.
- Community events are supported, encouraged and managed based on Councils event guidelines. Council will consider applications for one-off community events including (but not restricted to) the following criteria;
  - Promotion of zero waste and carbon neutral activities,
  - Holding events during the Christmas Holiday period (20 Dec – 6 Feb) is discouraged to reduce impacts on; the reserve, other visitors using the reserve, and the surrounding Raglan township/ community.



## 2.7. ACCESSIBILITY AND INFORMATION - WHAKATAPOKO

### Objectives

- A. Manage public access into Papahua in a way that seeks to protect the existing values and use of the reserve.
- B. Access to the Raglan Holiday Park is restricted to registered users only.
- C. To provide sufficient signage to facilitate public use and enjoyment of the outdoor recreational environment.



### Policies

1. Where appropriate, provide a range of access options onto Papahua to cater for various modes of travel.
2. Users of the Raglan Holiday Park (campground) are required to be registered at the camp office and pay a user fee.

### Actions to Implement

- The Council will provide interpretive information for areas of interest and/or historical importance in association with local mana whenua / hapuu.
- Ensure good signage with maps shows where dogs are permitted in accordance with Bylaws.
- Develop a signage review plan to ensure signage (information, interpretation, regulatory signage) across Papahua is up to date and consistent across the reserve

3. Papahua may be closed to public vehicular access during the hours of darkness to ensure public's health and safety and safe management of facilities.
4. Council may close all or part of Papahua due to a range of natural occurrences, events or maintenance
5. The number and size of signs in the reserve shall be kept to a minimum to avoid visual detracting from the "natural" environment, give clear positive guidance to assist public enjoyment, and may provide interpretative information of areas of interest and/or historical importance.
6. All development within the reserve shall be designed to be accessible to all people.

### Explanation

Council wishes to maintain Papahua as a safe environment for all to enjoy, as it is a key reserve close to the town centre. If required for maintenance, health and safety or event purposes, Council may close access to the reserve for vehicles, and /or public access.

Signs in reserves can add to the visual clutter of a location. Papahua is a special location and all signage installed should be kept to a minimum, encourage public awareness and related to activities on this reserve.

## 2.8. DEVELOPMENT - WHAKAWHANAKE

### Objectives

- A. Maintain the existing level of development on Papahua to ensure the overall levels of development does not detract from the cultural, archaeological, environmental or recreational values of the reserve.

### Policies

1. Where possible, existing infrastructure will be utilised, maintained and/ or enhanced depending on the demand of that infrastructure.
2. New development will be designed to meet the needs of existing users and be future-proofed to facilitate multi-use
3. Where possible, new development will utilise durable and sustainable materials
4. Consideration given to possible sea level change in the scoping of all future developments
5. Conditions of the tuku must be assessed in the scoping of all development

### Explanation

The existing infrastructure on Papahua caters for a wide variety of active and passive activities. Any further additional development of infrastructure (i.e. buildings, facilities, hard surfacing) on the reserve may detract from the public enjoyment and the coastal vistas of the reserve.

Currently the whole reserve is highly modified and any development should only be a replacement of an existing structures and / or facilities, so as to provide an existing service to the general public using the reserve. Papahua has been identified as a site that is at higher risk of coastal inundation. Any proposed development should take into account possible sea level changes.

The Papahua concept plan (Appendix E: Concept Plans) illustrates a low level of development on the reserve. This concept plan is subject to change through further feasibility investigations and target consultation with key stakeholders.

### Actions to Implement

- Undertake stakeholder consultation with key user groups with regards to proposed developments. Refer to Raglan Community Board key stakeholder list.
- The replacement of Council owned public amenities will be undertaken as per Council's facilities strategies.
- Where possible, implement the use of uni-sex toilet units to provide for less wait times, inclusive of all people, provides benefits to families, and limits closure of toilets for cleaning purposes.
- Playground upgrades and replacement will be undertaken as per Council facilities and open spaces strategies.
- Develop a concept plan for Papahua including:
  - the enhancement planting of the Papahua coastal margins
  - access through the reserve including multiuse paths
- Where possible, maintain current amount of vehicle parking

**REPORT TO WAIKATO DISTRICT  
COUNCIL  
CO-GOVERNANCE OF RAGLAN HOLIDAY  
PARK PAPAHAUA RESERVE  
OCTOBER 2022**

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***Piki ake te tihi o Karioi, Tirohia, kia kite te one tapu I takahia te tini me te mano, teenaa koutou katoa***

**Report Brief**

This report has been commissioned by Waikato District Council. The brief is;

'Raglan Holiday Park Papahua is located at 61 Marine Parade which is situated on a peninsula in the Raglan Harbour.

The history of this site is complex and requires careful research to allow key stakeholders (primarily WDC and Ngāti Māhanga) and the wider community to have a common understanding of its past. This information can then be used to help guide its future governance and management.

At present, the Camp and associated land is managed by the Raglan Holiday Park Papahua which was established pursuant to clause 30 of schedule 7 of the LGA.

The purpose of the Board is to ensure the efficient, effective and sustainable operation of the Camp, at no direct cost to ratepayers.

Objective: Clarify the history of the site (Raglan Holiday Park Papahua); assess the effectiveness of the current governance and management arrangements, which better reflect the needs of the key stakeholders – WDC and Ngāti Māhanga.

Scope:

1. Carry out a detailed review of the history of the land.
2. Provide a detailed description of the current governance and management structure.
3. Examine alternative co-governance and management arrangements that could be used to more fairly and equitably reflect the interests of the key stakeholders and the wider community.
4. Develop a co-governance model that reflects best practice and could be used as a template in other situations where a co-governance model are desirable and necessary.'

The work will ultimately inform and provide a report to Council on the current governance arrangements and make recommendations on any changes needed to reflect a co-governance arrangement between Council and stakeholders, in

particular Ngāti Māhanga in recognition of Te Tiriti o Waitangi, their status as Mana Whenua and the gifting or Tuku of the whenua in 1923.



## **Methodology**

A literature review search was undertaken of articles and reports using the key words, 'local government New Zealand and Iwi/Māori engagement' and 'models of co-management between local government and Iwi/Māori' and 'theories of co-management.' The search did not disclose an extensive body of literature on the topic which could be explained by how recently such arrangements have been considered and entered in to. However, there is sufficient examples of such arrangements that can usefully inform the recommendations of this report as to what works and importantly what doesn't work. It also allows Council to consider the spectrum of co-management arrangements from s33 (RMA) delegation to advisory committee status. The current Joint Management Agreement 2010 between Council and Waikato Tainui as redress under the Waikato River Treaty Settlement 2010 is informative but the co-management of Papahua is distinct in that it is localized at a Mana Whenua level, and is land not taken under the New Zealand Settlements Act 1863 but has its own set of Te Tiriti of Waitangi breaches. The arrangement is one the parties voluntarily enter into.

It requires a bespoke arrangement that captures a unique relationship that spans nearly a century. The original Tuku is in itself the first iteration of co-governance which now needs a 21<sup>st</sup> century lens placed over it.

A review of all relevant Council policies and plans was also completed. A scan was undertaken of proposed legislative reforms related to the RMA, LGA and Three Waters. It is submitted that these reforms could have a considerable impact on how co-governance is legislated within Aotearoa/New Zealand. However, the proposed arrangement is one that the parties want to achieve regardless of proposed legislative reforms and at a scale that reflects the size and activity of the Raglan Holiday Park Papahua.

Interviews were to be conducted with Ngāti Māhanga, the Board of the Raglan Camp Ground and the Raglan Community Board. The latter two are noted as stakeholders in the Papahua Reserve Management Plan. Unfortunately, timing and availability did not allow full engagement but limited responses were achieved via email.

Several case studies will be presented in this report. They are a mix of Treaty settlement and voluntarily agreed arrangements, co-management and co-

governance agreements. The focus will be on examples where the parties have voluntarily entered into the arrangement as opposed to the arrangement being part of a Treaty settlement. The focus is also on the components of co-governance and not necessarily the origin of the arrangement.

## **Current Relationship between Ngāti Māhanga and Council – The 2012 Memorandum of Understanding**

Ngāti Māhanga is a significant hapuu within Waikato-Tainui listed as one of thirty three hapū who are beneficiaries under the Waikato-Tainui Land Settlement of 1995 and the Waikato River Settlement of 2010 along with their five Marae. They have significant interests in the areas covered by Waikato District Council, Hamilton City Council and Waikato Regional Council. For a number of years they have been seeking an enhanced relationship with Waikato District Council ever since the gifting/Tuku of the Papahua 2 Block in 1923 to the Town Board their lands within their Rohe, including Papahua 2.

‘Ngāa Uri ā Maahanga have expressed a wish to formalise their relationship with the Council, to ensure that the iwi and the Councils aspirations for this area are progressed in a collaborative and mutually beneficial manner and to ensure that the relationship continues to develop positively over time.’<sup>1</sup>

In October 2012 Council and Ngāti Māhanga signed a Memorandum of Understanding;

‘The purpose of this agreement is to

- Formally record the relationship between Waikato District Council and Ngā Uri ā Māhanga and
- Provide for an enhanced relationship between the parties on areas of common interest.’

Importantly,

‘Waikato District Council acknowledge that Ngāti Maahanga have always held and continue to hold mana whenua (cultural authority and control, in the context of this agreement) over the area that they define as their rohe, whenua, moana, ngahere, awa, wahi tapu, taaonga, whanau and hapuu.’

The MoU sets out Principles on how the parties will engage with each other and a set of matters agreed between them. The document is reviewed bi-annually to ‘take account of future developments.’

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<sup>1</sup> 2012 Memorandum of Understanding

It is submitted that this is the overarching relationship document between Council and Ngāti Māhanga and that any co-governance model for Te Papahua 2 (including the Raglan Holiday Park Papahua) should align to this document and that it meets current good practice.

- The National Context

Given the changing landscape of Local Government and their relationships with Iwi/Māori new and innovative models of co-governance have emerged especially as a result of Treaty of Waitangi settlements, but also reforms within the Local Government sector. Council has shown its willingness to adapt to this changing environment by providing for JMAs, MoUs and more recently Māori Wards.

An impending reform is that associated with the 'Three Waters Proposal'. This will see a significant change in Local Government and Iwi relationships. The purpose of the reforms is to provide a safer and more efficient process of water management.

The significant change in terms of governance arrangements through new entities is that each Mana Whenua Group will have equal voting rights as local government and the new entities (Water Services Entity) will have statutory obligations to fund and ensure Mana Whenua participation, two critical platforms to ensure high level co-governance. In addition each entity board will be required to have collective competencies in Treaty of Waitangi, mātauranga Māori, tikanga Māori and Te ao Māori.

The other significant change is the reform of the RMA intended to be introduced in the term of this Government. Depending on the final wording of the proposed Bill this may require Councils to review their relationship with Mana Whenua and their Te Tiriti o Waitangi responsibilities. The proposed wording in the Natural and Built Environments Bill states;

*"To achieve the purpose of the Act, those exercising functions and powers under it must give effect to the principles of Te Tiriti o Waitangi."*<sup>2</sup>

Also clause 8 Environmental outcomes requires Plans promote;

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<sup>2</sup> Clause 6

*"The relationship of iwi and hapuu, and their tikanga and traditions, with their ancestral lands, water, sites, wahi tapu, and other taonga is restored and protected."*

Clause 8 also includes promoting the mana and mauri of the natural environment, cultural heritage and landscapes and protecting customary rights.<sup>3</sup>

These reforms it is submitted are informative for what may be considered essential to a co-governance model for Papahua Reserve and for this brief the Raglan Holiday Park Papahua. Despite these reforms the parties are committed to a co-management arrangement that is unique and appropriate for Papahua built on mutual respect, an enduring relationship and common objectives.

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<sup>3</sup> Sub clauses (f)-(i)

## History of Papahua

Papahua Recreation Reserve (formerly known as “Kōpua Domain” and “Raglan Domain”) is situated on a sand spit just west of the main Raglan commercial area and on the southern shores of the Raglan harbour. Papahua is a large reserve that includes public picnic facilities, playgrounds, bike/skate parks, and the Raglan Holiday Park campground. Linked to the Raglan Township by a bridge over the Oporu Creek, Papahua is the most accessible of these reserves for Also located within the reserve is Papahua No.3, an area held under Māori title to Ngāti Hourua – Ngāti Māhanga as an uruupa. <sup>4</sup>

The pre-contact and post contact history of Papahua is well documented in the tribal repository and also articulated in the management plan of the camp ground.

It is not necessary to go into detail here suffice to say that clearly Māhanga are ‘Mana Whenua’ who exercise and have always exercised authority and control over the whenua and moana. It is also important to note the relationship between Māhanga, the wider community and Council in respect of the initial gifting and subsequent and current management arrangements of and on the Reserve.

- Mana Whenua of Papahua Block

The descendants of Papahua 2 Block are Ngāti Hourua Māhanga. They trace their descent to the Papahua Block and the Putoitoi Block from the early 19<sup>th</sup> century when Ngāti Hourua Māhanga and their hap, moved into the region and forced the then residents, Ngāti Koata, out of the region and south to Kawhia. The Papahua Block and the Putoitoi Block were very important to Ngāti Hourua Māhanga because of their strategic trading positions on the coast (Mercer Minute Book 21, p. 158).

The principal rangatira of Ngāti Hourua Māhanga was Te Awaitaia. Over the next fifty or so years Te Awaitaia and his people lived in and around the Papahua Block; they adopted Christianity, they had houses, larges areas in cultivation, a bakery, they appointed their own police and magistrates and settled their own disputes, and the district was known to be safe, such was the mana of Te Awaitaia (AJHR

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<sup>4</sup> Pg12 Management Plan

1861, E-7, No. 2., pp.3-7: Mercer Minute Book 21, p. 192: AJHR 1862, E-No. 9, No. 7., p. 20).

Te Awaitaia travelled to Kawhia in 1866 to meet his friend Sir George Grey, but he was struck down by an illness and he was carried back to Raglan. European doctors attended to him at his house on the Putoitoi Block, but he asked to be taken to the Papahua Block where he died in April 1866. He is interred at the place called Tuahu on the Papahua 3 Block. Te Awaitaia's siblings, nephews and nieces are also buried on the Papahua Block (Mercer Minute Book 21, p.157).

- Alienation of Papahua Block

In 1865 the Native Land Courts began operating and the objective was to move Maaori land out of customary collective title and into individual title. From 1870 until 1918 Ngati Hourua Māhanga members made many applications to the Native Land Court to have their titles to the Papahua Block recognised. Applications are recorded as having been made by at least four people: Hetaraka Nero; Wi Waiti and Rihimona Otene; Otene Tahumaiwaho.

In 1918, forty-eight years after the first applications, the forty-four acre Papahua Block was finally brought before the Native Land Court. Toea Ihaka, a grand-child of Te Awaitaia, and her first cousins Te Aupouri Waata and Te Waaka Otene, were the speakers for Ngāti Hourua Māhanga. They claimed their interest in the Papahua Block based on conquest, permanent occupation and a burial place for their people.

In 1919 the judgement was delivered by the Native Land Court. The Court decided that 10 acres of the Papahua Block belonged to the descendants of Wetini Mahikai, and that land came to be known as the Papahua No.1. The remaining 34 acres was called the Papahua No.2 and was set aside for the descendants of Te Awaitaia and his sisters Hariata Tatai, Irihapeti, and Hemaima, along with the descendents of Whakaari who were first cousins (Mercer Minute Book 20, pp 157 – 214).

- Background to 'gifting' Papahua Block

The Raglan Town Board had been trying to buy or obtain the Papahua Block by 'gift' for many years. The Block was subject to MLC proceedings. The outcome was minuted that three owners agreed to the sale, and three objected (David

Alexander document bank, p. 3617: MLC Hamilton, Correspondence File KW73 (Papahua).

On 18 October 1923, a meeting of owners of Papahua 2 was convened by the Raglan Town Board to consider the request from Mr Hudson, the Chairman of the Board. The meeting was held in Whatawhata which was where most of the owners were living by then. The request was that a gift of the said block (Papahua No2) be made to the Raglan Town Board.<sup>5</sup> The meeting recorded the owners as agreeing to the land becoming a public reserve, to the Town Board deriving no benefit, the Block would be connected to the mainland by a bridge, the burying ground would be preserved to the Native owners, the monument in the main street would be transferred to the Reserve, the land would be transferred to the Crown and would never be sold, and both Pakeha and Native would have equal rights over the land (Document R2/14, cited in Raglan Community Board Agenda – Tuesday 8 April 2003, WDC, p. 29).

- Conditions of 'gift'

From the point of view of the descendants of the 'giftors', some of the very important conditions of the gift have not been met by the various administrations of Papahua 2 Block.

For example, in 1987 a meeting was held between the Raglan Domain Board and Mrs Eva Rickard and sixty supporters. In the course of the meeting it was brought to the Board's attention that funds raised by the Town Board from use of the Papahua 2 Block had not been shared with Māori owners (Correspondence from R.W. Barnaby, Department of Lands & Survey, 16 March 1987 to Mr Rogers, County Clerk, Raglan County Council).

As H Thomson noted in her submission on the replacement of the original footbridge – *'There is a lot that could be said about the breaches of the conditions of the gift but for now I want to focus on two conditions that have been breached and which are material to the descendants opposing the application from Waikato*

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<sup>5</sup> (An earlier request had been made by the Raglan District Chamber of Commerce to local MP RJ Bollard seeking the purchase of Papahua from the Māori owners as sand had encroached upon the land rendering it 'useless' and a Recreation Reserve would be considered more beneficial to the township of Raglan. The Under Secretary of Native Affairs responded to Mr Bollard informing him that as the Crown did not own the land it was not available as a recreation ground.)



*District Council that is under consideration today. The two conditions are that 1) the then Raglan Town Board and their successors the Waikato District Council would derive no benefit (from Papahua 2), and that Pakeha and Native would have equal rights over [that] land.'*

In light of the fact that it has been 99 years since the land was gifted it is timely to look at the durability of the gift, its purpose and the conditions on which it was made and the governance and management of the Reserve both currently and going into the future.

(Papahua No. 1 Block will not form part of this report as it was taken under the Public Works Act 1908 by the Government for Defence purposes in 1941 and is subject to a Treaty of Waitangi claim.)

## **Current governance and management of Papahua**

Governance and management of Papahua Reserve no.2 and the Raglan Holiday Park Papahua is held by Council with delegation of certain powers over the Raglan Holiday Park under the Reserves Act 1977. The Act requires Waikato District Council to develop a reserve management plan (MP) for all recreation reserves under its jurisdiction. In this instance the two key documents are the Raglan Coastal Reserves Management Plan and the Raglan Holiday Park Papahua Board Charter.<sup>6</sup>

### 1. The Management Plan

The Management Plan covers the whole of the Reserve of which the Raglan Holiday Park Papahua

*'The management plan shall provide for and ensure the use, enjoyment, maintenance, protection, and preservation, as the case may require, and, to the extent that the administering body's resources permit, the development, as appropriate, of the reserve for the purposes for which it is classified, and shall incorporate and ensure compliance with the principles set out... for a reserve of that classification.'*

The principle document is the *Raglan Coastal Reserves Management Plan* adopted by Council in August 2021. It covers three reserves, Papahua, Wainui and Manu Bay. As noted in this document this is the first MP to apply to Papahua. The content of the MP is set out below in detail as with the MoU between Mana Whenua and Council are the foundational documents for the next phase of the governance of Papahua.

It is important to note that where any issue is addressed in both the General Policies Reserve Management Plan and a reserve management plan for a specific reserve then the policies in the specific management plan will take precedence over the General Policies Reserve Management Plan.

The purpose of the MP is stated as follows;

*The Raglan (Whaaingaroa) Coastal Reserves Management Plan presents a framework for the future management and development of Papahua Recreation*

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<sup>6</sup> A third document for consideration is the Whāingaroa Rautaki Harbour Strategy

*Reserve, Wainui Reserve and Manu Bay Reserve. The purpose of reserve management plans is to provide for and ensure the use, enjoyment, maintenance, development, protection and preservation of the reserves.*

In his Foreword Mayor Sanson states *'The management of these spaces is vital in helping the Waikato District Council achieve its vision of creating Liveable, Thriving and Connected communities.'* He also recognises the important relationship of the Reserves to Mana Whenua, which carries through to the management and governance structures of the Reserves.

The Plan is guided by a Vision, Core Values and Principles, Objectives, Policies and Implementation frame.

The Vision for Papahua is...*'To ensure that the cultural, historical heritage, environmental and recreation resources of Papahua are protected through co-management with local mana whenua.'*

The values bring together the aspirations of Mana Whenua views and the community of Papahua. Papahua is a treasure and is to be protected in perpetuity.

- Papahua provides for recreation activities including access to the coastal margins.
- The land space is limited, therefore some activities may not be appropriate on this land.

At clause 1.2.6.1 of the MP confirmed it had consulted with Mana Whenua (Ngāti Māhanga and Tainui a Whiro) on the MP but also expressed its intention that it would enter into Joint Management Agreements respectively with these Hapū. It has commissioned this report to advance that intention against the Vision, the core values and principles and the objectives and policies of the MP but also the MoU with Ngāti Māhanga.

Vision:

*'To ensure that the cultural, historical heritage, environmental and recreation resources of Papahua are protected through co-management with local mana whenua.'*<sup>7</sup>

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<sup>7</sup> Pg19 Management Plan

The potential co-governance of Papahua 2 and 3 is expressed in this Vision although consideration is only one of a co-management arrangement..

The values weave together Mana Whenua views and the diverse connections all people have to Papahua. Papahua is regarded as a treasure and is to be protected in perpetuity. Papahua provides for recreation activities including access to the coastal margins. The land space is limited, and some activities may not be appropriate on this land.

The objectives guide the development, management and use of Papahua. These objectives seek to maximise the vision of Papahua as a cultural and historic site, to protect the coastal environment and maintain an area that provides for a high level of recreation amenities for visitor enjoyment.

Section 2.3: Guardianship and Protection – Kaitiakitanga. It recognises the tuku that allowed Papahua to become a public reserve. Objective B. enables Ngaati Maahanga and Council to co-govern together to administer and maintain Papahua as a public reserve.

Policy 1. Envisions Council to collaborate and foster a co-governance relationship with mana whenua to ensure the use and development of Papahua reflects the interests of Mana Whenua and the wider community.

To achieve the Objectives and Policy the implementation framework provides for:

- Recognition: honouring the past, sharing the story
  - Identify Ngaati Maahanga’s mana whenua to the land through their identification of key sites for protection and recognition.
  - Ensure the stories of the people and the land are present and visible.
- Partnership: Implement a co-management agreement with Ngaati Maahanga
  - Identify and clearly define the role of the advisory groups (Community Board, Raglan Holiday Park Papahua Governance Board), clearly detailing roles, custodianship and responsibilities
  - Work together in an open and transparent manner with mana whenua
  - The agreement is to encourage a collaborative platform for decision making to reflect mana whenua and the wider communities’ interests
  - Provide opportunity for the community to be involved.

By way of explanation provided Ngaati Maahanga as part of their role as Mana Whenua are responsible for the kaitiaki (spiritual guardianship) on behalf of themselves and the wider iwi of the Whaingaroa area and also to uphold the tuku of the whenua, Council and Ngaati Maahanga will establish a working relationship to partner on management decisions for the future wellbeing of this land. It is important that the community and visitors to Papahua understand the meaning of this tuku, and that they are supportive of the outcomes of this plan. <sup>8</sup>

There is no question that there will be a co-governance/co-management arrangement of the Reserve that includes Mana Whenua, Council and the community. The question is what does that arrangement look like in terms of co-governance of the Raglan Holiday Park Papahua?

The MP then looks at what will the matters of value for Mana Whenua are or should include.

Section 2.4: Cultural / Historical Heritage - Ngaa Taonga Tuku Iho Objectives A. Retain and promote an understanding of the historical and cultural values of Papahua B. Archaeological and historic sites within the reserve are preserved and protected through appropriate management actions.

- This is achieved by maintaining the cultural values and features of Papahua and providing information on historical events and locations that are associated to the site
- That all archaeological sites and discoveries will be managed in accordance with the Heritage New Zealand Pouhere Taonga Act 2014
- That signage depicting the location and nature of archaeological sites should only occur in agreement with local mana whenua wishes.

To achieve these objectives the implementation framework requires:

- Ensuring partnerships with mana whenua reflect the principles outlined in Te Tiriti o Waitangi and tuku, to protect and manage waahi tapu, and establish an authentic Maaori presence
- Developing interpretive signage that provides visitors with an understanding of the cultural and historic values of this area

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<sup>8</sup> Pg19 Management Plan

- Ensuring that Council staff and contractors are aware of Council's accidental discovery protocols in regard to the uncovering of cultural or historical artefacts and/or remains
- Supporting the installation of pou or other appropriate artwork that reflects Ngaati Maahanga's relationship to the land.

Section 2.5: The Environment – Taiao is an important aspect of the MP.

### Objectives

- A. Papahua's ecological values are enhanced, protected and maintained and
- B. Ensure the landscape values of Papahua are maintained.

Policies to provide for these objectives are:

1. Where practical, a sustainable coastal dune management shall be undertaken
2. Maintain a working relationship with mana whenua, community groups and other government agencies. To develop, maintain and create awareness relating to the ecological values of the dunes and coastal margins.
3. Collaboration with community groups to assist revegetation of the estuary dune areas and coastal margins.
4. Maintain and enhance the landscape values of the reserve, including the open space nature and estuary views. Actions to Implement

The implementation framework to achieve the objectives and policies are:

- Maintain specimen trees and succession planting of new trees
- Monitoring health of specimen trees and undertaking arboriculture work as required
- Provide successional planting with native species for natural shade
- Where trees and shrubs are used to screen buildings, take into account public safety and graffiti control issues identified through Crime Prevention Through Environmental Design Principals (CPTED)
- Maintain a coastal margin enhancement and protection programme, based on local and regional advice
- Continue monitoring of dune changes and erosion along harbour foreshore.
- Encourage visitors and camp users to use only identified access routes between the reserve and harbour / estuary areas.

## Section 2.6: Recreation and Leisure - Ngaa Takaro Puangi

### Objectives:

- A. Recreational opportunities allow for multiple reserve uses whilst maintaining a low impact on Papahua
- B. Recreation activities at Papahua are to be sustainable and allow for generation of money to fund the maintenance and development of the reserve.

### Policies:

1. Recreational activities should not compromise the enjoyment of other reserve users.
2. Reserve events shall be managed to ensure that these events have minor impact on the environment and other reserve users.
3. Permanent commercial activities at Papahua are limited to and identified as (a) campground and (b) takeaway/shop.
4. All other short term commercial and community activities, public events, and mobile concessionaires, will be required to have a licence to operate issued by the Council and operate in accordance to agreements and rules.
5. Any monetary funds generated through activities, concessions, events or user fees generated through the use of Papahua, will be used to maintain and develop the whole of this reserve area.

### Actions to implement objectives and policies:

- Maintain current playground areas as safe and accessible.
- Enhance current walkways, and support pedestrian and cycling linkages through Papahua to other public destinations.
- Maintain current boundaries of campground and support the Raglan Holiday Park Governance Board to use generated funds to maintain and enhance Papahua in line with the objectives of this reserve management plan.
- Review lease/licence of takeaway/shop
- Review the Raglan Football Club's field and storage requirements, and work with the club to investigate alternative opportunities to accommodate the growth of their sport.

- Promote opportunities for the community and public to be involved in the enhancement of the cultural, heritage, and environmental values of Papahua.
- Community events are supported, encouraged and managed based on Councils event guidelines. Council will consider applications for one-off community events including (but not restricted to) the following criteria;
  - Promotion of zero waste and carbon neutral activities,
  - Holding events during the Christmas Holiday period (20 Dec – 6 Feb) is discouraged to reduce impacts on; the reserve, other visitors using the reserve, and the surrounding Raglan township/ community.

## Section 2.7. Accessibility and Information – Whakatapoko.

### Objectives

- A. Manage public access into Papahua in a way that seeks to protect the existing values and use of the reserve.
- B. Access to the Raglan Holiday Park is restricted to registered users only.
- C. To provide sufficient signage to facilitate public use and enjoyment of the outdoor recreational environment.

### Actions to Implement

1. The Council will provide interpretive information for areas of interest and/or historical importance in association with local mana whenua / hapuu.
2. Ensure good signage with maps shows where dogs are permitted in accordance with Bylaws.
3. Develop a signage review plan to ensure signage (information, interpretation, regulatory signage) across Papahua is up to date and consistent across the reserve.
4. 3. Papahua may be closed to public vehicular access during the hours of darkness to ensure public's health and safety and safe management of facilities. 4. Council may close all or part of Papahua due to a range of natural occurrences, events or maintenance
5. 5. The number and size of signs in the reserve shall be kept to a minimum to avoid visual detracting from the "natural" environment, give clear positive guidance to assist public enjoyment, and may provide interpretative information of areas of interest and/or historical importance.



6. All development within the reserve shall be designed to be accessible to all people.

## Section 2.8. Development - Whakawhanake

### Objectives

A. Maintain the existing level of development on Papahua to ensure the overall levels of development does not detract from the cultural, archaeological, environmental or recreational values of the reserve.

### Policies

1. Where possible, existing infrastructure will be utilised, maintained and/or enhanced depending on the demand of that infrastructure.
2. New development will be designed to meet the needs of existing users and be future-proofed to facilitate multi-use
3. Where possible, new development will utilise durable and sustainable materials
4. Consideration given to possible sea level change in the scoping of all future developments
5. Conditions of the tuku must be assessed in the scoping of all development.

### Implementation framework to achieve objectives and policies:

- Undertake stakeholder consultation with key user groups with regards to proposed developments. Refer to Raglan Community Board key stakeholder list.
- The replacement of Council owned public amenities will be undertaken as per Council's facilities strategies.
- Where possible, implement the use of uni-sex toilet units to provide for less wait times, inclusive of all people, provides benefits to families, and limits closure of toilets for cleaning purposes.
- Playground upgrades and replacement will be undertaken as per Council facilities and open spaces strategies.

- Develop a concept plan for Papahua including: the enhancement planting of the Papahua coastal margins and access through the reserve including multiuse paths
- Where possible, maintain current amount of vehicle parking.

Section 2.3 is clear that co-management of the Reserve with Ngaati Maahanga, Council and the Community is considered the way of the future and that the MP as a product of public consultation has support for this approach.

In conclusion clause 1.2.6.1 of the MP confirmed Council had consulted with Mana Whenua (Ngāti Māhanga and Tainui a Whiro) on the MP but also expressed its intention that it would enter into Joint Management Agreements respectively with these Hapū and importantly eventual co-governance of the Reserve. It has commissioned this report to advance that intention but also to go further in respect to co-governance starting with the Raglan Holiday Park Papahua.

## 2. The Raglan Holiday Park Papahua Governance Board and Charter

Within the Reserve is the Raglan Te Koopua Camp Ground which has its own Governance entity and Charter. They are a major operation on the Reserve and integral to the objectives of the Reserve being achieved. The Raglan Holiday Park Papahua Board is established pursuant to Clause 30 of Schedule 7 of the Act. Pursuant to Clause 32 of Schedule 7 of the Act the Board shall act according to its governing Charter. The Camp also has its own management arm who are Council employees. In addition to employing Council staff:

- will determine the interpretation of this Charter if there is a dispute
- can, at its sole discretion, support Camp funding by either loan or guarantee upon approving a business plan provided by the Board
- will consider requests for Camp development financial assistance as part of Council's annual budgeting process

The Board will link the Camp's governance and management functions through Council's Chief Executive, who will delegate this to the appropriate Council General Manager.<sup>9</sup>

The Board membership reflects the interests of the Community and includes representatives of the Raglan community, Iwi and business. Members must also display an acumen for good governance practice and relevant skills. Council delegates to the Board responsibility to achieve the Camp goals, as set out in the Charter. The Charter is reviewed and updated every three years by the Council, as custodian of the land upon which the Camp operates, on behalf of the Crown. The Board will use its best endeavours to familiarise itself with issues of concern to all relevant stakeholders. The Board recognises that the Camp's long-term survival and prosperity are closely intertwined with the environments and markets within which it operates and the extent to which the Camp is seen as a responsible corporate and community citizen as well as ensuring adherence to Council's policies and procedures, providing reports to the Raglan Community Board and Infrastructure Committee of Council and ensuring adherence to Council's Code of Conduct. The Board has significant powers of delegation in carrying out its functions (Part 5).<sup>10</sup>

Consideration of the whole Reserve under a co-governance arrangement will provide for the appropriate level of co-governance of the Raglan Holiday Park Papahua and clearly provide for its current management and administration arrangements. However the brief is limited in scope.

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<sup>9</sup> Board Charter

<sup>10</sup> *ibid*

## **Stakeholders**

### Raglan Community Board

The role of a community board under s52 of the LGA 2002 is to;

- Represent and act as an advocate for the interest of its community.
- Consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board.
- Maintain an overview of services provided by the territorial authority within the community.
- Prepare an annual submission to the territorial authority for expenditure within the community.
- Communicate with community organisations and special interest groups within the community.
- Undertake any other responsibilities that are delegated to it by the territorial authority.

The powers of a community board are prescribed by s53 of the LGA 2002. These powers are:

Delegated to it by the relevant territorial authority in accordance with clause 32 of Schedule 7 or by Order in Council.

Pursuant to Schedule 7 Clause 32 of the Local Government Act 2002 and recognising the role of Community Boards as defined in section 52 of that Act, the Waikato District Council delegates responsibilities, duties and powers to the Huntly, Ngaruawahia, Onewhero-Tuakau, Raglan and Taupiri Community Boards as follows: i) To liaise as necessary with any appointed Hall Committee to ensure that hire rates and charges are set for Council-owned halls and community centres within their Community Board area. ii) To consider applications for, and to distribute Discretionary Fund grants within their Community Board area, in a fair and equitable fashion. iii) To grant exemptions from Council bylaws for areas within their jurisdiction, where those bylaws so provide for an exemption or variation by consent of Council. Pursuant to Schedule 7 Clause 32(3) of the Local Government Act 2002, any sub-delegation of these responsibilities, duties and powers by Community Boards is hereby expressly prohibited except the power to appoint sub-committees of management to administer Council-owned halls and

community centres within their Community Board area. Community Boards are set up by Council to assist it in dealing with local issues in the community. Their role is to express the community's views on local issues to the Council. In order to achieve this, there are legislative guidelines (i) Represent, and act as an advocate for, the interests of its community. (ii) Reporting on of all matters referred to it by the Council or any matter of interest or concern to the Community Board. (iii) Maintain an overview of services provided by the Council within the community. (iv) The preparation of an annual submission to the budgetary process of the Waikato District Council for expenditure within the community. (v) Communication with community organisations and special interest groups within the community. (vi) Make recommendations to the Infrastructure Committee on the disbursement of any Township Development Funds. The final decision rests with Council. (vii) To disburse within the community the discretionary funds allocated by the Council as part of its Annual Plan or Long-Term Plan budget. (viii) Any other function and duties as may be delegated from time to time to the Community Board by the Council.

The Raglan Community Board as are all Community Boards subject to triennial elections. There is no guarantee their will be representation by Mana Whenua. Though they have a strong advocacy role and are active in matters outlined above they are not an appropriate models of co-governance for the Raglan Holiday Park Papahua and the Papahua Reserve, they should have membership on a co-governance entity because of the wider interactions of the Raglan Community and environs of the Reserve and its activities under the MP.

## **What is co-governance?**

This section considers what is co-governance and looks at examples of co-governance that may offer guidance to readers of this report as to what best fits the Holiday Park (Papahua Reserve) noting in my submission it must be a bespoke arrangement that reflects the Tuku and the Century old relationship between the proposed co-governors. The principal parties to co-governance are Mana Whenua and Council.

The case studies are;

- Waikato River Authority
- Te Waihora – Lake Ellesmere
- Te Arawa Lakes
- Maungatautari Ecological Island Trust
- Tūrangitukua

What is co-governance between Iwi and Council?

There is a spectrum on which different levels of co-governance can be located from a Council delegation to an Iwi Authority (s33 RMA) a joint management committee (s36 JMA) and advisory committees. Other forms of co-governance are through Te Tiriti settlement instruments. For the purposes of this report focus will be on the current legislative frame.

These current instruments of co-governance have been found to be ineffectual. In a report by the by the Waitangi Tribunal it was stated that –

'Section 33 of the RMA has never been used to transfer power to iwi authorities. This is partly due to the existence of significant barriers within the terms of section 33 itself, partly to poor relationships between some councils and iwi, and partly to the Crown's failure to introduce either incentives or compulsion for councils to actively consider its use.

Section 36B (joint management) has only been used twice since its introduction in 2005, apart from mandatory use in some Treaty settlements. This section of the RMA was supposed to compensate for the non-use of section 33. Instead, it has remained severely under-used for the same reasons that section 33 itself has not been used. That is, there are high barriers within section 36B itself to its use

by councils and iwi or hapuu (as the Crown has acknowledged), and the Crown has not provided incentives for its use or any compulsion to actively consider its use.'

Further the Waitangi Tribunal has found that the participatory arrangements (i.e co-management and co-governance) of the RMA are inconsistent with the principle of partnership, the guarantee of Rangatiratanga and the ability to exercise Kaitiakitanga effectively.

Its findings identified a significant barrier for Māori participation in the RMA process has always been one of capacity - and remains so. That a long-term plan must set out any steps to foster the development of Māori capacity to contribute to the decision-making processes of a local authority. The resourcing of Māori/Mana Whenua. <sup>11</sup>

What has proven disappointing is that for the 31 years the RMA has been the lead legislative tool in the management of natural resources, physical environments and the relationship and relevance of communities to their environs, no real sharing of power and responsibility has been achieved willingly. Noting that contextual frame the report does not dwell on the past but looks at the future opportunity Council and Mana Whenua are now engaged in exploring. That this next stage of the journey is one both see as important and necessary.

Partnerships and co-governance, particularly between indigenous peoples and local government can produce positive resource management and social outcomes (Agrawal and Gibson 1999; Conley and Moote 2003; Coombes and Hill 2005). The inclusion of indigenous perspectives, knowledge, and practices within conservation and environmental management is an important process for policy and practice innovation (Dodson 2014).

The development of innovative partnership-based co-management and co-governance frameworks is an important area of postcolonial political development (Waitangi Tribunal 2011, 370–373). Yet how partnership and collaborative processes are developed and sustained is not necessarily well understood. A key aspect of these processes, particularly in a cross-cultural setting, is the practical work of different stakeholders engaging and deliberating over policy and core

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<sup>11</sup> Resource Management Act s81(1)(b)

decisions. In the case of Papahua there has been a number of years where the parties have worked alongside each other where such engagement and deliberation has occurred.

In New Zealand there are examples of innovative approaches to co-governance/co-management emerging, notably through the process of Treaty of Waitangi negotiations and settlements, regional and national frameworks that permit the sharing of power and authority within RMA and LGA. However the utilisation of such legislative enablers are underdeveloped. A significant contributor to this underdevelopment is the slow pace of legislative review and reform required to establish new institutions of co-governance.<sup>12</sup>

The literature refers to a number of models of co-governance arrangements. However, the models do not factor in an indigenous context and in the case of Aotearoa the Tiriti context.

The report will focus on one model – ‘Deliberative Democracy’.

‘..Deliberative democracy emphasises the importance of citizens’ participation in decision-making processes and requires them to engage in debates to reach conclusions.’<sup>13</sup>

The three functions of this model are;

1. Epistemic – governance and decision making are achieved through reasoned argument.
2. Ethical – mutual respect and reciprocity.
3. Democratic – egalitarian decision making.

What will ensure deliberative democracy is successful is if there are significant power/resource balances between stakeholders, such that important stakeholders can participate in a meaningful way. Effective collaborative governance requires a commitment to a positive strategy of empowerment and representation of weaker or disadvantaged stakeholder (Ansel, Gash 2008). The imbalance is not always monetary but also time restrained. Māori are often stretched to meet the demands of participation, meetings are often held during work hours to

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<sup>12</sup> Dodson

<sup>13</sup> Nicolas Pirsouli



accommodate those in local government limiting Māori to choose between participation often taking leave from their employment or being employed or not participating which based on the duty of Kaitiakitanga is not an option.

Collaboration with Māori through co-governance arrangements should include the deliberative elements. Importantly it must provide and promote Te Tiriti principles as required under s4 of the LGA and Parts 2 and 6 that provides for Māori (and the community) to participate in local government decision making processes. For Māori, this will include legitimation and acceptance of Te Ao Māori, including Values, Tikanga, Kaitiakitanga and Mātauranga on the same par as Western epistemologies. In some instances only Māori may have an exclusive if not weighted position of decision making for example in the case of Wāhi Tapu or matters of Mātauranga.

A 2016 report by the Auditor General on co-governance between Māori and Council's suggests the following factors that are required for successful co-governance arrangements and practice.<sup>14</sup>

1. Develop good relationships.

Forming good relationships requires people who are: Willing to work together. Committed to listening and learning from each other. Willing to try to understand each other's perspectives.

2. Be prepared to work together, listen and learn from each other, and go the extra mile to understand each other's perspective and reach compromise where needed.

The original deed of gift, the MoU and the MP clearly evidence the willingness of the parties to work together.

3. Work out a shared understanding of purpose and check understanding from time to time.

A key principle in setting up and maintaining co-governance is that the parties need to build and maintain a shared understanding about what they are trying to achieve. To build a shared understanding of the purpose, the parties need to

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<sup>14</sup> Principles for effectively co-governing natural resources – Report to the House of Representatives under s20 Public Audit Act 2001 – February 2016

understand each other's objectives or aspirations, which will help them to work together to achieve a shared outcome.

4. Agree how to work together, including deciding what form of governance will work best.

The parties will ultimately agree the final form of a governance entity and its function.

5. Take the time to plan and set up processes.

This is a process that has taken 99 years but has become close to a reality in the last 10 years.

6. Understand the extent of decision-making powers and clearly define roles and responsibilities.

The objective is that decision making (ideally through consensus), representation and collaboration will be through a governance entity that has 50/50 membership.

7. Find people with the right experience and capacity, such as strong leadership skills, and governance or management experience, and who have the time to be involved.

For Iwi it is also a matter of capacity in respect to time and other commitments. For all parties especially elected representatives it is important that there is succession planning so a change of members does not change the achievements and progress of the governance entity.

8. Keep the public informed of progress and what is being achieved.

Each party has their own specific constituency as well as the collective community.

9. Provide assurance that finances are well managed.

A standard requirement which can be supported through Council resources.

10. Plan how the arrangement can be sustained through its lifetime.

The governance arrangement may eventually be codified through a Te Tiriti of Waitangi settlement and settlement legislation.

Importantly the report noted that for iwi, co-governance can provide an opportunity to exercise their rangatiratanga, including:

- to regain or restore mana (which includes recognising the historical and cultural importance of the resource to iwi);
- to actively exercise their responsibilities of kaitiakitanga; and
- for some iwi, to encourage economic development.<sup>15</sup>

It is the report writer's observation that the current relationship between Mana Whenua, Council and stakeholders in regard to Papahua exercise these elements of co-governance and that they are well understood despite the experiences of the past. The parties are well set up for co-governance of the Park.

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<sup>15</sup> Pg19

## Interview Responses

A number of interview questions were developed and put to relevant stakeholders and Mana Whenua. Several attempts were made to meet kanohi ki kanohi unfortunately timing and people's commitments did not see this eventuate so the response is based on a small sample of written responses via email.

1. What does the Reserve mean to you?
2. How does it contribute to your sense of well-being, place and community?
3. What are your personal aspirations for the future of the Reserve?
4. What is your view of co-governance of the Reserve?
5. Who should be on a co-governance Board?

Responses showed people had a close connection to the Reserve dating back over many years, childhood memories, family and friends enjoying the recreational accessibility. That they had a sense of connection...*"what does it mean to me? Home sweet home. A romanticized view of fond memories and a sense of belonging."*

*"I wake up grateful to be living in this beautiful place."*

*"I see the Reserve as a special space in the centre of town. It connects us strongly to the surrounding elements, water, beach, mountain views, open spaces and keeps a balance to the urban/development. It is a much visited space for young and old alike."*

Aspirations for the future of the Reserve included leaving it untouched and the camp ground being an affordable holiday for whanau...

*"The camp ground must never price out low income whanau like mum, dad, nana, pop and lots of kids."*

Giving consideration to the aspirations of Iwi and the community...

*"I don't have any personal aspirations. I would be taking a lead from Iwi/hapu and listening to the community needs and aspirations alongside."*

As to the question of co-governance responses affirmed a desire and need that there be a co-governance arrangement of Papahua and the Raglan Holiday Park Papahua.

*"That there needs to be true co-governance between Iwi/hapu and Council."*

*"That is why co-governance has to happen at a higher level. A level that has Maaori input, aspirations and the real whakapapa...I am pleased to say that Ngaati Maahanga-Hourua history is solid in our community as we continue to have a presence at all the tables/boards/committees as we can possibly occupy."*

*"Decision making should be at the hapu level."*

*"Nga Uri o Ngaati Maahanga and Waikato District Council have a Treaty relationship and that what has to replace the current Governance model. They determine how that relationship will be now and into the future. If it morphs into anything else it must not return to its current state."*

Though the sample is small and not conclusive of a wide view it does point to two important factors. Firstly, the Reserve (and the Park) is a significant and important space to people. Secondly that co-governance between Mana Whenua and Council is necessary, timely and must reflect the Tiriti o Waitangi relationship.

## Case Studies

The Local Government Act 2002 introduced new responsibilities and opportunities for engagement and cooperation between councils and Māori. In the past 10 years there has been a proliferation of co-governance arrangements many as a result of Te Tiriti/Treaty of Waitangi settlements. There are however some voluntary arrangements. For examples of such arrangements refer to;

Local Government New Zealand – Local Authorities and Maaori case studies of local arrangements February 2011

Auditor General – Principles for effectively co-governing natural resources February 2016.

The five case studies below are a mix of Tiriti settlement and voluntary arrangements under the LGA. They are also examples of different governance entities.

- The Waikato River Authority

Council will be familiar with the Waikato River settlement 2010. The settlement provides for co-management and co-governance at a National and Regional level through such instruments as Accords with Ministry's and Government Departments and Joint Management Agreements between iwi and local government. The current co-governance model Council has with Waikato Tainui is the Joint Management Agreement. This relationship is expressed through the Preamble;

*"This agreement affirms the commitment between Waikato-Tainui and Waikato District Council to:*

- (a) Enter into a new era of co-management over the Waikato River;*
- (b) Achieve the overarching purpose of the Settlement to restore and protect the health and wellbeing of the Waikato River for future generations, and;*
- (c) To provide and enhanced relationship between Waikato-Tainui and the Waikato District Council on areas of common interest."*

It also provided for a co-governance entity known as the Waikato River Authority. The Waikato River Authority is an independent statutory body under the Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

The Authority must pursue consensus decision making, and matters that cannot be agreed upon are referred to the Minister for the Environment and an iwi-appointed representative for binding resolution. The Authority's functions include engaging with and advising local authorities and government agencies with planning and management responsibilities relating to the River with the aim of achieving an "integrated, holistic, and co-ordinated approach" to the River's management. The Settlement Act facilitates interaction among these groups by requiring that the Waikato Regional Council and local authorities periodically review their planning documents to ensure consistency with the Settlement Act's vision and strategy' and that actions taken pursuant to a number of other statutes (including the Conservation Act) must "give effect to" or "have particular regard to" the vision and strategy. <sup>16</sup>

The purpose of the Authority comes from Section 22 of the Act states that the purpose of the Waikato River Authority is to:

- set the primary direction through the vision and strategy to achieve the restoration and protection of the health and wellbeing of the Waikato River for future generations:
- promote an integrated, holistic, and co-ordinated approach to the implementation of the vision and strategy and the management of the Waikato River:
- fund rehabilitation initiatives for the Waikato River in its role as trustee for the Waikato River Clean-up Trust. The duty of the members of the Authority is to act to achieve the purpose of the Authority.

The Authority has 10 board members – five appointed from each river iwi (Waikato, Te Arawa, Tuuwharetoa, Raukawa, and Maniapoto) and five Crown-appointed members. The regional council nominates one Crown member and one is nominated by the territorial authorities. The Minister for the Environment appoints one of two co-chairpersons; iwi choose the other. The Authority's

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<sup>16</sup> Baker.j

investment committee consists of the co-chairpersons and deputy co-chairpersons, and two others. It gives the full board recommendations on applications for funding. In 2015, one of the deputy co-chairpersons chaired the investment committee.

Decision making is by consensus, when this cannot be achieved referral is made to the Minister for the Environment and an iwi nominated representative for a binding decision.

The proposition here is that there are key aspects for consideration for co-governance. Membership is 50% iwi and 50% Crown and stakeholder decision making. Co-chairs. Consensus decision making. A clear objective and purpose. The beneficiary of the Authority is not the constituent groups but the River itself.

- Te Waihora – Lake Ellesmere

The Te Waihora Co-governance Agreement is a voluntary co-governance arrangement. Te Waihora (Lake Ellesmere) is the largest lake in Canterbury. In 1998 the bed of the Lake was returned to Ngāi Tahu as part of their Tiriti o Waitangi settlement. This provided for co-management of the Lake bed and surrounding lands with the Department of Conservation. In 2009 the Regional Council began to develop a water management strategy (the Canterbury Water Management Strategy) and Ngāi Tahu saw this as an opportunity for co-management and co-governance of the Lake. On 23 November 2012, the Te Waihora Management Board and Te Rūnanga o Ngāi Tahu and Canterbury Regional Council signed a co-governance agreement.

The Te Waihora co-governance group comprises four commissioners from Canterbury Regional Council, five members from Ngāi Tahu, including the Kaiwhakahaere of Te Rūnanga o Ngāi Tahu, and the Mayor of Selwyn District Council. The Kaiwhakahaere of Ngāi Tahu and the chairperson of Canterbury Regional Council are the group's co-chairpersons.

For consideration is the balance of iwi, Regional and District Council membership and the co-chair arrangement.



- Te Arawa Lakes

The Rotorua Te Arawa Lakes Strategy Group is a joint committee established under the Local Government Act 2002.

The Rotorua Te Arawa Lakes catchment includes the 12 large Rotorua lakes and their associated catchments. Rotorua, Rotoiti, Rotoehu, and Ōkāreka are identified as the four priority lakes. The other lakes are Rotoma, Okataina, Tarawera, Tikitapu, Rotokakahi, Rotomahana, Okaro, and Rerewhakaaitu. The lakes are an important local, regional, and national natural resource.

The Rotorua Te Arawa Lakes Strategy Group co-ordinates management of the Rotorua lakes. It is made up of elected representatives from Bay of Plenty Regional Council, Te Arawa Lakes Trust, and Rotorua District Council. It is a joint committee within the meaning of clause 30(1)(b) of Schedule 7 to the Local Government Act 2002. In 2003, the regional council and the district council set up a joint committee under the provisions of the Local Government Act. Membership rights were extended to the Te Arawa Māori Trust Board. The following year, the parties agreed the basis for a new joint committee to be called the Rotorua Lakes Strategy Group.

The Rotorua Te Arawa Lakes Strategy Group co-ordinates management of the Rotorua lakes. It is made up of elected representatives from Bay of Plenty Regional Council, Te Arawa Lakes Trust - Iwi, and Rotorua District Council. It is a joint committee within the meaning of clause 30(1)(b) of Schedule 7 to the Local Government Act 2002.

In 2000, Bay of Plenty Regional Council, Te Arawa Māori Trust Board, and Rotorua District Council adopted the Strategy for the Lakes of the Rotorua district.

The strategy sought to preserve and protect the lakes of the Rotorua district 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.

The strategy group represents the opportunity to provide for Te Arawa's relationship with its ancestral lakes, and express rangatiratanga, by managing the lakes' catchments through Te Arawa values. The arrangement recognises that Te Arawa owns the lake beds, and "it has got to be more than just nominal ownership"

(Like Waihora the beds of the lakes were returned as part of the Te Tiriti settlement process.)

The strategy group consists of the chairperson and one other representative of the Te Arawa Lakes Trust, the chairperson and another councillor from Bay of Plenty Regional Council, and the Mayor and another councillor from Rotorua District Council. The strategy group reports directly to the regional council about how it has spent ratepayers' money on the lakes and reports six monthly to the Ministry for the Environment of the work plan.

Consideration, this is not true co-governance as the membership is not 50/50 iwi and non-iwi. Membership of Raglan Holiday Park Papahua should adopt the 50/50 model.

- Maungatautari Ecological Island Trust

The Maungatautari Ecological Island Trust is a charitable trust.

Maungatautari Maunga is located in the Waikato south of Cambridge. It is 3400 hectares of bush. The island surrounds the Maunga and is enclosed within a 47km pest control fence.

Maungatautari is a 3400-hectare forested mountain in Waikato, east of Te Awamutu and south-east of Cambridge and Hamilton. The ecological island surrounds the mountain with a 47-kilometre pest-proof fence. The island includes private land and a scenic reserve of about 2530 hectares. The scenic reserve is owned by the communities of Maungatautari. Te Hapori o Maungatautari is the registered proprietor, although not a legal entity, established to represent the owners and to assist Waipa District Council to carry out its function as the administering body.

The sanctuary has three enclosures: the Northern Enclosure, the Southern Enclosure (Te Tui a Taane), and the Tautari Wetland. The 65-hectare Southern Enclosure, Te Tui a Taane, is the largest of the three enclosures and is the centre of activity for the reintroduction of native species and visitors to the mountain.

The concept of the sanctuary came from a local farmer who fenced 17km of his own farm then had the vision to fence the entire Maunga. The community and Mana Whenua got behind the vision and raised \$14 million toward the project. o

the Maungatautari Ecological Island Trust being set up in 2001. The original trustees included three local farmers, a Hamilton kaumātua, the Mayor of Waipa District Council, Waikato Conservator for the Department of Conservation. The board of the Trust was meant to represent the iwi and the community. The trust deed stated that, within three months of the date of the deed, the original trustees had to call for nominations and appointments to the board, which was to consist of 10-16 people.

In 2012, the trust deed was amended to give effect to a co-governance structure. Each of the three parties (Mana Whenua, landowners, and community members) can have up to five representatives on the board of trustees and the board is co-chaired by a Mana Whenua representative and a landowner representative.

The Ngaati Kooriki Te Tiriti settlement saw the transfer of the ownership of the Maungatautari Mountain Scenic Reserve to the communities of Maungatautari, represented by Te Hapori o Maungatautari. Representatives of Te Hapori o Maungatautari are the Mayor of Waipa District Council and the chairpersons of:

- the Taumatawiwi Trust;
- the Ngāti Hauā Iwi Trust;
- the Raukawa Settlement Trust
- Te Arataura.

Waipa District Council remains the administering and management body for the Reserve.

Consideration is the establishment of a Trust with 50/50 trustee membership and legal title remaining with Council in accordance with the 1927 Gift.

- Tūrangitukua

In 2022 Taupo District Council and the iwi Ngāti Tūrangitukua of Tūrangi township and its surrounds entered into a Mana Whakahore a Rohe, a co-governance arrangement to amongst other matters perform the following purpose set out in paragraph I of the Preamble –

‘Ngāti Tūrangitukua and the Council have been in discussions for some time about how to strengthen and formalise their relationship. In addition to discussions about

how to improve their relationship more generally, the discussions have included how the Partners will both work together on particular matters and how the Council will look to work with Ngāti Tuurangitukua.’

For the purposes of this report focus will be on the management of Reserves provisions of the arrangement and not the more extensive sharing of power of the other roles and responsibilities of Council. It should also be noted that this is an arrangement between Mana Whenua and the post Treaty settlement entity.

Membership comprises eight positions, four elected by Iwi/Mana Whenua and four elected by Council one of whom is the Mayor. All eight members are then appointed to the Committee. At their first meeting they will appoint a co-chair from the Iwi members and a co-chair from the Council members.

The Committee will be guided by a set of Principles – and the overarching purpose of the Committee is –

‘...to be the vehicle through which: a. governance and/or communications of all joint matters subject to this Mana Whakahore are facilitated between the Partners; and b. the powers and functions of the Committee as set out in this Mana Whakahore are exercised.’

Under its functions the Committee will have delegation to perform the role of Council under the Reserves Act 1977 in accordance with Mana Whakahore.

In order to facilitate that outcome, the Council will delegate to the Committee in relation to the reserves amongst others all of the relevant functions as administering body under the Reserves Act.

Consideration is the 50/50 representation composition and delegation of powers.

### **A proposed model.**

Two qualifiers need to be considered.

1. The proposed model has to meet the current statutory frame work.
2. Mana Whenua are focussed on governance and leave the current management and operation of the Raglan Holiday Park Papahua and Reserve as it is currently undertaken.

A governance entity is only as good as its individual and collective membership. It must also have objects and principles and be guided by values. These are already provided for in a number of documents so it may just require a fit for purpose review to determine they are still agreed upon, relevant and enduring for the period of transition into the co-governance entity. The current, governance, management and administration of Papahua and its history sets a strong foundation to move toward co-governance starting with the Raglan Holiday Park Papahua.

It is suggested whatever entity is settled upon it must reflect the context of the reserves special natural environs – both whenua and moana, the connection Mana Whenua have, the history of the reserve and the relationships and interests of the wider community who have an affinity to it. It must also take into consideration the current statutory framework as well as proposed reforms to see how best to maximise the benefits and opportunities of co-governance. The Raglan Holiday Park Papahua has looked at possible future Governance models in its strategic planning.<sup>17</sup>

It must also be an efficient vehicle to deliver its objects in a time and resource efficient manner.

- Which legal entity?

There are a number of legal forms the entity can take to give expression to inter and intra legal relationships. Any entity can deliver a co-governance model but which is the most appropriate in the current situation.. It may either be informal (unincorporated) or formal (incorporated). There are pros and cons for both.

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<sup>17</sup> 2019 Strategic Plan workshop

The unincorporated option could be through a Memorandum of Understanding (Council and Mana Whenua currently have a 2012 Memorandum.) A Joint Management Agreement through the LGA or a Kawenata a pledge of a relationship between parties.

A more formal structure would be either of the following;

- Unincorporated Groups
- Incorporated Societies
- Trusts
- Charitable Trust Boards
- Companies
- Industrial and Provident Societies

Considering the relationships and the vision, values and objects of the respective parties it is my recommendation, within the current statutory framework that a Trust or Charitable Trust if the legal requirements can be met at this point is the most appropriate entity. There may be a Te Tiriti o Waitangi settlement in the near future for Ngaati Maahanga which may codify the arrangement and what is established presettlement is easily transferred into a post settlement era.

Assuming the initial parties will be;

- Mana Whenua – Ngā Uri o Māhanga
- Waikato District Council
- Raglan Holiday Park (under Waikato District Council)
- Raglan Community Board (under Waikato District Council)

There should be six Trustees. Three Trustees will be Mana Whenua representatives appointed by Ngā Uri o Māhanga. One Trustee from Council and two from the community one each from the Holiday Park and the Raglan Community Board. The parties may give consideration to co-chairs one from Mana Whenua and one from Council.

This provides for the required co-governance of 50/50 representation Mana Whenua, Council and Community.

Any Objective/s of the Trust it is submitted should make specific reference, acknowledging the terms of the Gift.

- Papahua 2 would be a Public Reserve
- No benefit to Board
- A bridge would connect the mainland to the Papahua 2 Block
- Tuahu would be preserved to the owners
- The monument would be transferred to the Reserve
- Papahua would be vested in the Crown and would never be sold
- Both Pakeha and Native would have equal rights over the land

Also that co-governance of The Raglan Holiday Park Papahua as part of Papahua 2 enhances and promotes the tribe's values:

Rangatiratanga – Collective self-determination, Reciprocity and responsibility

Kaitiakitanga – Care and sustainability,

Manaakitanga – Hosting Ngāti Māhanga – Hourua members and guests

Whakaoho Mauri – Promoting and celebrating the relationship of members to the land

Whanaungatanga – Consolidating strategic relationships with others.<sup>18</sup>

The MoU between Council and Ngā Uri o Māhanga should inform the purpose of the Trust and the relationship between trustees and their respective constituent groups.<sup>19</sup>

Also other documentation specifically the Papahua Reserves MP and the Charter provide enough direction and purpose of the Trust. The Charter requires the Park to operate on a commercial basis and this should continue to be a major purpose of the Raglan Holiday Park Papahua to ensure it is self-sustainable and has minimal impact on ratepayers.

An opportunity exists to make this arrangement not only bespoke but unique and embeds the relationship beyond transactional to one of Mana. The Trust Property is normally money or property the suggestion here is that the Tuku – Gift is the Trust Property establishing the Trust. It at least should be the part of the purposes of the Trust. This will require specialist legal advice.

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<sup>18</sup> Discussion paper from Ngā Uri o Māhanga and Waikato District Council 20 June 2017

<sup>19</sup> Letter from Taruke Thomson to Chief Executive Officer 20 November 2017

What Mana Whenua are clear about is that the Trust will focus on governance and not management apart from strategic direction.

*It is our position that we do not require involvement in the Camp's management activities; rather our interest lies in the governance of the Blocks, the strategic objectives for the Blocks, and the potential for revenues. In order to advance our interest, we want to strengthen our Treaty of Waitangi relationship with Waikato District Council.<sup>20</sup>*

*Co-governance of Papahua 2 refers to the strategic planning and policies concerning activities and operations that take place on or adjacent to Papahua 2. As noted in earlier correspondence, Ngāti Māhanga – Hourua do not wish to be involved in the day-to-day operations of the Camp, the domain, the aerodrome, and so forth. Rather, Ngāti Māhanga – Hourua is interested to ensure that co-governance of Papahua 2 enhances and promotes the tribe's values."*

In summary, the brief has asked for an innovative model of co-governance. The site covered is a part of the Reserve which mana whenua have a significant interest in. The suggested structure is a standard form legal entity. The innovation is in the membership of the Trust and the sharing of decision making at the highest level.

It is how the co-governance arrangement can reflect the intention of the Tuku/Gift within a 21<sup>st</sup> century context and how the relationships are enhanced. The relationship between Ngāti Māhanga and Council has been fraught over the past 100 years but significant progress has been made in the past 10 years. It is timely to reinforce progress to date through the establishment of a co-governance arrangement affirming the whakapapa of Papahua and the connection Council and the community has to that space.

A key challenge to ensure the sustainability of the co-governance arrangement is the effective resourcing of the arrangement to allow full participation of the co-governors.

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<sup>20</sup> Te Awarutu Samuels 7 June 2017



## Conclusion

Papahua is a special place. It has a unique and rich history. It and the surrounding environs including the moana holds huge significance for Ngā Uri o Māhanga... affirming the whakapapa of their principal rangatira of Ngāti Hourua Māhanga - Te Awaitaia. The relationship of Mana Whenua to Papahua must inform the governance and administration of the Raglan Holiday Park as part of the Reserve.

Central to a co-governance arrangement is the 1923 Tuku/Gift from Ngāti Hourua Māhanga to the community. Specifically the land will be held as a Public Reserve, that it will vest in the Crown and that Māori and Pākehā have equal rights. (Mana Whenua are happy that the Reserve continues to be administered by Waikato District Council.) Mana Whenua maintain their customary rights over the whenua and the surrounding environs. They sit at the table as Kaitiaki – a responsibility only they can exercise and uphold.

It is timely that the Gift be honoured.

Administration of the Reserve is through the Raglan Coastal Reserves Plan for Papahua. This Management Plan is a first for Papahua. It clearly anticipates that Council and Mana Whenua will co-manage the Reserve. This brief goes further in considering a co-governance arrangement over part of the Reserve.

Council has taken the initiative to realise that Objective through commissioning this report on one part and activity of the Reserve being the Raglan Holiday Park Papahua. A number of options have been presented and the case studies traverse a range of co-governance models. A Charitable Trust (similar to the Maungatautari Ecological Island Trust) is recommended with Trustee membership being 50% Mana Whenua and 50% Council. Co-chairs are recommended. Existing documents such as the 2012 Memorandum of Understanding, the Raglan Holiday Park Papahua Board Charter and the Reserve Management Plan can inform the objects and purpose of the Trust. Critical to the success of the arrangement is sustainable resourcing of the Trust. This may be a consideration under a future Te Tiriti o Waitangi settlement between Ngā Uri o Māhanga and the Crown as it applies to the whole Reserve but this report should not pre-empt those negotiations. What the proposed co-governance entity can achieve at this stage is acknowledge the principles of Te Tiriti o Waitangi in the relationship between Council and Mana Whenua.

The literature review looked at what is best practice co-governance. The 2016 Auditor General's Report to the House of Representatives on co-governance was particularly informative. It is the report writers' submission that the parties are already exercising best practice co-governance in their current relationships and it is a matter now of formalising those arrangements and aspirations through a co-management arrangement. Council has given a commitment to enter into Joint Management Agreements with Mana Whenua and that is still an option. A Trust it is submitted provides a more formal structure to the relationship.

The parties appear to be happy to operate within the current statutory framework under the Resource Management Act and Local Government Act where those statutes can enable co-governance arrangements. There is significant reform occurring at the national level around Council and Iwi relationships. The proposed co-governance of Papahua was always envisioned and it has a unique set of circumstances and history which requires a bespoke outcome. The parties have shown that their relationship is at a stage where they can achieve the outcome for themselves. Formalising a co-governance arrangement between Mana Whenua and Waikato District Council over the Raglan Holiday Park Papahua should naturally evolve to co-governance of the whole Reserve. It is in submitted a co-governance arrangement over the whole Reserve should be considered the first step to co-governance which will overlay co-governance and the administration of the Raglan Holiday Park Papahua.

**Recommendations**

1. That this report be received
2. That a Trust be considered as a suitable co-governance entity to govern the management and administration of the Raglan Holiday Park Papahua.
3. That membership of the co-governance entity be 50% Mana Whenua representatives and 50% Waikato District Council/community representatives.
4. That consideration of the whole reserve be placed under a co-governance arrangement as contemplated by the Papahua Reserve Management Plan and the 2012 Memorandum of Understanding between Waikato District Council and Te Uri o Ngāti Māhanga.

<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Exclusion of the Public</b>
Date:	2 October 2023
Report Author:	Gaylene Kanawa, Democracy Manager
Authorised by:	Gavin Ion, Chief Executive

## 1. Staff recommendations

### Tuutohu-aa-kaimahi

**a. THAT the public be excluded from the following parts of the proceedings of this meeting:**

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Item PEX 2 – Confirmation of Minutes for a meeting held on Monday, 28 August 2023 and Wednesday, 27 September 2023	Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
Item PEX 3 – Actions Register		
Item PEX 4.1 – Waters Governance Board Recommendations – 5 September 2023		
Item PEX4.2 – Development Agreements Committee Recommendations – 6 September 2023		

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of this resolution</b>
<b>Item PEX4.3 – Performance &amp; Strategy Committee Recommendations – 11 September 2023</b>		
<b>Item PEX 5 – Chief Executive Issues</b>		
<b>Item PEX 6 – Mayoral Issues</b>		

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

<b>Item No.</b>	<b>Section</b>	<b>Interest</b>
<b>Item PEX 2 – Confirmation of Minutes for a meeting held on Monday, 17 July 2023</b>	<b>Refer previous minutes for reasons for exclusion.</b>	
<b>Item PEX 3 – Actions Register</b>	<b>7(2)(c)(i)</b>	<b>To protect information that is subject to an obligation of confidence and to ensure the information avenue remains open, when it is in the public interest for it to do so.</b>
<b>Item PEX 4.1 – Waters Governance Board Recommendations – 25 July 2023</b>	<b>Refer to Waters Governance Board agenda for reasons for exclusion.</b>	
<b>Item PEX 4.2 – Development Agreements Committee Recommendations – 6 September 2023</b>	<b>Refer to Development Agreements Committee agenda for reasons for exclusion.</b>	
<b>Item PEX 4.3 – Performance &amp; Strategy Committee Recommendations – 25 July 2023</b>	<b>Refer to Performance &amp; Strategy Committee agenda for reasons for exclusion.</b>	

Item No.	Section	Interest
Item PEX 6 Chief Executive Issues	7(2)(c)(i)	To protect information that is subject to an obligation of confidence and to ensure the information avenue remains open, when it is in the public interest for it to do so.
Item PEX 7 Mayoral Issues		

## 2. Attachments

### Ngaa taapirihanga

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There are no attachments for this report.

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