



**WAIKATO RAUPATU RIVER TRUST AND WAIKATO DISTRICT COUNCIL  
CO-GOVERNANCE JOINT COMMITTEE**

**NOTICE** is hereby given that a meeting of the Waikato Raupatu River Trust and Waikato District Council Co-Governance Joint Committee will be held on **THURSDAY 29 AUGUST 2019 at 2.00pm** at Waikato Tainui - Hinau Boardroom - 6 Bryce Street, Hamilton.

**MEMBERS**

**Waikato Raupatu River Trust**

Trustee Rukumoana Schaafhausen (Co-Chair)  
Trustee Hinerangi Raumati-Tuu'a  
Trustee Patience Te Ao  
Trustee Tahira Rangiawha (alternate only)

**Waikato District Council**

Mayor Allan Sanson (Co-chair)  
Cr Dynes Fulton  
Cr Janet Gibb  
Cr Lisa Thomson  
Cr Jacqui Church (alternate only)

**STAFF**

**Waikato Raupatu River Trust**

Donna Flavell (Chief Executive)  
Marae Tukere (General Manager Oranga)  
Manaaki Nepia (Manager, Strategy)  
Taroia Rawiri (Manager, Environment)

**Waikato District Council**

Gavin Ion (Chief Executive)  
Tony Whittaker (Chief Operating Officer)  
Clive Morgan (General Manager Community Growth)  
Sam Toka (Iwi & Community Partnership Manager)  
Jacob Quinn (Communications, Marketing & Engagement Manager)  
Vishal Ramduny (Strategic Projects Manager)

**AGENDA****OPENING KARAKIA****1. APOLOGIES AND LEAVE OF ABSENCE****2. CONFIRMATION OF STATUS OF AGENDA****3. DISCLOSURES OF INTEREST****4. CONFIRMATION OF MINUTES**

Meeting held on Wednesday 24 April 2019	3
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**5. REPORTS**

5.1 Maaori Representation on Council Committees	10
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5.2 Strategic Projects Update – Hamilton to Auckland Corridor Initiative	12
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5.3 District Growth Strategy Update	<i>Verbal</i>
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5.4 Economic & Community Development Update	<i>Verbal</i>
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5.5 The Raglan Wastewater Treatment Plant Discharge Consenting Process	53
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5.6 Review of the Waikato District Council District Plan	59
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5.7 Update on Te Paina (Mercer Domain)	61
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5.8 Update on Progress of Strategic Work Programme	92
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5.9 General Business	
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**6. CLOSING COMMENTS FROM CO-CHAIRS****CLOSING KARAKIA**

GJ Ion  
**CHIEF EXECUTIVE**

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### **Open Meeting**

<b>To</b>	Waikato Raupatu River Trust and Waikato District Council Co-Governance Joint Committee
<b>From</b>	Gavin Ion Chief Executive
<b>Date</b>	22 August 2019
<b>Prepared by</b>	Lynette Wainwright Committee Secretary
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV1318
<b>Report Title</b>	Confirmation of Minutes

## **1. EXECUTIVE SUMMARY**

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To confirm the minutes of the Waikato Raupatu River Trust and Waikato District Council Co-Governance Joint Committee meeting held on Wednesday 24 April 2019.

## **2. RECOMMENDATION**

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**THAT the minutes of the meeting of the Waikato Raupatu River Trust and Waikato District Council Co-Governance Joint Committee held on Wednesday 24 April 2019 be confirmed as a true and correct record of that meeting.**

## **3. ATTACHMENTS**

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Co-Governance Joint Committee Minutes – 24 April 2019

Minutes of a meeting of the Waikato Raupatu River Trust and Waikato District Council Co-Governance Joint Committee held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **WEDNESDAY 24 APRIL 2019** commencing at **10.06am**.

**Present:**

His Worship the Mayor, Mr AM Sanson (Co-Chair)  
Cr DW Fulton  
Cr LR Thomson

Trustee Rukumoana Schaafhausen (Co-Chair)  
Trustee Patience Te Ao

**Attending:**

Mr GJ Ion (Chief Executive)  
Mr TG Whittaker (Chief Operations Officer)  
Mr R MacCulloch (Deputy General Manager – Service Delivery)  
Mr S Toka (Iwi & Community Partnership Manager)  
Mr V Ramduny (Strategic Projects Manager)  
Mr J Quinn (Communications Marketing & Engagement Manager)  
Mr B Stringer (Democracy Manager)  
Mrs LM Wainwright (Committee Secretary)

Ms D Flavell (Chief Executive Waikato Raupatu River Trust)  
Ms M Tukere (General Manager Oranga)  
Ms J Colliar (Board Member of Te Aratuara and Strategic Manager for Infrastructure, Hamilton City Council)  
Ms T Hohoia (Technical Assistant to Trustee Schaafhausen)

Trustee Rukumoana Schaafhausen (Co-Chair) assumed the chair.

The Iwi & Community Partnership Manager opened the hui with a karakia.

**APOLOGIES AND LEAVE OF ABSENCE**

**Resolved: (Cr Fulton/Co-Chair Sanson)**

**THAT an apology be received from Cr Gibb and Trustee Raumati-Tuu'a.**

**CARRIED on the voices**

**JMA1904/01**

## **CONFIRMATION OF STATUS OF AGENDA ITEMS**

**Resolved: (Co-Chair Sanson/Trustee Te Ao)**

**THAT** the agenda for a meeting of the **Waikato Raupatu River Trust and Waikato District Council Co-Governance Joint Committee** held on **Wednesday 24 April 2019** be confirmed and all items therein be considered in open meeting;

**AND THAT** in accordance with **Standing Order 9.4** the order of business be changed with agenda item 6.1 [*Strategic Work Programme 2018-2021*] being considered after agenda item 6.2.

**CARRIED on the voices**

**JMA1904/02**

## **DISCLOSURES OF INTEREST**

There were no disclosures of interest.

## **CONFIRMATION OF MINUTES**

**Resolved: (Crs Fulton/Thomson)**

**THAT** the minutes of a meeting of the **Waikato Raupatu River Trust and Waikato District Council Co-Governance Joint Committee** held on **Wednesday 17 October 2018** be confirmed as a true and correct record of that meeting.

**CARRIED on the voices**

**JMA1904/03**

## **MATTERS ARISING**

There were no matters arising from the minutes.

Co-Chair Sanson assumed the chair.

## **REPORTS**

### Strategic Objective I: Maaori Representation Agenda Item 6.2

The Communications Marketing & Engagement Manager took the report as read and discussion was held on the following matters:

- Feedback required from Waikato-Tainui on Maaori representation.
- Assistance is required from Waikato-Tainui to enable this process to be put in place by the end of this triennium.

**ACTION:** Strategic Objective I: Maaori Representation – Outcome. Words “representative on council committees will ensure that Waikato-Tainui values and aspirations are” to be removed. Outcome to read “Mana whenua aspirations be included in council decision making.”

- Important note: Council must understand that while Waikato-Tainui represents mana whenua groups who have their own voice in the Maaori Representation process.

**Resolved: (Ms Te Ao/Cr Thomson)**

**THAT the report from the Communications, Engagement & Marketing Manager be received;**

**AND THAT the Waikato Raupatu River Trust representatives provide direction to Council staff on a recommended path to engage with Waikato-Tainui in order to seek agreement on a proposed representative model;**

**AND FURTHER THAT the Waikato Raupatu River Trust identify Waikato-Tainui representatives who can lead discussions, and make decisions, with Council staff to effect a proposed representation model in the 2019-22 triennium.**

**CARRIED on the voices**

**JMA1904/05**

### Strategic Work Programme 2018-2021 Agenda Item 6.1

The General Manager Oranga took the report as read, highlighted and responded to questions on the following matters:

- Te Whakakitenga o Waikato approved the Strategic Work Programme and this is now aligned with the five year work plan for Waikato-Tainui.
- Capability building for Tribal Members. Pilot testing with either Hamilton City Council or Waikato Regional Council to test thinking around capability. Development is underway and will be brought back to Waikato District Council this year.

**ACTION:** H2A Corridor Collaboration – add to the outcome “unlocking potential along the whole corridor.”

**ACTION:** Waters Governance Board – add to outcome “access to safe, clean drinking water for Maraes” and “strategy to better support the vulnerable communities around water pricing/rating.”

**ACTION:** Waikato-Tainui to support Waikato District Council Blueprint Engagement – add to key actions “Ensure alignment of the the blueprint strategies and Waikato-Tainui’s five year work plan.”

**Resolved: (Cr Thomson/Co-Chair Sanson)**

**THAT the report from the General Manager Oranga be received.**

**CARRIED on the voices**

**JMAI904/04**

Strategic Objective 2: Growth and Infrastructure - Hamilton to Auckland Corridor Plan  
Agenda Item 6.3.1

The Strategic Projects Manager took the report as read and provided a summary of the report.

Ms Colliar provided a summary on the 3 Waters Study on behalf of the Futureproof partners.

**Resolved: (Cr Fulton/Thomson)**

**THAT the report from the General Manager Community Growth be received.**

**CARRIED on the voices**

**JMAI904/06**

Strategic Objective 2: Growth and Infrastructure – Waters Governance Board  
Agenda Item 6.3.2

The Chief Executive provided a verbal summary and noted that:

- The Waters Governance Board is currently in contract negotiations with Watercare with a target date of 31 May to agree the contract terms.
- A meeting will be held on 7 May with Watercare to discuss pricing and methodology.
- Council will approve the role of the Board and its delegations.
- The Waters Governance Board will recommend that Council approve the contract value.

- The Chief Executive will report back to the next Joint Committee meeting.

Co-chair Schaafhausen noted that:

- The Waters Governance Board has worked hard to ensure Council's vision and strategy, wellbeing and responsibility in being good kaitiaki and achieving environmental outcomes.
- Cost of water rates. How do we ensure protection of those most vulnerable in the communities?

Strategic Objective 3: Community Development and Engagement – Local Area and District-wide Blueprint update

Agenda Item 6.4.1

The Chief Operations Officer provided a verbal summary and outlined the level of Iwi engagement to date.

**ACTION:** The Strategic Work Programme document requires updating. Ensure alignment of the the blueprint strategies and Waikato-Tainui's five year work plan.

**Resolved: (Ms Te Ao/Cr Thomson)**

**THAT the report from the General Manager Community Growth be received.**

**CARRIED on the voices**

**JMAI904/07**

Access to Water for Waikato-Tainui Marae/Maurea Marae

Agenda Item 6.4.2

The General Manager Oranga provided a verbal summary and advised that Waikato-Tainui will be looking to Council for support to solve water access issues and cost and management of infrastructure on Maraes.

**Resolved: (Cr Fulton/Ms Te Ao)**

**THAT the Co-Governance Committee:**

- a. note the contents of this paper; and
- b. note Waikato-Tainui's strategic objective for the provision of safe, health water supply to all Waikato-Tainui Marae.

**CARRIED on the voices**

**JMAI904/08**





### **Open Meeting**

<b>To</b>	Waikato Raupatu River Trust and Waikato District Council Co-Governance Joint Committee
<b>From</b>	Jacob Quinn Communications, Engagement and Marketing Manager
<b>Date</b>	15 August 2019
<b>Prepared by</b>	Brendan Stringer Democracy Manager
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV1318 / 2331033
<b>Report Title</b>	Maori Representation on Council Committees

## **I. EXECUTIVE SUMMARY**

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The purpose of this report is to provide an update to the Joint Committee on the work undertaken in relation to Maori Representation on Council Committees.

Following the discussion and the Joint Committee's meeting in April 2019, Council staff presented a report to the Council at its meeting on [17 July 2019](#) (Item 7.1) seeking approval, in principle, to the appointment of Maori representatives to the three main Council committees. The Council unanimously resolved:

THAT the Council strongly supports, in principle, the appointment of Maori representation on the Council's principal committees, with full voting rights;

AND FURTHER THAT the Council recommends that the proposed appointment of Maori representatives be included as part of the governance structure presented to the new Council after the October 2019 elections for its approval.

As noted in the 17 July Council resolution, the appointment of Maangai Maori will be included in the proposed governance structure to be presented to the new Council in early November 2019. It is expected that the appointments process will then follow, and recommended nominees presented to the Council for approval in February/March 2020.

At the request of Council, a workshop with elected members was held on 21 August 2019 to discuss issues in relation to the implementation of the above resolution, including the appointments process, role requirements for Maangai Maori and remuneration. As the workshop had not taken place at the time of writing this report, a verbal update will be provided at the JMA meeting as part of a korero on the next steps to be undertaken and timeframes.

**2. RECOMMENDATION**

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**THAT** the report from the **Communications, Engagement and Marketing Manager** be received.

**3. ATTACHMENTS**

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NIL

### **Open Meeting**

<b>To</b>	Waikato District Council & Waikato -Tainui Joint Management Agreement
<b>From</b>	Gavin Ion Chief Executive
<b>Date</b>	16 August 2019
<b>Prepared by</b>	Vishal Ramduny Strategic Projects Manager - Waikato District Council
<b>Chief Executive Approved</b>	Y
<b>DWS Document Set #</b>	2328565
<b>Report Title</b>	Strategic Projects Update – Hamilton to Auckland Corridor Initiative

## **I. EXECUTIVE SUMMARY**

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A summary of the presentation which was done at the inaugural expanded Future Proof Implementation Committee (FPIC) meeting on 15 August 2019 at Hampton Downs is attached.

The meeting formalised central government, Auckland Council and Auckland Iwi as three additional partners of Future Proof with a specific focus on the Hamilton to Auckland Corridor.

It is not intended for the presentation to be done again at the Joint Management Agreement meeting (as a number of JMA members were present at the meeting on 15 August) but more a discussion to take stock of the key messages that came out of the inaugural expanded Future Proof Implementation Implementation Committee meeting.

All the presentations made at the FPIC meeting were very well received.

There are a number of actions arising from the FPIC meeting. These are:

- o Adding Three Water as a focus area in the work programme;
- o A stronger focus on (and involvement from) the Ministry for Business, Innovation & employment and Te Wake regarding economic development matters in all the initiatives;
- o In the short term, resourcing the next stage of the Hamilton-Waikato mass transit plan development;
- o Completing the Hamilton-Waikato and the River Community spatial plans and associated implementation programmes/packages by mid-2020;
- o Widening the corridor 'partnership' to the private sector, NGOs, academics and community groups.
- o And relating to the last point, placing much more focus on 'telling the story'.

- Advise how the redevelopment of Puhinui station will allow for future intercity rail services [Minister will raise directly with AT, KiwiRail and NZTA]
- Acknowledgement of the role of public transport hubs in shaping urban form.
- Drive from the Minister for Urban Development, Transport and Economic Development to lower the median price of land and houses by encouraging both intensification and greenfield development.

## **2. RECOMMENDATION**

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**THAT the report from the Chief Executive be received.**

## **3. ATTACHMENTS**

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Hamilton to Auckland Corridor Initiative (PowerPoint Resource)





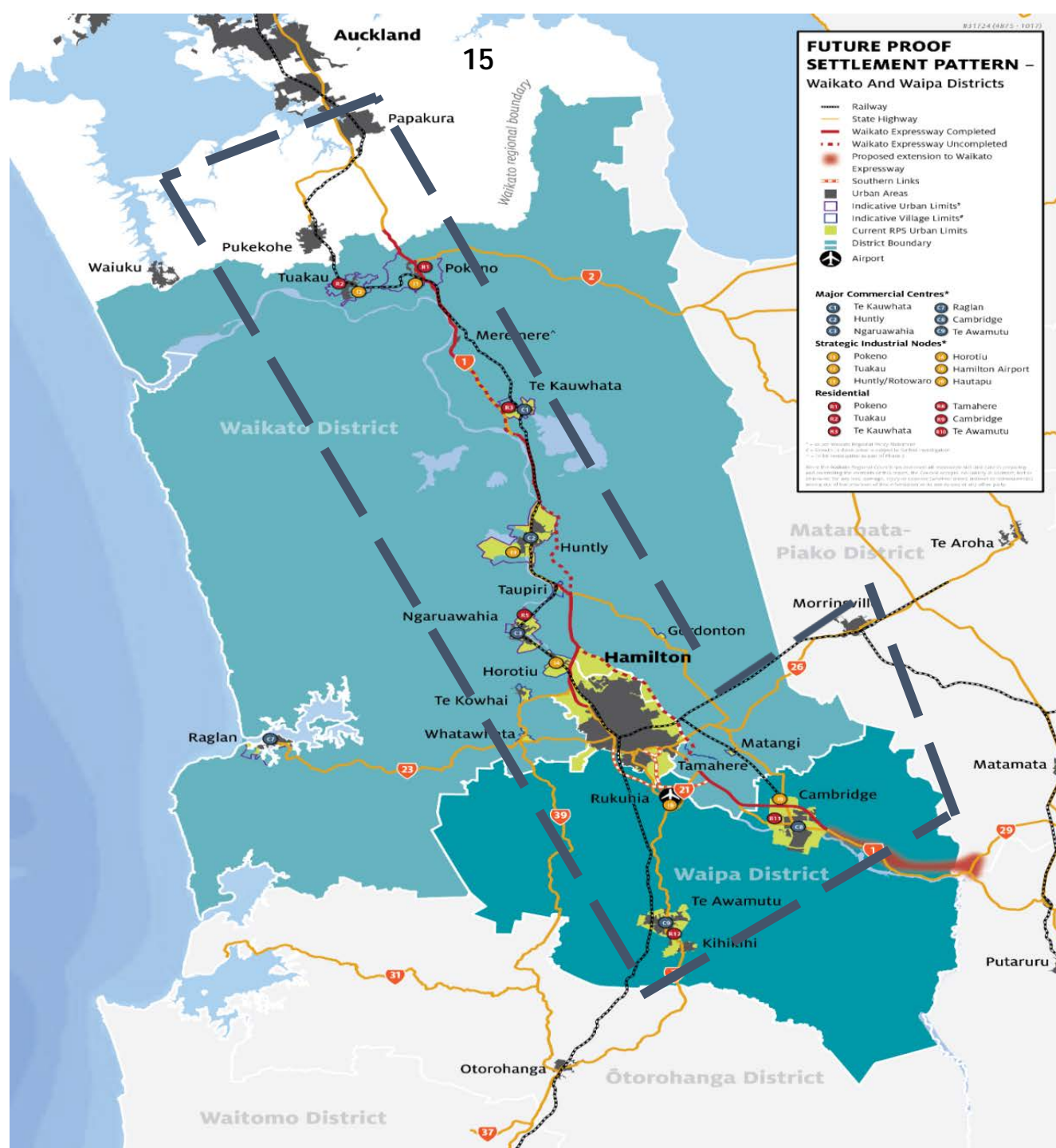
# The Hamilton-Auckland Corridor Initiative

*Hei Awarua ki te Oranga*





# Hamilton-Auckland corridor



# Why a focus on this corridor?

## **It's significant and unique:**

In terms of size, volume and value, this is New Zealand's most significant water, road and rail corridor.

## **It's dynamic:**

The corridor connects two of New Zealand's largest and fastest growing urban areas along a corridor with high natural and cultural importance and value.

## **It has significant potential:**

There is significant further housing and employment growth potential, particularly in the Papakura-Pokeno and Hamilton-Waikato metro areas

## **... but also challenges:**

Existing corridor management issues - such as congestion on the Southern motorway and water discharge quality – are affecting the whole Upper North Island and will limit current and future potential, unless addressed.

## **It has the right leadership culture:**

Councils and mana whenua along the corridor have a history of being willing to collaborate on land use and infrastructure planning.

## **It (by design) cuts across territorial, iwi and government administrative boundaries:**

providing opportunities to create new shared insights, strategic thinking and frameworks to test current approaches, build new alliances and partnerships.



# Objectives and principles

To better support growth and increase connectivity in a way that realises its social, economic, cultural and environmental potential by:

1. Improving housing affordability and choices
2. Enhancing the quality of the natural and built environments, creating vital communities
3. Improving access to employment, public services and amenities.
4. Creating employment opportunities.

# Strategic drivers for the initiative

- Connecting urban growth drivers with **physical environmental constraints and opportunities** which provides a high level overview of key locations for growth
- **Growth management that is more agile and responsive to demand, yet clear and firm in its long term intentions** e.g. to protect key corridors, public open spaces and sensitive locations
- **More mass transit/public transport-orientated** and connected land use and travel patterns
- **More innovative, responsive and timely provision of infrastructure** that helps direct growth, optimises the use of land and matches capacity to future demand
- **Increased pace and scale** in the realisation of transformational opportunities through the application of innovative new tools, thinking and approaches.

## A snapshot of New Zealand's urban areas

Land prices are too high

Productivity is flat

Income is not growing as it should

Housing costs are rising

Traffic congestion is getting worse

We have high rates of car mode share

# Three changes needed for urban markets to perform better

Making room for  
growth

True costs of growth

Efficient mass transit/public  
transport

## The Urban Growth Agenda (UGA) strategy

Designed to create the conditions for the market to respond to growth, bring down the high cost of urban land to improve housing affordability and support thriving communities.

### The five pillars of work:

Infrastructure  
funding and  
financing

Urban  
planning

Spatial  
planning

Legislative  
reform

Transport  
pricing

# Spatial planning

## *Spatial planning is about coordination and integration*

- High-level direction for future growth
- A collaborative exercise to produce an evidence-based, long term (30-100 year view) strategy for an area, that will deliver social, economic, environmental and cultural benefits.
- Brings together decisions about how space will be developed and used over the long term.

## **Visually, it illustrates:**

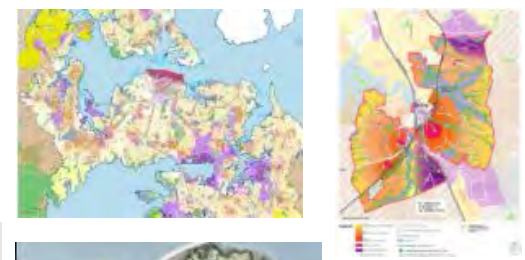
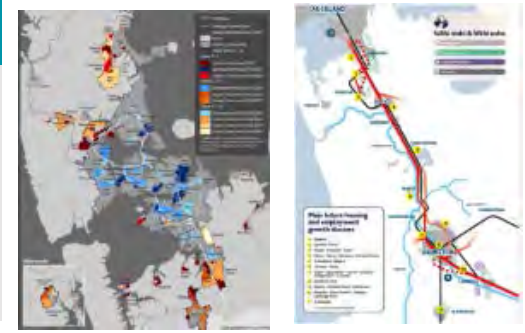
- existing and future land use patterns
- existing and future infrastructure provision and strategic corridors for infrastructure
- priority areas for investment
- 'no-go' areas, and areas for mitigating development impacts or restoring environmental qualities
- other strategically significant priorities for the region.

# Spatial planning: Where does it sit in the hierarchy of planning?<sup>22</sup>

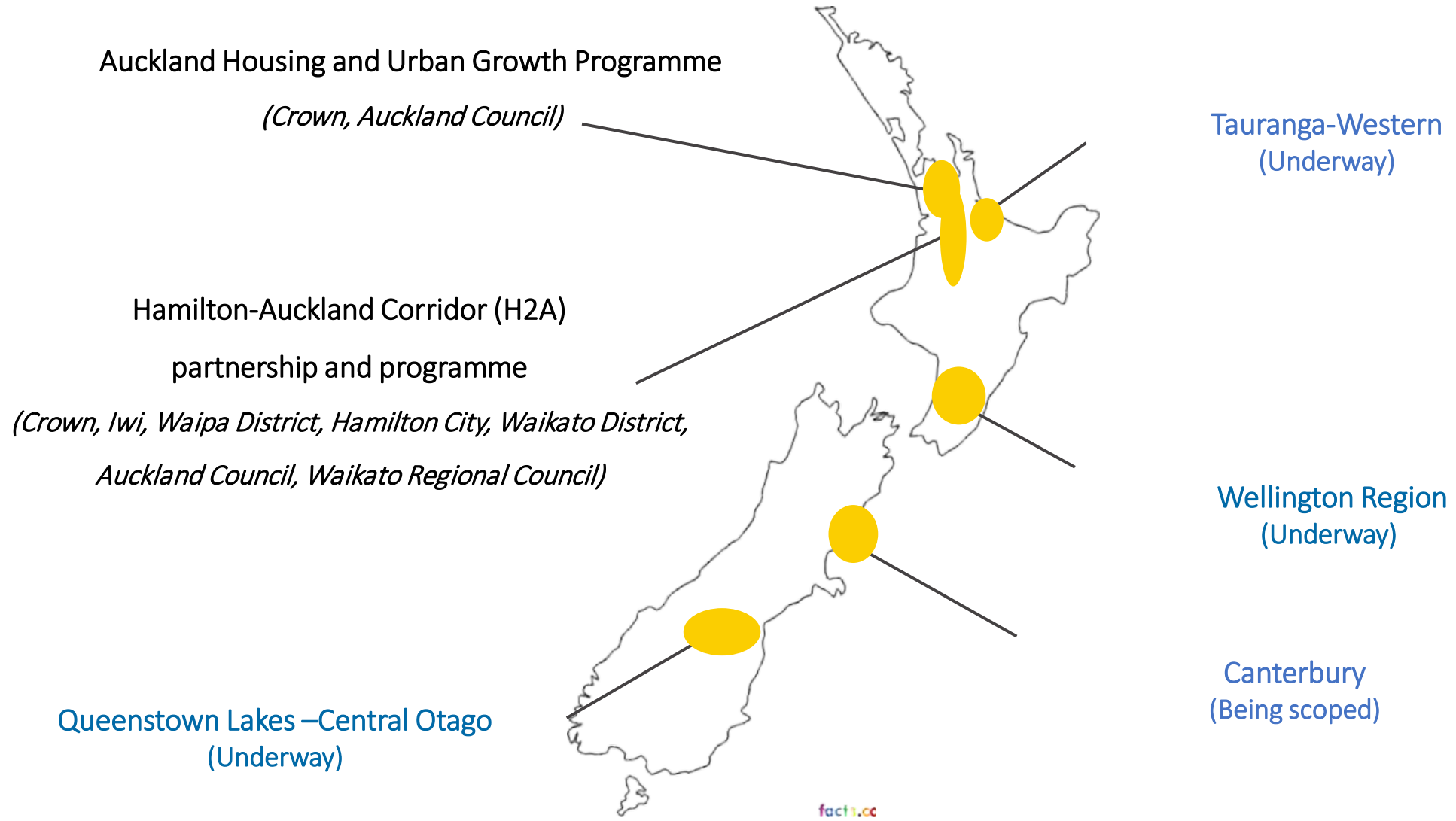
Strategic

Specific

Types of planning	Scale	Examples
<b>Spatial planning</b>	<i>Regional</i> (strategic) Includes sub-regional and interregional considerations	<ul style="list-style-type: none"> <li>• Hamilton-Waikato Metro Plan</li> <li>• Auckland Development Strategy</li> </ul>
<b>Land use planning</b>	<i>Local authority</i> (site specific) Includes city and district regulations	<ul style="list-style-type: none"> <li>• Auckland Unitary Plan</li> <li>• Structure planning (e.g. Drury)</li> </ul>
<b>Master planning</b>	<i>Precinct</i> (site specific) Includes detailed allocation of land uses and infrastructure	<ul style="list-style-type: none"> <li>• Hobsonville Point</li> <li>• Large scale projects</li> </ul>
<b>Scheme planning</b>	<i>Project</i> (site specific) Includes detailed design and architecture	<ul style="list-style-type: none"> <li>• Ngāi Tahu's Kerepeti Development (Hobsonville Point)</li> </ul>



# *New and emerging urban growth partnerships, underpinned by spatial planning*



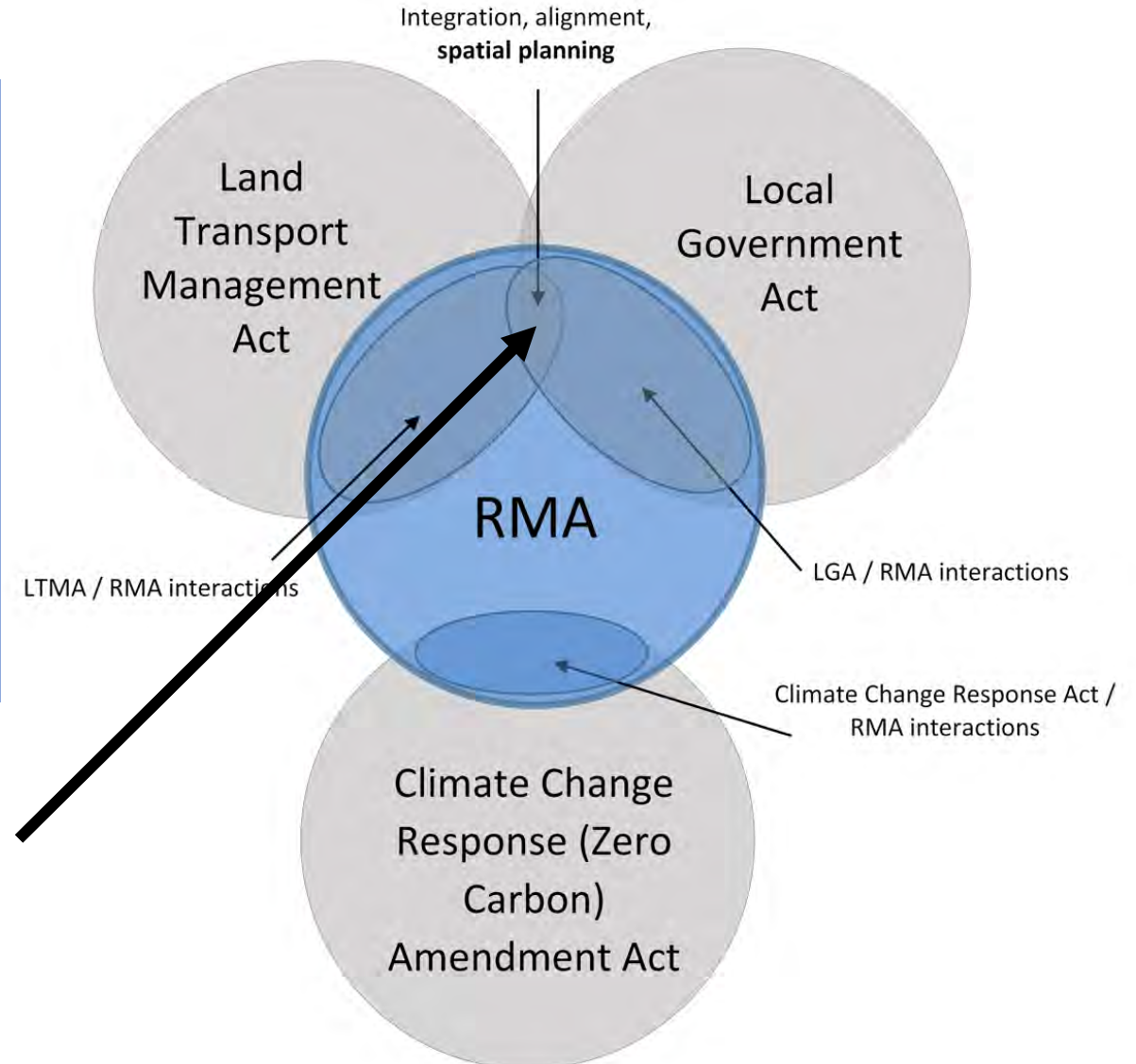
# Legislative reform: Improving our resource management system

Comprehensive review to examine the broader and deeper changes needed to support the transition to a more productive, sustainable and inclusive economy.

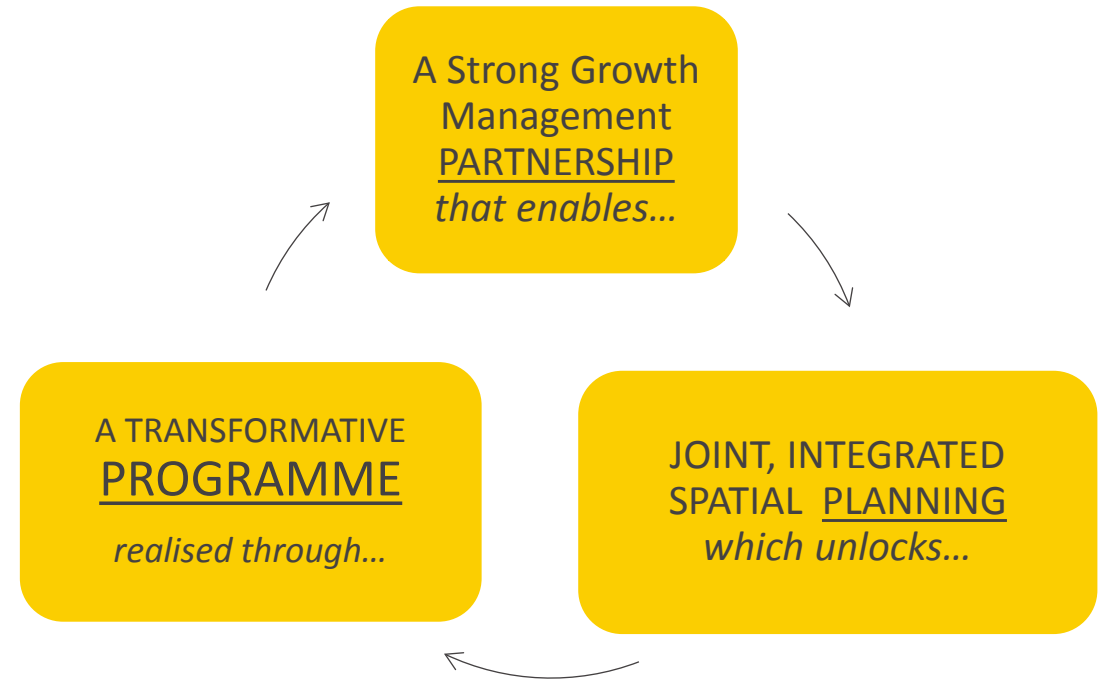
The aim is to improve environmental outcomes and enable better and timely urban development within environmental limits.

Focus is on the RMA, and how it interacts with other key legislation such as the LGA, LTMA, Zero Carbon AA.

*Signals an increased role of **spatial planning** to help make better and more strategic decisions about resources and infrastructure over longer timeframes.*







*Hei awarua ki te oranga*  
Hamilton-Auckland  
Corridor for wellbeing

# Six focus areas

**FOCUSAREA6 (New) :** Waters

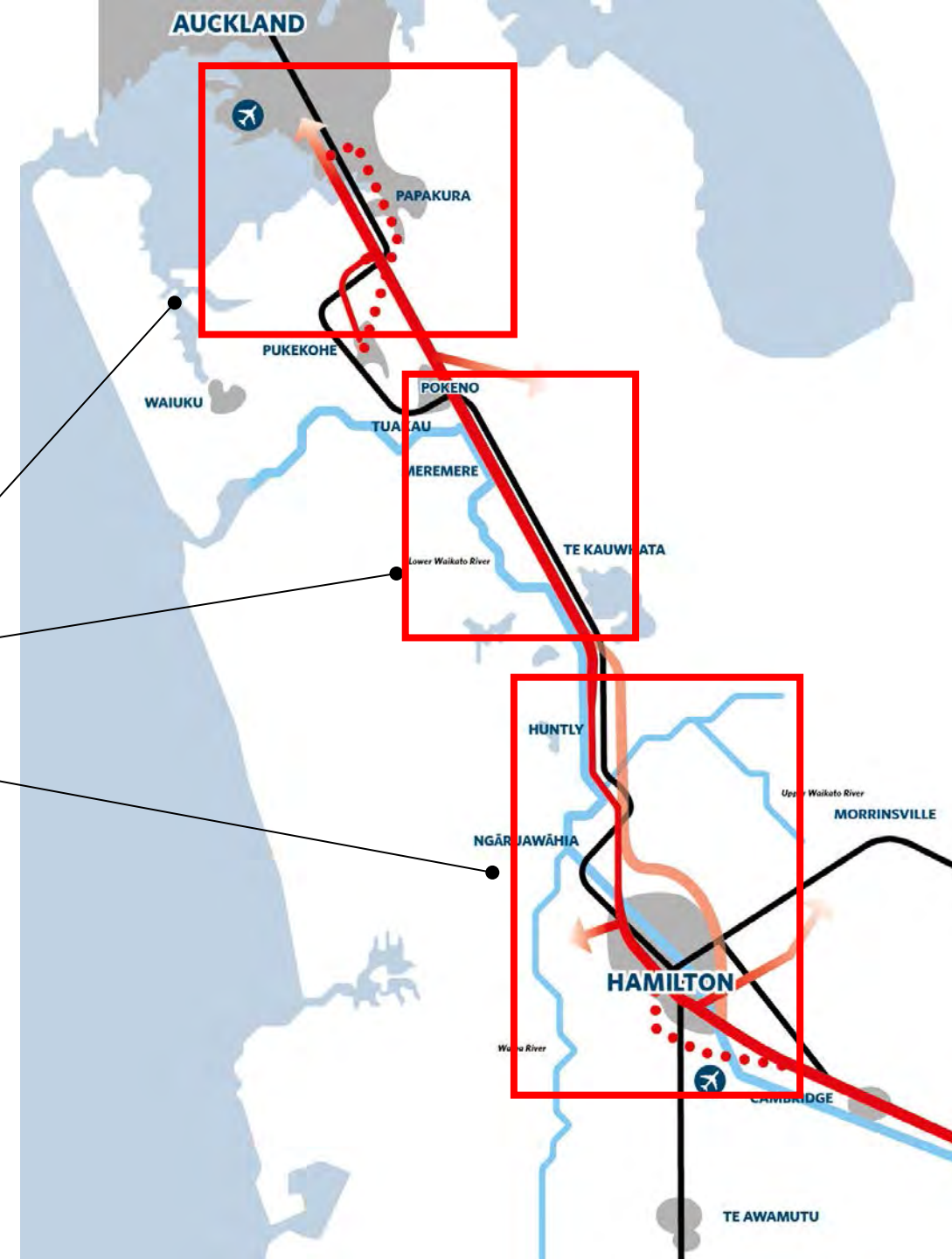
**FOCUSAREA1:** Stronger corridor connections

**FOCUSAREA2:** Papakura-Pokeno sub-region

**FOCUSAREA3:** River communities

**FOCUSAREA4:** Hamilton-Waikato sub-region

**FOCUSAREA5:** New tools and options to unlock full potential





# FOCUS AREA 1: Stronger Corridor Connections





# Focus area 1: Stronger corridor connections

## A system-wide approach to transport

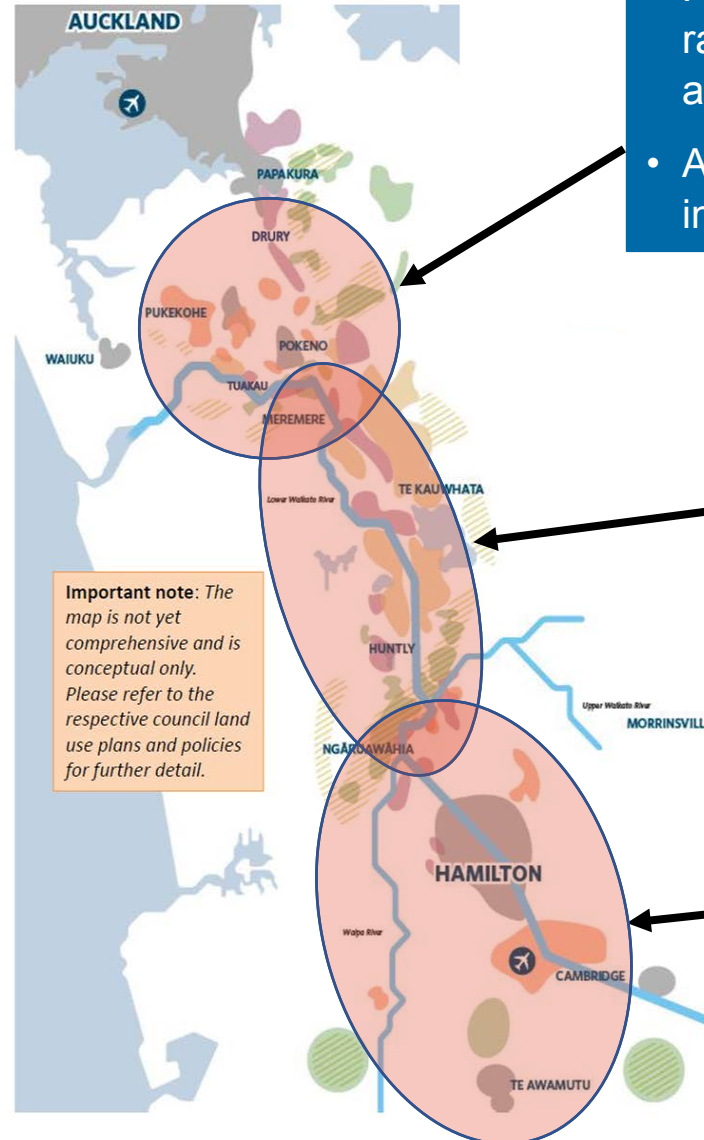
### A long-term, system-wide view

#### Exciting opportunities to:

- Create vibrant, well connected places
- Improve access to jobs and opportunities
- Make room for growth
- Increase choice and deliver mode shift
- Reduce emissions and congestion
- Improve health

### An integrated & multi-layered approach:

- Rapid intercity rail
- Mass transit corridors connecting key hubs
- Enhanced local public transport networks
- Excellent walking, cycling and urban realm



**Important note:** The map is not yet comprehensive and is conceptual only. Please refer to the respective council land use plans and policies for further detail.

#### Pokeno & Surrounds

- Improved Pokeno-Tuakau-Mercer links
- Possible extension of Auckland metro rail network (subject to further assessment)
- Anchoring residential and commercial intensification around transit

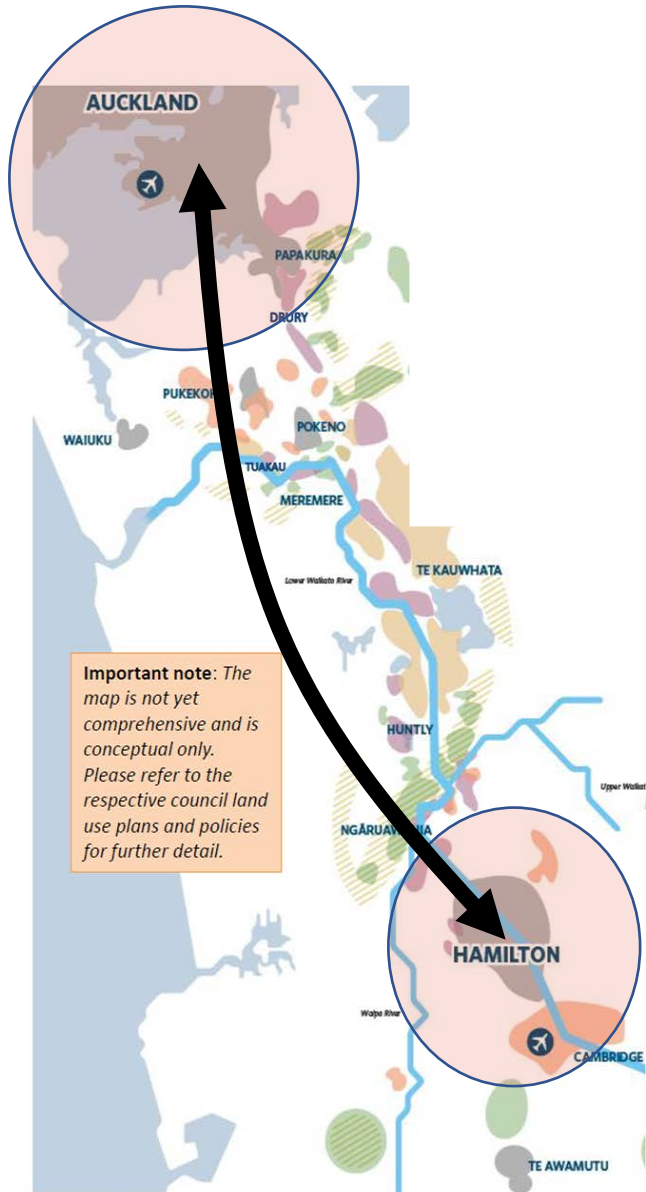
#### River Communities

- Significant benefits brought by Waikato Expressway
- Improved Pokeno-Meremere-Mercer-Huntly links

#### Hamilton-Waikato Metro Area

- A new mass transit network
- Enhanced local connectivity
- Supporting key hubs and growth corridors

# Intercity connectivity – a phased approach<sup>29</sup>



## Phase 1: Hamilton-Auckland ‘Start Up’ service (by June 2020)

The first step towards better intercity connectivity

Works currently underway to construct stations and refurbish rolling stock

Calling at Frankton, Rotokauri, Huntly & Papakura

## Phase 2: Start-up ‘next steps’

How should the start-up service evolve to meet customer expectations?

What does a future service pattern look like in the medium term?

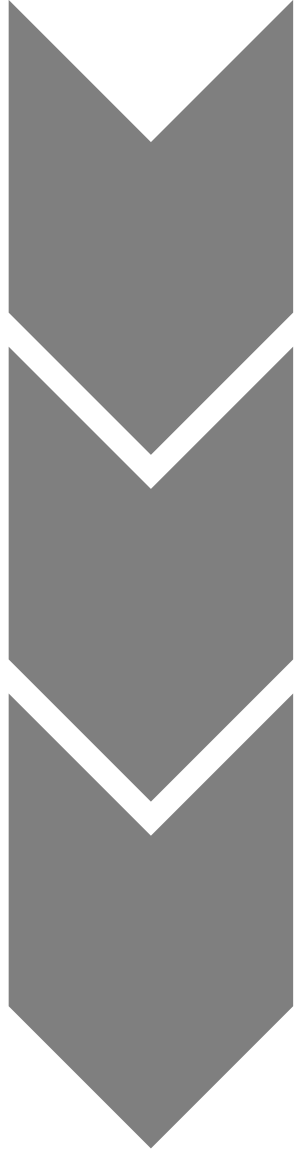
Planning for this should start now...

## Phase 3: Rapid Intercity Rail – indicative business case (by April 2020)

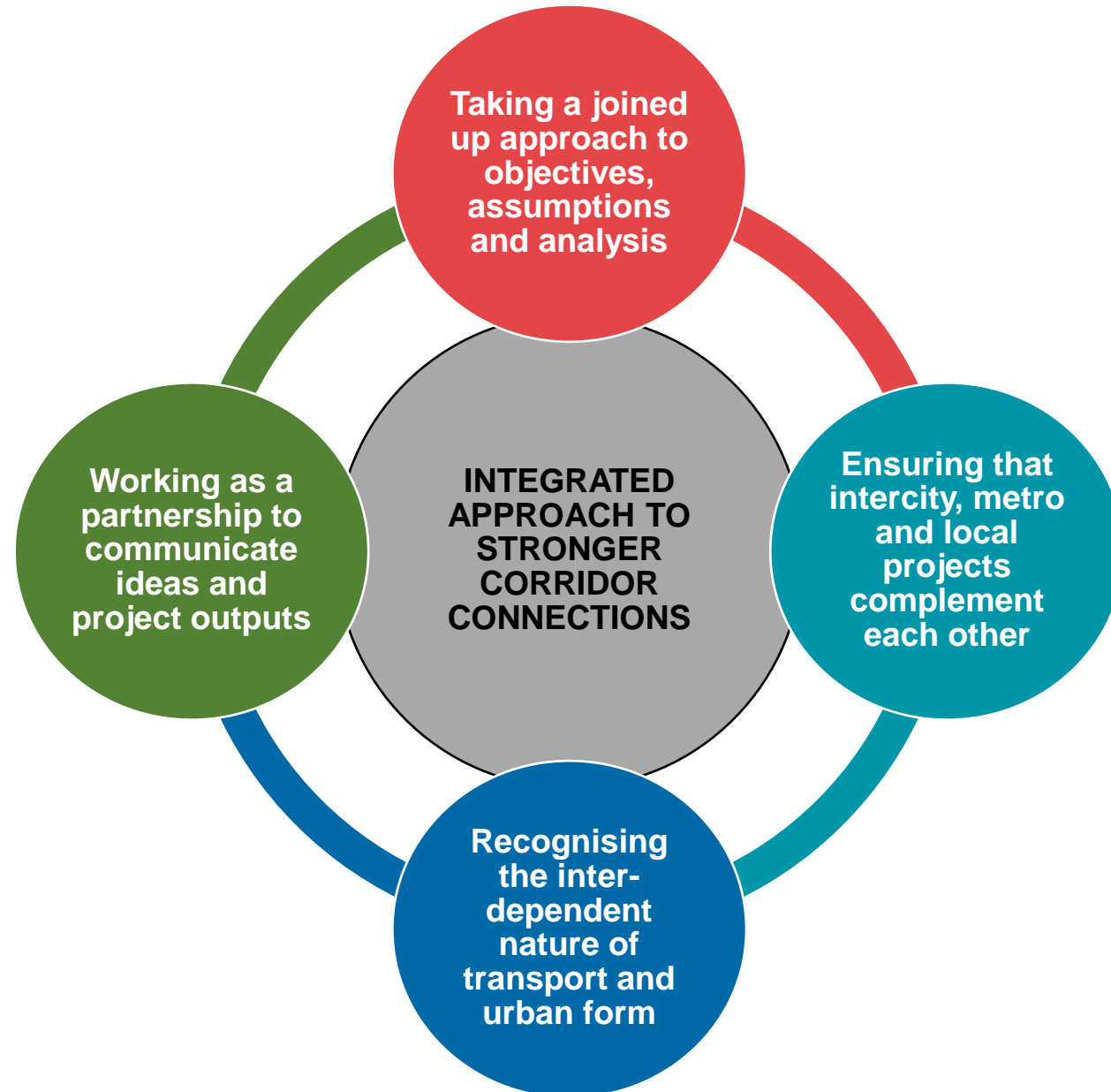
The business case will test how future rapid rail might help:

- Boost productivity
- Improve access and enable greater transport choice
- Reduce congestion and emissions from transport
- Increase and anchor urban development in a way that is transit oriented

It will help build an evidence base around options, benefits and stimulated growth



# An integrated approach to delivering stronger corridor connections<sup>30</sup>



# Waikato Sub-Regional Three Waters Investigation

To identify the most innovative, responsive and timely infrastructure solutions, unconstrained by territorial boundaries, while creating greater environmental outcomes, community benefits and overall efficiencies than individual TLAs can achieve alone.

## Key principles

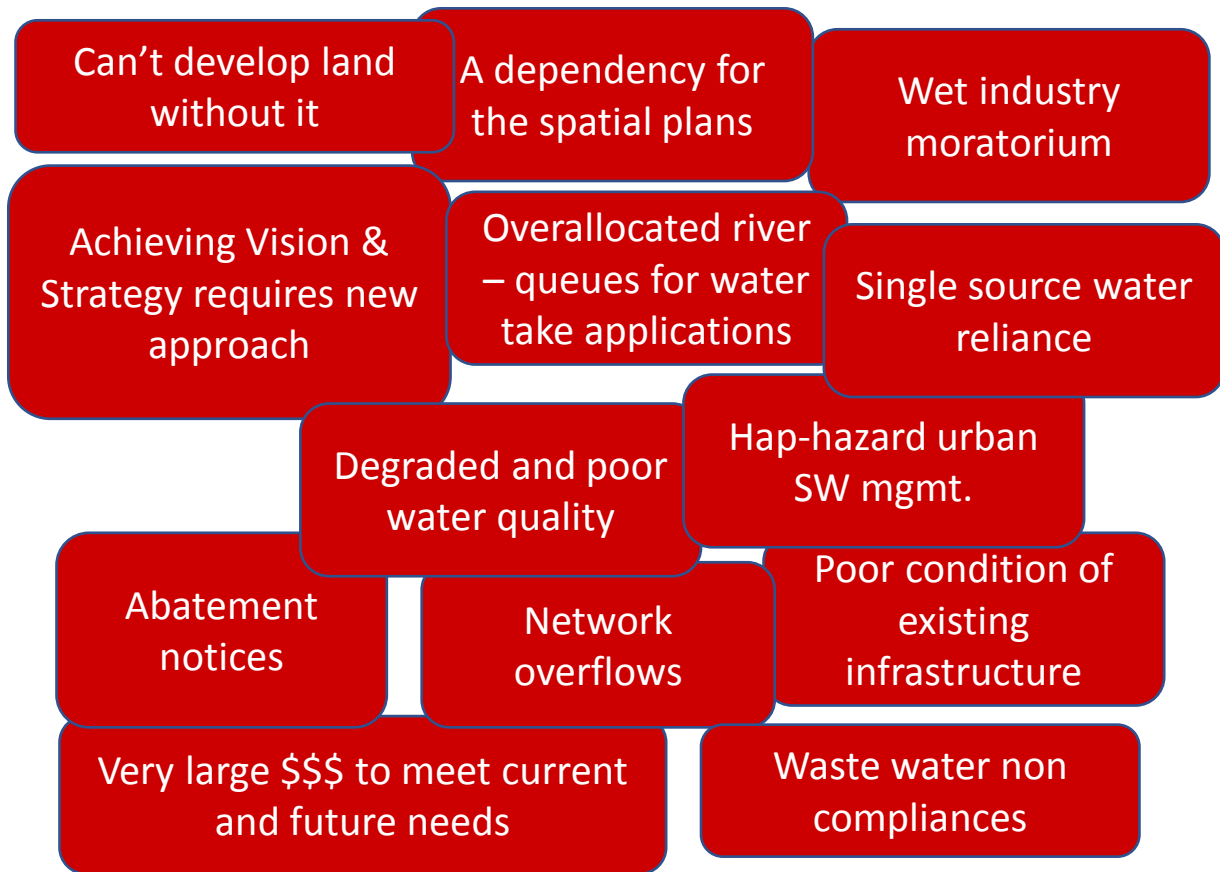
- Considering 10, 30 and 100-year planning horizons
- Taking an integrated, holistic and boundary-less approach that delivers the best for river and best for community outcomes
- Consideration of three waters infrastructure (water supply, wastewater and stormwater) but excluding rural drainage and flood management
- Focus on the Future Proof sub-region within the context of the whole Waikato River catchment

## Two stages

1. Scoping and strategic case preparation (*currently underway (to September 2019)*).
2. Full technical study and delivery of intergenerational investment plan (*dependent on funding*) (September 2019 to June 2020).

# Waters: Waikato Sub-regional Three Waters Investigation

## Why is three waters so important?



- Integrated catchment approach -> collective, aligned and consistent approach to achieve **Te Ture Whaimana**
- Unlocks economic potential of the corridor
- Underpins environmental aspirations and goals
- Major spend - opportunity to maximise and deliver greatest value for \$\$ invested
- Enabler and dependency for other H2A initiatives



# Waters: Waikato Sub-regional Three Waters Investigation

## Outputs so far

- Collaboration and improved understanding across parties.
- Clear and agreed vision for three waters management.
- Clear problem definition and “Best for River” definition.
- First cut long-list of potential future three-waters servicing options.

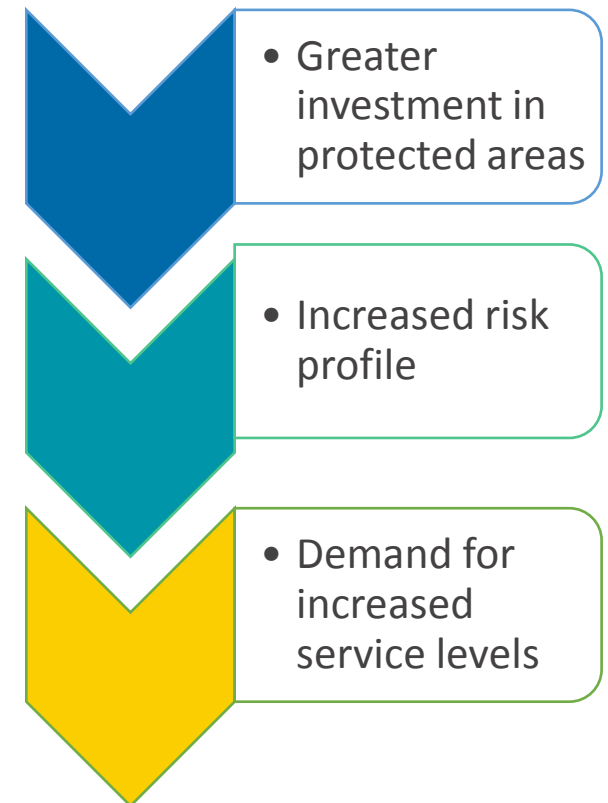
## Next steps

- Complete strategic business case (phase 1) – funded.
- Input into Hamilton-Auckland spatial planning projects.
- Complete phase 2 (subject to funding):
  - programme business case to align with 2021 LTP processes and planning
  - delivering an agreed sub-regional plan and approach to strategic three waters management.

# Waters: Drainage and flood protection

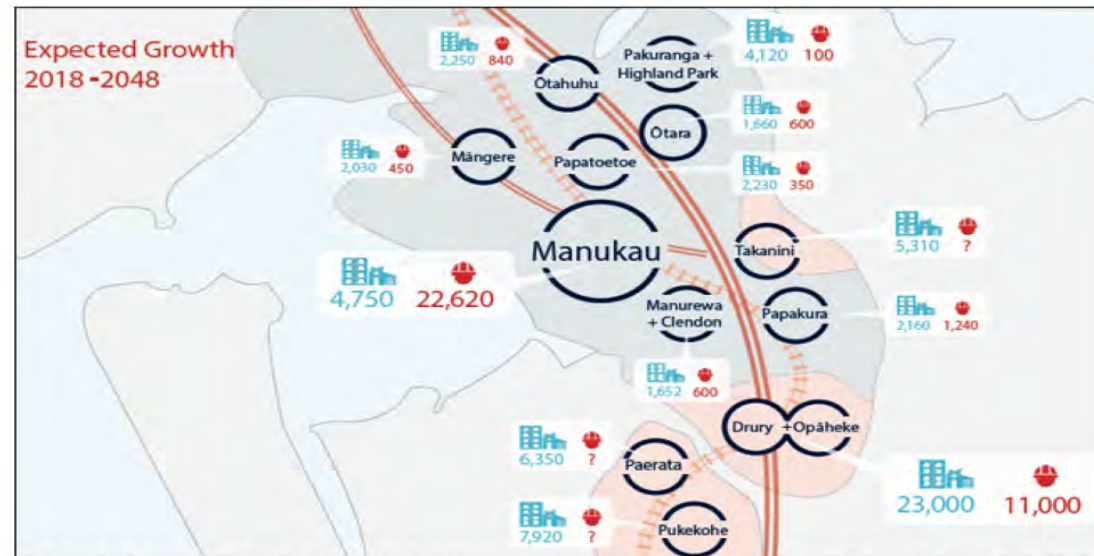
## Flood management and land drainage is critical enabling infrastructure.

- Lower Waikato – \$170m of current assets.
- Flood and drainage infrastructure keeps the land useable.
- A need to front-foot investment to enable intensification of land use.
- Cost or environmental impacts may be prohibitive in places



# FOCUS AREA 2: Papakura-Pokeno Sub-Region

## Planning for growth in South Auckland



*Expected household and employment growth for South Auckland (2018-48)*

- Auckland Plan Development Strategy – spatial location and temporal indication of growth in Auckland
- Implemented through the Auckland Unitary Plan, the Future Urban Land Supply Strategy, the LTP, area plans (brownfields) and structure plans (future urban)
- Housing and employment growth hand in hand
- Extensive community engagement at all stages
- The infrastructure required to create communities and how that infrastructure is funded are key components of strategy

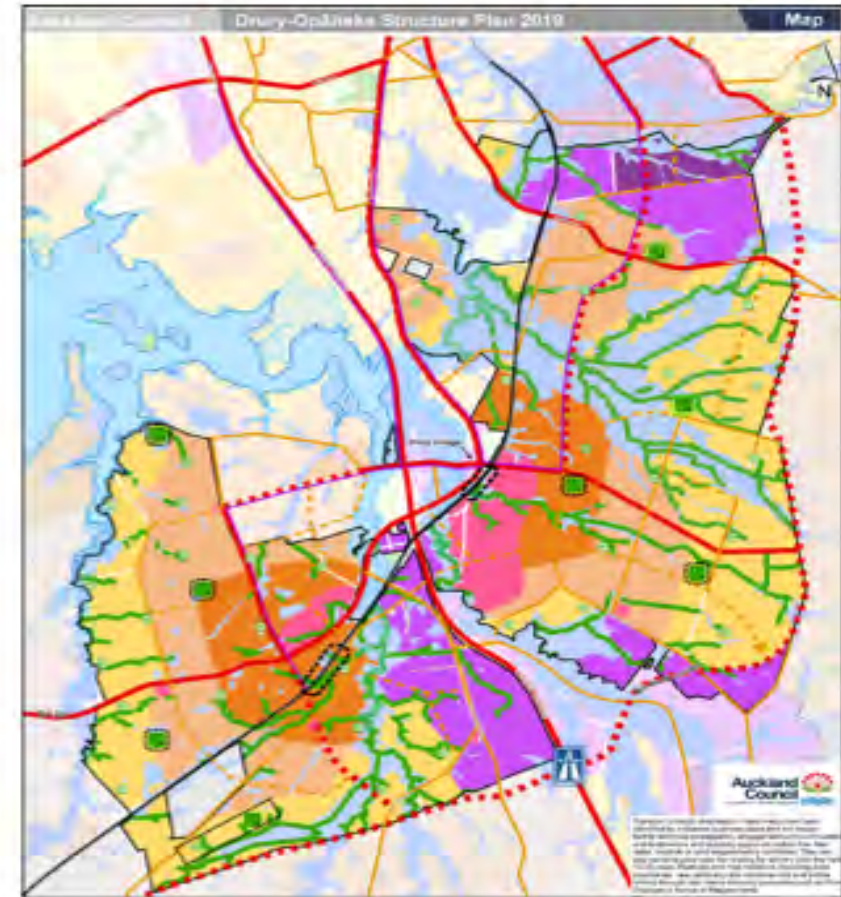


# Drury- Opaheke Structure Plan

- Expected growth (over 30 years):

Households	Population	Jobs
~23,000	~60,000	~11,000

- Key challenges:
  - Legacy deficit in transport network
  - Current transport network at or over capacity most of the day
  - Transport infrastructure funding shortfall of at least \$2 billion (\$1.1 billion funded)
- Approach:
  - Auckland Council and Crown Joint Programme of Work
  - Certainty over timing of key PT infrastructure and how to cover funding shortfall required
  - In interim, rezoning from future urban to urban is paused



*Placeholder: Drury-Opāheke Structure Plan*

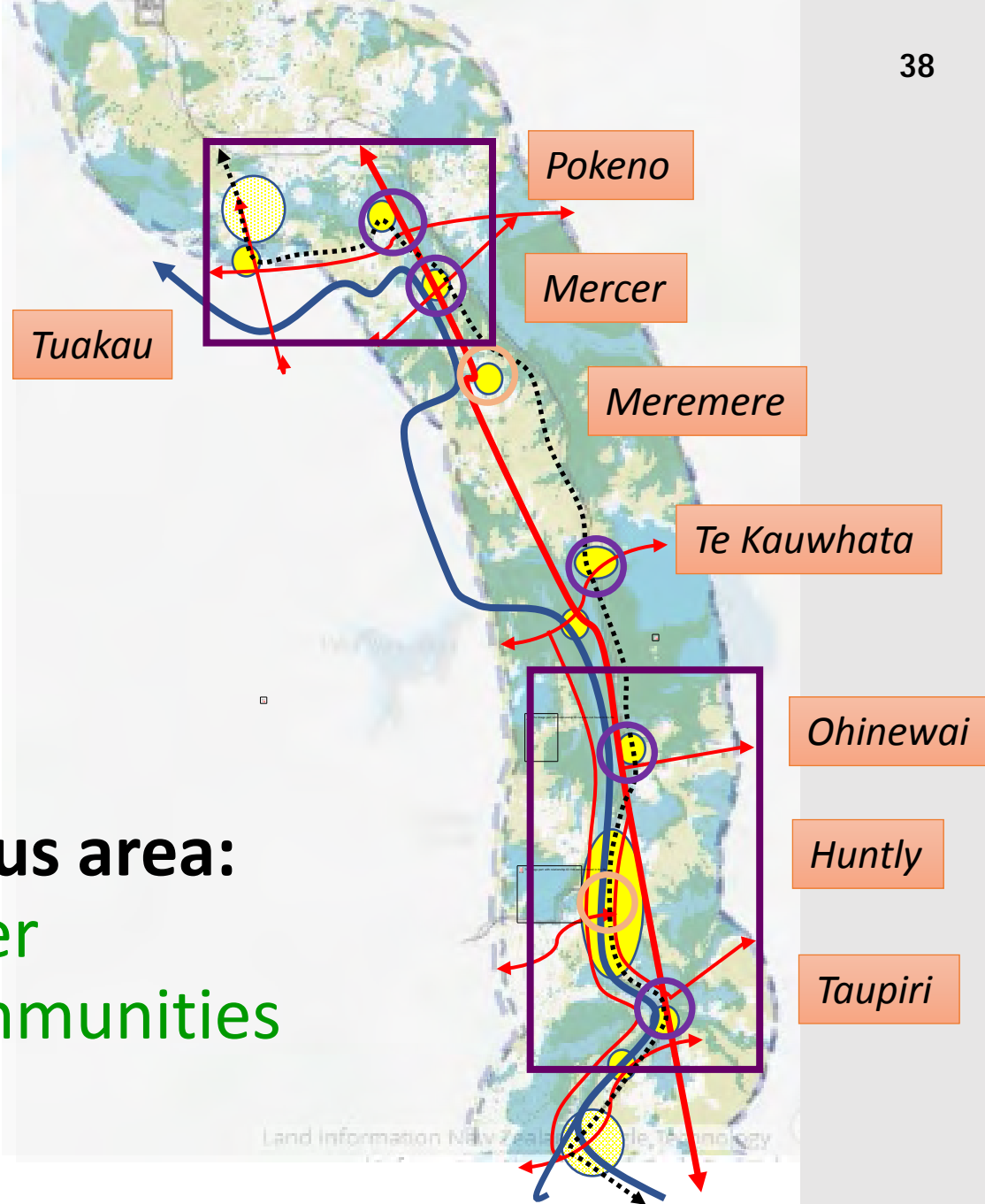


# FOCUS AREA 3: <sup>37</sup> River Communities





**Focus area:**  
**River**  
**communities**

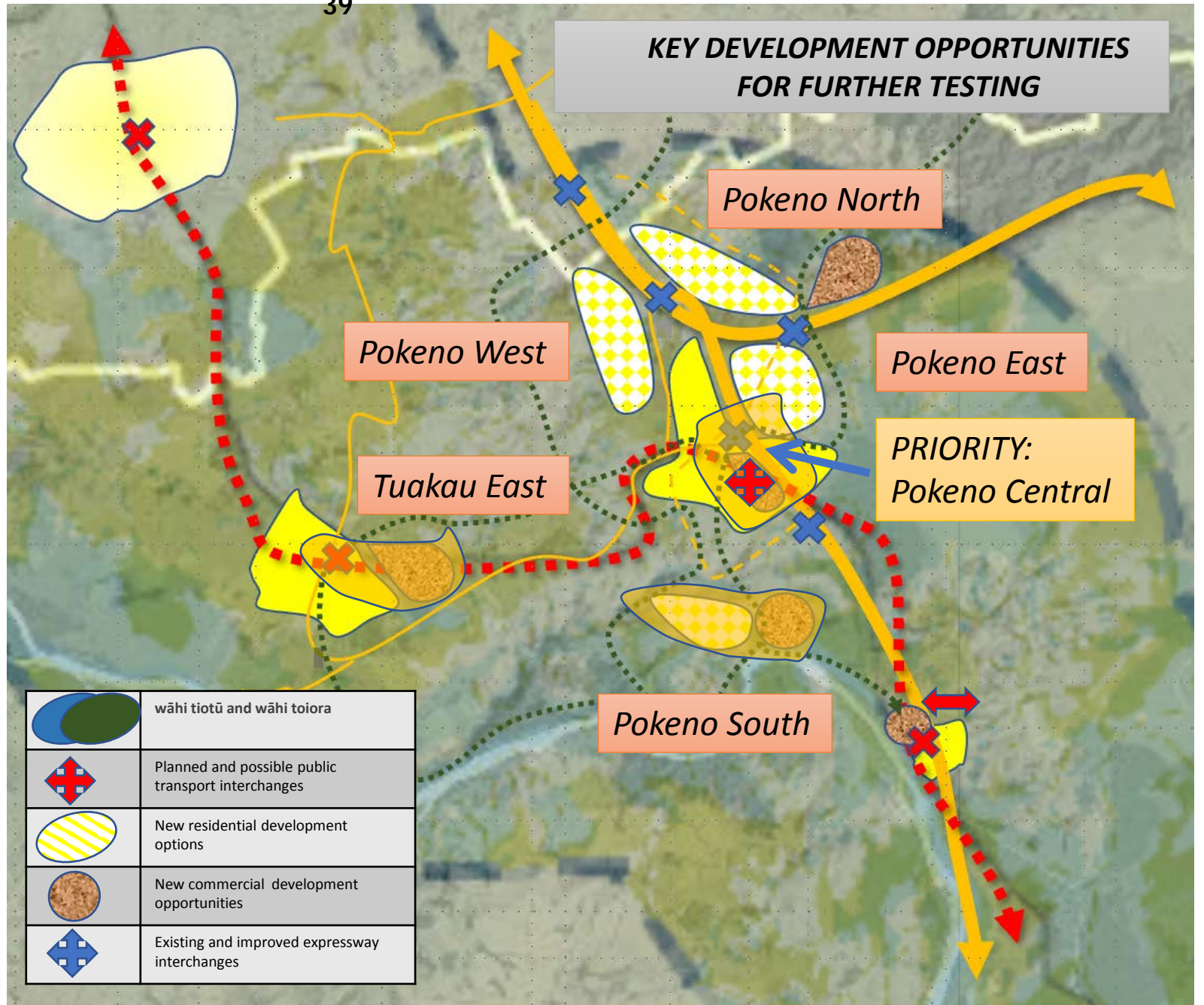


- The strong presence of wāhi tiotū and wāhi toiora direct and shape any future development options
- The key development options shown on the right are where several or all of these key factors come together:
  - river
  - lake, mountain or other landscape feature
  - access to expressway
  - east-west road connections
  - rail access options
  - public transport services
  - major assets that can be redeveloped.
- To understand these opportunities better we have undertaken initial spatial analysis for Pokeno & environs and Huntly & environs

# Focus area 3: River communities

## Pokeno and environs

- **STRONG DEMAND:** Ongoing market interest given strategic location.
- **LONG TERM SUPPLY:** Realistic options for both intensification, redevelopment and growing outwards to the west, north and east, with a 'wildcard' 'south' option.
- **GROWTH MANAGEMENT: FUTURE GROWTH SHOULD BE SUBJECT TO:**
  - ✓ having a long term spatial plan for the network of settlements
  - ✓ provision of basic/daily services and amenities
  - ✓ rapid and public transport provision
  - ✓ enabling infrastructure provision e.g. arterial roading network
  - ✓ development funding its own marginal costs.



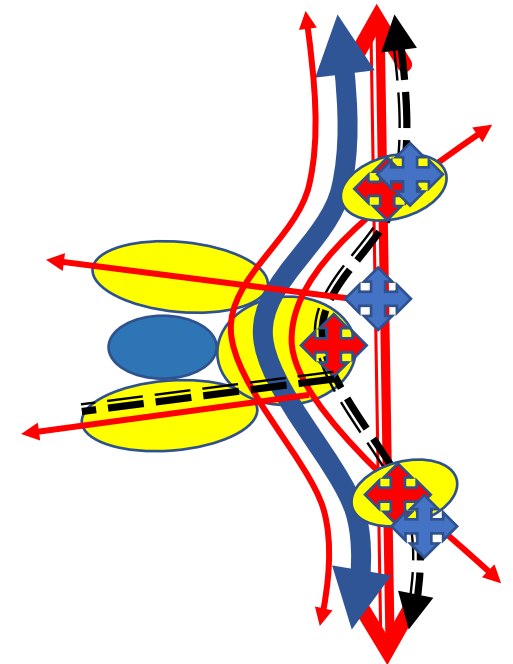
# *Key Principles - Emerging development scenario for Pokeno*

- Further residential growth in Pokeno should follow the development and adoption of a long term spatial structure plan
- Residential growth **should be staged** to match the supply of...
  1. Staged introduction of commuter rail and/or rapid bus services.
  2. Creation of further employment opportunities in the local area.
  3. Improved access to retail, business, recreation and community services.
  4. Bulk service delivery.
- As a priority, any subsequent growth should be concentrated in and around the town centre (the 800m station catchment) to support the business case for commuter rail and/or rapid bus services, and to make the most of existing and planned investment in social and network infrastructure and retail services.
- Development options such as Pokeno East (east of SH1), Pokeno North (north of SH1 and SH2) and Pokeno South (at the river) will have to fund the cost of the required local roading, SH underpass/overpass/interchanges, active mode and related other network infrastructure
  - *This may result in one or more of these being deemed to be non-feasible development options in the medium or even long term.*

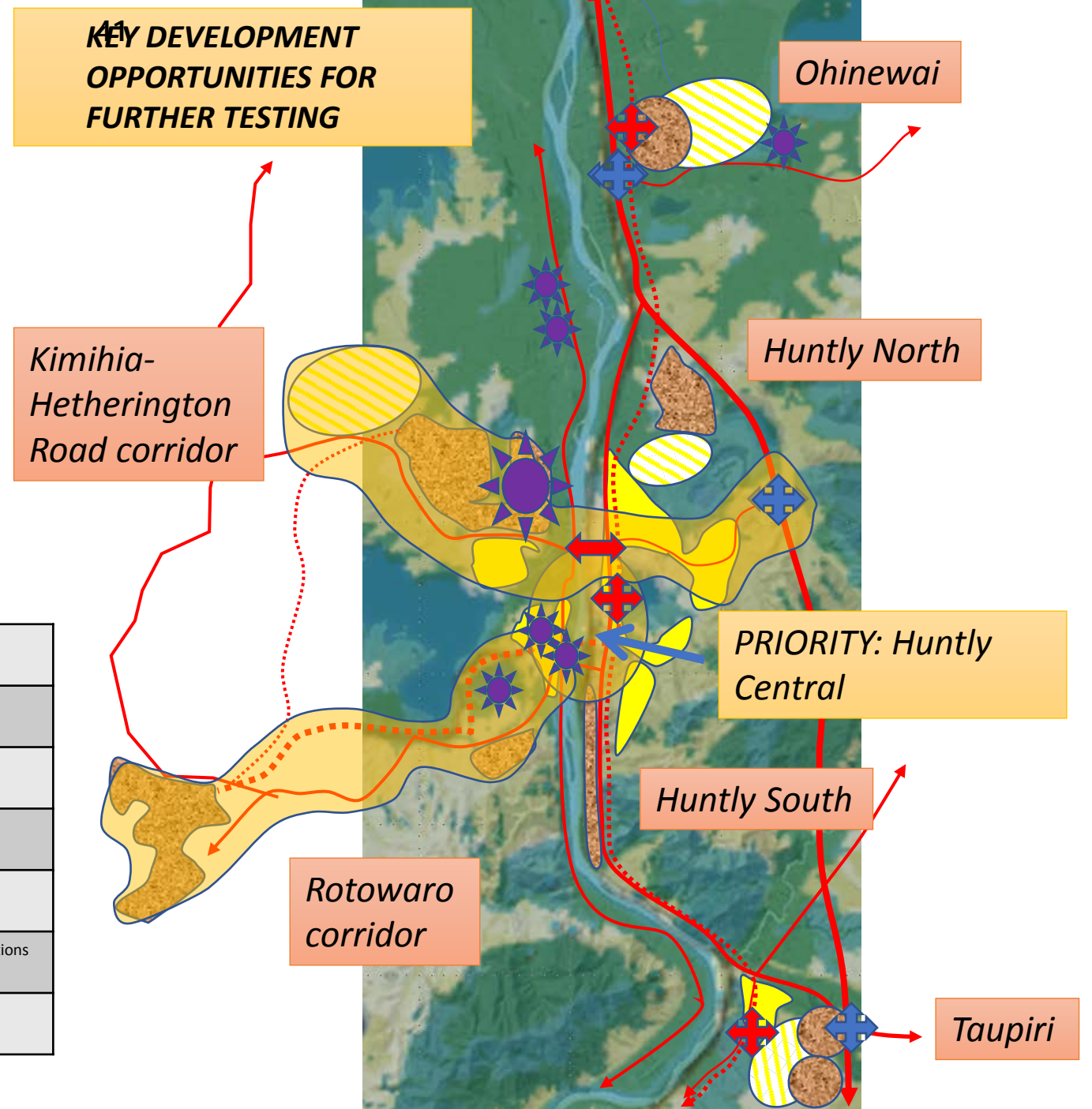


# Focus area 3: River communities Huntly and environs

- **STRONG DEMAND:** Strong market interest in the most accessible locations.
- **LONG TERM SUPPLY:** Many short, medium and long term options for intensification, redevelopment and new development; some are subject to risk mitigation and soil stabilisation.
- Very significant re-development opportunities, some longer term e.g. power station



	wāhi tiotū and wāhi toiora
	Planned and possible public transport interchanges
	New residential development options
	New commercial development opportunities
	Existing and possible future expressway interchanges
	Some of the many major institutions and development opportunities
	Possible new bridge across the Waikato River



## *Key principles for Huntly & Surrounds Spatial Plan*

- Supporting iwi aspirations;
- Redevelopment of social housing;
- Transport hub as an opportunity to better connect the town's residents and residents from surrounding communities to the town;
- Appropriate provision of network and social infrastructure;
- Development informed by a blue-green network (constraints);
- Acknowledging the impacts and residual risks of natural hazards.



# FOCUS AREA 4: <sup>43</sup>Hamilton Waikato Metro Spatial Plan





# Hamilton-Waikato Metro Spatial Plan

## Metro Spatial Plan Purpose

The purpose of the Metro Spatial Plan is to determine a shared 100 Year vision and spatial framework for the emerging Hamilton-Waikato area, with a 30-year plan for priority development areas and enabling investment, regardless of administrative boundaries with these four concise and strategic components:

1. Identification of critical areas for protection and restoration, and 'no go' areas for development
2. Core transport corridors
3. Priority development areas, where (if required) new planning, funding and financing tools could be piloted
4. Required leading and enabling social and network infrastructure requirements.

# Scenarios that were considered

## 1. BAU existing planning

Continuation of planned urban form as per existing planning documents (RPS, FP, District Plans), which is incremental growth in identified areas

## 2. City-focussed growth

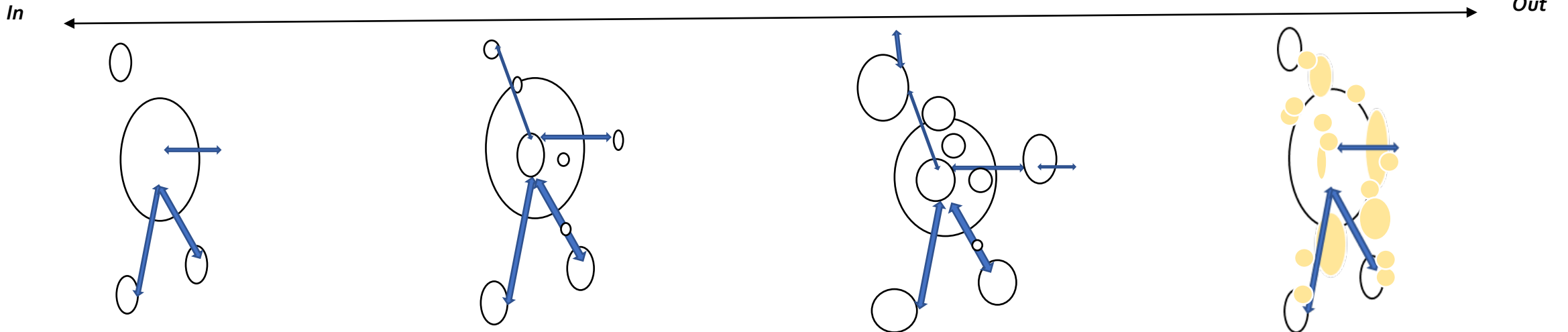
A high density urban form that locates new growth predominantly in the existing city, with limited expansion in land area, limited/minimal growth in surrounding towns

## 3. Shared growth across nodes

An urban form with distinct nodes both within and beyond existing city. Growth is spread across city, towns and/or villages but is concentrated in identified nodes, which are well connected

## 4. Market Led

A dispersed and unplanned urban form. Majority of growth will occur in greenfield locations that are solely determined by the market



# Hamilton-Waikato Sub-Region

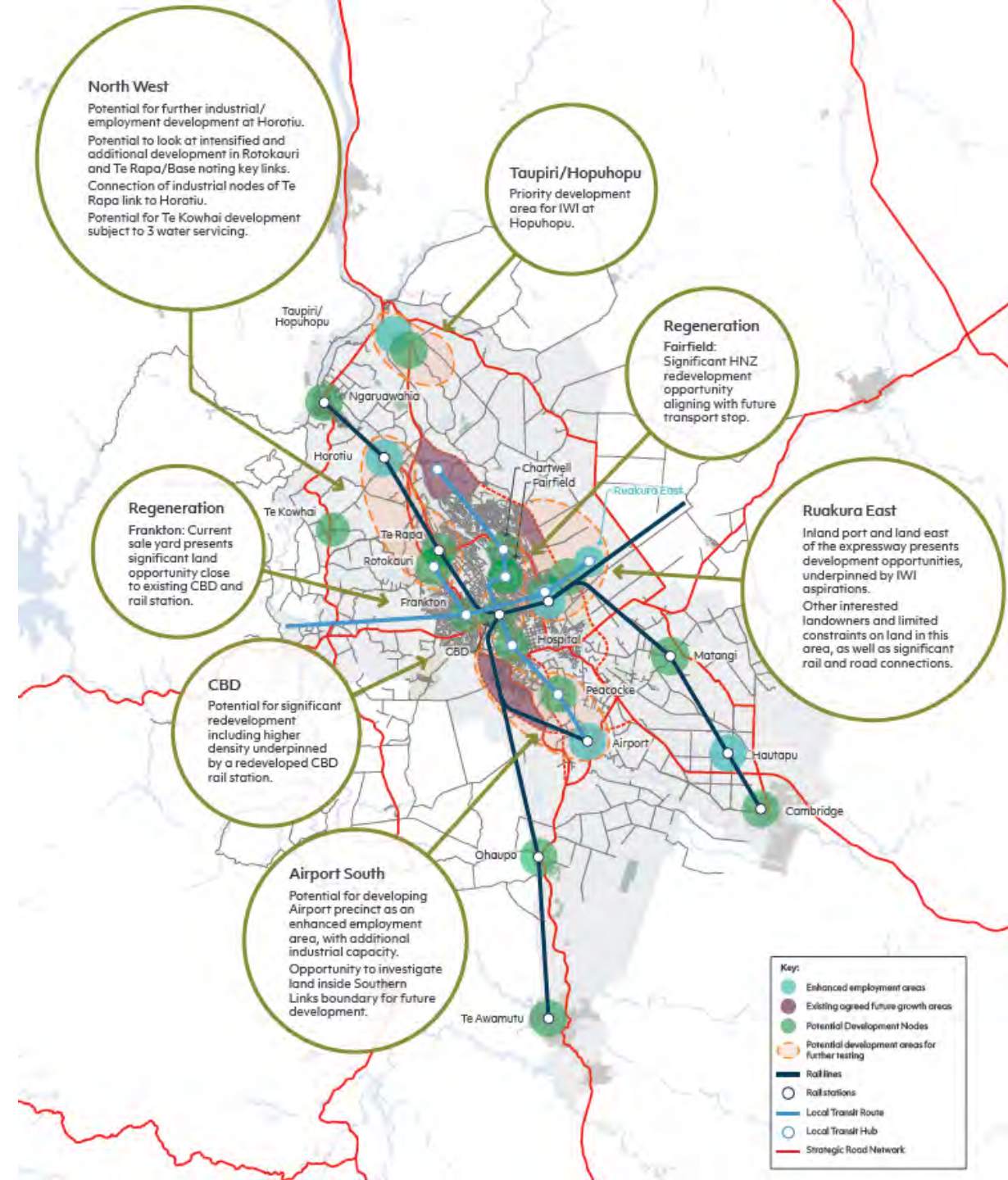
## Hamilton-Waikato Metro Spatial Plan

46

### Areas for further testing

A number of emerging spatial areas for further testing:

- North West
- Taupiri/Hopuhopu
- Ruakura East
- Airport South
- CBD
- areas for significant regeneration.



# Hamilton-Waikato sub-region

## Hamilton-Waikato Metro Spatial Plan

### Mass transit

- Potential mass transit network developed using outputs from emerging metro form work.





# FOCUS AREA 5: <sup>48</sup> **Planning and Funding & Financing Tools**

- A priority for the Government is to improve housing affordability. This includes developing alternative funding and financing models to enable infrastructure projects to be delivered without being limited by local authority financial constraints.
- A key aim is to support housing and urban developments to get done at a larger scale and sooner than currently.
- The Treasury, Crown Infrastructure Partners (CIP), the Department of Internal Affairs and the Ministry of Housing and Urban Development are working closely with the high-growth councils to develop a model that is flexible and fit-for-purpose





# Work at scale: Kāinga Ora – Homes and Communities

**Ground-breaking legislation is now before Parliament to create an urban development authority: Kāinga Ora – Homes and Communities.**

- Kāinga Ora will play a key role in shaping our housing and urban system. It is the first New Zealand wider urban development agency and possibly a world-first in terms of role and scope.
- Reflects the Government's commitment to take a hands-on approach to tackling homelessness and unaffordable housing. Kāinga Ora will be our housing delivery arm – right across the housing continuum.
- Once established on 1 October 2019, Kāinga Ora will be responsible for leading urban development projects, both large and small, and managing state housing.
- Powers and functions still to be announced

Work underway on a policy statement or GPS on housing and urban development.

The Bill requires Kāinga Ora to give effect to the GPS when performing its functions.

# Governance<sup>50</sup>

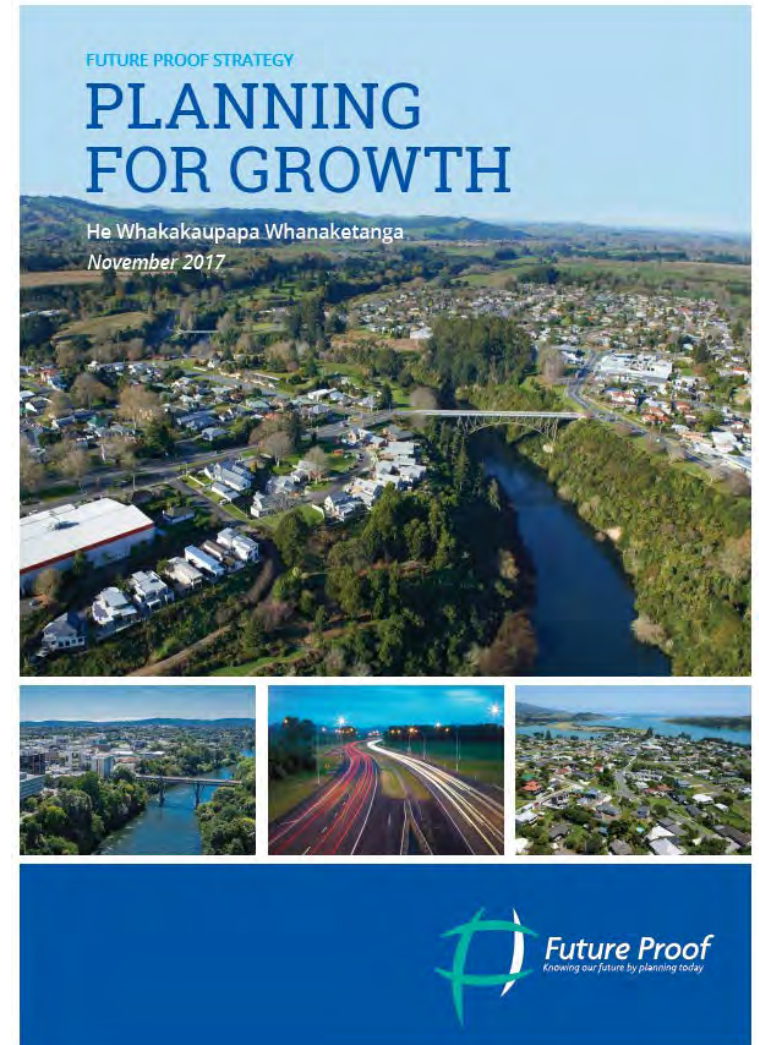




## What is Future Proof?

Future Proof is a joint project set up by the partners to consider how the sub-region should develop into the future.

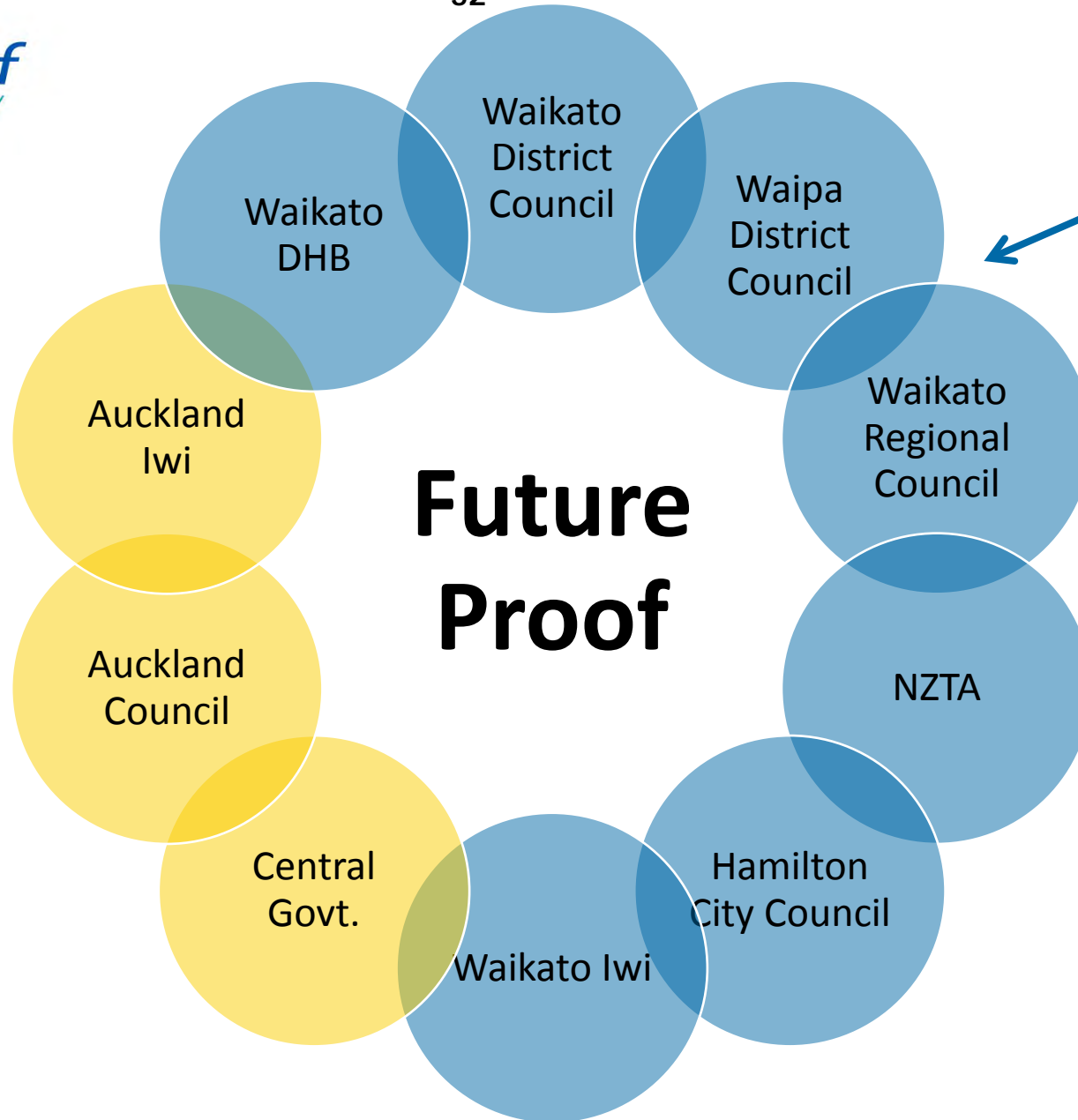
*One sub-regional voice*





## Our partners

52



Future Proof specific and Hamilton to Auckland Corridor Plan matters



Hamilton to Auckland Corridor Plan matters



### Open Meeting

<b>To</b>	Waikato Raupatu River Trust and Waikato District Council Co-Governance Joint Committee
<b>From</b>	Sam Toka Pouhono Iwi ki te Haapori   Iwi and Community Partnerships Manager
<b>Date</b>	15 August 2019
<b>Prepared by</b>	Stephen Howard Senior Planner
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	JMC2019
<b>Report Title</b>	The Raglan Wastewater Treatment Plant Discharge Consenting Process: A JMA update in respect to this critical current WDC Water Department Project:

## I. EXECUTIVE SUMMARY

The Raglan wastewater treatment plant (WWTP) resource consent to discharge treated wastewater via an outfall pipe into the Raglan Harbour expires in February 2020. Waikato District Council (WDC) is progressing well with investigations and stakeholder engagement in preparation for the resource consent application to the Waikato Regional Council (WRC).

Hapuu engagement has taken place since the project commenced in earnest earlier this year. This engagement has occurred as a clear obligation to a WDC key partner, and also a necessary statutory requirement under the RMA 1991 (s 5, 6, 7 - *purpose and principles of the Act*).

The application for the consent will be lodged in November 2019. Hapuu and key stakeholders have overall both expressed strong favour for land-based mitigation over marine outfall options for the treated wastewater. The project team has worked hard in:

- making a consolidated and robust effort to investigate possibilities for land-discharge options that may satisfy all, while;
- moderating expectations given honest/real challenges that exist with any land based discharge scenario.

## **2. RECOMMENDATION**

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**THAT** the report from the Iwi and Community Partnerships Manager be received;

**AND THAT** the report be used by the JMA Committee as a reference to understand progress with the Raglan WWTP discharge consent application.

## **3. BACKGROUND**

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The current resource consent for Raglan WWTP was granted in February 2005, for a period of 15 years. Upgrades of the treatment process were undertaken in 2007, 2008, 2015 and 2017 in order to meet the conditions of the consent.

The consent application preparation process underway now needs to consider all discharge options initially at a high-level. This has been accomplished by investigating technically feasible treatment processes and discharge options, and collating community feedback (both historical and current). This led to the drafting of a short list of options, allowing a preferred option to be reached soon (ie the 'preferred option'). The short list is shown within Attachment A of this report, where Attachment B outlines the assessment criteria used for this.

## **4. PROGRESS UPDATE**

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### **4.1 OVERALL PROJECT PROGRESS**

Options taken forward with the short list include land based discharge, marine outfall and a re-use option, based on a combination of treatment upgrades and discharge scenarios.

Options are currently undergoing more detailed investigations in order to provide a concept design, to be used for costing purposes. Affordability needs to be a paramount consideration in the determination of the preferred option.

### **4.2 HAPU AND IWI ENGAGEMENT METHODS AND PROGRESS**

Points below provide Iwi engagement detail:

- All of direct hapu engagement to date has been with Tainui-a-Whiro (Poihākena Marae/Kokiri), which has been a great starting point given their location and historical involvement with the existing sensitive consented activity (marine outfall);
- Ngāa Uri o Tamainupoo ki Whaingaroa Trust is now being better kept in the loop, where their support sits with Tainui-a-Whiro's approach and position;
- Additional work is programmed now with Ngaati Mahanga, where an upcoming meeting at Ōomaero Marae is intended to outline progress to date, and next steps.
- Preliminary decision making reporting requiring hapu input and review has been available to both Ngaati Tamainupō and Ngaati Mahanga, where this WDC practice will continue and be approved upon, with upcoming work;
- Correspondence with Waikato Tainui has started, outlining intention to ensure the Tribe is up-to-date with hapu progress over the next three months, allowing:

- An initial 'watching brief' approach, where information is sent to the Waikato Tainui Environment Manager at key hapu/project team decisions during the application preparation process allowing
- Ability for the WDC project team to meet with Waikato Tainui whenever appropriate.

An understood approach is that any Cultural Impact Assessment drafting by hapu may be achievable, however this would be undertaken once the preferred option is finalised, and methods for this consultancy work by hapuu members, are determined. This would allow a direct and balanced assessment of the likely treatment and discharge option that will be sought within the application.

Participation and advice is being provided by the WDC Iwi and Community Partnerships Manager throughout the project, to ensure best practice is followed.

## 5. CONSIDERATION

### 5.1 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

The WDC Significance & Engagement Policy is triggered by the project. Appropriate consultation is underway and will continue in order to fulfil policy requirements.

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	<b>Engagement tools:</b> <u>Hapu/Iwi specific:</u> A parallel engagement process is needed under duties of the RMA (s5/6/7). Huis and co-ordination/distribution of material that influences key decisions has been undertaken to this point in the project. A key message has been present a preferred option to Maori, then ability for in-depth position forming and discussion will be enabled. Wider community and key stakeholder group engagement is underway also				

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

Planned	In Progress	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Internal
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Community Boards/Community Committees
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Waikato-Tainui/Local iwi
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Other: Specific key stakeholder meeting (by invite) and public opportunities (open sessions) are part of engagement that has been undertaken. The WDC website has a Raglan WWTP consenting page allowing free-flowing feedback and document distribution.



## 6. CONCLUSION

The Raglan WWTP consenting process is progressing well, with regular hapuu engagement sessions and correspondence at key points in the process.

The project is running on time overall, but is time-critical – any delays at this stage could impact the overall programme.

## 7. ATTACHMENTS

### Attachment A: The shortlist of discharge and treatment options

*Table 1- Land-based short-listed options*

Option	Treatment	Discharge
<b>Option L1</b> Majority of flows to land with membrane treatment upgrade	Existing + tertiary membrane treatment	Summer flows to land (slow-rate irrigation)/winter flows to land (high-rate irrigation) (outfall with diffuser for contingency purposes)
<b>Option L2</b> Combined land and water discharge with existing treatment	Existing	Combined land and water discharge Summer flows to land (slow-rate irrigation)/winter flows to the harbour
<b>Option L3</b> Combined land and water discharge with membrane treatment upgrade	Existing + tertiary membrane treatment	Combined land and water discharge Summer flows to land (slow-rate irrigation)/winter flows to the harbour

*Table 2- Marine discharge short-listed options*

Option	Treatment	Discharge
<b>Option M1</b> Harbour discharge with membrane treatment upgrade	Existing + tertiary membrane treatment	Existing outfall location (modified with diffuser)
<b>Option M2</b> Extended harbour discharge with existing treatment	Existing	Extend existing harbour outfall into channel (approx. 60m)
<b>Option M3</b> Extended harbour discharge with membrane treatment upgrade	Existing + tertiary membrane treatment	Extend existing harbour outfall into channel (approx. 60m)
<b>Option M4</b> Ocean outfall	Existing	Ocean outfall (approx. 1.5km outside of the harbour)

*Table 3 - Other short-listed options*

<b>Option</b>	<b>Treatment</b>	<b>Discharge</b>
<b>Option S1</b> Reuse-sub option	Existing + tertiary membrane treatment	Non-potable water reuse sub option

## Attachment B: Assessment Criteria

Table 1 - Summary of criteria used for long list to short list assessment

Criteria	Issue/Topic
<u>Public Health</u> Keep communities healthy	Microbiological quality of treated wastewater
	Health effects from spray irrigation/aerosols
	Treated wastewater re-use
<u>Environment</u> Protect the environment, particularly water quality and ecology of the Raglan Harbour (Whāingaroa)	Water quality
	Aquatic ecology
	Terrestrial ecology
	Coastal environment and resources
<u>Cultural</u> Recognise the significance of Raglan Harbour (Whāingaroa) to mana whenua and provide for culturally-aligned objectives	
Mauri	Potential effects on mauri of land, water and air
Kai moana	Potential effects on kai moana
Cultural values and Health and Wellbeing	Potential effects on the relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. Potential effects on the ability of the land, sea and air to support wairua in order to maintain health and wellbeing for Maaori
<u>Social and Community</u> Protect the community use of the area, along with the visitor experience	Amenity value and aesthetics
	Urban development
	Recreation
	Food gathering
<u>Sustainability</u> Retain flexibility for future, sustainable, long-term solutions	Adaptable and flexible
	Able to be staged
	Reliable, proven and robust technology
	Carbon footprint
<u>Affordability</u> Keeps the overall costs of the wastewater solution to sustainable levels	Capital cost
	Operating and maintenance cost
	Whole of life cost
	Financial risk



## Decision Paper for Joint Committee Hui with Waikato District Council

### Review of the Waikato District Council District Plan

#### Purpose

1. The purpose of this report is to share concerns with the process for participating in the review of the Waikato District Councils' District Plan.

#### Background

2. Waikato-Tainui have submitted on the Review of the Waikato District Council Plan. We have concerns in relation to the processes to date and the proposed process for the hearings which are summarised below.
3. WDC missed ours and other submitters submissions and had to undertake a further process to enable submissions on the ones they missed. This added weeks to the process and required further work.
4. The Hazard section is yet to be seen and has not been notified – this will require further analysis and another submission.
5. Hearings:
  - 5.1. The hearings will take place in September and we have been advised that each submitter only has 10 minutes (apart from the introductory hearing). The time limit is restrictive and will not provide us with sufficient time to present key points.
  - 5.2. The hearings are going to be run by topic and consequently, we will have to attend hearings on multiple occasions; including to be present for the submitters that we have concerns with.
  - 5.3. The time required to prepare and submit evidence for the hearings is excessive and resource heavy.
6. The hearings panel has recently allowed Ambury Properties (the Sleepyhead proposal at Ohinewai) to be heard early and get an early decision, despite opposition from us and other submitters.
7. The consequence of the poor process is the heavy resource required to actively and properly participate in the hearings process.

#### Summary

8. The Proposed Waikato District Plan has been an enormously time consuming process for Waikato-Tainui. As a JMA partner Waikato-Tainui are fully committed to participating in the development of this district plan and have been supportive of the process throughout.



## Decision Paper for Joint Committee Hui with Waikato District Council

As a co governance partner, Waikato-Tainui would have anticipated some engagement around the hearing process

9. Waikato-Tainui are concerned that this plan process has the potential to continue to be enormously resource hungry. We consider running the hearings process by topic rather than submitter, will result in a doubling of internal and external resource required to present evidence.
10. In considering how to be most efficient with resourcing this process, we support a submitter based approach to reduce the financial burden on all submitters. Ideally, this would mean attending the overview hearing to provide a high-level introduction to the nature of the Waikato Tainui submission, presenting all evidence to the hearings panel on a separate occasion and potentially a third and final attendance to summarise and respond to any further questions that have come out of other submissions.
11. This approach is not uncommon and has occurred at large scale hearings in the region recently, examples include the Waikato Regional Policy Statement and most recently Plan Change 1 (Healthy Rivers) to the Waikato Regional Plan, where submitters were required to attend 3 hearings. This approach would result in greater inclusion by the community in general, not just those organisations that can afford to attend and present at 25 individual hearings. Waikato-Tainui understand that a topic based approach is potentially easier to consider for the hearings panel, but Waikato-Tainui consider that commissioners are capable of making decisions by submitter.
12. In terms of resource required by Waikato-Tainui to participate in the hearings as they are currently proposed, we estimate 199 consultant hours and the same amount of staff hours as requirement for our own preparation and attendance for the hearings. This does not include preparation and appearance by subject matter experts and legal counsel that may be required. This is excessive and in our opinion presents significant barriers to enabling not just ourselves but also hapuu and mana whenua to participate properly in the entire process.

### **Recommendation**

13. It is recommended that the Joint Committee;
  - 13.1. Recieve this report
  - 13.2. Note the concerns of Waikato-Tainui and
  - 13.3. Present our recommendation for a submitter-based approach to the hearings for the District Plan Review to the Hearings Committee for consideration.

### Open Meeting

<b>To</b>	Waikato Raupatu River Trust and Waikato District Council Co-Governance Joint Committee
<b>From</b>	Roger MacCulloch Acting General Manager Service Delivery
<b>Date</b>	14 August 2019
<b>Prepared by</b>	Michelle Smart Senior Property Officer
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	03801/807.00
<b>Report Title</b>	Update on Te Paina (Mercer Domain)

## I. EXECUTIVE SUMMARY

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A report was presented to Council's Infrastructure Committee in November 2018.

That report, in part, arose in response to a request from Waikato-Tainui in respect of Te Paina, being a paa site established by Princess Te Puea, and also in part arose in response to residents' concerns regarding the current and possible future use of the Reserve.

In December 2018 Council resolved that the resolutions be released into open meeting and the report be made available.

Refer Attachment I: Mercer Domain Report

Council resolved:

- i. *“to inform the Mercer community of the intention to relinquish control and management of Allotment 136 Parish of Koheroa (“Te Paina”) due to the historic significance of this land to Maaori and that the role of kaitiaki best resides with local iwi, and to seek the proceeds be made available to Council for the acquisition or development of reserves for the benefit of the Mercer community” - (WDC1812/40);*
- ii. *“to consult with the Mercer community over the intention to proceed to have part Allotment 139 Parish of Koheroa and Koheroa 90B Block classified as recreation reserve; then prepare in conjunction with the Mercer community, a Reserve Management Plan under the Reserves Act 1977” - (WDC1812/41);*
- iii. *“that pursuant to the provisions of s.28(2) of the Reserves Act 1977 Council request the Minister of Conservation to revoke the appointment of the Waikato District Council to control and manage that part that part of the Mercer Recreation Reserve (also known as the Mercer Domain) legally described as Allotment 136 Parish of Koheroa comprising 25.8999 hectares;*



*to advise the Minister of Conservation that this request is made because of the historic significance this land has to Maaori and that Council consider that the role of kaitiaki best resides with local iwi;*

*that in terms of the letter dated 25 August 2014 from the Minister of Conservation to the Mayor, Council makes application to the Crown for any proceeds derived from the disposal of Allotment 136, to be made available to Council for the acquisition or development of reserves for recreation or amenity purposes for the benefit of the Mercer community;*

*that pursuant to the provisions of s.16 of the Reserves Act 1977 Council requests the Minister of Conservation to classify part Allotment 139 Parish of Koheroa and Koheroa 902B Block as recreation reserve;*

*to request the Minister, exercising the provisions of s.26 of the Reserves Act 1977, to vest part Allotment 139 Parish of Koheroa and Koheroa 90B Block in Council as recreation reserve, subject to Council arranging a plan of survey to define the balance of Allotment 139 Parish of Koheroa;*

*that pursuant to the provisions of s.41 of the Reserves Act 1977 and to the delegation from the Minister of Conservation dated 12 June 2013, Council authorises production of a Reserve Management Plan for the reduced area of the Mercer Domain” - (WDC 1812/42). (Refer Attachment 2: Resolutions WDC 1812/40; 1812/41; 1812/42).*

In December 2018, a meeting was held with the community representatives to inform them of Council’s intentions.

In early March 2019, staff belatedly became aware of the Deed of Settlement between the Crown and Ngaati Tamaoho, and specifically that the Deed of Settlement identifies that the Crown offers a statutory acknowledgment over certain lands including part Mercer Domain Recreation Reserve (Te Pou o Mangatawhiri); which is the reason why the Council report is silent on the issue of the Deed of Settlement. (Refer Attachment 3: Deed of Settlement between the Crown and Ngaati Tamaoho).

In late June 2019, staff met with the Chair and Chief Executive of Ngaati Tamaoho. The purpose of that discussion was to advise of the Council recommendations in respect Allotment 136 Parish of Koheroa, and of the intention to approach the Department of Conservation.

While Council was not aware of the Deed of Settlement when approving resolutions WDC 1812/40, 1812/41 and 1812/42, the resolutions do not require alteration or amendment.

Instead Council intends to draw the Department of Conservation’s attention to the Deed of Settlement between the Crown and Ngaati Tamaoho.

Staff will shortly commence the Reserve Management Plan process. This process provides for two separate rounds of public notification, the first calls for submissions to enable the development of a draft Reserve Management Plan; and the second will seek submissions on the draft Reserve Management Plan.

## **2. RECOMMENDATION**

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**THAT** the report from the **Acting General Manager Service Delivery** be received.

## **3. ATTACHMENTS**

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- A December 2018 Council Report: Mercer Domain
- B Resolution WDC 1812/40; 1812/41; 1812/42
- C Summary of Deed of Settlement between the Crown and Ngaati Tamaoho

## ATTACHMENT A

**Public Excluded**

<b>To</b>	Infrastructure Committee
<b>From</b>	Ian Cathcart General Manager Service Delivery
<b>Date</b>	16 November 2018
<b>Prepared by</b>	Michelle Smart Property Officer
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	INF2018; 03801/807.00
<b>Report Title</b>	Mercer Domain

This resolution is made in reliance on section 48(1)(a) and 48(2)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by sections 6 or 7 of that Act which would be prejudiced by the holding of the whole or the relevant part(s) of the proceedings of the meeting in public are as follows:

Reason for passing this resolution	Ground(s) under section 48(1) for the passing of this resolution
Good reason to withhold exists under section 7(2):	Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds:
<p>(f) maintain the effective conduct of public affairs through—</p> <p>(i) the free and frank expression of opinions by or between or to members or officers or employees of any local authority, or any persons to whom section 2(5) applies, in the course of their duty;</p> <p>(ii) the protection of such members, officers, employees, and persons from improper pressure or harassment;</p> <p>(j) prevent the disclosure or use of official information for improper gain or improper advantage.</p>	(d) that the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.

Released into Open Meeting WDC18/12/40 - 42

## **I. EXECUTIVE SUMMARY**

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The Mercer Domain is a Crown owned, Council administered reserve which currently comprises an area of approximately 39.5625 hectares.

The reserve is comprised of a number of parcels of land, one of which is of such historic significance to Maaori, that this report recommends that a request be made to the Minister of Conservation that Council's appointment to control and manage that portion of the reserve be revoked, and that guardianship best rests with iwi. This report further recommends that in accordance with a recent Crown policy change, that Council makes a request to the Department of Conservation that the proceeds of sale be made available for the acquisition or development of reserves for recreation or amenity purposes for the benefit of the Mercer community.

This report provides information to highlight a number of complex aspects of this particular reserve, and makes a number of further recommendations to enable community input, and to undertake and complete administrative processes as required by the Reserves Act 1977 to provide for and reflect the sporting and recreational needs of the local community.

## **2. RECOMMENDATION**

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**THAT the report from the General Manager Service Delivery be received;**

**AND THAT pursuant to the provisions of s.28(2) of the Reserves Act 1977 Council request the Minister of Conservation to revoke the appointment of the Waikato District Council to control and manage that part of the Mercer Recreation Reserve (also known as the Mercer Domain) legally described as Allotment 136 Parish of Koheroa comprising 25.8999 hectares;**

**AND FURTHER THAT Council advise the Minister of Conservation that this request is made because of the historic significance this land has to Maaori and that Council consider that the role of Kaitiaki best resides with local iwi;**

**AND FURTHER THAT in terms of the letter dated 25 August 2014 from the Minister of Conservation to the Mayor, Council makes application to the Crown for any proceeds derived from the disposal of Allotment 136, to be made available to Council for the acquisition or development of reserves for recreation or amenity purposes for the benefit of the Mercer community;**

**AND FURTHER THAT pursuant to the provisions of s.16 of the Reserves Act 1977 Council requests the Minister of Conservation to classify part Allotment 139 Parish of Koheroa and Koheroa 90B Block as recreation reserve;**

**AND FURTHER THAT the Council request the Minister, exercising the provisions of s.26 of the Reserves Act 1977, to vest part Allotment 139 Parish of Koheroa and Koheroa 90B Block in Council as recreation reserve, subject to Council arranging a plan of survey to define the balance of part Allotment 139 Parish of Koheroa;**

**AND FURTHER THAT pursuant to the provisions of s.41 of the Reserves Act 1977 and to the delegation from the Minister of Conservation date 12 June 2013,**

**Council authorises production of a Reserve Management Plan for the reduced area of the Mercer Domain;**

**AND FURTHER THAT pursuant to the provisions of s.12 and s.14 of the Local Government Act 2002, Council resolves to call a public meeting in Mercer (chaired by the Mayor and accompanied by the Ward Councillor) to enable:**

- i. **Local people to re-elect an ad hoc domain committee; and**
- ii. **To inform the local people that Council is to return Allotment 136 Parish of Koheroa to the Crown because the land is of such historical significance to Maaori, development for recreation purposes by local government is not appropriate.**

### **3. BACKGROUND**

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The Mercer Recreation Reserve, commonly known as the Mercer Domain (“Mercer Domain”), comprises approximately 39.5625 hectares (subject to survey) and is the area of land bounded by the Mangatawhiri Stream to the north, the Waikato Expressway to the East, Kimikimi Road to the south, and the Waikato River to the west (Refer Attachment 1: Location Diagram).

The Mercer Domain comprises a number of land parcels legally described as Allotment 136 Parish of Koheroa containing approximately 25.8999 hectares; part Allotment 139 Parish of Koheroa containing approximately 8.7482 hectares and Koheroa 90B Block containing 4.9144 hectares. These parcels are numbered 3, 4 and 1 respectively on Attachment 1. Further detail on the land parcels is provided in s 4.1 of this report.

Allotment 136 and part Allotment 139 Parish of Koheroa are Crown owned land, derived from the Confiscation. Waikato District Council holds an appointment to control and manage the reserve, pending its classification as a reserve (according to its primary or principle use).

In April 1941, Koheroa 90B Block was purchased by the Mercer Town Board for the purposes of a recreation ground. The land was transferred, by way of Gift, from the Mercer Town Board to Her Majesty the Queen. The (now) Waikato District Council has an appointment to control and manage as an unclassified recreation reserve.

Koheroa 90A Block is in private ownership and this parcel of land does not form part of the Mercer Domain. This parcel is numbered 2 on Attachment 1.

Allotment 136 Parish of Koheroa is a site of historical significance to Maaori. At least part of the site was part of the area that formerly comprised the (pre-European) Mangatawhiri Paa site. The site has significant links to the New Zealand Land Wars (the crossing of the stream signalling the commencement of the Land Wars).

It is also the site of a later Paa known as Te Paina, established by Princess Te Puea. In 1917, during World War I, Te Paina was the site from which Maaori were arrested and imprisoned to Mt Eden Gaol for passive resistance to conscription.

Franklin District Council (“FDC”) records show much of Allotment 136 Parish of Koheroa comprises an urupa, paa and heritage area. The proposed District Plan shows the whole of Allotment 136 Parish of Koheroa is identified as a Maaori Area of Significance [SS 73].



## 4. DISCUSSION AND ANALYSIS OF OPTIONS

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### 4.1 DISCUSSION

The Mercer Domain is a complex site with historical significance. Past confusion about the land status, and which agencies or committees administer various parcels has unfortunately led to a situation where the reserve has not been actively managed or utilised, with the land falling into decline. Since at least 1989 there have been competing and conflicting views within the community about the current and future use of the reserve, and this to a large degree has impacted upon the production of a Reserve Management Plan (“RMP”).

#### 4.1.1 Land Parcels and Land Status:

The area known as the Mercer Domain comprises a number of separate land parcels:

##### (i) Koheroa 90B Block (held in Certificate of Title NA399/204)

This site was purchased by the Mercer Town Board from Te Puea Iwikau (also known as Te Puea Herangi, or Princess Te Puea) on 4 April 1941, for the purposes of a recreation ground. The land was transferred by way of Gift, from the Mercer Town Board to Her Majesty the Queen (“the Crown”). The (now) Waikato District Council has an appointment to control and manage as an unclassified recreation reserve.

CT NA 399/204 is subject to s.11 Waikato Raupatu Claims Settlement Act 1995.

##### (ii) Allotment 136 Parish of Koheroa

This parcel of land is held in fee simple as a recreation reserve subject to the Reserves Act 1977.

Waikato District Council has an appointment to control and manage as a recreation reserve, under the provisions of the Reserves Act 1977, pending its classification as a reserve (under s.16 Reserves Act 1977).

This parcel of land is confiscated land.

##### (iii) Part Allotment 139 Parish of Koheroa

This parcel of land is held in fee simple as a recreation reserve subject to the Reserves Act 1977.

Waikato District Council has an appointment to control and manage as a recreation reserve, under the provisions of the Reserves Act 1977, pending its classification as a reserve (under s.16 Reserves Act 1977).

This parcel of land is confiscated land.

**(iv) Koheroa 90A Block** (held in Certificate of Title NA 52B/1075) is privately owned, and does not form part of the Mercer Domain.

#### 4.1.3 Reserves Act 1977

Council’s actions in respect of the Domain are governed by the Reserves Act 1977.

It is requirement of the Reserves Act 1977 that all classified recreation reserve have a RMP which contemplates the activities that are to occur on the reserve within the next ten years without the requirement for further public notification.

Community input is sought through a public submission and notification process. Provided that current and proposed future occupations (tenancies) are identified in the RMP, leases and licences are able to be formally progressed. If the occupations are not signalled in the RMP, a separate notification and submission process is required to be undertaken.

A RMP has not been progressed, primarily as a direct consequence of the competing and conflicting issues raised by sections of the community, which have consumed significant amounts of staff time to investigate.

#### 4.1.4 Committees and jurisdiction

(i) Mercer Recreation Reserve Committee:

A Reserve Committee of Management, known as the Mercer Recreation Reserve Committee, is in existence which stems back in time to the original acquisition of Koheroa 90B Block by the Mercer Town Board (a Council predecessor) for the purposes of a recreation ground.

Reserve Committees are intended to provide general guidance and support the Council in the management of the reserve. Council endeavours to prepare RMP's in connection with the Committee and local people, to provide clear guidelines for the maintenance and the development of the reserve in terms of the overall District goals.

It is intended that Leases and Licences are negotiated jointly by Council and the Committee (that is to say: lease are not solely at the discretion of the Committee).

(ii) Mercer Residents and Ratepayers Association:

There is also in existence an independent committee known as the Mercer Residents and Ratepayers Association, this is not a Committee of Council.

#### 4.1.4 Joint Management Agreement

On 23 March 2010, Council entered into a Joint Management Agreement (JMA) with Waikato-Tainui Te Kauhanganui Incorporated in its capacity as trustee of the Waikato Raupatu River Trust ("Waikato-Tainui"). This agreement arose from the provisions of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and affirmed the commitment between Waikato-Tainui and the 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 an enhanced relationship between Waikato-Tainui and the Waikato District Council on areas of common interest.

The JMA provided for a number of Schedules which the parties agreed to develop in order to outline the process for engagement to achieve the purpose, principles and objectives of the Agreement.

Schedule D was not mandatory under the legislation and was added to the JMA following agreement between Council and Waikato-Tainui that early engagement and enhanced discussion in matters relating to land management, acquisition and disposal would be of benefit to the parties and community.

Schedule D was developed by the parties and adopted by Council in January 2013 for inclusion into the JMA. This schedule essentially acknowledges that the parties agreed they wish to collaborate on matters relating to the Waikato Raupatu Claims Settlement Act 1995 (the Land Settlement Act) which fall outside the scope of the River Settlement Act, and that they wish to use the administrative framework of the existing JMA, including the Joint Committee established under the JMA, for the purposes of working together in respect of matters described in the Schedule. These matters include the recognition of the Right of First Refusal ("RFR") obligations and management or **disposal of land derived from the Crown** (*emphasis added*).

Pursuant to ss.11-17 of the Land Settlement Act, Waikato-Tainui has a RFR over specified Crown Land.

It has been noted that the RFR was included in the Land Settlement Act to recognise the iwi's objective to restore its tribal estate. This is encompassed in the whakataukii (proverb) "*I riro whenua atu, me hoki whenua mai*" (as the land is taken so land shall be returned).

RFR means that, prior to the disposal of any Crown land, the Crown must first offer to sell the Crown Land to the landholding trustee on specified terms.

Under Clause 15 of Schedule D, the parties acknowledge that the Land Settlement Act does not impose any responsibility or obligations on the Council in regards to the ownership of the Crown land which is subject to RFR and the responsibilities and obligations established by the Act belong to the Crown and Waikato-Tainui (including the land holding trustee). However, under Clause 16 of Schedule D, the **Council acknowledges that Waikato-Tainui wishes to be consulted in respect of the management of all Crown land administered by the Council or under its control, and agrees to consult with Waikato-Tainui for the purposes of assisting it in determining the appropriate management of such land** (*emphasis added*).

To achieve these objectives, the Schedule provides a series of actions including that the parties meet with each other annually in July, to discuss and consult on the matters described in the Schedule.

Council has a number of statutory obligations associated with its management of Crown derived reserves under the Reserves Act 1977 including the development of RMP and the leasing of land, buildings and facilities.

Waikato-Tainui have previously expressed an opinion that long term leases represent an alienation of land in that their opportunity to secure the return of the land through the RFR mechanism is being avoided, and, in the absence of any specific guidance in Schedule D to the JMA, have in the past declined to offer their approval or support towards the provision of some new leases/lease renewals.

Council received a series of reports titled "*Status of Crown derived property administered by Waikato District Council*" presented in October 2013, May and August 2014 and February 2015. Through those reports it was agreed that any land subject to the Reserves Act 1977 to which an RFR has been identified, will form part of the ongoing work programme in

relation to Schedule D. It was further accepted that for those properties in Council ownership or possession to which no RFR applies, Council will be in a firm position to proceed with its statutory obligations under the Reserves Act 1977, specifically to prepare Reserve Management Plans and to proceed with the leasing process. The reports also specifically noted that if a parcel of land is subject to the RFR this does not necessarily interfere with the current use of that land e.g. sporting purposes. It was envisaged that the use of the land would continue as per its identified use in the relevant RMP, although management of the reserve could be considered through a co-management committee or board involving Waikato-Tainui.

Where land is subject to the Reserves Act 1977 only upon the formal revocation of the reserve status would the land become Crown land, and for Waikato-Tainui any land that lies within the Claim area, the RFR would apply in the event that the land is disposed of by the Crown.

#### **4.1.5 Report to the Joint Management Committee**

In response to repeated interest enquiries made to the Pouhono Iwi ki te Haapori (Council's Iwi & Community Partnership Manager) a memorandum report was provided to the October 2017 meeting of the Joint Management Committee (Refer Attachment 2: JMA report).

Waikato-Tainui have indicated that Te Paina (Allotment 136 Parish of Koheroa) is of such historical significance that the role of Kaitiaki (guardian) should rest with iwi, which would necessitate that Council make a request that the Minister of Conservation revoke the appointment of Council to control and manage that part of the Mercer Domain. This report makes recommendations to that effect (Refer Attachment 3: Extract from NZHistory - "resistance to conscription").

Should the recommendations of this report be approved, it will be necessary that Council works with the Department of Conservation to legalise an extension of unformed Riverbank Road to ensure that Allotment 136 Parish of Koheroa has legal road frontage (that is to say; that parcel of land is not left landlocked).

#### **4.1.7 Minister's advice to His Worship the Mayor**

In August 2015, the Minister of Conservation advised His Worship the Mayor of a change to policy that applies to the proceeds from the disposal of Crown reserve land, when a territorial local authority decides that the reserve land is no longer required for reserve purposes, provided that the proceeds are applied to the acquisition or development of reserves for recreation or amenity purposes for the benefit of the local community (Refer Attachment 4: Letter from the Office of the Minister of Conservation (dated 25/8/2014).

#### **4.1.8 Tenancies and Occupations**

A lot of folklore has built up over time about the areas of land within the Mercer Domain; there has been some confusion about which agencies or committees administer various parcels and this unfortunately has led to a situation where the reserve has not been actively managed or utilised, with the land falling into decline.

To be able to progress an RMP, the former FDC had made attempts to classify the Reserve, however competing community views as to the appropriate reserve classification saw the process stall.

FDC had received past proposals to create a jet boat sprint course on the reserve; and there was also an abandoned requested to create “tourist marae” to generate funds for community use. Despite FDC providing extensive support to facilitate an outcome, the files suggest that lack of support saw the community abandon this proposal.

#### **4.1.8 (i) ARA treatment plant building situated on Koheroa 90B Block.**

The leases to formalise the existing occupations of this building, including that of the Grand Lodge of New Zealand, are unable to be progressed pending the preparation of an RMP.

#### **4.1.8. (ii) Abandoned occupation of Franklin District Pony Club**

The Franklin District Pony Club in effect abandoned the lease of Allotment 136 Parish of Koheroa sometime in 2012.

#### **4.1.8 (iii) Pukekohe Motorcycle Club**

Staff are aware that there is a view within some sections of the community that the Pukekohe Motorcycle Club’s (“the Club”) occupation of part Allotment 139 Parish of Koheroa is “illegal”.

The Residents and Ratepayers Association Chairperson has in recent times voiced his concerns directly to His Worship the Mayor regarding the Club’s occupation and use of the reserve.

The FDC files have been reviewed, and as a result staff have established that the Club has been in occupation since 1990, with the full knowledge of FDC (and updates were provided by the Ward Councillor who regularly attended and fully participated in the Mercer Recreation Reserve Committee).

A review of the file indicates that following a community survey (circa 2010) there was a clear intent that a lease (for a term of 10 years from May 2010) be granted to the Club (and this intention was also confirmed by email by the then Council Parks and Facilities Manager), and further that the Motorcycle Club was to be represented on the Reserve Committee, along with a delegated elected District Councillor.

Under the Operative District Plan, provided that the Club does not have more than 6 events in a year, there is no requirement for them to have a Resource Consent.

At the request of staff, the Club engaged a suitably qualified acoustic engineer who took noise readings from the Village (Koheroa Road) and found no breach of the District Plan noise rules.

Staff are given to understand that, despite claims to the contrary, the Club do not prevent community access. However, because of the obligations in respect of public Health and Safety the track itself is fenced off, and this is also intended to restrict unauthorised use of the track (which has been a concern raised through the Residents and Ratepayers Association in the past).

As there is no RMP in place for the Mercer Domain which contemplates the current and future use of the reserve, the process to formalise the occupation would involve a process



of public notification (under ss.119-120 Reserves Act) calling for objections and submissions to the proposal.

The Club accepts that a public notification process may ultimately result in objections that see them needing to vacate the site.

## 4.2 OPTIONS

### **Option 1: Council can approve the recommendations of this report.**

Allotment 136 Parish of Koheroa is a defined land parcel which can be dealt with independently.

In respect of Allotment 136 Parish of Koheroa Council need only pass the relevant resolutions to set a clear course to enable the return of the confiscated land to the guardianship of local iwi.

As previously detailed, Koheroa 90B Block was purchased by a Council predecessor (the Mercer Town Board) for the purposes of a recreation ground, and that parcel, along with part Allotment 139 Parish of Koheroa should be properly established as the Mercer Domain, which necessitates that cadastral survey and administrative matters be attended to.

This option is recommended.

### **Option 2: Council can decline the recommendations of this report.**

There has been uncertainty over the land for over 30 years, and continuing uncertainty adversely impacts on the potential use and development of the reserve.

Classification of the reserve is a necessary administrative step to enable the preparation of an RMP. An RMP, developed to reflect the sporting and recreational objectives of the local community, would provide certainty with regard to intended future use, and in turn those occupations can be formalised by lease or licence.

This option is not recommended.

## 5. CONSIDERATION

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### 5.1 FINANCIAL

Council's current Leasing Policy provides that unless the applicant qualifies as an incorporated society or charitable trust for a concessional (peppercorn) rental, that lease is to be on commercial terms with the rent to be established by way of market valuation obtained by Council.

As previously detailed in s4.1.7 of this report, there was a change to Department of Conservation policy that enables Council's to make application to for all or part of the proceeds from the disposal of Crown reserve land (when that reserve land is no longer required for reserve purposes), provided that the proceeds are applied to the acquisition or

development of reserves for recreation or amenity purposes for the benefit of the local community.

## 5.2 LEGAL

Part 3 of the Reserves Act 1977 (“the Act”) provides for the classification and management of reserves:

- S.17 of the Act provides for the classification of reserves, to reflect the primary or principle purpose;
- S.28 of the Act provides for the appointment of a local authority to control and manage a reserve;
- S.41 of the Act specifies that it is a function of an administering body of a recreation reserve to prepare a Reserve Management Plan;
- S.53 of the Act provides powers (other than leasing) in respect of recreation reserves;
- S.54 of the Act provides leasing powers in respect of recreation reserves.

## 5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

Land management, acquisition and disposal, are matters that fall outside the scope of a JMA made under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 1995 (Land Settlement Act).

There is no statutory basis for matters relating to the Land Settlement Act to be included in the JMA, nor does the Land Settlement Act impose any responsibility or obligations on the Council. However, the Council and Waikato-Tainui have agreed that early engagement and enhanced discussion on matters relating to land management, acquisition and disposal would be of benefit to the parties and the community and provision for this has been included in the JMA in the form of Schedule D.

Te Paina (Allotment 136 Parish of Koheroa) has been identified by Waikato-Tainui to be a site of such historical significance, that the Councils appointment to control and manage the site as a reserve should be revoked and that the land should return to the guardianship of iwi.

The target level of service for neighbourhood parks provision is that residents within an urban area live within a 500m radius of a park, and provides a provision ratio of 1.5 hectares per 1000 residents.

The population projections anticipate growth in the Mercer Township to remain relatively static at around 170 residents.

The Parks Strategy further identifies that sport and recreation parks are intended to meet local community needs for sports fields and facilities. Sports parks should be of a size that accommodates at least two full size winter fields (approximate dimension 130m x 80m each, equal to approximately one hectare per winter field) and provide suitable land for onsite car parking, facility development and an off field training ground. This equates to a minimum parcel of land of 5 hectares.

Should the recommendations of this report be approved, an area of approximately 10.6626 hectares (subject to survey) will remain within the reduced area of the Mercer Domain.

## 5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

The Significance and Engagement Policy provides at Schedule I a list of Waikato District Council's strategic assets, which identifies reserves listed and managed under the Reserves Act 1977 to be strategic assets.

The Policy requires Council to take into account the degree of importance and determine the appropriate level of engagement, as assessed by the local authority, of the issue, proposal, decision or matter, in terms of the likely impact on and consequence for:

- (a) The District or region;
- (b) Any persons who are likely to be particularly affected by, or interested in to issue, proposal, decision or matter;
- (c) The capacity of the local authority to perform its role and the financial and other costs of doing so.

Council holds an appointment to control and manage the Mercer Domain, which necessitates that Council take a leadership role to prevent indecision about current and future use. This in turn should assist to reduce stress on the local community and halt the decline in the condition of the land, and enable the use and development to reflect the sporting and recreational needs of the local community.

It is a recommendation of this report that Council resolves to call a public meeting in Mercer (chaired by the Mayor and accompanied by the Ward Councillor) to enable:

- i. local people to re-elect an ad hoc domain committee and
- ii. to inform the local people that Council is to return Allotment 136 Parish of Koheroa to the Crown because the land is of such historical significance to Maaori, that development for recreation purposes by local government is not appropriate.

## 6. CONCLUSION

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The Mercer Domain is a complex site with a number of longstanding matters that need to be resolved, including passing the guardianship of Te Paina to iwi.

Undertaking the necessary administrative steps to classify the reserve and to prepare a Reserve Management, will provide certainty with regard to the intended future use and development to reflect the sporting and recreational needs of the local community. This in turn will enable occupations and tenancies, as contemplated in the Reserve Management Plan, to be formalised by way of lease or licence documentation.

## 7. ATTACHMENTS

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Attachment 1 Location Diagram.

Attachment 2 JMA Report (Oct 2017).

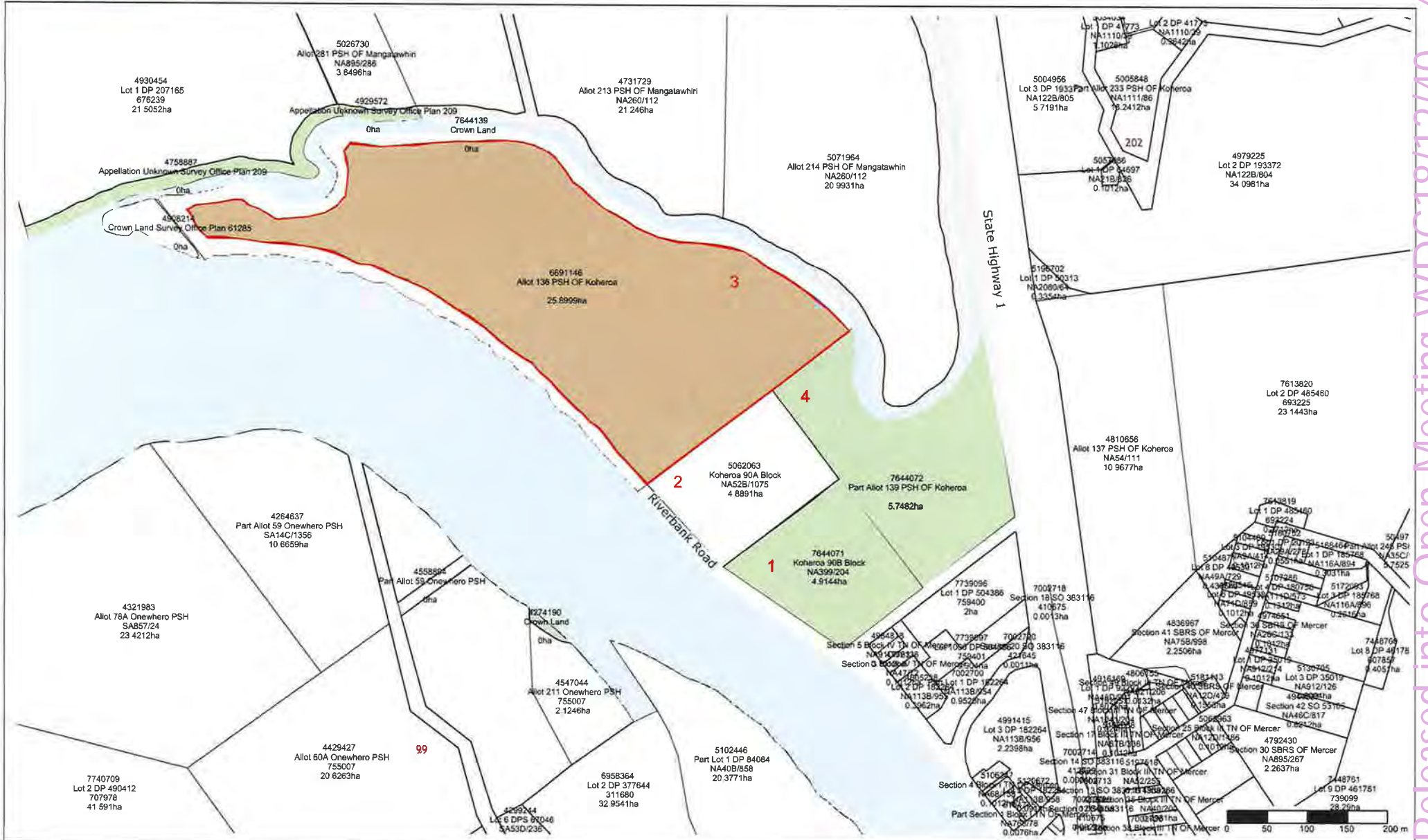
Attachment 3 Extract from NZHistory "*resistance to conscription*".

Attachment 4 Letter from the Office of the Minister of Conservation (dated 25/8/2014).



Mercer Domain

Waikato District Council does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that WDC shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information



Released into Open Meeting WDC18/12/40 - 42

**MEMORANDUM**

To	Joint Management Committee
From	Michelle Smart - Property Officer
Subject	Mercer Domain /Te Paina
File	03801/807.00
Date	24 October 2017

**Te Paina**

The extent of the actual area that comprised Te Paina is not known at this time. It is likely that Te Paina encompassed at least some of the area that now forms that area known as the Mercer Domain.

It is thought that a LINZ accredited Land Rights Analyst may be able to assist by reviewing the various public records to establish the area of the historic paa site, as it existed prior to the Land Confiscations ("confiscation area"); the area of confiscated land that came to form all or part of the Domain; the land that comprised Te Paina and whether that extended into the area currently utilised a reserve; and the area that is currently the subject of a Tribunal Claim

**Mercer Domain**

The area known as the Mercer Domain ("the Reserve") comprises a number of separate land parcels (further detail provided under Land Status below)

Waikato District Council holds an appointment to control and manage the Reserve, pending its classification as a reserve.

It is a requirement of the Reserves Act 1977 ("the Act") that all classified recreation reserves have a Reserve Management Plan ("RMP") to indicate the current and intended future use of the reserve. Community input is sought through a public submission and notification process. Provided that current and proposed future occupations (tenancies) are identified in the RMP, leases and licences are able to be formally progressed. If the occupation is not signalled in the RMP a separate notification and submission process is required to be undertaken.

A Reserve Committee of Management, known as the Mercer Recreation Reserve Committee is in existence. Reserve Committees are intended to provide general guidance and support to the Council in the management of the reserve. Council endeavours to prepare Reserve Management Plans in conjunction with the Committee and local people, to provide clear guidelines for the maintenance and the development of the reserve in terms of the overall District goals.

It is intended that Leases and Licences are negotiated jointly by Council and the Committee (that is to say: leases are not to be solely at the discretion of the Committee).



To be able progress a RMP, the former Franklin District Council ("FDC") had made attempts to classify the Reserve, however competing community views as to the appropriate reserve classification saw that process stall.

The existing reserve tenants, and specifically the Pukekohe Motorcycle Club ("the Club"), are keen to obtain leases or licences users, to achieve security of tenure. Some groups within the local community have in recent times voiced their concerns regarding the Club's occupation and use of the reserve.

The FDC files have recently been reviewed, as a result staff have established that the Club has been in occupation since 1990, with the full knowledge of FDC( and updates were provided by the Ward Councillor) and that the Motorcycle Club regularly attended and fully participated in the Mercer Recreation Reserve Committee.

The possible next steps are to confirm the extent of the area:

1. that comprised the Paa site, prior to the Confiscation
2. of confiscated land that came to form the Domain
3. of land that comprised Te Paina ( and whether that extended into the area currently utilised a reserve)
4. that is currently the subject of a Tribunal Claim

For any reserve area that falls outside the areas identified in 1-4 above, from a Council reserve management perspective:

5. The areas that are formally intended to comprise the reserve are required to be classified under s16 of the Act (by resolution of Council)
6. A Reserve Management Plan is to be prepared for adoption by Council
7. Leases and Licences are to be put in place for all tenancies

Please note that the Act prescribes processes that are to be followed for 5-7 above.

#### **Land Status:**

##### **Koheroa 90B Block** (held in Certificate of Title NA399/204):

This site was purchased by the Mercer Town Board from Te Paea Iwikau on 4 April 1941, for the purposes of a recreation ground. The land was transferred by way of Gift, from the Mercer Town Board to HMQ. The (now) Waikato District Council has an appointment to control and manage as an unclassified Recreation reserve.

##### **Allotment 136 Parish of Koheroa:**

This parcel of land is held in fee simple as a recreation reserve subject to the Reserves Act 1977.

Waikato District Council has an appointment to control and manage as a recreation reserve, under the provisions of the Reserves Act 1977, pending its classification as a reserve (under s16 Reserves Act 1977)

##### **Part Allotment 139 Parish of Koheroa:**

This parcel of land is held in fee simple as a recreation reserve subject to the Reserves Act 1977.

Waikato District Council has an appointment to control and manage as a recreation reserve, under the provisions of the Reserves Act 1977, pending its classification as a reserve (under s16 Reserves Act 1977)

**Koheroa 90A Block** (held in Certificate of Title NA 52B/1075) is privately owned, and does not form part of the Mercer Domain.

# Archived pages

## Page 2 – Resistance to conscription

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You are viewing an archived version of this page. For the latest version [click here](#).

### For whose 'King and Country'?

In his recruitment waiata, 'Te ope tuatahi', Ngata made it clear that the replacement recruits that he and his colleagues had raised had come from Te Arawa and the East Coast tribes of Te Aitanga-a-Māhaki, Te Aitanga-a-Hauiti, Ngāti Porou and Ngāti Kahungunu. These were all tribes noted for their loyalty to the Crown. Their tribal elders were influenced by ideals of patriotic service and the obligations of citizenship inherent in their ancestors' signed commitment to the Treaty of Waitangi. Naming them was an expression of honour and also an implied criticism of those not mentioned.

Those Māori who had not responded to the call to fight for 'King and Country' were largely from Taranaki and Tainui–Waikato. Their absence reflected the events of the 1860s when their land had been confiscated as punishment for being in so-called rebellion against the British Crown. The important Waikato leader Te Paea Herangi was guided by the words of her grandfather King Tāwhiao. After he had finally made his peace with the Crown in 1881, he forbade Waikato to take up arms again:

Listen, listen, the sky above, the earth below, and all the people assembled here. The killing of men must stop; the destruction of land must stop. I shall bury my patu in the earth and it shall not rise again ... Waikato, lie down. Do not allow blood to flow from this time on.

Te Paea and others in the Waikato took this as an injunction never to fight again. Te Paea was also of the view that Waikato had 'its own King' and didn't need to 'fight for the British King'. If land that had been confiscated (when Waikato had fought for their king) in the 1860s was returned, then perhaps Waikato might reconsider its position.

In 1917 in response to questions about Māori involvement in the war, the Māori King, Te Rata, had adopted a position that it was a matter of individual choice and that no one should be forced to serve.

Attitudes like these deeply embarrassed Maui Pomare, the MP for Western Maori and chairman of the Native Contingent Committee, as these iwi were in his electorate.

Of the 314 recruits who sailed for Europe with the third draft of the native contingent in February 1916, only 111 were Māori. The rest were volunteers from Niue, Rarotonga, and the Gilbert and Ellice Islands. Pomare attempted to invoke the will of Tu-mata-uenga (the god of war) and appealed to a sense of utu in encouraging Māori to enlist. These attempts fell largely on deaf ears.

In 1916 conscription for military service was introduced to maintain New Zealand's supply of reinforcements. The Military Service Act 1916 initially imposed conscription on Pākehā only. Pomare wanted it applied to Māori. His wish was granted in June 1917 when the failure of the Native Contingent Committee to meet its reinforcement quotas (150 men every four weeks) saw the act extended to Māori. The conscription issue brought Māori opposition to participation in the war to a head.

#### Waikato resistance

As Waikato was seen as the centre of opposition to Māori participation, conscription was only imposed on Māori from Tainui–Waikato. It was also argued that other iwi had 'done their bit'. The Waikato leader, Te Puea Herangi, supported those men who resisted conscription by gathering them up at Te Paina, a pā she had rebuilt at Mangatāwhiri. Her stance attracted a lot of hostility from other Māori and Pākehā who accused her of being a German sympathiser.

Those Waikato men who refused to report for training when balloted in 1918 were arrested and taken to Narrow Neck training camp at Auckland. Any who refused to wear the army uniform were subjected to severe military punishments, including 'dietary punishments' (being fed only bread and water) and being supplied with minimal bedding.

Only a handful of the Tainui conscripts were ever put into uniform and none were sent overseas. By 1919 only 74 Māori conscripts had gone to camp out of a total of 552 men called. The imposition of conscription on the Waikato people had long-lasting effects, and the breach it caused was probably only restored with the Tainui Treaty settlement in 1995.

# Māori and the First World War

## Page 3 – Māori objection to conscription

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### Māori resistance to conscription

#### Māori Contingent

At the outbreak of war imperial policy did not allow indigenous people to fight in a war among Europeans. Permission was eventually granted for a Māori contingent to form part of New Zealand's war effort. A Native Contingent Committee co-ordinated Māori recruitment. The four Māori MPs, especially Āpirana Ngata and Māui Pōmare, were key members of this committee.

The Native Contingent Committee set itself a quota of 150 recruits every four weeks. Achieving this soon became a struggle. Only one man in three of the second and third drafts, which sailed in September 1915 and February 1916 respectively, were Māori – the rest were mostly Niueans and Rarotongans.

#### 'We have our own King'

A significant sector of the Māori community did not support the Native Contingent Committee. Many Māori from Taranaki and Tainui-Waikato resisted the call to fight for 'King and Country'. Their land had been confiscated in the 1860s as punishment for 'rebellion' against the British Crown. Why should they now be expected to fight for the British?

Kīngitanga leader Te Puea Hērangi maintained that her grandfather, King Tāwhiao, had forbidden Waikato from taking up arms again when he made peace with the Crown in 1881. She was determined to uphold his call to Waikato to 'lie down' and 'not allow blood to flow from this time on'. Te Puea maintained that Waikato had 'its own King' and had no need to 'fight for the British King'. If the confiscated land was returned, Waikato might reconsider its position.

#### Māori blood cries out for utu

The attempt to meet the recruiting quota saw some members of the Native Contingent Committee – and the government – try to shame Māori into participation. Ngata claimed that every letter he received from soldiers at the front asked for more reinforcements. His waiata 'Te Ope Tuatahi' praised

those iwi who had already contributed and drew attention to those who had not.

Visiting Waahi pā (near Huntly) in November 1916, Defence Minister James Allen urged Waikato Māori to 'save New Zealand from the fate of Belgium, and their women from being the sport of German bayonets ... If you fail now you and your tribes can never rest in honour in the days to come'.

Conscription extended to Māori

When conscription for military service was introduced in 1916 it was initially imposed on Pākehā only. Pōmare and Ngata wanted it applied to Māori as a matter of self-respect. Māori blood had been spilt overseas, and Māori had a duty to respond; utu was required.

Having failed to persuade Waikato, Allen supported the extension of conscription to Māori in June 1917 but decided to apply it to the Waikato–Maniapoto land district only. As other tribes had volunteered and filled the first two contingents, officials thought this only fair. Allen knew that this was the heartland of the resistance. The inclusion of Ngāti Maniapoto caused outrage, as their rate of enlistment was much higher than that of Pōmare's own Taranaki people, who were excluded from the ballot. There was a feeling that Pōmare was taking revenge on Ngāti Maniapoto–Waikato for the defeats Taranaki had suffered at their hands in the 19th century.

To make matters worse, the government compiled the register for the ballot using information that had been gathered in complete confidence at the 1916 census. This violation of the law was apparently agreed to by the Māori MPs.

Waikato resist

When Te Puea offered refuge at Te Paina pā (Mangatāwhiri) to men who chose to ignore the ballot, Waikato were denounced as 'seditious traitors'. The revelation that Te Puea's grandfather had a German surname – Searancke – seemed to confirm her status as a 'German sympathiser'. Te Puea pointed out that the Searanckes were at least four generations removed from their German origins and that the British royal family itself was German.

Colonel Patterson of the Auckland Military District wanted Te Puea punished and planned to goad her into making anti-conscription statements in front of reliable witnesses. This would allow her to be prosecuted under the War Regulations for 'inciting men not to enlist'. Others favoured a more cautious approach, fearing such action would simply increase her prestige. The



government knew that under Te Puea's leadership the campaign was at least non-violent. In 1916 two Māori had been shot and killed by police attempting to arrest the Tūhoe leader Rua Kēnana at Maungapōhatu, in part because of his active discouragement of Māori recruitment. The government did not want more bloodshed.

Maui Pōmare advised Allen that those sheltering at Te Paina were 'merely waiting to be taken to jail'. A minimal show of force would suffice.

#### Punishing the objectors

A crowd greeted police when they arrived at Te Paina on 11 June 1918. After being escorted into the meeting house, they read out the names of those who were to be arrested. Nobody moved and Te Puea made it clear that she would not co-operate. The police waded into the crowd and began arresting men they believed to be on their list. Mistakes were made. Te Puea's future husband, 16-year-old Rawiri Katipa, was mistaken for his older brother; a 60-year-old was also arrested. Each of the seven men selected had to be carried out of the meeting house.

King Te Rata's 16-year-old brother, Te Rauangaanga, was also seized. Police caused great offence by stepping over the King's personal flag, which had been protectively laid before Te Rauangaanga. Te Puea intervened, calming the shocked onlookers and blessing those who had been seized. She told the police to let the government know she feared no law, or anything else 'excepting the God of my ancestors'.

The prisoners were taken to the army training camp at Narrow Neck, Auckland. Those who refused to wear uniform were subjected, like other objectors, to severe military punishments, including being fed only bread and water and being supplied with minimal bedding. When this failed to break their resistance, some were sentenced to two years' hard labour at Mount Eden prison.

Te Puea supported those who had been arrested by bringing them food (which never seemed to reach the inmates) and attempting to visit them in prison. She was a source of great inspiration to the prisoners. One of those detained, Mokona, described how Te Puea would sit outside the prison so they could catch a glimpse of her when they went to the toilet. This was enough to make them want to 'invent an excuse to go to the whare mimi. The fact that she was there gave us heart to continue.'

#### Resistance maintained

Maui Pōmare decided to make a direct appeal to Tainui to abandon their resistance. This personal approach failed dismally. The fact that their men were now in prison merely hardened Tainui's resolve. When Pōmare attended a hui at Waahi pā in 1918, he was greeted with abusive haka composed specially for his visit. This culminated in the act of whakapohane (a bare-buttock salute to an unwelcome visitor).

Only a handful of Tainui men were ever put into uniform, and none of them were sent overseas. By 1919 only 74 Māori conscripts had gone to camp out of a total of 552 men called up. When the war ended, the Māori in training were sent home, and all outstanding warrants were cancelled. Deciding what to do with the defaulters in custody was trickier. Despite the military's objections, Cabinet decided in May 1919 to release all Māori prisoners. This decision was never made public because the government was determined not to treat other defaulters so leniently.

The imposition of conscription on Waikato and Ngāti Maniapoto had long-lasting effects. The wounds it caused were probably only healed by the Tainui Treaty settlement in 1995.

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## Office of Hon Dr Nick Smith

MP for Nelson  
 Minister of Housing  
 Minister of Conservation  
 Minister for Building and Construction

**RECEIVED**

17 AUG 2014

**Waikato District Council**

25 August 2014



Allan Sanson  
 Mayor  
 Private Bag 544  
 Ngaruawahia 3742

Dear Allan

I wish to advise you of a change in the policy that applies to the proceeds from the disposal of Crown reserve land.

The Crown has for many years vested land for reserve purposes in territorial authorities, or has appointed them to control and manage reserves. The Crown retains the underlying ownership of this land but ensures that it is managed to reflect the interests of the local community.

If a territorial authority decides that the land is no longer required for a reserve purpose, it is returned to the Crown for possible revocation of the reserve status and disposal. With a limited exception, the proceeds of the sale of such land have been retained by the Crown and applied primarily to the purchase or management of other reserve land, as envisaged by the Reserves Act 1977.

The limited exception arises from a policy I adopted when I was previously the Minister of Conservation. If a local authority carried out an audit of its reserve holdings and proposed the revocation of a small number of reserves that were no longer required, the net proceeds of disposal might be shared with the Crown. The local authority would then be expected to use the money to acquire reserves or covenants to protect natural or historic heritage values. This was to allow local authorities to rationalise their reserve holdings and acquire other areas to protect natural or heritage values.

I have re-assessed this policy and agreed that it should be extended to allow consideration of all or part of the proceeds being applied to the acquisition or development of reserves for recreation or amenity purposes for the benefit of the local community.

It will no longer be necessary for councils to carry out a comprehensive audit of their reserve holdings but they will be expected to ensure that any proposal takes account of community goals and strategies for reserves and open space. This will result in the provision of reserves, or developments on reserves, that provide amenities for the benefit of the community.

Released into Open Meeting WDC18/12/40 - 42

Each case will be assessed on its merits. The impact on the Crown accounts will be taken into account and the Department of Conservation will, as usual, recover its costs. The new policy is summarised in the attached notes.

Please ensure that this change in policy is drawn to the attention of council staff involved in the administration of reserves. Any case should initially be discussed with the Department of Conservation's Permissions and Statutory Land Management teams in Hamilton, Christchurch, Hokitika or Dunedin or with the department's National Office in Wellington.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nick Smith', written in a cursive style.

Nick Smith  
**Minister of Conservation**

## Proceeds From the Disposal of Crown Reserves

The Hon Dr Nick Smith, Minister of Conservation, has revised the policy under which the Crown and territorial authorities may share the net amount available as a result of disposal of revoked Crown reserves.

The revised policy applies to Crown derived reserves which are vested in territorial authorities or reserves held under an appointment to control and manage where the revocation process (for the whole or part of the reserve) is initiated after 1 September 2014.

The revised policy is intended to encourage territorial authorities to:

- Consider the future of Crown reserves that are not fulfilling their intended purpose or any other useful reserve purpose.
- Acquire new property interests in reserves for natural or historic heritage protection or for recreation or other community purposes or to secure access to such areas.
- To also possibly use the proceeds for developments on reserves for recreation or community purposes.

The money available under the policy will generally be shared after taking into account costs and the value of council owned improvements, with each case being considered on its merits.

If considering cases to which the policy may apply it is expected that territorial authorities will take the following matters into account:

- Community goals and strategies for reserves and open space
- Giving priority to acquiring interests in land for reserves purposes that may be identified in District Plans for the protection of significant indigenous vegetation and significant habitats of indigenous fauna or the enhancement of public access to and along the coastal marine area, lakes and rivers (s.6 Resource Management Act), providing the interest serves the purposes in s.3 of the Reserves Act
- Putting each proposed disposal through an analysis that looks at not just the fiscal implications but also the ecological, social and cultural matters that may be relevant to the revocation process
- That reserves (or parts of reserves) with significantly high natural historic or recreation value should be retained

For further advice and comments on the application of the policy in individual cases territorial authorities may seek advice on the application of the policy from the Permissions and Statutory Land Management Managers of the Department of Conservation offices in Hamilton, Christchurch, Hokitika and Dunedin.



**ATTACHMENT B****Section 7(2)(f)(g)(h)(i)(j)****Section 48(1)(a)(d)****CARRIED on the voices****WDC1812/35**

*Resolutions WDC1812/36 – WDC1812/48 are contained in the public excluded section of these minutes.*

Having concluded the public excluded meeting the following items were released into open meeting:

**REPORTS (CONTINUED)****INF1811/12 – Mercer Domain**

It was resolved [*Resolution No WDC1812/40 – 42*] during the public excluded section of the meeting that the following resolutions be released into open meeting:

**'INF1811/12 – Mercer Domain**

*Resolved: (Crs Smith/Thomson)*

*THAT Council inform the Mercer community of the intention to relinquish control and management of Allotment 136 Parish of Koheroa due to the historic significance of this land to Maaori and that the role of kaitiaki best resides with local iwi, and to seek the proceeds be made available to Council for the acquisition or development of reserves for the benefit of the Mercer community;*

*AND THAT the resolution be released into open meeting and the report be made available.*

*CARRIED on a show of hands, 9 voting in FAVOUR, 3 voting AGAINST and 2 Abstentions* **WDC1812/40**

*Resolved: (Crs Sedgwick/Bech)*

*THAT Council consult with the Mercer community over the intention to proceed to have part Allotment 139 Parish of Koheroa and Koheroa 90B Block classified as recreation reserve;*

*AND THAT Council then prepare in conjunction with the Mercer Community, a Reserve Management Plan under the Reserves Act 1977.*

*AND THAT the resolution be released into open meeting and the report be made available.*

**CARRIED on the voices****WDC1812/41**

Resolved: (Crs Fulton/Patterson)

THAT pursuant to the provisions of s.28(2) of the Reserves Act 1977 Council request the Minister of Conservation to revoke the appointment of the Waikato District Council to control and manage that part of the Mercer Recreation Reserve (also known as the Mercer Domain) legally described as Allotment 136 Parish of Koheroa comprising 25.8999 hectares;

AND THAT Council advise the Minister of Conservation that this request is made because of the historic significance this land has to Maaori and that Council consider that the role of Kaitiaki best resides with local iwi;

AND FURTHER THAT in terms of the letter dated 25 August 2014 from the Minister of Conservation to the Mayor, Council makes application to the Crown for any proceeds derived from the disposal of Allotment 136, to be made available to Council for the acquisition or development of reserves for recreation or amenity purposes for the benefit of the Mercer community;

AND FURTHER THAT pursuant to the provisions of s.16 of the Reserves Act 1977 Council requests the Minister of Conservation to classify part Allotment 139 Parish of Koheroa and Koheroa 90B Block as recreation reserve;

AND FURTHER THAT the Council request the Minister, exercising the provisions of s.26 of the Reserves Act 1977, to vest part Allotment 139 Parish of Koheroa and Koheroa 90B Block in Council as recreation reserve, subject to Council arranging a plan of survey to define the balance of part Allotment 139 Parish of Koheroa;

AND FURTHER THAT pursuant to the provisions of s.41 of the Reserves Act 1977 and to the delegation from the Minister of Conservation date 12 June 2013, Council authorises production of a Reserve Management Plan for the reduced area of the Mercer Domain;

AND THAT the resolution be released into open meeting and the report be made available.

CARRIED on the voices

WDC1812/42'

His Worship wished everyone a very Merry Christmas, thanked the Councillors for their co-operation with issues during the year, noting they were a great team to work with.

There being no further business the meeting was declared closed at 4.08pm.

Minutes approved and confirmed this                      day of                      2019.

AM Sanson  
**CHAIRPERSON**



# Deed of Settlement

BETWEEN THE CROWN AND NGĀTI TAMAHOHO

## Background

Ngāti Tamaoho is a Waikato-Tainui hapū and are beneficiaries of both the Waikato Raupatu Claims Settlement Act 1995 (Waikato Raupatu Act) and the Waikato River Settlement Act 2010 (Waikato River Act). Ngāti Tamaoho have three marae represented on Te Kauhanganui (the Waikato-Tainui Parliament).

The Ngāti Tamaoho area of interest includes the Manukau Harbour and extends to Franklin, the Hūnua Ranges, Awhitū Peninsula, the Waikato wetlands, Tikapa Moana (Firth of Thames) and north to central Auckland including Remuera and Ellerslie. Historically the tribe also maintained ancestral connections (through their Ngariki and Ngaiwi antecedents) with the North Shore and Waiheke Island.

In April 2010, the Crown recognised the mandate of the Ngāti Tamaoho Trust (the Trust) to represent Ngāti Tamaoho in negotiating a comprehensive historical Treaty settlement. The Trust and the Crown signed Terms of Negotiation in October 2010. An Agreement in Principle was signed in December 2012.

In June 2012, the Trust established the post-settlement governance entity (PSGE) Ngāti Tamaoho Settlement Trust, to enable effective participation in the Ngā Manawhenua o Tāmaki Makaurau collective Deed of Settlement process. Ngāti Tamaoho signed the Tāmaki Collective Deed on 8 September 2012.

On 9 December 2016, Ngāti Tamaoho and the Crown initialled a Deed of Settlement. The deed was signed on 30 April 2017.

The Office of Treaty Settlements, with the support of the Department of Conservation, Ministry of Justice, Land Information New Zealand, Ministry of Education and other government agencies, represented the Crown in day-to-day negotiations.

## Summary of the historical background to the claims by Ngāti Tamaoho

Prior to 1840, Ngāti Tamaoho rangatira sought to develop commercial relationships with Pākehā settlers by entering into land transactions with them. After Crown-appointed Old Land Commissioners investigated these pre-Treaty transactions, the Crown granted land to Pākehā settlers but retained 400 acres of 'surplus' land in which Ngāti Tamaoho had interests.

After the signing of Te Tiriti o Waitangi/the Treaty of Waitangi in 1840, Ngāti Tamaoho continued to seek new economic opportunities by selling land to the Crown. Ngāti Tamaoho rangatira also sold land in Remuera directly to Pākehā after the Crown temporarily waived pre-emption in 1844. Despite Crown assurances that one tenth of pre-emption waiver sales lands would be retained for public purposes and the benefit of Māori, the Crown failed to reserve most of the tenths. The benefits that the Crown led Ngāti Tamaoho to expect from selling land were not always realised. Crown purchasing activities also contributed to tension, and ultimately armed conflict, between Ngāti Tamaoho and neighbouring iwi.

In the 1840s and 1850s, Ngāti Tamaoho rangatira were recognised as being friendly to Pākehā, and were reasonably successful in engaging with the emerging Pākehā economy. Although Ngāti Tamaoho shared Kingitanga aspirations, they did not believe these were incompatible with loyalty to the Crown.

In July 1863, the Crown required Māori in the South Auckland region to swear an oath of allegiance or vacate their settlements. The Crown did not give Ngāti Tamaoho sufficient time to understand the oath and, despite Ngāti Tamaoho never having been in rebellion, Crown troops burned buildings and looted property at Pokeno prior to the invasion of Waikato. The Crown unfairly labelled most Ngāti Tamaoho as 'rebels', evicted them from their settlements, and confiscated most of their remaining lands.

After the Waikato war, the Crown considered the majority of Ngāti Tamaoho ineligible for compensation. The Crown made small land grants and payments to one 'loyal' Ngāti Tamaoho rangatira, and set aside three reserves from a Crown purchase for the few Ngāti Tamaoho people who the Crown considered had not been in rebellion. The title to these reserves was later individualised and they were subsequently alienated. Other Ngāti Tamaoho were allowed to occupy two reserves but lived for decades in a state of uncertainty because of the unclear legal status of these lands. Grants were formalised in 1915 and 1949 but the fragmentation of titles over time limited their owners' ability to use their land productively and contributed to significant portions later being alienated.

By 1900, Ngāti Tamaoho were virtually landless. Many experienced severe social and economic marginalisation and deplorable housing conditions, Māori children experienced discrimination and segregation at a state-run school in Pukekohe.

Pākehā settlement in the Ngāti Tamaoho rohe resulted in significant environmental modifications over which Ngāti Tamaoho exercised little control. Introduced flora and fauna adversely affected traditional Ngāti Tamaoho resources like eels, while dam construction and wetlands reclamation resulted in significant environmental damage.

## Summary of the settlement between the Crown and Ngāti Tamaoho

### Overview

The Ngāti Tamaoho Deed of Settlement is the final settlement of all historical Treaty of Waitangi claims of Ngāti Tamaoho resulting from acts or omissions by the Crown prior to 21 September 1992 and is made up of a redress package that includes:

- an agreed historical account, Crown acknowledgements and apology
- cultural redress
- financial and commercial redress.

The settlement redress will be available to all members of Ngāti Tamaoho, wherever they may live.

### Crown acknowledgements and apology

The Deed of Settlement contains acknowledgements that historical Crown actions or omissions caused prejudice to Ngāti Tamaoho or breached the Treaty of Waitangi and its principles.

The Deed of Settlement also includes a Crown apology to Ngāti Tamaoho for its acts and omissions which breached the Crown's obligations under the Treaty of Waitangi and for the damage those actions or omissions caused to Ngāti Tamaoho. These include the pressure applied to Ngāti Tamaoho to sell land, the branding of 'rebels' thus alienating them from the ability to retain kaitiaki of their rohe, the failure to protect Ngāti Tamaoho tribal structures, and the failure to protect Ngāti Tamaoho from becoming virtually landless.

### Cultural redress

The deed includes a cultural redress package intended to recognise the traditional, historical, cultural and spiritual associations of Ngāti Tamaoho, including places and sites owned by the Crown within their area of interest. This allows Ngāti Tamaoho and the Crown to protect and enhance the conservation values associated with these sites.

#### VESTING OF SITES

The following sites of cultural significance will be vested in the Ngāti Tamaoho Settlement Trust on the settlement date:

- Clark's Creek property
- Karaka property
- Waitete Pā property, to be administered as an historic reserve.

#### HŪNUA FALLS

The Deed of Settlement also provides for the joint vesting of a Hunua Falls property in the Ngāti Tamaoho Settlement Trust, the Ngāi Tai ki Tāmaki Trust, and the PSGEs for Ngaati Whanaunga and Ngāti Koheriki. The Hunua Falls property is to be a scenic reserve named Hunua Falls Scenic Reserve and will be administered by the Auckland Council.

#### STATUTORY ACKNOWLEDGEMENTS AND DEED OF RECOGNITION

A statutory acknowledgement recognises the association between Ngāti Tamaoho and a particular site or area and enhances the iwi's ability to participate in specified Resource Management Act 1991 processes.

The Crown offers a statutory acknowledgement over the following areas and waterways:

- Awaroa River and its tributaries
- Awhitu Conservation Area
- Coastal Marine Area
- Drury Conservation Area and Drury Creek Marginal Strip
- Drury Creek Islands Recreation Reserve
- Hingaia Stream and its tributaries
- Hunua Stream and its tributaries
- Karaka Creek and its tributaries
- Kellyville Conservation Area
- Lake Pokorua and Waraha Stream (unnamed) and its tributaries
- Lake Pokorua Conservation Area and Lake Pokorua Marginal Strip
- Maioro Sands Marginal Strip
- Mangatangi Stream and its tributaries
- Mangatawhiri Forest Conservation Area
- Mangatawhiri River and its tributaries
- Maramarua River and its tributaries (excludes Mangatangi Stream and its tributaries)
- Mauku Stream and its tributaries
- Miranda Scientific Reserve
- Mount William Scenic Reserve
- Ngakoroa Stream and its tributaries
- Oira Stream and its tributaries
- Otūwairoa Stream and its tributaries (includes Waipokapū Stream, Mangapū Stream and Waihoehoe Stream)
- Paparimu Conservation Area
- Part Mercer Domain Recreation Reserve (Te Pou o Mangatawhiri)
- Te Maketu Historic Reserve
- Puhitahi Creek and its tributaries
- Ravelthorpe Scenic Reserve and Ravelthorpe Conservation Area
- Richard Sylvan Memorial Scenic Reserve
- Te Hihi Creek and its tributaries
- Te Toro Recreation Reserve
- Vining Scenic Reserve
- Waipipi Scenic Reserve
- Waipokapū Stream Conservation area
- Wairoa Gorge Scenic Reserve
- Whangamaire Stream and its tributaries
- Whangamarino River and adjacent Whangamarino River Marginal Strip
- Whangapouri Creek and its tributaries.



## Information Paper for Joint Committee Hui with Waikato District Council

Update on Progress of Strategic Work Programme  
6 August 2019

### 1. Purpose

The purpose of this report is to provide the committee with an update on the progress of the Waikato-Tainui / Waikato District Council Strategic Work programme for the co-governance meeting.

### 2. Updates on Initiatives

#### Initiative 1: Appointment of Maangai Maaori

2.1 Waikato District Council voted Wednesday (17 July) in support of the concept of Maaori representation on its three principal committees. In a strong signal of the Council's intention, the vote – which provided “in principle” support for the proposal – was supported unanimously.

2.2 Council voted that Maaori representation, which includes full voting rights at the committee level, be included as part of the governance structure presented to the new Council for its approval, after the October 2019 elections. Waikato-Tainui (WT) representatives were present to support the resolution and congratulate Waikato District Council (WDC) for achieving this milestone.

2.3 The model adopted is the same model that has been implemented by Hamilton City Council whereby the continued appointment of Maangai is at the discretion of the elected Mayor.

2.4 Waikato-Tainui have previously stated that our preference is for the Maangai Maaori to be entrenched into the council structure and that the Joint Management Agreement between WT and WDC might be a way to achieve that. Waikato-Tainui request that WDC staff work with WT staff to develop a draft schedule for consideration by the Joint Committee for referral to the Council at some point in the future.

2.5 In the meantime, WT support WDC's intention to continue to work towards the introduction of Maangai Maaori to Council after the election.

#### Initiative 2: H2A Corridor Collaboration

2.6 An update has been provided in a separate paper.

#### Initiative 3: Re-structuring of Management of Water Infrastructure in Waikato District

2.7 Waikato-Tainui have requested an update from Council.

#### Initiative 4: Alignment of WDC and WT Planning Documents





## Information Paper for Joint Committee Hui with Waikato District Council

2.8 Key Actions under this initiative focus on:

- Understanding and responding to climate change;
- Provision of reliable, clean water supply to the community and in particular to our Marae

### Climate Change

2.9 Waikato Tainui have recognised the importance as an iwi, hapuu, marae, whanau and an organisation to accelerate our strategies and take action on climate change now and for the future. Waikato Tainui understand that change is already happening therefore our goal is to further develop our position for ourselves and our people of reaction and resilience. We understand that solutions we have defined for ourselves will work better for us and withstand time.

2.10 GIS mapping suggests that within the Waikato Tainui rohe, the coast will become inundated, therefore marae who are prone to flooding will need to start planning to move the infrastructure. It is forecasted that within the next *30-50 years* our Marae will need to move about *10m* above sea level, and again in a further *30-50 years'* time.

2.11 Similarly, at Te Puaha o Waikato (Port Waikato) our low-lying Marae in the wetland areas will become susceptible to flash flooding with most of them already experiencing these effects. At the current time:

- 22% of Waikato Tainui Marae are affected by Coastal Flooding, Erosion and Inundation.
- 27.9% of Waikato Tainui Marae are affected by Fluvial Flooding (Overbank Flooding)
- 50% of Waikato Tainui Marae are affected by Pluvial Flooding (Surface Flooding)

2.12 The initial position on Climate Change for Waikato Tainui is to Acknowledge and Agree to act on the direct impacts of Climate Change. The first step in developing our Iwi position will require engagement with our marae and whanau to identify our priorities. A series of engagement hui have been set for the months of August and September to start our discussions.

2.13 We will provide an update at our next hui. In the long term; we look forward to providing input to shared planning and resourcing to mitigate the impacts of climate change on our communities.

### Reliable, clean water supply to Waikato-Tainui Marae



## Information Paper for Joint Committee Hui with Waikato District Council

2.14 Council's Pouhono has provided WT with a list of all Marae that are currently accessing water from council supply, of which there are 11 out of 34. The remaining 23 Marae access water from other sources.

2.15 Access to clean, reliable water for all our marae is a major focus of our five year plan. As we work with our Marae to identify the barriers to accessing water and develop options; we will be looking to Council to provide information and expertise to assist us to ensure that this objective is achieved. Our expectation is that resourcing to assist us with this objective will be considered in the Councils 10 Year Plan.

### **Capability Building for Tribal Members**

2.16 The SWP has been updated to align with WT's Five Year Plan. The approach described in rohe wide and therefore requires a more strategic approach. The team at WT are currently working to identify training needs of our mana whenua and then will identify the right providers to support a training programme; including how our LG partners can contribute.

2.17 The analysis tool described in the SWP is still in development and will be rolled out as part of the approach.

2.18 A key area where we would like to build capability is responding to resource consent applications that might have an impact on our waterways and / or do not align with the objectives of our Environmental Plan. We are currently trialling one initiative with mana whenua groups Ngaati Naho and Waahi Whaanui and will provide feedback to Council staff on how they can assist.

### **RECOMMENDATION**

2.19 It is recommended that the Joint Committee receive this update.