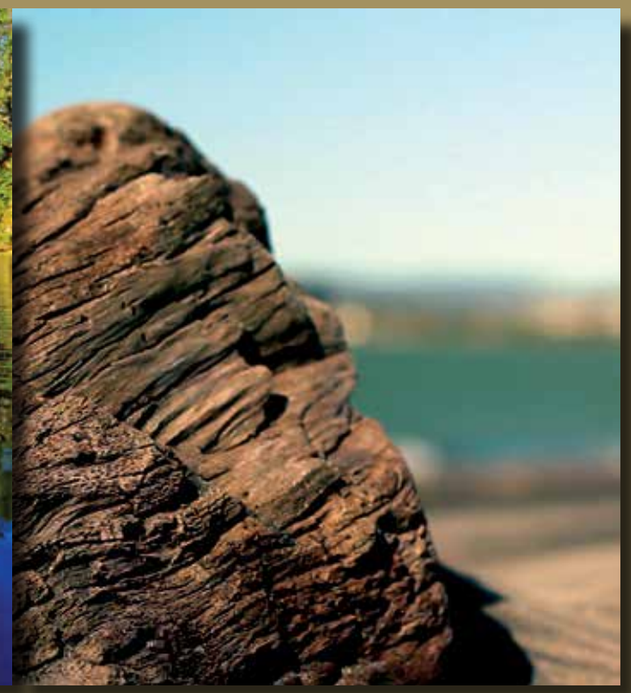
WAIKATO-TAINUI
ENVIRONMENTAL PLAN

TAI TUMU
TAI PARI
TAI AO







WAIKATO TAINUI

WAIKATO-TAINUI ENVIRONMENTAL PLAN

our plan our environment our future



E Raiha

Ka rere tonu ngaa roimata o te awa o Waikato moou
Noou te whakaaro moo te mahere Tai Tumu, Tai Pari , Tai Ao
Moe mai raa e te rangatira
Pai Maarire

WAIKATO-TAINUI TE KAUHANGANUI INCORPORATED

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Te Awa Tupuna o Waikato

Mihimihi



Tuia te rangi e tuu nei,
te maarire o te rangi,
te tapu o te rangi,
te uho o te oranga tonutanga.
Kia tau iho te korowai atawhai o te Waahi Ngaro
ki runga i a taatou katoa.
Tuia te papa e takoto nei.
Tuia hoki raatou te iwi nui tonu kua ngaro ki te poo uriuri,
ki te poo tangotango.
He kura i tangihia, he maimai aroha ki a koutou,
e moe, e moe.
E ngaa kanohi ora o raatou maa,
teenaa taatou katoa.

E ngaa maunga koorero, e ngaa wai pounga hoe o raatou maa, e ngaa kaawai nui, e ngaa kaawai roa, teenaa raa koutou katoa.

Teenaa taatou e ngaa whakatupuranga o te ao hurihuri. E hurihuri nei i ngaa tini aahuatanga o te waa, e hurihuri nei hoki i ngaa mahi a te tangata. Naa runga i teeraa, he mea nui te aata tiaki i taa ngaa tuupuna i oohaakii mai ai, i waiho mai ai hei taonga maa taatou, waihoki hei tuku ki ngaa uri whakatupu o aapoopoo.

Noo reira me kaha raa taatou ki te manaaki i ngoo taatou whenua, i ngoo taatou ngaahere, i ngoo taatou awa, i ngoo taatou repo, i ngoo taatou roto, moana, takutai hoki, kia puumau ai te mauri ora moo ake tonu atu. E mau mai ana i roto i ngaa whakapukapukatanga nei, ngaa tuumanako, ngaa hiahia, ngaa huarahi hei arataki i a taatou ki te whakaora, ki te tiaki i te taiao. Heoi anoo, kia kaha raa taatou ki te haapai i ngaa mahi hei oranga moo te ao me ngaa iwi puta noa.

Teenaa raa koutou katoa.

KIINGI TUHEITIA

Kiingi Taawhiao



In 1863 the Crown unjustly confiscated over one million acres of Waikato-Tainui land and resources that spanned from Taamaki Makaurau, through to the Waikato.

This confiscation resulted in the Waikato Land Wars that led to significant loss of life and property, and crippled the welfare, economy, and development of Waikato-Tainui.

The Vision of the Plan is taken from a maimai aroha of the second Maaori King, Taawhiao, where he laments with a heavy heart his longing for and adoration of the taonga; natural resources of his homeland.

The maimai aroha of Kiingi Taawhiao is the key driver and indicator of environmental health and wellbeing in this Plan.

Waikato-Tainui aspires to the restoration of the environment to the state that Kiingi Taawhiao observed when he composed his maimai aroha.

He Maimai Aroha

Ka maatakitaki iho au ki te riu o Waikato
Aanoo nei hei kapo kau ake maaku ki te kapu o taku ringa,
Ka whakamiri noa i toona aratau
E tia nei he tupu pua hou.

I look down on the valley of Waikato,
as though to hold it in the hollow of my hand
and caress its beauty,
like some tender verdant thing.

Kia hiwa ake au i te tihi o Pirongia,
Inaa, hei toronga whakaruruhau moona ki tooku tauawhirotanga.

I reach out from the top of Pirongia,
as though to cover and protect its substance with my own

Anaa! Te ngoto o toona ngawhaa i ngoona uma kiihai i aarikarika
a Maungatautari, a Maungakawa,
ooku puke maunga, ngaa taonga tuku iho.
Hoki ake nei au ki tooku awa koiora me ngoona pikonga
He kura tangihia o te maataamuri.

See how it bursts through the full bosoms of
Maungatautari and Maungakawa,
hills of my inheritance:
The river of life, each curve more beautiful than
the last.

E whakawhiti atu ai i te koopuu maania o Kirikiriroa,
Me ngoona maara kai, te ngawhaa whakatupu ake o te whenua moomona,
Hei kawe ki Ngaaruawaahia, te huinga o te tangata.

Across the smooth belly of Kirikiriroa,
its gardens bursting with the fullness of good
things, towards the meeting place at
Ngaaruawaahia.

Araa, te pae haumako, hei okiokinga moo taku Upoko,
Hei tirohanga atu maa raro i ngaa huuhaa o Taupiri.

There on the fertile mound I would rest
my head , and look through the thighs of Taupiri.

Kei reira raa, kei te oroko hanganga o te tangata,
Waahia te tuungaroa o te whare, te whakaputanga moo te Kiingi.

There at the place of all creation...
let the King come forth.



Waikato-Tainui - the tribe

33 Hapuu

68 Raupatu Marae

68,000 registered Tribal Members

Settlements

1995 Waikato Raupatu Claims Settlement

2008 Waikato River Claim Settlement

Tribal Group

Waikato -Tainui Te Kauhanganui Incorporated

(Marae representatives and beneficiaries)

Waikato Raupatu Lands Trust

Waikato Raupatu River Trust

Waikato-Tainui College for Research and Development

Tainui Group Holdings Ltd *(commercial)*

Map of Waikato-Tainui Te Kauhanganui Inc. Marae


Umupuia
Te Puea
Makaurau-Ihumatao
Puukaki
Whaataapaka
Ngaa Hau E Whaa
Tahunakaitoto
Mangatangi
Rereteewhioi
Ngaataierua
Tikirahi
Te Awamaarahi
Tauranganui
Te Kotahitanga
Ookarea
Ooraeroa
Te Poho o
Tanikena
Waikare
Taniwha-Tangoao
Horahora
Maurea
Matahuru
Waikaretuu-Weraroa
Kaitumutumu
Te Ohaaki
Waitii
Hoe-o-Tainui
Te Kauri
Waahi
Pukerewa
Taupiri
Tauhei
Tuurangawaewae
Te Aakau
Kai-a-te-Mata
Waikeri-Tangirau
Rukumoana
Hukanui
Waingaro
Raungaiti
Te Papaorotu
Te-Iti-a-Hauaa-Tauwhare
Poihaakena
Omaero
Waimakariri
Te Kaharoa-Aramiro
Mootakotako
Te Papatapu
Te Tihi o Moerangi-Makomako
Maungatautari
Puurekireki
Ookapu
Mookai Kaainga
Mangatoatoa
Waipapa
Poohara
Hiiona
Maketuu
Te Koopua
Paaraawera-Te Taumata
Ngaatira
Raakaunui
Te Kooraha
Owairaka
Aaruka
Kahotea
Aotearoa
Te Tokanganui-a-Noho

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Kaawhia moana, Kaawhia kai, Kaawhia taangata

Key strategic objectives are tribal identity and integrity including, “to grow our tribal estate and manage our natural resources.”

WAIKATO-TAINUI WHAKATUPURANGA 2050

1 Te Whaainga Matua me te Kupu Whakataki
Overarching Purpose

1.1 INTRODUCTION

1.1.1 This Waikato-Tainui Environmental Plan, Tai Tumu Tai Pari Tai Ao ('the ***Plan***'), is developed out of Whakatupuranga 2050. Whakatupuranga 2050 is a long-term development approach to building the capacity of ***Waikato-Tainui***[1] marae, hapuu, and iwi and will be a legacy for those who come after.

Key strategic objectives include tribal identity and integrity, including "to grow our tribal estate and manage our natural resources." The Plan is designed to enhance Waikato-Tainui participation in resource and environmental management

1.1.2 In this Plan, 'Waikato-Tainui' means people who descend from or affiliate to a recognised Waikato-Tainui ***whaanau, marae, hapuu,*** or iwi.

A person is recognised as being affiliated to a Waikato-Tainui marae, hapuu, or iwi only if that marae, hapuu, or iwi recognises that affiliation. 'Waikato-Tainui' also, where the context allows, includes the various organisations or bodies that Waikato-Tainui establishes to manage the individual and collective affairs of Waikato-Tainui. This includes, but is not limited to committees, trusts, or other organisations for marae, hapuu, management committees, clusters of the same, the relevant iwi authority or its delegated body, and other structures that, from time to time, Waikato-Tainui people may establish to consider matters of relevance under this Plan. Refer to Appendix 1 for a list of Waikato-Tainui marae.

1.1.3 This Plan is particularly suitable for those within Waikato-Tainui who are ***kaitiaki*** and/or exercise ***kaitiakitanga*** and/or are ***mana whenua*** within their particular part of the overall Waikato-Tainui rohe. Waikato-Tainui groups may already have or will develop their own environmental plans and policies additional to this Plan, and are able to use this Plan as they wish to complement their own efforts.

---

[1] **NOTE:** A word or words that are further defined in the Glossary, will be ***bolded and italicised*** the first time it appears in the Plan.

For clarity, if Waikato-Tainui groups wish to have this Plan complement their own environmental plans and policies, these various documents are to be considered together as if they were written as a single document. If any inconsistencies exist between the documents, this Plan supports the use of the highest target or measure.

1.1.4 The Plan is also intended as a tool to provide clear high-level guidance on Waikato-Tainui objectives and policies with respect to the environment to resource managers, users and activity operators, and those regulating such activities, within the Waikato-Tainui rohe. Waikato-Tainui recognises that the successful achievement of the objectives in this Plan is a team approach that requires input and support from these external agencies. Waikato-Tainui acknowledges that there may be more that one agency involved in the successful achievement of the Plan's objectives due to the different mandate, legislation, drivers, and motivation across external agencies. Waikato-Tainui encourages and advocates for external agencies to do what they can to achieve the Plan's objectives. The Plan seeks to describe the position of Waikato-Tainui with respect to the environment and to the context and perspectives of Waikato-Tainui.

1.1.5 Some of the objectives and policies in this Plan are reasonably straightforward and should be business as usual for many agencies involved in resource management or use, or in activities that have an effect on the environment. Other objectives and policies are more aspirational and will require collaboration, planning, and time to be achieved. The maimai aroha of Kiingi Taawhiao is the key driver and indicator of environmental health and wellbeing in this Plan. Objectives and policies in the Plan are crafted with this maimai aroha in mind and Waikato-Tainui is hopeful that restoring the environment to the state that Kiingi Taawhiao observed when he composed his maimai aroha, is a vision that is shared by all who manage or use environmental resources or that undertake activities that effect the environment.

1.1.6 Waikato-Tainui supports and promotes a coordinated, co-operative, and collaborative approach to natural resource and environmental management, restoration, and care within the Waikato-Tainui rohe. Through this Plan Waikato-Tainui seeks to achieve a consistent approach to environmental management across the Waikato-Tainui rohe. This Plan is a living, evolving, working document that will be monitored, revised and updated to ensure it remains relevant and provides a framework for continuous improvement.

1.2 WAIKATO-TAINUI

1.2.1 Prior to the land wars and resulting confiscation of Waikato-Tainui lands in 1863, Waikato-Tainui marae, hapuu, and iwi exercised ***mana whakahaere*** without challenge. Mana whakahaere refers to the authority that Waikato-Tainui has established in respect of the Waikato-Tainui rohe over many generations. Mana whakahaere entails the exercise of rights and responsibilities to ensure that the balance and mauri (life force) of the rohe is maintained. It is based in recognition that if we care for the environment, the environment will continue to sustain the people. In customary terms mana whakahaere is the exercise of control, access to, and management of resources within the Waikato-Tainui rohe in accordance with ***tikanga***. For Waikato-Tainui, mana whakahaere has long been exercised under the mana of the Kiingitanga. Waikato-Tainui managed its resources, including the fisheries and lands, in a sustainable manner, guided by ***maatauranga,*** tikanga and ***kawa***. Traditional management was successful in that it ensured the following:

(a) ***Manaakitanga:*** Waikato-Tainui was able to provide sustenance for all manuwhiri that arrived in the rohe. The ability to care and support manuwhiri demonstrated the ***mana*** and wealth of the tribe;

(b) ***Kiingitanga:*** The appointment of Pootatau Te Wherowhero as the first Maaori King was not only based on his whakapapa, exceptional skills as a warrior, and intricate knowledge of te Ao Maaori (the Maaori World), but also in recognition of the rich resources he commanded from the surrounding environment. The new King would be required to feed the masses on a regular basis, and the resources within the rohe enabled the King to provide a bountiful amount of food.

(c) ***Tikanga:*** Management of resources ensured that Waikato-Tainui could continually provide for Waikato-Tainui and all manuwhiri. The tools required to sustain resources was encapsulated in tikanga. Tikanga ensured that, during customary gatherings, acknowledgement was provided to the domain of the various ***Atua*** to respect the mutual relationship and guarantee a successful bounty for the following years. Tikanga embodies all aspects of mana whakahaere. Tikanga that worked for Waikato-Tainui tuupuna in Hawaiki needed to evolve to suit the environmental conditions that existed in Aotearoa. Tikanga in the management of resources is a living, evolving concept that Waikato-Tainui developed over generations learning from experience, from both successes and failures, in resource management.

(d) ***Kaitiakitanga:*** Waikato-Tainui has a responsibility to protect and nurture the ***mauri*** of all living things. The exercise of kaitiakitanga recognises the intricate balance and integral relationship between all natural resources. Waikato-Tainui learnt and long recognised that, in order for the environment to sustain life, people in turn, had to protect and sustain the environment. Waikato-Tainui strives to ensure that kaitiakitanga is inherent in all its actions.

1.3 PURPOSE OF THE PLAN

The overarching purpose of the Plan is to provide a map or pathway that will return the Waikato-Tainui rohe to the modern day equivalent of the environmental state that it was in when Kiingi Taawhiao composed his maimai aroha. To do this, the Plan seeks to:

1.3.1 Provide the overarching position of Waikato-Tainui on the environment;

1.3.2 Consolidate and describe Waikato-Tainui values, principles, knowledge and perspectives on, relationship with, and objectives for natural resources and the environment;

1.3.3 Underpin the development of a consistent and integrated approach to environmental management within the Waikato-Tainui rohe;

1.3.4 Describe Waikato-Tainui environmental issues;

1.3.5 Provide tools to enhance Waikato-Tainui mana whakahaere and kaitiakitanga, particularly when participating in resource and environmental management through:

(a) Influencing the development of all environmental policies and plans that affect Waikato-Tainui;

(b) Establishing a framework for resource and environmental management to support tribal members, whether as whaanau, marae, hapuu, or whatever grouping Waikato-Tainui, from time to time, choose to adopt;

(c) Providing mechanisms to restore and protect the natural environment of Waikato-Tainui, whilst recognising the reasonable needs of local communities;

(d) Actively contributing to the co-management of the Waikato River;

(e) Influencing local and national decision makers;

(f) Providing a guide for resource users or developers in the Waikato-Tainui rohe;

(g) Affecting how and where development may occur; and

(h) Providing clear and consistent issues statements, policies, and methods to manage natural resources.

1.3.6 Provide guidance to external agencies regarding Waikato-Tainui values, principles, knowledge and perspectives on, relationship with, and objectives for natural resources and the environment.

1.4 INTERPRETATION

1.4.1 The Plan is to be interpreted in a manner that best furthers the overarching purpose of the Plan, in particular the restoration and protection of both the environment and the special relationship Waikato-Tainui has with the environment.

1.5 REVIEWING THE PLAN

1.5.1 This Plan is a living, evolving, working document that will be monitored, revised and updated to ensure it remains relevant and provides a framework for continuous improvement. Waikato-Tainui welcomes comments at any time from any Waikato-Tainui or external user of the Plan that may improve the Plan so as to better achieve the Plan's overarching purpose. Any person with an interest in the Plan can suggest an amendment to the Plan.

1.5.2 The process to review the Plan will be context specific and ***best practice***. Waikato-Tainui Te Kauhanganui Incorporated ('***WTTKI***') may initiate a formal review of all or part of the Plan from time to time. It is intended that the Plan may be reviewed, in part, annually, with a more comprehensive review taking place at five yearly intervals.

1.5.3 In considering whether to initiate a review of the Plan WTTKI will also consider:

(a) Whether the review is WTTKI initiated or due to suggestions from a Waikato-Tainui or external users of the Plan;

(b) Whether to review all or part of the Plan at the time of the review;

(c) If the proposed review is likely to result in an amended Plan that better achieves the Plan's overarching purpose;

(d) The effect of the proposed review on Waikato-Tainui ***whaanui*** (such as, whaanau, marae, hapuu, relevant iwi, entities);

(e) The need to be able to respond to any emerging issues that may trigger a Plan review;

(f) The resource implications and constraints of undertaking the review (time, costs, expertise required); and

(g) Any other matters required to be considered.

1.5.3.4 The review process will have the necessary degree of formality to ensure the review is robust and considers the views of different users of the Plan. Key steps may include, but not necessarily be limited to:

(a) Considering the nature and extent of any review and confirming a review process;

(b) Advising Waikato-Tainui and external users of the intention to review the Plan and the parts of the Plan under review, and the review process;

(c) Providing, electronically, any supporting information for the review;

(d) Conducting hui, as required and subject to any resourcing constraints, to consider the review;

(e) Allowing for a '***whakaaro***' or feedback period for those with an interest in the Plan to provide comment;

(f) Receiving comments back on the review, preferably in writing but also from any notes taken at hui;

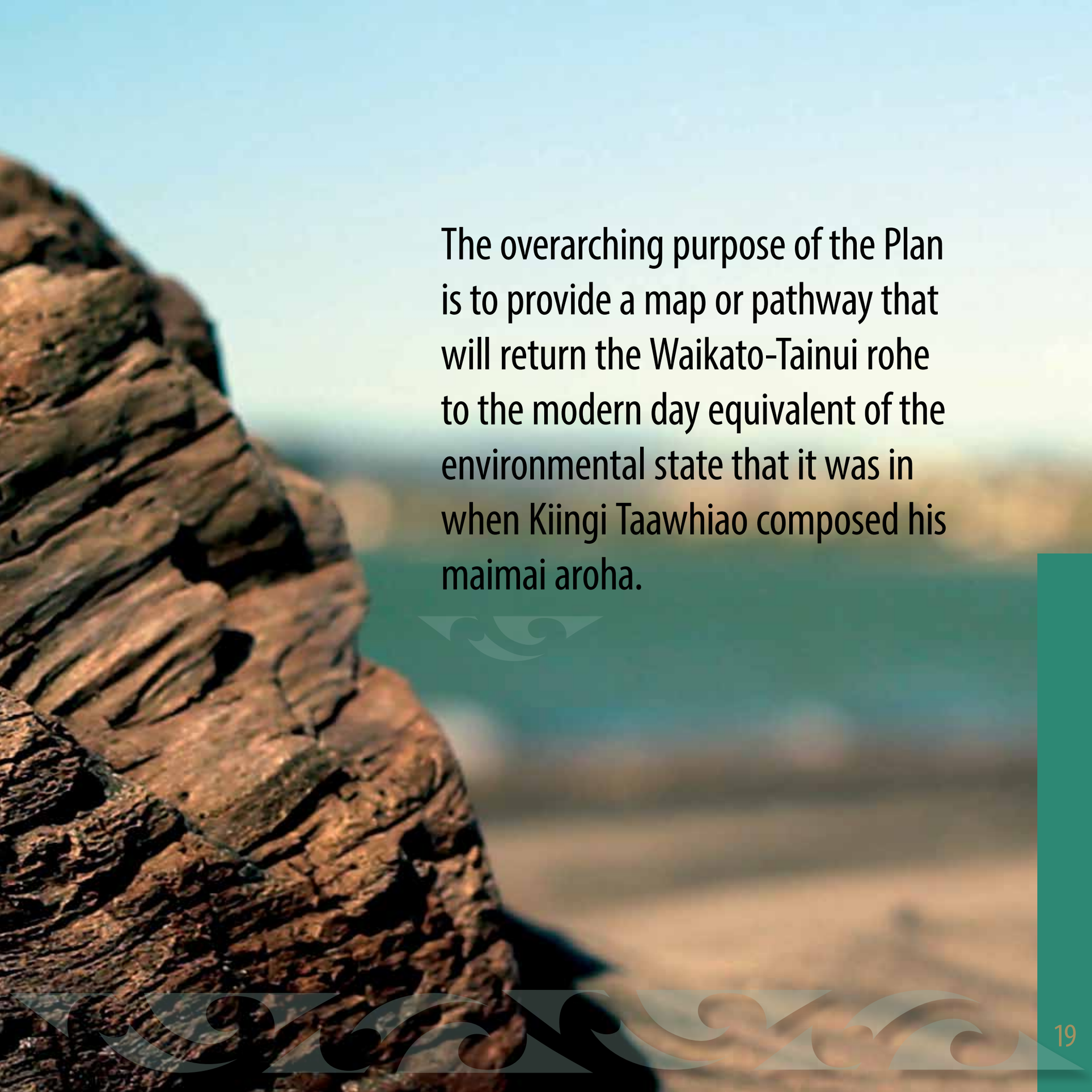
(g) Issuing a written report summarising the whakaaro received and the amendments, if any, proposed for the Plan;

(h) Allowing for a period for further comments to be provided; and

(i) Deciding on and distributing final amendments to the Plan.

1.5.3.5 When the Plan is reviewed any amendments may be issued as a formal amendment to the Plan or may result in the Plan being fully reprinted.





The overarching purpose of the Plan is to provide a map or pathway that will return the Waikato-Tainui rohe to the modern day equivalent of the environmental state that it was in when Kiingi Taawhiao composed his maimai aroha.



Kaawhia taangata, ko Aotea whenua, ko Whaingaroa moana

2 Te Taha Ture

Statutory Recognition and Planning Status

2.1 RECOGNITION OF THE PLAN

2.1.1 For the purposes of the Resource Management Act 1991 ('***RMA***'), particularly of section 35A, Waikato-Tainui Te Kauhanganui Incorporated ('WTTKI') confirms that it is the Iwi Authority for Waikato-Tainui and that the Tai Tumu Tai Pari Tai Ao, the Waikato-Tainui Environment Plan (the 'Plan') represents the Waikato-Tainui environmental planning document.

WTTKI is to be considered the Iwi Authority for all relevant sections of the RMA.

2.1.2 It should be noted that WTTKI may, from time to time, delegate certain functions and implementation of this Plan to a subsidiary, delegated person(s), and/or other Waikato-Tainui entity (for example, the Waikato Raupatu River Trust). Such delegations are authorised and removed at the sole discretion of WTTKI.

2.1.3 WTTKI expects that the marae and hapuu that constitute WTTKI are afforded the same status as WTTKI when exercising their kaitiakitanga consistent with this Plan as if this Plan were written for their marae and hapuu. WTTKI also recognises that marae, hapuu, and clusters of marae and/or hapuu may develop their own environmental planning documents and WTTKI is supportive of documents where they are consistent with this Plan.

Resource Management Act

2.1.4 With respect to the RMA it is noted that:

(a) This Plan provides clarity to those Part 2 Matters in the RMA that are of relevance to Maaori, in particular (but not limited to):

(i) Section 6 - recognising and providing for: (e) the relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, ***waahi tapu***, and other taonga; (g) the protection of historic heritage from inappropriate subdivision, use, and development; (f) the protection of protected customary rights;

(ii) Section 7 Other Matters – (a) having particular regard to kaitiakitanga; and

(iii) Section 8 Treaty of Waitangi - taking into account the principles of the Treaty of Waitangi.

(b) This is a relevant planning document as referred to in sections 61(2A)(a) and 66(2A)(a) of the RMA which requires a regional council to "take into account" any relevant planning document recognised by an Iwi Authority and lodged with the local regional council, to the extent that its content has a bearing on the resource management issues of the region, when preparing or changing regional policy statements or regional plans respectively;

(c) This is a relevant planning document as referred to in section 74(2A) of the RMA which requires a local authority to take into account any relevant planning document recognised by an Iwi Authority and lodged with the local authority, to the extent that its content has a bearing on the resource management issues of the district, when preparing or changing a district plan;

(d) A consent authority considering an application for resource consent under section 104 of the Resource Management Act 1991 must have regard to the Plan, if it considers that section 104(1)(c) applies to the Plan; and

(e) This Plan applies to all relevant sections of the RMA and is to be taken account of as a relevant planning document for an Iwi Authority as outlined in the RMA.

2.2 WAIKATO RIVER ACT

2.2.1 Section 39(2) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 ('Waikato River Act') states that if the Waikato Raupatu River Trust decides to prepare a Waikato-Tainui Environmental Plan, the Plan:

(a) Must be prepared by the Trust in consultation with Waikato-Tainui marae;

(b) Must be served on the Director-General of Conservation, the chief executive of the Ministry of Fisheries, relevant local authorities, and any other relevant agency;

(c) Must be available to the public for inspection at the offices of the Trust, the relevant local authorities, and any other relevant agency; and

(d) May be reviewed and amended from time to time by the Trust.

2.2.2 Section 40 of the Waikato River Act notes that the effect of serving the Plan is as follows:

(a) A local authority preparing, reviewing, or changing a Resource Management Act 1991 planning document must recognise the Plan in the same manner as would be required under the Resource Management Act 1991 for any planning document recognised by an Iwi authority.

(b) A consent authority considering an application for resource consent under section 104 of the Resource Management Act 1991 must have regard to the Plan, if it considers that section 104(1)(c) applies to the Plan.

(c) A person carrying out functions or exercising powers under sections 12 to 14 of the Fisheries Act 1996 must recognise and provide for the Plan to the extent to which its contents relate to the functions or powers.

(d) A person carrying out functions or exercising powers under the conservation legislation in relation to the Waikato River and its catchment must have particular regard to the Plan to the extent to which its contents relate to the functions or powers.

2.3 ACCORDS

2.3.1 The Waikato River Act (s.94) and clause 9 of the Waikato-Tainui Waikato River Deed of Settlement, provides for the development of Accords with other Crown Ministers and agencies. This Plan applies to the Accords where the Plan is relevant to a particular Accord.

Commissioner of Crown Lands and Waikato-Tainui Accord

2.3.2 Clause 7.1 of this Accord notes that, 'Where agreed between the Commissioner of Crown Lands ('CCL') and Waikato-Tainui, the CCL shall have particular regard to relevant sections of the Waikato-Tainui Environmental Plan when dealing with matters relating to the management and disposition of the riverbed and other Crown land held under the Land Act 1948.

Fisheries Accord

2.3.3 Clause 5.3 of the Fisheries Accord notes that, Clause 8.4 of the 'Waikato River Settlement' provides for Waikato-Tainui to develop their Environmental Plan. The plan will relate to multiple aspects of the environment and be recognised by a number of different agencies.

The Ministry of Fisheries (now Ministry of Primary Industries) will provide assistance and resources as required in the development of relevant parts of this plan. Once completed, this plan will be recognised and provided for by any person exercising functions, powers and duties under sections 12 to 14 of the Fisheries Act 1996, and will also provide guidance in the development of other co-management projects.

2.3.4 The accord notes that the Plan may outline:

(a) Waikato-Tainui objectives for the management of their customary, commercial, recreational and environmental interests in fisheries resources of the Waikato River;

(b) How Waikato-Tainui will participate in fisheries management of the Waikato River and its catchment;

(c) How Waikato-Tainui customary, commercial and recreational fishing interests will be managed in an integrated way;

(d) How Waikato-Tainui will participate in the Ministry's fisheries management processes (including the issue of special permits) that affect fisheries resources of the Waikato River and its catchment; and

(e) Mechanisms for the protection of glass eels and elvers from exploitation.

2.3.5 Further, the parties agree to meet, as soon as reasonably practicable, to discuss:

(a) The content of the Waikato-Tainui Environmental Plan, including how the plan will recognise and provide for the mana whakahaere of Waikato-Tainui; and

(b) How the Ministry will work with Waikato-Tainui to develop relevant parts of the Waikato-Tainui Environmental Plan.

Ministry for Land Information Accord

2.3.6 Clause 11.1 of this accord notes that, where agreed between the Minister and Waikato-Tainui, the Minister shall have particular regard to the relevant sections of the Waikato-Tainui Environmental Plan when exercising statutory obligations.

Local Government Accord

2.3.7 Clause 7.2 of the accord notes that the Minister will recognise and have particular regard to the Waikato-Tainui Environmental Plan when considering local government matters relating to the health and wellbeing of the Waikato River and where agreed, to matters that impact on the mana whakahaere of Waikato- Tainui.

Conservation Accord

2.3.8 Clause 7.2 refers to the Waikato-Tainui Environmental Plan and notes:

(a) Clause 8.4 of the Waikato-Tainui deed of settlement states that the settlement legislation will provide for Waikato-Tainui to prepare and serve on the Director-General a Waikato-Tainui Environmental Plan.

(b) Subject to usual legislative processes, the Minister will investigate the possibility for the settlement legislation to provide for recognition of the Waikato-Tainui Environmental Plan so that any persons performing functions, powers and duties affecting the Accord Area under the Conservation Act 1987, Reserves Act 1977, Wildlife Act 1953 and any other relevant conservation legislation must have particular regard to the Waikato-Tainui Environmental Plan.

(c) The Waikato-Tainui Environmental Plan may outline:

(i) Waikato-Tainui objectives for the management of their customary, commercial, recreational and environmental interests in the natural and historic resources, freshwater fisheries and freshwater fish habitats of the Waikato River and its catchment;

(ii) How Waikato-Tainui will participate in the management of the natural and historic resources, freshwater fisheries and freshwater fish habitats of the Waikato River and its catchment;

(iii) How Waikato-Tainui customary, commercial and recreational interests in the natural and historic resources, freshwater fisheries and freshwater fish habitats of the Waikato River and its catchment will be managed in an integrated way.

(d) The parties agree to meet, as soon as reasonably practicable, but no later than 12 months after the date of this Accord, to discuss if and how the Department, subject to resourcing, will work with Waikato-Tainui to develop relevant parts of the Waikato-Tainui Environmental Plan.

(e) The Minister and Director-General recognise that Waikato-Tainui has an interest in, and a special relationship with, the natural and historic resources, freshwater fisheries and freshwater fish habitats within the Accord Area managed by the Department under the conservation legislation, and that this interest and relationship may be further clarified in the Waikato-Tainui Environmental Plan.

(i) In recognition of this interest and relationship, the Minister and the Director-General's commitments as set out in this Accord are intended to provide a framework and mechanisms to achieve co-management in respect of conservation in the Accord Area.

Agriculture and Forestry Accord

2.3.9 Clause 10 notes that the Director-General will be informed by the Waikato-Tainui Environmental Plan when considering matters (such as policy development, research, setting standards and operational activities) that affect the Waikato River, and where agreed, the wider Waikato-Tainui rohe.

Energy Accord

2.3.10 Clause 9.3 of this accord notes that:

(a) Clause 8.4 of the deed of settlement provides for Waikato-Tainui to develop their Environmental Plan ("the Plan"). The Plan will apply to the Waikato River and its catchments as defined in clause 8.21 in the deed of settlement.

(b) The Ministry will assist Waikato-Tainui, within the resources available to the Ministry, to develop relevant parts of the Plan.

(c) Where agreed between Waikato-Tainui and the Chief Executive, the relevant sections of the Waikato-Tainui Environmental Plan shall be recognised and provided for in the development of policy.

Environment Accord

2.3.11 Clause 6.16 of this accord notes that Waikato-Tainui and the Secretary will engage to establish a process for how the Ministry and Secretary will in practice be guided by the Waikato-Tainui Environmental Plan when exercising their duties and functions.

2.4 FISHERIES ACT AND CONSERVATION ACT

2.4.1 Chapter 23 of the Plan, 'He Mahinga Ika - Fisheries', has been served on the Director-General of Conservation and also the Director General of the Ministry of Primary Industries. This Chapter of the Plan is recognised in the following legislation and, therefore, has the following status:

(a) The Fisheries Act 1996: Under the Waikato River Act, any person exercising functions, powers or duties under sections 12 – 14 of the Fisheries Act 1996 will recognise and provide for the Plan to the extent its contents relate to those functions, powers and duties.

(b) The Conservation Act 1987 and enactments listed in Schedule 1 of the Act: Under the Waikato River Act, any person carrying out functions or exercising powers under the conservation legislation in relation to the Waikato River and its catchment must have particular regard to the Plan to the extent to which its contents relate to the functions or powers.

2.5 AUCKLAND PLAN

2.5.1 The Auckland Plan is the strategy to make Auckland an even better place than it is now, and create the world's most liveable city. It shows how Auckland will prepare for the additional one million people it may have to accommodate by 2040, and the 400,000 new homes needed. The Auckland Plan is to deliver a shared vision for Auckland to be the world's most liveable city.

2.5.2 The Auckland Plan will guide Auckland's future development over the next 30 years and tackle issues such as:

(a) Transport and housing shortages;

(b) Giving children and young people a better start;

(c) Creating more jobs;

(d) Protecting the environment.

2.5.3 The Auckland Plan was adopted by the council in March 2012. The Auckland Plan will enable and support mana whenua aspirations and provide opportunities for them to contribute to the future well-being of Auckland.

Auckland Unitary Plan

2.5.4 The Auckland Unitary Plan is the rulebook that shapes the way Auckland grows. It will determine:

(a) What can be built and where

(b) How to create a higher quality and more compact Auckland

(c) How to provide for rural activities

(d) How to maintain the marine environment.

2.5.5 It is expected to help to create a stronger economy, more affordable housing, better design in our buildings and public spaces and consistent protection of Auckland's heritage, harbours, volcanic cones (maunga), environment and character.

2.5.6 It will be the key tool in delivering the Auckland Plan and managing growth through initiatives such as The Rural Urban Boundary. The Auckland Unitary Plan will replace Auckland's 12 existing district and regional plans, many of which are already more than 10 years old.

2.5.7 The Waikato-Tainui Environmental Plan should be utilised by Auckland Council and the Auckland community to enable and support Waikato-Tainui interests in Auckland including via the Auckland Plan and the Auckland Unitary Plan.

2.6 OTHER LEGISLATION

2.6.1 As noted above, while this Plan is applicable to resource management planning and processes under the RMA, it also encompasses broader environmental issues, objectives and policies. The Plan may therefore also be applicable to, and provide useful guidance for, agencies carrying out functions or the exercise of powers under other Acts, in particular where those Acts may refer to iwi, hapuu, Maaori or ***taangata whenua***. Such Acts include, but are not limited to:

a) Biosecurity Act 1993

(b) Conservation Act 1987

(c) Crown Minerals Act 1991

(d) Environmental Protection Authority Act 2011

(e) Fisheries Act 1996

(f) Forests Act 1949

(g) Health Act 1956

(h) Historic Places Act 1993

(i) Land Drainage Act 1908

(j) Local Government Act 1974

(k) Local Government Act 2002

(l) Native Plants Protection Act 1934

(m) New Zealand Geographic Board (Ngaa Pou Taunaha o Aotearoa) Act 2008

(n) Queen Elizabeth the Second National Trust Act 1977

(o) Reserves Act 1977

(p) River Boards Act 1908

(q) Soil Conservation and Rivers Control Act 1941

(r) Walking Access Act 2008

2.6.2 In the event of any doubt regarding the planning status of the Plan, WTTKI should be contacted to provide any clarity required.

3 Te Hunga Maana teenei Mahere hei kawe
Who should use this Plan

3.1 EXTERNAL AGENCIES

3.1.1 External agencies include but are not limited to businesses, central government, Local Authorities (councils), the Waikato River Authority, community groups, schools and educational institutions, and ecological restoration groups. External agencies are essential and critical to the successful achievement of the objectives in this Plan.

3.1.2 This Plan should be used by external agencies involved in any aspect of resource management, who are undertaking or intending to undertake anything that has the potential to impact upon areas of interest to Waikato-Tainui, as outlined in this Plan. Such as:

(a) Activities;

(b) Resource use;

(c) Develop policies and/or plans;

(d) Implement policies and/or plans;

(e) Special Permits (i.e. Fishery, Biosecurity);

(f) Statutory Authorisations (i.e. Concessions, High and Low Impact Permits);

(g) Teaching of environmental studies, maatauranga Maaori, or any of the above matters.

3.1.3 The Plan in no way substitutes or alleviates the need for external agencies to engage directly with Waikato-Tainui with regards to existing or future resource management or environmental policy, planning, development, and use. Waikato-Tainui consider that external plans, policies, and activities should align or be consistent with the objectives of this Plan. Engagement should take place with the appropriate Waikato-Tainui entities that exercise kaitiakitanga and have mana whenua over the area affected by the proposed resource management activity.

3.2 WAIKATO-TAINUI (INTERNAL USERS)

3.2.1 These are Waikato-Tainui members, whether governance or staff members, whaanau, marae, hapuu, management groups, or other Waikato-Tainui groups involved in resource and environmental management and/or use. This Plan is particular suitable for those within Waikato-Tainui who are kaitiaki and/or exercise kaitiakitanga and/or are mana whenua within their particular part of the overall Waikato-Tainui rohe.

3.2.2 For the purpose of this Plan, 'Waikato-Tainui' are people who descend from or affiliate to a recognised Waikato-Tainui marae, hapuu, or iwi. 'Waikato-Tainui' also, where the context allows, includes the various organisations or bodies that Waikato-Tainui establishes to manage the individual and collective affairs of Waikato-Tainui. This includes, but is not limited to committees, trusts, or other organisations for marae, hapuu, management committees, land blocks in Maaori title, clusters of the same, the iwi authority or its delegated body, and other structures that, from time to time, Waikato-Tainui may establish to consider matters of relevance under this Plan.

3.2.3 Waikato-Tainui groups may develop or already have their own environmental plans and policies additional to this Plan, and are able to use this Plan as they wish to complement their own efforts. As mentioned previously WTTKI is supportive of other environmental plans and policies where they are consistent with this Plan. If the authors of these other environmental plans and policies wish it, WTTKI is supportive of these other environmental plans and policies being considered with this Plan as if they were written for this Plan. This is to ensure that other environmental plans and policies written by Waikato-Tainui groups are afforded the same status as this Plan. If any inconsistencies exist between the documents, this Plan supports the use of the highest target or measure.

Te Tai Hau aa Uru

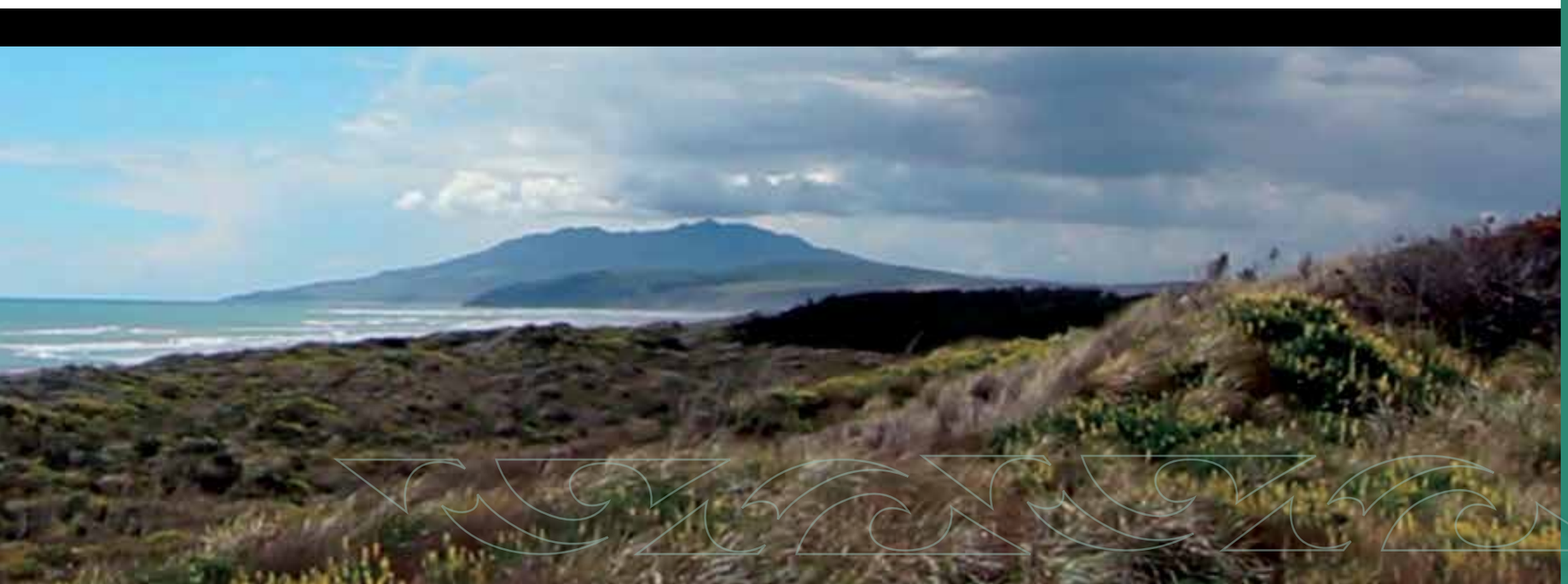


4 Te Huarahi Whakarite i te Mahere
How the Plan was developed

4.1.1 This Plan was developed through engaging with WTTKI, Waikato-Tainui, other iwi, government agencies, local authorities, stakeholders and partners. Waikato-Tainui members with experience in the RMA and the environmental space were key to the development of the Plan.

4.1.2 The development of the plan started in 2011 with a round of consultation undertaken with Waikato-Tainui. Feedback from this consultation round set the base of the draft Plan. The initial draft Plan was taken out for discussion in a second round of engagement with Waikato-Tainui in 2012. The purpose of the second round was to ensure that the initial feedback had been accurately captured and reflected in the draft Plan. Consultation was also undertaken with external entities (non Waikato-Tainui) in 2012 and 2013.

4.1.3 Hei Whakaaro was developed to receive comments regarding the draft Plan. Comments were captured in hui and people were also able to provide written feedback electronically and in hard copy. This process began December 2012 and closed June 2013. Comments from the consultation, engagement, and Hei Whakaaro process was considered and contributed to the final version of the Plan.



SECTION B: Kete Maatauranga - Toolbox

5 HOW TO USE THE PLAN - TE WHAKAMAHI I TE MAHERE 35

6 CONSULTATION AND ENGAGEMENT WITH WAIKATO-TAINUI - TE KOORERO TAHI ME WAIKATO-TAINUI 49

7 TOWARDS ENVIRONMENTAL ENHANCEMENT - TE WHAKAPAKARI I TE TAIAO 56

8 TE WHAKAHAERE I NGAA PAANGA – MANAGING EFFECTS 58



Te Puuaha o Waikato

...the 'kete maatauranga' or 'toolbox' contains chapters that provide pragmatic guidance tools in a number of areas to enable the Plan reader or user to achieve maximum results from using the Plan.

5 Te Whakamahi i te Mahere
How to Use the Plan

5.1 INTRODUCTION

5.1.1 This section is a 'kete maatauranga' or 'toolbox' and is a companion to Sections C and D. Anything that is considered in Section C and D should first be considered under this section. As the title denotes, the 'kete maatauranga' or 'toolbox' contains chapters that provide pragmatic guidance tools in a number of areas to enable the Plan reader or user to achieve maximum results from using the Plan. There are four chapters, in addition to the introduction:

Chapter 5, Whakamahia te Mahere – how to use the Plan: a pragmatic guide to how to use the Plan whether the user is external or internal to Waikato-Tainui. This chapter also outlines the structure of the Plan.

Chapter 6, Te koorero tahi me Waikato-Tainui – consultation and engagement with Waikato-Tainui: to effectively understand, implement, and respond to this Plan will often require effective consultation and engagement with Waikato-Tainui. This section describes a general consultation and engagement process that is scaleable to suit the activity being discussed and those of Waikato-Tainui that are involved in the discussion.

Chapter 7, Te Whakapakari i Te Taiao – towards environmental enhancement: describes the enhancement approach that Waikato-Tainui adopts to the environment where resource users and activity operators actually enhance the environment in which they operate.

Chapter 8, Te Whakahaere i ngaa Paanga – managing effects: provides a Waikato-Tainui perspective on the management of effects.

It should be noted that the guidance offered in the chapters in this section is necessarily high level, so will still need to be confirmed on a case-by-case basis as the context may dictate a different or amended approach.

5.1.2 Chapter 5 considers the structure of the Plan and provides a comment for Waikato-Tainui (internal) and external (non-Waikato-Tainui) users. The chapter concludes with a discussion on how best to use the Plan so that a resource user or activity operator can effectively and efficiently understand how their proposed activity aligns with Waikato-Tainui environmental perspectives and objectives. This should then enable a quality discussion on how best to address areas where a proposed activity does not align with Waikato-Tainui environmental perspectives and objectives.

5.2 STRUCTURE OF THE PLAN

The Plan has a number of key parts as outlined below.

5.2.1 Section A: Introduction to the Environmental Plan

(a) Overarching purpose, introduction: introduces the Plan and its overarching purpose. Highlights that the Plan is for Waikato-Tainui in the broadest sense of that definition. Gives a summary of Waikato-Tainui traditional management.

(b) Te Taha Ture - statutory recognition and planning status: sets the Plan in the context of various pieces of legislation and highlights the weight to be given the Plan, particularly in light of the Waikato River Act.

(c) Who should use this Plan: notes that the Plan is for external agencies involved in any aspect of resource management while noting that the Plan in no way substitutes for direct engagement with Waikato-Tainui kaitiaki and mana whenua in the area affected by the resource management issue. Also notes that the Plan is for Waikato-Tainui and the entities that Waikato-Tainui use, from time to time, to participate in resource management issues.

(d) How the Plan was developed: describes the history and process to develop the Plan.

5.2.2 Section B: Kete Maatauranga – Toolbox

(a) Whakamahia te Mahere – how to use the Plan: a pragmatic guide to how to use the Plan whether the user is external or internal to Waikato-Tainui. This chapter also outlines the structure of the Plan.

(b) Te koorero tahi me Waikato-Tainui – consultation and engagement with Waikato-Tainui: to effectively understand, implement, and respond to this Plan will often require effective consultation and engagement with Waikato-Tainui. This section describes a general consultation and engagement process that is scalable to suit the activity being discussed and the way in which Waikato-Tainui are involved in the discussion.

(c) Te Whakapakari i Te Taiao – towards environmental enhancement: describes the enhancement approach that Waikato-Tainui adopts to the environment where resource users and activity operators actually enhance the environment in which they operate.

(d) Te Whakahaere i ngaa Paanga – managing effects: provides a Waikato-Tainui perspective on the management of effects.

5.2.3 **Section C: Ngaa take, ngaa whaainga, ngaa kaupapa here, ngaa tikanga aa - taiao whaanui – Issues, Objectives, Policies And Methods – General Waikato-Tainui Environmental Matters**

(a) Introduction: this section of the Plan discusses various strategic documents that influence this Plan and provide direction on the way that Waikato-Tainui interacts with resource management, uses and activities. Each section is broken into a discussion, issues, objectives, policies and methods.

(b) Key documents discussed are:

(i) Chapter 10 – Whakatupuranga Waikato-Tainui 2050 (Tribal Strategic Plan);

(ii) Chapter 11 – Te Ture Whaimana o te awa o Waikato (the vision and strategy for the Waikato River); and

(iii) Chapter 12 – I riro whenua atu, me hoki whenua mai (Right of First Refusal on Crown Lands.

(c) This section also describes issues, objectives, policies and methods associated with natural resources and environmental management that apply across the Waikato-Tainui rohe. These are intended to provide guidance, based on Waikato-Tainui values and knowledge, to promote sustainable management of natural, physical, and cultural resources.

(d) Key areas discussed are:

(i) Chapter 13 – Ngaa Papakaainga me Ngaa Marae – Waikato-Tainui communities

(ii) Chapter 14 – Ngaa Mahi Tuku Iho a Waikato-Tainui – customary activities;

(iii) Chapter 15 – Ngaa taonga Maaori tuku iho me te aarai taiao – natural heritage and biosecurity;

(iv) Chapter 16 – Ngaa taonga tuku iho, ngaa waahi tapu, ngaa waahi tuupuna – valuable historical items, highly prized sites, sites of significance; and

(v) Chapter 17 – Ngaa Moorearea Ao Tuuroa – natural hazards.

(e) It is expected that resource management, uses and activities occur in a manner consistent with this section.

5.2.4 **Section D: Ngaa Take, Ngaa Whaainga, Ngaa Kaupapa Here, Ngaa Tikanga – Taiao Whaaiti – Issues, Objectives, Policies And Methods – Specific Environmental Areas**

(a) Introduction: this section of the Plan describes issues, objectives, policies and methods associated with natural resources and environmental management in the rohe of Waikato-Tainui. These are intended to provide management guidance, based on Waikato-Tainui values and knowledge, to promote sustainable management of natural, physical, and cultural resources.

(b) This section of the Plan is divided into a number of chapters, which considers a particular element or component of natural resources and the environment. It is noted that natural resources are themselves elements that are integral to the overall environment. Chapters in this section are:

(i) Chapter 18 – Te Tiimatanga – Introduction to the Section

(ii) Chapter 19 – Te Wai Maaori – Water

(iii) Chapter 20 – Ngaa Repo – Wetlands

(iv) Chapter 21 – Te Whenua – Land

(v) Chapter 22 – He Mahinga Ika - Fisheries

(vi) Chapter 23 – Te Ararangi – Air

(vii) Chapter 24 – Te Taiao Moana - Coastal Environment

(viii) Chapter 25 – Ngaa Whakaritenga moo ngaa Whenua o Waikato-Tainui – Land Use Planning

(ix) Chapter 26 – Waihanga Matua – Infrastructure

(x) Chapter 27 – Whakaputa Hiko – Electricity Generation

(xi) Chapter 28 – Keri Oopapa – Mining and Quarrying oil, gas, minerals

(xii) Chapter 29 – Ngaa Mahi Paarekareka Me Te Manaaki Manuwhiri - Recreation and Tourism

5.2.5 Each chapter in Sections C and D is broken into the following sections:

(a) Introduction: provides an introduction and context to the chapter. In the chapters considering Whakatupuranga 2050, Te Ture Whaimana, and Right of First Refusal this part of the chapter is quite extensive. In some cases the introduction also describes a vision or an ideal 'state' that Waikato-Tainui would like to see achieved for the matter under discussion.

(b) Issues: describes the issues of concern that impact or have the potential to impact on the overall health and wellbeing of the matter discussed in the chapter. Issues of concern to Waikato-Tainui may include consistency and alignment with Waikato-Tainui aspirations and strategic direction, activities, management approaches or processes that adversely impact (including direct, indirect, and cumulative impacts) on elements of natural resources and the environment and/or Waikato-Tainui taonga and values.

(c) Objectives, policies and methods:

(i) Objectives describe high level goals or direction that would minimise, manage or eliminate the issues.

(ii) Policies define the course of action to achieve the objectives in the Plan.

(iii) Methods describe specific actions that promote and support the policies. The methods in this Plan generally do not contain specific targets and measures as it is expected that best practicable option would be applied to implement a method.

(d) Implementing these policies and methods will require on-going engagement and consultation with Waikato-Tainui. Waikato-Tainui considers that cooperation and collaboration is needed between all levels of government, taangata whenua, industry, and the general public to ensure the sustainable management of the environment for future generations.

5.2.6 **Section E: Glossary and Appendices:** relevant to the Plan are at the end of this document.



It is intended that this Plan provides a baseline for approaching environmental matters of importance to Waikato-Tainui...

Discussions, consultation, and engagement can then focus on confirming the areas of alignment with the Plan and then identify the areas to work through where there is inconsistency or lack of alignment.



5.3 INTERNAL USERS

5.3.1 As previously noted, internal users include any, and all 'groupings' of Waikato-Tainui, whether whaanau, marae, hapuu, tribal authority, Maaori land trust, management committees, marae clusters, and Waikato-Tainui commercial entities such as Tainui Group Holdings. Additionally Waikato-Tainui may organise collectively, either informally or formally, to approach a specific resource use, activity, and/or planning document.

5.3.2 It is intended that this Plan provides a baseline for approaching environmental matters of importance to Waikato-Tainui. Used as intended, the Plan should lighten the workload of Waikato-Tainui kaitiaki and practitioners as external users first measure their proposed activity or resource use against components of the Plan. Discussion, consultation, and engagement can then focus on confirming the areas of alignment with the Plan and then identify the areas to work through where there is inconsistency or lack of alignment.

5.3.3 Internal users can also use this Plan to support the development of their own environmental plan, policies, processes, and methods or to complement their existing environmental plan, policies, processes, and methods.

5.4 EXTERNAL

5.4.1 All Crown entities, developers, organisations, local authorities, community groups and individuals that use the environment within the Waikato-Tainui rohe or the Waikato River from Port Waikato to the Huka Falls should consult this Plan when considering undertaking activities within the area. Review of this Plan by any party proposing a use of resources will help minimise potential conflicts between such use and Waikato-Tainui interests. A review will also outline Waikato-Tainui minimum expectations as it relates to a particular resource use prior to beginning the engagement and consultation process.

5.4.2 External users are an essential and critical part of the successful achievement of the objectives in this Plan with all having a part to play.

5.4.3 It is expected that external users will review the Plan, in the same way that they would a local authority planning document as part of considering any resource management, use or activity.

5.4.4 In addition, all local authorities in the Waikato-Tainui rohe should work to achieve consistency between this Plan and their own policies and plans. Generally, all entities developing policy, proposing uses, or currently using the resources in the Waikato-Tainui rohe should review such policy or use under this Plan to determine consistency and alignment with the Plan.

5.4.5 It is expected that, used as intended, this Plan should speed up any consultation and engagement process and allow for a more focused discussion to occur between Waikato-Tainui and an external user.

5.5 HOW TO USE THE PLAN

5.5.1 This Plan is likely to be used slightly differently depending on the user; whether the user is internal (Waikato-Tainui) or external; whether the user represents a marae, hapuu, or is a staff member of the tribal authority; whether the user represents a local authority, a government department, or is a resource user or developer.

5.5.2 This Plan provides an overarching Waikato-Tainui perspective and, within the Waikato-Tainui rohe, marae and hapuu may have different perspectives on the relative importance of components of the Plan. It is critical to understand the perspectives of hapuu and marae as it relates to specific issues and matters and effective engagement with hapuu and marae will lead to this understanding. There is simply no 'one-size-fits-all, uniform' Waikato-Tainui wide view of environmental matters. However, the Plan provides key guidance for external and internal users and should serve as a baseline for approaching environmental matters of importance to Waikato-Tainui.

5.5.3 Though there are broadly accepted Waikato-Tainui environmental principles, there is simply no 'one size fits all' approach. Chapter 6 below outlines a suggested and, in the absence of an agreed alternative, preferred consultation and engagement process to better understand specific matters related to a resource use or activity.

5.5.4 **Triggers to use the Plan:** will normally be in response to:

(a) A change in, or a desire to start using or managing, a natural resource within the Waikato-Tainui rohe that may impact on the Waikato-Tainui rohe;

(b) Changing or wanting to undertake an activity that may have an effect on the Waikato-Tainui rohe and the natural resources and environment within the rohe; or

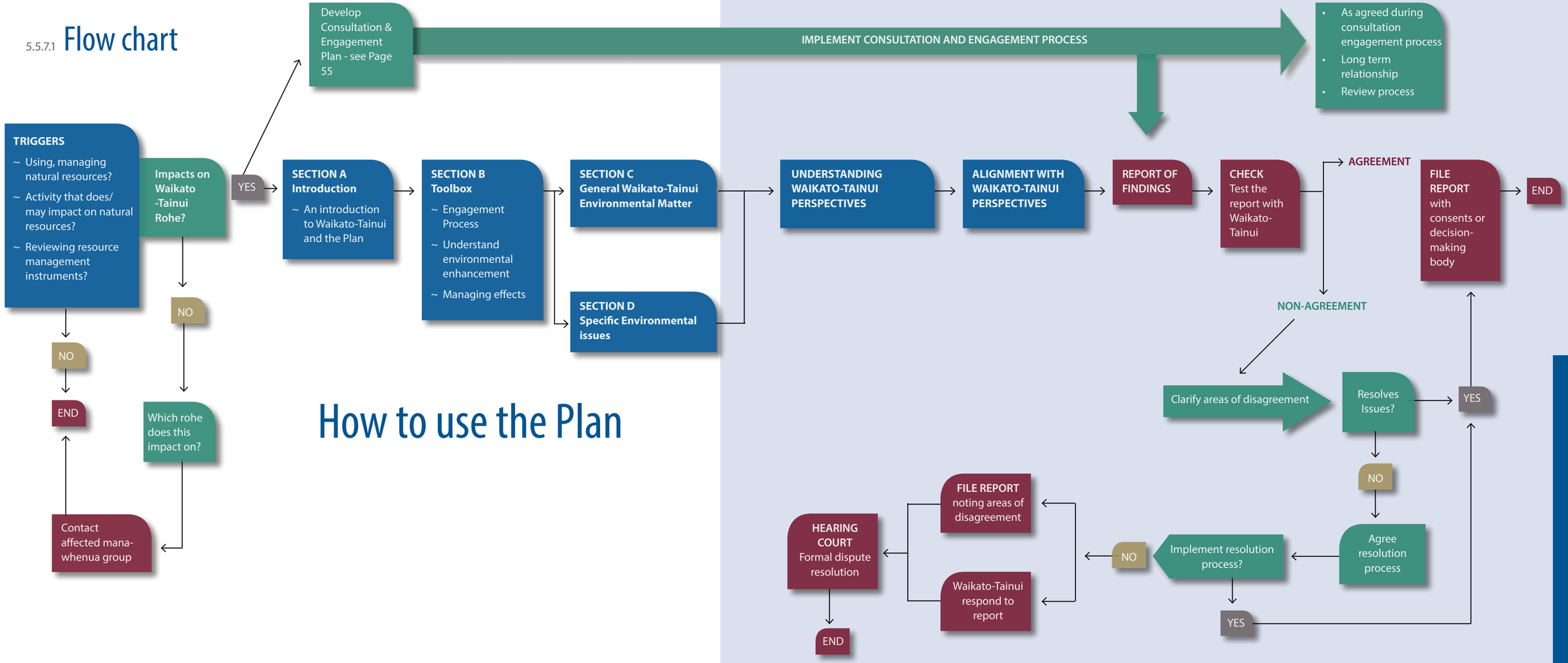
(c) Reviewing or developing legislation, a policy, a plan, or a similar document that could affect resource management within the Waikato-Tainui rohe.

5.5.5 The onus is on the person or entity undertaking the above activity or any other activity that could impact on natural resources or the environment in the Waikato-Tainui rohe to familiarise themselves with the Plan and how it could relate to their proposed activity.

5.5.6 The Plan is designed as a tool that should flow logically from the beginning to the end. For a focused activity (e.g. water take, building construction), there is likely to be less relevance across the whole Plan compared to a broader activity (e.g. structure plan, major roading project, wastewater treatment plant project).

5.5.7 The flow chart on Page 44 shows how to work through the sections of the plan.

5.5.7.1 # Flow chart



How to use the Plan

5.5.8 Engagement with Waikato-Tainui: you (the person or organisation using the Plan) have the option to discuss engagement options with Waikato-Tainui at any stage in the process of working through the Plan. Investment in early engagement should save time and energy in the process. However, the nature of engagement will be dependent upon the complexity and potential effects from your activity.

5.5.9 Section A – Introduction: read this section to understand the Plan, its overarching purpose, a brief background on Waikato-Tainui traditional management, and the legal status of the Plan.

5.5.10 Section B – Toolbox: as the name suggests this section provides tools to make it easier to use the Plan. You may also want to know more about:

(a) How you could engage with Waikato-Tainui to receive specific input into your proposed activity. Refer to Chapter 6 for an initial guideline.

(b) When is the best time is to engage with Waikato-Tainui and the possible nature of any engagement. Please note that it is best practice to check your thinking here with Waikato-Tainui. At each stage of the process you should be considering how you could engage with Waikato-Tainui to better understand Waikato-Tainui perspectives on your proposed activity.

(c) Waikato-Tainui focus on environmental enhancement as a step beyond sustainable development. Refer to Chapter 7.

(d) Waikato-Tainui perspectives on managing effects so that Waikato-Tainui is satisfied that the effects of your activity are managed so that, in order of hierarchy, the effects are avoided, remedied, minimised, mitigated, or balanced. Refer to Chapter 8.

5.5.11 Section C – General Waikato-Tainui environmental matters: all who use this Plan should consider their proposed activity against the objectives, policies and methods in this section. The chapters in this section apply to strategic documents, natural resources and environmental management that potentially impact across the entire Waikato-Tainui rohe. It is expected that resource management, uses and activities occur in a manner consistent with these documents and the objectives, policies and methods. It is suggested that you work through each chapter and ask:

(a) How does my proposed activity positively, negatively or have no impact on the objective(s) in this chapter?

(b) How does my proposed activity positively, negatively or have no impact on the policies in this chapter?

(c) What methods does my proposed activity align with?

(d) In areas where I think that my activity negatively impacts on an objective or policy, what might I be prepared to do to address this negative impact?

(e) Having done the above exercise, what areas of negative impacts or inconsistency with the Plan still remain?

5.5.12 Section D – specific environmental areas: the chapters that you focus on in this section will depend on the type of activity you are undertaking or propose to undertake. Once the chapters have been selected, it is suggested that you again work through each chapter and ask:

(a) How does my proposed activity positively, negatively or have no impact on the objective(s) in this chapter?

(b) How does my proposed activity positively, negatively or have no impact on the policies in this chapter?

(c) What methods does my proposed activity align with?

(d) In areas where I think that my activity negatively impacts on an objective or policy, what might I be prepared to do to address this negative impact?

(e) Having done the above exercise, what areas of negative impacts or inconsistency with the Plan still remain?

5.5.13 Write an initial report that briefly outlines the proposed activity, initial responses to the above questions for each chapter considered, initial thoughts and the type of engagement you consider appropriate for the proposed activity. This report should clearly outline areas where you think your proposed activity aligns with the Plan and areas where there is no alignment.

5.5.14 This report can then form the basis of discussion with the relevant Waikato-Tainui whaanau, marae, hapuu, iwi, or entity regarding your proposed activity.

5.5.15 Confirm who you should be discussing the report with from Waikato-Tainui (e.g. whaanau, marae, hapuu, entity, iwi authority, etc).

5.5.16 Initiate or continue (if you have already started) the engagement process so that you receive a Waikato-Tainui response to your proposed activity using this Plan as a basis for the discussion.



Aotea moana

6

Te Koorero Tahi me Waikato-Tainui

Consultation and Engagement with Waikato-Tainui

6.1 INTRODUCTION

6.1.1 It is important to ensure that resource uses and activities that impact on the environment in the Waikato-Tainui rohe give effect to the role of Waikato-Tainui as ***kaitiaki.*** While Waikato-Tainui acknowedges issues of commercial sensitivity, resource users, activity owners, local authorities, and central Government are encouraged to involve all stakeholders, particularly Waikato-Tainui, in an on-going and participatory design process for applications and other matters related to resource use and activities affecting the environment as early as practicable.

6.1.2 There are often inconsistent approaches by the statutory agencies, including local authorities, to the implementation of the Resource Management Act 1991 and to the identification of Waikato-Tainui, as an affected party under section 95F of the RMA, when decisions are made on public notification. Despite the prominence of taangata whenua issues in the RMA [in particular, Part 2 – sections 6(e), 6(f), 6(g), 7(a), and 8], resource consent processing, policy, and planning documents prepared under the RMA often do not sufficiently weight taangata whenua issues. Waikato-Tainui should be engaged in the preparation of all statutory and non-statutory documents, particularly where these documents have implications for resource use and development within the Waikato-Tainui rohe.

6.1.3 It is important that a relationship is formed between Waikato-Tainui, as kaitiaki, and the applicant, developer, and local authorities during the planning and initial stages of development, construction, operation, and through to completion. The key to this relationship is tikanga, transparency, good faith, patience and understanding. Consultation with Waikato-Tainui members is not achieved by merely having a discussion about resource consents, plans, and policies. How the concerns, interests and intentions put forward by Waikato-Tainui are considered should be reflected in any outcomes, plans, conditions and policies produced.

6.1.4 Early involvement of Waikato-Tainui in major projects may be accomplished by participation in pre-application meetings, through meetings with the project applicant and local authorities and through the review of draft or initial documents prepared by the applicant. Early involvement will often prevent later delays as potential problems can be eliminated and concerns about conflicting uses can be resolved earlier in the process. Ideally consultation and engagement with Waikato-Tainui should be completed prior to formally filing a consent application or plan.

6.1.5 Waikato-Tainui considers that pre-application consultation on a proposed resource use or activity is best practice to ensure that appropriate consideration is given to matters of importance to Waikato-Tainui. Waikato-Tainui also believes that undertaking a best practice consultation and engagement process will, in the longer run, be more beneficial than the cost of managing a poor process or not engaging in any process.

6.1.6 The type and complexity of the consultation and engagement process is dependent upon the context and magnitude of the proposed resource use or activity. Waikato-Tainui suggests that effective consultation and engagement is similar to any other research that is undertaken to inform a proposed resource use or activity. However, proceeding with a consultation or engagement process is often a choice that local authorities or applicants make. We note that, in the event of no pre-application consultation the applicant must demonstrate how they have taken into account the Plan as per the 'How to use the Plan' section.

A suggested consultation and engagement process follows.



Ideally consultation and engagement with Waikato-Tainui should be completed prior to formally filing a consent application or plan...



Ko Kakepuku te maunga

6.2 CONSULTATION AND ENGAGEMENT PROCESS

6.2.1 This section provides the phases of a consultation and engagement process. It is important to note that the process is scalable depending upon the magnitude of the matter to be discussed and who is likely to be involved in the process. Whaanau, marae, hapuu and other Waikato-Tainui entities may prefer their own consultation and engagement process to be utilised and this needs to be confirmed.

It is again stressed that early consultation and engagement is encouraged.

6.2.2 Intending or existing resource user or activity owner ('applicant') considers their use or activity against the relevant sections and chapters of this Plan.

6.2.3 To the degree that the applicant is able, the applicant prepares a draft preliminary report that provides a foundation document for consultation and engagement on the proposed or existing resource use or activity. The preliminary report can be prepared in collaboration with Waikato-Tainui (subject to any agreed process, costs, and timeframes).

The finalised preliminary report should:

(a) Briefly describe the proposed or existing resource use or activity;

(b) Summarise how the resource use or activity is consistent and aligns with the Plan;

(c) Summarise how the resource use or activity is considered inconsistent or does not align with the Plan; and

(d) Provide initial thoughts on what can be done to address inconsistencies or lack of alignment with the Plan.

6.2.4 It should be noted that, if the draft preliminary report is not prepared in collaboration with Waikato-Tainui, this report would not necessarily be supported by Waikato-Tainui as perspectives may differ on the degree of alignment that the proposed resource use or activity has with the Plan.

6.2.5 However, undertaking an agreed consultation and engagement process will enable the report contents to be amended and confirmed as part of an overall assessment.

6.2.6 Waikato-Tainui receives the draft preliminary report and has reasonable time to undertake an initial assessment of the report, along with any other information reasonably requested.

6.2.7 Discussions with the applicant to confirm who within Waikato-Tainui is to be consulted, the process to consider the applicant's proposal, key milestones, deadlines, and costs associated with the process.

6.2.8 Once agreement is reached on process, costs, and timeframes, the consultation and engagement process is undertaken.

6.2.9 This may include:

(a) Consultation and engagement taking place with respective Waikato-Tainui entities and other taangata whenua groups that may be affected by the matter being considered (individually and/or collectively as required).

(b) Waikato-Tainui appointed person(s) recording the minutes of the meeting and summarising the issues.

(c) Where necessary, an independent assessment or peer review of the information provided by the applicant. The independent assessment or peer review to be undertaken by a Waikato-Tainui approved organisation that understands the Waikato-Tainui viewpoint and any other technical/scientific issues.

(d) Waikato-Tainui may request that the consultation/engagement process is independently facilitated, particularly where several hapuu/iwi claim an interest in the application, to ensure an independent outcome.

(e) Ongoing hui may be held with the applicant, particularly in a complex matter, so that there is an iterative process of identifying and resolving issues as the assessment progresses.

6.2.10 Waikato-Tainui provides a report on consultation/engagement outcomes to the applicant.

6.2.9 Waikato-Tainui and applicant discuss and confirm the outcomes, work through any outstanding issues, or agree on a process to resolve outstanding issues arising from consultation/engagement. Outcomes may include but are not limited to:

(a) Full support for the proposal;

(b) Conditional support for the proposal, subject to certain;

(i) Conditions being adopted;

(ii) Effects being managed a certain way;

(iii) Monitoring regimes being adopted;

(iv) Reporting being provided; and/or

(v) Waikato-Tainui ongoing involvement; or

(c) Rejection of the proposal, outlining the reasons for the rejection.

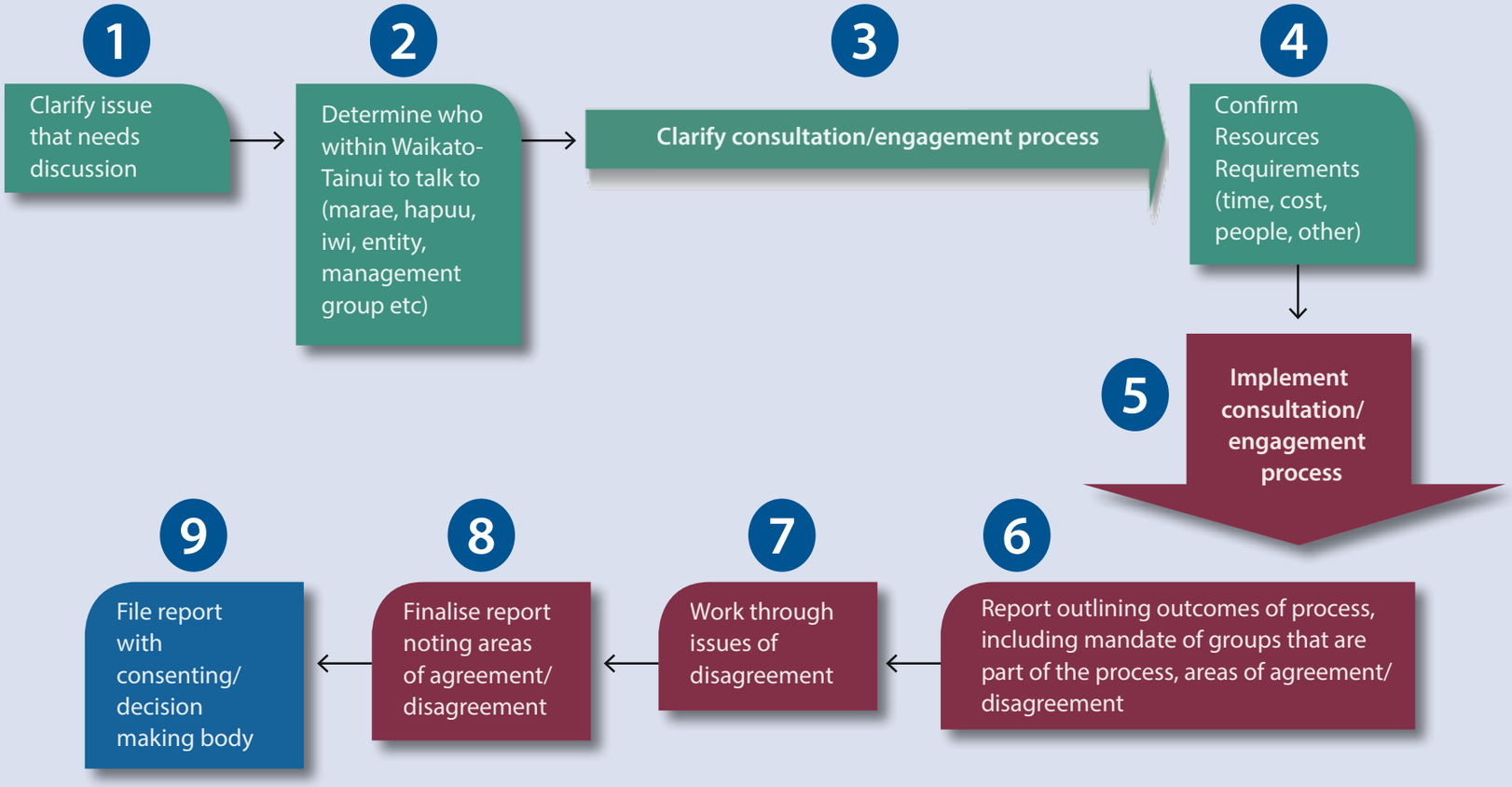
6.2.10 Applicant files application with Waikato-Tainui report attached. See flow chart on Page 55.

6.3 RESOURCING CONSULTATION AND ENGAGEMENT, COSTS

6.3.1 Waikato-Tainui has suitably qualified and/or experienced experts available to advise local authorities, applicants, and other resource users, and to sit on Local Authority Hearings Panels as Environmental Commissioners. In the past the necessity of having access to taangata whenua expertise compared to specialists of other disciplines has not been considered a priority. Waikato-Tainui is of the view that taangata whenua expertise needs to be considered and weighted in the same way as other subject matter or technical expertise.

6.3.2 Like any other expert or technical advice, the resourcing of input from Waikato-Tainui people needs to be considered. As a minimum, taangata whenua expertise should be resourced to the same degree and in the same manner as other technical or subject matter expertise. Waikato-Tainui is able to recommend taangata whenua experts for resource management matters. For the comfort of all parties, good project management disciplines should apply with personnel, costs, disbursements, outcomes, and timelines agreed between the parties prior to costs being incurred or work being undertaken.

6.4 Flow chart



Consultation and Engagement

7 Te Whakapakari i te Taiao
Towards environmental enhancement

7.1 TE WHAKAPAKARI I TE TAIAO

7.1.1 The goal of Waikato-Tainui is to ensure that the needs of present and future generations are provided for in a manner that goes beyond sustainability towards an approach that enhances the environment. An 'enhancement' approach requires the consideration of, not only individual resource use, activities, buildings, or elements, but also an holistic approach to the whole environment. It aims for positive ecological and social outcomes where the resource use and activities effecting the environment becomes a conduit for producing resources and energy, improving physical and psychological health, remedying past pollution, and transforming and filtering waste into new resources.[2]

7.1.2 Sustainability requires the resource to be maintained at a specified level so that future generations can enjoy the same quality use of the land, air, and water resources that we do currently. The 'enhancement' approach aims not to maintain but, through our actions, to improve the quality of the environment for future generations.

7.1.3 Therefore, Waikato-Tainui is in favour of an approach to resource use and activity operation that sees a net benefit back to the environment in such a way that the environment is actually enhanced from the resource use, activity, or development. The Table (1) demonstrates the difference between a conventional model, sustainability, and an enhancement approach. Waikato-Tainui accepts that the implementation of an enhancement approach is something that will take time and education to thoroughly implement.

7.1.4 Resource users and activity operators need to consider how their existing or proposed use or activity can actually enhance the environment. This approach recognises that those that utilise an environmental resource for some type of benefit (whether economic, social, cultural, spiritual and/or environmental) have a responsibility to show a reciprocal benefit back to the environment. This reciprocal approach is not intended to undermine the benefit from using environmental resources but rather to ensure that the use or depletion of environmental resources does not create a burden for future generations. This may include measures such as having a strategic approach to land development and ensuring there is efficient urban development form.

[2] Adapted from Ministry for the Environment – A Sustainable Future – Regenerative Development (http://www.mfe.govt.nz/publications/sus-dev/towards-a-sustainable-future/page3.html)

CONVENTIONAL - GREEN Pre - RMA	SUSTAINABLE	ENHANCEMENT
• Previously, little or no consideration given to environmental impact. • Endeavour to meet minimum legal requirements for lowest price. • Then a move towards more 'green' and 'sustainable' thinking.	• Achieve neutral environmental impact and maximum efficiency. • Strive for sustainable management of resources. • Strive for sustainable development approach.	• Humans, human developments, social structures, cultural concerns are an inherent part of ecosystems. • Resource use and activity provides a net benefit back to the environment and to social, spiritual, cultural, and economic aspirations. • Diversity and uniqueness of each place (socially, culturally, spiritually, environmentally, economically) is crucial to design. • Responsibility to improve the quality of the environment for future generations.

Table 1: Te Whakapakari i Te Taiao – towards environmental enhancement

7.1.5 It may be that, in practice and particularly in the case where environmental resources are depleted (e.g. mineral mining), there needs to be a broader consideration on how to provide this reciprocal benefit back to the environment. This is discussed further in the next Chapter.

7.1.6 Waikato-Tainui recognises that the achievement of environmental enhancement will include using non-regulatory methods. Waikato-Tainui will advocate for environmental enhancement and reciprocal benefit while acknowledging limitations that may exist, such as the ability of consent processes to achieve environmental enhancement.

8 Te Whakahaere i ngaa Paanga
Managing Effects

8.1 INTRODUCTION

8.1.1 In this Plan where the context requires, an ***effect*** is something that is produced or caused as a result of another action or inaction. Generally all resource uses and environmental activities have an accompanying effect on the environment, either positive or negative. An ***effect*** is considered in terms of its magnitude (how big the effect is), its frequency (how often the effect occurs), and its duration (how long the effect occurs when it does occur). For Waikato-Tainui effects can also be intangible in nature including spiritual and emotional.

NOTE: Only Waikato-Tainui can determine for Waikato-Tainui if, from a Waikato-Tainui perspective, the magnitude, frequency, and duration of the effect, and if the overall effect of an activity is positive or negative. Consideration of an effect is also shaped by a desire for environmental enhancement as discussed in the previous chapter.

8.1.2 A proposed resource use or activity may be considered less than minor by the applicant but significant by Waikato-Tainui. For example, an applicant may consider that restricting access to ***hauanga kai*** is not a serious effect if there is other nearby areas to gather similar food sources. However, it may be a serious matter for the whaanau or marae that have used that particular site for generations and it is a source of pride that they are able to feed visitors from that particular site. There is likely to be ***whakamaa***, or shame, if the whaanau that now has restricted access to their own hauanga kai site needs to seek permission from another whaanau or marae to utilise their hauanga kai. In examples such as this there are clearly going to be significant differences in perspectives of different parties regarding the relative magnitude of the effect. Early consultation and engagement, as outlined above, should enable all parties to understand and appropriately manage the effects of a proposed resource use or activity.

8.1.3 As mentioned in the previous chapter, when there are benefits derived from resource use or activities there is an expectation that there will be a reciprocal responsibility to return something of benefit back to the environment, particularly when ongoing resource use depletes the supply of the resource (e.g. in mining activities) or has a negative effect on the environment.

8.2 MANAGING EFFECTS

8.2.1 In managing the effects of a resource use or activity, regardless of the magnitude, frequency, or duration of the effect, Waikato-Tainui considers that it is necessary to provide a net benefit when considering social, economic, environmental, spiritual and cultural impacts – to strive for environmental enhancement. Therefore it is necessary to suitably manage any effects so that effects are avoided, remedied, minimised, mitigated, or balanced. For Waikato-Tainui, this is essentially a hierarchy where the first way to manage an effect is to avoid the effect, the second way is to remedy the effect, and so on through to suitably balancing the effect, what some may call offset mitigation. In managing effects consideration needs to be given to:

(a) **Avoid:** is there any way to manage the effects to a point where they can be avoided (i.e. no effect occurs)?

(b) **Remedy:** can the effect be managed to the point that it is eliminated (e.g. cleaning discharges to water so that the water discharge is of a suitable quality)?

(c) **Minimise:** is there a way to minimise the effect so that the effect is no longer of sufficient frequency or magnitude to cause Waikato-Tainui any concern?

(d) **Mitigate:** if the effects cannot be adequately avoided, remedied, or minimised, is there something that can be done to mitigate or offset the effect to create a benefit not directly linked to the proposed resource use or activity. (e.g. an effect of discharge to water being offset by additional riparian planting or wetland restoration).

(e) **Balance:** when taking all the effects into consideration, and considering the relative weight of the effects to Waikato-Tainui, do the positive effects adequately balance out the negative effects, and provide environmental enhancement? Only Waikato-Tainui can determine whether effects are suitably balanced for Waikato-Tainui.

8.2.2 Generally, where mitigation is proposed, this should be closely linked to the site of the resource use or activity and relatively balance out the negative effect.

8.2.3 Only Waikato-Tainui can determine what, from a Waikato-Tainui perspective, constitutes a suitable way to avoid, remedy, minimise, mitigate, or balance effects caused from a resource use or activity.

8.2.4 ***Unless the context demands otherwise, for ease of reading, and to prevent lengthy repetition, 'manage,' 'managing,' or 'managed' is used with 'effects' in this Plan to indicate any adverse effect that should be managed in such a way that the above hierarchy is applied.*** So, the adverse effect should first be avoided. If the effect cannot be avoided it should be remedied. If the effect cannot be remedied it should be minimised and so on. Again, only Waikato-Tainui can determine, for Waikato-Tainui, if an adverse effect has been suitably managed. In some cases the Plan states an ideal outcome for an effect, such as to avoid the effect – this is intentional.

8.2.5 Resource users and activity operators are again reminded of a desire to see environmental enhancement from such use and activity at a scale commensurate to the effect of the use or activity. Ideally, effects should be managed so as to achieve environmental enhancement. The environment should start to benefit from human intervention rather than continually being expected to absorb further degradation.

8.3 SUPPORTING THE HIGHEST TARGET OR MEASURE

8.3.1 This Plan generally does not contain specific targets and measures. These will generally be contained in the methods and rules of local authority planning documents. Marae, hapuu, and other collective grouping of Waikato-Tainui may also have environmental targets.

8.3.2 The 'highest target or measure' could be a target or measure applied by Waikato-Tainui, a community, a local authority, the resource user or activity owner, or central government. Regardless, Waikato-Tainui is generally supportive of the highest target or measure being applied to best achieve the objectives outlined in Section C. Waikato-Tainui encourages the ongoing use of the ***best practicable option*** being applied when considering targets or measures.



Pirongia Maunga

8.4 CONSENT TERMS – PRECAUTIONARY APPROACH

8.4.1 Where consents are granted for a resource use or an activity that may continue to have an adverse effect on the social, economic, cultural, spiritual or environmental wellbeing of Waikato-Tainui, a precautionary approach is encouraged. This includes ensuring that consents are granted for a term that is sufficiently short enough to allow for a review of the consent conditions by virtue of the consent holder needing to apply for a consent renewal.

8.4.2 Waikato-Tainui understands that the biggest improvements in consent conditions are through consent renewals and not consent reviews. Waikato-Tainui also understands that less than 1% of consents are reviewed. A consent renewal also means that the existing resource use or activity is looked at afresh. This is understood to be different to a review which is undertaken based on the purpose specified within the review.



SECTION C: Issues, objectives, policies and methods - General Waikato-Tainui Environmental Matters - Ngaa take, ngaa whaainga, ngaa kaupapa here, ngaa tikanga aa-taiao whaanui

9 INTRODUCTION TO THE SECTION - TE TIIMATANGA - HEI WHAKATAKI I TE WEHENGA 65

10 TRIBAL STRATEGIC PLAN - WHAKATUPURANGA WAIKATO-TAINUI 2050 68

11 THE VISION AND STRATEGY FOR THE WAIKATO RIVER - TE TURE WHAIMANA O TE AWA O WAIKATO 76

12 RIGHT OF FIRST REFUSAL ON CROWN LANDS - I RIRO WHENUA ATU, ME HOKI WHENUA MAI 90

13 WAIKATO-TAINUI COMMUNITIES - NGAA PAPAKAAINGA ME NGAA MARAE 95

14 CUSTOMARY ACTIVITIES - NGAA MAHI TUKU IHO A WAIKATO-TAINUI 99

15 NATURAL HERITAGE AND BIOSECURITY - NGAA TAONGA MAAORI TUKU IHO ME TE AARAI TAIAO 107

16 VALUABLE HISTORICAL ITEMS, HIGHLY PRIZED SITES, SITES OF SIGNIFICANCE - NGAA TAONGA TUKU IHO, NGAA WAAHI TAPU, NGAA WAAHI TUUPUNA 118

17 NATURAL HAZARDS - NGAA MOOREAREA AO TUUROA 133

This section describes issues, objectives, policies and methods associated with natural resources and environmental management that apply across the Waikato-Tainui rohe.

9 Te Tiimatanga - Hei Whakataki i te Wehenga
Introduction to Section

9.1 INTRODUCTION

9.1.1 Using the context in the previous chapters, this section of the Plan discusses various strategic documents that influence this Plan and provide direction on the way that Waikato-Tainui interacts with resource management, uses and activities. These are Whakatupuranga Waikato-Tainui 2050 (Waikato-Tainui strategic plan) and Te Ture Whaimana o te Awa o Waikato (the Vision and Strategy for the Waikato River). It is expected that resource management, uses and activities occur in a manner consistent with these documents.

9.1.2 This section also describes issues, objectives, policies and methods associated with natural resources and environmental management that apply across the Waikato-Tainui rohe. These are intended to provide management guidance, based on Waikato-Tainui values and knowledge, to promote sustainable management of natural, physical, and cultural resources. It is expected that resource management, uses and activities occur in a manner consistent with these objectives, policies and methods.

9.1.3 The following Section D considers issues, objectives, policies, and methods for specific 'elements' of the environment such as fresh water, fisheries, air, and coastal environment. Once resource users and activity operators have considered Section C, it is expected that they will undertake an analysis of relevant parts of Section D.

CHAPTERS

9.1.4 Each chapter is broken into the following sections:

9.1.4.1 **Introduction:** provides an introduction and context to the chapter. In the chapters considering Whakatupuranga 2050, Te Ture Whaimana, and Right of First Refusal this part of the chapter is quite extensive.

9.1.4.2 **Issues:** describes the issues of concern that impact or have the potential to impact on the overall health and wellbeing of the matter discussed in the chapter. Issues of concern to Waikato-Tainui may include consistency and alignment with Waikato-Tainui aspirations and strategic direction, activities, management approaches or processes that adversely impact on elements of natural resources and the environment and/or Waikato-Tainui taonga and values (including direct, indirect, and cumulative impacts).

Ko Kakepuku te maunga, ko Waipaa te awa



9.1.4.3 **Objectives, policies and methods:**

(a) **Objectives** describe high level goals or direction that would minimise, manage or eliminate the issues.

(b) **Policies** define the direction and/or course of action to achieve the objectives in the Plan.

(c) **Methods** describe specific actions, directions, and/or more detailed outcomes that promote and support the policies.

(d) The policies and methods in this Plan are directions and actions that Waikato-Tainui will implement, support and/or promote. Waikato-Tainui whaanau, marae, hapuu, or other collective group may have additional policies and methods that complement or are preferred over the ones in this Plan. In most cases the successful achievement of the objectives will require a team approach from external agencies (such as Local Authorities, resource users and activity operators, the wider community) to carry out certain activities or strive to achieve certain objectives. Waikato-Tainui will encourage or advocate for these agencies to carry out these activities or achieve the objectives using the Plan as a guide.

9.1.4.4 Implementing these policies and methods will require on-going engagement and consultation with Waikato-Tainui. Waikato-Tainui considers that cooperation and collaboration is needed between all levels of external agencies, taangata whenua, and the general public to ensure the sustainable management of the environment for future generations.

10 Whakatupuranga Waikato-Tainui 2050 Tribal Strategic Plan

10.1 INTRODUCTION

10.1.1 Whakatupuranga Waikato-Tainui 2050 is the blueprint for cultural, social and economic advancement for Waikato-Tainui people. It is a long-term development approach to building the capacity of Waikato-Tainui marae, hapuu, and iwi. Whakatupuranga 2050 will be our legacy for those who come after us.

10.1.2 In the changing global environment the world our future generations live in will be significantly different to ours. So our approach for moving forward is one that embraces change and focuses on developing our people. With this in mind, there are three critical elements fundamental to equipping our generations with the capacity to shape their own future:

(a) A pride and commitment to uphold their tribal identity and integrity;

(b) A diligence to succeed in education and beyond; and

(c) A self-determination for socio-economic independence.

10.1.3 The first element recognises the importance of our tribal history, maatauranga, reo and tikanga. With a secure sense of identity and cultural integrity, our future generations will be proud and confident in all walks of life. Creating a culture for success generates opportunities and choices. Hence the focus of the second element is to promote a diligence among tribal members of all ages to pursue success in all their endeavours. This enables personal growth, contributes to building the capacity of our people, and provides opportunities to utilise that growth and capacity for the collective benefit of our marae, hapuu, and iwi.

10.1.4 Determination to develop and grow our tribal assets is the focus of the third element. This is consistent with the time honoured vision we inherited from Kiingi Taawhiao "Maaku anoo e hanga tooku nei whare…" – to build our own house in order to face the challenges of the future; and including our Mission "Kia tupu, kia hua, kia puaawai" - to grow, prosper and sustain.

10.1.5 Underpinning the Values that shape us as a people, are the unifying 'Principles of Kiingitanga.'

Maungatautari



10.2 STRATEGIC DIRECTION

10.2.1 The Strategic Direction of "Whakatupuranga Waikato-Tainui 2050" is the primary motivating force to achieving all our tribal aspirations.

10.2.2 TE WHAKAKITENGA - Vision

Maaku anoo e hanga tooku nei whare	*I shall fashion my own house*
Ko ngaa pou oo roto he maahoe, he patete	*The support posts shall be of maahoe, patete*
Ko te taahuhu, he hiinau	*The ridgepole of hiinau*
Me whakatupu ki te hua o te rengarenga	*The inhabitants shall be raised on rengarenga*
Me whakapakari ki te hua o te kawariki	*and nurtured on kawariki*

Kiingi Taawhiao

Kia tupu he iwi whai hua, whai ora, whai tikanga, taakiri ngaakau, taakiri hinengaro

To grow a prosperous, healthy, vibrant, innovative and culturally strong iwi

10.2.3 NGAA TIKANGA - Values Underpinned by the unifying Principles of Kiingitanga

Whakaiti - *Humility*

Whakapono - *Trust and Faith*

Aroha - *Love and Respect*

Rangimaarie - *Peace and Calm*

Manaakitanga - *Caring*

Kotahitanga - *Unity*

Mahitahi - *Collaboration*

10.2.4 **TE AHUNGA - Mission**

Kia tupu, kia hua, kia puaawai

To grow, prosper and sustain

10.2.5 **NGAA WHAAINGA MATUA - Primary Goals**

Kia tiaki i te Kiingitanga

Kia mau ngaa taonga tuku iho

Kia eke ki ngaa taumata tiketike

Kia whai i too taatou mana motuhake

10.3 STRATEGIC OBJECTIVES

10.3.1 Kiingitanga

"Whaaia Ko Te Mana Motuhake"

10.3.1.1 The King Movement is the unifying korowai of Maaori. Kiingitanga was established in 1858 to unite all tribes under the leadership of Pootatau Te Wherowhero. Its primary goals were to cease the sale of land to Paakehaa, stop inter-tribal warfare, and provide a springboard for the preservation of Maaori culture in the face of Paakehaa colonisation. As it has done for the past 150 years, the role of Kiingitanga will still be the unifying thread of all Iwi, under the seventh monarch, Kiingi Tuheitia.

(a) To retain our historical role as Kaitiaki o te Kiingitanga

(b) To ensure Kiingitanga remains an eternal symbol of unity

10.3.2 Tribal Identity and Integrity

"Ko Tainui te waka, ko Taupiri te maunga, ko Waikato te awa, ko Pootatau te taangata, Waikato taniwha rau, he piko he taniwha, he piko he taniwha"

10.3.2.1 Our strategic direction charts a course of significant developments to protect our tribal identity and integrity. The development of a core strategy designed to provide maximum support for our kaumaatua, the caretakers of our maatauranga, and experts of our reo and tikanga, is a key priority. Our whenua, rivers, lakes and other waterways are living embodiments of our tribal identity. The necessity to forge a partnership with the Crown is vital to the preservation and protection of 'te taiao', our environment.

(a) To preserve our tribal heritage, reo and tikanga

(b) To grow our tribal estate and manage our natural resources

10.3.3 Tribal Success

"Ki te moemoeaa ahau ko ahau anake; ki te moemoeaa taatou ka taea e taatou"

10.3.3.1 Priorities in this context are focused on building capacity in all our endeavours at all levels. Coupled with research as a key priority to keep the tribe abreast of all local and global shifts and developments, generations hereafter will be well equipped to enjoy success in all sectors of society. There is recognition however, that success is short term without succession, so growing leaders through succession planning and mentoring programmes are key priorities.

(a) To succeed in all forms of education and training

(b) To be global leaders in research excellence

(c) To grow leaders

10.3.4 Tribal Social and Economic Wellbeing

"Kia niwha te ngaakau ki te whakauu, ki te atawhai i te iwi"

10.3.4.1 Priorities in this context are focused on building capacity in all our endeavours at all levels. Coupled with research as a key priority to keep the tribe abreast of all local and global shifts and developments, generations hereafter will be well equipped to enjoy success in all sectors of society.

There is recognition however, that success is short term without succession, so growing leaders through succession planning and mentoring programmes are key priorities.

(a) To develop self-sufficient marae

(b) To advance the social development of our people

(c) To develop and sustain our economic capacity

10.4 ISSUES

Collaboration and consistency

10.4.1 For Waikato-Tainui, the health and wellbeing of the environment is inseparable from the social, cultural, spiritual, economic, and environmental health and wellbeing of taangata whenua. Therefore resource management, use and activities have the ability to significantly impact on the achievement of Whakatupuranga 2050. Waikato-Tainui is not, relatively speaking, a significant resource manager, user, or activity operator within its rohe, though this is expected to increase. Therefore, Waikato-Tainui is well aware that the achievement of Whakatupuranga 2050 requires, amongst other things, collaboration with the wider community.

10.4.2 If resource management, use and activities are inconsistent with Whakatupuranga 2050, resource users or activity operators risk undermining the ability of Whakatupuranga 2050 to be achieved. It is critical that, where at all possible, resource management, use and activities will occur yet be consistent with Whakatupuranga 2050 and, ideally, contributes to the achievement of Whakatupuranga 2050.

10.5 OBJECTIVES, POLICIES AND METHODS

Objective – collaboration and consistency

10.5.1 Resource management, use and activities within the Waikato-Tainui rohe are consistent with the vision, mission, values and strategic objectives of Whakatupuranga 2050.

Policy – collaboration and consistency

10.5.1.1 To ensure that resource management, use and activities within the Waikato-Tainui rohe are consistent with the vision, mission, values and strategic objectives of Whakatupuranga 2050.

Methods

(a) Resource management, use, and activities are consistent with Whakatupuranga 2050.

(b) Resource management, use and activities are encouraged, where practical and possible, to contribute to the achievement of Whakatupuranga 2050.

(c) Resource users and activity operators collaborate with Waikato-Tainui consistent with Chapter 6, 'Te koorero tahi me Waikato-Tainui (Consultation and engagement with Waikato-Tainui)' to check the consistency and contribution of their proposed resource management, use, or activity to the achievement of Whakatupuranga 2050.



Maungakawa



Underpinning the values that shape us as a people, are the unifying ‘Principles of Kiingitanga.’

11 Te Ture Whaimana o te Awa o Waikato
The Vision and Strategy for the Waikato River

11.1 INTRODUCTION

Noo taatou te awa. Noo te awa taatou.
E kore e taea te wehe te iwi o Waikato me te awa. He taonga tuku iho naa ngaa tuupuna.

E whakapono ana maatou ko taa maatou, he tiaki i taua taonga moo ngaa uri whakatupu."

Robert Te Kotahi Mahuta 1975

11.1.1 The Waikato Raupatu Claims (Waikato River) Settlement Act (2010) (**'Act'**) gives effect to the settlement of raupatu claims entered into between Waikato-Tainui and the Crown in December 2009. The overarching purpose of the settlement is to *"restore and protect the health and wellbeing of the Waikato River for future generations"*.

Waikato River, Kirikiriroa



11.1.2 The purpose of the Act is to:

(a) Give effect to the Deed of Settlement of December 2009;

(b) Recognise the significance of the Waikato River to Waikato-Tainui;

(c) Provide for statutory recognition of Te Ture Whaimana o te Awa o Waikato – The Vision and Strategy for the Waikato River (**'Te Ture Whaimana**');

(d) Establish and grant functions and powers to the Waikato River Authority ('**WRA'**);

(e) Establish the **Waikato River Clean-up Trust** for the purpose of administering and managing a contestable clean-up fund;

(f) Recognise certain customary activities of Waikato-Tainui;

(g) Provide co-management arrangements for the Waikato River;

(h) Provide redress to Waikato-Tainui relating to certain assets; and

(i) Recognise the **Kiingitanga Accord** and other accords provided for in the schedule of the Kiingitanga Accord.

11.1.3 The Act must be interpreted in a manner that best furthers the overarching purpose of the settlement, Te Ture Whaimana, the agreements expressed in the 2009 deed, and the Kiingitanga Accord.

11.1.4 The key provisions of the Act, as it relates to this Plan and its implementation can be summarised as follows:

(a) **Historical:** Crown acknowledgments of the raupatu (confiscation) in the 1860's which denied Waikato-Tainui their rights and interests in the Waikato River. The failure of the Crown to respect, provide for, and protect the special relationship Waikato-Tainui has with the River and the degradation of the River that has occurred while under the authority of the Crown, causing distress to Waikato-Tainui;

(b) Provision for legislative recognition of Te Ture Whaiamana;

(c) The establishment of a Clean Up Trust, administered by the Waikato River Authority Trust, to manage a contestable "clean-up" fund for restoring and protecting the health and wellbeing of the Waikato River. The Crown's contribution to this "clean up" fund, through the Waikato-Tainui settlement, will be $7 million per year for 30 years.

[3] Waikato River Independent Scoping Study (p.7) Retrieved from http://www.mfe.govt.nz/publications/treaty/waikato-river-scoping-study/wriss-final-report.pdf on 10 June 2013

11.1.5 Following deed signing the Crown funded a study to identify options for clean-up priorities for the Waikato River and to determine the likely cost of achieving the overarching purpose of the settlement, being, *"To restore the health and wellbeing of the Waikato River for future generations."*

11.1.6 The study was intended to inform the finalisation of the final contributions to the clean-up fund for the Waikato River. The study has been completed and identified a projected cost to restore the health and wellbeing of the Waikato River to 1840 reference conditions of approximately $4,840 million (present value of $1,930 million), with a net cost of $2,240 million (net present value of $1,400 million). Overall, however, the analysis predicts that the economic effect will be small because the recommended actions stimulate the local economy at the expense of a small contraction in the rest of New Zealand[3].

11.1.7 In addition to other mechanisms enabling Waikato-Tainui to have input and take part in planning or decision-making processes, the settlement provides for other matters relevant to this Plan:

(a) Recognition of a number of **river-related customary activities;**

(b) Recognition of this **Plan**;

(c) The development of an **Integrated River Management Plan** for fish and their habitat in the Waikato River by Waikato-Tainui, the Department of Conservation, the Ministry of Fisheries, and Waikato Regional Council;

(d) Development of **regulations** under the Fisheries and Conservation Legislation for the management of freshwater fisheries, flora, and fauna within and along the lower Waikato River and its catchments, including the ability to create freshwater fisheries by-laws;

(e) Preparation and implementation of the **Waikato-Tainui flora cultural harvest pla**n;

(f) **Kiingitanga accord** and other portfolio-specific accords with the Ministers of Conservation, Fisheries, Land Information, Environment, Arts, Culture and Heritage, Local Government, Agriculture, Biosecurity, Energy, and with the Commissioner of Crown Lands along with the provision to develop ancillary accords with other Crown agencies;

(g) The establishment of **Joint Management Agreements ('JMAs')** with each local authority located within the Waikato River Catchment Area up to Karaapiro and within the Waipaa River Catchment Area up to the Puniu River Junction: Waikato District Council, Hamilton City Council, Waipaa District Council, and the Waikato Regional Council. The JMAs provide for greater Waikato-Tainui participation and decision making in local authority policy and planning as it relates to the Waikato and Waipaa Rivers in the geographical area of the JMAs. The Plan should provide for a more informed engagement under and implementation of the JMAs.

(h) **River initiatives fund:** The Crown will provide $50 million to the Waikato Raupatu River Trust for initiatives to restore and protect the relationship of Waikato-Tainui with the Waikato River (including its economic, social, cultural, and spiritual relationships) and the protection and enhancement of significant sites, fisheries, flora, and fauna (in the lower reaches of the Waikato River).

11.2 TE TURE WHAIMANA

11.2.1 Te Ture Whaimana is intended to be the primary direction-setting document for the Waikato River and activities within its catchment affecting the River.

11.2.2 As noted in the Plan, Te Ture Whaimana has certain status and generally prevails over any inconsistencies in other policies, plans, or processes affecting the Waikato River. Relevant policies, plans, and processes cannot be amended so that they are inconsistent with Te Ture Whaimana and must be reviewed and amended, if required, to address any inconsistencies. Examples include;

(a) **Waikato Regional Policy Statement:** Te Ture Whaimana, in its entirety, became part of the Waikato Regional Policy Statement ('RPS') from the date of commencement of the Waikato River Act. The Waikato Regional Council is required to amend the RPS to make it consistent with Te Ture Whaimana and Te Ture Whaimana prevails in the event of inconsistency between the RPS and Te Ture Whaimana.

(b) Te Ture Whaimana prevails over any inconsistent provisions in a National Policy Statement issued under section 52 of the RMA and a New Zealand Coastal Policy Statement issued under section 57 of the RMA

(c) A rule included in a regional or district plan for the purpose of giving effect to the vision and strategy prevails over a National Environmental Standard made under section 43 of the RMA, if it is more stringent than the standard and a water conservation order made under section 214 of the RMA, if it is more stringent than the order.

(d) **Updating RMA Planning Documents to conform with Vision and Strategy:** local authorities must review their RMA planning documents, and where necessary update them to conform with Te Ture Whaimana following any review of Te Ture Whaimana completed by the WRA. After a local authority has amended their RMA planning documents to conform to Te Ture Whaimana, the local authority may begin a review of the conditions of resource consent under section 128 of the RMA and a requiring authority may give notice of its requirement to alter a designation, to make them consistent with Te Ture Whaimana. There is, however, no obligation on local authorities requiring them to act.

11.2.3 **Reviews of Te Ture Whaimana:** Following any initial review, the WRA must review Te Ture Whaimana no earlier than 5 years and no later than 10 years after the previous review. The processes that must be followed to review the vision and strategy are stipulated in the Waikato River Act and any recommended amendments must be consistent with the overarching purpose of Te Ture Whaimana, "to restore and protect the health and wellbeing of the Waikato River for future generations".

When reviewing Te Ture Whaimana, the WRA must take into account this Plan and the Waikato-Tainui objectives for the Waikato River, to the extent to which they are consistent with the overarching purpose of the settlement.

11.2.4 **Applications for Resource Consents Relating to the Waikato River:** The Waikato Regional Council must give the WRA and the Waikato River Raupatu Trust written or electronic notice of any resource consent application received with the intent to take, use, dam, or divert water in the Waikato River; to be allowed to make a point source discharge to the Waikato River; or to do any activity listed in section 13 of the Resource Management Act 1991 ('RMA') (which restricts certain activities and uses of beds of lakes or rivers) in relation to the Waikato River, within 5 business days of receipt. (sections 26 and 27 of the Act).

11.2.5 **Hearing Committees:** If the Waikato Regional Council holds a hearing under the RMA on an application identified in clause 11.2.4 above, the committee hearing the application must consist of members appointed by Council who are RMA decision makers; and the same number of members appointed by the WRA whose names are recorded on the register of accredited commissioners that the WRA is required to keep. This requirement also applies if an application is lodged with the Environmental Protection Authority under section 145 of the RMA and a direction is made under section 147(1)(c) of the RMA to refer the application to the Council. (section 28 of the Act).

11.2.6 **Call-Ins:** Where an application for resource consent relating to the Waikato River is called in and referred to a board of inquiry the Environmental Protection Authority must serve notice on the WRA of the decision to call in the application as soon as practicable. The Minister must request from the WRA the names of persons for appointment to the board, seeking the name of one person if the board is to have three appointees and the names of two persons if the board is to have five appointees as soon as practicable.



Te Tira Hoe o Waikato 2013

11.2.7 **Section 100A of the RMA:** If the Local Authority receives a request under section 100A of the RMA to delegate the hearing of an application to a commissioner or commissioners, the Local Authority must only delegate the hearings duties, functions and powers of the person(s) it must appoint to the hearings committee under section 28(2)(a) of the Act, and may not delegate those hearings duties, functions and powers of the person(s) appointed by the WRA under section 28(2)(b) of that Act. The Local Authority must ensure that the number of commissioners delegated to hear the application is equal to the number of members appointed under section 28(2)(b) of the Act.

11.2.8 **Waikato River Clean Up Trust:** In the Waikato River Settlement (WRS), the Crown acknowledges the Waikato-Tainui vision affirming the health and wellbeing of the Waikato River as the overarching purpose of the settlement, and the leadership and generosity of Waikato-Tainui in the establishment of the Waikato River Authority (WRA) and the Waikato River Clean Up Trust. The Act established the Waikato River Clean Up Trust, a charitable trust with the object of restoring and protecting the health and wellbeing of the Waikato River for future generations. The WRA are trustees of the 'Clean-Up Trust', and are responsible for the administration and management of the contestable clean-up fund.

11.2.9 **Waikato River Independent Scoping Study:** As required in the WRS, the Crown commissioned an independent scoping study to identify rehabilitation priorities in relation to the Waikato River and the likely cost of those priority activities, to provide useful background information for the operation of the Waikato River Clean-Up Trust.

11.2.10 **Co-Management:** Co-management requires more than consultation alone. The successful implementation of co-management, through the arrangements provided for in the WRS and the 2010 Act requires a new approach. Accordingly, the Crown and Waikato-Tainui acknowledge that co-management must involve:

(a) The highest level of good faith engagement;

(b) Consensus decision making as a general rule, while having regard to the statutory frameworks and the mana whakahaere of Waikato-Tainui and other Waikato River Iwi; and

(c) Implementation of initiatives at a number of levels and across a range of agencies, bodies, and authorities, including (but not limited to):

i. The processes for granting, transfer, variation or renewal of consents, licences, permits and other authorisations for all activities that will or could impact on the health and wellbeing of the Waikato River; and

ii. The development, amendment and implementation of strategies, policies, legislation and regulations that will or could impact on the health and wellbeing of the Waikato River.

11.3 INTEGRATED RIVER MANAGEMENT PLAN FOR WAIKATO RIVER

11.3.1 The Act provides for the preparation of an Integrated River Management Plan ('IRMP') for the Waikato River within 3 years of the settlement date. The purpose of the IRMP is to achieve an integrated approach between Waikato-Tainui, relevant central government departments, relevant local authorities, and appropriate agencies in the management of aquatic life, habitats, and natural resources within the Waikato River consistent with the overarching purpose of the settlement. The IRMP must contain some or all of the following:

(a) A conservation component, addressing issues related to management under the Conservation Legislation Act 1987;

(b) A fisheries component, addressing issues related to management under the Fisheries Act 1996;

(c) A regional council component, addressing issues related to the resource management, biosecurity, and local government functions of the Council under the Resource Management Act 1991, Biosecurity Act 1993, Local Government Act 2002, and any other relevant enactments; and

(d) Any other component agreed to between the Waikato Raupatu River Trust and any appropriate agency responsible for administering, carrying out functions or exercising powers under enactments that affect the Waikato River or activities in its catchment which affect the Waikato River.

11.3.2 Each component of the IRMP is recognised specifically under other enactments related to management of the Waikato River:

(a) The conservation component is, for the purposes of the Conservation Act 1987,

i. A conservation management plan under section 17E; and

ii. A freshwater fisheries management plan under section 17J.

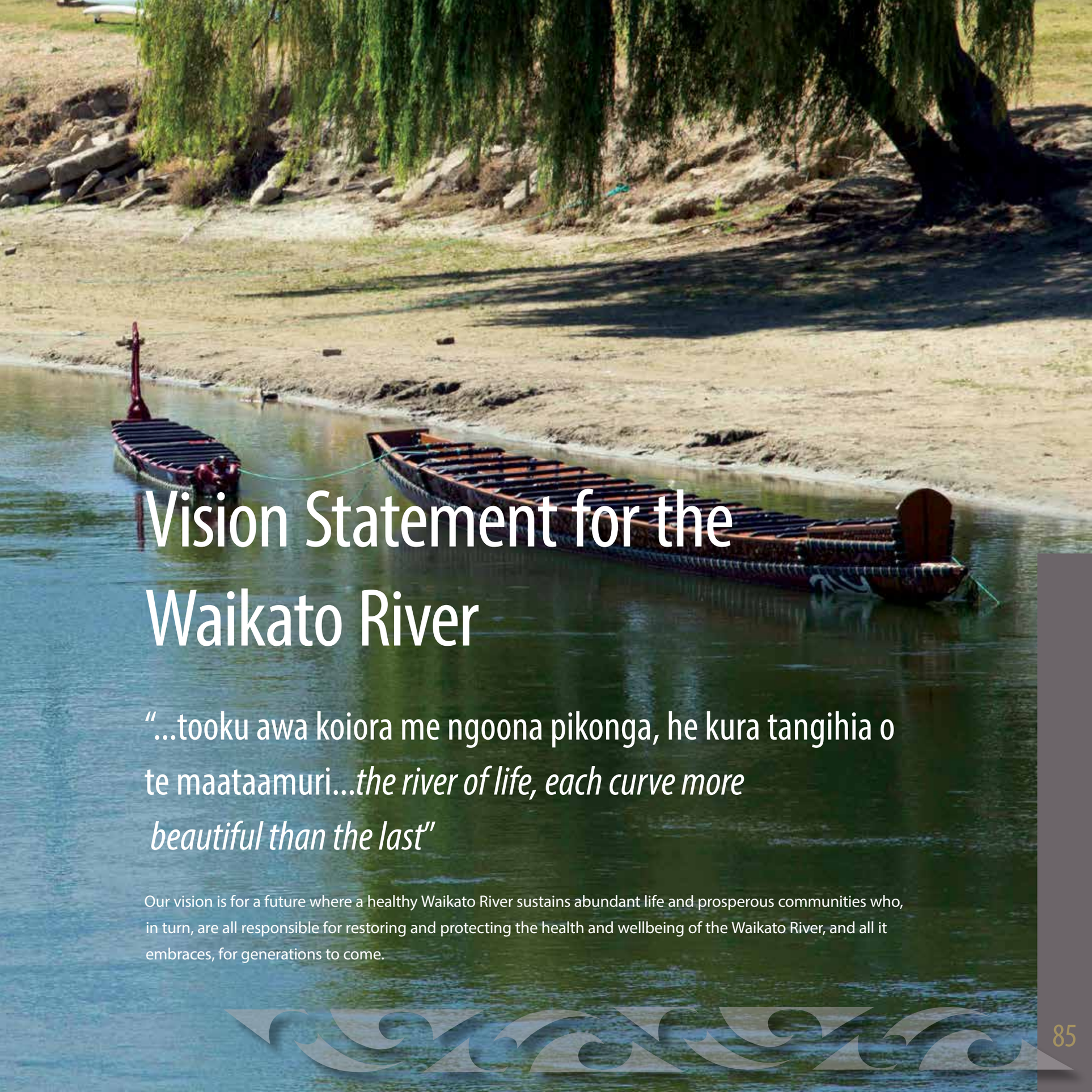
(b) The fisheries component is a fisheries plan under section 11A of the Fisheries Act 1996.

(c) The regional council component requires that a relevant local authority that is preparing, reviewing, or changing a RMA planning document must have regard to the plan.

(d) The other component has the effect agreed between the Waikato Raupatu River Trust and the appropriate agency.

11.3.3 The Plan will inform the position of Waikato-Tainui on the IRMP, though the IRMP is a separate document.

Tuurangawaewae Marae, Ngaaruawaahia



Vision Statement for the Waikato River

"...tooku awa koiora me ngoona pikonga, he kura tangihia o te maataamuri...*the river of life, each curve more beautiful than the last*"

Our vision is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.



11.4 TE TURE WHAIMANA O TE AWA O WAIKATO - THE VISION AND STRATEGY FOR THE WAIKATO RIVER

OBJECTIVES FOR THE WAIKATO RIVER

To realise the vision, the following objectives will be pursued:

A. The restoration and protection of the health and wellbeing of the Waikato River.*

B. The restoration and protection of the relationship of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships.*

C. The restoration and protection of the relationship of Waikato River Iwi according to their tikanga and kawa, with the Waikato River, including their economic, social, cultural and spiritual relationships.

D. The restoration and protection of the relationship of the Waikato Region's communities with the Waikato River including their economic, social, cultural and spiritual relationships.

E. The integrated, holistic and coordinated approach to management of the natural, physical, cultural and historic resources of the Waikato River.*

F. Adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River, and in particular those effects that threaten serious or irreversible damage to the Waikato River.*

G. Recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within its catchments on the health and wellbeing of the Waikato River.*

H. The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.*

I. The protection and enhancement of significant sites, fisheries, flora and fauna.*

J. The recognition that the strategic importance of the Waikato River to New Zealand's social, cultural, environmental and economic wellbeing is subject to the restoration and protection of the health and wellbeing of the Waikato River.*

K. The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length.

L. The promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities.

M. The application to the above of both maatauranga Maaori and latest available scientific methods.*

**Indicates a Waikato-Tainui objective for the Waikato River as set out in the Agreement in Principle dated 16 December 2007 relating to the Waikato-Tainui River Claim.*

STRATEGIES FOR THE WAIKATO RIVER

To achieve the Objectives, the following Strategies will be implemented:

1. Ensure that the highest level of recognition is given to the restoration and protection of the Waikato River.

2. Establish what the current health status of the Waikato River is by utilising maatauranga Maaori and latest available scientific methods.

3. Develop targets for improving the health and wellbeing of the Waikato River by utilising maatauranga Maaori and latest available scientific methods.

4. Develop and implement a programme of action to achieve the targets for improving the health and wellbeing of the Waikato River.

5. Develop and share local, national and international expertise, including indigenous expertise, on rivers and activities within their catchments that may be applied to the restoration and protection of the health and wellbeing of the Waikato River.

6. Recognise and protect waahi tapu and sites of significance to Waikato-Tainui and other Waikato River Iwi (where they so decide) to promote their cultural, spiritual and historic relationship with the Waikato River.

7. Recognise and protect appropriate sites associated with the Waikato River that are of significance to the Waikato regional community.

8. Actively promote and foster public knowledge and understanding of the health and wellbeing of the Waikato River among all sectors of the Waikato regional community.

9. Encourage and foster a 'whole of river' approach to the restoration and protection of the Waikato River, including the development, recognition and promotion of best practice methods for restoring and protecting the health and wellbeing of the Waikato River.

10. Establish new, and enhance existing, relationships between Waikato-Tainui, other Waikato River Iwi (where they so decide), and stakeholders with an interest in advancing, restoring and protecting the health and wellbeing of the Waikato River.

11. Ensure that cumulative adverse effects on the Waikato River of activities are appropriately managed in statutory planning documents at the time of their review.

12. Ensure appropriate public access to the Waikato River while protecting and enhancing the health and wellbeing of the Waikato River.

11.5 WAIKATO-TAINUI AND TE TURE WHAIMANA

11.5.1 Te Ture Whaimana is reflective of the Waikato-Tainui vision, objectives, and strategies for the Waikato River and Waikato-Tainui expects that any resource users or activity operators that could directly or indirectly have an effect on the Waikato River and its tributaries undertakes such resource use or activity consistent with Te Ture Whaimana and this Plan.

11.5.2 Additionally, Waikato-Tainui considers Te Ture Whaimana can be used as a benchmark or guide for all other streams, rivers and waterways within the Waikato-Tainui rohe. This is particularly true where Waikato-Tainui have not endorsed a vision, objective or strategy for other streams, rivers and waterways or where no vision, objective or strategy exists.

11.6 ISSUES

Te Ture Whaimana prevails

11.6.1 Legislation confirms that Te Ture Whaimana prevails in the event of any inconsistency between Te Ture Whaimana and other national and regional planning documents. At a resource management level it is critical that resource management occurs in a manner that contributes to and is consistent with Te Ture Whaimana.

Other catchments

11.6.2 Legislation confines Te Ture Whaimana to Area A of the Waikato River catchment. However, the vision and strategies for the Waikato River could also be applied, where appropriate, to other rivers and water bodies within the Waikato-Tainui rohe. This is particularly so where specific visions and objectives that mana whenua support have not been developed for a river or water body.

11.7 OBJECTIVES, POLICIES AND METHODS

Objective – Te Ture Whaimana prevails

11.7.1 Te Ture Whaimana prevails in any resource management, use and activity within the Waikato River catchment in the Waikato-Tainui rohe.

Policy – Te Ture Whaimana prevails

11.7.1.1 To ensure that Te Ture Whaimana prevails in any resource management, use and activity within the Waikato River catchment in the Waikato-Tainui rohe.

Methods

(a) Resource management, use, and activities within the Waikato River catchment in the Waikato-Tainui rohe is consistent with Te Ture Whaimana.

Objective – other catchments

11.7.2 Te Ture Whaimana is a guide to resource management, use, and activities in all catchments within the Waikato-Tainui rohe.

Policy – other catchments

11.7.2.1 To ensure that Te Ture Whaimana is used as a guide to resource management, use, and activities in all catchments within the Waikato-Tainui rohe.

Methods

(a) Resource management, use, and activities in catchments other than the Waikato River catchment are consistent with visions and objectives that mana whenua support that have been developed for a river or water body.

(b) If visions and objectives that mana whenua support have not been developed for catchments other than the Waikato River catchment, Te Ture Whaimana is to be used as the baseline for that catchment. In this case resource management, use, and activities should be consistent with Te Ture Whaimana unless otherwise agreed with Waikato-Tainui (including mana whenua).

(c) In considering the visions and objectives that should be applied to catchments other than the Waikato River catchment, the use of highest targets and measures are supported.

12 I riro whenua atu, me hoki whenua mai
Right of First Refusal on Crown Lands

12.1 INTRODUCTION

12.1.1 *Those preparing plans or activities on land owned by a Crown Body being the Crown, a Crown Entity, State Owned Enterprise or company wholly owned by these bodies, and including local authority land derived from the Crown, must consider this Chapter.*

12.1.2 On the 22nd of May 1995, Waikato-Tainui signed a Deed of Settlement ('DoS') for the settlement of the Crown's historical breaches of Te Tiriti o Waitangi/the Treaty of Waitangi within the Raupatu or confiscation area of the Waikato-Tainui rohe. The Crown recognised the contribution of the Raupatu land to the development of New Zealand. Waikato-Tainui estimated the value of that contribution as a minimum of $12 billion at the time of settlement. In the apology to Waikato-Tainui, the Crown acknowledged its actions were unjust, wrongful and had a crippling effect on Waikato-Tainui.

12.1.3 In part 4 of the Apology by Crown, the Crown acknowledged that its actions, and the resulting sense of grievance, gave rise to the two Waikato-Tainui principles 'i riro whenua atu, me hoki whenua mai' (as land was taken, land should be returned) and 'ko too moni hei utu moo te hara' (the money is the acknowledgement by the Crown of their crime). In order to provide redress the Crown agreed to return as much land as is possible that the Crown has in its possession to Waikato-Tainui. Accordingly, in part 6 of its apology, the Crown then sought to begin the process of healing and to enter a new age of co-operation with the Kiingitanga and Waikato-Tainui.

12.1.4 The Crown settlement redress included the return of some lands, payment of monies and a Right of First Refusal ('RFR') over the Residual Crown Lands. The RFR applies 'to any proposed sale of any Residual Crown Land by the Crown or any Crown Body to anyone other than the Crown or a Crown Body'.

12.1.5 The intent of the RFR mechanism is to provide Waikato-Tainui with the real opportunity to reclaim the 1.2 million acres lost as a result of Raupatu and it is upon the principle of 'i riro whenua atu me hoki whenua mai' that the RFR mechanism is to be exercised. Section 2 of the Waikato Raupatu Claims Settlement Act confirms that 'it is the intention of Parliament that the provisions of this Act shall be interpreted in a manner that best furthers the agreements expressed in the deed of settlement.'

12.1.6 The Waikato-Tainui settlement is a cornerstone and first of its kind which leaves the settlement broad and open rather than confined and prescriptive. Since the settlement there has been debate about the intent and meaning behind parts of the DoS and the settlement act. For example, the attempts to interpret a 'sale' of Residual Crown Land as solely an exchange for money. However, a 'sale' does include an exchange of land for other land.

Taupiri - Mangawhara



12.1.7 The settlement also embedded an underlying treaty settlement principle where the resolution of a grievance does not create a further grievance. Consequently rights existing at the time of settlement are to be respected. And conversely, any proposal to subsequently lease or grant new user rights over Residual Crown Land to another entity or for a different use has the potential to create a fresh grievance that must be resolved.

12.1.8 Nevertheless, Waikato-Tainui is obligated to act in the best interests of the country while ensuring that Waikato-Tainui is able to benefit, where possible, from the RFR process.

12.2 ISSUES

Protecting the integrity of the 'RFR'

12.2.1 Since 1995 there have been some agencies, local authorities, accredited suppliers and administrating bodies that have knowingly or unknowingly acted in a manner to undermine and circumvent those good faith agreements within the DoS, the RFR process in particular.

A 'sale' by another name

12.2.2 Waikato-Tainui is of the view that land use cannot be divorced from the underlying land ownership. A long-term lease to another entity is a 'sale' by any other name. Unfortunately Waikato-Tainui may not be informed of these situations until a resource consent is submitted to a local authority for the land under lease or other arrangement. The argument is often made that, as the underlying ownership is not changing, the RFR requirements are not triggered. However, Waikato-Tainui views this as a breach of the principles of both the DoS and of 'i riro whenua atu, me hoki whenua mai.' It also makes a farce of the Crown's apology.

Crown land administered by or transferred to local authorities

12.2.3 Section 50 of the Public Works Act authorises the transfer of existing public works between the Crown and local authorities. There has been an interpretation that the term 'notwithstanding anything to the contrary in this Act or any other Act', in section 50 negates the Crown's obligations to section 11 of the Waikato Raupatu Claims Settlement Act 1995. Waikato-Tainui do not agree with that interpretation when exercising the provisions of section 50. Where the intention to hold land for a public work has lapsed, section 50 should not be used as a means of transferring land between the Crown and local authorities. The words 'notwithstanding anything to the contrary' do not create an overriding entitlement to do so.

12.2.4 Section 50 allows for a change of ownership of the land. Waikato-Tainui are concerned that section 50 transfers to local authorities are considered by the Crown to be outside the scope of the RFR process. Transfers to a local authority under the Public Works Act may be subsequently sold without addressing the Waikato Settlement Legislation RFR principles. Section 50 is to be read with section 11 of the Waikato Raupatu Claims Settlement Act 1995, without undermining the intention of that Act and the underlying principles of the Deed of Settlement'.

12.2.5 Waikato-Tainui are concerned that land that the Crown transfers to a local authority may be considered to be outside the RFR process and that land may be subsequently sold without recourse to the RFR process. Issues arise for Waikato-Tainui where local authorities reap the benefit of receiving Crown land without the same responsibilities under the RFR regime.

12.2.6 Similarly sections of Acts, such as the Reserves Act s.26(a), which allows the Crown vesting of recreation and local purpose reserves in the name of a local authority, should not be used to circumvent the RFR process.

12.3 OBJECTIVES, POLICIES, AND METHODS

Objective – Protecting the integrity of the RFR

12.3.1 When dealing with RFR matters, Crown agencies, administrating bodies, accredited suppliers and local authorities act in a manner that protects the integrity of the agreements in the 1995 Settlement and the good faith relationship entered into between Waikato-Tainui and the Crown.

Policy – Protecting the integrity of the RFR

12.3.1.1 To ensure the protection of the integrity of the agreements in the 1995 Settlement and the good faith relationship entered into between Waikato-Tainui and the Crown.

Methods

(a) Any decision making or actions being undertaken that may affect the RFR, shall be undertaken in a manner that best furthers the following principles:

i. Land for Land - In order to provide redress, the Crown agreed to return as much land as is possible that the Crown has in its possession to Waikato-Tainui;

ii. Relationship - The Crown undertakes to begin the process of healing and to enter a new age of co-operation with the Kiingitanga and Waikato;

iii. Contribution – That by agreeing to the 1995 Settlement, Waikato-Tainui has foregone a substantial part of redress which is recognised by the Crown as a contribution to the development of New Zealand. Therefore, there is to be no further expense to Waikato-Tainui, or to its settlements and redress.

iv. Compensation – Waikato-Tainui should be compensated for any loss of RFR opportunity.

v. Prior Agreements – The 1995 Settlement honours prior agreements that were in place. However, any proposed new agreements need to be negotiated with Waikato-Tainui.

vi. Free Gift – Waikato-Tainui, as a free gift, gave up its claim to conservation lands. When those conservation lands are no longer required for conservation purposes they are to be returned to Waikato-Tainui.

vii. Protection – All Crown lands held on title in the Waikato Claim area are to be notated as soon as possible as subject to the RFR.

viii. Information Sharing – Full information pertaining to RFR offers and transactions such as valuation reports and methodologies are to be shared with Waikato-Tainui.

Objective – a 'sale' by another name

12.3.2 Arrangements for private use of Crown land are tested to see if the Right of First Refusal process is affected.

Policy – a 'sale' by another name

12.3.2.1 To ensure that arrangements for private use of Crown land are tested to see if the Right of First Refusal process is affected.

Methods

(a) In the spirit of the 1995 Deed of Settlement, the Crown contacts Waikato-Tainui to discuss any arrangements for the private use of Residual Crown Land to test if the RFR process is affected.

(b) The above method is particularly important prior to entering into any agreement with private person(s) or entity/ies.

(c) Private person(s), entity/ies and/or local authorities undertaking or wanting to undertake resource management, use or activities on Crown owned land contact Waikato-Tainui to test if the RFR process is affected.

(d) Waikato-Tainui will not support applications for resource management, use or activities on Crown owned land until satisified that matters relating to the principles of RFR are settled.

Objective – Crown land administered by or transferred to local authorities

12.3.3 Arrangements for Crown land administered by or transferred to local authorities are tested to see if the Right of First Refusal process is affected.

Policy – Crown land administered by or transferred to local authorities

12.3.4 To ensure that arrangements for Crown land administered by or transferred to local authorities are tested to see if the Right of First Refusal process is affected.

Methods

(a) In the spirit of the 1995 Deed of Settlement, the Crown contacts Waikato-Tainui to discuss any arrangements for the transfer of administration or title of Residual Crown Land to local authorities to test if the RFR process is affected.

(b) The above method is particularly important prior to entering into any agreement with local authorities.

(c) If the RFR process is triggered the Crown first makes the land available to Waikato-Tainui under the RFR process.

(d) Waikato-Tainui may choose to re-acquire the land and then pass the land on to the local authority wanting to acquire the land.

(e) Local authorities undertaking or wanting to undertake resource management, use or activities on Crown owned land must contact Waikato-Tainui to test if the RFR process is triggered.

(f) Waikato-Tainui will not support applications for resource management, use or activities on Crown owned land until satisified that matters relating to the principles of RFR are settled.

(g) Mention of the RFR mechanism is made in Reserve Management Plans and on land that has an underlying Crown interest.

(h) Those preparing plans or activities on Crown land, including land that Local Authorities have acquired from the Crown, must consider this Chapter.

13 Ngaa Papakaainga me ngaa Marae
Waikato-Tainui Communities

13.1 INTRODUCTION

13.1.1 Papakaainga are communities or places where Waikato-Tainui live primarily clustered around marae and other places of significance. Papakaainga may also be contemporary or ancient marae or paa sites with or without accompanying residences or buildings. The extent of individual papakaainga should be determined in consultation with Waikato-Tainui and is not necessarily confined to multiple owned Maaori land.

13.1.2 For the purposes of this Plan, this chapter discussing papakaainga also applies to marae. Marae without accompanying dwellings have slightly different needs to a papakaainga. marae may include a complex of buildings such as wharenui (meeting house), wharekai (dining hall), wharepaku (ablution block), urupaa (cemetery) and other community, health, recreational and educational facilities, and papakaainga (dwellings) generally associated with a marae.

13.1.3 Over time, people have moved away from traditional areas of settlement like marae and papakaainga. There is an increasing desire from many Waikato-Tainui people to reconnect with these areas. Papakaainga may, by definition, be one of the last places where Waikato-Tainui can live as taangata whenua or people of our lands. The ability and choice to live as Waikato-Tainui in papakaainga is important to our economic, social, cultural and spiritual health and wellbeing. Papakaainga also have a relationship with the wider community in which they sit.

13.1.4 In the future, papakaainga will not necessarily be limited to multiple owned Maaori Land around a marae complex. It is likely to extend to include communities living in and around marae, waahi tapu and sites of significance on privately owned, general title land. This may also include Waikato-Tainui communities living in other urban or rural residential clusters. Papakaainga are aligned to thoughts around nodal and rural clusters. The access to or inclusion of transport and community infrastructure should be considered a measure of successful papakaainga.

13.1.5 The demographics of papakaainga are likely to change. For example, it may be that papakaainga populations will become younger with growing opportunities from marae, hapuu and iwi economic development encouraging younger people to move back to papakaainga. This will enable Waikato-Tainui to live, work and play in the environs of papakaainga as mana whenua of their papakaainga. This may also encourage the establishment of new papakaainga and marae while putting pressure on the current resources available for papakaainga use.

13.1.6 Successful papakaainga have and will continue to have links with social, health and education providers, access to economic opportunity, and a sustainable environmental footprint. Many providers may, in future, reside or have facilities within a papakaainga boundary.

13.1.7 Marae and papakaainga within urban settings are likely to be able to manage development aspirations within existing planning rules.

13.2 ISSUES

Papakaainga development in rural and urban areas

13.2.1 It could be argued that the intensity of development for marae and associated papakaainga is more aligned to residential development than rural. The main limiting factor to development will be the ability to service development with water supply, stormwater, and wastewater treatment and disposal services; and this may mean that papakaainga development requires a resource consent.

13.2.2 Most existing marae are within rural areas, where the anticipated density of settlement is less than that associated with traditional papakaainga settlements.

13.2.3 Marae and papakaainga that are or may be developed may be subject to resistance from people who do not wish this type of development in their neighbourhood.

13.3 OBJECTIVES, POLICIES, AND METHODS

Objective – papakaainga development in rural and urban areas

13.3.1 Papakaainga development is sustainable and supported.

Policy – sustainable papakaainga development

13.3.1.1 To ensure that papakaainga development is sustainable and supported.

Methods

(a) Papakaainga are encouraged to have a papakaainga development plan that considers water supply, stormwater, wastewater treatment and disposal services, and access to other infrastructure needs.

(b) Papakaainga development in rural areas to have access to adequate water supply, stormwater, wastewater treatment and disposal services, and to other infrastructure needs.

(c) Encourage papakaainga development to be staged to the degree required to ensure the development is sustainable.

(d) Surrounding land use is sensitive to existing or impending papakaainga development.

Policy – papakaainga development in rural and urban areas

13.3.1.2 To ensure that papakaainga are able to be developed within rural and urban areas.

Methods

(a) Waikato-Tainui marae, hapuu and iwi signal intentions around marae and papakaainga development as much in advance as practicable to allow for overall rural or urban land use planning for the area.

(b) Those involved in land use planning work with Waikato-Tainui to seek an indication of current and future marae and papakaainga development plans and aspirations.

(c) Land use planning in rural and urban areas enables existing and future marae and papakaainga to be developed.

(d) Land use planning in rural and urban areas anticipates sensitivities in marae and papakaainga development so that the overall character and amenity of the area is maintained while allowing the marae or papakaainga development to proceed.

14 Ngaa Mahi Tuku Iho a Waikato-Tainui
Customary Activities

14.1 INTRODUCTION

14.1.1 The unique and historical relationship of Waikato-Tainui with its traditional lands and waterways has extended over many generations. The importance of this relationship is evident in many customary activities that Waikato-Tainui still undertakes. The mana whakahaere of Waikato-Tainui has associated requirements to responsibly use, protect, and enhance customary resources, and to ensure their on-going health and wellbeing. Waikato-Tainui customary activities and resource use include, but are not limited to the activities below.

14.1.2 Koroneihana – the annual celebration of the coronation day of the Head of the Whare Kaahui Ariki.

14.1.3 Waka or kohikohia – the launching and use of waka and support craft and the erection and use of associated temporary structures (including barges and temporary jetties) on the Waikato River for ceremonial, customary, recreational, competition and sporting purposes including:

(a) Waka taua (ceremonial and war canoes) at significant tribal events including:

i. The annual Ngaaruawaahia Regatta; and

ii. The annual Koroneihana; and

(b) Waka ama, waka hourua and waka koopapa (racing canoes) and waka teetee (river canoes) at tribal events including:

i. The annual Ngaaruawaahia Regatta;

ii. The biennial Waikato-Tainui Games; and

iii. Other Tribal Regatta and Waikato-Tainui Marae Games.

14.1.4 **Tangihanga and hari tuupaapaku** – the transportation of human remains and the accompanying funeral ceremonies.

14.1.5 **Tangohia ngaa momo takawai** – the collection of resources, such as river stones, shingle, and sand from the Waikato-Tainui rohe for the purposes of customary practices including:

(a) The building of a tuahu (altars);

(b) Carvings; and

(c) The preparation of haangii.



14.1.6 **Whakamahi rawa** – the gathering and use of resources for the benefit of the tribe. This includes activities such as using wood for carving; using harakeke (flax) for kaakahu (clothing) or whaariki (mats), and so on.

14.1.7 **Waioranga** – the use of water bodies (fresh and marine water) for customary practices relating to the physical health and wellbeing of persons including bathing and cleansing. This also includes other rivers and places where similar activities are undertaken.

14.1.8 **Wairua** – the use of water bodies (fresh and marine water) customary practices relating to the spiritual and cultural health and wellbeing of people and the tribe.

Koroneihana, Tuurangawaewae Marae, Ngaaruawaahia



This includes baptisms and other traditional ceremonies. This also includes other rivers and places where similar activities are undertaken.

14.1.9 **Raahui** – the imposition of restrictions, from time to time, on all or part of an activity, or the use of a resource, or rohe. Raahui may be imposed for the purpose of conservation protection, spiritual or physical well-being, or other purpose as from time to time determined.

14.1.10 **Hauanga kai** – the customary and contemporary gathering and use of naturally occurring and cultivated foods.

14.1.11 From the time of raupatu the Crown usurped control of, and exercised jurisdiction over Waikato-Tainui traditional lands, waterways, and resources. The Crown developed legislation that delegated the authority and rights of management over these taonga to entities that were not Waikato-Tainui (such as local authorities and administration bodies).

14.1.12 In the past Waikato-Tainui had priority use of their lands and waterways, and undertook customary activities free from third party legislative rules and procedures. Waikato-Tainui determined, through its own tikanga and kawa, what should or should not be permitted to occur. Now, Waikato-Tainui customary activities often require some external form of authorisation. There is increasing pressure on resources in the rohe from commercial and private interests. Waikato-Tainui now has to compete with other users in the region to undertake customary activities over its traditional lands and waterways.

14.2 ISSUES

Access

14.2.1 Access to traditional areas for customary activities and resource use has been compromised, affecting the ability to practice these activities and transfer knowledge of the traditions between generations.

14.2.2 Pressures from other resource users have over-ridden traditional customary activities or natural environment characteristics in some locations. For example, the protection of trout fisheries is considered by some to be a higher priority than restoring native and endemic species.

Customary activities and resources

14.2.3 Competing interests have limited the ability of Waikato-Tainui to exercise control over and exercise the necessary authority to undertake customary activities.

14.2.4 Traditional sites, including those for fisheries and hunting sites are often not appropriately recognised or provided for under the current management regimes.

14.2.5 There is a lack of recognition of the importance of and provision for customary activities in resource management planning documentation (e.g. Reserve management plans, local authority plans, resource consent applications)

14.2.6 There is often a lack of consideration of the effect of resource use and infrastructure development activities on customary practices and activities (For example, river hydrological flows to provide for the regatta, etc.)

14.2.7 There has been a significant decline in the diversity and abundance of traditional resources. This, combined with a loss of access to traditional sites and resources has resulted in some loss of knowledge of customary activities.

14.2.8 Customary activities are not recognised in a consistent manner across Waikato-Tainui with some activities being provided for whilst others are not.

14.2.9 Lack of recognition of maatauranga Maaori innovation and engineering solutions to real world physical problems (e.g dune stabilisation).

14.3 OBJECTIVES, POLICIES AND METHODS

Objective – Waikato-Tainui able to access and undertake customary activities

14.3.1 Waikato-Tainui access to and ability to undertake customary activities and resource use, including along the margins of waterways, is protected and enhanced.

Policy – access is provided

14.3.1.1 To ensure that Waikato-Tainui is provided access to regionally, spiritually, and culturally significant sites to undertake customary activities and resource use.

Methods

(a) A new activity that limits or frustrates access to regionally, spiritually, and culturally significant sites will generally not be supported.

(b) Access will be sought in places where existing land, air, and water use activities limit or frustrate access to regionally, spiritually, and culturally significant sites. This includes through such mechanisms as esplanades, reserve strips, and private access agreements during the resource consent process.

Objective – Waikato-Tainui customary activities are protected and enhanced

14.3.2 The ability of Waikato-Tainui to undertake customary activities is protected and enhanced within the rohe, particularly on, in, and around waterways and their margins, including wetlands and reserves.

Policy – effect of competing activities

14.3.2.1 To ensure that activities do not adversely affect Waikato-Tainui customary activities and use of resources, particularly on, in and around waterway and their margins, including wetlands and reserves.

Methods

(a) A new activity that adversely affects Waikato-Tainui customary activities and use of resources will generally not be supported.

(b) Existing activities that adversely affect Waikato-Tainui customary activities and use of resources are encouraged to employ mechanisms to address the adverse affect, including through such mechanisms as the creation of esplanades and reserves, and private access agreements during the resource consent process.

Policy – customary fisheries

14.3.2.2 To ensure that commercial and recreational fishing is controlled at levels that do not compromise customary fisheries in freshwater or coastal areas.

Methods

(a) A level of control over commercial and recreational fishing is established and maintained that does not compromise customary fisheries in freshwater or coastal areas.

Policy – permitting customary activities

14.3.2.3 To recognise and provide for recognised Waikato-Tainui customary activities.

Methods

(a) Waikato-Tainui consider that the customary activities listed above are permitted activities.

(b) Make provision in Regional Plans, District Plans and fishery regulations to allow customary activities as Permitted or Controlled Activities and to protect customary activities and resource uses from competing interests.

(c) Where there is a conflict over the use of water bodies or effects of an activity, then priority is given to protecting and maintaining customary activities and fisheries.

(d) Where there is a conflict over other customary activities or resource uses, then priority is given to protecting and maintaining those customary activities or resource uses.

(e) Notwithstanding the above methods, work collaboratively with the community, industry, local and central government, consistent with Policy 14.3.2.5.

Policy – restore, protect and enhance customary activities and resource uses

14.3.2.4 To restore, protect and enhance customary activities and resource uses.

Methods

(a) Maintain a register of regionally, spiritually, and culturally significant sites and customary activities, and the degree of access to those sites or activities.

(b) Identify locations of customary activities and fisheries that need protecting.

(c) Investigate sustainable management of customary fisheries utilising maatauranga Maaori and other knowledge systems.

(d) Restore culturally and/or spiritually significant sites in partnership, where required or desired, with the community, industry, local and central government.

(e) Notwithstanding the degree that methods in this policy have been implemented, resource users shall, in collaboration with Waikato-Tainui, manage the effect of their proposed or existing resource use on customary activities and resource use.

Policy - collaboration

14.3.2.5 To work collaboratively with other resource users to manage competing interests around access to and ability to undertake customary activities and resource use.

Methods

(a) Manage resource use so that effects on customary activities and resource use is managed.

(b) Preserve traditional and personal customary use opportunities for Waikato-Tainui tribal members, including encouraging and permitting Waikato-Tainui customary activities on and near water bodies including the Waikato River.

(c) In the implementation of the policies and methods in this chapter, work collaboratively to balance competing and conflicting interests.

(d) Those undertaking events on, in or under Waikato-Tainui waterways (including fresh water and marine water bodies) are encouraged and, particularly if these are larger recreational events or any sized commercial event, expected to provide a benefit back to the fresh water and marine water bodies that are being utilised.

15 Ngaa Taonga Maaori tuku iho me te Aarai Taiao
Natural Heritage and Biosecurity

15.1 INTRODUCTION

15.1.1 The Waikato-Tainui rohe is home to approximately 170 indigenous bird, mammal, reptile, amphibian, and freshwater fish species. Indigenous animals include the tuatara, pekapeka (long tailed bat), matuku (Australasian bittern), tuna (eel), whitebait, and very rare and endangered species such as native frogs. The rohe is also home to at least 900 known indigenous plant species. The indigenous plant and animal species found in the Waikato are valuable cultural resources, and in themselves serve as kaitiaki and natural indicators reflecting the health of the environment.

15.1.2 Prior to Raupatu, the region was renowned for the abundance of natural resources that lay within the rivers, lakes, wetlands and their catchments, and ngahere (native forests). The alluvial soils, sands and gravels carried and deposited by the rivers provided the beds and materials for Waikato-Tainui maara (gardens). Manu (birds) such as kiwi, kookako, kaakaa, tuuii, kereruu and hihi were found commonly throughout the ngahere. Valued weaving resources such as harakeke, kiekie (Freycinetia banksii), and ngaawhaa (Eleocharis sphacelata) graced many of the riverbanks and wetlands. Furthermore, Waikato-Tainui traditions speak of when the lakes and wetlands teemed with large numbers of tuna (eel), koura, whitebait and kaeo (freshwater mussels).

15.1.3 Post-1840, three-quarters of the indigenous vegetation of the Waikato has been removed to make way primarily for agricultural use. Eight of the nine indigenous ecosystem types found in the Waikato-Tainui rohe (as identified by the Waikato Biodiversity Forum), are threatened by a lack of adequate legal protection, incompatible adjacent land uses and human-related impacts within their catchments.

The greatest losses have occurred in the lowland areas (18% indigenous ecosystems remaining); coastal zone (28 % remaining); and sub-montane zones (zones at the base or lower slopes of maunga) (34% remaining).

15.1.4 The loss of habitat and introduced pests (such as ship rats) have been a major reason for the decline and extinction of many native plant and animal species. 223 flora and fauna species are in decline or threatened with extinction in the Waikato Region (source: Waikato State of the Environment Report, 1998). Losing an indigenous species impacts on the whakapapa of the Waikato-Tainui landscape and threatens the viability of Waikato-Tainui culture and traditional activities. Extinctions or declines in a species or habitat have an impact on maatauranga (knowledge) about the ecosystem and environment and the information that can usefully be passed on to future generations.

15.1.5 Today, the Waikato-Tainui rohe provides habitat for at least three nationally endangered animal species: kaakaa, kookako, and the pekapeka (long tailed bat), and a declining species, the giant kookopuu. It is important to Waikato-Tainui that the remaining indigenous species are protected from further depletion and other threats to their wellbeing, and that their populations and habitats are enhanced and/or restored.

15.1.6 The introduction of foreign species into New Zealand ecosystems has also had devastating effects on native species and their habitats. Many of these introduced species are invasive pests (plants, animals, and micro-organisms) that have caused harm to the environment, economy, and/or human health.

15.1.7 Waikato-Tainui culture, tikanga and kawa has evolved with the indigenous flora and fauna of the tribal area. Waikato-Tainui are part of the natural heritage of the land and are at risk when the resources and taonga around them become depleted degraded or destroyed. The continued threat of invasive species to the delicate balance of the indigenous ecosystem is also a threat to the Waikato-Tainui way of life. The prevention of new pests and diseases from inhabiting the natural environment and the removal or reduction of pest species from existing natural areas is necessary to prevent the continued decline of remaining natural areas.

15.1.8 The Waikato Regional Council Significant Natural Areas (SNA) programme helps to identify terrestrial and wetland habitats across the region. A complementary process could be developed to apply the 'culturally significant' wetlands to the SNA baseline and to apply Waikato-Tainui local knowledge to fill gaps (such as for smaller wetlands that are difficult to detect at the regional scale).

Kootuku Ngutupapa or the Spoonbill bird, Te Tira Hoe o Waikato 2013, Te Puuaha o Waikato Port Waikato and the Manukau Harbour are areas where the Spoonbill like to breed.



15.1.9 Genetic modification (GM) remains a controversial issue both globally and nationally. It is vital that Waikato-Tainui views and policies on the potential adverse consequences of GM are clearly outlined and recognised. Most importantly, Waikato-Tainui wants to avoid any disruption caused by Genetically Modified Organisms to the balance of indigenous ecosystems and/or to cultural beliefs and the whakapapa of taonga species.

15.2 ISSUES

Decreased indigenous biodiversity

15.2.1 The size, natural health, and ecological integrity of the remaining indigenous areas of vegetation within Waikato will continue to decline without additional effort to protect, and enhance them.

15.2.2 The loss of indigenous trees and plants from the productive and human-occupied landscape continues to compromise the health of the natural environment by lessening the area of suitable habitat for taonga species, severing the vegetation corridors that are essential for the dispersal of indigenous species, and reducing the contaminant buffering and cleansing function that indigenous vegetation can perform.

15.2.3 A significant number of native flora and fauna species in the Waikato Region continue to decline in abundance and geographic spread. Many of the species facing local and regional decline or extinction are of cultural and spiritual significance to Waikato-Tainui.

Impacts to the relationship between Waikato-Tainui and the environment

15.2.4 Since Raupatu, the impacts of changed land use has gradually depleted the natural and cultivated abundance of Waikato-Tainui resources, undermined the ability to manaaki, or care for our people and manuwhiri, which has consequently weakened environmental whakapapa and hence, the foundations of the relationship of Waikato-Tainui with the whenua.

Landscape planning and compromising of natural heritage

15.2.5 Waikato-Tainui are concerned that inefficient resource development, use, associated activities and infrastructure risks are compromising and depleting the remnants of natural vegetation that remain in the region and serve as a reminder of the original natural character of the landscape.

15.2.6 The indiscriminate use of indigenous plant material not sourced from local plant material (i.e. not eco-sourced) for restoration and development rehabilitation projects continues to alter the natural character of the region and the genetic composition of the remaining natural plant and animal populations. Such use needs to give consideration to strengthening the genetic pool of indigenous species.

15.2.7 Inadequate rural and urban design standards may allow ill-considered designs for dwellings and other structures to be built in areas of high natural character. This further detracts from the mauri of the land and weakens the connection with its natural, cultural, and spiritual foundations.

Biosecurity - plant and animal pests

15.2.8 Several of the 10 exotic fish species found in Waikato rivers, lakes, and wetlands pose a substantial threat to aquatic ecosystems. Koi carp, in particular, causes considerable damage to habitat, degrades water quality, and excludes native fish species.

15.2.9 Control of key vertebrate (animal) pests, such as possums, stoats, and ship rats is mainly concentrated in high priority conservation areas and is somewhat effective in arresting the decline of important threatened bird species. However, due to issues related to limited or poor planning, and/or limited funding and resourcing, pest control is not sufficient in many other areas of indigenous habitat. As a result there is a continued decline in several indigenous species of bird, reptile, frog, plant species, and an unknown number of invertebrates.

15.2.10 Some pests, such as cyanobacteria/blue-green algae, are not appropriately recognised in regional biosecurity and pest management policies despite the impact of this organism on customary practices such as hauanga kai and the associated ability to harvest kai.

Control Agents

15.2.11 Chemical herbicides and pesticides used to control weed and pest species have increasingly been developed to be more effective against target pests, less harmful to non-target species (species that the control agents are not intended to affect) and less persistent. However, some in current use are known to kill non-target species, some bio-accumulate (remain and increase in concentration in the environment), and some remain active in the soil for prolonged periods.

15.2.12 Biological Control Agents are alternatives to chemical control agents and are usually introduced species released into the environment to control another species. There is concern at the potential of biological control agents to affect non-target species and that they may, themselves, establish as a pest species or a threat to indigenous biodiversity.

New organisms and Genetically Modified Organisms

15.2.13 New organisms continue to be introduced, either intentionally or unintentionally, or developed through genetic manipulation (GMO's). Until proven otherwise, Waikato-Tainui remains concerned about the potential of these new organisms to attack, compete with, interbreed, or otherwise harm native and taonga species.

15.2.14 Waikato-Tainui also has a vested interest in protecting the economic sustainability of tribal members and/or tribal lands within the primary production sector, and the negative impacts on productivity which can be caused by the introduction of new organisms – whether GMO or otherwise. PSA (kiwifruit), varroa bee mite, and oyster herpes virus are examples of devastating biological outbreaks that risk creating severe economic loss and reduced capability.

15.3 OBJECTIVES, POLICIES AND METHODS

Objective – indigenous biodiversity

15.3.1 The full range of Waikato ecosystem types found throughout the Waikato-Tainui rohe are robust and support representative native flora and fauna.

Policy – Indigenous biodiversity

15.3.1.1 To ensure that the full range of Waikato ecosystem types found throughout the Waikato-Tainui rohe are robust and support representative native flora and fauna.

Methods

(a) Policies, planning, and best practice ensures no further net losses of 'Priority Ecosystems',[4] and a measurable expansion of areas of Regionally and Culturally Significant Vegetation. These are areas of vegetation that Waikato-Tainui recognises as regionally, culturally and/or spiritually significant.

(b) Waikato Regional Council and Waikato-Tainui work together to apply areas of significance to Waikato-Tainui to the Significant Natural Areas baseline to fill gaps (such as for smaller habitats that are difficult to detect at the regional scale).

[4] As defined from time to time by national policies set by government (e.g. the Department of Conservation with its Conservation Management Strategies).

(c) All permanent waterways within the rohe shall be fenced from livestock and planted, where appropriate, with indigenous vegetation to minimise the effects of land use practices, and enhance biodiversity.

(d) Locally sourced (eco-sourced) indigenous plant material shall be used for all plantings into or adjacent to areas of high ecological and conservation value in the region, and shall be encouraged for all landscape plantings in the tribal area. 'Eco-sourced' indigenous plant material may need to be sourced at some distance from the actual area to be planted to increase genetic resilience and diversity.

(e) Remnant stands of indigenous vegetation shall be retained, enhanced, and extended by fencing and planting and by the encouragement of landowners to take out protective covenants.

(f) The establishment and enhancement of ecological corridors linking areas of known high value indigenous habitat to be treated as a high priority within the relevant regional and local plans and strategies. These corridors should include, but are not limited to appropriate riparian margins, gully systems, esplanade reserves, and vegetation planted alongside road corridors.

(g) Waikato-Tainui involvement in local indigenous biodiversity strategies.

Objective - landscape planning and natural heritage

15.3.2 Cultural, spiritual and ecological features of the Waikato landscape that are significant to Waikato-Tainui are protected and enhanced to improve the mauri of the land.

Policy – landscape planning and natural heritage

15.3.2.1 To ensure that there is greater protection and enhancement of cultural, spiritual and ecological features of significance to Waikato-Tainui.

Methods

(a) Landscapes and view shafts that are regionally, culturally and/or spiritually significant shall be identified, protected from the adverse effects of development, and where possible, enhanced.

(b) Current and future developments (structures and earthworks) reduce the impacts on landscapes of high cultural, spiritual, ecological and/or aesthetic value through:

i. Protection of regional, cultural, and/or spiritual significant landscapes from development that will result in deterioration of existing landscape and natural values; and

ii. Utilising development and building methods that do not compromise Waikato-Tainui landscape values.

(c) Rural and urban design standards manage the effects on the natural character of existing high value areas.

(d) Establishment and enhancement of ecological corridors linking areas of known high value indigenous habitat shall be treated as high priority for the allocation of resources by the authorities responsible. These corridors will include riparian margins, gully systems, esplanade reserves, and vegetation alongside road corridors.

(e) Encouraging appropriate pest control to protect indigenous vegetation.

(f) Fencing and planting with indigenous vegetation occurs, where appropriate, along permanent waterways within the rohe, to manage the effects of land use practices and enhance biodiversity.

(g) Statutory instruments and methods promote the protection and restoration of landscapes and landscape values of importance to Waikato-Tainui.

(h) Waikato-Tainui, in conjunction with government authorities, resource users and conservation groups, will promote and support:

i. Education of the public, local authorities, developers, and other resource users on Waikato-Tainui values, regionally, culturally and/or spiritually significant landscapes, vegetation and species; and

ii. Promotion, including in schools and volunteer programmes, of the protection and sustainable utilisation of indigenous species.

15.3.3 Priority plant and animal pests are appropriately identified, managed, and/or controlled to a level where their impacts are minor or, where possible, are eradicated.

Policy – mitigation of biosecurity risks to culturally and/or spiritually significant species and habitats

15.3.3.1 To ensure that priority plant and animal pests are appropriately identified, managed, and/or controlled to a level where their effects are minor or, where possible, are eradicated.

Methods

(a) Effective pest plant and animal control (as measured by retention or enhancement of indigenous flora and fauna), to be undertaken in all areas of vegetation that are regionally, culturally and/or spiritually significant to Waikato-Tainui, including those habitats occupied by taonga or threatened species.

(b) Application of pest control tools will be undertaken in a manner that manages adverse effects on waterways, hauanga kai, and indigenous species.

(c) Waikato-Tainui shall be consulted on all pest management strategies developed and pest control operations planned on public land within the rohe.

(d) Appropriate monitoring occurs of the effectiveness of pest management, control and eradication operations in protecting priority ecosystems, increasing the extent and abundance of taonga species, and achieving improvements in the ecological health of terrestrial indigenous habitats, rivers, lakes, wetlands, and coastal areas.

(e) Investigations by the relevant authorities or agencies into further mechanisms and/or incentives that could be implemented to better facilitate greater support by private landowners in the implementation of pest management strategies.

(f) Supporting commercial nurseries and landscape contractors to:

i. Stock more locally eco-sourced indigenous plants;

ii. Discourage the stocking of potential pest plant species; and

iii. Better educate customers/clients regarding the risks from release of potential pest plants.

(g) Relevant authorities or agencies investigate public education and promotion initiatives, voluntary measures, and/or regulatory mechanisms to restrict the release of ornamental and exotic plant and animal species along Waikato-Tainui rivers, their tributaries, wetlands, and lakes. This may include reviewing and, if necessary, developing amendments to regulations relating to biosecurity and bio-protection for nurseries and orchards, zoos and animal parks, and tourism operators.

(h) Organisations responsible for pest management encourage people to report sightings of pest species.

Objective – control agents

15.3.4 Control agents are effective in controlling or eradicating target pest(s) with no non-target effects.

Policy – control agents

15.3.4.1 To ensure that control agents are effective in controlling or eradicating target pest(s) with no non-target effects.

Methods

(a) Relevant pest control and other agencies and research institutes use industry best practice in pest animal and plant control, while:

i. Encouraging appropriate pest control to protect indigenous vegetation;

ii. Promoting and facilitating the development of effective pest plant, animal control and eradication tools, with an emphasis on non-toxic tools, and lowered application rates of herbicides, pesticides, and other toxic control tools;

iii. Requiring that biological control agents have demonstrably no effect on non-target species or a minimal effect that is acceptable to Waikato-Tainui;

iv. Requiring that prior to being approved for use biological control agents are proven to have no chance of becoming pest species; and

v. Directing research effort towards the determination of effective methods for controlling, managing, and /or eradicating pest plant and animals species.

Objective – new organisms and Genetically Modified Organisms

15.3.5 A precautionary approach to the introduction of new organisms and GMO's shall be adopted.

Policy – Protection of natural heritage from risk of new organisms

15.3.5.1 Applications for new organisms and GMO's must demonstrate that there are no risks to humans, indigenous ecosystems, indigenous species, or primary production.

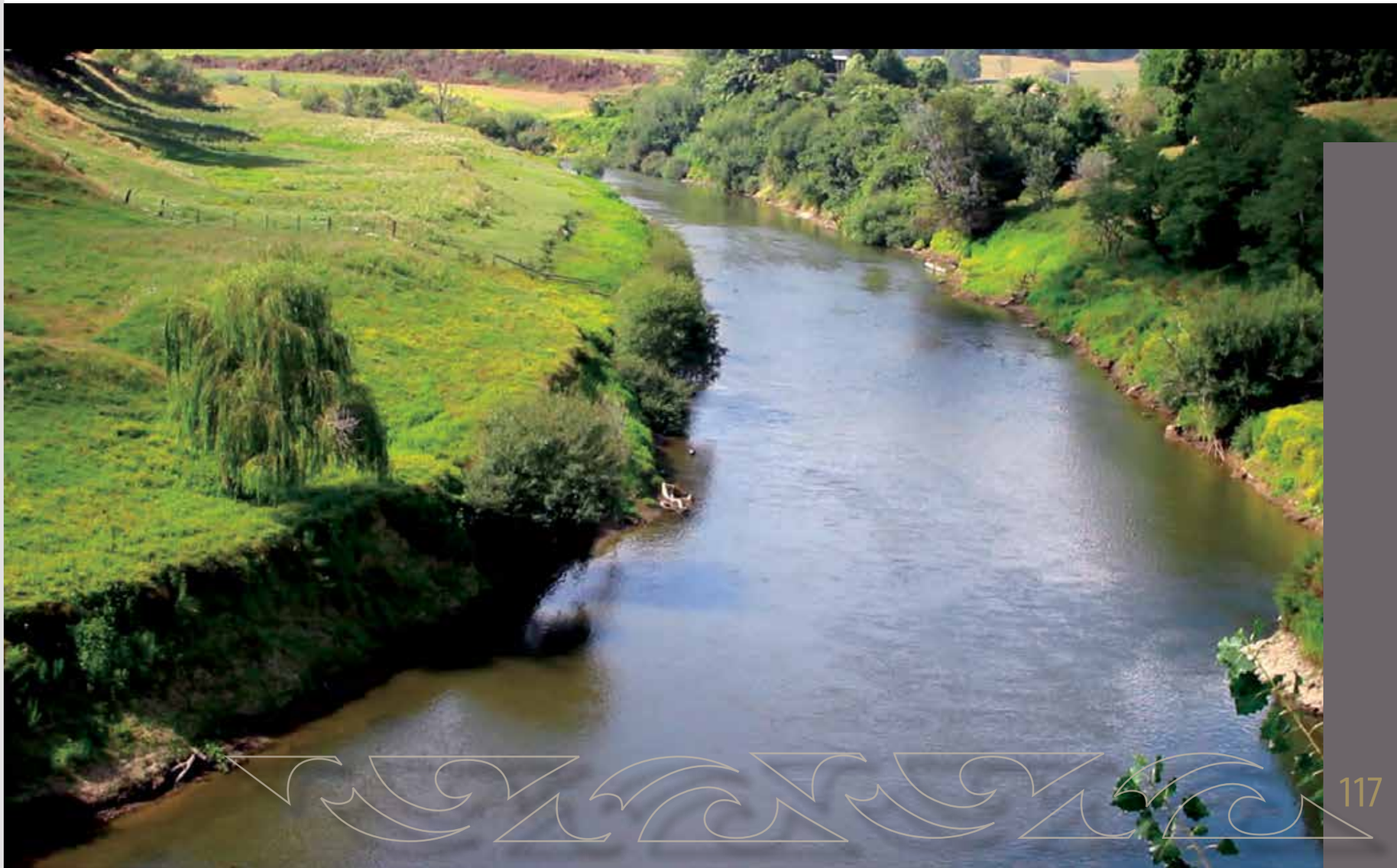
Methods

(a) Applicants will engage with Waikato-Tainui prior to the submission of applications to the Environmental Protection Authority and/or other regulatory agency.

(b) The relevant authorities will work with Waikato-Tainui to ensure that all cultural and spiritual beliefs are appropriately recognised, respected and thoroughly considered.

(c) All efforts must be made by the relevant authorities to ensure that the effects of current and future introduced pests, new organisms, and Genetically Modified Organisms are minimised on taonga species, areas of significant indigenous vegetation, spiritual and/or cultural significance, and on the ecosystems in which these species and areas of significance occur.

Ko Waipaa te Awa



16

Ngaa Taonga tuku iho, ngaa Waahi Tapu, ngaa Waahi Tuupuna

Valuable historical items, highly prized sites, sites of significance

16.1 INTRODUCTION

16.1.1 This chapter considers a number of objectives, policies, and methods to effectively manage ngaa taonga tuku iho (valuable historical items), waahi tapu (highly prized sites), waahi tuupuna (sites of significance), including archaeological sites. Policies consider site management, protection of sites of significance, and the permissions for archaeological surveys and excavations. Policies also include protocols for the discovery of waahi tapu, waahi tuupuna, and archaeological sites.

Waahi tapu

16.1.2 To Waikato-Tainui waahi tapu are those sites of significance that are highly prized. They are areas (lands, waters and space) which exhibit the following:

(a) Cultural importance such as areas for cultural and spiritual purification, cleansing and/or ceremonial purposes, activities, natural places, fisheries and food gathering sites;

(b) Historical importance such as areas where significant battles occurred, significant and/or Kiingitanga events;

(c) Tribal importance such as existing and historical marae, papakaainga (communities), urupaa (burial grounds), tuahu (monuments), and areas of celebration; and/or

(d) Archaeological importance including areas where taonga tuku iho (see below for definition) are discovered.

16.1.3 What constitutes a waahi tapu, waahi tuupuna (highly prized sites or a site of significance) is often a matter specific to the whaanau, marae, or hapuu concerned. While there are broadly accepted types of waahi tapu/waahi tuupuna, there is no 'one size fits all' definition of what constitutes such a site. Consultation and engagement with Waikato-Tainui and investigating the public record will assist in determining waahi tapu/waahi tuupuna that may be affected by a resource use or activity.

Significant sites

16.1.4 Sites and activities of cultural significance define the history of Waikato-Tainui. The Waikato rohe has many areas of significance that are associated to the history of its people, its environment and culture. After the confiscation of Waikato-Tainui lands and the subsequent industry and urban development, many known sites of significance were destroyed, and shifted to the ownership and management of other persons and organisations. Once Waikato-Tainui sites are altered or lost, they cannot be replaced and there is no mitigation that can restore its original significance. Therefore, Waikato-Tainui must protect their waahi tapu and waahi tuupuna for the benefit of future generations and to acknowledge the sacrifices of tuupuna.

Taonga

16.1.5 Taonga such as whakairo (carvings), toki (axes, adzes), koo (digging implements), hiinaki (eel traps) and other objects are considered to be taonga tuku iho to Waikato-Tainui. Under the Waikato-Tainui Accord with the Ministry for Culture and Heritage, 'taonga tuku iho' is defined as:

(a) Those things that are highly prized and derived from iwi, hapuu and whaanau. They are whakapapa connected and are passed on from one generation to the next. This includes:

(i) tangible objects such as types of heirlooms, artefacts, carvings, land and fisheries; and

(ii) intangible substance such as language, spiritual beliefs, ideas and metaphysical gifts.

16.1.6 Most newly found taonga are subject the Protected Objects Act 1975, and recognised as Taonga Tuuturu, defined as an object that—

(a) Relates to Maaori culture, history, or society; and

(b) Was, or appears to have been,—

(i) Manufactured or modified in New Zealand by Maaori; or

(ii) Brought into New Zealand by Maaori; or

(iii) Used by Maaori; and

(c) Is more than 50 years old.

16.1.7 'Found', as defined in section 2 of the Protected Objects Act, means that the taonga tuuturu was discovered or obtained in circumstances that do not indicate with reasonable certainty who has ownership of it and the last owner was not alive when it was found.

16.1.8 However, Waikato-Tainui believe that no taonga is found/discovered in the sense defined by the Protected Objects Act 1975, and in fact it has been purposely buried/placed for protective purposes until the appropriate time occurs for it to resurface and be presented to our people. It is the position of Waikato-Tainui that any taonga of Maaori origin within the Waikato-Tainui rohe, is not subject to the provisions of the Protected Objects Act 1975. Therefore, Waikato-Tainui believe that Waikato-Tainui are the rightful owners of the taonga tuku iho (or taonga tuuturu). This ownership may accrue to Waikato-Tainui marae and/or hapuu either individually or, in the case of shared interests, collectively. Waikato-Tainui are progressing actions to achieve this position.

16.1.9 This includes recognition that WTTKI are Temporary Custodians of Taonga Tuuturu, as defined under the Protected Objects Act 1975, and supported by a letter from the Chief Executive of the Ministry for Culture and Heritage (see Appendix 2 for a copy of the letter). Therefore, at the point of discovery, within the Waikato-Tainui area, WTTKI is the temporary custodian of the found taonga, until ownership is determined. This temporary custodianship is considered to be on behalf of Waikato-Tainui whaanui until the ownership is determined and arrangements made for the transfer of ownership and/or custodianship to the owner(s).

16.2 ISSUES

Site management protocols

16.2.1 It is critical that, before site works begin, clear protocols exist to manage the site and the potential and actual discovery of waahi tapu and/or taonga tuku iho. Lack of understanding of who to talk to within Waikato-Tainui and the protocol to be followed can lead to waahi tapu and taonga tuku iho being modified or destroyed. Similarly Waikato-Tainui needs confidence that resource users and activity operators that impact on the rohe of Waikato-Tainui have clear site management protocols.

Managing waahi tapu and waahi tuupuna

16.2.2 Waikato-Tainui are concerned at the ways that waahi tapu and waahi tuupuna, whether owned by Waikato-Tainui or privately owned, have sometimes been managed in the past. This has led to the destruction or inappropriate use of waahi tapu and waahi tuupuna sites. Often Waikato-Tainui are not informed of such impending use or destruction. For a number of reasons Waikato-Tainui may not wish to reveal the location or type of a waahi tapu or waahi tuupuna. However, unless Waikato-Tainui are involved in managing waahi tapu and waahi tuupuna, such 'hidden' sites cannot be appropriately managed.

Discovery of taonga (including archeological sites)

16.2.3 The discovery of taonga tuku iho or archaeological sites must be accompanied with protocols so that all parties are clear on how best to manage the discovery for the benefit of the preservation of the taonga or site and Waikato-Tainui aspirations for the taonga or site. Clear protocols will enable the discovery to be managed in a way that is best for cultural, social, and environmental outcomes and to hopefully ensure minimum disruption to the resource user's or activity operator's activities.

Areas and sites of significance

16.2.4 There are a number of areas and sites of significance to Waikato-Tainui that can be impacted from a resource use or activity. These include but are not limited to sites on public and private lands, and coastal sites.

16.2.5 Protection of identified sites of significance through policy and physical protection is key to avoiding the impacts of activities that may degrade or destroy these sites. Protecting sites on Crown lands can be achieved through Accords with the appropriate agency, or with agreements with local authorities. Sites on private lands may need to be protected through working with local authorities, the landowner or through different strategies.

16.2.6 The coastal area is a volatile environment and natural forces and human activities can have a significant impact on this area. Storms and flooding expose ***koiwi*** (human bones), increased activities through open access impact on waahi tapu and areas of significance. Waikato-Tainui wish to protect significant sites and prevent human activity exposing taonga.



Site management protocols exist to ensure a precautionary approach to site works to manage the potential for waahi tapu and taonga tuku iho discovery....



16.3 OBJECTIVES, POLICIES AND METHODS

It is noted that all of the objectives, policies and methods in this chapter are to be considered with any resource use or activity that could affect a waahi tapu, waahi tuupuna, and/or taonga tuku iho.

Objective – site management protocols

16.3.1 Site management protocols exist to ensure a precautionary approach to site works to manage the potential for waahi tapu and taonga tuku iho discovery.

Policy – site management protocols

16.3.2 The Project Manager for a project or consented activities incorporates site management protocols and other protocols in this chapter into the site management plan so as to ensure a precautionary approach to site works to manage the potential discover of waahi tapu and taonga tuku iho.

Methods

(a) The Project Manager shall be responsible for engaging an appropriately qualified archaeologist to monitor the progress of all excavations or disturbances and to advise methods to be undertaken to ensure that adverse effects on Waikato-Tainui archaeological values are avoided.

(b) For any urupaa (burial sites) and identified waahi tapu, Waikato-Tainui shall be entitled to have a representative during construction, excavation or disturbance of the site to act as a tribal advisor to the project manager regarding the contents of this protocol. NOTE: The cost of the representative shall be negotiated with and resourced by the project, through the Project Manager.

(c) The Project Manager shall provide to Waikato-Tainui the following information no less than 15 working days prior to any excavation, disturbance or works:

(i) A schedule of the dates of all significant excavation or disturbance events, their sequence and duration; and

(ii) A summary of all measures that will be undertaken to ensure that the adverse effects on Waikato-Tainui archaeological values are avoided.

(d) The Project Manager shall invite Waikato-Tainui to attend any part of monitoring or earthworks.

(e) The Project Manager shall consult with Waikato-Tainui to determine if there are any matters of protocol Waikato-Tainui may wish to undertake in relation to any excavation or disturbance.

(f) The Project Manager shall provide Waikato-Tainui with a copy of all archaeological monitoring and investigation results, and allow Waikato-Tainui an opportunity to respond and discuss the substance of those results.

Objective - managing waahi tapu and waahi tuupuna

16.3.3 Waikato-Tainui manages and/or owns all identified waahi tapu and waahi tuupuna.

Policy – waahi tapu, waahi tuupuna site identification

16.3.3.1 Waahi tapu and waahi tuupuna are identified and information is stored and shared appropriately.

Methods

(a) All relevant agencies shall develop protocols to allow the sharing of, and access to, any information of waahi tapu and waahi tuupuna that is associated to Waikato-Tainui.

(b) All relevant agencies shall provide all information related to waahi tapu and waahi tuupuna of Waikato-Tainui.

These agencies include:

(i) Regional Councils;

(ii) Territorial Local Authorities;

(iii) Pouhere Taonga (New Zealand Historic Places Trust);

(iv) Ministry for Culture and Heritage; and

(v) the New Zealand Archaeological Association.

(c) Storage of data and information should be developed with Waikato-Tainui that allows for the following:

(i) Determining who should hold the information;

(ii) Determining how the information may be shared with external parties, including the public;

(iii) Development of software platforms that will allow access by marae and whaanau;

(iv) Creating back-up systems to ensure the information is not lost; and

(v) Allowing for agreed information to be easily reproduced on maps and other media.

Policy – active engagement

16.3.3.2 Waikato-Tainui marae are actively engaged to ensure the appropriate management of waahi tapu and waahi tuupuna.

Methods

(a) Relevant agencies and partners work with Waikato-Tainui to develop a strategy and pathway for greater management of identified waahi tapu and waahi tuupuna. This may include:

(i) Development of regulations for each identified waahi;

(ii) Shared decision making;

(iii) Delegation of powers; and

(iv) Pathways for transfer of ownership (if so desired by Waikato-Tainui).

(b) Regional and District Councils shall develop accidental discovery protocols and Waahi Tapu Management Protocol with Waikato-Tainui to provide for the protection of Waahi Tapu, through:

(i) Providing the protocols to developers prior to lodging consent;

(ii) Providing the contact details of mana whenua and mana whakahaere;

(iii) Developing required conditions for use during the planning, construction and commissioning of any development.

(c) The discovery protocols in the above method should be of at least the same rigour as other protocols outlined in this chapter and shall be consistent with this Plan.

Policy – general provisions

16.3.3.3 To ensure that sufficient general provisions for Waikato-Tainui involvement in waahi tapu and waahi tuupuna management are in place and understood.

Methods

(a) Causing of destruction: No person shall knowingly desecrate or cause damage to any identified sites of significance or waahi tapu.

(b) Effects from activities: No person shall carry out activities that may adversely impact upon any sites of significance or waahi tapu.

(c) Reporting of unlawful activity: Any person who identifies that an unlawful activity is taking place within an area or site of significance must immediately report the activity to Waikato-Tainui and the New Zealand Historic Places Trust.

(d) Other: other methods as may, from time to time, be required to provide for Waikato-Tainui involvement in waahi tapu and waahi tuupuna management.

Objective – discovery of taonga (including archaeological sites)

16.3.4 Procedures are in place to manage the discovery of taonga and archaeological sites.

[5] The immediate area or location where the taonga (without being exclusive) have been discovered.

Policy – archaeological surveys and excavations (information and permission)

16.3.4.1 To ensure that appropriate guidelines are in place for undertaking archaeological surveys and excavations (information and permission).

Methods

(a) Mana whenua kaumaatua have the role of giving information or permission for archaeological surveys or excavations and direct requests are to be made to mana whenua kaumaatua or their nominees.

(b) In the event that any archaeological remains or artefacts are unearthed, the works shall cease immediately at the place of discovery and the requiring authority shall notify Waikato-Tainui and mana whenua within one working day of discovery.

(c) At the same time, the NZ Police, the Coroner, and Historic Places Trust shall be contacted as appropriate. Work shall not commence in the affected area until all necessary statutory authorisations or consents have been obtained.

Appropriate protocols for taonga discovery and the accidental discovery of archaeological sites are outlined in the following two policies

Policy – taonga discovery

16.3.4.2 To ensure that a clear protocol is followed in the event of discovering taonga.

Methods

(a) If taonga are discovered the following protocol must be followed, and the following procedure will apply to the taonga themselves:

(i) The area of the site[5] containing the taonga will be secured in a way that protects the taonga as far as possible from further damage.

(ii) Waikato-Tainui kaumaatua shall be notified immediately before the taonga is moved.

(iii) Kaumaatua will undertake appropriate actions.

(iv) Work may resume when advised by the Kaumaatua.

(v) If approved by the Kaumaatua, the archaeologist will record, measure and photograph the taonga prior to the Kaumaatua and WTTKI staff member securing the taonga.

(vi) Kaumaatua will determine the appropriate action for the taonga once it has been recorded. This may include reburying the taonga in an appropriate location, or storing in an appropriate location.

(vii) The WTTKI staff member will notify the Ministry for Culture and Heritage of the find within 28 days to inform the Ministry of its actions.

(viii) If the taonga requires conservation treatment (stabilisation), this can be carried out in discussion with the archaeologist, kaumaatua and WTTKI staff member.

(ix) For the avoidance of doubt subject to any laws of New Zealand any taonga found shall be the property of Waikato-Tainui who shall hold and use those taonga (including the return of them to marae) as they, in their sole discretion, see fit.

Policy – archaeological sites

16.3.4.3 To ensure that the appropriate protocol for the accidental discovery of archaeological sites is followed.

Methods

(a) In the event of an "accidental discovery" of archaeological matter including human remains the following steps shall be taken:

(i) All work within the vicinity of the site[6] will cease immediately.

(ii) The plant operator will shut down all construction equipment and activity, leave the site area and unearthed archaeological material in-situ (in place), and advise the relevant person (e.g. site construction supervisor, consultant, owner, or other person named as the 'relevant person').

(iii) The relevant person will take immediate steps to secure the area of the site to ensure the archaeological matter remains undisturbed. Work may continue outside of the site area.

(iv) The relevant person will ensure that the matter is reported to the Regional Archaeologist at the New Zealand Historic Places Trust, Waikato-Tainui (for clarity this includes relevant mana whenua), and to any required statutory agencies[7] if this has not already occurred.

[6] The immediate area or location where the material, artefacts or human remains (without being exclusive) have been discovered.

[7] For example, the New Zealand Police in the event that human remains are found.

(v) The relevant person will ensure that a qualified archaeologist is appointed to ensure all archaeological matter is dealt with appropriately.

(vi) In the event of the material being of Maaori origin the relevant person will ensure that the Waikato-Tainui are contacted in order that appropriate cultural processes are implemented to remedy or mitigate any damage to the site.

(vii) Any and all visits to the site must be cleared by the relevant person. It is advisable that a list of authorised personnel to visit the site is maintained. Under law it is a requirement for the site operator to undertake the overall safe management of the site, including the health and safety of all persons visiting the site. To meet this requirement and also to protect the integrity of the accidental discovery, Waikato-Tainui consider it important that all visitors to the project site are recorded, cleared and inducted into the site.

(viii) The relevant person will ensure that the necessary people shall be available to meet and guide representatives of the New Zealand Historic Places Trust, Waikato-Tainui, and any other party with statutory responsibilities, to the site.

(ix) Works in the site area shall not recommence until authorised by the relevant person who will consult with the New Zealand Historic Places Trust staff, Waikato-Tainui, the NZ Police, and any other authority with statutory responsibility, to ensure that all statutory and cultural requirements have been met.

(x) All parties will work towards operations recommencing in the shortest possible timeframes while ensuring that any archaeological sites discovered are protected until a decision regarding their appropriate management is made, and as much information as possible is gained. Appropriate management could include recording or removal of archaeological material.



Te Koutu, Te Oko Horoi a Taawhiao

Objective – areas and sites of significance

16.3.5 The adverse effects of resource use and activity operation are managed so as to appropriately protect areas and sites of significance.

Policy – areas and sites of significance

16.3.5.1 To ensure that the adverse effects of resource use and activity operation are managed so as to appropriately protect areas and sites of significance.

Method

(a) Resource user or activity operator to work with Waikato-Tainui to ensure resource use, activity, or site specific methods are agreed to manage adverse effects so as to appropriately protect areas and sites of significance.

(b) Resource user or activity operator to work with Waikato-Tainui, through an agreed consultation and engagement process, to identify areas or sites of significance that are or could be effected by an existing or proposed resource use or activity.

(c) For identified sites of significance on Crown lands and lands in which the Crown has vested interests, the responsible Crown agency must provide the following:

i. Appropriate fencing for protection;

ii. Maintained access to the site of significance; and

iii. Work with Waikato-Tainui to seek acknowledgement of the site of significance in the relevant district plan (if requested by Waikato-Tainui);

(d) When an agreement has been reached between a private land owner/s and Waikato-Tainui through a heritage order or other agreement, the order or agreement will provide the following as a minimum:

i. Appropriate fencing for protection; and

ii. Maintained access to the site of significance

(e) When an order or agreement has been reached between a private landowner/s and Waikato-Tainui, the Private Landowner shall provide the following as a minimum:

i. In partnership with Waikato-Tainui, ensure that any adverse effects from landowners activities on the site of significance identified are effectively managed;

ii. Allow Waikato-Tainui regular pre-arranged access to the site of significance, subject to suitable health and safety requirements;

iii. Inform Waikato-Tainui of any activities that may impact the site of significance; and

iv. Immediately inform Waikato-Tainui of any disturbances, accidents or any other activity that has an adverse effect on the site of significance.

(f) Work with Waikato-Tainui to appropriately stabilise and otherwise protect the site of significance and manage any adverse effect on the site.

(g) Work with Waikato-Tainui to appropriately restrict activity within the fenced or recognised area of the site of significance. This may include measures such as, but not limited to, restricting:

i. Walking and tramping outside of any established access track;

ii. Vehicle access;

iii. The lighting of fires; and

iv. The access of animals, particularly exotic or domestic animals to the site of significance.

17 Ngaa Moorearea Ao Tuuroa
Natural Hazards

17.1 INTRODUCTION

17.1.1 Natural hazards are environmental events that are not caused by human interference with the environment but occur as a result of nature's activities. However, the magnitude or the consequences of these events can be exacerbated by human activity, such as increased frequency and severity of landslips through poor land management practices. Natural hazards are a concern, as they have the potential to affect human health, property, and the environment, yet they cannot necessarily be managed in the same manner as natural resources. The hazards that are most likely to occur in Waikato-Tainui include flooding, earthquakes, volcanic eruptions, landslips, severe weather events (e.g. tornadoes, drought), fire, and tsunami.

17.1.2 Global warming and climate change are likely to result in a rise in sea levels; more extreme weather events; changes to rainfall patterns; increased erosion; changes in the population density and distribution of fish and wildlife; and changes in the viability of cultural and/or spiritual resources and activities. Climate change caused by human activity and its effects are a controversial issue both globally and nationally. The impacts that climate change has on our indigenous flora and fauna is largely unknown, therefore it is vital that Waikato-Tainui actively engage and contribute to any nationally led initiatives, policies, guidelines and programmes on climate change. Most importantly, Waikato-Tainui wants to avoid any disruption that climate change causes to indigenous ecosystems, Waikato-Tainui cultural and/or spiritual beliefs and/or practices. Note that references to climate change in the Plan are to climate change potentially caused by human activity.

17.1.3 The potential effects of climate change on water bodies could cause increasing droughts in some areas that could reduce summer low flows that could create greater stress for aquatic life. Increases in storm flows can increase the potential to scour life and habitats out of water ways (particularly smaller more open streams).

17.1.4 The region is prone to flooding particularly as it is susceptible to tropical storms. There are steep river catchments that receive intense and localised rainfall, the Waikato River has a large and extensive catchment, there are low lying areas of flood plain that are intensively farmed and some land management practices allow, or have allowed extensive land clearance followed by increased runoff and erosion. An area at substantial risk of flooding is the Lower Waikato River from Ngaaruawaahia northward. The confluence of the Waikato and Waipaa Rivers is highly prone to flooding. Flooding in coastal areas may arise from tsunamis, or from high tides coupled with storm events.

17.1.5 Natural hazard risk management is very important to ensuring the safety of people, communities, marae, and areas of cultural and spiritual significance. Activities and resource use practices should occur in a way that does not increase the risk of a natural disaster occurring or increase the magnitude of the effects from a natural event should it occur in an integrated holistic manner.

Manukau Harbour



17.2 ISSUES

Land use

17.2.1 Inappropriate subdivision, land use, or development can increase the risk of some natural hazards occurring and the magnitude of any effects when hazardous events do occur. There is concern that land use regulations have, over the years, permitted the subdivision and development in hazard prone areas. For example, building houses in an area prone to flood or tsunami creates a risk that residents or buildings are endangered if a flood or tsunami was to occur.

17.2.2 Coastal erosion and land instability cause environmental as well as cultural and/or spiritual impacts particularly on waahi tapu and sites of significance (e.g. human remains being exposed through coastal erosion and land use creating landslips.

17.2.3 General land use issues are addressed in other chapters, such as Chapter 21, 'Te whenua – land'; Chapter 25, 'Ngaa whakaritenga moo ngaa whenua o Waikato-Tainui – land use planning'; and Chapter 26, 'Waihanga matua – infrastructure', and are not considered further in this chapter. This chapter focuses on land use as it relates to natural hazards.

Risk management

17.2.4 Affected property owners may have an expectation that properties already developed in hazard zones should be permitted to erect protection structures. The erection of these structures may enable the wellbeing of an individual or group but may have an adverse effect on landscape, indigenous fauna and flora, and culturally and/or spiritually sensitive sites.

17.2.5 It appears that "hard" engineered solutions are used too widely and more natural "soft" solutions to natural hazards (particularly erosion and stability) should be considered. Additionally, these structures sometimes magnify the local effect that they are designed to prevent (e.g. sea walls may provide an unnatural barrier to wave action which subsequently may cause greater gouging of the sand at the base of the sea wall when wave action occurs).

17.2.6 Balance is required between utilising hazard management protection mechanisms, such as groynes, walls, and stop banks to protect property, and protecting areas of significance to Waikato-Tainui and avoiding adverse effects on the environment.

Climate Change

17.2.7 Climate change is likely to result in sea level rise, more frequent and intense rainfall as well as increased frequency and duration of drought. A shift is needed in the way hazards are managed to protect developments in areas that may be at risk in the future. Climate change has the potential to change physical and natural processes. This is of particular concern if climate change is exacerbated by human activity. There is concern that human activity and the cumulative effect of discharges, farming, industry, and commercial practices, and deforestation may adversely contribute to climate change, global warming, and the reduction in the ozone layer.

17.3 OBJECTIVES, POLICIES AND METHODS

Objective – land use and structures

17.3.1 Land use and the construction of structures occurs in a way that does not increase the risk or magnitude of a natural hazard event, and that does not increase the risk or effects on human life or activity in the event that a natural hazard event occurs.

Policy – land use and structures

17.3.1.1 To ensure that land use and structures do not increase the risk or magnitude of a natural hazard event, and does not increase the risk or effects on human life or activity in the event that a natural hazard event occurs.

Methods

(a) New land use and structures that increase the risk or magnitude of a natural hazard event shall be avoided.

Note: Preference is given to any new or changing land use, subdivision or development avoiding, rather than mitigating, any hazard.

(b) Existing land use, activities, and structures in zones where natural hazards occur are encouraged to change land use or activities and shift, abandon or suitably modify structures to withstand the potential effect of a natural hazard event.

(c) Consider taangata whenua historical knowledge of natural hazards when considering land use, activities, or structures under this policy.

Objective – risk management

17.3.2 The risk of adverse effects on human, cultural, spiritual, or environmental wellbeing shall be prioritised over risks to individual properties when assessing natural hazard risks and/or the need for hazard protection structures.

Policy – risk management

17.3.2.1 To ensure that human, cultural, spiritual, or environmental wellbeing is appropriately considered when assessing natural hazard risks and/or the need for hazard protection structures.

Methods

(a) Policy 17.3.1.1 and the associated methods are noted as a key means to manage risk.

(b) Where it is practical, and environmentally, culturally, and/or spiritually preferable, a 'soft' engineering solution should be utilised over a 'hard' solution (e.g. the use of swales rather than concrete channels).

(c) New land use and structures shall avoid creating actual or potential adverse effects on natural hazards which subsequently causes adverse affects on human, cultural, spiritual, or environmental wellbeing.

(d) Existing or new structures or land use that requires the use of hazard protection structures that could adversely affect human, cultural, spiritual, or environmental wellbeing are generally not supported.

(e) In the event that an existing or proposed hazard protection structure adversely affects human, cultural, spiritual, or environmental wellbeing then alternative solutions are encouraged and expected.

(f) Where there is existing development and the effects on cultural and/or spiritual values and the environment are adverse, the concept of 'managed retreat' where existing structures are not replaced or maintained and no new structures are allowed to be erected, should be applied.

(g) Hazard management structures, activities, and schemes and their ongoing function should strive to maintain and restore ecosystem function and habitat, and cultural and/or spiritual wellbeing.

(h) The cumulative adverse effect of land use and structures on natural hazards shall be avoided or managed consistent with the policies in this chapter, such that there is no increased risk to human life, structures, cultural, spiritual or environmental wellbeing.

(i) Notwithstanding the above methods, protecting life is a priority in hazard management structures, activities and schemes.

(j) A practical balance between natural hazard management and the restoration and protection of cultural, spiritual and environmental wellbeing is encouraged.

(k) Where culturally and/or spiritually sensitive sites or sites of significance are subject to natural hazards, in which human intervention has played no role, then Waikato-Tainui should be advised to enable the correct protocols and procedures to be adopted in order to address the situation.

(l) In the event that human remains or koiwi are exposed through a natural hazard event, the protocols set out in Chapter 16, 'Ngaa taonga tuku iho, ngaa waahi tapu, ngaa waahi tuupuna – valuable historical items, highly prized sites, sites of significance', apply.

(m) When developing integrated management plans, they shall consider the management of natural hazards.

(n) Maintain a register, in partnership with other stakeholders (e.g. local authorities), of natural hazards in the Waikato-Tainui rohe. This may include merely being aware of which entity keeps such a register.

Objective – climate change

17.3.3 The cause and effects of climate change are understood and prepared for within the Waikato-Tainui rohe.

Policy – understanding and managing adverse effects of climate change

17.3.3.1 To ensure that the causes and effects of climate change are understood and prepared for within the Waikato-Tainui rohe.

Method

(a) The use of ozone depleting chemicals and activities is not supported.

(b) Any known or potential adverse effects of climate change on Waikato-Tainui are prepared for and managed.

(c) Any adverse effects of global or national climate change policy on Waikato-Tainui are managed.

(d) Waikato-Tainui is engaged and consulted on regional, national, and, where practicable, global climate change policies and process.

(e) The effects of resource uses or activities that can aggravate climate change are managed.

Note that other methods in this chapter contribute to managing the adverse effects of climate change.

Island Restoration Training with Waikato-Tainui tribal members, April 2013.





SECTION D: Ngaa take, ngaa whaainga, ngaa kaupapa here, ngaa tikanga – Taiao Whaaiti – Issues, objectives, policies and methods – Specific Environmental Areas

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...Waikato-Tainui acknowledges the inter-connectedness between all of the elements that make up natural resources and the environment...

18 Te Tiimatanga - Hei Whakataki i te Wehenga

Introduction to the Section

18.1 INTRODUCTION

18.1.1 Building on, and as a companion to the previous section, this section of the Plan describes issues, objectives, policies and methods associated with natural resources and environmental management in the rohe of Waikato-Tainui. These are intended to provide management guidance, based on Waikato-Tainui values and knowledge, to promote sustainable management of natural, physical, and cultural resources.

18.1.2 It is noted that the chapters exist for ease of navigation through the various constituent elements of natural resources and the environment. However, Waikato-Tainui acknowledges the inter-connectedness between all of the elements that make up natural resources and the environment. Waikato-Tainui considers that it is generally not possible to impact on one of the elements without having a direct or indirect impact on each of the other elements. Therefore it is incumbent upon resource users to minimise the impacts their activity has on any natural resource or environmental element.

CHAPTERS

18.1.3 This section of the Plan is divided into a number of chapters, which other than the introduction consider a particular element or component of natural resources and the environment. It is noted that natural resources are themselves elements that are an integral part of the overall environment.

Chapters in this section are:

(a) **Chapter 18 – Te Tiimatan**ga – Introduction to the Section

(b) **Chapter 19 – Te Wai Maaori** – Water

(c) **Chapter 20 – Ngaa Repo** – Wetlands

(d) **Chapter 21 – Te Whenua** – Land

(e) C**hapter 22 – He Mahinga Ika** - Fisheries

(f) **Chapter 23 – Te Ararangi** – Air

(g) **Chapter 24 – Te Taiao Moana** - Coastal Environment

(h) **Chapter 25 – Ngaa whakaritenga moo ngaa whenua o Waikato-Tainui** – Land Use Planning

(i) **Chapter 26 – Waihanga Matua** – Infrastructure

(j) **Chapter 27 – Whakaputa hiko** – Electricity Generation

(k) **Chapter 28 – Keri Oopapa –** Mining and Quarrying oil, gas, minerals

(l) **Chapter 29 – Ngaa Mahi Paarekareka Me Te Manaaki Manuwhiri -** Recreation and Tourism

18.1.4 Each chapter is broken into the following sections:

18.1.4.1 **Introduction:** provides an introduction and context to the element to be considered in the chapter. In some cases the introduction also describes a vision or an ideal 'state' that Waikato-Tainui considers demonstrates the overall health and wellbeing of the element.

18.1.4.2 **Issues:** describes the issues that impact or have the potential to impact on the overall health and wellbeing of the element. Issues of concern to Waikato-Tainui may include activities, management approaches or processes that adversely impact on elements of natural resources and the environment and/or Waikato-Tainui taonga and values (includes direct, indirect, and cumulative impacts).

18.1.4.3 **Objectives, policies and methods:**

(a) **Objectives** describe high level goals or direction that would minimise, manage or eliminate the issues.

(b) **Policies** define the direction and/or course of action to achieve the objectives in the Plan.

(c) **Methods** describe specific actions, directions, and/or more detailed outcomes that promote and support the policies.

(d) The policies and methods in this Plan are directions and actions that Waikato-Tainui will implement, support and/or promote. Waikato-Tainui whaanau, marae, hapuu, or other collective group may have additional policies and methods that complement or are preferred over the ones in this Plan. In most cases the successful achievement of the objectives will require a team approach with external agencies (such as Local Authorities, resource users and activity operators, the wider community) to carry out certain activities or strive to achieve certain objectives. Waikato-Tainui will encourage or advocate for these agencies to carry out these activities or achieve the objectives using the Plan as a guide.

18.1.5 Implementing these policies and methods will require on-going engagement and consultation with Waikato-Tainui. Waikato-Tainui considers that cooperation and collaboration is needed between all levels of government, taangata whenua, industry, and the general public to ensure the sustainable management of the environment for future generations.

19 Te Wai Maaori
Freshwater

19.1 INTRODUCTION

19.1.1 To Waikato-Tainui, water has the ability to create and sustain life.

It is no coincidence that Waikato-Tainui marae were established alongside or near water bodies. Water is required to sustain the functions of the marae, hapuu, and the people.

The significance of water to Waikato-Tainui is immeasurable and the respect taangata whenua has for it is demonstrated by the manner and purposes for which it is used and handled. This includes certain waters being used only for bathing, blessings, healing, spiritual cleansing, gathering kai, and waters that are totally excluded from use for cultural reasons.

19.1.2 Waikato-Tainui recognises that water is a highly contestable, public resource.

National and Local Authority Policies and Plans determine the manner and principles for which water may be allocated. This involves determining limits for allocable use (waters to be used for predominantly economic purposes) and understanding the assimilative capacity (water to remain to sustain ecosystems) of water bodies. What has been missing from setting those types of limits is the incorporation of tribal knowledge.



Waikato River, Kemureti



A summary of the Waikato-Tainui view of water, and regard for its use can be broadly noted as the following:

(a) **Wai Ora** – Life giving and sustaining. These waters are generally regarded as pristine, sanctified water, primarily used for "higher" purposes such as ceremonial use, blessings, cleansing of chiefs etc. These waters are generally spring waters (puna), or in areas specifically designated for higher purposes. These waters must be protected.

(b) **Wai Maaori** – Useable for general purposes. These are waters that can be used for general purposes such as drinking, recreation, sustenance, economic use and provision for food gathering. Waters used to sustain the marae functions should be protected for marae use. Waters used for general purpose should be managed in a way that ensures the future of the tribe can be sustained.

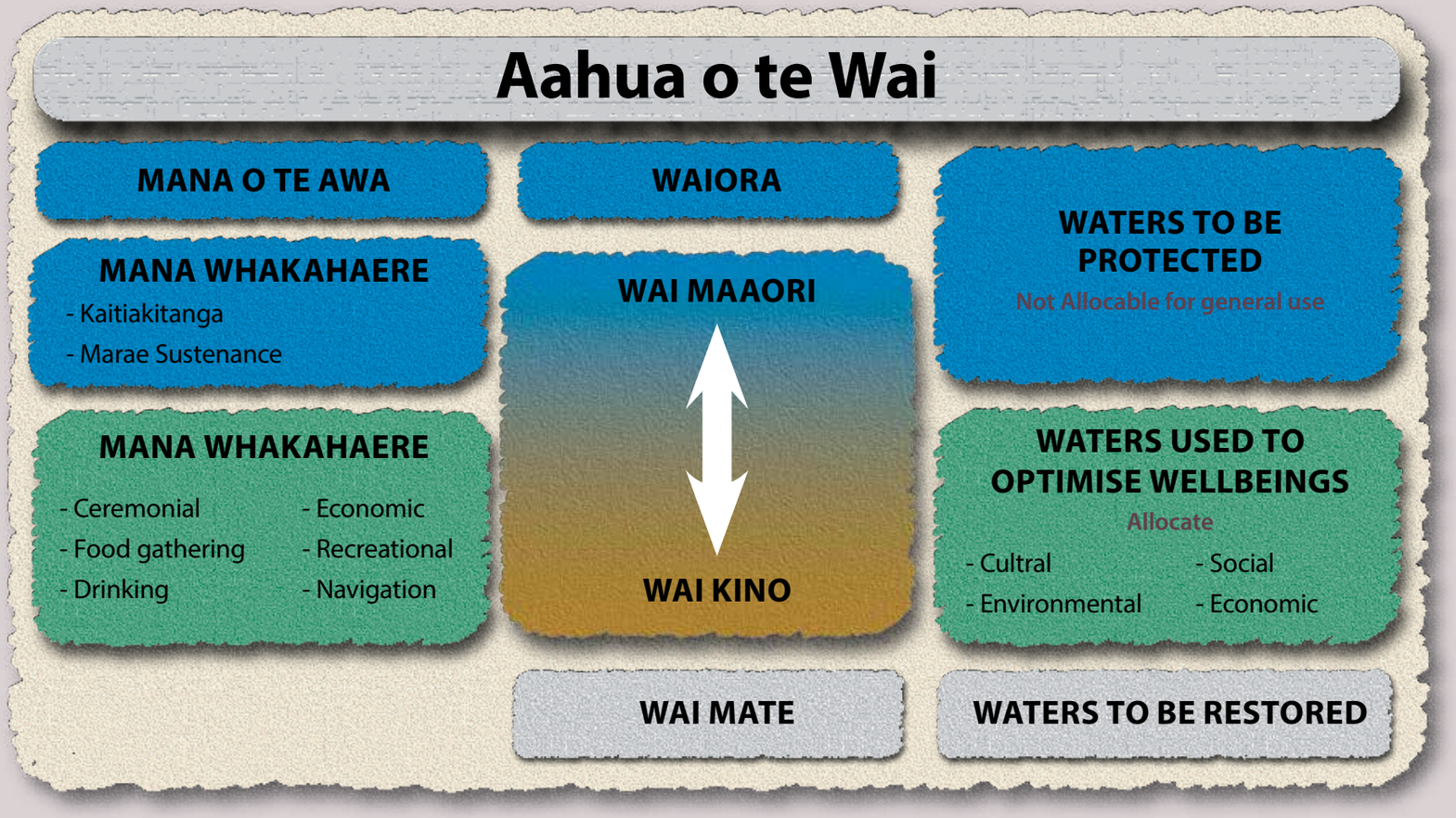
(c) **Wai Kino** – Waters of limited use. These waters can still be used generally, but may have limited ability to sustain life or to be safely used due to poor water quality, accessibility, or other limiting factors. These waters require greater management to ensure safe and optimal use.

(d) **Wai Mate** – Waters that have exceeded the ability to properly sustain life. These waters are regarded as not fit for human or certain productive use. To some they are identified as 'dead' waters, but to Waikato-Tainui, no water is regarded as being 'dead', as all things, including water, have mauri. Therefore, these waters must be better managed and restored to a higher quality.

19.1.3 The classification of water into the above 'states' of water should be determined by whaanau, marae, hapuu, and iwi who are kaitiaki and/or exercise mana whenua over part or all of a water body, and be incorporated in the future of water management.

19.2 NGAA AAHUA O TE WAI (CLASSES OF WATER)

19.2.1 To Waikato-Tainui, the quality of water determines the type of relationship that Waikato-Tainui has with it. Following on from the states of water, the diagram on the opposite page demonstrates how Waikato-Tainui consider water, the state of water, its relevance of use, and general use/management/protection of each state.



19.2.2 The diagram outlines the following:

(a) Waters regarded as **Waiora** must be protected from impacts, and general use. It should not be allocated for general use.

(b) Waters that are required for marae sustenance and/or to support spiritual guardians in fulfilling their roles as kaitiaki, must not be allocated, but must be protected.

(c) Those waters that do not fall into the waiora, or upper echelon of wai Maaori, can be allocated for general human purposes, but must be used in a manner that demonstrates greatest efficiency, and optimises cultural, spiritual, environmental, social, and economic wellbeings.

(d) Waters that are regarded as being 'lifeless' or 'dead' must be protected from further degradation, and subject to a greater restorative plan.

19.2.3 Therefore, decision makers of policies, plans, and resource consents must consider the state of the water, impacts on the use of the water, and the relationship of Waikato-Tainui relationship with water.

19.3 ISSUES

19.3.1 Water is a fundamental component for all dimensions of life. Water not only sustains life, but also serves an economic, social, cultural, spiritual, and political purpose. Regardless of the significance of water, the increase in water contamination by cities, industries, and agriculture/horticulture has led to the deterioration of the mauri of water. The degradation of the whenua and waterways affects the use (physical and metaphysical) of water resources, hauanga kai, and water's life supporting capacity. It is recognised that there are two major issues related to water; water quality and water quantity (allocation). These have significant impacts on the relationship between Waikato-Tainui and water.

The relationship between Waikato-Tainui and water

19.3.2 The regard that Waikato-Tainui has for the Waikato River cannot be understated. Historically, through tikanga and kawa, Waikato-Tainui learned how to manage water bodies to ensure their capacity to sustain the tribe. Over many generations, successive governments, and the development of plans and policies that dictate the management of all water bodies, the ability of Waikato-Tainui to actively manage its waters diminished. For Waikato-Tainui, the relationship between the tribe and its waters has been weakened due to the following matters:

(a) Land confiscation;

(b) Lack of recognition of taangata whenua values in local policy;

(c) Limited representation of taangata whenua at a governance level;

(d) Economic objectives overriding cultural, spiritual and environmental aspirations;

(e) The ability to physically access water bodies has diminished;

(f) Poor water quality has diminished the desire to use and enjoy water bodies; and

(g) Waikato-Tainui does not have an equitable share of allocable water for economic purposes.

19.3.3 Providing for the matters above would go some way towards enhancing the relationship of Waikato-Tainui with its waters.

Water Quality

19.3.4 The quality of water determines the relationship that the tribe has with its waters. Environmental degradation, at a national level, has occurred at a large cost and the physical, chemical, and biological quality of water has deteriorated as a result of both point source pollution (discharges into a body of water at a single location), and non-point source pollution (contamination from diffuse sources). The waters of the Waikato region have been modified to support economic gains, and the impacts of previous poor management practices are increasingly being seen. As a result, human impacts from such uses as farming/agriculture, wastewater discharges, damming, horticulture, urban development, alterations to the natural hydrology (straightening) of rivers and streams, and forestry conversions have modified natural water flows and increased the degree of contaminants that a water body receives resulting in a decrease in water quality of rivers and streams, and forestry conversions have modified natural water flows and the degree of contaminants that a water body receives resulting in a decrease in water quality.

19.3.5 At times, waterway restoration initiatives that are not well timetabled can decrease water quality. For example, the indiscriminate removal of mature exotic trees from waterways can increase erosion and sediment loading into the waterway. Until replanted trees reach maturity this can also result in the destruction of habitats, such as habitat for the pekapeka (native bat).

19.3.6 Due to the large catchment area of the Waikato River, and the highly fertile farmland, historical agricultural activities expanded at an exponential rate. Consequently, water quality is often poor in areas where high levels of agricultural activity leach pollutants into groundwater. The nature of non-point source pollution, non-compliant discharges of urban run-off, and sewage effluent make it difficult to manage water quality, resulting in the accumulation of contaminants in sensitive environments.

19.3.7 Point source discharges, such as those from wastewater treatment plants, can be highly organic and cause a reduction in water oxygen levels. This can stress fish life.

19.3.8 The by-products of the previously mentioned activities contribute to the increase in nutrient levels and accumulation of key contaminants in water. An increasing trend in nutrient levels within New Zealand rivers and lakes is likely to result in unwanted changes to river/lake ecosystems.

19.3.9 The presence of metals such as iron, manganese, boron, mecury, and arsenic can have harmful effects on human health. Likewise, the use of herbicides, pesticides, insecticides, and fungicides are also recognised as potential contaminants of water.

19.3.10 Water clarity can be altered by activities such as sand dredging/mining that occur on the lower reaches of the Waikato River and soil erosion that increases the risk of sedimentation. Increased suspended sediment in waterways can have an adverse effect on ecosystems such as through smothering aquatic life in estuaries.

19.3.11 Contributing contaminants in water degradation are the levels of nitrogen and phosphorous. Nitrogen is found in groundwater (in the form of nitrate) and is monitored for health and environmental reasons. Elevated levels of nitrogen indicate the presence of other pollutants in freshwater, and can pollute surface water. A key issue is that, with increasing nitrogen and phosphorous levels, the risk of harmful algal blooms also increases threats to human and animal health. Increasing nutrients also increases nuisance aquatic weed growth and, with increasing algae, reduces water clarity. Elevated pathogen (bacteria, such as *E. coli*, and viruses) levels in water are a risk to human and animal health.

19.3.12 Another major contributor to the quality of water is the introduction and poor management of pest species. The quality of water and its role in the natural biodiversity of waterways has been greatly altered as a result of transporting and holding pest fish and plant species. Pest fish (e.g. koi carp, catfish, perch, and tench) have stripped water channels of vegetation as well as excluded or out-competed native fish species. Similarly, pest plants (e.g. hornwort, yellow flag, and alligator weed) are also being transported by water and deposited on lands, where they have dominated and crowded out native flora. Pest species management is discussed in Chapter 15, 'Ngaa taonga Maaori tuku iho me te aarai taiao – natural heritage and biosecurity'.

19.3.13 Waikato-Tainui aspires to have waters that are drinkable, swimmable, and fishable with the water quality at least at the level it was when Kiingi Taawhiao composed his maimai aroha. The ability to have drinkable and fishable water is limited by a number of factors such as the concentrations of *E. coli,* eutrophication, suspended sediments, arsenic and mecury.

19.3.14 An integrated approach is also lacking between responsible agencies, industry partners, the community and Waikato-Tainui. Sharing information and accepting roles and responsibilities would assist in better management of these issues that contribute to water degradation. Waikato-Tainui acknowledges that, since the establishment of co-management over the Waikato River, there has been a shift towards improving integrated management of water, such as through Joint Working Parties, that include Waikato-Tainui, and building key stakeholder relationships through the region.

Water Quantity (Allocation)

19.3.15 On an international level, New Zealand benefits from an abundance of water. The total water use in New Zealand is estimated to be at least two to three times more water per capita than in 30 other OECD countries. However, the availability of water, with regards to supply and demand, is highly variable across regions and seasons. The Waikato region experiences both drought and flooding events that can be aggravated by human intervention. It is the scarce and valuable nature of water, which highlights a key issue of water allocation and the need for efficient allocation and management regimes.

19.3.16 The key issues and considerations for water quantity include:

(a) Limits are set for every surface water body in the Waikato Region in the regional plan, and yet a number of catchments are over allocated, and hence Waikato-Tainui considers these over allocated catchments degraded;

(b) The 'First-In First-Served' approach as the only legal allocation method is inefficient and not supported by Waikato-Tainui;

(c) Water can be a 'subtractable resource' – meaning that a disposition has occurred between Waikato-Tainui and its water bodies because, if water is consumed by one party, it is generally not available for use by Waikato-Tainui or any other party;

(d) Due to confiscation and other Crown actions, Waikato-Tainui do not have an allocation of water to provide for economic, social, environmental, spiritual, and cultural purposes;

(e) Waikato-Tainui consider that the current allocable thresholds may historically have been driven by economic gains and other competing factors, resulting in over allocation;

(f) Waikato-Tainui considers that there may be an expectation from existing consent holders that they should, as of 'right', have their consents renewed at expiry. However, if water has been over-allocated or there are other limiting factors in the allocation, the expectation of renewal can hardly be assumed;

(g) The role of Waikato-Tainui in decision making is limited;

(h) Ensuring that consent holders for water use (including water take and direct or indirect discharge to water) comply with their consent conditions and strive for efficiency in water use;

(i) Allocable 'space' needs to be created to allow new, more effective, and efficient users to enter the water market;

(j) There is a lack of accurate knowledge about how much water is actually being used;

(k) The assimilative (water to remain to sustain ecosystems) capacity of water in the Waikato Region is relatively unknown;

(l) Water extraction can, in some cases, not leave sufficient water for healthy aquatic ecosystems and fish life;

(m) The potential effects of climate change on water bodies could cause increasing droughts in some areas that could reduce summer low flows that could create greater stress for aquatic life. Increases in storm flows can increase the potential to scour life and habitats out of water ways (particularly smaller more open streams). (Note that human induced climate change is considered in Chapter 17, 'Ngaa Morearea, Natural Hazards');

(n) Water bodies, such as streams and rivers, are still relied upon to disperse and minimise diffuse and direct discharges, where efficient and effective treatment of discharges should be the first priority; and

(o) The issue of Waikato-Tainui rights and interests in water has not been resolved between the Treaty Partners, in this case, Waikato-Tainui and the Crown.

Waikato-Tainui aspires to have waters that are drinkable, swimmable, and fishable with the water quality at least at the level it was when Kiingi Taawhiao composed his maimai aroha...





19.4 OBJECTIVES, POLICIES, AND METHODS

Objective – The relationship between Waikato-Tainui and water

19.4.1 Waikato-Tainui engage and participate in the highest level of decision-making on matters that affect waters in the Waikato-Tainui rohe.

Policy – decision making

19.4.1.1 To ensure that Waikato-Tainui engage and participate in the highest level of decision-making on matters that affect waters in the Waikato-Tainui rohe.

Methods

(a) National, Regional, and Local Authorities engage Waikato-Tainui on any matters that may have an effect on the management, quality, and quantity of waters within the Waikato region, including involving Waikato-Tainui in any associated decision making functions.

(b) Waikato-Tainui are engaged by relevant local authorities when determining allocable flows for waters within the Waikato region.

(c) Engagement occurs prior to the public release or notification of consents, policies, discussion documents, protocols, plans, and/or regulations consistent with Chapter 6, 'Te koorero tahi me Waikato-Tainui – consultation and engagement with Waikato-Tainui.'

(d) Authorities and water users (including water take, direct and indirect discharges) provide for, and are consistent with relevant sections of this Plan.

(e) If determined by the Authority and Waikato-Tainui, a joint statement with recommendations, should be submitted to the respective decision-making Board, Local Authority, or Committee.

Objective – Water quality

19.4.2 Water quality is such that fresh waters within the rohe of Waikato-Tainui are drinkable, swimmable and fishable in all places (with water quality to the level that Kiingi Taawhiao could have expected in his time).

Policy – water quality

19.4.2.1 Regulators to set clearer and higher water quality targets, and to develop and incentivise methods to achieve these targets.

Methods

Those regulating the use of water (including water take, and direct and indirect discharges to water):

(a) In consultation with Waikato-Tainui, classify water as wai ora, wai Maaori, wai kino, or wai mate and set water quality targets accordingly such that:

i. Wai ora quality is retained and protected;

ii. Wai Maaori quality is such that the water can be used for general human purposes, but must be used in a manner that demonstrates greatest efficiency, and optimises cultural, spiritual, environmental, social, and economic wellbeings;

iii. Wai kino and wai mate has water quality improvement targets set so that, over time and in a sustainable manner, water quality is improved to a state commensurate with its pre-degraded state.

iv. Water that is at a quality degraded below its classification has water quality improvement targets set so that, over time and in a sustainable manner, water quality is improved to a state commensurate with its classification or to its pre-degraded state.

(b) Regional councils should prioritise catchments on the basis of the above state of the water and the risks posed by areas of resource use pressure (quality and quantity).

(c) Provide a suite of methods and tools to effectively manage water quality that includes, but is not necessarily limited to:

i. Best practice water quality management;

ii. Audited self-management schemes;

iii. Catchment-scale mitigation and attenuation;

iv. Non-regulatory and regulatory measures to improve water quality;

v. Setting water quality targets for fresh water bodies; and



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vi. The use of economic instruments available to effectively manage water quality.

(d) Provide incentives to industry and enterprise to encourage uptakes of available tools and methods that promote best practice management.

(e) Adopt methods and tools to achieve higher water quality standards which contribute to:

i. Achieving iwi, hapuu, and marae values;

ii. Achieving freshwater objectives through collaboration;

iii. Meeting water quality limits in the catchment and the timeframes for meeting them;

iv. Effectively managing contaminants;

v. Ensuring that contaminants do not reach groundwater;

vi. Enabling economic efficiency;

vii. Strengthening communities of interest;

viii. The physical characteristics of the catchment;

ix. The range of land uses in the catchment;

x. The existing and anticipated resource use pressures;

xi. The level of knowledge and data available; and

xii. Managing the likely effects of climate change and unforeseeable natural disasters.

Objective – Water quality (integrated catchment management)

19.4.3 An integrated and holistic approach to management of water is achieved.

Policy – integrated catchment management

19.4.3.1 To ensure that there is an integrated and holistic approach to catchment management that is effective and informative and the scope of planning is broad.

Methods

(a) This objective, policy, and methods to be read in conjunction with Objective 21.3.4, Integrated Catchment Management (Land).

(b) Integrated catchment management plans developed for all catchments in the rohe.

(c) Ensure integrated catchment management plans adequately consider land use.

(d) Integrated catchment management plans include allowance for floodplain and drainage management that promotes the restoration of natural habitats.

(e) Ensure integrated catchment management plans adequately consider natural hazard management.

(f) Land use is consistent with integrated catchment management.

(g) The scope of integrated planning is broad, and includes the management of both water quality and quantity, including:

i. Interactions between surface water, ground-water, and coastal marine water;

ii. Interactions between water quality, flow, land use, and hydrology;

iii. An assessment of the current state of the catchment;

iv. The role of infrastructure, potential opportunities from its further development, and any possible inter-catchment infrastructure benefits and impacts;

v. Setting of objectives and limits in tandem with determining the range of tools to be used for meeting them, while ensuring that social, economic, environmental, spiritual, and cultural considerations are incorporated;

vi. Providing a policy framework that integrates regional and local authorities' roles and responsibilities;

vii. How industry, community, and local authority programmes can be integrated;

viii. How implementation will be resourced and managed to ensure its effectiveness;

ix. Ensuring effective natural hazard management is in place; and

x. Ensuring requirements for monitoring and review.

(h) Availability and access to data and information should be made easier to assist with catchment management.

(i) Regional councils should, on a regular basis:

i. Undertake monitoring of the state of the environment;

ii. Review implementation plans and programmes related to water management;

iii. Report to the community on progress towards meeting catchment objectives;

iv. Monitor and review regional policy and plan effectiveness to achieving integrated catchment management; and

v. Involve iwi, hapuu and marae values, objectives, and data in a monitoring and review processes.

(j) A precautionary and adaptive approach is undertaken to improve catchment management as more reliable information becomes available over time.

Objective – water quantity and allocation

19.4.4 Water allocation is consistent with restoring and protecting the health and wellbeing of water bodies within the rohe of Waikato-Tainui.

Policy – water quantity and allocation

Those regulating the use of water (including water take, and direct and indirect discharges to water):

19.4.4.1 Ensure that any water allocation framework operates under consistent principles, is equitable and efficient and restores and protects the health and wellbeing of Waikato-Tainui water bodies.

Methods

(a) In consultation with Waikato-Tainui, classify water as wai ora, wai Maaori, wai kino, or wai mate and set water allocation so that:

i. Wai ora is not allocated for general use, particularly where that water is required for marae sustenance and/or to support spiritual guardians in fulfilling their roles as kaitiaki;

ii. Wai Maaori is allocated for general human purposes, but must be used in a manner that demonstrates greatest efficiency, and optimises cultural, spiritual, environmental, social, and economic wellbeings;

iii. Wai kino is allocated only to the degree that it can be safely allocated to sustain life and achieve optimal use; and

iv. Wai mate is not allocated.

(b) Regional councils should prioritise catchments on the basis of the state of the water and the risks posed by areas of resource use pressure (quality and quantity).

(c) The water allocation framework is underpinned by the following principles:

i. Recognition that Waikato-Tainui has rights and interests in water;

ii. Unauthorised water takes are subject to immediate enforcement action to ensure a level playing field for all water users;

iii. Water is a common pool resource and should be managed in a way that supports social, cultural, spiritual, environmental, and economic wellbeing;

iv. Access to water for reasonable drinking and sanitation needs is a basic human right;

v. Some commercial investments have been made on the basis of access to water that have been and will continue to be strategically significant for New Zealand's long-term economic welfare;

vi. All water takes (excluding those required for civil or general emergency) should be accounted for within the allocable limit;

vii. In discussion with Waikato-Tainui, water within the allocable quantum needs to be easily transferable between users where there is a more effective and efficient use of the transferred allocation;

viii. The framework for allocating water to users should focus primarily on ensuring the health and well-being of waterways and secondly on contributing to the long-term economic, cultural, spiritual, environmental, and social wellbeing of the Waikato-Tainui rohe;

ix. There is an equitable and efficient allocation and use of water;

x. That the equitable and efficient allocation and use of water may lead to the creation of 'new' water for allocation ('New' allocable water can come about through mechanisms such as people not renewing or taking up a water allocation consent; efficient water use creating spare capacity in allocated water).



(d) The water allocation framework must cater for all catchments and particularly consider catchments:

i. That have no significant current or foreseeable demand pressure;

ii. That continue to have water available for use and a trend of increasing demand towards full allocation;

iii. That are fully allocated; and

iv. Where water is over allocated and all or any of that over allocation needs to be phased out.

Taamaki Makaurau



Policy - creating allocable space

19.4.4.2 Water allocation mechanisms enable the creation of allocable space to allow allocation of water to Waikato-Tainui for the social, cultural, spiritual, environmental, and economic health and wellbeing of Waikato-Tainui and the Waikato-Tainui rohe.

Methods

(a) Consent holders progressively improve practices to efficiently lower water use.

(b) Incentives (including direct and indirect benefits and costs, encouraging land use practices which support the water objectives) for good water management practices are created.

(c) Regional Councils annually review allocated water use to determine whether allocable space has been created.

(d) Agencies involved in water allocation mechanisms investigate whether an allocation of water could be granted to Waikato-Tainui.

(e) Regional Councils discuss with Waikato-Tainui the outcomes of any annual efficiency reviews and whether there is a need to review any council regulatory instruments in light of the annual efficiency review findings.

Policy - resource consents

19.4.4.3 Resource consents granting, monitoring, and reassessment ensures any allocation of water has regard to best practice and the objective of restoring and protecting the health and wellbeing of Waikato-Tainui water bodies.

Methods

(a) Consents should be granted to those activities that minimise impacts on waterways and optimises the long-term economic, cultural, spiritual, environmental, and social welfare of the Waikato-Tainui rohe.

(b) Consents should be well defined so users are clear as to their entitlement.

(c) Consents should be easily divisible so that if it is determined that a consent holder does not require the consented amount it can be transferred to the allocable quantum without issue.

(d) Consent applications granted should have a term sufficient to ensure that water allocation is efficient and effective.

(e) Regional Councils should have the ability to claw back all or part of the allocable quantum from resource consents, to the extent that the water allocated is not used for the purpose for which consent was granted.

(f) Encourage an integrated catchment approach to be preferred over a 'first-in first-served' allocation approach to water allocation.

(g) The water quantum that is not to be allocated is protected.

Policy - water that is not to be allocated

19.4.4.4 To ensure that allocable and minimum flows are determined in partnership with Waikato-Tainui and recognises Waikato-Tainui aspirations.

Methods

(a) Regional Councils, in conjunction with Waikato-Tainui, will establish the unallocable quantum at each, or any, review of the relevant sections of their Regional Policy Statements and Regional Plans;

(b) Such unallocable quantum will ensure that:

i. The cultural, spiritual and environmental objectives of Waikato-Tainui (as outlined in this Plan and otherwise expressed by mana whenua groups), and the community is provided for, including customary activities and sustaining hauanga kai;

ii. The way that water is classified (wai ora, wai Maaori, wai kino, wai mate) and the impact of differently classified water bodies on any receiving waters is considered;

iii. The ecological objectives of the receiving waters are paramount;

iv. A favourable environment for native species of flora and fauna is created;

v. The natural functions of wetlands is provided for;

vi. A greater water quality can be achieved; and

vii. The social objectives of Waikato-Tainui marae and hapuu, and the community is provided for (e.g. all waters meet safe drinking, food gathering and swimming standards).



Whangamaarino Wetlands

20 Ngaa Repo Wetlands

20.1 INTRODUCTION

20.1.1 Wetlands include a wide variety of fresh-water and salt water habitat types and the resident flora and fauna that are associated with them. They can be permanently or temporarily covered by water and are considered to be amongst some of the most biologically diverse of all ecosystems.

20.1.2 For Waikato-Tainui, the lower Waikato wetlands are areas of huge significance. Due to the concealing nature of wetlands, people would store and preserve taonga within them, thus ensuring the safety of those taonga. Key wetlands continue to conceal the koiwi of Waikato-Tainui tuupuna who lost their lives during the battles of Rangiriri and Meremere in 1863.

20.1.3 Wetlands are an integral component within the whakapapa of Waikato-Tainui rivers and lakes. They provide important spawning grounds and habitat for fish and other taonga species. They also provide important ecosystem services such as reducing peak flood flows, increasing low flows, and trapping and removing sediments and nutrients.

20.1.4 The main wetland types found in the Waikato Region include kahikatea swamp, maanuka wetlands, sedgelands, raupoo and harakeke (Phormium tenax) swamps; although restiad peat bog complexes (Sporadanthus and Empodisma) were once also common in the lower catchment. Prior to 1840, wetlands once covered approximately 52,357 ha of the total area recognised today as the Waikato District. Less than 22% (approximately 11,083 ha) of that area remains, with the greatest local reduction occurring in the Hamilton Ecological District (Clarkson and Wallace, 2004[8]). At the regional scale, approximately 20% of the original freshwater wetlands remain.

20.1.5 The Waikato Region is home to three of six significant wetlands recognised as RAMSAR[9] sites within New Zealand. These sites include the Kopuatai peat dome, Whangamarino freshwater wetland, and Firth of Thames Tidal. Because of the important connections between wetlands, rivers, lakes, and taonga species, it is important to Waikato-Tainui to protect and enhance what exists today, and where possible, to restore wetlands that were lost.

20.2 ISSUES

Wetland mauri and condition, hauanga kai, habitat

20.2.1 The mauri of Waikato-Tainui wetlands is linked to the overall ecological health and well-being of their whakapapa (i.e. to the native fauna and flora found in those systems). These are the resources that Waikato-Tainui rely on for a number of cultural activities and which are collectively identified as 'hauanga kai'. Negative impacts on the whakapapa of the wetlands will, therefore, have corresponding negative effects on wetland mauri and the ability of Waikato-Tainui to utilise hauanga kai.

20.2.2 Many of the remaining wetlands in the Waikato and their whakapapa are under constant threat due to:

(a) Adjacent land-use practices including drainage and fertiliser application;

(b) Removal of indigenous wetland margin/riparian vegetation;

(c) Disconnection of wetlands from their source river systems;

(d) Unnaturally high sediment and nutrient loads; and

(e) The impacts of introduced pest plant and animal species.

[8] Clarkson, B., & Wallace, I. (2004). *Wetlands of the Waikato District – Landcare Research Contract Report: LC0304/099, prepared for Waikato District Council*

[9] The Convention on Wetlands (Ramsar, Iran, 1971) -- called the "Ramsar Convention" -- is an intergovernmental treaty that embodies the commitments of its member countries to maintain the ecological character of their Wetlands of International Importance and to plan for the "wise use", or sustainable use, of all of the wetlands in their territories. (www.ramsar.org)

20.2.3 The continued decline in healthy wetland state and function has resulted in losses of important hauanga kai and habitat for natural materials used for cultural purposes and practices (flora and fauna). In turn, this has diminished the ability of Waikato-Tainui to maintain conservation practices of whakatupua (growing time) and raahui.

20.2.4 Flood plains and wetlands provide important habitat and spawning for indigenous fish but many of the region's wetlands are no longer in a suitable state to perform this function. This is coupled by a reduction in the connectivity between freshwater systems and habitat due to infrastructure such as culverts, weirs and/or dams (see Chapter 22, He Mahinga Ika - Fisheries).

20.2.5 Pest fish (e.g. gambusia, koi and catfish), and animal species (e.g. mustelids, feral cats, and rodents) now occupy and dominate many of the region's wetlands, excluding many species of native fauna and negatively altering plant communities.

20.2.6 Currently, the most commonly used methods for controlling pest species in wetlands are based on toxic compounds with potential side effects for the wider environment, and the health of communities. Waikato-Tainui recognises that on a case-by-case basis, toxic tools may be the only methods available. However, the true success of such programmes is measured by the effectiveness of consultation and engagement processes with Waikato-Tainui and the approaches taken to explore other options for pest control. The long-term aspiration for Waikato-Tainui with regard to pest control in wetlands is for non-toxic tools.

20.2.7 Waikato-Tainui believes that land use planning and policy development has not recognised and protected the natural capacity of wetlands to process and extract water-borne contaminants. This is particularly relevant to those wetlands that are fed by streams and/or lie alongside rivers.

20.2.8 The Waikato Regional Council Significant Natural Areas (SNA) programme helps to identify terrestrial and wetland habitats across the region. A complementary process could be developed to apply the 'culturally significant' wetlands to the SNA baseline and to apply Waikato-Tainui local knowledge to fill gaps (such as for smaller wetlands that are difficult to detect at the regional scale).

Access

20.2.9 As a result of the reduction in wetland area and the impacts on remnants, the ability for Waikato-Tainui to exercise kaitiaki responsibilities, maintain access to, and utilise the natural resources of wetlands has been compromised. Many wetlands in the region are surrounded by privately owned land with no legal access for Waikato-Tainui or the public.

20.3 OBJECTIVES, POLICIES AND METHODS

Objective – Wetland mauri and condition, hauanga kai, habitat

20.3.1 Existing wetlands are protected and enhanced

Policy – improvement to the condition of existing wetlands

20.3.1.1 To encourage improvements to local hydrology (where possible) to support healthy wetland function, and restoration of locally appropriate wetland biodiversity within local planning and land management practice.

Methods

(a) Activities and resource use in, on, and around wetlands support and promote the enhancement of current and/or new wetland habitats.

(b) Water takes from wetlands are restricted to promote healthy wetland function.

(c) Planning rules and policies prevent any further reduction in wetland area or wetland condition within the Waikato-Tainui rohe.

(d) Facilitate and/or support the establishment of programmes to restore and expand wetland habitat. These programmes should be developed and implemented to achieve a measurable increase in the quality of wetlands, and should ideally include, but not be limited to:

(i) Restoring existing wetlands;

(ii) Removing and/or controlling plant and animal pests;

(iii) Using technology such as constructed wetlands where this is feasible;

(iv) Expanding the size of those wetlands where this is feasible;

(v) Re-establishing wetlands adjacent to lakes and rivers where land is available and conditions remain suitable for wetlands; and

(vi) Identifying and setting aside government and local authority owned land for the purpose of wetland creation and enhancement.

(e) Water levels of all significant wetlands shall be maintained and stabilised to prevent further deterioration in wetland ecological condition and, where possible, wetland water levels shall be restored to enhance habitat and expand wetland area. Where necessary, this shall be achieved by placing restrictions on the amount of surface and subsurface drainage installed on farmland adjacent to wetlands.

(f) Encourage education providers, local authorities, Crown agencies, and non-Government organisations and promote public education programmes to:

(i) Promote the importance of wetlands; and

(ii) Explain and promote Waikato-Tainui values and uses of wetlands.

(g) Where practical and possible, Waikato-Tainui will co-facilitate public education programmes in the above method.

Policy – land use planning and management adjacent to wetlands

20.3.1.2 To ensure that all land use practices that have the potential to impact on wetlands have efficient sediment, drainage, discharge, fertiliser application, and riparian buffer control practices in place to ensure that adverse impacts on wetlands are prevented.

Methods

(a) There shall be no discharges of point or non-point source wastewater to ecologically or culturally significant wetlands.

(b) All stormwater discharged to ecologically or culturally significant wetlands shall be treated in such a way that ensures the ecological condition and cultural use of the wetland is not compromised.

(c) Buffer zones of appropriate indigenous plant species shall be established and/or maintained around all significant wetlands to protect them from the effects of land use and to help reduce fluctuations in wetland water levels.

(d) Landowners adjacent to regionally or culturally significant wetlands shall be required to adopt best practice land management to prevent further decline of wetland water levels and to minimise the movement of contaminants into the wetlands.

(e) Where appropriate land is available and it is feasible, flood plains shall be restored to function as natural overflow areas along the Waikato River and to link more naturally with adjacent wetlands.

(f) Waikato Regional Council and Waikato-Tainui (and where appropriate, other Regional Councils), work together to apply wetlands of significance to Waikato-Tainui, to the Significant Natural Areas baseline to fill gaps (such as the smaller wetlands that are difficult to detect on the regional scale).

Policy – pest animals and plants

20.3.1.3 Refer to Objective – biosecurity risks and Objective – control agents for relevant objectives and policies for effectively managing pest animals and plants.

Objective – access

20.3.2 The relationship of Waikato-Tainui with its wetlands is enhanced through the restoration of wetlands and enhanced/permitted access for cultural purposes.

Policy - access

20.3.2.1 To ensure that the relationship of Waikato-Tainui with its wetlands is enhanced through the restoration of wetlands and enhanced/permitted access for cultural purposes.

Methods

(a) All ecologically and culturally significant wetlands within the Waikato-Tainui rohe, including those wetlands that are ecologically and culturally significant to Waikato-Tainui, shall be:

i. Identified and permanently fenced to exclude livestock;

ii. Monitored annually for their health and condition using a combination of traditional science and maatauranga Maaori.

(b) Resource users, activity operators, landowners, local authorities, and Crown agencies (as appropriate) to improve and facilitate access for Waikato-Tainui members to selected wetlands within the tribal area in

order to practice whakatupua (growing time), raahui on wetlands during the fish spawning season, and/or other Waikato-Tainui hauanga kai and cultural practices.

(c) Resource users, activity operators, landowners, local authorities, Crown agencies, and research institutes, as the context demands, to:

i. Identify ecologically and culturally significant wetlands within the Waikato-Tainui rohe that their proposed activity impacts;

ii. In conjunction with Waikato-Tainui, identify which of those wetlands and parts of wetlands are high priority for protection and for restoration to enhance biodiversity, improve water quality, maintain low flows, and reduce peak flows;

iii. In conjunction with Waikato-Tainui, identify wetlands where it may be feasible to increase the water level, especially for the enhancement of fisheries habitat; and

iv. Work with Waikato-Tainui, as appropriate, to develop tools for monitoring wetland health using maatauranga Maaori.

21 Te Whenua Land

21.1 INTRODUCTION

21.1.1 In 1863 – 1864 the Crown engaged in a war against Maaori in the Waikato causing suffering to the people. After the war in Waikato the Crown unjustly confiscated large areas of land. This confiscation or raupatu has, over time, had a crippling impact on the welfare, economy and mana whakahaere of Waikato-Tainui and the ability to manage the lands, awa and resources within the tribal rohe. Though raupatu did not change the beliefs and values of Waikato-Tainui, nor the unique relationship with the whenua and awa, its impact on the mana whakahaere exercised by the tribe was immediate.

21.1.2 Subsequently, land in the Waikato-Tainui rohe has been drained and developed for a number of uses. Land development has dramatically reduced the area of native forest and wetlands throughout the region and pastoral farming, exotic forestry, industrial and urban development is now the main productive land uses.



21.1.3 This reduction in native ecosystems and changing land use has consequently affected the natural ecosystem balance. This is particularly the case where current land use is not ideal for the area, such as farming on marginal, hilly lands. Attempts to control natural processes have further impacted on the natural ecosystem balance. For example, attempts to control flooding, which occurs naturally and contributes to ecosystem balance, has exacerbated habitat decline, particularly when waters are further contaminated from other land use activities or have a higher than natural sediment loading. Habitats for indigenous flora and fauna are in decline or have been destroyed.

21.1.4 Declining habitats has resulted in a decreased ability for Waikato-Tainui to undertake hauanga kai. This causes whakamaa for Waikato-Tainui who are unable to share their bounty with and to adequately host manuwhiri.

21.1.5 Of particular concern to Waikato-Tainui is the degradation that has occurred in soil quality caused by unsustainable land use practices (such as some agricultural and horticultural practices). Poor soil increases the risk of erosion and nutrients leaching into water bodies, thereby further degrading water quality, adversely affecting the health of the river with a subsequent loss of cultural and other Waikato-Tainui uses.

21.1.6 The ability to access and effectively utilise land is intrinsically linked to the ability of Waikato-Tainui to provide for the environmental, social, spiritual, cultural, and economic health and wellbeing of Waikato-Tainui. Land can have distinct or, at times, overlapping values depending on the use of the land. For example, land set aside as an urupaa (burial site) has a different environmental, social, spiritual, cultural, and economic value than land set aside for Waikato-Tainui economic initiatives.

21.1.7 For Waikato-Tainui all land has mauri and all land has value to Waikato-Tainui. The mauri of much of the land within the rohe of Waikato-Tainui has been adversely affected by its historical and current use. Waikato-Tainui seeks to restore the mauri of the land in balance with achieving the environmental, social, cultural, spiritual, and economic aspirations of Waikato-Tainui. Waikato-Tainui recognises that restoring the mauri of land needs to occur in partnership with the wider community, local authorities, government, and commercial and industrial users.

21.2 ISSUES

Soil erosion and management

21.2.1 The removal of indigenous vegetation in favour of pastoral farming, production forestry and roading has caused, and continues to cause accelerated soil erosion, particularly on hill country. This is delivering inflated loads of sediment to rivers, lakes, estuaries and coastal marine areas and causing significant negative impact on water quality and aquatic biodiversity.

21.2.2 Intensification of agricultural practices throughout the rohe increases the risk of soil degradation, soil compaction, surface water runoff, and sediment loss from hill and flat land areas.

21.2.3 Clear-felling harvesting practices create the potential for soil erosion which causes sedimentation of receiving waterways and the coastal environment and smothers in-stream habitat and ecological values. This applies both within the context of forestry, but can also apply to riparian management particularly with regard to invasive/pest plant removal along waterbodies.

21.2.4 Fluctuations in water levels (volume/quantity), accretion (gradual build up of sediment or other natural material), wave action and water flow can all influence erosion potential, particularly along river and lake banks, around river islands and along the coast.

Nutrient loss and water quality management

21.2.5 Intensification of agricultural practices increases the nitrogen and phosphorus loads and levels of faecal pathogens ('bugs' in tiko) entering rivers, lakes, wetlands and estuaries. While the effects of these contaminants impact most noticeably on water bodies, the sources and causes lie on the land and with how the land is managed. Contaminants put onto or into land compromises the mauri of the land, rivers, lakes, and marine environments.

Land contamination

21.2.6 There is a lack of detailed knowledge of existing and historical contaminated sites within the rohe and their on-going impact on the environment.

Floodplains and drainage

21.2.7 The construction of flood protection and drainage works to prevent periodic flooding of natural flood plains has limited the natural process of soil fertility replenishment, disconnected aquatic systems from land-based environments (e.g. forests to waterbodies to wetlands), and, consequently, has reduced the habitat available for the plant and animal life.

Integrated catchment management

21.2.8 The relationship between land, water, Waikato-Tainui, and communities are interlinked. Greater focus needs to be placed on an integrated catchment management approach to land and water management.

21.2.9 For Waikato-Tainui, integrated catchment management includes recognising and providing for the relationship of Waikato-Tainui with the catchment.

21.3 OBJECTIVES, POLICIES AND METHODS

Objective – effectively manage soil erosion

21.3.1 Activities that accelerate soil erosion are managed effectively, including through the reforestation and retirement of marginal lands from existing intensive and environmentally unsustainable land uses.

Policy – retirement and restoration of marginal land

21.3.1.1 To encourage local authorities and landowners to retire highly erodible land from farming and to restore and protect highly erodible lands.

Methods

(a) Prohibit the clearance of indigenous vegetation and soil disturbance on highly erodible land that could cause further erosion; unless it is necessary to undertake the clearance; and the soil disturbance and the resulting effects can be managed.

(b) Support and encourage the restoration and protection of highly erodible land areas using locally sourced indigenous vegetation.

(c) Support and promote sustainable land management practices.

(d) Promote the direction of funds to support local reforestation initiatives on marginal lands.

Policy – land development

21.3.1.2 All major excavation works that have the potential to impact on waterways shall have sufficient erosion and sediment control measures in place to ensure that adverse effects on water bodies are managed.

Methods

(a) Erosion and sediment control plans in place.

(b) Waikato-Tainui input, as appropriate, into development and monitoring of the erosion and sediment control plan**s.**

Policy – riverbank erosion

21.3.1.3 To ensure that riverbank erosion, including the erosion of river islands is effectively managed.

Methods

(a) Riparian planting of appropriate, preferably indigenous species shall be promoted and increased to stabilise riverbanks and reduce erosion in the region.

(b) Riparian vegetation shall only be removed from river and lake margins using methods that do not result in increased soil erosion in the long term. Any short-term effects shall be managed to minimise any adverse effects.

(c) River margins prone to significant riverbank erosion shall be identified and managed to minimise erosion risk.

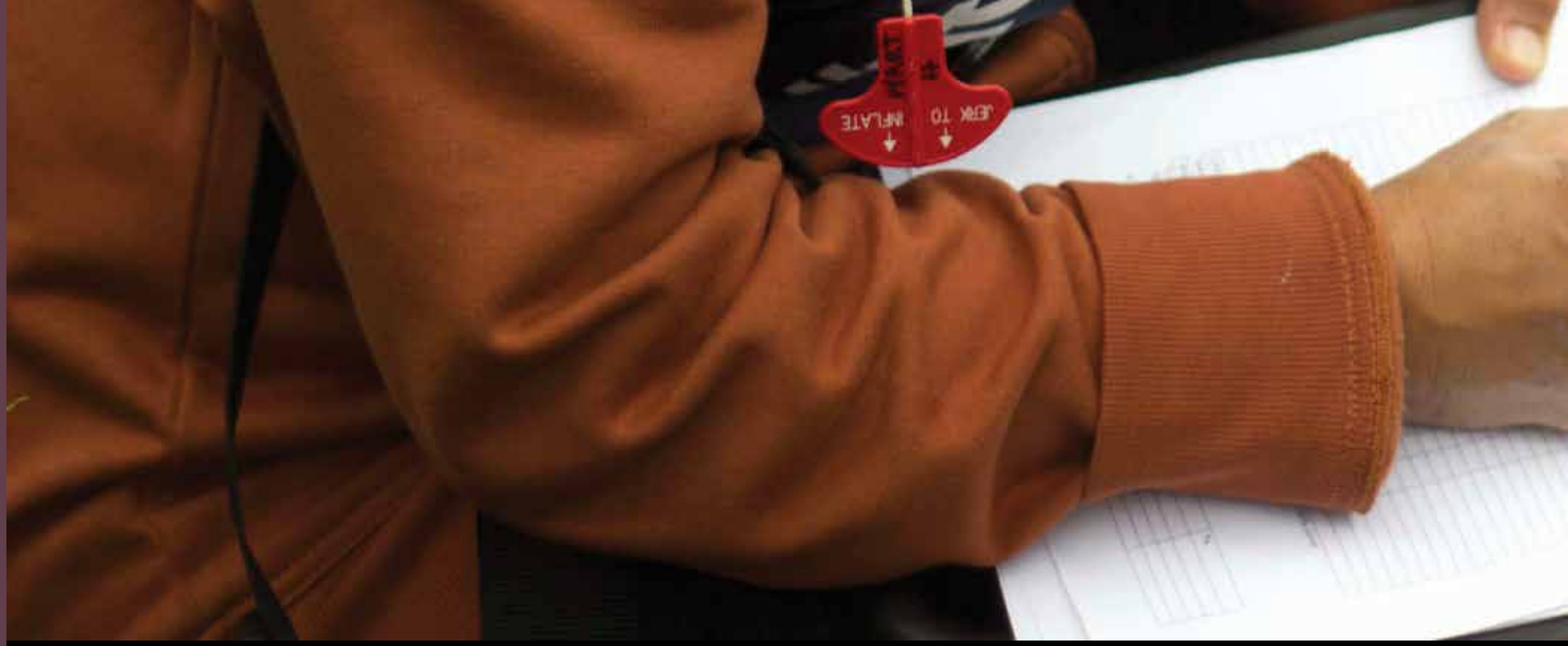
(d) Protect riverbanks from erosion by working with natural river dynamics and flow patterns and using natural materials (e.g. indigenous vegetation).

Policy – dam management

21.3.1.4 To ensure that water flow through the Lake Karaapiro dam is such that the downstream erosion of riverbanks is minimised.

Methods

(a) Water flows through the Lake Karaapiro dam and all other dams on the Waikato River system, have set minimum and maximum flows that minimise erosion of riverbanks downstream**.**



Objective –the life supporting capacity of land and soils

21.3.2 The life supporting capacity of land and soils effectively manages soil nutrient loss and water quality so there is minimal impact on nutrient loss to waterways.

Policy – soil and land management practices

21.3.2.1 To promote the adoption of best practice land and soil management that minimises soil erosion, nutrient leaching, and sediment and nutrient runoff.

Methods

(a) Land management practices that are sustainable, improve soil organic matter, naturally improve soil nutrient balance and prevent soil erosion are encouraged and promoted.

(b) Activities on land use best practice methods to minimise soil erosion, nutrient leaching, and sediment and nutrient runoff.

(c) Land use activities are matched to land use capability through methods such as matching land use to soil type so as to minimise soil damage. Ideally, land should only be used in a way that the land is capable of sustaining.



Island Restoration Training with Waikato-Tainui tribal members, April 2013

Policy – land management

21.3.2.2 Promote and encourage the development and adoption of land management practices that protects waterways from suspended sediments, nutrients and pollutants.

Methods

(a) Promote and encourage environmentally sustainable farming practices that maintain and restore the good health of the land, rivers, lakes, wetlands, estuaries, and coast.

(b) Ensure best practice management to minimise soil loss from cultivated land. This shall include, but not be limited to, having planted riparian buffer zones located in areas most likely to intercept surface runoff containing sediment.

(c) Encourage research directed at developing technology and management practices that will minimise nutrient leaching and runoff and reduce the risk of nutrients reaching water bodies.

Objective – effectively manage land contamination

21.3.3 Effectively manage the impact of contaminated land on the surrounding environment.

Policy – effectively manage land contamination

21.3.3.1 To ensure that the impact of contaminated land is effectively managed and, where possible and practicable, mitigate and restore the contaminated land.

Methods

(a) Understand the location of contaminated sites within the rohe including working with mana whakahaere to determine their understanding of the location of existing and historical contaminated sites.

(b) Manage the effect of the contaminated sites on surrounding properties, air, and waterways.

(c) Plans to contain, manage, mitigate and restore the contaminated sites are in place and implemented.

(d) Promote a polluter pays approach where those responsible for causing the contamination have primary responsibility to manage the contamination consistent with this Plan, regardless of whether they still have legal responsibility for the contaminated site.

(e) A new owner of an existing contaminated site that acquires the site with the knowledge that it is contaminated, accepts the burden of managing the site consistent with this Plan.

Objective – achieve integrated catchment management, including floodplain and drainage management

21.3.4 Integrated catchment management occurs across the entire rohe of Waikato-Tainui, including in catchments that impact on, or flow into the Waikato-Tainui rohe. Integrated catchment management includes the effective and sustainable management of floodplains and drainage areas to promote natural habitat enhancement.

Policy – integrated catchment management plans and land use

21.3.4.1 To promote the development and use of integrated catchment management plans that adequately considers land use, floodplain and drainage management and that promotes habitat restoration.

Methods

(a) This objective, policy, and methods to be read in conjunction with Objective 19.4.3, Integrated catchment management (water).

(b) Methods for this policy are listed in the methods for Policy 19.4.3.1.

Policy – collaboration with landowners and managers

21.3.4.2 To ensure that landowners and land managers that impact on the rohe manage land sustainably and effectively. This includes land that is upstream of the Waikato-Tainui rohe.

Methods

Landowners and land managers that impact on the rohe manage land in a manner that:

(a) Protects the mauri of the land.

(b) Reduces sediment loads resulting from erosion to the extent required to improve the ecological and cultural condition of rivers, lakes, estuaries and coastal areas.

(c) Ensures farming practices on highly erodible land manage the effects of erosion on this land.

(d) Encourages retirement of land from inappropriate land use activities or the restoration of land to appropriate land use.

(e) Ensures there is minimal erosion resulting from vegetation clearance or land disturbance.

Policy – Waikato-Tainui relationship with catchment

21.3.4.3 To recognise and provide for the relationship of Waikato-Tainui with catchments in the Waikato-Tainui rohe.

Methods

(a) Engage with Waikato-Tainui on matters affecting the catchment in the manner outlined in Chapter 6, 'Te koorero tahi me Waikato-Tainui – consultation and engagement with Waikato-Tainui'.

(b) Waikato-Tainui shall be consulted and included in the decision making process for all proposed activities, developments, and/or landuse changes that may have an impact on land and water values.

(c) Priority shall be given to protecting any sites of cultural significance threatened by erosion.

(d) Promote Waikato-Tainui values regarding land within schools, communities, and with landowners.

(e) Encourage whaanau to familiarise themselves with local environments and catchments, and identify spaces where values such as producing, harvesting and trading kai for the whaanau and hapuu can become established.



22 He Mahinga Ika Fisheries

22.1 INTRODUCTION

22.1.1 Waikato-Tainui fisheries are a taonga. They are treated as such because they sustain the Waikato-Tainui way of life, both physically and spiritually. In the physical sense, the fisheries provided a cornerstone food source for the tribe. It was plentiful during all seasons of the year, it was reliable, and it was respected. It sustained the tribe during the winter months, and provided energy during battle. The significance of the fishery resource to Waikato-Tainui cannot be underestimated.

22.1.2 Waikato-Tainui fisheries also play a spiritual role as told through many stories and waiata. The taonga species are recognised as the most common form of taniwha (spiritual beings). The roles of taniwha are to heed warnings to the tribe, provide protection and guidance to safety through times of trouble. The taniwha that guided the Tainui Waka to Aotearoa have been described as fish species. The leader, Mawake-nui-o-rangi, has been described as a shoal of fish; the one who beat down the waves was Paneiraira, who was recognised as a freckle headed whale, while the mischief makers were Ihe and Mango-hiku-roa, possibly thresher sharks or dolphins.

22.1.3 Other taniwha described as fish include tuna (eels), wheke (octopus) and koura (freshwater crayfish). Some taniwha are mammals rather than fish and have a closer affinity with humans who are also mammals. This clearly demonstrates the significant influence fisheries have on the wellbeing of Waikato-Tainui. The objectives, policies, and methods provided in this section recognise the physical and spiritual importance of fisheries to Waikato-Tainui, and aim to strengthen and restore the relationship of Waikato-Tainui with its fisheries and resources.

22.1.4 The Waikato River is the Awa Tupuna (ancestral river) and Waikato-Tainui view the river as an indivisible entity so any harm to the mauri (life force) of the river is considered to be harmful to the mauri of the Waikato-Tainui people. The degradation of the river and subsequent decline of taonga fish and shellfish species has caused immense harm to the Waikato River and therefore to Waikato-Tainui.

22.1.5 Taonga fish species of the Waikato-Tainui rohe include, but are not limited to, tuna (Shortfinned and Longfinned eel), whitebait species (iinanga, kooaro, banded kookopu, giant kookopu, and shortjaw kookopu), smelt, piiharau (lamprey eels), kanae (mullet – yellow-eyed and grey), paatiki (flounder – yellow-bellied), kahawai, trevally and tamure (snapper). Taonga shellfish and koura include: koura, kaaeo, kaakahi (freshwater mussels), tio (oyster), pipi, kina and kuutai (green-lipped mussel).

22.1.6 Restoration of taonga fish and shellfish species is a critical component of Te Ture Whaimana o te Awa o Waikato (The Vision and Strategy for the Waikato River), particularly as it relates to achieving a healthy abundant life for the Waikato River.

22.1.7 For Waikato-Tainui the restoration of taonga fish and shellfish species and the ability to provide these taonga as food in reasonable amounts to manuwhiri (visitors) is a critical marker of the tribe's mana and status. It also confirms a tribe's proficiency in manaaki taangata or the practice of generosity and reciprocity. The abundance of food and other resources that were traditionally available to Waikato-Tainui within its tribal rohe (boundaries) are well known by other tribes throughout the motu (country).

22.1.8 Protection and enhancement of Waikato-Tainui fisheries resources will not be possible without significant and long-term investment in appropriate restoration projects and strategies. Successful strategies will also require participation, cooperation and collaboration from many different parties and agencies from both local and central government, industry, scientific experts, environmental care groups, recreation sports interests, other suitable community groups, and, of course, Waikato-Tainui.

Special permits

22.1.9 Special permits can be issued under section 97 of the Fisheries Act 1996 to authorise taking aquatic life for the purposes of:

(a) Education;

(b) Investigative research;

(c) Management or eradication of unwanted aquatic life;

(d) Gear trials;

(e) Use of alternative fishing methods by disabled person for sport or recreation; or

(f) Any other purpose approved by the Minister of Fisheries.

22.1.10 A special permit can override any section of the Fisheries Act, provided the authorised activities are consistent with the purpose and principles of the Act. For example, a special permit could allow fishing in an area that is closed under regulations, the taking of undersize fish, or the use of fishing gear that is not permitted under the Act. However, a special permit should not be used as an alternative way to gain commercial access to fish, seaweed or aquatic life. Special permits are individually assessed by Ministry of Primary Industries' staff. More information can be found at http://www.fish.govt.nz/en-nz/Commercial/Management+Controls/Special+Permits/default.htm.

22.1.11 Waikato-Tainui seek to be involved in the special permit process.

Mana whakahaere over fisheries

22.1.12 The mana whakahaere of Waikato-Tainui over fisheries is reflected through:

(a) Exercising customary fishing rights to taonga species;

(b) Access to, and use of, traditional and existing fisheries sites;

(c) Decision making in the management of fisheries and significant sites;

(d) Making decisions in the management of factors that contribute to the wellbeing of taonga species and significant sites;

(e) Waikato-Tainui involvement in issuing special permits.

(f) The existence of documents of agreement between mana moana and mana awa tribes and other parties (e.g. Customary Fisheries Management Plans, Memoranda of Understanding, Gazette Notices, relationship agreements, and future treaty settlements in the marine environment and other freshwater catchments; and

(g) The use and management of fisheries through customary practices from Waikato-Tainui tikanga and kawa.

22.2 ISSUES

Holistic and coordinated approach

22.2.1 Use of Waikato-Tainui fisheries needs to take account of the effects of such use on the entire fisheries and coastal ecosystem, and associated, inter-dependent ecosystems and communities. Without a holistic and coordinated approach to fisheries and fisheries management it is not going to be possible to sustain and enhance the fisheries. Where possible, Waikato-Tainui needs to be involved in this holistic and coordinated approach, including the issuing of special permits.

Information and expertise sharing

22.2.2 Information and expertise sharing is critical for the survival and enhancement of Waikato-Tainui fisheries. Such information and expertise sharing will need to be sensitive to the desires of whaanau, marae, and hapuu to share such knowledge and skills.

Other factors

22.2.3 There are a number of other factors that are potentially or actually impacted by, or impact on Wakato-Tainui fisheries. It is critical that these other factors are understood and effects on the fisheries are effectively managed.

Taonga species

22.2.4 Taonga species are species that have some value to Waikato-Tainui and need to be effectively managed, restored, and enhanced. Their status in the fabric of Waikato-Tainui life cannot be understated. Waikato-Tainui wishes to be able to exercise mana whakahaere within their fisheries in a way that retains and enhances the tikanga, kawa, and maatauranga of Waikato-Tainui. Customary fishing practices need to be restored, retained, and enhanced through effective involvement in fisheries management.

Fisheries management tools

22.2.5 There are areas of significance such as lakes, rivers, coastal areas, and other areas that were renowned for providing food for significant purposes such as poukai and other hui. Waikato-Tainui wishes to protect historical whitebait fishing stands at Te Puuaha o Waikato. Waikato-Tainui also wishes to protect areas within the lakes and rivers used traditionally for fishery regeneration and to provide sustenance for traditional poukai, hui, and waananga.

22.2.6 From time to time it may be necessary for Waikato-Tainui to impose temporary protection measures, including closed seasons, for kaimoana (including fisheries) regenerative purposes. Mana whenua (including mana moana) may wish to impose these measure to allow for regeneration of kaimoana (including fisheries) for purposes such as allowing them to exercise mana whakahaere and to provide for large poukai, hui, and waananga.



22.3 OBJECTIVES, POLICIES, AND METHODS

NOTE: Waikato-Tainui will take the lead in progressing a number of the policies and methods in this chapter. However, it is expected that resource users or activity owners that impact on fisheries and/or fisheries management will operate consistent with this Plan and collaborate with Waikato-Tainui in achieving or implementing the policies and methods. This will be through a reciprocal contribution to the fisheries and/or fisheries management in recognition of the impact of the resource use and/or activity on the fisheries. The specifics of this contribution will be worked through on a case-by-case basis.

Objective – holistic and coordinated approach

22.3.1 An integrated, holistic, and coordinated approach to fisheries management is achieved and sustained.

Policy – holistic and coordinated approach

22.3.1.1 To ensure that an integrated, holistic, and coordinated approach to fisheries management is achieved and sustained.



Waikato-Tainui Fisheries Kaitiaki Training, Te Puuaha o Waikato, May 2013

Methods

(a) Links between fisheries management roles and responsibilities that impact on fisheries are clearly identified.

(b) Fisheries management and/or activities that impact on fisheries occur in a manner consistent with this Plan.

(c) Initiatives to support acquisition and sharing of information are operating.

(d) The impacts of resource use and activities on fisheries are considered in any resource use, activity planning and implementation.

(e) Consideration of the impacts of resource use and activities on fisheries is demonstrated in decision-making.

(f) Harvesting practices are such that fisheries populations are sustained (such as educating to ensure harvesting practices avoid spawning fish).

(g) Where the Ministry of Primary Industries receives an information request or application for Special Permits with the Waikato River catchment, the Special Permits Process on page 192 applies.

(h) Waikato-Tainui supports the Special Permits Process being applied through the rohe of Waikato-Tainui, including in other Waikato-Tainui catchments.

Waikato River Waikato-Tainui (WT) and Ministry for Primary Industries (MPI) Special Permit Processes

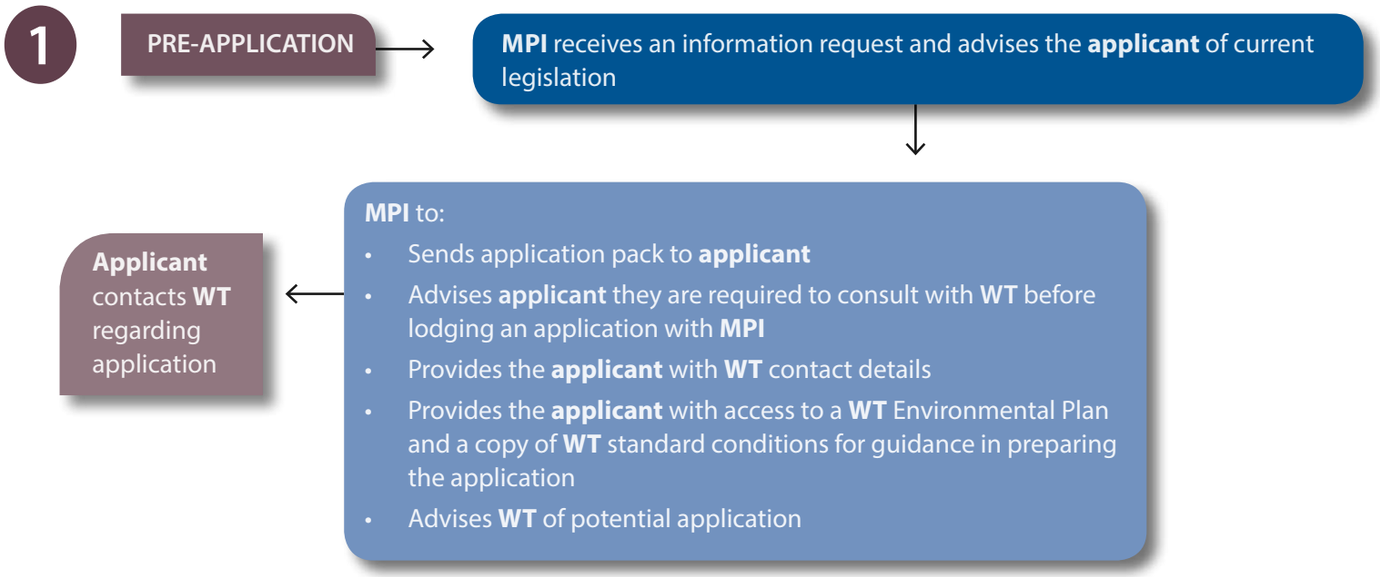
These processes have been agreed by WT and MPI for processing Special Permits within the Waikato River catchment.

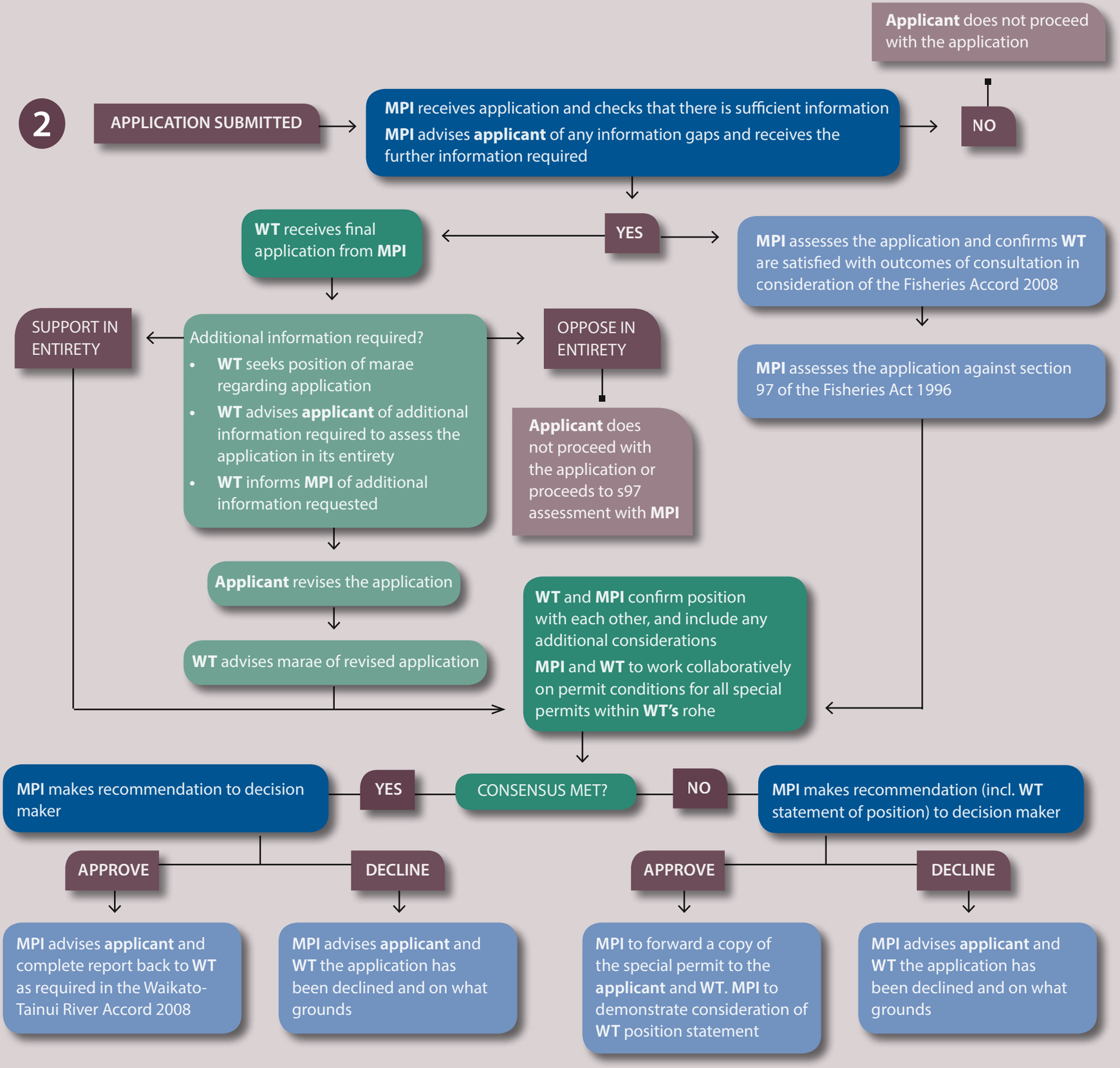
The flow charts apply solely to applications and projects or part applications and projects that are proposed within the Waikato River Catchment. However, Waikato-Tainui supports that these processes should be undertaken throughout the rohe of Waikato-Tainui and outside the Waikato River Catchment.

For clarity, if an application or project crosses into other iwi areas, further consultation with those iwi groups is required.

MPI lodges and processes special permit applications in date order.

The approximate processing time for both WT and MPI is three months but it could be more depending on the complexity of an application and existing workloads.




2
APPLICATION SUBMITTED
MPI receives application and checks that there is sufficient information
MPI advises applicant of any information gaps and receives the further information required
NO
Applicant does not proceed with the application
YES
WT receives final application from MPI
MPI assesses the application and confirms WT are satisfied with outcomes of consultation in consideration of the Fisheries Accord 2008
MPI assesses the application against section 97 of the Fisheries Act 1996
SUPPORT IN ENTIRETY
Additional information required?
WT seeks position of marae regarding application
WT advises applicant of additional information required to assess the application in its entirety
WT informs MPI of additional information requested
OPPOSE IN ENTIRETY
Applicant does not proceed with the application or proceeds to s97 assessment with MPI
Applicant revises the application
WT advises marae of revised application
WT and MPI confirm position with each other, and include any additional considerations
MPI and WT to work collaboratively on permit conditions for all special permits within WT's rohe
MPI makes recommendation to decision maker
YES
CONSENSUS MET?
NO
MPI makes recommendation (incl. WT statement of position) to decision maker
APPROVE
DECLINE
APPROVE
DECLINE
MPI advises applicant and complete report back to WT as required in the Waikato-Tainui River Accord 2008
MPI advises applicant and WT the application has been declined and on what grounds
MPI to forward a copy of the special permit to the applicant and WT. MPI to demonstrate consideration of WT position statement
MPI advises applicant and WT the application has been declined and on what grounds

Policy – information and expertise sharing

22.3.1.2 To improve the sharing of information and expertise in fisheries management.

Method

(a) Acquire or provide information to get an understanding of the current state of the fishery in the Waikato River.

(b) Identify and pursue information needs to support the achievement of a holistic approach to fisheries management.

(c) Use the acquired information to review the effectiveness of existing policies and make recommendations on any amendments to policies.

(d) Work with fishing industry and quota owners to collate and understand information of the fisheries.

(e) Encourage co-operation between Waikato-Tainui and the fishing industry.

Policy – other factors

22.3.1.3 To be aware and respond to other factors that potentially impact on fisheries or fisheries management.

Methods

(a) In undertaking or planning activities that potentially impact on fisheries or fisheries management, demonstrate, in consultation with Waikato-Tainui, how the activity does or will manage effects on:

(i) Degradation of fisheries habitat through land based effects;

(ii) Fishing structures;

(iii) Food chain effects;

(iv) Fish passage and migration;

(v) Water quality;

(vi) Biosecurity;

(vii) Other potential effects causing habitat degradation; and

(viii) Accessibility to significant fisheries areas.

(b) Undertake or implement, as appropriate, education and awareness programmes of impacts on fisheries or fisheries management.

Objective – taonga species

22.3.2 Taonga species are protected, restored and managed, consistent with the tikanga, kawa, maatauranga, and mana whakahaere of Waikato-Tainui.

Policy – taonga species

22.3.2.1 To ensure that taonga species are protected, restored and managed, consistent with the tikanga, kawa, maatauranga, and mana whakahaere of Waikato-Tainui.

Methods

(a) The resource use or activity contributes to an increased abundance of taonga species, including having targets and strategies in place that contribute to achieving this objective.

(b) Objectives and management of issuing Whakaaetanga Kohikohia (Customary Fishing Licences) are achieved.

(c) Waikato-Tainui is active in fisheries management.

(d) The influence of Waikato-Tainui objectives and policies for freshwater fisheries is demonstrated in decision-making.

(e) Regulations are developed to enable the exercise of tikanga and kawa in the management of taonga species.

Policy – mana whakahaere

22.3.2.2 Taonga species are protected and enhanced to give effect to the exercise of mana whakahaere.

Methods

(a) Undertake an assessment of the state of the fishery and taonga species in the Waikato River and its catchment, develop, and implement a monitoring plan.

(b) Undertake an assessment of the state of the fishery and taonga species in the Waikato-Tainui fishery area, develop, and implement a monitoring plan.

(c) Resource users or activity operators that impact on fisheries and/or fisheries management develop and implement an activity specific monitoring plan.

(d) Ensure that management practices protect and enhance taonga species.

(e) Understand and implement approaches to increase recruitment into the tuna fishery.

(f) Understand and implement approaches to increase the proportion of tuna that reach spawning maturity, including but not limited to:

  (i) Prohibiting the commercial harvest of glass eels and elvers in the Waikato River;

  (ii) Increasing the minimum size of both species of commercially harvested eels from 220g to 300g by 2014;

  (iii) Reducing the maximum size for commercially harvested long finned eels from 4kg to 3kg by 2014, 2.5kg by 2016 and 2kg by 2018; and

  (iv) Identifying and implementing mechanisms to prevent fishing during the eel migration and spawning run.

(g) Understand and implement approaches to manage whitebait fisheries, including reviewing and strengthening existing whitebait regulations, registration processes, structures and co-ordination.

(h) Give priority to the protection of taonga species.

(i) Manage, control and eradicate pest fish to protect water quality, aquatic habitats, and populations of native fish.

(j) Repopulate taonga species that are no longer common in the Waikato River such as kaaeo and koura.

(k) Encourage the increase of suitable habitats to support taonga species.

Policy – tikanga, kawa, and maatauranga

22.3.2.3 Waikato-Tainui tikanga, kawa, and maatauranga in fisheries is retained, shared and understood.

Methods

(a) Research traditional and historical practices.

(b) Re-establish traditional practices through historical and contemporary methods.

(c) Hold community waananga, as appropriate to create awareness and understanding of traditional practices.

(d) Formalise agreements with responsible agencies to give appropriate effect to traditional practices.

Policy – customary fishing

22.3.2.4 To provide for and support the management of customary fishing.

Methods

(a) Activities and resource use occurs consistent with the Waikato-Tainui (Waikato River Fisheries) Regulations 2011 and any subsequent amendment. Download regulations at *http://www.legislation.govt.nz/regulation/public/2011/0294/latest/DLM3930995.html*.

(b) Implement a permit system to enable Waikato-Tainui to provide for whitebait and smelt fisheries.

Policy - involvement

22.3.2.5 To ensure Waikato-Tainui involvement across the management of all fisheries sectors and involvement in any and all sustainability decision-making procedures.

Methods

(a) Integrate relevant components of this Plan in decision-making across responsible agencies involved in fisheries management and monitor effectiveness of the integration.

(b) Advocate for a more accountable recreational fishery regime.

(c) Develop an agreement on how the responsible agencies will work together to better improve the management of recreational fisheries.

(d) Provide input into the development of fisheries plans for relevant species and annual supporting processes that inform sustainability decisions for taonga species.

(e) Agree on fishing practices that shall be permitted or not permitted on the Waikato River, and the best way to achieve compliance, including but not limited to:

(i) Ensuring banned practices such as drift netting are clearly defined and understood.

(ii) Ensuring restrictions on methods, such as the location of set nets in relation to river/stream/water body mouths are clear and enforceable in the context of the Waikato River environment.

(f) Agree on fishing practices that shall be permitted or not permitted in Waikato-Tainui fisheries other than the Waikato-River.

Objective – fisheries management tools

22.3.3 Fisheries management tools protect, restore, and manage taonga species.

Policy – fisheries management tools

22.3.3.1 To use fisheries management tools so that taonga species are protected, restored and managed.

Methods

For clarity the methods in this policy apply equally to fresh water and marine fisheries.

(a) **Closed areas:** No person shall gather kaimoana, fish species, or be in possession of any food gathering or fishing gear in any of the areas identified by Waikato-Tainui as closed and/or otherwise subject to the Waikato-Tainui Fisheries Regulations. Download regulations at *http://www.legislation.govt.nz/regulation/public/2011/0294/latest/DLM3930995.html*.

(b) **Restricted areas:** No person shall gather kaimoana, fish species or be in possession of any food gathering or fishing gear in any of the areas identified by Waikato-Tainui as restricted unless they hold a Whakaaetanga Kohikohia authorised by Waikato-Tainui.

(c) **Closed season (Raahui):** If Waikato-Tainui places a raahui over kaimoana or a fish species and/or an area for a period of time, no person shall, during that period of time,:

  (i) Gather or fish for that species; and/or

  (ii) Gather or fish in that specified area; and/or

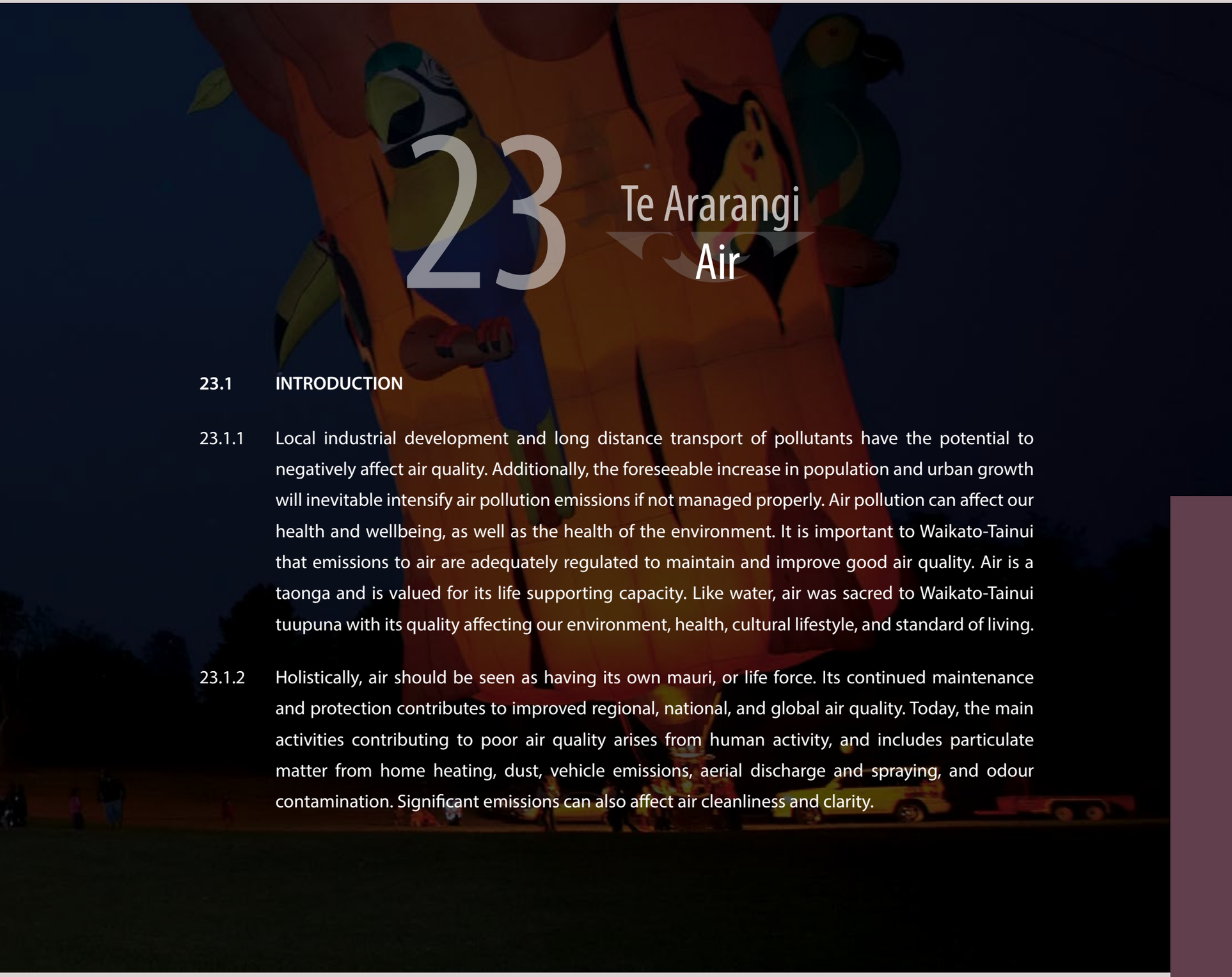
  (iii) Be in possession of any kaimoana or fish taken from those waters or places during that period; and/or

  (iv) Be in possession of any kaimoana gathering or fishing gear for that species in that specified area during that period**.**

(d) **Other:** other fisheries management tools that may be, from time to time, developed by Waikato-Tainui.



Balloons over Waikato



23 Te Ararangi Air

23.1 INTRODUCTION

23.1.1 Local industrial development and long distance transport of pollutants have the potential to negatively affect air quality. Additionally, the foreseeable increase in population and urban growth will inevitable intensify air pollution emissions if not managed properly. Air pollution can affect our health and wellbeing, as well as the health of the environment. It is important to Waikato-Tainui that emissions to air are adequately regulated to maintain and improve good air quality. Air is a taonga and is valued for its life supporting capacity. Like water, air was sacred to Waikato-Tainui tuupuna with its quality affecting our environment, health, cultural lifestyle, and standard of living.

23.1.2 Holistically, air should be seen as having its own mauri, or life force. Its continued maintenance and protection contributes to improved regional, national, and global air quality. Today, the main activities contributing to poor air quality arises from human activity, and includes particulate matter from home heating, dust, vehicle emissions, aerial discharge and spraying, and odour contamination. Significant emissions can also affect air cleanliness and clarity.

23.2 ISSUES

Discharge quality and amenity

23.2.1 Discharges to air from development and land-use activities may impact adversely on the health and wellbeing of people, the environment, hauanga kai, and cultural and/or activities. Discharges to air can cause dust nuisance, reduce visibility, cause odour problems, and potentially impact on human health. Impact on human health can be specific to an individual and linked to their overall holistic health profile. Discharges include, but is not limited to, industrial discharge, domestic discharge (such as that from home fires), the spraying of farm effluent, dust and noise, coal dust emitted during transport (this applies to other material that can emit particles or dust during transport), fertiliser application (top dressing), vehicle emissions, and volatile organic compounds that can present through vehicle emissions in urban areas.

23.2.2 Fine particles from smoke from fires, industrial processes, and vehicle emissions are the most significant activities impacting on air quality in the Waikato region, and are particularly a problem in winter. Poor air quality that can affect human health can occur inside homes due to inadequate heating and/or ventilation, and the use of some heating appliances. Human and animal health can be affected by poor air quality from individual and cumulative discharges. National standards have been set for air quality (including fine particles) to avoid health effects. Increased population and urban development contributes to increased emissions.

23.2.3 Air pollution can cause a reduction in visibility and impede views of maunga, landmarks, the sea, the awa, etc.

23.2.4 Noise pollution from traffic, trains, planes and industry disrupt proceedings on marae (e.g. poowhiri) and cultural and/or spiritual practices (e.g. karakia). Many Waikato-Tainui marae are situated along or near major arterial routes.

23.2.5 Light pollution from developments impact on celestial darkness and the ability to learn and give effect to maatauranga Maaori around cosmology and astronomy.

23.3 OBJECTIVES, POLICIES AND METHODS

Objective – Discharge quality and amenity

23.3.1 The quality and amenity of discharge to air is such that the life supporting capacity and quality of air within the rohe is retained at a level that does not compromise human health, amenity values, or property.

Policy – discharge quality

23.3.1.1 To ensure that the quality of any discharge to air is retained at a level such that it does not compromise human health, amenity values, or property.

Method

(a) At minimum discharges to air meet the national ambient air quality standards or similar.

(b) Discharges to air shall manage any adverse effect beyond the property boundary that is objectionable or offensive as a result of odour, dust, smoke, water vapour, agrichemical, gas, or other airborne contaminants.

(c) Encourage practices that reduce fine particle emissions (e.g. reducing back yard burning by encouraging recycling and composting, efficient home insulation and clean heating programmes, encouraging the burning of dry wood in solid fuel heaters, and the correct operation of solid fuel heaters).

(d) Encourage industry to implement industry best practice or best practicable option for improving air quality.

(e) Promote public transport to reduce vehicle emissions.

(f) Not permit discharges that will have adverse effects on areas identified by Waikato-Tainui as sensitive to air pollution.

(g) Promote the integration of land use and transport to reduce vehicle emissions.

(h) Manage the effects on amenity values of an area due to contaminants, dust, odour, light, or noise. Particular areas of amenity value include, but are not limited to:

i. The Waikato River between Hamilton and Ngaaruawaahia;

ii. The Waikato River and its tributaries, banks, and immediate environs;

iii. Marae and papakaainga;

iv. Sight lines to important features in the landscape, water bodies, waahi tapu and other sites of significance; and

v. The coastline.

24 Te Taiao Moana Coastal Environment

24.1 INTRODUCTION

24.1.1 For the purposes of this Plan, the 'coast' includes estuaries, beaches, dunes, islands, coastal flora and fauna, and that space seaward from the coastal marine area (the area generally below average spring high tides) and the exclusive economic zone and coastal shelf. 'Coast' also includes associated fresh, estuarine, and marine water.

24.1.2 Oceans are complex systems, holding many economic and cultural resources. These resources are increasingly at risk from coastal population growth, over-exploitation, and pollution. Oceans require holistic, integrated management. Much like the approach to the Waikato River under the 2008 Settlement, the intricate relationships of an ocean ecosystem must be considered when developing any ocean policy or undertaking economic and cultural activities using ocean resources.

24.1.3 The coastal boundary of the Waikato-Tainui region stretches from Te Maanukanuka a Hoturoa harbour (Manukau Harbour) in the North to Te Puuaha o Waikato (Port Waikato and the Port Waikato deltas), through to the West Coast harbours (Aotea, Whaaingaroa and Kaawhia), and part of the Waitemata and Tikapa Moana (Hauraki Gulf).



24.1.4 The western coast consists of black sand beaches and dunes. The Waikato-Tainui coastlines are inhabited by a variety of species including shellfish such as cockles, pipi, scallops, mussels, paua, kina, tio, peraro, tuatua, turret shells, nutshells, sea biscuit, wedge shells, venus shells, whelks, crabs, koura, and a variety of other crustaceans.

24.1.5 The dunes provide homes and food for small animals such as indigenous insects, spiders, butterflies, moths, and lizards, which in turn provide habitats for shorebirds (variable oystercatcher, NZ dotterel and the wrybill).

24.1.6 Some Waikato-Tainui marae, hapuu, and management committees have developed coastal management plans. These coastal management plans are currently in operation and therefore should be considered in addition to the coastal objectives and policies in this Plan. Ngaa Hapuu o te Uru o Tainui Customary Fisheries Forum (Regional Customary Fisheries Management Plan 2012-2017), Huakina Development Trust (Manukau Harbour), and Te Rohe o Te Puuaha are such groups that have or will develop coastal management and/or fisheries management plans. Other coastal management plans are or will be developed.

24.1.7 The mauri of the waters of the coast is of critical importance to Waikato-Tainui, particularly to coastal marae and hapuu. Waikato-Tainui seeks to restore and protect the health and well-being of its harbours and coastal areas.

24.1.8 Waikato-Tainui considers that the coastal area is fully integrated with land, air, river and freshwater ecosystems. Waikato-Tainui considers that all of these ecosystems effectively operate as a whole, interrelated and indivisible system. An effect on one ecosystem has the potential to have a flow on effect on any, or all the other ecosystems. Planning and policy should take this integration into consideration.

24.1.9 Waikato-Tainui has mana whakahaere over the coastal area within its rohe and prefers that there are no adverse effects from activities in this area and that, providing there are no adverse effects, Waikato-Tainui people benefit from coastal activity. As taangata whenua, Waikato-Tainui expect to be fully involved, engaged, and consulted in proposed and ongoing activity in the coastal area.

24.2 ISSUES

Fisheries – customary, recreational, commercial

24.2.1 Anything that occurs in the coastal area, including on or in lands and waters that feed into the coastal area has the potential to impact on fisheries. Commercial and recreational fishing significantly impacts on customary fishing activities. This issue is considered separately in Chapter 22, 'He Mahinga Ika - Fisheries'.

Water quality degradation

24.2.2 Most fresh water eventually makes its way to the coast and so land use practices in the upper freshwater catchments impact on coastal water quality. The contamination of coastal waters has led to the closure of shellfish beds due to health concerns. There is concern at the discharge of waste into the coastal environment, including discharge of ballast waters (legal or illegal) from off-shore activities and vessels. Degrading water quality impacts on Waikato-Tainui hauanga kai such as the ability to gather kai moana (seafood) for whaanau, marae, and hapuu.

Coastal erosion

24.2.3 Land and water uses and activities can contribute to excessive erosion along coastlines (e.g. the clearing of hilly land for farming that sits alongside the coast). Soil erosion has the potential to release nutrients from soil particles into receiving waters which in turn impacts on water quality. Inappropriate uses and development of marginal lands increases the potential for soil and coastal erosion.

24.2.4 Coastal erosion and silting from high upstream sediment loading causes the smothering of shellfish beds and fragile estuarine ecosystems. Such areas are nursery grounds for fin-fish and other marine life.

24.2.5 The integrity of sand dunes is important for the effective functioning of coastal ecosystems. Dunes provide habitat for flora and fauna and the ineffective care or management of dune systems can result in major erosion and loss of habitat. Dune vegetation, which stabilises the dune systems, can be damaged or destroyed from inappropriate vehicle movements and other inappropriate public use along the coastal sand dune areas.

Coastal access

24.2.6 Access to the coast is of utmost importance to Waikato-Tainui. Fishing and collecting shellfish and other kaimoana/maataitai is a hauanga kai historically and culturally significant to Waikato-Tainui that has been affected with the reduction of access to these areas.

Activities in the coastal area

24.2.7 **Reclamation** – reclamation of coastal and estuarine areas to create additional land for development destroys marine flora and fauna and their habitat. Reclamations that have occurred within the Waikato-Tainui rohe, such as in the Manukau Harbour, have adversely impacted upon the traditional relationship with these coastal areas. These traditional fishing grounds and shellfish were once a significant resource to Waikato-Tainui but are now severely depleted.

24.2.8 **Land use changes and development** – land use changes and practices, stormwater and wastewater discharges have had an adverse impact on coastal ecosystems, modifying the hydrologic regime and the ecological value and quality of coastal waterways. Developments in and around the coastal area, particularly when accompanied with the removal of native flora and fauna, can place pressure on coastal resources, can change the character of the coastal landscape, and alter traditional views and features of the landscape. Inadequate planning for urban or rural development and growth can result in coastal sprawl which impacts on landscape character. This is further aggravated when there are inadequate or failing infrastructure services (water supply, wastewater, stormwater management, solid waste management) in the coastal areas.

24.2.9 **Structures** – structures, such as marinas, wharves, and buildings on, or in the coastal area can have a significant adverse impact on the coastal area and on customary activities. These structures can attract additional people, vehicles and boats to an area which places further pressure on the environment, such as through the risk of additional waste discharge and/or fuel spillage to the marine environment.

24.2.10 **Mining** – mining within the coastal environment has the potential to significantly impact Waikato-Tainui in a number of areas, including the disturbance or destruction of waahi tapu and sites of significances, water quality degradation, and flora and fauna habitat reduction. Shellfish and fin-fish can be impacted by mining operations, in particular mining on the seabed. Often the benefits of mining in the coastal environment do not reside with those impacted most by the activity. Profits from the activity are often privatised while any cost or negative impact is borne by the local community and environment.

24.2.11 **Marine farming** – marine farming, whether shell fish or fin fish, alters the environment immediately under and around the site of the farm. Lighting used on the farms has the potential to impact on ambient lighting in the area and so on flora and fauna lifecycles that are impacted by light. Anchoring farms to the sea bed can also have localised impact. The location of the farms may adversely impact on waahi tapu, sites of significance, and hauanga kai.

Marine farming that occurs without input from Waikato-Tainui may also impede any Waikato-Tainui aspirations around commercially utilising the coastal space or in any efforts to rejuvenate customary fishing grounds through 'seeding' an area.

24.2.12 **Wave energy generation** – energy generation from wave activity is an emerging technology in Aotearoa New Zealand. It is anticipated that adverse effects from wave energy conversion structures could be quite significant. The effects are likely to be similar to those with marine farming but the scale of the wave energy conversion structures are likely to magnify the potential and scale of any adverse effects.

Integrated management

24.2.13 Human activity often negatively impacts on the effective operation of an ecosystem. Integrated management is required to manage the effects of human activity or to enable human activity to continue in a sustainable way. As kaitiaki, Waikato-Tainui has a responsibility to ensure that integrated management occurs.

24.2.14 Integrated management of coastal areas with land and freshwater systems is critical to the health and wellbeing of the coastal area. Integrated management can be hindered by different agencies with different responsibilities and a potentially 'silo' approach to ecosystem management. Each silo or part of the management process may not act consistently, collaboratively and cohesively to contribute to the wellbeing of the whole coastal area.

Relationships

24.2.15 Crown and local government coastal management policies and objectives, and the activities of resource users in the coastal area at times conflict with Waikato-Tainui customary activities and uses. Waikato-Tainui is keen to ensure productive relationships between all those who impact on or use the resources of the coastal area.

24.3 OBJECTIVES, POLICIES AND METHODS

Objective - water quality

24.3.1 The mauri of marine waters in the Waikato-Tainui coastal area is protected and enhanced and the marine biodiversity in the Waikato-Tainui coastal area is restored and protected.

Policy – mauri, marine biodiversity

24.3.1.1 To ensure that the mauri of marine waters in the Waikato-Tainui coastal area is protected and enhanced and that the marine biodiversity in the Waikato-Tainui coastal area is restored and protected.

Method

(a) Activities and resource use in the coastal area occurs in such a way that:

i. Marine biodiversity is protected, or preferably enhanced;

ii. Coastal water quality is maintained, or preferably enhanced;

iii. Any accelerated eutrophication (in this case, the harmful increase in nutrients) of estuaries and coastal waters as a result of human activities is reversed;

iv. There are no direct discharges of contaminants into or onto the coast area, including the harbours; and

v. In particular, there are no discharges in the vicinity of a waahi tapu, a site of significance, or food gathering areas.

(b) Direct discharges of any untreated sewage are prohibited (including discharges from boats).

(c) Protect, enhance, and restore coastal wetlands and riparian margins in coastal areas including coastal dune lands.

(d) Livestock are excluded from waterways, wetlands and estuaries in the coastal area.

Objective - coastal erosion

24.3.2 Coastal erosion is effectively managed so that the Waikato-Tainui coastal area is protected and enhanced.

Policy – coastal erosion

24.3.2.1 To ensure that coastal erosion is effectively managed so that the Waikato-Tainui coastal area is protected and enhanced.

Method

(a) Activities and resource use manage effects on coastal erosion.

(b) Projects to stabilise erosion prone areas are supported, particularly where indigenous species are re-established as a result of the project.

Objective – coastal access

24.3.3 Waikato-Tainui access to coastal areas for customary activities is protected and enhanced.

Policy – coastal access

24.3.3.1 To ensure that Waikato-Tainui access to coastal areas for customary activities is protected and enhanced.

Methods

(a) Proposed activities that effect Waikato-Tainui access to coastal areas, particularly access to waahi tapu, sites of significance, and customary activities will generally not be supported.

(b) Notwithstanding existing property or use rights, existing activities that effect Waikato-Tainui access to coastal areas, particularly access to waahi tapu, sites of significance, and customary activities are generally not supported.

(c) In the event that a proposed or existing activity does affect Waikato-Tainui access, Waikato-Tainui will work through the effects with the owners of the activity to determine if the effects can be managed.

(d) Public access for recreational purposes may be restricted only where necessary for safety, cultural, or conservation purposes.

Objective – activities in the coast area

24.3.4 Activities in the Waikato-Tainui coast area only occur when adverse effects to the environment, community, and customary activities are managed, as determined in consultation with Waikato-Tainui.

Policy – use and development

24.3.4.1 To ensure a precautionary approach to activities in the coast area that may result in adverse effects to the environment, community, and customary activities.

Methods

(a) Any development in the coast area shall:

i. Have a functional need, as determined in consultation with Waikato-Tainui, to be located in the coast area; and

ii. Facilitate restoration or rehabilitation of natural features.

(b) Any development in the coast area shall manage any adverse effects on:

i. Waikato-Tainui values;

ii. The abundance of taonga species;

iii. The ability to safely undertake hauanga kai;

iv. Areas of cultural and/or spiritual significance (including lines of sight to sites of cultural and/or spiritual significance);

v. The natural character of the landscape;

vi. Overall visual amenity of the landscape;

vii. The natural integrity and functioning of physical processes; and

viii. The intrinsic value of ecosystems.

(c) The effects of an activity on the environment, the community, and in particular customary activities, and ways to suitably manage effects to be determined in consultation with Waikato-Tainui. Refer to Chapter 6 for the preferred Waikato-Tainui consultation and engagement process.



(d) Activities that may result in adverse effects to the environment, community, and customary activities are generally not supported.

(e) Notwithstanding existing property and usage rights, owners of existing activities and resource uses that adversely affect the environment, the community, and customary activities are encouraged to manage adverse effects.

(f) Land use activities are managed so as to avoid degradation of coastal water quality, protection of coastal sand dunes, protection of culturally and/or spiritually significant areas, and avoid sprawling subdivisions along the coastal edge.

West Coast



Policy – customary activities and manaaki manuwhiri

24.3.4.2 To ensure that Waikato-Tainui marae, particularly coastal marae, are able to undertake customary coastal activities and have the ability to sustain manuwhiri with traditional coastal food sources during hui, poukai, and waananga.

Methods

(a) Waikato-Tainui customary management tikanga is actively promoted to protect, restore and enhance customary fisheries including raahui on shellfish gathering and other activities and protection of coastal areas from over-fishing and other misuse.

(b) Promote the use of marine protected areas that include customary management tools such as taiaapure (a local management tool established in an area that has customarily been of special significance to an iwi or hapuu as a source of food or for spiritual or cultural reasons), maataitai reserves (areas where taangata whenua manage non-commercial fishing through a bylaw), and raahui.

(c) Waikato-Tainui customary rights to coastal areas recognised and provided for by:

i. The Crown;

ii. Government departments and their relevant policies (including NZ Coastal Policy Statement);

iii. Local authorities (including incorporating into planning documents); and

iv. Commercial and recreational users of the coastal area.

(d) Any artefact and/or koiwi discovery shall be immediately reported to Waikato-Tainui.

Objective – integrated management and relationships

24.3.5 Waikato-Tainui coastal areas are managed in an integrated way, considering the upstream effects of land and freshwater activities. Productive relationships exist between those who impact on or use the resources of the Waikato-Tainui coastal area.

Policy – integrated management

24.3.5.1 To ensure integrated management is applied to the coastal area.

Methods

(a) Proposed activities and resource use clearly demonstrate how the proposed activity or resource use is consistent with integrated management.

(b) Policies and decision-making take into account the integrated nature and management of coastal areas.

(c) Existing activities and resource use are encouraged to occur consistent with an integrated management approach, having regard to existing property and use rights.

(d) Coastal area activities and resource use are undertaken in a sustainable manner, utilising maatauranga Maaori and other knowledge systems.

(e) An integrated and coordinated approach to coastal management is encouraged and promoted, between tribes, the wider community, industry, local authorities, all levels of government, and internationally.

(f) Integrated management adequately considers the management of natural hazards.

Policy - relationships

24.3.5.2 To encourage sector wide relationships that promotes and encourages an integrated approach to activities and resource use within the coastal area in such a way that the coastal area is protected and enhanced.

Methods

(a) Develop an interagency coastal management strategy to implement policies and methods in this Plan. This will be developed along with stakeholders including the Department of Conservation, the Ministry of Primary Industries, local authorities, and fisheries stakeholders.

(b) To the satisfaction of Waikato-Tainui, all mitigation for any effects on coastal areas shall, where possible, be completed nearest the site affected and seek to bring a greater benefit than that lost.

(c) For ongoing or significant activities or resource uses, develop a relationship agreement between Waikato-Tainui and the activity owner or resource user.

(d) Early engagement and consultation to occur with Waikato-Tainui, as outlined in Chapter 6, 'Te koorero tahi me Waikato-Tainui – consultation and engagement with Waikato-Tainui'.



[10] Population Projections until 2061 for Future Proof – the Growth Strategy for the Hamilton City, Waipaa District and Waikato District Councils sub-region.

Novotel, Auckland International Airport



25 Ngaa Whakaritenga moo Ngaa Whenua o Waikato-Tainui

Land Use Planning

25.1 INTRODUCTION

25.1.1 As kaitiaki, Waikato-Tainui have an obligation to nurture, monitor, and protect the natural, physical, cultural, historical, and spiritual elements of the natural environment. However, development activities have not always been conducted in a sustainable manner, or in a manner that respects the kaitiaki role of Waikato-Tainui. Waikato-Tainui recognises the need for the sustainable use of resources and has interests in land use for cultural and/or spiritual purposes, leisure, and commercial development.

25.1.2 The population of the Waikato Region is predicted to double in the next 50 years. Urban growth is expected to occur mainly in the sub-regions within the boundaries of Hamilton City Council and Waipaa and Waikato District Councils, though some urban growth is expected outside these areas. The mainly urbanised Hamilton City population is predicted to be 200,000 by 2031. Growth in Waikato District and Waipaa District is more modest with a population of 67,000 in Waikato District and 62,500 in Waipaa District by 2031.[10] Of this growth around Hamilton City about half is expected in the new growth cells (Rototuna, Ruakura, Rotokauri, and Peacockes) and the balance in existing areas. 70% of growth in Waikato District is expected to be in rural areas immediately fringing Hamilton City along the eastern, western and northern borders including Ngaaruawaahia.

25.1.3 Waikato Regional Council have analysed changes from low-density rural use to more intensive use often in the form of lifestyle blocks. It is likely that subdivision will occur on more productive land as it has more gentle topography with better quality soils thus making the construction of roads and installation of services easier. It is also worth noting that in Waikato District in particular the number of rural subdivisions doubled from 6,500 to 13,000 between 2000 and 2010.

25.1.4 Auckland City, under a high-growth scenario projects a population of 2.5 million in 2041 with an additional 400,000 new homes needed. Natural increase is relatively steady, while net migration patterns vary. Between 2001 and 2006, just over half (55%) of Auckland's population increase resulted from net gains in migration, and just under half (45%) was due to natural increase, which varies across ethnicities. Half of the population growth in New Zealand between 2001 and 2006 was in Auckland. Auckland's population is continuing to grow at a faster rate than that of the country as a whole, and so its proportion of New Zealand's overall population will also grow.

25.1.5 The pressure for urban development plus the increasing urbanisation of rural land is putting pressure on natural resources - land, air and water. In order to protect these resources there needs to be tight management of urban growth to prevent urban sprawl and restrictions placed on continuing rural lifestyle subdivision. The cumulative effects are often not well recognised, though District Plan initiatives from some local authorities, such as Waikato and Waipaa District Councils, and growth strategies, such as Future Proof, have attempted to address this issue.

25.1.6 The anticipated urban growth, particularly in new growth areas, provides the opportunity to develop new urban areas based on enhancement principles (as defined in Chapter 7, 'Te Whakapakari i Te Taiao – towards environmental enhancement'). The types of principles that could be employed include on-site stormwater and wastewater treatment, recycling of treated wastewater, and water conservation where appropriate technology enables this to occur.

25.1.7 The increasing regional population means that additional infrastructure and natural resources are required to support them. These include landfills (Hampton Downs), wastewater treatment plants (District Councils), correctional and educational facilities, water and waste reticulation systems, transport corridors (Waikato Expressway and Southern Links), water supply, energy and mineral resources (coal and hydro power).

25.1.8 Farming intensity has increased and forestry organisations are converting their lands to farms to receive a greater economic return. This intensification and land use change needs to be accompanied by sustainable environmental and cultural management practices.

25.2 ISSUES

Land use and development

25.2.1 Historically, land development has often been driven largely by private sector economics rather than by a holistic, well-designed and integrated land use planning process. There has been urban sprawl around Hamilton and towns within the rohe. The demand for rural residential or lifestyle block developments, particularly in Waikato District, has increased substantially putting pressure on land and water. This situation has been exacerbated by a lack of consistency relating to land use planning across the rohe.

25.2.2 However, integrated land use planning processes cannot entirely ignore private sector investors and developers as it is these individuals and organisations that lead development and are often prepared to provide all, or part of the infrastructure required for a development. Investors and developers seek to ensure that any developments are economically feasible, and do not always respond positively to local authority land use planning interventions. The challenge then is finding a balance between private, public, and taangata whenua land use and development aspirations that provide a corresponding balance between social, cultural, spiritual, economic, and environmental effects and benefits.

25.2.3 Waikato-Tainui, as taangata whenua, have land use and development aspirations. After having limited access to development opportunities on Maaori owned land, it is anticipated that Maaori owned land within the Waikato-Tainui rohe will be seen as being able to deliver credible development on Waikato-Tainui land that achieves land use and development aspirations. Additionally Waikato-Tainui are relatively recent but increasingly significant commercial land users and developers and are keen to see land use and development that complements Waikato-Tainui aspirations. This includes the use and development of land owned under Te Ture Whenua Maaori Act 1993, land returned as part of Treaty of Waitangi settlement redress, and land purchased by Waikato-Tainui entities on a purely commercial basis.

25.2.4 Ultimately the commercial benefit of any Waikato-Tainui development remains within the rohe and for the benefit of Waikato-Tainui tribal members and the wider community. The link between the economic and commercial success of Waikato-Tainui and their cultural and social success cannot be overstated. Waikato-Tainui have land development proposals that are indicative of the contribution and inherent interest that Waikato-Tainui has in sustainable and

enhancing development within its rohe.

25.2.5 As kaitiaki within their rohe, Waikato-Tainui also seeks to ensure environmental sustainability and enhancement in their activities. Waikato-Tainui considers that land, air, and water have been degraded over time. It is no longer sufficient to apply sustainability principles to maintain a resource at a low standard. There is a need to take sustainability principles a step further towards enhancement principles where the quality of the land, air, and water is not only maintained but should be incrementally improved over time through the use of enhancing design principles.

25.2.6 Infrastructure development has often focused on the easiest, most cost effective alignment rather than on the environmental, cultural, and/or spiritual consequences of the infrastructure development.

Urban and rural development

25.2.7 Land has sometimes been developed and/or subdivided in an ad hoc way. The cumulative effect of increasing urbanisation has been poorly recognised and responded to and Waikato-Tainui considers that it is ineffective and inefficient to look at resource consent applications on a parcel-by-parcel basis. Evaluation of consent applications needs to take a more strategic and holistic view.

25.2.8 Ad-hoc development can lead to adverse effects on the environment, customary activities, culturally and/or spiritually significant sites, or on communities. For example, 'ribbon' developments along rural roads that alter the landscape, put pressure on infrastructure, limit access to waahi tapu and sites of significance, degrade the visual amenity of the area, and do not contribute to overall development of community identity. Another example is industrial or commercial development in areas that are not well supported by the infrastructure required to effectively operate the industrial or commercial activity, or that adversely impacts on residential living.

25.2.9 The strategic identification of growth cells around Hamilton City, with appropriate infrastructure provided in growth cell planning and development, is supported as it will enable the social and economic development of Waikato-

As kaitiaki within their rohe, Waikato-Tainui also seeks to ensure environmental sustainability and enhancement in their activities...

Huntington Estate Subdivision, Kirikiriroa



Tainui and the community.

Environmental and cultural effects

25.2.10 As urban development has occurred in the Waikato-Tainui rohe ground and surface water quality has deteriorated, the integrity of aquatic and terrestrial ecosystems has been compromised, productive and versatile soils lost, and landscape character has been irretrievably changed. The positive economic effects of the development may in part, balance the adverse effects of these changes on the natural environment. However, positive economic effects cannot be the only driver or justification for land use.

25.2.11 Past development has isolated Waikato-Tainui communities from their rivers, waahi tapu, sites of significance, and sites of customary activity. Waikato-Tainui will measure the success of future development on how well it restores and protects these connections, relationships, and activities.

25.3 OBJECTIVES, POLICIES AND METHODS

Objective – approach to land use and development

25.3.1 Development principles are applied to land use and development (urban and rural) and, in particular, development in new growth cells, that enhance the environment.

Policy – approach to land use and development

25.3.1.1 To encourage development principles to be applied to land use and developments (urban and rural) and, in particular, development in new growth cells, that enhance the environment.

Method

(a) Proposed developments shall demonstrate how they have considered and applied development principles that enhance the environment including, but not limited to how the development:

i. Restores the capacity of ecosystems;

ii. Creates or maintains ecosystems that function without human intervention;

iii. Understands and acknowledges the diversity and uniqueness of the development location (socially, culturally, spiritually, economically, and environmentally);

iv. Considers how the development design incorporates the diversity and uniqueness of the development location (such as culturally appropriate design, interpretive panels, commemorative pou [poles], etc);

v. Minimises pollution and waste;

vi. Promotes efficient and effective energy conservation and use;

vii. Preserves and preferably enhances the natural hydrologic functions of the site;

viii. Identifies and preserves sensitive areas that affect the hydrology, including streams and their buffers, floodplains, wetlands, steep slopes, high-permeability soils and areas of indigenous vegetation;

ix. Effectively manages natural hazards;

x. Considers beneficial re-use on-site of stormwater and wastewater;

xi. Considers water conservation; and

xii. Provides for visual amenity consistent with the surrounding environment.

Objective – urban and rural development

25.3.2 Urban and rural development is well planned and the environmental, cultural, spiritual, and social outcomes are positive.

Policy – urban development

25.3.2.1 To ensure that urban development is well planned and the environmental, cultural, spiritual, and social outcomes are positive.

Methods

(a) Where possible and practicable, avoid development or subdivision of land where there are high quality and versatile soils.

(b) If development or subdivision occurs on high quality or versatile soils, demonstrate how the development

or subdivision provides a greater environmental, cultural, spiritual, or social outcome than the current land use provides.

(c) Encourage the development and use of structure plans or similar tools for significant land use or development initiatives.

(d) Ensure that appropriate consideration is given to papakaainga development in rural and urban areas (see Chapter 13, 'Ngaa Papakaainga me Ngaa Marae – Waikato-Tainui communities').

(e) Land development, subdivision design, or applications shall consider cumulative effects and demonstrate in a clear fashion the real impacts of the development.

(f) Land development or subdivisions are not supported where the effects or the cumulative effects of the proposed development or subdivision decreases existing environmental, cultural, spiritual, or social outcomes.

(g) Land use and development of Waikato-Tainui owned land, regardless of the nature of the ownership is supported, providing such use and development is consistent with this Plan and/or the position and perspectives of those holding mana whakahaere in the area of this land use and development activity.

(h) Manage the adverse effects of urban and rural residential subdivision and development through the use of Low Impact Development ('LID') principles in all new subdivisions and developments including, but not limited to:

i. Minimising stormwater impacts to the greatest extent practicable by reducing imperviousness, conserving natural resources and ecosystems, maintaining natural drainage courses, reducing use of pipes, and minimising clearing and grading;

ii. Providing runoff storage measures dispersed through the site's landscape with a variety of detention, retention, and runoff practices;

iii. Where they will be of benefit, encouraging the use of mechanisms such as rainwater harvesting, rain gardens, roof gardens, and onsite storage and retention;

iv. Where they will be of benefit, encouraging the use of stormwater treatment devices including on-site treatment systems, allowing for emergency storage and retention structures; and

v. Such areas that have unavoidable impervious areas, attempt to break up these impervious areas by installing infiltration devices, drainage swales, and providing retention areas.

(i) For construction sites:

i. Reduce paving and compaction of soils;

ii. Manage the effects of soil disturbance;

iii. Site building and infrastructure to manage the effects on existing vegetation, particularly where that vegetation contributes to the overall amenity of the site;

iv. Minimise imperviousness by reducing the total area of paved surfaces; and

v. Maintain existing topography and pre-development hydrological processes.

Policy – rural development

25.3.2.2 To ensure that rural development is well planned and the environmental, cultural, spiritual and social outcomes are positive.

Methods

(a) Generally, the methods in policy 24.3.2.1 above, applies to rural residential subdivision.

(b) Recognise the genuine need, at times, for smaller rural residential subdivision to enable landowner use of their site for personal, family, or staff use. However, rural residential subdivision shall not result in 'ribbon' type ad hoc development along rural roads.

(c) Rural residential form shall be well designed taking into account the surrounding environment, visual amenity, and other policies and methods in this chapter.

(d) Minimise the amount of high quality or highly versatile land that is taken out of productive use or that has options for future use reduced as a result of rural development.

Objective – positive environmental and cultural effects

25.3.3 Land use and development has positive environmental and cultural effects.

Policy – positive environmental and cultural effects

25.3.3.1 To ensure that land use and development, particularly new land use and development, has positive environmental and cultural effects.

Method

(a) Through the use of LID (Low Impact Design) principles in all new subdivisions and developments;

i. Protect surface and ground water quality;

ii. Maintain the integrity of aquatic and terrestrial ecosystems;

iii. Preserve the physical integrity of receiving streams;

iv. Protect soils by providing appropriate sediment and erosion control; and

v. Make maximum use of natural ground levels.

(b) Require reserves next to oceans, lakes and rivers to be set-aside during the subdivision and land development process to protect the water body, allow access, increase biodiversity, and enhance ecosystems.

(c) Decisions on use of reserves or similar provision in subdivision applications shall give priority to protecting the water body health regardless of the water body or subdivision size.

(d) Subdivisions should not impede access to and along waterways.

(e) Require resource consent conditions to be imposed that allow Waikato-Tainui access to culturally and/or spiritually significant sites and sites of customary activities through the imposition of caveats on titles or providing for the registration of right-of-way servitudes.

(f) Ensure in all development proposals that access is retained and improved to water bodies and cultural and/or spiritual sites.

(g) Structure or management plans will be required as conditions of resource consent to ensure that critical environmental and cultural considerations are taken into account and that on-going monitoring and review occurs.

(h) Land use and development design features reflect Waikato-Tainui cultural values and perspectives.

(i) Protection of significant cultural and/or spiritual sites may have precedence over subdivision in some areas and the objectives contained in Chapters 15, 'Ngaa taonga Maaori tuku iho me te aarai taiao – natural heritage and biosecurity' and Chapter 16, 'Ngaa taonga tikanga tuku iho – cultural heritage' may apply.

(j) Local authorities revise their statutory instruments to reflect the principles contained in the Plan, including in so far as the Plan affects subdivision, use and development.

Taupiri Roundabout, Waikato Expressway



26 Waihanga Matua Infrastructure

26.1 INTRODUCTION

26.1.1 Infrastructure covers a wide range of essential services including utilities (e.g. treatment and reticulation of water supply, wastewater, and stormwater; electricity and natural gas generation and transmission); telecommunications; transportation (e.g. road, rail, bridge, airports, lighthouses and ports); hazard management structures (e.g. stop banks); waste disposal facilities; and public facilities (schools, hospitals, public housing, public transport). Infrastructure is essential for the economic, social, cultural, spiritual, and environmental health and wellbeing of the community. Waikato-Tainui considers that infrastructure should be developed and operated in a manner that is sustainable taking into account economic, social, cultural, spiritual, and environmental matters. Infrastructure development, operation, and maintenance is generally undertaken by the Crown and local authorities and, in due course, may be provided by third parties as the result of asset sales or privatisation.

26.1.2 Energy generation and transmission is considered separately in Chapter 27, 'Whakaputa hiko – electricity generation'.

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The Base, Hamilton



26.1.3 In the past, land for infrastructure development was acquired by various means including the taking of land under the Public Works Act. Maaori land has historically been confiscated in order to provide land for these services. There was little or no consideration of the ties that Waikato-Tainui had to the land nor was there respect for cultural and spiritual values. While Waikato-Tainui supports the need for infrastructure and the need to expand networks, commission or decommission plant, and to make provisions to effectively and efficiently operate infrastructure this does not give infrastructure developers and operators the automatic right to have an adverse effect on environmental, cultural, and spiritual wellbeing.

26.1.4 To avoid the repeat of mistakes of the past, Waikato-Tainui expects to be actively involved in the process of developing new infrastructure and ensuring discharges from existing infrastructure do not adversely affect environmental, cultural, and spiritual values.

26.2 ISSUES

Infrastructure development

26.2.1 In the past the development of infrastructure has had adverse impacts on the environment and on sites of cultural and spiritual significance to Waikato-Tainui. In the past land has been confiscated to provide for infrastructure development, which has had a major adverse effect on the economic, social, spiritual, and cultural development of Waikato-Tainui.

26.2.2 Infrastructure development often neglected to consider the principles of sustainability and has been based on the best "engineering" solution rather than a more balanced approach involving the consideration of cultural, spiritual, social, economic and environmental drivers or the use of enhancement principles. Waikato-Tainui acknowledges and accepts the reality of the need for infrastructure provided that the effects on environmental, social, cultural, and spiritual values are appropriately managed. Waikato-Tainui does not accept that a regional or national benefit should create a local burden.

26.2.3 Waikato-Tainui believes that its kaitiaki role has often been forgotten in the development, operation, and maintenance of infrastructure. Expensive litigation has resulted for all parties by not involving Waikato-Tainui in the early stages of planning. Early engagement with Waikato-Tainui is likely to avoid expensive and unnecessary conflict and litigation.

26.2.4 Management of water systems is often not undertaken in a holistic manner taking into account all waters (water supply, wastewater, stormwater, fresh water and marine water). There have been poor management strategies around water availability, water quality, and water use and consumption. Some of these matters are considered in Chapters 19 "Te Wai Maaori – Fresh Water", 20 "Ngaa Repo – Wetlands", and 24 "Te Taiao Moana - coastal environment".

Liquid, solid, and hazardous waste

26.2.5 Waste generation is an unavoidable consequence of human existence. Waikato-Tainui has continually expressed concern about the manner of waste discharge into and onto land, and directly into water bodies.

26.2.6 Waste disposal, if not managed properly, will threaten the mauri of the land and the surrounding water bodies. Waste deterioration and the inappropriate storage and use of chemicals can cause waste and chemical leaching into the environment.

Transportation

26.2.7 Possible effects of providing transportation infrastructure include impacts on visual amenity; alteration to water flows; increased sedimentation; barriers to migration for invertebrate (insects, etc) and vertebrate species (e.g. fish, bat, lizard, and bird); disruption of access and disturbance to fisheries and the habitat of other native animals and insects, cultural activities, and potential impacts on Waikato-Tainui sites of significance and waahi tapu. Sustainable planning of transportation infrastructure is important for creating environments where we want to live, work, and play, and for protecting water quality and ecosystems.

Natural Hazards

26.2.8 Infrastructure is vulnerable to natural hazards. Poor infrastructure planning and location has magnified the effects of extreme natural events.

Electricity generation and transmission

26.2.9 Depending on the form of energy generation there can be adverse effects from discharges, particularly from coal fired plants. Waikato-Tainui generally do not support any form of energy generation unless it is sustainable and renewable, or any form of energy generation that has adverse social, cultural, spiritual, or environmental effects that cannot be managed to meet the requirements of this Plan. For clarity, Waikato-Tainui does not consider containment hydro dams suitable as a form of sustainable renewable energy generation, due to the adverse environmental, cultural, spiritual, and social effects of such dams.

26.2.10 There is concern about the development of new transmission lines, particularly where they are 400kV above ground lines, and potential adverse effects on Waikato-Tainui environmental, spiritual, and cultural values.

26.3 OBJECTIVES, POLICIES AND METHODS

Objective – Waikato-Tainui engagement

26.3.1 Infrastructure development, upgrade, and maintenance within the Waikato-Tainui rohe occurs in partnership with Waikato-Tainui.

Policy – Waikato-Tainui engagement

26.3.1.1 To ensure that infrastructure development, upgrade and maintenance within the Waikato-Tainui rohe occurs in partnership with Waikato-Tainui.

Methods

(a) New infrastructure shall be developed in consultation with Waikato-Tainui to ensure infrastructural development is in alignment with this Plan and any relevant Joint Management Agreements (JMA's) in order to manage adverse environmental, cultural, spiritual, and social effects. As a minimum, the consultation and engagement process outlined in Chapter 6, 'Te koorero tahi me Waikato-Tainui – consultation and engagement with Waikato-Tainui', shall apply.

(b) In the development of new infrastructure, upgrading or maintenance of old infrastructure, Waikato-Tainui are engaged at the very early stages of scoping and that Waikato-Tainui remain engaged during the process.

(c) When designing water and wastewater systems, Waikato-Tainui encourages regulatory authorities and applicants for resource consents, and designations to apply principles of maatauranga Maaori design and environmental protection methods and techniques.

(d) Resource consent and designation processes under the RMA, relevant rules and conditions shall be developed by the applicant, regulator, and/or local authority in partnership with Waikato-Tainui that take into account kaitiakitanga and maatauranga Maaori.

(e) Waikato-Tainui may consider infrastructural partnerships where the provision of infrastructure meets the aspirations of Waikato-Tainui.

Objective – infrastructure development, upgrade, and maintenance

26.3.2 Infrastructure development, upgrade, and maintenance manages economic, social, cultural, spiritual, and environmental effects.

Policy – infrastructure development, upgrade and maintenance

26.3.2.1 To ensure that infrastructure development, upgrade, and maintenance manages economic, social, cultural, spiritual, and environmental effects.

Methods

(a) Infrastructure development shall avoid land in Maaori ownership except with the agreement of the Maaori owners.

(b) New infrastructure development shall take into account the enhancement principles contained in Chapter 7 "Te Whakapakari i Te Taiao - Towards environmental enhancement". As a minimum all existing infrastructure shall be managed to sustain the ability of the environment to provide for future generations.

(c) Ensure that, in the development of new infrastructure, best practice approaches and appropriate environmentally sustainable and enhancing technologies are applied to ensure, as far as practicable, any adverse impacts on the environment or cultural and/or spiritual resources are avoided.

(d) Infrastructure development and management shall be planned to manage adverse effects on water bodies, stormwater, water supply and wastewater systems.

In the event that adverse effects cannot be avoided, discussions shall be held with Waikato-Tainui to agree if the effects can be managed.

(e) The cumulative effect of infrastructure provision shall be considered as well as the effect of a single piece of infrastructure.

(f) When assessing infrastructure needs or making decisions on designations or consents regarding infrastructure, the adverse effects should be managed so as to achieve the objectives in this Plan. In particular adverse effects should be avoided on:

i. Land held in Maaori title or in the ownership of Waikato-Tainui;

ii. Waahi tapu and other sites of significance to Waikato-Tainui;

iii. Oceans, rivers, lakes, and wetlands that would hinder achieving the objectives and policies contained in the water management, fisheries and cultural chapters of the Plan;

iv. Areas of significant indigenous vegetation or habitats of taonga species;

v. Customary activities or fisheries;

vi. Natural hazards; and

vii. Culturally and/or spiritually significant landscapes and view shafts.

(g) In the event that adverse effects cannot be avoided, discussions shall be held with Waikato-Tainui to agree if the effects can be managed.

(h) Any local adverse effects of infrastructure that cannot be avoided, remedied, or minimised should be discussed with Waikato-Tainui to discuss whether the effect can be mitigated and compensated near the locality where the adverse effects occur, or elsewhere as agreed with Waikato-Tainui.

Objective - liquid, solid, and hazardous waste

26.3.3 Liquid, solid, and hazardous waste management is best practice and manages social, cultural, spiritual, economic and environmental effects.

Policy – liquid, solid and hazardous waste

26.3.3.1 To ensure that liquid, solid and hazardous waste management is best practice and manages social, cultural, spiritual, economic, and environmental effects.

Method

(a) The full life cycle of waste from generation to assimilation/disposal is considered in developing waste management strategies.

(b) Manage waste including solid, liquid, gas, and sludge waste, according to the following hierarchy:

i. Reducing the amount of waste produced (including composting and mulching of green waste);

ii. Reusing waste;

iii. Recycling waste;

iv. Recovering resources from waste;

v. Treating residual waste; and

vi. Appropriately disposing of residual wastes.

(c) Encourage and expect that the waste management hierarchy is given high priority by national and local authorities, industry, and the wider community. This includes, but is not limited to:

i. Old municipal landfills being monitored and rehabilitated to ensure any adverse effects are managed;

ii. Ensuring wastewater and stormwater systems are designed, constructed, and upgraded to ensure wastewater does not enter stormwater systems;

iii. Local authorities identifying any areas where stormwater enters the wastewater system and making financial allowances in the Long-Term Plan for the upgrading of infrastructure; and

iv. Providing education programmes and partnerships with the community and Waikato-Tainui, promoting the concept of waste minimisation a 'no waste' society, and a hierarchy of waste management.

(d) Resource consent applications for discharges shall include waste management hierarchy options for any waste generated.

(e) Best practice standards and industry protocols shall be applied to the storage and use of hazardous substances.

(f) Design areas of potential contamination (e.g. Petrol station forecourts, stock truck effluent areas, and industrial hardstand areas) to prevent untreated runoff.

(g) All waste management facilities shall be sited, designed, constructed, operated, and managed to best avoid adverse environmental impacts. Facilities shall be designed and constructed according to best environmental practice and shall be sited away from water bodies, estuaries, or the coast.

(h) Minimise wastewater production by:

i. Developing standards for low water use fittings;

ii. Encouraging water metering and volumetric wastewater charging based on water consumption; and

iii. Encouraging reduction and prevention of stormwater infiltration and ingress into wastewater systems through design standards and construction control.

(i) Stormwater, wastewater, and trade-waste by-laws ensure high levels of on-site treatment are obtained prior to discharge e.g. improve design methods to maximise the removal of heavy metals from the trade-waste.

(j) The release of environmentally persistent hazardous chemicals, or hazardous chemicals that could bio-accumulate to a level to have chronic toxic effects on biota is opposed.

Objective – transportation

26.3.4 Transportation infrastructure is developed and managed in a manner that provides for social, cultural, spiritual, economic, and environmental needs.

Policy – transportation

26.3.4.1 To ensure that transportation infrastructure is developed and managed in a manner that provides for social, cultural, spiritual, economic, and environmental needs.

Method

(a) The methods for policy 25.3.2.1 and the policies and methods for Chapter 25, 'Ngaa whakaritenga moo ngaa whenua o Waikato-Tainui – land use planning' shall apply for this policy.

(b) Sustainable transport options should be incorporated into subdivisions and developments including options for public transport, carpooling, walking, and cycling.

Natural hazards

26.3.5 Infrastructure shall be sited and operated in a way to avoid impacting on the risk of natural hazards occurring or the magnitude of a natural hazard event.

Policy – natural hazards and infrastructure

26.3.5.1 To ensure that infrastructure is sited and operated in a way to avoid impacting on the risk of natural hazards occurring or the magnitude of a natural hazard event.

Method

(a) The policies and methods of chapter 17, 'Ngaa Moorearea Ao Tuuroa – natural hazards' apply for this policy.

Objective, policies and methods – electricity generation and transmission

26.3.6 The objectives, policies and methods for energy generation and transmission are considered in chapter 27 'Whakaputa hiko – electricity generation'.

27 Whakaputa Hiko
Electricity Generation

27.1 INTRODUCTION

27.1.1 The Waikato region is an electricity generation hub for New Zealand. Natural resources such as the sun, fresh water, coal, coal seam gas, geothermal energy, natural gas, and wind contribute to generating the electricity required to run the nation. In future other natural resources or activities, such as tidal activity, may be used to generate electricity. As technology advances other methods may become increasingly viable such as the beneficial re-use of waste to generate electricity, or mini-localised electricity generation schemes.

27.1.2 Waikato-Tainui recognises that the effective and efficient availability and security of electricity supply is critical to the region's and the nation's survival and prosperity. Waikato-Tainui is concerned to ensure that this prosperity includes the environmental, social, cultural, spiritual, and economic prosperity of Waikato-Tainui.



27.1.3 In generating or providing electricity, Waikato-Tainui resources and interests are often put at risk or compromised. The infrastructure required for electricity generation and transmission has significant impact on Waikato-Tainui, as discussed in Chapter 26, 'Waihanga Matua – Infrastructure'. Waikato-Tainui recognises that electricity generation may require the mining of minerals, including hydrocarbons (coal, coal seam gas, natural gas, oil). Mining is considered in Chapter 28, 'Keri Oopapa – mining and quarrying oil, gas, minerals'.

27.2 ISSUES

Electricity generation and transmission

27.2.1 Coal mining and power generation schemes have contributed to the pollution and deterioration of the health of the Waikato River, and other rivers, the surrounding environment (e.g. ground subsidence from underground mining). These operations have significantly impacted on the fisheries and plant life of rivers. Upstream containment hydro dams have significantly altered the physical, metaphysical, and spiritual health and wellbeing of the Waikato River. Transmission lines impact the spiritual relationship that Waikato-Tainui has with waahi tapu and sites of significance within their rohe. In some cases, Waikato-Tainui marae and hapuu have historically had spiritual connections to their rohe severed by generation plants or transmission lines while themselves being without power.

27.2.2 Existing electricity generation schemes are long life key infrastructure and operators of these schemes have an ongoing part to play in managing the effects of their operations. It is not sufficient to wait until consents expire as there needs to be an ongoing effort to investigate ways to minimise the adverse affects of electricity generation.

Alternative electricity generation sources

27.2.3 Waikato-Tainui is supportive of, and would like an increased focus on renewable electricity generation providing the social, cultural, spiritual, environmental, and economic effects of the activity are managed in partnership with Waikato-Tainui. Waikato-Tainui is supportive of micro-renewable electricity generation schemes that provide localised community benefit. Similarly Waikato-Tainui is supportive of alternative electricity generation, such as waste to energy initiatives, again, providing adverse effects are managed.

Local cost, local benefit

27.2.4 Waikato-Tainui considers that ultimately, it is the Crown that determines and controls the nature and overall direction of electricity generation and transmission in Aotearoa, New Zealand. The Crown's actions, including land confiscation led to lack of access and opportunity for Waikato-Tainui to participate in electricity generation development.

This has had a detrimental flow on effect in the ability of Waikato-Tainui to provide for their social, cultural, spiritual, and economical wellbeing.

27.2.5 Often the benefits of these electricity generation and transmission activities are mainly distributed nationally or even internationally with the exports produced using electricity generated from resources within Waikato-Tainui. However, the costs of such schemes are borne locally including customary ways of life being forever disrupted. Therefore Waikato-Tainui is keen to ensure local benefit from local electricity generation and transmission.

27.3 OBJECTIVES, POLICIES AND METHODS

Objective - electricity generation and transmission

27.3.1 In partnership with Waikato-Tainui, existing and new electricity generation activities, and the structures and operations to transmit electricity to end users, effectively manages adverse social, cultural, spiritual, environmental, and economic effects.

Policy – electricity generation and transmission

27.3.1.1 In partnership with Waikato-Tainui, to ensure that existing and new electricity generation activities, and the structures and operations to transmit electricity to end users effectively manages adverse social, cultural, spiritual, environmental, and economic effects.

Methods

(a) Electricity generation and transmission activities are developed or operated in a manner consistent with the parts of this Plan that are relevant to the proposed or existing electricity generation or transmission activity.

(b) Electricity is sourced and distributed locally wherever practicable.

(c) Efficient conservation and use of electricity ensures electricity wastage or leakage from electricity generation or transmission is minimised.

(d) Hydro-electricity generation allows for safe fish passage and enhances and creates habitats for indigenous aquatic and land species.

(e) By-products of energy generation are returned safely to their source so that effects of returning the by-products are managed. For example:

(i) Coal ash is safely returned to the ground, in underground capsules, to prevent seepage to surrounding environments; and

(ii) Geothermal discharges are re-injected back into the land.

(f) In designing new transmission lines, upgrading, or replacing transmission lines, alternatives to overhead lines, such as undergrounding, will be the preferred option provided there are no adverse effects on cultural or spiritual sites.

(g) Large transmission structures shall not be located in close proximity to marae, culturally or spiritually sensitive sites, or in the river and its environs (such as banks, floodplains, estuaries, or bed).

(h) Other than as required for safety purposes, electricity transmission lines and supporting infrastructures blend in with the surrounding environment. (such as by control of colour, use of vegetation cover, undergrounding infrastructure, minimising visual profile, and minimising size)

Objective – alternative electricity generation sources

27.3.2 Alternative sustainable forms of electricity generation are developed, provided any adverse effects on the environment, particularly on the Waikato River or culturally and/or spiritually sensitive sites, are managed.

Note: Due to the adverse environmental, social, spiritual, and cultural effects of such structures, Waikato-Tainui does not consider containment hydro dams, such as Karaapiro and Arapuni Dams, an alternative sustainable form of electricity generation.

Policy – alternative electricity generation sources

27.3.2.1 Ensure that preference is given to the development of sustainable forms of electricity generation, provided any adverse effects on the environment, particularly on the Waikato River or culturally and/or spiritually sensitive sites, are managed.

Methods

The following methods are subject to any adverse effects on the environment being managed to a level suitable to Waikato-Tainui.

(a) Generally encourage the development and use of sustainable alternative forms of energy generation.

(b) Encourage the development and use of small domestic-scale renewable energy production for domestic, community facilities, papakaainga, and marae use.

(c) Encourage the beneficial re-use of waste and other by-products for electricity generation.

Objective – local cost, local benefit

27.3.3 Electricity generation and transmission activities demonstrate a direct community benefit for the communities near their activities.

Policy – local cost, local benefit

27.3.3.1 To ensure that electricity generation and transmission activities demonstrate a direct community benefit for the communities near their activities.

Method

(a) Existing or impending electricity generation and transmission operators work with Waikato-Tainui to determine what initiatives could demonstrate a direct community benefit.

(b) Electricity generation and transmission activities are able to demonstrate a direct community economic, social, spiritual, and/or cultural benefit.

(c) This direct community benefit extends beyond providing direct employment for the community including partnering with the community to develop other economic opportunities in the event of a decline in electricity and transmission activities.



28 Keri Oopapa

Mining and quarrying oil, gas, minerals

28.1 INTRODUCTION

28.1.1 This chapter considers the mining of hydrocarbons (such as oil, coal seam gas, natural gas, and coal), minerals, and other material that is extracted from Papatuuaanuku, both onshore and offshore. This includes the quarrying of rock aggregate, gravel, sand, and soil for use in other applications. For the sake of simplicity these activities are collectively referred to as 'mining' and the material extracted collectively referred to as 'minerals'. As technology advances it may become viable to mine currently more difficult to reach minerals or to mine minerals that are not currently mined.

28.1.2 Waikato-Tainui recognises that the effective and efficient availability and security of supply of minerals is critical to the region's and the nation's survival and prosperity. As noted in Chapter 27, Waikato-Tainui is concerned to ensure that this prosperity includes the environmental, social, cultural, spiritual, and economic prosperity of Waikato-Tainui, as well as of the region and the nation.

28.1.3 Mining is hardly sustainable, in human life-span terms, as extracted minerals are generally not replenished (though one may argue, for example, that today's organic waste could be tomorrow's hydrocarbon). In mining minerals, Waikato-Tainui resources and interests are often put at risk or compromised. The infrastructure required for mining may have significant impact on Waikato-Tainui. Mining, particularly open cast mining forever alters the Waikato-Tainui landscape.

28.2 ISSUES

Mining

28.2.1 Mining and the effects of mining have contributed to the pollution and deterioration of the health of the environment including the Waikato River, its surrounding environment, and has impacted on the fisheries and plant life of the river.

28.2.2 Landscapes may be forever altered, particularly in the case of open cast mining. There is concern that arguably 'low-impact' mining may result in unintended or unanticipated long-term effects. For example, if the removal of iron sand or limestone from an area altered the ecosystem characteristics so the ecosystem's capacity or capability to support certain flora and fauna changed. This could be a positive or negative effect on an ecosystem's life supporting capacity and capability.

28.2.3 Waahi tapu and sites of significance may be intentionally or accidentally altered or destroyed.

28.2.4 Mining activity is often relatively long life and mine operators have an ongoing part to play in mitigating the effects of their operations. It is not sufficient to wait until consents expire; there needs to be an ongoing effort to investigate ways to minimise the adverse affects of mining.

Local cost, local benefit

28.2.5 Similar to Chapter 27, Whakaputa hiko – electricity generation, Waikato-Tainui considers that, ultimately, it is the Crown that determines and controls the nature and overall direction of mining in Aotearoa, New Zealand. The Crown's actions, including land confiscation, led to lack of access and opportunity for Waikato-Tainui to participate in mining activities. This has had a detrimental flow on effect in the ability of Waikato-Tainui to provide for its social, cultural, spiritual, and economical health and wellbeing.

28.2.6 Often the benefits of these mining activities are seen nationally or even internationally while the costs of such activities are borne locally including customary ways of life being forever disrupted. Therefore Waikato-Tainui is keen to ensure local benefit from local mining activity.

28.3 OBJECTIVES, POLICIES AND METHODS

Objective - mining

28.3.1 In partnership with Waikato-Tainui existing and new mining activities effectively manage adverse social, cultural, spiritual, environmental, and economic effects.

Policy – mining

28.3.1.1 In partnership with Waikato-Tainui, to ensure that existing and new mining activities effectively manage adverse social, cultural, spiritual, environmental, and economic effects.

Methods

(a) Generally, there is a precautionary approach to mining, particularly when the mining activity or methodology is new to the Waikato-Tainui rohe.

(b) Mining activities are developed or operated in a manner consistent with this Plan, particularly the sections that are relevant to the proposed or existing mining activity.

(c) Mining activities occur using the best practicable option to manage adverse effects.

(d) Where any environmental effects occur, they are confined to the site of the mining activity.

(e) Transported minerals or mining waste are covered or sealed to prevent transported material escaping into the surrounding environment.

(f) Research and innovation that promotes lowered reliance upon mined materials is supported.

(g) Reuse and recycling of mined materials (e.g. copper, gold etc) is supported.

Policy - remediation

28.3.1.2 To ensure that existing and new mining activities effectively remediate and restore mining sites.

Methods

(a) Consent conditions contain a site remediation and restoration plan that ensures progressive site remediation and restoration through the life of the mining activity.

(b) Mining operators demonstrate that they have the financial and other resources to remediate and fully restore a mining site once the materials being mined from the site are exhausted.

(c) Demonstration of financial resources to remediate and fully restore a site may include a bond paid to consenting authority against the closure or failure of the mining operations.

Objective – Local cost, local benefit

28.3.2 Mining activities demonstrate a direct community benefit for the communities near their activities.

Policy – local cost, local benefit

28.3.2.1 To ensure that mining activities demonstrate a direct community benefit for the communities near their activities.

Method

(a) Existing or impending mine operators work with Waikato-Tainui to determine what initiatives could demonstrate a direct community benefit.

(b) Mining activities are able to demonstrate a direct economic, social, spiritual, and/or cultural community benefit.

(c) This direct community benefit extends beyond providing direct employment for the community including partnering with the community to develop other economic opportunities in the event of a decline in mining activities.



29 Ngaa Mahi Paarekareka me te Manaaki Manuwhiri
Recreation and Tourism



29.1 INTRODUCTION

29.1.1 The Waikato-Tainui rohe has significant attributes for attracting visitors both domestic and international.

29.1.1.1 Auckland is the most visited destination in New Zealand welcoming around 70% of all visitors to the country. The region receives approximately 2.8 million international guest nights and 3.5 million domestic guest nights annually. Auckland's visitor economy was worth $3.33 billion in 2010. Expenditure by international visitors made up $1.96 billion and the remaining $1.37 billion was contributed by domestic visitors. Auckland's tourism industry supports more than 50,000 full-time jobs.

29.1.1.2 Tourism contributed 11.8% of employment in 2006 within the Waikato Regional Council boundary and contributed $2,557 million in 2006. The Waikato region is the second largest location for domestic travel and hosted 28% of New Zealand's international visitors in 2006. This is expected to significantly increase[11] .

29.1.2 Although tourism in the Waikato Region is a major generator of employment and wealth, this is focused on Waitomo Caves, geothermal activity around Rotorua, Coromandel Peninsula, Lake Taupoo, and Tongariro National Park. The major tourism attractions are therefore outside the rohe of Waikato-Tainui, though the infrastructure to access the attractions crosses through the rohe.

29.1.3 Waikato-Tainui has considerable potential to develop tourism for both the domestic and international market with a number of attractions such as the rohe being the home of the Kiingitanga, the natural and cultural resources of the Waikato River, recreation potential in the Haakarimata Range, and active recreation such as Rugby League at Hopuhopu and Huntly, rowing and waka ama at Karaapiro, and the teaching of arts and crafts at various marae. State Highway 1 is the major tourism route between Auckland Airport and Rotorua. There is potential to develop an authentic cultural tourism centre based on tikanga rather than other precepts of Maaori culture.

29.1.4 Waikato-Tainui supports sustainable and respectful recreation and tourism activities, particularly when tribal members are involved, or which are tribally owned or operated tourism activities. This is, of course, provided that adverse effects on the environment and culture are avoided.

[11] Zahra, A., Walter, W. (2007). The Waikato Region: Major tourism issues and opportunities to facilitate tourism development. Waikato University

29.2 ISSUES

Adverse effects

29.2.1 The development of tourism and recreation facilities potentially has positive economic benefits but there may also be negative impacts. Increasing numbers may lead to damage to fragile natural environments, culturally and/or spiritually significant and heritage sites. Tourism infrastructure development in locations that are culturally, spiritually, or environmentally unsuitable put strain on those locations, aggravated by the increased need for infrastructure such as roads, water supply and wastewater in these areas.

Authenticity

29.2.2 Waikato-Tainui cultural and spiritual integrity risks being undermined through commercialisation, particularly if such commercial initiatives are not appropriately led. Waikato-Tainui is keen to ensure authenticity when tourism activities endeavour to portray cultural and spiritual perspectives within the Waikato-Tainui rohe. This is best achieved when the activity is owned, led, operated, or staffed by Waikato-Tainui tribal members with cultural and/or spiritual expertise.

Local benefit

29.2.3 Waikato-Tainui is keen to ensure that there is local benefit from utilising the cultural 'collateral' of Waikato-Tainui for tourism activities with benefits accruing to Waikato-Tainui whaanau, marae and hapuu. In the event of the activity being a visit to sites of cultural or spiritual significance, the sites themselves should also be a beneficiary of the activity through site improvement initiatives.

29.3 OBJECTIVES, POLICIES AND METHODS

Objective – adverse effects

29.3.1 Adverse environmental effects of tourism or recreation activities are managed to a level acceptable to Waikato-Tainui.

Policy – adverse effects

29.3.1.1 To ensure that adverse environmental effects of tourism or recreation activities are managed to a level acceptable to Waikato-Tainui.

Method

(a) Tourism and recreation activities are developed or operated in a manner consistent with this Plan, particularly the sections relevant to the proposed or existing tourism or recreation activity.

(b) In collaboration with Waikato-Tainui ensure that the activity does not damage or intrude upon customary activities, waahi tapu, spiritual, or cultural sites.

Objective - authenticity

29.3.2 Cultural tourism initiatives within Waikato-Tainui are developed and conducted collaboratively with Waikato-Tainui.

Policy - authenticity

29.3.2.1 To ensure that cultural tourism initiatives within Waikato-Tainui are developed and conducted collaboratively with Waikato-Tainui.

Method

(a) Current or impending tourism activity operators, within the Waikato-Tainui rohe, that have a cultural component to their activity, confirm with Waikato-Tainui how:

(i) They intend to ensure cultural and spiritual integrity and authenticity is retained;

(ii) The privacy of Waikato-Tainui tribal members is respected;

(iii) The protection and enhancement of cultural and spiritual resources important to Waikato-Tainui is assured; and

(iv) The intellectual property of Waikato-Tainui is protected prior to any commercial tourism or recreational venture proceeding.

(b) Waikato-Tainui retains priority, undisrupted traditional access to and use of cultural and spiritual resources.

(c) Encourage and prioritise Waikato-Tainui involvement in owning, leading, operating, or staffing the tourism initiative.

Objective – local benefit

29.3.3 Utilising Waikato-Tainui cultural collateral results in a direct benefit to cultural and/or spiritual sites and to Waikato-Tainui.

Policy – local benefit

29.3.3.1 Those utilising Waikato-Tainui cultural collateral provide direct benefit to cultural and/or spiritual sites and to Waikato-Tainui.

Method

(a) Those utilising Waikato-Tainui cultural collateral clearly demonstrate the direct benefit that the activity provides to cultural and/or spiritual sites and/or the environment and/or to Waikato-Tainui whaanau, marae, and hapuu.

Note: for clarity, 'direct benefit' is not confined to individual benefit by way of employment, contracting, or engagement of local Waikato-Tainui members and businesses.


5
OK
MĀORI



Those utilising Waikato-Tainui cultural collateral clearly demonstrate the direct benefit that the activity provides to cultural and/or spiritual sites and/or the environment and/or to Waikato-Tainui whaanau, marae, and hapuu.



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SECTION E: GLOSSARY AND APPENDICES

Glossary

Awa River, stream, waterways, fresh water bodies.

Atua Gods, deities with responsibilities for different physical and spiritual realms or elements.

Best practice, best practicable option, best management practice

The best method of managing adverse effects on the environment have regard, among other things, to:

a) The nature of the effect and the sensitivity of the environment that would be impacted by the effect;

b) The financial implications, and the effects on the environment, of that option when compared with other options;

c) The current state of technical knowledge and the likelihood that the option can be successfully applied; and

d) The implications of that option on matters of significance (social, cultural, spiritual, environmental, or economical) to Waikato-Tainui.

Community benefit

A benefit that accrues to the community as a whole, particularly to the Waikato-Tainui community of whaanau, marae, and hapuu. The magnitude of the benefit should be commensurate with the scale of the activity. Community benefit should accrue to the communities close to the proposed or existing activity. For the purposes of this Plan, 'community benefit' does not mean individual benefit by way of employment, contracting, or engagement of local community members and businesses.

Effect Where the context requires, an 'effect' is something that is produced or caused as a result of another action or inaction.



Effect (manage, managing, managed)

The hierarchy used to consider how to manage adverse effects. In order of first to last, effects should first be avoided, then remedied, then minimised, then mitigated, or balanced. Only Waikato-Tainui can determine, for Waikato-Tainui, if an adverse effect has been suitably managed. In some cases the Plan states an ideal outcome for an effect, such as to avoid the effect – this is intentional. Refer to Chapter 8, "Whakatikihia ngaa hua – managing effects" for more information.

Hapuu Sub-tribe, usually containing a number of whaanau and marae with a common ancestor or ancestors.

Hauanga kai The customary and contemporary gathering and use of naturally occurring and cultivated foods.

Iwi Extended kinship group, tribe, nation, people, nationality, race - often refers to a large group of people descended from a common ancestor.

Kaitiaki Caregiver, caretaker, the role of protecting and nurturing the mauri of all living things and the surrounding inanimate environment.

Kaitiakitanga The exercise of kaitiaki roles and responsibilities. The exercise of kaitiakitanga recognises the intricate balance and integral relationship between all natural resources. Waikato-Tainui learnt and long recognised that, in order for the environment to sustain life, people in turn, had to protect and sustain the environment. Waikato-Tainui strives to ensure that kaitiakitanga is inherent in all its actions. Responsible kaitiakitanga includes the care, protection, and/or sustainable use of resources. Responsible kaitiakitanga includes Waikato-Tainui whaanau, marae, hapuu, and entities sustainably using the resources within their respective rohe.

Kaumaatua Elders (male or female)

Kawa Underlying principles that govern behaviour.

Koiwi Human bones

Maatauranga Knowledge

Maatauranga Maaori

Traditional and contemporary Maaori knowledge, knowledge systems, and knowledge bases. This includes the body of knowledge originating from Maaori ancestors, including the Maaori worldview and perspectives, Maaori creativity, and cultural and spiritual practices. As an organic and living knowledge base, maatauranga Maaori is ever growing and expanding.

Maimai Aroha Expression or token of affection.

Mana Authority, spiritual authority, protective power and prestige.

Manaakitanga The provision of sustenance, care, and support, particularly in the hospitality shown to manuwhiri.

Mana whakahaere

Ultimate Mana whakahaere refers to the authority that Waikato-Tainui has established in respect of the Waikato-Tainui rohe over many generations. Mana whakahaere authority entails the exercise of rights and responsibilities to ensure that the balance and mauri (life force) of the rohe is maintained. It is based in recognition that if we care for the environment, the environment will continue to sustain the people. In customary terms mana whakahaere is the exercise of control, access to, and management of resources within the Waikato-Tainui rohe in accordance with tikanga. For Waikato-Tainui, mana whakahaere has long been exercised under the mana of the Kiingitanga.

Mana Whenua The taangata whenua group or groups with primary mana whakahaere over an area. These areas could include groups with mana whakahaere over rivers and fresh water bodies (mana awa) and/or with mana whakahaere over marine environments (mana moana).

Manage/Managed/Managing effects

Refer to above definition for 'Effect (manage, managing, managed)'.

Manuwhiri Visitor(s)

Marae Traditional and contemporary gathering places for Waikato-Tainui that may contain a whare nui (meeting house), wharekai (dining room), whareiti (ablution blocks), whare (other houses or structures). May also include a papakaainga.

Mauri Life force. Some hold the view that both animate (living) and inanimate (non-living – e.g. rocks) objects have mauri. Waikato-Tainui is intrinsically linked to the environment and so the mauri of the environment effects and is affected by the mauri of Waikato-Tainui. Having an effect on the environment's mauri has a corresponding effect on the mauri of Waikato-Tainui.

Papakaainga Communities, places where Waikato-Tainui live primarily clustered around marae and other places of significance. 'Papakaainga' also means contemporary or ancient marae or paa sites with or without accompanying residences or buildings. The extent of individual papakaainga should be determined in consultation with Waikato-Tainui and is not necessarily confined to multiple owned Maaori land.

Raahui Prohibition placed on access to an area or resource. Prohibition placed on activity within, in, or on an area or with a resource. A method of managing behaviour and resources.

Ngaa Ihirangi Contents, list of chapters.

Raupatu Confiscation; in the case of Waikato-Tainui, the confiscation of lands in the Waikato-Tainui raupatu rohe, and includes the related invasion, hostilities, war, loss of life, destruction of taonga and property, and the consequent suffering, distress, and deprivation suffered by Waikato-Tainui.

Requiring Authority

A 'requiring authority' under the Resource Management Act 1991 is the Minister of the Crown, a local and regional authority, or a network utility operator approved by the Minister for the Environment.

Rohe Tribal region, generally in this Plan the tribal region of Waikato-Tainui, including the rohe of constituent marae and hapuu.

Taangata whenua

Maaori and their whaanau, marae, hapuu and iwi that whakapapa, or have genealogical connections, back to the land by virtue of first or primary occupation of the land by ancestor(s) through a variety of mechanisms such as maintaining ahi kaa roa (long term occupation) or conquest.

Taonga Treasure, resource and/or possession.

Taonga tuku iho Under the Waikato-Tainui Accord with the Ministry for Culture and Heritage, 'taonga tuku iho' is defined as those things that are highly prized and derived from iwi, hapuu and whaanau. They are whakapapa connected and are passed on from one generation to the next. This includes:

a) tangible objects such as types of heirlooms, artefacts, carvings, land and fisheries; and

b) intangible substance such as language, spiritual beliefs, ideas and metaphysical gifts.

Tikanga Values, ethics governing conduct.

Tupuna Ancestor

Tuupuna Ancestors

Waahi tapu To Waikato-Tainui means those sites of significance that are highly prized. They are areas (lands, waters and space) which exhibit the following:

a) Cultural importance such as areas for cultural and spiritual purification, cleansing and/or ceremonial purposes, activities, natural places, fisheries and food gathering sites;

b) Historical importance such as areas where significant battles occurred, significant and/or Kiingitanga events;

c) Tribal importance such as existing and historical marae, papakaainga (communities), urupaa (burial grounds), tuahu (monuments), and areas of celebration; and/or

d) Archaeological importance including areas where taonga tuku iho are discovered.

Waahi Tuupuna Other sites of significance to Waikato-Tainui that may not necessarily be waahi tapu site. These may be sites of current or historical significance for purposes such as, but not limited to maara kai (gardens), waahi noho (residential sites), and sites of commerce.

Waikato-Tainui People who descend from or affiliate to a recognised Waikato-Tainui marae, hapuu, or iwi. A person is recognised as being affiliated to a Waikato-Tainui marae, hapuu, or iwi only if that marae, hapuu, or iwi recognises that affiliation. 'Waikato-Tainui' also, where the context allows, includes the various organisations or bodies that Waikato-Tainui establishes to manage the individual and collective affairs of Waikato-Tainui. This includes, but is not limited to committees, trusts, or other organisations for marae, hapuu, management committees, clusters of the same, the relevant iwi authority or its delegated body, and other structures that, from time to time, Waikato-Tainui may establish to consider matters of relevance under this Plan.

Water body/ies Any body of water, including tributaries, streams, lakes, wetlands, oceans, peat lakes, etc.

Waterway The area of and adjacent to any water body, including ocean, lake, river, and stream.

Whakaaro thought, opinion, plan, understanding, idea, intention, gift

Whakamaa Shame or embarrassment.

Whaanau Family unit, not always of immediate family, and may include those that are family by marriage, adoption, fostering, or other close relationship.

Whaanui Broad, wide, extensive

Whenua Land

Appendix 1: Marae of Waikato-Tainui

MARAE	ADDRESS	Latitude	Longitude
AOTEAROA	Aotearoa Station, Wharepapa South Road, Wharepapa 0875	38°11'26.54"S	175°34'45.80"E
AARUKA	Aaruka Marae Road, Taharoa, Te Kuiti 3988	38° 9'13.36"S	174°44'12.28"E
HIIONA	153 Robertson Road, Ngutunui, Pirongia	38° 4'51.54"S	175° 8'52.45"E
HOE O TAINUI	Pororua Road, Mangatea Valley, Te Hoe 3784	37°29'21.41"S	175°19'10.38"E
HORAHORA	172 Horahora Road RD 2, Te Kauwhata	37°25'52.01"S	175° 6'34.41"E
HUKANUI	Gordonton Road, Hamilton	37°41'8.13"S	175°18'59.22"E
KAHOTEA	50 Kahotea Road, RD 3, Otorohanga	38° 9'9.67"S	175°12'12.48"E
KAI-A-TE-MATA	Kereone, RD1, Morrinsville 3371	37°40'6.88"S	175°32'38.07"E
KAITUMUTUMU	Te Ohaki Road RD 1, Huntly 3771	37°32'3.36"S	175° 9'6.23"E
MAKAURAU - IHUMATAO	8-10 Ruaiti Road, Mangere, Auckland 2022	36°59'0.79"S	174°45'55.86"E
MAKETUU	Te Puea Road, Kaawhia	38° 4'21.61"S	174°48'52.51"E
MANGATANGI	199 Mangatangi Road, RD 1, Pokeno 2473	37°12'53.60"S	175°10'37.14"E
MANGATOATOA	Te Mawhai Road, Kihikihi, Te Awamutu	38° 3'37.15"S	175°20'2.51"E
MATAHURU	760 Tahuna Road, RD 4, Ohinewai	37°28'58.13"S	175°14'14.01"E
MAUNGATAUTARI	Hicks Road, RD 2, Cambridge 3494	37°59'25.50"S	175°34'32.72"E
MAUREA	198 Te Ohaaki Road, RD 1, Huntly 3771	37°26'31.88"S	175° 8'18.59"E
MOOKAI KAAINGA	11 Aotea Road, RD 1 Te Mata, Raglan 3894	38° 2'9.63"S	174°50'25.97"E
MOOTAKOTAKO	Phillips Road, Te Mata, Raglan 3894	37°56'06.24"S	174°50'03.69"E

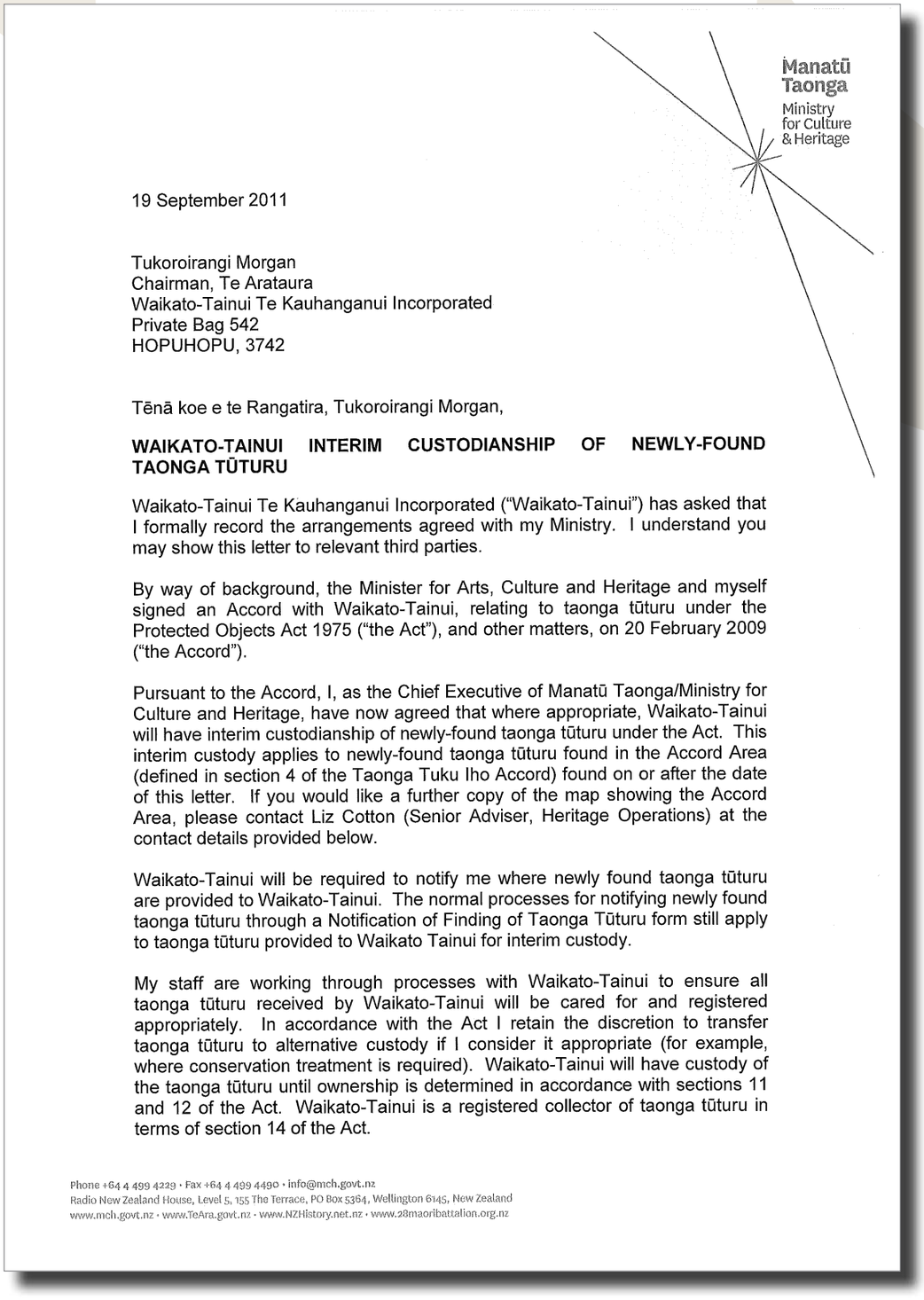


MARAE	ADDRESS	Latitude	Longitude
NGAA HAU E WHAA	88 Beatty Road, Pukekohe 2120	37°11'25.37"S	174°53'23.59"E
NGAATAIERUA	16 Carr Street, Tuakau 2342	37°15'41.13"S	174°56'50.97"E
NGAATIRA	960 Ngaatira Road, Lichfield RD 2, Putaruru 3482	38° 5'55.59"S	175°54'16.11"E
OOKAREA	124 Jamieson Road RD 1, Te Kauwhata 2011	37°19'56.15"S	175°18'23.47"E
OMAERO	10 Maaori Point Road, RD 5, Hamilton 3285	37°47'55.33"S	175° 8'50.07"E
OOKAPU	344 Aotea Road, RD 1, Kaawhia 3889	38° 1'23.24"S	174°50'59.16"E
OORAEROA	Stack Road, RD 5, Tuakau 2695	37°23'29.55"S	174°43'33.15"E
TE POHO O TANIKENA	2499 State Highway 22, RD 5, Glen Murrry 2695	37°26'36.78"S	174°58'1.69"E
OWAIRAKA	Bayley Road, Owairaka Valley, Kihikihi 3200	38° 6'24.52"S	175°26'18.80"E
PARAAWERA - TE TAUMATA	11 Owairaka Valley Road, RD 7, Te Awamutu	38° 4'29.32"S	75°25'42.81"E
POIHAAKENA	220 Wainui Road, RD 3, Raglan 3297	37°48'36.60"S	174°51'6.32"E
POOHARA	1035 Oreipunga Road, RD 2, Cambridge 3494	38° 3'28.83"S	175°37'48.08"E
PUKEREWA	470 Pukerewa Road, RD 5, Waikaretuu, Tuakau 2695	37°34'32.67"S	174°47'14.25"E
PUUKAKI	161A Puukaki Road, Mangere Bridge, Auckland 3022	36°59'35.31"S	174°48'37.56"E
PUUREKIREKI	121 Ormsby Road, RD 6, Te Awamutu 3876	38° 1'5.28"S	175°11'52.94"E
RAAKAUNUI	Raakaunui Road, RD 2 Oparau, Kaawhia 3886	38° 6'18.55"S	174°52'56.52"E

MARAE	ADDRESS	Latitude	Longitude
RAUNGAITI	State Highway 27, Waharoa 3474	37°45'21.52"S	175°45'4.74"E
RERETEEWHIOI	83 Tahurangatira Road, RD 3, Waiuku 2683	37°14'21.97"S	174°41'50.09"E
RUKUMOANA	Morrinsville Walton Road, RD 4, Morrinsville 3374	37°41'51.88"S	175°33'30.05"E
TAHUNAKAITOTO	Awhitu Road, RD 4, Waiuku 2684	37°13'48.13"S	174°42'20.11"E
TANIWHA - TANGOAO	McGovern Road, RD 1, Te Kauwhata 3781	37°24'31.26"S	175°18'6.75"E
TAUHEI	1253 Tauhei Road, RD 5, Morrinsville 3375	37°35'22.48"S	175°23'17.67"E
TAUPIRI	1 Kainui Road, RD 1, Taupiri 3791	37°37'32.47"S	175°11'7.45"E
TAURANGANUI	1334 Tuakau Bridge Road, Port Waikato 2695	37°19'25.48"S	174°48'37.35"E
TE AAKAU	577 Te Aakau Road, RD 1, Ngaaruawaahia 3793	37°39'31.54"S	174°54'35.28"E
TE AWAMAARAHI	529 Tuakau Bridge Road, Te Kohanga, Tuakau	37°17'56.38"S	174°53'29.07"E
TE-ITI-A-HAUAA - TAUWHARE	780 Tauwhare Road, RD 4, Hamilton 3284	37°47'4.39"S	175°25'12.14"E
TE KAHAROA-ARAMIRO	62 Orongo Road, Waitetuna Valley Road RD 1, RAGLAN 3295	37°53’44.37”S	175° 1’55.52”E
TE KAURI	163 Hetherington Road, Huntly 3772	37°32'44.95"S	175° 8'14.58"E
TE KOOPUA	Morgan Road, RD 3, Te Awamutu 3873	38° 3'49.50"S	175°12'26.92"E
TE KOORAHA	Te Kooraha Marae Road, Taharoa via TE Kuiti 3988	38° 8'25.39"S	174°43'3.16"E
TE KOTAHITANGA	Te Kumi Road, Te Kohanga, Tuakau	37°19'20.29"S	174°50'38.19"E
TE OOHAAKI	212 Te Oohaaki Road, Huntly 3771	37°31'48.32"S	175° 9'4.26"E
TE PAPAOROTU	145 Maaori Point Road, RD 5, Hamilton 3285	37°47'18.85"S	175° 8'51.16"E
TE PAPATAPU	1014 Te Papatapu Road, RD 1, Te Mata 3894	37°56'48.94"S	174°52'7.97"E

MARAE	ADDRESS	Latitude	Longitude
TE PUEA	Miro Road, Mangere, Auckland 2022	36°56'31.51"S	174°47'31.93"E
TE TOKANGANUI-A-NOHO	Awakino Road, Te Kuiti 3910	38°20'17.20"S	175°10'2.71"E
TE TIHI O MOERANGI - MAKOMAKO	Moerangi Road, Kaawhia 3889	37°57’39.98”S	174°53’32.09”E
TIKIRAHI	R.D. 3, Te Kohanga Main Rd, Port Waikato, Tuakau	37°18'38.47"S	174°49'32.04"E
TUURANGAWAEWAE	29 River Road, Ngaaruawaahia 3722	37°39'45.46"S	175° 9'12.54"E
UMUPUIA	163 Maraetai Coast Road, Clevedon RD 2, Papakura 2582	36°54'9.86"S	175° 3'57.67"E
WAAHI PAA	177 Harris Street, Huntly 3700	37°32'59.68"S	175° 9'15.05"E
WAIKARE	Waerenga Road, RD 1, Te Kauwhata 3781	37°24'14.59"S	175°10'49.90"E
WAIKARETUU - WERAROA	77 Richardson Road, Waikaretuu	37°32'38.26"S	174°50'46.94"E
WAIKERI-TANGIRAU	401 Ngaaruawaahia Road, RD 8, Hamilton 3288	37°42'19.46"S	175° 8'54.34"E
WAIMAKARIRI	819 Victoria Road, RD 7, Cambridge 3287	37°48'33.45"S	175°27'3.83"E
WAINGARO	31 Waingaro Landing Road, RD 1, Raglan	37°44'18.88"S	174°58'12.13"E
WAIPAPA	State Highway 31, Kaawhia 3843	38° 3'10.22"S	174°49'33.07"E
WAITII	111 Waitii Road, RD 3, Morrinsville 3300	37°29'51.51"S	175°26'52.02"E
WHAATAAPAKA	78 Whatapaka Road, Karaka, RD 1, Papakura 358	37° 5'47.70"S	174°47'53.54"E

Appendix 2: Appointment of Waikato-Tainui as Interim Custodian of Taonga Tuuturu



Manatū Taonga
Ministry for Culture & Heritage

19 September 2011

Tukoroirangi Morgan
Chairman, Te Arataura
Waikato-Tainui Te Kauhanganui Incorporated
Private Bag 542
HOPUHOPU, 3742

Tēnā koe e te Rangatira, Tukoroirangi Morgan,

WAIKATO-TAINUI INTERIM CUSTODIANSHIP OF NEWLY-FOUND TAONGA TŪTURU

Waikato-Tainui Te Kauhanganui Incorporated ("Waikato-Tainui") has asked that I formally record the arrangements agreed with my Ministry. I understand you may show this letter to relevant third parties.

By way of background, the Minister for Arts, Culture and Heritage and myself signed an Accord with Waikato-Tainui, relating to taonga tūturu under the Protected Objects Act 1975 ("the Act"), and other matters, on 20 February 2009 ("the Accord").

Pursuant to the Accord, I, as the Chief Executive of Manatū Taonga/Ministry for Culture and Heritage, have now agreed that where appropriate, Waikato-Tainui will have interim custodianship of newly-found taonga tūturu under the Act. This interim custody applies to newly-found taonga tūturu found in the Accord Area (defined in section 4 of the Taonga Tuku Iho Accord) found on or after the date of this letter. If you would like a further copy of the map showing the Accord Area, please contact Liz Cotton (Senior Adviser, Heritage Operations) at the contact details provided below.

Waikato-Tainui will be required to notify me where newly found taonga tūturu are provided to Waikato-Tainui. The normal processes for notifying newly found taonga tūturu through a Notification of Finding of Taonga Tūturu form still apply to taonga tūturu provided to Waikato Tainui for interim custody.

My staff are working through processes with Waikato-Tainui to ensure all taonga tūturu received by Waikato-Tainui will be cared for and registered appropriately. In accordance with the Act I retain the discretion to transfer taonga tūturu to alternative custody if I consider it appropriate (for example, where conservation treatment is required). Waikato-Tainui will have custody of the taonga tūturu until ownership is determined in accordance with sections 11 and 12 of the Act. Waikato-Tainui is a registered collector of taonga tūturu in terms of section 14 of the Act.

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Accordingly, any newly-found taonga tūturu can be provided to Waikato-Tainui at the Waikato Raupatu River Trust address of Level 2R, 20 Alma Street, Hamilton. The contact person at Waikato-Tainui is Julian Williams (Waikato-Tainui Claims and Environment Unit) and his contact details are: mobile: 021379310 or email: JulianW@tainui.co.nz.

For any queries regarding this letter, please contact Liz Cotton on DDI: 09 985 4803 or email: Liz.Cotton@mch.govt.nz.

Yours sincerely

Lewis Holden
Chief Executive