



Co-Management Review for Waikato River

The new Government is embarking on an ambitious programme of reform involving significant changes in the law, changes in institutions, and changes in policy.

With a focus on increased use of co-management tools in treaty settlements, the Government approached Waikato-Tainui with a proposal to review arrangements in the 2008 Deed of Settlement for the Waikato River.

After considerable thought as to whether it is possible to better and more effectively deliver the overarching purpose of the settlement, Waikato-Tainui have agreed.

An independent advisory panel have recommended a number of changes. The proposal to change co-management arrangements will be considered by Waikato-Tainui using the advisory panel's report as a starting point for further engagement.

Following is a summary of the key elements of the proposal, and subsequent amendments to the deed. For more information, please contact the Claims and Environment Unit on freephone 0800 TAINUI.

Vision and Strategy

The Vision and Strategy will become the primary policy and direction setting document for the Waikato River. Its influence has been strengthened to ensure its application is at the highest level:

- The settlement legislation will contain provisions to give the vision and strategy primacy over any other policy document and will be known as Te Ture Whaimana;
- The addition of targets and methods, giving it greater specificity and better alignment with the objectives;
- Additional mechanisms to ensure that the vision and strategy cannot be undermined by any Resource Management Act document.

This ensures the legal effect of the vision and strategy remains durable in the event of future law reform affecting any of the legislative frameworks.

Waikato River Authority

A single co-governance entity will be established through the settlement legislation and will be named the "Waikato River Authority" to better reflect its purpose and status. The interim

body "Guardians Establishment Committee" will continue until the permanent body is established.

The purpose of the Waikato River Authority will be to:

- Promote and work to achieve, the restoration and protection of the health and wellbeing of the Waikato River for future generations (through the Vision and Strategy); and
- Promote, coordinate, facilitate and supervise the implementation of the vision and strategy to achieve an integrated, holistic and coordinated approach to its implementation and to the management of the Waikato River.

An additional purpose will be to fund rehabilitation initiatives for the Waikato River in its role as trustee for the Waikato River Clean up Trust.

The funding for the Clean-up Trust will remain unaffected and the Crown's initial contribution to this fund, through the Waikato-Tainui settlement, will be \$7 million per year for 30 years.

The Waikato River Independent Scoping Study will continue to identify clean-up priorities and inform the final contributions to the clean-up fund for the Waikato River.

Waikato-Tainui's direct participation will be provided through additional mechanisms (such as Joint Management Agreements) exercised by the Waikato Raupatu River Trust on behalf of the tribe.

Joint Management Agreements

Settlement legislation will provide for the development of joint management agreements to provide certainty and a direct role for Waikato-Tainui in respect to core resource management functions related to the Waikato River, such as:

- "river related consents" (water and diffuse land use)
- policy and planning
- monitoring and enforcement

The Crown will facilitate a process between Waikato-Tainui and local authorities with a view to establishing joint working parties in developing stages of the LTCCP and annual plans under the Local Government Act.

Resource Consent Decision making

There will be new arrangements enabling iwi to have a significant role in key areas of decision making in the resource consent processes. The Waikato River Authority will maintain a list of accredited Iwi commissioners for appointment to regional council committee hearings and boards of inquiry (for river related consents) such as:

- take, use, dam or divert water from or in the Waikato River;
- point source discharges to the Waikato River; and
- disturb or occupy space in the bed and banks of the Waikato River.

The hearing committees and boards of inquiry will comprise 50% of iwi commissioners.

Customary Activities

There will be an enhancement to the existing deed by providing direct statutory mechanisms to recognise and exempt certain customary activities that are fundamental to the relationship Waikato-Tainui has with the Waikato River.

The settlement legislation will:

- provide for certain customary activities (and associated temporary structures) to take place on the Waikato River (including lakes) without the need for any resource consents, permits or other statutory authorisations. These activities will also have priority in the event of competing activities in the same area of the river;
- allow existing Waikato-Tainui whitebait stands and eel weirs to remain without need for resource consents;
- provide statutory acknowledgement of the importance of the specified customary activities to Waikato-Tainui;
- require the joint management agreement between Waikato Tainui and Environment Waikato to provide for matters relevant to carrying out customary activities (such as role of the Harbour Master and navigational by-laws).

Cultural Harvest

The Waikato Raupatu River Trust will be empowered to authorise members of Waikato-Tainui to take and use flora material for cultural purposes from areas in the catchment managed by the Department of Conservation.

Cultural harvest will be governed by a Waikato-Tainui Cultural Harvest Plan to be developed jointly by the Director-General of Conservation and the Waikato Raupatu River Trust.

Lands

Sites of Significance

There are new arrangements to provide immediate vesting of certain parcels of lands that have been identified as culturally significant to Waikato-Tainui. The parcels include lands from the Department of Conservation, Land Information New Zealand and the Ministry for the Environment. To achieve this, these parcels will vest as a local purpose reserve to be administered by Waikato-Tainui under the Reserves Act 1977 or subject to a conservation covenant.

Soil and Conservation Lands

The Ministry for the Environment holds approximately 133 parcels of land administered by Environment Waikato for soil conservation and river control purposes. These parcels will all be returned to Waikato-Tainui.

Of the 133 parcels, Waikato-Tainui will retain 9 (being sites of cultural significance) subject to soil conservation and river control purposes (through a co-management arrangement with Environment Waikato).

The remaining parcels will be gifted by Waikato-Tainui to Environment Waikato to continue to manage them for soil conservation and river control purposes. Waikato-Tainui will have an ongoing role in the co-management of these parcels. If in future these parcels are no longer required for soil conservation and river control purposes Environment Waikato must return them to Waikato-Tainui (without payment other than conveyancing costs). There are outstanding matters related to Public Works requirements.

Other Crown-owned River related lands

The new arrangements will include a list of other Crown-owned river related lands that will be subject to co-management arrangements with Waikato-Tainui. Other parcels may be added to the list by agreement between Waikato-Tainui and the Crown.

All other elements in the existing 2008 Deed of Settlement for the Waikato River remain unaffected •