

Toituu te Whenua

Our Waikato-Tainui and
Waikato Regional Council
Land Management Strategy





Toituu te whenua, whatungarongaro te tangata

As man disappears from sight, the land remains

People come and go but the land remains. This whakataukii illustrates that Maaori revere and respect Papatuaanuku, and that land is a taonga that endures forever, unlike mankind. Maaori identity comes from the relationships that our tuupuna (ancestors) formed with the lands from where they came.

Waikato-Tainui are the people of this land. They are born of this land. It is this ancestral connection which gives meaning to what it is to be tangata whenua. It is a relationship which transcends arguments of ownership. It is a relationship which reinforces a sense of belonging shared between those who have passed, the living and those yet to be born.

Whenua is a sacred connection with dual meanings: whenua (land) to nourish the people and whenua (placenta) to nourish the new life of the unborn child.

After the birth of a child, the ceremonial burying of the placenta in the land affirms the special connection of the child to the land and to its ancestors who once walked it. The final affirmation comes later in life when the tuupaapaku (body of the deceased) rests in the bosom of Papatuaanuku. This process is then repeated through subsequent generations. An enduring legacy unbroken in time.

The appointment of Pootatau Te Wherowhero as the first Maaori King was not only based on his whakapapa and accomplishments as a warrior, but also in recognition of the rich resources he commanded from the land. The new King would be required to feed the masses on a regular basis, and the resources within the Waikato-Tainui rohe enabled the King to do so.

With this sense of identity, mana and manaakitanga; whenua is important from a physical, cultural and spiritual perspective.

He Maimai Aroha

Vision

Ka maatakitaki iho au ki te riu o Waikato
Anoo 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.

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

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

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

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

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

*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.*

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

*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.*

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

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

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

This is the 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 for Waikato-Tainui.

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

Aronga

Purpose

Toituu te Whenua | Our Land Management Strategy provides guidance and strategic direction for the use and management of settlement lands¹ under the Waikato River settlement for improved environmental, cultural, social and economic outcomes.

Toituu te Whenua outlines four strategic pou (pillars) that support the maimai aroha (the vision) and the purpose. Each pou aligns to a principle of the Kiingitanga Accord² and will guide how we will advance the strategy. Focus areas have been identified to prioritise our efforts.

Mahia te mahi, our implementation plan, will progress *Toituu te Whenua* through clear actions and tasks to operationalise the strategy and drive for continual improvement.



- 1 Settlement lands are identified as sites of significance, co-managed and managed land under the Waikato River settlement that Waikato Regional Council owns or manages.
- 2 Kiingitanga Accord between her Majesty the Queen and Waikato-Tainui

Tiimatanga koorero

Background

Waikato Raupatu Settlement

The 1995 Waikato Raupatu Settlement settled certain raupatu claims made to the Waitangi Tribunal by Robert Te Kotahi Mahuta, the Tainui Maori Trust Board and Ngaa Marae Toopuu on behalf of Waikato-Tainui (Wai 30). That settlement expressly excluded certain historical claims, including the claim to the Waikato River.

Waikato River Settlement

In the spirit of co-operation, compromise and good faith, and as foreshadowed in 1995, Waikato-Tainui and the Crown entered into negotiations in respect of the claims of Waikato-Tainui concerning the Waikato River.

In 2011, the Waikato River Settlement came into effect. Waikato-Tainui and the Crown agreed to enter into a new age of co-management over the Waikato River with an overarching purpose of the settlement to restore and protect the health and wellbeing of the Waikato River for future generations.

A key part of the settlement is Te Ture Whaimana (Vision & Strategy) – 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.



The spirit, intent and relevant provisions of the settlement apply to the Joint Management Agreement³ between Waikato-Tainui and Waikato Regional Council, and affirms the commitment to:

- enter into a new era of co-management over the Waikato River
- achieve the overarching purpose of the Waikato River Settlement Act to restore and protect the health and wellbeing of the Waikato River for future generations
- provide an enhanced relationship between Waikato-Tainui and the council on areas of common interest
- recognise the relationship underpinning the Joint Management Agreement is an evolving one whereby Waikato-Tainui and the council will continue to explore the potential for transfers, delegations and sharing of relevant powers and functions under the Resource Management Act 1991 and Local Government Act 2002.

³ Joint Management Agreement between Waikato-Tainui and Waikato Regional Council

Tai Tumu Tai Pari Tai Ao

The Waikato-Tainui Environmental Plan, *Tai Tumu Tai Pari Tai Ao*⁴, is designed to enhance Waikato-Tainui participation in resource and environmental management and seeks to achieve a consistent approach to environmental management across the Waikato-Tainui rohe. *Toituu te Whenua* must be read in conjunction with *Tai Tumu Tai Pari Tai Ao* and if any inconsistencies exist between the documents, then use the highest target or measure.

Link to other mechanisms

Toituu te Whenua complements the Joint Management Agreement and has been developed to deliver on the requirements in section 8.18 and 8.19 of the Co-Management Agreement for Waikato River Related Lands⁵, as outlined below.

Land Management and Administration

- 8.18 The Parties agree to develop a land management strategy (Land Management Strategy) that determines the appropriate management of lands under this Agreement (including non-licensed land) by October 2013.
- 8.19 The key drivers of the Land Management Strategy will include:
- a) which land/s to licence;
 - b) the nature of the land use; and
 - c) cost effective measures that can be undertaken.

Although *Toituu te Whenua* only applies to settlement lands in the Waikato River catchment, Waikato-Tainui has mana whakahaere interests and duties that extend beyond this area. This is demonstrated by the numerous Waikato-Tainui marae that are located outside the Waikato River catchment.

⁴ Waikato-Tainui Environmental Plan, *Tai Tumu Tai Pari Tai Ao*

⁵ Co-Management Agreement for Waikato River Related Lands between Waikato-Tainui and Waikato Regional Council

Flood Protection – Soil Conservation and Rivers Control Act

Waikato Regional Council is responsible for the provision and maintenance of the flood protection works throughout the Lower Waikato Zone under the Soil Conservation and Rivers Control Act 1941 and the Public Works Act 1981. The purpose of flood protection activities is to manage the risk of flooding to an agreed level of service and the management of other specific works as agreed with communities.

The flood protection works include large-scale structures (such as stopbanks, pump stations, floodgates, control gates, spillway and detention dams) that are in place to reduce flood risks. The works protect communities, schools, marae, roads, farms and other vital resources and keep land draining freely in specific geographic areas where schemes have been agreed with communities. The flood protection works are located on scheme lands (council owned or managed lands containing council flood assets), some of which include settlement lands.



Ngaa momo whenua

Settlement land definitions

Toituu te Whenua only applies to settlement lands that Waikato Regional Council owns or manages. Settlement lands are identified as sites of significance, co-managed and managed land under the 2009 Deed of Settlement⁶ for the Waikato River and within the Waikato-Tainui rohe and Waikato Regional Council scheme areas. Settlements lands may include lands owned by Waikato Regional Council, Waikato-Tainui, other agencies and in private ownership.

Sites of significance

Waikato-Tainui consider all sites to be of significance but for the purpose of this strategy the term is defined as land owned by Waikato-Tainui and under co-management. Sites of significance may be occupied by Waikato-Tainui, Waikato Regional Council or other parties. Although most sites of significance are under tribal ownership there are a small number that are not.

Co-managed lands

Land owned by Waikato Regional Council or local/central government agencies and co-managed by Waikato-Tainui and Waikato Regional Council.

Managed lands

Land owned by Waikato Regional Council or other local/central government agencies and managed by Waikato Regional Council with input from Waikato-Tainui.



The location of all settlement lands are identified in the maps in the appendices:

- Appendix 1 – All settlement lands by land redress type
- Appendix 2 – All settlement lands by ownership

⁶ Waikato River 2009 Deed of Settlement schedule of sites of significance, co-managed and managed lands

Ngaa whainga

Objectives

We acknowledge and agree that we have objectives that are common or complementary to each other and objectives that are different.

Waikato-Tainui objectives

- The restoration and protection of the health and wellbeing of the Waikato River.
- The restoration and protection of the relationship of Waikato-Tainui with the Waikato River, including their economic, social, cultural and spiritual relationship.
- The integrated, holistic and coordinated approach towards decisions that may result in significant adverse effects on the Waikato River.
- The adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River, and in particular those effect that threaten serious or irreversible damage to the Waikato River.
- The recognition and avoidance of adverse and potential cumulative effects of activities undertaken both on the Waikato River and within its catchment on the health and wellbeing of the Waikato River.
- The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.
- The protection and enhancement of significant sites, fisheries, flora and fauna.
- The application to the above of both maatauranga Maaori and the latest available scientific methods.





Waikato Regional Council objectives

Waikato Regional Council's integrated catchment management (ICM) objectives are underpinned by exercising statutory rights outlined in the Soil Conservation and Rivers Controls Act and the Public Works Act, and delivering on levels of service to the community, as outlined in the council's long term plan.

Key objectives to ensure the integrity of lands subject to this strategy and the associated soil conservation and flood management assets (including drainage channels, stopbanks, pump stations, control gates, flood gates etc) include the ability to:

- operate, maintain, repair, replace and upgrade improvements (that being flood and drainage infrastructure) on the sites of significance existing at the date of vesting or constituted by the council after vesting
- construct a water course or water courses on sites of significance and alter or reconstruct and clean or otherwise maintain them
- construct a stopbank or stopbanks or other defence against water on sites of significance and alter or reconstruct and do all things necessary to maintain them
- prevent water courses on sites of significance from being made wider or deeper than they are at the time, whether by cleaning them or altering their course or another means
- ensure that scheme land is well maintained and that the integrity of assets is provided for, including those lands which are licensed
- provide for the integrity of stopbanks including either management through mowing and/or cut and carry (if economic to do so) or leasing the area for grazing (utilising a license agreement)
- ensure that the reasonable needs of licensees are also met, to enable the lease of land to be effective and assets to be appropriately maintained.

Ngaa pou arataki

Strategic aspirations

Four strategic pou provide guidance and direction on how we will advance the strategy.

Pou: Te mana o te awa

The spiritual authority, protective power and prestige of the river

To Waikato-Tainui, the Waikato River is a tupuna (ancestor) which has mana (prestige) and in turn represents the mana and mauri (life force) of the tribe. The Waikato River has its own mauri, its own spiritual energy and its own powerful identity. It is a single indivisible being.

Respect for te mana o te awa (the spiritual authority, protective power, and prestige of the Waikato River) is at the heart of the relationship between the tribe and their ancestral river. Waikato-Tainui regard their river with reverence and love. It gave them their name and is the source of their tribal identity. Over generations, Waikato-Tainui have developed tikanga (values, ethics governing conduct) which embody their profound respect for the Waikato River and all life within it.

The Waikato River sustains the people physically by providing kai (food) and enjoyment through traditional and contemporary activities. Spiritually, to Waikato-Tainui, the Waikato River is constant, enduring and perpetual.





Pou : Mana whakahaere

Authority and rights of control

Mana whakahaere refers to the authority that Waikato-Tainui has established in respect of the Waikato River over many generations. Mana whakahaere entails the exercise of rights and responsibilities to ensure that the balance and mauri (life force) of the Waikato River are maintained. It is based in recognition that if we care for the river, the river will continue to sustain the people.

In customary terms, mana whakahaere is the exercise of control, access to, and management of the Waikato River, including its resources in accordance with tikanga (values, ethics, and governing conduct).

Pou : Kia piki te ora

Health and wellbeing

The principle of health and wellbeing reflects the overarching purpose of the settlement, which is to restore and protect the health and wellbeing of the Waikato River.

The health and wellbeing of Waikato-Tainui and its special relationship with the Waikato River is inherently connected with the health and wellbeing of the Waikato River.

Pou : Mahi tahi

Co-management

The Crown and Waikato-Tainui have committed to enter a new era of co-management in respect of the Waikato River. The principle of co-management includes the highest level of good faith engagement; and consensus decision-making as a rule, while having regard to statutory frameworks, statutory timeframes, and the mana whakahaere of Waikato-Tainui and the Waikato-Tainui Environmental Plan, Tai Tumu Tai Pari Tai Ao. To be effective, co-management must be implemented and achieved between Waikato-Tainui and Waikato Regional Council at all levels and through a range of management tools and mechanisms such as *Toituu te Whenua*.

Ngaa aronga matua

Focus areas

Nine focus areas have been identified to prioritise our efforts to achieve the strategic pou of the strategy.

Tomo mai

Access

The ability to access and use land is intrinsically linked to the ability of Waikato-Tainui to provide for the environmental, social, spiritual, cultural, and economic health and wellbeing of its people.

We will ensure access to settlement land to enable Waikato-Tainui marae and their kaitiaki to participate in the management and restoration of those lands. Access will take account of existing and future lease arrangements.

Me hoki whenua mai

Right of first refusal obligations

Waikato-Tainui has established a 'Right of First Refusal Statement'⁷ that contains six principles that informs and guides all matters associated with the Right of First Refusal. The statement is relevant for the Crown, local authorities, and those private individuals or entities undertaking or wishing to undertake activities on Crown owned land or land with an underlying crown interest.

We will actively look for ways to return land that is no longer required by Waikato Regional Council to the ownership of Waikato-Tainui.



Kia whakaora

Restoration

We will support restoration and fencing initiatives on all our settlement lands with the priority being the sites of significance.

Restoration initiatives include fencing, planting, pest control, signage, cultural symbolism and infrastructure to enable access. Restoration initiatives will be guided by the Waikato and Waipaa River Restoration Strategy⁸.

Whakaactanga noho

Licence to occupy

We will work together to assess the current access and use of all settlement lands.

Where settlement lands are within a licensed area, ahead of reissuing a license agreement we will review the proposal to relicense to ensure that it meets our agreed criteria to renew. If a licenced area does not meet our agreed criteria, then other options for management of this land will be discussed and agreed.

⁷ Right of First Refusal Statement Waikato Tainui Presentation, Waikato-Tainui. August 2024

⁸ Waikato and Waipaa River Restoration Strategy

Kete maatauranga

Inventory, monitoring and reporting

We need to know more about the current state of our settlement lands and their potential.

We will undertake annual inspections of all settlement lands including the monitoring of values and attributes important to Waikato-Tainui. Maps, information, photographs, defects and their remediation will be kept and shared. An annual report and presentation will be given to governors on the current state of lands and proposed future activities.

Kia hohou te rongō

Making peace

We will work with each other to resolve disputes (including with other parties) in relation to the access, occupation, use and management settlement lands. This includes responding to occupation of scheme land without entering into a licence agreement and identifying who within the iwi can have the opportunity to lease or occupy settlement lands to ensure a fair and transparent process.

Kia puaawai te whakaaro

Opportunities

We will identify opportunities and long-term goals for each parcel of settlement land to understand its future potential use. This will involve working with the local Waikato-Tainui marae.

Whakaactanga rauemi

Resource consents

We will work with each other on any new or renewal applications for resource consent that involve settlement lands.

Kaitiakitanga

Stewardship

We will be caring stewards/kaitiaki of our settlement lands and infrastructure, exceeding regulatory requirements to ensure we use and manage our resources in an exemplary manner for others to follow.



Naau te rourou, naaku te rourou

Resourcing our efforts

We will work together to obtain funding through the council's long term plan and annual planning processes, and through other funding sources for prioritised restoration projects.

The operational elements of the strategy and implementation plan will be funded by existing council and Waikato-Tainui budgets.



Tohutoro

References

Co-Management Agreement for Waikato River Related Lands between Waikato-Tainui and Waikato Regional Council, Waikato Regional Council, www.waikatoregion.govt.nz

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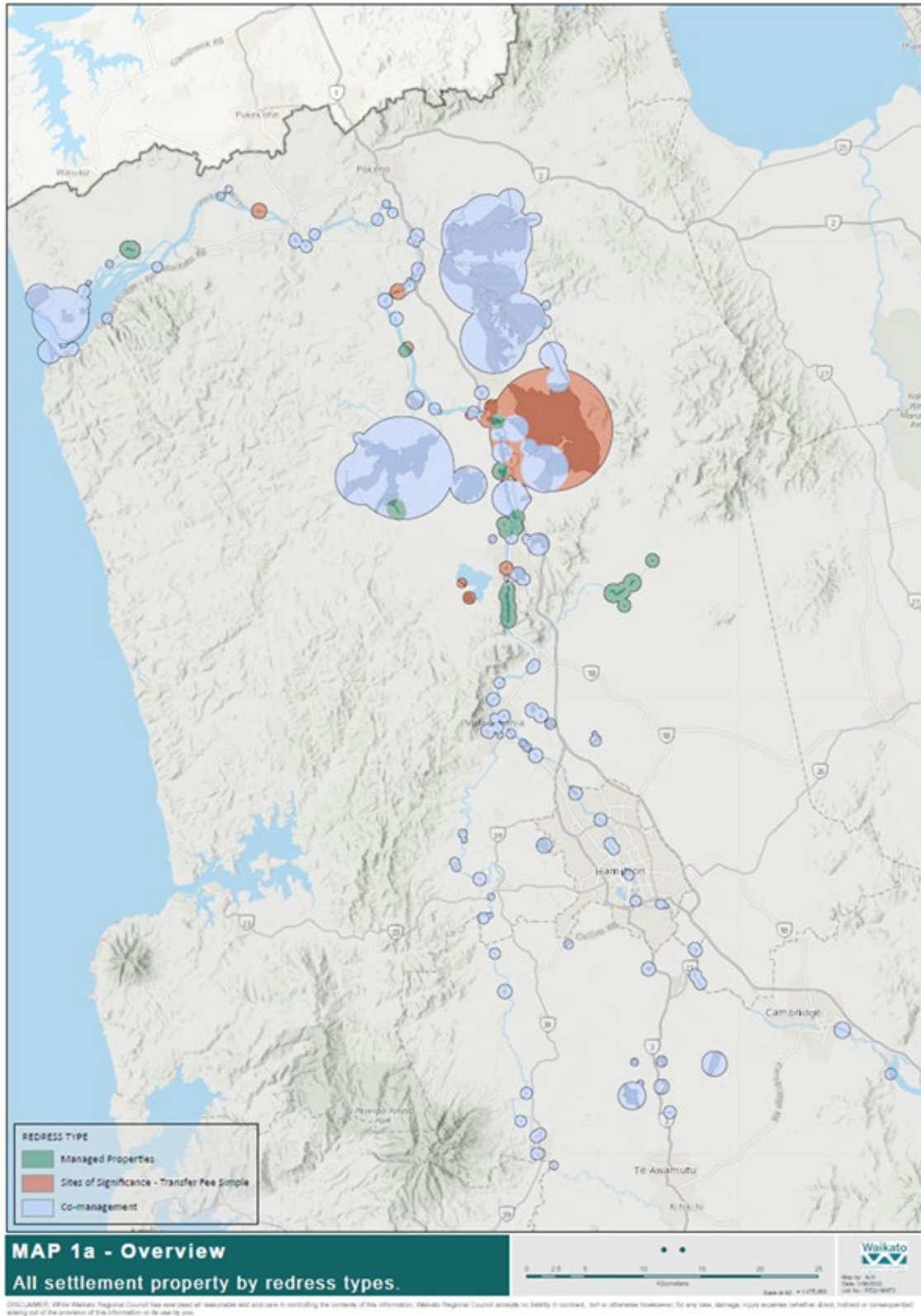
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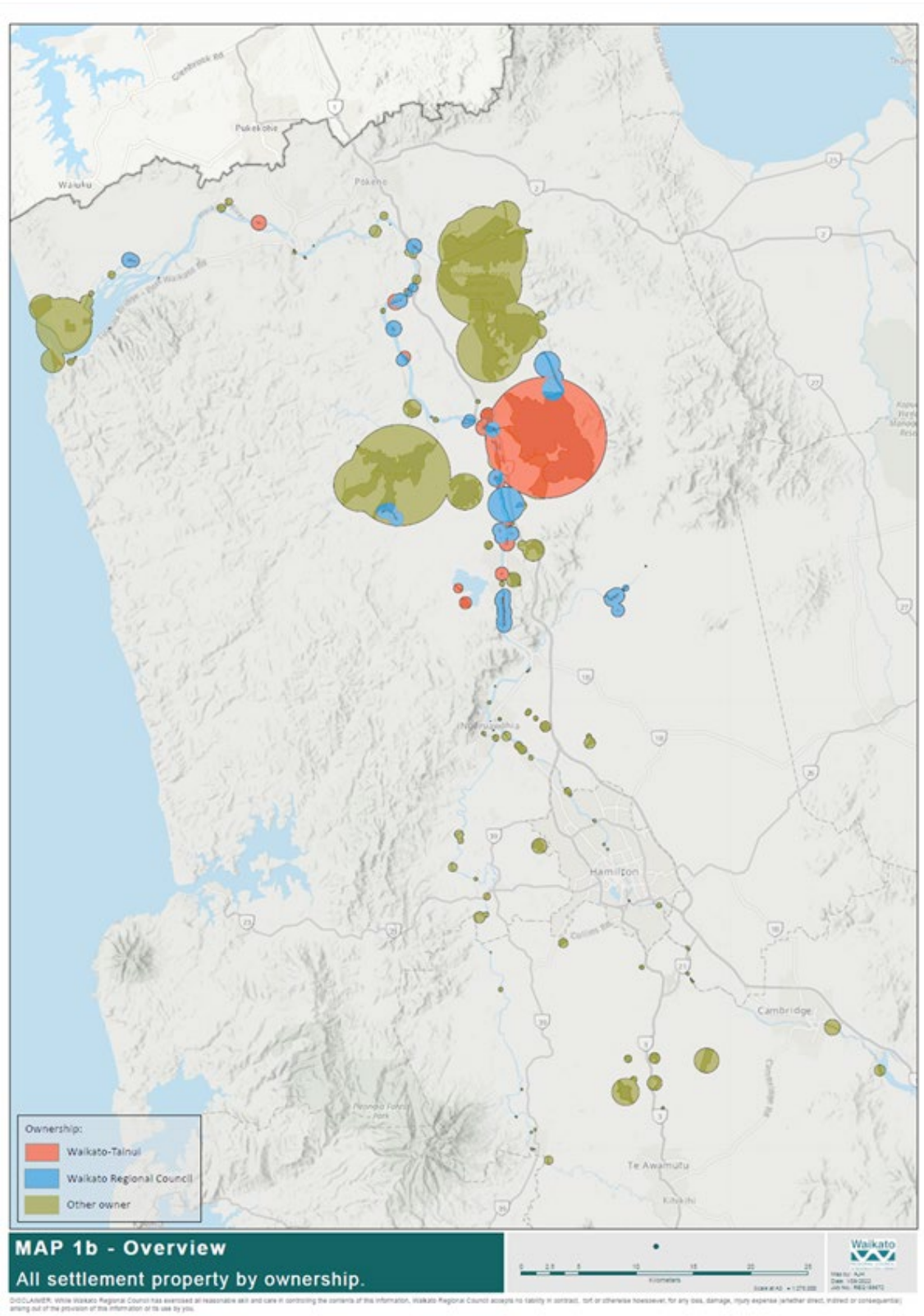
Waikato-Tainui (Waikato River Settlement) Deed of settlement documents, New Zealand Government, www.govt.nz

Appendix 1 – All settlement properties by land redress type



Note – settlement lands are encircled to assist with identification of the location of settlement properties on the map scale presented. The encircled areas do not represent the legal boundary.

Appendix 2 – All settlement properties by ownership



Note – settlement lands are encircled to assist with identification of the location of settlement properties on the map scale presented. The encircled areas do not represent the legal boundary.

T W A I K A T O I
TAINUI

