

# Ōtākaro Avon River Corridor

Governance case studies



# About this casebook

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This casebook consists of twelve short governance studies of different types of entity which are most relevant for informing the choice of governance structure for the Ōtākaro Avon River Corridor (OARC). The case studies provide evidence and insights about what works, and does not work, in New Zealand and our region. They were motivated by and complement the international studies of river corridor regeneration in Laurie Johnson's casebook *Moving Regeneration Forward*, prepared for the Waimakariri District Council in 2016.

The twelve cases presented here are:

- Arts Centre of Christchurch Trust
- Te Kōhaka o Tūhaitara Trust, Canterbury
- Central Plains Water Trust and Company, Canterbury
- Mackenzie Country Trust, Canterbury
- Queenstown Cycle Trails Trust
- Wellington Waterfront Ltd
- Whaitua Te Whanganui-a-Tara Committee, Wellington
- Waikato River Authority
- Hamilton River City Plan
- Cornwall Park Trust, and Tūpuna Taonga o Tāmaki Makaurau Trust for Maungakiekie/One Tree Hill, Auckland
- Centennial Park and Moore Park Trust, Sydney

Each case is set out under the following headings:

- Key details
- Context
- Governance and management
- Funding
- Insights for the Ōtākaro Avon River Corridor
- Sources

Authors are named at the start of each case study.

The casebook is the outcome of a project agreed at a symposium initiated and hosted at the University of Canterbury in May 2019, to explore options for future governance, funding and land holding concerning the OARC, consistent with the Ōtākaro Avon River Regeneration Plan.

## Acknowledgements

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# What is the Ōtākaro Avon River Corridor: what needs to be governed?

The Ōtākaro Avon River Corridor Regeneration Plan (the Plan) sets out a vision for the 602 hectare Ōtākaro Avon River Corridor (OARC, river corridor).

This encompasses a broad range of land uses including large-scale ecological restoration, community and philanthropic projects, sports and recreation facilities, visitor attractions and public reserves and trails. The river corridor is designed to be a catalyst for significant and sustained benefits for neighbouring suburbs, the wider city and the country as a whole.

The Plan is based on a spatial design with the following features:

- **The green spine:** an 11 kilometre long and 345 hectare corridor up to 300 metres wide with a focus on public access, ecological restoration and community connection. Small scale commercial enterprises may be located here within a regenerating natural environment.
- **The three reaches:** extensive areas designated as Ōtākaro Loop Reach, Horseshoe Lake Reach, and the Eastern Reaches where there is expected to be greater private sector investment within – and mindful of – significant areas of ecological restoration.

A wide variety of agents will deliver the vision, including private sector partners, community groups, corporate and philanthropic donors, as well as the Christchurch City Council and other central and local government agencies. It would be a mistake to think of the river corridor as a park or a hazard management zone; it is expected to be an integrated multi-dimensional urban area that will contribute to a successful, sustainable city.

The Crown and Council will make initial allocations of funds towards the green spine, with further Council funding contributing to infrastructure works for stopbanks and stormwater management. A key issue will be the ability of a governance entity to attract the necessary private and philanthropic investment to support and realise the vision. Private sector opportunities are available within the preferred land uses set out in the Regeneration Plan. However, the nature of the land and the location present challenges for attracting investment.

This area's future will therefore involve different land uses, projects, connections and relationships that together bring the vision of the Regeneration Plan to life. The Plan's integrated nature means that the

Examples of projects could include:

Local government	Stormwater wetlands, footbridges, city to sea trail, stopbanks, landings (for community access), low cost community facilities
Private sector	Visitor attractions, affordable and adaptable housing, health centres, camping grounds, landings (part of), urban horticulture
Community	Trails, ecological restoration, land and water care, community spaces, events
Philanthropic	Large scale ecological restoration, art trail, historic building stewardship, landings (part of)

success of the various enterprises, projects and initiatives will depend on the success of the others – a synergy between projects will be critical to realise the transformational opportunity that this unique area represents.

Key governance questions therefore include:

- How can co-ordination across the different projects and delivery agents be achieved to avoid clashes, maximise efficiencies and catalyse further opportunities?
- How can the governance of the river corridor be structured to attract private and philanthropic investment?
- How will the eventual governance entity be structured to ensure co-governance between the Council and Te Rūnanga o Ngāi Tahu as the Treaty partner, and specifically with Ngāi Tūāhuriri, who are mana whenua?
- How will the governance entity be accountable to the community?
- How will the vision and objectives of the Regeneration Plan be maintained as the basis for the future use of the land and river?
- How can future use remain responsive to the changing needs of the city, especially in the context of climate change?

Insights from the case studies and their evidence help provide answers to these questions.

## Global Settlement Agreement

The Global Settlement Agreement was signed by the Crown and the Council on 23 September 2019. The Agreement outlines a process of transition planning for governance arrangements for the Ōtākaro Avon River Corridor, which involves a phased approach to increasing community involvement in governance over time.

In phase 1, while land ownership remains with the Crown, the Council and Land Information New Zealand will establish a consultative group comprising local stakeholders and community representatives to advise on transitional land use.

In phase 2, once the Council owns all or most of the river corridor land, a 'community governance group/entity, with delegated decision-making powers, could be established' (clause 19 a ii).

The role of Te Rūnanga o Ngāi Tahu as Treaty partner is recognised in the Agreement through the Council's commitment to 'Ngāi Tahu representation alongside other community representatives within the consultative group and in longer-term governance arrangements'. In determining governance principles and processes, the Council agrees to 'take into account the principles of Te Tiriti o Waitangi', for example, 'principles of partnership, rangatiratanga, active participation in decision-making, and active protection' (clauses 19 f, g).

## Definition of co-governance

This casebook uses the term 'co-governance' in a precise way, to refer to Treaty partnerships in governance between the Crown and/or Councils and Māori, rather than to arrangements with the community. While the Crown negotiates Treaty settlements with tribes, the trend is for recent co-governance regimes with Māori to be with mana whenua, that is, the groups who, according to Treaty principles, hold rangatiratanga over that place or places, rangatiratanga over their taonga that the Crown is obliged to protect.

The Global Settlement Agreement however uses the term 'community co-governance entity' (clause 19 e) in a much looser sense.

# Key insights from the case studies

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The purpose of the case studies is to provide insights into the success factors for effective governance entities which, to varying extents, have connections to central government, local government, iwi, mana whenua and the community. It is not the intention to identify a single model that could apply to the Ōtākaro Avon River Corridor. The case studies, when read together, reveal a pattern of main themes, which are summarised below.

## 1. Objectives are more likely to be achieved when governance gives form to a strong vision that is specified clearly in bespoke legislation or a Trust Deed.

Collectively, the case studies demonstrate that successful examples operate under a legal document that defines in clear language their objects, functions and modus operandi: either an Act of Parliament (Te Kōhaka o Tūhaitara Trust, Arts Centre of Christchurch Trust, Waikato River Authority and Centennial Parklands) or a Trust Deed (Queenstown Trails Trust and Cornwall Park Trust). These founding documents secure in perpetuity both the vision and the mandate for the governance entity; and align partners' strategic plans to achieve that vision.

Clear articulation of the objectives of the entity in a legal document is a necessary condition for a successful organisation, but on its own is not a sufficient condition.

Since form follows function, the entities studied understandably vary in shape, and include different kinds of council controlled organisations under the Local Government Act 2002, specific entities set up under legislation, and charitable trusts.

From the multiple public and community stakeholders in the Queenstown Trails Trust, the co-governance models of Te Kōhaka o Tūhaitara Trust, the Waikato River Authority and Maungakiekie/One Tree Hill, among other examples, to the Central Plains Water Trust's partnership between neighbouring councils, the case studies show that projects most akin to the OARC established partnerships with mana whenua and with multiple groups. However, a lack of alignment between agencies, as in the case of the Mackenzie Country Trust, can cause real problems.

## 2. Co-governance with mana whenua is a proven and essential model in the post-Treaty settlement era.

Several case studies exhibit effective co-governance structures where the Treaty partnership, which is given expression in Treaty settlements between the Crown and iwi (tribes) across the country since the 1990s, is manifested through structural arrangements. Wellington's Whaitua Te Whanganui-a-Tara Committee and the Waikato River Authority are examples of how co-governance can work in practice, and how

the values and principles of mana whenua are integrated into the management of an asset from which the whole community benefits.

These cases also show how locally developed principles that give effect to Māori philosophies and concerns suggest a model for applying Ngāi Tahu principles for a holistic approach to environmental resource management in the river corridor. The Regeneration Plan itself adopts such an approach, for example in reciting a quotation from Wiremu Te Uki in 1880: 'We all share in the future of this river'.

Reference to 'rangatiratanga' in the Global Settlement Agreement as one of the 'principles of Te Tiriti o Waitangi' serves as a reminder that any structure put in place recognises and provides for Ngāi Tūāhuriri rangatiratanga over the area, as confirmed in the Ngāi Tahu Claims Settlement Act 1998. For Ngāi Tūāhuriri are mana whenua; that is, they are the people who possess rangatiratanga over the river corridor, its broader catchment and Christchurch more generally.

## 3. There is a pattern of governance whereby entities select members with a diverse range of skills and experience rather than based on representation, with a defined and transparent process for appointment.

It is noteworthy that the Arts Centre of Christchurch Trust moved from a representative to a skills-based Trust Board after the earthquakes of 2010-2011, with the process for selection set out in an Act. This change arose from a stalemate about the future direction of the Trust and conflicts of interest. The Queenstown Trails Trust offers another example where appointments to the Board of Trustees are based on the diversity, skills and networks of governance members.

## 4. Sustained support from local or central government independent of changing political priorities.

Several case studies demonstrate the important role that local or central government plays in the success of these projects, especially during the early stages. A long-term and sustained funding stream was essential for the Queenstown Trails Trust, Te Kōhaka o Tūhaitara Trust and others. Without such seed and operational funding these cases would have been unable to achieve their set objectives.

Even the privately-endowed Cornwall Park Trust – the oldest Trust examined –suffered from the withdrawal of promised government support in its foundational phase, while the Hamilton River Plan lies dormant as a result of changing political priorities.

While Central Plains Water Limited received grants from local and central government in the establishment phase, it is now independent of government funding. The Central Plains Water Trust relies on funding from the company and from continued interest from local government through a joint committee of Christchurch City Council and Selwyn District Council which for example appoints trustees.

As the initial landowner and funder for the OARC, the Christchurch City Council is likely to play a key role, including in governance, in the river corridor's foreseeable future. A central question will concern the form and persistence of the Council's commitment and continued land ownership. Attraction of private, philanthropic and community interest will depend on confidence in the durability of the Council's commitment.

## 5. Accountability and responsiveness to the community and the Council.

Community representation and engagement was expected and demonstrated in the development of the OARC Regeneration Plan. Such representation and ongoing engagement are features of some case studies. One example is the Community Committee mandated under the Act that established the Centennial Parklands Trust. Similarly, the community involvement achieved by Te Kōhaka o Tūhaitara Trust through the Friends of Tūhaitara Park shows how a dedicated focus can enhance both levels of participation and accountability.

Accountability to the community and to stakeholders may be achieved through a range of tools, such as Statements of Intent for council controlled organisations; long-term strategic plans that are subject to the sponsoring agency's approval; and through annual reports and annual general meetings.

Given the pattern identified of expected regular, public accountability, careful thought will be necessary about how to meet that expectation in the governance of the river corridor, without stifling the governance entity's role to make decisions about how best to meet the Regeneration Plan's vision for a restored natural environment and improved connections between people, the land and river, particularly when balancing financial constraints and commercial opportunities.

## 6. Balancing broader environmental and social goals.

Most of the entities studied were established to achieve broader environmental and social goals and thus develop or maintain public assets for the public good, in perpetuity, but drawing on a broad range of private, public and philanthropic sources of funding. Such goals oblige governance entities to operate within the broader context of their city or region. An example is the Central Plains Water Trust which is required to have 'an appropriate balance of the benefits of agricultural development with the enhancement of the ecological, social and recreational values in the Central Plains area'. In addition, the Trust acknowledges that the effects of the scheme go beyond the scheme boundaries and has established a Te Waihora Environmental Management Fund, Te Waihora being outside the scheme area, but functionally connected with it.

In the OARC Regeneration Plan environmental and social goals are fundamental, but key considerations in its implementation will be the effects and benefits of activities in the river corridor on surrounding communities, and equally the impacts that those communities will have on the corridor.

These case studies, however, also show how long-term planning as well as routine operations and maintenance may be constrained by financial resources. A sober warning is offered by the case study of Wellington Waterfront, where the initial objective to self-finance the delivery of public assets and space – that were acknowledged to be of national importance – through returns from commercial development imposed an emphasis on financial return at the expense of the desired public benefits.

This approach generated public protest and led to a new framework for the governance entity, as well as a significant injection of ratepayer funding. Striking the right balance between such competing tensions is a core role of governance; and a lesson learnt from Wellington's waterfront experience is that the sponsoring entity needs to be confident that this balance can be achieved.

## 7. Innovative funding approaches are critical to realise a bold vision; and this suggests that it is advisable for the governance entity to be at arm's length from central and local government.

Just as the following case studies demonstrate how there are multiple ways to achieve similar ends, they also reveal that the most successful entities are self-financing at least to some extent, by various means. Positioned at arm's length from local government, the Arts Centre of Christchurch Trust and Centennial Parklands Trust have been able to access funding and attract private investment not readily available to local government and thus strike an appropriate balance between commercial revenue and public benefit.

In the case of Central Plains Water, independence was secured through a two-tiered structure that separates the public sector-sponsored Central Plains Water Trust from Central Plains Water Limited, a commercial company owned by the Trust that is charged with the irrigation scheme's development and operation. This example provides evidence of how a two-tiered arrangement distinguishes responsibilities, where local government, mana whenua and community interests are exercised through the Trust, while the company has the power to operate commercially.

In contrast, the Mackenzie Country Trust, Hamilton River Plan and Waitua Te Whanganui-a-Tara Committee provide evidence of inability to employ resources to further their mandate. Notably, the Hamilton City Plan and Te Kōhaka o Tūhaitara Trust are reliant on ratepayer funding, which leaves them exposed to the inherent uncertainties of the political process.

There is a tension between having an entity at arm's length from local government but dependent on its continued support and funding. In such cases, a council controlled organisation with an innovative structure that complies with the requirements of the Local Government Act may be able to resolve this. Another approach is exemplified by the Waikato River Authority.

Noting that the OARC requires significant commercial investment in order to realise the vision, several case studies demonstrate the advantages that accrue from being able to attract multiple sources of investment. Cornwall Park provides an example of where some land ringing the park was set aside as endowment land to provide revenue from long-term leases. It also supplies evidence of future difficulties that may arise from doing so.

## 8. There needs to be flexibility in the governance model to allow the form of governance and implementation plans to adapt as the area develops.

The different experiences of Wellington Waterfront and the Arts Centre of Christchurch Trust show that the appropriate structure will likely change over time as the development of the area matures and the vision for the river corridor is realised.

Flexibility to adapt to changing circumstances through the life cycle of the Regeneration Plan is essential to enable the governance entity to remain fit for purpose. The two phases of governance provided for in the Global Settlement Agreement acknowledge that the form and membership of the governance entity will be different in the transition period compared to what is required for longer term implementation of the Plan.

As well as this need to vary over time, governance and implementation will have to adapt and change as the river corridor becomes an integral part of the wider catchment and city. Adaptation will be shaped by, for example, new approaches to managing catchments, climate change and rising sea levels, change in surrounding communities, and legislative and policy changes.

# 1. Arts Centre of Christchurch Trust

By: Chrissie Williams



## Key details

The Arts Centre of Christchurch Trust (the Trust) was first established in 1978 with a Board comprising representatives of a number of stakeholder groups. Before the 2010-2011 earthquakes it was recognised that the representative model of the Trust limited its operation, and this was exacerbated after the earthquakes when the Trust faced a major restoration project. In 2015 the Arts Centre of Christchurch Trust Act 2015 changed the composition and powers of the Trust. This case study provides a comparison between a representative model for a Trust Board and one appointed based on defined skill sets. It also stresses the advantages of being independent of a local authority.

## Context

The purpose of the Trust is to hold and develop the Arts Centre in trust as a unique and outstanding cultural centre for use by the people of Christchurch and its visitors; to foster, promote, and facilitate interest and involvement in art, culture, creativity, the creative industries, and education; to provide accommodation for the above objects; and to promote, conserve, and maintain the heritage integrity of the Arts Centre through a conservation plan. All income, benefits, and advantages received by or accruing to the Trust Board must be applied for a charitable purpose in advancing the Trust's objects.

By Deed of Trust dated 31 December 1978, eight Christchurch citizens were appointed to a charitable trust to provide for a cultural centre for the people of Christchurch and elsewhere in New Zealand on the downtown site formerly occupied by the University of Canterbury; and for the preservation of the architectural character and integrity of

the historic stone buildings on that site. The Trust Deed listed the trust objects, governance and trustee appointment processes, accountability, audit and winding up provisions.

The university property was transferred by the government to the Trust at no cost. There was an ongoing relationship between the university and the Trust through two representatives on the Trust Board. Others included appointments from the Historic Places Trust, the Christchurch City Council, Ngāi Tahu, the Civic Trust (when the old Girls' High School site came under the control of the Trust Board), the Arts Centre Association (to protect the interests of artists and tenants), and a number of independent appointees.

It was a large board and over the years problems occurred: representatives felt constrained that information discussed at board meetings could not be reported back to their respective appointing bodies; appointees and their organisations had the risk of legal liability; conflicts of interest arose for Trust Board members if grants were made by their appointing organisations; and the Trust had difficulty raising funds or applying for grants because of the close association with the City Council.

Particularly difficult was having four representatives of the Arts Centre Association appointed to the Trust Board to represent the interests of artists and tenants, so the Director (effectively the CEO) reported to a Board which included board members who they were managing. The lines of governance and management became blurred and too much time was taken up at board meetings on tenant issues.

The 2010-2011 Canterbury earthquakes caused widespread damage to the Arts Centre. The Trust Board was faced with significant financial and technical challenges to restore the buildings, and to continue to achieve the objects of the Trust. It reaffirmed that a new governance model was required to rebuild the buildings and infrastructure, and to develop a sustainable operating model.

The Arts Centre of Christchurch Trust Act 2015 (the Act) changed the composition and responsibilities of the Trust and updated and modernised the governance arrangements by moving from a representation model to one of trustees appointed based on expertise.

## Governance and management

Powers conferred on the Trust Board by the Act enable it to acquire and lease property; to construct, alter, pull down and re-erect, improve, maintain, and provide any buildings; to employ a CEO to manage the Trust's affairs; to borrow money; and to accept subscriptions or donations.

When a vacancy on the Trust Board arises, the University of Canterbury, Christchurch City Council, Heritage New Zealand Pouhere Taonga, the Christchurch Civic Trust, Te Rūnanga o Ngāi Tahu, and other local business and community organisations that have an interest in the Arts Centre are advised so they may nominate a person to be considered for that vacancy. The vacancy is also publicly advertised as any person may apply to be considered as a trustee.

An appointments committee appointed by the Trust Board makes a recommendation based on the nominee's prior experience as a director or trustee, or experience in any other governance role; occupational skills, abilities, and experience; and the need for diversity of

Left: Photo by Chrissie Williams  
Right: The Arts Centre in context

community representation and a wide range of skills and expertise among the members of the Board.

The Trust Board must have between seven and nine members. Appointees hold office for not less than one year and not more than three years, with possible re-appointments to a total of six years. Accountability to the public was introduced in the Act with the requirement for the Board to release strategic planning reports and a conservation plan, and to present an annual report at an Annual General Meeting.

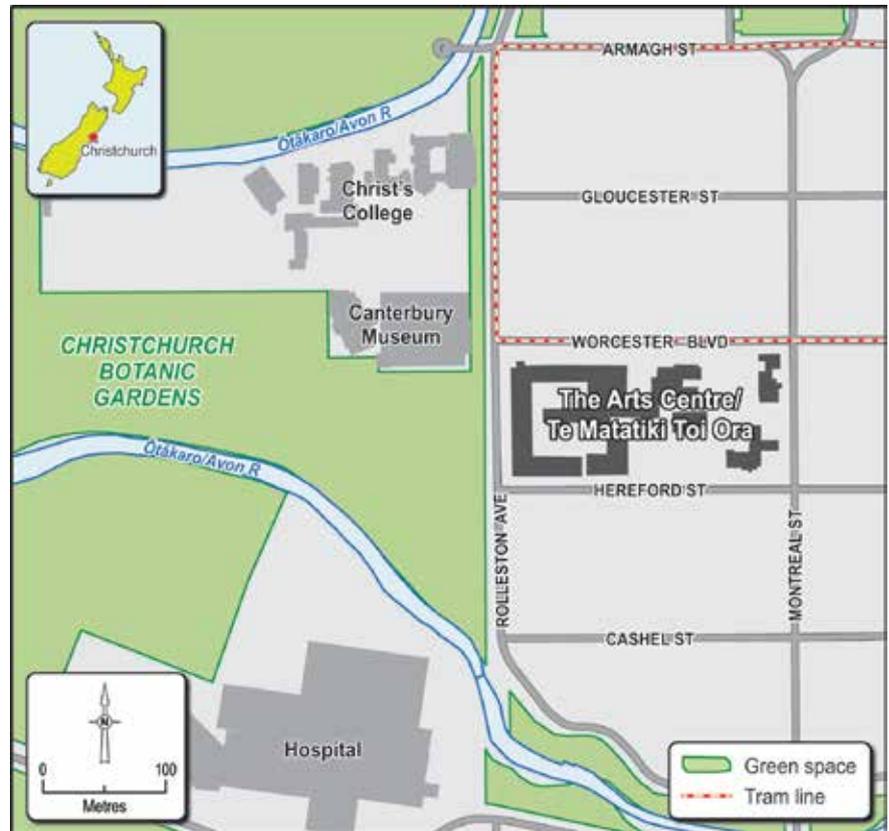
The Friends of the Arts Centre began to host guided tours of the Arts Centre during 2017 providing both fundraising and an important visitor service.

## Funding

The organisation is funded by tenant leasing income, income from investments, grants from a range of bodies, particularly for special events and exhibitions, and donations. Significant tenancies have been to restaurants and cafes and recently to the Lumière cinema and the University of Canterbury. A boutique arts hotel as a tenant is also proposed.

Donations are invited for general funds or specific projects, and donors, supporters and grantors are acknowledged on the Trust's website and on a donor board in the clock tower entrance. The most significant restoration project was the Great Hall and Clock Tower at a cost of \$34 million, funded from insurance proceeds and donations of \$14 million from corporate, individual and philanthropic donor sources. Another example of a specific project was a \$10 million fundraising programme launched in 2017 to rebuild the Observatory Tower, which was the most significantly damaged of the Category 1 heritage-listed buildings and the most expensive to repair. This fund was boosted by \$4.83 million from the New Zealand Lottery Grants Board.

A significant insurance pay-out of \$156 million covers more than half the cost of the restoration project, with grants, donations and partnerships contributing to the remainder.



## Insights for the Ōtākaro Avon River Corridor

The Act sets out objectives and purposes which cannot be changed by future Trust Boards. The Trust Board governs, sets policies, appoints a CEO, and appoints Board members. The Board also approves the strategic plan, budgets, receives financial information, discusses issues arising from audit, and ensures compliance with the Conservation Plan.

A similar arrangement could be achieved for the river corridor through a Trust or other structure to which appointments are made based on skill sets and experience, rather than through a representative model. The Trust could be charged by an Act to develop the river corridor in accordance with the Regeneration Plan.

Independence and separation from the City Council is also a benefit. The Arts Centre Trust is a registered charitable trust and donors receive tax rebates on donations, whereas donors may be reluctant to donate

to a council controlled organisation. An independent trust is also able to raise funds for specific purposes, take out independent insurance cover, and not be merged within the Council's asset structure.

Accountability to the public through an annual report and annual meeting may also be beneficial as this provides a greater level of scrutiny than by a less direct method such as a Council Statement of Intent.

## Sources

The Arts Centre website at:  
[www.artscentre.org.nz/about/](http://www.artscentre.org.nz/about/)

The Arts Centre of Christchurch Trust Act 2015 available at: <http://legislation.govt.nz>

The Art Centre of Christchurch Trust 2018 Annual report: <https://www.artscentre.org.nz/wp-content/uploads/2019/06/The-Arts-Centre-Te-Matatiki-Toi-Ora-Annual-Report-2018-compressed.pdf>

Material provided by former trustee Martin Hadlee.

# 2 Te Kōhaka o Tūhaitara Trust

By: Chrissie Williams

## Key details

Te Kōhaka o Tūhaitara Trust (the Trust) was established under the Ngāi Tahu (Tūtaepatu Lagoon Vesting) Act 1998 (the Act). The Trust's vision is to create a coastal reserve which is founded on and expresses strong ecological, conservation and cultural values; to provide opportunity for compatible recreation and education activities; and to uphold the mana of Ngāi Tahu Whānui by protecting and enhancing the mahinga kai values of Tūtaepatu lagoon.

## Context

In 1996 the Crown and Te Rūnanga o Ngāi Tahu signed a Deed of 'On Account' Settlement, in which the Crown agreed that it would legislate for the revocation of the classification of the Tūtaepatu Lagoon as a government purpose (wildlife management) reserve. The Act, in 1998, vested Tūtaepatu Lagoon in Te Rūnanga o Ngāi Tahu and established Tūhaitara Coastal Park as a Recreation Reserve under the Reserves Act 1977.

Tūhaitara Coastal Park comprises 800 hectares along a 10.5 kilometre stretch of coastline between the mouth of the Waimakariri River and the Rakahuri/Ashley River Estuary. It is made up of a number of ecosystems including the fore and back dunes, exotic plantation and coastal protection plantings. The coastal freshwater network comprises a series of wetlands, a lagoon and streams which run parallel to the sea and connect the Waimakariri and Rakahuri/Ashley rivers.

As a requirement of the Act, Waimakariri District Council (WDC) and Te Rūnanga o Ngāi Tahu established the Trust by a Deed on 31 August 1998. The objects of the Trust are to manage and administer Tūhaitara Coastal Park and the Tūtaepatu Lagoon under a management plan, as specified by the Act, and to hold and manage land. The Act states that the plan must include the Tūtaepatu Lagoon; and may include such other land as the Council and Te Rūnanga o Ngāi Tahu agree on.

Tūtaepatu Lagoon is described in Schedule 1 of the Act, and the Tūhaitara Coastal Park in Schedule 2. Schedule 3 provides specific detail for the management of the lagoon: that it is appropriately restored and maintained; public

access is allowed for; scientific research and observation of the flora and fauna is encouraged by Te Rūnanga o Ngāi Tahu, with emphasis on Ngāi Tahu's philosophy of sustainable management; North Canterbury Fish and Game Council will have the opportunity to contribute its expertise; and that dogs are prohibited.

## Governance and management

The Trust comprises a Board of six Trustees, three of whom are appointed by WDC and three by Te Rūnanga o Ngāi Tahu. The Trust is required to meet at least twice a year, but in fact meets monthly to ensure that the expectations required by the management plan are realised. The Board employs a general manager who is responsible for the day-to-day operations and reporting to the Trust.

The Trust operates under the Tūhaitara Coastal Reserves and Waikuku Beach Reserves Management Plan. Although included in the management plan, Waikuku Beach Reserve is administered by WDC, not by the Trust. The Trust's vision is 'To create a coastal reserve which is founded on and expresses strong ecological, conservation and cultural values and provides opportunity for compatible recreation and education activities for all people of New Zealand and to uphold the mana of Ngāi Tahu Whānui by protecting and enhancing the mahinga kai values of Tūtaepatu lagoon'.

The Trust has been appointed by the Minister of Conservation as a local authority for the purpose of the Reserves Act 1977. As a council controlled organisation under the Local Government Act 2002, the Trust must meet certain reporting requirements. A Statement of Intent (SOI) specifies the purpose, direction and objectives of the Trust and its annual work programme. As the SOI must be approved by WDC, it provides accountability for the operation of the Trust. Six-monthly reports, annual reports and minutes of Board meetings are provided to both WDC and Te Rūnanga o Ngāi Tahu. On direction from Te Rūnanga o Ngāi Tahu, the Trust reports quarterly to Ngāi Tūāhuriri Rūnanga.

The Trust developed a Strategic Plan 2015-25 which sets the direction for the Trust including structure and staff recruitment, funding opportunities and risk. It developed its first Business Plan in 2018, which identifies

the need for greater capacity due to the success of the rehabilitation and education programmes and because of land added to the Park. The Business Plan was used to make a case to the WDC Long Term Plan for additional funding to support the Trust. This application was successful: WDC approved an additional grant of \$150,000 per annum for ten years commencing in July 2018.

The Trust provides environmental education to many of North Canterbury and Christchurch's primary and secondary schools. These range from regular fortnightly sessions through to incidental visits. The education modules are based around the Trust's Biota Node development and provide for a mix of theory and experiential learning.

In 2018 five hectares of the residential red zone land in Kairaki and The Pines Beach was transferred from the Crown to the Trust. The Trust has adopted a concept plan for this new land which includes lease opportunities on the sections at Kairaki for baches, commercial activities that complement existing activities, recreation opportunities in the adjoining park lands, education and research infrastructure and coastal protection planting. Conservation land in Pegasus Town was also added into Tūhaitara Coastal Park.

The Friends of Tūhaitara Coastal Park, a volunteer group, was established in 2011 to support planting, maintenance and trapping programmes, with a number warranted and serving as volunteer rangers. The Friends' Facebook page is a way of informing the public of activities in the park.

## Funding

The primary sources of the Trust's cash and resources is from operating grants from WDC, project grants from Te Rūnanga o Ngāi Tahu, project funding from Environment Canterbury through the Waimakariri Canterbury Water Management Strategy Zone Committee Immediate Steps fund, and other grants. Some income is derived from donations, the sale of timber, leasing, carbon credits, landscaping services. The Trust is registered under the Charities Act 2005 and is exempt from income tax.

The income is expended on Trust operations, enhancement and restoration projects, tracks and cycle ways, and cultural and education programmes. The additional funding provided by WDC has enabled the employment of

two full-time rangers: one for ecology and operations, and one for education and visitor services.

The Trust owns and manages land, and is able to lease land to neighbours or others who have a use that is sympathetic to the Trust's vision, or to develop it to secure income which contributes to the financial sustainability of the Trust.

## Insights for the Ōtākaro Avon River Corridor

A Trust set up under specific legislation provides a strong basis for establishing the objectives and powers, and ensures accountability of the Trust to its settlers, as well as the commitment of the settlers to the Trust. Shared governance between the district council and Te Rūnanga o Ngāi Tahu reflects the importance of the area to both parties, and engenders a commitment from both to support the work of the Trust. The continued success of the Trust operating with equal membership and codified objectives demonstrates the potential of co-governance for the river corridor.

The Friends of Tūhaitara Coastal Park are people involved with the restoration of Tūhaitara Coastal Park. Those working as volunteers do everything from picking up litter along the beach to planting, trapping or helping out on the environmental education programmes. The Friend's Facebook page provides a mechanism for encouraging community involvement, promoting the projects, programmes and events in the park, and informing the public of day to day activities. This high level of commitment to stewardship of the land and water by the local community is something which could be expected to be seen in the river corridor, provided there is a central organising mechanism which is able to have a specific focus on volunteer management.

The Trust is reliant on funding from one of its partners, and hence there is the potential for decision making to be influenced by that part of the relationship. However the Trust also has a number of assets that may be able to develop in a way which brings financial sustainability in the long term. Balancing co-governance decision making, financial sustainability and community based stewardship are also important considerations for the river corridor.

## Sources

Te Kōhaka o Tūhaitara Trust website at:  
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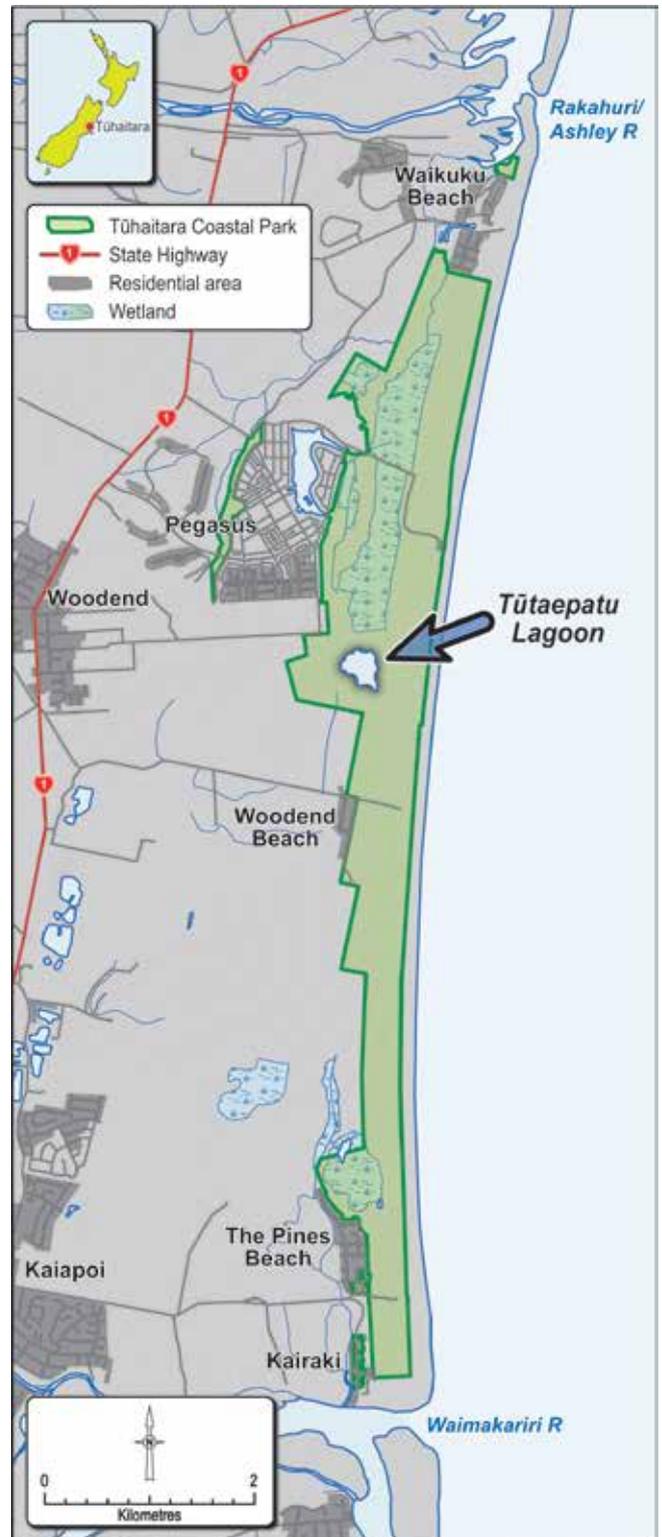
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Friends of Tūhaitara Park Facebook page



Tūhaitara Coastal Park. Map adapted from various sources, including Te Kōhaka o Tūhaitara Trust at <https://tkot92.wixsite.com/tuhaitara>

# 3 Central Plains Water Trust

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By: Eric Pawson

## Key details

The Central Plains Water Trust (the Trust, CPWT) was established by the Christchurch City Council and Selwyn District Council in 2003. The Trust formed a company, Central Plains Water Limited (the Company, CPWL) in 2004, which has around 400 shareholders, being the owners of properties in the area bordered by the Malvern Hills, the Rakaia River, State Highway 1 and the Waimakariri River. Stage 1 of the scheme was completed in 2015, and Stage 2 was operating in 2018.

## Context

The purpose of the Trust is to 'to facilitate sustainable development of Central Canterbury's water resource', whereas the focus of the irrigation scheme established by CPWL is 'to provide reliable and cost effective water to the central Canterbury plains while safeguarding the environment'. Groundwater takes in the area covered by the scheme have reduced by 75 percent (or 19 million cubic metres per annum), and been replaced by 'run of the river' water from the Rakaia and Waimakariri rivers.

The extent of irrigated areas is 24,000 ha in Stage 1 (completed 2015), 20,000 ha in stage 2 (operating 2018), and 4,300 ha in Sheffield (operating 2017). Of this 48,300 ha, about 17,000 ha is newly irrigated; the balance was previously irrigated from groundwater. Groundwater levels have stabilised, while near-river recharge around the Waikirikiri/Selwyn River is intended to contribute to ongoing water quality improvements in that stream and in Te Waihora/Lake Ellesmere.

The two councils, Christchurch City and Selwyn District, established a Central Plains Water Enhancement Committee in 1999, and decided in November 2002 to form a trust to promote the project. The reason for this was to enable consents to take and use the water to be retained in public ownership, while providing flexibility to raise the money required to complete the scheme independent of council involvement and ratepayer risk. The Trust was created by a Deed of Declaration of Trust in April 2003, and incorporated under the Charitable Trusts Act in September that year.

It took 12 years of consultation, consents and funding applications before the completion of Stage 1 of the scheme. This delivers water from a 17 kilometre open channel headrace from the Rakaia River into pressurised pipelines for delivery to users. There are now 500 kilometres of such pipelines with the completion of Stage 2. Storage in Lake Coleridge provides for reliability of supply when the Rakaia River is flowing at environmental limits.

## Governance and management

In November 2004 the Trust Board entered into contractual arrangements with CPWL by which the company agreed to obtain the resource consents for the scheme under the Resource Management Act 1991 (RMA). These consents were issued in the name of the Trust by the Environment Court in July 2012. The agreement between the Trust and the Company stipulated environmental, social and economic conditions that the Company had to meet to retain access to the consents.

The Trustees are appointed by the two councils 'to reflect a broad range of skills and experience in areas such as governance, agriculture, engineering, commerce and resource management'. The original structure with 13 trustees has not changed; this includes two appointed following recommendations from the Parliamentary Commissioner for the Environment and two from recommendations from Te Rūnanga o Ngāi Tahu. Trustees serve for terms of three years, with no limit on the number of terms.

In 2016 the agreement between CPWT and CPWL was renegotiated and a new Memorandum of Understanding (MOU) was signed. This MOU sets out the terms and conditions (environmental, social and economic) under which the Trust licences the use of the resource consents to the Company, and provides for the monitoring and public reporting of the Company's activities by the Trust. It also provides for the full funding of these trust functions by the Company.

CPWL's 2018 annual report lists nine directors, including the chair, and the managing director. In 2019 the Trust Board membership is being revitalised with the appointment of new trustees.

## Funding

CPWL undertook a successful share issue in December 2004, raising \$4.7 million via a prospectus, with shares fully subscribed. There are about 400 shareholders, the owners of irrigated properties in its area. The initial share issue was used to get the initiative to the resource consenting stage, along with seed funding from the Canterbury Economic Development Fund. The Company's 2018 annual report describes this as 'New Zealand's largest privately funded infrastructure project', with over \$400 million spent to date. The bulk of this money has been raised by loans from commercial banks and Crown Irrigation Investments Ltd, to be paid off over time through annual water use charges levied on the shareholders. There has also been some public money, notably a \$5 million loan from Selwyn District Council in 2012, and \$5.7 million from the Ministry of Primary Industries' Irrigation Acceleration Fund in early 2013.

## Insights for the Ōtākaro Avon River Corridor

The Central Plains Water scheme is two-tier, with governance being the responsibility of the Trust, and implementation in the hands of the Company. The Trust was formed by two local authorities, and for purposes of section 6 of the Local Government Act 2002 is a council-controlled organisation. This entitles Christchurch City Council and Selwyn District Council to receive regular reports on the operations of the Trust; to comment on the Trust's annual Statement of Intent; to appoint and remove trustees; and to approve any changes made by the trustees to the Trust Deed.

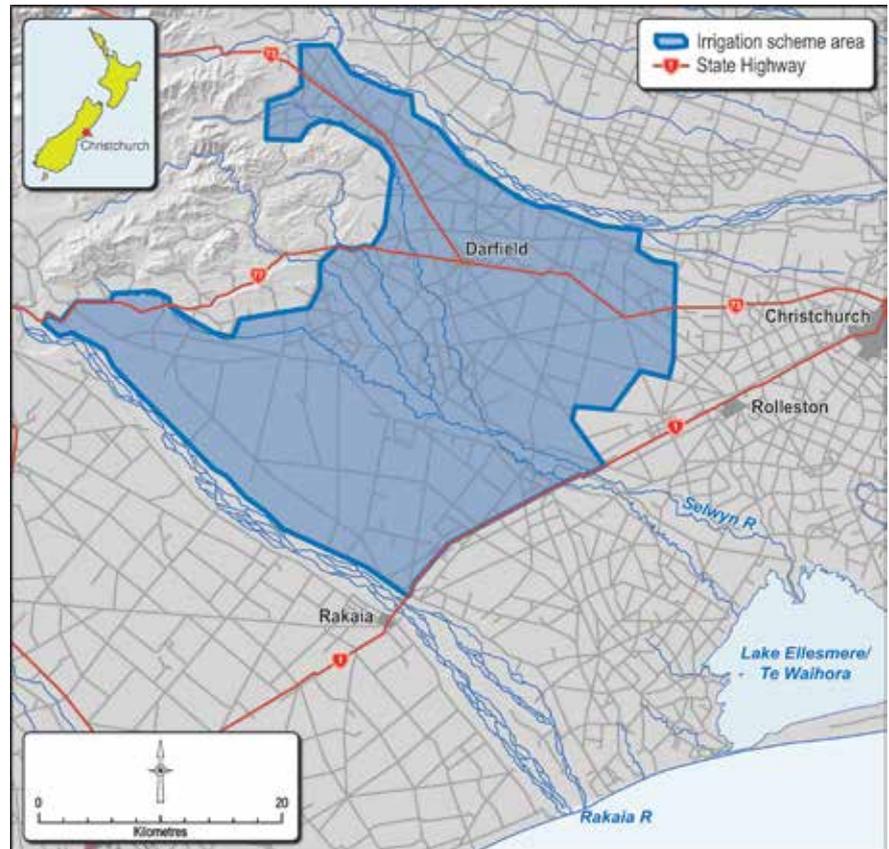
The use of a Trust mechanism has enabled broad representation of expertise, community and Ngāi Tahu interests. It has allowed both councils to maintain a direct stake in the irrigation initiative, while maintaining public ownership of the consents. At the same time, the delegation of operational responsibility to CPWL allows funding to be raised independent of council involvement and transfer commercial risk away from the ratepayer. There is a tension between the tiers, but participants regard it as positive. The Company has to deliver a commercial

Central Plains Water Ltd scheme area. Map adapted from Ministry for Primary Industries, Central Plains Water Limited. A Community Irrigation Scheme Case Study, 2017

outcome, but is very clear about the parameters within which to work. And it has to fund the 'checking' functions of the Trust, which incentivises it to get it right, as possible non-compliance not only puts in jeopardy its social licence to operate, but also costs more as more work needs to be undertaken by the Trust.

A similar two-tier structure for the river corridor would allow the City Council to maintain interest in the river corridor's development, while placing responsibility for governance in the hands of a trust representing a suitable range of competencies and community interests. The trust in turn could establish a board to raise money and implement the OARC Regeneration Plan at low risk to the council. A two-tier structure could facilitate initial council support of the river corridor's development, just as seed funding for Central Plains Water was successfully sought by the City Council from the Canterbury Economic Development Fund. Although there will be no equivalent of farmer shareholders in the river corridor, there is the potential for significant private investment, and the ability of this structure to raise private investment at arm's length from the two councils is noteworthy.

The Central Plains Water scheme includes some mechanisms designed to deliver environmental outcomes. The Trust Deed requires 'an appropriate balance of the benefits of agricultural development with the enhancement of the ecological, social and recreational values in the Central Plains area' (clause 4.2.1). An Environmental Management Fund (EMF) and the Te Waihora Environmental Management Fund were established through a levy on water users in the scheme's area in 2015/16. The EMF focuses on establishing biodiversity corridors, and is open by application to community organisations. The Trust also co-operates with the Selwyn-Waihora Zone Committee to manage the impacts of more intensive farming methods that users often adopt to pay for irrigation access, using audited farm environmental plans.



Such mechanisms provide a precedent for establishing broad environmental goals and the means to deliver them in the river corridor. Te Waihora/Lake Ellesmere lies outside the irrigation scheme area but is functionally connected with it. In the same way, management of the OARC could deliver environmental (and other) benefits for the wider metropolitan urban area, such as management of catchment flows, mitigation of contaminants and sequestering of carbon, with commercial interests who benefit from the land assisting with funding these outcomes.

The two tier structure of the Central Plains Water scheme, with the agreement between the Trust and the Company, has meant that 'the commercial people could get on with what they needed to do - build the scheme and get access to water, but they could only do it in a way that meets all the local requirements for the environment, local communities, and recreation'.

## Sources

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Bruce Irvine, former representative on the Trust for the Christchurch City Council

# 4 Mackenzie Country Trust

By: Eric Pawson



## Key details

The Mackenzie Country Trust (the Trust) is a community-based charitable trust established in 2016 to implement the Mackenzie Agreement (2013), which in turn was the outcome of a collaborative engagement process between over 20 stakeholder parties that began at the Mackenzie Country Symposium in 2010. The Trust's vision is to partner with landholders 'to protect the iconic Mackenzie biodiversity and landscapes'. It focuses on land below 800 metres, of which less than ten percent, about 23,350 hectares, is currently protected. The Trust aims to increase this to 100,000 hectares to provide a 'dry-lands park' or natural heritage area.

## Context

The challenge that the Mackenzie Agreement sought to address was 'how to reconcile outstanding national landscape and biodiversity values with the need for landowners and communities to maintain and develop their livelihood'. It was envisaged that the Mackenzie Agreement would be implemented primarily through the Trust and Joint Management Agreements (JMAs). The JMAs were to provide funding to farmers to forego intensified production and protect landscape and biodiversity values, but none were in place by 2018.

A report on the Trust was commissioned that year by the CEOs of the five statutory agencies that have responsibility for social, economic, cultural and environmental issues in the Basin: Environment Canterbury, Land Information New Zealand, Department of Conservation, and the Mackenzie and Waitaki District Councils. The HenleyHutchings report found that support for the vision enunciated in the Mackenzie Agreement was 'almost unanimously strong', even if not all interested parties backed the then direction and composition of the Trust board.

## Governance and management

In welcoming the HenleyHutchings report, the Trust chair noted that the membership and chair had been 'refreshed' and a general manager appointed. The Trust is registered in accordance with the Charities Act, and the Trust Deed commits it to 'advancing the spirit, intent, aims and objectives of the Mackenzie Agreement'. The third objective listed is to 'progressively implement the Mackenzie Agreement with local landowners'. The Deed was signed between the Associate Minister of Conservation and the Trustees, of whom there are now five. Trustees are fully indemnified by and out of the Trust Fund for losses or liabilities incurred in the course of Trust activities.

The Trust actively works with mana whenua, although the Trust Deed does not specifically provide for co-governance. The Mackenzie Agreement was signed by 22 parties representing farmers, irrigators, tourism interests, residents, environmental groups and the MDC, but not Ngāi Tahu. In as much as the model allows for public participation, it is through the mechanism of the JMAs.

The HenleyHutchings report identified lack of alignment between statutory agencies for the slow start to the JMA process. It considered that promulgation of the Mackenzie District Plan (notably plan change 13) and the upper Waitaki amendments (plan change 5) to Environment Canterbury's Land and Water Regional Plan considerably clarified 'community resource management expectations' with respect to land use intensification, and that ongoing tenure review would provide further opportunities for JMAs (through mechanisms such as conservation covenants).

A key recommendation of the HenleyHutchings report was that the dry-lands park concept identified in the 2013 Mackenzie Agreement become a Dry-lands Natural Heritage Area of lands not necessarily contiguous. Limited progress has been made since: this was assessed as 'just starting' at the Environmental Defence Society's 2019 conference. However, with a recent change in government policy, the tenure review mechanism is no longer available. Forest and Bird's view is also that 'little meaningful progress has been made since 2013'.

## Funding

The Mackenzie Agreement considered that a Trust was needed to get a clearer vision for the future, and as a means of raising funds. The Agreement describes the Trust as 'a specific, purpose-designed local mechanism'. It identified five sources of funding: first, tourists; second, donations from community trusts, businesses and high net worth people; third, commercial sponsorships; fourth, 'biodiversity offsetting and environmental compensation may have a contribution to make if national frameworks for these practices are developed'; and fifth, public funding being essential given national importance of the Mackenzie.

Left: Photo by Eric Pawson

Right: Mackenzie Country Trust focus area.

Map adapted from Mackenzie Country Trust at [www.mackenziecountrytrust.org.nz](http://www.mackenziecountrytrust.org.nz)

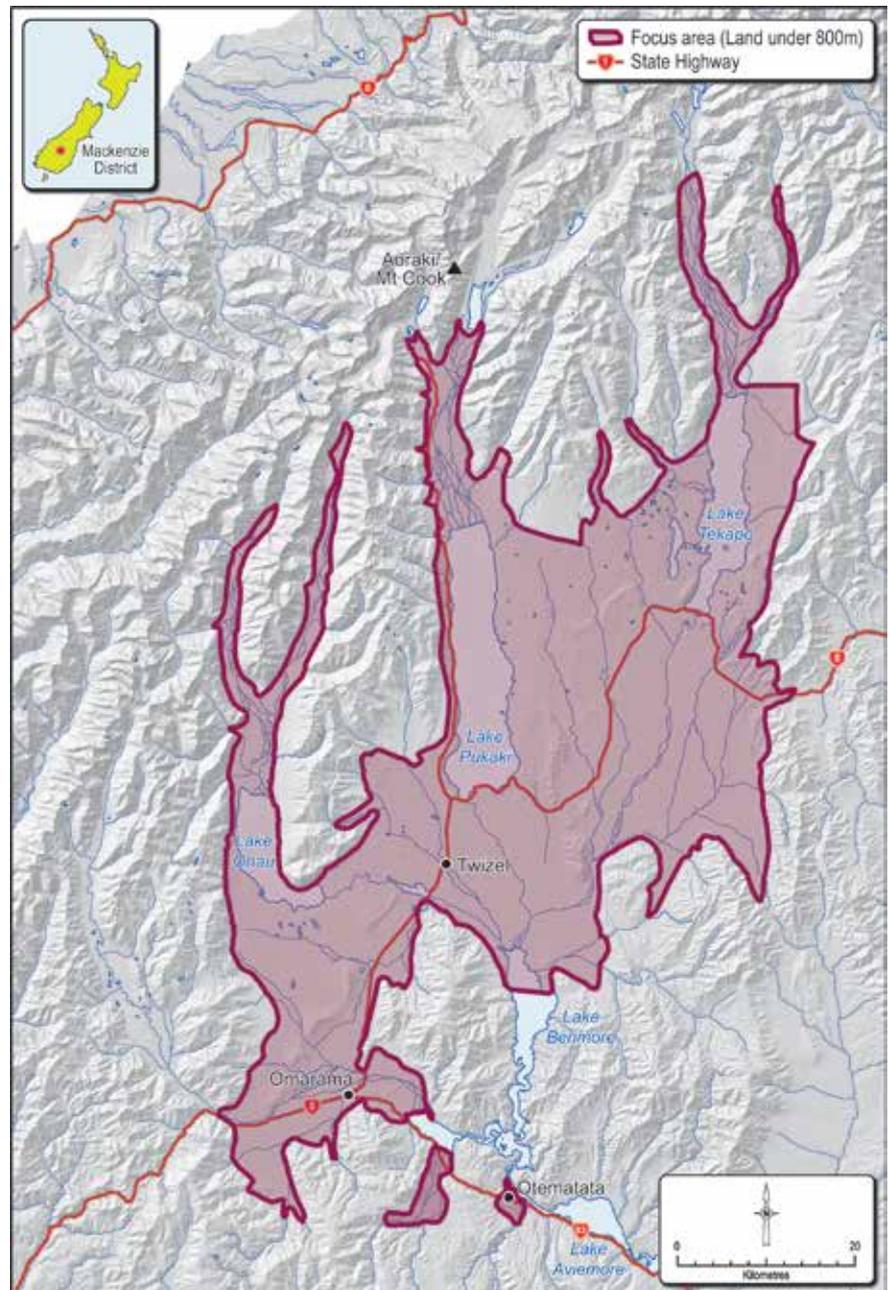
The fourth of these sources is based on payments for ecosystem services. This would see the Trust paying landholders for things like pest control in exchange for protecting landscapes and biodiversity. The other side of this equation is an eco-points scheme where those who benefit from the landscape, e.g. tourists, are prepared to pay a fee for the value that they get from it.

The Trust website however states that 'The Trust faced some significant challenges including getting some certainty to its initial funding from government and the uncertainty of the outcomes of the Mackenzie District Council's Plan Change 13 and its effect on the farming communities in the Mackenzie'. It had in place only \$400,000 for 2016/17, from a one-off Crown contribution and a single philanthropic donation. Its website carries the appeal that 'If you are interested in helping with contributing to such a fund or have some ideas about how we could raise money for this project then please contact the Trust.'

## Insights for the Ōtākaro Avon River Corridor

The financial situation of the Trust and its lack of progress in advancing its central vision on the ground suggest that putting in place 'a specific, purpose-designed local mechanism' is not in itself sufficient. Rather, any such trust needs the capacity to advance the primary objective, as well as sufficient experience to achieve financial sustainability, particularly if innovative financing models are to be pursued. At the same time it is necessary that a trust's operations are not compromised by complex and unclear relations with existing statutory bodies.

A trust has to have leadership with strong governance skills, good connections to stakeholders, including relevant agencies, and a realistic budget. The HenleyHutchings report also draws attention to the desirability of a 'whole-of-Mackenzie Basin' approach, so that a basic factor in successful implementation of the river corridor plan



will be that particular decisions are always aligned with the overall strategic vision. It specifically mentions the desirability of the Trust skills base to include ecological expertise.

## Sources

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# 5 Queenstown Trails Trust

By: Rob Kerr

## Key details

The Queenstown Trails Trust (QTT, the Trust) manages the Queenstown Trails, which is one of the 22 Great Rides of Ngā Haerenga, the New Zealand Cycle Trail (NZCT). It provides an example of an independent trust that works in collaboration with public sector landowners and funders to develop and improve a public recreational facility and shows how a skilled and well connected Trust Board can be effective in driving development of public benefits.

## Context

The Queenstown Trails comprise over 130 kilometres of off-road trails running through Queenstown, Arrowtown and Gibbston. The trails are operated by the Trust on land owned by the Department of Conservation (DOC), Queenstown Lakes District Council (QLDC) and private land holders. QLDC and DOC maintain the trail. It is the realisation of the vision which started in 2002 when the then Wakatipu Trails Trust (WTT) was established following a community meeting organised by staff from QLDC and DOC to assess the interest in a network of recreational trails.

The early years were spent developing the vision, key strategies and a working plan with the strategy finalised in 2004. It was envisaged that the WTT would work in close partnership with QLDC and DOC. At that time, the area was undergoing rapid urban growth and tourist expansion and the WTT had the foresight to secure access and easements to key areas before the land was fully developed.

In 2009 the government established Ngā Haerenga, to create and build a network of cycle trails throughout New Zealand to generate economic, social and environmental benefits for communities. In mid-2009 the Trust secured substantial government funding which enabled it to accelerate the development and construction of the Queenstown Trail. In 2011 the name of the Trust was changed to the Queenstown Trails Trust.

The role of the Trust is to create, nurture, maintain and expand a world-class trail network, with the vision of 'Connecting our community and inspiring adventures'. This vision is delivered through: facilitation of new trails and upgrading existing ones to a

world-class standard; advocacy by engaging at a high level to influence, where possible, national and local governmental policy; support of stakeholders; sustainable funding strategies for ongoing trail maintenance and development; sharing of knowledge and data; and encouraging participation to increase the use and stewardship of the trail network.

## Governance and management

The Trust comprises no fewer than six members and no more than twelve, each of whom brings particular expertise to the Trust Board, including legal, engineering, planning, cycle tourism, real estate and other related skills and capabilities. QLDC and DOC each appoint a representative.

The Trust has a ten year strategic plan setting out three goals. These are first, a world-class trail network for residents and visitors; second, increased use and stewardship of trails; and third, sustainable financing for trails. This strategy for the expansion and ongoing maintenance of the Queenstown Trails has been prepared by the Trust in collaboration with DOC, QLDC, the tourism industry, walking and cycling groups, the New Zealand Transport Agency (NZTA) and other stakeholders. Criteria have been developed to assist in determining priorities for the next ten years, and for prioritising investment.

Ngā Haerenga, the NZCT, was evaluated in 2015. The *NZCT Evaluation Report 2016* provided a review of the governance and management of the government-funded trails. It identified key success factors for the sustainability of trails as: having a dedicated resource to maintain and develop the cycle trails; the involvement of local or central government in management structures; clear roles and responsibilities of trail partners; and clarity about partners' commitment to long-term funding.

The review found that where there was a long-term commitment to funding and clear obligations of all partners from the outset, trail maintenance was not an issue. This commitment and sources of funding needed to be identified, agreed and implemented at the start of the construction phase. A memorandum of understanding identifying the responsibilities of each partner aided stakeholders' understanding and subsequent fulfilment of their obligations.



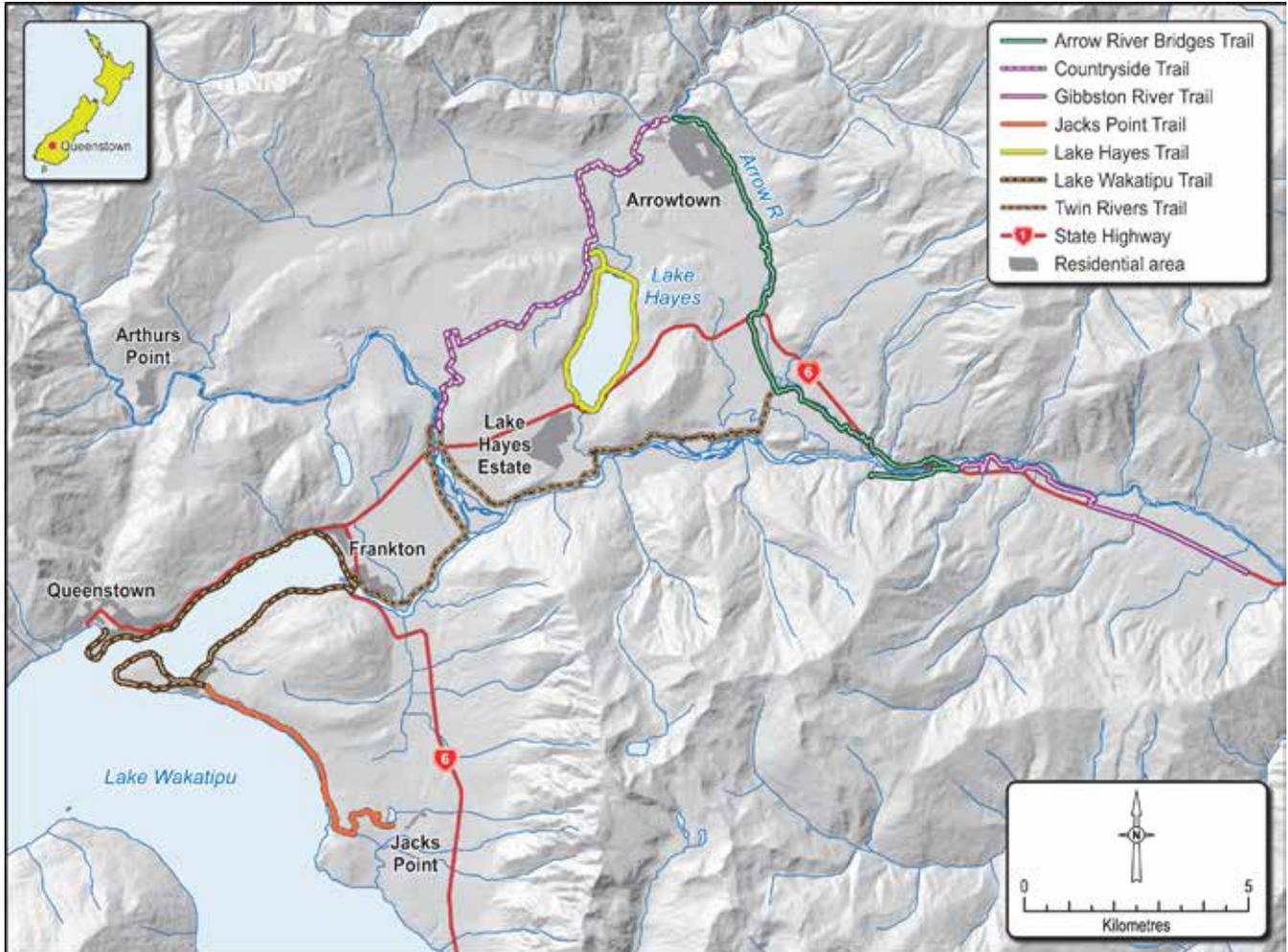
However, some NZCT trails have experienced a lack of clarity around roles and responsibilities amongst trail partners; non-delivery of commitment of some trail partners to maintenance; failure to embed trail maintenance arrangements during the build phase; and a lack of established maintenance standards and different concepts of what is acceptable in this respect (especially where two neighbouring councils share these responsibilities).

## Funding

DOC and QLDC have provided access to the land for the trails, and are responsible for trail maintenance, legal protection of access and some development projects. The Trust is primarily responsible for fundraising from central and local government, as well as commercial and philanthropic sources. The Trust has partnerships with NZTA, the Historic Places Trust, Ministry of Business, Innovation and Employment (MBIE), private and public landowners, the Community Trust of Southland, Central Lakes Trust and other trusts, bequests and financial sponsors and patrons.

A range of projects are undertaken by other groups along the trail, including revegetation, events, and trail development on a community or philanthropic basis. There is a Friends of the Trust group that provides donations.

The QTT is the official charity behind the annual Air New Zealand Queenstown International Marathon. A portion of the entry fees is allocated towards a \$30,000 donation to the Trust. The marathon course takes in a number of the Queenstown trails, including the Arrow River Bridges Trail, the Lake Hayes Circuit, and the Lake Wakatipu Trail.



## Insights for the Ōtākaro Avon River Corridor

The QTT has a strong vision and role in driving the development of the trails. It has established a ten year strategic plan which has been endorsed by QLDC and DOC and sets out a clear vision, decision making criteria and action plan.

The Trust comprises skilled and experienced members from the wider community, which gives it a particular focus on the outcomes for the Trail, and has representatives each from DOC and QLDC, which retains a strong connection to central and local government. However, the Trust is independent from the public sector, and is able to raise philanthropic and commercial funding. This independence and single focus appears to be critical to its on-going success, with recent funding announcements by both central and local government.

There are a number of useful insights in this case study that are relevant for the OARC. Political will and cross-agency collaboration are critical for success along with long term management, decision making, and maintenance and the necessary agreements and long term plans in place which align the contributors to the long term vision are essential prerequisites to achieving this level of partnership.

In addition, a skills-based trust can be very effective in fundraising, networking and promoting the interests of the trails as well as providing broad-based decision making. However the involvement and connection to local and central government is important, which for QTT is achieved through appointed representatives on the Trust Board.

## Sources

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*Left: Photo by Miles Holden*

*Above: Queenstown bike trails. Map adapted from Queenstown Trails Trust at <https://queenstowntrail.co.nz/maps-and-trails>*

# 6 Wellington Waterfront Limited

By: Philippa Mein Smith



## Key details

Wellington Waterfront Limited (originally Lambton Harbour Management Limited) was set up as a limited liability company by the Wellington Harbour Board and Wellington City Council (WCC) in September 1987, following a joint venture agreement between the Harbour Board and WCC in 1986. Wellington Waterfront Ltd was also a council controlled organisation, with WCC as the sole company shareholder, once the Harbour Board was disestablished in 1989 as part of local body restructuring and Harbour Board assets transferred to the WCC, who assumed oversight of them. The purpose of Wellington Waterfront Ltd was to develop and manage 20 hectares of waterfront land that was considered of national importance in terms of character and heritage values. This land extended from Shed 21 to Clyde Quay Wharf.

## Context

Wellington Waterfront Ltd's vision and purpose changed over time in response to public demands for participation and expectations that priority be given to public spaces. The objective of balancing commercial and recreational activity produced differently weighted responses in ensuing decades. The original intention was for waterfront development to be self-funding through commercial activities. However the 1987 stock market crash dampened such ambitions, while public protest about private developments in the mid-1990s prompted a rethink.

The Lambton Harbour Development Project, as it was then called, proceeded under the Wellington Harbour Board and Wellington City Council Vesting and Empowering Act 1987. On 1 November 1989 a combined planning scheme (an earlier term for a district plan), the Lambton Harbour Combined Scheme, was made operative under the Town and Country Planning Act 1977.

A change of direction occurred in 1996 when WCC established a community consultative committee of business and community leaders which prioritised public spaces. The committee drafted proposals but was then dissolved and ensuing planning work (under Variation 17 to the District Plan) ignored its recommendations. Another public outcry followed in 1999-2000.

The WCC started the process again in 2001 and appointed a Waterfront Leadership Group of ten members to lead the first stage of a planning framework. The Leadership Group adopted a vision statement based on the earlier one between WCC and Lambton Harbour Management Ltd, which stated that 'Wellington's Waterfront is a special place that welcomes all people to live, work and play in the beautiful and inspiring spaces and architecture that connect our city to the sea and protect our heritage for future generations'.

In 2001, this framework for Wellington waterfront development outlined a series of objectives including that the waterfront be locally and internationally recognised for its design, be readily accessible and safe, and seen as an attractive place that draws Wellingtonians and visitors alike. The

*Above: Wellington waterfront. Photo by Jeff Mein Smith*

*Right: Wellington waterfront: points of interest. Map simplified from Wellington City Council, Maritime Heritage Trail, undated pamphlet*

waterfront was to cater for a wide range of events and activities, whilst significant heritage buildings are protected, and activities on the waterfront are integrated with those on the harbour.

Five inter-linking themes were to apply throughout the waterfront, namely historical and contemporary culture, city to water connections, a promenade, open space, and diversity. From these themes a set of values to guide the waterfront development were identified: to express heritage and history, Māori heritage and presence, a 'sense of place' for Wellingtonians, a diversity of experience, a sense of collective ownership and involvement, experience of space and openness, and ease of access for all.

Variation 22, notified in August 2001, and adopted in 2004, incorporated most of this Wellington Waterfront Framework into the District Plan.

## Governance and management

The governance and management structures of Wellington Waterfront Ltd changed in July 2014 when it was incorporated into WCC's Parks, Sport and Recreation Team, under the name City Shaper. This transition occurred partly because the majority of development was achieved, but also to align

management of the waterfront more closely with that of other parks and open spaces. City Shaper became Build Wellington, a project management unit whose brief extended beyond the waterfront to looking after the whole city with a focus on place shaping, project management and urban design.

Co-governance with mana whenua was exercised through membership of the Waterfront Leadership Group from 2001.

The timing of the merger of Wellington Waterfront Ltd into WCC suggests a link with a 2014 environmental impact assessment of a waterfront building designed by Athfield Architects. Previously, the privatisation of former public sites and buildings had riled the public, as when the former Herd St Post and Telegraph Building on the Wellington waterfront was converted to Chaffers Dock Apartments.

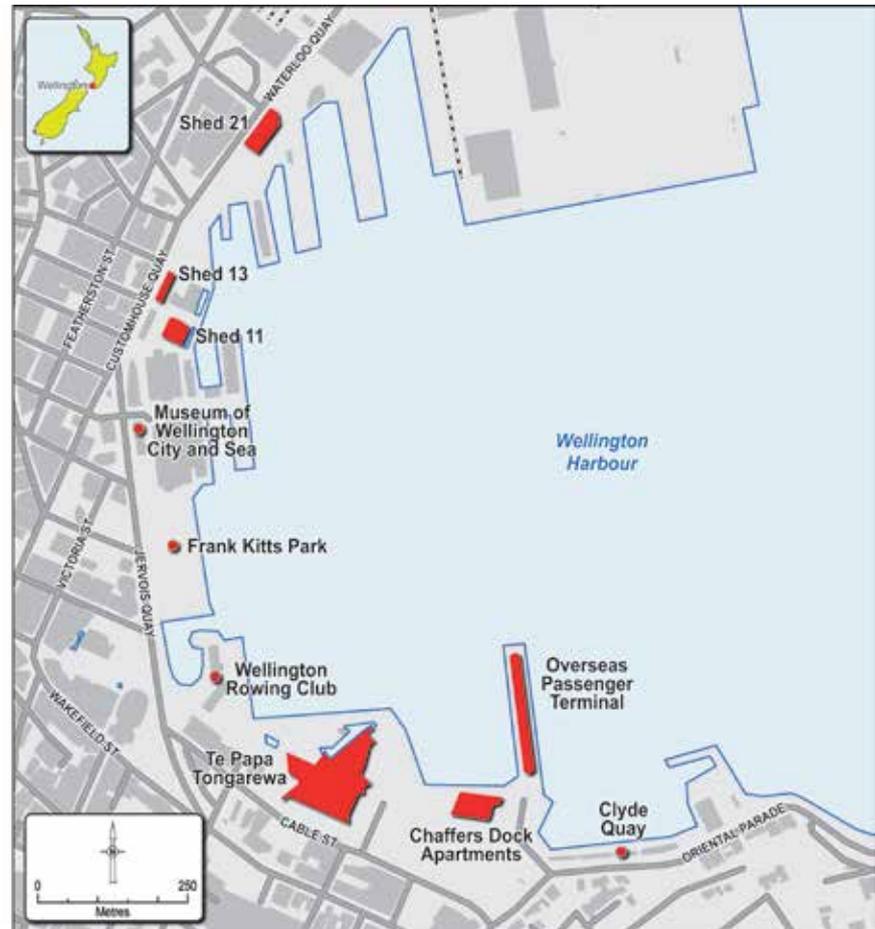
These transitional steps in governance proved successful in the long run in producing an attractive, widely used waterfront precinct that is celebrated locally and globally. The harbour and waterfront, much of which is reclaimed land, are Wellington's main public spaces, since the city's topographically constrained site does not allow for much public space outside the green belt.

## Funding

Since Wellington Waterfront Ltd was incorporated into WCC, it continues to earn commercial income from property that it owns, in addition to funding from the WCC's Annual Plan process and from within the Build Wellington unit. It produces an annual report.

## Insights for the Ōtākaro Avon River Corridor

The evolution of the Wellington waterfront model over time illustrates the sort of flexibility that is envisaged for the OARC Regeneration Plan, only hopefully without the public protests that prompted a reordering of priorities from private to city public sector-led development in the Wellington case. In Wellington, institutional structures proved fluid and responsive to public input and feedback. Thanks to these transitions in governance, Wellington Waterfront



Ltd evolved into a successful model, and Wellingtonians are justifiably proud of their waterfront, which is the public interface with the harbour.

The shift to tighter oversight of Wellington waterfront development by WCC from 2014 suggests acknowledgement of the community view that the waterfront is a public asset and public space, and so should be managed by a public entity, not a limited liability company with – literally – limited liability, even if its sole shareholder was the Council.

Key insights for OARC from the Wellington Waterfront are that the governance entity will likely need to change over time as the area matures and development is progressively completed, and that a governance entity should be both responsive to the local community and guided by a strong vision.

A key consideration for the OARC will be how to embed durability of that vision while maintaining flexibility and responsiveness to the changing needs of the city and community.

## Sources

The planning history for the Wellington Waterfront and the planning framework to guide development are outlined in A. Aburn, *Assessment of Effects on the Environment: Proposed Development – North Kumutoto Precinct, Wellington Waterfront*, Wellington: Urban Perspectives Ltd, 2014, available at [www.gw.govt.nz/assets/Resource-Consents/North-Kumutoto-Project---Wellington-Waterfront/Document-10-Assessment-of-Environmental-Effects-Report.pdf](http://www.gw.govt.nz/assets/Resource-Consents/North-Kumutoto-Project---Wellington-Waterfront/Document-10-Assessment-of-Environmental-Effects-Report.pdf)

This report is the source of all quotations.

# 7 Whaitua Te Whanganui-a-Tara Committee

By: Philippa Mein Smith

## Key details

This case study concerns the Greater Wellington Regional Council (GWRC) programme to implement government policy on water quality, the National Policy Statement for Freshwater Management (NPS-FM, amended in 2017). The NPS-FM includes minimum standards for freshwater that councils must seek to achieve so that the overall water quality in a region is maintained or improved. The Wellington model centres on five Whaitua Catchments within the Wellington Region, each with a committee that makes decisions on future land and water management.

The first Whaitua Committee established in the Wellington Region related to Ruamāhanga/Wairarapa Valley, in December 2013. Whaitua te Whanganui-a-Tara is the latest committee to be established, in November 2018. Its catchment encompasses Wellington Harbour and the Hutt Valley. GWRC stresses that: 'The Committee is not a subordinate decision-making body of the Council and is not a committee under the Local Government Act 2002'.

## Context

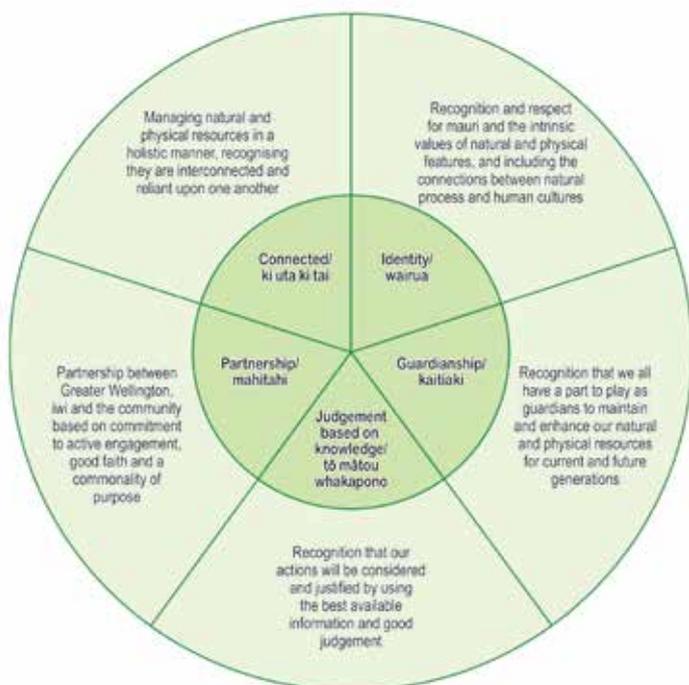
The purpose of the Whaitua Te Whanganui-a-Tara Committee is to facilitate community and stakeholder engagement in the development of a Whaitua Implementation Programme (WIP). A WIP is a non-statutory report to GWRC which will contain recommendations for specific plan provisions and work programmes for the integrated management of land and water resources within the whaitua boundary. The WIP may contain both regulatory and non-regulatory proposals. The Whaitua Te Whanganui-a-Tara Committee operates in partnership with mana whenua and develops recommendations guided by the five principles developed by Te Upoko Taiao – Natural Resources Plan Committee through the GWRC Regional Plan Review process. These five principles are: Ki uta ki tai: connectedness; Wairua: identity; Kaitiaki: guardianship; To matou whakapono: judgement based on knowledge; and Mahitahi: partnership (see figure).

Te Upoko Taiao – Natural Resources Plan Committee and its five principles are locally developed examples of GWRC responses

to provisions in the Local Government Act that require councils to take account of the principles of the Treaty of Waitangi by improving opportunities for mana whenua iwi to engage actively in local government decision making. Te Upoko Taiao itself reflects the Treaty principle of partnership through its makeup of six elected GWRC councillors and six appointed members from mana whenua in the Wellington region.

In developing objectives, targets and programmes to improve water quality, the Whaitua Te Whanganui-a-Tara Committee must work within the ambit of the Resource Management Act 1991 and associated instruments (the New Zealand Coastal Policy Statement 2010, the NPS-FM, the National Environmental Standards for Sources of Human Drinking Water 2007, and the Wellington Regional Policy Statement 2013); as well as the Soil Conservation and Rivers Control Act 1941 and the Local Government Act 2002; and other documents referred to the Committee.

The Whaitua Te Whanganui-a-Tara Committee makes regulatory proposals to GWRC that the Council then refers to Te Upoko Taiao – Natural Resources Plan Committee for incorporation into the Regional Plan through a plan change process.



Whaitua guiding principles. Figure redrawn from [www.gw.govt.nz/whaitua-guiding-principles/](http://www.gw.govt.nz/whaitua-guiding-principles/)

## Governance and management

The Whaitua Te Whanganui-a-Tara Committee is an advisory body, appointed by GWRC, which operates under a co-governance model. The Committee comprises two elected GWRC Councillors; two appointed iwi members of Te Upoko Taiao – Natural Resources Plan Committee; one member nominated by each territorial authority operating within the whaitua boundary, ie Wellington City Council, Hutt City Council and Upper Hutt City Council, who is an elected member of that authority; and one member nominated from each iwi authority whose rohe/district falls entirely or partly within the whaitua boundary, who represents the interests of that mana whenua group. In addition, up to eight community members may be appointed from a range of backgrounds who have interests related to land and water management and a commitment to consensual decision making.

GWRC may approve these additional community members to ensure appropriate balance. In selecting them, GWRC is to be mindful of land and water management values, i.e. indigenous biodiversity/ environmental values; mana whenua values; recreational values; wider economic development interests; urban ratepayer interests; mātāwaka (non-mana whenua) interests; general community interests; and infrastructure and commercial interests. A community nominee must either live in, or have a close connection with the whaitua, reflect the interests of a wider group, and be a good communicator between the community and the Committee.

## Funding

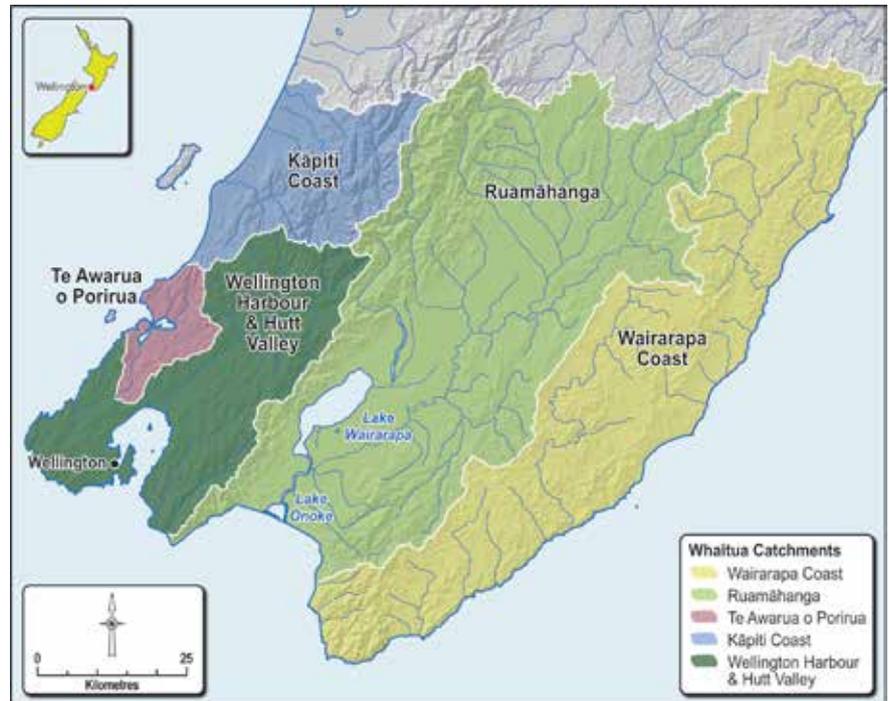
Whaitua Committees are funded by GWRC.

## Insights for the Ōtākaro Avon River Corridor

This model developed for the Wellington Region is an example of co-governance according to Treaty principles that might be useful in determining the composition of a governance body for the Ōtākaro Avon River Corridor, and/or offer a model for community participation via an advisory committee or a board in a two-tiered structure. Both the Whaitua Te Whanganui-a-Tara Committee and Te Upoko Taiao comprise equal numbers of Council and iwi members. There is a concern to ensure balanced representation in both, with 'balance' between representative appointment and skills the committees require decided by GWRC.

The locally developed principles that give effect to Māori philosophies and concerns also suggest a model for applying Ngāi Tahu principles to resource management in the Ōtākaro Avon River Corridor. Ki uta ki tai is one such Ngāi Tahu principle that specifies a holistic approach to water management.

There is some ambiguity of focus in these Wellington examples, however, and an apparent emphasis on report-writing as opposed to action in the first five years. (The Ruamāhanga Whaitua Committee took until 2018 to reach the point of developing a draft WIP). While Whaitua Committees are situated at arms-length from government or the regional council, they are not directly



empowered to implement decisions, an aspect that may limit their effectiveness as a model for implementing the Regeneration Plan.

Rather the adoption of partnership in governance (co-governance) for the river corridor and of principles developed locally by mana whenua for its management are the key lessons offered by this case study.

## Sources

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Greater Wellington Regional Council, [www.gwrc.govt.nz/whaitua-te-whanganui-a-tara/](http://www.gwrc.govt.nz/whaitua-te-whanganui-a-tara/)

Greater Wellington Regional Council, [www.gw.govt.nz/assets/Whaitua/Whaitua-Te-Whanganui-a-Tara-Committee-Terms-of-Reference.pdf](http://www.gw.govt.nz/assets/Whaitua/Whaitua-Te-Whanganui-a-Tara-Committee-Terms-of-Reference.pdf)

*Whaitua catchments. Map adapted from Greater Wellington Regional Council at [www.gw.govt.nz/assets/Environment-Management/Whaitua/whaituamap3.JPG](http://www.gw.govt.nz/assets/Environment-Management/Whaitua/whaituamap3.JPG)*

# 8 Hamilton City River Plan

By: Eric Pawson



## Key details

The Hamilton City River Plan (the Plan) was drawn up by Hamilton City Council in 2014. It is not a statutory plan but rather ‘a 30 year vision ... to transform the way we use and view the 16 km of the Waikato River running through the city’. The Plan is still live, but with a change of Mayor, the city’s priorities have moved elsewhere.

## Context

The Plan website describes the Waikato River as a defining feature of the city, and the tūpuna of Waikato-Tainui, but nonetheless ‘under-utilised and undervalued in the modern Hamilton’. The purpose of the Plan is therefore to activate the city’s relationship with the river, by means of a thirty year vision that ‘will guide how we plan and use the river into the future’. It identifies a series of projects, some described as able to start immediately, with others to be phased in over time.

The Plan has a clear focus: ‘The Waikato River will be the defining heart of Hamilton’. It is apparent from the map that this vision is to be delivered by means of improving pedestrian access to and between existing river bridges. ‘Key pedestrian loops’ will

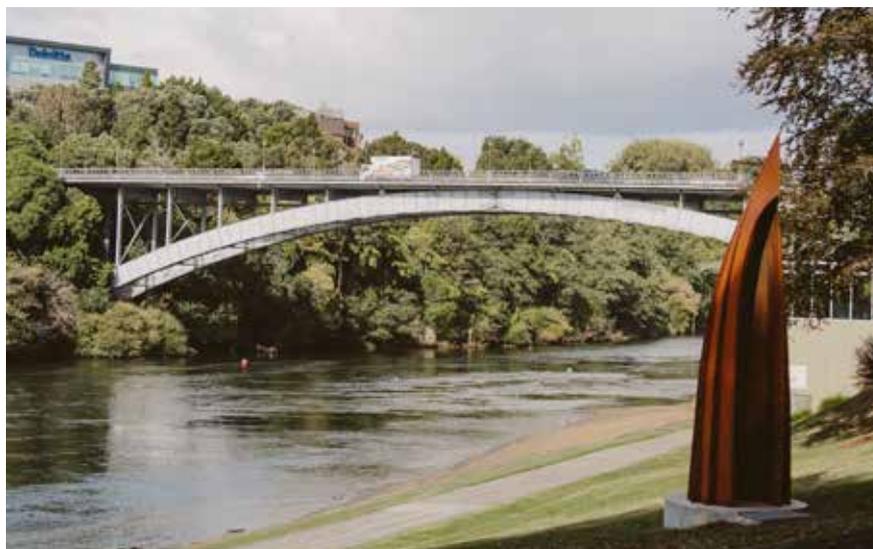
provide focus for enhanced facilities. These will reflect six themes: access, recreation, development, natural environment, arts and culture, and tourism. These themes in turn are to be considered in the context of four principles: People (Ka tauawhi i te tanga); Economic opportunity (Ka tauawhi i te aaheinga); Healthy River (Ka tauawhi i te awa me tona ora); and Cultural Celebration (Ka whakanuia ngaa momo ahurea katoa).

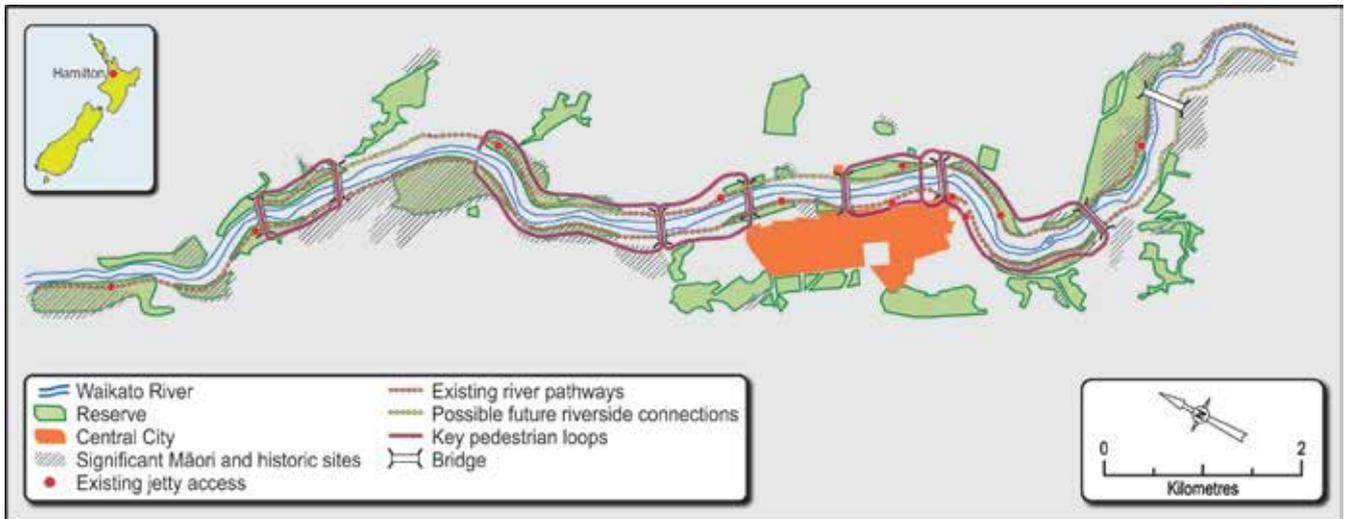
## Governance and management

The ‘River plan delivery model’, described on the Plan’s website, asserts that the city council ‘will make implementation of the River Plan a top priority’, by establishing a River Plan project team reporting directly to the chief executive who is accountable to the council for its implementation. The project team is assisted by a Technical Group with members from Waikato-Tainui, the Waikato Regional Council, Mighty River Power, the Waikato River Authority, and city council. It is guided by the proposed Waikato Regional Policy Statement and the Waikato River Vision and Strategy, which is administered by the Waikato River Authority.

## Funding

A press release from April 2015 signalled resourcing in the Council’s then-draft Long Term Plan of \$500 000 per annum, which suggests limited council commitment even then. News on the Plan website has not been updated since 2016, and recent articles in the *Waikato Times* indicate that implementation has been a problem despite the clear structure outlined above. On 21 December 2018, it published an article headed ‘Council establish taskforce to take lead on river plan’,





followed by another on 8 April 2019 which reports that the River Plan lacks necessary detail, and crosses over too many other plans for the central city.

The council is now engaged in a year-long study to get these issues costed for the city's Long Term Plan discussions in 2021. It has recently established a River Plan Taskforce, comprising the Mayor and several councillors, supported by the Deputy Chief Executive, River Plan/Projects Manager, and Communication and Engagement Advisor.

### Insights for the Ōtākaro Avon River Corridor

The two river corridors each have a spatial plan, in each case reflecting a clear vision and themes. Outwardly the Hamilton City River Plan is a good model for council-led river corridor regeneration, and the only other significant river corridor initiative that we have been able to find in New Zealand. At 16 km, it covers an even longer stretch of river than the OARC and contains (in the 'Implementation' part of the website), a classification of projects into those 'to commence immediately', those that can start 'in the next 1-3 years', and medium (within ten years) and long term (20 year) projects.

Identifying and publicly listing projects in this way might be a good means of keeping interested stakeholders inside in the OARC. However, despite the clarity of the governance/management structure outlined for Hamilton in 2016, this has clearly not worked as was then intended. Political priorities have shifted, resulting in problems of both implementation and financing, with reliance principally on rate funding for projects. The Plan remains live, and is to be rebooted through alignment with Hamilton's 2021 Long Term Plan discussions.

There is an important lesson for the OARC, between striking the balance between the certainty needed to attract private, philanthropic, and community interest, while also accommodating changes in political priorities.

### Sources

The River Plan website is at [www.hamiltoncityriverplan.co.nz](http://www.hamiltoncityriverplan.co.nz)

*The Waikato Times*

Jeff Neems, Communication and Engagement Advisor, Hamilton City Council

*Far left and left: Photos by Hamilton City Council*

*Top: Hamilton City River Plan. Plan simplified from [www.hamiltoncityriverplan.co.nz](http://www.hamiltoncityriverplan.co.nz)*

# 9 Waikato River Authority

By: Philippa Mein Smith



## Key details

The Waikato River Authority (WRA) is a statutory body corporate that was set up under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (the Act), the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, and subsequently the Nga Wai o Maniapoto (Waipa River) Act 2012, with the purpose of restoring and protecting the health and wellbeing of New Zealand's longest river for future generations.

Historically, the Waikato River has come under pressure from the building of hydro-electric dams along its length and the expansion of the dairy industry. Waikato dairy farms have both depended on and contaminated the river with nitrates for decades.

## Context

The WRA is a product of government redress for massive land confiscations from Waikato tribes during the New Zealand Wars of the 1860s, specifically confiscations made to punish 'rebels' in the Waikato War, a conflict that Governor George Grey triggered in 1863 when he ordered British troops to cross the boundary line set by the Kīngitanga (King Movement). Its existence acknowledges the importance of the Waikato River as an ancestor and taonga to the five iwi who live along it: Waikato-Tainui, Maniapoto, Ngāti Tuwharetoa, Raukawa, and Te Arawa. The WRA's area of responsibility covers

the river's catchment of 11,000 square kilometres, including the contributor Waipa River. Overseen by the five river iwi and the government, WRA takes an integrated, holistic approach to the implementation of its vision and strategy, and river management.

Its work is governed by Kīngitanga principles that are printed in Schedule 1 of the Act: namely Te Mana o te Awa, respect for the Waikato River's spiritual authority, and Mana Whakahaere, which refers to the right of the five river iwi to exercise authority concerning the river, in accordance with the philosophy that 'if we care for the River, the River will continue to sustain the people'.

The Act, section 22, establishes WRA's purposes as: first, to set the primary direction through the vision and strategy to achieve the restoration and protection of the health and wellbeing of the river for future generations; second, to promote an integrated, holistic, and co-ordinated approach to the implementation of the vision and strategy and the management of the river; and third, to fund rehabilitation initiatives for the river in its role as trustee for the Waikato River Clean-up Trust.

## Governance and management

The WRA is an independent statutory body, established in September 2010 under the Act, section 22 and the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato

River Act 2010, section 23. This Treaty settlement legislation created a joint governance and management framework between the Crown and river iwi. Nga Wai o Maniapoto (Waipa River) Act 2012, section 10 also refers to a 'co-governance entity' established under these previous acts, and similar governance partnership models have since been adopted between government representatives and mana whenua across the country.

Governance by the Authority is through a Board of ten members, half of whom are chosen by the river iwi and half by the Crown. Each of the river iwi (Waikato-Tainui, Te Arawa, Tuwharetoa, Raukawa, and Maniapoto) is represented by a Board member, while there are five Crown-appointed members. The Waikato Regional Council nominates one of the Crown members and another is nominated by the other territorial authorities. All ten members are appointed for a three-year term. There are two co-chairpersons, one appointed iwi, and the other by the Minister for the Environment.

WRA has an investment committee consisting of the co-chairpersons and deputy co-chairpersons, plus two others. This committee gives the full Board recommendations on applications for funding. The WRA is also responsible for reporting to the Crown and river iwi at least every five years on its monitoring of the river's health.

The governance model implicitly recognises that who owns the Waikato River's water is still debated. Ever since the confiscations, governments have denied the Māori King's and Kīngitanga's claims to ownership.

## Funding

Under its Deed of Settlement with Waikato-Tainui, the government committed to provide a contestable Clean-up Fund for thirty years 'to fund initiatives for restoring and protecting the health and wellbeing of the Waikato River for present and future generations'. This fund is administered by the Waikato River Clean-up Trust, of which the WRA is the sole trustee. The Trust receives \$7.333 million every year, a sum that will continue until 2036 and increase to \$7.342 million in 2037-38. This funding includes

Left: Photo by Johnragla – Own work, CC BY-SA 4.0, <https://commons.wikimedia.org/w/index.php?curid=66586395>

Right: Waikato River Authority area. Map constructed from Waikato River Authority, at [www.waikatoriver.org.nz/catchment](http://www.waikatoriver.org.nz/catchment), and Te Puni Kōkiri, Te Kāhui Māngai, at [www.tkm.govt.nz](http://www.tkm.govt.nz)

\$333,000 each year from the Ngāti Maniapoto settlement.

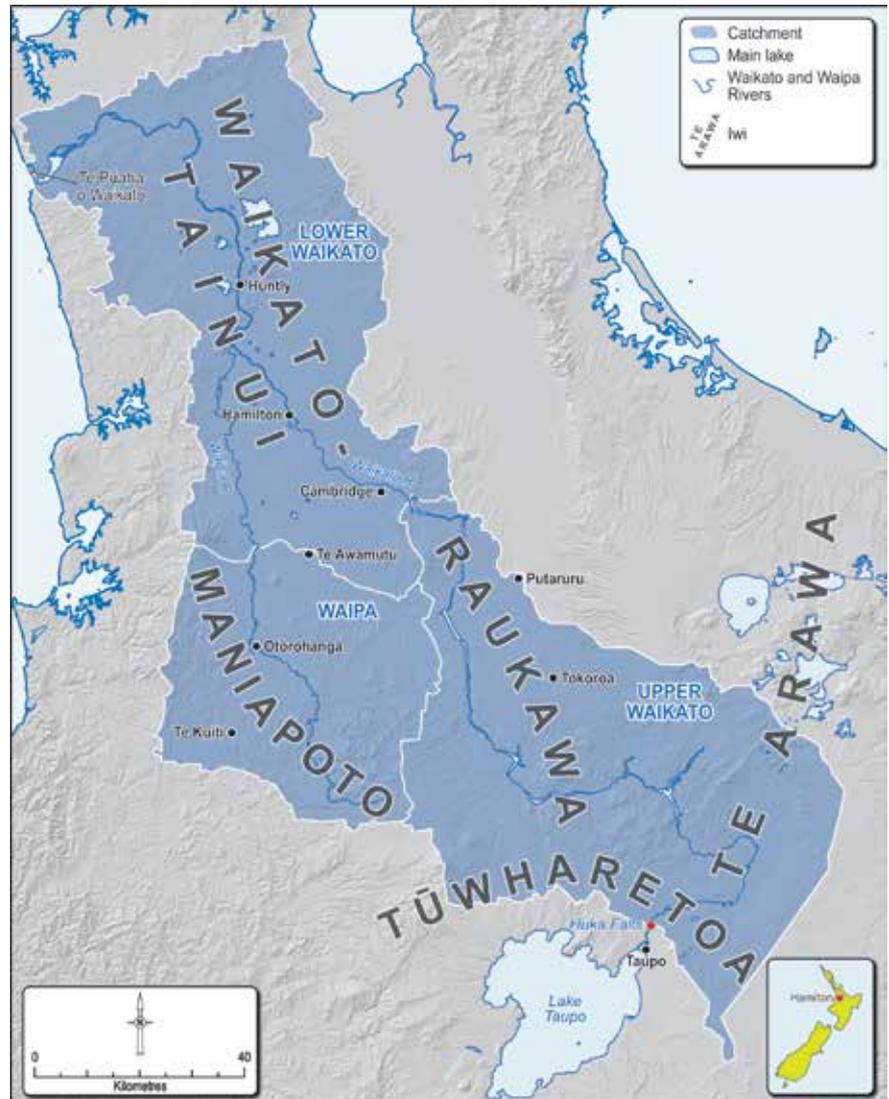
To prepare for the end of Crown funding after thirty years, the WRA set up an endowment fund. In the first year of operation, the WRA received the first three years of funding up front and used it to establish this fund rather than to allocate resources to projects. Each year, any funds not committed towards projects are added to the endowment fund. The WRA has a policy not to spend the full amount of funding each year for this reason; but withholding a portion for the future is not to occur at the expense of grants for projects. The long-run aim is to achieve financial sustainability through investment in the endowment fund.

## Insights for the Ōtākaro Avon River Corridor

Significantly, the WRA reflects Kīngitanga principles of stewardship and care for the river. The focus is on restoring the Waikato River to health. Opportunities for community participation exist only through iwi channels since this is a mechanism arising from Treaty settlements; while it is evident that, historically, the community has privileged the province's dairy industry and power projects over the river's wellbeing.

This model of joint governance between iwi and central and local government is now tested and proved, and so provides scope for Christchurch to explore what might work or not work if applied to the much smaller body of water in the Ōtākaro Avon River Corridor.

The approach the WRA takes to management of grant funds to set up for long-term sustainability may also be relevant. The future landowner of the river corridor faces significant costs of annual maintenance and



operation. By capitalising this maintenance liability and placing the funds with a Trust, along with responsibility for maintenance, Christchurch could encourage an innovative approach towards sustainable finance.

## Sources

The Waikato River Authority's website is at: [www.waikatoriver.org.nz](http://www.waikatoriver.org.nz)

Office of the Auditor-General New Zealand, Appendix 1: About the Waikato River Authority, at [www.oag.govt.nz/2016/co-governance/appendix1.htm](http://www.oag.govt.nz/2016/co-governance/appendix1.htm)

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M. Muru-Lanning, *Tupuna Awa: People and Politics of the Waikato River*, Auckland: Auckland University Press, 2016.

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# 10 Cornwall Park Trust and 11 Tūpuna Taonga o Tāmaki Makaurau Trust for Maungakiekie/One Tree Hill

By: Philippa Mein Smith

## Key details

Cornwall Park consists of an historic city park and farmland that wrap around one side of the landmark volcanic cone, Maungakiekie/One Tree Hill in Epsom, Auckland. The land parcel was gifted by Sir John Logan Campbell to a trust, in stages from 1901 to 1908, including 143 acres of 'endowment land' to be used to fund the park's operations. Cornwall Park comprises 172 hectares, and the adjacent One Tree Hill Domain/Maungakiekie covers 48 hectares. Cornwall Park and One Tree Hill Domain are managed separately, although to the visitor they present as one large park with access to the summit of Maungakiekie.

The Cornwall Park trustees later became the Cornwall Park Trust Board in 1963, after incorporation under the Charitable Trusts Act 1957.

## Context

Sir John Logan Campbell gifted Cornwall Park (named for the Duke and Duchess of Cornwall to mark their visit in 1901) to a trust, to be held in trust for 'the people of New Zealand' for future generations to enjoy free, in perpetuity. It was officially opened in 1903. Maungakiekie was not part of his original purchase and so not in the gift.

Campbell intended the inner part of his estate to be a park, which would be 'a glory forever' for the people of Auckland, while land around the perimeter would provide revenue for the park's operation and maintenance. It was envisaged that this endowment land would be leased to generate this income. Cornwall Park was to be 'a place of public resort for the recreation and enjoyment of the people of New Zealand'. In support, the Seddon government removed gift duties on the transfer to the Cornwall Park Trust. It also promised to waive estate duties, but when Campbell died in 1912 the Massey government reneged on this commitment, indicating the uncertainties posed by changes in government policy. Cornwall Park has been owned and managed by the Cornwall Park Trust (later the Cornwall Park Trust Board) since 1901. The Board of Trustees comprises four appointed, unpaid trustees.

Cornwall Park is popularly conceived to include One Tree Hill Domain but in fact the latter is in separate ownership. One Tree Hill

Domain, including Maungakiekie/One Tree Hill, its pā site and urupā, was a public reserve in Crown ownership from 1847 to 2012. Mana whenua regained ownership following the signing of a deed of settlement with Ngāti Whātua in 2011. Under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (Redress Act), Maungakiekie was vested in the Tūpuna Taonga o Tāmaki Makaurau Trust. Subsequently the Trust vested it back to the Crown as a reserve, the status it had previously, only this time mana whenua made the decision.

The Cornwall Park Trust Board, however, owns the improvements on the summit of Maungakiekie/One Tree Hill and has a perpetual right to occupancy and of access to maintain the improvements, because the summit is where Campbell is buried. An obelisk dedicated to the Māori people funded by Campbell through a bequest in his will also stands on the summit.

The purpose of the One Tree Hill site – long recognised as culturally significant to Māori – is for the 'benefit and enjoyment of the public', to ensure the survival of indigenous flora and fauna, and preserve and protect the hill from subdivision and development, as per section 3 of the Reserves Act 1977. Auckland Council, in its Tūpuna Maunga Integrated Management Plan, Part 3, has specified kaupapa aims for Maungakiekie and other tūpuna maunga (ancestral mountains) including: 'to rekindle the sense of living connection between the maunga and the people'; to provide a place to host people and nurture relationships; and to 'give expression to the history and cultural values of the tūpuna maunga'.

## Governance and management

Maungakiekie is an example of how the Treaty of Waitangi settlement process has facilitated Māori participation in governance. Maungakiekie is co-governed by the Tūpuna Maunga o Tāmaki Makaurau Authority (Tūpuna Maunga Authority) and Auckland Council according to the partnership principle established by Treaty jurisprudence since the 1980s. Auckland Council is responsible for day to day management and does so under the direction of the Tūpuna Maunga Authority. Community participation is via either the Council or the Tūpuna Maunga Authority.

By contrast, the Cornwall Park Trust Deeds (1901, 1907 and 1908) as legal documents do not formally recognise co-governance but rather express the wishes of Sir John Logan Campbell, which can be said to include mana whenua in his term 'people of New Zealand'.

Subsequently, the Cornwall Park Trust Board has maintained a close association with iwi and provided assets on Maungakiekie, such as the road to the summit, consulting with them and in partnership with Council. The four trustees are responsible for the day-to-day, season-to-season management, care and planning of Cornwall Park.

## Funding

Cornwall Park is primarily funded by income from the leasehold land adjoining the Park, which provides for maintenance and upkeep, via (mostly) perpetually renewable leases with 21-year rent review and renewal periods. The Trust Board also has investment funds which provide a portion of its income. The Trust Board leases 94 residential leases, and recreational and commercial properties around the park in Greenlane and One Tree Hill. Some residential lessees are represented by the Cornwall Park Leaseholder Association.

Auckland has experienced significant increases in land value over the last 20 years, thus creating greatly increased ground rents. When these leases came up for their 21-year rent reviews from around 2005, some leaseholders brought legal proceedings about the valuation process and applicable valuation principles. Proceedings subsequently took place in the High Court (2009) then appealed to the Court of Appeal and Supreme Court with Trust Board succeeding in every court. Some leaseholders also lodged a Parliamentary Petition; the relevant select committee declined to recommend that Parliament take any action.

Cornwall Park gained a rates exemption in 1938 (Cornwall Park Trustees Rating Exemption Act 1938) for its park land. Rates are payable as usual for the endowment land. The Cornwall Park Endowment and Recreation Land Act 1982 allowed an adjacent parcel of endowment land to become park land and portions of park land already leased to transfer into endowment land, with appropriate adjustments to rate exemptions. Maungakiekie is maintained by Auckland Council.

## Insights for the Ōtākaro Avon River Corridor

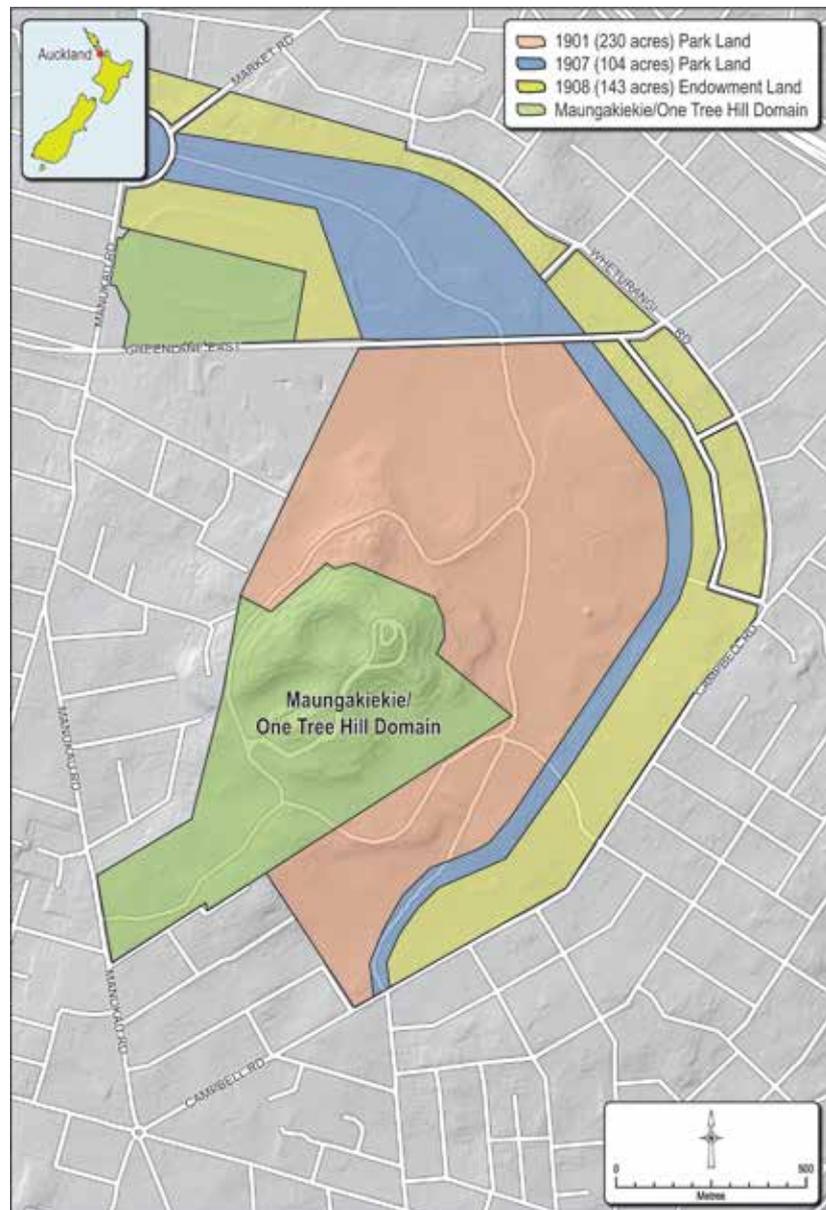
Key lessons for the river corridor are the co-governance model for Maungakiekie, consistent with Treaty principles, and that Cornwall Park and Maungakiekie/One Tree Hill are sacrosanct, set aside for all New Zealanders to enjoy in perpetuity. The Cornwall Park Trust Board park land cannot be sold. The decision to use a portion of the original gift as endowment land to fund maintenance made Cornwall Park largely self-sufficient. However, government support was important from the start in the form of exemptions from gift duties and, later, from rates.

A change of government in 1912 meant the Cornwall Park Trust had to reallocate funding to the government which the trustees anticipated would be available to develop the park, when the Massey government broke its predecessor's promise to waive estate duty. This decision undermined the trustees' plans. To provide funds to develop the park, portions of the surrounding endowment lands were progressively subdivided into residential sections and leased long term to aspirant homeowners (as permitted under the 1908 trust deed). The subdivision and leasing occurred from the 1910s to the 1940s. It was always intended that the endowment lands would be leased to provide income to fund the park.

The leases created another round of problems a century later when long-term ground rents came up for renewal after a period of soaring increases in property values in Auckland. This case shows how long-term leases have fish hooks.

Under the 1908 trust deed the Cornwall Park endowment land could not be sold. Yet in the late 1970s and 1980s the Trust Board, faced with a fixed income from the residential leases in a period of high inflation and high interest rates, sold some endowment land to achieve a better investment return to fund park development and maintenance. It obtained a High Court-sanctioned variation of the trust deed to allow this to happen. There is a small risk that future trustees might consider selling more endowment land during an economic crisis, in which case the only public recourse would be to government

*Cornwall Park and Maungakiekie/One Tree Hill Domain. Map adapted from R. C. J. Stone, The Father and his Gift: John Logan Campbell's Later Years, Auckland: Auckland University Press, 1987, p. 254.*



to block such a move. Even for this privately-endowed park, state support has proved imperative to its sustainability.

### Sources

The Auckland Council Tūpuna Maunga Integrated Management Plan, Part 3 is available on the Auckland Council website at: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)

The Cornwall Park website is at: [www.cornwallpark.co.nz](http://www.cornwallpark.co.nz)

The various pieces of legislation referred to are available at: [www.legislation.govt.nz](http://www.legislation.govt.nz)

The Ngāti Whātua o Ōrākei Deed of Settlement 2011 is at: [www.govt.nz/dmsdocument/5706-Ngati-Whatua-Orakei-Deed-of-Settlement-5-Nov-2011.pdf](http://www.govt.nz/dmsdocument/5706-Ngati-Whatua-Orakei-Deed-of-Settlement-5-Nov-2011.pdf)

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R. C. J. Stone, *The Father and his Gift: John Logan Campbell's Later Years*, Auckland: Auckland University Press, 1987.

# 12 The Centennial Park and Moore Park Trust, Sydney

By: Rob Kerr



## Key details

The Centennial Park and Moore Park Trust is a New South Wales government agency constituted under the Centennial Park and Moore Park Trust Act 1983 to own and manage Sydney's Centennial Parklands. The parklands cover about 360 hectares and are located 5 kilometres south-east of the central business district. Today, the Parklands provide for a wide range of sports and recreation activities and ecosystem services, and their facilities are integral to urban life in Sydney.

## Context

Centennial Parklands are one of Australia's best-known parklands, and one of its most historic. Originally a swampy river basin with raised sandstone areas and sand dune formations, the land has evolved to become a highly modified cultural landscape. In 1811, Governor Macquarie dedicated the land as part of the Sydney Common and it was used for grazing, lime burning and timber production. Today, Centennial Parklands covers Centennial Park, Queens Park and Moore Park (including the former showground lands now known as the Entertainment Precinct which contains the Sydney Cricket Ground). They provide a vital green space for sports, recreational activities, entertainment, cultural events, environmental and historical education, wildlife habitat and protection of native vegetation.

Centennial Parklands is owned and governed by the Centennial Park and Moore Park Trust (the Trust) constituted under the Centennial Park and Moore Park Trust Act 1983 (the Act). It reports to the New South Wales Minister of Environment and is supported by a Community Consultation Committee.

Under section 8 of the Act, the principal objects of the Trust are: to maintain and improve the Trust lands; to encourage the use and enjoyment of the Trust lands by the public by promoting and increasing the recreational, historical, scientific, educational, cultural and environmental value of those lands; to maintain the right of the public to the use of the Trust lands; to ensure the protection of the environment within the Trust lands, and such other objects, consistent with the functions of the Trust in relation to the Trust lands, as the Trust considers appropriate.

## Governance and management

Centennial Parklands is owned in fee simple by the Trust. Under the Act, the Trust comprises seven trustees appointed by the Governor of New South Wales on the recommendation of the Minister of Environment, and one trustee appointed by the Governor on the recommendation of a majority of the members of the Community Consultative Committee established under section 7A of the Act.

The Trust is required to prepare a 'plan of management' to provide a more detailed direction for the current and future management of the Parklands. The Trust determines its corporate direction and strategies under the guidance of the plan of management, and its five-year rolling strategic plans set the annual performance targets that guide day-to-day operations. The performance against these plans is reported in the Trust's annual reports, which are tabled in the New South Wales parliament.

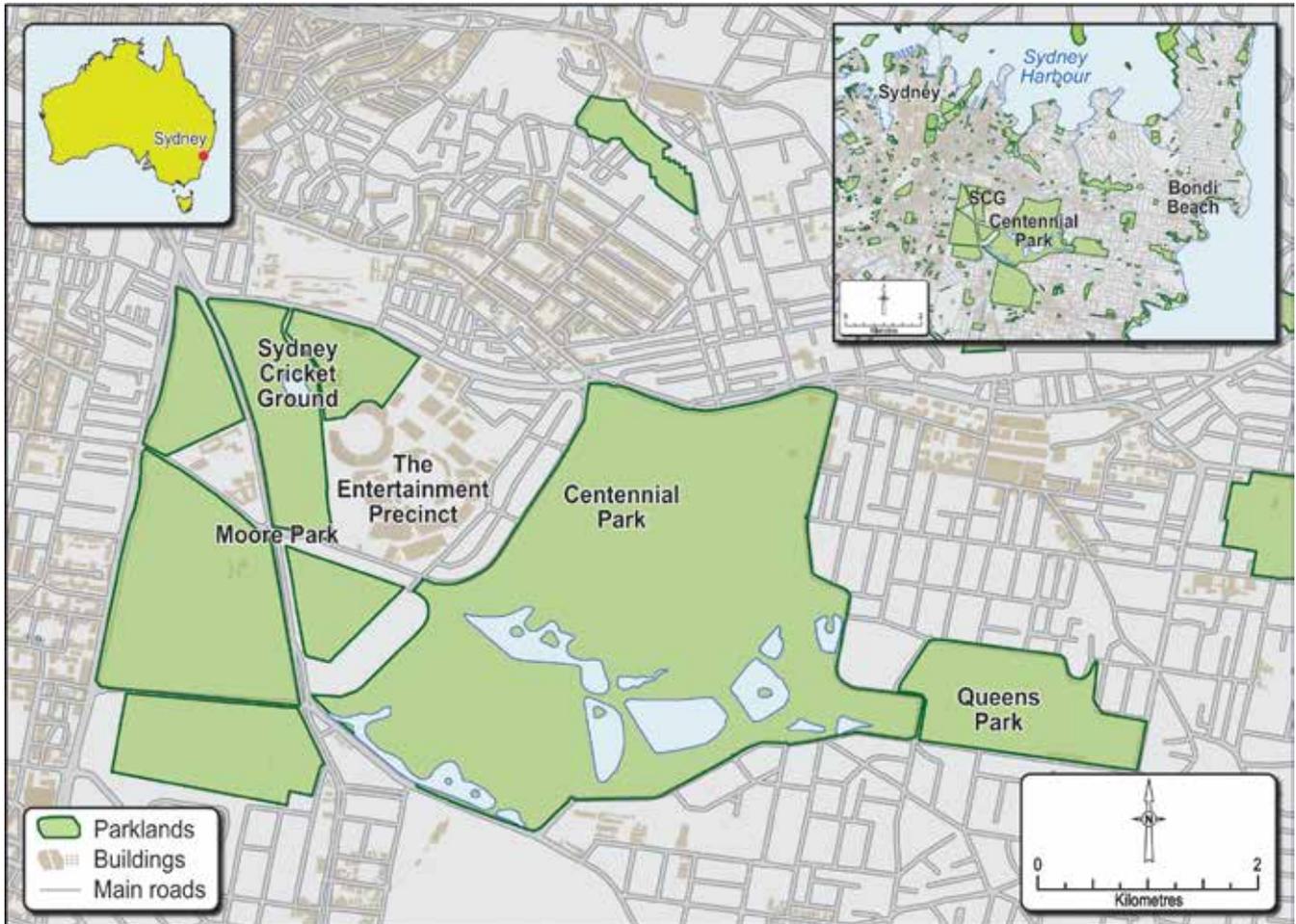
The Centennial Parklands' Community Consultative Committee is an advisory body whose role is outlined in the Act to represent a broad range of community interests to the Trust. Its terms of reference and functions are detailed in the Centennial Park and Moore Park Trust Regulation 2014. It is instrumental in providing a forum for communication, input and relationship building between the Trust and the Parklands' many stakeholders.

## Funding

Since 2014 the Trust has self-funded operating expenditure from revenue from leases and other sources of income by users of the land, with capital public projects supported by State Government grants, retained earnings and benevolent funds.

## Insights for the Ōtākaro Avon River Corridor

Centennial Parklands could be considered Sydney's equivalent to Hagley Park. Although with a larger scale and broader set of outcomes, it is a very useful comparative case study for the Ōtākaro Avon River Corridor and its governance structure provides some precedents for the options that could be considered for the river corridor. The Trust's role and mandate is established under legislation, with clear and unambiguous public good objectives. It operates with the oversight of state government, through the Plan of Management, Business Case Funding applications and appointment of Trustees. The Trustees and management are selected to have capacity and capability to balance public good and financial prudence.



The Trust is able to work in a more agile and commercial way than government would be able to do and has significant commercial relationships that range from the Sydney Cricket Ground, golf course, café concessions to leases of sports fields, and has been successful in raising the standard of maintenance of the Parklands, as well as eliminating the maintenance cost to the public. As a result, maintenance and management of this major public asset is now financially sustainable.

It presents a model that could be directly applied to the OARC as a way to balance financial constraints while delivering social benefits in a way which is accountable to the public.

## Sources

The Centennial Parklands website is at: [www.centennialparklands.com.au/about-us](http://www.centennialparklands.com.au/about-us)  
 The Centennial Park and Moore Park Trust Act 1983 is available at: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

The Community Consultative Committee is described at: [www.centennialparklands.com.au/About-us/Community-Consultative-Committee](http://www.centennialparklands.com.au/About-us/Community-Consultative-Committee)

The Plan of Management is at: [www.centennialparklands.com.au/getmedia/1d8e3134-c077-40a6-8dbf-f12d4b4c5efa/Centennial-Parklands\\_Plan-of-Management\\_Final-July-2018.pdf.aspx](http://www.centennialparklands.com.au/getmedia/1d8e3134-c077-40a6-8dbf-f12d4b4c5efa/Centennial-Parklands_Plan-of-Management_Final-July-2018.pdf.aspx)

*Left: Photo by Wyp at at the English Wikipedia, CC BY-SA 3.0, <https://commons.wikimedia.org/w/index.php?curid=6494041>  
 Above: Centennial Parklands, Sydney. Map adapted from Centennial Parklands, at [www.centennialparklands.com.au/visit/maps#](http://www.centennialparklands.com.au/visit/maps#)*

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