OIAD-1644

February 3, 2022

Marc Smith

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Tēnā koe Marc

Thank you for your Official Information Act request to the Department of Conservation, received on 28 November 2021 in which you asked for:

*1. All meeting agendas and meeting minutes of the Te Urewera Board from 1 January 2018 to date. If DOC does not hold these, please transfer this part of the request to the appropriate agency.*

*2. Internal documents or notes that discuss the fact that the Te Urewera Board or the Tūhoe people have not accessed funding available to them to maintain Te Urewera*

*3. An electronic copy of the statutory, contractual or otherwise legal basis on which the Te Urewera Board or the Tūhoe people have denied DOC staff access into Te Urewera to do maintenance work*

*4. An electronic copy of the statutory, contractual or otherwise legal basis on which the Te Urewera Board or the Tūhoe people have closed Lake Waikaremoana to the public, inhibited boat owners to access their boats, and restricted access to the public to Te Urewera as a whole*

*5. An electronic copy of internal DOC documents that assess our outline whether the Te Urewera Board or the Tūhoe people have breached their statutory, contractual or otherwise legal obligations in blocking public access to Lake Waikaremoana and Te Urewera as a whole.*

On December 10 questions 1, 3 and 4 were transferred to the Te Urewera Board as it was deemed the best organisation to answer those particular questions.

On December 20 we extended your request to February 4, 2022 due to the consultation necessary to complete the request

Your questions and our responses are listed below:

1. (Question 2) *Internal documents or notes that discuss the fact that the Te Urewera Board or the Tūhoe people have not accessed funding available to them to maintain Te Urewera*
   * We have completed an extensive search of documents and notes and do not believe there is anything that meets your criteria.
   * However, just to provide some additional context for you, I have provided the following information on funding for Te Urewera:

The table below sets out the funding provided to support the management of Te Urewera.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Funding source** | |  |  |  | **1 April to 31 March funding years** | | | |
|  |  |  |  |  | **2017-18** | **2018-19** | **2019-20** | **2020-21** |
| Operational Funding Envelope (OFE) | | | |  | $ 2,100,000 | $ 2,100,000 | $ 2,100,000 | $ 2,150,000 |
| Less operational costs paid by DOC | | |  |  | $ 824,815 | $ 356,817 | $ 378,748 | $ 400,551 |
| Cash grant to TUT from the OFE | | |  |  | $ 1,275,185 | $ 1,743,183 | $ 1,721,252 | $ 1,749,449 |
| Manuhiri margin (MM) cash grant to TUT | | | |  | $ 233,402 | $ 158,663 | $ 260,780 | $ 331,095 |
|  |  |  |  |  |  |  |  |  |
| Total base funding (OFE +MM) | | |  |  | $ 2,333,402 | $ 2,258,663 | $ 2,360,780 | $ 2,481,095 |
| Total cash grant payments to TUT | | | |  | $ 1,508,587 | $ 1,901,846 | $ 1,982,032 | $ 2,080,544 |

*Notes regarding the above table.*

1. *DOC’s core funding for operations in Te Urewera is the ‘OFE’ – Operational Funding Envelope. plus the money from the ‘Manuhiri Margin’*
2. *Manuhiri margin is the difference after the DOC costs of running the Waikaremoana Holiday Park are deducted from the incomes from the Waikaremoana Great Walk and the Holiday Park.*

* A comparable view for 2020-21 is not currently available, however in December 2021 the Department gave a grant of $1.5M to support Te Urewera operations undertaken by Te Uru Taumatua.
* Other funding over the years has included $702,000 on assets refurbishment works in Te Urewera (e.g. stoves in huts); $198,000 in capital works in Te Urewera (e.g. on re-routes of tracks, rebuilds of board walks and renewal of the water collection system at Panekiri hut,); staff secondments, expertise such as Engineers and Inspectors, and $35k p.a. for roading to match the NZTA contribution (partially utilised).

1. (Question 5) *An electronic copy of internal DOC documents that assess our outline whether the Te Urewera Board or the Tūhoe people have breached their statutory, contractual or otherwise legal obligations in blocking public access to Lake Waikaremoana and Te Urewera as a whole*.
   * The Department has received advice regarding the lake lease. This information is legally privileged and is withheld under section 9(2)(h) of the OIA, however we can provide some additional context for you.

* The Crown leases the lakebed of Lake Waikaremoana under a lease arrangement established by the Lake Waikaremoana Act 1971 from the Wairoa-Waikaremoana Māori Trust Board and the Tūhoe Charitable Trust Board.
* Lake Waikaremoana is not a part of Te Urewera for the purposes of the settlement with Tūhoe. But the ongoing validity of the lease (referred to above) is disputed.
* The lease was due for renewal on 31 June 2017 with a right of renewal for fifty years subject to the same covenants and conditions provided by the lease if the terms of the lease had been faithfully complied with.
* We are working to agree a process for resolving the legality of the lease.
* A copy of the lease agreement is available publicly as a section of the Lake Waikaremoana Act, and Te Urewera National Park Bylaws 2006 also apply to activities on Lake Waikaremoana.

In making my decision, I have considered the public interest considerations in section 9(1) of the Official Information Act and determined there are no public interests which outweigh the grounds for withholding.

You are entitled to seek an investigation and review of my decision by writing to an Ombudsman as provided by section 28(3) of the Official Information Act

Please note that this letter (with your personal details removed) and enclosed documents may be published on the Department’s website.

Nāku noa, nā

Henry Weston

Chief Advisor Conservation

Department of Conservation

*Te Papa Atawhai*