

"He toa taki tini taku toa, E hara i te toa taki tahi" "My strength will only be achieved Because of the efforts of us all."

Rātū 15 Whiringa-ā-rangi 2016

Council Chambers, Rimu Road, Paraparaumu 10.00 am

Committee Membership:

Rupene Waaka (Ngā Hapū o Ōtaki) **(Chair)**Ann-Maree Ellison (Te Āti Awa ki Whakarongotai –
Charitable Trust)

Carol Reihana (Ngāti Toa Rangatira) Leana Barriball (Ngāti Toa Rangatira)

Mayor K Gurunathan (Kāpiti Coast District Council)

Mahinarangi Hakaraia (Ngā Hapū o Ōtaki) Cherie Seamark (Te Āti Awa ki Whakarongotai – Charitable Trust)

Hohepa Potini (Ngāti Toa Rangatira)

Cr James Cootes (Kāpiti Coast District Council)

ITEM		ORDER PAPER (*denotes paper attached)	PAGE	
1		Karakia		
2		Apologies		
3		Welcome to Mayor Gurunathan and Cr James Cootes		
4		Public Speaking Time		
5		Additional agenda items		
Governance matters				
6		Appointment of Chair of Te Whakaminenga o Kāpiti for 2016-2019		
7		Confirmation of tāngata whenua membership 2016-2019		
8		Presentation: Confirmed Council committee structure – Pat Dougherty		
9		Presentation: Iwi/Māori appointees on Council decision-making bodies		
10	*	Review of the Memorandum of Partnership	3	
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12		Presentation: Annual Plan process		

	ORDER PAPER (*	denotes paper attached)	PAGE		
ITEM	ONDER PAREN	acrosco paper accaonea)	, AGE		
<u>Updates / Other Matters</u>					
13	Meeting dates 2017 for confirmate 24 January, 14 March, 2 May, 13 5 December	tion: (Tuesdays at 10.00 am): 3 June, 1 August, 12 September, 24 October,			
14	Citizenship ceremony November				
15	Waitangi Day 2017				
16	lwi updates				
17	Treaty Settlements – overview fr	om each iwi			
18	Council update				
19	Correspondence				
20	Other Business				



MEMORANDUM OF PARTNERSHIP

between

TE RÜNANGA O TOA RANGATIRA INC

ĀTI AWA KI WHAKARONGOTAI CHARITABLE TRUST

NGĀ HAPŪ O ŌTAKI

and

KĀPITI COAST DISTRICT COUNCIL

signed on

6 FEBRUARY 2015

MEMORANDUM OF PARTNERSHIP1

BETWEEN

THE KĀPITI COAST DISTRICT COUNCIL

AND

ĀTI AWA KI WHAKARONGOTAI, NGĀTI RAUKAWA KI TE

TONGA ME NGĀ HAPŪ O ŌTAKI ,NGĀTI TOA

RANGATIRA, NGĀTI HAUMIA (being the tāngata whenua of

the Kāpiti Coast District).

PREAMBLE

The Council and the tāngata whenua believe the Treaty of Waitangi to be a solemn compact between the Crown and the Māori people.

- The Treaty signifies a partnership and its principles require the Treaty partners to act towards each other reasonably and with the utmost good faith.
- The Council recognises Ngāti Toa Rangatira, Ngāti Haumia, Āti Awa ki Whakarongotai and Ngāti Raukawa ki Otaki, as well as their whānau/hapū, as the tāngata whenua of the District.
- The Council and the tangata whenua are committed to building their relationship in a spirit of friendship and co-operation.
- The Council accepts the need to understand the historical perspective of the tangata whenua and, similarly, the tangata whenua will appreciate the perspective of the other Treaty partner. To achieve partnership both parties may need to make adjustments. Continuing consultation and education is seen as the best way to do this.

PARTIES TO THE MEMORANDUM

- The Kāpiti Coast District Council is represented by its elected Council.
- 7 The tangata whenua of the District are at present represented by the iwi authorities listed at Appendix 1.
- 8 Each party, and where appropriate, its constituent hapū will decide how its representatives are elected.
- Each partner to this agreement elects two delegates to represent them, and either may attend, providing that at least one delegate is present at a scheduled Te Whakaminenga o Kāpiti meeting. Should named delegates be unable to be present, an observer may attend who can report back to their constituent branches.

¹ The Memorandum of Partnership was first signed in 1994, reviewed and re-signed in 2012, and reviewed again in 2014.

Tribal Authorities and Geographical Boundaries

- The Council recognises that Ngāti Toa Rangatira, Ngāti Haumia, Āti Awa ki Whakarongotai, and Ngati Raukawa ki Ōtaki each maintain their own mana within the Council's geographic boundaries.
- The parties acknowledge that this Memorandum has application only to those hapū whose boundaries lie within the Council's district.

Status of the Tangata whenua

The Council recognises the special status of the tāngata whenua as separate and distinct from other interest groups. The Council recognises the need for active protection of tāngata whenua interests to be considered in its dealings with other parties.

GOAL

To forge a relationship of mutual benefit between the Kāpiti Coast District Council and the tāngata whenua that will develop into an effective and meaningful partnership.

OBJECTIVES

- To develop consultation between the Council and the tangata whenua on issues that impact on the social, environmental, economic and cultural interests and development of each partner.
- To develop candid and open sharing of information between the Council and the tangata whenua. Care needs to be taken when using such information and its sources should always be acknowledged.
- To develop a mutual respect for confidences given so that confidential information can be shared. Both Council and tangata whenua need to have due regard to the sensitive nature of that information.
- To develop a mutual respect between the Council and the tangata whenua at all times, particularly in public statements and even when disagreement is apparent.
- To develop a mutual commitment to the progress of the Kāpiti Coast District with particular regard to the environment. The Council and the tāngata whenua will each play their part in a bicultural partnership.
- To develop opportunities within the limitations of Council's powers and functions that enable the tangata whenua, as a Treaty partner, to share in the decision-making of the district.
- To develop an ongoing programme of information sharing and mutual education to promote greater understanding of cross cultural values and practices.

STATEMENT OF PRINCIPLES

- In developing the partnership with the tangata whenua and in observing its functions and duties as prescribed in legislation, the Council will uphold the following principles:
 - To actively promote the sustainable management of the District's natural and physical resources and those taonga of significance to the tāngata whenua, in a way that recognises the cultural and spiritual relationship of the tāngata whenua with the natural world.
 - ii) To develop an effective partnership with the tangata whenua in the management of the district's natural and physical resources by the exercise of the utmost good faith, co-operation, flexibility and responsiveness in their dealings with each other.
 - iii) To promote active participation of the tāngata whenua in the preparation, implementation and review of resource management policies and plans.
 - iv) To have particular regard to the rights of the tangata whenua in the management and development of resources by recognising and providing for kaitiakitanga.
 - v) To recognise the Rangatiratanga right of the tangata whenua as guaranteed in Article II of the Treaty of Waitangi, to retain responsibility and control of the management and allocation of their resources.

CONSULTATION

Policy/Tikanga

- The tangata whenua of this District are independent tribes which each maintain their own mana and tikanga. For any issue requiring consultation the parties will agree whether the consultation should take place collectively or separately. Council will consult with iwi / hapū through their appropriately mandated representatives for any contractual arrangements.
- Each party will determine how they will communicate with their hapū/constituents on Te Whakaminenga o Kāpiti matters.
- When Council works on specific issues within a particular rohe, it will where appropriate work with iwi within those areas as listed at Appendix 1.

Community Board

The parties note that Community Boards may be involved in consultation with tangata whenua in their areas.

Mātā waka

- The Council and tāngata whenua acknowledge that there is the potential for mātā waka groups to emerge within the Kāpiti Coast.
- Tāngata whenua may extend invitations to mātā waka to attend meetings with Te Whakaminenga o Kāpiti to discuss matters of concern to all Māori within the district. In extending this invitation, the following principles will apply;
 - i) the mana of tāngata whenua in relation to kaitiakitanga remains;
 - ii) [any person representing a] mātā waka [group] must be able to demonstrate that their organisation has a clear formal structure, including processes of accountability;
 - the mātā waka are focused on building positive partnerships, cooperation and support for the wider good of the community.

Principles of Consultation

- On issues requiring consultation Council will:
 - i) provide sufficient information to the tangata whenua so that they can make informed decisions;
 - ii) provide reasonable time for both the participation of the tangata whenua and the consideration of the advice given;
 - iii) give genuine consideration of that advice, including a willingness to change if that is the result of the consultation.

Protection of Sensitive Information

- From time to time tangata whenua may provide Council with sensitive and confidential information, e.g. concerning waahi tapu or other sites of significance, or aspects of tikanga Māori.
 - (i) The Council will undertake to protect such information in its care and restrict access to it, including access to GIS information, subject to its obligations under the Local Government Information and Meetings Act 1987, Resource Management Act 1991 and the Local Government Act 2002".
 - ii) The Council will give due respect and recognition to "silent files" or plans held by tāngata whenua.
 - iii) Tāngata whenua will undertake to protect any sensitive or confidential information that Council may give to them.

RESOURCING

- The Council and tāngata whenua recognise that in fulfilling its statutory duties, the Council will require assistance and information from the tāngata Whenua.
- Where such assistance and information is required, the Council acknowledges that the tangata whenua will need to be adequately resourced and where appropriate, for such resources to be provided for through contractual arrangements. The Council recognises the importance of providing for this in its annual estimates, including consideration of the capacity of tangata whenua to engage effectively.
- The Council and tāngata whenua acknowledge that resourcing may include not only financial support, but also the provision of particular advice, expertise, information and access to technical resources such as Geographic Information System (GIS) and Geographic Positioning Systems (GPS).

COUNCIL'S STATUTORY RESPONSIBILITIES

- The parties acknowledge that:
 - i) the Council is bound by legislation which prescribes its powers and functions, and by common law principles relating to the exercise of its statutory powers and functions;
 - the contents of this memorandum shall not require the Council to act otherwise than in accordance with its statutory powers and the common law principles affecting those powers;
 - iii) Te Whakaminenga o Kāpiti recognises the additional responsibilities of Council under the Local Government Act 2002 and the Resource Management Act 1991 as further opportunities to engage effectively.

ONGOING CONSULTATION

- To encourage sharing at a formal level, both the tangata whenua and the Council are committed to meeting at least six times a year to discuss issues of mutual importance, indicate areas of concern and revise procedures as necessary.
- There will be provision for additional meetings to be held at the request of either the tangata whenua or the Council.

REVIEW OF MEMORANDUM

This memorandum will be reviewed within the first six months of every triennium of the Council or at such time as may be requested by either of the parties. It may be amended or expanded by mutual agreement.

TERMS OF AGREEMENT

It is the intention of the parties that this memorandum has a continuing life, subject to such amendments as may be agreed to under the review provisions made in the previous clause.

GLOSSARY

Hapū Sub-tribe, usually a number of whānau with a common

ancestor

Iwi Tribe and people

Kaitiakitanga Exercise of guardianship, stewardship

Mana Prestige, authority, control, power and influence

Mana whenua Customary authority exercised by an iwi or hapū in an

identified area

Mātā waka Kinship group, tribe, clan, race

Rohe Territory, boundary: defines area within which a tangata

whenua group claims traditional association and mana whenua

Tāngata whenua Iwi or hapū which holds mana whenua over a particular area

Taonga Term of deep spiritual meaning; treasures, sacred possessions

which are prized and protected; not limited to things which can

be seen or touched

Tikanga Tradition, customary values and practices, including protocol,

ceremony, values and beliefs

Whānau An extended family including the nuclear family

The Common Seal of Āti Awa ki Whakarongotai Charitable Trust was affixed hereto in the presence of:

The Common Seal

of

TE ATIAWA KI

WHAKARONGOTAI

CHARITABLE

TRUST BOARD

The Common Seal of Te Rūnanga o Toa Rangatira Inc was affixed hereto in the presence of:

THE Common Seed OF MAN OF SHE

[Ngāti Haumia]

The Common Seal of Ngā Hapū o Ōtaki was affixed hereto in the presence of:



The Common Seal of Kāpiti Coast District Council was affixed hereto in the presence of:

TRUST BOARD

The Common Seal of

Mayor

Chief Executive

Councillor



Appendix 1

List of iwi authorities recognised as party to the Memorandum of Partnership 2015

- Āti Awa is represented by Āti Awa ki Whakarongotai Charitable Trust
- Ngāti Raukawa ki te Otaki (Ngā Hapū o Ōtaki) is represented by Ngāti Pare, Ngāti Maiotaki, Ngāti Huia, Ngāti Koroki and Ngāti Kapumanawawhiti, the five (5) resident Raukawa hapū within the Kāpiti Coast District.
- Ngāti Toa Rangatira is represented by Te Rūnanga o Toa Rangatira Inc and by Ngāti Haumia.

TE WHAKAMINENGA O KĀPITI

TERMS OF REFERENCE AND MEETING PROTOCOL

- 1. This document is a guide to the protocols around the operations of Te Whakaminenga o Kāpiti with regard to its key functions, membership provisions and the conduct of its meetings.
- Purpose and scope of this document
- 2. This document will be reviewed at the beginning of every Triennium, or at the request of a majority of members. Any changes to the protocol require a majority vote.

Review of TOR

3. All members will abide by the terms of this protocol.

Members to abide by

4. Te Whakaminenga o Kāpiti is the independent partnership forum between Tāngata Whenua and the Kāpiti Coast District Council and operates in accordance with the principles and objectives of the Memorandum of Partnership. The specific objectives are:

Purpose and scope of Te Whakaminenga o Kāpiti

- a) To provide a forum for the exchange of views on issues that impact on the social, environmental, economic and cultural wellbeing of the Tāngata Whenua;
- b) To assist iwi and hapū participation in resource management and other issues;
- c) To assist Council in understanding its responsibilities under the Treaty of Waitangi and legislation relating to Māori interests, values and Treaty settlements;
- d) To provide advice and assistance to Council with regard to tikanga Māori and kaitiakitanga;
- e) To facilitate Council contact with iwi, hapū and whānau as required;
- f) To facilitate education and information exchange between Tāngata Whenua and Council;
- g) For Tāngata Whenua to provide advice and/or recommendations to Council on policies and plans;
- For Council to provide advice and/or recommendations to Tāngata Whenua on policies and plans;
- To review the Memorandum of Partnership at least once every Triennium or as requested by a majority of members;
- j) To review the effectiveness of Council's plans and policies;

- k) To appoint and delegate appropriate powers to Working Parties to address specific work areas;
- To discuss, formulate, implement and evaluate the priorities within the Strategic Workplan of Te Whakaminenga o Kāpiti Strategic.
- 5. Te Whakaminenga o Kāpiti comprises representatives of the three iwi whose rohe extend across the District, and elected representatives of Council.

6. The iwi are Ngāti Toa Rangatira, Te Āti Awa ki Whakarongotai, and Ngā Hapū o Ōtaki, and each iwi will be represented by two members each.

The Kāpiti Coast District Council will be represented by the Mayor and a Councillor.

- 7. Iwi will advise in writing their nominated representatives (including alternates) at the beginning of each Triennium. (This means three names per iwi will be required). Council will appoint its representatives at the beginning of each Triennium. The confirmed list of members will be found at Appendix 1 of this document and will be updated as required.
- 8. Members will continue in their role for three years ie one Triennium. If for any reason an iwi member cannot continue in the role, their iwi or hapū will advise of a replacement as soon as practicable. If an elected member cannot continue in the role for any reason Council shall appoint a new member at its next available meeting.
- 9. Members have the following powers, duties and responsibilities:
 - a) The right to attend meetings;
 - b) The right to speak and vote at meetings;
 - c) The right to propose additional items on the agenda;
 - d) The right to nominate an alternate to attend meeting(s) if they are unable to attend;
 - e) (for iwi) the duty to communicate the business of meetings back to their whānau and hapū groups as appropriate;
 - f) (for Council) the duty to communicate the business of meetings back to Council as appropriate;
 - g) the responsibility to approach the business of Te Whakaminenga o Kāpiti in a spirit of willing cooperation.

Membership

Appointment of members

Duration of membership

Members' role and responsibilities

10. Te Whakaminenga o Kāpiti will elect by majority vote one of its members as Chairperson at the beginning of each Triennium.

Chairmanship

11. In addition to the powers, duties and responsibilities listed above, the Chair has:

Chair's role and responsibilities

- a) The duty to preside over meetings of Te Whakaminenga o Kāpiti;
- b) The right to speak and vote at meetings (but no casting vote);
- c) The duty of helping draft the meeting agendas;
- d) The responsibility of managing the conduct of meetings with reference to this protocol, ensuring that the business of the meeting is undertaken efficiently, effectively and respectfully;
- e) The right to accept or refuse the requests of parties wishing to make a presentation to Te Whakaminenga o Kāpiti;
- f) The right to attend meetings of Council with speaking rights only.
- 12. On points of meeting protocol the Chair's ruling is final.

Chair's ruling final

13. On those occasions when the Chair is absent, members shall elect by majority vote, one of their number to fulfil the role of Chair for that meeting.

If Chair absent

14. Meetings of Te Whakaminenga o Kāpiti will be held under the following protocols:

Meetings

a) Meetings will occur every six weeks, with members confirming the meeting dates for the following year. Meeting dates may be varied with the agreement of members, and provided a quorum (minimum number needed to conduct voting) is maintained. **Frequency**

b) A quorum is at least one member of Council, together with one representative from two out of the three iwi. No business can be transacted (ie decisions made) at a meeting unless a quorum is present and maintained.

Quorum

 Additional meetings or workshops may be called at a request of any member in consultation with the Chair. **Additional meetings**

d) Meetings are open to the public and will be publicly advertised in local newspapers. Tāngata Whenua, mātāwaka, other Elected Members, Council staff and members of the public are welcome to attend, but may only speak during Public Speaking Time or as permitted by the Chair. Open to the public

e) Each meeting will feature an agenda item called Public Speaking Time in which non-members may address the meeting on any issue for a period of 5 minutes each, or longer as permitted by the Chair.

Public Speaking Time

f) Members may go into a closed session at the end of any meeting, or at any other time, as required, during which no members of the public may remain. **Closed sessions**

g) Meeting venues shall be at the Council Chambers in Rimu Road Paraparaumu unless otherwise advised. One meeting per year will be held at a marae as agreed by members. Venues

15. The Council's Democratic Services staff in consultation with the Council Iwi Relationship Manager, will be responsible for notification of meetings, venue booking, collating and delivery of meeting agendas, minuting of meetings, and distribution of draft minutes to members.

Meeting agendas

16. Meeting agendas will be drafted in consultation with the Chair and input from members and will be circulated to members in either hard copy or by email one week ahead of the meeting date. **Drafting agendas**

17. Agendas of public meetings will be publicly accessible on the Council's website ahead of the meeting.

Publicly accessible

18. An agenda will include a list of items to be discussed, the minutes of the previous meeting in draft form, and any supporting reports or documentation as required.

Format

19. Additional items may be added to the meeting agenda with the agreement of the Chair.

Additional items

20. Decisions made at meetings will be by majority vote.

Conduct of Meetings Equality of votes = status quo

21. If an equal number of votes for and against is cast the status quo will be maintained.

Voting

- 22. Voting will be managed by the Chair, by either voice or show of hands.
- 23. Any member may move a motion, provided another member agrees to second it. Once the motion is seconded it may be debated. The Chair will manage the order of speaking to the motion.

Motions

24. Any member may abstain from voting, and their abstention or vote recorded in the minutes at their request.

Abstentions

25. A record of each meeting shall be made and kept, detailing the time, date and place of the meeting, the name of the Chair, the names and titles of members, the list of public speakers and their topics, any additional agenda items, confirmation of the minutes of the previous meeting, a list of business considered and associated decisions made, any votes to be recorded, and the time the meeting finished.

Minutes of meetings

26. Any recommendations to Council will be communicated to the next available Council meeting via a formal report.

Recommendations to Council

27. Draft minutes will be circulated to the Chair and members for comment as to their correctness within one week of the meeting date. Once they are confirmed at the ensuing meeting they may be posted on the Council website.

Draft minutes

28. Iwi members shall communicate the business transacted at meetings in whatever way they see fit to their whānau and hapū groups.

Reporting

29. Once authenticated at the ensuing meeting the Chair will sign off the minutes.

Clearance

30. All minutes will be kept in minute books maintained by the Democratic Services Team.

Records kept

31. Te Whakaminenga o Kāpiti is funded through the Council's Long Term Plan and this funding is administered through a prioritised annual Work Plan developed on a collaborative basis by members. Regular reports on budget-related expenditure are provided to meetings.

Resourcing

32. In addition to support offered by the Council's lwi Relationships Manager and a senior manager will also be appointed by Council to support members and will attend meetings, along with the Council's Chief Executive.

33. Secretariat support will be provided by the Council's Democratic Services staff in the Corporate Services Group.

Secretariat

34. Iwi members of Te Whakaminenga o Kāpiti will be paid for each meeting they attend and reimbursed for mileage incurred in respect of the meeting. Remuneration will be coordinated through the Democratic Services Team upon receipt of a completed proforma.

lwi members' Remuneration

35. Te Whakaminenga o Kāpiti may convene and discharge such Working Parties as it considers necessary to advance the aims of the Group.

Delegations to Working Parties

36. The Working Party shall be subject in all things to the control of Te Whakaminenga o Kāpiti and report its findings on a regular basis.

37. Te Whakaminenga o Kāpiti may appoint to any Working Party any person who is not a member of Te Whakaminenga o Kāpiti if that person's knowledge, experience and skills can assist the work of the Working Party.

Membership

38. The minimum number of members of a Working Party will be three (3).

Minimum number

39. Te Whakaminenga o Kāpiti may appoint any member of a Working Party to be the Chair of that Working Party.

Chair of Working Party

Appendix 1

MEMBERSHIP OF TE WHAKAMINENGA O KĀPITI

2007-2010 Triennium

Mr Te Waari Carkeek Te Rūnanga o Raukawa (Chair)

Mr Rupene Waaka Te Rūnanga o Raukawa

Ms Jennie Smeaton Te Rūnanga o Toa Rangatira Inc Mr Graham Hastilow Te Rūnanga o Toa Rangatira Inc

Ms Carol Reihana Ngāti Toa (Ngāti Haumia)

Mr Jack Rikihana Te Rūnanga o Āti Awa ki Whakarongotai Inc

Mayor Jenny Rowan Kāpiti Coast District Council Councillor Hilary Wooding Kāpiti Coast District Council

2010-2013 Triennium

Mr Te Waari Carkeek Ngā Hapū o Ōtaki (Chair until June 2012) Mr Rupene Waaka Ngā Hapū o Ōtaki (Chair from June 2012)

Ms Jennie Smeaton Te Rūnanga o Toa Rangatira Inc

Ms Carol Reihana Ngāti Toa (Ngāti Haumia)

Mr Rawhiti Higgott Te Āti Awa ki Whakarongotai Charitable Trust

(until July 2013)

Ms Ann-Maree Bukholt Te Āti Awa ki Whakarongotai Charitable Trust

(from July 2013)

Mr Hemi Sundgren Te Āti Awa ki Whakarongotai Charitable Trust

(until September 2013)

Ms Cherie Seamark Te Āti Awa ki Whakarongotai Charitable Trust

(from September 2013)

Mayor Jenny Rowan Kāpiti Coast District Council

Councillor Hilary Wooding Kāpiti Coast

District Council

2013-2016 Triennium

Mr Rupene Waaka Ngā Hapū o Ōtaki (Chair)

Ms Mahinarangi Hakaraia Ngā Hapū o Ōtaki (from January 2014)
Ms Reina Solomon Te Rūnanga o Toa Rangatira (from March

2014)

Ms Jennie Smeaton Te Rūnanga o Toa Rangatira Inc (alternate

from March 2014)

Ms Carol Reihana Ngāti Toa (Ngāti Haumia)

Ms Ann-Maree Bukholt Te Āti Awa ki Whakarongotai Charitable Trust Ms Cherie Seamark Te Āti Awa ki Whakarongotai Charitable Trust

Mayor Ross Church Kāpiti Coast District Council Councillor Janet Holborow Kāpiti Coast District Council