

Mayor and Councillors  
**COUNCIL**

**30 SEPTEMBER 2010**

Meeting Status : Public

Purpose of Report: For Decision

## MEMORANDUM OF UNDERSTANDING WITH TE ĀTI AWA KI WHAKARONGOTAI IN RELATION TO WATER

### **PURPOSE OF REPORT**

1. The purpose of this report is to seek Council approval to sign a Memorandum of Understanding (MOU) proposed by the Water Working Party of Te Āti Awa ki Whakarongotai during consultation on the project to investigate options for the supply of water to Waikanae, Paraparaumu and Raumati.
2. This report outlines the contents of the draft MOU and seeks Council approval to enter into the MOU with Te Āti Awa ki Whakarongotai.

### **SIGNIFICANCE OF DECISION**

3. The Council's significance policy is not triggered.

### **BACKGROUND**

4. The objective of the Water Supply Project is to find a solution to secure sufficient potable water for Waikanae, Paraparaumu/Raumati for the next 50 years. The Long Term Council Community Plan (LTCCP) commits to having a solution in place by 2015.
5. As tāngata whenua of the in-catchment area of Waikanae, Paraparaumu and Raumati, Te Āti Awa ki Whakarongotai has been heavily involved with Council. The aim has been to establish a joint process for long term management of water with Council and iwi.
6. Discussions in the early part of the project led to iwi determining that a Water Working Party for Te Āti Awa ki Whakarongotai would represent them in initial and ongoing discussions on the water. Key functions of the Water Working Party were to:
  - gather information on behalf of the iwi with regards to the proposed options;
  - participate in discussions with Council on behalf of the iwi *and*
  - ensure that decisions reflect the cultural views of the whole of the iwi.
7. The Water Working Party advised the Council that an MOU should be signed confirming a commitment by the Council and iwi to work in partnership on water and management of water for the district.

## CONSIDERATIONS

### *Water Working Party*

8. The consultation programme for the Water Supply Project has been comprehensive and will continue as the project progresses as required under the RMA.
9. Water itself has been widely consulted on with the general community over many years. Te Āti Awa ki Whakarongotai has been part of these previous discussions. These discussions have identified a number of cultural values. Discussions through the Water Supply Project have confirmed that these values remain key to the way in which Te Āti Awa ki Whakarongotai view their responsibility as kaitiaki of the water.
10. As a result of ongoing discussions with Te Āti Awa ki Whakarongotai, the Council was advised that the best way to progress discussions on water was for iwi to establish a Water Working Party. The process for establishing the Water Working Party was as follows:
  - Discussions with chairs for each iwi structure within Te Āti Awa ki Whakarongotai.
  - Through these discussions the Chair of the Charitable Trust referred the Council to the Kaumātua Committee. (It is through the Charitable Trust that Council has signed the Memorandum of Partnership.)
  - The Kaumātua Committee recognised the need to establish a working party that would provide tānagata whenua with the opportunity to participate as kaitiaki in the process of determining the future water supply for Waikanae, Paraparaumu and Raumati.
  - Three members were identified for the working party and have been supported to represent the iwi in discussions. These members were the key link between the Council and Te Āti Awa ki Whakarongotai pertaining to water; any decisions that were required were taken by this working party back to the iwi for discussion and a decision on how to progress forward.
  - All Chairs for each mandated iwi group were in agreement to support the Water Working Party. The mandated organisations are: the Kaumātua Committee; Charitable Trust; Runanga and Marae Committee. This is evidenced through their attendance and participation at the Council meeting on 19 August 2010 where the Council confirmed River Recharge with Groundwater as the top ranked and the Maungakotukutuku Dam as the second ranked water supply option for the Waikanae/ Paraparaumu/ Raumati catchment.
11. At the same meeting the Council resolved *“That a Cultural Impact assessment be commissioned from local Iwi relating to both preferred options.”*

12. It is expected that Te Āti Awa ki Whakarongotai will commission a Cultural Impact Assessment following the signing of the MOU. It is intended to have this completed before resource consent application is lodged mid 2011.

*Memorandum of Understanding*

13. The purpose of the Memorandum of Understanding is to provide a mechanism for the Council to develop an effective partnership with Te Āti Awa ki Whakarongotai in the management of the district's water resources. This will be through exercising the utmost good faith, co-operation, flexibility and responsiveness in their dealings with each other.
14. Māori have consistently indicated the following reasons for seeking recognition of cultural values and practices in relation to the management of the environment:
- The conviction that their cultural practices have a very strong environmental basis and could enhance the Council management;
  - An obligation, as kaitiaki, to protect the natural world;
  - The belief that spirituality is integral to the connection between Māori culture and tradition with the environment.<sup>1</sup>
15. Leadership Statements in the 2009 Long Term Council Community Plan confirm an 'absolute commitment' to the partnership with Te Whakaminenga o Kāpiti, but also where required, Council will also develop direct partnerships with iwi and hapū on matters relevant to their role as kaitiaki.
16. In this same document, tāngata whenua have clearly identified that water is a valuable and natural resource and that there is a strong desire for tāngata whenua to be involved with the application of management arrangements for this precious resource.
17. The Council has formally adopted a series of 'bottom-line' statements in its strategy 'Water Matters: Sustainable Water Use Management'. These are:
- *hapū and iwi have a role in water management as kaitiaki of the environment. This kaitiaki responsibility is paralleled by a role of care or manaakitanga towards the wider community. How these roles unfold in relation to water will be a matter for discussion between hapū, iwi and Council over time' (p.15).*
  - *from the perspectives of Ngāti Raukawa, Te Ātiawa and Ngāti Toa, protection of the mauri of the waterways is a significant concern. This concern encompasses but is not confined to, issues of ecosystem health and potential harm to spiritual kaitiaki that protect the waterways. (p.16)*
  - *Council recognises that hapū and iwi have kaitiaki responsibilities that include:*
    - *consideration of the impact of water management systems on waterways;*
    - *concern to ensure the wider community is adequately service a safe supply of water.*

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<sup>1</sup> Page 4, ERMA New Zealand Policy Series. Incorporating Māori perspectives in Part V Decision Making; November 2004.

- *Council wishes to pursue a partnership approach with iwi in water management issues. To that end it will seek to explore the following with iwi:*
  - *the way in which hapū and iwi kaitiaki responsibilities and Council water management responsibilities can mutually support and complement each other to achieve the best possible water management for the District;*

18. The MOU represents a framework for both the Council and Te Āti Awa ki Whakarongotai to resolve issues of importance to Te Āti Awa ki Whakarongotai and the individuals and groups they represent in a manner that provides for the protection of significant cultural values pertaining to water.

19. Internal discussions with water asset and operational managers have confirmed the MOU as positive way to work with iwi on the management of water.

#### *Summary of Draft Memorandum of Understanding*

20. The draft MOU:

- Outlines the guiding principles which will underpin the partnership an understanding between the Council and the Te Whakaminenga o Kāpiti;
- Sets out principles to help ensure positive communication and working relationships are achievable;
- Will provide a mechanism to progress the development of a Cultural Impact Assessment of the two top ranked options for the Water Supply Project.

21. Other benefits of this MOU include the following:

- The MOU will strengthen ties between local tāngata whenua and the Council, in relation to this project and any future engagement, promoting cultural wellbeing;
- Te Āti Awa ki Whakarongotai are considered to be appropriate kaitiaki of the water within the Waikanae, Paraparaumu and Raumati area. Inclusion of Te Āti Awa ki Whakarongotai in the kaitiaki of the water promotes cultural wellbeing now and into the future;
- Similarly, agreeing a process by which Te Āti Awa ki Whakarongotai and the Council engage with the kaitiaki of the water contributes to the ongoing social and cultural wellbeing of the iwi within the community.
- The LTCCP recognises the Council's role in supporting tāngata whenua to achieve their objectives in cultural health, social wellbeing and the environment, and the MOU gives tangible effect to this.

#### Financial Considerations

22. Costs relating to the cultural impact assessment of water supply options are included within the Water Supply Project.

## Legal Considerations

23. The MOU represents an agreement between the Council and Te Āti Awa ki Whakarongotai. Both parties will be entering into the MOU with a high level of good will and acceptance.

## Delegation

24. The Council has the delegation to consider this matter under Section A.2 of the Governance Structure 2007-2010:

*The Council has the overall oversight of, and responsibility for setting the Council Strategic Direction.*

*This includes the:*

*1. Development of the Community Plan (LTCCP) and associated processes, strategies and high-level policies including:*

- ...
- *High-level partnership frameworks, processes and relationships. The Council will develop frameworks for central Government / iwi / community partnerships in accordance with and community plan projects;*

## Consultation

25. Consultation on the project has been extensive, specific activities to establish the Water Working Party are discussed earlier in this report. No further consultation is required for this decision.

## Policy Implications

26. For Māori, the exercise of tikanga over natural resources is clearly bound to kaitiakitanga. Kaitiakitanga means guardianship, protection, preservation or sheltering. Kaitiakitanga is the managing of the environment, based on the traditional Māori world view.
27. Signing the MOU is a demonstration of the Council's ongoing commitment to a partnership with tāngata whenua.
28. Partnership with tāngata whenua is clearly identified in the Council's Long Term Council Community Plan (LTCCP). This partnership establishes opportunities to progress matters of mutual interest through Te Whakaminenga o Kāpiti or direct with wānau, hapū and iwi. All activities link to Governance and tāngata whenua.

## Publicity Considerations

29. The signing of the MOU offers an opportunity for the Council to demonstrate commitment to partnership with tāngata whenua. A joint media statement will be released after this meeting.
30. There may be further publicity opportunities when the MOU is signed by both parties.

**Other Considerations**

31. It is proposed that the Mayor and Chief Executive attend the meeting to be held at Whakarongotai Marae to sign the MOU on the Council's behalf

**RECOMMENDATIONS**

32. That the Council approves the Memorandum of Understanding in Relation to Water between Te Āti Awa ki Whakarongotai and Kāpiti Coast District Council on the general terms as set out in Attachment 1 to Report SP-10-1008.
33. That the Council authorises the Mayor and Chief Executive to sign the Memorandum of Understanding on behalf of Kāpiti Coast District Council and to approve any minor alterations that may be agreed with the Te Āti Awa ki Whakarongotai and which do not significantly affect the Memorandum of Understanding.

**Report prepared by:**

**Approved for submission by:**

**Monica Fraser**

**Tamsin Evans**

**He Aapiha Whakapiringa mo te Kaunihera**

**Acting Group Manager Strategy and Partnerships**

**ATTACHMENTS:**

Attachment 1: DRAFT Memorandum of Understanding

Attachment 2: Memorandum of Partnership, 2008

**26 August 2010 03:35 P.M.**