

Memorandum of Understanding

*“Wehea Taitea Kia Tū, Ko Te Iho
Strip away the sapwood to expose the heart wood”
Put aside the everyday and focus strategically on
building a better future for both parties.*

Purpose

The purpose of this Memorandum of Understanding is to define the relationship between Wellington City Council and Taranaki Whānui ki Te Upoko o Te Ika.

It replaces the previous Memorandum of Understanding between these entities.

Parties to the Memorandum

Taranaki Whānui ki Te Upoko o Te Ika (Taranaki Whānui)

Taranaki Whānui are mana whenua of the Port Nicholson area. The iwi that make up Taranaki Whānui migrated to the Wellington area in the 1830s and have maintained ahi kā.

The composition of Taranaki Whānui is set out in clauses 8.1 and 8.2 of their Deed of Settlement.

Wellington City Council (Council)

The Council is a territorial authority as defined in the Local Government Act 2002. Its role is to enable democratic local decision making and action by and on behalf of communities; and to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

Acknowledgements

Treaty of Waitangi

The Local Government Act 2002 acknowledges the Crown's responsibility to take account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision making processes. Provisions in the Local Government Act 2002 provide principles and requirements for local authorities to recognise and respect this responsibility.

The Resource Management Act 1991 also imposes a range of obligations on Council that relate to Māori.

United Nations Declaration on the Rights of Indigenous Peoples

This document which was adopted by the General Assembly resolution 61/295 on 13 September 2007 and ratified by the New Zealand Government in May 2010 acknowledges the rights of indigenous people and contains articles and principles that support those principles and articles contained within the Treaty of Waitangi.

It is a standard of achievement to be pursued in a spirit of partnership and mutual respect.¹

Mana Whenua Status

The Council acknowledges the mana whenua status of Taranaki Whānui.

Notwithstanding this acknowledgement Taranaki Whānui accepts that the Council will consult with other Māori in the course of fulfilling Council's statutory functions. This will include consulting with other relevant iwi authorities recognised by the Council, as the Resource Management Act requires.

Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009

The parties acknowledge that they each have rights and responsibilities under the Settlement Act.

The Taranaki Whānui Vision

To restore, revitalise, strengthen and enhance the cultural, social and economic well-being of Taranaki Whānui ki Te Upoko o Te Ika.²

The Council Vision

Wellington City Council's vision for Wellington is focused on the future development of the city through to 2040. It builds on Wellington's strengths, acknowledges the challenges the city faces now and over the medium to long-term, understands the changing role of cities, and is informed by Wellington's communities. It is a statement of the future that we want for Wellington and how we believe this can best be achieved. We will act with urgency to build the economic, physical and social resilience of our city.³

We will work together to ensure that the vision of the parties is achieved for the wider Wellington community.

¹ Wording is taken from to the last sentence in the preamble to the Declaration

² <http://www.pnbt.maori.nz>

³ WELLINGTON TOWARDS 2040: SMART CAPITAL

Strategic Relationship

This Memorandum of Understanding provides for the strategic relationship between the parties and the opportunity for Taranaki Whānui to contribute to Council decision making and to be a provider of leadership with Council for the City.

The principles outlined in this document apply to all interaction between the parties. Specific key relationship expectations and understandings are set out in *Appendix 1: Schedule of Specific Recognitions*.

Relationship Principles

1. The parties agree to work together in partnership towards the sustainable prosperity of Wellington City
2. Each party recognises the autonomy and the right of the other to exercise their respective authority in order to meet their responsibilities
3. The parties agree that the principles of the Treaty of Waitangi will be the basis by which each party engages with the other. In practical terms this means:

Partnership: acting reasonably, honourably and in good faith to ensure the strategic relationship has integrity and respect, in the present and for the future of Wellington;

Participation: recognising that both parties can contribute, for mutual benefit, in deciding the future of the city - working towards and achieving the parties' visions; and

Protection: actively protecting the taonga of Taranaki Whānui and safeguarding cultural concepts, values and practices to be celebrated and enjoyed for all Wellingtonians.

Giving Effect to the Memorandum of Understanding

Governance

The agreement embodied in this Memorandum of Understanding is between Taranaki Whānui and the Mayor and Councillors of the City of Wellington from time to time. An annual meeting between the parties will be held.

Rangatira to Rangatira

To ensure the joint strategic direction of Council and Taranaki Whānui is pursued, Rangatira to Rangatira meetings will be held between the Chair and Chief Executive of Taranaki Whānui and the Mayor of Wellington and Chief Executive of the Council at least twice per year.

Regular relationship management

Regular relationship meetings will be held between officers of the parties. Other meetings may be held on an 'as required' basis to advance joint initiatives that arise outside the normal business of the parties.

Review

To ensure that this agreement remains vital to both parties, an annual relationship evaluation will be undertaken and contributed to the Council's Annual Report.

To reflect the dynamic nature of this relationship, this agreement will be reviewed triennially by relevant representatives of each party.


Agreement

This Memorandum of Understanding is freely entered into by both parties in a spirit of good faith and partnership. It is a statement of good intention based on the respective roles and responsibilities of each party and is guided by the Treaty of Waitangi.

Signed on 29 March 2017 on behalf of Taranaki Whānui by



Wayne Mulligan
Chairperson

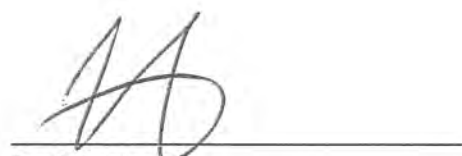


Jason Fox
Chief Executive

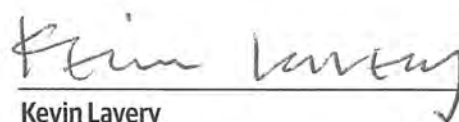


Hannah Buchanan
Deputy Chairperson

Signed on 29 March 2017 on behalf of the Council by



Justin Lester
Mayor



Kevin Lavery
Chief Executive

APPENDIX 1

SCHEDULE OF SPECIFIC RECOGNITIONS

Council Planning and Policy Processes

Taranaki Whānui will be entitled to appoint a representative as a non-voting member of the Council's City Strategy Committee, and as such will receive copies of meeting papers and the Committees forward programme. The representative may attend the Committee meetings or provide written comment as appropriate.

Taranaki Whānui will have input into the key planning processes of Council as a non-voting member of the Annual Plan and Long Term Plan Committee .

Local Government Act 2002, Resource Management Act 1991 and other legislation

The parties will work together to achieve the purpose of legislation in relation to local government decision making.

The Council will ensure matters are presented to Taranaki Whānui in a timely and informative manner which in turn will assist Taranaki Whānui in the exercise of its Kaitiakitanga for the city of Wellington.

Culture and Heritage

The Council will ensure ceremonial, interpretation and naming opportunities are presented to Taranaki Whānui so as to retain and protect Māori culture and heritage in the city of Wellington, as deemed by Taranaki Whānui to be of significance.

Taranaki Whānui will provide cultural support to The Mayor, Councillors, Chief Executive and other officers as mutually agreed.

Shelly Bay and Te Motu Kairangi

As significant land owners at Shelly Bay, the parties recognise the importance of working together to ensure a wider strategic vision for the Miramar Peninsula is achieved for all citizens.

Oruaiti Reserve

The fee simple title ownership of the Point Dorset Recreation Reserve (the Reserve) later renamed Oruaiti Reserve, transferred to Taranaki Whānui on 2 September 2009, in accordance with the Settlement Act. The parties have established a Management Plan within which the Council as the Administering Body will take into account the view of Taranaki Whānui in all matters relating to the Reserve.

Town Belt

The Town Belt is significant to both parties. The Council is the administering body and has in place a detailed management plan for the Town Belt. Consideration and discussions will be held to ensure Taranaki Whānui is appropriately involved in the future management of this area.

Establishment of Mana Whenua Urupā

Taranaki Whānui and Council will work together to establish the Mana Whenua Urupā provided for through the Settlement Act⁴.

Significant Cultural or Commercial Development Projects

Where a significant cultural or commercial development is being considered by Taranaki Whānui, the Council will appoint a "contact person" to coordinate all local body regulatory requirements.

Right of First Refusal

Taranaki Whānui's settlement legislation includes a schedule of Right of First Refusal (RFR) properties which provides for the opportunity to purchase specific Crown properties if they become available in the future. The RFR schedule recognises the importance for the Taranaki Whānui to rebuilding their land holdings, and their relationship to the land as tangata whenua.

An RFR is subject to existing third party rights and statutory requirements such as, for example the offer-back provisions of the Public Works Act 1981.

The Council recognises the significance of the RFR schedule and agrees to work with Taranaki Whānui to protect and/or grow their interest and investment where Council has a means to do so.