



TE RUNANGA O TOA RANGATIRA INC

**Absolutely Positively
Wellington City Council**

Me Heke Ki Pōneke

Memorandum of Understanding

*Tū Kotahi Tātou
Work together for the betterment of all.*

Purpose

The purpose of this Memorandum of Understanding is to define the relationship between Wellington City Council and Te Rūnanga o Toa Rangatira Incorporated.

It replaces the previous Memorandum of Understanding between these entities.

Parties to the Memorandum

Te Rūnanga o Toa Rangatira Incorporated (Rūnanga)

The Rūnanga is the entity representing Ngāti Toa Rangatira within the Wellington City Council boundaries. The Rūnanga is a non-profit incorporated society with charitable status. It is the mandated iwi authority for Ngāti Toa Rangātira and is the administrative body of iwi estates and assets.

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 Ngāti Toa Rangatira as represented by the Rūnanga.

Notwithstanding this acknowledgement the Rūnanga accepts that the Council will consult 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.

Ngāti Toa Rangatira Claims Settlement Act 2014

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

The Rūnanga Vision

To promote the mana of Ngāti Toa Rangātira by enhancing the social, economic, educational, cultural and spiritual development of all tribal members, in an open and responsive manner by enabling them opportunities to attain their full potential for the benefit of the Iwi and the community.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.ngatittoa.iwi.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 the Rūnanga 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 in partnership toward 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 Ngāti Toa Rangatira 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 the Rūnanga representing Ngāti Toa Rangatira 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 the Rūnanga is pursued, Rangatira to Rangatira meetings will be held between the Chair and Chief Executive of the Rūnanga 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 will contribute 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 the Rūnanga by



Te Taku Parai
Chairperson

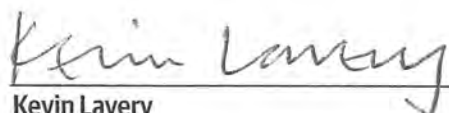


Mathew Solomon
Board Member

Signed on 29 March 2017 on behalf of the City Council by



Justin Lester
Mayor



Kevin Lavery
Chief Executive

APPENDIX 1

SCHEDULE OF SPECIFIC RECOGNITIONS

Council Planning and Policy Processes

The Rūnanga 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 Rūnanga representative may attend the committee meetings or provide written comment as appropriate.

The Rūnanga 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 the Rūnanga in a timely and informative manner which in turn will assist the Rūnanga 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 the Rūnanga so as to retain and protect Māori culture and heritage in the city of Wellington, as deemed by the Rūnanga to be of significance.

The Rūnanga, as a mana whenua representative, will provide cultural support to The Mayor, Councillors, Chief Executive and other officers as mutually agreed.

Ngati Toa Claims Settlement Act 2014 (Settlement Act)

There will be sections within te Settlement Act that will require the Rūnanga and Council to work together to ensure that the requirements of the Settlement Act are met.

Taputeranga Island Historic Reserve

The fee simple title ownership of the Taputeranga Island Historic Reserve (the Reserve) vested in the Toa Rangatira Trust, in accordance with the Settlement Act. The parties shall establish a framework within which the Council as the administering body shall seek and take into account the view of the Rūnanga in all matters relating to the Reserve.

Te Awarua o Porirua Harbour and Catchment

As a member of the Te Awarua-o-Porirua Harbour and Catchment Joint Committee, Council is committed to the implementation of the *Porirua Harbour and Catchment Strategy and Action Plan*.

Significant Cultural or Commercial Development Projects

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

Right of First Refusal

The Rūnanga 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 Rūnanga 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 the Rūnanga to protect and/or grow their interest and investment where Council has a means to do so.