

MEETING - AGENDA -

Ngā Take

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Western Bay of Plenty
District Council

TAURANGA MOANA / TE ARAWA KI TAKUTAI PARTNERSHIP FORUM

Komiti Whakariterite Kōrero

PF5

Tuesday, 2 October 2018

Council Chambers

Barkes Corner, Tauranga

10.00am



Tauranga Moana / Te Arawa Ki Takutai Partnership Forum

Panui Notice of Meeting No PF5

Tuesday, 2 October 2018
Council Chambers, Barkes Corner
10.00am

Forum Members:

Reon Tuanau (Tauranga Moana), Joint Chairperson
Tony Wihapi (Te Arawa Ki Takutai), Joint Chairperson

Garry Webber (Mayor)
Mike Williams (Deputy Mayor)
Grant Dally
Mark Dean
Mike Lally
Peter Mackay
Kevin Marsh
David Marshall
Margaret Murray-Benge
John Palmer
John Scrimgeour
Don Thwaites

Raiha Biel (Tapuika Iwi Authority)
Tiki Bluegum (Ngai Tamawhariua)
Elva Conroy (Ngati Tuheke)
Matire Duncan / Verna Gate (Nga Potiki)
Roland Kingi / Gail Skerrett-White (Ngati Pikiao)
Nessie Kuka (Ngai Tuwhiwhia)
Bob Leef (Ngati Taka)
Wiremu Matthews (Ngai Tamarawaho)
Buddy Mikaere / Rehua Smallman / Pahu Akuhata (Ngati Pukenga)
Riki Nelson (Ngati Te Wai)
Julie Shepherd (Te Runanga o Pirirakau)
Liam Tapsell (Ngati Whakaue)
Horace Te Moni (Ngati Rangiwewehi)
Kevin Tohiariki (Te Whanau o Tauwhao)

Media Staff

Miriam Taris
Chief Executive Officer
Western Bay of Plenty District Council



Western Bay of Plenty
District Council

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Tauranga Moana / Te Arawa Ki Takutai Partnership Forum - Terms of Reference

Purpose:

Better outcomes for Māori, a sustainable environment and healthy empowered communities.

Te Pae Tawhiti/Vision:

A district where the environment is protected and enhanced; people and communities are healthy, prosperous and empowered.

Te Kaupapa/Mission:

Our relationship is an "equal partnership" recognising the strength of working together to achieve better outcomes for our communities.

Ngā Tikanga/Principles:

- Courageous, committed, proactive and evolving
- Good faith, mutual respect and understanding
- Effective management / Kaitiakitanga
- Effective governance / Rangatiratanga.

1. Form and Membership

- (a) A Forum shall be established to address issues and leverage opportunities relating to Māori
- (b) Iwi and hapū that have interests within the territorial boundaries of Council are entitled to have one primary representative on the Forum. Should the primary representative be unavailable to attend any meeting, an alternate may substitute and be accorded the same rights as the primary representative.
- (c) His/her Worship the Mayor together with all Western Bay of Plenty District Councillors shall comprise Council representation on the Forum.

2. Selection of iwi and hapū representatives

- (a) Iwi and hapū representatives shall be determined by those iwi and hapū who have representation on the Forum. Iwi and hapū shall advise Council of their respective representatives by providing the following;
 - (i) Minutes of an advertised hui-a-iwi/hui-a-hapū where a resolution was passed appointing a representative to the Forum; or
 - (ii) A letter of appointment from the Chairperson of an iwi or hapū governance entity that has the authority to appoint iwi/Hapū representatives (where such a governance entity exists).
- (b) Once membership on the Forum has been confirmed in accordance with clause 2(a) above, representatives shall be re-validated every three (3) years, at the same time as local body elections and in accordance with the criteria set out in these Terms of Reference. The position of Chairperson shall be decided at the first meeting of a new triennium.

- (c) If iwi/hapū wish to replace their representative on the Forum prior to the end of the three year term of a sitting representative, the process outlined in 2(a) above applies.

NB: If Council is notified that a primary representative for an iwi or hapū has been appointed by way of both 2(a)(i) and 2(a)(ii) and that representative is not the same person, the person appointed by way of 2(a)(i) shall be recognised as the representative for that iwi or hapū.

3. Functions

The Forum shall:

- (a) Develop an annual work programme from Te Ara Mua.
- (b) Monitor the implementation of Te Ara Mua with prioritised actions and identify funding requirements.
- (c) Recommend actions to enhance Māori capacity and capability that will contribute to Council's decision making processes for inclusion in the development of the Long Term Plan.
- (d) Ensure that Council's legislative obligations to Māori are met by providing monitoring and oversight of those obligations (see Schedule B for relevant legislation).
- (e) Build Council understanding about Treaty of Waitangi settlements (including statutory acknowledgments) and identify their implications for Council (including decision making processes).
- (f) Where it deems it necessary, make recommendations to Council and its committees.

4. Meetings

- (a) Official meetings of the Forum shall be held bi monthly. Meetings may be held in the Chambers of Council or at any other venue that the Forum may decide upon.
- (b) His/Her Worship the Mayor shall be the Chairperson for the inaugural meeting of the Forum. Thereafter two Chairpersons, one from Tauranga Moana and one from Te Arawa, shall be selected from among the iwi and hapū representatives at the conclusion of the inaugural Meeting to chair subsequent meetings.
- (c) The role of Chairperson and Deputy Chairperson shall alternate between Tauranga Moana and Te Arawa each meeting. This is to reflect the mana of the respective iwi and hapū that those Chairpersons represent.
- (d) The Chairpersons are invited to participate in the workshops of all Council Committees. The workshops provide an opportunity to give Council direction on important matters. Having iwi and hapu members participate in those workshops enables Council to meet its statutory obligations outlined in Schedule B of these Terms of Reference.
- (e) The Group Manager Policy, Planning & Regulatory Services shall be responsible for resourcing the Forum together with relevant staff members.
- (f) The Forum does not preclude individual iwi or hapū from working with Council on matters of their own concern or from progressing Mana Whakahono-a-Rohe agreements in accordance with the Resource Management Act, nor does it preclude iwi and hapū representatives or Council representatives from holding workshops outside of official meetings of the Forum on issues specific to an iwi, hapū and whānau.
- (g) The members of the Forum may agree to appoint representatives from among their membership to external representation forums (such as the SmartGrowth Combined Tangata Whenua Forum).

- (h) Agenda material that is specific to the kaupapa of the Forum can be provided by either iwi and hapū or Council.

5. Quorum

In order to ensure the validity of proceedings at a meeting, the minimum number of attendees required is 50% Elected Members and 50% iwi and hapū representatives. Resolutions of the Partnership Forum (except those covered by the Dispute Resolution clause at 8 below) shall be passed if a majority of members are in favour.

6. Dispute Resolution

- (a) In the event that a dispute arises in terms of the meaning/operation of these terms of reference the members will resolve the matter amongst themselves.
- (b) In the event that a dispute arises in terms of the decision making powers of the Partnership Forum the members will resolve the matter amongst themselves.
- (c) Disputed issues under 8(a) and 8(b) above, shall be put to the Forum as a resolution to be voted on. The resolution is passed if it is supported by at least 80% of the members.
- (d) Dispute resolution processes shall take account of Ngā Tikanga/Principles of these terms of reference.

7. Review of Terms of Reference

The Māori Relationships and External Adviser and the Workforce Development and Cultural Adviser accept the responsibility for reviewing the Terms of Reference and recommending updates as deemed necessary. The Forum must agree to any changes to the Terms of Reference.

Agenda for Meeting No. PF5

		Pages
	Present In Attendance Apologies	
PF5.1	Minutes of Meeting No. PF4 of the Tauranga Moana / Te Arawa Ki Takutai Partnership Forum Held on 5 June 2018 A copy of the minutes of Meeting No. PF4 of the Tauranga Moana / Te Arawa ki Takutai Partnership Forum held on 5 June 2018 is attached. Recommendation <i>THAT the minutes of Meeting No. PF4 of the Tauranga Moana / Te Arawa Ki Takutai Partnership Forum held on 5 June 2018 are confirmed as a true and correct record.</i>	7-12
PF5.2	Presentation from Aecom - Eastern Stormwater Catchment Plan Review Ariell King and Bob Shaw from Aecom will be in attendance to give a presentation on the Eastern Stormwater Catchment Plan	
PF5.3	Partnership Engagement Agreements Attached is a report from the Māori Relationships and Engagement Advisor dated 2 October 2018.	13-31

Western Bay of Plenty District Council

**Minutes of Meeting No. PF4 of the Tauranga Moana / Te Arawa
Ki Takutai Partnership Forum held on 5 June 2018
in the Council Chamber, Barks Corner
commencing 10.00am**

Present

Iwi Representatives

Anthony Wihapi (Ngati Moko) (Presiding Co-Chairperson), Reon Tuanau (Ngai Te Rangi) (Co-Chairperson), Raiha Biel (Tapuika Iwi Authority), Tiki Bluegum (Ngai Tamawhariua), Matire Duncan (Ngā Potiki), Roland Kingi (Ngati Pikiāo), Nessie Kuka (Ngai Tuwhiwhia), Bob Leef (Ngati Taka), Riki Nelson (Ngati Te Wai), Julie Shepherd (Pirirakau), Liam Tapsell (Ngati Whakaue), and Kevin Tohiariki (Te Whānau o Tauwhao), Tania Turner (Ngati Whakahemo)

Councillors

His Worship the Mayor G J Webber (Deputy Chairperson), G Dally, M Dean, M Lally, P Mackay, K Marsh, D Marshall, M Murray-Benge, J Palmer, J Scrimgeour, D Thwaites and M Williams

In Attendance

M Taris (Chief Executive Officer), G Allis (Deputy Chief Executive Officer), R Davie (Group Manager Policy, Planning and Regulatory Services), P Tapsell (Workforce Development and Cultural Advisor), C Nepia (Māori Relationships and Engagement Advisor) E Watton (Policy and Planning Manager), P Hennessey (Strategic Advisor), and F Sweeney (Democracy Management Advisor)

Shad Rolleston (Tū Pakari Advisor to SmartGrowth) and Cale Borell (Tuia Mayoral Mentorship Programme participant)

The meeting was opened with a mihi from Mayor Webber at the invitation of the presiding Co Chair Anthony Wihapi.

Apologies

Apologies for lateness were received from Councillor Marsh and Matire Duncan (Ngā Potiki), and for absence from Elva Conroy (Ngati Tuheke), Maria Horne (Ngati Whakaue), Wiremu Matthews (Ngai Tamarāwaho), and Manu Wihapi (Tuhourangi).

Buddy Mikaere and Horace Te Moni (Ngati Rangiwewehi) were not in attendance.

Resolved: Roland Kingi / Mayor Webber

THAT the apologies for lateness from Councillor Marsh and Matire Duncan (Ngā Potiki), and for absence from Elva Conroy (Ngati Tuheke), Maria Horne (Ngati Whakaue), Wiremu Matthews (Ngai Tamarāwaho), and Manu Wihapi (Tuhourangi) be accepted.

PF4.1 **Minutes of Meeting No. PF3 of the Tauranga Moana / Te Arawa Ki Takutai Partnership Forum Held on 13 March 2018**

The Tauranga Moana / Te Arawa Ki Takutai Partnership Forum considered the minutes of meeting no. PF3 of the Tauranga Moana / Te Arawa Ki Takutai Partnership Forum held on 13 March 2018 as circulated with the agenda.

Resolved: Councillors Williams / Marshall

THAT the minutes of Meeting No. PF3 of the Tauranga Moana / Te Arawa Ki Takutai Partnership Forum held on 13 March 2018 are confirmed as a true and correct record.

PF4.2 **Te Ara Mua Nga Kaihoe (Work Programme) Update**

The Partnership Forum considered a report from the Workforce Development and Cultural Advisor dated 3 May 2018 as circulated with the agenda. Petera Tapsell gave a verbal summary of his report and introduced Cale Borell as the Rangatahi (young person) who has been chosen to be mentored by the Mayor through the Tuia Leadership Programme. Petera indicated that he needed two members of the forum to work beside him and staff in developing a policy to be brought back to the Partnership Forum for consideration.

In response to questions the Forum were advised as follows:

- The Healthy Whare steering group had used Council seed funding to bring together other agencies and funding to assist with providing insulation, re-wiring and DIY workshops to improve the health and safety of homes at Maketu.
- There was discussion of the Western Bay of Plenty District Council policy of reduction of financial contributions for development on Māori land.
- The Marae tool kit was to provide a repository of information for people including information on funding sources, building warrant of fitness and other information that would give people a single source of information.
- There would be a workshop to consider options for developing Council's Te Reo Māori strategy.

10.40am Councillor Marsh entered the meeting.

Resolved: Julie Shepherd / Tania Turner

THAT the Workforce Development and Māori Advisor's report dated 3 May 2018 titled Te Ara Mua Ngā Kaihoe (Work Programme) Update be received.

THAT two members of the partnership forum assist staff in developing policy relating to cultural monitoring.

PF4.3 **Future Development Strategy**

10.45am Matire Duncan (Ngā Potiki) entered the meeting.

The Partnership Forum were given a powerpoint presentation by Shad Rolleston (Tū Pakari Advisor to SmartGrowth), on growth in the sub-region. He noted that there would need to be a wider discussion among Māori land trusts in regard to the future development strategy, and that there were a number of opportunities which could be explored, in including facilitation of provision of housing for the wider community which could assist in the development of housing for Māori.

There were models where development had provided opportunities for creating papakainga housing, including a proposal being developed by Ngā Potiki, and these could be looked at to consider whether these models would assist in future provision for the growing Māori population.

It was noted that land trusts were usually hapū related.

Shad Rolleston acknowledged that this was a challenging project given the tight timeframe and requirement from Central Government to complete by the end of the year.

In discussion of the presentation the following matters were noted:

- There seemed to be a focus on land provision, however other cities in other countries such as Singapore and Tokyo, had provided additional housing by going up rather than sprawling urban areas across land.
- There was a reason why buildings could not go up in Tauranga City being the airport and flight paths.
- The Tauranga City footprint was also under review and this would run in parallel with the future development strategy.
- The Combined Tangata Whenua forum was meeting tomorrow to consider this strategy.
- The draft document would be presented to the SmartGrowth Leadership Group meeting on 20 June.

Resolved: Mayor Webber / Matire Duncan

THAT the presentation from Shad Rolleston on the Future Development Strategy be received.

PF4.4

Capital Projects Update

The Partnership Forum considered a report from the Deputy Chief Executive Officer dated 5 May 2018 as circulated with the agenda.

Resolved: Councillors Mackay / Marshall

THAT the Deputy Chief Executive's report dated 5 May 2018 and titled Capital Projects Update be received.

PF4.5

Long Term Plan Submission - Tangata Whenua Members of the Partnership Forum

The Partnership Forum considered a report from the Māori Relationships and Engagement Advisor dated 1 May 2018 as circulated with the agenda. The Māori Relationships and Engagement Advisor spoke to the report on the process to date and advised the meeting that Council will be having final deliberations on submissions to the Long Term Plan and would look to update members once the outcome of those deliberations was known. The Co-Chair thanked staff and forum members for the development of the submission based on Te Ara Mua.

Resolved: Councillor Marshall / Roland Kingi

THAT the Māori Relationship and Engagement Advisor's report dated 1 May 2018 and titled "Long Term Plan submission - Tangata Whenua members of the Partnership Forum" be received.

11.25am
11.40am

The Forum adjourned for morning tea.
The Forum reconvened.

PF4.6

Katikati-Waihi Beach Ward Reserve Management Plan Review

The Partnership Forum considered a report from the Recreation Planner dated 3 May 2018 as circulated with the agenda. The Recreation Planner spoke to the review noting that because today's meeting had been deferred from its original date in May this presentation was about a process that had started on the 14th May and running through to July. In response to questions he advised as follows:

- The plan was developed under the Reserves Act.
- The ward plans covered big and small reserves within the ward.
- All our land assets did have alignment to different iwi and hapū.

- Te bylaw being considered in tandem with the plan was in relation to the concern in regard to horses at Tuapiro Point.
- Through this Forum Council tried to get the relationship going at ground level to get alongside iwi and hapū for this type of work.

It was noted that in future it was hoped that with better understanding and identification of which reserves related to which iwi and hapū the relationships would improve.

It was noted that when the plan was initially presented to the earlier Forum meeting date, the process was not open for submission, but now that it was it would be inappropriate for Councillor members to express any views on this matter. On this basis the Co-Chair proposed that Tangata Whenua members only consider an amendment to the recommendations and only Tangata Whenua members vote on a proposed amendment that the Māori Caucus of the partnership forum prepare a submission.

It was also noted that those hapū who had mana whenua relationship with the reserves in the Katikati and Waihi Beach Ward were also encouraged to develop jointly and/or individually submissions to this plan.

Resolved: Tiki Bluegum / Roland Kingi

1. *THAT the Recreation Planner's report dated 3 May 2018 and titled "Katikati - Waihi Beach Ward Reserve Management Plan Review" be received.*
2. *THAT the Māori Caucus of the Tauranga Moana and Te Arawa ki Takutai Partnership Forum prepare a submission to the Katikati - Waihi Beach Ward Reserve Management Plan Review.*

PF4.7

2018 Policy and Planning Work Programme

The Partnership Forum considered a report from the Policy and Planning Manager dated 4 May 2018 as circulated with the agenda. She spoke in detail to her report describing the policy work programme. In response to a question as to what was involved in the review of pensioner housing she advised that at this stage the terms of reference were broad and direction would be sought from the Council as to what the specifics would be.

In response to a question as to which items the Forum wished to prioritise she was advised that all topics from the list had relevance for Tangata Whenua. Members agreed to separately advise the Group Manager Policy, Planning and Regulatory Services as to which workstreams they would particularly like to be involved in.

Resolved: Councillor Williams / Reon Tuanau

1. *THAT the Policy and Planning Manager's report dated 4 May 2018 and titled 2018 Policy and Planning Work Programme be received.*

2. *THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.*

PF4.8

Resource Management Work Programme

The Partnership Forum considered a report from the Resource Management Manager dated 4 May 2018 as circulated with the agenda. The Group Manager Policy, Planning and Regulatory Services spoke to the report and in response to questions she advised as follows:

- The District Plan was reviewed by way of a rolling review.
- The next most important review was the rural zone, however Council had not yet agreed to this review.

It was noted that it was really good to see the Councils working together on erosion issues, which was a major concern for Tangata Whenua. It was also suggested that if the Chairs were unable to attend Policy workshops then alternatives should be considered. It was also emphasised that continuity was important, and it was suggested that Tangata Whenua decide informally how to ensure that representation was consistent at policy workshops.

Resolved: Matire Duncan / Nessie Kuka

THAT the Resource Management Manager's report dated 4 May 2018 and titled Resource Management Work Programme be received.

PF4.9

General Business - Maori Wards

Tony Wihapi discussed the recent process in regard to Māori Wards and noted that he did not believe the 51% of vote against the wards was achieved. The Mayor noted that the rule of law had been applied, and Tangata Whenua were free to challenge the result through the high Court, but Council needed to move forward on this and would not support the funding of a high court challenge.

Reon Tuanau noted the support of Council in voting initially for Māori wards, and noted the hard work in the community by community members to support the proposal for a Māori ward.

There being no further business, Tony Wihapi closed the meeting with a karakia at 1.05pm.

PF4

Western Bay of Plenty District Council

Tauranga Moana / Te Arawa ki Takutai Partnership Forum

Partnership Engagement Agreements

Purpose

This report provides the Partnership Forum with an overview of work done to develop a template Partnership Engagement Agreement for use by Council staff when working on projects with iwi and hapū.

Recommendation

1. *THAT the Māori Relationships and Engagement Advisor's report dated 2 October and titled Partnership Engagement Agreements be received.*
 2. *THAT the Partnership Engagement Agreement template be adopted for use.*



Chris Nepia

Māori Relationships and Engagement Advisor

1. Background

Council currently has its Tangata Whenua Engagement Guidelines and Protocols which were developed in conjunction with Te Kōmiti Māori. It also has a Cultural Monitoring Protocol which was also developed with Te Kōmiti Māori. As part of the work programme, a review of the Cultural Monitoring Protocol was scheduled and initiated by the Takawaenga Team. It soon became clear that a review of the Cultural Monitoring Protocol on its own would fall short of what was needed as there were other matters outside cultural monitoring that needed to be included. The review needed to provide a consistent approach to the way that Council engages with Tangata Whenua so there is consistency across the various projects that we are involved in together. The Engagement Guidelines and Protocols are still fit for purpose in terms of outlining why we engage with Tangata Whenua and when that should happen, however the Partnership Engagement Agreements will provide consistency in matters such as how often the parties meet on a project, what the parties are expected to contribute to the project and how Tangata Whenua will be remunerated. All of this is provided for in a framework that acknowledges Māori values.

The draft Partnership Engagement Agreement template will be a foundation document for Council staff who are working with Tangata Whenua on a particular project to address the matters raised above. The template provides the basis for the working relationship between the parties to the project, and includes matters such as –

- The values that the parties agree to uphold. These values reflect important principles in te ao Māori and provide a solid foundation to a meaningful relationship;
- The frequency of meetings between the parties – sets out the schedule for the project so that the parties are fully informed about the scope of the project;
- Roles and responsibilities of the parties – this clarifies what's expected of the parties in terms of information, advice and input;
- Remuneration – this clarifies the amount Tangata Whenua will be remunerated for their expertise and looks to provide consistency in this regard across Council business. Remuneration can be for meeting attendance, cultural attendances and the commissioning of work such as a Cultural Impact Assessment; and
- Dispute resolution.

The Partnership Engagement Agreement template was developed using similar agreements that had been entered into by Council as a guide (i.e. Tauriko Tomorrow). The Tauriko for Tomorrow agreement has provided a valuable basis for the relationship between Council and Tangata Whenua regarding work being done in the Tauriko area.

2. Partnership Agreement template

A copy of the Partnership Agreement Template is attached here.

Partnership Engagement Agreement

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Purpose

This agreement provides Western Bay of Plenty District Council (**Council**) and [**name of relevant iwi/hapū**], with a framework to work collaboratively as equal partners on [**name of project**].

The Partnership shall be referred to as [**name of project group**]. [**name of project group**] is committed to engaging and working in the spirit of good faith and cooperation based on the relationship principles listed below. It is a [x month] term agreement renewable upon agreement by [**name of project group**].

We encourage developers engaging in their private projects to adopt the practices contained within this agreement, if they have not agreed to a similar practice.

Mana

Recognition and respect of the mana and authority of those operating under this protocol.

Whakapono

Acting with integrity, respect and being open and transparent.

Whanaungatanga

Fostering meaningful relationships and being respectful of different perspectives.

Kōrero ā kanohi

Engaging on issues face to face; being upfront and honest.

Rangatira ki te Rangatira

Recognising respective leaders and involving key decision makers where and when appropriate.

Kaitiakitanga and Te Ao Māori

Providing for kaitiakitanga; valuing mātauranga Māori; integrating Tikanga and Te Reo Māori where appropriate.

Kotahitanga

Meeting agreed milestones; seeking solutions and looking for ways to mitigate challenges.

Relationships

[name of project group] acknowledge the importance of building and maintaining enduring relationships to give effect to this agreement. The Treaty landscape has elevated the importance of Tangata Whenua and their relationship to Te Ao Māori (Māori worldview), Te Ao Wairua (the spiritual realm) and Te Taiao (physical and natural environment). Recent Resource Management Act reforms provide impetus for Councils to enhance Tangata Whenua participation in Resource Management Act decision-making processes. Aside from legal responsibilities to Māori, there is a collective aspiration to do the right thing.

Agreement scope

This agreement covers the following:

Provide bullet point information on the project(s) or work that is covered by this agreement

Pre-requisites for iwi/hapū representatives

Iwi and hapū can have a maximum of two mandated representatives on [name of project group] and will have the requisite skills and experience to enable effective participation. They must be able to engage appropriately with Council.

Pre-requisites for Council representatives

A maximum of two representatives will be assigned to [name of project group] on behalf of Council. In addition to technical, planning and policy capability, they will also possess the requisite skill and experience in Māori engagement or be respectful of the importance of engaging appropriately with Māori.

[name of project group] representatives	
HAPŪ/IWI	Mandated representative
COUNCIL	Authorised representative

Remuneration

Iwi/hapu shall be remunerated at a rate that is fair and equitable and consistent with Council charge out rates, consultant or contractor fees. Refer to Appendix 3.

Roles and Responsibilities

[name of project group] will commit to:

- (a) Recognising and providing for the relationship, culture and traditions of iwi/hapū to their ancestral lands, water, sites, waahi tapu and other taonga.
- (b) Ensuring relevant and timely communication occurs to keep the partners sufficiently informed.
- (c) Providing up to date information and technical expertise in a timely and appropriate manner.
- (d) Developing collaborative and innovative solutions to issues and challenges.
- (e) Remunerating hapū fairly and in a timely manner.
- (f) Respecting Te Ao Māori.

Mandated iwi/hapū representatives will commit to:

- (a) Attending monthly meetings (as agreed).*
- (b) Reviewing and assessing relevant technical information (as agreed and within reasonable timeframes).
- (c) Providing cultural advice, input and responses (as agreed).
- (d) Whakanoa, blessings and ceremonies (as appropriate).
- (e) Managing cultural monitors and/or hapū sub-contractors.
- (f) Advising on hapū Discovery Protocols (refer Appendix 2).

* Please refer to Appendix 4 for the proposed consultation schedule.

Term

This agreement is effective from the date signed by all mandated representatives from [name of project group]. Refer signatures and dates below

Review

If applicable, this agreement shall be reviewed six-months following the date signed. The review shall be carried out by a person or group agreed to by [name of project group] and reported back to [name of project group] one month following the review.

The review will assess how the Partners are giving effect to the relationship principles and may include (but shall not be limited to) the following:

Partnership Engagement Agreement Template August 2018

- Are the costs and services fair and reasonable?
- Are partners meeting agreed milestones and timeframes?
- Is Tikanga, Te Reo and mātauranga being valued and respected?

Following the review, **[name of project group]** will consider whether to amend and/or extend the agreement.

Disputes

Should any issues arise from this agreement, **[name of project group]** will work in good faith to resolve the issues.

[name of project group]

Signature: Date:
Iwi/hapū representative

Signature: Date:
Iwi/hapū representative

Signature: Date:
Western Bay of Plenty District Council representative

Appendix 1: Background to project

Provide a summary of the background to the project(s) or work that is covered by this agreement, including the steps that have lead to this work being undertaken.

Appendix 2: Cultural and discovery guidelines

These provide for the protection of sites of historic heritage values, koiwi (human skeletal remains) and taonga tuturu (artefacts).

When to use cultural monitors

- When it is a justifiable recommendation in a cultural impact assessment (CIA) (please see Appendix One for further information on CIA's); or
- When it is a condition of a consent e.g. if there are known significant sites; or
- When earthworks are within 100 metres of a registered archaeological site or a site of significance; or
- Upon the recommendation of a qualified archaeologist who is familiar with the area where the earthworks shall be carried out; or
- Upon justifiable recommendations from the hapū as a result of pre planning with mandated representatives of the iwi, hapū or runanga entity or from the relevant iwi/hapū Management Plan; or
- If during the course of the project, accidental discovery identifies that cultural monitoring needs to be undertaken;

Only one of the above conditions may prompt the need for a cultural monitor, however in many cases, a number of these conditions will apply.

Cultural Monitoring process

1. Roles

Iwi/hapū representative(s)	Contact person(s) for the relevant iwi/hapū, usually responsible for resource management matters.
Project manager	Contact person responsible for managing the earthworks project, usually a Council staff member or contractor.
Contractor	Person(s) responsible for undertaking earthworks project.

Iwi/hapū Cultural Monitor

The Cultural Monitor will be appointed by the relevant iwi/hapū and their role on site is as Kaitiaki i.e. guardians of 'Te Ao Māori'. As Kaitiaki their duty is to

observe activities which affect their culture. They will make observations of earthworks, in particular top soil stripping and environmental observations.

Project Manager

The Project Manager will be determined by Council or its contractor. They will confirm details of the earthworks to be undertaken including project scope/details, location, number of work faces and timeframes. The Project Manager and the iwi representatives will agree the terms and timeframes for cultural monitoring including the number of cultural monitors required by reference to the nature and scale of the Project as well as the risk of uncovering an archaeological find.

The Project Manager will endeavour to notify the Cultural Monitor if work will not be occurring the day prior. However, if the Cultural Monitor has not been notified and is on site or if it is decided work on site cannot be carried out for any reason (i.e. bad weather or breakdown of machinery) then the Cultural Monitor will be paid for the equivalent of two (2) hours work.

Contractor

The Contractor will ensure that ten (10) working days notice is given to the relevant iwi/hapū prior to the commencement of excavations. The iwi/hapū will be responsible for the attendance of the Cultural Monitor.

The Cultural Monitor is to record daily their start and finish times when they are on site and record what was observed. The Contractor shall sign time sheets on a weekly basis. This information is to be supplied and included with any claim for payment.

Project Archaeologist

The Project Archaeologist is responsible for fulfilling his or her obligations in the event of discovery of Koiwi Tangata or Taonga Tuturu in accordance with the conditions of any Heritage New Zealand Authority and more generally in accordance with the Heritage New Zealand Pouhere Taonga Act 2014 and the Protected Objects Act 1975.

2. Monitoring

Areas of special interest

A plan may be prepared by the mandated iwi/hapū representatives outlining areas of special/cultural interests. Prior to commencing earthworks the Cultural Monitor may identify to all persons on the site:

- (a) Where there are culturally sensitive areas (if known);
- (b) Provide pre-works induction if necessary;
- (c) Iwi/hapū specific requirements (if any).

Archaeology

The level of monitoring under taken by the iwi/hapū (and the number of

cultural monitors required for the Project) will reflect the risk of uncovering archaeological evidence. Areas of special interest will require a more intensive level of monitoring, whereas deep excavations in low risk will only need low levels of monitoring.

Whakanoa

Before earthworks commence the iwi/hapū will agree a kaumatua to carry out a whakanoa ceremony for the removal of tapu. The Contractor and kaumatua will liaise prior to any work proceeding. Should Koiwi Tangata or any significant archaeological discovery be uncovered during the Project then iwi/hapū have the right to request a whakanoa ceremony and shall again agree a kaumatua for this purpose.

Discovery of Taonga Tuturu

Immediately following any discovery, the Contractor will cease all excavations and comply with any and all relevant protocols, plans (including iwi/hapū management plans, treaty settlement provisions or relevant Court directions), as well as consent conditions and authorisations from:

- Heritage New Zealand,
- Western Bay of Plenty District Council,
- Bay of Plenty Regional Council.

The Contractor shall immediately advise the Project Manager of any find who will immediately advise:

- The engineer to the contract,
- Council representatives,
- Iwi/hapū representatives,
- The Project Archaeologist,
- Heritage New Zealand.

Work in the immediate vicinity of the find may only resume with the approval of the Project Archaeologist monitoring the site in consultation with the Cultural Monitor.

Initially the Project Archaeologist will have control of and responsibility for any Taonga Tuturu recovered from the site. The Protected Objects Act 1975 details the procedures relating to determining ownership of any Taonga Tuturu discovered.

The Project Archaeologist will record the archaeological materials and any artefacts and will notify the Ministry for Culture and Heritage on the prescribed form of the finding of any Taonga within twenty-eight (28) days of the completion of the fieldwork.

In the event of the discovery of Taonga Tuturu the Tauranga Heritage Collection is the legal repository for the region in regards to fulfilling the requirements of the Protected Objects Act 1975, under the Ministry of Culture and Heritage.

This responsibility requires the Tauranga Heritage Collection to store and maintain newly found items recovered from controlled excavation and fieldwork throughout the Western Bay of Plenty sub-region on behalf of the Ministry until the Ministry has been able to determine custodianship.

If there is an opportunity for iwi/hapū to apply to be a legal repository under the Protected Objects Act 1975, the iwi/hapū reserves the right to apply for that status and if granted will be the legal repository for the purposes of these protocols.

Securing a Find Site 'the immediate vicinity'

Should a find be unearthed, the find site and immediate vicinity around a discovery shall be made secure. The area of the immediate vicinity will be defined by the Contractor, Project Archaeologist and Cultural Monitor and will include any area considered to have high probability of containing archaeological features similar to those found at the discovery site, and that warrant careful investigation. The immediate vicinity may also include an area the Contractor determines is necessary as a safety buffer zone separating those investigating or retrieving archaeological features or material and those carrying out other construction activities, to provide an acceptable level of safety to all persons, and to the features or materials. The Contractor will then take steps to make safe and secure the immediate vicinity including using stakes and tape to restrict access to the find site.

To improve security of the find, or access to the find, the Contractor will assist with any reasonable requests made by the Cultural Monitor.

The Project Archaeologist in accordance with the Heritage New Zealand Pouhere Taonga Act 2014 will record all archaeological information. A copy of the report shall be given to the iwi/hapū within six months (6) of project completion and within two months (2) a summary of the report be presented to the iwi/hapū by the Project Archaeologist. Council will pay for the cost of this work.

Discovery of Koiwi Tangata

If skeletal remains (Koiwi Tangata) are uncovered, then the site is an archaeological site in terms of the Heritage New Zealand Pouhere Taonga Act 2014 and the relevant provisions of that act will apply.

The site and features along with Koiwi Tangata contained within them will be treated in accordance with the conditions of the relevant Heritage New Zealand authority to disturb, modify, or destroy the site. If no such authority exists at the time of the discovery, then one shall be obtained before the site is further modified.

Immediately upon discovery of any Koiwi Tangata, the Contractor will cease all excavation of:

- that "Area of Special Interest", or
- within "the immediate vicinity" of the find.

The Contractor shall immediately advise the Project Manager who will immediately advise the following:

- The engineer to the contract.
- Council representatives.
- Project Archaeologist.
- Iwi/hapū representatives.
- Heritage New Zealand.
- Ministry of Health
- The New Zealand Police (Māori Liaison)

This is a requirement of Section 14 of the Coroners Act 2006. The Police will report the findings to the nearest coroner in accordance with Section 20 of the Coroners Act 2006 to "give any directions the Coroner thinks fit about removal of a body". Section 42 of the Coroners Act 2006 empowers the Coroner to release the body to family members.

Within four hours of notice being given by the Contractor to the nominated Iwi/hapū representatives of Koiwi Tangata having been discovered, the nominated iwi/hapū representative will respond to the Contractor on how to proceed. Any cultural ceremonies that are needed will be completed within twenty-four (24) hours of the notice being given to the nominated iwi/hapū representative.

The Iwi/hapū will carry out the appropriate cultural ceremonies at the site. Once these ceremonies are completed, the Project Archaeologist, in consultation with Police and the Iwi/hapū will first inspect the Koiwi Tangata to determine their likely age and then recover them.

The Police and/or the Coroner will be responsible for any remains that they take for testing. The Iwi/hapū will liaise directly with the Police and/or Coroner regarding what will happen to the remains once any pathology tests are completed.

Provided there are no conditions in the relevant Heritage New Zealand authority to the contrary, and that the Police and Coroner have no objection, the Iwi/hapū will collectively determine what will happen to the Koiwi Tangata and where they will be reburied, should they wish to do so. One of the Iwi representatives will communicate their decision to the Project Manager.

The Project Archaeologist will record details of the Koiwi Tangata burial only if the Iwi/hapū wishes this to occur. Any records made will be held in accordance with the wishes of the Iwi/hapū.

A rahui will prevail between the time of the initial discovery of human remains and 24 hours after the remains have been removed either by the Police or by the Iwi/hapū. During this time, all excavations of the "Area of Special Interest" will cease unless the nominated representatives of the Iwi/hapū

advise otherwise.

In the unlikely event, that Iwi/hapū do not respond to the notice of the discovery within 24 hours the Council may proceed with the investigation recovery and reburial of the remains in consultation with the Project Archaeologist, the Coroner, Police, and Heritage New Zealand. In these circumstances, excavations of Areas of Special Interest may resume once the remains have been removed from the site. The Project Archaeologist in accordance with the Heritage New Zealand Pouhere Taonga Act 2014 will record all archaeological information.

3. Responsibilities

Project Manager

The Project Manager is responsible for:

- Ensuring the provision of personal protective equipment (high visual vests, hard hats and wet weather gear) for the Cultural Monitor;
- The Contractor (and all other relevant site staff) being aware of the role of the Cultural Monitor;
- Ensuring that the Cultural Monitor is provided with a comprehensive site health and safety induction and conforms to the requirements;
- The observance of the cultural and discovery guidelines included within these protocols;
- The observance of the archaeological authority;
- Payment of invoices rendered by the mandated Iwi/hapū representatives/Cultural Monitor.

Iwi/hapū representatives

Are responsible for ensuring:

- That appropriate mandate is in place to operate under these protocols
- That the Cultural Monitor is appropriately trained to be able to competently undertake the role;
- That the Cultural Monitor is provided with a suitable pair of steel capped boots
- Invoices are prepared as required;
- Whakanoa are arranged as required and appropriate tikanga/kawa observed;
- Incoming payments from Council are processed and Cultural Monitor paid;

Cultural Monitor

The Cultural Monitor is responsible for:

- Monitoring on site earthworks to ensure cultural protection occurs;
- Working closely with the Project Archaeologist and Contractor;
- Complying with all health and safety requirements while on site;
- Understanding the Heritage New Zealand archaeological authority

conditions;

- Observing and implementing on behalf of their respective iwi/hapū, where required, the cultural and discovery guidelines included within this agreement.

Note: the Cultural Monitor shall be answerable to the Project Manager while on site.

Contractor

The Contractor is responsible for adhering to:

- The cultural and discovery guidelines included within this agreement;
- All site health and safety requirements;
- Conditions of any Heritage New Zealand archaeological authority;

Heritage New Zealand

Heritage New Zealand is responsible for fulfilling its statutory obligations in the event of the discovery of Koiwi Tangata and/or Taonga Tuturu, as appropriate.

4. Disputes

Any cultural disputes between iwi and hapū arising from the operation of these protocols or during the course of in-field activities, will be dealt with at a hui between one nominated kaumatua of those iwi and hapū who will work to resolve the issue. Any agreement determined through a hui of kaumatua will be adhered to.

Should any issues arise between Council, the Project Manager, the Contractor and iwi/hapū from these protocols, the parties will work in good faith to resolve the issues.

5. Fees and charges

Please see Appendix 3

Appendix 3: Fee and service schedule for iwi/hapū

Principles

- [name of project] is a collaborative project between Council and the iwi/hapū and as such consultation is occurring through the [name of project group] for which participation fees shall be paid to the iwi/hapū.
- [name of project group] shall use any operative Iwi or Hapū Management Plan or Mana Whakahono ā Rohe agreement for the iwi/hapū who are parties to this agreement as the base information for iwi/hapū opinion.
- Iwi/hapū remuneration must be consistent with Council charge out rates, consultant or contractor fees.
- One partnership contribution fee is to be paid per iwi/hapū representative that attends.
- Costs are inclusive of GST if applicable.
- Payments are to be made to the relevant hapū after receipt of an official invoice, and/or delivery of agreed service/output.
- The hapū is responsible for relevant tax administration (IRD, GST etc.).

Fees are payable to hapū for the following:

- Partnership contribution (formerly referred to as meeting fees).
- Ceremonies, whakanoa and blessings including attending koiwi or other archaeological finds
- Cultural impact assessments.
- External advice (where hapū consider advice, other than from the technical team, is necessary to inform their participation).
- Cultural monitoring during Archaeological and Geotechnical site assessments and Construction Earthworks

Scope of Service	Hourly rate (inclusive of GST if applicable).
<ul style="list-style-type: none"> • Ensuring mandated representatives attend planned/agreed monthly meetings as described in Appendix 4. Based on a maximum meeting time of 2 hours unless arranged or confirmed prior. • Reading, absorbing and understanding any pre-meeting documents including reports, agendas or other. This assumes a maximum 1-2 hours • Where deemed necessary and by agreement between the parties, iwi/hapū can seek the opinions and knowledge of other members of 	<p>\$135.00 per hour for each iwi/hapū representative in attendance (noting maximum 2 representatives per iwi/hapū).</p>

<p>their iwi/hapū and research documentation to assist in their response on the projects. In the latter case the monthly invoice shall record the work/hui that was undertaken and the hours that it required.</p> <ul style="list-style-type: none"> • Based on the circulated material and presentations and discussions at the monthly hui provide feedback and opinion on how the relationship, culture and traditions of hapū to their ancestral lands, water, sites, waahi tapu and other taonga are recognised and provided for as they relate to the various elements of the project. • Providing de-briefing information to the regular hapū hui. • In total iwi/hapū representatives are entitled to be paid a maximum of 4 hours to prepare for and attend agreed monthly meetings unless the parties agree to additional hours. 	
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More detailed Scope of Service ¹	Fees and Remuneration
<p>This table will further detail the work involved in the project and the input needed from iwi/hapu to carry out the project, included a more detailed break down</p>	<p>[x] hours per person</p> <p>[x] hours per iwi/hapū</p> <p>=\$[x]</p>

Additional Negotiated Fees

¹ These estimates have been based on an assumption of two representatives per iwi/ hapū attending each meeting of [name of project group]. The amount paid to each iwi/hapū will be adjusted accordingly to reflect actual attendance.

Table 2: Fees and charges – cultural services	
Description	Comments
Pre agreed, ceremonies, whakanoa and blessings including attending koiwi or other archaeological finds.	\$500 per service paid to only one hapū. Hapū collective to advise who receives the payment. If catering is required that shall be separately planned and invoiced.
A Cultural Impact Assessment reflecting the views an iwi/hapū. Where more than one iwi/hapū is involved in the project, one Cultural Impact Assessment will be commissioned by/on behalf of all those iwi/hapū.	To be to an agreed scope, author(s), timeframe and time /cost.
External advice (where hapū consider advice other than from the technical team, is necessary to inform their participation).	Considered and agreed on a case by case basis and paid for by the relevant authority (Council)
Cultural monitoring during Archaeological and Geotechnical Site Assessments and Construction Earthworks.	Fixed rate of \$65 per hour for one on-site monitor. In the case of multiple sites being operated additional monitors shall be agreed. The monitors shall record their daily times that they are on-site and a record of what was observed. This information is to be summarised in the invoice provided to the [name of project group] team for payment.