

DRAFT MEMORANDUM OF UNDERSTANDING

Gravel Resources in the Wairarapa

1.0 Parties to the Memorandum of Understanding – Gravel Guardians

- Wellington Regional Council (Planning and Resources Department)
- Wellington Regional Council (Operations Department)
- Ngati Kahungunu ki Wairarapa Maori Executive Taiwhenua Iwi Authority Inc.
- Rangitaane o Wairarapa Inc.
- Federated Farmers of New Zealand Inc.

2.0 Objective

Recognition of ongoing development of partnership to sustainably manage the gravel resources of the Wairarapa in a manner consistent with:

- *the Resource Management Act 1991, and*
- *the Treaty of Waitangi.*

3.0 Desired Outcomes

1. Sustainable management (extraction and use) of gravel resources to mitigate flood and erosion risk.
2. Recognition and utilisation of the value of the gravel resource in the Wairarapa for the benefit of its inhabitants.
3. Enhancement and protection of the relationship of tangata whenua with river taonga, in particular gravel.
4. Awareness of and preservation of the potential of tangata whenua to pursue its treaty claims for future development rights¹.
5. Protection and enhancement of areas of cultural, spiritual, and/or traditional significance to tangata whenua.
6. Identification and provision for Maori traditional and customary use preferences.
7. Development of sufficient information to allow informed decisions on gravel resources to be made.
8. Achievement of the full exchange of necessary information in order to achieve the above outcomes and objective.

4.0 Key Activities & Methods

Gravel Guardians will initiate the key activities and methods outlined below. Any activities or methods may be completed by Gravel Guardians or alternatively by independent persons/organisations under the supervision of Gravel Guardians.

¹ There are current three claims (WAI 97, WAI 741, and WAI 175) with the Waitangi Tribunal.

1. Identification of significant sites (including but not limited to waahi tapu and waahi taonga) along watercourses covered by resource consent WAR 990026. It is anticipated that any project would cover historical and traditional values associated with the identification of significant sites.
2. Development of a GIS database accessible to all parties which stores information gained in point 1 above.
3. Consideration of annual reports prepared as part of resource consent WAR 990026 and other additional reports relating to gravel extraction and make recommendations on future work as appropriate.
4. Development of a management plan on how to effectively manage identified significant sites. The management plan will include guidelines for Council staff implementing resource consent WAR 990026 and will be subject to review if further information is gained that may effect any guidelines developed.
5. Development of opportunities for upskilling all parties in gravel extraction management. For example upskilling technical aspects of gravel extraction or Maori cultural values associated with gravel extraction.
6. Development of protocols for preserving and maintaining traditional Maori knowledge and practices (for example tiakitanga, tapu, and rahui) relevant to gravel extraction.
7. Exploration of opportunities to seek funding for projects during the annual plan process.
8. Exploration of opportunities for delegation of powers under section 33 of the Resource Management Act 1991 in relation to gravel resources².

5.0 Principles of Gravel Guardians

- Principles of Treaty of Waitangi are an integral part in managing gravel resources in the Wairarapa. These principles include but are not limited to:
 1. The “essential bargain”.
 2. The partnership/mutually beneficial relationship.
 3. Shared decision-making.
 4. Active protection.
 5. Tribal self-regulation.
 6. The right to redress.
- Recognise authority to various parties, particularly Wellington Regional Council (Planning and Resources Department) have kawanatanga (governance) role and tangata whenua (Ngati Kahungunu Ki Wairarapa, Rangitaane O Wairarapa, and Wairarapa hapu) have rangitiratanga (customary authority) and kaitiakitanga (ethic of guardianship) roles.
- Recognise rights of individual property owners.
- Recognise Part II of the Resource Management Act 1991, particularly:
 1. Section 6 (e) – provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, as a matter of national importance
 2. Section 7 (a) – have particular regard to kaitiakitanga
 3. Section 8 – take into account the principles of the Treaty of Waitangi
- Key principles in the operation of Gravel Guardians are:
 1. Good faith, honesty
 2. Reasonable, practical working relationship
 3. Respect for all parties
 4. Acknowledgement of differing roles, values, and priorities

² It is noted that any decisions on section 33 matters are the responsibility of the full Council, hence these matters cannot be decided by Gravel Guardians.

5. Open-mindedness and ready to change and seek consensus
- Recognition of ongoing development of partnership in managing gravel resources

6.0 Terms of Reference and Protocol for Gravel Guardians

- Meet at least once annually (annual meeting) to discuss issues in previous year and potential issues for upcoming years. The 'Annual Gravel Extraction Report' will be distributed at least two weeks prior to the meeting.
- At the end of the annual meeting the group will elect a chairperson for the following year.
- Other meetings between annual meetings may be set (both frequency and items for discussions and progress) for the year as agreed by the group.
- All meetings would include management personnel, officers, and lay persons from all organisations.
- Up to 2 persons from each party identified above, however there is flexibility for the Gravel Guardians to co-opt persons into the group for a short or long term period. For example, local hapu representatives may be co-opted into the group.
- Elected or authority representatives/persons are encouraged to attend meetings of Gravel Guardians, particularly any annual meetings.
- Administrative support role i.e. organisation of meeting would be undertaken by the Wellington Regional Council, Planning and Resources Department.
- This Memorandum of Understanding would be for a 15 year term subject to review at a minimum of 3 years in parallel with resource consent WAR 990026.
- Gravel Guardians can provide recommendations and reports to the Rural Services and Wairarapa Committee of the Wellington Regional Council.
- Progress by Gravel Guardians would be achieved through agreement and consensus. Where agreement and consensus cannot be met, the following range of approaches may be undertaken in order to achieve agreement and consensus:
 1. Direct consultation between parties in disagreement.
 2. Co-opting of other party or parties from within the group to assist in developing agreement and consensus.
 3. Engaging higher level of management and/or governance from any party or parties (e.g. kaumatua, elected members, CEO etc.)
 4. Seeking independent mediation agreeable to all parties concerned.
 5. As a last resort, using formal arbitration.

7.0 Resourcing

- The Planning and Resources Department of the Regional Council to provide resources through administrative support for meetings.
- Gravel Guardians will endeavour to seek funding for projects and upskilling training.

8.0 Protection of Sensitive Information

- Sensitive information to be protected under Resource Management Act (1991) section 42 (1)(a) and the Local Government Official Information and Meetings Act (1987) sections 6 and 7.
- There will be careful discretion given to the use of sensitive information held by Ngati Kahungunu ki Wairarapa, Rangitaane o Wairarapa, and Wairarapa hapu.

9.0 Signed by Parties to the Memorandum of Understanding

Signed: Rick Long
Chairperson, Rural Services & Wairarapa Committee, Wellington Regional Council

Signed: Steve Blakemore
Manager, Planning & Resources, Wellington Regional Council

Signed: Ian Gunn
Manager, Operations Department, Wellington Regional Council

Signed: Jim Rimene
Chairperson, Rangitaane O Wairarapa

Signed: Liz Burge
Rangitaane o Wairarapa

Signed: Edwin Perry
Chairperson, Ngati Kahungunu ki Wairarapa Maori Executive Taiwhenua Iwi Authority Inc.

Signed: Murray Hemi
Ngati Kahungunu ki Wairarapa Maori Executive Taiwhenua Iwi Authority Inc.

Signed: Roger Barton
President, Federated Farmers of New Zealand Inc. (Wairarapa Branch)

Signed: Joe Taylor
Federated Farmers of New Zealand Inc.