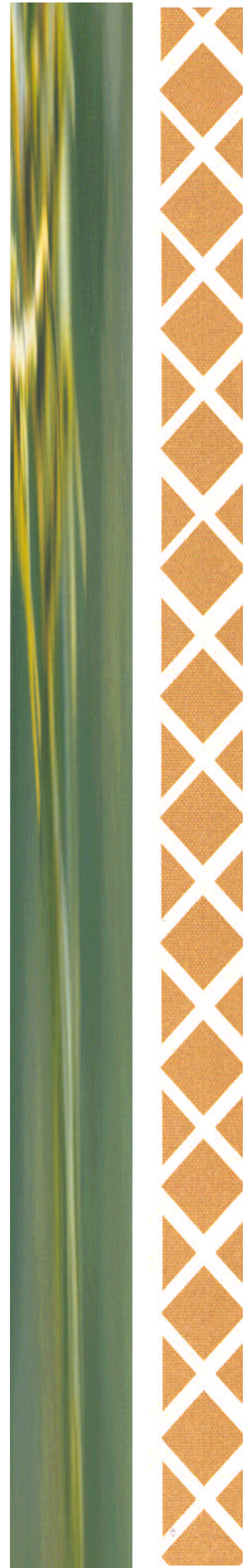


Management Implementation
Of
Memorandum Understanding
Between
Kaipara District Council
Te Uri o Hau, Ngati Whatua



Management Implementation

This section outlines the areas that will facilitate the implementation of the principles and intentions of the Memorandum of Understanding as endorsed by the Governance Heads (Rangatira) on the 28th of May 2002.

In pursuit of their respective and collective aims and aspirations, the true value of the memorandum of understanding will be gauged by how well the 'management partnership' implements the memorandum's intent. This is a living document and by all means is not definitive.

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Attachments:

1. Time Cycle
2. New Projects procedure
3. Organisational alignments

1. Implementation Overview

Operational and Strategic approach:

- Defining an approach to Treaty of Waitangi obligations by Kaipara District Council with Te Uri o Hau, Ngati Whatua that can be met on both a daily and long-term directional basis.

Administrative Relationship:

- Establishing an administrative relationship between Kaipara District Council with Te Uri o Hau, Ngati Whatua that gives mutual benefit and recognition to Hapu, Iwi and local Kaipara communities.

Living Document:

- To establish a living document approach through defining and engaging a commitment to an ongoing partnership for joint decision-making that will "Promote The Intentions and Principles" as declared by the partnership governance.

Hands on Approach:

- Enabling a "Hands On" approach to partnership decision making that is easily understood and evaluated on an annual basis to ensure mutual benefits are achieved and maintained.

2. Area of Interest

- Ngati Whatua Mana Whenua and Mana Moana Area of Interest is accorded to Te Runanga o Ngati Whatua being the representative body and authorised voice to deal with issues affecting the whole of Iwi.
- Te Uri o Hau Mana Whenua Mana Moana Area of Interest is defined in the Te Uri o Hau Deed of Settlement To Historical Land Claims.
- While Te Uri o Hau is the leading role within its Area of Interest, the recognition of and support by its Iwi Ngati Whatua is sustained.
- Where matters are of Iwi significance that affect the Area of Interest of Te Uri o Hau, the Te Uri o Hau representative aligned to the particular Ngati Whatua Iwi forum, will be the representative of Ngati Whatua. The representative having responsibility to keep the Iwi / Te Runanga o Ngati Whatua informed.



3. Representation

3. Representation

Kaipara District Council with Te Uri o Hau, Te Runanga o Ngati Whatua both have governance and management structures as part of their respective organisations.

Governance And Management:

- In addressing of any matter between Kaipara District Council, and Te Uri o Hau, Ngati Whatua it will be determined whether the matter is a governance or management issue. Governance matters relate to policy and the directional ends in being consistent with the memorandum of understanding. Management is the alignment and implementation of policy established through governance to reflect the sounding principles of the memorandum of understanding.

Portfolio Approach:

- Both Kaipara District Council and Te Runanga o Ngati Whatua have a portfolio approach to the allocation of governance responsibility. Te Uri o Hau has a Settlement Trust with elected representatives for overall policy.

Management Responsibilities:

- The Management issues for Kaipara District and Te Runanga o Ngati Whatua are allocated to the Chief Executive. For Te Uri o Hau it is more holistic with management issues split between the different entities each with a Manager allocated responsibility.

4. Shared Decision Making

To detail a process that Kaipara District with Te Uri o Hau, Ngati Whatua will engage in exchanging information and views of mutual concern for shared decision-making.

Early Involvement in Decision Making:

- An outcome sought from the partnership is to ensure that Te Uri o Hau, Ngati Whatua and Kaipara District become involved at the earliest possible stage when each of the parties are formulating policy on the development of the Rohe and District. An integral part of these discussions will also be how the consultation on the planning documents will be undertaken. This is to encourage discussion and involvement in defining the issues and seeking involvement in their resolution.

Planning Documents Of Kaipara District Council and Te Uri o Hau, Ngati Whatua:

- The Kaipara District Council, Strategic and Annual Planning Processes that establish long-term direction and the allocation of resources for their implementation, will involve Te Uri o Hau, Ngati Whatua before draft documents are circulated for comment. Similarly Te Uri o Hau, Ngati Whatua will involve the Council in discussions at an early stage when shaping its direction for the Rohe. Where community plans are developed these will be aligned to Hapu Plans for the Kaipara.

Implications Local Government Bill:

- The Local Government Bill outlines the requirement for producing a Comprehensive Long Term Council Community Plan to cover a 10-year timeframe with a 3-year review. The intention is to streamline the Annual Plan. It also requires the Council to identify the community outcomes not less than every 6 years. Should these provisions remain in the Revised Local Government Act, the MOU processes as outlined within this document will provide a valuable partnership approach to the both the preparation and evaluation of the Community Plan's effectiveness

Timing for involvement with the Kaipara District will coincide with the quarterly meeting time cycle through each year (refer attachment 1.).

Pre-consultation:

- Pre-consultation will occur when either of the partners is preparing policies and plans the may affect the other party.

Plan Changes and Reviews:

- In the preparation of Reviews or Changes to the Kaipara District Council's Plan and any Reserve Management Plans Te Uri o Hau, Ngati Whatua will be involved at a pre-consultative stage. This will ensure that the consultation process reflects the needs of the partnership and those issues for and the process of consultation is reflective of both parties (refer attachment 2.). Over time Iwi and Hapu Plans will be developed by Te Uri o Hau, Ngati Whatua within the rohe. The relevant sections from these Plans will be submitted to the Council for consideration.

Judicial Representation:

- The formal statutory processes for responding to statutory responsibilities under the Resource Management Act will establish joint representation on Judicial Committee Hearings. On matters that have a high Te Uri o Hau cultural significance provision will be made for Te Uri o Hau representation. The most effective way for Te Uri o Hau, Ngati Whatua to undertake this role will be as Commissioner(s) on the Judicial Committee. Where there is a conflict of interest an Independent Commissioner will be appointed.

Transparency:

- When either of the partners is involved with development that requires a resource consent, they will ensure their governance and management structures provide a high level of Transparency and Accountability to enable both roles to be undertaken.

In non-notified resource applications the following steps will be undertaken.

Acknowledgement of Area Of Interest:

- Kaipara District acknowledges the Mana of Te Uri o Hau as an affected party to resource consents within their Area of Interest as defined by the Deed of Settlement.

Notification of Culturally Significant Areas of Consent Applications:

- Te Uri o Hau will outline to Kaipara District areas where non-notified resources consent applications are culturally significant.

Applicant to consult with Te Uri o Hau:

- The applicant will be required to consult with Te Uri o Hau and have the application signed with any comments prior to the Resource Consent application being lodged as a non-notified application.

Decisions notified:

- The decisions on these non-notified applications with comments will be forwarded to Te Uri o Hau.

District Plan Change Initiated

- If the resource consent process identifies recurring issues which impacts on Te Uri o Hau, a change to the District Plan would be considered.

5. Expectations

Facilitating Growth: The expectations of the Partnership are to provide jointly an integrated organisational capability to address the needs of the rohe and district by encouraging economic, social, cultural and sustainable environmental development:

Managing Expectations Through Defining The Participation Process:

- Through clearly defined processes as outlined in the management Memorandum of Understanding both parties will work towards shaping the Kaipara in a form that meets both parties expectations. The processes established will enable both parties to define and encourage the form of development seen as appropriate rather than being forced to respond / react to situations. Early consultation and the encouragement of sustainable economic development are seen as a key aspect as outlined in attachment 2.

6. Legislative Provision For Partnership

The following legislative requirements have to be formally and statutorily considered as part of the partnership as Central Government's acknowledgement of the Treaty of Waitangi in legislation. The following is not a definitive list as there are also other acts which will affect the partnership.

Resource Management Act 1991: Section 6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, section 7a Kaitiakitanga and section 8 Treaty of Waitangi are given prominence.

Treaty of Waitangi: The principles outline an essential bargain of respect for rangatiratanga and partnership/mutually beneficial relationship.

Local Government Act 1974: Section 37K, statement of purposes of local government in New Zealand. A Local Government Bill is currently before government that outlines significant changes for the enhancing the partnership arrangements between Maori and Local Authorities. In particular clause 63 that looks at fostering capacity of Maori, Clauses 73 & 74 Community Outcomes and priorities and Clause 75 Long Term Council Community Plans.

Transit New Zealand Act 1989: Section 27, Maori issues required to be taken into account before funding allocated for roading development.

Historic Places Act 1980: Requires mandatory consultation with Tangata Whenua prior to making an application to modify or destroy any archaeological feature.

Iwi Planning documents: Policy statements contained within these documents reflected in district policy.

Reserves Act 1977: And its link to the Conservation Act 1978, to reflect the principles of the Treaty of Waitangi.

7. Issue Resolution

To outline a process to be followed for any issue resolution.

- Quarterly meetings will be established at a management level and contact outside these meetings at governance level (portfolio holder of the Kaipara District/ Director, Chairman of Te Uri o Hau, Ngati Whatua responsible for governance issue) or if appropriate at a management level with those with the specific management responsibility. This will encourage the resolution of issues at an early stage before they become conflict.
- Should a conflict be evident on a matter then an independent party may be consulted to facilitate resolution.

8. Resources

- The resources (provision of skills / funding / other) that both parties have available for maintaining the partnership process.
- Is a matter to be resolved on a continuing basis, the appropriate level for this is at a Governance level, this will initially be undertaken between Kaipara District with Te Uri o Hau, Ngati Whatua by those who have been allocated the responsibility.

9. Transfer of Functions

- As part of the MOU it is considered that the phasing of the transfer of functions to Iwi authorities, (Te Uri o Hau, Ngati Whatua) under section 33 of the Resource Management Act, will be undertaken. At this early stage of the partnership it is considered more important to monitor progress and evaluate the effectiveness of the partnership in its current administrative form before Te Uri o Hau, Ngati Whatua takes upon additional responsibilities.

10. Protection Of Sensitive Information

- Te Uri o Hau, Ngati Whatua and Kaipara District Council may provide each other with sensitive and confidential information. In accordance to sections 6 and 7 of the Local Government Official Information and Meetings Act 1987 and Resource Management Act section 42(i) (a) Council respects and recognises sensitive files or plans held by Te Uri o Hau, Ngati Whatua. The same expectation will be undertaken with Te Uri o Hau, Ngati Whatua when the Kaipara District Council supplies them with sensitive information

11. Evaluation

- That an evaluation is undertaken of the effectiveness of the relationship as outlined in the MOU through key indicators on an annual basis.
- As part of this process indicators will be established so that the effectiveness of the MOU can be ascertained on an annual basis. These indicators will relate to the implementation of the relationship process and to the outputs from this process.
- That an Independent assessment can be undertaken as part of the evaluation.
- An annual evaluation will be held at the June quarterly meeting.

Time-cycle**Attachment: 1**

Timing for quarterly meetings through out each year in policy development and implementation for Kaipara District Council and Te Uri o Hau, Ngati Whatua

August / September

Pre-consultation

Objective

To discuss the matters to be included in draft planning documents that will be circulated for public or members comments.

eg. Discuss matters of importance to include in discussion documents

November

Consultation

Objective

To discuss how the consultation process will be undertaken and implemented within the community and Hapu

eg. detailing process of consultation and appropriate presentation

March

Draft Annual Plan

Objective

To discuss the priorities of mutual interest within the Kaipara Annual Plan and Te Uri o Hau Statements of Corporate Intent.

eg. looking at the implementation of projects outlined within the 'Draft Annual Plan' making a submission

June

Evaluation

Objective

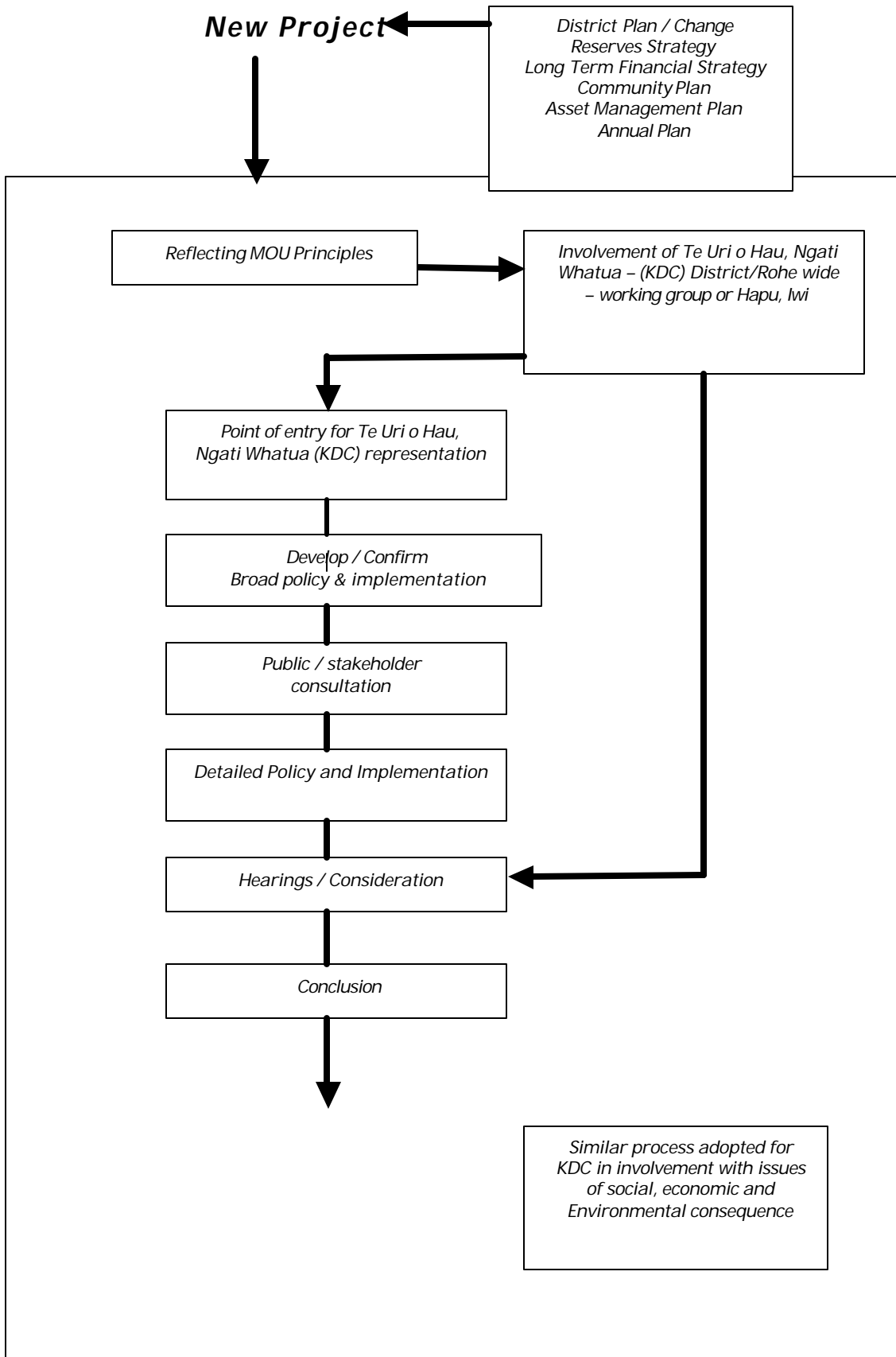
To discuss whether the partnership arrangements are meeting both parties expectations. Outlining the performance indicators.

eg. Sitting down at both a governance level and at a management level

Operational matters will be raised at these meetings as appropriate

Selected Project

Attachment: 2



Organisational Alignment

Attachment 3

Governance Role

Policy development and monitoring performance

Elected Positions

**Te Uri o Hau Settlement
Trust Board**



Kaipara District Councillors

DELEGATED RESPONSIBILITIES TO THE FOLLOWING

Appointed units of:

Te Taumata Kaunihera – Cultural

Tangata Development – People

Commercial

Environment

Portfolio holder:

Maori issues / Mayor

Workshop Forum:

All Councillors prior to formal meetings to discuss issues that cross a number of portfolios

Interim arrangements

An interim arrangement currently exists for Te Uri o Hau until the election of the Te Uri o Hau Settlement Trust Board. The election has to take place within six months after the legislation has been passed.

Other Committees

Raupo Drainage Committee

Mangawhai Endowment
Fund Committee

Organisational Alignment

Attachment 3

Management Role

Implementing policy set by governance

Overall Responsibility

Joint Management Group



Overall Responsibility

Chief Executive Officer

Individual Staff Responsibility:

Taumata Kaunihera – Cultural

Tangata Development – People

Commercial

Environment

Team Leaders assigned:

Policy

Finance

Communication & Service

Regulatory

Assets

Information

Convenors

Convenor, Board Members assigned to issues before Te Uri o Hau. During the interim phase assignees are in place for the Taumata, Tangata Development, Commercial and Environment.

Project Team

Comprising both appointed Councillors and Staff with a Terms of Reference for a particular issue. This can be undertaken at a formal and informal level.