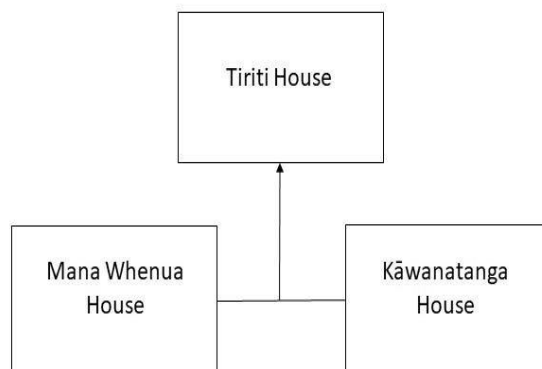


Whaitua Kāpiti Committee (An advisory body to Council)

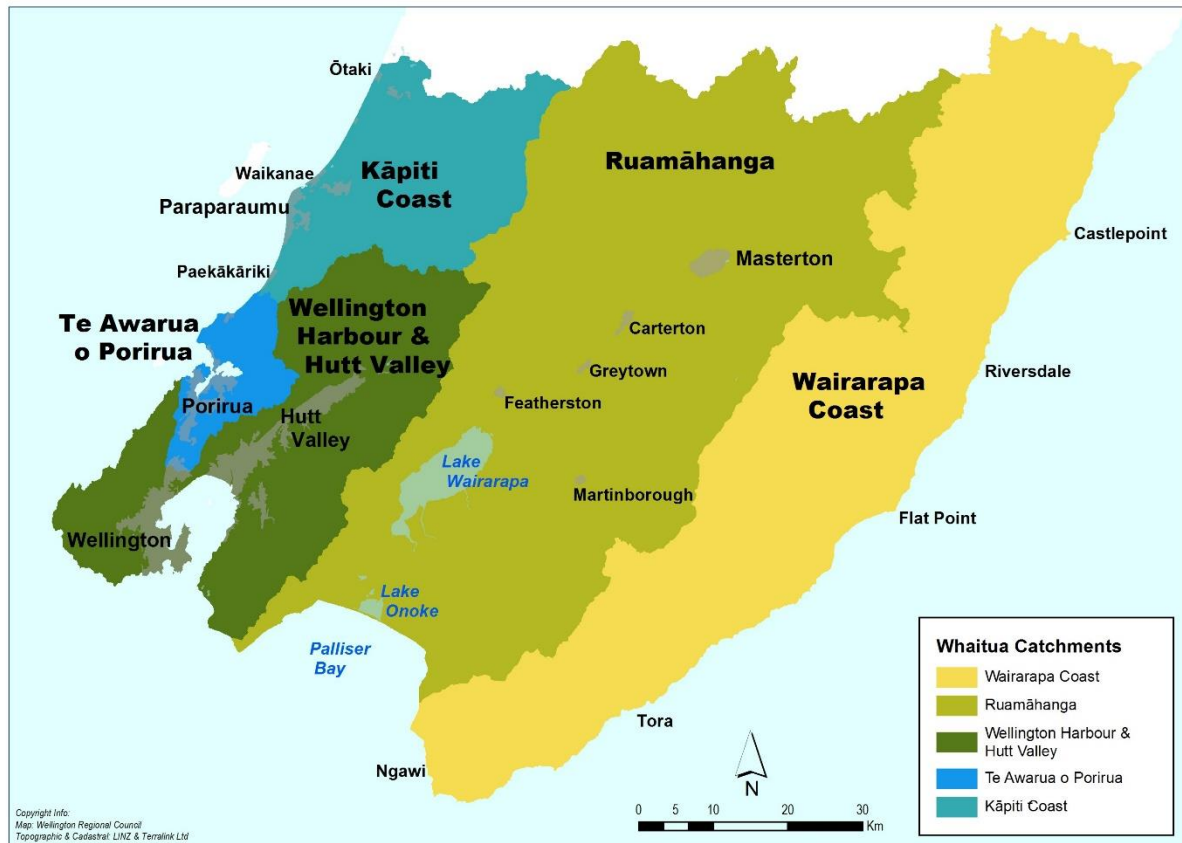
Te Tiriti o Waitangi / Treaty of Waitangi (Te Tiriti) are the founding documents of Aotearoa New Zealand. The signing of Te Tiriti in 1840 guaranteed mana whenua tino rangatiratanga over lands, forest, fisheries and other taonga. Rangatiratanga differs from other forms of authority, such as kāwanatanga of local and central government which is also subject to the tino rangatiratanga of mana whenua. The agreements within Te Tiriti, among other important aspects can be viewed as a partnership. That partnership recognises both types of authorities (rangatiratanga and kāwanatanga) functioning together. Professor Whatarangi Winiata proposed a Tiriti House Model that has origins from the ĀRT Confederation (Te Ātiawa ki Whakarongotai Charitable Trust, Ngā Hapū o Ōtaki (hapū of Ngāti Raukawa within the district mandated organisation) and Ngāti Toa Rangatira Inc)¹. The Tiriti House Model proposes a Tiriti approach to decision-making that provides for the equal recognition of, and input from each house (Mana Whenua House and Kāwanatanga House). The diagram below presents a visual representation and for further explanation refer to Webster and Cheyne, 2017²:



‘Whaitua’ is a Te Reo Māori term for a region, designated area or domain. The Natural Resources Plan for the Wellington Region (the Regional Plan) utilises the word ‘whaitua’ to describe a catchment or sub-catchment (zone) managed as an integrated system. The area of the Kāpiti Coast whaitua is labelled on the map below.

¹ Winiata, W., 1997, The Treaty of Waitangi: Māori Political Representation.

² Webster, K. And Cheyne, C., 2017, Creating Treaty-based local governance in New Zealand: Māori and Pākehā views, Kōtuitui: New Zealand Journal of Social Sciences online 2017, Vol 12, No 2, 146-164. <https://www.tandfonline.com/doi/pdf/10.1080/1177083X.2017.1345766>.



1 Tiriti House Model

- 1.1 The Tiriti House model provides a framework and principles to guide representation and collaborative work that is grounded in Te Tiriti o Waitangi. The Tiriti House model will inform the principles, structures, and processes of the Whaitua Kāpiti Committee.
- 1.2 Whilst a Tiriti-based, partnered decision-making process and work is the outcome of the model, the model requires consideration of how all three ‘houses’ function effectively and equitably, including their processes of accountability and how they are resourced.

2 Tiriti House

- 2.1 The Tiriti House will be the forum that facilitates decision-making across representatives chosen by both mana whenua and kāwanatanga in the spirit of Tiriti partnership. This forum will provide for decision-making across both of the spatial scales that the Whaitua Kāpiti Committee will be required to address:
 - a District-wide decisions on broader policy that are rightfully made at the district scale
 - b Local decisions on specific Freshwater Management Units (FMUs) and waterways.
- 2.2 Where Tiriti House decisions have a district wide scale, all three iwi of the ĀRT Confederation will participate in the Tiriti House process. Where Tiriti House decisions

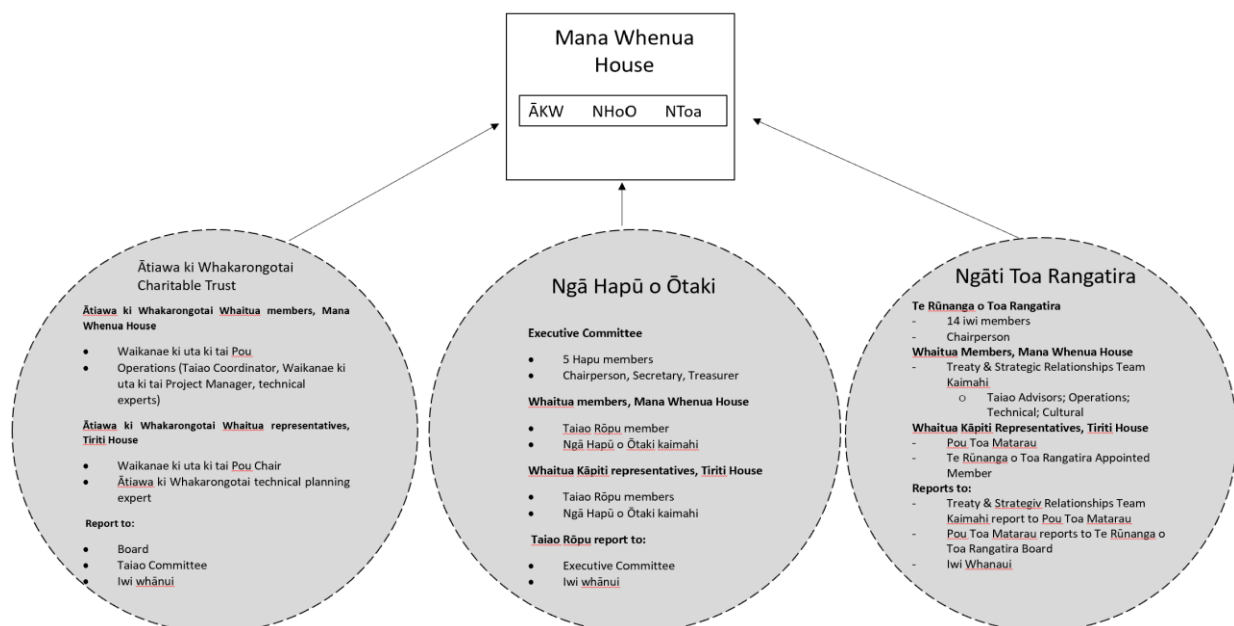
are specific to certain waterways and FMUs, the iwi who hold mana whenua status in relation to those waterways will participate in the Tiriti House process. The Mana Whenua House will agree at the scale participation required.

- 2.3 All members of the Kāwanatanga House will participate in all decisions at both district and local scales.

3 Mana Whenua House

3.1 Alongside the six Mana Whenua House representatives on the Whaitua Kāpiti Committee, the Mana Whenua House will include Pou (key advisors) and operational staff and experts from each of the three mana whenua organisations – Te Ātiawa ki Whakarongotai Charitable Trust, Ngā Hapū o Ōtāki (hapū of Ngāti Raukawa within the district mandated organisation) and Ngāti Toa Rangatira Inc (ĀRT). The three iwi who have mana whenua status within the Kāpiti Coast will meet on a regular basis as the Mana Whenua House for the Whaitua Kāpiti Committee. Additionally, it should be recognised that each iwi will have its own internal structures and processes including communications, reporting and accountability requirements. For example, monthly hui with iwi/hapū members, board papers, presentations, wānanga, taiao rūpu hui etc.

3.2 When working within the Mana Whenua House, the Pou, as key advisors, will wānanga key policy issues and proposed environmental standards, with the support of the operational members. These wānanga will inform the positions that the six Mana Whenua House representatives will take into the Tiriti House - Whaitua Kāpiti Committee. This ensures the positions put forward by the Mana Whenua House representatives at the Whaitua Kāpiti Committee are informed by the wider Mana Whenua House and are authentic, transparent, accountable and robust. It also ensures that Mana Whenua House representatives do not make unilateral decisions without further consultation with iwi. The diagram below which sets out the structure for the Mana Whenua House.



4 Kāwanatanga House

- 4.1 The Kāwanatanga House will comprise the elected members of Greater Wellington Regional Council and Kāpiti Coast District Council, and community members.
- 4.2 The Kāwanatanga House will also comprise advisors from Greater Wellington and Kāpiti Coast District Council, including external consultants, to help support decision making. Positions taken by members of the Kāwanatanga House into the Tiriti House will be those of the members themselves, not the advisors.
- 4.3 Consensus will be sought within the Kāwanatanga House prior to meeting in the Tiriti House. Where consensus cannot be reached, options and analysis to inform decision making shall be brought to the Tiriti House.

5 Purpose and function³

- 5.1 To give effect to the National Policy Statement for Freshwater Management 2020 (NPSFM) through the development of regulatory and non-regulatory proposals to be documented within the Whaitua Kāpiti Implementation Programme (WIP)⁴.
- 5.2 The Whaitua Kāpiti Committee will operate in equal partnership with Mana Whenua to reflect Te Tiriti o Waitangi Principle of partnership.
- 5.3 The Whaitua Kāpiti Committee will be guided by the five principles of the Regional Plan Review process:
 - a Ki uta ki tai – interconnectedness
 - b Wairuatanga – identity
 - c Kaitiakitanga – guardianship
 - d To matou whakapono – judgement based on knowledge
 - e Mahitahi – co-operative partnership.

6 Status of the Whaitua Kāpiti Committee

- 6.1 The Whaitua Kāpiti Committee is an advisory body established by Council.
- 6.2 The Committee is not a subordinate decision-making body of Council and is not a committee under the Local Government Act 2002.

³ The Council's Te Tiriti o Waitangi principles apply when the advisory group conducts its business and makes decisions – refer to Section 3 of the [Approved Terms of Reference Council, Committees, Subcommittees and Advisory Bodies \(including Delegations to Committees\): 2022–25 triennium](#).

⁴ A WIP is a non-statutory report for Greater Wellington Regional Council (Greater Wellington) that will contain recommendations for the integrated management of land and water resources within the whaitua boundary.

7 Specific responsibilities

- 7.1 To develop the Whaitua Kāpiti WIP that will outline regulatory and non-regulatory proposals for integrated land and water management within the Kāpiti Coast Whaitua, including measures to implement the NPFSM⁵.
- 7.2 Include in the Whaitua Kāpiti WIP direction on the following:
- a A long-term freshwater vision for the Whaitua Kāpiti
 - b Locally identified values, including Mana Whenua values and how these will be provided for
 - c Applying all national values (compulsory and other)
 - d Implementation of the six principles of Te Mana o te Wai
 - e Environmental outcomes for freshwater
 - f Freshwater Management Units
 - g Target Attribute States for all relevant attributes in the National Objectives Framework
 - h Targets for additional attributes for locally specific values, including a baseline from the best available evidence
 - i Targets in subclauses (g) and (h) to be set as numeric targets, including timeframes to achieve those targets and to be measured at specific reporting points
 - j Limits where applicable, including direction on regulatory and non-regulatory methods to achieve limits
 - k Minimum flow and allocation limit for surface and groundwater bodies in Whaitua Kāpiti
 - l Primary contact monitoring sites
 - m How territorial authorities can promote positive effects for the health and wellbeing of freshwater and receiving environments.
- 7.3 Consider, in developing the Whaitua Kāpiti WIP, the following:
- a The hierarchy of Te Mana o te Wai
 - b Identification of the issues, challenges, and opportunities for integrated management, ki uta ki tai, of the waterways for the Kāpiti Coast whaitua
 - c A diversity of systems of values and knowledge, including mātauranga Māori
 - d The impacts of climate change
 - e The impacts of stormwater and wastewater
 - f The impacts of urban development

⁵ This is to provide locally appropriate direction for how Te Mana o te Wai is applied in freshwater management.

- g Interactions between groundwater and surface water
- h Interactions of freshwater with estuaries and other coastal environments
- i The requirements of other national direction.
- a Te Tiriti o Waitangi
- b Resource Management Act 1991
- c National Policy Statement for Freshwater Management 2020
- d Local Government Act 2002
- e Iwi Environmental Management Plans
- f Treaty Settlement Acts.

7.4 Advise Council on regulatory and non-regulatory proposals within the Whaitua Kāpiti WIP.

8 Consideration of proposals within the Whaitua Kāpiti WIP

8.1 Council is responsible for reviewing and approving regulatory proposals within the Whaitua Kāpiti WIP, including ensuring compliance with relevant statutory requirements.

8.2 Approved regulatory proposals within the WIP will be further developed by Greater Wellington for incorporation into the Natural Resources Plan through a plan change process.

8.3 Council is responsible for reviewing and approving non-regulatory proposals within the Whaitua Kāpiti WIP. Approved non-regulatory proposals will then be:

- a Developed further within Greater Wellington in conjunction with relevant external organisations, including Kāpiti Coast District Council and Ātiawa ki Whakarongotai Charitable Trust, Ngā Hapū o Ōtaki and Ngāti Toa Rangatira.
- b Considered in the development of Council's next Long-Term Plan.

9 Members

9.1 In following the Tiriti House Model, the Whaitua Kāpiti Committee will consist of Mana Whenua House representatives and Kāwanatanga House representatives.

9.2 Council will appoint:

- a Six Mana Whenua House representatives, two nominated by each of:
 - i Ātiawa ki Whakarongotai
 - ii Ngā Hapū o Ōtaki
 - iii Ngāti Toa Rangatira.

- b Six Kāwanatanga House representatives:
 - i The Councillor elected by the Kāpiti Coast constituency
 - ii One member, being an elected member of the Kāpiti Coast District Council, nominated by that council
 - iii Up to four members from the community with a range of backgrounds and interests related to land and water management within the community.

9.3 To be eligible to be considered for appointment to the Whaitua Kāpiti Committee:

- a Each member must:
 - i Live in, or be able to demonstrate a close connection with the Whaitua Kāpiti;
 - ii Demonstrate a commitment to achieving Tiriti House based decision making.
- b Community members must also:
 - i Reflect the interests of a wider group within the community;
 - ii Have the skills, experience, and knowledge to ensure that these interests are considered in the deliberations of the Whaitua Kāpiti Committee.

9.4 Greater Wellington officers are not eligible to be considered for appointment to the Whaitua Kāpiti Committee.

10 Co-Chairs

10.1 The Whaitua Kāpiti Committee shall have two Co-Chairs, with one Co-Chair appointed by the Mana Whenua House and the other Co-Chair appointed by the Kāwanatanga House.

10.2 Each Co-Chair shall be the presiding member at meetings of the Whaitua Kāpiti Committee on an alternate basis. If a Co-Chair is absent from a meeting of the Whaitua Kāpiti Committee for which they are scheduled to be the presiding member, then the other Co-Chair shall preside at the meeting.

11 Quorum

Half of the membership of the Mana Whenua House, and half of the membership of the Kāwanatanga House, shall be present to form a quorum.

12 Committee meetings and workshops

It is expected the completion of the Whaitua Kāpiti WIP will take 12 months and will include a minimum of 24 days' work for each Committee member. This work will include at least 12 meetings that will run from 9:30am to 4:30pm; as well as preparing for and debriefing each meeting.

13 Reporting and servicing

- 13.1 The Whaitua Kāpiti Committee is serviced by Greater Wellington.
- 13.2 Greater Wellington officers will prepare a regular update report that members can use to keep their respective representative bodies informed.

14 Consensus

The Whaitua Kāpiti Committee will use a Tiriti House decision making process to determine consensus.

15 Remuneration

Kāwanatanga House

- 15.1 The expenses of the elected members, including an elected member appointed by the Kāwanatanga House as Co-Chair, shall be met by the council they represent.
- 15.2 Community members of the Kāwanatanga House are eligible to receive an annual taxable honorarium as follows:
 - a Member (excluding the Co-Chair) - \$15,000 each
 - b Co-Chair (appointed by the Kāwanatanga House) - \$20,000.
- 15.3 This honorarium covers the work stipulated in paragraph 12.

Mana Whenua House representatives

- 15.4 The nominating mana whenua partners (stated in clause 9.2a) must, prior to the payment of any remuneration under clause 15, advise Greater Wellington in writing that either:
 - a Their two Mana Whenua House representatives each receives an annual taxable honorarium; or
 - b The entity receives a GST exclusive payment of the amount otherwise payable to their two representatives.
- 15.5 This honorarium or payment covers the work stipulated in clause 12.
- 15.6 The honorarium or payment is as follows:
 - a Member (excluding the Co-Chair) - \$15,000 each
 - b Co-Chair (appointed by the Mana Whenua House) - \$20,000.

16 Duration

- 16.1 The Whaitua Kāpiti Committee shall exist for the duration of the development and completion of a Whaitua Kāpiti WIP and shall cease to exist at the conclusion of this process.
- 16.2 Although the Whaitua Kāpiti Committee will cease to operate at the completion of the Whaitua Kāpiti WIP, mana whenua participation in the Kāpiti Coast Whaitua will reflect

the ongoing and enduring partnership between Greater Wellington and all three iwi of the ĀRT Confederation.