



# Memorandum of Understanding in relation to the Restoration of the Waiapu Catchment

*Waiapu koka huhua – Waiapu, mother of many.*

Between **HER MAJESTY THE QUEEN** in right of New Zealand, acting by and through the Director General of the Ministry for Primary Industries (“MPI”)

And **TE RUNANGANUI O NGĀTI POROU TRUSTEE LIMITED** as a trustee of TE RUNANGANUI O NGĀTI POROU (“TRONPNui”)

And **GISBORNE DISTRICT COUNCIL**, a unitary council named in Part 2 of Schedule 2 of the Local Government Act 2002 (“GDC”)

hereafter referred to as “a Party” and “the Parties”.

## 1 This Memorandum establishes a working partnership between MPI, TRONPNui and GDC to exercise their individual responsibilities for the restoration of the Waiapu Catchment to give effect to commitments in the Deed of Settlement.

- 1.1 In the Deed of Settlement between Ngāti Porou and Te Runanganui O Ngāti Porou and the Crown, the Crown recognised the significance of the Waiapu River to Ngāti Porou and the impacts of erosion in the Waiapu catchment (the “Catchment”) and acknowledged damage from deforestation, the exclusion of Ngāti Porou from historical erosion control and catchment management decision making, and the resulting damage to Ngāti Porou’s cultural, social and economic resources.<sup>1 2</sup>
- 1.2 In association with the Deed of Settlement, Cabinet:
- restated its commitment to work with Ngāti Porou and landowners to mitigate severe erosion in the Catchment;
  - commissioned the Waiapu River Catchment Study;
  - directed that any proposals stemming from the Study be met through existing programmes.<sup>3</sup>

<sup>1</sup> Deed of Settlement between Ngāti Porou and Te Runanganui O Ngāti Porou and the Crown, 12 December 2011; Ngāti Porou Claims Settlement Act 2012

<sup>2</sup> Ngāti Porou – Crown Relationship Accord, Section 3

<sup>3</sup> Cabinet Minute TOW Min (10) 9/1

## 2 The findings of the Waiapu River Catchment Study

2.1 The Waiapu River Catchment Study (the Study) assessed the current environmental state of the Catchment and its cultural, social and economic effects. The report highlighted the severity and urgency of erosion control problems in the Catchment, and framed those problems in a broader cultural, social and economic context:

- a. The Catchment is of great spiritual, cultural, and economic significance to Ngāti Porou. The health of the Catchment extends much further than the physical elements of the landscape.
- b. The Catchment and the people who depend on its resources have been subjected to a series of environmental, social and economic episodes for over a century (for example, deforestation, rural depopulation, a series of extreme weather events, the disestablishment of the New Zealand Forest Service and privatisation of the forest estate, erosion and land degradation and river sedimentation).
- c. These episodes have had impacts on the wellbeing of Ngāti Porou in the Catchment and have had a contributing role in the current low socio-economic profile for the area.
- d. The social, economic and cultural impacts of environmental degradation associated with deforestation and unsustainable land management practices in the Catchment has seriously damaged natural resources (water, soil, biodiversity, productive capacity).
- e. In defining future courses of action and interventions to reduce the erosion and its effects, it should be recognised that they may lead to undesirable as well as desirable socioeconomic and cultural impacts. Future catchment management policies and erosion control programmes must be co-developed with Ngāti Porou. They should be built on local knowledge and experience, and supported by relevant and up to date scientific knowledge.
- f. Alternative forestry strategies are likely to include native regeneration, indigenous forestry and the use of diverse species creating opportunities for niche markets and the restoration of ecosystems.<sup>4 5</sup>

2.2 The Study also highlighted the importance of direct and active involvement of Ngāti Porou, communities, landowners and hapū:

*"Any attempt to develop and implement interventions to address the erosion problem in the Waiapu catchment without the direct and active participation of Ngāti Porou and local communities is unlikely to be successful".*

### Programme timeframe

2.3 The Parties aspire to work in partnership to restore the Catchment over a 100 year period.

### Shared vision

2.4 The shared vision for the restoration of the Waiapu Catchment by 2113 is:

*"Ko te mana ko te hauora o te whenua; ko te hauora o nga awa; ko te hauora o te iwi – Healthy land, healthy rivers, healthy people."*

<sup>4</sup> Waiapu River Catchment Study, Final Report, Scion, 2012, Executive Summary

<sup>5</sup> Barnard, T, Sustainable Land Management and Climate Change Research Programme on Community Resilience in the Waiapu Catchment, 2012



### 3 Programme imperatives

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- 3.1 **A holistic approach to planning and management:** Sustainable land management solutions need to achieve multiple and mutually supportive outcomes – environmental restoration, economic profitability, cultural revitalisation and social prosperity.
- a. Land management policies and practices should consider multiple objectives. For example, hill country management practices should aim to be productive and profitable, protect the downstream catchment, and support local communities.
  - b. Integrated solutions can save money and increase benefits. For example, infrastructure can be protected by a combination of engineering solutions and catchment management.
- 3.2 **Teamwork and commitment:** This programme will require the resources, skills and commitment of the three Parties – TRONPNui, Gisborne District Council, and the MPI – with support from other groups – science and tertiary education providers, sector associations and finance partners.
- 3.3 **A co-ordinated set of interventions:** To date the approach has been to provide incentives through the East Coast Forestry Project (ECFP) and sanctions through the District Plan. An aggressive and co-ordinated approach is required to:
- a. simplify, and remove barriers to, uptake of the ECFP;
  - b. present landowners with a wider range of treatment and land use options;
  - c. assist owners of land in Māori Title with land use planning and management and accessing finance;
  - d. help landowners to implement erosion control and follow through the treatment until tree cover is established;
  - e. encourage sustainable land use practices, and build innovative and profitable businesses;
  - f. maintain treated land, for example, with pest control management, or with subsequent forestry rotations.
- 3.4 **Urgent action:** Remediation is urgent.
- a. The Waiapu River has the highest suspended sediment yield of any river in New Zealand and one of the highest in the world. The suspended sediment yield of the Waiapu River is equivalent to an annual suspended sediment load of 35 million tonnes per year;<sup>6</sup>
  - b. Catchment modelling found that between 1957 and 2008, gully-derived sediment yield has increased by about 80 percent. These models indicate that if all gullies in the Catchment are afforested by 2020, sediment yield could be reduced by half by 2050;<sup>7</sup>
  - c. If nothing is done, erosion and sedimentation could double by 2050. The Catchment would experience even greater physical damage, the area's agricultural production would deteriorate, and social deprivation would be worse;
  - d. About 22,000 ha in the Catchment remains untreated. Much of this is in gullies that generate very high rates of soil loss and sedimentation.<sup>8</sup>

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<sup>6</sup> <http://www.fao.org/nr/water/aquastat/sediment/index.asp>

<sup>7</sup> Herzig, A., Dymond, J.R., Marden, M., 2011. A gully-complex model for assessing gully stabilisation strategies. *Geomorphology*, 133: 23-33

<sup>8</sup> Provided by MPI, November 2013.

## 4 Wider benefits for Gisborne District and New Zealand

- 4.1 While this programme focuses on the restoration of the Catchment it will have synergies with, and benefits for, Gisborne District. Improvements made in the Catchment will provide benefits across the rohe of Ngāti Porou and the wider Gisborne District. The benefits for the District and the whole of New Zealand include:
- simpler processes between the District plan requirements and ECFP funding;
  - co-ordination of planning assistance, financial incentives, implementation support and compliance requirements for sustainable land management;
  - a wider range of sustainable land treatment options that foster innovative and profitable land-based businesses;
  - environmental restoration, improved employment and prosperity;
  - an enduring partnership between iwi, local government, the Crown, agricultural and forestry groups, and finance partners.

## 5 Programme outcomes

- 5.1 Table 1 summarises the programme outcomes, and the aspirational end state for 2113.

**Table 1: Programme outcomes**

Outcomes	Aspirational end state
<b>Healthy land</b>	
• Mana whenua	• Nga hapu o Ngāti Porou have mana whenua. • The inter-relationship of land and water is understood and practised.
• Protection, restoration and sustainable management of eco-systems (includes land, springs, forests, wetlands, lowlands, streams) and ecological and social values and systems it supports	• Recovery of the cultural and biodiversity values of eco-systems. • An abundant and healthy source of food, water, rongoa, flora, fauna exists in the Catchment equivalent to its original state. • Improved soil quality. • Land use is appropriate (household, hapu, community, commercial). • Wāhi tapu are identified, restored and protected.
• Treatment prioritisation of erosion-prone land	• Erosion prone land is treated (in a holistic way and with regard to up-to-date scientific and cultural knowledge), and sustainably managed thereafter. • Land treatment is achieved quickly and with sufficient scale to arrest further damage through erosion and flooding.
• Sustainable and profitable management of farms (including agriculture, horticulture activities) and production forests	• Sustainable land use practices that are resilient to droughts and floods. • Innovative land uses that maximise economic and social returns, and are resilient to commodity price changes. • A local source of food and physical resources for the community is sustained.
• Development and protection of infrastructure	• Flood damage to roads and communities is minimised; rebuilding costs are reduced. • Implementation of engineering initiatives to address land restoration (including roading, flood defence and new and improved technologies).



Outcomes	Aspirational end state
<ul style="list-style-type: none"> <li>Protection of the productive capability of downstream land</li> </ul>	<ul style="list-style-type: none"> <li>There is no further deterioration to the cultural, social and economic value of downstream land.</li> </ul>
<b>Healthy rivers</b>	
<ul style="list-style-type: none"> <li>Mana tiaki</li> </ul>	<ul style="list-style-type: none"> <li>Nga hapū o Ngāti Porou have mana tiaki (custodianship).</li> </ul>
<ul style="list-style-type: none"> <li>Clean water</li> </ul>	<ul style="list-style-type: none"> <li>Life supporting water.</li> <li>Drinkable quality water.</li> </ul>
<ul style="list-style-type: none"> <li>Ever present water</li> </ul>	<ul style="list-style-type: none"> <li>Sufficient for eco-system and community needs.</li> <li>A respectful balance of protection and use exists, in a holistic sense, upstream and downstream.</li> </ul>
<ul style="list-style-type: none"> <li>An abundant source of quality food and water</li> </ul>	<ul style="list-style-type: none"> <li>Supports eco-systems and land use systems.</li> <li>A respectful balance of protection and use exists, in a holistic sense, upstream and downstream, social (residential, cultural, recreational) and commercial.</li> </ul>
<b>Healthy people</b>	
<ul style="list-style-type: none"> <li>Mana tangata</li> </ul>	<ul style="list-style-type: none"> <li>People are healthy and empowered.</li> </ul>
<ul style="list-style-type: none"> <li>The relationship between the community (all who use or benefit from) and the land and river is reinstated</li> </ul>	<ul style="list-style-type: none"> <li>Ngāti Porou tikanga and matauranga is understood and practiced by the community.</li> <li>The community respect the river.</li> <li>The community are conscious that our actions affect its wellbeing (how the river is used, what we take from it and what we place in it and around it).</li> <li>The community respect that what we do at one part of the river may have an effect in another part of the river.</li> <li>The community understand sustainable land use practices.</li> </ul>
<ul style="list-style-type: none"> <li>Economic independence and prosperity exists for Ngāti Porou and for the wider community</li> </ul>	<ul style="list-style-type: none"> <li>Local business opportunities develop; employment increases; people living in the Catchment remain and others return to it; socio-economic measures improve.</li> <li>Locally produced commodities are valued. They generate prosperity (including business and employment).</li> </ul>
<ul style="list-style-type: none"> <li>Local knowledge and aspirations are central to decision-making</li> </ul>	<ul style="list-style-type: none"> <li>Local people are actively engaged in and drive catchment management.</li> <li>Hapu and community are cohesive making the right decisions for the best local outcomes (social, environmental).</li> <li>Matauranga (knowledge), science and technology are equally valued and are central to local decisions and sustainable outcomes.</li> </ul>



5.2 Table 2 summarises the programme logic: the contributions of the Parties, the activities and services they will contribute together, and the outcomes they will collectively achieve (the “Programme”).

**Table 2: Programme logic**

**Parties’ contributions**

<b>Ministry for Primary Industries</b> <ul style="list-style-type: none"> <li>represents the Crown in the fulfillment of commitments (Ngāti Porou Relationship Accord) for the restoration of the Waipatu catchment</li> <li>promotes success and innovation in New Zealand’s primary industries</li> <li>administers national primary sector and land management policies</li> <li>administers a range of funds and initiatives including the East Coast Forestry Project</li> <li>brokers whole of government solutions to achieve programme outcomes</li> <li>advises the Minister and Associate Minister for Primary Industries</li> </ul>
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<b>TRONPNui</b> <ul style="list-style-type: none"> <li>leads, represents and advocates for the people and rohe of Ngāti Porou</li> <li>protects and fosters mātauranga</li> <li>develops the natural, economic, social and cultural capital of its people</li> <li>manages farms and forests, develops a land management strategy, and builds the people’s land management capabilities</li> <li>delivers education, health, housing and social services</li> <li>provides access to new funding partner</li> <li>operates a business incubation service</li> </ul>
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<b>Gisborne District Council</b> <ul style="list-style-type: none"> <li>represents and advocates for the people of the District</li> <li>promotes social and economic development across the District</li> <li>regulates environmental management and sets the Combined Regional Land and District Plan</li> <li>sets statutory requirements for land management (including Works Plans and consents for earthworks, forest harvesting and vegetation clearance)</li> <li>controls and manages rivers including riverbank protection, flood control and water quality monitoring</li> <li>oversees pest management</li> <li>with NZTA, manages and maintains roading and infrastructure</li> </ul>
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<b>Other parties involved:</b> <ul style="list-style-type: none"> <li><b>Farming and forestry sector groups</b> represent and advocate for their members, communicate information (from and to the programme) and provide education and technology transfer services</li> <li><b>Banks and finance partners</b> provide the capital to enable land use changes</li> <li><b>Science organisations and tertiary education providers</b> provide technology transfer, education services and technical advice</li> <li><b>Advisors</b> (farm advisors, accountants, etc) provide advice on land use and business planning.</li> <li><b>Other government agencies</b> (NZTA, DoC)</li> </ul>
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**Themes**

**Specific services and interventions**

**Outcomes**

Simplify processes and remove barriers	Remove barriers to the uptake of ECFP (MPI)
	Coordinate delivery of GDC and MPI services to landowners (MPI, GDC)
	Facilitate decision making on Māori Land (TRONPNui)
Incentives, grants and business innovation	Grants – East Coast Forestry Project (MPI)
	Co-funding development – Sustainable Farming Fund (MPI-Sector groups)
	Incentives for afforestation through PFSI & ETS carbon credits (MPI)
	Supporting economic development in the rohe (TRONPNui) and district (GDC)
	Business incubator support (TRONPNui)
	Land and financial planning advice (Advisors)
Capability building and technology transfer	Financing business development and land use change (Finance partners)
	Technology transfer (Sector groups, GDC, science providers, MPI)
	Training, business development (TRONPNui)
	‘Model farm’ (GDC)
Advisory and support services	Provide information on services available from MPI, GDC, DoC and others
	Assistance with Land Plans and ECFP applications (GDC)
	Provision of nursery stock
	Supervision of planting and follow-up care of land treatment (GDC, Sector groups)
Land, water and infrastructure management	Support from Ngāti Porou Farm and Forests Ltd to other Māori landowners
	Environmental monitoring – Water quality/Ecology (GDC)
	Riparian management and flood management (GDC)
	Building, maintaining and protecting infrastructure (GDC)
Regulating and monitoring	Monitoring and ongoing assessment of erosion risk (GDC, MPI, science organisations)
	Land management – biodiversity, pest control (GDC, DoC)
	Issue consents and monitor compliance (GDC)
	Monitor and report on land, water quality (GDC)
	Monitoring compliance with LO3A, ECFP, carbon credits, etc (GDC, MPI)
	Set rules and regulatory limits (GDC)

<b>Healthy land</b> <ul style="list-style-type: none"> <li>Erosion is managed</li> <li>Natural forests, biodiversity and cultural values are restored</li> <li>Wāhi tapu are protected</li> <li>Downstream infrastructure is protected, communications and transport are more secure.</li> <li>Damage to communities is reduced.</li> <li>The productive capacity of downstream land is maintained</li> </ul>
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<b>Healthy river</b> <ul style="list-style-type: none"> <li>Sedimentation and aggradation from hill country erosion is reduced</li> <li>Erosion through riparian slips is reduced</li> <li>Water quality is improved</li> <li>The river is again an abundant source of food and drinking water, and for recreation</li> </ul>
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<b>Healthy people</b> <ul style="list-style-type: none"> <li>The relationship between Ngāti Porou and the land and river is re-invigorated</li> <li>Local knowledge and aspirations are central to decision-making</li> <li>The catchment produces high value commodities, which generate high income jobs within the area, which in turn generate prosperity for all the people</li> <li>Economic independence and prosperity is restored for Ngāti Porou and all the people of the catchment</li> </ul>
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INTEGRATED CATCHMENT MANAGEMENT



## **6 Joint Governance Group**

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6.1 A Joint Governance Group will lead and oversee the Programme.

### **Membership**

6.2 Members will be appointed by the Parties (TRONPNui appointing two people, and Gisborne District Council and MPI appointing one each).

6.3 Parties may appoint alternate members.

### **Chair**

6.4 The Joint Governance Group will be chaired by the one of the members appointed by the Parties.

6.5 Initially, the chair will be the representative of MPI.

### **Quorum**

6.6 To transact formal business, one representative from each Party must be present.

### **Function**

6.7 The Joint Governance Group will:

- a. set the Programme goals and mid-term objectives;
- b. oversee the Programme and in particular:
  - (i) approve the Programme work, Programme plans, budgets and key documents;
  - (ii) assess Programme progress reports;
  - (iii) monitor Programme forecasts for the achievement of objectives and expenditure of resources.
- c. agree the working relationships between the Programme and the Parties, including:
  - (i) the role, authority and accountability of the Programme Manager;
  - (ii) the Programme team seconded from the Parties;
  - (iii) touch points with iwi, Council and Ministry planning, budgeting and reporting processes;
  - (iv) escalation processes between the Programme and the Parties;
  - (v) sharing information (including landowner information).
- d. guide, support, challenge and monitor the performance of the Programme Manager;
- e. ensure the Programme is aligned with the Parties' priorities and that the respective roles of the Programme and Parties are understood;
- f. actively monitor Programme risks and issues, and gain support from the Parties (and other stakeholders) to resolve them;
- g. approve Programme work plans, budgets and timelines, and monitor multi-year forecasts;
- h. commit the resources from the Parties required to deliver a successful Programme outcome, promote the Programme within their respective organisations and with stakeholders, approve communication plans and actively support stakeholder engagement;

- i. assure itself and the Parties that:
  - (i) technical planning and implementation is in accordance with current best practice, including:
    - prioritisation and land treatment criteria;
    - land treatment options for specific blocks;
    - mid-term monitoring of erosion control measures, and their downstream impacts.
  - (ii) appropriate Programme assurance disciplines are in place;
  - (iii) the Programme is on track to deliver its objectives.
- j. report at least annually to the Parties on progress, opportunities, risks and projected outcomes;
- k. perform such other functions as the Parties agree will be performed by the Joint Governance Group.

6.8 The Parties will use their best endeavours to:

- a. achieve the Programme outcomes set out in Table 1;
- b. consider opportunities to progress these outcomes when undertaking other activities;
- c. work in a spirit of partnership.

### **Meeting and business procedures**

6.9 The Joint Governance Group may determine its own meeting procedures. It may transact business by tele- or video- conference. Matters may be agreed by correspondence or email.

6.10 To remove uncertainty, the Joint Governance Group and the Programme will comply with the Official Information Act 1983, and the Local Government Official Information and Meetings Act 1987.

6.11 If an issue is unable to be resolved by the Governance Group, the issue will be escalated to their respective parties who will plan and implement a process for resolution. To remove uncertainty, the issue would be escalated to the Chairman of Te Runanga o Ngāti Porou, Mayor of the Gisborne District Council or Deputy Director-General, Resource Management and Programmes of the Ministry for Primary Industries.

## **7 Review of this Memorandum**

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7.1 The Parties will review this agreement within 10 years from the date this agreement is signed.

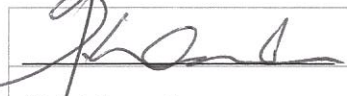
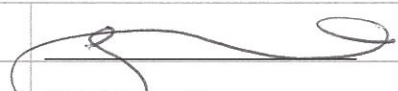

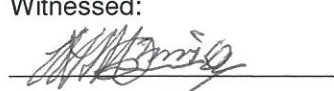
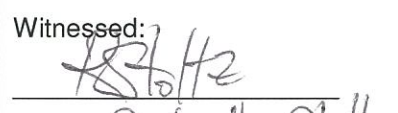
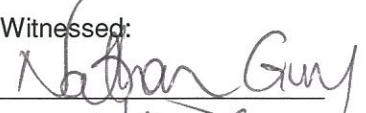
7.2 It may be continued or varied at any time by written agreement between the Parties.



## 8 Costs

8.1 Each Party will meet its own costs in carrying out the purposes of this Memorandum.

Signed for and on behalf of each of the named Parties by:

 Chief Executive, Te Runanganui O Ngāti Porou Trustee Limited Date: 23.4.14	 Chief Executive, Gisborne District Council Date: 23/4/14	 Director-General, Ministry for Primary Industries Date: 23.4.14
Witnessed:  Name: A.T. MAHUKA Occupation: CHAIRMAN	Witnessed:  Name: Rehelle Stoltz Occupation: Deputy Mayor	Witnessed:  Name: Nathan Guy Occupation: Minister for Primary Industries.