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**MARLBOROUGH
DISTRICT COUNCIL**

28 November 2023

Record No: 23250892
File Ref: D050-001-02
Ask For: Mike Porter

Notice of an Extraordinary Council Meeting – Monday, 4 December 2023

Pursuant to clause 22, schedule 7 of the Local Government Act 2002, an Extraordinary Meeting of the Marlborough District Council will be held in the Council Chambers, 15 Seymour Street, Blenheim on **Monday, 4 December 2023 commencing at 8.30 am.**

BUSINESS

As per Order Paper attached.

MARK WHEELER
CHIEF EXECUTIVE



**Order Paper for an
EXTRAORDINARY COUNCIL MEETING
to be held in the Council Chambers, 15 Seymour Street, Blenheim
on MONDAY, 4 DECEMBER 2023 commencing at 8.30 am**

Open Meeting

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Marlborough District Council

**Order Paper for an
EXTRAORDINARY COUNCIL MEETING
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1. Karakia

Tēnā koutou, tēnā koutou, tēnā koutou katoa
E te Atua tō mātou Kai-hanga,
ka tiāho te maramatanga me te ora, i āu kupu kōrero,
ka tīmata āu mahi, ka mau te tika me te aroha;
meatia kia ū tonu ki a mātou
tōu aroha i roto i tēnei huihuinga.
Whakakī a matou whakaaro ā mātou mahi katoa,
e tōu Wairua Tapu.
Āmine.

God our Creator,
when you speak there is light and life,
when you act there is justice and love;
grant that your love may be present in our meeting.
So that what we say and what we do may be filled with your Holy Spirit.
Amen.

2. Apologies

3. Declaration of Interests

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

4. Together Te Taihu – Partnership Agreement

(The Mayor) (Report prepared by M Wheeler)

P150-T02

Purpose of Report

1. To consider the Together Te Taihu Partnership Agreement for approval.
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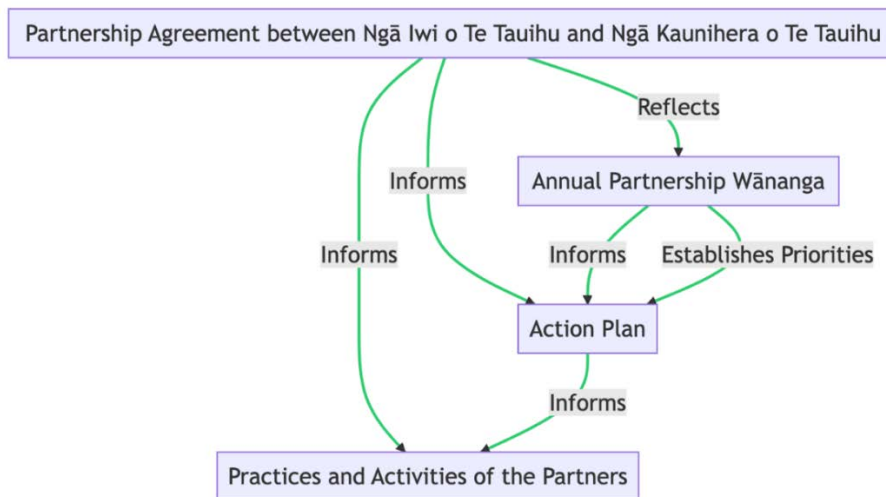
RECOMMENDATIONS

1. That the Together Te Taihu Partnership Agreement (attached as Attachment 4.1) be approved.
 2. That the Mayor and Chief Executive be delegated authority to approve or decline any further minor amendments to the attached agreement proposed by other parties to the agreement.
 3. That the Mayor be given approval to formally sign the final agreement.
-

Background/Context

2. Council facilitated a Māori Advisory Committee from late 1997 until 2002. A Memorandum of Understanding guided the work of the iwi parties and Council as stated: "This Memorandum of Understanding recognises the historical background and the intention of both parties to support a partnership between tangata whenua iwi and the Marlborough District Council".
3. Council tried unsuccessfully to revive the Committee throughout the intervening years but iwi were heavily engaged in settlement negotiations which consumed their limited resources.
4. Nelson City Council successfully negotiated an agreement with six Te Taihu iwi in 2004 which has endured.
5. More recently, post settlement, since 2019, Te Taihu iwi and the three Te Taihu councils have been willing to consider a joint agreement. The Te Taihu Iwi Chairs and Mayors Forum supported the creation of a working group made up of iwi General Managers and Council Chief Executives to develop an agreement.
6. Council Kaihautū and several iwi General Managers were then approved to work with consultant Johnny O'Donnell (OD & Co) to facilitate hui and deliver an agreement.
7. The attached agreement (Attachment 4.1) has been informally agreed by both iwi and councils as a foundation for the aspiration to work more effectively together. Each year an annual operational action plan will be developed to prioritise joint projects to be worked on.
8. A common aim is that there needs to be a far more efficient and streamlined model for working together across councils and iwi. This is a top priority especially for resource stretched iwi and moving forward with the agreement provides a pathway for achieving this, by establishing a solid foundation and common language between partners to refer back to.
9. Tasman District Council formally approved the agreement on 22 November 2023.

The functionality of the agreement and its associated parts is explained in the visual below:



The agreement is also informed by key statutory requirements including the Local Government Act 2002, the Resource Management Act 1991 and the several Te Taihū Settlement Acts of 2014. Te Tiriti o Waitangi is the cornerstone of the agreement.

The agreement is underpinned by the aspirations of Te Taihū Intergenerational Strategy which Council endorsed several years ago.

It does not preclude individual approaches to issues by either iwi or Council but does encourage a joint approach.

10. Council will continue to develop its relationships with Ngāi Tahu and Ngāti Kuri in a similar spirit to that provided by this agreement. The agreement does not prevent that. Ngāi Tahu will not participate in this agreement – they wish to remain self-reliant. This agreement does not preclude others being negotiated.
11. It has been prepared so that it is not limited by statutory changes i.e. it is intended to be enduring even if (when) statutory context changes.

Assessment/Analysis

12. The agreement provides a framework for Te Taihū iwi and councils to work together and enhance the wellbeing of our community.

Option One – Recommended Option

13. Approve the Together Te Taihū Partnership Agreement.

Advantages

14. Beneficial iwi relationships.
15. Efficient, effective prioritisation of joint work.
16. Potential wellbeing gains for the community.

Disadvantages

17. Requires some resource commitment.

Option Two – Status Quo

18. Don't approve the agreement.

Advantages

19. Less resource commitment.

Disadvantages

20. Adverse to iwi relationships.

21. Inefficient, ineffective prioritisation of joint work.

22. Missed opportunities for wellbeing gains to the community.

Next steps

23. If recommendations adopted:

- i) Mayor and Chief Executive approve final document.
- ii) Mayor signs on 12 December.
- iii) Wānanga in 2024 to develop 2024 Action Plan.

Attachments

Attachment 4.1 – Together Te Tauihu – Partnership Agreement

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Author	Mark Wheeler, Chief Executive
Authoriser	Mayor Nadine Taylor

Summary of decision-making considerations			
Fit with purpose of local government			
The proposal enables democratic local decision-making and action by, and on behalf of communities and relates to providing a public service and it is considered good-quality and cost effective.			
Fit with Council policies and strategies			
	<i>Contributes</i>	<i>Detracts</i>	<i>Not applicable</i>
LTP / Annual Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Infrastructure Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social well-being	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environment & RMA Plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arts & Culture	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 Waters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land transport	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks and reserves	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
This proposal potentially contributes to a range of community wellbeings.			
Nature of the decision to be made			
The options do not involve a significant decision in relation to land or a body of water.			
Financial considerations			
There is little financial impact expected.			
Significance			
The decision is considered of low significance under Council's Significance and Engagement Policy.			
Engagement			
Engagement has occurred with the eight (8) Te Taiuhi iwi represented by their Chairs, GM's and a working group. A communications plan has been developed.			
Risks: Legal / Health & Safety etc			
There are no known significant risks or legal implications.			
Climate Change Implications			
There are no known climate change implications to this decision.			

Attachment 4.1

Together Te Taihu
A Partnership Agreement for a Stronger Te Taihu

Between Ngā Iwi o Te Taihu;

Ngāti Koata

Te Rūnanga o Ngāti Rārua

Ngāti Tama ki Te Waipounamu.

Te Ātiawa o te Waka-a-Māui

Te Rūnanga o Toa Rangitira

Te Rūnanga o Ngāti Kūia

Ngāti Apa ki Te Rā Tō

Te Rūnanga a Rangitāne o Wairau

and

Ngā Kaunihera o Te Taihu;

Te Kaunihera o Whakatū / Nelson City Council

Te Kaunihera o Te Tai o Aorere / Tasman District Council

Te Kaunihera ā-Rohe o Wairau / Marlborough District Council

Te Taihu Partnership Agreement Contents

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Foundations

This agreement provides a platform for a stronger Te Taihū, by affirming a strong partnership between Ngā Iwi o Te Taihū (the “Iwi”) and Ngā Kaunihera o Te Taihū (the “Councils”) to enhance the wellbeing of Te Taihū now and into the future.

We recognise that Te Tiriti o Waitangi informs this relationship and offers us a framework from which we can work together. The partners under this agreement are driven by a shared desire to realise the full potential of Te Taihū o Te Waka-a-Māui, to protect and enhance the taonga of Te Taihū and give effect to principles and practices of Te Tiriti o Waitangi within this region.

This agreement recognises the important and unique roles that both iwi and councils play in the cultural, social, environmental and economic wellbeing of Te Taihū. It seeks to weave these aspirations together more closely, to strengthen our position as Te Taihū and deliver to our shared aspirations more effectively.

Together Te Taihū is the papanoho of our double-hulled waka, the connecting space between the respective spheres of local government and tangata whenua. Each side of the waka has its own hull and its own mast but the resting space in between forms the papanoho. Accordingly, the papanoho provides stability and form, ensuring that we are in a position to navigate our shared aspirations and challenges. In doing so, we recognise and uphold the mana of the dynamic interplay of decision-making and interconnected relationships that form the leadership and governance of Te Taihū. We recognise and uphold each other’s mana in this partnership.

This agreement builds on the work of many to establish meaningful relationships, strengthen ties and work together to achieve better outcomes for the whole community. In doing so, it is important that the agreement recognises the historical and ongoing impacts of colonisation on tangata whenua and seeks to address the ways in which the rights and voices of tangata whenua have been silenced in the past. It acknowledges the imbalance in power, resources and visibility across the region and seeks to continue on a pathway of restoration and reconciliation, to secure a healthier and stronger long-term partnership for the benefit of all peoples of Te Taihū.

We Are Te Tauihu

This agreement is symbolic of what it means to be Te Tauihu, the prow of the waka of Māui. It speaks to the heart of our community, our interconnections and commitment to protect, respect and nurture the land, sea, and each other. This extends far beyond recognition of a geographical location and an agreement of partners. It embodies our unique perspective as Te Tauihu and the shared responsibility that binds us together. Together, we are Te Tauihu. Together, we are stronger.

Our journey together begun well before the formation of this agreement and will continue well into the future. Through calm and choppy waters, the tauihu of the waka remains steadfast in its journey, representing resilience and adaptability. So too will this agreement see us through challenges and differences that we will face throughout our journey together.

Just as a tauihu parts waves, so too will this agreement unlock new opportunities, by working together. This agreement is driven not just by obligation but by opportunity. The opportunity to do better by working together more effectively and improving outcomes for Te Tauihu. This agreement is a reaffirmation of our commitment to each other and the collective journey we continue to undertake. It puts us in a stronger position as Te Tauihu against the backdrop of an ever-changing national and international operating context.

Whanonga Pono – Partnership Principles

Kotahitanga – *We navigate and paddle together in unison*

A waka relies on the synchronised efforts of all its passengers to propel it forward. Similarly, this agreement relies on the commitment of the partners to work in harmony and a desire to share in decision-making. Together, we are stronger.

This involves including iwi in key decision-making bodies or processes that affect them whilst respecting their autonomy over their own affairs. Iwi should be engaged early in the decision-making, not just consulted after decisions have been made.

The engagement should be genuine, transparent, and inclusive, reflecting a real desire to incorporate the views, needs, and aspirations of Ngā Iwi o Te Taihū to strengthen outcomes for all peoples of Te Taihū.

Rangatiratanga – *We recognise each other's autonomy and mandate*

The partnership should be built on mutual respect, acknowledging and upholding the mana of Ngā Iwi o Te Taihū and recognising the Council's responsibilities and mandate as local government. Underpinning the success of this partnership agreement is a sense of mutual respect and recognition of each other's mandate.

To uphold the mana of a partnership, it is important to fully understand and engage in the worldview of that partner. As part of this commitment, the partners are expected to build their capability and capacity to engage effectively. All partners will work together to understand and navigate each other's worldviews and systems.

Tauritanga – *We work together to achieve equity in outcomes*

Both sides of the waka contribute to the balance and stability required to navigate forward together. Accordingly, all partners have responsibilities under this agreement and should see tangible benefits from the partnership.

Fundamental to this is the recognition of the way in which the rights and interests of tangata whenua have been eroded over time driving disparity and inequity for Māori. This agreement seeks to uphold the rights and interests of tangata whenua including land rights, culture, and social and economic wellbeing. By supporting improved outcomes for tangata whenua, this agreement progresses the wellbeing of the whole community and makes us stronger as a collective.

Kaupapa Mau Tonu – *We are in for the long-term, for our mokopuna*

The partners to this agreement recognise that we are acting in the long-term intergenerational interests of Te Taihū by embedding a partnership agreement that will weather change, disruption and uncertainty.

This agreement affirms our commitment to making decisions that are in the long-term interests of Te Taihū and align with our collective intergenerational vision of Tūpuna Pono (Being Good Ancestors) as laid out in our Te Taihū Intergenerational

Strategy. Accordingly, our decision-making will act for the long-term and will support a healthier, more sustainable and resilient region for generations to come.

Tauutuutu – *We foster reciprocity and mutual benefit*

Tauutuutu, or the principle of reciprocity and mutual benefit, is a cornerstone of this partnership. It acknowledges that the strength of our partnership lies in its multiplicity and in the shared benefits that emanate from our collective efforts. By working together, we can create a synergy that is greater than the sum of its parts. This fosters a sense of collective responsibility, where success is not achieved in isolation but through shared efforts and mutually beneficially outcomes.

This principle recognises that the relationship among the partners is not a one-way transaction, but a network of mutual exchange where each partner contributes, and each benefits. This includes the understanding that the wellbeing and success of one partner is intrinsically linked to the wellbeing and success of all.

Moemoeā - Vision

Our vision for this agreement is informed by and recognises the intergenerational regional strategy for Te Taihū, Tūpuna Pono, which was signed by the eight Iwi and the three Councils in 2020. The vision reads as follows:

We are the people of Te Taihū. Together, we care for the health and wellbeing of our people and our places. We will leave our taonga in a better state than when it was placed in our care, for our children and the generations to come.

Tūpuna Pono – Being Good Ancestors

The strategy also recognises eight intergenerational outcomes which form part of the aspiration we are seeking to deliver against as part of this partnership agreement.

Specifically, the intergenerational outcome of *Rangatiratanga*, applies to this agreement:

Our decision-making is collaborative, courageous, inclusive, respectful and acts for the long term. We uphold the values and rights of the people and taonga of our region.

National and Global Context

Te Tiriti o Waitangi

Te Tiriti o Waitangi, the foundational document of Aotearoa New Zealand, forms the cornerstone of our agreement. It sets out the cultural context for our nation and is the framework through which we understand the relationship between the Crown and Māori. The Councils under this agreement have delegated responsibilities of governance from the Crown. These responsibilities and obligations are affirmed in relevant legislation such as the Local Government Act 2002 and the Resource Management Act 1991.

The relationship between Ngā Iwi o Te Taihū and Ngā Kaunihera o Te Taihū recognises Te Tiriti o Waitangi and seeks to act in accordance with the evolving principles and practices that give effect to Te Tiriti in our contemporary context. By prioritising a Te Tiriti centric approach, this agreement promotes the genuine participation of Iwi in the strategic direction of Te Taihū.

Te Tau Ihu Settlement Acts 2014

We acknowledge the following settlements as foundational to this agreement:

- Ngāti Apa ki te Rā Tō, Ngāti Kūia, and Rangitāne o Wairau Claims Settlement Act 2014
- Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014
- Ngāti Toa Rangitira Claims Settlement Act 2014

These settlements acknowledge the past injustices and seek to provide redress, while also laying a foundation for future relationships based on partnership, mutual respect, and shared aspirations for the future. By situating our partnership within the context of these Settlement Acts, we reaffirm our commitment to a partnership that is informed by an understanding and recognition of the past.

These acts affirm the mana of the iwi and provide a foundation for their ongoing relationships with the Crown and other entities. They serve as a reminder of our collective responsibility to honour past agreements and commitments, support iwi in their journey towards social, cultural, and economic revitalisation, and uphold Te Tiriti o Waitangi.

Local Government Act 2002

The LGA provides the purpose for local government which is described as:

- To enable democratic local decision-making and action by, and on behalf of, communities and
- To promote the social, economic, environmental and cultural well-being of communities in the present and for the future.

The Act requires councils to maintain and improve opportunities for Māori to contribute to local government decision-making processes. The Act also provides for

councils to make arrangements to provide opportunities for Māori to contribute to the decision-making processes of the council, and consider ways in which they may foster the development of Māori capacity to contribute to these processes.

Resource Management Act 1991 (RMA)

The Resource Management Act 1991 requires all persons exercising functions and powers under it to take into account the principles of the Treaty. This includes local councils in their role as planning authorities and consent bodies. Section 8 of the RMA is explicit about this requirement. It also provides for Māori participation in resource management, recognition of kaitiakitanga (guardianship), and the importance of Māori culture and traditions.

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) supplements and bolsters the foundations of our agreement at an international level. This seminal document, ratified by nations worldwide including New Zealand, recognises and reaffirms the inherent rights of indigenous peoples.

Embracing the standards of Te Tiriti o Waitangi and UNDRIP within our agreement leads to the creation of an evidence-based, culturally responsive approach in our work. By acknowledging the indigenous rights and values that these two important documents represent, we can cultivate a partnership that respects, honours, and integrates the unique indigenous knowledge, perspectives, and systems of Ngā Iwi o Te Taihū.

Tikanga – Protocols and Practices

In upholding this agreement, we also commit to a set of core practices, a tikanga, that will guide our actions and behaviours.

We pledge to work together for the enduring wellbeing of our communities within Te Taihū. Our collective efforts will champion integrity, sincerity, and transparency on matters concerning both Ngā Iwi o Te Taihū and Ngā Kaunihera o Te Taihū.

Our approach to discourse and co-design of significant issues will be open, genuine, and transparent. The policies and practices devised and upheld as part of this partnership should respect the unique tikanga and mātauranga of iwi in Te Taihū.

Good Governance - Upholding transparent, accountable, and effective governance mechanisms that respect and recognise the rights and interests of all stakeholders.

Open Communication - We will maintain open and transparent dialogue, and strive for clear and effective communication in all our dealings.

Culturally Informed Practices - We commit to ensuring our actions and decisions are informed by cultural values and tikanga, seeking input from cultural advisors when necessary and respecting the unique mana of each of the iwi in Te Taihū.

Accountability - We will set clear goals and track our progress, being accountable to each other and our communities for the commitments we have made.

Information Sharing - We will share relevant data and information in a manner that is transparent and respects privacy and cultural and intellectual property rights.

Proactive Approach - We will take initiative in identifying opportunities and challenges, and will work proactively in collaboration to address them before they escalate.

Continuous Improvement - Partners to this agreement commit to regular dialogue concerning this agreement and to pursue improvements to the working relationship on an enduring basis.

Dispute Resolution - We will manage differences and disagreements in a respectful and constructive manner. Partners to this agreement pledge to uphold the intent and principles of this agreement while maintaining the mana of all involved.

Should misunderstandings or disputes arise, we commit to work collaboratively towards resolution, utilising culturally appropriate methodologies and practices for the mutual benefit of all partners. We acknowledge the autonomy and authority of each partner and the right of those partners to raise and handle disputes in a manner it deems appropriate.

Whakatinana - Giving Effect to the Partnership *Implementation Pathways*

Capacity to Engage

Councils should support the capacity and capability building of iwi to enable effective participation in the partnership. This builds on a strong existing foundation of providing governance support and resourcing engagement to improve the ability of iwi to positively contribute to Council decision-making and governance.

Review Mechanism

Review of this agreement will occur on an annual basis, in conjunction with the annual partnership wānanga, aligning with the Maramataka by holding it around Matariki to pause, reflect and plan for the year ahead.

The intent is that this agreement will be enduring but may from time to time be subject to amendments as our operating context, challenges and aspirations evolve and the partnership matures.

Action Plan

The Action Plan will ensure our shared objectives are met only in principle but in practice. The Action Plan should be seen as a living document with reviews and realignment over time. This is an iterative and shared document that will continue to evolve as the partnership grows over time.

Annual Partnership Wānanga

We commit to regular dialogues and annual wānanga, reaffirming our shared principles and evaluating our progress. These dialogues will provide opportunities for reflection, learning, and strengthening of our partnership and collective efforts.

Partners in this agreement will establish a set of priority outcomes each year that align with the agreed long-term strategy. These outcomes will be identified before Matariki each year through wānanga.

While centred on the shared values and tikanga set out in this agreement, these documents will highlight specific outcomes and shared priorities.

Collaborative Governance

We will establish shared governance forums that respect and uphold the mana of all partners involved. This includes shared decision-making forums to provide for dialogue between partners and co-design of significant policies and practices, ensuring that Māori perspectives are integral to the process.

Where possible and practical, these forums will establish Te Tauihu priorities as a whole, which can then be filtered down and delivered on by each of the partners in the agreement.