

## 5.5 COMMUNITY ENGAGEMENT ON COLLABORATIVE WORK PLATFORM WITH TAKAPAU WHARIKI TRUST

**Author:** Kellie Brougham - Executive Support Manager

Rob Goldsbury - General Counsel

Elise Broadbent - Policy Manager

**Authoriser:** David Langford - Chief Executive

**Significance:** not significant

**Date:** 28 November 2024

**References:**

1. Summary of Te Tomokanga ki te Matapihi relationship agreement with Whanganui District Council
2. Summary of Toitū Te Whānau and Ngā Tūtei A Maru
3. List of reserves to be managed

### Purpose

1. This report seeks approval to engage with the Whanganui community on three initiatives with Takapau Whariki Trust (Takapau Whariki) – the post-settlement governance entity who will be responsible for the management of the forthcoming Whanganui Land Settlement.
2. This engagement is proposed to be scheduled from 2 December – 2 February 2025, ahead of the council making its decisions on the collaborative platform of work on 13 February 2025.

### Executive Summary

3. Treaty settlement negotiations between the Whanganui Land Settlement Negotiations Trust (WLSNT) and the Crown have been progressing since 2017 and are now nearing their conclusion.
4. On 11 December 2018, the council made a commitment to walk beside Whanganui hapū/iwi in support of their Treaty settlement negotiations.
5. The December 2018 Council report can be found on pages 28-36 in the following link: <https://www.whanganui.govt.nz/files/assets/public/v/1/agendas-amp-minutes/council-11-december-2018-confirmed-minutes.pdf>
6. The WLSNT carries the responsibility for negotiations on behalf of hapū/iwi. Following the settlement and a process of ratification, the Takapau Whariki Trust will be the representative entity for members of Whanganui hapū/iwi.
7. The shift into the post-settlement era provides an opportunity for the council and Whanganui hapū/iwi to build and strengthen their existing relationship. This means formalising ways of working that centre on local needs and find local solutions. This work has now reached the stage when engagement can take place with the community on specific decisions the council has to consider.
8. This reports asks for approval to engage with the Whanganui community on three initiatives that will provide a collaborative platform for Takapau Whariki and council to enhance the wellbeing of Whanganui hapū/iwi and the wider Whanganui community. The three initiatives are:

- a. The council and Takapau Whariki committing to work together to reset their relationship through the agreement **Te Tomokanga ki Te Matapihi**, underpinned by **Ngā Mātāpono** (the values) of:
    - (a) Toitū Te Kupu – a relationship of integrity
    - (b) Toitū Te Mana – a relationship of authority
    - (c) Toitū Te Whenua – a relationship of sustenance.
  - b. The council and Whanganui hapū/iwi collaborating to look after important public reserves for the benefit of the whole community and in a way that gives life to the values above – this would be given effect through a joint board to manage reserves, named **Ngā Tūtei a Maru Statutory Board** (“The guardians of the domain of Maru”).
  - c. The council and Whanganui hapū/iwi taking a collaborative approach to work with government agencies so all whānau in the community can thrive. The council and WLSNT have developed an innovative approach for Whanganui hapū/iwi, the council, and government agencies to work together to put whānau wellbeing at the centre of decision-making. This means the wellbeing of all families in Whanganui. This approach would be steered by a trust named **Toitū Te Whānau**.
9. If approved, engagement with the Whanganui community on this work is proposed to run from **2 December 2024 - 2 February 2025**. Engagement with the community will be jointly led by WLSNT and the council, with assistance from the Crown.
  10. Final decisions on council’s involvement in the collaborative work platform will be made by at the council meeting on 13 February 2025.
  11. Following this, the WLSNT and the Crown will then finalise their Treaty settlement process subject to hapū/iwi ratification, and if supported, the deed will be signed, and the legislation introduced into parliament to complete the settlement.

### Options assessment

The available options are:

- **Option 1** (preferred option)

Approve community engagement on the collaborative work platform with Takapau Whariki.

12. Under this option the council would release information on its website and complete a community engagement and information sharing process to understand views and questions from the community and invite them into the journey ahead with Takapau Whariki.

#### Advantages

- Opportunity to gather public feedback and questions before final decisions are made.
- Transparency.
- Following best practice.

#### Disadvantages

- Time and resources required.

- **Option 2**

Do not approve community engagement and information sharing on the collaborative work platform with Takapau Whariki.

13. Under this option the council would make its decisions without undertaking joint community engagement.

Advantages

- The council could make decisions sooner.

Disadvantages

- Community feedback and questions are not taken into account.
- Less transparency.
- Best practice/inconsistent with significance and engagement policy.

• **Option 3**

Do not approve joint community engagement and information sharing on the collaborative work platform with Takapau Whariki at this meeting and seek more information from officers before proceeding and/or delay the engagement timeframe.

Advantages

- This option could allow more time for information gathering and the community engagement process.

Disadvantages

Undue delay for Whanganui hapū/iwi and Crown in finalising their settlement process.

**Risk**

14. The recommended decision has a minor degree of risk.

*For further information, refer to the 'Risk assessment' section of this report.*

**Recommended option**

Officers recommend that the council proceed with **Option 1**.

**Recommendations**

That the committee:

- Notes the Whanganui Land Settlement Negotiations Trust (WLSNT's) settlement negotiations with the Crown are nearing their conclusion;
- Notes the WLSNT's settlement aspiration to enhance the wellbeing of Whanganui iwi/hapū and the wider Whanganui community which provides new opportunities for the council and the community;
- Approves community engagement on the three initiatives which make up the collaborative work platform with Takapau Whariki Trust (material attached at Appendix 1);
- Notes the council will make its decisions on 13 February 2025 on adopting the collaborative work platform, specifically relating to:
  - Adopting the relationship agreement - Te Tomokanga ki Te Matapihi;

- (ii) The council's participation in the Statutory Board – Ngā Tutei a Maru (which will be established subject to the finalisation of the WLSNT settlement); and
  - (iii) Agreeing to the establishment of Toitū te Whānau charitable trust.
- (e) Notes that following the meeting in February, the WLSNT and the Crown will finalise their treaty settlement process subject to hapū/iwi ratification, and if supported, the deed will be signed, and the legislation introduced into parliament to complete the settlement.

### Background context

15. On 11 December 2018, the council made a commitment to explore a relationship that would see it walk beside Whanganui hapū/iwi in support of their Treaty settlement negotiations. A working group of the WLSNT, council-nominated elected members, and Te Arawhiti – the Office of Māori Crown Relations, was formed.
16. The working group was tasked with exploring strategies to bring Whanganui hapū/iwi closer to land that is under council ownership or administration – and establish meaningful connections to local decision-making for the betterment of the Whanganui community.
17. Significant work has been undertaken together since then through the negotiations process.

### *WLSNT's Treaty settlement journey*

18. In August 2019 at Pūtiki Marae, Ken Mair on behalf of WLSNT and the Minister for Treaty of Waitangi Negotiations on behalf of the Crown signed Te Tomokanga ki Te Matapihi, an agreement in principle for the settlement of historical Treaty of Waitangi claims. The Crown acknowledged the significant harm it has done to the hapū and iwi of Whanganui Land Settlement and committed to build a stronger future together.
19. The WLSNT's negotiations with the Crown for the settlement of its historical Treaty of Waitangi claims are nearing their conclusion. The parties are working towards a deed of settlement which is likely to be initialled in early 2025. Following a Whanganui hapū/iwi ratification process, if supported, the deed will be signed and legislation introduced into parliament to finalise the settlement marking a significant step for Whanganui hapū/iwi.

### Analysis and advice

20. The shift into the post-settlement era for Whanganui hapū/iwi provides a unique opportunity for the council to embark on new ways of working that will centre local needs and local solutions.
21. There are three initiatives which set a platform for collaborative work with Takapau Whariki and council to enhance the wellbeing of Whanganui hapū/iwi and the wider Whanganui community.
22. The three initiatives are:

### **The council and Takapau Whariki committing to work together guided by Ngā Mātāpono (values) to each fulfil our collective responsibilities**

23. The council and WLSNT have been working to reset their relationship as **Te Tomokanga ki Te Matapihi**, underpinned by **Ngā Mātāpono** (the values) of:
  - (a) Toitū Te Kupu - a relationship of integrity
  - (b) Toitū Te Mana - a relationship of authority
  - (c) Toitū Te Whenua - a relationship of sustenance.

24. The draft agreement is a new way for the council and Whanganui hapū/iwi to walk together for better outcomes for Whanganui, Te Tomokanga ki Te Matapihi provides direction on next steps, including to explore and develop:
  - (a) processes to enhance Whanganui hapū/iwi's involvement in the council's decision-making, including processes under the Resource Management Act;
  - (b) joint leadership of care for identified land and lakes; and
  - (c) other joint work for the betterment of Whanganui, tāngata (people), whenua (land), and te taiao (the environment).
25. It is proposed that, in February 2025, the council adopts Te Tomokanga ki Te Matapihi relationship agreement as an expression of the enduring relationship between Whanganui hapū/iwi and the wider Whanganui community, represented by the council.

### **The council and Whanganui hapū/iwi collaborating to look after important public reserves for the benefit of all of the community**

26. The forthcoming Treaty settlement will see the Crown return land to Whanganui hapū/iwi. Some of this is currently managed by the council as reserves. Whanganui hapū/iwi are proposing to bring their reserve land under the management of a newly established statutory board that will be jointly governed by trustees appointed by the council and Takapau Whariki. This will mean collaborating to look after important public reserves for the benefit of the whole community, in a way that gives life to Te Tomokanga ki Te Matapihi and its values.
27. This land will remain reserves with public access guaranteed by law for the enjoyment of the Whanganui community and visitors. It is proposed that, in February 2025, the council supports the establishment of a joint board, **Ngā Tūtei a Maru Statutory Board**. This translates as "The guardians of the domain of Maru," similarly to 'kaitiaki', tūtei are scouts or guards, while Maru is the atua/god of freshwater.
28. Dependent on council agreement to participate, the statutory board will be established when parliament passes the Whanganui Lands Settlement legislation.
29. The board will manage the land, continuing the care the council is currently charged with. Any buildings will remain under council ownership and control.
30. The areas that will be managed by the statutory board are Pākaitore/Moutoa Gardens Historic Reserve, Pukenamu-Queen's Park, Gonville Domain/Tawhero, and specific sections at Mōwhānau Village. The names of some reserves are proposed to be changed through legislation. These name changes will be undertaken by parliament, with support of the Council at no cost to ratepayers.
31. Over time, and through engagement with the community and/or the Crown, the council and Takapau Whariki may decide to add other reserves to this list of reserves administered by the Statutory Board.

### **The council and Whanganui hapū/iwi taking a joint approach to work with government agencies so all whānau in the community can thrive**

32. The council and Whanganui hapū/iwi have developed an innovative approach for iwi/hapū, council and government agencies to work together to put whānau wellbeing at the centre of

- decision-making – **Toitū Te Whānau**. This is driven by a determination that Whanganui has the solutions to articulate and address what our community needs for greater wellbeing.
33. The partnership is designed to bring about a local approach to address community needs and promote wellbeing for current and future generations. The vision is for a whānau-centric approach that empowers local effort to innovate for better outcomes.
  34. A board, established as a charitable trust, will drive the Whanganui-designed framework to improve whānau wellbeing, reduce vulnerability, and increase iwi vitality. It reflects the desire of the council and Whanganui hapū/iwi to be imaginative in tackling the challenges facing whānau in Whanganui.
  35. The Toitū te Whānau Trust will be entrusted with establishing a platform to develop a Strategic Plan for the social wellbeing pathway of our community, promoting collaborative action that reflects Ngā Mātāpono (the values). Through relationship agreements, Ngā Mātāpono will be brought to life via an action/work plan that leverages the Toitū te Whānau framework, ensuring alignment with our strategic direction
  36. Toitū te Whānau will provide the pathway for government agencies in Whanganui to engage with the council and Whanganui hapū/iwi together at a local level.
  37. It is proposed that, in February 2025, the council approves the establishment of Toitū Te Whānau charitable trust.
  38. Summary information on Te Tomokanga ki Te Matapihi the Relationship Agreement, Ngā Tūtei a Maru Statutory Board, and Toitū Te Whānau Trust are attached.
  39. If approved, engagement is proposed to run from 2 December 2024 to 2 February 2025.

#### Alignment with Council's strategies and policies

40. Engagement with the community on the direction of work with Takapau Whariki is consistent with Council's strategic objectives. It contributes to the following Leading Edge Strategy objectives:
  - Strengthen partnerships and ways of working collaboratively to weave our aspirations together - while respectfully acknowledging differences.
  - Demonstrate strong, positive and empowering leadership to support unity and drive our district forward.
  - Be transparent and inclusive in all our democratic processes.

#### Financial considerations

41. The cost of the community engagement recommended in this report is minor. This will involve small costs for hosting public meetings and advertising costs. These costs will also be shared with WLSNT.
42. Regarding the collaborative work, the ongoing costs of implementation associated with these are as follows:
  - (a) Relationship agreement Te Tomokanga ki te Matapihi

The direct costs of the agreement will be minimal. The resourcing of activities undertaken through this agreement will be determined through usual council processes.
  - (b) Statutory Board (joint reserves board) Ngā Tūtei a Maru

In the immediate term, there will be no changes to the council's costs for reserve management. In future, reserve management planning will flow into long term and annual budgeting processes, as it currently does. WLSNT will contribute to establishment costs of the Board.

(c) Charitable Trust Toitū te Whānau

The operational costs of a secretariat is still to be determined. In the immediate term each party will meet its own costs. WLSNT will make a financial contribution to the establishment costs.

### Legal considerations

43. There are no legal considerations from the decision to undertake community engagement which is best practice.
44. There will be legal considerations in respect of the final decisions council has to make in February 2025.

### Māori and cultural considerations

45. Working with WLSNT to engage on these decisions gives life to the council's strategic objective to build mutually appropriate partnership processes with tāngata whenua.

### Climate change impact considerations

46. There are no positive or adverse impacts on climate change or resilience from the decision to engage with the community.

### Risk assessment

47. The recommended decision has a minor degree of risk as summarised in the table below.

Risk Profile Area	Likelihood	Consequence	Risk Rating
<p>Reputation/image</p> <p>Criticism that community engagement process is insufficient or too late in the process and/or the timing of the engagement. Treaty settlement negotiations are between the Crown and Iwi and are largely a confidential process between parties. However, the high-level direction has been in the public domain since 2018. The settlement has now reached a step where we are now ready to bring the specific components which are relevant to council out for community engagement.</p> <p>Misunderstanding about the role of the council, its mandate, the outcomes of the negotiations, and public access to land which will be maintained through legislation.</p>	Possible	Minor	Medium
<b>Overall Risk Profile Score</b>			Medium

48. There is a risk of misunderstanding by the community about why community engagement and information sharing is proposed now and the role of the council in the treaty settlement process. A communications plan and Q&A have been developed to support engagement and information sharing with the community.

## Significance

49. The decisions and matters of this report are assessed as not significant under the Council's Significance and Engagement Policy. However, this report is part of a wider project that will be assessed as significant when council has to make its final decisions.
50. The decision to engage with the community has been assessed against the council's Significance and Engagement Policy and a special consultative process is not required. However, community engagement and information sharing is recommended prior to the final decision being made because the final decisions are significant.

## Pre-Engagement

PRE-ENGAGEMENT Community groups / stakeholders	Key themes from pre-engagement
Vision 2050 presentation by Mayor Andrew Tripe & Ken Mair (Chair, WLSNT) to regional public sector leads – 8 Oct 2024	Positively received
Council officials & hapū team presentation on feedback from community wellbeing work – 8 Oct 2024	Community Wellbeing & Toitū Te Whānau outcomes are aligned
WLSNT Hapū engagement 1 May 2024: Crown offer, Mōwhānau - Ngāti Kauika/Tamareheroto 1 July 2024: Crown offer – All hapū 2 October 2024: Toitū te Whānau - All hapū	
Council & WLSNT presentation to Crown agency leads – 29 August 2024	Positively received

## Engagement

51. This report proposes engagement before council makes its final decisions. The engagement period is proposed for 2 December 2024 – 2 February 2025.
52. Engagement over this time period is to enable the Crown and WLSNT settlement process to continue.
53. WLSNT has engaged with its claimant community on Te Tomokanga ki Te Matapihi, Ngā Tūtei a Maru, and Toitū te Whānau. The claimant community supports the aspiration of the negotiations to enhance the wellbeing of Whanganui iwi/hapū and the wider Whanganui community.

Engagement planned	Key activities
In person community events	Two panel events in December inviting questions and conversation, further community events in January, Mowhanau community engagement. Suggestions and question boxes for in person feedback.
Media engagement	Pre-engagement with media, media releases
Social media	Events advertised on council Facebook page, reminder posts and links to media releases, monitoring and moderation

## Next steps

54. A media release will be published following the meeting on 28 November.

55. An information page will be published on council's website from 28 November and no later than Monday 2 December. This will be supported with social media and advertising.
56. The first public events will take place on 9 December at the War Memorial (with lunchtime and early evening sessions) – the council, WLSNT and Te Arawhiti will present together.
57. A public event at Mōwhānau is being planned.
58. Other engagement sessions are being scheduled between 13 and 30 January 2025 and will be advertised.
59. Feedback will close on 2 February 2025 for collation and consideration.
60. Final decisions will be made by the council relating to its decision in February 2025.
61. WLSNT and the Crown will finalise their Treaty settlement process early next year. Following a Whanganui hapū/iwi ratification process, if supported, the deed will be signed, and the legislation introduced into parliament to complete the settlement.