

From: [Sandy Graham](#)
To: [REDACTED]
Cc: [Official Information](#); [Sue Bidrose](#)
Subject: RE: DCC Treaty Obligations - LGOIMA request
Date: Tuesday, 9 July 2019 04:39:15 p.m.

Dear [REDACTED]

Please find below a summary of the DCC obligations under The Treaty. Apologies for the delay but it took staff a little time to pull this together from the various sources. I hope this answers your enquiry. If not, please let me know what additional information you would require.

Local Government Act 2002

The Local Government Act 2002 (LGA) is the primary legislation that governs the Dunedin City Council's (DCC) obligations to account for the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Section 4 of the LGA states that Parts 2 and 6 provide principles and requirements for local authorities to facilitate participation by Maori in local authority decision-making processes to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) and to maintain and improve opportunities for Maori to contribute to local government decision-making processes.

Section 14(1)(d) of the LGA requires a local authority to provide opportunities for Maori to contribute to its decision-making process.

Section 81 of the LGA then requires local authorities to:

- Establish and maintain processes to provide opportunities for Maori to contribute to the decision-making processes of the local authority;
- Consider ways to foster the development of Maori capacity to contribute to this process; and
- Provide relevant information to Maori for the purpose of those processes.

Resource Management Act 1991

The Resource Management Act 1991 (RMA) also creates a number of obligations for the DCC.

Section 6(e) of the RMA requires that all persons exercising functions and powers of the RMA must recognise the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

Section 8 of the RMA states in achieving the purpose of the Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Section 58L-58U details Mana Whakahono o Rohe which is a mechanism for iwi and local authorities to discuss, agree and record how they will work together under the RMA. Mana Whakahono are designed to assist local authorities to comply with their obligations under the RMA including the sections outlined above.

Heritage New Zealand Pouhere Taonga Act 2014

The Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA), formerly the Historic Places Act 1993, identifies the need to identify, protect, preserve and conserve sites of historical and cultural heritage.

Section 4 of the HNZPTA states one of the principles is that there is value in local authorities and tangata whenua working collaboratively in respect of New Zealand's historical and cultural heritage. It also requires recognising the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tupuna, wahi tapu, and other taonga.

Dunedin City Council 10 year plan 2018-28

One of the overarching principles in the strategic framework set out in the 10 year plan 2018-28 is the Treaty of Waitangi (Te Tiriti o Waitangi) principles, which guide the Council's work and partnership with Maori.

Two performance measures have been agreed upon to ensure this principle is being satisfied:

- Runaka satisfaction with the Maori Participation Working Party and other forms of engagement; and
- Percentage of key DCC printed publications that include Maori content and Te Reo translations

Section 2.2 – Maori participation

This section notes the creation of the Maori Participation Working Party following the Memorandum of Understanding (MOU) signed on 11 December 2006 between the DCC, Te Runanga o Otakou and Kati Huirapa Runaka ki Puketeraki. This MOU provides the framework that the DCC and Manawhenua propose to give effect to the legislative requirements required by section 4 of the LGA.

The aims of the Maori Participation Working Party include creating a direct line of communication to the DCC, providing a forum for discussion of strategic level issues and to identify and evaluate options for Maori participation as required by the LGA.

It also notes that an enhanced consultation model called Te Roopu Taiao has been developed by Otago local authorities and Manawhenua, which includes representatives from councils in the Otago region and all Papatipu Runanga. The objectives of Te Roopu Taiao are to:

- Create an Otago Takiwa-wide collective forum between Aukaha (formerly Kai Tahu ki Otago or KTKO) and the local authorities of Otago to facilitate better mutual understanding; improve the efficiency of Iwi engagement and resourcing for council-oriented business; and foster and grow Iwi capacity in local government activities, processes and governance.
- Develop a combined work programme that will help establish stable resourcing levels and avoid duplication of effort for Iwi participation with local authorities; establish priorities of work demand; and move work demands into a medium term perspective in which future needs can be planned.
- Assist fulfilling local authority obligations to Iwi under all relevant statutes.

The 10 year plan 2018-28 budget provides additional staff resource to support strategic initiatives to advance Tikanga Maori and continue to build strong relationships with Ngai Tahu.

Significance and engagement policy

Section 76AA of the LGA requires every local authority to adopt a significance and engagement policy (SEP).

The objectives of the DCC's SEP are:

- To establish a process for determining the significance of a decision;
- To support public involvement in significant decision-making, which will ensure good decision-making;
- To build positive relationships with stakeholders and the wider community, encouraging co-operation, respect and mutual understanding of other points of view; and
- To ensure that the Council meets all legislative requirements in terms of consultation and community engagement, including the requirements of section 76AA of the LGA.

One of the principles of engagement set out in the policy includes 'Engagement with Maori', which involves acknowledging the unique perspectives of Maori in the city. It also notes that Council recognises this engagement is not a one-off activity.

Regards



From: 

Sent: Thursday, 30 May 2019 3:19 p.m.

To: Sandy Graham <Sandy.Graham@dcc.govt.nz>; Sue Bidrose <Sue.Bidrose@dcc.govt.nz>

Subject: Re: DCC Treaty Obligations - LGOIMA request

Apologies Sandy please change below to Treaty 'Obligations', the basis on which we are obliged to fund ¼ million of ratepayers' hard-earned every year!

Can you please forward any detail you have on what our 'DCC Treaty Obligations' actually are, and how they are quantified.

Regards,

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From: ■

Date: Thursday, 30 May 2019 at 1:33 PM

To: Sandy Graham <Sandy.Graham@dcc.govt.nz>

Subject: DCC Treaty Organisations

Dear Sandy,

Cheers,

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