

# GENERAL POLICIES

YOUR COMMUNITY YOUR COUNCIL YOUR FUTURE 2015/25



# SUMMARY OF SIGNIFICANCE AND ENGAGEMENT POLICY

## PURPOSE

The Significance and Engagement Policy (SEP) explains when and how people can take part in and contribute to Council decisions.

It explains how Council:

- assesses the significance of an issue,
- when and how communities and stakeholders can be involved in Council decisions, and
- provides information to Councillors and Council staff about levels and methods of engagement before a decision is made.

## DETERMINING SIGNIFICANCE

Our general approach to determining the significance of proposals or decisions is to have regard to a range of criteria prior to decisions being made. While not an exclusive list, Council will be guided by the following:

- The potential level of financial consequence, in particular rates impact.
- The degree of impact on or change to levels of service, positive or negative.
- How many residents and ratepayers might be affected by the proposal or decision.
- The likely degree of community interest in the proposal or decision.
- The extent to which the consequences of the decision might be controversial.
- The degree to which the decision or proposal deviates from community outcomes or Long Term Plan, Annual Plan or policy.
- The potential impact on current and future interests of the community.
- Whether there is a legal requirement to engage with the community.
- The degree of impact on a strategic asset, particularly if it involves transferring ownership or control<sup>1</sup>.

A matter will be considered significant when one or more of the above criteria are considered high, or are met.

## ENGAGEMENT

The method and degree of community engagement is related to how significant a decision, proposal or other matter is. Council will approve methods of engagement for significant issues. Generally, Council staff will determine engagement methods for all other issues.

Council recognises its legislative obligations to provide opportunities for Maori to contribute to decision-making. Council's response is provided in the Long Term Plan and Annual Report. Council will continue to seek to develop relationships and consult in appropriate ways with Maori, taking into account the nature and significance of the decision to Maori.

A full copy of the SEP is available at the main Council office, Council service centres or online at [www.cluthadc.govt.nz](http://www.cluthadc.govt.nz)

<sup>1</sup> Strategic assets are essential to the continued delivery of outcomes considered essential to community well-being. Examples include the roading network, water supply schemes, sewerage and stormwater networks, solid waste services – wheelie bins and Mt Cooee Landfill – and various community services such as libraries, swimming pools, parks and reserves, community halls and community housing.

# DEVELOPING MĀORI PARTICIPATION AND CAPACITY IN COUNCIL DECISION-MAKING

Clutha District Council acknowledges its obligations under the Local Government Act 2002, Resource Management Act 1991 and Ngāi Tahu Claims Settlement Act 1998, and has been working with all Māori associated with the district to foster and further develop positive relationships, improve communication and consultation processes, and to develop a greater understanding of issues. Relationships have been developed with Te Rūnanga o Ōtākou and Hokonui Rūnanga; with tangata whenua whānau rūpū groups Waikoau Ngāi Tahu Rūnaka and Moturata Taieri Whānau; Māori land owners/trustees; and with ngā matawaka (Nga Whānau O Tokomairiro).

Council currently has the following arrangements in place to facilitate Māori participation in decision making:

- A formal protocol for consultation on resource consents agreed with Kāi Tahu ki Otago Ltd, an environmental consultancy that represents the Kāi Tahu Papatipu Rūnanga within the Clutha District.
- An informal arrangement for consultation on resource consents with Te Ao Marama

Inc, an Iwi liaison entity that represents the Southland Kāi Tahu Rūnanga that have shared interests within Clutha District.

- Consideration is given to the *Kāi Tahu ki Otago Natural Resource Management Plan* and the *Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan* in Council's resource consent and planning processes.
- Council commissioned Kāi Tahu ki Otago Ltd to undertake background research as part of the review of the Clutha District Plan, and is consulting with Kāi Tahu<sup>1</sup> as well as other Māori groups and individuals as the Plan review proceeds.
- Council as a matter of practice consults Kāi Tahu, through Kai Tahu ki Otago Ltd and Te Ao Marama Inc, on matters that may affect the interests or values of tangata whenua<sup>2</sup> specifically and Māori generally.
- Where issues are being considered by a Council committee that may be of significant interest to tangata whenua or Māori generally

Council has invited the nomination of members representing the interests of the appropriate hapū or whānau to the committee. This is exemplified by the appointment of Hokonui and Ōtākou Rūnanga representatives as members with voting rights to Council's Wastewater and Solid Waste working parties.

- Direct communication with representatives of the Waikoau Ngāi Tahu Rūnaka (South Otago) and the Trustees of SILNA lands on a case by case basis.

Council continues to develop and strengthen its relationships with Māori. This includes strengthening existing relationships with the Kāi Tahu Papatipu Rūnanga of Otago through the Otago Mayoral Forum and Te Rōpū Taiao, and with Ngāi Tahu ki Murihiku through the Charter of Understanding – He Huarahi mō Ngā Uri Whakatupu and the associated Te Rōpū Taiao advisory group for Southland.

<sup>1</sup> In the south of the South Island, the local Māori dialect uses a 'k' interchangeably with 'ng'. The preference is to use a 'k' so southern Māori are known as Kāi Tahu, rather than Ngāi Tahu.

<sup>2</sup> Tangata whenua in relation to a particular area, means the iwi, or hapū, that holds mana whenua over that area.

In addition, and within a wider regional context, the Clutha District Council has agreed to the following in relation to the principles of the Treaty of Waitangi and building the capacity of Māori to contribute to local government decision-making processes:

- **Local authority decision-making** – where a significant decision relates to land or a body of water, Clutha District Council will take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga.
- **Contributions to and involvement in decision-making processes** – Clutha District Council will provide opportunities for the engagement of Māori in decision-making.
- **Consultation with Māori** – Clutha District Council has processes in place for consulting with Māori in accordance with the principles of the Local Government Act. Effective consultation is required to improve existing relationships with Māori, and to ensure that processes and protocols relating to local government and resource management issues take into account Māori needs, expectations and aspirations.
- **Iwi Management Plans** – supporting implementation, use and understanding of the *Kāi Tahu ki Otago Natural Resource Management Plan* and *Te Tangi a Tauira – The Cry of the People – the Ngāi Tahu ki Murihiku Resource and Environmental Management Plan*.
- **Resource Management** - Supporting projects initiated by Māori that involve direct management of the region's natural resources.

## TANGATA WHENUA & CLUTHA DISTRICT COUNCIL RELATIONSHIP

While the Local Government Act sets out provisions relating to all Māori it is recognised that within the Clutha District Kāi Tahu are tangata whenua. They have a special status in terms of Clutha District Council resource management activities and are not just another interest group. The relationship between Clutha District Council and tangata whenua is constructive.

Clutha District Council is an active participant and signatory to Te Rōpū Taiao, the Otago Takiwā-wide collective forum, and to the Southland Charter of Understanding – He Huarahi mō Ngā Uri Whakaturu. Te Rōpū Taiao and the Charter establish the basis for Council's engagement with the Kāi Tahu rūnanga in the context of the Local Government Act 2002 and Resource Management Act 1991.

Te Rōpū Taiao and the Charter provide the basis for an ongoing relationship between Council and Kāi Tahu and assist in developing the capacity of tangata whenua to contribute to the decision-making processes of Council. These fora are a foundation for consultation on a wide range of local government issues including Long-term and Annual Plans and assists Council through Kāi Tahu ki Otago Ltd and Te Ao Mārama Inc to consult with tangata whenua who have a shared interest in the Clutha District.

In addition to the Local Government Act obligations set out above under Māori relationships, the Resource Management Act 1991 and the Ngāi Tahu

Claims Settlement Act 1998 set local authorities specific obligations regarding kaitiakitanga, the principles of the Treaty of Waitangi and the relationship between Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga. To give effect to the obligations under the Local Government Act, and the related obligations under the Resource Management Act and the Ngāi Tahu Claims Settlement Act, Clutha District Council will continue to develop its relationships with the relevant Rūnanga in Otago and Southland through Kāi Tahu ki Otago Ltd and Te Ao Marama, and with Te Rūnanga o Ngāi Tahu, the iwi authority. This is essential for achieving the sustainable management of natural resources and landscapes within the Clutha District.

The Ngāi Tahu Claims Settlement Act 1998 included as cultural redress a number of mechanisms to recognise and give practical effect to Ngāi Tahu mana over tāonga resources and landscapes. These mechanisms include statutory acknowledgement of Ngai Tahu's cultural, spiritual, historic, and traditional association with:

- Mata-au (Clutha River)
- Kuramea (Lake Catlins)
- Tokatā (The Nuggets)
- Te Tai O Arai Te Uru (Otago Coastal Marine Area)

The objective of statutory acknowledgments is to ensure that Ngāi Tahu is engaged in decision-making when activities impact on these statutory areas. Council forwards resource consent applications that impact directly on these statutory areas to Te Rūnanga o Ngāi Tahu for consideration.