

Strategy and Planning Committee Agenda

7 July 2021



Meeting is held in the Council Chamber, Level 2, Philip Laing House
144 Rattray Street, Dunedin

Members:

Cr Gretchen Robertson, Co-Chair	Hon Cr Marian Hobbs
Cr Kate Wilson, Co-Chair	Cr Carmen Hope
Cr Hilary Calvert	Cr Gary Kelliher
Dr Lyn Carter	Cr Michael Laws
Cr Michael Deaker	Cr Kevin Malcolm
Mr Edward Ellison	Cr Andrew Noone
Cr Alexa Forbes	Cr Bryan Scott

Senior Officer: Sarah Gardner, Chief Executive

Meeting Support: Dianne Railton, Governance Support

07 July 2021 02:00 PM

Agenda Topic

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1. APOLOGIES

No apologies were received prior to publication of the agenda.

2. PUBLIC FORUM

No requests to address the Committee under Public Forum were received prior to publication of the agenda.

3. CONFIRMATION OF AGENDA

Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

4. CONFLICT OF INTEREST

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

5. CONFIRMATION OF MINUTES

The Committee will consider minutes of meetings a true and accurate record, with or without corrections.

5.1 [Minutes of the 12 May 2021 Strategy and Planning Committee](#)

The Committee will consider minutes of the previous meeting as a true and accurate record, with or without changes.

6. OUTSTANDING ACTIONS FROM RESOLUTIONS OF THE COMMITTEE

6.1 [ACTION REGISTER 12 MAY 2021](#)

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Minutes of a meeting of the Strategy and Planning Committee
held in the Council Chamber on Wednesday 12 May 2021,
commencing at 12:00 PM

Membership

Cr Gretchen Robertson (Co-Chair)
Cr Kate Wilson (Co-Chair)
Cr Hilary Calvert
Dr Lyn Carter
Cr Michael Deaker
Mr Edward Ellison
Cr Alexa Forbes
Hon Cr Marian Hobbs
Cr Carmen Hope
Cr Gary Kelliher
Cr Michael Laws
Cr Kevin Malcolm
Cr Andrew Noone
Cr Bryan Scott

Welcome

Chairperson Wilson welcomed Councillors, Dr Carter and Mr Ellison (via electronic link), members of the public and staff to the meeting at 1:03 pm. Staff present included Sarah Gardner (Chief Executive), Nick Donnelly (GM Corporate Services), Gwyneth Elsum (GM Strategy, Policy and Science), Gavin Palmer (GM Operations), Richard Saunders (GM Regulatory & Communications), Amanda Vercoe (GM Governance, Culture & Customer), Dianne Railton (Governance Support), Anita Dawe (Manager Policy & Planning); Warren Hanley (Senior Resource Planner Liaison), Melanie Hardiman (Policy Analyst), Ben Mackey (Team Leader - Land), and Amir Levy (Scientist - Groundwater).

For our future

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1. APOLOGIES

Apologies were received from Cr Kelliher and Cr Robertson.

Resolution

That the apologies for Cr Kelliher and Cr Robertson be accepted.

Moved: Cr Calvert

Seconded: Cr Hope

CARRIED

2. PUBLIC FORUM

No public forum was held.

3. CONFIRMATION OF AGENDA

Resolution

That the late paper Carbon Forestry be included in the public excluded agenda, and Mr Alistair Logan be present for this item to provide legal expertise.

Moved: Cr Wilson

Seconded: Cr Noone

CARRIED

4. CONFLICT OF INTEREST

Cr Hope noted a possible conflict of interest for Carbon Forestry paper.

5. CONFIRMATION OF MINUTES

Resolution

That the minutes of the (public portion of the) meeting held on 14 April 2021 be received and confirmed as a true and accurate record.

Moved: Cr Calvert

Seconded: Cr Hope

CARRIED

6. ACTIONS (STATUS OF COMMITTEE RESOLUTIONS)

Status report on the resolutions of the Strategy & Planning Committee was reviewed. Cr Wilson noted that an action item should have been included on the Action Register from the 14 April 2021 meeting: Draft Regional Public Transport Plan, include 'Add in the consultation for request of trail units and routes that could be incorporated into the plan'.

7. MATTERS FOR CONSIDERATION

7.1. Amendment 3 NPSFM 2020

The report informed Council on the amendment to the Regional Plan: Water for Otago (Amendment 3 to the Water Plan) to include one new objective and two new policies, as directed by the National Policy Statement Freshwater Management 2020 (NPS-FM). Anita Dawe (Manager Policy & Planning) and Melanie Hardiman (Policy Analyst) were present to speak to the report and respond to questions.

Ms Dawe advised that some of the provisions in the NPSFM 2020 came up in the contest of Plan Change 7, and ORC provided legal submissions during the course of that. Ms Dawe said the question was around what without unreasonable delay meant. ORC had originally intended to include the changes when notifying in 2023, but the inference of the court was that waiting until 2023 wasn't without undue delay. Ms Dawe advised that making an amendment to the Regional Plan falls within her delegation as Manager Policy and Planning.

Following discussion, Cr Deaker moved:

Resolution

That the Committee:

- 1) **Receives** this report.
- 2) **Notes** that Amendment 3 to the Regional Plan: Water for Otago will become operative on Tuesday 1 June 2021.
- 3) **Notes** that Amendment 3 to the Regional Plan: Water for Otago will be publicly notified on Saturday 5 June 2021.

Moved: Cr Deaker

Seconded: Cr Hope

CARRIED

7.2. Building Code Update Consultation 2021

The report was to request that Council approve a submission from Otago Regional Council (ORC) on the Ministry of Business, Innovation and Employment's (MBIE) consultation document 'Building Code Update 2021' ('the Code'). Gwyneth Elsum (GM Strategy, Policy & Science) and Warren Hanley (Senior Resource Planner Liaison) were present to speak to the report and respond to questions.

Ms Elsum advised that the submission came about following discussions with Council last year around the NES Air Quality submission, where Councillors indicated a direction where they would like to see a more integrated approach at a Central Government level in terms of addressing air quality issues. Cr Wilson said that she was pleased to see the climate zone is in six categories rather than three, but was surprised that district boundaries have been used, opposed to temperature gradient maps.

Resolution

That the Committee:

- 1) **Receives** this report.
- 2) **Approves** the attached submission on the proposed changes to the Building Code, subject to any changes required by the committee, and that it is signed under delegation by the ORC Chief Executive and lodged by 28 May 2021.
- 3) **Requests** in the submission consideration of using climate maps for boundaries as an alternative to district boundaries.

Moved: Cr Forbes
Seconded: Cr Calvert
CARRIED

Following further discussion, Cr Wilson moved:

Resolution

That the Committee:

- 1) **Requests** in the submission, that consideration be given to insulation standards in areas with a poor air shed for home heating.

Moved: Cr Wilson
Seconded: Cr Calvert
CARRIED

7.3. Groundwater SoE Recommendations Update

This report addresses the resolution passed at the Council meeting on 24 March 2021 pertaining to the presentation of the Groundwater State of the Environment (SoE) report to the Data and Information Committee on 10 March 2021: *“That Council refer the report on Groundwater State of Environment to Strategy and Planning for advice on where there are issues highlighted in the Discussions and Recommendations section of the report what action if any staff doing to rectify the situation.”* Gwyneth Elsum (GM Strategy, Policy & Planning) and Amir Levi (Scientist - Groundwater) were present to speak to the report and respond to questions.

Following discussion, Cr Wilson moved:

Resolution

That the Committee:

- 1) **Receives** this report.

Moved: Cr Wilson
Seconded: Cr Calvert
CARRIED

8. RESOLUTION TO EXCLUDE THE PUBLIC

Resolution

That the public be excluded from the following parts of the proceedings of this meeting, namely:

- *2GP Mediation Update*
- *Carbon Forestry Waitaki*

and that Mr Alistair Logan be permitted to remain at this meeting for the Carbon Forestry Waitaki paper because of his legal knowledge.

Moved: Cr Wilson

Seconded: Cr Noone

CARRIED

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under [section 48\(1\)](#) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
2.1 <i>2GP Mediation Update</i>	<p>To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information— would be likely otherwise to damage the public interest – Section 7(2)(c)(ii)</p> <p>To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(2)(i)</p>	<p>Section 48(1)(a); Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>
2.2 <i>Carbon Forestry Waitaki</i>		<p>Section 48(1)(a); Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant</p>

		part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
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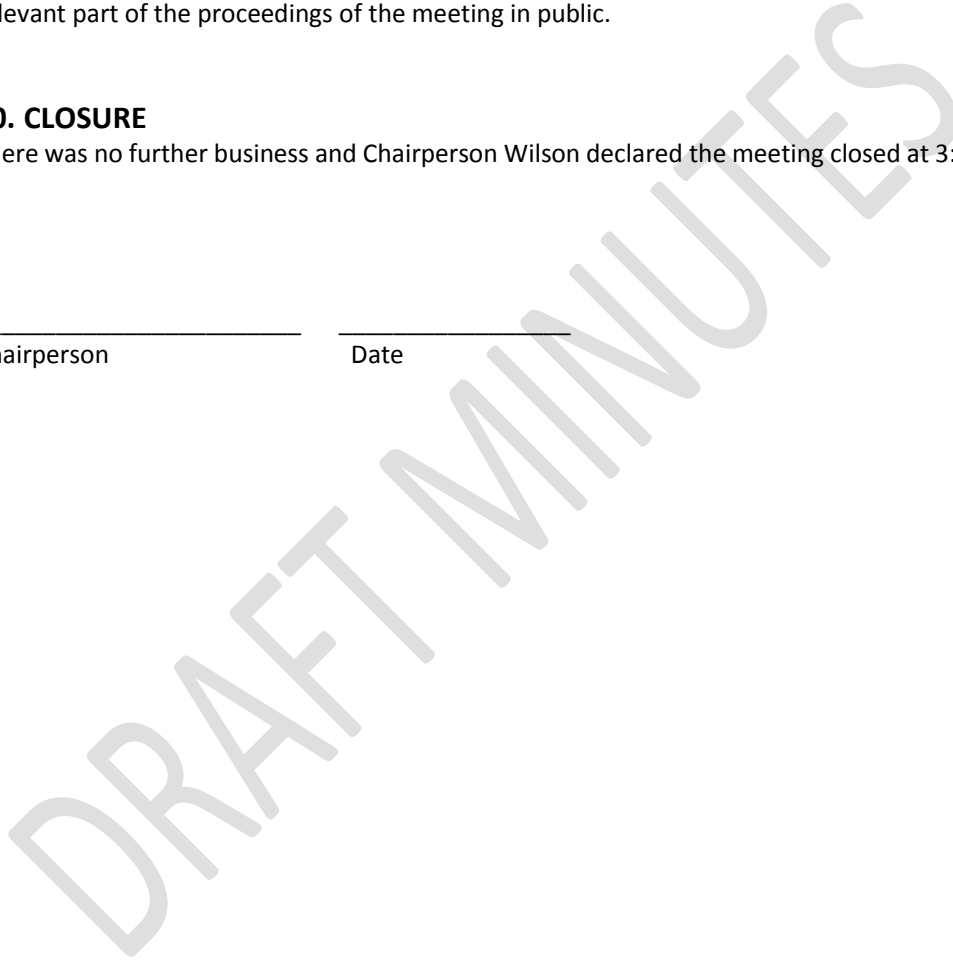
This resolution is made in reliance on [section 48\(1\)\(a\)](#) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by [section 6](#) or [section 7](#) of that Act or [section 6](#) or [section 7](#) or [section 9](#) of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public.

10. CLOSURE

There was no further business and Chairperson Wilson declared the meeting closed at 3:50 pm.

Chairperson

Date



Action Register – Outstanding actions from resolutions of the Strategy and Planning Committee on 7 July 2021

Meeting Date	Item	Status	Action Required	Assignee/s	Action Taken	Due Date	Completed (Overdue)
12/11/2020	P&S1880 Otago Greenhouse Gas Emission Inventory by District	Completed	Complete Draft Emission Inventory by March 2021 and present final report to the Committee by May 2021.	Economic Analyst, General Manager Strategy, Policy and Science, Manager Strategy	8/06/2021 GHG Inventory delivered to 9 June Data and Information Committee.	14/04/2021	08/06/2021
14/04/2021	PPT2103 Regional Public Transport Plan	Completed	That staff add into the consultation for requests of trail units and routes that could be incorporated into the plan.	Manager Transport	1/07/2021 This was added in.	08/04/2021	01/07/2021
01/12/2020	OPS1016 Integrated Otago Trail Network Investigation	In Progress	Conduct a Council workshop in 2021 to explore opportunities to support an integrated trail network for Otago.	General Manager Operations	26/01/2021 To be arranged. 30/03/2021 Update being arranged for 12 May 2021 committee round.	01/09/2021	
01/12/2020	P&S1885 ORC Role in South Dunedin/Harbourside Adaptation collaboration with DCC	In Progress	Progress collaboration with DCC to deliver the South Dunedin/Harbourside natural hazards adaptation programme as in Option 3 and report back to Council.	Chairperson, General Manager Operations, Manager Natural Hazards	26/01/2021 Date to be set for initial meeting between Chair Noone, Mayor Hawkins and staff. 6/05/2021 Chair Noone advised he had spoken with DCC Mayor Hawkins who is waiting on a formal position from Councillors	28/02/2021	Overdue by: 123 days

7.1. He Mahi Rau Rika Draft Significance, Engagement and Maori Participation Policy

Prepared for:	Strategy and Planning Committee
Report No.	COMS2103
Activity:	Regulatory: Policy Development
Author:	Eleanor Ross, Manager Communications Channels
Endorsed by:	Richard Saunders, General Manager Regulatory and Communications
Date:	7 July 2021

PURPOSE

- [1] This report seeks approval from Council to commence a special consultative procedure for the draft He Mahi Rau Rika – Significance, Engagement and Māori Participation Policy.

EXECUTIVE SUMMARY

- [2] Staff have prepared a new Significance, Engagement and Maori Participation Policy to replace the existing Significance and Engagement Policy 2017.
- [3] The draft policy is consistent with the Otago Regional Council Strategic Directions and will make a public commitment to improve our partnership with iwi and engagement with our community.

RECOMMENDATION

That the Strategy and Planning Committee:

- 1) **Approves** the draft He Mahi Rau Rika - Significance, Engagement and Māori Participation Policy for consultation under Section 82 of the Local Government Act 2002.
- 2) **Appoints** Councillors Deaker (Chair), Wilson and Scott to hear any submissions and make recommendations to Council.
- 3) **Notes** that consultation is scheduled to commence on 19 July and will run for four weeks or 20 working days.
- 4) **Notes** the document is subject to a formal design process prior to being presented to Council for final adoption on 29 September 2021.

BACKGROUND

- [4] The Local Government Act 2002 (LGA2002) outlines the requirement for every local authority to adopt a Significance and Engagement Policy setting out an approach to identifying the degree of significance attached to issues, proposals, assets, decisions, and activities and providing clarity about how and when communities can expect to be engaged in decisions.
- [5] ORC's current Significance and Engagement Policy was adopted in 2017. A copy of this Policy is attached.
-

- [6] Work on ORC's Strategic Directions in 2020 identified the need to better meet ORC's responsibilities to our mana whenua partners, and also confirmed a commitment to undertake effective engagement with our communities.
- [7] Additionally, a review of the overall approach to communications and engagement at ORC is being implemented. This process included a series of interviews with councillors, senior managers, mana whenua and key stakeholders to identify opportunities to improve our delivery.
- [8] Through these workstreams an opportunity was identified to embed our commitment to partnership with mana whenua within a new Significance and Engagement Policy. This policy would also provide a clear and updated framework on when and how we will engage the wider community as part of decision-making processes.
- [9] The Governance, Communications and Engagement Committee noted the drafting of the new Significance, Engagement and Māori Participation Policy at the 10 February 2021 meeting. The requirement to complete a Special Consultative Procedure was also noted.
- [10] A draft *He Mahi Rau Rika – Otago Regional Council Significance, Engagement and Māori Participation Policy* has been developed in partnership with mana whenua. Aukaha and Te Ao Marama Inc have reviewed and contributed to the document in its draft form as well as providing images for incorporation into the document.

DISCUSSION

- [11] The LGA2002 requires community consultation for an amended Significance and Engagement Policy to be undertaken in accordance with Section 82 which sets out principles for consultation.
- [12] Section 82 (1) (d) requires *'that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons'*.
- [13] It is proposed that a Hearing Committee be established to enable submitters that wish to be heard in person the opportunity to do so. This committee will be comprised of Councillors Deaker, Scott and Wilson, with Councillor Deaker to Chair.
- [14] The draft as presented is intended as the basis for consultation. He Mahi Mau Rika will be professionally designed in parallel with the consultation period. When presented for adoption by Council, it will be in its final (professionally designed) format.
- [15] A preferred supplier for design work has been identified in discussion with Aukaha. The design approach is intended to reflect the Māori partnership principles outlined in the document as well as reflecting ORC's commitment to engaging with our community.

OPTIONS**Option 1: The Committee approves the draft policy for consultation (Recommended Option)**

- [16] The draft He Mahi Rau Rika – Otago Regional Council Significance, Engagement and Māori Participation Policy will proceed to consultation.

Advantages

- [17] Council will consult on a new Significance and Engagement Policy which is consistent with the Strategic Directions.
- [18] The draft policy makes public our commitment to working in partnership with mana whenua.
- [19] The draft policy provides greater clarity for our community around our commitment to effectively engage with them.

Disadvantages

- [20] There are no disadvantages identified with this option

Option 2: The Committee approves the draft policy for consultation with amendments

- [21] The draft He Mahi Rau Rika – Otago Regional Council Significance, Engagement and Maori Participation Policy will proceed to consultation with minor amendments.

Advantages

- [22] Council will consult on a new Significance and Engagement Policy which is consistent with the Strategic Directions.
- [23] The draft policy makes public our commitment to working in partnership with mana whenua.
- [24] The draft policy provides greater clarity for our community around our commitment to effectively engage with them.

Disadvantages

- [25] Amendments may have unintended consequences not identified during the discussion at Council – amendments may undermine the partnership approach taken with the policy.

Option 3: The Committee does not approve the draft policy for consultation

- [26] Consultation on a new policy would not occur and the draft Significant and Maori Participation Policy will remain.

Advantages

- [27] There are no advantages identified with this option

Disadvantages

- [28] ORC will not have a Significance and Engagement Policy that is consistent with the Strategic Directions.

- [29] ORC will not have made a public commitment though policy adoption to work in partnership with mana whenua.
- [30] Otago Communities will not be provided greater clarity around our commitment to effectively engage with them.

CONSIDERATIONS

Strategic Framework and Policy Considerations

- [31] The proposed approach of integrating commitments to Māori Participation in decision-making into the Significance and Engagement Policy is in line with ORC's strategic commitment to partner with mana whenua and make Mātauranga Kāi Tahu an integral part of decision-making.
- [32] Providing a clear and updated framework on when and how we will engage the wider community as part of decision-making processes is in line with the vision for ORC of being trusted, through engagement, to make well-informed decisions.

Financial Considerations

- [33] There is funding available in the 2021/2022 budget to complete this project, i.e. consultation and hearing if needed.

Significance and Engagement Considerations

- [34] Significance and Engagement Policies are consulted in accordance with Section 82 of the Local Government Act 2002.
- [35] If adopted, the Significance, Engagement and Māori Participation Policy (He Mahi Rau Rika) will replace the current Significance and Engagement Policy (2017).

Legislative and Risk Considerations

- [36] The adoption of a Significance and Engagement Policy is required by the Local Government Act 2002. ORC has a Significance and Engagement Policy in place currently; this will be superseded should He Mahi Rau Rika (the Significance, Engagement and Māori Participation Policy) be adopted.
- [37] ORC legal have reviewed the draft document and confirmed that it meets the statutory requirements for a Significant and Engagement Policy.

Climate Change Considerations

- [38] There are no specific considerations for climate change associated with this report.

Communications Considerations

- [39] Public consultation will be advertised in newsprint and on social media. Direct notification will be provided to mana whenua partners and key stakeholders inviting them to submit on the proposed policy.

NEXT STEPS

- [40] Should the draft policy be approved for consultation staff will commence this process. A final policy will be brought back to Council for approval on 29 September 2021.

ATTACHMENTS

1. ORC Significance, Engagement and Maori Participation Policy Draft for Consultation 2021 07 07 [7.1.1 - 14 pages]
2. Current Significance and Engagement Policy [7.1.2 - 7 pages]



**HE MAHI RAU RIKA:
OTAGO REGIONAL COUNCIL
SIGNIFICANCE, ENGAGEMENT AND MAORI
PARTICIPATION POLICY**



Pukekura pou

Credit: Chris McCormack

**Nou te rourou, nāku te rourou, ka ora tonu te iwi.
By the contributions from your food basket and mine, the people will flourish.**

Kupu Whakataki

Introduction

The purpose of Otago Regional Council's (the Council's) engagement with mana whenua, stakeholders, and the community is to enable people to contribute to Council decision making in a transparent and equitable way, enabling better outcomes for the region.

The Council's Significance, Engagement and Māori Participation Policy sets out how engagement and communications will occur, including with Māori in recognition of our partnership approach. The policy:

- sets out the Council's approach to engagement, including commitments and practice principles;
- outlines how the Council will facilitate working with and partnering with Māori;
- identifies how and when stakeholders and communities can expect to be engaged in, or specifically consulted on, decisions about issues, proposals, assets, decisions, and activities; and
- enables the Council and our communities to understand the significance that the Council places on certain issues, proposals, assets, decisions, and activities. This enables us to meet the requirements of the Local Government Act 2002 Section 76AA.

The Significance, Engagement and Māori Participation Policy applies across the Council. When assessing the degree of significance and deciding on appropriate engagement or consultation processes, Council must comply with all relevant legislative requirements for consultation and honour any agreements it has entered into.

Engagement with Māori is a requirement of legislation and a key part of engagement for the Council. We aspire to go beyond statutory responsibilities to ensure meaningful engagement with mana whenua based on the principles of partnership of the Treaty of Waitangi / Te Tiriti o Waitangi.

Mana whenua are Māori who are of this place, whose whakapapa, traditions, and histories are provenanced to the Otago Region. To recognise the value that engagement with mana whenua adds through the sharing of their knowledge and wisdom, the policy sets out how the Council works with Kāi Tahu, as mana whenua and representatives of the Treaty partner in the region, to develop a trusted and enduring relationship, and to enable the development of mana whenua capacity to contribute to decision making.

As an overall principle, the greater involvement of Māori in local government activity, including Māori whose whakapapa to land and place is elsewhere in New Zealand, is recognised and supported. However, such involvement does not substitute for the role of Kāi Tahu as mana whenua and Treaty partners.

This policy does not apply to decision making under the Resource Management Act 1991 and/or other legislation that includes a prescribed consultative or engagement process. Such processes are often minimum process requirements and do not preclude other, informal methods of consultation and engagement

Kā Kika Tauraki me kā Wero

Commitments and Challenges

Our organisational vision is that “Otago’s communities, through engagement, trust us to make well-informed decisions and enable solutions.”

This requires an effective approach to engagement and communications so that the people of Otago can have trust and confidence in our decision-making processes and our actions.

To enable this vision, Council has made a commitment to the following areas:

- Implement central government directions in the regional context;
- Partner with mana whenua and make mātauranga Kāi Tahu an integral part of our decision-making;
- Deliver integrated environmental management;
- Effectively engage communities;
- Collaborate to deliver;
- Make decisions which are evidence-based and timely; and
- Focus on customer needs.

Mahi Kātahi ki te Mana Whenua

Maori Participation

Māori participation

Various Acts provide a legislative requirement for the Council to engage with Māori. The Local Government Act 2002 (LGA) requires local authorities to facilitate participation by Māori in local decision-making processes. This recognises and respects the Crown’s responsibility to take account of the principles of The Treaty of Waitangi / Te Tiriti o Waitangi and to maintain and improve opportunities for Māori to contribute to and partner in local government decision making processes. These requirements are additional to general policies and processes for community engagement.

Mana whenua are the tāngata whenua who hold traditional customary authority and maintain contemporary relationships within an area determined by whakapapa, resource use and ahīkaroa (the long burning fires of occupation). In Otago, Kāi Tahu are mana whenua. The four Kāi Tahu ki Otago Rūnaka are Te Rūnanga o Mōeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga, with three marae located in the region. Awarua Rūnanga, Waihopai Rūnaka and Oraka Aparima Rūnaka also share interests in South Otago, the Mata-au Clutha River, and the inland lakes and mountains. Enabling mana whenua engagement will help ensure that Council can 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 as required by legislation (LGA, Section 77(1)(c)).

The LGA has many references to the participation of Māori including actively fostering the development of Māori capacity to enable their contribution to decision making and working with Māori to further community outcomes (in particular LGA sections 4, 14, 77, 81 and 82).

For the Council, these legislative requirements are considered a bottom line. We aspire to go beyond these statutory responsibilities to ensure meaningful engagement with mana whenua which recognises the principles of partnership of The Treaty. This also recognises the value that engagement with mana whenua adds through the sharing of their knowledge and wisdom.



Engagement with Mana Whenua

Our commitment is to partner with mana whenua and make mātauranga Kāi Tahu an integral part of our decision-making. This recognises the status of mana whenua as the Treaty partner in the Otago region and the need to continue the journey that Council has begun to more effectively involve Māori in decision making. This includes acknowledging historic grievances and respecting Kāi Tahu customs and beliefs when engaging with mana whenua.

The process of engagement is based on continuing to build trusted and enduring relationships which requires an ongoing commitment. Council has committed to a range of channels and relationships to enable mana whenua participation, support the development of capability, and build relationships.

These include the following activities and commitments:

Table 1: Council relationship arrangements with mana whenua

Relationship element	Key aspects
Mana to Mana agreement and relationship	This enables councillors and Rūnanga Chairs / Upoko to regularly meet to identify and agree key areas for engagement and partnership.
Iwi representation on Strategy and Planning Committee	Two mana whenua representatives with full voting rights have been appointed on the Strategy and Planning Committee.
Mana Whakahono a Rohe (Future work programme)	This RMA partnership agreement will provide a process for development of relationships and building a partnership approach to RMA processes and decision making.

2003 Memorandum of Understanding and Protocol between Otago Regional Council, Te Rūnaka Kāi Tahu and Kāi Tahu ki Otago for Effective Consultation and Liaison	<p>This agreement helps to clarify how Council will engage with Kāi Tahu ki Otago on a range of issues.</p> <p>There are four Kāi Tahu ki Otago Rūnaka being:</p> <ul style="list-style-type: none"> • Te Rūnanga o Mōeraki; • Kati Huirapa Rūnaka ki Puketeraki; • Te Rūnanga o Ōtākou; and • Hokonui Rūnanga.
Land and Water Regional Plan Governance Structure	This includes both mana whenua representatives on the Governance Group as well as the regional working group level.
Charter of understanding with Te Ao Marama and Southland Rūnaka; and participation in Southland Te Rōpū Taiao hui	<p>There are three Kāi Tahu ki Murihiku Rūnaka with interests in the Otago region:</p> <ul style="list-style-type: none"> • Awarua Rūnaka; • Waihopai Rūnaka; and • Ōraka-Aparima Rūnaka. <p>The Charter of Understanding is the relationship document with Council and Kāi Tahu ki Murihiku Rūnaka with a common goal to sustainably manage the region's environment for the social, cultural economic and environmental wellbeing of the community for now and into the future. Quarterly meetings of Te Rōpū Taiao are held to manage and support our common goal. Council engage with Te Ao Marama Inc. and Papatipu Rūnaka on a range of issues.</p>
Internal cultural awareness and training / induction	Developing and implementing a programme of cultural competency enhancement to offer organisational training in Te Reo, Treaty of Waitangi training, and tikanga from a Kāi Tahu perspective.
Engagement with Mana Whenua on a range of key issues	Including working with and through Aukaha and Te Ao Marama Inc (the Papatipu Rūnaka consultancy services, Aukaha, representing Otago Rūnaka, and Te Ao Marama Inc, representing the Murihiku Southland Rūnaka, to provide a first point of contact and to facilitate engagement in resource management processes) we actively engage with mana whenua on a range of issues, including land, water and air quality, biodiversity, climate change and emergency management.
Regional Engagement: Te Rōpū Taiao Otago Charter and Hui	A regional coordinating group involving Otago Mayors and the ORC Chair and Kāi Tahu ki Otago Rūnaka Chairs to identify and agree key areas for engagement and partnership across Otago.

Ko te Mahi Rau Rika

Significance, Engagement and Maori Participation Policy

Decision making

Engagement with our communities and stakeholders supports effective and informed decision making. When making decisions, Council needs to be satisfied that:

- We have sufficient information on the relevant issues and options, including:
 - The requirements of legislation
 - Technical matters and available information
 - Financial implications and affordability
 - Costs and benefits (whether financial or otherwise)
 - Formal plans previously consulted on
- The implications of an issue or decision for mana whenua of the region have been fully considered; and
- We know enough about and have given adequate consideration to the views and preferences of affected and interested parties

Our engagement policy and practice principles

This Policy supports us to meet these requirements and our wider policy commitments through delivery of best practice communications and engagement based on an approach that is:

- Sharing and open
- Enables ownership of issues; and
- Builds trust and understanding.

In delivering this approach:

- We want to identify interested and affected persons.
- We want to work in partnership with mana whenua and have good, robust conversations with communities and stakeholders to ensure we are making decisions that reflect not only the legislation that drives our work, but also the views and aspirations of the people of Otago
- We will consider where engaging with the community is needed to understand the views and preferences of people likely to be affected by or interested in a proposal or decision. This helps us to consider the social, cultural, economic, and environmental well-being of our communities and region.
- We need to engage with the right people at the right time in line with our practice principles

When we will engage

We will work in partnership with mana whenua when:

- It is a matter of significant importance to mana whenua (see Significance section below)

We will involve mana whenua and engage with communities and stakeholders when:

- There is a statutory requirement
- The matter is considered significant (see Significance section below)
- We need the input of community and stakeholders to ensure we make the best decision for the community
- We need to use an open engagement process to build relationships, ownership of issues and solutions or trust and understanding

The right conversations – our practice principles

We will apply our values and practice principles to inform what type of communication or engagement we should be having on any issue:

- **We are Team ORC** and speak with one consistent voice
- **We deliver on our commitments to mana whenua**
- **We know who to engage and communicate with** based on our relationships and understanding of our stakeholders and communities (which may vary on a case by case basis)
- **We know why we are engaging** and communicate this clearly. This will evolve as a process moves forward
- **We know how and when** to engage and communicate so that this is timely and tailored to the audience and context and meets our statutory obligations and any agreements and memorandum of understandings
- **We are genuine, confident and clear** so that our communications and engagement:
 - Sets clear expectations
 - Is evidence based
 - Set out options available, including pros and cons (if applicable)
 - Include any content required by statute
 - Reflects our responsibilities and accountabilities
- **We are collaborative and two way** – we share, listen and use stakeholder and community input to inform our decisions

In order to ensure that the appropriate level of mana whenua engagement is undertaken, it is crucial that an assessment of the degree of significance of proposals and decisions is undertaken in the early stages of a proposal. This assessment will elicit a suitable framework for mana whenua.

Our approach recognises that engagement is a process and so the type of conversation evolves as a proposal develops. Engagement includes the following aspects:

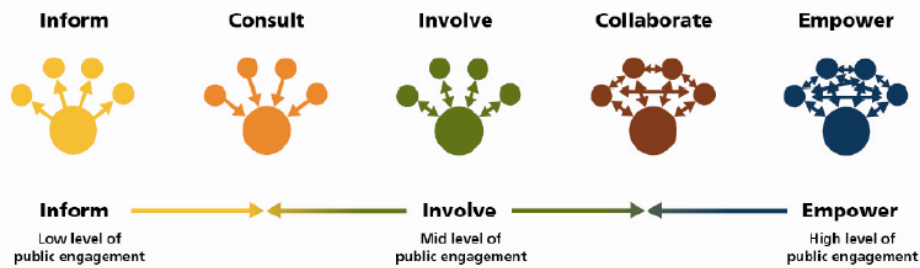
- Vision / issues – open and aspirational conversations to understand the issues and capture ideas.
- Checking understanding – concept sharing and checking to ensure we have listened and there is a shared understanding.
- Formal feedback – engagement or consultation on a draft plan or policy
- Sharing the direction / decision
- Delivery – working through implementation.

How we will engage

We undertake engagement in a range of ways. This will depend on the type of conversation to be had, who is involved, time and cost allowed for and any legislative requirements.

The International Association for Public Participation (IAP2) has developed a Public Participation Spectrum to demonstrate the possible types of engagement with the community. This model outlines an increasing level of public impact as you progress through the spectrum from left to right, 'inform' through to 'empower'. In simply 'informing'

stakeholders there is no expectation of receiving feedback, and consequently there is a low level of public impact. At the other end of the spectrum, 'empowering' stakeholders to make decisions implies an increase in expectations and therefore an increased level of public impact. Differing levels of engagement may be required during the varying phases of decision making on an issue and for different stakeholders.



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It will not always be appropriate or practicable to conduct processes at the 'collaborate' or 'empower' end of the spectrum. Many issues will not warrant such an involved approach. Time and money may also limit what is possible on some occasions.

Engagement approaches and tools will be reviewed as a proposal or process develops and as community views, preferences, and values become better understood.

In general, the more significant an issue, the greater the need for community engagement. When engaging with the community, the Council will:

- seek out and encourage contributions from people who will or may be affected by or have an interest in a decision or matter.
- provide reasonable access to relevant, timely and balanced information in a manner and format that is appropriate to the preferences and needs of those persons.
- provide people who are invited or encouraged to present their view with information concerning the purpose of the consultation and the scope of the decisions to be taken following consideration of the views presented.
- Provide people who wish to have their views on the decision or matter considered by the Council with an opportunity to present those views in a manner or format that is appropriate to the preferences and needs of those persons.
- Receive the views presented with an open mind and give due consideration to those views.
- provide a clear record or description of the relevant decisions made by Council and explanatory material relating to the decision.

Informed by IAP2 best practice, examples of types of engagement and ways of engaging are shown below in Table 2. Each situation will be assessed on a case-by-case basis

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
WHAT ENGAGEMENT INVOLVES	One-way communication to provide the	Two-way communication to obtain public	Participatory process to help identify	Working together to develop an understanding of	To place final decision-making in the

	public with balanced and objective information about the problems, alternatives and/or solutions, or about something that has happened or is going to happen	feedback on ideas, analysis, alternatives, or proposals to inform decision making	issues and views and ensure these are understood and considered prior to decision making.	the issues and interests to work out alternatives and potential solutions and to inform decision making process.	hands of the public. Noting that, under the Local Government Act 2002, the regional council chair and councilors are elected to make decisions on behalf of their communities
Types of issues we might use this for	Annual Report Low significance policies	Consultation document for the Long Term Plan	Regional Plan	Catchment planning	Local Body elections
Tools we might use	Websites Fact sheets / newsletters Social media Adverts Email Text alerts	Formal submissions and hearings Display advertising Websites Public notices Focus groups Surveys	Workshops Focus groups Citizens panels Follow statutory processes	Collaborative stakeholder groups Technical alliance Participatory decision-making	Binding referendum Local body elections
What this looks like	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input was considered in making the decision.	We will work with you to ensure that your concerns and issues are directly reflected in the alternatives developed and provide feedback on how public input was considered in making the decision.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and Recommendations into the decisions to the maximum extent possible.	We will implement what you decide / we will enable you to decide

Table 2: IAP2 best practice principles and methods of engagement

Legislative Considerations

Many of the Council’s decisions are prompted or guided by particular legislation, and some of the legislation will dictate the process for consultation and decision making¹. This includes how the public should be informed, how public submissions are considered, and how decisions are made.

Even if a decision is clearly a significant one, this policy does not apply to the requirements for decision-making prescribed in any other enactments, such as the Resource Management Act 1991 (RMA) and the Biosecurity Act 1993.

¹ Such as Resource Management Act 1991, Biosecurity Act 1993 or the Civil Defence and Emergency Management Act 2002

There are a number of decisions that can only be made if they are explicitly provided for in the Council's Long-Term Plan as set out by the LGA. These are:

- to significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of the Council, including a decision to commence or cease any such activity;
- to transfer the ownership or control of a strategic asset to or from the Council.

In addition, the Council is required to use the Special Consultative Procedure set out in section 83 of the LGA (with the modifications set out in section 93A) in order to adopt or amend a Long-Term Plan or make, amend or revoke a Bylaw. If the Council is carrying out consultation in relation to an amendment to its Long-Term Plan at the same time as, or combined with, consultation on an Annual Plan, the Special Consultative Procedure must be used for both matters.

There may be other situations where the Council considers it appropriate to use a Special Consultative Procedure.

For all other issues requiring a decision, the Council must determine the appropriate level of engagement (refer section 82 of LGA) on a case by case basis.

Aromatawai ana i te Hirika

Assessing Significance

Significance is defined under the LGA as:

"... the degree of importance of the issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for,—

- (a) the current and future social, economic, environmental, or cultural well-being of the district or region:*
- (b) any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter:*
- (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so"*

Council staff will consider each issue, proposal, decision, or matter before them to determine the degree of significance attached to it. The degree of significance will influence our approach to decision making and engagement. In the context of this policy, mana whenua perspectives on the significance of these issues will be sought in order to identify the appropriate level of engagement.

In general, the more significant the matter, the greater the need for community engagement, recognising that sometimes operational work the Council is undertaking will be highly significant to those immediately impacted but may not otherwise trigger 'significance' under this policy.

Significance assessment - Key criteria and thresholds for significance

Council has identified key criteria and indicative thresholds to assist in determining significance (Table 2 below). If the indicative threshold is met on any of the key criteria, the matter is deemed to have high significance and further assessment should be undertaken. The additional criteria and factors in Table 3 guide further assessment.

There may be instances where even though the criteria for significance are met that engagement or consultation is not required, for example, when the views of the community are well understood, or the decision is required in a very short timeframe. In that instance, any decision made by the Council may need to comply with section 80 of the LGA. Section 80 applies where a decision of Council is significantly inconsistent with any policy adopted by the Council (including this policy) or any plan required by the LGA or any enactment. Section 80 requires Council to identify:

- the inconsistency; and
- the reasons for the inconsistency; and
- any intention of the Council to amend the policy or plan to accommodate the decision.

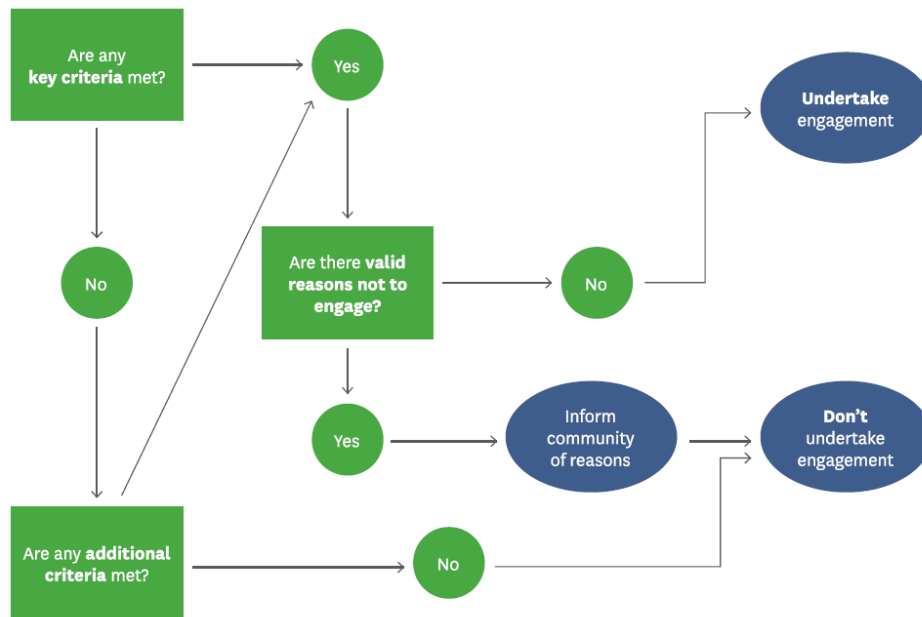
Table 3: Key criteria for assessment of significance

Key Criteria	Indicative Threshold
Impact on community including costs directly or indirectly to the community or part of the community, whether through rates, fees or otherwise	<ul style="list-style-type: none"> • Major impacts on the well-being (social, cultural, economic, or environmental) of a community of interest in the region or the population of a specific area within the region; or
Potential effect on Council's ability to undertake statutory functions	Likely to be an adverse effect on Council's ability to undertake any statutory function or role; or
Financial impacts	<p>A decision involves an unbudgeted expenditure exceeding 10% of Council's total annual expenditure.</p> <p>Excludes the following:</p> <ul style="list-style-type: none"> • Civil Defence emergency event response expenditure • Expenditure funded from external funding • Emergency works (for example section 330 of the RMA)

Table 4: Additional criteria for assessment of significance

Additional Criteria	Factors to consider
Mana Whenua	<ul style="list-style-type: none"> • The interests and values of mana whenua including relationship, interests, or traditions in relation to land, water, wāhi tapu and other taoka. <p>Kāi Tahu interests and values include, but are not confined to, those described in:</p> <ul style="list-style-type: none"> • The Ngāi Tahu Claims Settlement Act 1998 • The Kāi Tahu Resource Management Plan 2005 • Te Tangi a a Taurira, the Cry of the People – Ngāi Tahu ki Murihiku Natural Resource and Environmental Management Plan 2008

	<ul style="list-style-type: none"> The Regional Policy Statement 2019 and the proposed Regional Policy Statement 2021.
Policy and outcomes	<ul style="list-style-type: none"> Potential impacts on the delivery or outcomes of Council's policy and strategies The degree to which the proposal or decision contributes to promoting or achieving particular community outcomes The degree of benefits that may be achieved The magnitude of costs to the Council or / and to affected community groups The extent to which the proposal or decision flows consequentially from a decision already made or decision made in the Long Term or Annual Plan Any inconsistency with any existing policy, plan, or legislation
Communities and stakeholders	<ul style="list-style-type: none"> If the issue, proposal, or decision involves a strategic asset as listed in this policy or changes the level of services of any significant activity Level of community interest in the proposal, issue, or decision Any wider national or international interest or views The extent to which the views of the community are already understood The timeframes for community engagement, including any other concurrent engagement processes or matters involving the same or similar communities Potential intergenerational impacts of policies or decisions The impacts on people's ability to use property or essential services
Context and implications	<ul style="list-style-type: none"> The extent to which the proposal or decision could have an adverse effect on the environmental outcomes as set out in the Council's plans and policies If the proposal or decision impacts upon a physical or community resource that is scarce, rare, or unique and / or under threat If the proposal or decision would be irreversible If there are high levels of controversy around the proposal or decision The practical requirements of efficient decision making in situations of urgency



Kā Rawa Whai Rautaki Strategic Assets

A strategic asset is defined in the LGA as:

“in relation to the assets held by a local authority, means an asset or group of assets that the local authority needs to retain if the local authority is to maintain the local authority’s capacity to achieve or promote any outcome that the local authority determines to be important to the current or future well-being of the community; and includes—

- (a) any asset or group of assets listed in accordance with [section 76AA\(3\)](#) by the local authority; and*
- (b) any land or building owned by the local authority and required to maintain the local authority’s capacity to provide affordable housing as part of its social policy; and*
- (c) any equity securities held by the local authority in—*
 - (i) a port company within the meaning of the [Port Companies Act 1988](#);*
 - (ii) an airport company within the meaning of the [Airport Authorities Act 1966](#)”*

Under the LGA, any decision to transfer the ownership or control of a strategic asset to or from Council would be considered significant and must be provided for in the Long Term Plan (and therefore consulted on through a Special Consultative Procedure in the Long Term Plan or in an amendment to the Long Term Plan).

The Council’s strategic assets are considered to be:

- Council shares held in Port Otago Limited
- Flood Protection and Drainage Schemes*

* - The flood protection and drainage schemes, managed as a whole, are considered to be strategic. However not all trading decisions made about these assets are regarded as significant, nor do they affect the asset's strategic nature, e.g., the Lower Taieri Flood Protection Scheme is strategic, but some bridges within the scheme area may not be, and the purchase or sale of such bridges may not amount to a significant decision.

Acquisition or disposal of a component of a strategic asset will not trigger this provision, unless it is considered that the component is an integral part of the strategic asset and that its acquisition or disposal would substantially affect the operation of the strategic asset.

Kā Hereka

Limitations

In committing to effective engagement and consultation, the Council must also recognise that there is a time and financial cost to seeking the views and input of stakeholders and the community. The time and level of engagement undertaken needs to be appropriate to the decision / actions to be taken by Council. It will not be possible to engage extensively on every decision that the Council makes nor will the engagement bind the Council to the views of any particular community or affected party.

There will also be times where the Council does not engage such as:

- where time does not allow due to the need to make an urgent decision such as in an emergency
- where the views of the community are well understood
- in relation to operational, administrative and personnel decisions. This policy does not apply to such matters.

SIGNIFICANCE and ENGAGEMENT POLICY

1 July 2017

A668088

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Introduction

This policy provides guidelines for determining the significance of proposals and decisions in relation to issues, assets or other matters affecting the Otago region, people likely to be affected, and the council's capability to perform.

It sets out how Council may engage the Otago community in its decision making processes, and what types of decisions may be involved.

The policy also sets out those assets considered by Council to be strategic assets.

This policy is prepared under the provisions of the Local Government Act. This policy will not apply where significance and engagement provisions are provided for in other legislation under which Council operates, such as the Resource Management Act.

Significance

The Local Government Act 2002 (the Act) defines significance, as follows:

“significance, in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for, -

- (a) the district or region;*
- (b) any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter;*
- (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.”*

Assessing significance is essentially a matter of judgement. Council will consider each issue, proposal, decision or matter to determine the degree of significance attached to it. The degree of significance will influence our approach to decision making. As the level of significance increases, the degree of community engagement undertaken will also increase.

Degree of significance

When determining the degree of significance of any issue, proposal, decision or other matter we will consider:

- the extent of any consequences or impacts on Otago residents and ratepayers, or stakeholders, including the consequences for or impacts on future generations. A moderate impact on a large number of residents or ratepayers, and a major impact on a small number of residents or ratepayers will have higher degrees of significance than when there is a minor impact on any number of residents or ratepayers;
- the level of public interest likely to be generated within the region or New Zealand generally;
- any likely effect on the ability of the ORC to perform its role, carry out its existing activities and meet statutory timeframes;
- any financial and other costs or implications.

- the impacts on people's ability to use property or essential services;
- if the issue, proposal, decision or other matter involves a strategic asset as listed in this policy.

Judgement will set the level of community engagement and whether or not any impacts and consequences are of such a degree of importance as to require consultation on the issue, proposal, decision or other matter. The assessment will be documented, with reasons for conclusions reached.

Financial guidelines for assessing the degree of significance

To determine whether or not an issue, proposal, decision or other matter is significant on the basis of its monetary value, comparison of its cost should be made against an appropriate base amount.

Consideration will also be given to what proportion of the community is likely to be financially affected by the issue, proposal, decision or other matter.

To assist practical situations, percentage limits may be used as guides for determining the level of significance, with respect to monetary value:

- an amount, which is equal to or greater than 10% of the appropriate base amount, could be presumed to be significant, unless there is evidence to the contrary.
- an amount, which is equal to or less than 5% of the appropriate base amount could be presumed to not be significant, unless there is evidence to the contrary.
- an amount, which lies between 5% and 10% of the appropriate base amount is a matter of judgement and depends upon the particular circumstances of the case.

Procedures

Issues, proposals, decisions or other matters that are part of the normal day to day council operations will not require formal consideration for significance.

Matters that are in ORC's Long Term Plan and/or Annual Plan, and other policies and plans that as a requirement of legislation, have been consulted on, will not usually need further consideration under this policy.

When preparing reports to the council and its committees that require a decision, staff will complete a checklist indicating the following:

- whether or not the issue, proposal, decision, or matter has been included in an Annual Plan or Long Term Plan,
- the financial cost, if any associated with the issue, proposal, decision or matter, if it has been budgeted for, and if so, if it is within budget, and
- an assessment of the significance of the issue, proposal, decision or matter.

Authority is delegated to the Chief Executive and the council directors to review the assessment of significance on any issue, proposal, decision or matter arising, and approve the assessment made.

If an issue, proposal, decision or matter is determined to be significant, consultation will be required.

Engagement

Engagement through this policy is about how the ORC will interact with the Otago community, interest groups, and its ratepayers, as part of its decision-making processes, and how we will respond to the community's preferences on issues.

Not all decisions will necessarily require specific engagement. As the level of significance of a decision increases, the degree of community engagement undertaken will also increase.

Some engagement is undertaken to provide information to the community, including about what the council is doing, and some to get feedback from the community on its preferences in relation to issues. This policy is in respect of the engagement undertaken to seek community preferences.

Forms of engagement

Engagement takes many forms, from meeting informally with individuals and groups as part of our day to day operations, through to undertaking formal consultation processes with the whole community to seek its views on a specific matter.

When considering formal forms of engagement, the nature of the issue, proposal, decision or matter arising will help inform which engagement tool might be appropriate to the circumstance.

The sorts of tools council may use to engage with its community include:

- undertaking surveys
- using social media
- meeting with individuals, focus groups, and key stakeholders
- holding public meetings
- undertaking consultation

When choosing which engagement tool to use, consideration would be given to the circumstances of the matter including:

- who is being affected by the matter, i.e., is it a small focused group, or region wide, and how are they being impacted;
- what information does council already hold on community preferences in relation to the matter; and
- what is the level of significance of the matter, and the level of urgency in making a decision on it.

Legislative requirements for consultation

Consultation is just one tool of engagement. Both the Local Government Act (LGA) and the Resource Management Act (RMA) have provisions around consultation.

Local Government Act 2002

In Section 82 of the LGA, the principles of consultation are provided. These principles include the following:

- anyone who may be affected or have an interest in a decision or matter should be encouraged to present their views to the local authority;
- the views presented should be received with an open mind, and given due consideration when making a decision; and
- processes must be in place for consulting with Maori.

Within this section the council has discretion to apply the principles in a manner it considers appropriate to any particular instance.

The LGA also sets out those circumstances when consultation in accordance with Section 82 must take place, and includes:

- development of this Significance and Engagement policy
- annual plans
- amending funding and financial policies

In Section 83, the LGA provides for a prescribed form of consultation, being the special consultative procedure. This procedure includes:

- preparation of a statement of proposal, which provides information on the matter to be consulted on, and making this publicly available;
- providing a period of not less than one month for people to provide their views on the proposal; and
- providing an opportunity for people to present their views to council in person or by way of audio link or audiovisual link.

The LGA also sets out those circumstances when Council must use the special consultative procedure for engaging with the community. They include:

- making, amending or revoking a bylaw; and
- adopting or amending a Long Term Plan.

Resource Management Act 1991

The RMA sets out the process for consultation that Council must use when developing policy statements, or regional plans under this Act, and processing applications for resource consent.

The steps can include:

- giving public notice of the consultation and sending a copy of the notice to anyone council thinks may be affected, and
- allowing a period of time for receiving submissions, and
- advertising that a summary of submissions received is available, and inviting further submission, and
- providing an opportunity for people to present their views.

These legislative requirements for consultation cover a high proportion of matters that Council would otherwise wish to engage the Otago community on.

Other engagement matters

There are many other situations when the council will engage with individuals, groups, stakeholders and communities.. These include but are not limited to the following:

- matters determined to be significant, if not already consulted on under legislative requirements;
- engaging with individuals and communities on water quantity issues and the availability of water;

- engaging with individuals and communities on water quality issues, and ways to comply with council's Water Plan requirements;
- liaising with those living within our flood protection and drainage scheme areas on scheme matters;
- engaging with communities on ways to improve air quality;
- engaging with land owners and occupiers on matters including pest animal and pest plant controls; and
- seeking information on customer satisfaction with services provided, and the council as a whole.

In all cases where engagement has been undertaken as part of Council's decision making processes, community preferences will be taken into consideration prior to any decision being made. Reports to Council and Committees prepared by staff will provide details of any engagement undertaken including the preferences of the community on the matter being decided upon.

Consultation with Maori

Council has in place a "Memorandum of Understanding and Protocol between Otago Regional Council, Te Rūnanga o Ngāi Tahu and Kāi Tahu ki Otago for Effective Consultation and Liaison". The memorandum and protocol were first established in 2001, and are reviewed and updated as appropriate.

Te Rūnanga o Ngāi Tahu is the tribal representative body of Ngāi Tahu Whānui, a body corporate established 24 April 1996. The takiwā (area) of Ngāi Tahu Whānui includes the entire area of Otago Region.

It is the acknowledged practice of Te Rūnanga o Ngāi Tahu that consultation in the first instance is with the Papatipu Rūnanga. In the Otago Region there are four Papatipu Rūnanga being:

- Te Rūnanga Moeraki;
- Kati Huirapa Rūnanga ki Puketeraki;
- Te Rūnanga o Ōtākou; and
- Hokonui Rūnaka.

Council has statutory responsibilities to consult with Iwi and Maori on relevant management issues in the region and to take into account the principles of the Treaty of Waitangi. These obligations are primarily under the RMA 1991, the Ngāi Tahu Claims Settlement Act 1998, the Ngāi Tahu Claims Settlement (Resource Management Consent Notification) Regulations 1999, the Biosecurity Act 1993, and the Local Government Act 2002.

Consultation is required on the development, review and implementation of the Council's regulatory plans, policies and strategies under the LGA, RMA and Biosecurity Act. For such plans, policies and strategies, consultation and building of knowledge is mutually supported and facilitated through specific consultancy agreements between the Council and Kāi Tahu ki Otago Limited.

Meetings are held each year with representatives from the four Papatipu Rūnanga, Te Rūnanga o Ngāi Tahu, and Te Ao Marama, and discussions include Council's work programmes and plans.

Consent approvals and other regulatory permissions, wherever required by statute or plans, when being impacting Iwi / Maori interests and understandings, will involve consultation with Iwi / Maori.

Strategic Assets

The Act defines strategic assets as:

“strategic asset, in relation to the assets held by a local authority, means an asset or group of assets that the local authority needs to retain if the local authority is to maintain the local authority's capacity to achieve or promote any outcome that the local authority determines to be important to the current or future wellbeing of the community; and includes:

- (a) Any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and*
- (b) Any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy; and*
- (c) Any equity securities held by the local authority in –*
 - i. A port company within the meaning of the Port Companies Act 1988:*
 - ii. An airport company within the meaning of the Airport Authorities Act 1966.”*

The assets that the ORC holds and considers to be strategic are:

- ORC shares held in Port Otago Limited
- Flood Protection and Drainage Schemes

The flood protection and drainage schemes, managed as a whole, are considered to be strategic. However not all trading decisions made about these assets are regarded as significant, nor do they affect the asset's strategic nature, e.g., the Lower Taieri Flood Protection Scheme is strategic, but some bridges within the scheme area may not be, and the purchase or sale of such bridges may not amount to a significant decision.

Acquisition or disposal of a component of a strategic asset will not trigger this provision, unless it is considered that the component is an integral part of the strategic asset and that its acquisition or disposal would substantially affect the operation of the strategic asset.