

# HE MAHI RAU RIKA:

Otago Regional Council Significance,  
Engagement and Māori Participation Policy

*Nāu te rourou, nāku te rourou, ka ora ai te iwi.*

By the contributions from your food basket and mine, the people will flourish.

Pukekura Pou  
Credit: Chris McCormack

# 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

## 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 Rūnanga and Ōraka 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.



Mōeraki Marae  
Credit: Te Rūnanga o Ngāi Tahu



Ōtākou Marae  
Credit: Te Rūnanga o Ngāi Tahu



Awarua Marae  
Credit: Te Rūnanga o Ngāi Tahu



Hokonui Marae  
Credit: Te Rūnanga o Ngāi Tahu



Puketeraki Marae  
Credit: Te Rūnanga o Ngāi Tahu



Waihopai Marae  
Credit: Te Rūnanga o Ngāi Tahu



Ōraka Aparima Marae  
Credit: Te Rūnanga o Ngāi Tahu

# Mahi Kātahi ki te Mana Whenua

## 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 ki Otago 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	This agreement helps to clarify how Council will engage with Kāi Tahu ki Otago on a range of issues.  There are four Kāi Tahu ki Otago Rūnaka being: <ul style="list-style-type: none"> <li>• Te Rūnanga o Mōeraki;</li> <li>• Kati Huirapa Rūnaka ki Puketeraki;</li> <li>• Te Rūnanga o Ōtākou; and</li> <li>• Hokonui Rūnanga.</li> </ul>
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.

Relationship element	Key aspects
<p>Charter of understanding with Te Ao Marama and Southland Rūnaka; and participation in Southland Te Rōpū Taiao hui</p>	<p>There are three Ngāi Tahu ki Murihiku Rūnaka with interests in the Otago region:</p> <ul style="list-style-type: none"> <li>• Awarua Rūnaka;</li> <li>• Waihopai Rūnaka; and</li> <li>• Ōraka-Aparima Rūnaka.</li> </ul> <p>The Charter of Understanding is the relationship document with Council and Ngāi 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>
<p>Internal cultural awareness and training / induction</p>	<p>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.</p>
<p>Engagement with Mana Whenua on a range of key issues</p>	<p>Including working with and through Aukaha and Te Ao Marama Inc (the Papatipu Rūnaka consultancy services, Aukaha, representing Kāi Tahu ki Otago, and Te Ao Marama Inc, representing Ngāi Tahu ki Murihiku, 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.</p>
<p>Regional Engagement: Te Rōpū Taiao Otago Charter and Hui</p>	<p>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.</p>

# 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 as 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

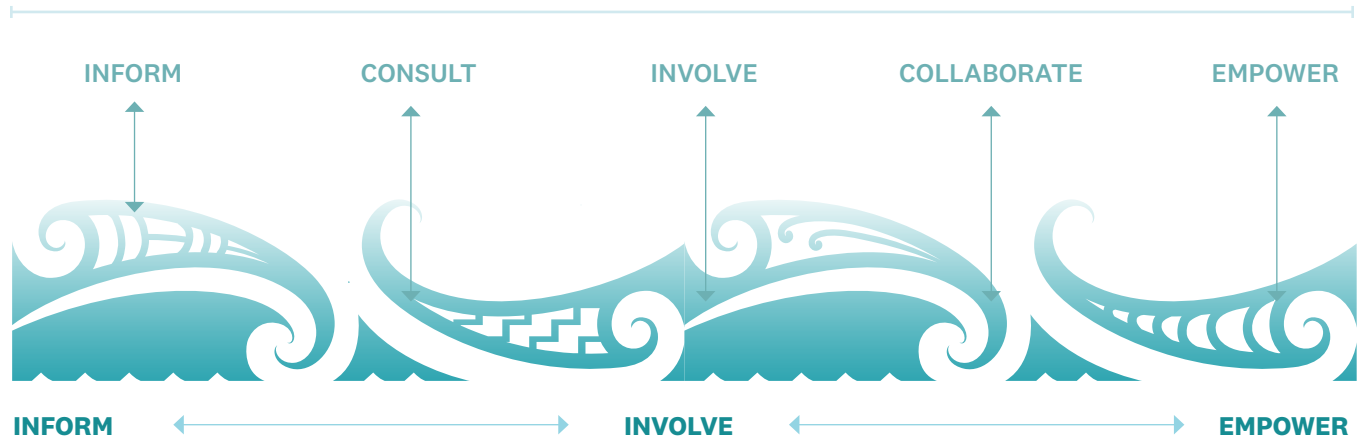
We undertake engagement in a range of ways. This will depend on the type of conversation to be had, who is involved, time and cost allowed for and any legislative requirements.

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.

# Ko te Mahi Rau Rika

## Significance, Engagement and Maori Participation Policy

### How we will engage



© International Association for Public Participation [www.iap2.org](http://www.iap2.org)

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

**Table 2: IAP2 best practice principles and methods of engagement**

	<b>INFORM</b>	<b>CONSULT</b>	<b>INVOLVE</b>	<b>COLLABORATE</b>	<b>EMPOWER</b>
What Engagement Involves	One-way communication to provide 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	Two-way communication to obtain public feedback on ideas, analysis, alternatives, or proposals to inform decision making	Participatory process to help identify issues and views and ensure these are understood and considered prior to decision making	Working together to develop an understanding of the issues and interests to work out alternatives and potential solutions and to inform decision making process	To place final decision-making in the 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



## 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 making<sup>1</sup>. 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.

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.

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

# 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 3 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 4 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	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	A decision involves an unbudgeted expenditure exceeding 10% of Council's total annual expenditure.  Excludes the following: <ul style="list-style-type: none"> <li>• Civil Defence emergency event response expenditure</li> <li>• Expenditure funded from external funding</li> <li>• Emergency works (for example section 330 of the RMA)</li> </ul>

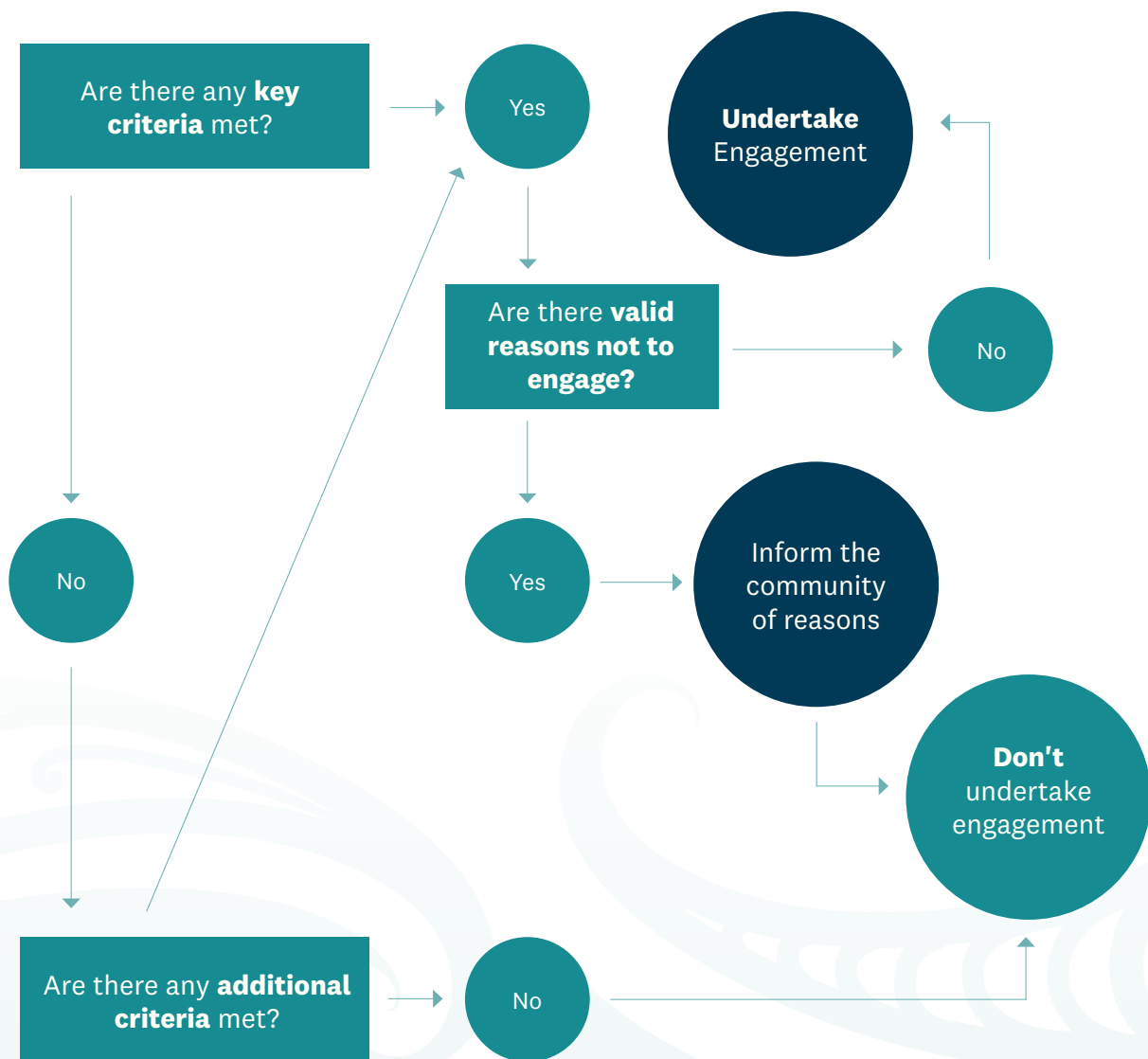
**Table 4: Additional criteria for assessment of significance**

Additional Criteria	Factors to consider
Mana Whenua	<ul style="list-style-type: none"> <li>• The interests and values of mana whenua including relationship, interests, or traditions in relation to land, water, wāhi tapu and other taoka Kāi Tahu interests and values include, but are not confined to, those described in: <ul style="list-style-type: none"> <li>• The Ngāi Tahu Claims Settlement Act 1998</li> <li>• The Kāi Tahu Resource Management Plan 2005</li> <li>• Te Tangi a aTaurira, the Cry of the People – Ngāi Tahu ki Murihiku Natural Resource and Environmental Management Plan 2008</li> <li>• The Regional Policy Statement 2019 and the proposed Regional Policy Statement 2021</li> </ul> </li> </ul>
Policy and outcomes	<ul style="list-style-type: none"> <li>• Potential impacts on the delivery or outcomes of Council's policy and strategies</li> <li>• The degree to which the proposal or decision contributes to promoting or achieving particular community outcomes</li> <li>• The degree of benefits that may be achieved</li> <li>• The magnitude of costs to the Council or / and to affected community groups</li> <li>• 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</li> <li>• Any inconsistency with any existing policy, plan, or legislation</li> </ul>
Communities and stakeholders	<ul style="list-style-type: none"> <li>• 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</li> <li>• Level of community interest in the proposal, issue, or decision</li> <li>• Any wider national or international interest or views</li> <li>• The extent to which the views of the community are already understood</li> <li>• The timeframes for community engagement, including any other concurrent engagement processes or matters involving the same or similar communities</li> <li>• Potential intergenerational impacts of policies or decisions</li> <li>• The impacts on people's ability to use property or essential services</li> </ul>

# Aromatawai ana i te Hirika

## Assessing Significance

Additional Criteria	Factors to consider
Context and implications	<ul style="list-style-type: none"> <li>• 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</li> <li>• If the proposal or decision impacts upon a physical or community resource that is scarce, rare, or unique and / or under threat</li> <li>• If the proposal or decision would be irreversible</li> <li>• If there are high levels of controversy around the proposal or decision</li> <li>• The practical requirements of efficient decision making in situations of urgency</li> </ul>



# 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.



Otago Community Event  
Head of the Lake



Otago Community Event  
Alexandra



# 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.

