

**LOCAL GOVERNANCE  
STATEMENT**  
March 2008

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# **Mission Statement, Goals, Objectives and Guiding Philosophies**

## ***Mission Statement***

“To promote the sustainable development and enhancement of Otago’s Resources.”

## ***Goals***

1. Sustainable development of Otago’s resources, through the sharing of knowledge and information.
2. Community participation in planning and managing the use, enhancement and conservation of Otago’s resources.
3. The economic, social and cultural needs of Otago people are met, and the principles of the Treaty of Waitangi are acknowledged.
4. Otago’s position on matters significant to our region are understood and appreciated.
5. The Council’s objectives are achieved in a transparent, accountable, cost effective and efficient manner; and costs are apportioned fairly and equitably.

## ***Objectives***

1. To maintain and enhance Otago’s coastal, river and lake environments having regard to regional social, cultural, economic and ecosystem needs.
2. To promote the sustainable management of land for social, economic and conservation purposes.
3. To reduce resource use practices that are damaging to human health, environmental quality and biological diversity.
4. To mitigate man-made and natural risks and hazards to Otago communities.
5. To plan regional land transport needs and promote passenger transport services that integrate social, economic and environmental requirements.
6. To integrate sustainable development of Otago’s diverse resources with maintenance of its unique natural environment.
7. To provide appropriate services to fulfil all the statutory responsibilities of the Council.

## ***Guiding Philosophies***

1. Through the sharing of knowledge the community will be supported in valuing its resources and using them in sustainable ways.
2. Alternatives to regulatory instruments will be encouraged.
3. The Council will strive to minimise transaction costs.
4. User pays concepts will be used where appropriate, equitable and practicable.
5. Natural justice will be observed.

# **Introduction**

The Local Government Act 2002 requires all local authorities to prepare and make publicly available following each triennial election, a Local Governance Statement. This statement covers all of the information required under that Act. It will be updated as necessary, and following each election.

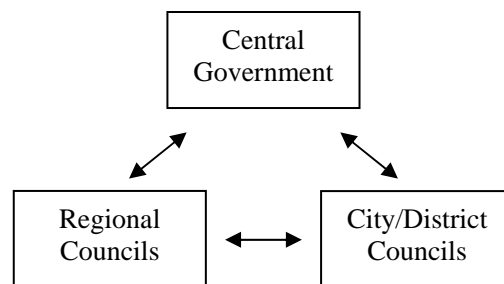
The information found in this document includes details about what we do, what legislation we work under and the responsibilities we have under that legislation, how we consult and what our management processes are.

# Functions, Responsibilities and Activities of Council

## *Introduction*

The Otago Regional Council is an organisation complementary to the City and District Councils within Otago. It does not compete with or duplicate the functions of these councils.

The relationship between Regional Councils and City and District Councils conforms to the model as shown.



## **Regional Councils**

Regional Councils promote the sustainable development and enhancement of our natural and physical resources for the benefit of present and future generations. As caretakers of our land, air and water, Regional Councils monitor our environment and where appropriate, limit or control the use of our resources. Regional Councils' work includes: planning and liaising with the community to create sustainable resource management policies and priorities; administering programmes to control declared pest animals and noxious plants; constructing and maintaining catchment protection works; and carrying out environmental education programmes.

## **City and District Councils**

City and District Councils meet the daily needs of society: managing roading, civil defence, providing reticulated water and public amenities, disposing of waste and sewage and overseeing land subdivisions and building developments. These Councils also provide community facilities such as libraries, art galleries and recreation facilities.

## ***Functions and Responsibilities***

The Otago Regional Council is responsible for the following:

### **Resource Management**

Establishing and implementing objectives, policies and methods to achieve the integrated management of the natural and physical resources of Otago, under the Resource Management Act 1991.

### **Air Quality Management**

Monitoring emissions to the air with the aim of reducing atmospheric pollution and maintaining air quality.

### **Animal Pest Control and Pest Plant Management**

Minimising the damage to our environment by animal pests and pest plants, by monitoring, enforcement, education, technology transfer, and service delivery.

### **Coastal Management**

Protecting our coastal environment by monitoring and managing discharges to the marine environment, discouraging pollution and promoting recreational safety.

### **Drainage and Flood Protection Work**

Minimising the dangers of flooding to our environment by monitoring our rivers, preparing flood protection strategies and works, and managing flood warning systems.

### **Land Management**

Promoting sustainable land use through research and education, and assisting land holders with property planning.

### **Pollution Control**

Operating a 24-hour pollution hotline throughout the entire Otago region to combat the illegal discharge of contaminants to our land, air and water, and to enable early intervention and corrective action.

### **Regional Land Transport and Harbours Management**

Co-ordinating safe, efficient and convenient land transport systems, ensuring an appropriate level of passenger transport is provided, administering mooring licences and promoting navigational and recreational safety on Otago harbours.

### **Civil Defence Emergency Management**

Participate in and administer the Otago Civil Defence Emergency Management Group.

### **Water Quality Management**

Managing and preserving our water by monitoring, limiting and policing any discharge to streams, rivers and lakes.

## ***Activities of Council***

Each of the activities of Council has been grouped into a community outcome group, and these are discussed below:

### **Air Quality**

- *People living well in healthy Otago communities*

The Regional Plan: Air sets out objectives and policies to ensure that Otago meets acceptable standards for healthy living. An Air Strategy has been developed to assist the community to meet these standards and the National Environmental Standards. Air samples are collected by Council and analysed to determine air quality and to identify and address any issues as appropriate.

### **Water Resource**

- *Sustainable use of resources for prosperity in Otago.*
- *People living well in healthy Otago communities.*
- *Otago values its heritage.*
- *Knowledge and learning for prosperity in Otago.*

A number of activities are undertaken by Council to protect our water resources. The Regional Plan: Water sets out objectives and policies which aim to protect our rivers and streams. The Plan is monitored and amended to ensure its continual effectiveness. Two changes to the Plan are under way: one to introduce minimum flow levels to a number of rivers in Otago, and the other to introduce water quality and water allocation issues.

Council undertakes the collection of data on rainfall, river, lake and groundwater levels, and river flows, and collects water samples. The data gathered is analysed and interpreted for use in a large number of Council projects. Biological monitoring is also used as a measure of stream health. Public information is provided through various means including the Council's flowphone, website and reports.

### **Land**

- *Sustainable use of resources for prosperity in Otago.*
- *Diverse landscapes that say Otago.*

A greater understanding and knowledge of sustainable land use practices is strongly supported by the Council by working with community groups on research, investigation and sharing information from other areas. This is facilitated through field days and workshops and through other educational means such as the production of information brochures. Areas covered include dairying, sheep and beef farming, urban issues, horticulture and market gardening, and extensive pastoral management.

Landholders have the primary responsibility for managing animal and plant pests on their land. Pests cause considerable damage to our environment and to Otago's primary industry returns. Work is undertaken to ensure that landholders are aware of and meet their obligations under the Pest Management Strategy for Otago.

## **Consents and Compliance**

- *Sustainable use of resources for prosperity in Otago.*
- *Knowledge and learning for prosperity in Otago.*
- *People living well in healthy Otago communities.*

The Council's resource consent functions under the Resource Management Act 1991 focus on the processing of applications for the use of, or discharge into, water, air, coast and land resources. The Council audits and monitors consented activities to ensure that consent conditions are being complied with. This involves self-monitoring by consent holders and auditing consent conditions by the Council.

New building legislation requires regional councils to regulate and enforce dam safety. Council has adopted a policy on dangerous dams, maintains a register of dams in Otago, and will process building consent applications for buildings associated with dams.

## **Safety and Hazards**

- *People living well in healthy Otago communities.*
- *Easy and efficient ways to get around.*

Council, in conjunction with Otago territorial authorities and emergency services, plans and provides for civil defence emergency management.

Systems are in place to continually monitor rainfall and river levels and provide warnings and information as required.

Natural hazard identification and mapping programmes are implemented and assistance is given to the territorial local authorities with the management of natural hazards in their areas.

A 24 hour Pollution Hotline is operated and incidents and complaints are investigated to ensure appropriate remedial measures are undertaken.

The Council also has responsibility for harbour safety and navigation in Otago and Karitane harbours under maritime statutes, rules and bylaws.

## **Governance and Community**

- *Knowledge and learning for prosperity in Otago.*
- *People living well in healthy Otago communities.*
- *Sustainable use of resources for prosperity in Otago.*

Activities are undertaken to educate, consult and encourage community participation in decision making, and to promote awareness of Council's plans, policies and activities.

Council contributes to funding a number of initiatives that promote resource recovery and the sustainable use of resources in Otago.



Projects are under way for improving access to waterways and the coast, and for promoting the voluntary protection of significant areas of biodiversity.

## **River and Waterway Management**

- *Diverse landscapes that say Otago.*
- *People living well in healthy Otago communities*

Protection from flooding is provided for developed areas on low lying river flats and a new flood scheme is being developed in Dunedin. A number of flood and drainage schemes are maintained, and a replacement or renewal programme is in place for the drainage pumping stations.

## **Policy Development**

- *People living well in healthy Otago communities.*
- *Sustainable use of resources for prosperity in Otago.*
- *Knowledge and learning for prosperity in Otago.*
- *Diverse landscapes that say Otago.*
- *Otago values its heritage.*

Council has a number of regional plans, strategies, codes of practice and bylaws in place which are reviewed on a regular basis to ensure they remain appropriate.

Council recognises that many resource constraints and environmental changes will affect the sustainability of Otago's communities, and is developing strategies to assist with the management of issues such as water allocation, climate change, and increasing fuel costs.

## **Transport**

- *Easy and efficient ways to get around Otago.*

Council works with Otago territorial local authorities and other agencies in the development of the Regional Land Transport Strategy for Otago, and is also responsible for implementing the regional planning provisions of the Land Transport Management Act 2003.

A joint working party of the Otago Regional Council and the Dunedin City Council has been working on improvements to the effectiveness, efficiency and governance of the passenger transport system in Dunedin.

Planning continues on introducing a public passenger transport system in the Wakatipu Basin.

## **Regional Services**

- *Diverse landscapes that say Otago.*

Staff of the Regional Services business unit are located throughout the region and undertake contract work, mainly control of animal and plant pests. The Unit carries out other Council related activities within Otago including advice, detailed job planning, supervision of plant and machinery, poison and biocontrol use to defined standards, monitoring and research. Regional Services contributes to all of the identified outcome groups.

# Legislation

A wide range of legislation controls the Council's activities and responsibilities, and this is listed below:

## **Principal Legislation for the Otago Regional Council**

- Local Government Act 2002.
- Resource Management Act 1991.
- Biosecurity Act 1993.

## **Other Significant Legislation Affecting the Council**

- Soil Conservation and Rivers Control Act 1941.
- Marine Pollution Act 1974.
- Civil Defence Emergency Management Act 2002.
- Local Government Official Information and Meetings Act 1987.
- Local Government (Rating) Act 2002.
- Transport Services Licensing Act 1989.
- Transit New Zealand Act 1989.
- Privacy Act 1993.
- Land Transport Act 1993.
- Maritime Transport Act 1994.
- Building Act 2004.

## **Local Legislation**

In addition to the legislation that applies to all local authorities, the Otago Regional Council is also bound by Acts that apply specifically to it, as follows:

- Otago Regional Council (Kuriwao Endowment Lands) Act 1994
- Taieri River Improvement Act 1920
- Lower Clutha River Improvement Amendment Act 1943

## Electoral Systems

The Otago Regional Council operated its 2007 elections under the first past the post system (FPP). With the FPP system, electors vote by indicating their preferred candidate/s on the voting paper. The candidate/s who receive the most votes are then declared elected.

The other option that councils can use for their elections is the single transferable vote system (STV). This system is compulsory for district health board elections. Under STV, electors rank candidates in order of preference. The number of votes required for a candidate to be elected (called the quota) depends on the number of positions to be filled and the number of valid votes. The necessary number of candidates to fill all vacancies is achieved by first of all counting voters' first preferences, then by a transfer of a proportion of the votes in excess of the "quota" that are received by any candidate. The lowest polling candidates are then excluded and these votes transferred in accordance with voters' second preferences.

Under the Local Electoral Act 2001, Councils can resolve to change the electoral system to be used at the next two elections, or conduct a binding poll on the question, or electors can demand a binding poll. In August 2005, the Otago Regional Council gave public notice that electors had the right to demand a poll on the electoral system to be used for the next two elections and that if no demand for a poll was received, FPP would continue to be used in 2007. Electors did not demand a poll.

# Representation Arrangements

## ***Basis of Election of Members of a Regional Council***

The Local Electoral Act 2001 requires regions to be divided into constituencies for electoral purposes. Each member of a regional council must be elected by the electors of the constituency that they represent.

There are four constituencies in the Otago Region: Dunedin with six representatives, Dunstan and Molyneux with two representatives each, and Moeraki with one representative. The number of members who represent each constituency must be determined having regard for effective and fair representation.

## ***Review of Representation***

Under the Local Electoral Act councils are required to review their representation arrangements at least once every six years. At the review the Council must determine by resolution the proposed number of constituencies; the proposed name and the proposed boundaries of each constituency, and the number of members proposed to be elected by the electors of each constituency.

In 2006 the Otago Regional Council put forward for public consultation a proposal to reduce the number of Councillors from 12 to 11 by changing the boundary of the Dunedin constituency to include the Waikouaiti Coast-Chalmers ward (previously in Moeraki), and to reduce Councillor representation in the Moeraki constituency from two to one. After the submissions and hearings process, Council resolved to adopt its initial eleven member proposal. This decision was appealed and referred to the Local Government Commission, which confirmed the Council's proposal.

The next representation review must take place in 2012 or earlier.

## ***Maori Constituencies***

The Local Electoral Act 2001 gives the Council the option to consider establishing a separate Maori constituency. Council has not received any public requests to establish a separate Maori constituency.

# Roles and Conduct

## ***Introduction***

The purpose of this section is to provide some information on what the roles of elected members and the Chief Executive are, and on the standard of conduct that applies.

## ***Roles of Elected Members and Chief Executive***

The Chairperson and councillors of the Otago Regional Council are responsible for the following:

- the development and adoption of Council policy;
- monitoring the performance of Council against its stated objectives and policies;
- the prudent stewardship of Council resources;
- representing the interest of the region; and
- employing the Chief Executive Officer.

## **Chairperson**

At the first meeting of the Council following a triennial general election, a Chairperson is elected by the members of Council. The role of the Chairperson includes the following:

- is the presiding member at Council meetings, (the Chairperson is responsible for ensuring the orderly conduct of business during meetings, as determined by Council's Standing Orders);
- is an advocate on behalf of the community;
- is the ceremonial head of Council;
- is a Justice of the Peace, while holding office.

## **Deputy Chairperson**

At the first meeting or at any ordinary meeting of the Council, the members of Council elect a Deputy Chairperson. The Deputy Chairperson exercises the same roles as other elected members. In addition, the Deputy Chairperson performs all of the responsibilities and duties, and may exercise all of the powers of the Chairperson in the following circumstances:

- with the consent of the Chairperson, during the temporary absence of the Chairperson;
- at any time when the Chairperson is prevented by illness or other cause from undertaking the role of the Chairperson; and
- when the office of the Chairperson is vacant.

## **Committee Chairperson**

The members of Council elect a Committee Chairperson for each committee set up by Council. That person is responsible for presiding over meetings of the committee, ensuring that the committee works within the powers delegated by Council, and as set out in the Terms of Reference for Committees.

## **Chief Executive**

Council appoints the Chief Executive in accordance with section 42 and clauses 33 and 34 of Schedule 7 of the Local Government Act 2002. The Chief Executive implements and manages the Council's policies and objectives. Under section 42 of the Local Government Act 2002, the Chief Executive is responsible for the following:

- implementing the decisions of Council;
- providing advice to elected members;
- ensuring that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by an Act, regulation or bylaw, are properly performed or exercised;
- ensuring the effective and efficient management of the activities of Council;
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of Council;
- providing leadership for the staff of Council;
- employing, on behalf of Council, the staff of Council; and
- negotiating the terms of employment of the staff of Council.

## **Elected Members**

Elected members have specific obligations as to their conduct in the following legislation:

- Schedule 7 of the Local Government Act 2002, which includes obligations to act as a good employer in respect of the Chief Executive and to abide by the current Code of Conduct, and Standing Orders;
- the Local Authorities (Members' Interests) Act 1968, which regulates the conduct of elected members in situations where there is, or could be, a conflict of interest between their duties as an elected member and their financial interests, either direct or indirect;
- the Secret Commissions Act 1910, which prohibits elected members from accepting gifts or rewards which could be seen to sway them to perform their duties in a particular way;
- the Crimes Act 1961, regarding the acceptance of gifts for acting in a certain way and the use of official information for private profit;

All elected members are required to adhere to a Code of Conduct, which is required to be prepared and adopted under the Local Government Act 2002. The code sets out understandings and expectations about the manner in which elected members may conduct themselves while acting in their capacity as elected members, and this includes behaviour towards one another, staff and the public. It also covers the disclosure of information that elected members receive in their capacity as an elected member. Once adopted, the code may only be amended by at least a 75% vote of the Council. A copy of the Code of Conduct can be found at Appendix 1.

# Governance Structures and Processes

## *Introduction*

This part of the Local Governance Statement provides information on the governance structure of Council. It details the decision-making processes such as who can make decisions about what, and in what circumstances.

## *Committee Structure*

The governance structure of the Otago Regional Council is based on the establishment of a number of committees, each having a specific role in the decision making process of Council.

Council's Standing Orders set out the rules for the following:

- establishing committees and sub-committees;
- what powers may be delegated and sub-delegated to any of its committees; and
- the appointment of members to its committees and sub-committees.

After each triennial election, the committee structure is reviewed in terms of what committees are considered to be appropriate, and what their powers and membership should be.

The terms of reference for each committee are provided at Appendix 2.

## *Appointments as Representatives of Council*

In addition to the committee structure, Councillors may be appointed as representatives of Council, to other committees and interest groups. These are detailed below:

### **Local Government New Zealand Zone Six**

Zone six of Local Government New Zealand is the grouping of Local Authorities in Otago and Southland regions and carries an expectation of regular representation by the leaders of all Councils within the zone. The following are appointed as Council representatives to this group:

- Council Chairperson
- Deputy Chairperson

### **Regional Affairs Committee of Local Government New Zealand**

The Regional Affairs Committee is a Committee composed solely of Council Chairpersons. When Chairpersons are on leave of absence, acting Chairpersons may represent their Council.



### **Regional Animal Health Committee**

The Regional Animal Health Committee is a Committee of the Animal Health Board and provides a local oversight of the performance of the Board's national Tb strategy. One Councillor is appointed to this committee.

### **Port Otago Limited Liaison Group**

The Port Otago Liaison Group maintains contact with the Board Chairman and representatives about four times a year. The Liaison Group ensures awareness for Council of the confidential business directions of Port Otago Limited. The following are appointed as Council representatives to this group:

- Council Chairperson
- Deputy Chairperson
- Chairperson of the Finance and Corporate Committee.

### **Lower Waitaki River Scheme Liaison Committee**

The Lower Waitaki River Scheme Liaison Committee is a committee of the Canterbury Regional Council (Environment Canterbury). Representation from this Council is in recognition of the common boundary and joint arrangements re the lower reaches of the Waitaki River. The Council is represented by the constituency Councillor.

### **Scheme Liaison Groups**

Scheme Liaison Groups have been established for the Lower Clutha and West Taieri flood control/drainage schemes of the Council. The Liaison Groups provide a valuable link with ratepayer representatives in considering scheme issues, proposed works programmes, and funding. Group members are identified by the ratepayer community, and the Council is represented by constituency Councillors.

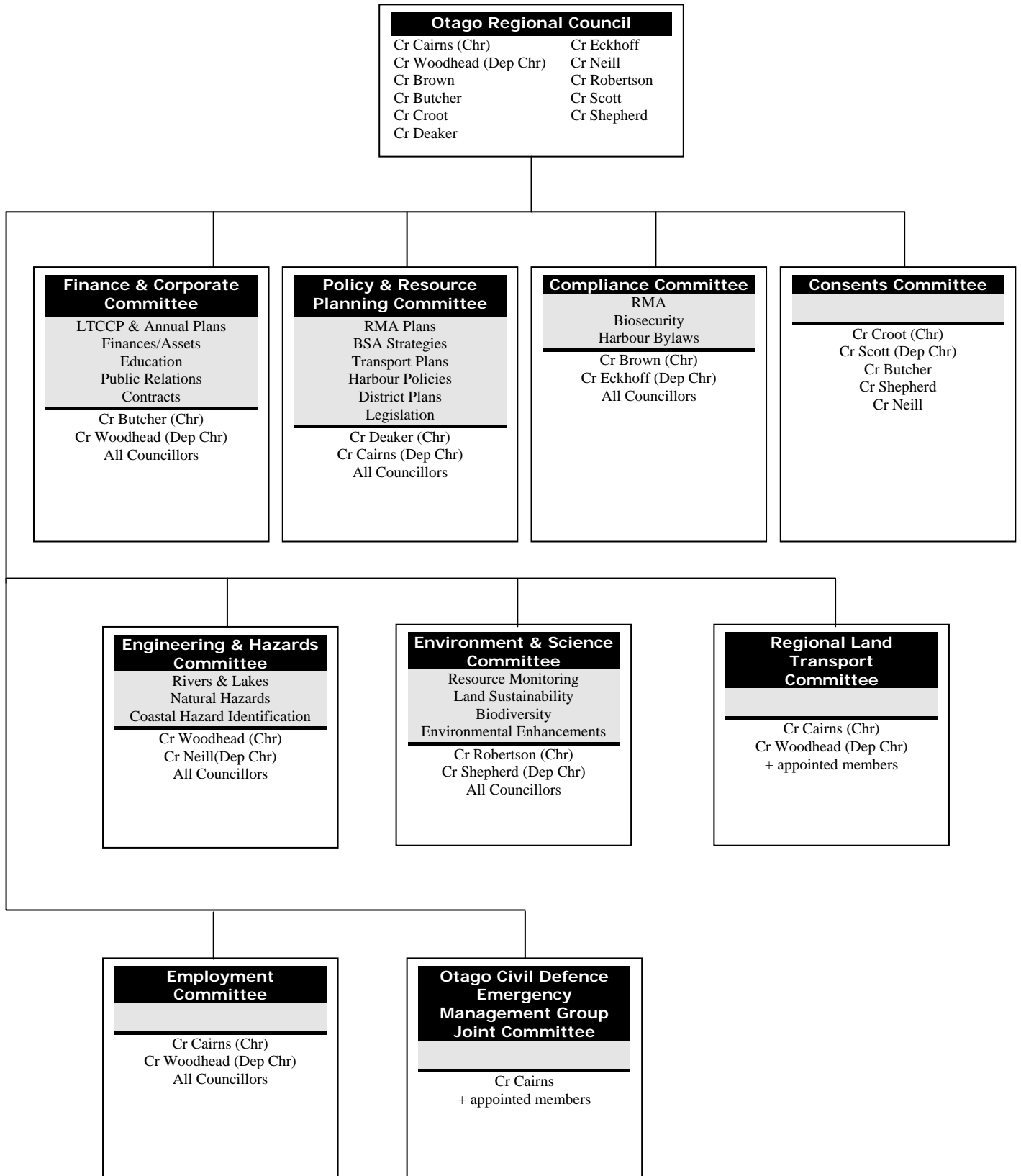
### **Enhanced Relationships with Ngai Tahu**

Provides a forum for discussion on a range of matters with Maori in Otago.

### **Otago Forward**

Works with territorial local authorities and industry to co-ordinate economic development in the Otago Region.

# Committee Structure



## Meeting Processes

The legal requirements for holding meetings are included in both the Local Government Act 2002, and the Local Government Official Information and Meetings Act 1987.

In addition, Council has adopted Standing Orders that set out how business is to be conducted during Council and committee meetings, and include the relevant provisions of both the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987. A copy of the standing orders can be provided on request.

The Chief Executive is responsible for giving notice to all elected members of each meeting to be held.

The Chairperson presides at each meeting of the Council, and the Chairperson of any committee presides at each meeting of that committee. If the Chairperson is absent, the Deputy Chairperson will preside.

The Standing Orders set out the order of business that would normally apply at ordinary meetings, but the order may be varied as appropriate.

Minutes must be taken at every Council and committee meeting, must be approved (or amended as appropriate) at the next meeting, and signed by the Chairperson of that meeting. These must be made publicly available, subject to the provisions of the Local Government Official Information and Meetings Act 1987.

All Council and committee meetings are open to the public, however some circumstances arise where the public may be excluded from hearing certain items of the agenda, for reasons such as protecting the privacy of an individual.

Council and committee meetings are held on a six weekly basis, with the Council meeting cycle being two weeks after committee meetings.

# Consultation Policy

## ***Introduction***

The Otago Regional Council undertakes formal consultation with the community when preparing its key planning and policy documents. The purpose of this section is to provide information on the processes of consultation.

## ***Special Consultative Procedure – Local Government Act 2002***

The Local Government Act 2002 sets out certain consultation principles and a procedure that Council must follow when making certain decisions. This procedure is called the Special Consultative Procedure, and consists of the following steps:

### **Step One – Statement of Proposal and Summary of the Statement of Proposal**

Council must prepare a statement, describing the proposed decision or course of action. The statement must be available for distribution throughout the community, must be available for inspection at the Council office, and may be available at any other place considered necessary. It must be included on an agenda for a Council meeting.

Council must also prepare a full and fair summary of the proposal, which is to be distributed as widely as the Council considers reasonably practicable.

### **Step Two – Public Notice**

Council must publish a notice in one or more daily newspapers, or other newspapers of equivalent circulation, of the proposal and of the consultation being undertaken. The notice must detail how the proposal and summary of proposal may be obtained.

### **Step Three – Receive Submissions**

Council must acknowledge all written submissions received, and offer submitters a reasonable opportunity for them to make a verbal submission. Council must allow at least one month (from the date of notice) for submissions to be received.

### **Step Four – Deliberate in Public**

All meetings where Council deliberates on the proposal, or hears submissions, must be open to the public (unless there is a reason to exclude them under the Local Government Official Information and Meetings Act 1987). In addition, all submissions must be made available to the public, unless under that Act, there is reason to withhold them.

### **Step Five – Follow-up**

A copy of the decision and a summary of the reasons for the decision must be provided to submitters.

By law, Council must follow the special consultative procedure before it:

- Adopts a Long Term Council Community Plan or Annual Plan
- Amends a Long Term Council Community Plan

- Adopts, revokes, reviews or amends a bylaw
- Changes the mode of delivery of a significant activity (for example, from the Council to another organisation or person).

Council may be required to use the special consultative procedure under other legislation, and it may use it in other circumstances if it wishes to do so.

### ***Resource Management Act 1991***

Schedule 1 of the Resource Management Act sets out the process for consultation, when developing policy statements or plans under this Act. The steps to be taken are as follows:

#### **Step One – Preparation of Proposed Policy Statement or Plan**

During the preparation of a proposed policy statement or plan, Council must consult with the Minister for the Environment, and other Ministers, Local Authorities and the tangata whenua who may be affected. Council may consult with any one else it wishes to during this process.

#### **Step Two – Public Notice**

A copy of the public notice is to be sent to anyone that Council thinks may be affected by the proposed policy statement or plan, no earlier than 60 working days before public notice is actually given, or no later than 10 working days after public notice is given. The notice must detail where the proposed policy statement or plan may be inspected, and the relevant dates and details for making submissions.

#### **Step Three – Receive Submissions**

Council must allow at least 40 working days (from the date of notice) for submissions to be received, in respect of a proposed policy statement or plan, and 20 working days (from the date of notice) for any proposed change or variation to an existing policy statement or plan.

#### **Step Four – Public Notice of Submissions**

Council must advertise the availability of a summary of all submissions received, and provide details for making further submissions. Council must allow at least 20 working days (from the date of notice) for making further submissions.

#### **Step Five – Receive Further Submissions**

Further submissions can only be made in support or opposition of a submission received at step three, and the person who makes the further submission must ensure a copy is given to the original submitter within five days of making the submission to Council.

#### **Step Six – Hearings**

A submitter must be given the opportunity to be heard, and must be given at least 10 working days notice of date, time and place of the hearings.

### **Step Seven – Decision Making**

A copy of the decision and a summary of the reasons for the decision must be provided to submitters, along with details of timing within which an appeal may be lodged.

### **Step Eight – Appeals to the Environment Court**

A prescribed format exists for making an appeal to the Environment Court. The court will hold a public hearing for any matter referred to it. The court will make a decision on the matter before it, and report back to the applicant, the Council, and the Minister of Conservation.

### **Step Nine – Finalisation of Policy Statement or Plan**

Amendment will be made to the proposed policy statement or plan as directed by the Environment Court. The policy statement or plan will then be approved by Council, and effected by affixing the seal of the Council. Public notice must be given at least five working days before the policy statement or plan becomes operative.

## Memoranda with Maori

### *Memorandum of Understanding and Protocol*

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 annually reviewed and updated as appropriate.

### **Memorandum of Understanding**

The memorandum defines mechanisms to promote and facilitate effective consultation and liaison between the Otago Regional Council, Te Rūnanga o Ngāi Tahu, and Kāi Tahu ki Otago.

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.

In the context of the memorandum the term “Kāi Tahu ki Otago” means the signatories to the memorandum, other than the Otago Regional Council.

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 recognises that it has statutory responsibilities to consult with Iwi 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 Resource Management Act 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 Resource Management Act 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.

Consultation is also undertaken on the development of the Council’s Annual Plan. Two meetings are held each year with representatives from the four Papatipu Rūnanga and Te Rūnanga o Ngāi Tahu. One meeting is held at the start of the process for developing

the Draft Annual Plan, and one after Council has considered all proposals suggested for inclusion in the Draft Annual Plan.

Consents, approvals and other regulatory permissions, wherever required by statute or when being beneficial to community interests and understandings, will involve consultation with Iwi.

Liaison to provide Iwi comments, perspectives and advice to the Council, and liaison for the Council to provide support to Iwi, is facilitated through an appointed Kaitakawaenga.

### **Protocol**

The protocol defines the process for facilitating Iwi involvement and consultation in the processes for Resource Management Act consents, Regional Plan changes, and Regional Pest Management Strategy approvals.

The four Papatipu Rūnanga of Otago and their encompassed whānau roopu (Otokia Whanau, Moturata Whanau, South Otago Runanga) have combined in the creation of Kāi Tahu ki Otago Ltd. *Kāi Tahu ki Otago Ltd* employs expertise for processing inquiries relating to resource consents processed by Council, the application of the regional policy statement and regional plans, and approvals under regional pest management strategies.

A full copy of the memorandum is available at Appendix 3.



# Management Structures and Relationships

## ***Management Structure***

Council management is organised into five directorates, and two areas of responsibility which report directly to the Chief Executive.

## **Chief Executive**

The Chief Executive is Graeme Martin. As well as the five directors listed below, he has two areas of responsibility reporting directly to him:

- Strategic Analysts;
- Human Resources Manager.

## **Corporate Services**

The Director of Corporate Services is Wayne Scott, and he has five managers working within his directorate who are responsible for the following:

- Corporate support;
- Finance function;
- Regional Services – undertaking contract work such as pest animal and pest plant management;
- Information Technology;
- Public affairs – media liaison, public awareness and promotion.

## **Resource Management**

Selva Selvarajah is the Director of Resource Management, and he has two managers working within his directorate who are responsible for the following:

- Environmental Compliance – monitoring compliance with resource consent conditions, implementing the Pest Management Strategy for Otago, and responding to pollution and other complaints;
- Resource Administration – receiving, processing and making decisions on consent applications.

## **Resource Planning**

Fraser McRae is the Director of Resource Planning. He has two managers working within his directorate who are responsible for the following:

- Policy – development and implementation of regional policies, such as the Regional Plan: Water and Regional Plan: Air.
- Transportation – transport planning, bus contracting etc.

### **Environmental Engineering and Natural Hazards**

Gavin Palmer is the Director of Environmental Engineering and Natural Hazards, and he has three managers working within his directorate who are responsible for the following:

- Engineering Operations – river management including operation of existing flood and drainage schemes, coastal issues, etc.;
- Natural Hazards – studying and quantifying the range of natural hazards in Otago, including seismic, tsunami, coast erosion, climatic and landslides.

### **Environmental Information and Science**

John Threlfall is the Director of Environmental Information and Science, and he has two managers working within his directorate who are responsible for the following:

- Land Resources – educating on good land use practices including high country farming, dairying, urban areas etc.;
- Resource Science – includes monitoring water and air quality, providing climate information, flood warning and flood management systems, etc.

### ***Relationship with Elected Members***

Council is responsible for employing the Chief Executive, and in turn, the Chief Executive employs other staff on behalf of the Council. Under the Local Government Act 2002, the Chief Executive is the only person who may lawfully give instructions to staff members. Any complaint about individual staff members should therefore be directed to the Chief Executive, rather than the Chairperson or other Councillors.

# Equal Employment Opportunities Policy

## *Equal Employment Opportunities Co-ordinator*

The Equal Employment Opportunities (“EEO”) co-ordinator for the Otago Regional Council is the Human Resources Manager.

## *Policy awareness and development*

Our EEO policy is promoted to all job applicants and staff. The policy is a co-operative approach by staff, Executive Management and the Council. All staff are aware of the policy and may contribute to its further development.

## *Staff procedures*

### **Recruitment**

All recruitment is based on a job description and a person specification that has been reviewed for accuracy as to the true requirements to perform the job with merit. Advertisements, job documentation and interview processes are reviewed before action, to remove barriers and impediments to open and competitive applications and assessment on merit for the job.

### **Existing staff**

Staff training, opportunity for personal development, and promotion are monitored to ensure all staff have fair opportunity.

Changing personal circumstances and needs of staff are positively responded to through the flexibility of employment contracts and job adjustments when they can be fairly met in relation to other employees.

### **Language**

English language and communication skills are essential for the safe and effective conduct of our work. This does not preclude employment of persons with disadvantages in such skills if the job description and person specification are met.

### **Culture, Ethnicity and Gender**

Culture, ethnic and gender differences are a positive contribution to our work and workplace. We value employees as individuals in their own right and on their own merits. We do not operate affirmative action programmes or enquire as to cultural, ethnic or social profiles of our staffing.

### **Disability**

Where a job description and person specification do not identify impediments to job performance, persons with disabilities are employed on personal merit. Buildings and facilities will be altered to establish suitable working conditions for disabled persons where practical. At present our office facilities are a major impediment to employment of physically disabled persons. All office changes will incorporate consideration for the physically disabled.

**Client interaction**

Client and peer interaction is important in most of our jobs. A tidy and personable presentation is expected of staff.

**Parenting, partner, family, carers, personal support networks**

Work performance and private life can impinge upon each other. Our employment conditions will give flexibility and reasonable opportunity for individual staff to meet their responsibilities in parenting, to partners and family, to carers and personal support networks.

**Job sharing/work hours/flexibility**

Flexibility of working hours and days is part of our employment contracts. Job sharing is supported wherever practicable and effective.

**Industrial documentation**

Our industrial documents will be open for new appointees to join and will give free choice of industrial bargaining agent. A minimum number of industrial agreements will be used in order to promote fairness and equity within the work place.

**EEO influence to our clients and community**

Our EEO policy and attitudes are expected to be reflected in our dealings and policies with our clients and the Otago community.

**Policy monitoring and appraisal**

Each year our EEO policy will be reviewed by management for its effectiveness and relevance. Each year a particular target of improvement will be set and recommended to the Council for inclusion in the Council's statutory Annual Plan and will be assessed and reported in the corresponding statutory Annual Report.

**Breaches**

Breaches of the policy will be analysed as to cause and policy adequacy. Breaches that materially impinge upon the personal rights and liberty of an individual will be treated as a disciplinary matter.

# Key Planning and Policy Documents

## *Introduction*

The purpose of this section is to provide information on the approved planning and policy documents of Council, along with information about the process for their development and review.

## *Key Planning and Policy Documents*

The following documents have been adopted by Council, and represent the key planning and policy documents of the Otago Regional Council. They can be obtained free of charge by emailing [info@orc.govt.nz](mailto:info@orc.govt.nz), or by phoning or writing to the Council.

### **Local Government Act Plans and Policies**

#### **Long Term Council Community Plan and Annual Plan**

The Long Term Council Community Plan sets out Council's work programme, and revenue and cost estimates for a 10 year period. The document also contains the Council's Financing and Revenue Policies, Significance Policy, Rates Remissions and Postponements Policy and Treasury Management Policy. The plan is operative for a three year period.

An annual plan is produced for each of the two years that a Long Term Council Community Plan is not produced. This document provides details of Council's work programme, and revenue and cost estimates for the year to which it relates. It also provides explanation for any variation from that provided for in the Long Term Council Community Plan.

These documents are developed in consultation with the community, using the special consultative procedure as set out in the Local Government Act 2002.

#### **Annual Report**

This report details the Council's actual revenue and expenditure for the past financial year, and provides comment on the achievement of performance targets as set out in the Annual Plan.

The Annual Report is prepared by staff, audited by Audit New Zealand, and adopted by Council.

#### **Transport Planning**

##### **Regional Land Transport Strategy 2005**

This strategy identifies Otago's land transport needs for the five year period, and sets priorities and performance targets that focus on key improvements.

The strategy is prepared under the Land Transport Act, and must be kept current for a period of not less than three years in advance, but not more than five years. It may be renewed or amended to reflect any significant change in the circumstances that existed when the strategy was prepared. The Strategy must be publicly consulted on under the

Land Transport Act, and that Act stipulates interest groups that must be directly consulted.

### **Regional Passenger Transport Plan for Otago 2003**

This plan is a mandatory requirement of the Transport Services Licensing Act, and specifies the passenger services to be provided in Otago, both generally and in respect of the transport disadvantaged.

This plan is prepared in consultation with the Dunedin City Council, bus operators and the community, and following consultation, is adopted by Council. It is reviewed as and when required as there is no formalised period for review in Transport Services Licensing Act.

## **Resource Management Act Policies and Plans**

### **Regional Policy Statement**

This document provides an overview of the resource management issues of the Otago region and ways of achieving the integrated management of its natural and physical resources. The Regional Policy Statement provides a framework within which regional and district plans sit.

### **Regional Plan: Air**

This plan assists the Otago Regional Council to carry out its functions under the Resource Management Act, to promote the sustainable management of the air resource.

### **Regional Plan: Waste**

This plan deals with Otago's significant regional waste management issues, and provides objectives, policies, and methods of implementation in order to address those issues.

### **Regional Plan: Water**

This plan considers the use, development and protection of the freshwater resources of the Otago region, and the beds and margins of water bodies.

### **Regional Plan: Coast**

This plan considers the use, development and protection of the coastal marine area of the Otago region.

### **Process for Development and Review**

During the development of the plans, Council staff work with interest groups and individuals (as appropriate) to develop a "draft plan" for formal consultation. The First Schedule of the Resource Management Act stipulates the process of formal consultation that must be undertaken. Details of this consultation process can be found under "Consultation Policies" in this Local Governance Statement.

Each of the plans must be formally reviewed every ten years, but reviews will be undertaken as issues arise.

## **Biosecurity Act Planning**

### **Pest Management Strategy for Otago**

This strategy ensures a regionally co-ordinated approach to addressing the impacts of pests on Otago's environment. The strategy incorporates rabbits, other pest animals, and pest plants.

Formal consultation is undertaken on the Draft Strategy, comments are considered and decided upon, and then Council adopts the final strategy. The Strategy is required to be reviewed every five years.

# Public Access

## ***Introduction***

The purpose of this section is to provide information on access to Council and its elected members.

## ***Contact Information***

The offices of the Otago Regional Council are detailed below:

### **Principal Office**

Otago Regional Council  
70 Stafford Street  
Private Bag 1954  
Dunedin

Telephone	(03) 474 0827
Toll-free phone	(0800) 474 082
Facsimile	(03) 479 0015

### **District Offices**

#### **Alexandra**

Otago Regional Council  
William Fraser Building  
Dunorling Street  
P O Box 44  
Alexandra

Telephone	(03) 448 8063
Facsimile	(03) 448 6112

#### **Queenstown**

Otago Regional Council  
“The Station” (upstairs)  
Cnr. Camp and Shotover Streets  
P O Box 958  
Queenstown

Telephone	(03) 442 5681
Facsimile	(03) 442 5682



**Depot**

Otago Regional Council  
Hasborough Place  
Balclutha

Telephone (03) 418 2031  
Facsimile (03) 418 2031

**Other Contact Details****Email and Web Details**

For general enquiries info@orc.govt.nz  
For rate enquiries finance@orc.govt.nz  
Web site address www.orc.govt.nz

**Pollution Hotline (0800) 800 033**

**Rate Enquiries**

Within Dunedin (03) 479 6470  
Free phone (0800) 776 470

***Elected Members Information and Contact Details***

There are four constituencies in the Otago region; namely Dunedin, with six representatives; Dunstan and Molyneux with two representatives each, and Moeraki with one representative.

**Dunedin Constituency****Stephen Cairns**

Stephen Cairns is the Chairperson of the Otago Regional Council.

Stephen was elected to the Otago Regional Council in 2001 and has a management/professional background in the property services sector.

He has a B.Com. from Lincoln University and an Otago University Graduate Diploma in papers associated with Regional and Resource Planning.

**Louise Croot, MNZM**

Louise Croot is a geographer, teacher and mentor in public health and health promotion. In 2002 she received the Public Health Champion of New Zealand Award from the NZ Public Health Association.

She was made a Member of the New Zealand Order of Merit in the New Year's Honours 2008 for services to health and the community.

Louise was an elected member of the University of Otago Council and the Otago Hospital Board, and is a past President of the Otago branch of the Federation of Graduate Women.

Locally, Louise is a member of NZFGW Otago, Rural Women NZ, and a Trustee of the Community Trust of Otago and the Southern Heritage Trust. Internationally she is President of the International Federation of University Women.

### **Michael Deaker**

Michael Deaker is a communications and education consultant.

He has been a secondary school principal and inspector of schools, a manager in the Ministry of Education, an Invercargill City Councillor and Deputy Mayor, and a journalist and broadcaster.

### **Sam Neill**

Sam has been self employed for most of his life, in farming, transport and tourism. He has been involved in numerous local organizations over the years. He was a member of the Otago Education Board for six years. Sam played a major roll in the setting up of the Otago Peninsula Community Board in 2002 and was Deputy Chairman for five years to 2007.

### **Gretchen Robertson**

Gretchen is a Dunedin resident currently living in Andersons Bay. She graduated from the University of Otago with an honours degree in Ecology specialising in aquatic ecosystems.

Since working as a water quality scientist with Wellington and Otago Regional Councils, Gretchen has been employed with the NZ Landcare Trust. She manages integrated, community-led approaches to waterway management. Gretchen is passionate about Otago's environment and enjoys tramping, sea fishing, native plants, and painting.

### **Bryan Scott**

Bryan Scott is a Project Manager, Engineer & Company Director. Born and raised in South Otago, he has a B.Eng. from Canterbury University and a MBA from Otago University.

He is Chairman of Elliotvale Afforestation Limited and a Director of Complementary Health Limited. He has contracted to Foster Wheeler Energy (UK) as a Design Engineer and to Octa Associates (NZ) as a Project Manager, on various projects including Project Gateway (Dunedin City / Airport / Tourism initiative), Invercargill Aviary, Hocken Library and the Green Island Waste Water Scheme. He is currently managing an industrial trade waste project and a residential building project.

He is chairman of George Street Normal School Board of Trustees, a Junior Soccer Coach and a member of the New Zealand Alpine Club.

## **Dunstan Constituency**

### **Duncan Butcher**

Duncan Butcher is a former Chairperson of the Otago Regional Council. He is a former Mayor and Councillor of the Cromwell Borough Council, and a former Deputy Mayor of the Central Otago District Council, and has lived in Cromwell for 27 years. He is a trustee of the Otago Community Trust and chairs the Central Lakes Trust.

### **Gerrard Eckhoff**

Gerrard is a sheep and beef farmer from Roxburgh. He is currently chair of the High Country Trustees. A Kellogg scholar in 1997, he then became a Member of Parliament in 1999 and served on the Primary Production Select committee and the Commerce Select Committee during his six years in parliament. He has served as Chair of the Roxburgh Nasella Tussock Committee and is a member of the Roxburgh Conservation Land Care Group.

## **Moeraki Constituency**

### **Doug Brown**

Doug Brown farms at Maheno, and is a past National President of the Young Farmers Clubs organisation and Past President of North Otago Federated Farmers.

He was a Nuffield Farming Scholar to Europe in 1996, and is a present Director of the Alliance Group Limited.

## **Molyneux Constituency**

### **David Shepherd**

David Shepherd has a career spanning rural banking, farming, and agricultural politics at a regional and national level.

Now living on the Taieri after 26 years farming in the Maniototo, he has B Agri Sc (Lincoln) and Valuers Professional (Rural) qualifications.

A Nuffield Farming Scholar in 1988, he also served 8 years as a Trustee of the Community Trust of Otago.

### **Stephen Woodhead**

Stephen Woodhead is the Deputy Chairperson of the Otago Regional Council.

Stephen is a sheep and beef farmer from Lovells Flat in South Otago.

He is a former Chairman of the Otago Regional Animal Health Committee and the former chairman of the Clutha Agricultural Development Board, and was a Kelloggs Rural Scholar in 2001.

## Requests for Official Information

Under the Local Government Official Information and Meetings Act 1987, any person may request information from the Council. Any request for information is a request made under this Act, whether stated in the request or not.

Once a request is made, Council must supply the information unless reason exists for withholding it. The Act says that information may be withheld if the release of that information would:

- Endanger the safety of any person
- Prejudice maintenance of the law
- Compromise the privacy of any person
- Reveal confidential or commercially sensitive information
- Cause offence to tikanga Maori or disclose the location of wahi tapu
- Prejudice public health or safety
- Compromise legal professional privilege
- Disadvantage the local authority while carrying out negotiations or commercial activities
- Allow information to be used for improper gain or advantage.

The Council must answer requests for information within 20 working days (although there are certain circumstances where this time-frame may be extended). The Council may charge for official information under guidelines set down by the Ministry of Justice.

# **APPENDICES**

## Appendix 1

### Code of Conduct

#### ***Introduction***

Schedule 7 of the Local Government Act 2002 requires Council to adopt a Code of Conduct for its elected members. Once such a Code is adopted, all elected members are required to comply with it.

The Code of Conduct sets out understandings and expectations about the manner in which elected members conduct themselves while acting in their capacity as members.

This Code of Conduct provides a general explanation of the Local Government Official Information and Meetings Act 1987, and other enactments applicable to elected members.

This Code of Conduct was adopted on 17 September 2003 and became effective at that date.

#### ***Relationships and Behaviour***

Before acting as a member of Council, an oral and written declaration is made by each individual as follows:

*“I, .....declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Otago, the powers, authorities, and duties vested in, or imposed upon, me as (chairperson or member) of the Otago Regional Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act”.*

This Code sets out the Council’s agreed standards of behaviour, and applies to elected members in their dealings with each other, the public, the media and staff.

#### **Relationships with Other Elected Members**

Members will conduct their dealings with each other in ways that:

- maintain public confidence in the office to which they have been elected;
- are open and respectful;
- focus on issues rather than personalities.

#### **Relationships with Staff**

While recognising the Councillor role is one of governance, elected members will maintain a working relationship with staff, based on trust and mutual respect. To ensure such a relationship is maintained, elected members will:

- recognise that the Chief Executive is the employer of all Council staff, and as such, only the Chief Executive may hire, dismiss, instruct or censure a staff member;
- observe any guidelines that the Chief Executive may have in place regarding contact with staff;
- not do anything which compromises, or could be seen as compromising, the impartiality of a staff member;
- avoid publicly criticising any staff member in any way;
- raise concerns about staff members only with the Chief Executive, and concerns about the Chief Executive only with the Chairperson.

### **Relationships with the Public**

Elected members will act in a manner that encourages and values community involvement in local democracy, and will recognise that an individual member has no authority to make decisions without specific delegated authority.

### **Contact with the Media (on behalf of Council)**

The Standing Orders of Council include delegations that allow for certain Councillors to issue statements to the media. The Chairperson may deal with the media, and Chairs of Committees may deal with the media in respect to information within the jurisdiction of their committees.

### **Disclosure of Information**

In the course of their duties, elected members may receive information of a confidential nature.

Elected members will not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the elected member.

Elected members will be aware that failure to observe these provisions might expose Council and/or the individual member to prosecution under the Privacy Act 1993, and/or civil litigation.

### **Conflicts of Interest**

Elected members will carefully maintain clear separation between their personal interests and their duties as an elected member, to ensure that they can undertake their duties free from bias. Members need to be aware of the provisions of the Local Authorities (Members Interests) Act 1968, which concerns financial interests, and with other legal requirements concerning non-financial conflicts of interest.

If a member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chief Executive.

### **Standing Orders**

Elected members will adhere to the standing orders adopted by Council under Schedule 7, Section 27 of the Local Government Act 2002.

## **Disqualification of Members from Office**

Elected members are automatically disqualified from office if they are convicted of a criminal offence punishable by two or more years imprisonment, if they cease to be or lose their status as an elector, or of certain breaches of the Local Authorities (Members' Interests) Act 1968.

In terms of Section 15 (5) of Schedule 7 of the Local Government Act 2002 Council, when adopting a Code of Conduct, must consider whether or not they will require members to declare if they are an undischarged bankrupt. This Council believes that bankruptcy does raise issues of public confidence, and therefore requires elected members to notify the Chief Executive as soon as practicable if they are an undischarged bankrupt.

## **Compliance with the Code of Conduct**

Any person who considers that the undertakings set out in this Code of Conduct have been breached by an elected member of Council, other than the Chairperson, that person should notify the Chairperson, in writing, detailing the manner in which they believe that breach has occurred.

In the event that the Chairperson has allegedly breached the Code of Conduct, the Chief Executive should be notified, in writing, of the details of the alleged breach.

Any breach that has been reported will be brought to the attention of Council.

## ***Review of Code of Conduct***

Under Schedule 7, Section 15 of the Local Government Act 2002, a Code of Conduct remains in force until it is amended or replaced. It can not be revoked without replacement.

After the adoption of the first Code of Conduct, an amendment or adoption of a new Code of Conduct requires, in every case, a vote in support of the amendment of not less than 75% of the members present.

The Code of Conduct will be formally reviewed as soon as practicable after each triennial election, and presented to Council for its consideration.

## ***Legislation Applicable to the Role and Conduct of Elected Members*** **Local Government Act 2002**

Schedule 7, Section 27 of this Act sets out the requirement for Council to adopt a set of Standing Orders for the conduct of Council and Committee meetings, and members are required to comply with the adopted standing orders.

## **Local Government Official Information and Meetings Act 1987**

The Local Government Official Information and Meetings Act 1987 sets out a list of meetings procedures and requirements. The chair has the responsibility to maintain order at meetings, and elected members will maintain acceptable standards of address and debate.



## **Local Authority (Members' Interests) Act 1968**

This Act regulates situations where a member's personal interests impinge, or could be seen as impinging on their duties as an elected member.

The Act provides that an elected member is disqualified from office if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, elected members are prohibited from participating in any Council discussion or voting on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rule also applies where the member's spouse contracts with Council, or has a pecuniary interest.

Members may also contact the Audit Office for guidance as to whether that member has a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The Chief Executive Officer must also seek approval from the Audit Office for contractual payments to members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe these requirements could leave the elected member open to prosecution under the Local Authority (Members' Interests) Act 1968. In the event of a conviction, elected members can be ousted from office.

The Otago Regional Council takes the view that it is the responsibility of members to advise the Chief Executive of any interest that the member **may** have, or any specific interest the member does have in any Council matter.

## **Secret Commissions Act 1910**

Under this Act it is unlawful for an elected member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that person as a result, or to present false receipts to Council.

If convicted of any offence under this Act, a person can be imprisoned for up to two years, or fined up to \$1,000. A conviction therefore would trigger the ouster provisions of the Local Government Act 2002 and result in the removal of the member from office.

## **Crimes Act 1961**

Under this Act it is unlawful for an elected member (or officer) to:

- accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of Council;
- use information gained in the course of their duties for their, or another person's, monetary gain or advantage.

These offences are punishable by a term of imprisonment of seven years or more. Elected members convicted of these offences will also be automatically ousted from office.

## **Securities Act 1978**

The Securities Act 1978 essentially places elected members in the same position as company directors whenever Council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

## **Appendix 2**

### **Terms of Reference for Committees**

**2007-2010**

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## **Policy and Resource Planning Committee**

### **Purpose**

To analyse, develop and consult on, and recommend to Council all policies, plans and strategies on resource and transport planning, Civil Defence Emergency Management, community outcomes, and biosecurity strategies, and to assess their effectiveness.

### **Reporting**

The Policy and Resource Planning Committee reports to Council.

### **Meetings**

The Policy and Resource Planning Committee will have ordinary meetings at six weekly intervals and will otherwise meet as required.

### **Delegations**

The Policy and Resource Planning Committee has delegations from the Council to make submissions and representations on matters within its statement of purpose on district plans.

The Policy and Resource Planning Committee may, where consistent with all relevant statutes, approve the public notification and call for submissions on draft, proposed, indicative policies, plans and strategies.

The Policy and Resource Planning Committee may endorse submissions, or appeals concerning district planning consents.

The Policy and Resource Planning Committee may appoint sub-committees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.

### **Membership**

The Policy and Resource Planning Committee shall have a membership of all elected Councillors.

A quorum of the Policy and Resource Planning Committee shall be six members.

### **Explanatory comment**

The Policy and Resource Planning Committee will be responsible for establishing and reviewing the community focused resource and development policy instruments of Council under the Resource Management Act, the Biosecurity Act and the Land Transport Management Act, and those parts of the Local Government Act relating to community outcomes.

## **Engineering and Hazards Committee**

### **Purpose**

To overview Council's river management and drainage programmes and schemes and maintain an overview of natural hazards and their management in the region.

### **Reporting**

The Engineering and Hazards Committee reports to the Council.

### **Meetings**

The Engineering and Hazards Committee will have ordinary meetings at six weekly intervals and will otherwise meet as required.

### **Delegations**

The Engineering and Hazards Committee has delegated authority to approve project concepts, implementation and timing details.

The Engineering and Hazards Committee may appoint sub-committees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.

### **Membership**

The Engineering and Hazards Committee shall have a membership of all elected Councillors.

A quorum of the Engineering and Hazards Committee shall be six members.

### **Explanatory Comment**

The Engineering and Hazards Committee will take an oversight on the following matters:

- The effectiveness of flood control and drainage schemes.
- The maintenance plans of river channels, riparian margins, lake foreshores, and coastal protection.
- The effectiveness of flood warning and hazard management systems.
- The programme of hazard identification and recording.
- The oversight of hazard response issues.

## **Finance and Corporate Committee**

### **Purpose**

To guide, monitor and review the Council's financial affairs, public information and education, administrative performance, and the Long Term Council Community Plan.

### **Reporting**

The Finance and Corporate Committee reports to Council.

### **Meetings**

The Finance and Corporate Committee will have ordinary meetings at six weekly intervals and will otherwise meet as required.

### **Delegations**

The Finance and Corporate Committee shall have the following delegations:

- To award or approve contracts and tenders in excess of staff delegations.
- To approve the Draft Annual Plan-and Draft Long Term Council Community Plan and associated policies, and to conduct all consultation and hearings with the public concerning them.
- To endorse schedules of accounts for payment.
- To approve, monitor and review public relations and public awareness programmes to promote the Council's activities and interactively share information with the Otago community.

The Finance and Corporate Committee may appoint sub-committees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.

### **Membership**

The Finance and Corporate Committee shall have a membership of all elected Councillors.

A quorum of the Finance and Corporate Committee shall be six members.

### **Explanatory Comment**

The Finance and Corporate Committee will take an overview of the financial affairs of the Council. In doing this the Committee may:

- Review and make recommendations concerning any commercial activities, trading activities or investments held by the Council.
- Review the Council's assets and leases.
- Review and make recommendation on fees, charges, royalties and rentals.
- Oversee all revenue policies.
- Review the Statement of Corporate Intent and receive the six month and annual reports of Port Otago Limited.

The Finance and Corporate Committee will actively foster public knowledge of the Council's activities, services and information in order to assist the community in sustainably managing, developing and utilising its resources.

The Finance and Corporate Committee will receive reports and updates from the Building Working Group and staff on the proposed new building project.



## **Environmental Science Committee**

### **Purpose**

To promote and monitor strategies and activities associated with Otago's state of the environment.

### **Reporting**

The Environmental Science Committee reports to Council.

### **Meetings**

The Environmental Science Committee will have ordinary meetings at six weekly intervals and will otherwise meet as required.

### **Delegations**

The Environmental Science Committee may appoint working sub-committees or working parties as appropriate provided they are limited to a term duration consistent with the performance of their specified tasks.

### **Membership**

The Environmental Science Committee shall have a membership of all elected Councillors.

A quorum of the Environmental Science Committee shall be six members.

### **Explanatory Comment**

The Environmental Science Committee will take an overview of the following matters:

- Monitoring and promotion of healthy water, air and land.
- Resource Science monitoring.
- Liaison with land care and similar community groups.
- The implementation of land sustainability programmes.
- Sustainable land and water management.
- The implementation of Council's resource monitoring and research activities, and the public sharing of such data.
- Biodiversity awareness and initiatives.
- Sharing Council's environmental information and knowledge with the public.
- Environmental enhancements including riparian, energy efficiency and biological control of pests.
- Oversee the implementation of air quality programmes and public information.

## **Consents**

### **Purpose**

To oversee and monitor the Resource Management Act and Biosecurity Act consents processes, consider and determine any appeals in respect of consent or other statutory decisions and to take an overview of any court proceedings associated with Council RMA and BSA statutory instruments.

### **Reporting**

The Consents Committee reports to the Council.

### **Meetings**

The Consents Committee will have ordinary meetings at six weekly intervals and will otherwise meet as required.

### **Delegations**

The Consents Committee shall have the following delegations:

- To consider and determine any objections in respect of decisions where provided for by any statutory instrument operated by the Council.

The Consents Committee may appoint sub-committees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.

### **Membership**

The Consents Committee shall have a membership of five elected Councillors.

A quorum of the Consents Committee shall be three members.

# **Compliance**

## **Purpose**

To monitor and review compliance with Council consents and enforcement functions under the Resource Management Act, Biosecurity Act and Harbour Bylaws; evaluate the appropriateness of consent conditions and plan provisions including permitted activities and regulatory instruments and their effect and relationship with SOE monitoring results, and consider strategies of education, enforcement and review.

## **Reporting**

The Compliance Committee reports to the Council.

## **Meetings**

The Compliance Committee will have ordinary meetings at six weekly intervals and will otherwise meet as required.

## **Delegations**

The Compliance Committee shall have the following delegations:

- To initiate enforcement, abatement and prosecution actions and to seek declaratory judgments.

The Compliance Committee may appoint sub-committees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.

## **Membership**

The Compliance Committee shall have a membership of all elected Councillors.

A quorum of the Compliance Committee shall be six members.

## **Explanatory Comment**

The Compliance Committee shall take an overview of:

- the monitoring of compliance with Council issued consents, and any follow up actions required;
- the effectiveness of Council plans in meeting Council objectives;
- public information and education strategies relating to compliance issues.

## **Employment Committee**

### **Purpose**

To liaise with the Chief Executive, undertake performance assessments, negotiate any matters relating to the Chief Executive's employment contract and agree and review key result areas.

### **Membership**

All Councillors

### **Meeting frequency**

As required

## **Commissioner Appointment Subcommittee**

### **Purpose**

To appoint Councillors, and non-Councillor commissioners for hearing consent applications under the Resource Management Act.

To appoint mediators for consent applications.

### **Reporting**

The Commissioner Appointment Subcommittee reports to the Consents Committee.

### **Meetings**

As and when required.

### **Delegations**

Pursuant to the Resource Management Act 1991:

- To appointment commissioner(s) for hearing and deciding consent applications under S34A;
- To appoint mediators for mediating consent applications under S34A and S99A;
- To appoint restricted coastal activity hearing committees under S34A and S117.

### **Membership**

The Commissioner Appointment Subcommittee shall have a membership comprised of the Council Chairperson, the Council Deputy Chairperson, the Chairperson of the Consents Committee, and the Chief Executive.

### **Quorum**

2 of the 4 members.

## **Otago Civil Defence Emergency Management Group**

### **Constitution**

Pursuant to section 12 of the Civil Defence Emergency Management Act 2002, the Otago Civil Defence Emergency Management Group is constituted as a joint standing committee under section 114S of the Local Government Act 1974 (a joint committee under section 30 of Schedule 7 of the Local Government Act 2002) by resolutions adopted by:

- Central Otago District Council
- Clutha District Council
- Dunedin City Council
- Otago Regional Council
- Queenstown Lakes District Council
- Waitaki District Council

### **Membership**

Each local authority listed above is a member of the Otago Civil Defence Emergency Management Group. Each member is represented on the joint committee by the Mayor/Chairperson, or by an elected person from that authority who has delegated authority to act for the member.

### **Chairperson**

The Otago Civil Defence Emergency Management Group shall appoint one of the representatives of its members as chairperson, and one of its members as deputy chairperson. Each will hold office for such period as agreed by the Group, but only so long as those persons remain a representative of a member of the Group.

### **Purpose**

The Otago Civil Defence Emergency Management Group has the purpose and all of the functions, powers and obligations of a civil defence emergency management group as defined by the Civil Defence Emergency Management Act 2002. Section 17 of the Civil Defence Emergency Management Act 2002 defines the function of a group and each of its members that, in summary, require it to:

- Identify, assess and manage relevant hazards and risks;
- Ensure provision of trained and competent personnel, an appropriate organisational structure and the necessary services and resources for effective civil defence emergency management in its area;
- Respond to and manage the adverse effects of emergencies;
- Carry out recovery activities;
- Assist other civil defence emergency management groups when requested;
- Promote public awareness of and compliance with the Civil Defence Emergency Management Act and legislative provisions relevant to the purpose of the Act;
- Develop, approve, implement, monitor and review a civil defence emergency management group plan;
- Participate in the development of the national civil defence emergency management strategy and the national civil defence emergency management plan.
- Promote civil defence emergency management in its area that is consistent with the purpose of the Civil Defence Emergency Management Act 2002.

**Meetings**

The Otago Civil Defence Emergency Management Group shall meet annually and as required with the location for meetings rotating among member authorities.

**Quorum**

The quorum of the Otago Civil Defence Emergency Management Group shall be all six members.

**Delegations**

The Otago Civil Defence Emergency Management Group shall have all the delegated authorities that may be given by each member Council, including authority to fulfil the powers, obligations and functions of the Group as specified in the Civil Defence Emergency Management Act 2002, authority to appoint subcommittees, and authority to sub-delegate any authority able by law to be delegated.

**Subcommittee**

A subcommittee of all members of the Otago Civil Defence Emergency Management Group may be formed and given full delegated authority to carry out the functions, obligations and powers of the Group under the Civil Defence Emergency Management Act 2002 pursuant to section 114P(2) of the Local Government Act 1974 and section 30(2) schedule 7 of the Local Government Act 2002. Any meeting will transact routine business and not commit members to any major financial expenditure.

**Standing Orders**

The current Standing Orders of the Otago Regional Council shall govern the conduct of the meetings, except that order papers and agenda papers shall be sent to every member no less than five working days before the meeting.

Notwithstanding anything in the Civil Defence Emergency Management Act or Standing Orders, adequate notice shall be given of all matters to be discussed at a meeting of the Group. Where a matter of significance is to be considered, where practicable, prior written notice of the background to that matter must be given in sufficient time to allow for consultation with each member.

**Administering Authority**

The Otago Regional Council as the administering authority shall provide administrative and related services to the Group.

**Reporting**

The Group will report to each member.

**Continuance of Joint Standing Committee**

The Otago Civil Defence Emergency Management Group shall not be discharged by a triennial election but appointments of representatives of members shall be confirmed or new appointments made by each council following each election.

## **Regional Land Transport Committee**

### **Purpose**

To endorse and recommend a Regional Land Transport Strategy for Otago, co-ordinate its implementation, advocate for the required land transport needs of Otago, and prioritise land transport projects within Otago.

### **Reporting**

The Regional Land Transport Committee reports to Council.

### **Meetings**

The Regional Land Transport Committee will meet periodically as may be necessary.

### **Delegations**

The Regional Land Transport Committee does not have the power to appoint sub-committees but may appoint working parties provided they are limited to a time duration consistent with performance of their specified tasks.

### **Membership**

The Regional Land Transport Committee shall have a membership of:

- Two elected members of the Otago Regional Council, one of whom shall chair the committee, to represent the Council.
- One representative from each territorial local authority in Otago.
- One representative nominated by Land Transport New Zealand.
- One representative nominated by Kai Tahu ki Otago to represent cultural interests.
- One representative nominated by the New Zealand Police to represent safety and personal security.
- One representative nominated by the Otago District Health Board to represent the interests of public health.
- One representative selected from names submitted by the Otago Chamber of Commerce and Industry to represent the interests of economic development.
- One representative to represent access and mobility.
- One representative nominated by Transit New Zealand.
- One representative to represent environmental sustainability.

A quorum of the Regional Land Transport Committee shall be six members.

The Land Transport Management Act provides for the following representation for a Regional Land Transport Committee:

- (a) *the objectives of economic development, safety and personal security, public health, access and mobility, and environmental sustainability; and*
- (b) *cultural interests; and*
- (c) *the council; and*
- (d) *other territorial authorities in the region; and*
- (e) *the Authority.*



# Memorandum of understanding and Protocol between Otago Regional Council, Te Rūnanga o Ngāi Tahu and Kāi Tahu ki Otago for Effective Consultation and Liaison

Effective Wednesday 22 January 2003

## Part A

### Memorandum of Understanding

#### Purpose

- 1.1 The purpose of this memorandum is to define mechanisms intended to promote and facilitate effective consultation and liaison between the Otago Regional Council, Te Rūnanga o Ngāi Tahu and Kāi Tahu ki Otago.

#### Citations

- 1.2 Te Rūnanga o Ngāi Tahu is the tribal representative body of Ngāi Tahu Whānui, a body corporate established 24 April 1996 under section 6 of the Te Rūnanga o Ngāi Tahu Act 1996 (the "TRoNT Act"). Section 5 of the TRoNT Act describes the takiwā (area) of Ngāi Tahu Whānui, which includes the entire area of Otago Region. In the context of this memorandum the term "Kāi Tahu ki Otago" means the signatories to this document other than the Otago Regional Council.
- 1.3 Section 15(1) of the TRoNT Act prescribes that "*Te Rūnanga o Ngāi Tahu shall be recognised for all purposes as the representative of Ngāi Tahu Whānui.*"
- 1.4 Section 15(2) of the TRoNT Act prescribes that "*Where any enactment requires consultation with any Iwi or with any Iwi authority, that consultation shall, with respect to matters affecting Ngāi Tahu Whānui, be held with Te Rūnanga o Ngāi Tahu.*"
- 1.5 Section 15(3) of the TRoNT Act prescribes that "*Te Rūnanga o Ngāi Tahu, in carrying out consultation under subsection (2) of this section, ---*
- (a) *Shall seek the views of such Papatipu Rūnanga of Ngāi Tahu Whānui and such hapu as in the opinion of Te Rūnanga o Ngāi Tahu may have views that they wish to express in relation to the matter about which Te Rūnanga o Ngāi Tahu is being consulted; and*
  - (b) *Shall have regard, among other things, to any views obtained by Te Rūnanga o Ngāi Tahu under paragraph (a) of this subsection; and*
  - (c) *Shall not act or agree to act in a manner that prejudices or discriminates against, any Papatipu Rūnanga of Ngāi Tahu or any hapu unless Te Rūnanga o Ngāi Tahu believes on reasonable grounds that the best*

*interests of Ngāi Tahu Whānui as a whole require Te Rūnanga o Ngāi Tahu to act in that manner."*

- 1.6 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 it is recognised that there are four Papatipu Rūnanga with whom consultation should occur. These are: Te Rūnanga Moeraki; Kati Huirapa Rūnanga ki Puketeraki; Te Rūnanga o Ōtākou; and Hokonui Rūnaka.
- 1.7 The Otago Regional Council is a Local Authority constituted by the Local Government (Otago Region) Reorganisation Order 1989, and subsequent amendments.

### **Consultation and Liaison**

- 1.8 The Otago Regional Council, Te Rūnanga o Ngāi Tahu and Kāi Tahu ki Otago wish to continue to develop and maintain effective consultation and liaison mechanisms.
- 1.9 The Otago Regional Council recognises that it has statutory responsibilities to consult with Iwi on relevant management issues in the region and to take into account the principles of the Treaty of Waitangi. These statutory obligations are primarily under the Resource Management Act 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.

### **Conduct of Iwi Liaison**

- 1.10 By their support and operation of this Memorandum of Understanding and Protocol, Te Rūnanga o Ngāi Tahu, Kāi Tahu ki Otago and the Otago Regional Council will facilitate Ngāi Tahu Whānui consultation and liaison within the jurisdictional boundary of the Otago Regional Council.
- 1.11 The Otago Regional Council recognises the need to consult Papatipu Rūnanga and Te Rūnanga o Ngāi Tahu in the development, review and implementation of the Council's regulatory plans, policies and strategies under the Resource Management Act and Biosecurity Act. For such plans, policies and strategies, consultation and building of knowledge will be mutually supported and facilitated through specific consultancy agreements between the Council and Kāi Tahu ki Otago Limited.
- 1.12 The Otago Regional Council wishes to facilitate Papatipu Rūnanga and Te Rūnanga o Ngāi Tahu contributions facilitated by Kāi Tahu Ki Otago Ltd to the development of the Council's Annual Plan. To facilitate Kāi Tahu ki Otago contributions the Council will annually convene two meetings with representatives of the four Papatipu Rūnanga and Te Rūnanga o Ngāi Tahu. One such meeting will be at the commencement of consideration of work programmes, and the second will be after the Council has made a full consideration of all proposals suggested for inclusion in the Draft Annual Plan.

- 1.13 The Otago Regional Council wishes to ensure that consents, approvals and other regulatory permissions, wherever required by statute or when it may otherwise be beneficial to community interests and understandings, will involve consultation with Iwi as set out in the protocol given in Part B below.
- 1.14 The Otago Regional Council and Kāi Tahu ki Otago seek to maintain and develop their close association for the benefit of all people in Otago. Liaison to provide Iwi comments, perspectives and advice to the Council, and liaison for the Council to provide support to Iwi, will be facilitated through an appointed Kaitakawaenga.
- 1.15 The Kaitakawaenga shall be appointed by agreement of the Council to a nomination of the four Papatipu Rūnanga of Otago. The Council will provide koha to the Kaitakawaenga in appreciation of the performance of the function. The Kaitakawaenga position is not a “staff” position in the context of the employment law.
- 1.16 The objectives of the Kaitakawaenga position are:
- The maintenance of a direct line of communication between the Chair and Chief Executive of the Otago Regional Council and a Kāi Tahu person who has the confidence of the Otago Rūnanga.
  - For the three individuals to meet at regular intervals and discuss strategic level issues that are relevant to the interests of and ongoing partnership objectives of Kāi Tahu and the Otago Regional Council
  - To facilitate excellent communication and understanding at the executive/governance level of both parties to the MOU.
  - To provide advice to the Otago Regional Council on cultural/protocol matters relating to formal and other occasions, eg; tangi and important ceremonial events.
- 1.17 The Kaitakawaenga position does not substitute the need for continued maintenance of relationships between the Otago Regional Council and Papatipu Rūnanga, Te Rūnanga o Ngāi Tahu and Kāi Tahu ki Otago Ltd.
- 1.18 The parties to this agreement will have annual meeting in the last quarter of each calendar year to assess the benefits of this agreement, and to determine any desirable changes to either the agreement or the manner in which it is implemented.

## **Part B Protocol**

### **1. Purpose**

- 1.1 The purpose of this protocol is to define the process for facilitating Iwi involvement and consultation in the processes for Resource Management Act

consents, Regional Plan changes, and Regional Pest Management Strategy approvals administered by the Otago Regional Council.

**2. The Resource Management Act, the Biosecurity Act, and the Ngāi Tahu Claims Settlement Act**

2.1 The above Acts impose requirements on local authorities to have regard to the principles of the Treaty of Waitangi, to consult with Iwi, and to recognise the matters of importance to Iwi.

**3. *Kāi Tahu ki Otago Ltd***

3.1 The four Papatipu Rūnanga of Otago and their encompassed whānau roopu (Otokia Whanau, Moturata Whanau, South Otago Runanga) have combined in the creation of *Kāi Tahu ki Otago Ltd*.

3.2 *Kāi Tahu ki Otago Ltd* employs expertise for processing inquiries relating to Otago Regional Council processing of resource consents, the application of the regional policy statement and regional plans, and approvals under regional pest management strategies.

**4. Agreement**

4.1 The parties to this protocol agree to use the capabilities and expertise of *Kāi Tahu ki Otago Ltd* to facilitate Iwi consultation and provision of information between the parties. This agreement is for the purposes of Otago Regional Council processing and administering resource consents, the regional policy statement, regional plans, and regional pest management strategies.

4.2 The parties to this protocol acknowledge that *Kāi Tahu ki Otago Ltd* will not be engaged in initiating submissions to the Otago Regional Council. However, the information available to *Kāi Tahu ki Otago Ltd* will be available to Iwi for incorporation into any submission that any Papatipu Rūnanga, Te Rūnanga o Ngāi Tahu or whānau roopu wish to make, individually or collectively.

**5. Otago Regional Council Resource Consent Process**

*Resource Consent Administration*

5.1 Figure 1 and Figure 2 illustrate key decision making processes that the Otago Regional Council uses to make an orderly and consistent administration of resource consent applications.

*Non-Notified Applications*

5.2 Where a resource consent application is requested to be processed non-notified and the Otago Regional Council considers that Iwi may be an affected party the Council will refer applicants to *Kāi Tahu ki Otago Ltd* for obtaining written approvals on behalf of relevant Papatipu Rūnanga. Such applications will not be processed until the applicants append written approvals to their application.

5.3 Where a resource consent applicant requests the Otago Regional Council to seek Iwi approvals the Council will do so, from *Kāi Tahu ki Otago Ltd*, on the applicant's behalf. Any costs associated with this process will be recovered from the applicant.

- 5.4 The Otago Regional Council recognises that *Kāi Tahu ki Otago Ltd* will be unable to recover most costs associated with giving written approvals for non-notified consents referred by the Council. Accordingly the Otago Regional Council will make a quarterly payment to *Kāi Tahu ki Otago Ltd* for the reasonable costs incurred in providing this community assistance.
- 5.5 It is noted that the process defined in 5.1 to 5.5 does not remove any obligations on the Otago Regional Council in relation to the Ngāi Tahu Claims Settlement (Resource Management Consent Notification) Regulations.

*Notified Applications*

- 5.6 Where a resource consent application is proposed to be publicly notified and the Otago Regional Council considers that Iwi may be an affected party, the Council will not process the application until evidence of consultation with Iwi is appended to the application. Such evidence of consultation shall state and appropriately detail the issues of relevance to Iwi. The Council will refer applicants to *Kāi Tahu ki Otago Ltd* to assist and/or undertake Iwi consultation with the applicant.
- 5.7 For the purpose of clause 5.6 above, the Otago Regional Council will make all relevant application information available to *Kāi Tahu ki Otago Ltd/Office of Te Rūnanga o Ngāi Tahu*. Should further information be required, the issues involved will be discussed by *Kāi Tahu ki Otago Ltd/Office of Te Rūnanga o Ngāi Tahu* with both the Otago Regional Council and the applicant.
- 5.8 Once notified, summary information of notification be supplied to affected Papatipu Rūnanga; if required, further information should be supplied.

**6. Mutual Assistance**

- 6.1 *Kāi Tahu ki Otago Ltd* will maintain a dynamic guideline manual to assist ORC staff identify what is of interest to Iwi so that “affected party” status can be determined and the type of information that should accompany consent applications, and the time frames for approvals. *Kāi Tahu ki Otago Ltd* will identify the type of consent applications where Papatipu Rūnanga do not wish to be treated as an affected party. This manual will be regularly reviewed to meet changing circumstances. Council staff will be briefed through periodic workshops and training sessions.
- 6.2 The Otago Regional Council will support *Kāi Tahu ki Otago Ltd* to organise and hold workshops to promote the process for Iwi approvals, involvement and consultation in the consent process.
- 6.3 The Council will periodically update its pamphlet information for applicants clearly identifying the key points of this protocol and will assist *Kāi Tahu ki Otago Ltd* with a public education and information programme.

**Figure 1: Iwi Consent Approval/Comment Process**

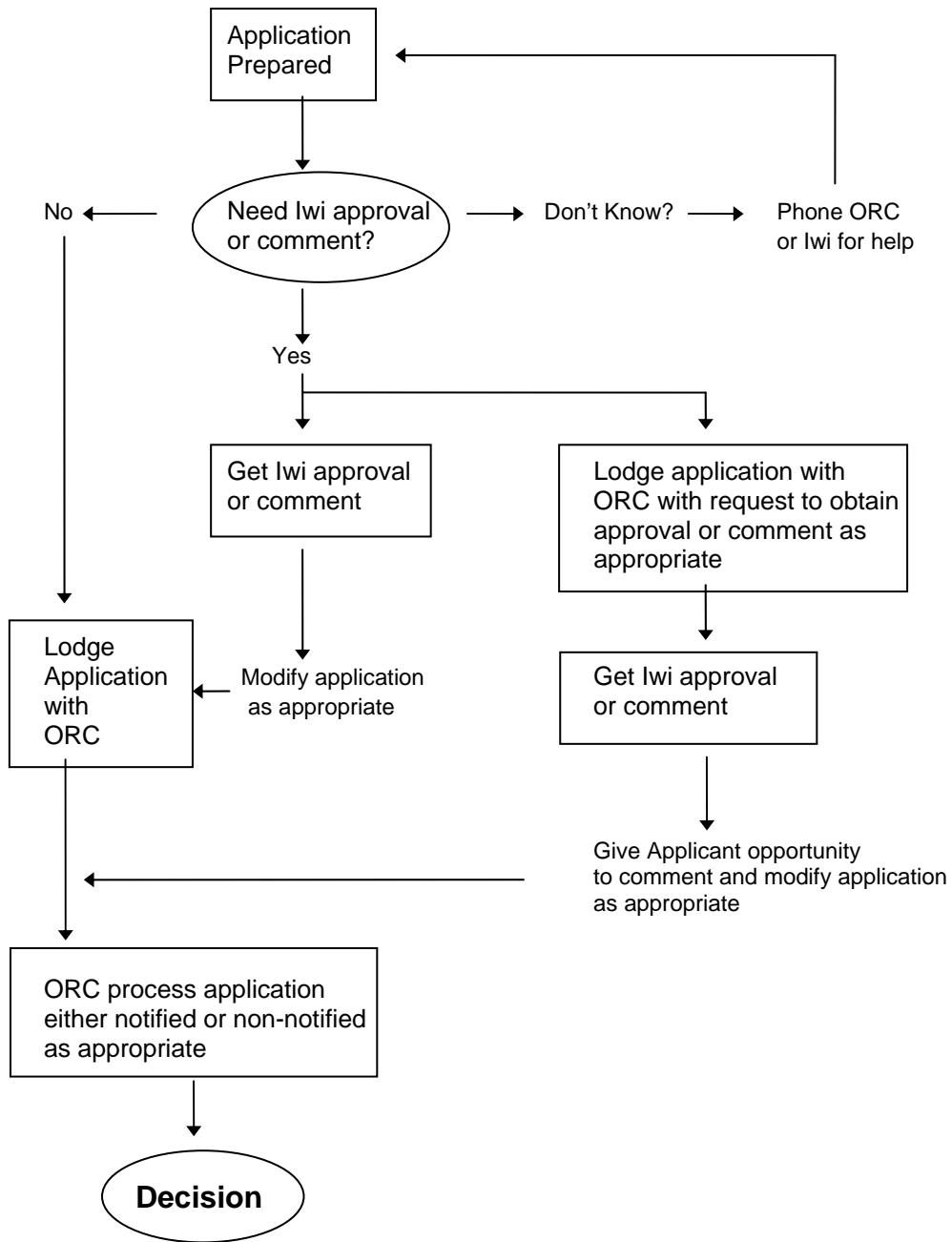
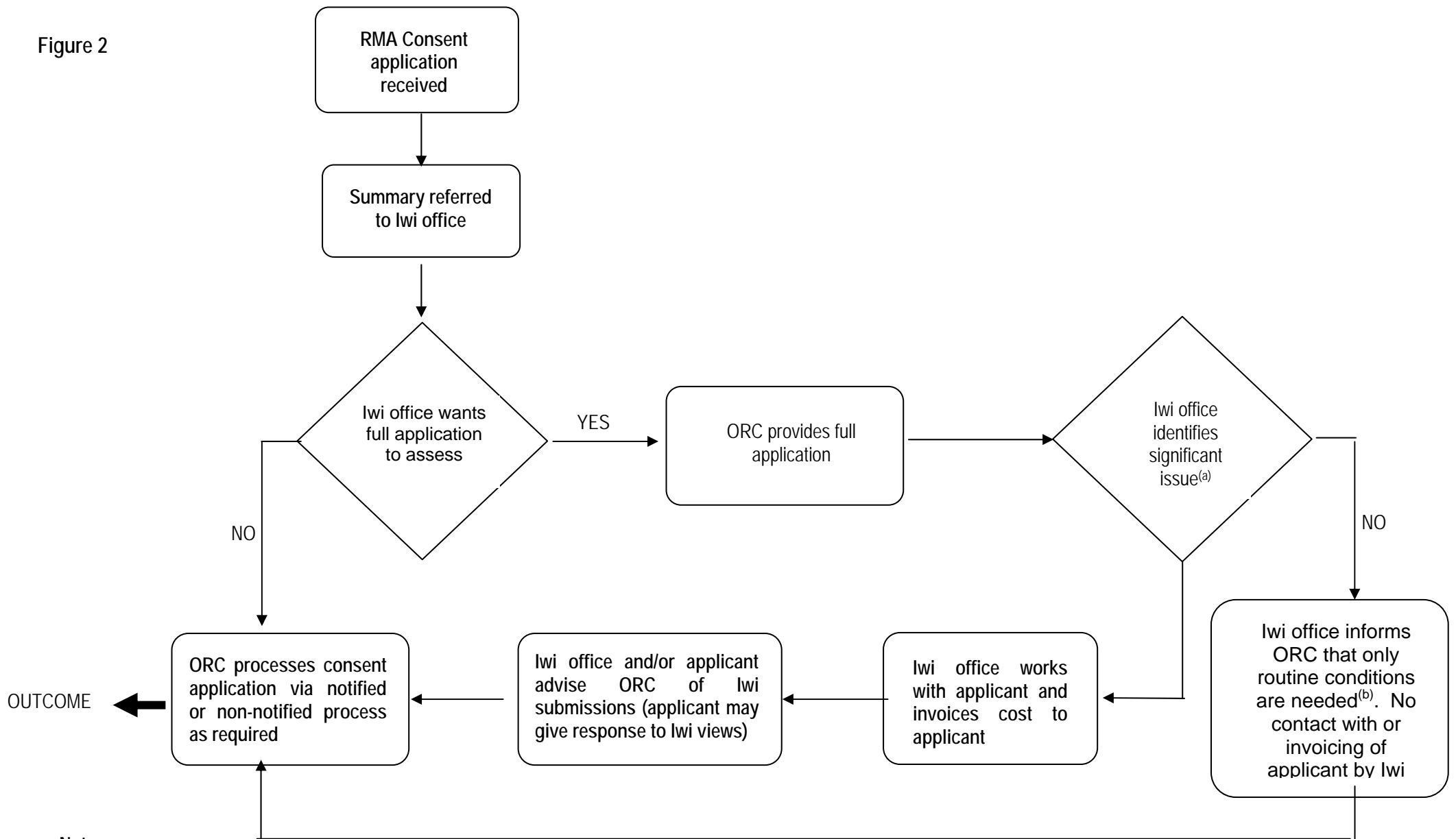


Figure 2



Notes:

- (a) A significant issue is one that may be responded to by opposing submissions and/or recommendation that special consent conditions be applied.
- (b) Routine conditions are standard consent conditions routinely applied to consents for the proposed type and scale of activity irrespective of affected party comments or submissions.
- (c) The Otago Regional Council provides a bulk grant to the lwi office to defray non-recoverable costs in making these assessments.





The parties to this Memorandum of Understanding and Protocol are:

Otago Regional Council

by

.....

Duncan Butcher  
Chairperson

Te Rūnanga o Moeraki

by

.....

Trevor McGlinchey

Kāti Huirapa Rūnanga ki Puketeraki

by

.....

Matapura Ellison

Te Rūnanga o Otakou

by

.....

Kuao Langsbury

Hokonui Rūnanga

by

.....

Netta Mackintosh

Te Rūnanga o Ngāi Tahu

by

.....

Edward Ellison