



Local Governance Statement

April 2017

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Vision Statement, Goals and Measurements

VISION: For our Future - A prosperous and sustainable future for Otago.

Goal One

**To achieve:
Active resource
stewardship**

Measurement

Optimal water use – efficiency, irrigation

Sustainable land use and water quality

Ethical mineral use

Evidence-based decision making

Effective enforcement of plans, consents and rules

Goal Two

**To achieve:
Active regional
partnerships**

Measurement

Active and regular engagement with stakeholders

A well connected ORC working closely with stakeholders and partners

Strong connections with the Territorial Local Authorities and Ngai Tahu in the region

Partnerships and common projects with nearby regions, e.g. Southland, West Coast and Canterbury

Goal Three

**To achieve:
Realisation of new
opportunities**

Measurement

An active programme of enablement by ORC around new resource opportunities

Active interest of private sector parties in opportunities in the region

Active collaboration with regional TLAs and Ngai Tahu on opportunity identification and advancement

Goal Four

**To achieve:
The emergence of a
“Brand Otago”**

Measurement

A growing distinctiveness associated with Otago both domestically and internationally

Association in the public mind of Otago with quality – products, experiences, lifestyle, etc.

Ultimately, that premium value is attached to things “Otago”

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.

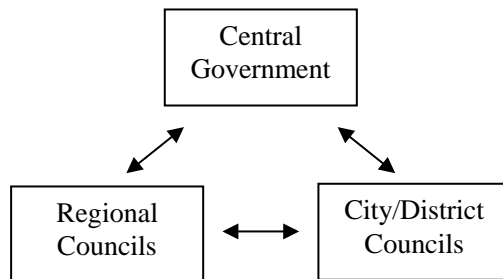
The information found in this document includes details about what we do, what legislation we work under and the responsibilities we have under that legislation, how we consult and what our management processes are.

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 natural and physical resources for the benefit of present and future generations. As caretakers of our land, air and water, Regional Councils monitor the 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 including:

- managing roading,
- providing reticulated water and public amenities,
- disposing of waste and sewage,
- overseeing land subdivisions and building developments, and
- providing 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 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, and discouraging pollution.

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.

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

Co-ordinating safe, efficient and convenient land transport systems, ensuring an appropriate level of passenger transport is provided.

Harbour Management

Promoting navigational and recreational safety on Otago harbours and waterways.

Civil Defence Emergency Management

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

Water Quality Management

Managing and preserving our water through monitoring, education, and enforcement for our streams, rivers and lakes.

Water Quantity Management

Managing the allocation of water, while protecting the aquatic habitats and natural characters of our rivers.

Activities of Council

The significant activities of Council are discussed below:

Environmental Activity

Water

Water is a precious resource in Otago. The quality of our water and its availability are critical to our way of life.

Our Regional Plan: Water sets out policies and rules that aim to protect both the quality and availability of water in our aquifers, rivers, lakes and wetlands.

For water quality we do not set out rules on how land use activities should be undertaken, but we do have rules around what level of contaminants may be discharged into our waterways. In other words, we are

not interested in controlling land use activities by issuing resource consents, but we are concerned about how the discharges from land will impact water quality. We have maximum discharge thresholds that must be met by 2020. Region-wide promotion and education are being undertaken with landholders, community groups, key stakeholders and industry to assist with meeting the 2020 timeframe.

The Regional Plan: Water includes permitted activity rules and defines prohibited activities. Permitted activities do not require resource consent for the activity to be undertaken, but rules are in place to mitigate any possible negative effects of the activity on our environment. We need to undertake work to ensure that the rules are being complied with, and that prohibited activities are not being undertaken. Dairying is a permitted activity, and since 2004 we have visited every dairy farm on an annual basis to check compliance with rules. Every year we have found non-compliance, and prosecutions have been made. We plan to move to a risk based model for dairy inspections, which prioritises the farms most at risk of impacting water quality.

Council is aware that there are other contaminant discharges affecting our water quality from septic tanks, storm water discharges, industrial and trade waste, and hazardous substances. Our Long Term Plan addresses these issues through a series of proposed plan changes to the Regional Plan: Water. The plan changes will provide new rules for dealing with these types of urban discharges.

The availability of water and its allocation for irrigation is a major issue, especially in times of drought. In the Regional Plan: Water we have set limits on how low the flow of certain rivers may get (minimum flows), whilst still protecting the aquatic habitats and natural character of the rivers. Economic, cultural and social values are taken into consideration when setting minimum flows, and these flows determine the amount of water that may be available for use. There are still a number of rivers and aquifers in Otago that require minimum flows. We have a programme in place for completing minimum flow work on our remaining rivers and aquifers from which water is taken, and incorporating them into our Regional Plan: Water.

Resource consents allow landholders to take water within agreed limits. Mining privileges will expire in 2021. This means that those landholders with mining privileges will need to obtain resource consent if they wish to continue taking water.

There are approximately 450 mining privileges currently issued in Otago. Our Regional Plan: Water has provisions to assist transitioning these from mining privileges to resource consents, through the formation of groups. Group management of our water resource will help achieve efficient and sustainable water use. We are actively working with mining privilege holders and communities, facilitating meetings, sharing information about group formation and management, and providing ecological and flow information.

Water quantity is monitored for purposes including flood risk management, minimum flow establishment and compliance, and for ensuring the effectiveness of Council's flood and drainage schemes.

Water quality is monitored for the purposes of understanding the health status of Otago's rivers and lakes, and to ensure appropriate management of discharges impacting those resources. As water quality trends are established by scientific observation and measuring, reports on the health of Otago's waterways are published. If however, monitoring results were to show an obvious deterioration of water quality, compliance work would be undertaken to investigate its cause and remedy the situation.

Air Quality

Within Otago, there are certain areas where winter air emissions from home heating cause air quality to exceed standards set for healthy living.

A National Environmental Standard (“NES”) for Air Quality, established by the Government, sets a maximum allowable daily concentration for PM₁₀ of 50 micrograms per cubic metre of air. PM₁₀ refers to particulate matter less than 10 microns in diameter, and is measured in micrograms per cubic metre of air. The NES allowed up to three exceedances per year of the PM₁₀ standard to 2016, and full compliance (no more than one exceedance per year) is required by 2020.

We are responsible for ensuring compliance with the NES. Under the RMA, we are also responsible for controlling the discharge of contaminants to air and our Regional Plan: Air sets out our rules for this.

Monitors have been installed in selected Otago towns so that we can measure air quality. Our monitoring has shown many high readings in excess of the PM₁₀ standard, in Arrowtown, Alexandra, Cromwell, and Clyde (Air Zone 1) and Milton, and fewer high readings in Mosgiel and Balclutha. The Central Dunedin air zone currently complies with the NES after several years of steady improvement.

It is likely that some areas within Otago will not be able to meet the NES requirements for 2020. Council is however committed to continuing its hard work to improve air quality for all residents in Otago.

Our work includes undertaking targeted investigations to understand air quality issues and causes of air pollution in specific areas. This information assists with Council planning, policies and resource consent considerations.

Land

Landholders are responsible for managing animal and plant pests on their land. Pests cause considerable damage to the environment.

Council’s Pest Management Strategy for Otago promotes a regionally coordinated approach to address the impacts of both pest animals and pest plants.

The pest animals identified in the strategy are rabbits, hares and rooks. With respect to rabbits, the strategy requires landowners to meet the MAL3 level of compliance. MAL refers to the Modified MacLean’s Scale, which is a nationally recognised 1 to 8 scale, measuring rabbit density.

The Pest Management Strategy also has a list of 19 plants declared to be pests, and includes Gorse, Broom, Lagarosiphon and Ragwort. The strategy has rules for landowners to destroy pest plants found on their land.

A review of the Pest Management Strategy is being undertaken, and it is intended that a revised strategy will be notified by 31 March 2018.

Wilding pines are considered to be a significant issue by many in the Otago community. During 2016/17, the Government decided to contribute \$16 million over four years towards the control of wilding conifer in New Zealand. The Ministry for Primary Industries (MPI) has determined how that funding is to be allocated and sites within Otago have been identified. ORC has entered into an agreement with MPI, to administer the funding allocation for control works to be undertaken at those Otago sites.

Wallabies are a growing problem in Otago. We are working with Environment Canterbury, community groups and pest companies to assist in preventing a wallaby population from establishing in our region, and to carry out necessary control works to eradicate wallaby in Otago.

The development of a Biodiversity Strategy for Otago commenced in 2016/17, and is planned to be completed during 2017/18. It will assist the protection of areas of biodiversity in Otago. Council's other biodiversity work includes monitoring our regionally significant wetlands.

Rivers and Waterway Management

River and waterway management works are undertaken to maintain river and stream channel capacity. Such works include willow maintenance, vegetation control and the removal of obstructions and blockages. The primary purpose of this work is to prevent the loss of any channel capacity, so that should a flood event occur, waters can flow without undue obstruction.

Council also undertakes a programme of river monitoring which involves surveying the stability and alignment of particular rivers, and investigating river changes and erosion.

Environmental Incident Response

Council operates a 24 hour Pollution Hotline. Pollution incidents, oil spills and other resource management complaints are investigated, and action is taken to ensure appropriate remedial measures are used. Enforcement action will be undertaken where adverse effects on the environment have occurred that support such action.

The management of contaminated sites involves the investigation and management of historic and active industrial and trade use sites, which manufacture, use or store hazardous substances, and may be contaminated. Where necessary, enforcement and clean up or remedial work is also undertaken.

Community

Our democratic process involves providing effective representation on behalf of the Otago community. Our process includes holding meetings of Council and Council committees, and these meetings are open to the public. Many opportunities are given to the public to provide input into Council's decision making, and include Council inviting submissions on specific proposals, and participation in public forums at Council meetings.

Council undertakes a number of activities to educate, consult and encourage community participation in decision making, and to promote awareness of our plans, policies and activities. To help promote community participation, public forums and seminars are held each year on topics of environmental significance.

If there are any matters raised by government or other agencies that require a regional response, we will submit as appropriate. For example, government policies and legislation, district plans, conservation plans etc. may affect our responsibilities and functions, and so require an Otago Regional Council response.

Council actively works with Kāi Tahu ki Otago, and encourages Māori participation in natural resource management. Council seeks to consult and liaise on the activities of Council, and provide assistance on initiatives of mutual specific interest.

Council contributes funding towards initiatives undertaken by community and other groups, and to the Otago Emergency Rescue Helicopter.

Regulatory

Policy development

The Otago Regional Policy Statement (RPS) provides an overview of the resource management issues of the Otago region and the ways of achieving the integrated management of its natural and physical resources. It provides a framework within which the various regional and district plans sit. As these plans must give effect to the provisions of the Otago Regional Policy Statement, the statement sets the context and direction for all regional and district planning in Otago. A new RPS is expected to become operative during the 2017/18 year.

Consents and Compliance

Resource consents are issued by Council allowing the use of our natural resources, or discharging into water, air, coast and land. Council strives to meet the processing timeframes within which consents should be processed as set out in the Resource Management Act 1991.

After resource consents are issued, Council audits and monitors resource use to ensure that consent conditions are being complied with. If it is found that consent conditions are not being complied with, enforcement action will be undertaken.

Council's activities in respect of dam safety are undertaken under the Building Act 2004, and include having an adopted policy on Dangerous Dams, Earthquake Prone and Flood Prone Dams, maintaining a register of dams in Otago, and processing building consent applications for building associated with dams. This Council is accredited and registered as a Building Consent Authority. In addition to Otago, we undertake certain dam safety and building control functions for dams in the Southland and West Coast regions under transfer agreements.

Harbour Management

Council is responsible for harbour safety and navigation in the Otago and Karitane harbours, and includes ensuring a prompt response to harbour incidents, and notifying relevant authorities if required.

We are also responsible for responding to any oil spills that may occur in the Otago area.

Flood Protection and Control Works

Large developed areas of Otago are low lying river flats, often close to sea level. The continued safe occupation and use of these areas is important to the wellbeing of its communities, and so protection from flooding is important. In some locations, the productive use of land relies on drainage and control of ground water levels.

Flood protection works undertaken by Council include constructing and maintaining flood banks, swales, bunds and spillways.

Council is also working on the construction of the Leith Flood Protection Scheme located in the Dunedin City area. Construction works are programmed to be completed in the 2019/20 year, with repayment of the scheme taking place over a 20 year period through to 2030/31.

Drainage scheme works undertaken by Council include reviewing and maintaining drainage pumps and outfall structures.

Safety and Hazards

Emergency Management

The Otago Regional Council, together with the Otago territorial authorities, and emergency services, plan for and provide civil defence emergency management programmes across the region to ensure continued public safety of our communities. This is achieved through a wide range of activities focused on the national priorities of Reduction, Readiness, Response and Recovery. Programmes include identifying and reducing risks, broad based community planning, maintaining effective communication links across all sectors of CDEM, conducting training exercises and contributing towards the welfare of our community in a meaningful way.

Until recently, emergency management officers in Otago were employed separately by each of the different local authorities. Now all of the officers are employed directly by ORC, which is enabling greater efficiency and effectiveness in being better prepared to respond in an emergency situation.

Natural hazards

Natural hazard identification work involves assessing the scale and significance of natural hazards in Otago, including seismic, tsunami, and flooding. The information obtained is published in the Otago Natural Hazards database which is maintained by Council.

Assistance is given to the territorial authorities with the management of natural hazards in their areas through collaborative initiatives such as the Wakatipu/Wanaka Flood Study, the Milton 2060 Strategy, and working with the Dunedin City Council on the South Dunedin Future programme.

Flood events are a key focus for Council. It has systems in place to continually monitor and provide warnings and information on rainfall and river levels. In the case of an event, interested and potentially affected parties are provided directly with information in a timely manner.

Transport

Regional transport planning and public passenger transport

The Regional Transport Committee has responsibility for preparing the Regional Land Transport Plan which stays in effect for a period of six years. The 2015-21 plan will be reviewed in 2018, and a new plan developed for the 2021-27 period.

Council is responsible for supporting the Regional Transport Committee, and approving the plan.

Public passenger transport services are provided for in Dunedin and Queenstown, and Council contracts the provision of those services. It aims to ensure a viable, affordable, quality service that will attract patronage growth that will assist in reducing the reliance on public subsidy over the long term.

Initiatives planned for Dunedin passenger transport include the development of a central bus hub which will be completed in 2017/18, and implementing a new electronic ticketing system which will also be completed in 2017/18. These projects will be partly funded from NZTA and the remainder through the Dunedin transport reserve.

During 2017/18, Council will complete the implementation of the Wakatipu contracted services. These services will extend out to Jacks Point.

Council also administers the Total Mobility scheme in Otago to meet the transport needs of those unable to use public transport.

The construction of a new stock truck effluent disposal site is planned for Central Otago, but is conditional on obtaining NZTA grant funding.

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 2016 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 receives the most votes is 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 September 2014, 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. 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 with three representatives, Molyneux with two representatives, and Moeraki with one representative. The number of members who represent each constituency must be determined having regard to 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 2012 the Otago Regional Council put forward for public consultation a proposal to increase the number of Councillors from 11 to 12 by increasing Councillor representation in the Dunstan constituency from two to three. The Local Government Commission confirmed this proposal, and the increased representation for the Dunstan constituency was put into place for the 2013 elections.

A review of representation will be undertaken in 2018, the results of which will take effect for the 2019 elections.

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 Sector Group of Local Government New Zealand

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

Otago TBfree Committee

The Otago TBfree Committee is a Committee of TBfree New Zealand and provides a local oversight of the performance of the Board's national Tb strategy. One ORC staff member is appointed to this committee.

AgResearch Invermay Animal Ethics Committee

This Committee has a requirement of three statutory appointees as follows:

- a nominee from the Veterinary Association
- a nominee from an Animal Welfare Organisation
- a nominee from a local authority.

One councillor is appointed as the nominee from a local authority.

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.
- One Councillor
- Chief Executive

Mana to Mana Group

Provides a forum for discussion on a range of matters with Maori in Otago. The following are appointed as Council representatives to this group:

- Council Chairperson
- Council Deputy Chairperson
- Two Councillors
- Chief Executive

Committee Structure

Otago Regional Council		
Cr Woodhead (Chr)	Cr Deaker	Cr Neill
Cr Robertson (Dep Chr)	Cr Hope	Cr Noone
Cr Bell	Cr Kempton	Cr Scott
Cr Brown	Cr Laws	Vacancy

Communications Committee	Finance & Corporate Committee	Policy Committee
Monitor and provide guidance on Council's community, stakeholder and staff engagement including public information and education, corporate profile, publications and media	Guide and monitor the Council's financial affairs and administrative performance, Long Term Plan, Annual Plans, and public passenger transport, and to oversee the implementation of the Local Government Act.	Analyse, develop and recommend to Council all policies, plans and strategies, and to assess their effectiveness; make submissions to other authorities and government.
Cr Deaker (Chair) Cr Hope (Deputy) All Councillors	Cr Brown (Chair) Cr Noone (Deputy) All Councillors	Cr Robertson (Chair) Cr Laws (Deputy) All Councillors

Regulatory Committee	Technical Committee	Objections Committee
Oversee and monitor the Resource Management Act, Biosecurity Act and Building Act consents and compliance processes, and to take an overview of any Court proceedings associated with these activities.	Analyse, develop and recommend scientific and technical needs for Council operations, policy development and environmental monitoring Overview technical information generated by Council Overview management of waterways and drainage and flood protection Monitor and manage natural hazards risks	Consider and determine any objections related to consents or other statutory decisions
Cr Scott (Chair) Cr Neill (Deputy) All Councillors	Vacancy (Chair) Cr Woodhead (Deputy) All Councillors	Cr Neill (Chair) Cr Robertson Cr Noone Cr Scott

Regional Transport Committee	Employment Committee	Commissioner Appointment Subcommittee
Prepare and recommend to Council a Regional Land Transport Plan for Otago, and any variations to this document, and to advocate for the land transport needs of the region.	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.	Appoint Councillor and non-Councillor commissioners for hearing consent applications under the RMA
Cr Kempton (Chair) Cr Bell (Deputy) Cr Woodhead (alternate) and appointed members	All Councillors	Cr Robertson (Chair) Cr Woodhead Cr Noone Cr Scott Mr Bodeker (Chief Executive)

Audit and Risk Committee	Otago Civil Defence Emergency Management Group Joint with TLAs
Assist the Council in fulfilling governance responsibilities relating to the management systems, financial, legislative, health and safety, and reporting practices of the ORC.	Appointed under Section 12 of the CDEM Act 2002 and Section 1145 of the LGA 1974.
David Benham (Chair) Cr Woodhead Cr Robertson Cr Brown Cr Laws Cr Kempton	Cr (Chair) and Otago Mayors

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.

Significance and Engagement Policy

This policy, adopted in November 2014, provides guidelines for determining the significance of proposals and decisions in relation to issues, assets or other matters affecting the Otago region, people likely to be affected, and the council's capability to perform.

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

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

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

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

The full Significance and Engagement policy is attached as Appendix 3, and the Memoranda with Maori as Appendix 4.

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 Peter Bodeker. As well as the five directors listed below, the Human Resources Manager reports directly to the Chief Executive.

Corporate Services

The Director of Corporate Services is Nick Donnelly, and he has six managers working within his directorate who are responsible for the following:

- Corporate support;
- Finance function;
- Information Technology;
- Legal counsel;
- Passenger transport – bus contracting etc.

Policy Planning and Resource Management Directorate

Fraser McRae is the Director of Policy Planning and Resource Management, and he has four 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.
- Resource Consent Management – Procedures and Protocols
- Resource Consents – receiving, processing and making decisions on consent applications.
- Transportation – regional transport planning.

Engineering, Hazards and Science Directorate

Gavin Palmer is the Director of Engineering, Hazards and Science 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.
- Resource Science – monitoring water and air quality, providing climate information, flood warning and flood management systems, etc.

Environmental Monitoring and Operations Directorate

Scott MacLean is the Director Environmental Monitoring and Operations and he has three managers working within his group who are responsible for the following:

- Manager Operations – providing operational services to Council’s engineering department, such as maintaining flood and drainage schemes, and running the Business Unit “Regional Services”.
- Manager Environmental Services – monitoring and auditing resource consent conditions and permitted activity rules for compliance, dealing with incidents and complaints, and implementing the Pest Management Strategy for Otago.

Stakeholder Engagement Directorate

Caroline Rowe is the Director of Stakeholder Engagement and she has two managers who are responsible for the following:

- Community Liaison and Education – educating on good land use practices including high country farming, dairying, urban areas etc.;
- Communications – Council electronic, media and paper publications.

The Team Leader Customer Services also reports to the Stakeholder Engagement Directorate.

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

EEO policy is promoted through our recruitment and promotion processes. The policy is a co-operative approach by staff, Executive Management and the Council. Staff may at any time, comment on the policy or contribute to its further development, by contacting the HR Manager.

Staff procedures

Recruitment

All recruitment is based on a job description and a person specification that reflects the competencies and qualifications needed to perform the job. Our advertising of positions, job documentation and interview processes are designed to remove barriers and impediments to open and competitive applications and assessment on merit for the job.

Existing staff

Staff training, personal development, and promotion opportunities are monitored by Managers to ensure fairness for all staff.

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 the majority of our work. This does not preclude employment of persons for whom English is a second language or who have speech or language difficulties 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. 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 have 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, and will be supported wherever practicable and effective.

Employment agreements

Employees have the choice of a Collective Agreement or an Individual Agreement. Our agreements will have common core conditions to promote fairness and equity.

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 for its effectiveness and relevance as part of the annual planning process. Improvements will be identified as necessary and practicable.

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, or by phoning or writing to the Council.

Local Government Act Plans and Policies

Long Term Plan and Annual Plan

The Long Term 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. The plan is operative for a three year period.

An annual plan is produced for each of the two years that a Long Term 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 Plan.

These documents are developed in consultation with the community, using the procedures 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 Deloitte, and adopted by Council.

Land Transport Management Act

Otago Regional Land Transport Plan 2015-21

The Regional Transport Committee prepares this plan on behalf of the Council, to identify and recommend to New Zealand Transport Agency the transport activities and projects that it should be investing in during 2015-21. The Otago and Southland Regional Transport Committees prepared their 2015-21 plans together. The Otago Plan is combined with the Southland Plan 2015-21 in a single document (even though legally these are two separate plans). These Otago and Southland plans share a common goal, strategic objectives and policies.

The Land Transport Management Act 2008 requires each Regional Transport Committee prepare a new plan every six years, and review it mid-term.

Regional Public Transport Plan 2014

This plan sets out how Council will approach its public transport function, including the principles, policies, standards and controls it will apply. In particular, the Plan describes the public transport services Council intends to provide in the integrated public transport networks operating in Dunedin and the Wakatipu Basin. The Plan also sets out the public passenger transport that Council would like to see provided in

Otago by taxis, shuttles, private hire vehicles, trains and buses. This includes the taxi-based Total Mobility Scheme through which the Council helps those unable to use public transport because of disability. ORC reviews the Plan every three years.

Preparing this plan is mandatory under the Land Transport Management Act 2008 if Council intends to contract for the supply of public transport and/or provide financial assistance to any taxi or shuttle operator.

Other purposes of the plan, as set out in this Act, are to provide a means for Council to work together with public transport operators in developing public transport services and infrastructure, and to provide an instrument for engaging with the public on the design and operation of each public transport network. Under the Land Transport Management Act 2008, Council is required to keep the plan current for a period of not less than three years in advance and not more than ten years in advance.

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: 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: 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: 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.

Office & Depot Locations & Contact Telephone Numbers

Principal Office

Regional House, 70 Stafford Street, Private Bag 1954, Dunedin

Phone: (03) 474 0827
Fax: (03) 479 0015
Pollution hotline: (0800) 800 033
Toll free phone: (0800) 474 082

Rate Enquiries

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

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

Regional Offices & Depots

Alexandra Office

William Fraser Building
Dunorling Street, PO Box 44
Alexandra Ph: (03) 445 0122
Ph: (03) 448 8063 Fax: (03) 448 6112

Balclutha Depot

Hasborough Place,
Balclutha
Ph: (03) 418 2031 Fax: (03) 418 2031

Oamaru Depot

32 Ribble Street
Oamaru
Ph: 0800 474 082

Taieri Depot

172 Dukes Road North
East Taieri
Ph: (03) 474 0827

Cromwell Depot

14 Rogers Street
Cromwell

Palmerston Depot

54 Tiverton Street
Palmerston
Ph: 0800 474 082

Wanaka Depot

185 Riverbank Road
Wanaka
Ph: 0800 474 082

Elected Members Information

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

Molyneux Constituency

Stephen Woodhead (Chairperson)

Stephen Woodhead is the Chairperson of the Otago Regional Council. He is a sheep and beef farmer from Lovells Flat in South Otago and was a Kellogs Rural Scholar in 2001. Stephen's been involved in a number of community organisations during his career.

Carmen Hope

Carmen Hope represents the Molyneux constituency for the Otago Regional Council, farming in the hinterlands of Middelmarsh. Her expertise in water and drainage matters has stemmed from an extensive career within local government. She has an understanding of rural matters complemented by a set of urban skills. As a Winston Churchill Fellow recipient, Carmen gained further insights into drainage best practices within local authorities in the U.K.

Dunedin Constituency

Michael Deaker

Michael Deaker is an 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.

Trevor Kempton

Trevor Kempton is semi-retired after a 40 year career in engineering and construction. He was first elected to the ORC in 2010. His council responsibilities include chairing the Otago Regional Transport Committee. Outside council, Trevor has governance roles in the energy sector and in sustainable development. He is a fellow of the New Zealand Institute of Management, a trustee of Arts Festival Dunedin, and a life member of the St Kilda Brass Band.

Sam Neill

Sam Neill has been self-employed for most of his life, in farming, transport and tourism. He has been involved in numerous local organisations over the years, and was a member of the Otago Education Board for six years.

Sam played a major role in the setting up of the Otago Peninsula Community Board in 2002 and was Deputy Chairman for five years to 2007.

Andrew Noone

Andrew Noone is a first term Otago Regional Councillor having previously served on the Dunedin City Council for six terms. His roots are deeply embedded in the Otago region, growing up in East Otago and farming there for the past 30 years. He has extensive experience as a RMA Commissioner, having been involved in excess of 500 hearings.

Gretchen Robertson (Deputy Chairperson)

Gretchen is a 7th generation Dunedinite. She graduated from the University of Otago with an honours degree in Ecology specialising in aquatic ecosystems.

Gretchen has a professional background as a water quality scientist and has also project-led integrated, community-led approaches to waterway management.

Gretchen is mother to two boys and is passionate about Otago's environment. She enjoys sea fishing, native plants, and painting.

Bryan Scott

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

He is Chair of the ORC Regulatory Committee and is an accredited chair for resource consents. His number one aim is to retain good water quality throughout Otago.

He is chair of Scott Afforestation Limited and is past chair of the George Street Normal School Board of Trustees. He is a member of the NZ Alpine Club.

Dunstan Constituency

Graeme Bell

Graeme Bell comes from a strong involvement in local and regional community organisations and has served 21 years as an elected member on the Central Otago District Council.

Graeme is in his second term on the Otago Regional Council and is the current Deputy Chair of the Otago Regional Transport Committee.

Michael Laws

Michael Laws is a public relations and advocacy director residing in Cromwell. A former MP, Mayor and DHB Board member, Cr Laws has also hosted national TV and radio shows and is a prize-winning writer and columnist. He is married to Cheryl, has five children, and is an active junior sports coach, cyclist and golfer.

Councillor position vacant

Following the passing of Cr Maggie Lawton in March 2017, a by election is to be held in the Dunstan Constituency in June 2017 to fill this vacant position.

Moeraki Constituency

Doug Brown

Doug Brown is a sheep farmer from Maheno in North Otago. He is a B.Ag.Sc. graduate from Lincoln University and a past National President of the Young Farmers Clubs organisation.

Doug has been a Nuffield and Kellogg Rural Scholar and is a Director of the Alliance Group Limited.

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

Adopted on 22 February 2017.....

1. Introduction

This Code of Conduct (the Code) sets out the standards of behaviour expected from elected members in the exercise of their duties. Its purpose is to:

- enhance the effectiveness of the local authority and the provision of good local government of the community, city, district or region;
- promote effective decision-making and community engagement;
- enhance the credibility and accountability of the local authority to its communities; and
- develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.

This purpose is given effect through the values, roles, responsibilities and specific behaviours agreed in this Code.

2. Scope

The Code has been adopted in accordance with clause 15 of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all members, including the members of any local boards as well as the members of any community boards that have agreed to adopt it. The Code is designed to deal with the behaviour of members towards:

- each other;
- the chief executive and staff;
- the media; and
- the general public.

It is also concerned with the disclosure of information that members receive in their capacity as elected members and information which impacts on the ability of the local authority to give effect to its statutory responsibilities.

This Code can only be amended (or substituted by a replacement Code) by a vote of at least 75 per cent of members present at a meeting when amendment to the Code is being considered. The Code should be read in conjunction with the council's Standing Orders.

3. Values

The Code is designed to give effect to the following values:

1. **Public interest:** members will serve the best interests of the people within their community, district or region and discharge their duties conscientiously, to the best of their ability.
2. **Public trust:** members, in order to foster community confidence and trust in their Council, will work together constructively and uphold the values of honesty, integrity, accountability and transparency.
3. **Ethical behaviour:** members will not place themselves in situations where their honesty and integrity may be questioned, will not behave improperly and will avoid the appearance of any such behaviour.
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability. Members will respect the impartiality and integrity of officials.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by this Code of Conduct, and act in accordance with the trust placed in them by the public.

7. **Equitable contribution:** members will take all reasonable steps to ensure they fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which the Council operates, including a regular review and assessment of the Council's collective performance.

These values complement, and work in conjunction with, the principles of s.14 of the LGA 2002 and the governance principles of s.39 of the LGA 2002.

4. Role and responsibilities

Good governance requires clarity of roles and respect between those charged with responsibility for the leadership of the council and those responsible for advice and the implementation of council decisions. The key roles are:

4.1 Members

The role of the governing body includes:

- representing the interests of the people of the city, district or region;
- developing and adopting plans, policies and budgets;
- monitoring the performance of the council against stated goals and objectives set out in its long term plan;
- providing prudent stewardship of the council's resources;
- employing and monitoring the performance of the chief executive; and
- ensuring the council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.

4.2 Chief executive

The role of the chief executive includes:

- implementing the decisions of the council;
- ensuring that all responsibilities delegated to the chief executive are properly performed or exercised;
- ensuring the effective and efficient management of the activities of the local authority;
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority;
- providing leadership for the staff of the council; and
- employing staff on behalf of the council (including negotiation of the terms of employment for those staff).

Under s.42 of the LGA 2002 the chief executive is the only person *directly* employed by the council itself. All concerns about the performance of an individual member of staff must, in the first instance, be referred to the chief executive.

5. Relationships

This section of the Code sets out agreed standards of behaviour between members; members and staff; and members and the public.

5.1 Relationships between members

Given the importance of relationships to the effective performance of the council, members will conduct their dealings with each other in a manner that:

- maintains public confidence;
- is open and honest;
- is courteous;
- is focused on issues rather than personalities;
- avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
- avoids aggressive, offensive or abusive conduct, including the use of disrespectful or malicious language.

Any failure by members to act in the manner described in s.5.1 represents a breach of this Code. Please note that nothing in this section of the Code is intended to limit robust debate within the council as long as it is conducted in a respectful and insightful manner.

5.2 Relationships with staff

An important element of good governance involves the relationship between the council and its chief executive. Members will respect arrangements put in place to facilitate this relationship, and:

- raise any concerns about employees, officers or contracted officials with the chief executive;
- raise any concerns about the performance or behaviour of the chief executive with the mayor/chair or the chairperson of the chief executive performance review committee (however described);
- make themselves aware of the obligations that the council and the chief executive have as employers and observe those requirements at all times, such as the duty to be a good employer;
- treat all employees with courtesy and respect and avoid publicly criticising any employee;
- observe any protocols put in place by the chief executive concerning contact between members and employees;
- avoid doing anything which might compromise, or could be seen as compromising, the impartiality of an employee.

Any failure by members to act in the manner described above represents a breach of this Code.

Please note: Elected members should be aware that failure to observe this portion of the Code may compromise the council's obligations to be a good employer and consequently expose the council to civil litigation or affect the risk assessment of council's management and governance control processes undertaken as part of the council's audit.

5.3 Relationship with the public

Given that the performance of the council requires the trust and respect of individual citizens, members will:

- interact with members of the public in a fair, respectful, equitable and honest manner;
- be available to listen and respond openly and honestly to community concerns;
- consider all points of view or interests when participating in debate and making decisions;
- treat members of the public in a courteous manner; and
- act in a way that upholds the reputation of the local authority.

Any failure by members to act in the manner described above represents a breach of this Code.

6. Contact with the media

The media play an important part in the operation and efficacy of local democracy. In order to fulfil this role the media needs access to accurate and timely information about the affairs of council.

From time to time individual members will be approached to comment on a particular issue either on behalf of the council, or as an elected member in their own right. When responding to the media members must be mindful that operational questions should be referred to the chief executive and policy-related questions referred to the mayor or the member with the appropriate delegated authority.

When speaking to the media more generally members will abide by the following provisions:

6.1 Media contact on behalf of the council

- the mayor or chairperson is the first point of contact for an official view on any issue, unless delegations state otherwise. Where the mayor/chair is absent requests for comment will be referred to the deputy mayor/chair or relevant committee chairperson or portfolio holder;
- the mayor/chair may refer any matter to the relevant committee chairperson or to the chief executive for their comment; and
- no other member may comment *on behalf of the council* without having first obtained the approval of the mayo/chair.

6.2 Media comment on a member's own behalf

Elected members are free to express a *personal view* in the media, at any time, provided the following rules are observed:

- media comments must not state or imply that they represent the views of the council;
- media comments which are contrary to a council decision or policy must clearly state that they do not represent the views of the majority of members;
- media comments must observe the other requirements of the Code; for example, comments should not disclose confidential information, criticize, or compromise the impartiality or integrity of staff; and
- media comments must not be misleading and should be accurate within the bounds of reasonableness.

Any failure by members to meet the standards set out above represents a breach of this Code.

7. Information

Access to information is critical to the effective performance of a local authority and the level of public trust felt by the public.

7.1 Confidential information

In the course of their duties members will occasionally receive information that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Accordingly, members agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

7.2 Information received in capacity as an elected member

Members will disclose to other members and, where appropriate the chief executive, any information received in their capacity as an elected member that concerns the council's ability to give effect to its responsibilities.

Members who are offered information on the condition that it remains confidential will inform the provider of the information that it is their duty to disclose the information and will decline the offer if that duty is likely to be compromised.

Any failure by members to act in the manner described above represents a breach of this Code.

Please note: failure to observe these provisions may impede the performance of the council by inhibiting information flows and undermining public confidence. It may also expose the council to prosecution under the Privacy Act and/or civil litigation.

8. Conflicts of Interest

Elected members will maintain a clear separation between their personal interests and their duties as elected members in order to ensure that they are free from bias (whether real or perceived). Members therefore must familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 (LAMIA).

Members will not participate in any council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. This rule also applies where the member's spouse contracts with the authority or has a pecuniary interest. Members shall make a declaration of interest as soon as practicable after becoming aware of any such interests.

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 *immediately*. Members may also contact the Office of the Auditor General for guidance as to whether they have 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.

Please note: Failure to observe the requirements of the LAMIA could potentially invalidate the decision made, or the action taken, by the council. Failure to observe these requirements could also leave the elected member open to prosecution (see Appendix A). In the event of a conviction, elected members can be ousted from office.

9. Register of Interests

Members shall annually make a declaration of interest. These declarations are recorded in a Register of Interests maintained by the council. The declaration must include information on the nature and extent of any interest, including:

- a) any employment, trade or profession carried on by the member or the members' spouse for profit or gain;
- b) any company, trust, partnership etc. for which the member or their spouse is a director, partner or trustee;
- c) the address of any land in which the member has a beneficial interest within the jurisdiction of the local authority; and
- d) the address of any land owned by the local authority in which the member or their spouse is:
 - a tenant; or

- the land is tenanted by a firm in which the member or spouse is a partner, a company of which the member or spouse is a director, or a trust of which the member or spouse is a trustee:
- e) any other matters which the public might reasonably regard as likely to influence the member’s actions during the course of their duties as a member (if the member is in any doubt on this, the member should seek guidance from the chief executive)

Please note: Where a member’s circumstances change they must ensure that the Register of Interests is updated as soon as practicable.

10. Ethical behaviour

Members will seek to promote the highest standards of ethical conduct. Accordingly members will:

- claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of the council developed in accordance with that determination;
- not influence, or attempt to influence, any council employee, officer or member in order to benefit their own, or families personal or business interests;
- only use the Council resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests; and
- not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the chief executive if any such gifts are accepted. Where a gift to the value of \$50 or more is accepted by a member, that member must immediately disclose this to the chief executive for inclusion in the publicly available register of interests.

Any failure by members to comply with the provisions set out in this section represents a breach of this Code.

10.1 Undischarged bankrupt

In accordance with clause 15(5) of Schedule 7 (LGA 2002) any member who is an “undischarged bankrupt” will notify the chief executive prior to the inaugural meeting or as soon as practicable after being declared bankrupt. The member will also provide the chief executive with a brief explanatory statement of the circumstances surrounding the member’s adjudication and the likely outcome of the bankruptcy.

11. Creating a supportive and inclusive environment

In accordance with the purpose of the Code, members agree to take all reasonable steps in order to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance. These include:

- Attending post-election induction programmes organised by the council for the purpose of facilitating agreement on the council’s vision, goals and objectives and the manner and operating style by which members will work.
- Taking part in any assessment of the Council’s overall performance and operating style during the triennium.¹
- Taking all reasonable steps to ensure they possess the skills and knowledge to effectively fulfil their Declaration of Office and contribute to the good governance of the city, district or region.

¹ A self-assessment template is provided in the Guidance to this Code.

12. Breaches of the Code

Members must comply with the provisions of this Code (LGA 2002, schedule 5, s. 14(4)). Any member, or the chief executive, who believes that the Code has been breached by the behaviour of a member, may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles.

12.1 Principles:

The following principles will guide any processes for investigating and determining whether or not a breach under this Code has occurred:

- that the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the breach complained about;
- that the roles of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
- that the concepts of natural justice and fairness will apply in the determination of any complaints made under this Code. This requires, conditional on the nature of an alleged breach, that affected parties:
 - have a right to know that an investigation process is underway;
 - are given due notice and are provided with an opportunity to be heard;
 - have a right to seek appropriate advice and be represented; and
 - have their privacy respected.

12.2. Complaints

All complaints made under this Code must be made in writing and forwarded to the chief executive. On receipt of a complaint the chief executive must forward that complaint to the Chairperson who will, if the parties agree, undertake mediation to resolve the issue. In the event the parties do not agree to mediation or mediation cannot resolve the issue the Chairperson must forward that complaint to an independent investigator to determine whether the issue is sufficient to warrant a full investigation.²

In the event the Chairperson is a party to the complaint, the Deputy Chairperson will undertake the mediation and if both the Chairperson and Deputy Chairperson are involved the matter will be forwarded directly to an independent investigator.

Only members and the chief executive may make a complaint under this Code.

12.3. Investigation, advice and decision

The process, following receipt of a complaint, will follow the steps outlined in Appendix B.

12.4 Materiality

An alleged breach under this Code is material if, in the opinion of the independent investigator, it would, if proven, bring a member or the council into disrepute or, if not addressed, reflect adversely on another member of the council.

² On behalf of the Council the Chief Executive will, shortly after the start of a triennium, prepare, in consultation with the Mayor or Chairperson, a list of investigators for this purpose of undertaking a preliminary assessment. The Chief Executive may prepare a list specifically for his or her council, prepare a list jointly with neighbouring councils or contract with an agency capable of providing appropriate investigators, such as Equip.

13. Penalties and actions

Where a complaint is determined to be material and referred to the council the nature of any penalty or action will depend on the seriousness of the breach.

13.1. Material breaches

In the case of material breaches of this Code the council, or a committee with delegated authority, may require one of the following:

1. a letter of censure to the member;
2. a request (made either privately or publicly) for an apology;
3. a vote of no confidence in the member;
4. removal of certain council-funded privileges (such as attendance at conferences);
5. restricted entry to council offices, such as no access to staff areas (where restrictions may not previously have existed);
6. limitation on any dealings with council staff so that they are confined to the chief executive only;
7. suspension from committees or other bodies; or
8. an invitation for the member to consider resigning from the council.

A council or committee may decide that a penalty will not be imposed where a respondent agrees to one or more of the following:

- attend a relevant training course; and/or
- work with a mentor for a period of time; and/or
- participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- tender an apology.

The process is based on the presumption that the outcome of a complaints process will be made public unless there are grounds, such as those set out in the Local Government Official Information and Meetings Act 1987 (LGOIMA), for not doing so.

13.2. Statutory breaches

In cases where a breach of the Code is found to involve regulatory or legislative requirements, the complaint will be referred to the relevant agency. For example:

- breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under the LAMIA);
- breaches which result in the council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under s.30 of the LGA 2002 which may result in the member having to make good the loss or damage); or
- breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the elected member liable for criminal prosecution).

14. Review

Once adopted, a Code of Conduct continues in force until amended by the council. The Code can be amended at any time but cannot be revoked unless the council replaces it with another Code. Once adopted, amendments to the Code require a resolution supported by 75 per cent of the members of the council present at a council meeting where the amendment is considered.

Council may formally review the Code as soon as practicable after the beginning of each triennium. The results of that review will be considered by the council in regard to potential changes for improving the Code.

Appendix A: Legislation bearing on the role and conduct of elected members

This is a summary of the legislative requirements that have some bearing on the duties and conduct of elected members. The full statutes can be found at www.legislation.govt.nz.

The Local Authorities (Members' Interests) Act 1968

The Local Authorities (Members' Interests) Act 1968 (LAMIA) provides rules about members discussing and voting on matters in which they have a pecuniary interest and about contracts between members and the council.

A pecuniary interest is likely to exist if a matter under consideration could reasonably give rise to an expectation of a gain or loss of money for a member personally (or for their spouse or a company in which they have an interest). In relation to pecuniary interests the LAMIA applies to both contracting and participating in decision-making processes.

With regard to pecuniary or financial interests a person is deemed to be "concerned or interested" in a contract or interested "directly or indirectly" in a decision when:

- a person, or spouse or partner, is "concerned or interested" in the contract or where they have a pecuniary interest in the decision; or
- a person, or their spouse or partner, is involved in a company that is "concerned or interested" in the contract or where the company has a pecuniary interest in the decision.

There can also be additional situations where a person is potentially "concerned or interested" in a contract or have a pecuniary interest in a decision, such as where a contract is between an elected members' family trust and the council.

Determining whether a pecuniary interest exists

Elected members are often faced with the question of whether or not they have a pecuniary interest in a decision and if so whether they should participate in discussion on that decision and vote. When determining if this is the case or not the following test is applied:

"...whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned." (OAG, 2001)

In deciding whether you have a pecuniary interest, members should consider the following factors.

- What is the nature of the decision being made?
- Do I have a financial interest in that decision - do I have a reasonable expectation of gain or loss of money by making that decision?
- Is my financial interest one that is in common with the public?
- Do any of the exceptions in the LAMIA apply to me?
- Could I apply to the Auditor-General for approval to participate?

Members may seek assistance from the mayor/chair or other person to determine if they should discuss or vote on an issue but ultimately it is their own judgment as to whether or not they have pecuniary interest in the decision. Any member who is uncertain as to whether they have a pecuniary interest is advised to seek legal advice. Where uncertainty exists members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

Members who do have a pecuniary interest will declare the pecuniary interest to the meeting and not participate in the discussion or voting. The declaration and abstention needs to be recorded in the meeting minutes. (Further requirements are set out in the council's Standing Orders.)

The contracting rule

A member is disqualified from office if he or she is "concerned or interested" in contracts with their council if the total payments made, or to be made, by or on behalf of the council exceed \$25,000 in any financial year. The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which you are interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by you.

The Auditor-General can give prior approval, and in limited cases, retrospective approval for contracts that would otherwise disqualify you under the Act. It is an offence under the Act for a person to act as a member of the council (or committee of the council) while disqualified.

Non-pecuniary conflicts of interest

In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary conflicts of interest, including common law rules about bias. In order to determine if bias exists or not members need to ask:

"Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"

The question is not limited to actual bias, but relates to the appearance or possibility of bias reflecting the principle that justice should not only be done, but should be seen to be done. Whether or not members believe they are not biased is irrelevant.

Members should focus be on the nature of the conflicting interest or relationship and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- members' statements or conduct indicate that they have predetermined the decision before hearing all relevant information (that is, members have a "closed mind"); and
- members have a close relationship or involvement with an individual or organisation affected by the decision.

In determining whether or not they might be perceived as biased, members must also take into account the context and circumstance of the issue or question under consideration. For example, if a member has stood on a platform and been voted into office on the promise of implementing that platform then voters would have every expectation that the member would give effect to that promise, however he/she must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as an RMA hearing).

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 that apply to local authorities and local/community boards. Of particular importance for the roles and conduct of elected members is the fact that the chairperson has the responsibility to maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

- create a disturbance or a distraction while another councillor is speaking;
- be disrespectful when they refer to each other or other people; or

- use offensive language about the council, other members, any employee of the council or any member of the public.

See Standing Orders for more detail.

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 third 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, and/or fines up to \$1000. A conviction would therefore trigger the ouster provisions of the LGA 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; and
- use information gained in the course of their duties for their, or another persons, 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 automatically cease to be members.

Financial Markets Conduct Act 2013

Financial Markets Conduct Act 2013 (previously 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.

The Local Government Act 2002

The Local Government Act 2002 (LGA 2002) sets out the general powers of local government, its purpose and operating principles. Provisions directly relevant to this Code include:

Personal liability of members

Although having qualified privilege, elected members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor General under s.44 LGA 2002, it is found that one of the following applies:

- a) money belonging to, or administered by, a local authority has been unlawfully expended; or
- b) an asset has been unlawfully sold or otherwise disposed of by the local authority; or
- c) a liability has been unlawfully incurred by the local authority; or
- d) a local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.

Members will not be personally liable where they can prove that the act or failure to act resulting in the loss occurred as a result of one of the following:

- a) without the member's knowledge;
- b) with the member's knowledge but against the member's protest made at or before the time when the loss occurred;

- c) contrary to the manner in which the member voted on the issue; and
- d) in circumstances where, although being a party to the act or failure to act, the member acted in good faith and relied on reports, statements, financial data, or other information from professional or expert advisers, namely staff or external experts on the matters.

In certain situation members will also be responsible for paying the costs of proceedings (s.47 LGA 2002).

Appendix B: Process for the determination and investigation of complaints

Step 1: Chief executive receives complaint

On receipt of a complaint under this Code the chief executive will refer the complaint to the Chairperson. In the event the Chairperson is a party to the complaint the chief executive will refer the complaint to the Deputy Chairperson. In the event both the Chairperson and Deputy Chairperson are involved the chief executive will refer the complaint to an investigator selected from a panel agreed at the start of the triennium. The chief executive will also:

- inform the complainant that the complaint has been referred to the Chairperson, Deputy Chairperson or independent investigator and the name of the investigator, and refer them to the process for dealing with complaints as set out in the Code; and
- inform the respondent that a complaint has been made against them and state who it has been referred to including the name of the investigator (if applicable), and refer them to the process for dealing with complaints as set out in the Code.

Step 2: Chairperson undertakes mediation

On receipt of a complaint under this Code the Chairperson (or Deputy Chairperson) will contact the parties to seek their agreement to mediation. If the parties agree and the issue is resolved by mediation the matter will be closed and no further action is required. If the parties do not agree to mediation or mediation is unsuccessful in resolving the matter the Chairperson will refer the complaint to an investigator selected from a panel agreed at the start of the triennium. The Chairperson will also:

- inform the complainant and the respondent that the complaint has been referred to the independent investigator and the name of the investigator.

Step 3: Investigator makes preliminary assessment

On receipt of a complaint the investigator will assess whether:

1. the complaint is frivolous or without substance and should be dismissed;
2. the complaint is outside the scope of the Code and should be redirected to another agency or process;
3. the complaint is non-material; and
4. the complaint is material and a full investigation is required.

In making the assessment the investigator may make whatever initial inquiry is necessary to determine the appropriate course of action. The investigator has full discretion to dismiss any complaint which, in their view, fails to meet the test of materiality.

On receiving the investigator's preliminary assessment the chief executive will:

1. where an investigator determines that a complaint is frivolous or without substance, inform the complainant and respondent directly and inform other members (if there are no grounds for confidentiality) of the investigator's decision;
2. in cases where the investigator finds that the complaint involves a potential legislative breach and outside the scope of the Code, forward the complaint to the relevant agency and inform both the complainant and respondent of the action.

Step 4: Actions where a breach is found to be non-material

If the subject of a complaint is found to be non-material the investigator will inform the chief executive and, if they choose, recommend a course of action appropriate to the breach, such as;

- that the respondent seek guidance from the Chairperson or Mayor;
- that the respondent attend appropriate courses or programmes to increase their knowledge and understanding of the matters leading to the complaint.

The chief executive will advise both the complainant and the respondent of the investigator's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a non-material breach are non-binding on the respondent and the council.

Step 5: Actions where a breach is found to be material

If the subject of a complaint is found to be material the investigator will inform the chief executive, who will inform the complainant and respondent. The investigator will then prepare a report for the council on the seriousness of the breach.

In preparing that report the investigator may:

- consult with the complainant, respondent and any affected parties;
- undertake a hearing with relevant parties; and/or
- refer to any relevant documents or information.

On receipt of the investigator's report the chief executive will prepare a report for the council or committee with delegated authority, which will meet to consider the findings and determine whether or not a penalty, or some other form of action, will be imposed. The chief executive's report will include the full report prepared by the investigator.

Step 6: Process for considering the investigator's report

Depending upon the nature of the complaint and alleged breach the investigator's report may be considered by the full council, excluding the complainant, respondent and any other 'interested' members, or a committee established for that purpose.

In order to avoid any suggestion of bias, a Code of Conduct Committee may often be the best mechanism for considering and ruling on complaints. Committees should be established at the start of a triennium with a majority of members selected from the community through either an application process or by invitation.

The council or committee will consider the chief executive's report in open meeting, except where the alleged breach concerns matters that justify the exclusion of the public, such as the misuse of confidential information or a matter that would otherwise be exempt from public disclosure under s.48 of the LGOIMA, in which case it will be a closed meeting.

Before making any decision in respect of the investigator's report the council or committee will give the member against whom the complaint has been made an opportunity to appear and speak in their own defence. Members with an interest in the proceedings, including the complainant and the respondent, may not take part in these proceedings.

The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in section 13.1 of this Code.

In accordance with this Code councils will agree to implement the recommendations of a Code of Conduct Committee without debate.

Terms of Reference for Committees

2016 - 2019

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Terms of Reference 2016-2019

Communications Committee

Purpose

To monitor and provide guidance on Council's community, stakeholder and staff engagement including public information and education, corporate profile, publications and media.

Reporting

The Communications Committee reports to Council.

Meetings

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

Delegations

The Communications 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

Chair – Cr Deaker,
Deputy Chair – Cr Hope

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

A quorum of the Communications Committee shall be six members.

Explanatory Comment

The Communications Committee will take an overview of the following matters:

- Public information and corporate profile.
- Engagement with the public and stakeholder groups.
- Sharing Council's environmental information and knowledge with the public.
- Approve and monitor the Council's public information and education strategies.
- Promote healthy water, air and land.
- Liaison with stakeholder groups.
- Biodiversity awareness and initiatives.
- Reporting from EnviroSchools.

Finance and Corporate Committee

Purpose

To guide and monitor the Council's financial affairs and administrative performance, Long Term Plan, Annual Plans, and public passenger transport, and to oversee the implementation of the Local Government Act.

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 Plan and associated policies, and to conduct all consultation and hearings with the public concerning them.
- To endorse schedules of accounts for payment.
- To consider matters of financial impact other than as provided for in the Annual Plan.
- To oversee public passenger transport in the region.
- To endorse submissions in relation to Local Government Act and corporate matters.

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

Chair – Cr Brown

Deputy Chair – Cr Noone

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 have oversight of the financial affairs of the Council public passenger transport and Local Government Act matters. 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.

Policy Committee

Purpose

- To analyse, develop and recommend to Council all strategies, policies and plans, and to assess their effectiveness.
- To make submissions to other authorities and Government.

Reporting

The Policy Committee reports to Council.

Meetings

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

Delegations

- The Policy Committee has delegations from the Council to make submissions and representations on matters within its statement of purpose on Otago councils' district plans and neighbouring councils' regional plans.
- The Policy Committee may, where consistent with all relevant statutes, approve public consultation and call for submissions on this Council's draft, proposed, and indicative policies, plans and strategies. [This delegation does not include formal notification of Council's proposed plans.]
- The Policy Committee may endorse submissions, or appeals concerning district planning and consents within Otago; submissions on legislation and regulations (including submissions to Parliamentary Select Committees), and submissions on crown agency and parliamentary discussion documents.
- The Policy 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

Chair – Cr Robertson

Deputy Chair – Cr Laws

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

A quorum of the Committee shall be six members.

Explanatory comment

The Policy Committee will be responsible for establishing and reviewing the community focused resource and development policy instruments of Council under the Biosecurity Act, the Building Act and the Passenger Transport Management Act. It will also be responsible for ensuring council participation in development and of all Crown legislative, regulatory, and policy proposals affecting Council.

Regulatory Committee

Purpose

To oversee and monitor the Resource Management Act, Biosecurity Act and Building Act consents and compliance processes, and to take an overview of any Court proceedings associated with these activities.

Reporting

The Regulatory Committee reports to the Council.

Meetings

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

Delegations

The Regulatory Committee shall have the following delegations:

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

The Regulatory 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

Chair – Cr Scott

Deputy Chair – Cr Neill

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

A quorum of the Regulatory Committee shall be six members.

Explanatory Comment

The Regulatory Committee shall take an overview of:

- Consents processes;
- The monitoring of compliance with Council issued consents, and any follow up actions required;
- The effectiveness of Council plans in meeting Council objectives;

Technical Committee

Purpose

- To identify, analyse, develop and recommend to Council scientific and technical information needs for Council operations, policy development and environmental monitoring.
- To provide an overview of technical information generated by, and for, Council.
- To overview Council's management of waterways and drainage and flood protection schemes.
- To monitor and manage natural hazard risks.

Reporting

The Technical Committee reports to the Council.

Meetings

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

Delegations

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

The Technical 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

Chair – Cr Lawton

Deputy Chair – Cr Woodhead

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

A quorum of the Technical Committee shall be six members.

Explanatory Comment

The Technical 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.
- Resource Science research and investigations.
- State of the environment reporting.

Objections Committee

Purpose

- To consider and determine any objections in respect of consent or other statutory decisions.

Membership

The Objections Committee shall have a membership of four Councillors.

A quorum of the Objections Committee shall be three members.

Members

Cr Neill (Chair)

Cr Robertson

Cr Noone

Cr Scott

Meetings

As and when required.

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

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

A quorum of the Employment Committee shall be six members.

Meeting frequency

As required

Delegation

A Subcommittee may be formed to manage and oversee process related to the monitoring of the Chief Executive's employment contract and performance assessments.

The Subcommittee will report to the Employment Committee.

Subcommittee membership to be:

- Council Chairperson
- Council Deputy Chairperson
- Two other Councillors

Commissioner Appointment Subcommittee

Purpose

- To appoint Councillor 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 Regulatory Committee.

Meetings

As and when required.

Delegations

Pursuant to the Resource Management Act 1991:

- To appoint 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 of four Councillors and the Chief Executive.

A quorum of the Commissioner Appointment Subcommittee shall be three members.

Members

Cr Robertson (Chair)

Cr Woodhead

Cr Scott

Cr Noone

Chief Executive – Peter Bodeker

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 Transport Committee

Objective

To undertake the functions as prescribed by the *Land Transport Management Act 2003*.

Membership

The Regional Transport Committee for Otago (RTC) comprises:

- Two Regional Council representatives (Chair and Deputy Chair).
- One representative from the New Zealand Transport Agency.
- One District Council representative from each of the:
 - Clutha District Council.
 - Central Otago District Council.
 - Dunedin City Council.
 - Queenstown Lakes District Council.
 - Waitaki District Council.

Total membership of the Otago committee equals eight. This is dictated by Section 105 of the *Land Transport Management Act 2003* (LTMA).

Representatives are appointed by the Regional Council on the nomination of NZ Transport Agency and each of the territorial local authorities.

Members

Otago Regional Council, Cr Trevor Kempton (Chair)
Otago Regional Council, Cr Graeme Bell (Deputy Chair)
New Zealand Transport Agency, Mr Jim Harland
Clutha District Council, Cr Bruce Graham
Central Otago District Council, Cr Barrie Wills
Dunedin City Council, Cr Kate Wilson
Queenstown Lakes District Council, Cr Alexa Forbes
Waitaki District Council, Cr Guy Percival

Meeting Schedule

The RTC normally meets at least three times a year but may meet more regularly depending on the work to be undertaken or the issues to be addressed. Where possible, members will be advised, in advance, of the meeting schedule for the year.

Role and Functions

The role and functions of the Regional Transport Committee are as follows:

1. To undertake the statutory requirements of the *Land Transport Management Act 2003* (Appendix One).
2. To prepare the Regional Land Transport Plan (RLTP) in cooperation with the Southland Regional Transport Committee, to prepare any applications to vary the RLTP and to process any applications to vary the RLTP (*LTMA section 106(1)(a)*).
3. To prepare and adopt a policy that determines significance in respect of:
 - a) any variations made to the RLTP.

- b) activities included in the RLTP (*LTMA section 106(2)*).
4. To provide any advice and assistance the regional council may request on its transport responsibilities generally (*LTMA section 106(1)(b)*).
 5. To undertake monitoring to assess implementation of the Regional Land Transport Plan including monitoring of the performance of activities (*LTMA section 16(3)(f) and 16(6)(e)*), in cooperation with the Southland Regional Transport Committee.
 6. To consult on a draft Regional Land Transport Plan for the Region in accordance with the consultation principles specified in sections 18 and 18A of the *Land Transport Management Act 2003*, in cooperation with the Southland Regional Transport Committee.
 7. To complete a review of the Regional Land Transport Plan during the six-month period immediately before the expiry of the third year of the Plan (*LTMA section 18CA*) in cooperation with the Southland Regional Transport Committee.
 8. To advise the Council on any significant legislative changes, programmes, plans or reports relating to the region's transport system.
 9. To prepare and implement regional transportation planning studies, or pan-regional studies with the Southland Regional Transport Committee, when necessary.
 10. To represent and advocate for transport interests of regional and/or pan-regional Otago Southland concern.
 11. To consider and submit on transport-related policies, plans and consultation documents issued by the Ministry of Transport, New Zealand Transport Agency, regional/district councils, and other relevant organisations as considered appropriate, including submitting jointly with the Southland Regional Transport Committee when appropriate.
 12. To liaise with the Ministry of Transport, New Zealand Transport Agency, Commissioner of Police, regional/district councils, and other interested parties on transport matters, and advise the Council on any appropriate new initiatives as considered appropriate.
 13. To cooperate with the Southland Regional Transport Committee and to engage with other regional transport committees and working parties, which from time to time may be established.
 14. To consider advice and recommendations from the Otago Southland Regional Technical Advisory Group.

Members' responsibilities for reporting back to the organisation they represent

Each member of the RTC is expected to report back regularly to their organisation on matters discussed at Committee meetings, on the RLTP transport priorities for the region, its objectives and policies, and other content.

Terms of Membership

Should a vacancy occur in the membership of the RTC, the Committee Secretary shall report this to the next meeting of the Council, which shall invite the nominating organisation to nominate a replacement.

Quorum and Voting Rights

A RTC meeting cannot proceed unless five committee members are present, at least one of whom shall be a representative of the regional council.

No voting will occur unless there is a quorum of committee members from those organisations allowed to vote on these matters.

The Chairperson has a deliberative vote and in the case of an equality of votes does not have a casting vote. Clause 24 of the 7th schedule of the Local Government Act otherwise applies to voting.

The purpose of encouraging each organisation to have alternates to ensure that each of the organisations involved in the RTC - the TLAs, NZTA and the regional council - is able to bring their organisation's view to the table and to report back the outcome to their organisation.

Each organisation (i.e. the regional council, NZTA and each district/city council) is therefore encouraged to have alternative representatives to act as a replacement should the appointed representative be absent from a meeting. The participation of an alternate in an RTC meeting or workshop will be at the discretion of the RTC Chairperson.

Alternates do not count towards a quorum and do not have voting rights.

Delegated Authority – Power to Act

The Regional Transport Committee:

1. Does have the ability to appoint a sub-committee to hear RLTP, submissions, working parties, advisory groups and, where there is urgency or special circumstances, a subcommittee to deal with any matters of responsibility within the Committee's Terms of Reference and areas of responsibility, and to make recommendations to the Committee on such matters, provided that a subcommittee does not have power to act other than by a resolution of the committee with specific limitations.
2. Does have the ability to make decisions in accordance with its Terms of Reference and the Land Transport Management Act 2003.

Power to Act (for the information of Council)

The Regional Transport Committee has the power to:

1. Monitor any transport activities of the Regional Council, Territorial Authorities and New Zealand Transport Agency in order to report on progress on the Regional Land Transport Plan.
2. Prepare and recommend variations to the Regional Land Transport Plan that trigger the RTC's significance policy.
3. Consider and recommend transportation planning studies and associated outcomes.
4. Provide recommendations to relevant Government agencies on transport priorities for the region and the allocation of national or regional transport funds.

Audit and Risk Subcommittee

1. Purpose of Audit and Risk Subcommittee

- 1.1 The Otago Regional Council (ORC) Audit and Risk Subcommittee is a subcommittee of the Finance and Corporate Committee.
- 1.2 The primary purpose of the Audit and Risk Subcommittee (the Subcommittee) is to assist the ORC in fulfilling governance responsibilities relating to the management systems, financial, legislative, health and safety, and reporting practices of the ORC.
- 1.3 The principal roles of the Subcommittee are to:
 - a) Assist ORC in fulfilling its governance responsibilities relating to the accounting and financial reporting practices, and the internal controls, compliance and financial risk management practices;
 - b) Ensuring that the risks facing ORC are identified and the potential impacts are assessed;
 - c) Ensuring that the identified risks are managed and necessary controls are built into business processes;
 - d) Serve as an independent and objective party to review the financial information presented by management.

2. Membership and Quorum

- a) The Subcommittee shall have four members consisting of the Chair, Deputy Chair, Chair Finance and Corporate Committee, and an independent member who shall be the Subcommittee Chair. Other Councillors are encouraged to attend meetings of the Audit and Risk Subcommittee.
- b) The Subcommittee has the ability to co-opt members.
- c) The quorum shall be three.

3. Attendance at Meetings

- a) Unless otherwise requested, the Chief Executive and the Director Corporate Services are to attend meetings.
- b) Other parties may be invited to attend by the Subcommittee to assist the Subcommittee in its work.
- c) There shall be at least one meeting per year, or part thereof, where the external Auditors shall attend.
- d) External Auditors (or internal Auditors) may request a special meeting if they consider this to be necessary.

4. Delegated Powers

The Subcommittee is authorised by the Council through the Finance and Corporate Committee to:

- a) Review matters within its Terms of Reference;
- b) Seek information that it requires from the Chief Executive who is required to co-operate with appropriate requests made by the Subcommittee;
- c) Request access to outside legal or independent professional advice should it consider this necessary; such advisors may attend meetings if so requested;
- d) Undertake other such matters of a financial nature that the Subcommittee may from time to time deem important; and
- e) Make recommendations to the Finance and Corporate Committee.

5. Responsibilities

Responsibilities of the Subcommittee shall include:

Audit and Reporting

- a) Review the external auditor's management letter including ensuring that management's responses are adequate.
- b) Consider any matters referred to it by an internal audit function.
- c) Consider any changes in accounting policies, standards or reporting requirements requiring Council approval.
- d) Satisfy itself about the existence and quality of cost-effective internal control systems, and the proper application of procedures.
- e) Review the draft financial statements and groups of activities prior to being furnished to Council for adoption as part of the annual report.
- f) Consider other matters referred to the Subcommittee by the Council.

Financial Risk Management

- a) Maintain overview of contingent liabilities.
- b) Consider matters relating to the strategy for the establishment of rates.
- c) Maintain an overview of financial reserves.

Investment

- a) Review the performance of the investment portfolio, annually.
- b) Receive and review reports on the performance of Council's commercial activities.

Strategic Council Performance Management

- a) Review the results of measurements undertaken during the year of progress towards the achievement of Annual Plan targets (such measures are subject to audit under the Local Government Act).
- b) By request of Council, review the cost effectiveness of major programmes in delivering ORC's contribution to Annual Plan targets.
- c) Set criteria and review budgets, early in the budget cycle, to understand the reasons behind budget decisions to ensure that proposals going forward into the budget have been systematically and rigorously analysed, and to make recommendations.
- d) Review the integrity of data collection, processing and application.

Insurance and Disaster Recovery

Review insurance and disaster recovery matters.

Project management

Review project management procedures.

Health & Safety

- a) Review the Council's adherence to its Health & Safety Policy including operational risk management of health and safety, health and safety performance, incidents and response.

Legal Requirements

- a) Receive annually a report of the legislation the Council is required to operate under and/or enact.
- b) Review the Council's adherence to the legislation that affects Council.

Other

The Subcommittee may review other matters they consider relevant.

6. Reporting Procedures

- a) The Subcommittee shall be accountable to the Finance and Corporate Subcommittee, in relation to the Subcommittee's activities and responsibilities.
- b) The Subcommittee shall conduct an annual review of its work and the Terms of Reference and the Chairperson shall make a report to the Finance and Corporate Subcommittee at the end of each financial year.

SIGNIFICANCE and ENGAGEMENT POLICY

26 November 2014

A668088

Introduction

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

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

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

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

Significance

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

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

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

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

Degree of significance

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

- the extent of any consequences or impacts on Otago residents and ratepayers, or stakeholders, including the consequences for or impacts on future generations. A moderate impact on a large number of residents or ratepayers, and a major impact on a small number of residents or ratepayers will have higher degrees of significance than when there is a minor impact on any number of residents or ratepayers;
- the level of public interest likely to be generated within the region or New Zealand generally;
- any likely effect on the ability of the ORC to perform its role, carry out its existing activities and meet statutory timeframes;
- any financial and other costs or implications.
- the impacts on people's ability to use property or essential services;
- if the issue, proposal, decision or other matter involves a strategic asset as listed in this policy.

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

Financial guidelines for assessing the degree of significance

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

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

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

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

Procedures

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

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

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

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

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

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

Engagement

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

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

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

Forms of engagement

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

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

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

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

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

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

Legislative requirements for consultation

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

Local Government Act 2002

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

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

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

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

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

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

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

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

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

Resource Management Act 1991

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

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

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

Other engagement matters

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

- matters determined to be significant, if not already consulted on under legislative requirements;
- engaging with individuals and communities on water quantity issues and the availability of water;
- engaging with individuals and communities on water quality issues, and ways to comply with council's Water Plan requirements;
- liaising with those living within our flood protection and drainage scheme areas on scheme matters;
- engaging with communities on ways to improve air quality;
- engaging with land owners and occupiers on matters including pest animal and pest plant controls; and
- seeking information on customer satisfaction with services provided, and the council as a whole.

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

Consultation with Maori

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

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

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

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

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

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

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

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

Strategic Assets

The Act defines strategic assets as:

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

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

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

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

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, e.g.; 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

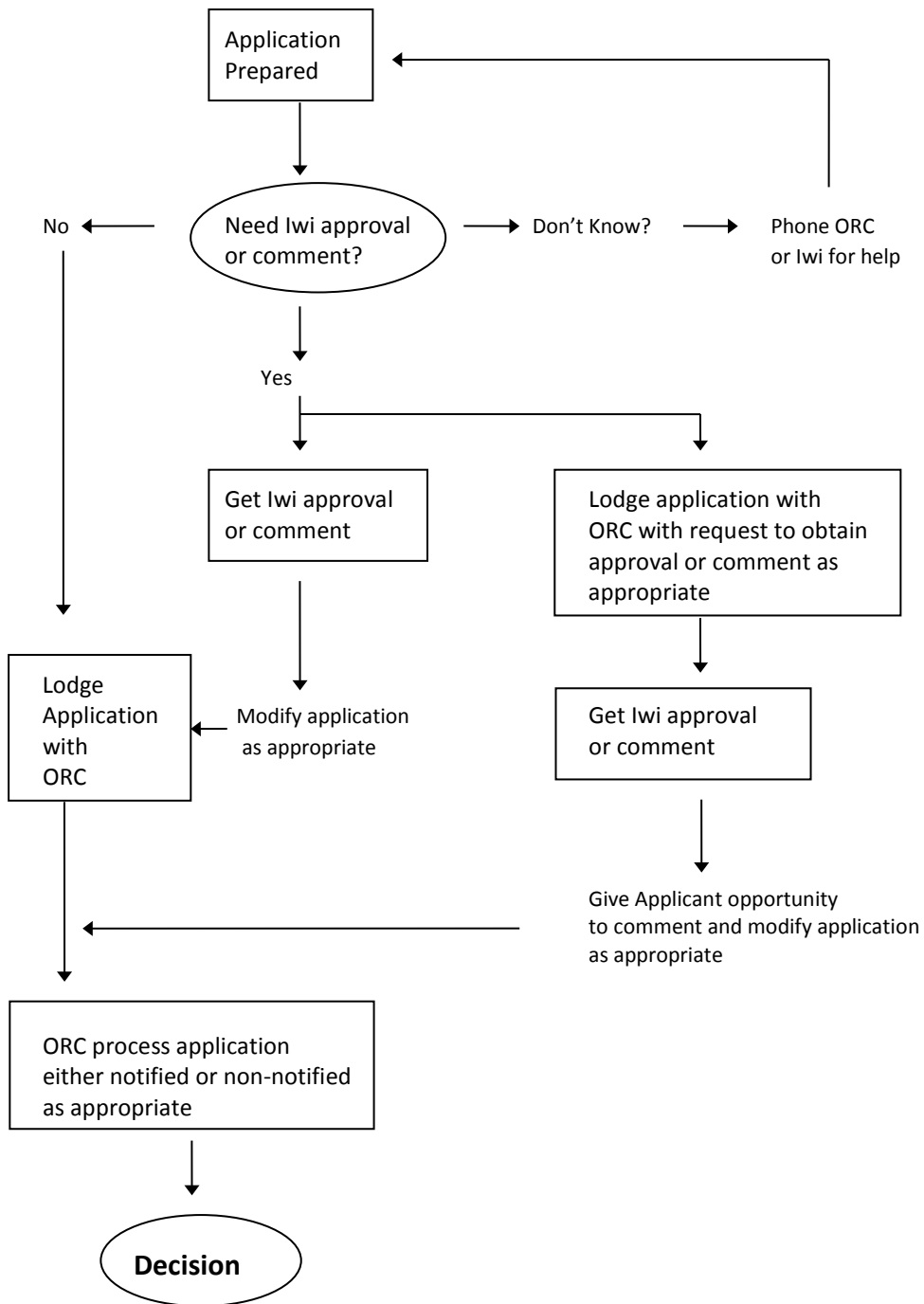
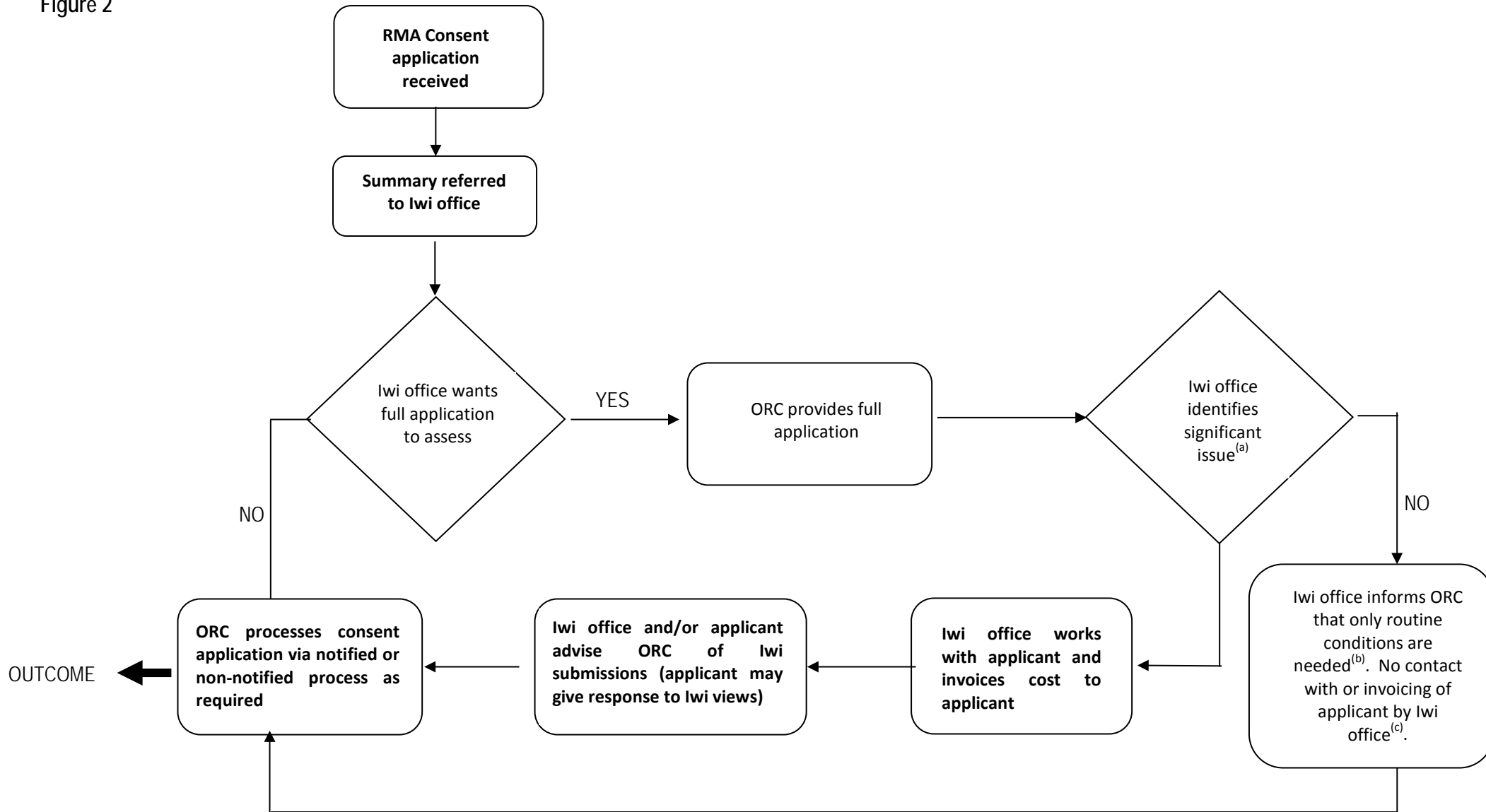


Figure 2



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.

