

Extra-ordinary Whangarei District Council

Notice of Meeting

A extra-ordinary meeting of the Whangarei District Council will be held in the Council Chamber, Forum North, Whangarei on:

**Tuesday
30 September 2014
8.30am**

Committee

Her Worship the Mayor (Chairperson)
Cr S J Bell
Cr S J Bretherton
Cr C B Christie
Cr P A Cutforth
Cr S J Deeming
Cr S M Glen
Cr P R Halse
Cr C M Hermon
Cr G C Innes
Cr G M Martin
Cr B L McLachlan
Cr S L Morgan
Cr J D T Williamson

OPEN MEETING

APOLOGIES

CONFLICTS OF INTEREST

Members are reminded to indicate any items in which they might have a conflict of interest.

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Local Government Act 2002 Amendment Act 2012

Full consideration has been given to the provisions of the Local Government Act 2002 Amendment Act 2012 in relation to decision making and in particular the current and future needs of communities for good quality local infrastructure, local public services and performance of regulatory functions in a way that is most cost effective for households and businesses. Consideration has also been given to social, economic and cultural interests and the need to maintain and enhance the quality of the environment in taking a sustainable development approach.

**Recommendations contained in the Council agenda are NOT Council decisions.
Please refer to Council minutes for resolutions.**

1. Draft Significance and Engagement Policy

Reporting officer Dominic Kula (Governance Manager)

Date of meeting 30 September 2014

Vision, mission and values

This item is in accord with Council's vision, mission and values statement.

Introduction

Prior to the 2014 amendments, the Local Government Act 2002 (the Act) required councils to have a Policy on Significance and specified consultation requirements. Prescribed consultation was mostly via use of the special consultative procedure, a formal process involving a number of steps that must be followed.

The changes to the Act allow more flexibility around engagement and consultation. In doing so, however, the Act requires Council to adopt a Significance and Engagement Policy (SEP) by 1 December setting out:

- The general approach to determining the significance of proposals and decisions in relation to issues, assets, and other matters.
- Any criteria or procedures that are to be used in assessing the extent to which issues, proposals, assets, decisions, or activities are significant or may have significant consequences.
- How Council will respond to community preferences about engagement on decisions relating to specific issues, assets, or other matters, including the form of consultation that may be desirable.
- How Council will engage with communities on other matters.

Draft Significance and Engagement Policy

While initial advice from the Department of Internal Affairs was that changes to the Act would not be passed before the General Election, numbers were eventually secured and the changes passed into law on 8 August. The release of Guidance on Significance and Engagement Policies from the New Zealand Society of Local Government Managers (SOLGM) coincided with changes to the Act coming into force.

The guidance document was distributed to councillors at the Finance and Support Focus Group meeting on 21 August. At that meeting staff familiarised elected members with the requirement for, and components of, an SEP and got feedback on a proposed process and timeframes for development.

At the Finance and Support Focus Group meeting on 18 September, staff summarised work undertaken in reviewing the existing Significance Policy, engagement preferences and 'what works'. In order to provide clarity and arrive at a common understanding there was also further discussion of the terms 'consultation' and 'engagement' in the context of subsequent sector advice received and the International Association for Public Participation (IAP2) spectrum for engagement. The meeting then went on to discuss how the above could be applied utilising industry guidance and a SEP template in order to develop a draft SEP.

It is worth noting at this point that the SEP template was developed collaboratively by councils within the Waikato region with sector body input. The template also went through legal review to ensure compliance with the requirements of the Act. Use of the template therefore enables Council to leverage off work undertaken within the industry, rather than starting with a blank canvas.

The template provides for each council to populate sections that will be unique to its circumstances and approach, notably:

- The process, criteria, and/or thresholds for determining significance.
- The definition of strategic assets in compliance with the Act.
- The methods for consultation and engagement and how they will be determined.

The relevant sections of the draft SEP have been populated based on existing information/practices and feedback received at the Finance and Support Focus Group meeting on 18 September. Key changes made to the template include:

- Inserting existing Significance criteria/thresholds of Council.
- Extending criteria/thresholds to cover 'circumstances where a small number are affected but there is a large impact' and 'operational cost/revenue impacts'.
- Aligning the overarching policy principles to criteria/thresholds.
- Inclusion of methods for consultation and engagement and how they will be determined.

Consultation

The Act states that when adopting or amending a SEP "*the local authority must consult in accordance with section 82 unless it considers on reasonable grounds that it has sufficient information about community interests and preferences to enable the purpose of the policy to be achieved*". While the draft SEP is not considered to trigger significance under the existing criteria/thresholds, and it could be argued and the criteria/thresholds and practices in the SEP are by and large familiar to the community, consultation is recommended in order to ensure that the draft SEP reflects the interests and preferences of our community.

Section 82 of the Act sets out the principles for consultation and provides discretion for Council to observe these in a manner it considers appropriate. Key considerations in developing a proposed consultation programme for the draft SEP have included;

- Ensuring that those with an interest have access to, understand and are able to present their views on the draft SEP in a way that meets their needs and preferences.
- Collating those views in a way that Council can consider them with an open mind and provide feedback on any resulting decisions.

While traditional consultation methods such as notification and submissions provide an opportunity for structured feedback they can have low return and may not facilitate understanding of the draft SEP. An alternative approach is to seek feedback through a survey canvassing the community regarding their preferences for how and when they are involved in making decisions. This would provide for structured feedback while ensuring opportunity for comments through open questions.

While this could be achieved through a survey company, this would involve unbudgeted expenditure, may not be the most efficient means of gaining feedback and may not be possible in the timeframe imposed by the Act for approval of a SEP. Given this and the existing channels available to Council for publicising the draft SEP (i.e. Council's website, social media, Council News, media releases) an on-line survey is considered an efficient and effective mechanism for the community to present views enabling broad distribution. In addition this would enable in-depth analysis of feedback for consideration of Council in decision making.

As a result of the discussion above the following consultation process is proposed for the draft SEP:

- A consultation period of four weeks from 6 October to 31 October.
- That materials including an outline of the draft SEP (including the associated consultation process), the draft SEP and an on-line survey be made available to Te Karearea, advisory groups, resident/ratepayer groups and the public.
- That the on-line survey be accessible from WDC website and social media no later than 6 October (hard copies to be available if requested).
- That an article on the draft SEP (and associated consultation) be included in Council News on 7 October directing the reader to the online survey with follow up(s) in Council News later in the consultation period.
- General distribution of materials at customer service centres and libraries.

The results of consultation would then be analysed and reported back to Council for consideration.

Recommendation

1. That Council adopt the draft Significance and Engagement Policy 2014 for consultation in accordance with Section 76AA of the Local Government Act 2002.
2. That Council approves the proposed consultation process for the Significance and Engagement Policy 2014 and authorises the Chief Executive to implement this.
3. That Council authorises the Chief Executive to make any necessary minor drafting, typographical or presentation corrections to the draft Significance and Engagement Policy 2014 prior to consultation.

Attachment

[Draft Significance and Engagement Policy \(14/79105\)](#)

Whangarei District Council

**Significance and
Engagement Policy**

Policy #

2014

Policy title			
Audience (Primary)	External	Business Owner (Dept)	Governance
Policy Author	Governance Manager	Review date	

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Policy title			
Audience (Primary)	External	Business Owner (Dept)	Governance
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Purpose and Scope

Council's Significance and Engagement Policy is intended to:

1. Enable Council and its communities to identify the degree of Significance attached to particular issues, proposals, assets, Decisions and activities
2. Provide clarity about how and when communities can expect to be engaged in Decisions to be made by Council
3. Inform Council from the beginning of a decision-making process about the extent of public Engagement expected and the, form and type of Engagement required.

Definitions for this Policy

Community	A group of people living in the same place or having a particular characteristic in common.
Consultation	A process of informing the public and seeking information or feedback from the community to inform and assist Decision making. Consultation is a more formal version of "engagement", and is generally prescriptive by legislation and time bound.
Decisions	Refers to all of the Decisions made by or on behalf of Council including those made by officers under delegation.
Emergency Works	Work undertaken to repair and restore Council infrastructure and services following natural events and/or disasters.
Engagement	Engagement is a process which involves all or some of the public and is focused on Decision-making or problem-solving.. There is a continuum of community Engagement.
Significance	As defined in Section 5 of the LGA2002 "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
Strategic Asset	As defined in Section 5 of the LGA2002 "in relation to the assets held by a local authority, means an asset or group of assets that the local authority needs to retain if the local authority is to maintain the local authority's capacity to achieve or promote any outcome that the local authority determines to be important to the current or future well-being of the community; and includes— (a) any asset or group of assets listed in accordance with section 76 AA (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"

Policy title			
Audience (Primary)	External	Business Owner (Dept)	Governance
Policy Author	Governance Manager	Review date	

Policy

4. In considering the degree of Significance of every issue requiring a Decision, Council will have regard to the following principles:
 - a) The potential effect on delivering on Council's direction
 - b) The parties who are likely to be particularly affected by, or interested in, the Decision or proposal
 - c) The likely impact/consequences of the Decision or proposal from the perspective of those parties
 - d) The financial and non-financial costs and implications of the Decision or proposal having regard to Council's capacity to perform its role.
5. On every issue requiring a Decision by Council, the degree of Significance and the corresponding level of engagement will be considered and documented using the criteria/thresholds outlined under the Determining Significance section of this policy.
6. Engaging with the Community is considered to be key to understanding the views and preferences of people likely to be affected by, or who have an interest in, a particular issue. Accordingly, Significance and Engagement will be considered in the early stages of a proposal before Decision making occurs and, if necessary, reconsidered as a proposal develops.
7. Council is required to undertake a Special Consultative Procedure as set out in Section 83 of the Local Government Act 2002, or to carry out Consultation in accordance with or giving effect to Section 82 of the Local Government Act 2002, on certain matters (regardless of whether they are considered Significant as part of this policy).
8. For all other issues requiring a Decision, Council will determine the appropriate level of Engagement on a case by case basis. In general, the more Significant an issue, the greater the need for community Engagement.
9. The Community Engagement Guide (attached) identifies the form of Engagement Council will use to respond to some specific issues. It also provides examples of types of issues and how and when communities could expect to be engaged in the Decision making process.
10. Differing levels of Engagement may be required during the varying phases of Decision-making on an issue, and for different stakeholders.
11. Joint Management Agreements, Memorandum of Understanding or any other similar high level agreements (such as the Te Karearea Strategic Relationship Agreement) will be considered as a starting point when engaging with Māori.

Determining Significance

12. In determining the degree of Significance of any issue, Council will apply the following criteria/thresholds. With the exception of emergency works, a Decision is significant if (in Council's judgement) two or more of the criteria / threshold measures are triggered:

Criteria/Thresholds	Measure
Impact on Council's direction	Major and long-term
Change in Council's current level of service	Major and long-term
Level of public impact and/or interest	Major and District-wide, or Major for an identified community of interest
Impact on Council's capability (non-cost)	Major and long-term

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Criteria/Thresholds	Measure
Net financial cost/revenue of implementation, excluding any financial impact already included in an LTP/Annual Plan	Net Capital Expenditure >10% of Total Rates in year commenced, <u>and/or</u> Net operating Expenditure >2.5% of Total Rates in year commenced

Implementation

13. When any issue requiring a Decision is determined as being significant (i.e. having a high degree of Significance):
 - a) The Decision will be made by Council or a committee with delegated authority
 - b) A report to Council or the committee will include an assessment of the degree of Significance of the issue, the degree of Engagement proposed, the Engagement plan proposed and a recommendation.
14. When any issue requiring a Decision is determined as not being significant:
 - a) The Decision will be made by Council or a committee, Member or officer with delegated authority
 - b) Where Council or a committee have delegated authority a report will include an assessment of the degree of Significance of the issue and note what, if any, Engagement is proposed. Broadly, the amount and form of Engagement will be expected to be in proportion to the Significance, although other factors relevant to this assessment include the nature and circumstances of the Decision (refer to Section 79 of the Local Government Act 2002)
 - c) A Member or officer acting under delegated authority will not be required to formally document the assessment of Significance or Engagement, as the matters they deal with are likely to be of low Significance.
15. When Council makes a Decision that is significantly inconsistent with this policy, the steps identified in Section 80 of the Local Government Act 2002 will be undertaken.

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Adoption

This Policy has been approved for adoption by the Governance Manager and the Group Manager Support Services.

Governance Manager

Date

Group Manager Support Services.

Date

Policy adopted by Council Resolution on XX XXXXXXXX 2014

Schedule 1 - Strategic Assets

Section 5 of the Local Government Act requires the following to be listed in this Policy:

- 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 following is a list of assets or group of assets that Council needs to retain if it is to maintain its capacity to achieve or promote any outcome that it determines to be important to the current and future needs of the community.

- 50% holding in the Whangarei District Airport
- 50% holding in the Puwera Landfill and ReSort
- pensioner housing
- transportation and traffic network including footpaths, street lighting and parking, but excluding land sale/purchases
- wastewater network and treatment plant
- water treatment, storage and supply network
- stormwater network
- reserves and sportsfields
- Forum North complex
- Hikurangi Swamp Drainage Scheme
- libraries.

For the purposes of sections 76AA and 97 Council will consider strategic assets by group where appropriate. Changes to individual components of a strategic asset group are not considered to change the status of the overall group unless they materially alter the nature of that group.

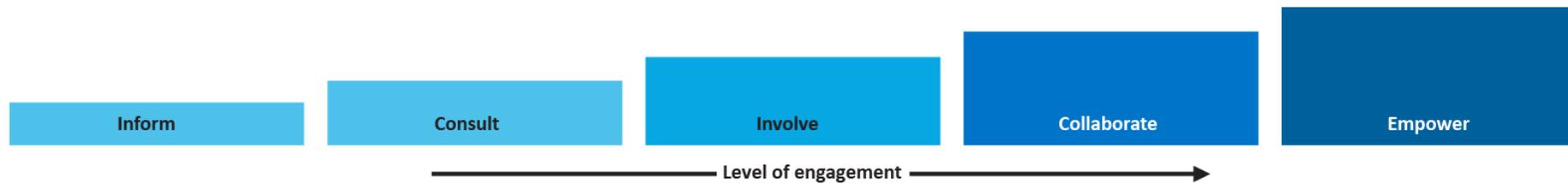
Schedule 2 – Community Engagement Guide

Community Engagement:

- Is a process
- Involves all or some of the public
- Is focused on Decision-making or problem-solving.

The International Association for Public Participation (IAP2) has developed a Public Participation Spectrum to demonstrate the possible types of Engagement with the community. This model also shows the increasing level of public impact as you progress through the spectrum from left to right - 'inform' through to 'empower'. In simply 'informing' stakeholders there is no expectation of receiving feedback, and consequently there is a low level of public impact. At the other end of the spectrum, 'empowering' stakeholders to make Decisions implies an increase in expectations and therefore an increased level of public impact. It will not always be appropriate or practicable to conduct processes at the 'collaborate' or 'empower' end of the spectrum. Many minor issues will not warrant such an involved approach. Time and money may also limit what is possible on some occasions.

In general, the more significant an issue, the greater the need for community Engagement.



When engaging with the community, Council will:

- Seek out and encourage contributions from people who may be affected by or interested in a Decision
- Provide relevant, timely and balanced information so people can contribute in a meaningful way
- Provide appropriate ways for people to have their say
- After the Decision is made, tell the community what the Council Decision is and the reasons for that Decision.

Forms of Engagement

The Council will use the Special Consultative Procedure (as set out in section 83 of the LGA 2002) where required to do so by law, including for the following issues requiring Decisions:

- The adoption or amendment of a Long Term Plan (in accordance with section 93 A of the LGA 2002)
- The adoption, amendment, or revocation of bylaws if required under section 156(1)(a) of the LGA 2002
- The adoption, amendment or revocation of a Local Alcohol Policy
- The adoption or review of a Local Approved Products (Psychoactive Substances) Policy
- The adoption or review of a class 4 venue policy under the Gambling Act 2003
- The preparation, amendment or revocation of a waste management and minimisation plan
- The adoption of fees and charges where specifically required to use an SCP under relevant legislation (i.e. fees and charges under the RMA 1991)

Unless already explicitly provided for in the Long Term Plan, the Council will seek to amend its Long Term Plan, and therefore use the Special Consultative Procedure, when it proposes to:

- alter significantly the intended level of service provision for any Core Service undertaken by or on behalf of Council, including commencing or ceasing such an activity; or
- transfer the ownership or control of strategic assets, as listed in Schedule 1.

Council will consult in accordance with, or use a process or a manner that gives effect to the requirements of, section 82 of the LGA 2002 where required to do so by law, including for the following specific issues requiring Decisions:

- Adopting or amending the annual plan if required under section 95 of the LGA 2002
- Adopting or amending a bylaw if required under section 156(1)(b) of the LGA 2002
- Transferring responsibilities to another local authority under section 17 of the LGA 2002
- Establishing or becoming a shareholder in a council-controlled organisation
- Adopting or amending a Significance and Engagement Policy where Council considers that it does not have sufficient information about community interests and preferences to enable the purpose of the policy to be achieved.
- Adopting or amending a revenue and financing policy, development contributions policy, financial contributions policy, rates remission policy, rates postponement policy, or a policy on the remission or postponement of rate on Māori freehold land

For such Consultation, Council will develop information fulfilling the requirements of Section 82A of the LGA 2002, will make this available to the public, allow written submissions for a period of up to 4 weeks, and will consider all submissions presented prior to making Decisions.

Other Forms of Engagement

For all other issues, the following table provides an example of the differing levels of Engagement that might be considered appropriate, the types of tools associated with each level and the timing generally associated with these types of Decisions / levels of Engagement.

Level	Inform	Consult	Involve	Collaborate	Empower
What does it involve	One-way communication providing balanced and objective information to assist understanding about something that is going to happen or has happened.	Two-way communications designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform Decision making.	Participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to Decision-making.	Working together to develop understanding of all issues and interests to work out alternatives and identify preferred solutions.	The final Decision making is in the hands of the public. Under the Local Government Act 2002, the Mayor and Councillors are elected to make Decisions on behalf of their constituents.
Types of issues that we might use this for	<ul style="list-style-type: none"> Water restrictions 	<ul style="list-style-type: none"> Rates Review 	<ul style="list-style-type: none"> District Plan 	<ul style="list-style-type: none"> Harbour Management Plan 	<ul style="list-style-type: none"> Electoral voting or a proposed change in systems (i.e. to STV or Maori seats)
Tools Council might use	<ul style="list-style-type: none"> Website Radio Council News Facebook 	<ul style="list-style-type: none"> Formal submissions and hearings Focus groups Phone surveys/ surveys Inviting feedback through Facebook and website 	<ul style="list-style-type: none"> Workshops Focus groups Face-to-face one-on-one 	<ul style="list-style-type: none"> External working groups (involving community experts) 	<ul style="list-style-type: none"> Binding referendum Local body elections
When the community can expect to be involved	Council would generally advise the community once a Decision is made.	Council would advise the community once a draft Decision is made by Council and would generally provide the community with up to four weeks to participate and respond.	Council would generally provide the community with a greater lead in time to allow them time to be involved in the process.	Council would generally involve the community at the start to scope the issue, again after information has been collected and again when options are being considered.	Council would generally provide the community with a greater lead in time to allow them time to be involved in the process. e.g. typically a month or more.

Engagement tools and techniques

Over the time of Decision making, Council may use a variety of Engagement techniques on any issue or proposal and the tools may be adapted based on a range of other factors, including history and public awareness of the issue, stakeholder involvement, and timing related to other events and budgets. Council will also take into consideration that the community can feel “over consulted” (stop asking us what we think and get on with it). Each situation will be addressed according to both the issue and the phase of Decision making and the individual circumstances it presents.

Date Adopted:

By:

Ref/Minute No:

2. Confirmation of Recommendation of the 20/20 Inner City Revitalisation Committee

Reporting officer Paul Dell (Group Manager District Living)

Date of meeting 30 September 2014

Vision, mission and values

This item is in accord with Council's vision, mission and values statement as it promotes close engagement with the community in seeking options for development of the former Harbour Board / NRC Building.

Background

At its meeting of 18 September 2014 the 20/20 Inner City Revitalisation Committee (20/20 Committee) considered the item 'Consideration of development alternatives for the former Harbour Board/NRC Building' and adopted the following resolution:

- “1. *That the report be received.*
2. *That the Committee invite Te Huinga to nominate two representatives to assist in the assessment of proposals for the former Harbour Board / NRC Building.*
3. *That 17 October 2014 be confirmed as the initial assessment date.*
4. *That the recommendation from the assessment panel is brought to a council meeting prior to the end of October.”*

Recommendations outside of the delegations of the 20/20 Committee are subject to the approval of Council, this is generally by confirmation of the minutes.

In this instance the recommendation of the 20/20 Committee provides for the initial meeting of the assessment panel to take place on 17 October, it is therefore necessary for Council to consider the above recommendation of the 20/20 Committee prior to that date.

Recommendation

1. That the information be received.
2. That the following recommendation of the 20/20 Inner City Revitalisation Committee be adopted:
 - “1. *That the report be received.*
 2. *That the Committee invite Te Huinga to nominate two representatives to assist in the assessment of proposals for the former Harbour Board / NRC Building.*
 3. *That 17 October 2014 be confirmed as the initial assessment date.*
 4. *That the recommendation from the assessment panel is brought to a council meeting prior to the end of October.”*