

DRAFT SIGNIFICANCE

AND

ENGAGEMENT POLICY

1 OCTOBER 2014

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THINGS LIKE SALE OF ASSETS,
10 YEAR PLAN, ANNUAL PLAN,
RATES IMPACT ETC ETC ETC

RIGHT
CONVERSATIONS
WITH THE
RIGHT PEOPLE
ABOUT THE
RIGHT ISSUES

INTRODUCTION

Our Council engages with our community every day and in many different ways. It can be a one-way simple communication to keep someone or a group informed or it can be a two-way process of consultation, when Council asks a section of the public, or the whole community, for their view to inform decision-making.

This draft policy has been developed to give the community certainty about when people can expect to be informed of a proposed Council action or be asked for a view on an issue to help inform a decision. It outlines what the Council will take into account when deciding what is significant and when the community will have a direct opportunity to contribute to decision-making.

In short – we want to have the right conversations with the right people about the right issues before making significant decisions.

This policy outlines the type of things that you can expect to be consulted about like: the sale of assets; the key issues in the 10 Year Plan and Annual Plan; a decision that will change a service that you expect and value or something that will add cost to the ratepayer.

For the Council, the policy guides our assessment of whether an issue or proposal is important (significant) to the community. It gives certainty that those important decisions will be treated in an agreed way with the community, and that Council will follow the local government rules of engagement and meet the purpose of local government:

DEFINING SIGNIFICANCE

“to enable democratic local decision-making and action by, and on behalf of, communities...”
Local Government Act 2002.

Why does the Policy Exist?

To provide greater clarity on the Council’s decision making processes and how our community can participate in them. This policy sets out what you can expect from QLDC regarding consultation and the options open to you, to influence and participate in local and district-wide decision making.

What is the Term of the Policy?

The Policy will be reviewed every three years as part of the 10 Year Plan Special Consultative Procedure.

What is the Special Consultative Procedure?

This is the formal process which enables the community to have a say on a significant decision. The Council will take the community’s views into account before making a decision. This is more a formal process than inviting feedback. There are rules about how we undertake special consultation (see *Appendix 4*). Comments are treated as formal submissions (which will be made publicly available) and submitters can choose to present their views at a hearing before elected members. See *page 3* for matters that the Council must use the procedure for, by law. See *page 5* for ‘how’ and ‘when’ the Council will consult using this procedure.

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HOW WILL WE DETERMINE THE SIGNIFICANCE OF A DECISION AND WHEN WILL WE USE THE SPECIAL CONSULTATIVE PROCEDURE?

The Council will determine significance in two ways outlined in A and B:

A. ASSESSMENT

Thresholds and criteria for determining Significance:



- i. **Importance to the Queenstown Lakes District** – the extent to which the matters impact on the environment, culture and people of the District (eg significant capital projects).
- ii. **Community Interest** – the extent to which individuals, organisations, groups and sectors in the community are affected by the Council’s decisions.
- iii. **Inconsistency with existing policy and strategy** – the extent of inconsistency and the likely impact.
- iv. **The impact on the Council’s capability and capacity** – the impact on the objectives set out in the Financial Strategy, Ten Year Plan and Annual Plan.

Council officers will need to think about each of the four criteria and make a recommendation about the decision’s significance to the elected members. The final decision about the significance of any matter rests with elected members. When making this determination other factors may need to be considered; eg: urgency, safety, commercial sensitivity and public good.

B. STRATEGIC ASSETS

The policy needs to list the assets that the Council considers to be significant strategic assets. Any decision relating to the sale or transfer or sale of shareholding of any of the following assets is a significant matter and will trigger the Special Consultation Process. To clarify:

- i. Any decision that transfers or changes ownership or control of strategic assets to or from the Council is a significant matter.
- ii. Significant Strategic Assets (as outlined in the table below).
- iii. The sale or transfer of shareholding of any of the following assets will trigger the Special Consultation Process.
- iv. Long term lease of strategic assets (other than land).

Queenstown Airport	Queenstown Events Centre
Wanaka Airport	Queenstown Memorial Centre
Water Supply Infrastructure	Lake Wanaka Centre
Sewage Treatment Plant(s)	Swimming Pools
Transfer Stations and Recycling Centre (Queenstown only)	Playgrounds, Reserves and Community Halls, Cemeteries, Gardens, Sports fields and libraries listed in schedule (Appendix 3)
Roading Network	Victoria Flat Landfill (shared ownership)

Guidelines

- >> Every agenda item requiring a decision of Council will require the author to consider significance and engagement.
- >> Each proposal or decision will be considered on a case by case basis to determine significance
- >> The consideration, disclosure and consultation will be proportional to the significance of the decision

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WHAT IS THE SPECIAL CONSULTATIVE PROCEDURE REQUIREMENT?

This is a more formal process than asking for feedback. Our Council will use the special consultative procedure where the law says we must; and where the Council considers there is a high degree of significance to the community (to be determined on a case by case basis); and where a significant asset is to be sold, transferred or shares sold.



In respect of all other decisions, the Council may choose whether or not it will undertake community engagement on differing scales, depending on the issue. This is outlined but not limited to those methods listed under Consultation (*non SCP*) on page 6).

¹ According to the Local Government Act Part 8: Section 156 (see Appendix 5), The Council does not need to use the Special Consultative Procedure if the change is minor or a correction of an error. In such a case, the minor change can be made by resolution, publicly notified.

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HOW WILL WE CONSULT AND ENGAGE?

In May 2014 we asked people to tell us how they preferred to receive information from us, and how they wanted to share their views. The answers form the basis of this section.

We will communicate across multiple channels to reach ratepayers and residents. These include:



We acknowledge that just as we have a responsibility to provide opportunities for people to engage with us, the Community in turn has a responsibility to consider whether to accept them and engage with the Council. We will respect every individual's right to choose or refrain from engagement with Council.

These are some of the ways that people have told us they want to engage with their elected members and pass on their views:

- o Emailing
- o On-line (surveys / on-line feedback)
- o In person at meetings
- o By phone

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WHEN WE WON'T CONSULT OR ENGAGE

There are times where we won't normally consult the community because the issue is routine, or operational, or because there is an emergency. We know that "consultation fatigue" or over-consultation can cause people to tune out of conversations with Councils, so we want to concentrate on having the right conversations on the issues that are genuinely significant. Here are some of the things that we won't generally be asking about:

- Organisational decisions (ie staff changes and operational matters) that do not materially reduce a Level of Service²
- Emergency management activities during a state of emergency – Civil Defence Emergency Management Act 2002
- Decisions taken to manage an urgent issue, or
- Decisions to act where it is necessary to -
 - o comply with the law;
 - o save or protect life, health or amenity
 - o prevent serious damage to property;
 - o avoid, remedy or mitigate an adverse effect on the environment;
 - o Protect the integrity of existing and future infrastructure and amenity
- Decisions that are commercially sensitive (i.e. awarding contracts)
- Any decisions that are made by delegation/sub-delegation to officers
- Entry or exit from a development agreement (private contract) as per section 207A Local Government Act 2002;
- Decisions in relation to regulatory and enforcement activities
- Where we are not required to consult by law, we can consider making a decision without consultation on a case by case basis.

² Levels of service define the services that the Council provides to the community. For example, the facilities and the hours they are open; the standards to which we maintain parks or road surfaces; how often rubbish and recycling are collected. All of these levels of service are set out in the Ten Year Plan. If the Council changed something that would materially affect the community and involved a change to the level of service agreed in the Ten Year Plan, then we would need to consider consulting the community about that. If the Council considered that the change was not material or would not alter the level of service – for example changing the way we do something – then we might assess that this was purely operational and would not require specific consultation.

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LESS FORMAL ENGAGEMENT

There are many times when we will consult or engage with the community in a less formal way without using the special consultative process. *This is set out in Appendix 1.*

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PRINCIPLES OF ENGAGEMENT

This is what you can expect from us:

- a. We will be genuine in our consultation and engagement.
 - o We will have an open mind to community feedback before making decisions.
 - o We will give our community a timely opportunity to have a say.
- b. We want to meet community expectations regarding consultation and engagement.
- c. We will empower the community to give informed feedback and wherever possible enable the community to consider options relating to the decision.
- d. We want to engage and consult with the community appropriately.
- e. We will not treat consultation or engagement as a poll or a referendum; feedback will be weighted accordingly with other considerations.
- f. We will always provide feedback to those who made the effort to give us their opinions and we will explain our decisions.

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PROVIDING INFORMATION

We know that people need good information to base their opinions on. You can expect that if we ask your views, we will always let you know:

What is proposed?

Why?

What options we have?

Our preferred option and why?

Costs and rating impact if any.

What are the impacts (if any)?

How the community can have a say?

The timeframe.

How we will communicate the outcome?

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HEARINGS AND FEEDBACK

- Where practical, hearings will be held in the location of the affected community(ies)
- Where a district-wide consultation has been undertaken, hearings will be held in both Wanaka and Queenstown
- The Council can allow any person to present his or her views to the local authority by way of audio link or audio-visual link
- If we're asked to do so, the Council will facilitate interpretation (including Te Reo and sign language)
- There is no requirement under the amendment to the LGA to provide individual feedback but we do need to provide access to decisions. Our

policy is to go further than the Act requires. Consequently:

- o we will acknowledge the receipt of any submission (automatically acknowledged online) and notify the decision either via email or by letter.
- o we will make all decisions available online
- o we will provide free access to terminals to residents and ratepayers so they can read and download decisions online (libraries and Council offices)

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CHANGES TO THE SIGNIFICANCE AND ENGAGEMENT POLICY

- Changes to the Significance and Engagement Policy do not have to be made through the Special Consultative Procedure, and may be made by Council resolution.
- Council will review the policy whenever we prepare a Ten Year Plan (ie every three years). Any material changes to the policy will be highlighted in the Ten Year Plan.
- Alternatively, the Council will consult on any material changes using the Special Consultative Procedure.

ENGAGEMENT TOOLS

TOOLBOX

Consultation – Length of Engagement as required under LGA or if not a requirement, reflective of a 20 working day principle.		
WHAT?	HOW?	WHEN?
Special Consultative Procedure	<ul style="list-style-type: none"> • Statutory Notice • Advertising radio and newspaper • Scuttlebutt feedback form • Online feedback form • Press Releases • Social Media • Drop in sessions • Hui • Consider targeted consultation if any special interest groups or stakeholders (email, letter or direct contact) • Hard Copies available at Council facilities (offices and libraries) • Submissions • Hearing • Public decision • Direct feedback to all submitters. 	<ul style="list-style-type: none"> • Adoption and amendment to 10 Year Plan <ul style="list-style-type: none"> > Change to Level Of Service > Non funded capital project > Asset Management Plan • Making, amending or revoking a bylaw. • Transfer of ownership of a significant strategic asset (these should be part of schedule) • Changes to financial policies • As required by other Acts (eg Local Government (Rating) Act 2002)
Consultation (non SCP) <i>(this is not to inform this is to genuinely consult on options and consider feedback before a decision is taken)</i>	<ul style="list-style-type: none"> • Statutory Notice (if required) • Advertising radio and newspaper • Drop in Sessions • Community Forum • Hui • Press Releases • Social Media • Hard Copies available at Council facilities (offices and libraries) • Consider targeted consultation if any special interest groups or stakeholders (email, letter or direct contact) • Submissions • Hearing • Public decision • Direct feedback to submitters. 	<ul style="list-style-type: none"> • Reserves Act <ul style="list-style-type: none"> > management plans • Resource Management Act <ul style="list-style-type: none"> > Project delivery > Consents and licensing Local Government Act 1974 <ul style="list-style-type: none"> > Road closure • Making Minor Bylaw Changes (as per LGA 2002 Section 156) which must be changed by publicly notified resolution.

Engagement – If appropriate, period of notice will vary, but where possible 20 working days.		
WHAT?	HOW?	WHEN?
Information on Projects (the decision has been taken to undertake the project) Service Provision (eg facility promotions, Libraries, sport and rec, event funding) Education (eg community resilience)	<ul style="list-style-type: none"> • Statutory Notice (if required) • Targeted information if any special interest groups or stakeholders such as affected retail or neighbours (email, letter or direct contact) • Press Release or advisory (as appropriate) • Stakeholder databases (eg promotion bodies and chambers) • Advertising • Social Media • Public forum at Council meetings 	<ul style="list-style-type: none"> • Road works • Street-scaping • Trees • Water, Wastewater, Stormwater • Reserve works • Service disruptions <ul style="list-style-type: none"> > Water outage > Boil Water Notice • Civil Defence preparedness <ul style="list-style-type: none"> > Weather/Emergency • Democratic Processes (Electoral Act) • Mandatory requirement/amendment (Central Government)
Community	<ul style="list-style-type: none"> • Targeted information if any special interest groups or stakeholders such as affected retail or neighbours (email, letter or direct contact) • Press Release or advisory (as appropriate) • Stakeholder databases (eg promotion bodies and chambers) • Advertising • Social Media 	<ul style="list-style-type: none"> • Events • Facilitation • Social Issues • Advocacy (eg Central Government)

OTHER METHODS

In addition to the toolbox as outlined, additional methods of consultation and engagement can be included such as:

Community Forums/Workshops (including Shaping Our Future)

Resident and Ratepayer Survey

Phone Survey

Street Survey (targeting demographic)

Texting

Posters

Rates Notice

Electronic Newsletter

Brochures

Displays (eg Pastoral Shows)

Community Road Shows

Targeted Education (eg Schools)

Cinema Advertising

Bus Advertising

Editorial

User interface (eg sports groups)

- > The Council is not limited to use the tools as outlined.

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LOCAL GOVERNMENT ACT 2002 AMENDMENT BILL (NO 3)

Appendix 2 contains 4 relevant sections from the Local Government Act 2002 Amendment Bill (No 3) which relate to this policy being:

- 76AA Significance and Engagement Policy
- 83 Special Consultative Procedure
- 86 Use of special consultative procedure in relation to making, amending, or revoking bylaws
- 156 Consultation requirements when making, amending, or revoking bylaws made under this Act

76AA Significance and engagement policy

- “(1) Every local authority must adopt a policy setting out—
 - “(a) that local authority’s general approach to determining the significance of proposals and decisions in relation to issues, assets, and other matters; and
 - “(b) any criteria, or procedures that are to be used by the local authority in assessing the extent to which issues, proposals, assets, decisions, or activities are significant or may have significant consequences; and
 - “(c) how the local authority 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; and
 - “(d) how the local authority will engage with communities on other matters.
- “(2) The purpose of the policy is—
 - “(a) to enable the local authority and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities; and
 - “(b) to provide clarity about how and when communities can expect to be engaged in decisions about different issues, assets, or other matters; and
 - “(c) to inform the local authority from the beginning of a decision-making process about—
 - “(i) the extent of any public engagement that is expected before a particular decision is made; and
 - “(ii) the form or type of engagement required.
- “(3) The policy adopted under **subsection (1)** must list the assets considered by the local authority to be strategic assets

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83 Special consultative procedure

- (1) Where this Act or any other enactment requires a local authority to use or adopt the special consultative procedure, that local authority must—
 - (a) prepare and adopt—
 - (i) a statement of proposal; and
 - (ii) if the local authority considers on reasonable grounds that it is necessary to enable public understanding of the proposal, a summary of the information contained in the statement of proposal (which summary must comply with section 83AA); and
 - (b) ensure that the following is publicly available:
 - (i) the statement of proposal; and
 - (ii) a description of how the local authority will provide persons interested in the proposal with an opportunity to present their views to the local authority in accordance with section 82(1)(d); and
 - (iii) a statement of the period within which views on the proposal may be provided to the local authority (the period being not less than 1 month from the date the statement is issued); and
 - (c) make the summary of the information contained in the statement of proposal prepared in accordance with paragraph (a)(ii) (or the statement of proposal, if a summary is not prepared) as widely available as is reasonably practicable as a basis for consultation; and
 - (d) provide an opportunity for persons to present their views to the local authority in a manner that enables spoken (or New Zealand sign language) interaction between the person and the local authority, or any representatives to whom an appropriate delegation has been made in accordance with Schedule 7; and
 - (e) ensure that any person who wishes to present his or her views to the local authority or its representatives as described in paragraph (d)—
 - (i) is given a reasonable opportunity to do so; and
 - (ii) is informed about how and when he or she may take up that opportunity.
- (2) For the purpose of, but without limiting, subsection (1)(d), a local authority may allow any person to present his or her views to the local authority by way of audio link or audiovisual link.
- (3) This section does not prevent a local authority from requesting or considering, before making a decision, comment or advice from an officer of the local authority or any other person in respect of the proposal or any views on the proposal, or both.

Section 83: replaced, on 8 August 2014, by section 25 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

86 Use of special consultative procedure in relation to making, amending, or revoking bylaws

- (1) This section applies to the following:
 - (a) making a bylaw to which section 156 applies:
 - (b) amending a bylaw to which section 156 applies (other than under subsection (2) of that section):
 - (c) revoking a bylaw to which section 156 applies.
- (2) Where the special consultative procedure is used in relation to an activity described in subsection (1), the statement of proposal referred to in section 83(1)(a) must include,—
 - (a) as the case may be,—
 - (i) a draft of the bylaw as proposed to be made or amended; or
 - (ii) a statement that the bylaw is to be revoked; and
 - (b) the reasons for the proposal; and
 - (c) a report on any relevant determinations by the local authority under section 155.

Section 86: substituted, on 28 June 2006, by section 9 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

156 CONSULTATION REQUIREMENTS WHEN MAKING, AMENDING, OR REVOKING BYLAWS MADE UNDER THIS ACT

- (1) When making a bylaw under this Act or amending or revoking a bylaw made under this Act, a local authority must—
 - (a) use the special consultative procedure (as modified by section 86) if—
 - (i) the bylaw concerns a matter identified in the local authority's policy under section 76AA as being of significant interest to the public; or
 - (ii) the local authority considers that there is, or is likely to be, a significant impact on the public due to the proposed bylaw or changes to, or revocation of, the bylaw; and
 - (b) in any case in which paragraph (a) does not apply, consult in a manner that gives effect to the requirements of section 82.
- (2) Despite subsection (1), a local authority may, by resolution publicly notified,—
 - (a) make minor changes to, or correct errors in, a bylaw, but only if the changes or corrections do not affect—
 - (i) an existing right, interest, title, immunity, or duty of any person to whom the bylaw applies; or
 - (ii) an existing status or capacity of any person to whom the bylaw applies:
 - (b) convert an imperial weight or measure specified in a bylaw into its metric equivalent or near metric equivalent

SCHEDULE OF ASSETS

Wakatipu Ward

- Earnslaw Park, Queenstown
- Queenstown Gardens, Queenstown
- Queenstown Water Front Reserve, Queenstown
- Kelvin Peninsula Reserve, Queenstown
- Queenstown Camp Ground, Queenstown
- Arrowtown Camp Ground, Arrowtown
- Frankton Camp Ground, Queenstown
- Arrowtown Gaol (Cardigan Street)
- Queenstown Arts Centre, Queenstown
- Lower Shotover, Queenstown, Arrowtown, Kingston Cemeteries
- Library Buildings - Arrowtown, Glenorchy and Kingston
- Halls - Glenorchy, Lake Hayes, Arrowtown, and Memorial Centre
- Heritage Buildings - Malaghan Building, 44 Stanley Street, Queenstown, Williams Cottage 21 Marine Parade Queenstown, 63 Buckingham Street, 59 Buckingham Street, 61 Buckingham Street, 61a Buckingham Street
- Elderly Housing - Durban Street in Arrowtown
- Gorge Road Civic Building/ Queenstown Library

Wanaka Ward

- Lake Front Reserve, Wanaka
- Wanaka Arts Centre, Wanaka
- Pembroke Park, Wanaka
- Eely Point Reserve, Wanaka
- Glendhu Bay Camp Ground, Wanaka
- Cardrona Reserve, Cardrona
- Wanaka, Cardrona Cemeteries
- Library Buildings - Wanaka Library
- Halls - Hawea Flat, Luggate, Cardrona, Lake Wanaka Centre.
- Heritage Buildings - Church at the Cardrona reserve
- Elderly Housing - McDougall Street in Wanaka
- Albert Town Camp Ground

Note playgrounds are not individually listed but are situated on reserves and fall under the Reserves Act – sale or transfer of ownership must include public consultation.