

Wanganui District Council Consultation Guidelines



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Developed: July 2008
Review date: October 2011
Ref: D-14876

1. Purpose

- 1.1. These consultation guidelines are a resource for the Council. They set out an approach for Council's consultative process. They ensure officers are aware of their responsibilities and provide useful information for planning and implementing consultation processes.
- 1.2. The Consultation Guidelines provide a tool-kit of approaches for Council staff and Councillors to consider.

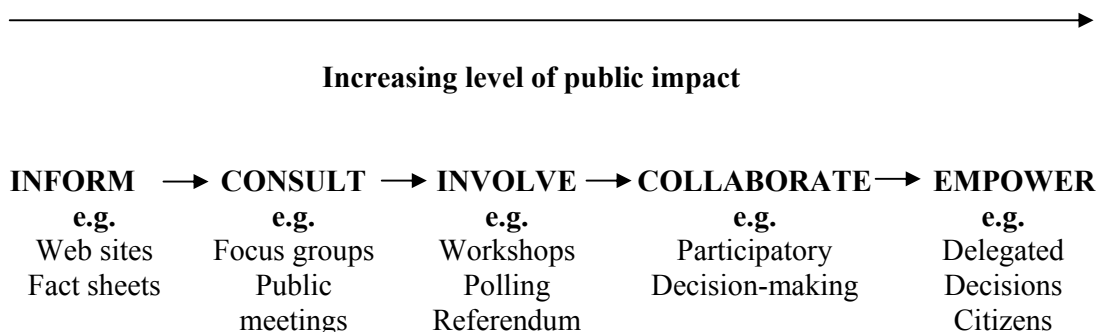
2. Context

- 2.1. The Wanganui District Council is committed to community consultation processes. These are grounded in the Council's core values and encourage meaningful participation in the decision-making process by local people and other stakeholders. This assists the Council to respond to the needs and aspirations of the Wanganui district in significant and proactive ways.
- 2.2. Local Government Act (2002) - The Wanganui District Council must meet specific obligations in deciding when to consult as required by the Local Government Act 2002. This statute outlines principles of consultation and minimum consultation requirements, but does not impose mandatory practices.
- 2.3. Council Values –
 - **Leadership** – to provide leadership for the community and to advocate on its behalf
 - **Community stewardship** – to effectively and efficiently manage community facilities and resources
 - **Participatory democracy** – to consult with the community to identify needs and determine priorities for allocating resources
 - **Regional cooperation** – to work with our regional partners
 - **Accountability to ratepayers** – to balance the provision of services with the communities ability to pay

3. Consultation

3.1 What is Consultation?

Consultation is part of the wider public participation spectrum¹ that includes:



On the consultation continuum, consultation may involve meeting with an individual, to open participation through the Special Consultative Procedure. Consultation involves the statement of a proposal not yet finally decided upon, listening to what others have to say, considering their responses, and then deciding what will be done². However, community consultation is not the only consideration in Council decision-making. The Council also draws on other information, such as research, existing Council policies and relevant legislation.

4. Consultation objectives:

Consultation is defined as a process of dialogue prior to decision-making. It is expected to fulfil the following objectives:

- 4.1 To provide adequate information that clearly identifies the issues and purpose of consultation.
- 4.2 To ensure sufficient time is provided for interested members of the community to participate.
- 4.3 To make it easy for people to participate in, and influence the development of the Wanganui district by providing a choice of participation methods.
- 4.4 To make the consultative process open and transparent.
- 4.5 To consult effectively, balancing the consultative process with available resources.
- 4.6 To build and maintain positive relationships with the wider community.
- 4.7 To ensure that the Council's statutory obligations and legal requirements regarding consultation are met.
- 4.8 To improve the Council's decision-making through community involvement.

¹ www.iap2.com

² See *Wellington International Airport Ltd. v Air NZ [1991] NZLR 671*

- 4.9 To ensure that the needs and preferences of the community are heard and considered.
- 4.10 To report decisions back to the community and provide reasons for the decision.

5. Consultation Checklist

To assist in decision-making, Sections 78 to 90 of the Local Government Act 2002, sets out requirements when consulting. See **Appendix 5** of this document.

The following checklist also provides guidance about:

- Whether to consult;
- What method of consultation to use;
- When to consult, that is, at what stage in the decision-making process.

	STEP ONE: WILL WE CONSULT?	This first step will help you decide whether or not you should consult. You may wish to complete the whole checklist as part of your consultation planning	
A	What is the issue or problem?	<i>Describe here</i>	Describe and continue checklist
B	Are there legislative requirements to consult on this issue?	<i>Yes/No</i>	If Yes – Consult If No – Continue Checklist
C	Is the decision ‘significant’ in terms of the Council’s Policy on Determining Significance? Refer also to Section 4 (Appendix 1)	<i>Yes/No</i>	If Yes – Consult If No – Continue Checklist
D	Have interested or affected persons had the opportunity to present their views?	<i>Yes/No</i>	If Yes – Continue Checklist If No – Consult
E	What decision(s) need(s) to be made?	<i>Describe here</i>	Continue Checklist
F	What information do we need to help us make the decision(s)?	<i>Describe here</i>	Continue Checklist
G	What information do we already have?	<i>Describe here</i>	Continue Checklist
H	What information do we still need to gather?	<i>Describe here</i>	Continue Checklist
I	Will consultation give us some of this information?	<i>Yes/No</i>	If Yes – Consult If No – Continue Checklist
J	What are the costs/benefits of consulting?	<i>Describe here</i>	If benefits outweigh costs – Consult Otherwise – Continue Checklist
K	What are the costs/benefits of NOT	<i>Describe</i>	If costs outweigh

	consulting?	<i>here</i>	benefits – Consult Otherwise – Continue Checklist
L	Is there any other reason NOT to consult on this issue?	<i>Yes/No plus reason</i>	If Yes – Don't Consult If No – Continue Checklist
M	Is there anything that is likely to be of significance to Tangata whenua and/or Māori?	<i>Yes/No</i>	If Yes – Consult Tangata whenua and/or Māori If No – No requirement to consult Tangata whenua and/or Māori
	STEP TWO: WHAT METHOD OF CONSULTATION	There are a number of methods of consultation outlined in the section 'How do we Consult?' – The most effective method(s) should be adopted.	
N	What is the most effective method of consultation?	<i>Select method</i>	See possible methods listed in the section 'How do we Consult?'
	STEP THREE: WHEN WILL WE CONSULT?	Remember it is consultation 'good practice' to: Consult as early as possible in the decision making process; and Consult throughout the decision-making process.	
O	When defining or identifying the issue or problem?	<i>Yes/No</i>	Continue Checklist
P	When setting out objectives/goals?	<i>Yes/No</i>	Continue Checklist
Q	When identifying the possible solutions/options?	<i>Yes/No</i>	Continue Checklist
R	When comparing/assessing different solutions/options?	<i>Yes/No</i>	Continue Checklist
S	When the decision is made?	<i>Yes/No</i>	Checklist Completed

Identify the target group (that is who we will consult with).

The Wanganui District Council will meet its legal responsibility, as set out in the Local Government Act 2002, to accurately reflect the needs and interests of the wider community. Therefore, consultation may include seeking the input of:

- Iwi and Maori organisations
- People with a large stake in the decision
- Other territorial local authorities
- Central government departments and agencies
- Businesses
- Local community groups
- Sector groups

- Voluntary groups
- Any other person who has an interest in the issue

6. How do we consult?

The method of consultation will vary from issue to issue. It is the Council's objective to use the most effective method of consultation depending on the issue and the parties involved.

6.1 Methods of consultation

- Tupoho Working Party and TamaUpoko Link meetings
- Community Surveys – for gathering data from a large sample population, e.g. the Community Views Survey (undertaken every 3 years)
- Community non-binding referenda
- Community Meetings – a chaired meeting held in a community place to present proposals to a community (useful for distributing information, but offers limited opportunity for one-on-one dialogue and participation)
- Polls
- Public Meetings – to canvass different points of view, and to hear and respond to community opinions on specific issues
- Identifying Community Outcomes (these are required every 6 years)
- Hui – consultation with Māori and Iwi
- Meetings with other key agencies – discussions with representatives from key organisations for improved two-way dialogue
- Focus Groups – structured meeting made up of stakeholders sharing common demographics/interests, to discuss a specific topic (useful to test differences, degrees of consensus and deliberating opinions between groups).
- Working Parties – key individuals working on a specific issue or proposal
- Workshops – meeting involving community and other key stakeholders focused on generating ideas for development (useful for generating conceptual options and gaining a consensus on a general direction)
- Forums – key individuals from other like-minded agencies contributing to a dialogue on the issue
- Reference Groups – meeting of interested/affected parties made up of informed community representatives (“community advisory group”) or key stakeholders (“stakeholder reference group”) brought together by policy-makers – the meeting acts as a forum and ongoing point of reference for consultation throughout the life of a project
- Telephone/Hotline – one-on-one discussions or submissions
- E-Consultations – internet, electronic mailing lists, e-mail, face book or chat rooms for feedback, submissions or dialogue with a specific audience
- Special Consultative Procedure – the Council prepares a statement of proposal and a summary for public inspection; they then receive submissions on the specified issue. Public meetings are held for the Council to deliberate on the proposal and hear submissions (See Appendix 2).

6.2 Consultation with Iwi

Consultation with Iwi is done to engage with Tangata Whenua, those who hold Mana Whenua in an area. Tangata Whenua are those who have an ancestral connection, authority and responsibility with and for an area or rohe.

Other methods of Wanganui District Council consultation are through the Council's two formal Iwi Working Groups. Items can be placed on the agenda of TamaUpoko Link or the Tupoho Working Party, or both. This can include getting advice on consultation itself. Iwi may wish to be inherently involved in policy development on a partnership basis, rather than being consulted as an interested party.

Appropriate Iwi people can be approached directly. The difficulty is in finding out who might be appropriate to approach. The Council Cultural Advisor will be able to give guidance.

The building of relationships is important for the current issue and the future. Consultation should involve face to face discussion if at all possible. Iwi venues are preferable as this is more comfortable for Iwi. Letters are best used for post-consultation follow-up or confirmation.

Any consultation event should be seen as preliminary, as Iwi will usually need to refer back to others to get a consensus. It is therefore important to allow plenty of time for this process to occur. Also, your issue may be lower priority than others under consideration.

The people being consulted may be subject to consultation overload, so be considerate. If a person is to be co-opted into a group, payment for services may be needed.

Some matters will involve other Iwi within the District, or may be passed on to particular hapu to deal with.

In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, Section 4 of the Local Government Act and Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes.

7. Different Needs of Different Target Groups

7.1 Pacific Peoples

Recognise the different Pacific Island communities within the District (Cook Islands, Fiji, Samoa, Niue, Tokelauan, Tuvaluan, Tongan).

Pacific Radio is a useful consultation tool. It has a large following. The Wanganui District Council has a Pasifika Working Party who will best advise on consultation.

7.2 People with Disabilities

The Wanganui District Council supports the Wanganui Region Disability Strategy through the Wanganui Disabled Assembly and this organisation represents various disability groups. This group may be able to advise you on how best to consult.

7.3 Youth

Consult with young people on the same issues as everyone else. Wanganui District Council has a Youth Committee. This group may be able to advise you on how best to consult with youth.

7.4 Sector-Based Community Groups (Often referred to as Non-Government Organisations (NGO's))

These groups are representative bodies of wider groups and you must allow enough time for them to consult with individuals affiliated to them.

They may meet only once a month and over the Christmas period it may be only two or three month. You will need to find out when they meet and how long they require passing the information to their members. Six weeks is recommended as a minimum period for consultation.

7.5 Media

As part of a consultation process, the Council may decide to highlight an issue through the media. As well as advertising the consultation process in a public notice in a newspaper, there are opportunities to provide background and more detailed information. These opportunities include media briefings, media releases, advertorials, radio discussion slots, Council Face book special events that will attract media interest etc.

8. When are we required to consult?

The Council's statutory requirement to consult falls under the following legislation:

Local Government Act (2002)

The following principles will guide the Wanganui District Council in deciding when to consult:

- There a legislative requirement under the Local Government Act 2002.
- People are affected or have an interest in the decision
- There is insufficient information to make the decision

The Wanganui District Council must meet specific obligations as required by the Local Government Act 2002. This statute outlines principles of consultation and minimum consultation requirements, but does not impose mandatory practices. The

following sections will direct our commitment to community involvement and the maintenance of an open dialogue. See Appendix 5.

- Section 77 – Requirements in relation to decisions.
- Section 78 – Community views in relation to decisions
- Section 79 – Compliance with procedures in relation to decisions
- Section 80 - Identification of inconsistent decisions
- Section 81 – Contributions to decision-making processes by Māori
- Section 82 – Principles of consultation
- Section 83 – Special consultative procedure
- Section 83A – Combined or concurrent consultation
- Section 84 – Special consultative procedure in relation to Long-term Council Community Plans
- Section 85 – Use of special consultative procedure in relation to annual plans
- Section 86 – Use of special consultative procedure in relation to adoption or review or amendment to bylaws
- Section 88 – Use of special consultative procedure in relation to change of mode of delivery of significant activity
- Section 90 Policy on Significance – Council must adopt a policy setting out its general approach to determining the significance of decisions in relation to issues, assets or other matters.
- Section 91 – Process for identifying community outcomes
- Section 93 – Long-term Council Community Plan
- Section 95 – Annual Plan
- Section 97 – Certain decisions to be taken only if provided for in Long-term Council Community Plan
- Sections 102 – 111 – Council policies
- Section 125 – Requirement to assess water and other sanitary services
- Section 156 – Special consultative procedure must be used except in certain cases
- Section 181 – Construction of works on private land

There are a number of other principle statutes that are requiring powers around consultation. They include:

Land Transport Management Act (2003)

Schedule 1 – Provisions relating to programmes, part 1, contents of land transport programmes

Part 2 Section 15 – proposing works that were not in the annual land transport programme

Reserves Act (1977)

Sections 24 and 24A – Changing Reserve Status

Section 41 – Management plans

Resource Management Act (1991)

The Resource Management sets out processes for public involvement in certain decisions, for example when preparing and changing district plans.

Refer to the criteria outlined in the Policy on Determining Significance (see Appendix 1) for the factors that will affect significance.

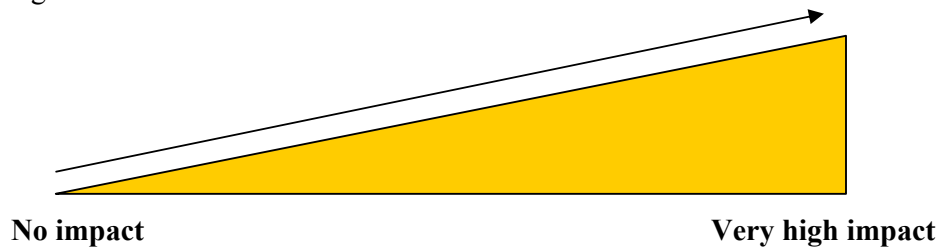
Assessments

The more to the right of the assessments below the decision is judged to be, the greater its degree of significance and the greater the thoroughness with which the proposal needs to be evaluated (options and costs and benefits of each), and the views of those likely to be affected or with an interest in the proposal, need to be obtained and considered.

Criteria:

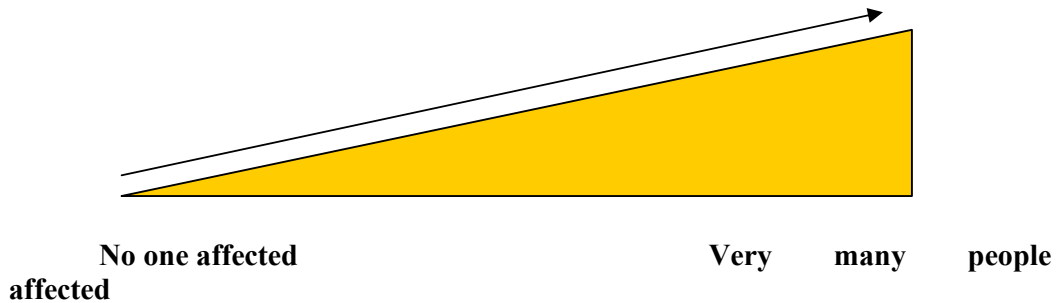
1. The potential impact on individuals or groups

The greater the impact on individuals or groups the greater the degree of significance.



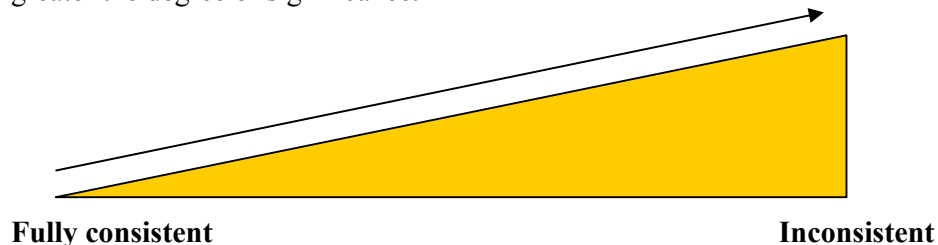
2. The number of people who may be affected by the matter

The greater the number of people affected the greater the degree of significance.



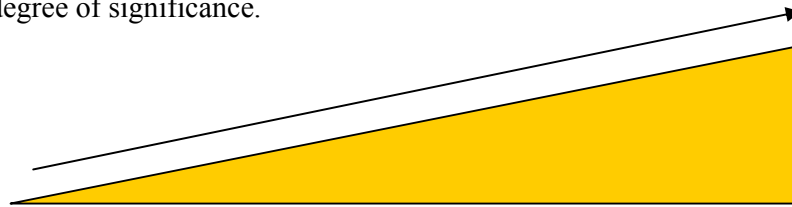
3. The extent to which the matter is consistent with existing documented policies or plans

The greater the inconsistency with existing documented policies or plans the greater the degree of significance.



4. The potential impact on the Council's relationships with Maori

The greater the potential impact on relationships with Maori the greater the degree of significance.

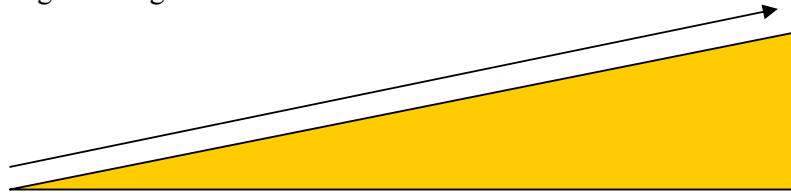


No impact

Very damaging impact

5. The potential impact on the quality of the environment

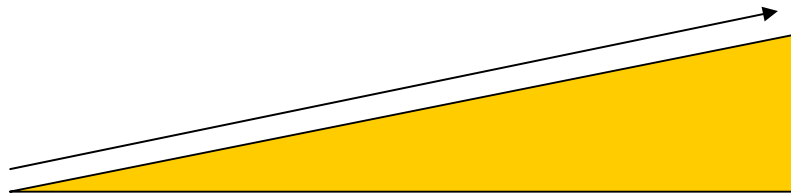
The greater the potential impact on the quality of the environment the greater the degree of significance.



Minor

Major

6. Matters which do not satisfy these criteria may have a high degree of significance where it is known that the decision will nevertheless generate a high degree of controversy



Uniformity of views

deeply divided community views

Significance Statement examples:

Significant

This decision is significant in terms of the Councils Policy on Determining Significance because ...

- the impact on "certain people" will be high;
- many people will be affected;
- the matter is inconsistent with the plan or policy;
- the impact on our relationship with Maori will be damaging;
- the impact on the quality of the environment will be major;
- the community has deeply divided views.

Not significant

Otherwise, simply state that the decision is not significant in terms of the Councils Policy on Determining Significance.

10. Wanganui District Council Consultation Register

A consultation register has been developed to record all ongoing consultation processes the Council is engaged in. The Consultation Register (**Appendix 3**) is for internal use and will be displayed on the Council's 'Intranet' to keep staff better informed.

The register is updated by the staff member undertaking consultation. The Communications Team will upload relevant information from the register to publically display on the Council's internet website.

The purpose of the consultation register is to enable the Council to:

1. Have a complete picture of significant consultation projects across the council
2. Have a programme of consultation so that issues can be managed proactively
3. Identify overlaps and opportunities for merging or co-ordinating consultation projects
4. Identify staff of consultation projects so that they can be supported.

11. Consultation Plan Template

The Consultation Plan Template (**Appendix 4**) has been developed for use by staff to clearly record the key milestones associated with the formal consultation. This will assist Council staff to manage the process and meet identified processes and milestones.

The Consultation Register and the Consultation Plan template provides good practice to assist Council staff to manage their consultation projects with the community.

Appendix 1 - Policy on Determining Significance

Introduction

This policy on determining significance outlines the statutory requirements and Council's general approach to determining the significance of proposals and decisions, and includes criteria and procedures the Council will use in assessing which issues, proposals, decisions and other matters are significant.

It also lists assets the Council considers to be strategic assets.

Statutory requirements

The Council is required to have a policy on significance under section 90 of the Local Government Act 2002.

Section 5 of the Act defines 'significant' and '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 current and future social, economic, environmental and cultural well-being of the district.
- (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 non-financial costs of doing so.

Significant, in relation to any issue, proposal, decision, or other matter, means that the issue, proposal, decision, or other matter has a high degree of significance.

In other words, **significance** means the degree of importance of a proposal or decision, which can range from insignificant to very significant. At some point on the continuum there will be proposals or decisions with a low degree of significance and those with a high degree of significance. A **significant** proposal or decision is one with a high degree of significance.

Rationale for the policy

The significance of a decision will help determine the appropriate nature, extent and degree of compliance required with the decision-making process set out in Part 6 of the Act.

Section 79 of the Act (compliance with procedures in relation to decisions) provides that it is the responsibility of the Council to make judgments about how to achieve compliance with sections 77 (requirements in relation to decisions) and 78 (community views in relation to decisions) that are largely in proportion to the significance of the matters affected by the decision. In making such judgments the

Council must have regard to the significance of all relevant matters and the principles relating to local authorities, the Council's resources and the extent to which the nature of the decision and the circumstances allow consideration of a range of options or the views of other people.

In essence, the more significant the issue the higher the standard of compliance required.

Council decision-making processes must also promote compliance with the requirements of sections 80 (Identification of inconsistent decisions), 81 (Contributions to decision-making processes by Maori) and 82 (Consultation processes). For significant decisions, the Council must ensure appropriate compliance.

Inconsistent decisions

If a decision is significantly inconsistent with, or will have consequences significantly inconsistent with a plan or policy of the Council, the Council must, when making the decision, identify the inconsistency, give reasons for it and any intention of the Council to amend the policy or plan to accommodate the inconsistency (section 80).

Maori contributions to decision-making

The Council must provide opportunities for Maori to contribute to decision-making processes, consider ways to foster development of Maori capacity to contribute and provide relevant information (section 81).

Consultation and public information

The significance of a matter will guide the Council's decisions concerning the extent and nature of the consultation to be undertaken with the persons likely to be affected or interested in the decision or matter, and in determining the extent and detail of information to be provided by the Council when consulting with or reporting to the community.

The Council must comply with the principles of consultation set out in section 82 (Consultation processes) in such a manner that the Council considers, at its discretion, to be appropriate. In determining what is appropriate the Council must have regard to various matters including the nature and significance of the decision or matter to the wider community and those who may be more directly affected by the decision.

The principles of consultation (section 82) include the principle that persons interested in decisions should be provided with reasonable access to relevant information, and should be given clear information concerning the purpose of the consultation. In addition, persons who present views to the Council should be provided with information concerning both the relevant decision and the reasons for those decisions. In determining how to comply with these, and the other principles of consultation, the Council will take into account the nature and significance of the decision.

Inclusion in the 10-Year Plan and use of the special consultative procedure

Significance may also determine whether a decision on a matter must be explicitly included in the 10-Year Plan, and in a statement of proposal which has been considered under a special consultative procedure, before the decision can be made

(section 97 certain decisions to be taken only if provided for in Long-term Council Community Plan).

This policy identifies the assets the Council considers to be strategic assets. Any decision to transfer ownership or control of a strategic asset, or a decision to construct, replace or abandon a strategic asset cannot be made unless it has first been included in the 10-Year Plan, and in a statement of proposal relating to the 10-Year Plan. All such actions relating to a strategic asset are automatically significant and must meet the requirements relating to significant decisions. Significant decisions also include:

- Significantly altering the intended level of service for any significant activity (section 97)
- Significantly affecting the capacity of, or cost to, the local authority (section 97)
- Altering the mode by which a significant activity is undertaken (section 88)

General Approach

The Council will consider each proposal or decision on a case-by-case basis to determine whether the proposal or decision is significant. In determining this issue, the Council will apply the criteria and procedures set out in this policy and will also consider each of the following:

- The likely impact/consequences of the decision or proposal on the current and future social, economic, environmental and cultural well-being of the community.
- The parties who are likely to be particularly affected by or interested in the decision or proposal.
- The likely impact/consequences of the decision or proposal from the perspective of those parties.
- The financial and non-financial costs and implications of the decision or proposal having regard to the Council's capacity to perform its role.

The more significant or material the impact or consequences of the decision or proposal, the higher the standard of compliance required with Part 6 of the Local Government Act 2002, and the more likely the matter will be 'significant'.

It is helpful to bear in mind that the references to 'significance' in the Act are intended to ensure that appropriate attention and consideration is given to matters based on their relative importance to the district or region.

The Council will not make a decision or proceed with a proposal which it considers to be significant, unless it is first satisfied that sections 77 (Requirements in relation to decisions), 78 (Community views in relation to decisions), 80 (identification of inconsistent decisions), 81 (Contributions to decision-making by Maori) and 82 (Consultation processes) of the Act have been appropriately observed. The procedures below are designed to ensure observance of this policy.

Prior to delegating a decision on any specific matter to officers or committees, the Council as a whole will consider the significance of the matter being delegated.

Thresholds

Council has not set any thresholds for significance. Whether a matter is significant does not depend on any one factor. It is possible for a transaction of \$10,000 to be significant while a transaction of \$1,000,000 may not be significant. The factors that will affect significance are listed below. Decisions on significance will be made on a case-by-case basis.

Criteria

In considering whether any decision has a high degree of significance the Council will consider whether:

1. The impact or consequences of the decision or proposal on the affected persons (being a number of persons) will be substantial.
2. The decision or proposal affects all or a large portion of the community in a way that is not inconsequential.
3. The decision or proposal is inconsistent or largely inconsistent with existing documented policies and plans.
4. The impact or consequences of the decision will damage relationships with Maori.
5. The impact or consequences of the decision will have a more than minor adverse effect the quality of the environment.
6. The community has deeply divided views on the matter and the decision will generate a high degree of controversy.

Procedures

Every report to Council must include a statement indicating that the issue of significance has been considered, with a recommendation to Council assessing the significance of the proposal or decision. If the decision changes from that recommended, the Council must reconsider the significance of the amended decision. The statement should state "In terms of the Policy on determining significance, the recommended decision is significant/not significant". Note, the word "recommended" will be removed when the decision becomes a Council resolution.

If the proposal or decision is determined to be significant in terms of the criteria stated in this policy, the report will also include a statement addressing the appropriate observance of such sections 77 (Requirements in relation to decisions), 78 (Community views in relation to decisions), 80 (identification of inconsistent decisions), 81 (Contributions to decision-making by Maori) and 82 (Consultation processes) as are applicable.

Note: Before considering the application of the criteria it should be checked that the issue has not already been included in the 10-Year Plan or the significant decision has already been subject to a Council resolution or covered by an existing Council policy or plan.

Strategic assets

Section 5 of the Act defines "strategic asset" as follows:

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 well-being of the community, and includes –*

- a) any asset or group of assets listed in accordance with section 90(2) 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.

For the purpose of section 90(2) of the Act, the Council considers the following assets to be strategic assets:

Activity/Group of Activities	Asset
Community facilities	All cemeteries Portfolio of reserves and land used for parks, gardens, sports fields and recreational areas as a whole Network of street trees but no individual tree Portfolio of community recreational and leisure facilities as a whole
Cultural facilities	Information archives Sarjeant Gallery collections as a whole The library collections as a whole
Pensioner housing	The portfolio of pensioner housing but not any specific units
Wanganui Airport	The airport encompassing an asphalt runway and terminal building
Investments	Majority shareholding in Wanganui Gas Ltd

	The entire forestry asset but not individual forestry stands or sections of land
Roading	Roading network as a whole but not any specific part of the network
Sewerage and stormwater services	Sewerage and stormwater networks as a whole but not any specific part of the network
Water supply	Water supply and reticulation system as a whole but not any specific part of the network

‘Significant’ and ‘significance’ in other contexts

The Local Government Act 2002 uses the term significant and significance in a number of contexts. Unless it is inappropriate in the context, the criteria set out in this policy and in the statutory definitions will apply.

Appendix 2 - Special Consultation Procedure (SCP)

The Local Government Act 2002 (the Act) makes it clear that the Council has a very broad responsibility to consult with all 'stakeholders' in its area. The Act also sets certain consultation principles (section 82) and a procedure that the Council must follow when making certain decisions (sections 83-90). This procedure, the Special Consultative Procedure (SCP), is regarded as a minimum process.

The SCP consists of the following steps and is met by the Council in the following way:

1. **Preparation of a statement of proposal and a summary.** The Council will prepare a statement of proposal, which includes a description of the proposed decision, course of action or options being considered. The statement will be distributed throughout the community and be available for inspection at the Council office, 101 Guyton Street and other places as appropriate to the issue. The Council will also prepare a full and fair summary of the proposal which will be distributed as widely as the Council considers to be reasonably practicable. That statement will also be included on the agenda for the Council meeting.
2. **Public notice.** The Council will publish a notice of the proposal in the local papers and on the web site. This public notice will include information on the consultation process, how to obtain the summary, how to access and inspect the statement of proposal, and the submission period, including the deadline for written submissions.
3. **Receive submissions.** The Council will acknowledge all written submissions, and submitters may also be invited to make oral submissions. The Council will allow at least one month (from the date of the notice) for submissions, or longer if deemed necessary. A range of methods will be made available for making submissions, including in writing, via the web site, by e-mail, hotline, or fax.
4. **Deliberate in public.** All meetings where the Council deliberates on the proposal or hears submissions are open to the public (unless there is some reason to exclude the public under the LGOIMA). All submissions will be made available unless there is some reason to withhold them under the LGOIMA.
5. **Follow up.** A copy of the decision and a summary of the reasons for this decision will be provided to submitters.

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

1. Adopts the Long-term Council Community Plan (10-Year Plan) or the Annual Plan.
2. Amends the 10-Year Plan.

3. Adopts, revokes, reviews or amends a bylaw.
4. Changes the mode of delivery for a **significant activity** (for example, from the Council to a Council-Controlled Organisation, or from a Council-Controlled Organisation to a private sector organisation) if that is not provided for in the 10-Year Plan.
5. The Council may use the SCP under other legislation, and may use this procedure in other circumstances if it wishes to do so.

A **significant decision** in relation to any issue, proposal or decision means one that has a high degree of significance. The Council is required to have a policy on determining significance, which is attached as Appendix 1. In considering whether any decision has a high degree of significance the Council shall consider:

- The potential impact on individuals or groups.
- The number of people who may be affected by the matter.
- The extent to which the matter is consistent with existing documented policies or plans.
- The extent to which the decision of the Council will impact on overall resources and future plans.
- The potential impact on relationships with Māori.
- The potential impact on the quality of the environment.
- Matters which do not satisfy these criteria may have a high degree of significance where it is known that the decision will nevertheless generate a high degree of controversy.

Appendix 3 - Consultation Register

Consultation Name	Date consultation is intended to start and end	What are you consulting on	Name of person managing the consultation	Who is being consulted (be specific)	What resources are required	Trim Number Document being consulted on	Trim Number to Consultation Plan to show steps undertaken

Appendix 4 - Consultation Plan Template

Milestones	Record of completion: who, when , what etc
Council approval (Sec 83 (1) LGA2002)	
Consultation documents prepared and checked including Submission form (Sec 83 (1) LGA2002). Check Policy Register (D-72349) for policies/resolutions that may be revoked by new policy (<i>Governance staff will update the register once policy is adopted and minutes confirmed</i>).	
Notification/Public notices prepared and booked. (Sec 83 (1) LGA2002).	
Communications, Customer Services, and Records notified and in receipt of all consultation documentation.	
Key stakeholders identified, letters prepared and sent.	
Submission summary database prepared and completed	
Submission acknowledgement letter drafted and sent	
Is a hearing required? (Sec 83 (1) LGA2002)	
If a hearing is required which committee will it go to, when and is delegated authority required/obtained?	
Submitters notified of hearing date?	
Timetable prepared and approved by chairman?	
Hearing agenda prepared, incl. officers comments & analysis?	
Hearing date and outcome. (Sec 83 (1) LGA2002)	
Hearing minutes checked and approved	
Draft decision to another Committee or Council ? Decision approved?	
Decision notified to all submitters?	
Policy amended, copies updated, website and policy inventory (Trim Ref) updated?	

Appendix 5 - Consultation requirements under the Local Government Act (2002)

Section 77

The Council must in the course of the decision-making process seek to identify all reasonably practicable options for the achievement of a decision and assess those options by considering the benefits and costs of each option in terms of the present and future social, economic, environment and cultural well-being of the district or region and the impact of each option on the Council's capacity to meet future and present needs.

Section 78 Community views in relation to decisions

The Council is required to provide due consideration to the views and preferences of persons who may be affected by, or have an interest in Council decision-making. This consideration must be evident when the Council defines the problems and objectives relating to the particular matter, and when the options relating to this matter are identified. This requirement also extends to the stage when these options are assessed, and when the relevant proposals are developed and eventually adopted.

Section 79 Compliance with procedures in relation to decisions

The Council is able to use its discretion when making decisions. This is dependent on the extent to which alternative options have been identified or assessed, the extent to which benefits and costs are to be quantified, the extent and detail of the information to be considered, and the extent and nature of the written records that have been kept on the matter. However, in making these judgements the Council must take into account their resources and the nature of the decision in order to determine whether there is scope to consider the views and preferences of other persons.

Section 80 Identification of inconsistent decisions

If a decision of a local authority is significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with, any policy adopted by the local authority or any plan required by this Act or any other enactment, the local authority must, when making the decision, clearly identify—

- a) the inconsistency; and
- b) the reasons for the inconsistency; and
- c) any intention of the local authority to amend the policy or plan to accommodate the decision.

Section 81 Contributions to decision-making processes by Māori

Working partnerships with Māori will be established and maintained through processes that encourage Māori to actively contribute to Council decision-making. The Council will provide Māori with relevant information in order to meet these obligations and will pursue measures that meet their responsibilities under the Treaty of Waitangi. This includes a commitment to engaging Māori in discussions about how best to meet their needs, and to a consultation process that clearly reflects culturally sensitive power sharing practices and principles. In some instances it will be necessary for Māori to assume a central role in the development of Council plans and policy. This is particularly so if the issues relate to water, land or the environment. The Council will demonstrate responsiveness to a cross-section of the Māori community, thereby avoiding pan-Māori generalisations and recognising the diversity

of Māori concerns. It is accepted that a flexible approach to consultation may have to be adopted in order to demonstrate reflective and culturally sensitive practice. Dialogue requirements will be devised in accordance with the needs of the relevant parties.

Section 82 Principles of consultation

The Council will consult with persons who may have an interest in, or be affected by Council decision-making. The Council is required to provide interested parties with access to relevant information as well as the opportunity to present their views to the Council. They must also outline the scope of the decision-making process. Once submitters have been heard the Council will accept these views with an open mind and will accord these views due consideration in the decision-making process. At the completion of this process the Council will provide submitters with information concerning the Council's relevant decisions, as well as the reasons for those decisions.

Section 83 Special consultative procedure

Where the special consultative procedure is necessary the Council must prepare a statement of proposal and a summarised statement of proposal. The statement of proposal must then be included on the Council's agenda and made publicly available at the Council's offices, as well as at any further locations to ensure that all ratepayers and residents have been provided with reasonable access to this information. The summarised statement of proposal must also be freely distributed. Public notice of both the proposal and the consultation process will be provided, and this information will detail the ways in which the summarised and full versions of the proposal may be obtained. All submitters will receive a written acknowledgement of their submission. This will specify the process for oral presentations, and all submitters will have reasonable opportunity to present their views to the Council.

Section 83A – Combined or concurrent consultation

When the Council uses or adopts the special consultative procedure in relation to any decision or matter, it may (but is not required to) carry out the consultation at the same time as, or combined, with any other special consultative procedure that it is required to carry out.

Section 84 Special consultative procedure in relation to Long-term Council Community Plan

When the special consultative procedure is used in the adoption of a 10-Year Plan, then the statement of proposal must include a draft of the 10-Year Plan. If the special consultative procedure is used in the amendment of a 10-Year Plan, then the statement of proposal must include a draft of the sections that the Council intends to amend. There must also be a draft of any further amendments to the 10-Year Plan that have been necessitated by the original amendments. The statement of proposal must include a cost/benefit analysis of reasonable options. This will consider the community's social, cultural, environmental and economic well-being.

Section 85 Use of special consultative procedure in relation to annual plan

When the special consultative procedure is used in the adoption of an Annual Plan the statement of proposal must include an Annual Plan in draft form. It must also include the reasons for any potential discrepancy between the information in the draft Annual Plan and the 10-Year Plan for that given year. Furthermore, in the event of a desired amendment to the 10-Year Plan occurring at the same time as the adoption of the Annual Plan, then a summary will be required.

Section 86 Use of special consultative procedure in relation to adoption or review or amendment to bylaws

The special consultative procedure will apply when a bylaw is created, when there is an amendment to a bylaw and when a bylaw is revoked. A statement of proposal is required and this must include the reasons for the proposal, and if necessary, a report on the Council's deliberation on the issue, or a Council review.

Section 88 Use of special consultative procedure in relation to change of mode of delivery of significant activity

The Council has a responsibility to use the special consultative procedure in relation to any proposal for change. However, this section will not apply if the intended change is already mandated in the Council's Long-term Council Community Plan (10-Year Plan), and the intention to act on this decision was included in a statement of proposal. This statement of proposal must consist of a detailed proposal statement, including the reasons for the proposal and an analysis of the reasonably practicable options.

Section 90 Policy on Significance

The Council is required by section 90 of the Act to provide a list of its Strategic Assets in its policy on significance (as defined in Section 5 of the Act).

Once defined as strategic assets, any significant changes to the Council's ownership or control, or any decisions to construct, replace or abandon these assets listed must be expressly provided for in the Council's current 10-Year Plan the proposal is not provided for, a Special consultative procedure will be undertaken in order to change the 10-Year Plan.

Section 91 Process for identifying community outcomes

The Council must assess community outcomes not less than once every 6 years and must cover intermediate and long-term concerns. This is to ensure that communities are able to discuss their present and future goals with regard to the social, economic, environmental and cultural well-being of their region. This process will enable the Council to make informed decisions about desirable community outcomes. Therefore, the Council must ensure that the consultation process actively encourages public contributions.

Section 93 Long-term Council Community Plan

The 10-Year Plan must be initiated in conjunction with the special consultative procedure, and while the Council may amend this plan at any time, the special consultative procedure must always be used. The purpose of the 10-Year Plan is to provide a description of the Council's activities as well as to outline and describe the Council's community outcomes. Furthermore, it should provide a clear depiction of the Council's accountability to community needs and preferences. The consultation component will enable the community to participate in Council decision-making practices, thereby identifying preferred activities.

Section 95 Annual Plan

The Council must use the special consultative procedure when it adopts an Annual Plan. The Annual Plan will support the 10-Year Plan by providing parallel policies, decision-making processes and resource co-ordination. It will be accountable to the community and seek opportunities for community participation in the decision-

making process. This will particularly relate to decisions concerning the cost and funding of Council activities.

Section 97 Certain decisions to be taken only if provided for in Long-term Council Community Plan

This applies to decisions that may significantly alter the level of service provision currently supplied by the Council or on the Council's behalf, decisions to either commence or cease an activity, or decisions that will impinge on the Council in direct or indirect ways. However, the Council must not make a decision that relates to this section unless this decision is explicitly provided for in the 10-Year Plan and a statement of proposal has been provided.

Sections 102-111 Council policies

These policies stipulate the Council's responsibility to communicate their intentions in the following areas:

- Funding and finance (section 102)
- Revenue and finance (section 103)
- Liability management (section 104)
- Investment (section 105)
- Development contributions or financial contributions (section 106)
- Partnerships with the private sector (section 107)
- Remission and postponement of rates on Māori freehold land (section 108)
- Rates remission (section 109)
- Rates postponement (section 110)
- Accounting practice (section 111)

In general this requires the Council to demonstrate predictability and certainty in their financial dealings and, as such, ensures that the special consultative procedure is enacted when a new policy is proposed. Sections 103-111 call for transparent Council reporting. This ensures community awareness of the Council's financial procedures, objectives, partnerships, conditions and criteria.

Section 125 Requirement to assess water and other sanitary services

This section details the Council's responsibility for these services, and enables the Council to assess one service in conjunction with the other. This assessment may be included in the 10-Year Plan, but when this is not the case the Council must deliver the assessment using the special consultative procedure.

Section 156 Special consultative procedure must be used except in certain cases

The Council must follow the special consultative procedure when creating a bylaw. However, the Council will be entitled to amend a bylaw, following public notification, if this involves editorial changes or those of a minor nature.

Section 181 Construction of works on private land

The Council will be able to construct works on or under private land when this is considered necessary for the supply of drinking water, or the supply of water through water races, or the disposal of trade wastes, or for land drainage and river clearance. Similarly, a territorial authority will be authorised to construct works on or under private land when this is considered necessary for sewerage and stormwater drainage. However, the Council or territorial authority may not exercise the aforementioned

power if it has not obtained the prior written consent of the landowner, or if it has not complied with the requirements outlined in Schedule 12. The Council may only enter the property to inspect or repair this work if they have first provided reasonable notice to the owner and occupier of this intention.

Council is required to consult under the following legislation:

- **Land Transport Management Act**

Schedule 1 Provisions relating to programmes, part 1, contents of land transport programmes

An explanation is required if an approved land transport programme is to be varied, suspended or abandoned. The Council must consider their activities and how they relate to this Act. This means that they have to state the objectives to be achieved by each activity, and how each activity will contribute to the purpose of the Act. Consultation is a necessary component in the preparation of land transport programmes.

- **Reserves Act (1977)**

Section 41 Management plans

Before preparing a management plan for any reserve under its control the Council must provide public notification and invite interested parties to submit suggestions. When the Council creates its management plan it must then accord these views full consideration. Furthermore, where a reserve is of regional significance then the Government may require administering bodies to consult with each other so that their management plans are integrated for the benefit of the region.

- **Resource Management Act (1991)**

Under the RMA Councils are expected to consult with their communities when they create plans, review plans and consider any changes or variation to plans. This process enables anyone to make a submission on the draft proposal, and these submissions must then be considered in the Council's decision.

- Schedule 1, Part 1, Clause 4 - consultation for proposed plans, plan variations, and plan changes.
- Schedule 1, Part 2, Clause 26 - requirement to publicly notify proposed private changes to a district plan.
- Section 169 - requirement to publicly notify notices of requirement for designations.

As part of a resource consent process, applicants are also required to include in their application the results of any consultation (Fourth Schedule).

Under Section 93, the Council must notify an application for resource consent unless-

- (a) the application is for a controlled activity; or
- (b) the consent authority is satisfied that the adverse effects of the activity on the environment will be minor.

