



Otorohanga District Council

# AGENDA

16 September 2014

10.00am

Members of the Otorohanga District Council

Mr MM Baxter (Mayor)  
Mr RM Johnson  
Mrs RA Klos  
Mr KC Phillips  
Mrs DM Pilkington (Deputy Mayor)  
Mr R Prescott  
Mr TD Tindle  
Mrs AJ Williams

Meeting Secretary: Mrs A Burdon (Executive Assistant)

# OTOROHANGA DISTRICT COUNCIL

16 September 2014

Notice is hereby given that an ordinary meeting of the Otorohanga District Council will be held in the Council Chambers, Maniapoto St, Otorohanga on Tuesday 16 September 2014.

9 September 2014

**DC Clibbery**  
**CHIEF EXECUTIVE**

## AGENDA

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**PRESENT**

**IN ATTENDANCE**

**APOLOGIES**

**OPENING PRAYER**

**ITEMS TO BE CONSIDERED IN GENERAL BUSINESS**

**CONFIRMATION OF MINUTES – 19 AUGUST 2014**

**REPORTS**

**Item 112            DRAFT MANAGEMENT ACCOUNTS TO 30 JUNE 2014**

**To:                    His Worship the Mayor & Councillors  
                          Otorohanga District Council**

**From:                District Accountant**

**Date:                 16 September 2014**

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**Relevant Community Outcomes**

- Ensure services and facilities meet the needs of the Community
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**Executive Summary**

The Draft Management Accounts for the year ended 30 June 2014 are attached under separate cover.

**Staff Recommendation**

It is recommended that:

The Draft Management Accounts for the year ended 30 June 2014 be received.

**Brendan O'Callaghan**  
**DISTRICT ACCOUNTANT**

**Item 113            PROPOSED DISTRICT PLAN FINAL CONSIDERATION AND APPROVAL**

**To:**                    **His Worship the Mayor & Councillors  
Otorohanga District Council**

**From:**                **Environmental Services Manager**

**Date:**                **16 September 2014**

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**Relevant Community Outcomes**

- Provide for the unique history and culture of the District
  - Promote the local economy and opportunities for sustainable economic development
  - Manage the natural and physical environment in a sustainable manner
  - Foster an involved and engaged Community
  - Protect the special character of our harbours and their catchments
  - Recognise the importance of the Districts rural character
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**Executive Summary**

On 28 August 2014 the Environment Court issued a consent order that settled the final appeal on the Otorohanga District Council Proposed District Plan. Council can now move to final consideration and approval of the Proposed District Plan as all submissions and appeals have been disposed of.

**Staff Recommendation**

It is recommended that:

Council pass the following resolution: Council resolves to approve its Proposed District Plan and make the Proposed District Plan operative pursuant to Clause 20 of the First Schedule to the Resource Management Act 1991 as at 30 October 2014.

**Report Discussion**

Following public hearings and consideration of submissions on the Proposed District Plan, Council notified the Proposed District Plan – Decisions Version on 24 April 2012.

Ten appeals against the Decisions Version of the plan were received. In addition to the appellants there were another 26 section 274 parties who registered an interest in the appeal proceedings.

As many of the appeals covered two or more sections of the Proposed Plan, the Judge managing the appeals analysed the submissions and ordered the process be decided on the basis of nine separate topics.

The appellants and section 274 parties undertook to participate in meetings and mediations in order to resolve outstanding issues and reached negotiated outcomes. This process culminated in the release of the final consent order on Landscape Policy on 28 August.

It is of note that none of the topics had to be decided before a Judge in the Environment Court. Many experts have commented favourably on this outcome which places credit on all those people that participated in the process.

I would like to acknowledge the team that represented Council through this process, Peter Skilton of Zone Planning, Lachlan Muldowney, Marianne Mackintosh and Laura

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Bielby from Tompkins Wake and Dave Mansergh of Mansergh Graham. Their professionalism and hard work is greatly appreciated. It is also important that the good will, patience and skills of the appellants be lauded particularly for their commitment to the process, the manner in which they provided vital input and suggestions and their ability to understand and contribute to some very technical problems and solutions.

Upon approval the Proposed Plan becomes the Operative Plan. The current Operative Plan becomes null and void and no longer has any legal status. From this point the only remaining step in the process is for the new Plan to be publically notified. This is largely a formatting and editing exercise whereby all the changes to the plan and the planning maps agreed to during the appeal process and approved by the Environment Court are incorporated into the Plan. After a final check for errors the new plan and maps are printed, the Council Seal is affixed and the Plan is publically notified in newspapers and on our website.

We now have a District Plan that will serve the District for the next decade and it is already proving to be a very practical and workable document for resource planning and management.

**Andrew Loe**  
**ENVIRONMENTAL SERVICES MANAGER**

**Item 114            SIGNIFICANCE & ENGAGEMENT POLICY**

**To:**                    **His Worship the Mayor & Councillors  
Otorohanga District Council**

**From:**                **Finance and Administration Manager**

**Date:**                **16 September 2014**

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**Relevant Community Outcomes**

- Ensure services and facilities meet the needs of the Community
  - Promote the local economy and opportunities for sustainable economic development
  - Foster an involved and engaged Community
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**Executive Summary**

Changes to the Local Government Act has resulted in the requirement to adopt a Significance and Engagement Policy which replaces the Significance Policy previously adopted under the old legislation. A template has been drafted as part of a joint initiative through the Waikato Mayoral Forum for adoption by each of the participating Councils.

**Staff Recommendation**

It is recommended that:

The Significance and Engagement Policy Template be adopted

**Report Discussion**

One of the key changes to the Local Government Amendment Act 2014 is around the definition of Consultation and Engagement with the Community. Under Section 90 of the previous Local Government Act, Council were required to adopt a Significance Policy. This section of the act has now been repealed and replaced with Section 76AA, which sets out the statutory process required to adopt a 'Significance and Engagement Policy'.

As a joint initiative through the Waikato Mayoral Forum a template has been formulated to allow for a consistent approach for Consultation and Engagement across the Waikato Councils.

There are two sections within the template which will relate directly to Otorohanga District Council and will need to be defined before the final policy is adopted and consulted on. The two sections are definition of Significant Activity (or group of activities) and definition of Strategic Asset

**Graham Bunn**  
**FINANCE AND ADMINISTRATION MANAGER**

**Attachments**

- a. Significance and Engagement Policy Template

## Purpose and Scope

1. To enable Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities.
2. To provide clarity about how and when communities can expect to be engaged in decisions made by Council.
3. To inform Council from the beginning of a decision-making process about the extent, form and type of engagement required.

## Definitions

Community	A group of people living in the same place or having a particular characteristic in common. Includes interested parties, affected people and key stakeholders
Decisions	Refers to all the decisions made by or on behalf of Council including those made by officers under delegation. (Management decisions made by officers under delegation during the implementation of council decisions will not be deemed to be significant).
Engagement	Is a term used to describe the process of seeking information from the community to inform and assist decision making. There is a continuum of community involvement.
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
Significant Activity	Is an activity (or group of activities) as listed below:  Explanation of how list determined is required (could be based on a proportional cost to council e.g. any activity (or group of activities) where the annual expenditure was in excess of 10% of the total expenditure.
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 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”
Strategic aspirations	Refers to any high level, direction setting goal or document that the Council aims to deliver.

## Policy

4. Engaging with the community is needed to understand the views and preferences of people likely to be affected by or interested in a proposal or decision.
5. An assessment of the degree of significance of proposals and decisions, and the appropriate level of engagement, will therefore be considered in the early stages of a proposal before decision making occurs and, if necessary, reconsidered as a proposal develops.
6. The Council will take into account the following matters when assessing the degree of significance of proposals and decisions, and the appropriate level of engagement:
  - There is a legal requirement to engage with the community
  - The level of financial consequences of the proposal or decision
  - Whether the proposal or decision will affect a large portion of the community
  - The likely impact on present and future interests of the community, recognising Māori culture values and their relationship to land and water
  - Whether the proposal affects the level of service of a significant activity
  - Whether community interest is high
  - Whether the likely consequences are controversial
  - Whether community views are already known, including the community’s preferences about the form of engagement
  - The form of engagement used in the past for similar proposals and decisions
7. If a proposal or decision is affected by a number of the above considerations, it is more likely to have a higher degree of significance.
8. In general, the more significant an issue, the greater the need for community engagement.
9. The Council will apply a consistent and transparent approach to engagement.
10. 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).
11. For all other issues requiring a decision, Council will determine the appropriate level of engagement on a case by case basis.
12. 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.
13. Joint Management Agreements, Memorandum of Understanding or any other similar high level agreements will be considered as a starting point when engaging with Māori.
14. 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.

## 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 the 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 or future well-being of the community.

List your strategic assets here

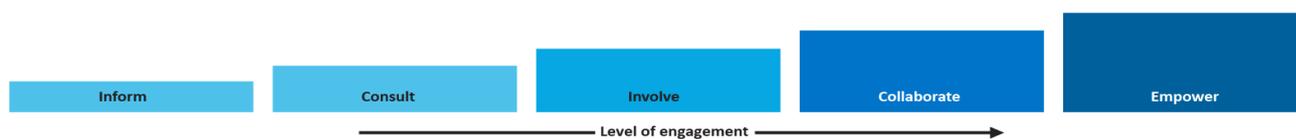
## SCHEDULE 2 – COMMUNITY ENGAGEMENT GUIDE

Community engagement is a process, involves all or some of the public and is focussed 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. Differing levels of engagement may be required during the varying phases of decision-making on an issue, and for different stakeholders.

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.



### 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

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 significant activity 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.

The Council will consult in accordance with, or using 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 amendment the annual plan if required under section 95 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 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 prior to making decisions.

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 LGA 2002, the Mayor and Councillors are elected to make decisions on behalf of their constituents.
<b>Types of issues that we might use this for</b>	Hamilton Water restrictions	Rates review	Hamilton District Plan	River Plan	Election voting systems (MMP, STV or first past the post)
<b>Tools Council might use</b>	Websites Information flyer Public notices	Formal submissions and hearings, focus groups, phone surveys, surveys.	Workshops Focus groups Citizens Panel	External working groups (involving community experts)	Binding referendum Local body elections
<b>When the community can expect to be involved</b>	Council would generally advise the community once a decision is made	Council would advise the community once a draft decision is made Council and would generally provide the community with up to 4 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 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'. Each situation will be assessed on a case-by-case basis.

**Item 115            ODC MATTERS REFERRED FROM 19 AUGUST 2014**

**To:                    His Worship the Mayor & Councillors  
                          Otorohanga District Council**

**From:                Governance Supervisor**

**Date:                 16 September 2014**

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### **Executive Summary**

#### **1.        COUNCIL**

15 July 2014

- i.    To give consideration in a workshop to establishing an Iwi Liaison Group. Information is to be obtained from other Councils on this matter.

**CA Tutty**  
**GOVERNANCE SUPERVISOR**

**GENERAL**