

SOUTH WAIRARAPA DISTRICT COUNCIL

18 NOVEMBER 2015

AGENDA ITEM C4

2016/17 ANNUAL PLAN

Purpose of Report

To provide Councillors base information for the 2016/17 Annual Plan and generate discussion potential changes.

Recommendations

Officers recommend that the Council:

1. *Receive the information.*
2. *Adopt the proposed 16/17 Annual Plan timeline.*
3. *Discuss the potential changes from their perspective and the potential changes from Council Officers perspective.*

1. Executive Summary

Council has responsibility for the adoption of the 2016/17 Annual Report by 30th June 2016.

2. 2016/17 Annual Plan

2.1 Changes to Legislation

Like the LTP a full draft Annual Plan is no longer required this has been replaced by a Consultation Document (Appendix 1) which is only required where there is a significant (as per appendix 2 Significance and Engagement Policy) or material change from the LTP for the given year or "a locally imposed test" triggered. It should be noted a difference is not equal to a decision. We must capture areas where a difference could arise from something else being consulted on.

2.2 Timeline

A draft timeline has been completed that results in no Extraordinary Council Meetings and is included in Appendix 3.

2.3 2016/17 Councillors recommendations for change

Please bring any ideas/notes on potential proposed changes you would like to see.

2.4 2016/17 Council Officers recommendations for change

A list of Council Officer potential proposed changes will be tabled following the brain storm of 2.3.

3. Appendices

Appendix 1 – Local Government Act 2002 section 95A

Appendix 2 - Significance and Engagement Policy

Appendix 3 – 2016/17 Annual Plan Timeline

Contact Officer: Kim Whiteman, Policy and Reporting Manager

Reviewed By: Paul Crimp, CEO

**Appendix 1 – Local
Government Act 2002
section 95A**



New Zealand Legislation

Local Government Act 2002

- Warning: Some amendments have not yet been incorporated
- with search matches highlighted

95A Purpose and content of consultation document for annual plan

- (1) The purpose of the consultation document under [section 82A\(3\)](#) is to provide a basis for effective public participation in decision-making processes relating to the activities to be undertaken by the local authority in the coming year, and the effects of those activities on costs and funding, as proposed for inclusion in the annual plan, by—
 - (a) identifying significant or material differences between the proposed annual plan and the content of the long-term plan for the financial year to which the annual plan relates; and
 - (b) explaining the matters in paragraph (a) in a way that can be readily understood by interested or affected people; and
 - (c) informing discussions between the local authority and its communities about the matters in paragraph (a).
- (2) The content of the consultation document must be such as the local authority considers on reasonable grounds will achieve the purpose set out in subsection (1), and must—
 - (a) explain identified differences, if any, between the proposed annual plan and what is described in the long-term plan in relation to the financial year to which the annual plan relates, including (but not limited to)—
 - (i) an explanation of any significant or material variations or departures from the financial statements or the funding impact statement; and
 - (ii) a description of significant new spending proposals, the costs associated with those proposals, and how these costs will be met; and
 - (iii) an explanation of any proposal to substantially delay, or not proceed with, a significant project, and the financial and service delivery implications of the proposal; and
 - (b) outline the expected consequences of proceeding with the matters referred to in paragraph (a), including the implications for the local authority's financial strategy.
- (3) The consultation document—
 - (a) must be presented in as concise and simple a manner as is consistent with this section; and
 - (b) without limiting paragraph (a), must not contain, or have attached to it—
 - (i) a draft of the annual plan as proposed to be adopted; or
 - (ii) a full draft of any policy; or
 - (iii) any detailed information, whether described in [Part 2](#) of Schedule 10 or otherwise, that is not necessary or desirable for the purposes of subsections (1) and (2); and
 - (c) must state where members of the public may obtain the information held by the local authority that is relied on by the content of the consultation document, including by providing links or references to the relevant information on an Internet site maintained by or on behalf of the local authority; and
 - (d) may be given the title of the local authority's choice, provided that the title or subtitle make reference to this being a consultation document for the proposed annual plan for the relevant year.
- (4) The local authority must adopt the information that is relied on by the content of the consultation document, as referred to in subsection (3)(c), before it adopts the consultation document.
- (5) For the purposes of this section, a difference, variation, or departure is material if it could, itself or in conjunction with other differences, influence the decisions or assessments of those reading or responding to the consultation document.

Appendix 2 - Significance and Engagement Policy



SIGNIFICANCE AND ENGAGEMENT POLICY

1. Purpose

Council strives to enable democratic local decision making and action by and on behalf of communities. As part of this good communication is required.

2. Background

Council communication needs to be professional, genuine, effective and enabling with all stakeholders at all times. To further guide this the Local Government Act 2002 (LGA) requires local authorities to have a Significance and Engagement policy.

Once a decision is determined to be “significant” in accordance with the general approach, criteria and procedures in this policy, a higher standard of compliance is required. Section 76(3)(b) requires that the Council must ensure before a significant decision is made that subsection 76(1) has been “appropriately observed”.

The legislation (schedule 10 LGA) only requires the Long Term Plan (LTP) to contain a summary of the Significance and Engagement policy, but the entire policy is included in the LTP in place of the summary.

3. South Wairarapa District Council “General Approach” to Significance

The Local Government Act 2002 requires local authorities to set out their “general approach to determining the significance of proposals and decisions in relation to issues, assets, or other matters” (s90(1)(a)).

The Council will determine the significance of any issue requiring a decision, by making judgments according to the likely impact of that decision on:

1. The current and future economic, cultural, environmental and social well-being of the district or region.
2. The achievement of, or ability to achieve, the Council’s strategic issues and objectives as currently set out in the LTP.
3. Any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter.
4. The capacity of the local authority to perform its role and carry out its activities, now and in the future.
5. The financial, resource and other costs of the decision.

4. Thresholds, Criteria and Procedures

The Policy must also set out any “thresholds, criteria, and procedures” that the Council uses for assessing significance (section 90(1)(b)).

The range of issues requiring decisions by local authorities is very wide and it is impossible to foresee every possibility. It is therefore recommended that thresholds are not used to determine significance.

The following procedure will be used to determine significance:

4.1 Procedure for Determining Significance

1. Identification of an issue requiring a Council decision (generally by officers).
2. Assessment of significance using the criteria set out in “South Wairarapa District Council’s General Approach to Significance”, set out above; followed by:
3. Officer or other professional advice on significance and options; followed by:
4. Council consideration and final decision-making on the;
 - Degree of significance of the issue.
 - Appropriate level and type of consultation.

Advice from Council officers will, in normal circumstances, be included in the Council approved report format. It is proposed that this format be revised so that it specifically considers the impact of decisions as set out in the “general approach” above.

5. Strategic Assets

This policy must also list those Council owned assets, considered by the Council to be “strategic assets” (section 90(2)).

“Strategic asset” is defined in the LGA as:

“ ... 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 1998*;
 - ii. an airport company within the meaning of the *Airport Authorities Act 1966*.

The list below shows the South Wairarapa District Council owned assets that are considered to be “strategic assets”. Only those assets that are important to achieving the Council strategic objectives have been included.

- Roading Network (including footpaths, street lighting and parking).
- Wastewater Network and Oxidation Ponds.
- Water Treatment, Storage and Supply Network.
- Solid Waste Facilities.
- Stormwater Network and Water Races.
- Reserves and Sports Fields.
- Swimming Pools.
- Libraries.
- Community Buildings.
- Public Toilets.
- Cemeteries.
- Pensioner Housing.

NOTE:

1. Pensioner housing is a strategic asset by law.
2. The Council considers all asset classes listed above as single whole assets. This is because the asset class as a whole delivers the service. Strategic decisions, therefore only concern the whole asset class and not individual components, unless that component substantially affects the ability of the Council to deliver the service, or would be deemed significant and strategic under the procedure above.

6. Consultation

6.1 Rationale

To ensure a consistent approach is taken to consultation across South Wairarapa District Council in compliance with the consultation requirements of the [Local Government Act 2002](#).

This policy does not cover the submission process that may be required under the [Resource Management Act 1991](#) or the Amendment Act 2009.

6.2 Introduction and Background

As an organisation responsible to the community it serves, South Wairarapa District Council is committed to ongoing and effective consultation.

The Council already conducts consultation with the public on many issues and this policy reflects both current practice and its responsibilities under the Local Government Act 2002.

The Council will make its consultation policy publicly available after the three-yearly Local Body election of the Mayor and councillors, as set out in section 40 (1)(h) of the [Local Government Act 2002](#).

Note that within this policy, the word *council* refers to any decision-maker within Council. This could be the Council, a committee or sub-committee or an officer with delegated authority.

6.3 Commitment to Consultation

A well-structured consultation process is a key part of improved decision making. The Council welcomes and values input from the people of South Wairarapa District so it can adequately reflect their views in its decision making. Decision making is improved as a result.

The Council is also committed to determining the overall community view as accurately as possible and will use the appropriate techniques to meet this objective.

Consultation will enhance the democratic process by contributing to the decision making of the Council.

The Council is committed to acknowledging the unique perspective of Māori and will consult with Council's Maori Standing Committee.

6.4 What is Consultation?

Consultation is a genuine exchange of information, points of view and options for decisions between affected and interested people and decision-makers before a decision has been made.

It does not mean that the decision will be delegated to those involved in the consultation process, but rather that the decision, when made, is likely to be improved by the public's involvement.

For the purpose of this policy South Wairarapa District Council has adopted the following definition of consultation:

Consultation is the dialogue that precedes decision-making

6.5 Consultation Means the Council Will:

- Seek input on a concept, issue or proposal that has not been decided upon.
- Encourage those people who will or may be affected by, or have an interest in, the matter to present their views (section 82 (1)(b) [Local Government Act 2002](#)).
- Provide those people who will or may be affected by, or have an interest in, the matter with reasonable access to relevant information about the matter, and clear information about the purpose of the consultation and the scope of the decisions to be taken following consideration of the views presented (section 82 (1)(a) and (c) Local Government Act 2002).

- Give people a reasonable opportunity to present their views according to their preferences and needs (section 82 (1)(d) Local Government Act 2002).
- Listen to what people have to say and consider their views and comments with an open mind (section 82 (1)(e) of the Local Government Act 2002).
- Decide if and how any proposal should be changed or developed further.
- Report on the final decision and the reasons for it (section 82 (1)(f) Local Government Act 2002).
- Respond to the people involved in the process (section 82 (1)(f) Local Government Act 2002).

According to this definition, the public's role in consultation will generally be one of expressing an opinion and providing additional information. It does not usually mean that the decision has been delegated to them.

Consultation may include market research techniques such as quantitative surveys, qualitative focus groups and individual interviews.

6.6 Consultation is Not:

- Solely providing information (although effective communication forms part of consultation).
- Always about reaching an agreement or consensus.
- Always about negotiation.

6.7 Consultation is Not Appropriate When:

- A decision has already been made or the likely decision is apparent (section 82 (1)(e) Local Government Act 2002).
- There is a need for commercial sensitivity.
- It is a small issue with little public interest.
- The likely costs of the consultation are not in proportion to the benefits (section 82 (4)(e) Local Government Act 2002).
- There is a threat to public health or safety.

7. Concern

At any time someone is concerned with significance or engagement they are required to go through the following channels to elevate their concerns to a point of resolution.

- Council Officers deal with matters from the public in the first instance.
- The public are then encouraged to direct any unresolved concerns or complaints to the respective Departmental Manager.
- Should a person believe that their concern has still not been dealt with satisfactorily they are then encouraged to bring the matter to the attention of the Chief Executive Officer.

- If a person remains un-satisfied with the decision of the Chief Executive Officer they may place their concern in writing for consideration by the Council.
- A register of complaints received from Officers and Elected Members shall be kept and acted upon. A report to Council shall be supplied 6 monthly on complaints received and their resolution.

Appendix 3 – 2016/17 Annual Plan Timeline

SWDC 2016/17 ANNUAL PLAN TIMELINE

November

Initial Staff discussion

Initial Councillor Discussion

January

Post key dates on website and facebook

29th Snapshot of South Wairarapa completed (KW)

February

24th Council/Finance and Policy Meeting – proposed fees for adoption

29th Appendices completed

March

10th Significant activities and Financial Information to Paul

17th Draft CD to Paul

24th CD to Newspaper for formatting

25-28th Easter

April

6th Council Meeting/ Policy and Finance Meeting – Supporting Documentation Adopted and CD Adopted

7th Customer Service Staff briefed

8th CD Published and distributed

11th Newspaper

18th Public Consultation 7pm Martinborough – Council Chambers

19th Public Consultation 7pm Featherston – ANZAC Hall

20th Public Consultation 7pm Greytown – Town Centre

25th ANZAC

May

2nd Cover photos to Printer

13th Managers complete comments

18th Submissions with comment to councillors
Council Meeting/Policy & Finance Meeting

25th Submission Hearings and Deliberation

27th Mayor and CEO Intro Completed

June

3rd Annual Plan content completed for formatting and final review etc

6th Queen's Birthday

7th Fees and Charge book updated

29th Council Meeting/Policy & Finance Meeting – Adopt Annual Plan