

Laura Bowman

From: official information
Sent: Friday, 17 September 2021 12:59 pm
To: [REDACTED]
Cc: official information
Subject: RESPONSE - LGOIMA 21266 - [REDACTED] HCC Position on Three Waters Reform
Attachments: Significance and Engagement Policy 2020 (4).PDF

Kia Ora,

I refer to your **information request below**, Hamilton City Council is able to provide the following response.

Your Request

1. A copy of the Council's "Significance and engagement policy" as required by s 76AA of the Local Government Act 2002.
2. Has your council, or Mayor, taken a position (even if just 'in principle') for or against opting into the government's proposed three waters reforms?
 - a) If so, what is that position, how was it come to, by whom, and on what date?*
3. Have you made a determination under your Significance and Engagement Policy?
 - a) If so, what is that position, how was it come to, by whom, and on what date?*
 - b) What is the timeline for engagement under this determination?**
 - c) If not, what is the anticipated timeline to make that determination?

Please append any associated meeting minutes and/or media statements. If the matter is currently out for public consultation, please provide or link to the consultation material. **Please ensure the information is accurate as at the time of your response – and not just as of today's date.** Please also address each question/information request separately.

Our Responses

With regard to your requests, please be aware that all information in relation to Hamilton City Council and the Three Waters Reform can be found on our website [here](#).

1. Please find here our [Significance and Engagement Policy](#). I have also attached it for your convenience.
2. [Hamilton City Council's Position](#) here. This was discussed at Council's meeting on 12 August 2021 – relevant minutes [here](#).
3. No, Council has not made a determination under the Significance and Engagement Policy as no assessment is yet required.
No decision has yet been requested by Government from Councils in relation to Three Waters Reform (other than a resolution by council to engage with Government through the reform process in August 2020). No decision on this matter is anticipated prior to 1 October 2021.
 - b) Link to our online [Engagement](#) page which outlines our Timeline.
 - c) Please see link above.

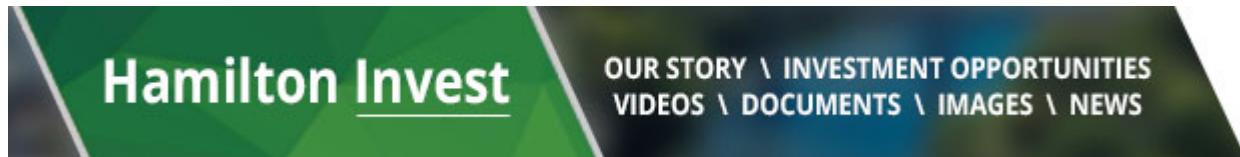
You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Kind Regards,



Hamilton City Council | Private Bag 3010 | Hamilton 3240 | www.hamilton.govt.nz

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-----Original Message-----

From: [REDACTED]
Sent: Friday, 20 August 2021 10:59:04 am
To:
Subject: Three Waters Position

Warning! This message was sent from outside your organization and we are unable to verify the sender.

Dear Sir or Madam,

This is a request for information under the LGOIMA to enable the Taxpayers' Union to publish an online dashboard summarising the positions (or timeline for decision and link to consultation materials) of each territorial authority on the Government's proposed "Three Waters reform". The Taxpayers' Union is New Zealand's largest taxpayer and ratepayer group – enjoying the support of some 140,000 registered members and supporters.

We note that some councils, such as the Far North DC, have publicly stated that (at least in principle) they are 'opting-out' of the three waters reform. We want to clarify the position with your Council and understand how these decisions are being made.

We request a copy of the Council's "Significance and engagement policy" as required by s 76AA of the Local Government Act 2002.

We also request information that answers the following questions:

- d) Has your council, or Mayor, taken a position (even if just 'in principle') for or against opting into the government's proposed three waters reforms?
- e) If so, what is that position, how was it come to, by whom, and on what date?*
- f) Have you made a determination under your Significance and Engagement Policy?
 - a. If so, what is that position, how was it come to, by whom, and on what date?*
 - b. What is the timeline for engagement under this determination?**

c. If not, what is the anticipated timeline to make that determination?

*please append any associated meeting minutes and/or media statements.

** if the matter is currently out for public consultation, please provide or link to the consultation material.

Please ensure the information is accurate as at the time of your response – and not just as of today's date. Please also address each question/information request separately.

If you require any clarification, please do not hesitate to get in touch.

Best,

[REDACTED]
Researcher | New Zealand Taxpayers' Union | Auckland Ratepayers' Alliance

New Zealand Taxpayers' Union Inc. | Main +64 4 282 0300 | Level 4, 117 Lambton Quay, Wellington | PO Box 10518, The Terrace, Wellington | www.taxpayers.org.nz

Auckland Ratepayers' Alliance | Main +64 9 281 5172 | 55 Shortland Street, Auckland 1010 | PO Box 133099, Eastridge, Auckland | www.ratepayers.nz

We stand for Lower Taxes, Less Waste, and More Transparency across all levels of government. If you like what we do, join the [Taxpayers' Union](http://www.taxpayers.org.nz) or the [Auckland Ratepayers' Alliance](http://www.ratepayers.nz).

First adopted:	27 November 2014
Revision dates/version:	August 2020 Version 3
Next review date:	August 2023
Engagement required:	Non SCP
Document number:	D-
Associated documents:	n/a
Sponsor/Group:	General Manager – Strategy and Communications

Significance and Engagement Policy

Purpose and Scope

1. To clarify the degree of significance for proposals and decisions.
2. To clarify when and how communities can expect to be engaged.
3. To clarify council decision making on consultation and engagement.

Definitions

Definition	Detail
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.
Consultation	A subset of engagement; a formal process where the community can present their views to the Council on a specific decision that is proposed and made public.
Decision	A decision made by or on behalf of the Council, including those made by the Chief Executive or officers under delegated authority. Decision implies that a proposal has been considered.
Engagement	The process of seeking information from the community to inform and assist decision making.
LGA 2002	Local Government Act 2002 .
Maaori	Includes Maaori who have tribal links to kirikiriroa, Hamilton (i.e. Mana Whenua also known as iwi and hapuu) and Maaori with tribal affiliations outside Hamilton City but reside in Hamilton City or who own property in Hamilton City (i.e. Mataawaka).
Proposal	A suggestion presented to the Council resulting in a decision made by or on behalf of the Council at a Council or Committee meeting.
SCP	The Special Consultative Procedure, as outlined in s83 of the LGA 2002, which sets out minimum requirements for engagement including (but not limited to): <ul style="list-style-type: none"> • Making available a Statement of Proposal. • Allowing a minimum of 1 month to receive written views. • Allowing persons to present views in a spoken manner.
Significance	Defined in s5 of the LGA 2002, the degree of importance of the proposal or decision as assessed by the Council, in terms of its likely impact on, and likely consequences for,— <ol style="list-style-type: none"> a) the city b) any persons who are likely to be particularly affected by, or interested in, the proposal or decision. c) the capacity of the Council to perform its role, and the financial and other costs of doing so.

Significant	Defined in s5 of the LGA 2002, in relation to any proposal or decision means that the proposal has a high degree of significance. Decisions made by the Chief Executive or officers under delegated authority will not be deemed to be significant.
Significant Activity	An activity (or group of activities) meeting the definition of core service meeting the definition under s11A of the LGA 2002: <ul style="list-style-type: none"> a) network infrastructure b) public transport services c) solid waste collection and disposal d) the avoidance or mitigation of natural hazards e) libraries, museums, reserves, recreational facilities, and other community infrastructure.
Strategic asset	Defined in s5 of the LGA 2002, an asset or group of assets that the Council needs to retain if the Council is to maintain its capacity to achieve or promote any outcome that the Council determines to be important to the current or future well-being of the community; The following are the Council's strategic assets at the time of the adoption of this policy: <ul style="list-style-type: none"> a) Hamilton City Libraries network. b) Waterworld and Gallagher Pool. c) Waikato Museum and Collection. d) Hamilton Transport Centre. e) Hamilton Zoo. f) Hamilton Gardens. g) Waikato Stadium, Seddon Park, Claudelands Events Centre and Porritt Stadium. h) Cemeteries. i) Wastewater reticulation and treatment network. j) Stormwater reticulation network. k) Transportation network. l) Reservoirs and water reticulation and treatment network. m) Waikato Regional Airport Ltd.
Statement of Proposal	A document that provides the basis for consultation with the community under the SCP by setting out the Council's proposition with respect to a particular decision.
The Council	Hamilton City Council.

Principles

3. The Council will be consistent and transparent in how it engages the public.
4. The Council will commit to genuine and authentic community engagement.
5. The Council will ensure Maaori views are considered when engaging.
6. The Council will consider language, accessibility and cultural needs in any engagement.
7. The Council will act honestly and openly when analysing and presenting any engagement results.
8. The Council will provide appropriate information to help people understand what is being proposed.
9. The Council will prominently outline a proposals or decisions cost in any engagement.

Policy

Application of the Significance and Engagement Policy

9. This policy applies to any proposal presented to the Council for a decision.
10. This policy is applied in two steps:
 - a. Step 1 – Determining the significance of the proposal/decision.
 - b. Step 2 – Determining the requirement to engage or not (guided by the level of significance). If there is a requirement to engage, the level of engagement is set out.
11. This policy does not affect any statutory requirement to undertake any specific consultation and decision-making processes (e.g. under the [Resource Management Act 1991](#)).
12. Where Council makes a decision that is significantly inconsistent with this policy, the steps identified in [s80](#) of the LGA 2002 will be applied.
13. There may be occasions when the Council may not follow this policy, for example where failure to make a decision urgently would result in unreasonable or significant damage to property, risk to people's health and safety, or the loss of a substantial opportunity to achieve the Council's strategic objectives. The Act sets out a process for the Council to follow if the Council has a good reason to make a decision outside of this policy.

Step 1 - Determining the level of significance

14. [Schedule 1 - Determining significance](#) outlines key considerations relative to a decision or proposal's impact on the:
 - a. Service provided by the Council.
 - b. Transfer of ownership or control of [strategic assets](#).
 - c. Level(s) of financial consequence.
 - d. Ability to reverse a decision.
 - e. Consistency with a prior decision.
 - f. Levels of public interest known.
 - g. Community (as a whole or in part).
15. The Council will assess the degree of significance of a proposal or decision on a case-by-case basis using [Schedule 1 - Determining significance](#) and determine the level of significance of a proposal or decision to be high, medium or low.
16. If the proposal or decision triggers four or more [key considerations](#) which are under the high significance level column, the level of significance will be deemed to be **high**.
17. If the proposal or decision triggers five or more [key considerations](#) which are under the low significance level column, the level of significance will be deemed to be **low**.
18. If the level of significance of a proposal or decision is not deemed to be high (under clause 15) or low (under clause 16), the level of significance will be deemed to be **medium**.

Step 2 - Determining engagement approach

19. Details of engagement activities will be developed in an engagement plan specific to each project or intuitive.
20. Council may use a variety of engagement techniques based on a range of factors, including history and public awareness of the issue, stakeholder involvement, and timing related to other events and budgets.

21. The engagement approach will consider the following:
 - Multiple opportunities for the community and interested parties to have their say such as:
 - Face to Face conversations
 - Social media comments/polls
 - Survey – online/paper
 - Taking a holistic approach by bundling this matter with other engagement activity (where practical)
 - Early engagement and collaboration with partners and community
 - Targeting a balance of specific demographic groups
 - A localised approach to engagement and talking with the community about issues that matter to them/what's going on in their neighbourhood
 - A focus on accessibility and use a variety of languages and channels that will best meet the needs of our diverse community.
22. In general, the more significant an issue, the greater the need for community engagement.
23. The engagement approach the Council will take will be determined on a case-by-case basis using [Schedule 2 – Determining engagement](#) for guidance.
24. The proposed engagement approach will be supported by rationale outlined in the Council or Committee reports.
25. Post engagement, the engagement insights will be provided in a meaningful and timely way to Council.

Use of Special Consultative Procedure

26. The Council will use the Special Consultative Procedure (as set out in section 83 of the LGA 2002) where required under the LGA or any other legislation.
27. The Council will develop a proposal to fulfil 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 four weeks, and will consider all submissions prior to making decisions.
28. Specific issues where Council may use this form of consultation as a minimum will include:
 - The adoption of an Annual Plan where it differs significantly from the content of the 10-Year Plan
 - The adoption of the Development Contributions Policy where it differs significantly from the content of the previous Policy.
 - The making, amending or revoking bylaws
 - Or any other situation as defined by s87.
29. A special consultation procedure is to be used for the adoption or amendment of a long-term plan but in accordance with the changes described in s93.
30. Where an engagement is not subject to the SCP ([s83](#) of the LGA 2002), the Council will apply the Principles of Consultation ([s82](#) of the LGA 2002).

Monitoring and Implementation

31. Implementation of this policy will be monitored by the General Manager Strategy and Communications.
32. This policy will be reviewed, at the request of the Council, in response to any relevant legislative amendment, or every three years (whichever comes first).

Schedule 1 – Determining significance

Key considerations	Significance Level		
	High	Medium	Low
Alteration of a service which comes under the Council's significant activities (see significant activities listed in the definitions table).	Ceasing or commencing a service. (e.g. the closure of a museum).	A more than nominal alteration of a service. (e.g. the digitisation of most hard copy books at public libraries).	A nominal or no alteration of a service. (e.g. the undertaking of a tender with a different contractor).
Involves the transfer of ownership or control of strategic assets to or from the Council.	Majority transfer (i.e. more than 51%) or transfer in its entirety. (e.g. a full transfer of a theatre facility).	Minority transfer. (e.g. a 30% share transfer of the museum).	Nominal or no transfer. (e.g. the transfer of a council owned statue).
Level of financial consequences in relation to unbudgeted operating cost or capital cost in the 10 year plan.	Unbudgeted operating cost(s) greater than 10% of total expenses in the financial year of the proposal / decision. (e.g. a \$25m unbudgeted increase in lease costs). AND/OR Unbudgeted capital cost(s) greater than 1% of total assets in the financial year of the proposal / decision. (e.g. the construction of a \$40m unbudgeted building).	Unbudgeted operating cost(s) greater than 5% but less than 10% of total expenses in the financial year of the proposal / decision. (e.g. a \$15m unbudgeted increase in lease costs). AND/OR Unbudgeted capital cost(s) greater than .5% but less than 1% of total assets in the financial year of the proposal / decision. (e.g. the construction of a \$25m unbudgeted building).	Unbudgeted operating cost(s) less than 5% of total expenses in the financial year of the proposal / decision. (e.g. a \$1m unbudgeted increase in lease costs). AND/OR Unbudgeted capital cost(s) less than .5% of total assets in the financial year of the proposal / decision. (e.g. the construction of a \$1m unbudgeted building).
Ability to reverse the decision.	Highly difficult. (e.g. constructing a purpose built building).	Moderately difficult. (e.g. adoption of the Speed Limit Bylaw).	Low difficulty. (e.g. minor amendment to a policy).
Consistency with a prior decision or decisions (i.e. proposal or decision which is consistent with current policies and strategies).	Decision or proposal is significantly inconsistent. (e.g. a decision or proposal that retires a Council adopted strategy).	Decision or proposal is consistent but with some notable variations. (e.g. a decision or proposal contrary to the public places policy allowing restaurants to use entire width of public footpaths for outdoor entertainment).	Decision or proposal is consistent. (e.g. adopting the public places bylaw to enforce the public places policy).

Levels of public interest known.	High levels of public interest known. (e.g. the adoption of the psychoactive substances policy).	Moderate levels of public interest known. (e.g. the adoption of the Event Sponsorship policy).	Low levels of public interest known. (e.g. the adoption of the elected member support policy).
Impact on proportion of the community.	Impacts a large proportion of the community. (e.g. a change in the rubbish collection timeframes).	Impacts a subgroup or groups within the community. (e.g. the creation of a neighbourhood playground).	Impacts an individual person or household. (e.g. the removal of a street tree).
Degree of impact on affected people in the community.	High degree. (e.g. the change of a road name).	Moderate degree. (e.g. the investment in a small suburb library).	Low degree. (e.g. the changing the style of bus stop waiting areas).

Schedule 2 – Determining engagement approach

Type of Engagement	Purpose of Engagement	Example engagement Tools	Understandings of the communities view	Response sort from community	Level of Significance
Advise	To provide information to the community on action being taken by Council	Media Our Hamilton Website Social media E-newsletters	Prior engagement and research has established an understanding of the communities views on this issue	No feedback is activity sort Public may make representation in public forum when the item is being discussed at Council	Low
Inform	To seek the view of the community on options Council is considering	Survey Our Hamilton Website Social media E-newsletters Targeted letters / email Signage on site	Prior engagement and research has established an understanding of the communities views on this issue	Survey response No formal option to present views to Council via hearings Public may make representation in public forum when the item is being discussed at Council	Low to Medium
Consult	To seek the view of the community on options and allow the community to propose suggestion to Council for consideration	Survey Social media Signage on site Open day / information session(s)	Prior engagement and research has established an understanding of the communities views on this issue	Survey response Formal option to present views to Council via hearings Public may make representation in public forum when the item is being discussed at Council	Medium to High
Involve	To seek community input into options being considered by Council	Face to face conversations Focus groups Open day / information session(s) Survey Media Our Hamilton Social media	Prior engagement and research has established an understanding of the communities views on this issue seeking more information on community led solutions	Ideas to refine the options Survey response Option to present views to Council via hearings	Medium to High