

# Significance & Engagement Policy | Te Kaupapa Here Hiraka Whakapā

2024

# 1. Introduction | Whakatakika



## The Council engages with our district's community, and beyond, every day and in many different ways.

It can be a two-way process of consultation and engagement, a collaborative community process to develop a plan or strategy, our ongoing partnership with mana whenua, or simple one-way communications to keep people informed.

This policy has been developed to provide certainty on:

- > When and how the Council will engage or consult with communities,
- > What the Council will take into account when deciding what is significant, and;
- > When the community will have a direct opportunity to contribute to decision-making.

Recognising that sometimes the Council needs to undertake work or make decisions as part of 'business as usual' or because there is a statutory requirement, the Council wants to make sure you're able to contribute to decisions that matter to you, and understand what influence you can have.

In short – we want to have the right conversations with the right

people about the right issues – before making significant decisions and reflecting the views of the community as we collectively work towards the goals of the community's Vision Beyond 2050<sup>1</sup>.

This policy outlines the type of conversations you can get involved with and things that you can expect to be consulted about, such as the sale or transfer of assets, the key issues in the Long Term Plan and Annual Plan, a decision that will affect service levels, or something that will add cost to you as the ratepayer.

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

**“to enable democratic local decision-making and action by, and on behalf of, communities; and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.”**

*Local Government Act 2002 S10(1)*



## Why does the Policy exist?

Under S76AA of the Local Government Act 2002 (LGA2002) every local authority must adopt a significance and engagement policy (see *Appendix 1*).

The purpose of the policy is to provide greater clarity and transparency on the Council's decision-making processes and how our community can participate in them. It sets out what you can expect from the Council regarding consultation and the options open to you to influence and participate in local and district-wide decision-making.

The policy also recognises that at times significant community issues will be community-led and reflects a spectrum of engagement and participation.

The policy aim is to hear the voices from across all of our community including ratepayers, resident non-ratepayers, visitors, and in particular those who are often not heard such as ethnic minorities, youth, disabled people and older people.



## What is the Term of the Policy?

The policy is reviewed every three years as part of the Long Term Plan<sup>2</sup> cycle which is a Special Consultative Procedure.



## Our commitment to Māori and Iwi

We are committed to meeting our broad legal obligations to Māori and Iwi including responsibilities under Te Tiriti o Waitangi | the Treaty of Waitangi, and to go beyond the foundation requirements of the LGA2002 s81. The Council recognises these responsibilities are distinct from the Crown's and fall within a local government Queenstown Lakes context. We also recognise the enduring presence, aspirations, and cultural obligations of mana whenua as kaitiaki (stewards) in Queenstown Lakes.

We work with Kāi Tahu (through Aukaha, Te Ao Marama, and Te Rūnanga o Ngāi Tahu and its commercial entities) on matters that affect Māori and Iwi and takes into account their advice, guidance and insight.

<sup>2</sup> As defined by the LGA2002 S93



## What is the Special Consultative Procedure?

This is the formal process<sup>3</sup> which is mandatory for certain decisions by law and may also be adopted to enable the community to have a say on other decisions deemed significant. The Council will take the community's views into account, alongside other considerations such as legal requirements, expert advice, cost, safety, and the needs of future generations and mana whenua, before making a decision. This is a more formal process than inviting feedback and there are rules about how we undertake special consultation (see *appendix 1*). Participants in this process make formal submissions which are made publicly available<sup>4</sup> (all other

processes gather informal feedback and comments). Submitters can choose to present their views at a formal hearing before elected members, who will then deliberate on matters taking in to account all relevant considerations and perspectives, before making a decision.

There will be times when it will be important for Council to undertake informal pre-consultation (or early engagement) to understand how we might shape the options before undertaking Special Consultation.

Whether a decision requires the Special Consultative Procedure or not, we will always ensure that any engagement or consultation meets the requirements and principles of section 82 of the LGA2002. This ensures we are aiming to provide anyone who is affected by or has an interest in a decision or matter has the opportunity to provide their views to the local authority.

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- > See *page 7* for matters that the Council must use the special consultative procedure for, by law.
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- > See *page 9* for 'how' and 'when' the Council will consult using this procedure.
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**2. How will we determine the significance of a decision and when will we use the special consultative procedure?  
| Ka pēhea te pūkeke i kā whakatauka, āhea hoki mātou e aro ki kā mātaka whakaaro?**



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

## Part A: Assessment

Every agenda item requiring a decision of Council<sup>5</sup> will require the report author to consider significance and engagement as outlined in this policy and in particular the following six criteria, then make a recommendation to elected members of the decision's level of significance acknowledging that some situations will automatically trigger a Special Consultative Procedure as outlined on *page 7*.

The final decision about the significance of any matter rests with elected members.


- > Each proposal or decision will be considered on a case-by-case basis to determine significance.
- > The weighting of each consideration will differ depending on the matter to be decided upon.
- > The consideration, disclosure and consultation will be proportional to the significance of the decision.
- > When making this determination other factors may also need to be considered, such as urgency, safety, commercial sensitivity, and public good.

CONSIDERATIONS	IMPACT LEVEL GUIDANCE
<p><b>Importance to the Queenstown Lakes District</b></p> <p>The extent to which the matters affect the people of the district, their social, economic, environmental and cultural wellbeing (e.g. significant capital projects and associated investment) and their alignment with the goals of Vision Beyond 2050<sup>6</sup>.</p>	<ul style="list-style-type: none"> <li>&gt; <b>Higher impact</b> decisions may significantly increase rates, Council borrowing or user charges; may limit access to community facilities; or reduce levels of core services.</li> <li>&gt; <b>Lower impact</b> decisions may provide an increased level of service at little or no cost to end users, or could be the development of grant funded community facilities.</li> </ul>
<p><b>Community interest</b></p> <p>The extent to which persons, organisations, groups and sectors in the community are or may in the future be affected by the Council's decisions, with a mind to the wellbeing and needs of future generations and the wider community / district.</p>	<ul style="list-style-type: none"> <li>&gt; <b>Higher impact</b> decisions may include material changes to how services are delivered or access to community facilities if they are likely to significantly affect community wellbeing.</li> <li>&gt; <b>Lower significance</b> decisions may include how Council manages its internal IT systems or resources key programmes of work.</li> </ul>
<p><b>Consistency with existing policy and strategy</b></p> <p>The extent to which decisions are consistent with adopted policy and strategy, the likely impact of making decisions inconsistent with these, and consideration of matters that may make inconsistent decisions a preferred option.</p>	<ul style="list-style-type: none"> <li>&gt; <b>Higher level</b> significance would be a proposal inconsistent with previously resolved decisions or strategic direction, and/or contrary to existing adopted Council policies.</li> <li>&gt; <b>Lower significance</b> would align with existing policies, strategies and previous Council resolutions.</li> </ul>
<p><b>The impact on the Council's capability and capacity</b></p> <p>The impact on the objectives set out in guiding documents such as the Financial Strategy, Infrastructure Strategy, Long Term Plan and Annual Plan.</p>	<ul style="list-style-type: none"> <li>&gt; <b>Higher impact</b> decisions might reduce Council's ability to deliver its core functions, levels of service, or to fulfil previously adopted Plans and Strategies or resolved commitments.</li> <li>&gt; <b>Lower impact</b> decisions are those that would have little effect on levels of service or resourcing.</li> </ul>
<p><b>Climate change</b></p> <p>The extent to which the decision is aligned with the Council's Climate &amp; Biodiversity Plan<sup>7</sup> including its action plan and outcomes.</p>	<ul style="list-style-type: none"> <li>&gt; <b>Higher impact</b> decisions are inconsistent with the adopted Climate &amp; Biodiversity Plan or require significant investment or deviation from existing strategies and plans.</li> <li>&gt; <b>Lower impact</b> decisions would align with and further the goals of the Climate &amp; Biodiversity Plan, as well as aligning with other Council plans.</li> </ul>
<p><b>Mana whenua</b></p> <p>The extent to which a decision relates to land or a body of water, takes into account the relationship of Māori (specifically Kāi Tahu) and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taoka.</p>	<ul style="list-style-type: none"> <li>&gt; <b>Higher impact</b> decisions might include matters relating to a proposed transfer of land to another agency.</li> <li>&gt; <b>Lower impact</b> decisions might include development of a new sports facility in an existing subdivision with no ancestral link to mana whenua.</li> </ul>

<sup>5</sup> The definition of Council for the purposes of this policy includes any standing committees, subcommittees or other decision-making bodies or Council, and any community boards (established under LGA2002 Sch 6).

<sup>6</sup> Vision Beyond 2050: [www.qldc.govt.nz/your-council/our-vision-mission](http://www.qldc.govt.nz/your-council/our-vision-mission)

<sup>7</sup> Climate & Biodiversity Plan: <https://www.qldc.govt.nz/your-council/climate-change-and-biodiversity>



## Part B: Strategic assets

The law requires us to adopt the Special Consultative Procedure for engagement relating to:

- > Adopting and amending our Long Term Plan
- > Making, amending<sup>8</sup> or revoking a bylaw
- > Selling or transferring ownership of a significant strategic asset
- > Adopting the Treasury Management Policy
- > Other Acts if expressly required by law

For all other decisions, the Council may choose whether or not it will undertake community engagement or consultation on differing scales, depending on the issue.

Any decision relating to the sale or transfer or sale of shareholding of any strategic assets is assessed as a matter of high impact and will trigger the Special Consultative Procedure. To clarify:

- > Any decision that transfers or changes ownership or control of strategic assets to or from the Council.
- > The sale or transfer of shareholding of any of the Significant Strategic Assets (as defined by section 5 LGA2002 - see *appendix 2*)
- > Any long term lease of strategic assets (other than land).

## A list of assets is available in Appendix 2

<sup>8</sup> LGA2002 s156 provides for bylaws to be amended by resolution publicly notified where the proposed amendments are minor or are corrections that do not affect an existing right, interest, title, immunity, duty, status, or capacity of any person to whom the bylaw applies.



## Part C: Council-Controlled Organisation | Council- Controlled Trading Organisation

Councils are able to create council-controlled organisations (CCO) or council-controlled trading organisations (CCTO) under the LGA 2002. CCOs | CCTOs enable councils to engage people with skills and experience necessary to operate a business or undertaking on the Council's behalf. CCOs are commonly companies and therefore generally operate as commercial entities that exercise commercial judgement and business expertise. They also exist to provide services to those who partly or wholly fund them. CCTOs have the additional requirement to carry out business with the purpose of making a profit.

Section 6 of the LGA2002 defines as CCO as a council organisation that is:

- (a)** a company-
  - (i)** in which equity securities carrying 50% or more of the voting rights at a meeting of the shareholders of the company are:
    - (A)** held by 1 or more local authorities; or
    - (B)** controlled, directly or indirectly, by 1 or more local authorities; or
  - (ii)** in which 1 or more local authorities have the right, directly or indirectly, to appoint 50% or more of the directors of the company; or
- (b)** an entity in respect of which 1 or more local authorities have, whether or not jointly with other local authorities or persons,
  - (i)** control, directly or indirectly, of 50% or more of the votes at any meeting of the members or controlling body of the entity; or
  - (ii)** the right, directly or indirectly, to appoint 50% or more of the trustees, directors, or managers (however described) of the entity

A CCTO is differentiated by being an organisation "that operates a trading undertaking for the purpose of making a profit".

### CURRENT CCOS | CCTOS

The Council currently has one CCTO, Queenstown Airport Corporation (QAC). QLDC is the majority shareholder of QAC, holding 75.01% of shares. Auckland International Airport holds the remaining 24.99%<sup>9</sup>.

### HOW WE WILL CONSULT


Section 56 of the Local Government Act 2002 requires that before a council can create or become a shareholder in a council-controlled organisation or council-controlled trading organisation it must undertake consultation in accordance with section 82 of the Local Government Act 2002. It also confirms that this consultation can be undertaken as part of another consultation or a part of a long term plan.

We will always ensure that we meet the requirements of s82 but where the level of significance is of a higher level (based on the parameters in this policy) we may choose to undertake a more formal Special Consultative Procedure (as defined by s83).

**Please note:** Requirements for the ongoing governance and accountability of CCOs|CCTOs are defined by the LGA2002 Part 5, including the annual statement of intent (s64), additional plans (s64A), the annual statement of expectations (s64B), and annual performance monitoring (ss65-72).



# 3. What is the special consultative procedure requirement? | He aha kā hereka mahika mātaka?



**This is a formal consultation process that is triggered when required by law or may be undertaken when a decision is deemed significant (as described in *Part 2*).**


Under the procedure, we must:

- > Prepare and adopt a Statement of Proposal and Summary, (or a Consultation Document in the case of a Long Term Plan or Annual Plan) and make it widely available.
- > Allow a minimum of one calendar month for people to consider the proposal and enter a submission.
- > Ensure people are given the opportunity to present their views to elected members at a hearing.

You can read more about how the Council will communicate and consult on significant matters on *page 10*.

You can read about some of the ways the Council may engage in this instance on *page 14*.

# 4. How will we consult and engage? | Ka pēhea mātou e whakapā ai, e mātaka ai?



**We will communicate across multiple channels to reach ratepayers, residents and key stakeholders.**

The tools and channels we use will vary on a case-by-case basis, depending on the significance of the decision, who we need to hear from, or a variety of other considerations.

Channels may include (but are not limited to):

- > Public events such as drop-in sessions, facilitated workshops, community pop-ups
- > Focused engagement and structured activities with key stakeholders such as Community and Residents' Associations
- > Our website and online engagement platforms, such as Let's Talk

- > Our bi-monthly newsletter
- > Mainstream media (particularly local newspapers and publications)
- > Local radio
- > Email and e-newsletters
- > Social media (Facebook, X (formerly Twitter), Instagram, LinkedIn)
- > Direct mail and email to affected parties
- > Information sent with rates notices

- > Other direct communication channels that capture groups we don't hear from much such as ethnic minorities, younger residents and people who don't use electronic communication, for example coming along to an interest group meeting or a citizenship session at the high school.

We know that technology continues to offer new and flexible ways of meaningfully engaging and providing opportunities for you to have your say. Our commitment is that we will keep monitoring emerging technologies and, where appropriate, adding them to our mix of channels.

We acknowledge that just as we have a responsibility to provide opportunities for people to engage with us on the matters they care about or are interested in, the community in turn has a responsibility whether to engage with the Council. We will respect every individual's right to choose whether to engage with the Council or not.

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

- > Online, such as completing a survey or other online feedback mechanism
- > In person at meetings, workshops or drop-in sessions
- > Emailing

The type of engagement will also reflect the significance of the matter and the level to which the community can influence the decision or outcome. For example, some decisions of Council are to ensure legal compliance or to ensure public safety. Other matters may seek a collaborative approach to designing a new community facility that has extensive scope or options that can be considered and shaped by the community.

Accordingly, when considering how we engage with the community the Council references the IAP2<sup>10</sup> Spectrum of Public Participation. IAP2's Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public's role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world.


<sup>10</sup> International Association for Public Participation

INCREASING IMPACT ON THE DECISION\*



	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

# 5. When we won't consult or engage | Kāore mātou i te whakapā, i te mātaka mō ēnei take



There are times when we won't normally consult the community because the issue is routine, operational, or because there is an emergency situation.

We're also conscious that "consultation fatigue" can cause people to tune out of conversations with councils, so we want to concentrate on having the right conversations on the issues that are generally more significant.

Here are some of the things we won't generally be asking about:

> Organisational decisions (i.e. staff changes and operational matters) that temporarily or do not materially reduce the level of service<sup>11</sup>.

> Emergency management activities during a state of emergency declared under the Civil Defence Emergency Management Act 2002.

> Decisions taken to manage an urgent issue, or

> Decisions to act where it is necessary to –

- comply with the law,
- save or protect life, health or amenity,
- prevent serious damage to property,
- avoid, remedy or mitigate an adverse effect on the environment,
- protect the integrity of existing and future infrastructure and amenity.

> Decisions that are commercially sensitive (e.g. awarding contracts).

> Any decisions that are made by delegation/sub-delegation to officers.

> Entry or exit from a development agreement (private contract) as per section 207A and 207F of the Local Government Act 2002.

> Decisions in relation to regulatory or enforcement activities.

> Where we are not required to consult by law, we can consider making a decision without consultation on a case-by-case basis.

<sup>11</sup> Levels of service define the services that the Council provides to the community. For example, the facilities and the hours they are open; the standards to which we maintain parks or road surfaces; how often waste and recycling are collected. All of these levels of service are set out in the Long Term Plan. If the Council changed something that would materially change the level of service for a significant activity agreed in the Long Term Plan, then we would need to consult the community about that. If the Council considered that the change was not material or would not alter the level of service (for example, changing the way we do something) then we might assess that this was purely operational and would not require specific consultation.

# 6. Less formal engagement

## | Whakapā Ōpaki

**There are many times when we will consult or engage with the community in a less formal way without using the Special Consultative Procedure.**

This includes:

> Community forums / public meetings

> Street survey (targeting demographic)

> Displays (e.g. A&P Shows)

> Pop up stalls (e.g. markets and on location)

> In-App advertising

> User interface (e.g. sports groups)

> Structured / facilitated workshops

> Letter drop or newspaper inserts

> Electronic newsletter

> Community road shows

> Bus advertising

> Quality of Life survey

> E-texting

> Brochures

> Targeted education (e.g. schools)

> Council website

> Posters and flyers

> Rates notice

> Editorial

*Note, the Council is not limited to use the tools on this list and will make the best use of technology and innovation where possible.*

# 7. Principles of engagement

## | Kā pūtake whakapā



**This is what you can expect from us when we undertake any community and stakeholder engagement or formal consultation:**


- > We will be genuine in our consultation and engagement.
  - We will have an open mind to community feedback before making decisions.
  - We will give our community a timely opportunity to have a say.
  - We will endeavour to reach a broad range of the community with particular regard to directly affected parties / stakeholders to ensure a representative and wide community view.
- > We want to meet community expectations regarding consultation and engagement, and provide a range of options to engage or provide feedback that best meets the needs for the community.

- > We will empower the community to give informed feedback and wherever possible enable the community to consider options relating to the decision.
- > We want to engage and consult with the community appropriately.
- > We will not treat consultation or engagement as a poll or referendum; feedback is one consideration alongside other aspects such as available funding, technical possibilities, legislative requirements, etc and will be weighted accordingly when decisions are made.
- > We will always provide feedback to those who make the effort to give us their opinions and we will explain our decisions.

### **DIVERSITY AND INCLUSION**

When we engage we aim to empower the diverse communities of the Queenstown Lakes District to participate meaningfully and safely in shaping the district's services, facilities, plans and policies. This includes a commitment to encourage and enable participation from all parts of the community regardless of cultural background, ethnicity, religion, age, gender, sexual or gender identity, or ability. We will look to use a broad range of tools, channels, and content styles, to respond to literacy challenges, language barriers and disability, and where appropriate may adopt a more targeted approach to ensure stakeholders in a particular location, group or demographic are encouraged to participate.

# 8. Providing information | Whakarawe mōhiotaka



**We know that people need full and clear information to base their opinions on, particularly for more complex or technical proposals which can sometimes be confusing.**

**As well as always endeavouring to speak to you in plain language, you can expect that if we ask your views, we will always let you know:**

- > What is proposed?
- > Why?
- > What options we have?
- > Our preferred option and why?
- > Costs and rating impact (if any).
- > What are the impacts (if any)?
- > How the community can have a say and on what aspects?
- > The timeframe and process.
- > How we will communicate the outcome.



# 9. Hearings and feedback

## | Kā whakawā me kā whakahoki kōrero



Where practical, hearings will be held in the location of the affected community or communities.

Where a district-wide consultation has been undertaken, we will aim to hold hearings in multiple locations and provide online access.

The Council will (where technology enables it) allow any person to present their views to the Council by way of audio link or video link.


If asked to do so, the Council will facilitate interpretation of speakers at a hearing (including te Reo Māori and sign language).

There is no requirement under the amendment to the Local Government Act 2002 to provide individual feedback but we do need to provide access to our decisions. Our policy is to go further than the Act requires. As such;

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

# 10. Changes to Significance and Engagement Policy

## | Kā hurihaka ki te Kaupapa Here Hiraka Whakapā

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- > Material changes to the Significance and Engagement Policy will be subject to community consultation in accordance with LGA2002 s82, however where sufficient understanding of community views and preferences exist changes may be made by Council resolution.
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- > Council will review the policy when we prepare a Long Term Plan (i.e. every three years). Any material changes to the policy will be highlighted in the Long Term Plan and feedback considered before the amended policy is adopted.

# Appendix 1:

## Local Government Act 2002

### | Act 2002 o te Kāwanataka ā-Kāiika



## Appendix 1 contains 4 relevant sections from the Local Government Act 2002 which relate to this policy being:

- > 76AA Significance and Engagement Policy
- > 82 Principles of consultation
- > 83 Special Consultative Procedure
- > 86 Use of special consultative procedure in relation to making, amending, or revoking bylaws
- > 156 Consultation requirements when making, amending, or revoking bylaws made under this Act

## 76AA Significance and Engagement Policy

- 1) Every local authority must adopt a policy setting out
  - a) that local authority's general approach to determining the significance of proposals and decisions in relation to issues, assets, and other matters; and
  - b) any criteria or procedures that are to be used by the local authority in assessing the extent to which issues, proposals, assets, decisions, or activities are significant or may have significant consequences; and
  - c) how the local authority will respond to community preferences about engagement on decisions relating to specific issues, assets, or other matters, including the form of consultation that may be desirable; and
  - d) how the local authority will engage with communities on other matters.

- 2) The purpose of the policy is—
  - a) to enable the local authority and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities; and
  - b) to provide clarity about how and when communities can expect to be engaged in decisions about different issues, assets, or other matters; and
  - c) to inform the local authority from the beginning of a decision-making process about—
    - i. the extent of any public engagement that is expected before a particular decision is made; and
    - ii. the form or type of engagement required.
- 3) The policy adopted under subsection (1) must list the assets considered by the local authority to be strategic assets.

Section 76AA: inserted, on 8 August 2014, by section 20 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

## 82 Principles of consultation

- 1) Consultation that a local authority undertakes in relation to any decision or other matter must be undertaken, subject to subsections (3) to (5), in accordance with the following principles:
  - a) that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons;
  - b) that persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority;
  - c) that persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning

the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented:

- d) that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons:
- e) that the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration:
- f) that persons who present views to the local authority should have access to a clear record or description of relevant decisions made by the local authority and explanatory material relating to the decisions, which may include, for example, reports relating to the matter that were considered before the decisions were made.

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2) A local authority must ensure that it has in place processes for consulting with Māori in accordance with subsection (1).

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3) The principles set out in subsection (1) are, subject to subsections (4) and (5), to be observed by a local authority in such manner as the local authority considers, in its discretion, to be appropriate in any particular instance.

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4) A local authority must, in exercising its discretion under subsection (3), have regard to—

- a) the requirements of section 78; and
- b) the extent to which the current views and preferences of persons who will or may be affected by, or have an interest in, the decision or matter are known to the local authority; and
- c) the nature and significance of the decision or matter, including its likely impact from the perspective of the persons who will or may be affected by, or have an interest in, the decision or matter; and
- d) the provisions of Part 1 of the Local Government Official Information and

Meetings Act 1987 (which Part, among other things, sets out the circumstances in which there is good reason for withholding local authority information); and

- e) the costs and benefits of any consultation process or procedure.

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5) Where a local authority is authorised or required by this Act or any other enactment to undertake consultation in relation to any decision or matter and the procedure in respect of that consultation is prescribed by this Act or any other enactment, such of the provisions of the principles set out in subsection (1) as are inconsistent with specific requirements of the procedure so prescribed are not to be observed by the local authority in respect of that consultation.


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## 83 Special Consultative Procedure

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- 1) Where this Act or any other enactment requires a local authority to use or adopt the special consultative procedure, that local authority must—
  - a) prepare and adopt—
    - i. a statement of proposal; and
    - ii. if the local authority considers on reasonable grounds that it is necessary to enable public understanding of the proposal, a summary of the information contained in the statement of proposal (which summary must comply with section 83AA); and
  - b) ensure that the following is publicly available:
    - i. the statement of proposal; and
    - ii. a description of how the local authority will provide persons interested in the proposal

- with an opportunity to present their views to the local authority in accordance with section 82(1)(d); and
  - iii. a statement of the period within which views on the proposal may be provided to the local authority (the period being not less than 1 month from the date the statement is issued); and
  - c) make the summary of the information contained in the statement of proposal prepared in accordance with paragraph (a)(ii) (or the statement of proposal, if a summary is not prepared) as widely available as is reasonably practicable as a basis for consultation; and
  - d) provide an opportunity for persons to present their views to the local authority in a manner that enables spoken (or New Zealand sign language) interaction between the person and the local authority, or any representatives to whom an appropriate delegation has been made in accordance with Schedule 7; and
  - e) ensure that any person who wishes to present his or her views to the local authority or its representatives as described in paragraph (d)—
    - i. is given a reasonable opportunity to do so; and
    - ii. is informed about how and when he or she may take up that opportunity.
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- 2) For the purpose of, but without limiting, subsection (1)(d), a local authority may allow any person to present his or her views to the local authority by way of audio link or audiovisual link.
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- 3) This section does not prevent a local authority from requesting or considering, before making a decision, comment or advice from an officer of the local authority or any other person in respect of the proposal or any views on the proposal, or both.
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- Section 83: replaced, on 8 August 2014, by section 25 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).




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

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- 1) This section applies if, in accordance with section 156(1) (a), the special consultative procedure is required to be used in relation to the making, amending, or revoking of a bylaw.
- 2) The statement of proposal referred to in section 83(1)(a) must include,—
  - a) as the case may be,—
    - i. a draft of the bylaw as proposed to be made or amended; or
    - ii. a statement that the bylaw is to be revoked; and

- b) the reasons for the proposal; and
  - c) a report on any relevant determinations by the local authority under section 155.
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Section 86: replaced, on 8 August 2014, by section 28 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).



## 156 Consultation requirements when making, amending, or revoking bylaws made under this Act

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- 1) When making a bylaw under this Act or amending or revoking a bylaw made under this Act, a local authority must—

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

- ii. an existing status or capacity of any person to whom the bylaw applies:
- b) convert an imperial weight or measure specified in a bylaw into its metric equivalent or near metric equivalent.


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Section 156: substituted, on 28 June 2006, by section 17 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 156 heading: replaced, on 8 August 2014, by section 48(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 156(1): replaced, on 8 August 2014, by section 48(2) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 156(2): amended, on 8 August 2014, by section 48(3) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).



## 81 Contributions to decision-making processes by Māori

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- 1) A local authority must—
- a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and
  - b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and
  - c) provide relevant information to Māori for the purposes of paragraphs (a) and (b).
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- 2) A local authority, in exercising its responsibility to make judgments about the manner in which subsection (1) is to be complied with, must have regard to—
- a) the role of the local authority, as set out in section 11; and
  - b) such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.
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# Appendix 2: Schedule of Assets | Hōtaka Riroka







**The LGA2002 requires that any decision that significantly alters the level of service provided by the Council of a significant activity (including a decision to commence or cease such an activity) or transfers ownership or control of a strategic asset to or from the Council must be explicitly provided for in the Long Term Plan and can only be consulted on in the Long Term Plan, in accordance with section 93E of the Act.**

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#### **GROUP OR WHOLE-OF-ASSET APPROACH**

The Council takes a group or whole-of-asset approach i.e. it means the group assets as a whole and not each individual asset within the group. Without limiting the application of this provision to other assets, the following examples of the application of this policy to group assets are given:

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- > “Water supply system” assets means those group assets as a whole and not each individual pipeline, reservoir, and pump station. The Council does not consider that the addition or deletion of parts of that group asset (being a part of the group asset as a whole) will affect the overall group asset’s strategic nature.
  - > “Roading assets” and “reserve assets” mean those group assets as a whole. Therefore, if the Council acquires land for a new road (or the formed road itself) or new reserve lands as a result of subdivision, those additions are part of the day-today business of managing the roading and reserves assets.
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> Decisions that involve the transfer of ownership or control of an element of a group strategic asset where the remaining assets of the group still enable the Council to meet its strategic outcome will not on their own be regarded as a strategic asset. Examples include:

- o disposal of former roads, provided that the Council has followed the road stopping processes under the Public Works Act 1981
  - o disposal of individual reserves, provided that the Council has followed the procedures in the Reserves Act 1977 or the Local Government Act 2002 for areas managed as reserve but not covered by the Reserves Act.
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ASSETS THE COUNCIL OWNS THAT ARE STRATEGIC ASSETS UNDER SECTION 5 OF THE LOCAL GOVERNMENT ACT 2002 (see page 27 for definitions under the Act):
Equity shares (75.01% shareholding) in Queenstown Airport Corporation Limited
The elderly housing held by Council in Caenarvon Street, Arrowtown
The elderly housing held by Council in McDougall Street, Wānaka

ASSETS THE COUNCIL HAS DETERMINED TO BE STRATEGIC ASSETS:
The sewage collection, treatment and disposal system, including the sewer network, pump stations and treatment works
The land drainage system, including the stormwater pipe network, waterways, and retention areas
The water supply system, including reservoirs, pump stations and reticulation
The roading network, including the public transport infrastructure system and pedestrian network
The library service, including all Council-owned library buildings
Community centres and halls
Swimming pool facilities
Te Pūāhuru   Queenstown Events Centre
Te Whare ā-Rēhia o Wānaka   Wānaka Recreation Centre
Te Whare Raumahara o Tāhuna   Queenstown Memorial Centre
Te Whare Tapere o Wānaka   Lake Wānaka Centre
Te Whare Kōrero o Haehaenui   Arrowtown Athenaeum Hall
Reserve land, including (but not limited to) the Lake Front Reserve, Wānaka and Te Kararo Queenstown Gardens, land held under the Reserves Act and land used for parks, cemeteries, gardens, campgrounds, sports fields and recreational areas
Arrowtown Gaol land (Cardigan Street, Arrowtown)
Council-owned heritage buildings – 59, 61, 61a and 63 Buckingham Street, Arrowtown, Malaghan Building 44 Stanley Street, Queenstown and Williams Cottage 21 Marine Parade, Queenstown
Wānaka Airport
Waste management, transfer stations and recycling facilities, including Whakatipu Recycling Centre and Victoria Flats landfill (shared ownership with Central Otago District Council)

*Matters relating to the sale or transfer of general land holdings not listed here will be considered under the Property Sale and Acquisition Policy, including level of significance, consultation requirements, and confirmation of land holdings as surplus being subject to Council resolution, and the guidance and criteria provided in this Policy document.*

**Please note;** any assets acquired, entrusted or held for the express purpose of generating funds for Council investment in infrastructure or community facilities (for example, the Commonage entrusted to Council under the Queenstown Reserves Vesting and Empowering Act 1971) or future development, or are within the scope of the QLDC Property Sale and Acquisition Policy, are excluded from this list and consultation under LGA2002 s82 or s83 is not required to transfer or dispose of these assets.

## LGA2002 S5 definition:

**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—

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- (a) any asset or group of assets listed in accordance with [section 76AA\(3\)](#) by the local authority; and

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  - (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

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  - (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](#)
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