

**From:** [Information Management Team](#)  
**To:** [REDACTED]  
**Subject:** RE: Three Waters Position  
**Date:** Thursday, 26 August 2021 4:03:00 PM  
**Attachments:** [Significance and Engagement Policy 2021-2031.pdf](#)

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Tēnā koe [REDACTED]

We refer to your request dated 20 August.

Please see below responses to your questions. I have attached the Significance and Engagement Policy as requested.

We also request information that answers the following questions:

1. 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?

**Answer:** No position has been taken

2. 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?

**Answer:** No determination has been made

- 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?

Nāku noa, nā

**Kate Ostapowicz**

Senior Advisor, Official Information

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W [www.huttcity.govt.nz](http://www.huttcity.govt.nz)

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**From:** [REDACTED]  
**Sent:** Friday, 20 August 2021 10:59 AM  
**To:** officialinformation@aucklandcouncil.govt.nz; info@adc.govt.nz; info@boprc.govt.nz; info@bdc.govt.nz; einfo@ecan.govt.nz; info@cdc.govt.nz; info@chbdc.govt.nz; codcalex@codc.govt.nz; info@cic.govt.nz; info@ccc.govt.nz; help.desk@cluthadc.govt.nz; dcc@dcc.govt.nz; ask.us@fndc.govt.nz; service@gdc.govt.nz; info@goredc.govt.nz; info@greydc.govt.nz; info@hcc.govt.nz; council@hdc.govt.nz; info@hauraki-dc.govt.nz; info@hbrc.govt.nz; enquiries@horowhenua.govt.nz; info@hurunui.govt.nz; contact@huttcity.govt.nz; service@icc.govt.nz; kdc@kaikoura.govt.nz; council@kaipara.govt.nz; kapiti.council@kapiticoast.govt.nz; kaweraudc@kaweraudc.govt.nz; info@mackenzie.govt.nz; public@mdc.govt.nz; help@horizons.govt.nz; mdc@marlborough.govt.nz; mdc@mstn.govt.nz; info@mpdc.govt.nz; info@napier.govt.nz; enquiry@ncc.govt.nz; enquiries@npdc.govt.nz; mailroom@nrc.govt.nz; info@odc.govt.nz; info@orc.govt.nz; info@otodc.govt.nz; info@pncc.govt.nz; enquiries@porirua.govt.nz; services@qldc.govt.nz; info@rangitikei.govt.nz; info@rotorualc.govt.nz; info@ruapehuc.govt.nz; admin@selwyn.govt.nz; contact@stdc.govt.nz; info@southwaikato.govt.nz; enquiries@swdc.govt.nz; emailsdc@southlanddc.govt.nz; service@es.govt.nz; stratforddc@stratford.govt.nz; info@trc.govt.nz; info@tararua.govt.nz; info@tasman.govt.nz; info@taupo.govt.nz; info@tauranga.govt.nz; customer.services@tcdc.govt.nz;

enquiry@timdc.govt.nz; askus@uhcc.govt.nz; info@waidc.govt.nz; info@ew.govt.nz;  
office@wmk.govt.nz; council@waimatedc.govt.nz; info@waipadc.govt.nz;  
administrator@wairoadc.govt.nz; service@waitaki.govt.nz; info@waitomo.govt.nz; info@wcc.govt.nz;  
info@gw.govt.nz; info@wrc.govt.nz; customerservice@westernbay.govt.nz;  
council@westlanddc.govt.nz; information@whakatane.govt.nz; wdc@whanganui.govt.nz;  
mailroom@wdc.govt.nz

**Subject:** Three Waters Position

## [External/Suspected Spam]

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:

1. 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?
2. 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.

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

Best,

[Redacted signature block]

[REDACTED]

[REDACTED]

# SIGNIFICANCE AND ENGAGEMENT POLICY

Our Significance and Engagement Policy:

- sets out the general approach Council will take to determining the significance of proposals and decisions relating to issues, assets or other matters
- clarifies how and when communities can expect to be engaged in decisions about different matters, depending on the degree of significance Council and its communities attach to those matters.

## 1. OBJECTIVE

All decisions Council makes must be made in accordance with the decision-making requirements set out in sections 76AA–81 of the Local Government Act 2002 (LGA). Council must ensure that the community receives every opportunity to engage with the decision-making process, particularly in cases where the decision is significant and may represent a material departure from existing policy.

Council must make a judgement about how to comply with the LGA in a way that:

- reflects the significance or materiality of the matter under consideration
- enhances the community's ability to engage.

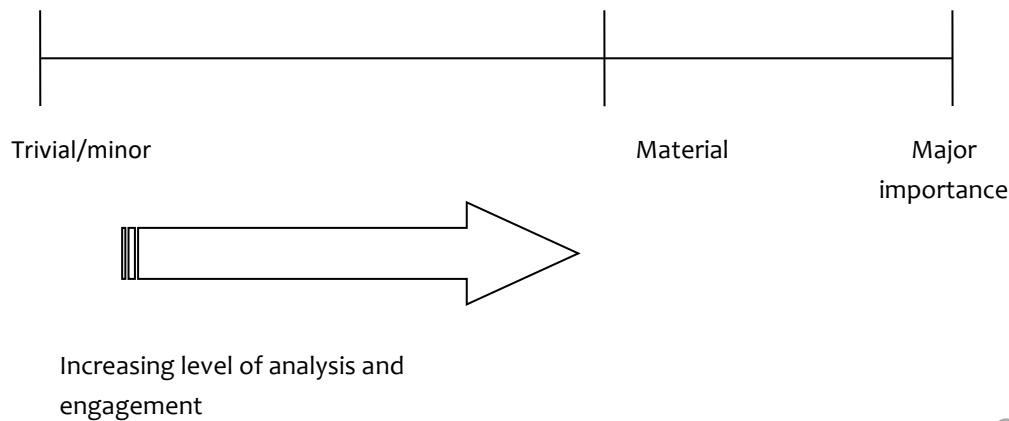
This policy explains Council's approach to determining the significance or materiality of a decision and lists the thresholds, criteria and procedures that Council and its community will use in the assessment.

## 2. INTRODUCTION

The LGA sets out the framework for Council's consultation and decision-making processes. Significance is a key concept in this framework. The term 'significance', as used in the LGA, is defined in section 5.

A decision about issues, assets and other matters is significant if it will mean a material departure from existing policy. A difference or variation is material if it could, by itself or in combination with other differences, influence the decisions or assessments of those reading or responding to the engagement document.

The type of decisions a Council and its community must make can range from those that are trivial in nature to those that are of major importance. The Council must decide where in the range of 'trivial' to 'very important' a decision sits and what level of analysis and engagement is appropriate every time it makes a decision.



The significance (materiality) range has a threshold at which point decisions are deemed to be 'significant'. If an issue requiring decision is determined to be 'significant', the Council will:

1. undertake community engagement responding to community preferences for engagement and clearly identifying why, how and when the community can expect to be engaged with using the special consultative procedure set out in section 83 of the LGA
2. ensure that every decision complies with the decision-making requirements set out in sections 76AA–81
3. take into account the relationship of Māori and their culture and traditions, if any of the options involves a significant decision in relation to land or a body of water, under section 77.

The Significance and Engagement Policy and the supporting information contained in Council's Community Engagement Strategy (see [http://portal.huttcity.govt.nz/Record/ReadOnly?Query=container:\[uri:3677922\]&Tab=31&Uri=3677320&Page=1](http://portal.huttcity.govt.nz/Record/ReadOnly?Query=container:[uri:3677922]&Tab=31&Uri=3677320&Page=1)) gives Council guidance on what consultation processes it should follow in relation to a particular decision. The Council's Guide to Good Decision Making provides further information as to what analysis is appropriate given the significance and nature of a decision. Even where Council thinks that a particular decision does not reach the 'significant' threshold, it may still choose to adopt the special consultative procedure.

### 3. APPROACH TO DECISION-MAKING AND SIGNIFICANCE

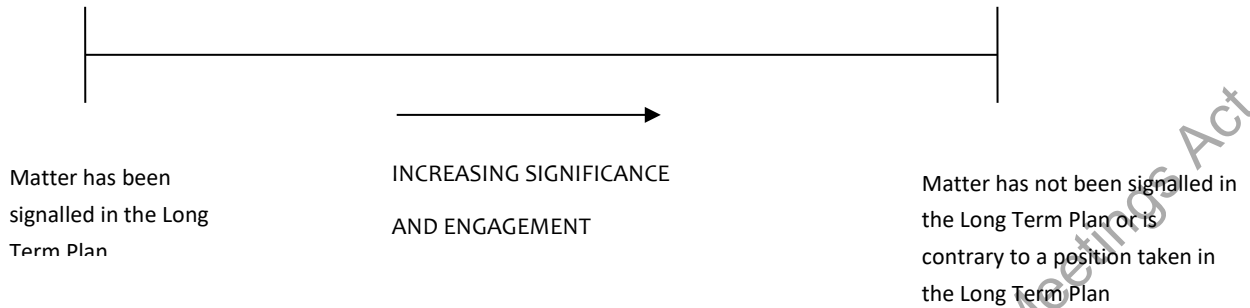
#### Determining significance

A significant decision is one that has a high degree of significance in terms of its impact on:

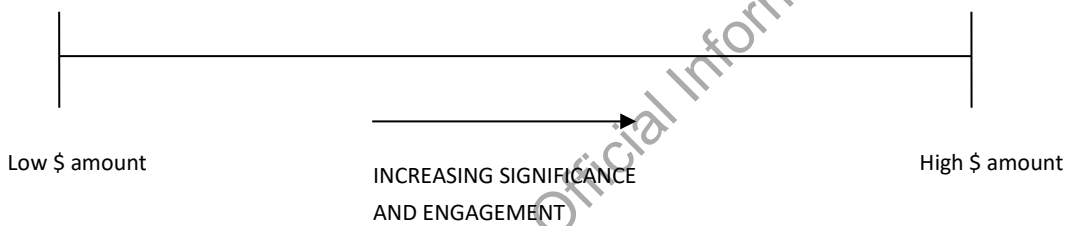
- the wellbeing of Hutt City; and/or
- persons likely to be affected by or with an interest in that decision; and/or
- the costs to or the capacity of the Council to provide for the wellbeing of the city.

When considering the significance of a proposal, decision or other matter, Council will use the following criteria. (Note: The cumulative effect of these criteria determines the overall significance of a matter.)

- The extent to which the matter flows logically and consequentially from a significant decision already made, or from a decision in the Long Term Plan or the Annual Plan



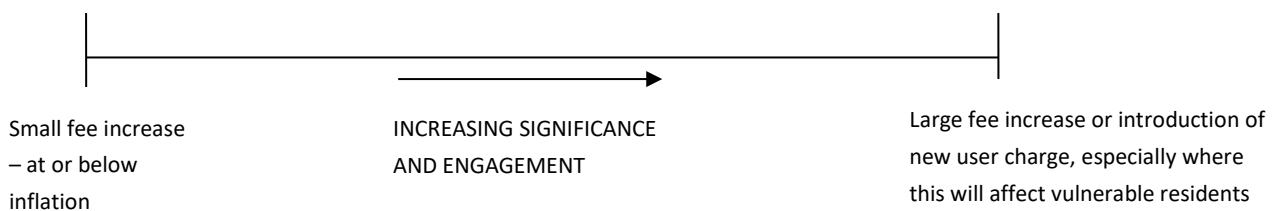
- The extent of the matter in terms of its net cost to the Council. Where a decision has not been highlighted through the Long Term Plan or Annual Plan, a decision involving a change in spending of more than 10 per cent of the planned capital expenditure for capital items or 5 per cent of the planned operating expenditure for operating decisions will be considered significant



- Whether the decision involves the transfer of ownership or control or the disposal or abandonment of a strategic asset as a whole, as defined by the LGA or listed in section 5 of this policy. Council will also consider the degree to which transfer of ownership or control or the disposal or abandonment of a part of a strategic asset undermines the integrity/functioning of the asset as a whole or restricts the networking utility of the asset



- Whether the matter includes consideration of a large increase in user fee or the introduction of a user fee for a service that has previously been provided free of charge

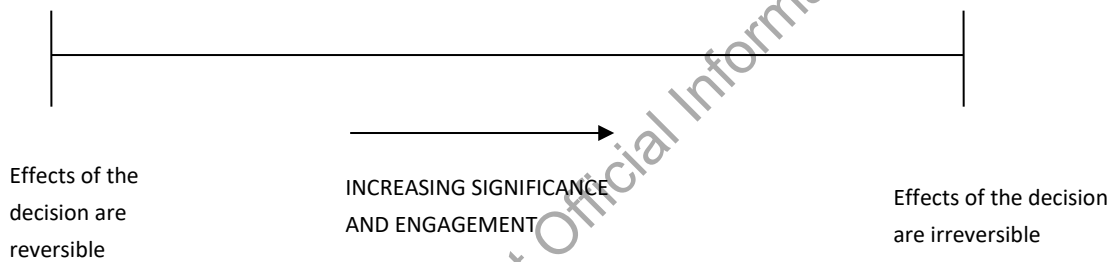


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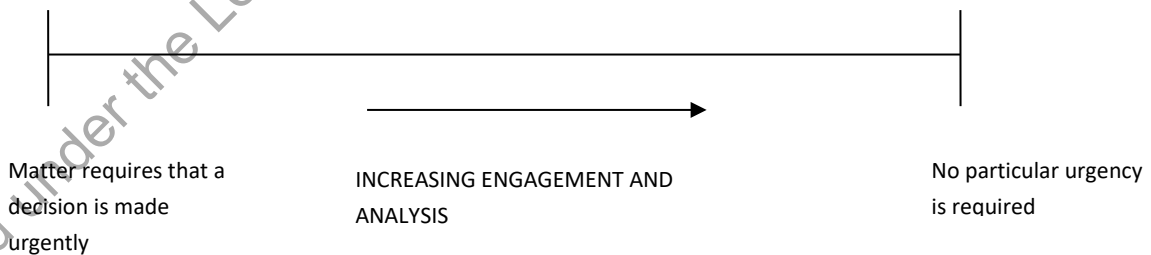
- Whether the matter includes consideration of an alteration to the intended level of service provision for any core Council activity, including a decision to commence or cease any such activity



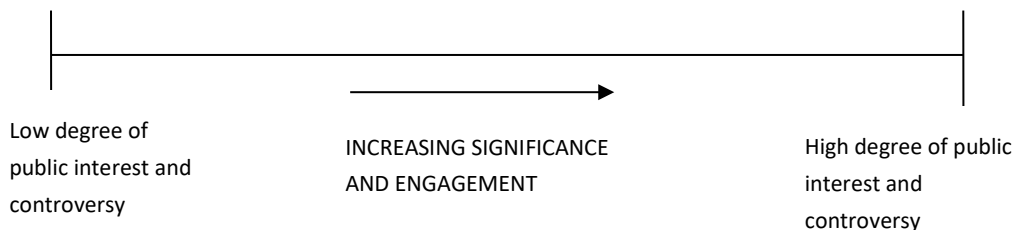
- Reversibility and intergenerational equity. The more irreversible the effects of a decision, the more significance it has – particularly where the decision involves the unsustainable use of resources and so reduces the right of future citizens to inherit the same diversity of natural and societal resources enjoyed by current citizens. This criterion includes the cumulative effects of previous decisions and their impact on irreversibility and intergenerational equity.



- Practicality. The LGA provides for Council to take into account the circumstances under which a decision is taken and what opportunity there is to consider a range of options and the views and preferences of other people. In circumstances in which failure to make a decision urgently would result in the loss of opportunities Council has assessed as able to contribute to achieving community outcomes, Council will tailor its decision-making processes to allow as much evaluation and engagement as practicable while working within the required timeline



- The extent to which the matter under consideration is of public interest or controversial within the community



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## Procedure

All reports to Council will include an assessment of the significance of the report's recommendations and the level and type of engagement required to ensure that the community gets every opportunity to engage with the decision-making process, particularly in cases where the decision being made is significant and may be a material departure from existing policy. A statement showing how the Council has appropriately observed the LGA, or will appropriately observe it, with regard to the appropriate degree and form of engagement and analysis, will also be included.

If Council considers recommendations to be above the 'significant' threshold, it will seek an external peer review to confirm that the decision-making process it undertakes is in accordance with the decision-making requirements set out in ss76AA–81 of the LGA.

## 4. ENGAGEMENT

Council's Community Engagement Strategy covers:

- interaction between Council and the community undertaken for democratic decision making
- ongoing engagement with the community in the spirit of partnership.

It outlines Council's community engagement philosophy and commitment to the community, and summarises:

- our community engagement goals
- the main types of community engagement Council undertakes
- how community engagement relates to the decision-making process and how Council considers involving the public in decision-making
- our approach to community partnerships
- our commitment to engaging Māori as a Treaty partner
- key opportunities for improving our community engagement.

'Community engagement' is much broader than 'consultation', although consultation is encompassed within that term. Community engagement includes the full range of community participation in decision making from the provision of information only right through to Council supporting community initiatives. The different degrees of community engagement relate to the extent that Council devolves decision-making powers (and implementation) to the community, or, conversely, holds those powers.

At a high level, Council undertakes five main types of community engagement. Although each type of community engagement has its place in Council, this strategy does not prescribe the type of community engagement that must be employed in specified circumstances. The range of Council's activities and decisions is too varied for such an approach. The section on decision making below does outline some of the high-level factors Council takes into account when considering what type of community engagement is suitable for a specific proposal or issue.

The five main types of community engagement are:



**Information** – The provision of information supports all types of community engagement and keeps people informed about such things as decisions, services and local events.

**Consultation** – Council will use consultation when there is a decision to make about something or when there are a number of choices about the details. Most proposals and related decisions do not reach the significance threshold but they involve consultation.

**Deciding together** – Where a decision will affect a particular community or communities, Council will work with local people when deciding which option to choose. A good example of this is the rebuild of Naenae Pool and the Naenae Spatial Plan.

**Acting together** – Sometimes implementation of decisions occurs in partnerships between Council and local people or agencies. The collaborative effort across the city to respond to COVID-19 is an example of this.

**Supporting community initiatives** – Council can empower independent groups to develop and carry out their own plans. In this case Council's role is primarily supportive or facilitative. A lot of the work of Council's community support staff involves supporting community initiatives.

## **Decision making**

Hutt City Council is involved in a wide range of activities, from setting policies on gaming in the city and developing and enforcing local regulations or promoting tourism right through to the delivery of services and infrastructure like libraries and roads. The kinds of decision involved range from minor operational matters to setting longer-term strategy.

In general terms, these decisions usually involve the first three types of community engagement – information, consultation and deciding together. In many cases, the same decision or issue may involve different types of community engagement at different steps in the decision-making process. It is important that the community and Hutt City Council have a common understanding of the decision-making process and how Council decides when and how much to engage the community.

Council's Community Engagement Strategy illustrates its general decision-making process. The strategy also outlines the key factors Council generally takes into account when developing a community engagement plan for a specific proposal or decision.

Council has also developed internal guidance – the Community Engagement Guidelines – to assist staff when they are deciding on the best approach to community engagement for a particular matter, proposal or decision. Council has trained community engagement mentors who are also available to assist colleagues design and implement an engagement strategy that is appropriate to the circumstances.

## **Spoken/sign language interpretation**

Council will make sure that people who require spoken/sign language interaction can obtain it through the Sub-regional Disability Forum and non-government organisations that provide sign/spoken language services.

## 5. STRATEGIC ASSETS

The LGA defines a strategic asset in section 5 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 wellbeing of the community; and includes—*

*(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'*

In accordance with section 76AA(3) of the LGA, Council considers the following assets to be strategic:

- the roading network
- the wastewater and treatment network
- the stormwater network
- the water supply network
- landfills
- the network of parks and reserves
- The Dowse and Petone Settlers museum collections
- the library network.

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