

Corporate and Operations Committee

Open Agenda



Notice is hereby given that an ordinary meeting of the Corporate and Operations Committee will be held on:

Date: Wednesday 12 December 2018
Time: 9:00
Venue: Council Chambers
35 Kenrick Street
TE AROHA

Membership

Mayor

Jan Barnes, JP

Councillors

Donna Arnold
Teena Cornes
Paul Cronin
Neil Goodger
Brian Hunter
Peter Jager

James Sainsbury
Ash Tanner
Kevin Tappin
James Thomas, JP
Adrienne Wilcock

Phone: 07-884-0060
Address: PO Box 266, Te Aroha 3342
Email: corp.legal@mpdc.govt.nz
Website: www.mpdc.govt.nz

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1 Meeting Opening

2 Present

3 Apologies

At the close of the agenda apologies from Cr Brian Hunter had been received.

4 Notification of Urgent Business

Pursuant to clause 3.7.5 and 3.7.6 of the Standing Orders NZS 9202:2003 and Section 6A (7) of the Local Government Official Information and Meetings Act 1987, the Chairman to enquire from members whether there are any additional items for consideration which qualify as extraordinary or urgent additional business.

5 Confirmation of minutes

Minutes, as circulated, of the Ordinary Meeting of the Corporate and Operations Committee, held on 28 November 2018

Annual Plan 2019/20 total rates increase and consultation requirements

Trim No.: 2092459

Executive Summary

Council is required to produce an Annual Plan each year with the exception of the years when a Long Term Plan (LTP) is produced. The Annual Plan is council's budget for the financial year 1 July to 30 June.

The purpose of this report is to present the proposed variations to year 2 of the LTP and approve the proposed total rates increase of 3.86% compared to the forecast rate increase in the LTP of 3.01%. Council is asked to consider if this represents a significant or material difference from year 2 of the LTP, and determine if it wishes to formally consult on its Draft Annual Plan 2019/20.

The proposed variations to year 2 of the LTP will be circulated separately prior to the meeting.

Please note the proposed variations and proposed total rates increase does not include the additional up to \$70,000 Council resolved to provide towards the Public Transport Service Amendment on 5 December 2018. If Council wish to include this, it would increase the proposed total rates increase to 4.08%.

Recommendation

That:

1. The report be received.
2. Council approves the proposed variations to year 2 of the LTP and the proposed total rates increase detailed of 3.86% or 4.08% compared to the forecast rate increase in the LTP of 3.01% or confirms further amendments.
3. Council confirms whether or not there are significant or material differences from year 2 of the Long Term Plan.
4. Council confirms whether or not it will not conduct formal consultation on its Annual Plan 2019/20 considering the legislative requirements for consultation.
5. Staff prepare a communication plan for the Annual Plan 2019/20 and a Consultation Document (if required)

Content

Background

Council is required to produce an Annual Plan each year with the exception of the years when a LTP is to be produced (triennially). 2019/20 represents year 2 of the 2018-28 LTP. The purpose of the Annual Plan is to disclose any variation from what was proposed in the LTP.

Issues

The proposed variations require a total rate increase of 3.86% on the 2017/2018 budget, compared to the 3.01% rate increase set out in the LTP. This increase is 0.85% higher than projected in the LTP for the 2019/2020 financial year, but is within Council's Financial Strategy limit on annual rate increases of no more than 4%.

The 0.85% increase from the LTP is as a result of a number of minor shifts in budgets across a number of activities.

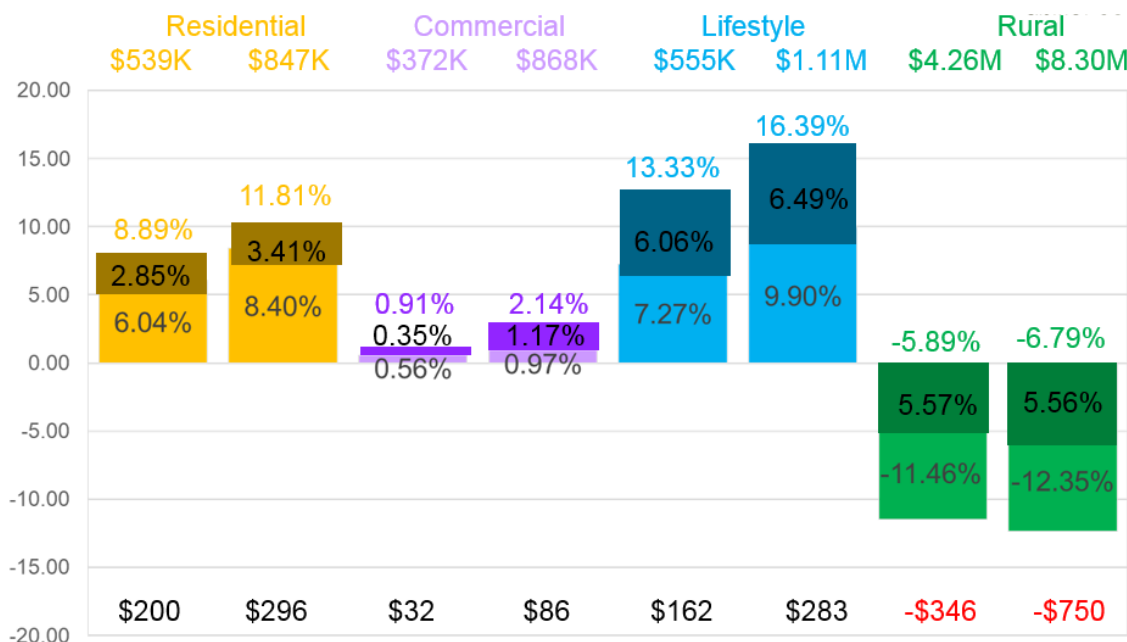
Please note the proposed variations and proposed total rates increase does not include the additional up to \$70,000 Council resolved to provide towards the Public Transport Service Amendment on 5 December 2018. If Council wish to include this, it would increase the proposed total rates increase to 4.08%.

Proposed rates impact

The draft proposed variations result in an increase in total rates of 3.86%. The impact of the budget changes will vary for individual properties depending on their value and the services they receive.

A more significant impact on the rates for individual properties is caused by the 1 July 2018 district-wide revaluation which will be applied for 2019/20. The revaluation resulted in an average increase in value of 20.5% across the district. There was a significant range in valuation movements however, with residential properties increasing by an average of 54%, while farming properties increased just 3.7% on average. The chart below shows (for a range of property types at different values);

- The total proposed rates increase/decrease for 2019/20 (the % shown at the top of the bars)
- The proposed increase in rates attributable to the increase in budget (the 2nd % shown in the darker shaded sections of the bars)
- The proposed increase/decrease in rates attributable to the revaluation (the 3rd % shown in the lighter shaded sections of the bars)
- The total proposed increase/decrease in rates in dollar terms (at the bottom of the graph).



Proposed variations to year 2 of the LTP

The proposed variations to year 2 of the LTP will be circulated separately prior to the meeting.

Assumptions

The following assumptions have been applied in the development of the proposed variations/draft budget:

- Council will continue to deliver the current levels of service.
- Forecast inflation of 2.3% (rate provided by BERL) has been applied to determine the value of assets for the purposes of calculating depreciation.
- Salary costs are assumed to increase by 2%.
- No adjustment has been made for as yet unquantified potential increases in insurance costs.
- The timing of the capital expenditure programmed in the LTP has been reviewed.

Risks

The variations/budget is prepared using the best available information. There are many macro-economic factors that can impact on operating costs. The variations/budgets that are being considered now will apply from 1 July 2019 which in itself brings long lead time risks.

Specific 2019/20 risks are summarised below:

- Project timing and cost, whether we will be able to complete projects when scheduled.
- Water and other income is not guaranteed – our metered water is not guaranteed and is mainly contributed by six large industry providers, the loss of one of those industries would have a large impact on Council's total rate take.
- Overall revenue could be less than budgeted.
- Interest rates could potentially increase.
- The impact on the 2020/21 budgets and beyond and limits set in the financial strategy.
- There could be legislative changes come through over the next year that have an impact on our budgets that have not been accounted for.
- If Council determine not to formally consult on the draft Annual Plan there may be some community groups who usually use the Annual Plan consultation process as an opportunity to request a grant or an increase to a grant who feel as if they have not been provided an opportunity to do this.

Analysis

Options considered

Option 1 – Approve proposed variations and proposed total rate increase of 3.86%.

This option does not incorporate the additional up to \$70,000 Council resolved to provide towards the Public Transport Service Amendment on 5 December 2018. The proposed total rate increase of 3.86% would be below Council's limit of 4% and the changes proposed are a number of minor shifts in budgets across a number of activities, therefore may not trigger the requirements for consultation under the LGA.

Option 2 – Approve proposed variations and proposed total rate increase of 4.08%

This option incorporates the additional up to \$70,000 Council resolved to provide towards the Public Transport Service Amendment on 5 December 2018. The proposed total rates increase of 4.08% would be above Council's limit of 4%, therefore may trigger the requirements for consultation under the LGA.

Option 3 – Approve proposed variations and proposed total rate increase subject to amendments.

Depending on the nature and significance of amendments, this may trigger the requirements for consultation under the LGA.

Legal and statutory requirements

In 2014 amendments were made to the Local Government Act 2002 changing the requirement for mandatory consultation on the Annual Plan. Section 95 of the Local Government Act 2002 now says that if the proposed Annual Plan does not include significant or material differences from the content of the LTP for the financial year to which the proposed Annual Plan relates then Council does not need to consult.

If Council determines there are significant or material differences from the content of the LTP then we need to produce a Consultation Document. The Consultation Document must explain identified differences, if any, between the proposed Annual Plan and what is described in the LTP. This would include

- an explanation of any significant or material variations from the financial statements or the funding impact statement
- a description of significant new spending proposals, the costs associated with those proposals, and how these costs will be met
- 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.

If we do formally consult we must consult in a manner that gives effect to the requirements of section 82 which are the principles of consultation.

Impact on Significance and Engagement Policy

The Significance and Engagement Policy provides guidance on how to determine significance, and the appropriate levels of engagement in proportion to the level of significance. In general, the more significant an issue is determined to be, the greater the need for community engagement. The Policy sets out the matters which must be taken into account when assessing the degree of significance.

- there is a legal requirement to engage with the community
- the level of financial consequences of the proposal or decision
- whether the proposal or decision will affect a large portion of the community
- the likely impact on present and future interests of the community
- recognising Māori culture values and their relationship to land and water through whakapapa
- whether the proposal affects the level of service of a Significant Activity
- whether community interest is high
- whether the likely consequences are controversial
- whether community views are already known, including the community's preferences about the form of engagement
- the form of engagement used in the past for similar proposals and decisions

If formal consultation is not required it is proposed we still inform the community on the Draft Annual Plan. This would include newspaper articles, attending community events and stakeholder meetings.

The full Significance and Engagement Policy is attached for information.

Communication, consultation and decision making processes

The Local Government Act 2002 requires Council to enable democratic decision-making to promote its purpose *to enable democratic local decision-making and action by, and on behalf of, communities; and to meet the current and future needs of communities for good-quality local*

infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses within a framework of accountability and prudent financial management.

Council must, in the course of the decision-making process:

- seek to identify all reasonably practicable options for the achievement of the objective of a decision
- assess those options by considering:
 - the benefits and costs of each option in terms of the present and future interests of the district
 - the extent to which community outcomes would be promoted or achieved in an integrated and efficient manner by each option
 - the impact of each option on Council's capacity to meet present and future needs in relation to any statutory responsibility
- any other matters that, in the opinion of the Council, are relevant
- give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter.

It is the responsibility of Council to make, in its discretion, judgments about how to achieve compliance with its decision-making obligations that is largely in proportion to the significance of the matter affected by the decision.

Timeframes

If formal consultation is to occur this is proposed to occur from 20 March – 22 April 2019 and a consultation document would be required. The Annual Plan 2019/20 must be adopted by 30 June 2019.

Financial Impact

i. Cost

The production of an Annual Plan has a budget of \$24,000. The last Annual Plan expenditure included costs of approximately \$5,500.

ii. Funding Source

The Annual Plan is funded from existing Strategies and Plans budgets.

Attachments

- A. Significance and Engagement Policy 2017

Signatories

Author(s)	Sandra Harris Acting Strategic Policy Manager	
	Danny Anglesey Finance & Business Services Manager	
Approved by	Manaia Te Wiata Group Manager Business Support	

Item 6.1

	Don McLeod Chief Executive Officer	
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Significance and Engagement Policy 9 August 2017

Introduction

Council is committed to engaging with the community to ensure our decisions reflect the aims of the community. This policy helps Council to determine what the really important ('significant') issues are to the community, and how we will go about involving the community in making those decisions ('engagement').

Purpose and Scope

1. To enable Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities.
2. To provide clarity about how and when communities can expect to be engaged in decisions made by Council.
3. To inform Council from the beginning of a decision-making process about the extent, form and type of engagement required.
4. This policy does not apply to decision making under the Resource Management Act 1991 and or other legislation that includes a prescribed consultative/engagement process.

Definitions

community	A group of people living in the same place or having a particular characteristic in common. Includes interested parties, affected people and key stakeholders
decisions	Refers to all the decisions made by or on behalf of Council including those made by officers under delegation. (Management decisions made by officers under delegation during the implementation of council decisions will not be deemed to be significant).
engagement	Is a term used to describe the process of seeking information from the community to inform and assist decision making. There is a continuum of community involvement.
significance	As defined in Section 5 of the Local Government Act 2002 "in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for,— (a) the district or region: (b) any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter: (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so
Significant Activity	Is an activity (or group of activities) as listed below: The provision of: <ul style="list-style-type: none"> • premier, sport and recreation parks • library services • cemeteries • elderly person housing • aquatic facilities • district event centres • the roading network as a whole • the water reticulation network and treatment plants as a whole • the wastewater reticulation network and treatment plants as a whole

	<ul style="list-style-type: none"> the stormwater reticulation network as a whole
Strategic Asset	<p>As defined in Section 5 of the Local Government Act 2002 "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—</p> <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (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"

Policy

5. Engaging with the community is important to understand the views and preferences of people likely to be affected by or interested in a proposal or decision.
6. An assessment of the degree of significance of proposals and decisions, and the appropriate level of engagement, will therefore be considered in the early stages of a proposal before decision making occurs and, if necessary, reconsidered as a proposal develops.
7. We will take into account the following matters when assessing the degree of significance of proposals and decisions, and the appropriate level of engagement:
 - there is a legal requirement to engage with the community
 - the level of financial consequences of the proposal or decision
 - whether the proposal or decision will affect a large portion of the community
 - the likely impact on present and future interests of the community
 - recognising Māori cultural values and their relationship to land and water through whakapapa
 - whether the proposal affects the level of service of a Significant Activity
 - whether community interest is high
 - whether the likely consequences are controversial and will have a likely impact on the reputation of Council
 - whether community views are already known, including the community's preferences about the form of engagement
 - the form of engagement used in the past for similar proposals and decisions
8. If a proposal or decision is affected by a number of the above considerations, it is more likely to have a higher degree of significance.
9. In general, the more significant an issue, the greater the need for community engagement.
10. We will apply a consistent and transparent approach to engagement.
11. We are required to undertake a special consultative procedure as set out in Section 83 of the Local Government Act 2002, or to carry out consultation in

accordance with or giving effect to Section 82 of the Local Government Act 2002 on certain matters (regardless of whether they are considered significant as part of this policy) or to undertake consultation as specified under any other enactment.

12. For all other issues requiring a decision, we will determine the appropriate level of engagement on a case by case basis.
13. The Community Engagement Guide (Schedule 2) identifies the form of engagement we may use to respond to some specific issues. It also provides examples of types of issues and how and when communities could expect to be engaged in the decision making process.
14. Joint Management Agreements, Memorandum of Understanding or any other similar high level formal agreements with Māori i will be considered as a part of this process.
15. For mana whenua groups without a formal agreement a separate engagement plan will be developed as appropriate.
16. When we make a decision that is significantly inconsistent with this policy, the steps identified in Section 80 of the Local Government Act 2002 will be undertaken.

Schedule 1– Strategic Assets

Section 5 of the Local Government Act 2002 requires the following to be listed in this Policy:

- a. any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and
- b. any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy; and
- c. any equity securities held by the local authority in—
 - (i) a port company within the meaning of the Port Companies Act 1988
 - (ii) an airport company within the meaning of the Airport Authorities Act 1966

The following is a list of assets or group of assets that the council needs to retain if it is to maintain its capacity to achieve or promote any outcome that it determines to be important to the current or future wellbeing of the community.

Asset	Group	Rationale
Firth Tower Reserve	Premier Park	<p>The Premier Parks assets listed refer to the assets as a whole that provide services to the whole district.</p> <p>Premier Parks are recognised as parks of particular significance to the district. This may be due to a variety of reasons including:</p> <ul style="list-style-type: none"> • Prominent location • Level of usage • A significant tourism destination • Particular unique feature or character • Historic or cultural values • Significant landscape area <p>Premier Parks are intended to meet the needs of both residents within the district and also visitors to the district. Premier Parks receive the highest level of protection and are likely to receive the greatest resource input overall to achieve high standards of development and maintenance to meet high user demands.</p>
Hetana Street Reserve		
Howie Park		
Te Aroha Domain		
Boyd Park	Sport and Recreation Park	<p>The Sports and Recreation Parks assets listed refer to the assets as a whole that provide services to the whole district.</p> <p>Sports and Recreation Parks are primarily designed and used for active sport and recreation, primarily of a traditional team nature. Sports and Recreation Parks may also provide for a range of community activities and facilities.</p> <p>The main Council-owned sport and recreation parks in each of the three wards are proposed as 'strategic assets'. Unlike local sports and recreation parks, these three parks also provide opportunities for the district as a whole such as district-wide and sub-regional level competitions.</p>
Matamata Domain		
Morrinsville Recreation Ground		

		These parks also provide facilities for several sporting codes and recreational activities.
Matamata Cemetery	Special Purpose Reserve	The Burials and Cremation Act 1964 requires Council to provide land for burials.
Maukoro Cemetery		
Morrinsville Cemetery		
Piako Cemetery		
Te Aroha Cemetery		
Waharoa Cemetery		
Matamata Aerodrome		The Matamata Aerodrome at Waharoa is the only commercial airfield in the District. It is the only Council facility that provides opportunities for aviation-related recreation. The Aerodrome is also a subject of the Ngāti Haua Settlement Act, with a committee comprising of Ngāti Haua Trust and Council representatives having an influence over governance matters.
Elderly Person Housing	Assets owned and required to maintain our capacity to provide affordable housing	We own 109 units across the district that provide low cost rental accommodation for elderly people
Libraries	Community facilities and buildings	The community assets listed refer to the assets as a whole that provide services to the whole district.
Council offices		
Morrinsville Event Centre		
Matamata-Piako Civic and Memorial Centre		
Silver Fern Farms Event Centre Te Aroha		
Matamata Sports Centre (also known as SwimZone Matamata)		
Morrinsville Heated Pools (also known as SwimZone Morrinsville)		
Te Aroha Leisure Pools (Also known as SwimZone Te Aroha)		

Roading network	Infrastructure assets	The infrastructure assets listed refer to the networks as a whole.
Water reticulation network and treatment plants		
Wastewater reticulation network and treatment plants		
Stormwater reticulation network		
Shareholding in Waikato Regional Airport Limited	Equity held in an airport company within the meaning of the Airport Authorities Act 1966	We hold a 15.625% share holding in the Waikato Regional Airport Company, which operates the Hamilton Airport. The airport is a significant asset for the Waikato Region and is important to economic development.

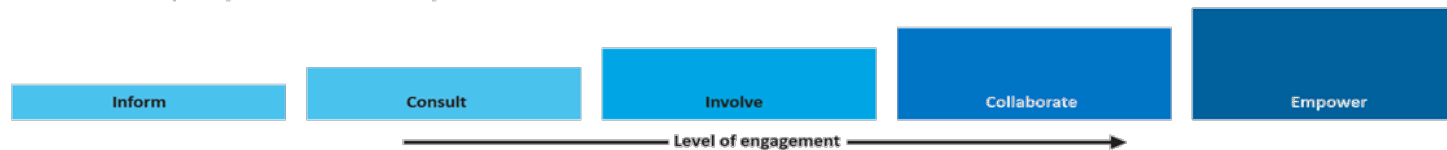


Schedule 2 – Community Engagement Guide

Community engagement is a process that involves all or some of the public and is focussed on decision-making or problem-solving.

The International Association for Public Participation (IAP2) has developed a Public Participation Spectrum to demonstrate the possible types of engagement with the community. This model also shows the increasing level of public impact as you progress through the spectrum from left to right - 'inform' through to 'empower'. In simply 'informing' stakeholders there is no expectation of receiving feedback, and consequently there is a low level of public impact. At the other end of the spectrum, 'empowering' stakeholders to make decisions implies an increase in expectations and therefore an increased level of public impact. Differing levels of engagement may be required during the varying phases of decision-making on an issue, and for different stakeholders.

In general, the more significant an issue the greater, the need for community engagement. However, it is not always appropriate or practicable to conduct processes at the 'collaborate' or 'empower' end of the spectrum as many minor issues do not warrant such an involved approach. Time and money may also limit what is possible on some occasions.



Forms of engagement

We will use the Special Consultative Procedure (as set out in section 83 of the LGA 2002) where required to do so by law, including for the following issues requiring decisions:

- the adoption or amendment of a Long Term Plan (in accordance with section 93 A of the Local Government Act 2002)
- the adoption, amendment, or revocation of bylaws if required under section 156(1)(a) of the Local Government Act 2002
- the adoption, amendment or revocation of a Local Alcohol Policy under the Sale and Supply of Alcohol Act 2012
- the adoption or review of a Local Approved Products (Psychoactive Substances) Policy under the Psychoactive Substances Act 2013
- the adoption or review of a class 4 venue policy under the Gambling Act 2003
- the preparation, amendment or revocation of a waste management and minimisation plan under the Waste Minimisation Act 2008

Unless already explicitly provided for in the Long Term Plan, we will seek to amend our Long Term Plan, and therefore use the Special Consultative Procedure, if it proposes to:

- significantly alter the intended level of service provision for any Significant Activity undertaken by or on behalf of Council, including commencing or ceasing such an activity, or
- transfer the ownership or control of strategic assets listed in Schedule 1.

We will consult in accordance with, or using a process or a manner that gives effect to the requirements of, section 82 of the Local Government Act 2002 where required to do so by law, including for the following specific issues requiring decisions:

- adopting or amending the annual plan if required under section 95 of the Local Government Act 2002
- transferring responsibilities to another local authority under section 17 of the Local Government Act 2002
- establishing or becoming a shareholder in a council-controlled organisation
- adopting or amending a revenue and financing policy, development contributions policy, financial contributions policy, rates remission policy, rates postponement policy, or a policy on the remission or postponement of rate on Māori freehold land.

For such consultation, we will:

- develop information fulfilling the requirements of Section 82A of the LGA 2002
- make this available to the public,
- allow written submissions for a period of up to 4 weeks, and
- consider all submissions prior to making decisions.

For all other issues, the following table provides examples of the differing levels of engagement that might be considered appropriate, the types of tools associated with each level and the timing generally associated with these types of decisions/levels of engagement.

Engagement tools and techniques

Throughout the decision making process we may use a variety of engagement techniques on any issue or proposal based on a range of other factors, including history and public awareness of the issue, stakeholder involvement, and timing related to other events and budgets. We will also take into consideration that the community can feel 'over consulted'. Each situation will be assessed on a case-by-case basis.

	Inform	Consult	Involve	Collaborate	Empower
What does it involve	One way communication providing balanced and objective information to assist understanding about something that is going to happen or has happened.	Two way communications designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision making.	Participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to decision making.	Working together to develop understanding of all issues and interests to work out alternatives and identify preferred solutions.	The final decision making is in the hands of the public (noting that under the LGA 2002, the Mayor and Councillors are elected to make decisions on behalf of their constituents).
Issues we have used this approach for/types of issues we might use this for	Water restrictions Rates reminders Dog registration reminders Kerbside changes	Annual Plan Hauraki Rail Trail	District Plan review Matamata-Piako Civic and Memorial Centre Water supply	Silver Fern Farms Events Centre Te Aroha	Elections
Examples of tools we might use	Council in Focus Websites Brochures Public notices	Facebook Formal submissions and hearings Surveys	Workshops Focus groups Online forums	Advisory groups (involving community experts)	Binding referendum Local body elections
When the community can expect to be involved	Once a decision has been made, or when an action from the community is required	Once there is a draft to look at (so there is something to give feedback on). We would generally allow up to four weeks for the community to participate and respond.	Before a decision is made and a draft is developed (so feedback is included in the draft). We would generally allow longer than four weeks, to ensure the community have sufficient time to be involved in the process.	We would generally involve the community as soon as Council starts thinking about the issue, again after information has been collected and again when options are being considered. We would generally allow a month or more for this.	We would involve the community quite early in this process. We would generally allow a month or more for this.

