LOCAL GOVERNMENT INFORMATION SERIES

CASE STUDY: WELLINGTON CITY COUNCIL

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# Table of Contents

## INTRODUCTION
- Research Objectives ........................................... 5
- Legislative Intent ................................................. 5
- Case Study Methodology .......................................... 6
- WCC Case Study Specifics: ........................................ 7
- Case study scope and analysis criteria .......................... 8
- Acknowledgement .................................................. 8

## COMMUNITY OUTCOMES:
- Legislative Intent ................................................. 9
- WCC Community Outcomes Process: Response to the Legislation ........................................... 9
- Previous “Community Outcomes” Exercises ......................... 9
- The WCC 2005 Community Outcomes Process ................ 10
- Community Outcomes Benefits .................................... 12
- Community Outcomes Issues ...................................... 13
- Process issues ..................................................... 13
- Community Engagement Issues ................................... 14
- Issues with deliverables ........................................... 15
- Future Community Outcomes ..................................... 15
- Reflections of WCC implementation against the legislative intent ........................................... 16

## STRATEGIC PLANNING (LTCCP)
- Legislative Intent ................................................ 18
- Response to the Legislation – How WCC Developed its LTCCP ........................................... 18
- LTCCP Consultation/Engagement .................................. 19
- Benefits of the LTCCP ............................................. 20
- LTCCP: Discussion and Issues ..................................... 21
- Auditability of LTCCP .............................................. 22
- Impact of the LTCCP ............................................... 22
- WCC LTCCP against legislative intent .......................... 23

## COUNCIL DECISION-MAKING
- Legislative Intent: .................................................. 24
- WCC Approach to Decision-Making under the new Act .. 24
- Community/Stakeholder Engagement in the Decision-Making Process .......................... 25
- Benefits of Decision-Making under the new Act .......... 26
- Issues with Decision-Making ...................................... 27
- Impacts of the new Act on Decision-Making, and future trends ...................................... 29
- WCC Decision-Making against legislative intent ........ 29

## CONCLUSIONS
- Community Outcomes .......................................... 31
- LTCCP ................................................................. 31
- Decision-Making .................................................... 32
Introduction

1. New local government legislation administered by the Department of Internal Affairs (the Department) was enacted in 2001 and 2002. This report presents the results of a case study of the perceived effects of the legislation upon the Wellington City Council. It is part of a series of nine case studies providing a rich and deliberately detailed account of how these local authorities have adapted to the 2001 and 2002 legislation, and in particular Part Six of the Local Government Act (the Act) relating to planning, decision-making, and accountability.

2. These case studies were requested by the Manager of Strategic Analysis and Information of the Local Government and Community (LG&C) Branch of the Department as part of the research programme as laid out in the Strategy for Evaluating Local Government Legislation. This long-term research programme is intended to run until 2013 to understand whether the new legislation is operating effectively. Work completed so far on this programme has produced a strategy and a framework for the evaluation programme, and a report on the roll-out of the legislation.

Research Objectives

3. The purpose of the case studies is to provide an in-depth and detailed analysis of how local government has reacted to, interpreted and applied the new Act. This research will contribute to the local government sector’s knowledge of the effects of the new legislation. The specific objectives of the local government case studies are:
   - How local authorities have implemented and addressed the new legislation’s provisions around planning, decision-making and community outcomes
   - How local authorities worked with their communities to develop community outcomes
   - How local authorities developed and implemented their Long-Term Council Community Plans (LTCCPs) and involved communities and stakeholders in the process
   - How local authorities have used the LTCCPs within their organisation
   - How local authorities have consulted and interacted with their communities and stakeholders over decision-making, and
   - How communities and stakeholders are interacting with local authorities, and

4. The case studies achieve these objectives by evaluating local authorities’ application of the three key elements that are critical in achieving the Act’s aims of promoting democratic accountability and a sustainable development to local government strategy. These three elements are community outcomes, strategic planning and decision-making.

5. Insight into the new legislation, provided by the case studies, will also allow the Department to identify opportunities for further research to improve understanding of the effects of the 2001/2002 legislation.

Legislative Intent

6. The Act “is designed to provide democratic and effective local government that recognises the diversity of New Zealand communities.” The Act enables local authorities to use a sustainable development approach to promote community well-being. To help
make local government more effective, their powers were altered by the Act – they moved away from the prescriptive and restrictive nature of the previous legislation to an empowered environment. Balancing this empowerment, the legislation also promotes accountability and transparency in local authorities, as detailed in Part 6 of the Act.

7. The responsibility for facilitating communities in the development of their community outcomes is a new role for all councils. However, some councils had already started a process for setting targets, goals and outcomes for community development before the enactment of the legislation.

8. While strategic planning was a part of the traditional role of local authorities, the legislation provided a new emphasis and added new, wider planning functions and responsibilities (e.g. the LTCCP) to improve the way local authorities performed this function. Further, the Act described a link between strategic planning and the community outcomes identified by the local authority’s communities.

9. The Act requires local authorities to be more rigorous in their decision-making. Local authorities are required to identify all options for achieving the objective of the decision, and assessing those options by considering the benefits and costs in terms of the present and future well-being of the community, and alignment with community outcomes. It is expected therefore community outcomes will affect local authorities’ decision making. The Act requires local authorities to use a special consultative procedure for consultation on particular issues and decisions. Further, the Act requires local authorities to establish and maintain opportunities for Māori to contribute to decision-making.

10. In summary, the three elements described are thematically linked as they make local authorities more accountable to their communities. Consequently, the case study reports are structured around the three parts of the Act with a conclusion section, which draws together the three parts of the Act. The specific legislative intent of each element is listed at the beginning of each section.

**Case Study Methodology**

11. The case study method was adopted to provide an in-depth and detailed analysis of how local government has reacted to, interpreted and applied the three elements of the Act. In particular, the case studies provide the ability to select councils with significant differences in terms of population, location and nature; and contrasting responses to the legislation.

12. Local authorities were selected using the following purposive sampling criteria:

   1. Type of local authority (regional council / territorial local authority).
   2. Sector (Metropolitan/Provincial/Rural as defined by LGNZ membership).
   3. Councils who have not participated in previous or proposed future studies to expand knowledge about local government in New Zealand.
   4. Rate of general population growth to ensure inclusion of councils experiencing extremes of population growth/decline.
   5. Proportion of Māori residents to ensure inclusion of councils with high Māori populations.
   6. Location (North / South Island) to ensure inclusion of geographical spread across New Zealand and factors such as degree of urbanisation.

13. Each case study drew on multiple data streams including documentation review and key informant interviews.

14. In-depth document review of selected council material was undertaken to understand processes used and their deliverables. The document review enabled appropriate targeting of in-depth questions for the key informant interviews.

15. Documents Reviewed:
• Published community outcomes
• The 2006 LTCCP and most recent Annual Plan
• Other available and relevant local authority documents associated with strategic planning, decision-making or community outcomes
• Relevant local authority policies
• Relevant submissions made to local authority by selected stakeholders (e.g. in Community Outcomes or LTCCP processes).

16. Key informant interviews:
• Council officers
• Councillor/s (such as Chair of the Planning Committee)
• Local business representative/s (such as Chamber of Commerce or local employer association)
• Residents/ratepayers representative/s
• Local community group representative/s (such as a church-group or local environmental lobby)
• Local Māori (such as Iwi Authorities).

WCC Case Study Specifics:

17. The case study of the Wellington City Council (WCC) was undertaken by staff from the Department’s Research and Evaluation Services (R&ES) in conjunction with Litmus – an independent Wellington-based research company. R&ES holds membership in the Association of Social Science Researchers and the Australasian Evaluation Society. The research for this report was conducted to the ethical standards of those bodies.

18. Documents reviewed:
• Wellington City Community Outcome Process Report (2005)
• Wellington City Council Long-term Council Community Plan 2006/07-2015/16 (Volumes One and Two)
• (2007) Amendment to Wellington City Council’s Long Term Council Community Plan 2006/07 – 15/16
• Wellington City Council Annual Plan 2007/08.

19. Key informants interviewed:
• Four WCC council officers
• One WCC Councillor
• A representative of an Iwi authority
• A regular submitter to WCC consultations and past representative of local community bodies.

20. Those interviewed were identified by WCC council officers as knowledgeable about one or all of the three of the LGA elements being examined in the case. They were recruited to the case study by staff from WCC, the DIA and Litmus. Face-to-face interviews were conducted by staff from the Department’s R&E Services and Litmus during January and February 2008. Interviews lasted more than one hour, and were digitally recorded. On request, interview notes were made available for review by participants.

21. Participants were informed that the Department and Litmus will seek to keep their information confidential, and steps have been taken in the preparation of this report to
reduce the likelihood they will be identified by their comments. All provided informed consent for their interview.

**Case study scope and analysis criteria**

22. The information and data available to address the evaluation objectives are qualitative in nature. Interviews were conducted with a limited range of informants who agreed to participate. The Department’s R&ES staff in conjunction with Litmus has undertaken a thematic analysis of the qualitative information to identify emerging themes, and to elicit differences across different stakeholders. Themes emerging were collaborated through triangulation of interviews with analysis of secondary data and documents. Key findings in the research are judged by the regularity with which they are mentioned by informants, and where there is significance difference in opinion on the same theme.

23. The case study report is therefore indicative, not definitive. That is, we are unable to categorically say whether or not the themes noted throughout the case study report are held by all stakeholders of WCC, or the strength of views held. We are, however, confident that this report accurately represents the views and perceptions of participants who contributed to this case study.

**Acknowledgement**

24. The Department and Litmus wish to express our thanks to all those who contributed to this case study. We would especially like to thank council officers of WCC for assisting us in recruiting key informants and those who gave time and reviewed the draft case study.
Community Outcomes

Legislative Intent

“The Act promotes greater accountability between local authorities and their communities and a long-term focus for the decisions and activities of the local authority. The Act requires local authorities to facilitate a process with their communities, at least every six years, to identify community outcomes for the intermediate and long-term future of the district or region. The role of the local authority is to facilitate the process, with the community having ownership of the identified outcomes.

Identifying community outcomes is designed to promote better co-ordination and application of community resources, and inform and guide priorities for activities undertaken by local authorities and other organisations. Local authorities' role is to facilitate the contribution other local authorities, government agencies, local organisations and the business sector make to the outcomes and priorities identified by the community.

Local authorities can decide what processes to use to identify and prioritise community outcomes but they must ensure that the processes encourage the community to contribute. They also must, before deciding on the process, identify other organisations and groups capable of influencing either the identification or the promotion of community outcomes, and, if practicable, secure their agreement to the process.”

WCC Community Outcomes Process: Response to the Legislation

25. A number of competing factors influenced the final Community Outcomes Process WCC used to consult with the wider Wellington community. On one hand, there was a desire for the process adopted to reflect the opinions of the wider Wellington community, and to not in any way appear to be influenced by the council, whether councillors or its officers. On the other hand, historical scepticism existed, amongst some councillors, about “the value of engaging people in these ‘end-state’ goals”, given the outcomes developed from similar previous exercises were considered to lack a usable strategic direction.

26. Further, some council officers perceived the Act to require a clean slate approach to the Community Outcomes Process that ignored WCC’s pre-existing long-term community planning exercises. Also, the council wished to keep what were perceived to be “participatory democracy” elements of the Community Outcomes Process at a distance from the council’s own “representative democracy” elements.

Previous “Community Outcomes” Exercises

27. WCC sees itself as a leader in developing outcome statements for local government in New Zealand. Since 1997, WCC has been using outcomes statements in its planning processes for Annual and Strategic Plans. As a result, WCC saw the Community Outcomes Process it was required to undertake by the legislation, not as a fresh start, but part of their existing programme of consultation.

28. In 1997, WCC undertook the ‘Our City Our Future’ (OCOF) exercise to develop its first series of outcomes statements. This exercise was a city-wide visioning process for WCC’s “residents, groups and businesses to describe the kind of city they wished to live in.” WCC’s outcome process grew out of the Local Agenda 21 declaration from the 1992 Rio Earth Summit. More than 1,000 residents participated in 70 workshops for this project.

29. According to a council officer we interviewed, given its expense, there was concern about the usefulness of the results of the OCOF exercise, particularly amongst senior elected members of the Wellington council, which has persisted through subsequent councils. This officer noted in 1997, the mayor had hoped the OCOF would provide a mandate for a strong strategic direction for Wellington City. However, the actual outcome statements of the OCOF were, according to this officer, viewed, by senior elected members, as “bland” and lacking the “edge” to drive the strategic vision for the city. They were perceived as pleasant statements reflecting a broad consensus of how the city should be “nice to live in.” This officer believes the councillors and mayors of Wellington are seeking strong visions for Wellington City – such as the ‘Creative Wellington, Innovation Capital’ campaign of recent years and the current ‘internationally competitive’ vision – something that OCOF did not provide.

30. Since OCOF the council has held many other consultations on a range of topics and proposals reflecting a strategic aim for the wider community. The Community Outcomes Process and actual outcomes in 2005 are seen by the council as direct descendants of these exercises, and the council treated them as such.

The WCC 2005 Community Outcomes Process

31. In 2005, the council turned its attention to the mandatory Community Outcomes Process. A council officer said that at this time, the council employed someone with significant experience in conducting Community Outcomes processes. The appointed council officer devised a large-scale Community Outcomes exercise for Wellington. According to a council officer we interviewed, the proposed plan was not adopted because it did not gain the necessary political support from councillors or senior council management. The proposed process was perceived as repeating the OCOF process and unlikely therefore to produce the desired strategic vision for Wellington.

32. In the mind of at least one council officer, the rejection of the proposed plan created a delay which impacted on the final Community Outcomes Process developed and implemented by WCC.

33. The Community Outcomes process implemented by WCC started with the council officers undertaking internal work to gather and collate information to inform the process, and to identify and recruit various agencies to the process. In April the proposed process was put out to comment from over 190 agencies and stakeholders. They provided 36 responses ranging from “general agreement and support to suggestions for specific changes and concern about the proposed (short) timeframe.”

34. Commencing in May 2005, the council undertook three concurrent consultation exercises to identify and develop key themes to frame the development of Wellington’s Community Outcomes, specifically:

- Initial contact meetings with external partners/agencies including Central Government agencies, the Tenths Trust, Ngati Toa iwi and urban service delivery agencies (such as power companies). These meetings were part of a regional engagement process that involved all the Wellington local authorities and central government.

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7 Ibid, Appendix 2, p. 4.
Facilitated forums with stakeholder groups focusing around the three wellbeings of social, environmental and cultural. The economic wellbeings was excluded as it was judged to have been sufficiently explored through an earlier Wellington Regional Strategy process. The mayor, councillors and council officers attended specific forums around Community Outcomes (with stakeholders such as the District Health Board).

Six focus groups of eight participants each of randomly selected "Wellington residents of various backgrounds —economic, social, ethnic and geographic/area/location."³⁵

Following the formative consultation process, the council convened a Public Review Panel composed of ten people selected as representatives of at least one of the community wellbeings, and ten people selected at random from the Wellington area.

According to one officer we spoke with, the adoption of the Public Review Panel approach was driven by the council’s desire for:

- Integrity of process: the independence of the Public Review Panel members ensured the process could not be seen as being captured by the council or its officers

- Community ownership: this officer felt there was a perception held by some WCC councillors (at the time the Community Outcomes Process was being devised) that the Act was creating a form of participatory local government in New Zealand. To this officer, while the Public Review Panel showed clearly that the resulting outcomes would be owned by the community and not the council (as the Act requires), it also meant the “participatory democracy” that the Community Outcomes were seen to represent, with its perceived ineffectiveness in setting strategic direction, would also be distanced from the council’s own "representative democracy."

This Public Review Panel met and, with assistance from council officers and contracted independent facilitators, evaluated the outputs from previous consultations. Through a discursive and iterative process Draft Community Outcomes were developed.

Between July and August 2005, the draft Community Outcomes⁹ were put out for wider community consultation through a written submission process. The following publicity techniques were used to encourage the wider Wellington community to make a submission:

- General media releases and interviews
- Brochures sent to agencies and stakeholders
- Advertorial and related advertisements in the Dominion Post and the Council’s own newsletter
- Hosting of electronic documents and a submission form on the council’s website with links to these from other websites
- Meetings with council community boards and advisory groups.

During the consultation period, the council was criticised for the short time frame to complete the Community Outcomes process. In response to this criticism, the period of consultation was extended.

At the completion of this process, the council had received 105 submissions from individuals and 17 from organisations (122 in total). In September 2005, the reconvened Public Review Panel analysed the submissions received and through a discursive process finalised Wellington’s Community Outcomes.

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³⁵ Ibid, Appendix 2, p2
⁹ The draft outcomes were published in eight categories closely match the strategies being used to shape the council-wide restructuring process that ran in tandem with the Community Outcomes process (see the next chapter on the LTCCP).
41. The Community Outcomes process resulted in 45 Community Outcomes statements. The Community Outcome statements were not prioritised by the Public Review Panel. A council officer said this was in part because it proved very difficult gaining a consensus among the PRP members. The PRP member interviewed said they were not asked to prioritise the outcomes.

**Community Outcomes Benefits**

42. As noted, WCC had identified and were using outcome statements in their strategic planning before the Act was introduced. Consequently, it is difficult to assess whether the mandated Community Outcomes process and the outcomes identified in 2005 have changed council behaviour and/or offered greater strategic direction to WCC. While the overall usefulness of the 2005 Community Outcomes for WCC in offering clear strategic direction is debated, effects are noted by both council officers and councillors that are of a clearly positive nature.

**Community Outcomes have presence**

43. The 2005 Community Outcomes are used by WCC (as required) in the preparation of the council’s LTCCP, and are listed in that document with each Community Outcome being assigned to one of the council strategies.

44. From one councillor perspective the Community Outcomes are important in councillors’ decision-making especially with regards to the “plan of [council] decisions” that is the LTCCP. Outside of the LTCCP, the councillor went on to say, the Community Outcomes sit “alongside my beliefs as a councillor”, and are part of the “balancing process” councillor’s undertake when making decisions.

45. The council’s Management Board holds a similar belief – that the Community Outcomes do provide some benefit to developing the council strategy as reflected in the LTCCP. Along with the councillor, some council officers note that this is, at the least, because the outcomes appear in so many different council documents.

46. Beyond the sense of presence and linkages within these important documents, identifying the actual impact of the Community Outcomes on the council is challenging, given the range of other influencers. The councillor explained there are many different factors they consider when making a decision, and ultimately the most important factor when the council makes decisions is the interaction that occurs between the councillors. Another council officer saw this as more a case of the Community Outcomes having not reached their potential for WCC, in part because they are still being added to the various documents that make up the council’s overall strategy as they are reviewed.

**Improving relationships with stakeholders**

47. Another impact identified by a council officer is the process of facilitating the Community Outcomes, (in particular the early identification and framing work), has resulted in enhanced and enriched relationships with important stakeholders, especially central government agencies, such as the Police, the Ministry of Social Development and the Ministry for the Environment. In this way, the Community Outcomes Process has contributed to the aim of bringing the council closer to other agencies that can positively influence the local area.

**Outcomes have clear accountability**

48. The council has achieved a clear accountability for each of the community outcomes by grouping them (along with the council’s own outcomes and its strategic priorities) into the seven strategies the council is now structured into. WCC’s LTCCP is divided into separate sections for each strategy, and each section begins with a strategy tree that groups the Community Outcomes relevant to that strategy and then shows how the council’s Capital and Operating Project and Activities relate to those strategies (discussed further in the next chapter).
Community Outcomes Issues
49. While the Community Outcomes process and the outcomes themselves are perceived to be of value, a number of issues were raised relating to:
   • The process of conducting the Community Outcomes
   • Community engagement in the Community Outcomes process, whether participating in the consultation exercise or taking ownership of them
   • The overall usefulness of the deliverables from the Community Outcomes process
50. Many of these issues are inter-connected. For example a community representative thinks that the limited time available for the process led to the outcomes being, at least in part, pre-determined because the Community Outcomes did not cover the issues they believe the panel wanted to discuss. In turn some council officers we interviewed see this as reflecting the inherent difficulty in focusing the process on the community and not the council. These issues are discussed in more depth in the following text.

Process issues
Use of previous exercises
51. A council officer was critical of some requirements in the Act and how they influenced the exercise WCC undertook. The council officer felt the Act assumed councils lived in something of a vacuum, lacking contact and understanding of its community. This is seen as denying the ongoing relationship and constancy of communication WCC has with its communities and stakeholders. This officer felt the Community Outcomes elements in the Act appeared to favour a "clean slate" approach, similar to WCC's own OCOF, and did not acknowledge the understanding council gained through its ongoing dialogue with its community across many different consultation exercises over the long-term future of Wellington.

Role of councillors
52. This is a point of interest in the design of the Community Outcomes Process. In 2005, the decision was made to use the Public Review Panel to enhance community ownership of the process and outcomes developed. The intent of this was to show that the whole of the process was independent of the council, as the Act requires. Although only one councillor was interviewed for this case study, they perceived that in future councillors should "front" the process to provide it with greater credibility and accountability.

Short time frame
53. The council noted in its report on the Community Outcomes Process that it had received criticism from various individuals and community/interest groups. Their main assertion was the council's process does not comply with the Act as it is conducted in a short time frame. These community groups perceived that inadequate consideration was given to the feedback received from community groups.10
54. In response to this criticism, the council did extend the period of consultation and deemed the process used appropriate given:
   • The time and cost required for a large-scale community engagement exercise
   • The acknowledgement by some stakeholders that they had already contributed
   • "the existence of a well-defined strategic direction" which appears to be supported by wider Wellingtonians as indicated by the results of Residents Satisfaction Surveys
   • Council's discretion under the Act to decide on an “appropriate process”.11

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10 Wellington City Community Outcomes Process Report (2005), Appendix 1, page 3.
11 These four bullet points have been paraphrased from Wellington City Community Outcomes Process Report (2005), Introduction, page 4.
55. One council officer described the process as “compliance minimum”, and said that WCC would probably not have undertaken the Community Outcomes Process (at that time) if it had not been required to by the legislation.

Pre-determination of outcomes

56. The community representative, who sat on the Public Review Panel, also noted the time constraints on the Community Outcomes Process. The representative believes that even though the process had been set up with the best of intentions, the Public Review Panel felt “bulldozed [by] the jargon of local government,” an unintended consequence of the time limited process that relied on the council officers support. Further, there “was minimal time allowed for feedback on the topic of most interest” to the majority of participants of the [Public Review] Panel, that is consultation. “This lack of time made them feel that the final outcomes published by the council did not entirely reflect the Public Review Panel’s intentions. The representative does note that “WCC has really tried hard to accommodate the community but nothing changes the essentials” -- that, in their opinion, the process did not have enough time allocated to prevent some pre-determination of the outcomes.

Process should focus on community, not council

57. Two council officers noted the difficulty in keeping the focus of the Community Outcomes Process on the wider community (as they interpret the Act’s intention) as opposed to the way the council conducts its business. The desire to discuss council’s consultation method (see above) is an example of this. The community representative, argued that the Community Outcomes should be focused on “what there is in the city right now and dealing with those issues” and not focused “on what there could be” as predicting the future could be difficult. They noted that the topics of consultation should be those of greatest interest to Wellington and they identified as examples the waterfront, building consents and transport. The community representative stated that they thought the Community Outcomes Process should be focused on council activity.

Community Engagement Issues

Diversity of view and difficulties gaining consensus:

58. A council officer commented that the Act appears to favour a process that achieves a consensus position across communities on the Community Outcomes. For WCC, this was reflected in their use of the Public Review Panel to sign-off the final Community Outcomes. However, the Public Review Panel in representing the diversity of the Wellington community included people with diametrically opposing philosophies. Consequently, both the council and the community representative felt the Public Review Panel was only able to agree high-level outcomes, and not their prioritisation. This lack of prioritisation resulted in the Community Outcomes being perceived as too “broad” to be of genuine use in setting a strategy for the wider Wellington region.

Iwi authorities partner, not stakeholder

59. The council approached Iwi authorities in the earliest period of consultation, (during identification and framing), in the Community Outcomes process. Regardless, Iwi authorities do not seem to perceive Community Outcomes as a priority consideration. Iwi authorities, as a Treaty partner, are at “the same level” as the council and feel it is inappropriate to be “lumped in” with community groups and other stakeholders. The Iwi authority does not therefore perceive community outcomes as of concern for them. However, the Iwi authority does see itself as acting as an advocate (on many issues) to the council on the behalf of many different community groups, not just iwi or Māori.
Issues with deliverables

Outcomes inherently too “broad” to be useful

60. A council officer and a community representative noted that the Community Outcomes were very “broad.” An officer noted that statements like “Wellingtonians will be healthy and experience a high quality of life” tend to be perceived as of little use (in the council) in setting council strategic direction and short and long-term decision-making.

61. The community representative makes similar criticism, saying the outcomes produced are “vague and ambiguous”, which makes achieving them difficult “however well-intentioned they are.” However, this representative identifies the long-term focus the Act applies to the Community Outcomes process as the cause of this problem. The representative argues that predicting the future is difficult and that this exercise should instead be focused on dealing with the issues confronting Wellington right now.

62. However, the same officer as referred to above also notes that some outcomes statements have been instrumental in setting and agreeing a strategic direction for council on specific issues. One example is the Community Outcome statement that “Wellington will be pedestrian and cycle friendly”, which has influenced the development of the council’s Transport Strategy. This officer hopes that this example can be built upon Community Outcomes Processes in future by making the Outcomes more “useful” to the council’s decision-makers. To this officer, the way to achieve this is more rigor in designing the statements – “run them through BS detectors.”

Lack of ownership of outcomes by community:

63. The Act intends that the community will own the Community Outcomes and the council will be responsible for those that align with their business focus. As noted, WCC through using the Public Review Panel sought to create a sense of community ownership. However, as one council officer points out, because the process was facilitated by the council, it had been difficult to separate ownership from the council to the community.

64. The community representative goes further on this topic. In their experience, the outcomes are not being used by community groups. The community representative says this is because the “waffle” in the Outcomes makes them useless in setting goals for the city.

Conflict with councillor priorities:

65. Council officers note an inherent tension between the Community Outcomes perceived “mandate for spending” to achieve the desired end states and councillors election promises of “minimising rates”. Council officers indicated that nationally in the 2007 local body elections, a rates reduction or cap was a critical issue, although this has not necessarily been the case in the WCC elections, the awareness of this trend appears to be creating a greater desire in the council to get the community involved in trade-off decision-making.

66. Comment was raised by one officer that there are differing perspectives amongst councillors on how the Community Outcomes fit with their elected mandates. On one hand, some councillors do not see themselves as subject to the Community Outcomes, but focus more on the three-year electoral cycle, with their duty being to achieve their elected mandate. In contrast, others see the Community Outcomes as part of a process of devolving decision-making down to the community, with themselves acting as elected executives responsible for achieving the Community Outcomes.

Future Community Outcomes

67. As shown, WCC undertook a community outcomes process, having already conducted similar earlier long-term community visioning exercises. The process was described by one officer as a compliance exercise – albeit one that endeavoured to place ownership of the process and outcomes at the community level. This was because the council felt that
it had a good internal knowledge of its local community and because of disappointment with an earlier form of Outcomes Process.

68. WCC is currently in the early stages of reflecting on the future Community Outcomes process. The council has decided to not undertake a Community Outcomes Process within the coming year. An officer told us that this was because:

- The current Community Outcomes have been in effect for two-and-a-half years and the council is still preparing the first results of monitoring on them.

69. The council has decided to focus its engagement in the coming year on the council itself (as opposed to the wider community) especially as it has a new LTCCP to prepare.

70. However, we did ask interviewees to think about how the Community Outcomes might occur in the future. There is support of the use of the Public Review Panel by both council officers and community representatives, given the diversity and representation of the wider Wellington community in its membership. However, some council officers feel that future Community Outcomes Process will need to be larger and achieve greater reach into the community. The latter reflects the noted national trend of a declining trust and confidence in councils, and a growing advocacy and sophistication of lobbying by a range of community groups.

71. There appears to be clear agreement in the council to have a process of prioritisation of any Community Outcomes identified in a future process. The latter reflects some council officers’ and councillor’s preference for the community to be more involved in the trade-offs of decision making.

72. From a councillor perspective, as mentioned, there is a strong desire to maximise the credibility and accountability by fronting any future council Community Outcomes consultation exercise.

73. The community representative interviewed wants a more significant change to the process – one that goes beyond the Act’s requirements. For this representative, Community Outcomes need to be focused directly on council activity, a narrower focus than required by the Act, and they should be conducted more often – once a year during the Annual Plan process ideally. The representative hopes this will counteract their perception that the council pre-determines in its decisions, (for further information see chapter on Council Decision-Making).

**Reflections of WCC implementation against the legislative intent**

74. The table below summarises the legislative intent and WCC’s implementation of the mandated Community Outcomes process. In reviewing the table, it needs to be acknowledged that only one formal round of Community Outcomes has been held, and therefore there were lessons to be learned and new processes to be developed. This development is likely to continue over time.

<table>
<thead>
<tr>
<th>Legislative intent</th>
<th>How WCC delivered to the intent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Process to identify other organisations and groups capable of influencing either the identification or the promotion of community outcomes</td>
<td>Identified key stakeholders at outset of process and involved them in early goal-setting exercises.</td>
</tr>
<tr>
<td>Processes to encourage the community to contribute</td>
<td>Used Public Review Panel of members of public and a publicity campaign to</td>
</tr>
</tbody>
</table>

12 It should be noted that a council is required by the legislation to conduct a Community Outcomes Process every six years. As WCC conducted its Community Outcomes Process in 2005, it is not required to do so again until 2011.
### Legislative intent vs. How WCC delivered to the intent

<table>
<thead>
<tr>
<th><strong>Legislative intent</strong></th>
<th><strong>How WCC delivered to the intent</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify community outcomes for the intermediate and long-term future of the district or region</td>
<td>Identified 45 Community Outcomes</td>
</tr>
<tr>
<td>Long-term focus for the decisions and activities of the local authority</td>
<td>Community outcomes are referenced in council’s long-term plan (LTCCP) and there they are grouped by council strategy.</td>
</tr>
<tr>
<td>Guide priorities for activities undertaken by local authorities and other organisations</td>
<td>The outcomes were not prioritised against each other. They are used by council in numerous documents.</td>
</tr>
<tr>
<td>Community having ownership of the identified outcomes.</td>
<td>The community representative said that there was no community ownership of the community outcomes.</td>
</tr>
<tr>
<td>Greater accountability between local authorities and their communities</td>
<td>The actual results of Community Outcomes Monitoring are not yet available. However, there is some council officer concern at a potential for a difference between: councillor priorities of being efficient in their activities; and community outcome priorities which seem to emphasise achieving ends.</td>
</tr>
<tr>
<td>Promote better co-ordination and application of community resource</td>
<td>Too early to see effect. However, there is a perception in council key stakeholder relations have strengthened as a result of the Community Outcomes Process.</td>
</tr>
</tbody>
</table>

75. In summary, WCC delivered to the mandate in the Act. As illustrated, the council’s has learned from the first Community Outcomes Process and has sought to improve community engagement and ownership and decision making in trading off between the Community Outcomes.
Strategic Planning (LTCCP)

Legislative Intent

“The LTCCP describes the community outcomes and priorities and the activities the local authority will undertake to contribute to the outcomes. The plan is designed to integrate decision-making and include information on the key policies of the local authority. It also describes linkages between activities and how they are funded.”

Included in the LTCCP are financial reporting requirements. Significant examples of this include making “adequate and effective provision for expenditure” by showing estimates for the next ten years of the council’s activities. The LTCCP includes statements of service performance and shows from what sources of council revenue they will be funded. An LTCCP is auditable as are any amendments to it. The Annual Plan reports a council’s progress to the LTCCP.

An authority must consult its “wider communities” over its LTCCP. The Act states that the authority must use a Special Consultative Procedure (SCP) to consult, although a council can use other consultation methods in addition to this.13

Response to the Legislation – How WCC Developed its LTCCP

Strategic Review

76. WCC used the 2006/07 – 2015/16 LTCCP as a chance to develop a new integrated strategic direction for the organisation. It was an opportunity to conduct a significant review of its existing strategic policies, a review that would have an important impact upon the way the council is structured and how it makes its decisions. The early phase of strategic review, which was led by councillors and senior council staff, was conducted as the Community Outcomes Process (see the previous chapter) came to an end. One officer explained that as the council saw itself as “but one of the influencers and agencies able to contribute towards the [Community Outcomes]” it was necessary to develop their strategies “in tandem” with the Community Outcome Process. This is so that it could present its own submission to the Community Outcomes (as other interested did) outside of its role as a facilitator of the Outcomes Process. The council chose not to submit during the Outcomes Process (to the Public Review Panel) “to avoid the perception that [the council would] capture the process.”

Seven Strategies

77. One of the earliest developments in the strategic review was the decision to completely restructure the council into what has become known as the “seven strategies” (or activity areas). These strategies are based on the four types of wellbeing in the Act (economic, social, cultural and environmental), the two most important issues facing Wellington as identified by councillors (urban design and transport), and a final separate strategy to cover the management of the council itself (governance).

78. The adoption of these strategies occurred after the drafting of the Community Outcomes and they are almost exactly the same as the categories that the draft and final community outcomes were published in – the Community Outcome category “Recreation” is included

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in the council strategy “Social.” These categories were described by the council officer who developed them as “anticipating the outcome” of the Community Outcomes Process.

**Council Outcomes and Strategic Priorities:**

79. In the next phase of the strategic review, and in response to the Community Outcomes produced in September 2005 and the Wellington Regional Outcomes produced earlier, WCC developed 13 council outcomes. These council outcomes are “overall 10-year aspirations for the city” and “reflect areas of the city [the council is] able to influence … [and] also take into account other considerations, such as…

• the roles [the council] are required by law to play — for example, resource management/urban planning roles

• [the council’s] existing high-level policies (which have themselves been the subject of extensive consultation)

• strategic analysis of each of our key activity areas [the seven strategies]

• existing Council outcomes.”

80. These 13 council outcomes are assigned to the seven strategies. Beneath the strategies and the council outcomes are 23 strategic priorities for the next three years – “stepping stones towards the [council] outcomes” that guide the decisions on which new initiatives the council will support in the LTCCP.

**LTCCP – integrated Business Plan**

81. The draft and final LTCCP is divided into chapters for each of the council’s new seven strategies (activity areas). Each strategy shows clearly which, Community Outcomes, Council Outcomes and Strategic Priorities the council activities, operating projects and capital projects are contributing to. The actual detail of the draft LTCCP was developed up from the council’s own business unit planning. This means WCC is confident the LTCCP reflects the day-to-day issues council staff face. The business plans set targets and performance measures that improve over the ten year period of the plan, and grouped together with asset management plans in activity plans, these are approved by the councillors before being placed into the draft LTCCP for consultation.

82. Because of this method of integration into the council’s business planning, the majority of the LTCCP covers “business as usual” – roughly 80% of the LTCCP according to one council officer. The remaining 20% of the plan is made up of new initiatives – these show a contribution to one of the 13 council outcomes or the 23 priority areas to be approved by the councillors and thereby be in the LTCCP.

**LTCCP Consultation/Engagement**

83. One council officer described the process around the LTCCP as where the “real consultation” took place – in that this was detailed consultation on a wide range of topics. The council employed numerous consultation methods for the draft 2006/07 – 2015/16 LTCCP starting in April 2006:

• The draft plan and its summary highlighting new initiatives and proposed service cuts was made available to the wider Wellington community. Advertisements calling for submissions were published through many of the same methods as the Community Outcomes, but there was also a dedicated awareness raising campaign that included mail drops. There was a five-week long Special Consultative Procedure (SCP) for submissions to be made, which resulted in 1,368 written submissions with approximately

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14 WCC Long-Term Council Community Plan 2006/07 – 2015/16, p. 33
15 Ibid.
16 The Act requires a council to have a SCP as a minimum level of consultation on a draft LTCCP.
one third coming from first-time submitters. The vast majority were concerned with “key issues” (see below).

- Sixteen public meetings of residents held with a video presentation of the plan and questions from those present encouraged. These meetings were themed by council sector/activity and not by the traditional geographical areas of other council consultations. They were judged to have generated greater turnouts than the older format, and those attending seemed to be new audiences to council consultations.

- Meetings with specific groups, such as iwi and stakeholders as well as mayoral business lunches

- A survey of 350 residents on key issues was also conducted.

84. The council developed new methods of engagement for the LTCCP as older methods were judged to be losing their effectiveness. Attendance at ward meetings had been steadily declining for years and other consultations by the council had shown that “hot” issues could generate a high level of participation. Also some council members pointed to a difference in the opinions expressed through submissions and those identified in other engagement methods (such as community surveys or focus groups). Because of this the design of the consultation was designed to acquire opinions that may not have been heard if the SCP alone had been used and to try and lift the amount of community engagement overall. To this end, surveys are popular with councillors because they could collect the views of many, though there was some complaint from regular submitters who preferred the “old methods” of submitting as opposed to surveys or forums.

85. The council, according to one officer, also considers that general “strategic planning” does not generate interest, except in the “policy class.” So the council specifically promoted the new initiatives and service cuts (“key issues”) proposed in the Draft LTCCP to stimulate discussion. It was also hoped that this would mean that the overall consultation would avoid capture by “small issues in small areas” according to one council officer. However, one council officer noted that as issues became “smaller” (i.e. more concrete and local) the amount of community participation increased.

86. WCC involved the local Iwi Authority very early on in the design process. The LTCCP was extensively discussed during the regular fortnightly meetings between the council and the authority. In keeping with the standard process of these meetings the Iwi Authority received the draft content before the meeting. This allows the iwi to prioritise the areas of discussion – i.e. what it deemed relevant. The council seeks agreement to this content with the authority, but sometimes the Iwi Authority will formally disassociate itself from elements it cannot agree on. In addition, the Iwi Authority also submits during the SCP, which the council provides written feedback to.

**Benefits of the LTCCP**

**Important council document**

87. The council officers and councillor interviewed for this study are very proud of their LTCCP. To them, WCC has made a concerted effort to integrate the LTCCP fully into the council, and it is one of the most important documents produced. To the councillor, it has become a living document that reflects the strategic direction of the council. To a senior manager, it improves the transparency of local government in the Wellington area.

88. A councillor said the LTCCP is consulted as often, and is critical to the running of the council – “every order paper [for the council] has items that come from the LTCCP.” It is valuable in enabling councillors to put their plans in motion over a longer period of time –

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17 Interview with council officer conducted 23/1/08.
18 Interview with WCC councillor conducted 1/2/08
19 Please see the section on Council Decision-Making for more on the general relationship between WCC and its Iwi Authorities.
mainly the three-year life of the plan, achieving sustainability and integration of the
council's decisions.

Transparency/accountability in governance

89. One officer described the LTCCP as a clear mandate to act as the councillors have
approved the business plan of each unit. It is a tool for transparent governance showing
clearly the council’s intended performance against its target. One officer described it as
providing real financial accountability in the council’s decisions. To this end, WCC
amends the LTCCP fairly regularly (almost annually) to give its stakeholders and
communities access to the most up-to-date council information, particularly financial
information.

90. An officer described that the LTCCP is ultimately owned by the councillors who adopt it
with the Management Board being responsible for giving it effect – “they ultimately own it
in the sense of delivering the end point.” As noted earlier, the council signs off on all of
the activity plans underpinning it, and the councillors do use the document extensively.

91. The supply of the deliverables is devolved down to the business units. City indicators are
used as long-term measures of progress, with more conventional performance measures
(KPIs etc) used for measuring short-term progress. Additionally, over the three-year life
of the Plan the council conducts activity reviews to measure progress and achievements.

92. The Iwi Authority interviewees were similarly positive about the LTCCP as a document for
accountability. They see it as informing them of the direction of the council, and showing
how they can integrate their own activities with the council’s. They also valued the
extensive consultation they had during its construction.

93. For the community representative, the LTCCP is of some use – but to them it is largely a
financial document. Submitting on the LTCCP and monitoring it may be “interesting”
but this will not cover the issues “people want to debate” – which is what they think the
Community Outcomes should cover.

Better planning and decisions

94. All parts of the council are gathered under the strategies developed during the review for
the 2006/07-2015/16 LTCCP. These strategies replaced the old committee structure with
a series of portfolios that have a political (councillor) and management (senior council
officer) person responsible for them. In the opinion of the council officers interviewed, this
integrated council structure has started to address the old problem of “silos” in the
council, and led to significantly improved strategic and sustainable decision-making – as
the Act intended.

LTCCP: Discussion and Issues

Limitations of SCP

95. Overall, the council officers interviewed for this study were very happy with the
consultation process WCC used for the LTCCP. The council sought to develop a process
to gain the genuine opinion of Wellingtonians and promote understanding of the proposed
strategic direction. One important part of the process was going beyond the minimum
requirement of the Act and avoiding what the council perceived to be pitfalls of the SCP

96. The council officers saw the SCP requirement of LTCCP as ignoring any other
consultation exercises the council undertakes. WCC sees its other (outside the LTCCP)
consultations as part of a programme of ongoing community engagement, a series of
dialogues that inform the council of the long- and short- term strategic goals of Wellington
communities.

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20 This submitter would prefer to be submitting to the Annual and District Plans which they judge to be more
important. Although the LTCCP does include the Annual Plan, this representative is of the opinion that the non-
Annual Plan parts of the LTCCP are of lesser importance, particularly as some of these parts have a long-term focus
which they believe is too difficult to successfully predict for (see earlier chapter on Community Outcomes).
97. Also there is a perception among some in the council that the SCP is a consultation process that favours “squeaky wheel” submitters, which these officers think have different opinions from those expressed by participants in other consultation methods. Because of this, there is a desire among some council officers for WCC to be able to choose when to use the SCP (the latter also applies for the use of the SCP under the decision-making parts of the Act – see next chapter).

Pre-determination of Decisions

98. Participating in the LTCCP’s SCP is important for the community representative as it is an opportunity to be involved in Wellington City. However, their feeling is that the council pre-determines many decisions already. They were also critical of the time allocated for speaking to a submission as they felt it was not enough to speak to their own detailed submission.

Excessive consultation – especially on LTCCP amendments

99. The decision to highlight new initiatives and service cuts (the “key issues” in the LTCCP) was judged to be successful in creating/stimulating discussion/consultation on the LTCCP. However some officers noted strong/vocal opposition could halt a proposal (i.e. it loses the political support of the councillors), even if it was judged by the officers to be a small change in the council’s overall activities.

Auditability of LTCCP

100. A senior manager was strongly in favour, despite the cost to the council, because of the transparency it gave to council activities and decisions. It also allows the council to compare its performance against other organisations (including other councils), and this manager felt WCC could be proud of its performance in this regard – the council has won numerous planning awards.

101. Another council officer, shares this opinion about the value of the auditability of the LTCCP. However, this officer does have some secondary concerns, they are:

- The “trigger” threshold for amendments
- The choice of performance measures focusing on inputs

102. The threshold that triggers an audited amendment, to this officer, seems too low. The officer believes WCC has had to undertake amendments on relatively minor items that have triggered fully audited processes that were not necessary. An example they gave was the need to “amend the Development Contributions Policy as a consequence of even modest changes to the capital expenditure programme.” Currently, the threshold for an audited amendment is lower than a council’s significance policy. However, this policy shows what things are genuinely significant to the council, and, according to this officer, one option to consider is to make this the same threshold applied to determining whether an audited amendment to the LTCCP is required.

103. The officer also noted the council had been asked to report certain performance measures with a focus on inputs. This officer said that WCC wants to be measured against its stated outputs and outcomes – as they think the Act intended. Gathering and processing the additional input data is an additional cost for WCC with little perceivable benefit to them.

Impact of the LTCCP

104. Overall council officers and the councillor interviewed for this study see the LTCCP as a successful document. The document is seen as beneficial to the council in achieving its activities, and the more integrated and far-sighted vision it has bought is also appreciated. At this (very early) stage the council seems likely to follow a similar process as 2006 for developing its next LTCCP.

105. However, there is a feeling among some of the council officers that the Act is not necessarily responsible for these positive impacts. They believe that WCC was already
heading in the direction of better strategic planning and would have produced something like the LTCCP if the Act had not required it. According to a council officer, even the improvement in the quality of financial reporting cannot be put down to the Act in that early drafts of the LGA were showing the direction that WCC was already heading towards. Also, with regards to the newly integrated nature of council’s strategic decisions, it is difficult to identify exactly which benefits are due to the new LGA and which are due to the strategy-based structure of the council.

WCC LTCCP against legislative intent

106. The table below summarises the legislative intent of the Act regarding the LTCCP and WCC’s implementation of that requirements. This table refers to the 2006/07-2015/16 LTCCP prepared by WCC, which was the first full LTCCP required under the new Act.

<table>
<thead>
<tr>
<th>Legislative intent</th>
<th>WCC response</th>
</tr>
</thead>
<tbody>
<tr>
<td>LTCCP describes Community Outcomes and shows local authorities contribution to them</td>
<td>The LTCCP lists the 45 Community Outcomes developed in September 2005. These Outcomes were grouped into the council’s seven strategies, and the strategy-trees at the beginning of each LTCCP chapter list the outcomes relevant to that council strategy and relate them to the significant activities, operating and capital projects.</td>
</tr>
<tr>
<td>“Wider community” is consulted on the LTCCP</td>
<td>WCC employed many different consultation methods (in addition to the SCP) on the draft LTCCP.</td>
</tr>
<tr>
<td>LTCCP is auditable and meets all relevant NZIRFS important financial reporting requirements.</td>
<td>The 2006/07-2015/16 LTCCP achieved an unqualified audit. WCC is committed to maintaining it as an instrument for transparency and accountability.</td>
</tr>
</tbody>
</table>

107. In summary, WCC delivered a detailed and thorough LTCCP that fulfils the requirements of the Act more than adequately. It has been used as an instrument to reform the structure of the council and achieve a more integrated and sustainable method of making long-term decisions.
Council Decision-Making

Legislative Intent:

108. The following is quoted or paraphrased from the Strategy for Evaluating Local Government.

“The Act requires local authorities to be more rigorous in their decision-making [than prior to the new Act] by identifying all reasonably practicable options for achieving the objective of a decision and assessing those options by considering the benefits and costs in terms of the present and future well-being of the community, and the extent to which community outcomes would be promoted. Depending on the significance, local authorities are also required to consider the impact of each option on their capacity to meet present and future needs in relation to their statutory responsibilities.”

Local authorities must be rigorous in their decision-making by identifying all practicable options for achieving an objective or resolving a problem. The costs and benefits of these options have to be evaluated against the achievement of the Community Outcomes and the present and future well-being of the community.

When making a decision a local authority must consider if consultation of “interested and affected parties” is required. The authority must undertake that consultation in accordance with certain principles, which broadly speaking, require the authority to:

- provide easy-to-understand summaries of proposals and plans (such as the LTCCP);
- identify who will be affected by decisions and encourage them to make their views known to the council – councils also must give reasons for their decisions;
- find out what all the practical options are for dealing with issues and carefully assess them.

A local authority has discretion in deciding how it interprets and meets the decision-making requirements of the Act. This discretion can be applied in terms of the significance of the decision. A council must develop a policy on significance that indicates what triggers must occur before undertaking a decision (although a council is not prevented from undertaking analysis or consulting on a decision that does not trigger this policy).

The Act also places requirements on council’s to involve Māori in their decision-making (especially regarding land and water), and to consider ways to foster Māori contribution to their decision-making processes.21

WCC Approach to Decision-Making under the new Act

109. The council, and in particular its Management Board is aware of the Act’s new provisions around council decision-making, and is particularly aware of the need to conduct analysis for important decisions and to consider consultation of interested and affected parties. The Management Board member interviewed sees the Act as providing

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minimum requirements for determining when to analyse/consult. The council wants to surpass these requirements, because it wants to be seen as responsive and consultative. Consequently it has developed its own processes for determining when to consult/analyse. However, there is also a desire among some officers for the council to provide a vision for Wellington. The process of consultation and engagement (in the decision making process) is perceived by them to be an opportunity to communicate that vision, but sometimes it also impedes the achievement of the vision.

110. If consideration of the Act (because it is a minimum requirement) does not drive the council's decisions on whether to consult or analyse then what does? The councillor interviewed described three different events, apart from the significance policy22 that can trigger the decision to undertake some form of consultation:

- A decision is judged by the council to have a significant cost implication
- An issue triggers the “political sensitivity” of a councillor
- Something, unanticipated by the council, occurs that stimulates a strong community reaction. A reaction that the councillors know they have to listen to.23

111. While the second and third event examples may seem similar, the important difference is that in the second event (like the first event) the council is being pro-active. In the third type of event, the council is being reactive to community demands. This scenario of three different event types effectively governs the council’s (as in the councillors) discretion in undertaking consultation/analysis.

**Community/Stakeholder Engagement in the Decision-Making Process**

112. The Management Board member interviewed for this study noted that the council likes to use the regular “contact points” of the Annual and District Plans and the LTCCP for conducting consultations on a range of matters. It does, however, consult on a range of matters outside these regular events. The council favours using many different methods of consultation. There is a clear belief shared by the interviewed councillor and at least two of the officers that the consultations need to be carefully balanced to make sure there is no capture by highly organised groups that are not necessarily representative of the wider community.

113. Consultation is a demanding and costly activity. Often the first “port of call” for the council, when undertaking a consultation, is to go to one of the established networks of “persons of influence” and organisations that it maintains. These people or organisations are consulted informally (over the telephone for example) in meetings or sometimes in events like lunches hosted by the Mayor. The council also uses forums that are called around particular themes, such as sport or the arts during the LTCCP and Annual Plan processes. These have been found to generate a greater turnout than ward area forums.

114. For issues that require deeper or more widespread consultation, the council favours random selections of citizens if possible. Because they can gather a wide range of detailed opinion and feedback quickly and are relatively inexpensive, focus groups are favoured for consultations in the early part of the decision process.24 Surveys are used

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22 We were told in interviews with council officers that the significance policy on consultation/analysis is rarely triggered. One officer felt that WCC had conducted extensive consultations on issues that were “significant” to Wellington that had not triggered the policy. This is not to say that the policy is flawed but rather that WCC wants to exceed the thresholds (required by the Act) in the policy so that they go beyond the “minimum requirement.”

23 WCC does have a formal “Engagement Policy, Including the council’s policy on consultation (December 2006).” This document lists the factors (pages 11-12) it must consider when exercising its discretion on consultation and all these factors are from Section 79 of the LGA. Available at: [http://www.wellington.govt.nz/plans/policies/engagement/index.html](http://www.wellington.govt.nz/plans/policies/engagement/index.html), April 2008.

24 The LGA [S: 78-2] stipulates that a council must consider consultation on a decision at four different stages of making that decision:
1. When the problems/objectives are defined
more sparingly and later in the decision-making process, and in the mind of one councillor are the ultimate tool for consulting for avoiding the possible capture of a consultation by a particular group. WCC likes to use a combination of these techniques to provide balance and a check on each other.

115. The community representative prefers to submit written feedback as part of a consultation. It provides the chance to leave something on the record. The representative has participated in council “feedback” sessions (informal meetings/forums), but see these as the council choosing a soft option to avoid real consultation (or discussion) on a decision. To their mind the council forums do not appear to be successful judging by the fact that they have not achieved a desired change or a decision. The community representative was also suspicious of the design of the council’s surveys, and they claimed that the results summaries published to the wider public did not reflect the results of the survey properly. On a more positive note, the representative has developed an effective relationship with many of the council officers, to the point where they have been approached by officers early in a decision-making process to give informal feedback on the community’s likely reaction to a decision.

116. However, as said earlier there were officers and councillors interviewed who have misgivings around regular submitters/consulters who could be seen as self-appointed representatives. This officer wants to test the mandates of these people to represent the groups (often community focused) they claim to represent. Countering this, the community representative is unimpressed by the elected “mandates” of the councillors, arguing that the wards are too broad to realistically represent the different communities within them. The submitters, as “interested and informed” members of the public, are genuinely representative because they are the people the “general public” relies on to know about the council.

117. The relationship with Māori, as judged by the example of the Iwi Authority interviewed, has significantly changed and improved over the past ten years or so. The Iwi Authority noted the change started with the Resource Management Act, which required the council to develop a relationship with Māori. This was followed by opposition to the public outcry around the council’s “Variation-17” plan for the Wellington waterfront. Following the decision by the council to enter into a wide-ranging consultation process over the waterfront, a Memorandum of Understanding was created to formalise a relationship with the local Iwi Authorities. The memorandum led to a regular fortnightly meeting between the council and the Iwi Authority whereby any council policy, plan or decision that could be of interest is discussed. The Iwi Authority was also given standing invitations to attend any council committee meeting as non-voting members. Through these processes the relationship has now developed to involve iwi in all policy decisions (through the briefings and meetings), as well as employing them to develop key council policies around cultural matters.

**Benefits of Decision-Making under the new Act**

118. Based on the response of both the Iwi Authority and the community representative, the council has certainly improved in its overall approach to consultation since the mid 1990’s. Although the community representative’s views are quite critical of council’s consultative processes, they feel that the council has moved on significantly from when they first became involved in monitoring and submitting on council activities (in the early 1990’s). However, this improvement in the relationship cannot necessarily be attributed to the LGA. Both the Iwi Authority and the community representative identified the improvement as starting before the Act. Clearly, the council has been aiming to improve

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2. When the options to resolve/achieve the problems/objectives are identified
3. When the above options are assessed and proposals are developed,
4. When the proposals are adopted

25 This new relationship, based on informal telephone calls from certain council officers, could be the early part of the process of becoming a “person of influence.” This is a person the council consults with during the early part of a decision-making process.
its community/stakeholder relations for some time, and this is perhaps why many of the
council officers see the Act as a guide towards minimum practice in this area.

119. The Iwi Authority feels that the Act is as important to them as the Resource
Management Act. The Iwi Authority is appreciative of the fact they can remind the council
that the Acts require them to listen to the Iwi Authority. The Authority feels the
relationship they have with the council now is excellent, but they have “clashed” with the
council in the past, even seeking injunctions. However, they consider that “extreme” sort
of action much less likely to happen in the current relationship because they judge the
council is successfully fulfilling the Act’s requirement to listen to them.

120. The Iwi Authority also points to the council as successfully fulfilling the provision in
the Act to assist Māori to develop their ability to contribute to consultations. In this case
WCC has funded the authority in its development of mapping software that will maintain
an accurate record of historical iwi land ownership in the Wellington region.

**Issues with Decision-Making**

**Engagement vs consultation**

121. The council officers have noticed there appears to be greater desire from the
communities, stakeholders in the Wellington area for more consultation on all issues.
The council wants to be seen as a genuinely transparent and responsive organisation,
and its officers believe they are meeting the growing demand for consultation as best they
can. However, the council believes there is a real difference in interpretation of the Act
between themselves and the groups it consults with, especially community groups and
representatives. A councillor described the consultation requirements of the Act as being
on a continuum where “obtaining views from the public” lies at one pole and “empowering
the public” lies at the other.26 To this councillor, many of those looking to consult with the
council believe the Act is firmly at the “empowering” end of the continuum, which the
council does not agree with. This councillor goes on to say that the Act should use the
word “engagement” instead of “consultation.”

122. Interestingly, the community representative indicated that the use of the word
“engagement” in the council’s consultation policy is appreciated, because it is more
reflective of what the council wants in its community relations – “it does not get hopes up.”
The community representative desires the council’s consultation policy to go towards the
“empowering” end of the spectrum. For them, consultation should influence/change the
final decision of the council,27 but in the case of WCC this has not often happened. This
representative wants the Act to guarantee the influence of the consultation upon the
council decision. Their belief is if participation in a consultation process consistently has
no effect upon the final decision, why would anyone participate? The representative
noted the distrust and disenchantment this lack of effect is generating among
communities and their representatives is such that at least some regular “consulters” are
considering not participating in future consultations.

**Pre-determination of decisions**

123. The representative interviewed notes WCC is developing a reputation for pre-
determination of its decisions because consultation is not having an effect upon council
proposals – “the drafts are not changing.” In part, one council officer agreed, that some
council decisions could appear to be “a fait accompli.” This officer identified two reasons
for this:

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26 This is in keeping with the council’s engagement policy:
Wellington City Council, “Engagement Policy, Including the Council’s policy on consultation,” December 2006, Page

27 The Act does not require a council decision to align with the outcome of a consultation. However, this
representative believes the Act should be altered to require this.
• That the Act requires decisions to be linked back to spending plans, and this means that they do not appear to be flexible (that is changeable through consultation), and that the consultation appears to be “not genuine”, even though the council’s motive is genuine.

• They also suggested the council needs to conduct more consultations earlier in the decision-making process, when problems or objectives are being identified and defined, and not later when proposed solutions are being evaluated or adopted. According to another officer, the council is doing this with some selected stakeholders (“persons of influence”).

124. Another officer noted also that the council conducts many consultations that often overlap and that the council does have the ability to judge that an issue has already been adequately consulted. This is related to the issue mentioned earlier of the “re-consulting” that can occur during the SCP consultation on an LTCCP.

Quality of relationship with council

125. The Iwi Authority seems quite positive about WCC’s consultative practices, and importantly the Authority is clearly consulted during the early part of the decision-making process. In contrast, the community representative is more critical of the council’s consultation methods, and they seem to be (until recently) involved in consultations much later in the decision-making process “They are asking for acceptance on the already recommended option” is how they described their experience. However, in recent times the community representative has sometimes been involved early in the decision-making process, by council officers contacting them directly in an informal manner. The personal relationships that have been developed with council officers as a result of this contact has made the representative more understanding and even accepting of the council’s behaviour. However, this representative sees themselves as a special case – as the majority of the community does not get this “special” treatment – and the council has to come up with processes that involve more people like them earlier in the decision-making process.

126. Ultimately, there is a difference of opinion between the council and the community, (as judged by the community representative interviewed for this report), over the effectiveness of participating in WCC consultations. One example is the proposed Indoor Sports Stadium, mentioned in the current LTCCP. The council argues that the size of the stadium was changed substantially after consultation, as was its location. The community representative is critical however, saying the council’s proposed location was against the wishes of the local community, and that the consultation processes undertaken by the council were specifically designed to avoid a full resource consent hearing. The Iwi Authority said they were quite happy with the council’s consultation with them over this issue, but noted that it appeared the council would have to change the location of the stadium.

Consultation fatigue

127. The council is aware of a perception among some of its stakeholders that it consults a lot.28 This seems to be the case especially among some of its stakeholder groups. In this study, the example of the Iwi Authority seems to bear this out, at least a little. They described their biggest problem in the consultative LGA environment as the demand placed upon them, by various bodies including the many councils in the Wellington region, to participate in so many consultations – “we are being ‘hui-ed’ out.”

128. However, it should be noted that two different sources of this problem appear to be particular to the Iwi Authority and the nature of its relationship with the council:

• When uncertain whether an issue is of interest to the Iwi Authority, WCC errs towards briefing/inviting the Iwi Authority to respond on the issue. In a sense WCC does not know the Authority’s interest well enough to be able to filter effectively the issues that come up

28 For example, the fourth page of the introduction to the Wellington City Community Outcomes Process Report (2005) notes that the council had been criticised “from some quarters” for having gathered extensive input to long-term community goals before the actual Community Outcomes Process
The Department of Internal Affairs
Research and Evaluation Services

before the council. To the authority this situation can only be improved with the overall relationship – i.e. as WCC and the authority understand each other better.

- The Iwi Authority does not have enough resource to contribute, in a timely manner, to all the topics it would like to consult on. They suggested the council could help by funding someone to work in the Authority dealing entirely with the WCC relationship – particularly during the period of LTCCP consultation.

Use of discretion in consultation

129. The council appreciates that the Act gives discretion in how the council conduct their consultation (or analysis) and their use of its outcomes. The community representative is critical of this discretion, saying that the council has used it to avoid consulting on issues of genuine importance. In their mind the council uses its discretion on consultation to avoid consulting on the “real” issues – those that are of the greatest interest to Wellington communities (such as the waterfront and urban planning issues). Instead they consult on issues that are of less interest, or consult in a way that makes it easy to ignore the outcome of the consultation.

130. It must be noted that council officers we interviewed point out that the council consults extensively and often, including on the waterfront and district plan issues. They also note the council has adopted the Community Outcomes around urban planning and integrated them into their strategy.

Impacts of the new Act on Decision-Making, and future trends

131. The nature of consultation is debated amongst the council officers, fuelled by their awareness of the declining trust and confidence in the community as measured by council surveys. One view is that the council needs to address this problem by using consultation exercises to get the wider community more involved in the council’s strategic direction.

132. Countering this view, another officer says that consultation may in fact endanger the council’s strategic direction. To them, the constancy with which the council consults so widely undermines the “fine ideals of the planning regime” that have arisen from the Act. They feel the Act has a philosophical bias that favours a “talking/consultative” over a “city guardians managing decisions” approach to local government. If taken to far, this could paralyse decision-making and stymie important strategic decisions that will provide leadership and vision to the city. However, this officer believes the solution may lie in the type of consultation applied by council. Ongoing consultation or dialogue with communities and stakeholders would appease concerns there is too much reliance on consultations on one-off issues and allay the faltering strategic decision-making process.

133. Finally, a councillor and a council officer noted they wanted consultations to “contextualise” the decisions the council is making. As with the principle of bringing prioritisation to the Community Outcomes, they want the communities to understand the costs implied in decisions and to see the activities of the council as linked throughout the whole of the organisation. This officer and councillor feel the council’s new integrated strategic structure (see earlier chapter on LTCCP) enabled them to see the council’s activities in this holistic way and they want to pass this insight on to the community.

WCC Decision-Making against legislative intent

134. It is difficult to judge how the Act has been applied within a particular council without examining every decision made by a council – which is outside the scope of this report. Below are three intents of the Act’s section on Decision-Making that this report can evaluate.
Legislative intent | WCC response
---|---
Improve community involvement in council Decision-Making | WCC had started to improve its relationship with community and stakeholder groups before the introduction of the Act. It has continued this process, although concerns remain among the community around when in the process they are consulted, and the consequent appearance of pre-determination in decisions.

Council decisions will be more strategic (including a longer-term focus) in nature | The vehicle for achieving a strategic focus has been the LTCCP, as opposed to the council’s decision-making process. Decisions, where possible, are integrated into the LTCPP through the amendment process. Also the council is concerned that capture of the process by certain community elements may compromise the council’s strategic direction.

Involve Māori in decision-making and help develop Māori capacity to contribute to council decisions | Council has developed close relationship with Iwi Authority (Memorandum of Understanding) that includes regular consultation on council strategy and areas of interest to the Iwi Authority. Is capacity building through funding development of software tools for the Iwi.

135. In summary, WCC has been improving its stakeholder, community and Iwi relationships since before the Act was introduced. However, there is tension about the amount, and particularly, the effect of consultation on council decisions. It is claimed that some in the community feel the council does not effectively consult because it has pre-determined the outcome of its decisions and has no intent of changing a decision as a result of consultation. Contrastingly, some in the council are concerned that some consultations are having too much of an effect, in that they can cause decisions to change to become inconsistent with the council’s strategic aim and its outcomes.
Conclusions

136. The Wellington City Council sees itself as a leader in local government in New Zealand, especially in the strategic planning and consultative fields. The council believes it was already reflecting the direction of the Act prior to its introduction, at least in part. Because of this, its officers often noted the Act is not the driving force in how it interacts with its community or how it has planned its strategic direction. To many of the officers, WCC is exceeding the Act’s requirements.

137. A common perception across all case study participants is that the Act is creating a tension between elected and participatory mechanisms of local government, as demonstrated by perceptions such as:

- Tension between the “direct democracy” of the Community Outcomes and the “representative democracy” of the council. The council intended the final Community Outcomes to be owned by the community and that they are outside of the council.
- Conflict between the “mandates” of elected councillors and the Community Outcomes.
- That ongoing/constant consultation can conflict with the vision and leadership (strategic planning) of the council.
- A conviction that the council’s decisions/actions are pre-determined and not responsive to consultation.

138. Although the Act may not have intended for there to be this tension, the perception that it does colour interpretation of the Act and necessarily the actions taken as a result of those interpretations.

Community Outcomes

139. The Outcomes developed by the WCC process are criticised as too “broad”, “vague” or “ambiguous” for real use in strategic planning by both the community representative and some council officers. The cause of this is either the need to gain agreement among a group with very different opinions (council officer) or a time-limited process that did not focus clearly on the council’s activities (community representative).

140. However, the councillor and the Management Board officer felt the Outcomes were important in the council’s decision-making. These appear to have been well integrated into the council’s structure (along with the Act’s four wellbeings) with clear lines of accountability.

141. There is a desire in the council to undertake a prioritisation exercise in the next process, even though this may prove difficult. It is hoped this will help the decisions to become “contextualised” and allow the outcomes to become of more strategic value.

142. It is not clear that the Outcomes themselves “promoted better co-ordination and application of community resources”, but the relations the council developed with stakeholders when facilitating the outcomes may well have.

LTCCP

143. The council itself is very committed to the LTCCP as a document. It has become a living strategy document covering its intended activities for the three-year life of the plan. The council officers are committed to making the LTCCP as accurate as they possibly can, to serve the need for transparency in the relationship between them and their communities. The council has used the LTCCP as the opportunity to re-structure itself around an integrated strategy. It believes this strategy has meant the council is heading in a sustainable, long-term focused strategic direction.
144. It compiled the LTCCP from its own business plans and submitted the draft to a large-scale process of consultation combining many different methods. The consultation was targeted around key issues of either service cuts or new council initiatives. This produced a large amount of participation from the Wellington community, but an experienced submitter feels that the LTCCP, being chiefly a financial tool, is not the best means for discussing the future of Wellington City.

145. The Audit requirements of the LTCCP places some demands on WCC. There are some concerns around the threshold for undertaking amendments and the performance measure required. However, the council's management is loathe to give up the benefits of transparency and rigour that the audit requirement brings.

**Decision-Making**

146. The council has developed a close relationship with at least one of the Iwi Authorities that function within its area. It has provided the iwi with opportunities to participate in the council's decision-making processes and policy development. It has helped them develop their capacity to contribute by funding them in the development of tools that will manage their history. The Iwi Authority considers the new LGA, and its specific sections on the relationship between a council and Māori, to be one of the tools that has contributed to the relationship with the council improving.

147. The council sees the Act as a “minimum requirement” when determining whether to undertake consultation in its decision-making process. The council believes it consults extensively on a range of issues using the regular contact points of the LTCCP (and its amendments) and the Annual Plan, and through these it wants to be seen to be a responsive council. It is aware of a decline, among the wider Wellington City community, of trust and confidence in the council, and wants to counter this by further developing its consultations processes. It has targeted meetings away from gatherings of people in a ward towards people interested in a “theme” such as sport or the arts.

148. It would seem that when the council develops a real relationship with an outside party (such as an Iwi Authority) that involves ongoing, often informal, contact that occurs early in the decision making process; it gains a supportive link with that organisation. This link can be used to develop policy and decisions that are of mutual acceptance. When consultation occurs later in the decision making process, there is criticism that it is not genuine as it will not be able to change a decision. Making a consultation seem worthwhile to those consulted, by showing them that their input has an effect on the final decision is important to maintaining their interest and participation in future consultations.