

# SIGNIFICANCE AND ENGAGEMENT POLICY



<b>Date of adoption by Council</b>	27 November 2014
<b>Resolution Number</b>	14/RDC/249
<b>Date by which review must be completed</b>	Not applicable
<b>Relevant Legislation</b>	Local Government Act 2002 s76AA
<b>Statutory or Operational Policy</b>	Statutory
<b>Included in the LTP</b>	Yes

## Contents

Background.....	2
Purpose and Scope.....	3
Policy Application .....	3
Determining Significance .....	3
Strategic Assets.....	4
Groups of Strategic Assets:.....	5
Engagement Principles .....	5
Statutory Consultation .....	6
Schedule 1: IAP2 Spectrum of Public Participation .....	7
Schedule 2: Engagement Plan template .....	8

## Background

- 1.1 Every decision made by a local authority must be made in accordance with the provisions of the Local Government Act 2002 (the Act).
- 1.2 Section 76AA requires councils to adopt a Significance and Engagement Policy to enable it to determine the significance of the decision to be made and, where appropriate, engage with its community. This is a new requirement for all councils under Part 6 of the Act. The previous requirement for Councils to have a Significance Policy has been repealed. Therefore, Council's existing Significance Policy will be replaced with this Significance and Engagement Policy.
- 1.3 Once a decision is determined as significant according to the approach, criteria and procedures of this policy, or by council resolution, the decision-making and associated engagement provisions contained in the Act will be observed.
- 1.4 The Council will not make a decision or proceed with a proposal which it considers to be significant, unless it is first satisfied that sections 77 (requirements in relation to decisions), 78 (community views in relation to decisions), 81 (contributions to decision-making by Maori) and 82 (principles of consultation) of the Act have been appropriately observed.
- 1.5 Section 77 of the Act requires that it must:
  - “seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
  - assess the options in terms of their advantages and disadvantages; and
  - if any of the options identified involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga”.
- 1.6 Section 78 of the Act requires that “a local authority must, in the course of its decision-making process in relation to a matter, give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter”.
- 1.7 Section 81 requires that councils have in place a process that will encourage and foster participation in decision-making by Maori (see Council's policy, Development of Maori capacity to contribute to Council decision-making).
- 1.8 Section 82 outlines the principles of consultation which councils must use in their decision-making. It amplifies on section 78, requiring that councils:
  - Provide reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of persons likely to be affected by, or to have an interest in, the matter
  - Encourage affected/interested persons to present their views to the local authority

- Provide reasonable opportunity to present those views to the local authority and clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented
  - Receive the views with an open mind and provide a clear record or description of relevant decisions made by the local authority and explanatory material relating to the decisions
- 1.9 Section 82A specifies the information which is to be made publicly available - essentially the record of Council's considerations under section 77.
- 1.10 Significance and engagement will be considered in the early stages of a proposal before decision making occurs and, if necessary, reconsidered as the proposal develops.
- 1.11 When Council makes a decision that is inconsistent with this policy, the steps identified in Section 80 (Identification of inconsistent decisions) of the Local Government Act 2002 will be undertaken.

## **Purpose and Scope**

- 2.1 This policy will:
- enable the Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities
  - provide clarity about how and when communities can expect to be engaged in decisions made by Council
  - inform the Council and the community from the beginning of a decision-making process about the extent, form and type of engagement required.

## **Policy Application**

### **3 Determining Significance**

- 3.1 Council will consider the significance of every issue requiring a decision and the level of engagement on a case by case basis.
- 3.2 In considering the degree of significance of every issue requiring a decision, Council will be guided by the following:
- The potential effect on Council's ability to act in accordance with the statutory principles relating to local government
  - The potential effect on the delivery of the statutory core services
  - The likely level of community interest in the issue (which may be a particular location in the District, a particular group in the community, or the entire District)

- The possible financial and non-financial costs (risks) of the decision (or of reversing the decision) with regard to the Council's capacity to perform its role.

3.3 The following thresholds will also be used by Council to help determine if specific proposals and decisions are significant:

	<b>Significant</b>	<b>Not significant</b>
The potential effect on Council's ability to act in accordance with the statutory principles relating to local government	Major and/or long term	Minor and short-term
The potential effect on the delivery of the statutory core services	Major and/or long term	Minor and short-term
The level of community interest in the issue	Major and/or District-wide	Minor and localised
The financial costs/risk associated with the decision	Major and/or long term	Minor and short-term
The non-financial costs/risk associated with the decision	Major and/or long term	Minor and short-term

3.4 It is the Council's judgment as to whether a matter is significant. A matter will be significant if in Council's judgment one or more of the criteria fall into the significant column.

3.5 When any issue is determined as a significant decision:

- The issue will be considered by the Council (normally, following consideration by and a recommendation from the relevant Council Committee)
- The report to Council will include an assessment of the degree of significance of the issue, the degree of engagement proposed, the engagement plan proposed and a staff recommendation.

## **4 Strategic Assets**

4.1 Under s.76AA(3) of the Act, this Policy must list the assets considered by the local authority to be strategic assets. According to s.5 of the Act, a "strategic asset, in relation to the assets held by a local authority, means an asset or group of assets that the local authority needs to retain if the local authority is to maintain the local authority's capacity to achieve or promote any outcome that the local authority determines to be important to the current or future well-being of the community".

4.2 Significant decisions in relation to strategic assets will be those decisions that affect the whole asset group and not individual components, unless that component substantially affects the ability of the Council to deliver the service.

4.3 It is the principle of provision of the service not individual roads, parks, etc., that make these asset groups strategic.

## **5 Groups of Strategic Assets:**

- Road network, street-lighting
- Wastewater networks and treatment plants in Ratana, Bulls Marton, Hunterville, Mangaweka and Taihape
- Water treatment, storage, and supply networks in Ratana, Bulls Marton, Hunterville, Mangaweka and Taihape
- Stormwater networks in Ratana, Bulls Marton, Hunterville, Mangaweka and Taihape
- Recreation facilities
- Community amenities
- Community Housing<sup>1</sup>
- District libraries
- District Cemeteries

## **6 Engagement Principles**

6.1 The Council believes that public engagement is an essential part of good local government. Good consultation and engagement processes that allow individuals and organisations to contribute to democratic local decision-making and action both builds social capital and civic pride, and leads to better decisions.

6.2 When undertaking engagement, the Council will use the following set of principles to guide public engagement processes. The Council will:

- Select appropriate tools and techniques for engagement depending upon the level of engagement sought<sup>2</sup> and the impact of the issue being consulted upon;
- Use simple and straightforward language when asking for feedback on proposals;
- Ensure that documents are accessible;
- Encourage councillors, community boards and community committees to engage with local communities and assist Council in consulting on public proposals;

6.3 When considering the scope and scale of engagement on a case-by-case basis, Council will use the IAP2 – see schedule 1 – and develop an engagement plan – see schedule 2 for the engagement plan template. Council will exercise its judgement in deciding on the scope and scale of the engagement process. Factors will include:

- the extent to which the current views and preferences of persons who will or may be affected by, or have an interest in, the decision or matter are known to the local authority; and

---

<sup>1</sup> Any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy. (LGA 2002, s5)

<sup>2</sup> For example, the IAP2 or similar matrix – see schedule 1

- the nature and significance of the decision or matter, including its likely impact from the perspective of the persons who will or may be affected by, or have an interest in, the decision or matter; and
- the costs and benefits of any engagement process or procedure; and
- whether a pre-set deadline (outside of the Council's control) precludes meaningful public engagement taking place; and
- an increased risk to health and safety from delaying the decision; and
- if the views held by affected or interested parties are already known to a reasonable degree; and
- whether the decision aligns with historical Council decisions.

## **7 Statutory Consultation**

7.1 Consultation is an element on the spectrum of engagement. It falls somewhere in the middle of the spectrum: more participatory than simply providing information but not yet as far along the spectrum of participation as inviting contributing ideas to develop options.

7.2 Nonetheless, there are specific issues where councils are required under the Act to undergo a prescribed consultation process – the Special Consultative Procedure<sup>3</sup>. These are:

- establishing a council-controlled organisation (section 56)
- making, amending or revoking a bylaw which is of significant public interest (or likely to have a significant impact on the public) (section 86)
- before adopting a long term plan (section 93(2)) but this must be through the consultation document specified in section 93A-G
- before altering a long term plan (section 93(5)) but this must be through the consultation document specified in sections 93A-G.
- before adopting an annual plan (section 95(2)) but this must be through the consultation document specified in section 95A unless there are no significant or material differences to the long-term plan projections for that year (section 95(2A))
- assessing Council's water and other sanitary services (section 125)

---

<sup>3</sup> Sections 83, 86 and 87 of the LGA 2002. The Council may be required to use the special consultative procedure under other legislation, and it may use this procedure in other circumstances if it wishes to do so.

## Schedule 1: IAP2 Spectrum of Public Participation

# IAP2 Spectrum of Public Participation



Increasing Level of Public Impact

### Inform

To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.

### Consult

To obtain public feedback on analysis, alternatives and/or decisions.

### Involve

To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.

### Collaborate

To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.

### Empower

To place final decision-making in the hands of the public.

### Public participation goal

### Promise to the public

We will keep you informed.

We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.

We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.

We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.

We will implement what you decide.

### Example techniques

- Fact sheets
- Web sites
- Open houses

- Public comment
- Focus groups
- Surveys
- Public meetings

- Workshops
- Deliberative polling

- Citizen advisory committees
- Consensus-building
- Participatory decision-making

- Citizen juries
- Ballots
- Delegated decision

## **Schedule 2: Engagement Plan template**

### **Project description and background**

*This will describe the nature of the engagement to be undertaken, clarify the decision to be made, the circumstances that led to it, related council decisions already made, and legislation applying.*

### **Engagement objectives**

*Identify what feedback or decisions we want from communities.*

*What decisions will be made by council that need to be informed by the community's input?*

### **Timeframe and completion date**

*Describe each stage of the project, including when key decisions need to be made by Council.*

### **Communities to be engaged with**

*List the communities and key stakeholders to engage with.*

### **Engagement tools and techniques to be used**

*Describe the tools and techniques that will be used to engage with each of the identified communities and stakeholders. Refer to the IAP2 Spectrum of Public Participation to determine the level of engagement for each (Inform      Empower).*

### **Resources needed to complete the engagement**

*This includes time allocations for council staff and councillors and costs involved to undertake the selected engagement tools and techniques.*

### **Communication planning**

*This outlines any potential reputation risks associated with the project and mitigations. It will outline the key messages to be communicated to the public, and where necessary will include a communications plan.*

### **Basis of assessment and feedback to the communities involved**

*This will describe how the community input will be analysed and how results will be communicated to the Council and to participating communities. Also includes an indication of when this feedback will occur – prior to, or after Council decisions are made.*

### **Project team roles and responsibilities**

*This identifies who will be involved in this project, excluding external providers, and who the key contact point within Council will be.*