

SIGNIFICANCE & ENGAGEMENT POLICY

**DATE ADOPTED: 30 JANUARY
2018**



**TE WAIROA
WAIROA DISTRICT**

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INTRODUCTION

Decisions made by the Wairoa District Council affect the residents and ratepayers of Wairoa. We are committed to building and maintaining good relationships with stakeholders and our community so that decisions are well informed. Wherever practical, we will engage with individuals, organisations and groups in our community in ways that give them the best opportunity to have their say.

This Significance and Engagement Policy (Policy) meets the requirements of the Local Government Act 2002 (LGA 2002).

The objectives of this Policy are:

1. To establish a general approach and process for identifying the significance of Council decisions;
2. To set out when and how Council will engage with the community in decisionmaking, depending on the significance of the decision.

The LGA 2002 states that one role of a Council is to enable democratic local decision-making and action by, and on behalf of, communities. This Policy explains how Council will decide the level of significance that a matter has, the types of matters where the community will be involved in the decision-making process, and when the community can expect Council to make a decision on its behalf.

There are many informal ways that Council engages with the community during its everyday business which helps to inform it on community views. There are also decisions that a Council must make which require a more structured form of engagement. This is

because of the importance that a matter has within the wider community, or for groups within the community.

The first part of this Policy sets out how Council will decide whether or not a matter is “significant”. The second part of this Policy sets out when and how the community’s views will be heard on these significant, and other, matters.

PURPOSE

This Policy lets both Council and the community identify the degree of significance attached to particular decisions, to understand when the community can expect to be engaged in Council’s decision making processes, and know how this engagement is likely to take place.

This Policy exists to:

- inform you about what you can expect from Council regarding community engagement and the ways you can influence and participate in the decisionmaking of Council.
- to provide Council with a tool that clearly guides the assessment of significance during decision-making and provides direction on the consideration of community views and the level of community engagement that might be desirable to enable Council to develop a clearer understanding of community views and preferences on an issue or proposal.

SIGNIFICANCE

Local authorities must make decisions about a wide range of matters and most will have a degree of significance, but not all issues will be considered to be “significant”. An assessment of the degree of significance of proposals and decisions, and the appropriate level of engagement, will therefore be considered in the early stages of a proposal before decision making occurs.

Council has identified criteria to assess the degree of significance. The significance of an issue, proposal or decision lies somewhere on a continuum from low to high. Where the significance of a proposal or decision is unclear against one criterion, then Council will treat that criterion as being more, rather than less, significant. If any of the criteria are met, the proposal or decision may be ‘significant’. However, the criteria should be considered collectively to get to this point.

CRITERIA FOR SIGNIFICANCE

Significance means the importance of an issue, proposal, decision, or matter, as assessed by Council. Council will take into account the following matters when assessing the degree of significance of proposals and decisions, and the appropriate level of engagement:

- The likely impact/consequences of the issue, proposal, decision or other matter, on the district.
- Whether the asset is a strategic asset as listed in schedule two of this Policy.
- The impact on levels of service provided by Council or the way in which services are delivered.
- The degree of impact on Council's debt or the level of rates it charges.
- The financial and non-financial costs and implications of the issue, proposal, decision or other matter having regard to Council's capacity to perform its role.
- Whether the decision is reversible and the likely impact on future generations.
- The impact on the community, how many people are affected and by how much.
- Whether the decision or action flows from, or promotes, a decision or action that has already been taken by Council or furthers a community outcome, policy or strategy.
- Is there a past history or reasonable expectation of the issue generating wide public interest within the district.
- The likely impact/consequences of the issue, proposal, decision or other matter, on youth, elderly and Māori.

It may be that only one of the criteria applies, but to such a high degree that the decision will be considered "significant". Conversely, several criteria may be applicable, but to only a low degree, and therefore will be considered to have a lower level of significance. Each decision will involve staff making an assessment for consideration by elected members. Schedule one of this Policy sets out how the criteria will be used to assess significance.

DETERMINING SIGNIFICANCE

In the first instance, staff will be responsible for assessing the significance of a potential decision, in accordance with legislation and this Policy. Reports to Council and its Committees will include the staff assessment of the significance of the proposals and any options or recommended decisions.

ENGAGEMENT

In any engagement process undertaken with the community, that engagement will be in proportion to the matter being considered. When any engagement takes place, other than simply providing information, we will:

- Seek to hear from everyone affected by a decision.
- Ask for views early in the decision making process so that there is enough time for you to give us feedback, and for your views to be considered properly.
- Listen and consider views in an open and honest way.
- Respect everyone's point of view.
- Provide information that is clear and easy to understand.
- Consider different ways in which the community can share views with us.
- Ensure that the engagement process is efficient and cost effective.

PRINCIPLES OF ENGAGEMENT

Council will take a principle-based approach to our community engagement activities.

- **Genuine:** We will listen to the views provided by the community with an open mind and will give due consideration to them when making decisions.
- **Timeliness:** We will engage with the community as early as appropriate and ensure that engagement processes are an integral part of project planning. We will allow enough time for participants to contribute and for them to be able to raise unexpected issues.
- **Purposeful:** We will be clear about the purpose of engagement and the ability and scope of the engagement to influence decisions.
- **Inclusive and accessible:** We will engage in a way which encourages participation of all who are likely to be affected by, or are interested in, a decision.
- **Recognise diversity:** We will use engagement methods which are appropriate to the issue and those we are seeking to engage, having regard to their culture, age, ability and time availability.
- **Informed:** We will ensure information relating to the engagement is readily available so that participants can make informed contributions.
- **Responsive:** We will record, consider and respond to participants' contributions, and provide information to the community on how their feedback influenced the decision-making.
- **Engagement with Māori:** We will acknowledge the unique perspectives of Māori in our community.
- **Cost-effective:** We will engage in a cost-effective manner, and resource engagement in proportion to the significance of the decision. We will ensure the

least possible cost to all involved in the engagement (including the costs to the communities/affected parties).

The ways engagement can take place are varied and will be in proportion to the significance of the matter being considered.

STATUTORY COMPLIANCE

The LGA 2002 and other legislation require Council to consult with the community in a range of circumstances. The LGA 2002 has also sets out principles to guide all consultation and prescribes specific consultative procedures, which must be followed in certain circumstances. At a minimum, Council will adhere to all legislative requirements.

SPECIAL CONSULTATIVE PROCEDURE

There are still situations where the Special Consultative Procedure must be used under the LGA 2002:

- Adoption or amendments to the Long Term Plan
- Adoption or amendment to a significant bylaw
- Transfer of ownership of a significant strategic asset
- Changes to financial policies.

There are also statutes which require the special consultative procedure to be followed in specified situations including:

- Resource Management Act 1991
- Rating Powers Act 1988
- Building Act 1991
- Sale and Supply of Liquor Act 2012
- Psychoactive Substances Act 2013
- Dog Control Act 1996
- Waste Minimisation Act 2008
- Freedom Camping Act 2011
- Land Transport Management Act 2003
- Energy Companies Act 1992.

It is important to note that formal consultation using a special consultative procedure is a structured process outlined in legislation and supported by caselaw. In other engagement processes, however, there are no explicit statutory or legal rules constraining or defining community engagement processes. The LGA 2002 has given local authorities the ability to determine this as appropriate for their communities.

SIGNIFICANT PROPOSALS OR DECISIONS

Council will determine the nature and form of the engagement in accordance with the significance of the particular decision. In general, the greater the significance of the decision, the more we will do to engage the community. A 'significant' decision will not automatically require the special consultative procedure.

ENGAGEMENT WITH MĀORI

Council will honour all engagement processes, agreements and memorandums of understanding developed with Māori as they relate to its decision-making policies. It will also take into account its obligations as outlined under the Resource Management and Local Government Acts.

Te Tiriti o Waitangi/the Treaty of Waitangi is the founding document of New Zealand. Council accepts the great importance of this living, dynamic document, and is committed to upholding the spirit of Te Tiriti o Waitangi/the Treaty of Waitangi principles

- Principle of Tino Rangatiratanga – Self-management
The rights of Māori to exercise full authority and control over their lands, resources and taonga.
- Principle of Kawanatanga – Governance
The authority to make laws for the good order and security of the country subject to the duty imposed (on the Crown) to Māori under the Treaty.
- Principle of Whakawhanaungatanga – Partnership
A partnership between Māori and the Crown which requires the parties to act reasonably and with the utmost good faith in accordance with the Treaty of Waitangi.
- Principle of Oritetanga – Equality and privileges of citizenship
The right of tangata whenua as individual citizens to receive, as a minimum, fair and equal access to the resources and benefits provided by the Crown.
- Principle of Kaitiakitanga – Stewardship
The responsibility of Māori to undertake their duty of custodianship, stewardship and guardianship over their lands, resources and taonga.
- Principle of Whakatika i te mea he – Duty to remedy past breaches
The duty of the Crown to remedy past breaches of the Treaty and to prevent further breaches.
- Principle of Tuatiaki ngangahau – Active protection of taonga and Māori interests
The duty to ensure the active protection of taonga for as long as Māori wish it to apply.
- Principle of He here kia mōhio – Duty to be informed

The duty of the Crown to make informed decisions through consultation with Māori.

ENGAGEMENT ON OTHER MATTERS

Outside of matters where it remains mandatory for a special consultative procedure to be undertaken, Council will determine the appropriate level of engagement on a case by case basis.

Council may decide that it will use a special consultative procedure if the matter is of high significance, or it may choose another form of appropriate consultation. In instances where significance is judged to be moderate, engagement with the community could involve consulting through an advisory committee or focus group, public meetings, or surveys.

When Council decides that a matter is of low to moderate significance, or in instances where it is considered that the views of the community are already known, it may make a decision on behalf of the community and then inform the community of the outcome. This may be, for instance, through publication on the Council website, in the local media, or other appropriate means.

REASONS NOT TO ENGAGE

Council acknowledges there are times when it is not necessary, appropriate or possible to engage the community on a proposal or decision. Council may also choose not to engage on a proposal or decision, but will only decide this in accordance with the criteria below:

1. The proposal or decision is not of a nature or significance that requires engagement.
2. Council already has a sound understanding of the views and preferences of the people likely to be affected by, or interested in, the proposal or decision.
3. There is a need for confidentiality or commercial sensitivity.
4. The costs of engagement outweigh the benefits of it.
5. The proposal or decision has already been addressed by Council's strategies, policies or plans, which have previously been consulted on.
6. An immediate or quick response or decision is needed or it is not reasonably practicable to engage.

Whenever Council does not formally engage, community views will still be considered before a decision is made and as much information will be provided to the public as possible.

ENGAGEMENT ACTIVITIES

Council will decide which engagement activities or processes to use based on the individuals, communities and sectors that are affected by, or interested in the proposal; and the extent of that interest/impact. In the first instance, staff will be responsible for assessing the appropriateness of engagement activities for each proposal or decision at the project planning stage.

INFORMATION REQUIREMENTS

Council will ensure that, when conducting any engagement or consultation process in relation to a significant decision, it provides:

- Clear information on what is being proposed and why it is being proposed
- Sufficient information on which to provide meaningful feedback
- The advantages and disadvantages of each option being considered
- What impacts, if any, will occur if the proposal goes ahead
- How the community can provide its views
- The timeframe for completing the community engagement or consultation
- How submitters and participants can learn about the outcome.

DEFINITIONS USED IN THIS POLICY

Community	A group of people living in the same place or having a particular characteristic in common. Includes interested parties, affected people and key stakeholders.
Decisions	Refers to all the decisions made by or on behalf of Council including those made by officers under delegation. (Management decisions made by officers under delegation during the implementation of council decisions will not be deemed to be significant).
Engagement	Is a term used to describe the process of seeking information from the community to inform and assist decision making. There is a continuum of community involvement.
Significance	As defined in Section 5 of the LGA 2002 <i>in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision, matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for:</i> <i>The district or region</i> <i>Any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter</i> <i>The capacity of the local authority to perform its role, and the financial and other costs of doing so.</i>

Strategic Asset	<p>As defined in Section 5 of the LGA 2002 <i>in relation to the assets held by the local authority, means an asset or group of assets that the local authority needs to retain if the local authority is to maintain the local authority's capacity to achieve or promote any outcome that the local authority determines to be important to the current or future well-being of the community; and includes</i></p> <p><i>Any asset or group of assets listed in accordance with Section 90(2) by the local authority; and</i></p> <p><i>Any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy; and</i></p> <p><i>Any equity securities held by the local authority in</i></p> <p><i>A port company within the meaning of the Port Companies Act 1988</i></p> <p><i>An airport company within the meaning of the Airport Authorities Act 1966</i></p>
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SCHEDULE ONE: ASSESSING SIGNIFICANCE AGAINST CRITERIA

CRITERIA	HIGHER SIGNIFICANCE	LESSER SIGNIFICANCE
Change in levels, or delivery, of service provided by Council.	There is a major and/or long term change to services.	There is a medium to low level of change to services.
Level of financial impact.	There is a major and long term financial impact.	There is a medium to low level of impact.
Impact on the community.	The decision would have a major impact on sections or all of the community.	The impact on the community is medium to low.
Decision involves a “strategic asset” as listed in this Policy.	The decision involves the sale or transfer of more than 20% of a strategic asset.	The decision does not impact on Council’s ownership of the asset.
Impact on Council debt or level of rates.	The impact is major and/or long term on either debt levels or rates.	The impact is of a medium to low level.
Reversibility of decision.	The decision is irreversible and would impact negatively on future generations to a high degree.	The decision is not irreversible, or if it were, the impact on future generations would not be high.
Building on previous decisions.	The matter is considered to be significant by other criteria, and has not been previously consulted with the community.	The decision or action is consequential to, or promotes, a decision or action already taken by Council or the views of the community on this matter are already known.
Historic interest.	There is a history of the matter generating wide and intense public interest and a reasonable expectation that this will again be so.	There is no history of the matter generating widespread interest.
The likely impact/consequences of the issue, proposal, decision or other matter, on youth, elderly and Māori.	The decision would have a major impact on youth, elderly and Māori.	The impact on youth, elderly and Māori is medium to low.

SCHEDULE TWO: LIST OF STRATEGIC ASSETS

The LGA 2002 definition of a strategic asset is outlined in Section 5.

The list of assets outlined below are considered to be “strategic assets”, however not all decisions made regarding them will be significant. For example, the road network is strategic but the purchase or sale of small land parcels that make up the network may not amount to a significant decision.

- Water supply catchments and supply network as a whole.
- Wastewater network as a whole.
- Stormwater and flood protection network as a whole.
- Land transport network as a whole.
- Waste management facilities as a whole.
- Cemeteries.
- Ownership of community facilities as a whole.
- Ownership of Quality Roading and Services (Wairoa) Ltd (QRS).