

# Significance and Engagement Policy – draft for consultation

**Meeting:** Kaipara District Council  
**Date of meeting:** 29 July 2020  
**Reporting officer:** Shireen Munday, Policy Team Leader

## Purpose/Ngā whāinga

To approve consultation on the proposed amendments to Council's Significance and Engagement Policy (SEP) and to delegate the associated consultation activities to a Panel of Elected Members to report back to Council on a recommended final proposal.

## Executive summary/Whakarāpopototanga

Council decided to review its SEP. To make any amendments to the SEP, Council must consider the relevant statutory matters of the Local Government Act 2002 (LGA) and consult with the community before confirming any proposed amendments.

Council has discussed and provided feedback on the proposed changes at three Council briefings and the proposal has been refined and revised based on the feedback received as well as being reviewed for legal matters. This report and the attachments outline the necessary statutory matters for Council's consideration, including the reasonably practicable options and the consultation requirements of section 76AA(5) of the LGA.

Consultation is proposed to start on Monday 3 August, with a final draft SEP to be presented to the November Council meeting for consideration.

## Recommendations/Ngā tūtohunga

That Kaipara District Council

- a) Approves the legislative process, analysis and consultation approach outlined in Attachment A.
- b) Approves the Consultation Document provided in Attachment B.
- c) Delegates three elected members to form the Significance and Engagement Panel to hear and consider community views, consider written submissions and to make recommendations to Council on final proposed amendments to Council's Significance and Engagement Policy
- d) Authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the Consultation Document prior to final printing and publication.

## Context/Horopaki

Elected members requested a review of Council's current SEP in 2019. The review has now progressed to the point where a decision of Council to consult with the community on the proposed changes is required.

## Discussion/Ngā kōrerorero

Staff have discussed proposed changes to the SEP, as a result of the review, at Council's April, May and June Briefings and received comments and feedback from elected members during those meetings. Staff have now incorporated all feedback received for Council's consideration into a draft amended SEP.

Legal advice has also been obtained to ensure the proposed amendments meet the necessary statutory requirements.

Council must now determine whether to consult on these proposed amendments to the SEP before making any final decisions. Council must consider a range of matters and follow a prescribed process under the Local Government Act 2002 (LGA) when considering amendments to its SEP. This process, together with the relevant matters for consideration within that process, is summarised in Attachment A.

Two key considerations are the assessment of reasonably practicable options and whether Council considers on reasonable grounds that it has sufficient information about community interests and preferences to enable the purpose of the SEP to be achieved. These matters are addressed in the attachment but are repeated here for completeness.

### Reasonably practicable options

Council is required to consider the reasonably practicable options in accordance with section 77 (1) of the LGA.

Having an SEP is a statutory requirement. As a result of the review process to date, Council has two reasonably practicable options to consider.

Option	Description	Advantages	Disadvantages
<b>Option A</b> - retain the existing SEP	Keep the existing SEP in its current format.	No need to consult	The current SEP lacks clarity and is difficult to follow and interpret consistently.
<b>Option B</b> – propose the amendments to the SEP	Propose the amendments for consultation and amend the Policy incorporating any further changes considered by Council as a result of consultation	The proposed amendments provide for a clear, easier to read document to support staff and community understanding.	Council must consult on the proposal prior to making a final decision.

Staff recommend **Option B**. The cost of consultation will be covered through existing operational costs and staff resources.

### Sufficient information on community preferences

Council must consider the requirements of S76AA(5) of the LGA to determine whether consultation is required for making amendments to the SEP.

Given the scale of the proposed amendments and the lack of any previous engagement on this matter, it is considered that Council does not have sufficient information about community interests and preferences, and that therefore consultation in accordance with s82 of the LGA is required.

The Consultation Document provided in Attachment B contains all the relevant information and references to sources of information to meet the legislative requirements as outlined in Attachment A. It also contains the proposed amendments within a revised draft SEP.

The recommendations in this report include the establishment of a Significance and Engagement Panel that is delegated the authority to hear and consider community views, before making recommendations to Council on a final proposed SEP.

Subject to the decisions made at this meeting, the consultation on the proposal is scheduled to start on Monday 3 August 2020, with a final draft SEP to be presented to the November Council meeting for consideration.

## Significance and engagement/Hirahira me ngā whakapapa

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy. The report addresses a statutory consultation matter and therefore consultation will be undertaken in accordance with the legislative requirements and following the process outlined in this report and its attachments.

## Next steps/E whaiake nei

Staff will undertake the necessary actions to implement the consultation and Panel activities as outlined in this report.

## Attachments/Ngā tapiritanga

	Title
A	Legislative process, analysis and consultation approach
B	Consultation Document