



Significance and Engagement Policy

Kaipara District Council 2020



How to read this document

This document is a statutory policy. This means it has some content that has to be included but it also has lots of other content to help the reader understand the wider context of the document.

So it's quite long. This page provides you with a brief road map of how to read the Policy, depending on what you are looking for.

The statutory sections are:

- Determining Significance – skip to page 10
- How Council will engage on matters with a high level of significance – skip to page 11
- How Council will engage on other matters – skip to page 12
- Council's strategic assets – skip to page 13.

The Policy also provides you with other information on consultation and engagement matters to assist in your understanding of where the Policy fits, and what other engagement obligations Council has.

Here is an overview of these other parts of the Policy:

- Engaging with Maori – skip to page 8
- What is statutory consultation and how does it work? See pages 4 and 5
- What are the matters that Council has a statutory obligation to consult on before it makes a decision? See [Attachment 1](#) page 13
- What is the difference between consultation and engagement? - skip to page 6.

The flowchart ([Attachment 4](#)) on page 18 provides you with an overview of the process to determine how Council will engage.

He mihi

Toitū te mana o te Kaipara whenua, Kaipara tangata, Kaipara wānanga, Kaipara moana, taniwha e.

Stand permanent the integrity of Kaipara lands, Kaipara people, Kaipara narrative, Kaipara harbour and guardians forever.

Context

Introduction

For every decision Council makes, whether big or small, we need to consider how important that decision is to our communities and how it might impact them. Sometimes we are already aware of people's views on a matter or are very limited in our choices about a decision, but at other times we need to hear your thoughts first before we decide what to do.

Often when Council is making an important, or significant decision, the way we engage with you is set by legislation and there is a process we must follow, but sometimes we can choose. When deciding how significant a decision is for our communities, we look at a number of factors, including:

- who is affected by, or interested in the decision
- what the costs will be
- what the overall likely impact of the decision will be.

These factors are part of working out the best way to engage with our communities on the issue. Do we need to just tell you it's happening? Do we need to ask you for feedback on a draft proposal? Or do we need to involve you every step of the way?

This Significance and Engagement Policy (SEP) guides Council's assessment of the significance of matters and sets out how and when our communities can expect us to engage, before making a final decision on both significant and not so significant matters.



The SEP outlines how we involve our community in decision-making.



Legislative framework

The key purpose of the SEP is to agree with the community on the approach Council should use when considering which decisions and actions of Council are 'significant'. At the same time, the SEP details how Council will engage with the community on matters identified as significant, before making a final decision.

The SEP is also required to outline how Council will engage with the community on matters that are not significant, as well as providing a list of assets that Council has decided are 'strategic assets' for the purposes of section 97 of the Local Government Act 2002 (LGA).



What is section 97 of the LGA about? If something is a strategic asset (as defined in section 5 of the LGA), then if Council wants to transfer ownership or control of that asset, it must include that as a proposal in its draft Long Term Plan.

The LGA (section 76-81) provides a framework which applies to all decision-making processes, including the consideration of community views. For each decision, Council determines how those requirements apply.

Check out the Local Government Act for more information: www.legislation.govt.nz



Council's decision-making is further framed by other things, such as the requirements of Government policy, technical matters and financial implications. These matters can also influence engagement on an issue (e.g. if there is only one, or very limited viable options, such as a specific change required by new legislation).

Decisions of Council are often made under legislation with specific consultation processes for plans, policies or other matters. Examples of these are District Plans under the Resource Management Act 1991 and Reserve Management Plans under the Reserves Act 1977. For most other matters that have a prescribed consultation process, Council must follow the requirements of the LGA. These are explained in the following section.

Regardless of the level of significance, if the decision is about a matter that has a prescribed process, Council must follow that process. However this does not mean that Council is limited to only engaging in accordance with the legislation, Council can choose to undertake additional engagement activities to support the decision-making process if this is considered appropriate.



Attachment 1 provides an overview of the range of policies, plan and matters for which a prescribed consultation process is in place. For these matters, Council usually develops a specific engagement plan designed to meet the legal requirements, and any other relevant matters.



Local Government Act 2002 consultation requirements

Consultation is one of the ways we engage to find out about community views and preferences before making a decision. We consult on certain decisions because we recognise how important they are to our communities, or because we are required to by statute, or both.

The LGA contains principles which guide consultation as well as some specific requirements. It refers to consultation in two different, but closely related ways: 'consultation' and the 'special consultative procedure' (SCP). As the name implies, the 'special consultative procedure' is a specific kind of consultation.

Section 82 and 82A Local Government Act

Section 82 of the LGA provides some overarching principles for consulting. This includes:

- identify people who will be affected by or have an interest in the decision
- provide them with reasonable access to relevant information in an appropriate format on the purpose and scope of the decision
- encourage people to give their views
- give people a reasonable opportunity to give their views in an appropriate way
- listen to, and consider those views, with an open mind
- after the decision, provide access to the decision and any other relevant material.

Section 82A details some additional obligations if the consultation is a specific requirement under the LGA. Where this section applies Council also develops:

- a description of what we want to do, and why
- an analysis of the practical options (with advantages and disadvantages)
- a draft of the policy or relevant document (or details of the changes to any policy or document).



Attachment 1 shows which matters these sections apply to.

Section 83 – the Special consultative procedure (SCP)

The SCP builds on the principles of section 82 of the LGA as well as detailing additional requirements, including developing a 'statement of proposal' (SOP). An SOP is a document that provides detailed information on what the proposal is about and how people can provide their feedback. Depending on what the consultation is about, for example a long term plan or a bylaw, the exact content requirements are further prescribed in the LGA. In addition to meeting the principles of section 82, Council will:

- make the SOP publicly available
- allow feedback to be provided for a minimum of one month
- ensure people are given an opportunity to present their views to the council through spoken interaction (or using sign language).



For Long Term Plans, Council is required to produce a 'Consultation Document', rather than a Statement of Proposal.

What is 'consultation' and what is 'engagement'?

Often the two terms 'consultation' and 'engagement' are used interchangeably, however this is not accurate. Most councils in New Zealand, including Kaipara District Council, apply the principles developed by the International Association of Public Participation (IAP2) when talking about these matters.

The IAP2 developed the Spectrum of Public Participation ([Attachment 2](#)) to assist with the selection of the appropriate level of participation, or 'engagement' for the issue or problem. The graph below provides a summarised version of the Spectrum.



This means that engagement can range from letting you know about the decision and why it was made, to supporting others to make their own decisions that Council then implements.

Consultation is just one of the engagement options available, depending on the matter.



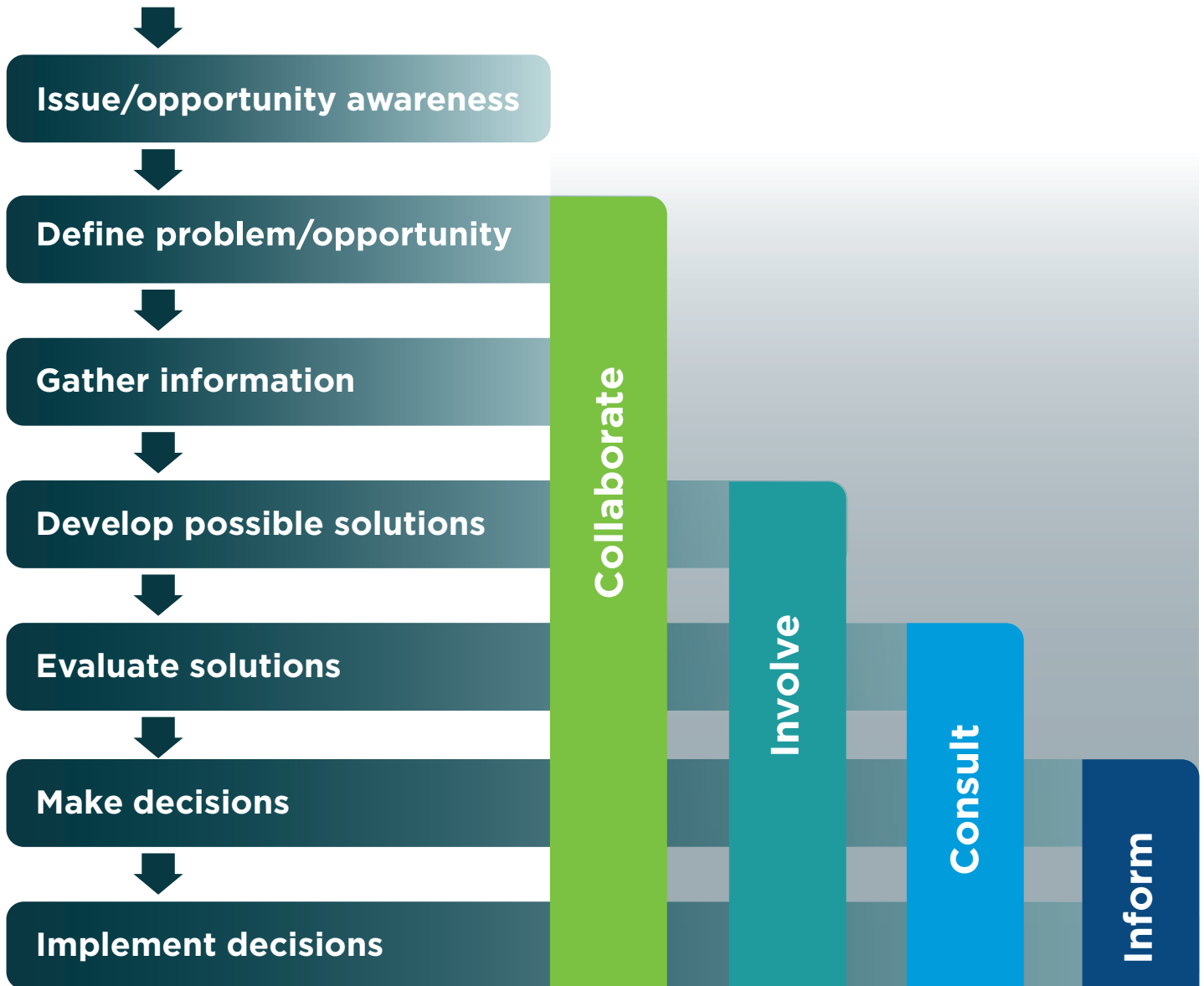
Consultation generally is when we develop a proposal, often a draft policy or plan, and then ask you for your views on the draft proposal. We consider your views before deciding on what the final policy or plan should say.



Another way of looking at the different types of engagement is to look at the steps in the decision-making process as an issue, proposal or decision progresses from development to final decision. **Diagram 1** below outlines at the steps and the associated types of opportunities for participation.

Council decision-making process

Opportunity for engagement



Attachment 3 provides an overview of the different types of tools and methods Council can use, depending on which level of engagement is appropriate and the specific issue or proposal.

Empowerment

The highest level of engagement ‘empowerment’ is not included in the graph above. This is because it is generally used in circumstances outside of the decision-making process where Council’s role is assisting others to make a decision. Often this kind of engagement is supported by Council through a framework of grants, advice and support.

Very occasionally and in certain circumstances, councils chose to empower the community to decide through a binding referendum. Councils can also delegate decisions to a group of people, for example a reserve management committee, made up of members of the community with an interest in the reserve.

Māori

Māori have a unique relationship with councils through the Treaty of Waitangi and supporting legislation. This relationship is reflected in the principles and requirements of the LGA to ensure participation by Māori in local authority decision-making processes.

In summary, the LGA requires councils to:

- take into account Māori interests where any significant decisions are to be made affecting 'land or a body of water'
- establish and maintain processes to provide opportunities for Māori to contribute to council decision-making processes
- consider ways to foster the development of Māori capacity to contribute to council decision-making processes
- put in place processes to consult with Māori
- assist Māori to better participate generally in decision-making.

To meet these duties, obligations, and commitments, Council will:

- recognise the enduring presence, aspirations, and cultural obligations of Mana Whenua (local iwi, hapū and Marae) as kaitiaki (stewards) in the Kaipara District
- actively consider the recognition and protection of Māori rights and interests within the Kaipara District, and how we contribute to the needs and aspirations of Māori
- where a significant decision relates 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, wāhi tapu, valued flora and fauna, and other taonga
- ensure all decision reports of Council consider impacts on Māori, and if any potential impacts are identified, how these have, or will be, addressed
- establish and maintain processes to provide opportunities for Māori to contribute to our decision-making processes, as provided for in Council's Long Term Plan.

In the Kaipara District, our Mana Whenua relationships are informed by our Mana Enhancing Agreement with Te Iwi o Te Roroa and our Memorandum of Understanding with Te Uri o Hau. Council's engagement processes are guided by these documents.

Mana Whenua by definition are Māori people from a specific location, region or geographical landscape who exercise territorial rights and authority over occupied tribal lands.

Council works with both Te Uri o Hau and Te Iwi o Te Roroa, supported by Te Kuihi as Mana Whenua, in acknowledgement of, and in accordance with, Treaty of Waitangi settlement processes and the associated legislative framework.

While supported and underpinned by this SEP, our commitments to working with Māori are broader than those matters the SEP addresses. Council will, in accordance with the above principles, engage or work with Mana Whenua and/or iwi/hapū on a specific matter, normally in advance of undertaking any engagement activity in accordance with this SEP.

The Policy

Policy Statement

Kaipara District Council aspires to actively and meaningfully engage with its communities as part of its decision-making processes. Genuine engagement will be encouraged in a manner that is consistent with the significance of the issue proposal or decision, is transparent and clearly communicated.

Principles

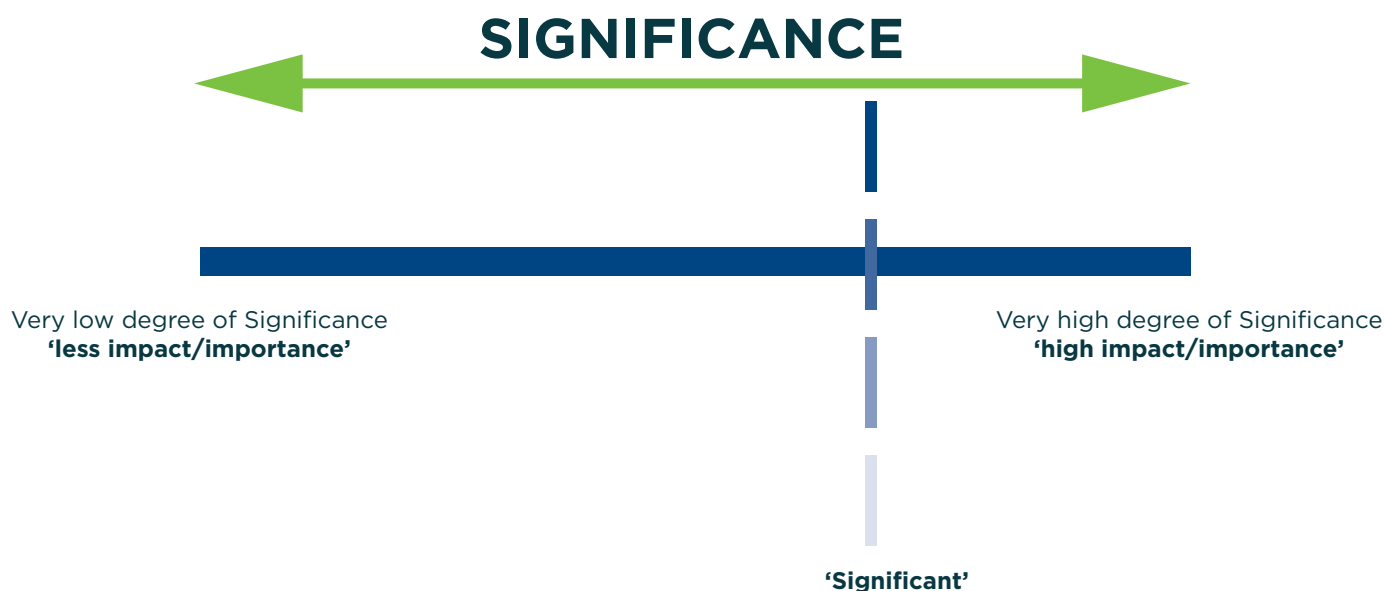
The LGA provides a range of matters we are expected to consider in making decisions and understanding the views and preferences of our community when making those decisions. The following principles guide Council in ensuring these requirements are met.

- engaging with an open mind and a willingness to listen
- providing information that is balanced, sufficient and in plain language
- being clear on the purpose of the engagement and the scope of the decision(s)
- allowing time and make resources available, to ensure participants have fair opportunity to understand the matter and contribute their views
- making the engagement process inclusive and accessible
- valuing contributions made, time given, and local knowledge
- tailoring engagements to be flexible and best meet the needs of those who are being engaged
- ensuring good information sharing of community views and preferences within Council
- coordinating engagement across Council departments to minimise duplication and consultation fatigue
- ensuring people can access and understand the rationale for the final decisions made.



Determining Significance

The terms significance and significant are defined in the LGA (section 5). Significance refers to the degree of importance of the issue. This indicates that it is not a yes/no proposition, but that the consideration of significance can be assessed on a continuum. Under the definition, something is 'significant' if it has a high degree of significance.



Council will consider the following criteria when determining the degree (very low to very high) of significance of an issue, proposal or decision:

- the current and future impact on the community:
 - the number of people affected by, or with an interest in the matter
 - the degree to which they may be impacted by the decision
 - the level of community interest already apparent for the issue, proposal or decision
 - the potential to generate community interest
 - known divided community views on the matter
- whether the matter is subject to specific statutory requirements, including consultation
- Council's ability to deliver on the current Long Term Plan
- the financial consequences, including ongoing and consequential costs (including depreciation) to the community
- The impact on Council's direction
- the consistency of the proposed decision with existing policy and strategy
- unbudgeted capital expenditure of > 10% of total rates in year commenced
- unbudgeted operational expenditure of > 1% of total rates in year commenced.

Engaging on matters with a high degree of significance

The significance of the issue, proposal or decision influences how much time, money and effort the Council will invest in exploring and evaluating options and engaging with the community before making a decision.

For matters determined to have a high degree of significance, Council will, at a minimum, consult with the community in accordance with the requirements of section 82 of the LGA, except for matters with a prescribed statutory consultation process. In those cases, Council will, at a minimum, consult in accordance with the relevant statutory requirements.



See **Attachment 3** for the tools and methods you can expect to see when Council engages on a significant matter.

Consideration of the significance criteria and the specific proposal or decision may indicate that a higher level of engagement than consultation in accordance with section 82, or the relevant legislative prescribed process, is appropriate.

For matters with a high degree of significance, an engagement plan will be prepared that will:

- detail the appropriate form and extent of engagement
- state the purpose of engagement and how any feedback can influence the final decision
- factor in the unique needs of each affected community
- consider the extent that Kaipara District Council is already aware of the views of potentially interested and affected people
- involve elected members throughout the engagement process.

Where a decision has district-wide implications, Council will endeavour to ensure that the locations selected for direct engagement with communities are spread across the district and are readily accessible to local residents and ratepayers.

Sometimes the nature and circumstances of a decision to be made on a matter with a high degree of significance may not provide an opportunity for engagement. This is generally in circumstances where an immediate or quick response is required and it is not reasonably practicable to engage, including if a delay in decision-making could result in:

- risk to people's health and safety
- unreasonable or significant damage to property
- the loss of a substantial opportunity to achieve Council's strategic objectives.

Other situations include circumstances where emergency works are required, or the matter relates to the operation and maintenance of a council asset and responsible management requires the works to take place immediately.

In these instances, the significance assessment will detail the reasons why the decision is required without consulting in accordance with section 82 of the LGA.

Engaging on other matters

If a matter has been determined to have a lower degree of significance, Council must still decide what level of engagement with the community is appropriate. This decision will be informed by:

- what, if any, aspect of the decision can change as a result of engagement due to the legislative, technical and operational aspects of the matter
- the decision-making requirements of the LGA
- the level of Council's existing understanding of the views and preferences of the interested or affected persons
- the need for confidentiality or commercial sensitivity
- whether the matter relates to a policy, strategy or plan that Council has already consulted on
- the characteristics of the interested or affected persons (e.g. geographically, or by interest, age or activity)
- urgent matters, where an immediate or quick response is required
- the length of time the matter relates to (e.g. is it a one-off decision or a ten year strategy).

While the above criteria will assist in determining the level of engagement and who to engage with, these details are also informed by the specific situation. Just because a matter has a higher level of significance compared to another matter, it does not mean that a higher level of engagement is necessarily appropriate and vice versa.

The following theoretical scenarios provide some examples of this.

Scenario 1: Very low significance/high level of targeted engagement

Council's Long Term Plan includes a small budgeted amount for playground upgrades. The decision to proceed with the upgrade to a specific playground is of lower significance. However, what the playground should look and feel like is of great importance to the local community. The best outcome for Council and the community is achieved through collaboration with the community to decide how the playground should be upgraded.

Scenario 2: Low to moderate significance/very low level of engagement

Council's streetlamps are being replaced with more energy efficient LED lights. The money for this has been allocated within existing operational budgets with savings expected to be achieved within three years of installation. Because of the nature of the works, there will be some disruption to traffic flows. The decision is largely operational with a lower level of significance; however the works will impact on a large proportion of the community. Therefore, a lower level of engagement, informing the community about the matters Council considered when making the decision and how the installation will be managed is appropriate.

For matters of lower significance that have a low impact on the general public as well as Council's diverse communities, Council will generally either engage at the 'inform' or 'consult' level.



See **Attachment 3** for 'inform' and 'consult' methods and tools.

Where an issue may be of greater interest to stakeholders or may impact on a distinct group of affected or particularly interested people, Council will consider engaging at the involve or collaborate level of engagement, depending on to which extent the matter has limited legal, technical, operational or financial constraints.



See **Attachment 4** for a flowchart on how to determine which type or level of engagement is appropriate.

Strategic Assets

This section provides a list of assets or group of assets that Council needs to retain if it is to maintain its capacity to achieve or promote any outcome that it determines to be important to the current or future well-being of the community.

The LGA requires that any decision to transfer the ownership or control of a strategic asset to or from the local authority must be explicitly provided for in a Long Term Plan, after community consultation using the special consultative procedure.

The following list provides the assets, or groups of assets that Council considers meet the above criteria:

- **The transportation networks**
- **Water supply schemes**
- **Wastewater schemes**
- **The open spaces (including reserves and cemeteries) network**
- **Stormwater schemes**
- **The stop bank network**

Council takes a group or whole-of-asset approach to the above assets. This means the group assets as a whole are considered the strategic asset, and not each individual asset within the group. For example:

The transportation network as a whole is the strategic asset, however the smaller parcels of land that make it up individually are not, and the purchase or sale of one or a few small parcels does not impact on Council's ability to maintain its capacity to achieve or promote an associated outcome.

The requirement to provide a transfer of a strategic asset through a Long Term Plan proposal would therefore only be required if the proposal relate to the whole asset.





Attachment 1

Statutory consultations*

Type	What	Act	Type of consultation required**
Bylaw	Health Act Bylaw	Health Act 1956	SCP or S82
Bylaw	Land Transport Act Bylaws	Land Transport Act 1998	SCP or S82
Bylaw	Local Government Act Bylaws	Local Government Act 2002	SCP or S82
Bylaw	Prostitution Reform Act Signage Bylaw	Prostitution Reform Act 2003	SCP or S82
Bylaw	Reserves Act Bylaws	Reserves Act 1977	SCP or S82
Bylaw	Waste Minimisation Act Bylaw	Waste Minimisation Act 2008	SCP or S82
Bylaw	Burial and Cremation Act Bylaw	Burial and Cremation Act 1964	SCP or S82
Bylaw	Dog Management Bylaw	Dog Control Act 1996	SCP or S82
Bylaw	Dog Management Policy	Dog Control Act 1996	SCP
Policy	Easter Trading Policy	Shop Trading Hours Act 1990	SCP
Bylaw	Freedom Camping Bylaw	Freedom Camping Act 2011	SCP
Plan	LTP	Local Government Act 2002	SCP
Plan	Waste Management and Minimisation Plan	Waste Minimisation Act 2008	SCP
Policy	Dangerous and Insanitary Buildings Policy	Building Act 2004	SCP
Policy	Class 4 Gambling Venue Policy	Gambling Act 2003	SCP
Policy	Local Approved Products Policy	Psychoactive Substances Act 2013	SCP
Policy	Board Venue Policy	Racing Act 2003	SCP
Policy	Local Alcohol Policy	Sale and Supply of Alcohol Act 2012	SCP
Finance policy	Policy for early payment of rates in current financial year	Local Government (Rating) Act 2002	SCP
Other	Pedestrian malls	Local Government Act 1974	SCP
Bylaw	Litter Act Bylaw	Litter Act 1979	Other
Bylaw	Sale and Supply of Alcohol Act Fees Bylaw	Sale and Supply of Alcohol Act 2012	Other
Other	Stopping a road	Local Government Act 1974	Other
Other	Temporary road closure	Local Government Act 1974	Other
Other	Declare a private drain to be public	Local Government Act 1974	Other
Other	Erection of transport shelters	Local Government Act 1974	Other
Other	Leasing powers of council with respect to ferries	Local Government Act 1974	Other
Other	Conditions of fixing levels of roads	Local Government Act 1974	Other
Plan	Civil defence emergency management group plans	Civil Defence Emergency Management Act 2002	Other
Plan	Reserve Management Plans	Reserves Act 1977	Other
RMA	District Plan	RMA	Other
RMA	Plan changes	RMA	Other
RMA	Notified Resource Consent application	RMA	Other

**This table is indicative only; it does not provide a definitive list of every statutory consultation requirement of Council and is current as at the adoption date of this Policy.*

***In certain circumstances, Council can resolve to make minor amendments to some of the documents listed here without consultation.*



Attachment 1

Statutory consultations* (continued)

Type	What	Act	Type of consultation required**
Other	Alter significantly the intended level of service provision for any significant activity including the decision to commence or cease the activity	Local Government Act 2002	SCP (LTP)
Other	Transfer the ownership or control of a strategic asset to or from Council	Local Government Act 2002	SCP (LTP)
Plan	Annual Plan – subject to section 95 LGA	Local Government Act 2002	S82/S82A
Policy	Significance and Engagement Policy	Local Government Act 2002	S82/S82A
Finance policy	Revenue and Financing Policy	Local Government Act 2002	S82/S82A
Finance policy	Development Contributions Policy OR Financial Contributions Policy (or both)	Local Government Act 2002	S82/S82A
Finance policy	Rates Remissions Policy	Local Government Act 2002	S82/S82A
Finance policy	Rates Postponement Policy	Local Government Act 2002	S82/S82A
Finance policy	Policy on the remission and postponement of rates on Maori freehold land	Local Government Act 2002	S82/S82A
Other	Fees and Charges under s150 LGA	Local Government Act 2002	S82/S82A
Other	Transferring responsibilities to another Local Authority	Local Government Act 2002	S82/S82A
Other	Establishing or becoming a shareholder in a Council Controlled Organisation (includes a council controlled trading organisation)	Local Government Act 2002	S82/S82A

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***In certain circumstances, Council can resolve to make minor amendments to some of the documents listed here without consultation.*



Attachment 2

IAP2 Spectrum of Public Participation



IAP2 Spectrum of Public Participation

IAP2's Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public's role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world.

INCREASING IMPACT ON THE DECISION				
PUBLIC PARTICIPATION GOAL	INFORM	CONSULT	INVOLVE	COLLABORATE
	EMPOWER			
To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
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.			

Attachment 3

Methods and tools of engagement

There are many ways we engage with our communities. Most people who have been involved in engagement processes are familiar with reading about a Council consultation in the newspaper, filling in submission forms, attending public meetings and in some cases attending hearings. This is however not the only option, and depending on what the issue or proposal is, there are other ways to support effective public participation.

Over the time of a decision making process, Council may use a variety of engagement tools. The ones shown in the table below provide some examples. Some tools may be applicable across many levels of engagement. This applies especially to those tools listed in the 'inform' column. Often these tools are also used to create awareness of the engagement activities planned for the other levels of engagement.

Inform	Consult	Involve	Collaborate
Public Notices News Story Advertisements Email advisories People's Panel Information flyers Radio advertising Social media advisories KDC website Council agendas and reports	Written submissions Hearings Public meetings Social media Attendance at community group/RR meeting Information stands (field days, community markets etc) Surveys	Stakeholder workshops Seminars Exhibitions Open days Drop in days/sessions	Community/Stakeholder working groups Community advisory groups Partnership forums Citizens panels

Tools and methods for empowerment

Where Council has determined to empower the community or a specific geographical or interest group to make the final decision on a matter, generally Council's role is to support them in their engagement choices as part of the process.

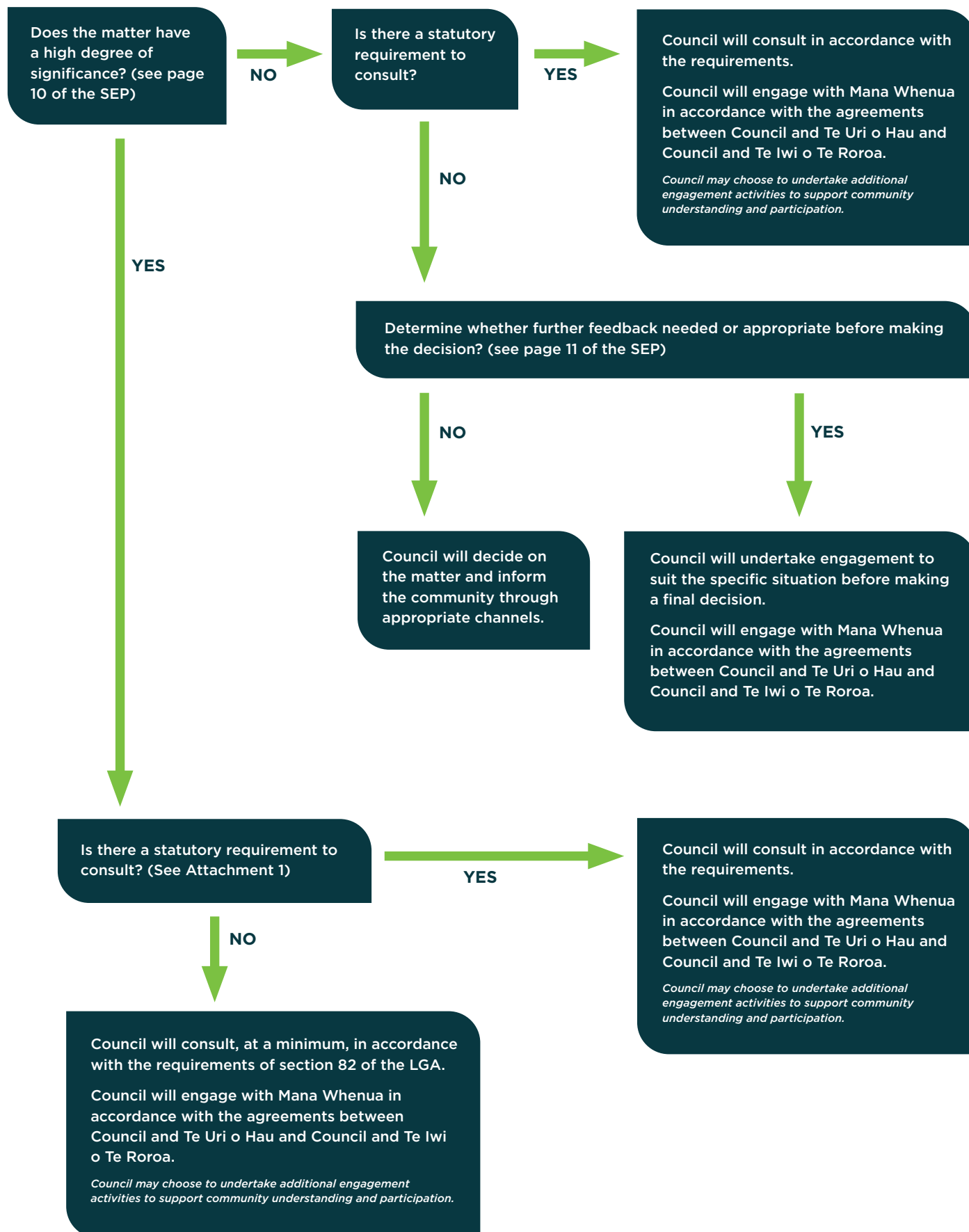
Method selection

The type of methods chosen will depend on several factors. Consideration will be given to how many people Council needs to reach (is it the residents of one street or the entire District?), what period of time is needed to engage (is it the summer holidays where people are away?), and how complex the matter is (do we need to provide a lot of information first for people to understand the issue before we ask for feedback?).

Council staff use internal checklists, templates and guidelines to assist in developing engagement plans that meet the principles outlined in this SEP.

Attachment 4

Process to determine how to engage





Kaipara te Orangahau

KAIPARA
DISTRICT

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