



# **Significance and Engagement Policy**

## **December 2017**

adopted



Kaipara te Orangakui

**KAIPARA  
DISTRICT**

Two Oceans Two Harbours

Document Control			
Version	Date	Author(s)	Comments
1.0	25/09/2014	S Mahoney	Periodic review, minor editing
1.1	November 2017	S Mahoney	Long Term Plan Briefing
1.2	February 2018	Linda Osborne	Additional sentence in 7.1 before adoption

## 1 Purpose

Kaipara District Council engages with its communities in a number of ways. Sometimes this is set in legislation and the steps we follow need to be clear and transparent. Council's Significance and Engagement Policy is required under the Local Government Act 2002 S76AA.

This policy details:

- how Council determines the significance of its proposals in relation to issues, assets and other matters;
- any criteria or procedures used to assess the effects and extent of significance; and
- how community views on engagement are responded to and how we engage with communities.

Where Council considers there to be doubt over the significance of a proposal or decisions, then it should err on the side of caution and offer to engage with the community of interest .

## 2 Determining significance

Significance is defined in the Local Government Act 2002 (Part 1 Schedule 5) as 'the degree of importance of the issue, proposal, decision or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for –

- the district or region;
- any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision or matter;
- the capacity of the local authority to perform its role, and the financial and other cost of doing so.'

In determining the degree of significance, Council should consider whether an issue, proposal, decision or matter will:

- 1) Impact negatively on Council's capability or capacity to carry out its role;
- 2) Reduce Council's level of service in a major or irreparable way;
- 3) Impact on Council's approved financial performance as agreed in the Long Term Plan and subsequent Annual Plans; or
- 4) impact on a community or area within the district in a way that may be considered major for that identified community of interest;
- 5) Impact on the cultural values of the district's Maori community and their relationship to land and water.

## 3 Assessing significance

Assessments of significance are always considered in context rather than in isolation. Significance is assessed on a continuum rather than as a binary. Issues may have low, medium or high significance for some communities and be different for others. Assessments of significance should reflect this

rather than just a simple significant/non-significant answer. Council will consider an issue to require special consultation where it is considered of 'high' significance. In addition, the impact of high significance must trigger more than one of the determining factors above.

Assessments of significance should consider:

- the number of individuals or groups impacted by the proposal or decision;
- the extent and timeframe of the impact of the proposal or decision on those individuals or groups;
- the financial impact (see below); and
- the levels of public interest.

#### 4 Financial impact

While the financial impact of a proposal or decision is not the only consideration of significance, it is one which can be easily quantified.

Council uses a guide to these financial thresholds for measuring the impact on an annualised basis as:

- involving \$3,000,000 per annum or more budgeted expenditure;
  - involving \$300,000 per annum or more unbudgeted expenditure;
  - increasing annual rates or specific targeted rates by 10% or more;
- or
- involving a transfer of ownership or control of one of Council's strategic assets.

#### 5 Strategic assets

In accordance with section 76AA(3) of the Local Government Act 2002, Council must list the assets it considers strategic assets. 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; and includes:*

- (a) *any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and*
- (b) *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*
- (c) *any equity securities held by the local authority in—*
  - (i) *a port company within the meaning of the Port Companies Act 1988;*
  - (ii) *an airport company within the meaning of the Airport Authorities Act 1966'.*

Kaipara District Council considers, for the purposes of the Act, the following classes of asset to be strategic assets:

- the roading network;
- water supply schemes;
- wastewater schemes;
- reserves;
- cemeteries;
- stormwater schemes; and
- pensioner housing.

Council will consider these assets as classes of assets, rather than individual assets within each class, when considering significance.

## **6 Procedure**

Council officers are responsible in the first instance to assess whether engagement is required and, if so, the level of engagement necessary. The first test will be legislative requirements and the second will be the significance of the matter.

Council reporting on proposals and decisions will contain a clear statement of that assessment and a recommendation if appropriate. The statement needs to contain a clear explanation of why significance has been triggered (if it has) and its implications. It should also consider any previous engagement on this matter and the potential costs and benefits of engagement.

## **7 Engagement**

Engagement provides an opportunity for the public to express its views on the decision or proposal being considered by Council. The community views expressed through an engagement process will be considered and taken into account, along with other information such as costs and benefits, legislative requirements and technical advice. Engagement should allow all relevant views and options to be identified and then considered before a decision is made.

Community engagement can allow for an exchange of information, points of view and options for decisions between affected and interested people and decision-makers before a decision is made.

Engagement does not mean that the decision will be delegated to those involved in the engagement process. It means that the decision made will have been informed and improved by the public's involvement.

### **7.1 Engaging with Maori**

Council is committed to maintaining strong relationships with Maori communities in the Kaipara. When engaging with Māori, Council will reflect the agreements in place, such as the Memorandum of Understanding (MoU) with Te Uri o Hau Settlement Trust, as starting points. Council recognises the importance of its relationships with Te Uri o Hau and Te Iwi O Te Roroa. We recognise there are wider Māori groups within the district and will also seek to engage with them where this is needed. This will result in better quality decision-making and clearer processes.

Council also has an Iwi relationship plan and hosts a Tangata Whenua forum for engaging with the wider Maori community two or three times a year.

Council will comply with sections 58c-58u of the Resource Management Act 1991 relating to Mana Whakahono a Rohe.

### **7.2 When Council will engage**

- a) When legislation requires that consultation be undertaken:

Council will consult when it has a legislative requirement to consult (for example, as set out by the Local Government Act 2002, Resource Management Act 1991, Reserves Act 1977, Land Transport Management Act 2003). Council will undertake these consultation processes in

accordance with the legislative requirements guiding them as the minimum. Council may choose to consult further depending on the level of significance of the matter being considered and notwithstanding the legislative requirements.

- b) When a significant proposal or decision is being considered:

Subject to consideration of factors under section 7.2 of this Policy, Council will look to undertake what it considers to be an appropriate form of engagement whenever a 'significant decision' needs to be made.

A significant decision is one which has been identified as such under this Policy.

**Note:** a 'significant' decision will not automatically trigger application of the Special Consultative Procedure (SCP). For more information about the SCP, refer to the Local Government Act 2002 sections 83, 86, 87 and 93A.

- c) For some matters that are not considered significant:

In general, where a matter is not considered significant under this Policy, consultation will not be undertaken. This is consistent with clauses 7.3a) and 7.3h) of this Policy.

### 7.3 When Council may not engage

Information is always necessary for the decision-making process. However, there are times when it is not necessary, appropriate or possible to engage the community on a matter or decision. Council may also choose not to consult on a matter and, if so, will make this determination in accordance with the criteria below and notwithstanding any legislative requirements.

Council will not engage when:

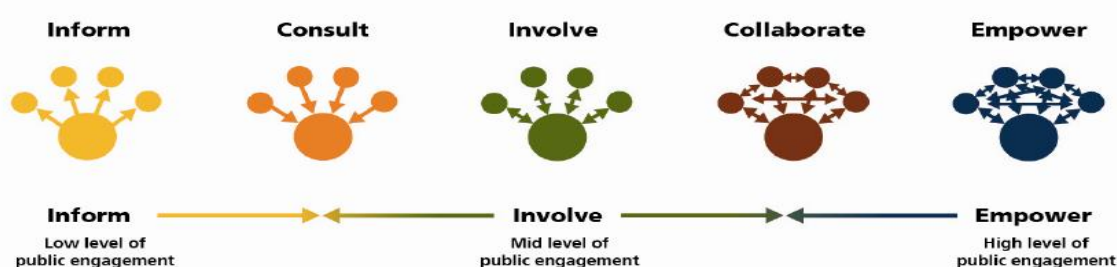
- a) the matter is not of a nature or significance that requires consultation (s82(4)(c), LGA 2002);
- b) Council already has a sound understanding of the views and preferences of the persons likely to be affected by or interested in the matter (s82(4)(b), LGA 2002);
- c) there is a need for confidentiality or commercial sensitivity (s82(4)(d), LGA 2002);
- d) the costs of consultation outweigh the benefits of it (s82(4)(e), LGA 2002);
- e) the matter has already been addressed by Council's policies or plans, which have previously been consulted on;
- f) an immediate or quick response or decision is needed or it is not reasonably practicable to engage;
- g) works are required unexpectedly or following further investigations on projects, already approved by Council;
- h) it is business as usual - the works required are related to the operation and maintenance of a Council asset and responsible management requires the works to take place; or
- i) when Council has consulted on the issue in the last 24 months.

Where the above-listed circumstances apply and consultation is not to be undertaken, Council is still required to give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter (s78(1), LGA 2002). The Local Government Act 2002 requires that this consideration be in proportion to the significance of the matters affected by the decision (s79(1)).

## 7.4 Methods for engagement

This Policy sets out the engagement and decision-making principles which we will follow, our statutory consultation requirements and explains how we will go about determining significance.

All of these matters guide and inform the level and type of engagement that Council will undertake for any particular issue. Council follows the International Association of Public Participation (IAP2) approach (set out below) which indicates different engagement approaches on a spectrum from providing information through to community empowerment.



Council will seek opportunities to involve or collaborate with our communities, such as through Placemaking initiatives and community-led planning. The type and nature of the decision also guides how Council will go about communicating and engaging with our communities.

This table provides an indicative guide to this:

Type or nature of decision	Examples of how we may engage
<u>Small and simple</u> (low significance) (e.g. re-development community halls, minor park improvements, footpath and roadworks)	Localised promotion, through display boards, local papers, social media coverage and website updates. Targeted engagement through service users. Utilise local library space, Council offices or local noticeboards. Surveys, open days or informal information sessions may be appropriate.
<u>Medium</u> (e.g. walking and cycling portions, action plans, local area plans)	Targeted engagement, online engagement which may include a survey and social media. Hui or public information events. Information boards in libraries and service centres. Promotion through rates newsletters (if appropriate), the local media papers.
<u>Large or complex</u> (high significance) (e.g. new roads, bridges, Long Term Plan,	Large-scale publicity and promotion. There could be an informal engagement/discussion phase plus a formal phase of consultation. Likely to need consideration of different cultural styles and needs for engagement.

Type or nature of decision	Examples of how we may engage
Community/Town Plans and Local Alcohol Policy changes)	Likely to include a range of events and a focus on online activities including website, social media, surveys or e-newsletters.

## 7.5 Tools for community engagement

More than a third of our ratepayers are absentee owners. This fact is actively considered when Council engages with its residents and ratepayers. Where appropriate, more than one channel of communication is used to ensure a general awareness that Council is looking to engage and seeking feedback. We acknowledge that just as we have a responsibility to provide opportunities for people to engage with us, the community in turn has a responsibility to consider whether to accept them and engage with Council. We will respect every individual's right to choose or refrain from engagement with Council.

This table covers some of those tools and how they meet the aforementioned IAP2 scale:

Inform	Consult	Involve	Collaborate	Empower
<ul style="list-style-type: none"> <li>• letter</li> <li>• letterbox drop</li> <li>• advertise in local papers</li> <li>• media releases</li> <li>• Council newsletters</li> <li>• open letters</li> <li>• community newsletters.</li> </ul>	<ul style="list-style-type: none"> <li>• advertise in local papers</li> <li>• iwi, hui, community leaders</li> <li>• media</li> <li>• social media</li> <li>• open letters</li> <li>• committees.</li> </ul>	<ul style="list-style-type: none"> <li>• iwi, hui, community leaders</li> <li>• media</li> <li>• social media</li> <li>• personal briefings</li> <li>• focus groups</li> <li>• committees</li> <li>• public meetings.</li> </ul>	<ul style="list-style-type: none"> <li>• iwi, hui, community leaders</li> <li>• personal briefings</li> <li>• focus groups</li> <li>• committees</li> <li>• social media.</li> </ul>	<ul style="list-style-type: none"> <li>• committees</li> <li>• advisory panels</li> <li>• public meetings.</li> </ul>

In addition to the toolbox as outlined, additional methods of consultation and engagement can be potentially included such as:

- public meetings;
- resident and ratepayer survey;
- telephone survey;
- stakeholder contact lists;
- street survey (targeting demographic);
- texting;
- posters;
- rates notice;
- sports groups
- electronic newsletter;
- brochures;
- displays (e.g. pastoral shows);
- community roadshows;
- radio advertising;
- targeted education (e.g. schools);
- cinema advertising;
- editorial; and
- user interface

## Appendix

Appendix 1 – Information requirements, Council-provided feedback and length of engagement.

## **Appendix 1 – Information requirements, Council-provided feedback and length of engagement**

### **1.1 Information requirements**

At a minimum, Council will provide the following information when conducting consultation or engagement activities:

- what is being proposed;
- why it is being proposed;
- what the options and consequences are for the proposal;
- if a plan or policy or similar document is proposed to be adopted – a draft of the proposed plan, policy or other document;
- if a plan or policy or similar document is proposed to be amended – details of the proposed changes to the plan, policy or other document;
- what impacts (if any) may occur if the proposal goes ahead;
- how submitters and participants can provide their views;
- the timeframe for consultation and engagement; and
- how submitters and participants will be informed about the outcome.

### **1.2 How Council will provide feedback to the community**

Council will make available to submitters clear records, or descriptions of relevant decisions, made on an issue or matter. Explanatory material relating to the decision will be included e.g. references to reports used to reach a decision. Submitters will be notified of decisions or by letter, email, Council newsletter, media statement or public notice. Decisions and reports will be made available on the Council website, or hard copies supplied upon request, unless they contain confidential matters that are not able to be made available to the public.

### **1.3 Length of engagement**

The length of engagement can and does differ. It will be directed by:

- The level of significance or timeframes, as determined by legislative obligations;
- The decision-making requirements and the possible effects of the decision that have not been deemed highly significant;
- The extent to which Council is already aware of the issue or views of the community;
- The level of community interest in proposed Council decisions; and/or
- The structure and demands of the decision-making process.