

# Significance and Engagement Policy

**Approved by:**

*Council*

**Date**

**Approved:**

*25 November 2014*

**Keywords:**

*Significance, Engagement*

## 1.0 Purpose

The purpose of the Significance and Engagement Policy is to:

- 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 about different issues, assets or other matters
- inform the Council from the beginning of a decision-making process about:
  - the extent of any public engagement that is expected before a particular decision is made
  - the form or type of engagement required.

The Significance and Engagement Policy must list the assets considered by the Council to be strategic assets.

## 2.0 Background

The Local Government Act (*the Act*) requires the Council to adopt a Significance and Engagement Policy<sup>1</sup> which sets out:

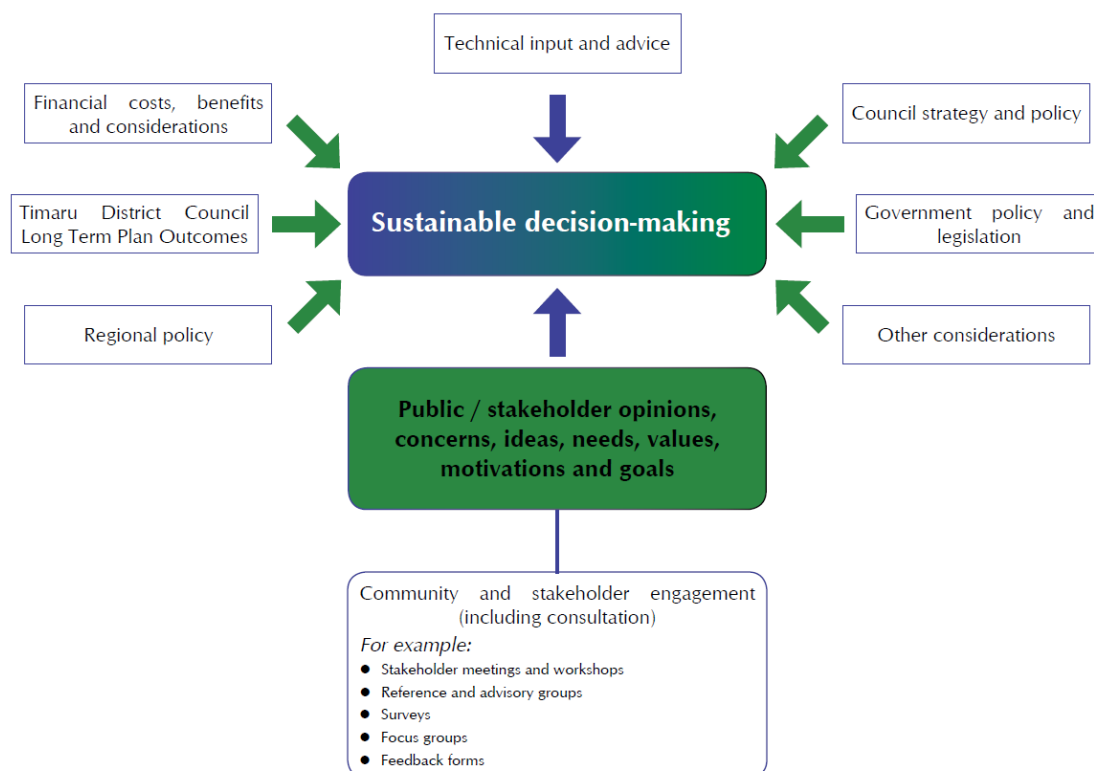
- the Council's general approach to determining the significance of proposals and decisions in relation to issues, assets and other matters
- any criteria or procedures that are to be used by the Council in assessing the extent to which issues, proposals, assets, decisions or activities are significant or may have significant consequences
- how the Council will respond to community preferences about engagement on decisions relating to specific issues, assets or other matters, including the form of consultation that may be desirable
- how the Council will engage with communities on other matters.

One of the roles of the Council is to “enable democratic local decision-making and action by, and on behalf of communities”<sup>2</sup>. In meeting this role, the Council will give consideration to the views and preferences of persons, likely to be affected by, or to have an interest in, the matter, to the extent that is proportionate to the significance of the particular matter. This does not necessarily require the Council to undertake any

<sup>1</sup> This is a new requirement under section 76AA of the Act, introduced in July 2014 as one of a number of amendments to the legislation. Timaru District Council already had a Policy on Significance, a requirement under section 90 of the Act, which has now been replaced by the new section 76AA. The existing Policy on Significance has been reviewed and integrated into this Significance and Engagement Policy.

<sup>2</sup> Local Government Act 2002, Section 10

consultation process or procedure<sup>3</sup>. As well as the views of communities and affected and interested parties, there are a wide range of information sources, considerations and perspectives that will inform the Council's decisions, including the requirements of Government policy, technical matters and the financial implications, as illustrated below:



The Council considers all these factors, including public input into significant decisions, policies or programmes undertaken, to ensure they reflect the aspirations and priorities of communities and interested groups throughout the Timaru District and that sustainable decisions are made.

This Significance and Engagement Policy aims to enable a flexible but focused approach to engagement that:

- recognises the importance of involving Timaru District's diverse communities in the Council's work
- provides a range of options and methods for engagement with different groups and communities and for issues, decisions and proposals with different degrees of significance
- demonstrates our commitment to building ongoing relationships and greater understanding of community views and preferences.

### 3.0 Key Definitions

- *significance*<sup>4</sup>, 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

<sup>3</sup> Local Government Act 2002, Section 78

<sup>4</sup> Local Government Act 2002, Section 5

- issue, proposal, decision, or matter, as assessed by the Council, in terms of its likely impact on, and likely consequences for,—
- the Timaru district:
  - any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter:
  - the capacity of the Timaru District Council to perform its role, and the financial and other costs of doing so.
- *significant*<sup>5</sup>, in relation to any issue, proposal, decision, or other matter, means that the issue, proposal, decision, or other matter has a high degree of significance.
  - *strategic asset*<sup>6</sup>, 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
  - *engagement*, the process of seeking information from the community to inform and assist decision-making and of providing relevant information to the community. There is a continuum of community involvement.

## 4.0 Policy

### 4.1 General approach to determining significance

- The Council will exercise its judgement on a case by case basis, when considering the degree of significance of an issue and the corresponding level of engagement. The decision on a matter's significance rests with the Council, or a committee or officer acting under delegated authority from the Council.
- The significance of the issue and appropriate forms of engagement will be considered in the earliest possible stages of a proposal or process, before decision-making occurs. If necessary, significance and engagement will be reviewed as the proposal develops.
- The significance of the issue, proposal or decision will determine how much time, money and effort the Council will invest in exploring and evaluating options and obtaining the views of affected and interested parties.
- The commitment to invest in exploring options and obtaining the views of communities and affected and interested parties does not mean that the Council will have to fully consult with the public for every decision it makes, nor does it bind the Council to the views of communities and interested or affected parties.
- Every decision the Council makes must be made in accordance with the decision-making requirements set out in sections 76-82A of the Act. However, the nature of

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<sup>5</sup> Local Government Act 2002, Section 5

<sup>6</sup> Local Government Act 2002, Section 5

the decision-making process required will be determined in proportion to the level of significance of the issue or proposal.

#### **4.2 Criteria for assessing significance**

In assessing the degree of significance or significant consequences, the Council will consider the following:

- The number of residents or ratepayers affected and the degree to which they are affected by the decision or proposal
- The degree to which any particular grouping in the community is affected by the decision or proposal
- The degree to which the issue has a financial impact on the Council's overall resources or on the rating levels of its communities
- The degree to which a decision is inconsistent with one already made in a Council policy or strategy
- Whether there is historical level of interest or reasonable expectation of wide community interest being generated
- Whether there is a legal requirement to engage with the community
- Whether the asset involved is a strategic asset as listed in 4.5.

In general, where a proposal or decision is affected by a number of the above considerations, it is more likely to have a higher degree of significance. Guidance on the use of the significance criteria on a continuum of low to high can be found in Schedule 1.

#### **4.3 General approach to engagement**

Engagement provides an opportunity for the Council to better understand the views and preferences of interested and affected persons on a decision or proposal being considered by the Council.

The Council will endeavour to apply the following general principles to community engagement:

- *Appropriate* – The Council will determine the appropriate level of engagement on a case by case basis, according to the degree of significance.
- *Genuine* – Engagement will be based on an open mind to community feedback and willingness to listen before making decisions.
- *Timely* – Where reasonably practicable, the Council will give the community a timely opportunity to have a say.
- *Informed* – The Council will seek to ensure the community can give informed feedback and wherever possible enable the community to consider options relating to the decision.
- *Balanced* – The Council will weight consultation or engagement feedback accordingly with other considerations.
- *Two-way* – The Council will always provide feedback to those who made the effort to give us their opinions and will explain our decisions.

In determining the processes and methods appropriate for engaging with communities, the Council will be guided by the following:

- 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 Council
- the degree of significance of the issue, decision, proposal, asset or other matters
- the objectives of the engagement

- the preferences, capacities, views and values of the community groups and individuals affected by and / or interested in the decision or proposal
- the diversity of preferences, capacities, views and values amongst the community groups and individuals affected by and / or interested in the decision or proposal
- the benefits, limitations and costs of the range of possible processes and methods for engaging
- timing issues, including any concurrent engagement processes on other matters
- opportunities provided for efficient and effective engagement.

The Community Engagement Guide (see Schedule 2) identifies the form of engagement the Council may use to respond to some specific issues. This is based on an 'engagement spectrum' approach<sup>7</sup> and provides examples of types of issues and how and when communities could expect to be engaged in the decision-making process. The methods identified are not a definitive list, but an indication of the spectrum of engagement opportunities that may be useful for the Council and our communities.

#### **4.3.1 When the Council will engage**

- When legislation requires that consultation be undertaken:* The Council will consult when it has a legislative requirement to consult (e.g. Local Government Act 2002, Resource Management Act 1991). The Council will undertake these consultation processes using the legislative requirements guiding them, as a minimum. The Council may choose to consult further depending on the level of significance of the matter being considered. If so, the Council will consider the principles of consultation in section 82(1) of the Local Government Act 2002, but only to the extent that they are consistent with the particular legislative requirements.
- When a significant proposal or decision is being considered:* Subject to consideration of significance under this Policy, the Council will look to undertake what it considers to be an appropriate form of engagement. Note that a 'significant' decision will not automatically trigger application of the Special Consultative Procedure (SCP).
- 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. In some cases, particularly where a decision has relatively high significance the Council may decide to consult or undertake some other form of engagement on the matter.

#### **4.3.2 When the 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. The Council may also choose not to consult on a matter based on the criteria below and any legislative requirements.

The Council will generally not engage:

- When the matter is not of a nature or significance that requires consultation<sup>8</sup>; or
- When the Council already has a sound understanding of the views and preferences of the persons likely to be affected by or interested in the matter<sup>9</sup>; or

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<sup>7</sup> International Association for Public Participation (IAP2) framework

<sup>8</sup> Local Government Act 2002, Section 82(4)(c)

- c) Where there is a need for confidentiality or commercial sensitivity<sup>10</sup>; or
- d) Where the costs of consultation outweigh the benefits of it<sup>11</sup>; or
- e) For organisational decisions (i.e. operational matters and staff changes); or
- f) Where the matter has already been addressed by the Council's policies or plans, which have previously been consulted on; or
- g) During emergency management situations in a State of Emergency; or
- h) For any decisions that are made by delegation to officers; or
- i) For an urgent, immediate or quick response or decision is needed or it is not reasonably practicable to engage; or
- j) When works are required unexpectedly or following further investigations on projects, already approved by the Council; or
- k) For 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.

#### **4.4 Procedures for determining significance and engagement**

For decisions that are to be made by the Council or a committee, the degree of significance and engagement will be reported on through the Council reporting template. Reports will include a statement regarding:

- the degree of significance of the proposal or decision, including an explanation of the assessment criteria that are considered to be triggered
- the range of community views that might exist
- whether there is need for further community engagement prior to a final decision being made
- the appropriate observance of the decision-making requirements set out in sections 76-82A of the Act.

A written engagement plan will generally be developed only for proposals or decisions with a high degree of significance.

In each case, it will be for the Council or committee to determine if it agrees with the significance and engagement assessments, and any engagement plan, set out in the report.

For decisions that are made by officers under delegated authority, significance and engagement will be considered, but it will not be necessary to document any assessment. Typically, such decisions are likely to be of low significance. For instance, officers are generally delegated administrative decisions that flow from a Council plan or policy (e.g. the budgeted and routine renewal components of headworks of a water supply). The significance usually rests with the Council's decision to adopt or amend the plan or policy and not with each action taken by officers in implementing the plan or policy.

#### **4.5 Strategic Assets**

Section 76AA (3) of the Act requires the Council to identify and list the assets it considers to be strategic assets. The Council considers the following assets or groups of assets it holds to be strategic:

- Council's equity securities in Timaru District Holdings Ltd

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<sup>9</sup> Local Government Act 2002, Section 82(4)(b)

<sup>10</sup> Local Government Act 2002, Section 82(4)(d)

<sup>11</sup> Local Government Act 2002, Section 82(4)(e)

- Council's Social Housing assets as a whole
- Cultural and Learning facilities as a whole
- District cemeteries as a whole
- Parks facilities as a whole
- Recreational facilities as a whole
- Redruth Landfill
- Rooding network as a whole
- Timaru Airport Wastewater and Stormwater networks as a whole
- Water supply networks as a whole.

Under section 97(1)(b) of the Local Government Act 2002, decisions to transfer the ownership or control of a strategic asset to or from the Council cannot be made unless they are first consulted on in accordance with section 93E and explicitly included in the Long Term Plan.

To remove doubt, strategic assets as defined above are the assets as a whole entity and not the individual elements of that asset. This means that the requirements of Section 97(1)(b) of the Act are only triggered if the proposal relates to the asset as a whole or where it would materially affect the nature or operation of the asset.

#### 4.6 Policy Review

The policy will be reviewed at least once every three years. It may also be amended from time to time.

## 5.0 Delegations, References and Revision History

**5.1 Delegations** - Identify here any delegations related to the policy for it to be operative or required as a result of the policy






**5.2 Related Documents** - Include here reference to any documents related to the policy (e.g. operating guidelines, procedures)

**5.3 Revision History** – Summary of the development and review of the policy

5.1 Delegations					
Delegation				Delegations Reference	Register
Not Applicable					
5.2 References					
Title				Document Reference	
Local Government Act 2002					
Significance and Engagement Policy Staff Guidelines (to be developed)					
5.3 Revision History					
Revision #	Policy Owner	Date Approved	Approval by	Date of next review	Document Reference
Draft	Council	28 October 2014	Council	2017	#904232 (F5453: Governance – Council Policy – Significance and Engagement Policy)
Final	Council	25 November 2014	Council	2017	#909607 (F5453: Governance – Council Policy – Significance and Engagement Policy)

## Schedule 1: Significance Criteria Guidance

The following provides general guidance for applying the significance criteria:

<i>Residents or ratepayers affected</i>	<p><b>Low</b> <span style="float: right;"><b>High</b></span></p> <p style="text-align: center;"><i>Degree of Significance</i></p>  <p>Small number of residents/ratepayers affected <span style="float: right;">Large number of residents/ratepayers affected</span></p>
<i>Particular grouping in the community affected</i>	<p><b>Low</b> <span style="float: right;"><b>High</b></span></p> <p style="text-align: center;"><i>Degree of Significance</i></p>  <p>No particular grouping in the community is affected <span style="float: right;">A specific grouping is affected (e.g. elderly, Maori, Geraldine)</span></p>
<i>Financial impact on Council's overall resources and rating levels</i>	<p><b>Low</b> <span style="float: right;"><b>High</b></span></p> <p style="text-align: center;"><i>Degree of Significance</i></p>  <p>Small impact <span style="float: right;">Large impact</span></p>
<i>Consistency with Policy/Strategy</i>	<p><b>Low</b> <span style="float: right;"><b>High</b></span></p> <p style="text-align: center;"><i>Degree of Significance</i></p>  <p>Consistent with existing policy and strategy <span style="float: right;">Large inconsistency with existing policy and strategy</span></p>
<i>Community Interest</i>	<p><b>Low</b> <span style="float: right;"><b>High</b></span></p> <p style="text-align: center;"><i>Degree of Significance</i></p>  <p>Consistent community agreement/views and/or generally low historical interest <span style="float: right;">Divided community views and/or strong historical community interest</span></p>



<i>Legal Requirements</i>	<div> <div>Low</div> <div>Degree of Significance</div> <div>High</div> </div> <div></div> <div> Decision or proposal has no legal obligations for engagement Decision or proposal has specific legal obligations for engagement </div>
<i>Strategic Asset</i>	<div> <div>Low</div> <div>Degree of Significance</div> <div>High</div> </div> <div></div> <div> Involves minor changes to Council's ownership or control of strategic assets Involves significant changes to ownership or control of strategic assets </div>

## Schedule 2 – Community Engagement Guidance

Community engagement is a process, involving all or some of the community and is focussed on decision-making or problem-solving.

The International Association for Public Participation (IAP2) has developed a Public Participation Spectrum to demonstrate the possible types of engagement with the community. This model also shows the increasing level of public impact as you progress through the spectrum from left to right - 'inform' through to 'empower'. In simply 'informing' stakeholders there is no expectation of receiving feedback, and consequently there is a low level of public impact. At the other end of the spectrum, 'empowering' stakeholders to make decisions implies an increase in expectations and therefore an increased level of

public impact. Differing levels of engagement may be required during the varying phases of decision-making on an issue, and for different stakeholders.

It will not always be appropriate or practicable to conduct processes at the 'collaborate' or 'empower' end of the spectrum. Many minor issues will not warrant such an involved approach. Time and money may also limit what is possible on some occasions. It is expected that the vast majority of matters will fall within the 'inform', 'consult' to 'involve' range. There are very limited statutory situations which fall within the 'empower' range.

In general, the more significant an issue, the greater the need for community engagement.



## Forms of engagement

The Council will use the Special Consultative Procedure<sup>12</sup> where it chooses to do so and where required to do so by law, including for the following issues requiring decisions:

- The adoption or amendment of a Long Term Plan<sup>13</sup>
- The adoption, amendment, or revocation of bylaws if required<sup>14</sup>
- The adoption, amendment or revocation of a Local Alcohol Policy<sup>15</sup>
- The adoption or review of a Local Approved Products (Psychoactive Substances) Policy<sup>16</sup>
- The adoption or review of a Class 4 venue policy<sup>17</sup>
- The preparation, amendment or revocation of a Waste Management and Minimisation Plan<sup>18</sup>
- Unless already explicitly provided for in the Long Term Plan and consulted on in accordance with section 93E, the Council will seek to amend its Long Term Plan, and therefore use the Special Consultative Procedure, when it proposes to:
  - alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, including commencing or ceasing such an activity; or
  - transfer the ownership or control of strategic assets.

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<sup>12</sup> Local Government Act, Section 83

<sup>13</sup> Local Government Act 2002, Section 93

<sup>14</sup> Local Government Act 2002, Section 156

<sup>15</sup> Sale and Supply of Alcohol Act 2012, Section 78

<sup>16</sup> Psychoactive Substances Act 2013, Section 69

<sup>17</sup> Gambling Act 2003, Section 102

<sup>18</sup> Waste Minimisation Act, Section 50

The Council will consult in accordance with, or using a process or a manner that gives effect to the requirements of Section 82 of the Act where required to do so by law, including for the following specific issues requiring decisions:

- Adopting or amending the annual plan if required<sup>19</sup>
- Transferring responsibilities to another local authority<sup>20</sup>
- Establishing or becoming a shareholder in a council-controlled organisation
- Adopting or amending a revenue and financing policy, development contributions policy, financial contributions policy, rates remission policy, rates postponement policy, or a policy on the remission or postponement of rates on Māori freehold land.

For such consultation, Council will develop information fulfilling the requirements of Section 82A of the Act, will make this available to the public, allow written submissions, and will consider all submissions prior to making decisions.

For all other issues, the following table provides **examples** of the differing levels of engagement that might be considered appropriate, the types of tools associated with each level and the timing generally associated with these types of decisions/levels of engagement.

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<sup>19</sup> Local Government Act, Section 95

<sup>20</sup> Local Government Act, Section 17

Level	Inform	Consult	Involve	Collaborate	Empower
<b>What does it involve</b>	One-way communication providing balanced and objective information to assist understanding about something that is going to happen or has happened.	Two-way communications designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision making.	Participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to decision-making.	Working together to develop understanding of all issues and interests to work out alternatives and identify preferred solutions.	The final decision making is in the hands of the public. Under the LGA 2002, the Mayor and Councillors are elected to make decisions on behalf of their constituents.
<b>Types of issues that we might use this for</b>	Annual Report, Infrastructure upgrades, Water restrictions	Rates review, Bylaw reviews, Local Alcohol Policy	District Plan, Long Term Plan, Infrastructure projects. policy development	Representation Review, Canterbury Water Management Strategy	Locally based policies and initiatives, local body elections
<b>Tools Council might use</b>	Websites, information flyers, advertising, public notices, media releases, newsletters, Council Noticeboard	Formal submissions and hearings consultation processes, informal meetings, focus groups, surveys, expos, roadshows	Workshops, Focus groups, Community Boards, Youth Councils, Pubic meetings, surveys	Multi stakeholder process, Joint Committees, face to face liaison, working parties	Referendums, local group involvement, advisory groups, , citizens panels , participatory budgeting
<b>When the community can expect to be involved</b>	Council would generally advise the community once a decision is made	Council would advise the community once a draft decision is made Council and would generally provide the community with up to 4 weeks to participate and respond.	Council would generally provide the community with a greater lead in time to allow them time to be involved in the process.	Council would generally involve the community at the start to scope the issue, again after information has been collected and again when options are being considered.	Council would generally provide the community with a greater lead in time to allow them time to be involved in the process. e.g. typically a month or more.

### Engagement tools and techniques

Over the time of decision making, Council may use a variety of engagement techniques on any issue or proposal based on a range of other factors, including history and public awareness of the issue, stakeholder involvement, and timing related to other

events and budgets. Council will also take into consideration that the community can feel 'over consulted'. Each situation will be assessed on a case-by-case basis.



