

Significance and Engagement Policy



Approved by: Timaru District Council

Date approved: 15 February 2021

Part 1: Overview

This document has been broken into two sections;

- Part 1: an overview to help the reader understand the wider context; and
- Part 2: Council's policy on Significance and Engagement in accordance with statutory requirements (page 6).

1. Context

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 before we decide what to do, and at other times it may be appropriate that we collaborate with the community to reach a decision together, or empower the community to make decisions themselves.

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

- a) Who is affected by, or interested in the decision;
- b) What the costs will be;
- c) What the overall 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 the community it's happening? Do we need to ask the community for feedback on a draft proposal? Or will the best outcomes be reached if we involve the community every step of the way to design solutions to issues and make decisions?

The 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 less significant matters.

2. Legislative Framework

Council, under the Local Government Act 2002 (LGA), is an organisation of representative democracy. The LGA gives Council authority to make decisions for, and on behalf of the community and makes it accountable for those decisions through the election process.

Councils are also directed by the LGA to seek out and take account of community views in the process of decision-making.

One of the purposes of local government is “to enable democratic local decision-making and action by, and on behalf of, communities”.

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

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 (eg, if there is only one, or very limited viable options, such as a specific change required by new legislation).

Some decisions of Council are 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 there is a prescribed consultation process and 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 legal 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.

3. Local Government Act 2002 Consultation Requirement

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 consultation. 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); and
- A draft of the policy or relevant document (or details of the changes to any policy or document).

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 some cases it requires the development of a specific consultation document, such as that required for the LTP or Annual Plan (in certain circumstances). In addition to meeting the principles of section 82, Council will:

- Make the SOP publically available;
- Allow feedback to be provided for a minimum of one month;
- Ensure people are given an opportunity to present their views to Council through spoken interaction (or using sign language).

4. What is ‘consultation’ and what is ‘engagement’?

Often the two terms ‘consultation’ and ‘engagement’ are used interchangeably, however, this is not accurate. Consultation is just one of the engagement options available, depending on the matter. Because Council is required by the LGA to undertake consultation for a range of reasons, it has become an easily recognisable term and process, for both Council and the community.

Consultation generally is when we develop a proposal, often a draft policy or plan, and then ask for the public’s views on the draft proposal. Council then considered these views before deciding on what the final policy or plan should say.

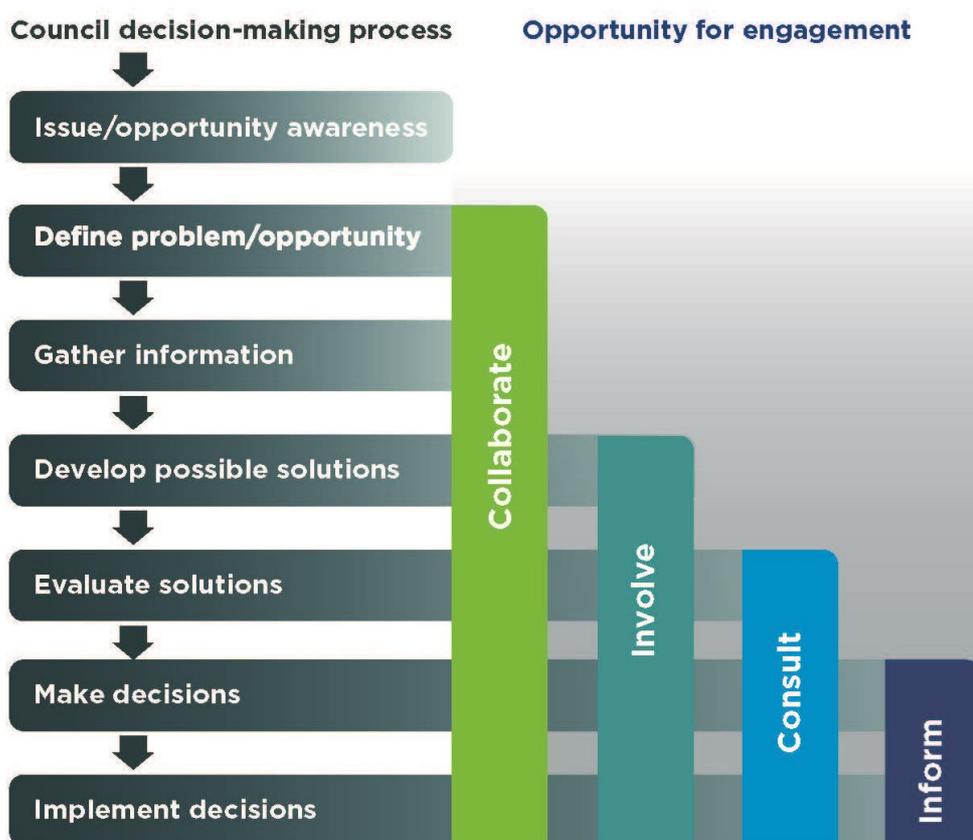
Most councils in New Zealand, including Timaru District Council, apply the principles developed by the International Association of Public Participation (IAP2) when talking about these matters.

The IAP2 developed the Spectrum of Public Participation to assist with the selection of the appropriate level of participation, or ‘engagement’ for the issues or problem. The graph below provides a summarized version of the Spectrum.



This means that engagement can range from letting the community know about the decisions, to supporting others to make their own decisions that Council then implements.

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. The diagram below outlines the steps and the associated types of opportunities for participation.



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 Council’s formal 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, Council may choose 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, or by allowing for the establishment of a Business Improvement District.

5. Māori

Maori 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 Maori in local authority decision-making process.

In summary, the LGA requires Council to:

- Take into account Maori interests where any significant decisions are to be made affecting 'land or a body of water';
- Establish and maintain processes to provide opportunities for Maori to contribute to council decision-making processes;
- Consider ways to foster the development of Maori capacity to contribute to council decision-making processes;
- Put in place processes to consult with Maori; and
- Assist Maori to better participate generally in decision-making.

With this legislative framework in mind, Council considers it important to further develop relationship with the papatipu rūnunga who represent those who hold mana whenua in the Timaru District. Fostering these relationships is key to enabling the Council to meet its statutory requirements under the LGA and RMA. The Council will ensure all its key policy and decision-making processes include opportunities for discussion with mana whenua, through their mandated representatives, at the earliest opportunity and before any decisions are made; and endeavor to provide resources to help facilitate that engagement.

Council shall provide opportunities for mana whenua to engage in the development of key policies and plans, including the long term plans and annual plans, policies and strategies including the process, timing and content of plan or policy development and review.

Opportunities are also considered for appointments on planning and resource consent hearing committees. To assist in this commitment, Council has signed a Service Level Agreement with Aoraki Environmental Consultancy Ltd (AECL). AECL is mandated by Te Rūnunga O Arowhenua to help advise councils and other agencies on issues of interest to Arowhenua Rūnunga, to facilitate consultation with Arowhenua Rūnunga, and to ensure timely and appropriate input into policy, plans and processes on behalf of Te Rūnunga O Arowhenua.

Council will also continue to offer places for rūnunga representatives on Council Committees, including the Environmental Services Committee, the Safer Communities Committee and the Local Arts Assessment Committee, and other bodies as appropriate, and seek regular engagement with papatipu rūnunga to discuss matters of common interest and foster general relationships.

Council's Senior Management are also available to meet with ngā rūnanga.

Part 2: Policy

1. Purpose

- 1.1. The purpose of this policy is to:
 - 1.1.1. Enable Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities;
 - 1.1.2. Provide clarity on how and when communities can expect to be engaged in the process of decision-making by Council;
 - 1.1.3. Inform Council from the beginning of the decision-making process about the extent, form and type of any public engagement that is expected before a particular decision is made.

2. Background

- 2.1. Section 76AA of the Local Government Act 2002 (LGA) requires Council to have a policy on significance and engagement that sets out:
 - 2.1.1. The general approach Council takes to determining significance;
 - 2.1.2. The criteria and procedures used by Council in assessing the extent to which something is significant, or may have significant consequences; and
 - 2.1.3. How Council will respond to community preferences, and what the community can expect in terms of engagement on matters with different degrees of significance.
- 2.2. For further detail on the context, legislative framework and requirements, see the Introduction to Significance and Engagement attached to this policy.

3. Glossary

Engagement: The process of informing and seeking information from the community to assist with Council decision-making. There is a continuum of community involvement (refer to Appendix 2 – Engagement Guide)

Significance:¹ In relation to any issue, proposal, decision, or other matter that concerns or is before Council, means the degree of importance of the issue, proposal, decision, or matter as assessed by Council in terms of its likely impact on, and likely consequences for, -

- a) The current and future social, economic, environmental or cultural wellbeing of the district;
- b) Any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter;
- c) The capacity of Council to perform its role, and the financial and other costs of doing so.

¹ As defined in section 5 of the LGA.
#1404319
Significance and Engagement Policy

Significant:² 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:³ In relation to the assets held by Council, means an asset or group of assets that Council needs to retain in order to maintain Council's capacity to achieve or promote any outcome that Council determines to be important to the current or future wellbeing of the community; and includes –

- a) Any asset or group of assets listed as strategic assets in Council's Significance and Engagement Policy; and
- b) Any equity securities held by Council in a port company within the meaning of the Port Companies Act 1988.

Special Consultative Procedure: A defined and mandated form of public consultation set out in section 83 of the LGA

4. Approach to Determining Significance

- 4.1. Council's approach to determining the degree of significance of an issue, proposal, decision, or other matter (the issue) will include:
 - 4.1.1. The relevant Council officer undertaking an assessment of the issue in the earliest stages of a proposal against this Policy;
 - 4.1.2. All decision-making reports presented to Council will include a summary of the assessment of significance, and the corresponding level of engagement required.
 - 4.1.3. Due consideration by Council of the assessment of significance and engagement prior to any resolution on an issue.
 - 4.1.4. Where decision-making has been delegated to a committee of Council, the Chief Executive, or a Council officer, an appropriate assessment of significance will be carried out. This does not apply where officers are implementing Council policies, projects and programmes already determined by Council.

5. Criteria for Assessing Significance

- 5.1. Council will consider the following criteria when determining the degree (very low to very high) of significance of an issue:
- 5.2. **Current and future impact on the community** including:
 - 5.2.1. The number of people affected by, or with an interest in the matter;
 - 5.2.2. The degree to which they may be impacted by the decision;
 - 5.2.3. The level of community interest already apparent, or previously expressed for the issue;
 - 5.2.4. The potential to generate community interest;
 - 5.2.5. Known divided community views on the matter;

² As defined in section 5 of the LGA.

³ As defined in section 5 of the LGA, as it related to Timaru District Council.

- 5.3. **Wellbeing impact** including the expected level of adverse impact on the current and future wellbeing of our communities or Districts.
- 5.4. **Rating impact** including expected costs to the community or sectors within the community, in terms of rates;
- 5.5. **Financial impact** including expected financial impact on Council including on budgets, reserves, debt levels, overall rates, and limits within Council's Financial Strategy.
- 5.6. **Consistency** including the extent to which a proposal or decision is consistent with Council's strategic direction, policies, and the current Long Term Plan.
- 5.7. **Reversibility** including the expected level of difficulty to reverse the proposal or decision once committed to.
- 5.8. **Impact on Maori** taking into account the relationship of Maori to their culture and traditions with their ancestral land, water, sites, wahi tapu, valued flora and fauna, and other taonga.
- 5.9. **Impact on levels of service** including the expected degree to which Council's levels of service will be impacted.
- 5.10. **Impact on strategic assets** including the expected impact on the performance or intended performance of Council's Strategic Asset for the purpose for which they are held.
- 5.11. See Appendix 1 for Significance Criteria Guidance

Note: any decision to alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of Council, and any decision to transfer ownership or control of a strategic asset to or from Council can only be made if provided for in a long term plan and consulted on accordingly (LGA Section 97).

6. Engagement Principles

- 6.1. In considering the approach to engagement on any issue, Council will consider community preferences about engagement on decisions and will apply the following principles:
 - 6.1.1. **Appropriateness** – Council will determine the appropriate level of engagement on a case-by-case basis, according to the degree of significance, and engagement will be tailored to meet the particular needs of each issue, budget considerations, the stakeholders involved and the context.
 - 6.1.2. **Genuineness** – There is a genuine willingness on Council's behalf to engage with an open mind to ensure the community's views are included in the decision-making process.
 - 6.1.3. **Timeliness** – Council will consider engagement early in the planning process to ensure the public can be involved in the decision-making process and to ensure sufficient time to allow genuine engagement. Timeframes for engagement can vary accordingly.
 - 6.1.4. **Accessibility** – Council will provide reasonable access to engagement processes in a manner and format that is appropriate to people's needs. This will require varying

methodologies, taking into account factors such as location, technology, social and cultural context.

- 6.1.5. **Information** – Council will provide relevant information to the issue under consideration, including options and consequences, in a manner that can be readily understood by interested or affected people.
- 6.1.6. **Diversity** – Council will endeavor to seek the views of a wide cross-section of the community, using the most appropriate ways of engaging with various representative groups in the community.
- 6.1.7. **Engaging with Maori** – Council will maintain processes to provide opportunities for iwi/Maori to contribute to Council’s decision-making processes and will continue to work with iwi to refine and improves these processes.
- 6.1.8. **Feedback** – Council will provide information regarding the outcome of the decision-making process and the reasons for the decisions.

7. Engagement Processes

- 7.1. The degree of significance of an issue influences how much time and money Council will invest in exploring and evaluating options, and engaging with the community before making a decision.
- 7.2. Council will use the engagement spectrum to determine the most appropriate processes and methods for engagement with affected and interested communities on particular decisions or issues. This approach is based on the International Association for Public Participation (IAP2) framework.
- 7.3. 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 another prescribed statutory consultation process. In those cases, Council will consult in accordance with the relevant statutory requirements. Council can choose, within its power, to engage on something where assessment under the policy does not indicate a high degree of significance.
- 7.4. An engagement plan, addressing Council’s engagement principles, will be developed for proposals with a high degree of significance. Where an issue has been determined to have a lower degree of significance, Council must still decide what level of engagement with the community is appropriate.
- 7.5. The decision on the level of engagement for all issues will be informed by:
 - 7.5.1. 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;
 - 7.5.2. The decision-making requirements of the LGA;
 - 7.5.3. The level of Council’s existing understanding of the views and preference of the interested or affected persons;
 - 7.5.4. The need for confidentiality or commercial sensitivity;
 - 7.5.5. Whether the matter relates to a policy, strategy or plan that Council has already consulted on;

- 7.5.6. The characteristics of the interested or affected persons (e.g. geographically, or by interest, age or activity);
 - 7.5.7. Urgent matters where an immediate or quick response is required;
 - 7.5.8. The length of time the matter relates (e.g. is it a one off decision or a ten year strategy).
- 7.6. 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.

8. Strategic Assets

- 8.1. The LGA requires that Council identify and list the assets considered to be strategic assets (see Glossary).⁴
- 8.2. 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, following community consultation.⁵
- 8.3. Council considers the following assets, or groups of assets to be strategic:
 - 8.3.1. Council's equity securities in Timaru District Holding Ltd
 - 8.3.2. Social housing assets as a whole
 - 8.3.3. Cultural and Learning Facilities as a whole
 - 8.3.4. District cemeteries as a whole
 - 8.3.5. Parks facilities as a whole
 - 8.3.6. Recreational facilities as a whole
 - 8.3.7. Redruth Landfill
 - 8.3.8. Roding network as a whole
 - 8.3.9. Timaru Airport
 - 8.3.10. Wastewater and Stormwater networks as a whole
 - 8.3.11. Water supply network as a whole.
- 8.4. To remove doubt, strategic assets as defined above are the assets as a whole entity and not the individual elements of that asset. The requirements of section 97 of the LGA are only triggered if the proposal relates to the asset as a whole, or where it would materially affect the nature and operation of the asset.
- 8.5. Nothing in this section precludes Council from engaging with the community when proposing the transfer of ownership or control of any other Council asset, through Long Term Plan consultation, or other mechanisms as determined by this policy.

⁴ Section 76AA

⁵ Section 97 and 93E of the LGA
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Appendix 1: Significance Criteria Guidance

<p>Number of people affected</p>	<p>Low <i>Degree of Significance</i> High</p>  <p>Small number of people affected Large number of people affected</p>
<p>Degree to which people may be impacted</p>	<p>Low <i>Degree of Significance</i> High</p>  <p>The impact on people is low The impact on people is high</p>
<p>Community Interest</p>	<p>Low <i>Degree of Significance</i> High</p>  <p>Consistent community agreement/views and/or generally low historical interest Divided community views and/or strong historical community interest</p>
<p>Impact on Wellbeing</p>	<p>Low <i>Degree of Significance</i> High</p>  <p>No adverse impact on wellbeing High impact on community wellbeing</p>
<p>Financing and Rating impact</p>	<p>Low <i>Degree of Significance</i> High</p>  <p>Minor impact on Council finances and all/some rates High impact on Council financing and all/some rates</p>
<p>Consistent with Council policies and plans</p>	<p>Low <i>Degree of Significance</i> High</p>  <p>Is consistent with policies/plans Is inconsistent with policies/plans</p>

<p>Reversibility</p>	<p>Low <i>Degree of Significance</i> High</p>  <p>Can be reversed with ease and little cost Cannot be reversed, or has a high cost to reverse</p>
<p>Impact on Maori</p>	<p>Low <i>Degree of Significance</i> High</p>  <p>Little or no impact on Maori, their culture and traditions High impact on Maori, their culture and traditions</p>
<p>Impact on levels of service</p>	<p>Low <i>Degree of Significance</i> High</p>  <p>No impact on levels of services Large change in levels of service</p>
<p>Impact on strategic assets</p>	<p>Low <i>Degree of Significance</i> High</p>  <p>No impact on strategic assets High impact on strategic assets</p>

Appendix 2: Engagement Spectrum

	Inform	Consult	Involve	Collaborate	Empower
What does it involve	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.
Types of issues that we might use this for	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
Tools Council might use	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, Public meetings, surveys	Multi stakeholder process, Joint Committees, face to face liaison, working parties	Referendums, local group involvement, advisory groups, citizens panels, participatory budgeting
When the community can expect to be involved	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.

Delegations, References and Revision History

Delegations

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

Delegations Register Reference	Delegation
	While there are no specific delegations relating to this policy or its implementation, wherever decision-making ability has been delegated by Council to a committee or officer, the responsibility of assessing the significance of a decision or an issue, and the resulting engagement required accompanies this delegation.

References

Include here reference to any documents related to the policy (e.g. operating guidelines, procedures)

Document Reference	Title
www.iap2.org	International Association for Public Participation (IAP2) framework

Revision History

Summary of the development and review of the policy

Owner	Date Approved	Approval By	Next Review	Doc Ref
Strategy and Corporate Planning Manager	15 February 2021	Timaru District Council	September 2023	#1404319