

DRAFT Significance and Engagement Policy

1 March 2017

1. Introduction

Local Government is charged with enabling democratic decision-making and action by, and on behalf of, communities. The Horowhenua District Council (Council) is the governing body that makes district-wide decisions, while the Foxton Community Board makes local decisions within its remit.

Elected members and members of the following bodies, including portfolio holders, have a key role in identifying and communicating the views of local communities on district-wide strategies, policies, plans and bylaws to the governing body:

- Foxton Community Board
- The Community and Wellbeing Executive (a standing committee of Council) that facilitates and receives reports from various forums including Youth Voice, Disability Sector Leadership Forum, Older Persons Network, Education, Horowhenua and the Arts, Culture, History and Heritage Group
- The Iwi Advisory Group
- Cultural Portfolio
- Economic Portfolio
- Environmental Portfolio

The Significance and Engagement Policy outlines Council's general approach to determining the significance of proposals and decisions. It sets out how Council will engage the community in its decision-making relative to the significance of the decision.

2. Objectives

The objectives of this policy are:

- To establish a process for determining the significance of a decision
- To support public involvement in significant decision-making
- To ensure that Council meets all legislative requirements regarding consultation and community engagement, including requirements of section 76AA of the Local Government Act 2002 (LGA)

3. Significance

Significance is 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 the district; any persons who are likely to be particularly affected by, or interested in the matter; the capacity of the local authority to perform its role, and the financial and other costs of doing so (as described by the LGA).

3.1 Determining Significance

Council will determine all decisions to be significant unless the impact on the:

- Current or future cultural, economic, environmental and social well-being of the district is minimal
- Achievement of, or ability to achieve, Council's stated levels of service as set out in the current Long Term Plan (LTP) is minimal
- Capacity of Council to perform its role and carry out its activities, now and in the future is unaffected
- Financial resource and other costs of the decision are minimal or included in an adopted LTP

3.2 Criteria for determining significance

The range of issues requiring decisions by Council is wide, and it is impossible to foresee every possibility. The use of the following procedure will be used to determine significance.

Council's general approach to determining significance is if a decision or proposal satisfies one or more of the following criteria, then the matter is likely to have a high degree of significance:

- The decision or proposal affects all or a large portion of the community in a way that is not inconsequential
- The impact or consequences of the decision or proposal on the affected persons (being any number of persons) will be substantial
- The financial implications of the decision on Council's overall resources are substantial

By way of guidance, a proposal or decision will not be deemed to be significant unless it is of similar importance to the following examples:

- Involves an activity that will significantly affect capacity or cost to Council
- Alteration of the level of service of a significant activity as defined in Council's LTP
- Alteration to the mode by which a significant activity is undertaken
- Transfer of ownership, control, construction, replacement or abandonment of a strategic asset
- A change to the LTP
- Draft LTP
- Annual Plan (where matters of significance are identified)

Matters which do not satisfy these criteria may have a high degree of significance where it is known that the decision will nevertheless generate a high degree of controversy.

The Council will also take into account views already expressed in the community, where there has been no material change to the issue since previous engagement. Council will make judgements on the level of support for those views when determining the significance of a decision.

Every report to Council will include an overall assessment of the significance of the matter(s) under consideration, and where issues of significance are identified then the recommendation will include:

- Identification of an issue requiring a Council decision
- An assessment of significance, using Council’s general approach to significance (set out above)
- Council officer or other professional advice on degree of significance and appropriate level and type of engagement
- A recommendation for Council consideration

3.3. Strategic assets

The assets and groups of assets Council deem to be strategic assets and therefore significant in terms of this policy:

Activity / Group of Activities Asset	
Recreation	Public cemeteries, parks, reserves, sportsgrounds
Land Transport	Roading Network as a whole*
Water Supply	Each water supply system as a whole* (excluding water races)
Wastewater Disposal	Each Wastewater drainage system as a whole*
Solid Waste Disposal	Hokio Landfill
Libraries	Te Takere (Levin Library), Te Awahou Nieuwe Stroom (Foxton Library), Shannon Library
Property	Pensioner flats as a whole*
Stormwater	Each Stormwater drainage system as a whole*
Aquatic Centres	Levin Aquatic Centre, Foxton Aquatic Centre

* *‘As a whole’ permits (even though not explicitly provided for in the LTP) the opportune purchase, replacement, sale or other dealings with components of the system without affecting the provision of the service.*

4. Engagement

Council is committed to engaging its community and stakeholders in a meaningful way and follows the principles set out in Section 14 of the LGA (Appendix three). It acknowledges that ‘communities’ may be ‘communities of place’ or ‘communities of issue’ and will use appropriate tools and techniques to enable meaningful and timely connections that encourage feedback and participation in Council processes.

4.1 The Council will take a principled-based approach to community engagement:

- Be fairly informal and not too bureaucratic
- Seek the views of interested and affected people
- Seek the views of the people whom Council does not normally hear from
- Give people relevant and honest information in a way that suits them
- Use plain language
- Make it easy for people to give their views to Council
- Engage in the community by going to where people are and not always expecting them to come to Council
- Involve people right through the decision-making process
- Give people time to think about the issues and respond to them
- Be clear about the process being used and the levels of influence that people have
- Undertake the engagement with an open mind
- Be receptive to new ideas
- Give people involved in the engagement a response to the issues they raise
- Undertake the engagement in a cost-effective way

4.2 Legislative Considerations

Many of the decisions made by Council will be made under legislation that prescribes the consultation and decision-making procedures required. This includes the procedures to be used for public notification, considering submissions and making decisions. Examples of such legislation are the Resource Management Act 1991 (RMA), the Biosecurity Act 1993, the Civil Defence Emergency Management Act 2002 and the Land Transport Act 1998.

Even if a decision is clearly a significant one, this policy does not apply to the requirements for decision-making prescribed in any other enactments, such as the Resource Management Act 1991 and the Biosecurity Act 1993 on the following matters:

- Resource consents or other permissions
- Submissions on plans
- Decisions required when following the procedures set out in Schedule 1 of the RMA
- References to the Environment Court
- Decisions about enforcement under various legislation including bylaws (unless these are specifically included in this policy)

There are a number of decisions that can only be made if they are explicitly provided for in Council's LTP as set out in the Local Government Act 2002 Amendment Act 2014. These are:

- To alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of Council, including a decision to commence or cease any such activity
- To transfer the ownership or control of a strategic asset to or from Council

In addition, Council is required to use the Special Consultative Procedure (SCP) set out in Section 83 of the LGA in order to adopt or amend a LTP. If Council is carrying out

consultation in relation to an amendment to its LTP at the same time as, or combined with, consultation on an Annual Plan the SCP must be used for both matters.

There may be other areas where Council deems it appropriate to use a SCP.

The SCP process requires Council to:

- Prepare and adopt a statement of proposal and in some cases a summary of the statement of proposal which must:
 - Be a fair representation of the statement of proposal
 - Be in a form determined by Council
 - Indicate where it is available
 - State the period it is open for public submission
- Make publicly available:
 - The statement of proposal
 - A description of how people will be able to present their views
 - A statement of the period the proposal is open for comment/submission
- Make the summary of proposal widely available
- Allow people to present their views to Council ensuring that they have a reasonable opportunity to do so and know how and when this opportunity will be available to them
- Allow people to present their views by audio link or audio visual link

Council may also request advice or comment from a Council officer or any other appropriate person.

Where a Council is required to use the SCP in relation to making, amending or revoking bylaws the statement of proposal must include:

- A draft of the proposed bylaw, or the proposed amendment or a statement of revocation of the bylaw
- The reasons for the proposal
- A report on any determinations made under section 155 of the LGA on whether a bylaw made under this Act is appropriate

Where none of section 86 to 93a of the LGA apply but a Council is required, or chooses to use, the SCP, the statement of proposal is a draft of any plan, policy or similar document, or in any other case a detailed statement of the proposal which must include:

- The reasons for the proposal
- An analysis of options
- Any other relevant information

4.3 When Council might not engage

Sometimes the nature and circumstances of a decision to be made may not allow Council the opportunity to engage or consult with the community. This could be where:

- Urgency is required
- The matter is commercially sensitive
- The health and safety of people is at stake
- There is an immediate need to protect property

It could also be if the cost of engagement is likely to considerably increase the cost of a commercial transaction to Council. In these situations, Council will either not engage at all, or tailor its engagement to suit circumstances in which the decision is to be made.

4.4 What Council will undertake if significance is determined

When Council makes decisions about issues/plans/policies identified as significant then it will:

- Identify and assess as many options as are practicable
- Quantify the costs and benefits resulting from the decision to be made
- Provide detailed information accessible to the public
- Maintain clear and complete records showing how compliance with the Significance and Engagement Policy was achieved
- Take into account views already expressed in the community, where there has been no material change to the issue since previous engagement
- Provide processes to encourage and engage with Māori*

* If the issue, proposal, decision or other matters concerned involved a significant decision in relation to land or a body of water, Council will take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.

4.4.1 Engaging with Māori

The LGA provides principles and requirements that are intended to facilitate participation by Māori in local authority decision-making processes. Council must act in accordance with the principle that it should provide opportunities for Māori to contribute to its decision-making processes.

Council's goal for engagement with Māori is for strengthened and ongoing partnerships. This aims to ensure Council receives appropriate information, advice and understanding about the potential implications and/or effects of proposals on Tangata Whenua values.

Council currently has Memorandum of Partnerships with:

- Muaūpoko Tribal Authority
- Rangitāne O Manawatū
- Te Iwi o Ngāti Tukorehe Trust – representing Ngāti Tukorehe, Te Mateawa, Ngāti Te Rangitawhia and Ngāti Kapu (Ngāti Raukawa)
- Te Kotahitanga o Te Iwi o Ngāti Wehi Wehi (Ngāti Raukawa)

Council does not have Memorandum of Partnership with Ngāti Apa or Ngāti Raukawa ki te Tonga (the overarching mandated iwi body) or with Ngāti Huia and Ngāti Whakatere (Ngāti Raukawa). However, Council recognises that they are key stakeholders in the District, and are often involved in both formal and informal consultation.

4.5 Linking level of engagement with level of significance

The significance of a matter:

- Should guide Council's decisions concerning the extent and nature of the engagement to be undertaken with the persons likely to be affected or interested in the decision or matter.
- Will influence the amount of time, money and effort Council invests in exploring, evaluating and carrying out engagement activities. It is important that the right balance between the costs of engagement and the value it can add to decision-making.

Council must comply with the principles of consultation set out in Section 82 of the LGA in such a manner that Council considers, at its discretion, to be appropriate. In determining what is appropriate, Council must have regard to various matters including the nature and significance of the decision or matter (including its likely impact from the perspective of the persons who will or may be affected by the decision). The more significant a matter from the perspective of the persons who may be affected by the decision, the more likely Council will need to consult with them on their views.

Using the International Association of Public Participation's (IAP2) engagement spectrum (4.6) as a basis, the method(s) of engagement adopted by Council before it makes a decision may depend on whether or not:

- The matter is of low or no significance (e.g. technical and/or minor amendments to a bylaw or Council policy), and there may be a very small group of people affected by or with an interest in the decision.
- The matter is significant only to a relatively small group of people or is of low impact to many. They should be informed about the problem, alternatives, opportunities and/or solutions and/or consulted so that any concerns, alternatives and aspirations they have are understood and considered.
- The matter is significant not only to a small group of people particularly affected but also to a wider community that may have an interest in the decision to be made. They may be informed, consulted and/or involved to seek public input and feedback on analysis, alternatives and/or decisions.
- For more significant matters Council may elect to collaborate, or partner, with a community in any aspect of a decision including the development of alternatives and the identification of preferred solutions. This is more likely to occur where there is a distinct group of affected or particularly interested people.

Depending on the level of significance and the nature of the issue, proposal or decision being made, and by using a range of engagement methods communities may be empowered to participate in the decision-making process.

The actual location on the engagement spectrum will be made on a case-by-case basis, however, as a minimum, they all must be informed. This decision will guide the selection of appropriate engagement tools and techniques to be used. Although, high significance decisions must use engagement tools and techniques beyond inform and consult – i.e., involve and collaborate where appropriate. A change in engagement level during an engagement process can occur if it is deemed appropriate at that time.

As a rule, if an issue, proposal or decision is determined to be significant then Council will create a Communications and Engagement Plan which will outline the:

- Engagement objectives
- Risk and mitigation
- Timeframe and completion date
- Communities to be engaged with
- Engagement tools and techniques to be used
- Resources needed to complete the engagement
- Communication planning needed
- Basis of assessment and feedback to the communities involved
- Project team roles and responsibilities

4.5 Engagement Activities – adapted from the IAP2 Engagement Spectrum

	Inform	Consult	Involve	Collaborate	Empower
Goal	To provide residents and ratepayers with balanced and objective information to assist them in understanding the problem, alternatives, or solutions.	To obtain public feedback on analysis, alternatives or decisions.	To work directly with the public throughout the process to ensure that public concerns are constantly understood and considered.	To partner with the community and stakeholders 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.
Types of issues	Annual Report, Annual Plan (no issues of significance), infrastructure upgrades, water restrictions, civil defence, rural fire, road closure, Council reports.	Rates review, bylaw reviews, Local Alcohol Policy.	District Plan, LTP, Annual Plan (with issues of significance) infrastructure projects, policy development.	Representation review, development of a strategy, upgrade of or development of a new playground.	Local body elections, binding referendum.
What does it involve	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or	To obtain public feedback on analysis, alternatives and/or decisions to inform decision-making (two-way communications).	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered prior to	To partner with the public in each aspect of the decision-making including the development of alternatives and the identification of the preferred solution.	To place the final decision-making in the hands of the public.

	Inform	Consult	Involve	Collaborate	Empower
	solutions (one-way communication).		decision-making.		
Tools Council might use	Website, social media, information flyers, advertising, public notices, media releases, newsletters, noticeboards, road signs.	Formal submissions and hearings consultation processes, informal meetings, focus groups, surveys, expos, roadshows.	Workshops, focus groups, community boards, youth council, public meetings, surveys.	Multiple stakeholder process, joint committees, face-to-face liaison, working parties.	Referendums, local group involvement, advisory groups, citizens panel, participatory budgeting.
When Community can expect to be involved	Council would advise the community when a decision had already been made.	Council would advise the community once a draft decision is made and in general the community would be given 4 weeks to participate and respond.	Council would generally provide the community with 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.

Please note:

- **Techniques:** Council may use a variety of engagement techniques on any issue or proposal based on a range of other factors including history, public awareness of the issue, stakeholder involvement and timing relating to other engagement activities, events and budget.
- **New Tools:** In 2017, Council enabled an online engagement page on its website to improve engagement with residents and ratepayers.
- **Submissions via social media:** Traditionally, submissions are formal and include private details of the person(s) or group making the submission. While this remains the preferred method of submission, Council is committed to including posts and comments on social media platforms relating to the engagement issue will be included in community feedback reports to Council.

4.6 Engagement review

Following each engagement process, the results/views will be presented to Council for consideration.

Alongside this, the Council employee managing the engagement will load the findings, including a list of identified audiences/stakeholders who did not participate and a paragraph describing 'what worked' and 'what didn't' to Council's document management system using the following protocols:

Strategic Planning – Policies – Significance and Engagement

Document Type – Report

Name Examples – Project Title XXXX Engagement Measurement

Date – day/month/year.

5. *Review of this Policy*

This Policy will be reviewed at least once every three years.

As part of the engagement process for the adoption of this Policy and subsequent reviews, Council will work with people in Horowhenua to gain an understanding of their engagement preferences.

It is recommended the review occurs prior to each Draft LTP consultation so that learnings may be incorporated into the Policy prior to one of the triennium's largest engagement projects.

APPENDICIES

Appendix One: Definitions

‘As a whole’: Permits (even though not explicitly provided for in the LTP) the opportune purchase, replacement, sale or other dealings with components of the system without affecting the provision of the service.

Community: A community, for the purposes of this policy, is a group of people with shared or common interest, identity, experience or values. For example, cultural, social, environmental, business, financial, neighbourhood, political or spatial groups.

The community refers to the people that make up the diverse communities that live in Horowhenua.

Consultation: A subset of engagement; a formal process where people can present their views to Council on a specific decision or matter that is proposed and made public.

(Council must consult in ways that meet the consultation principles in the Local Government Act 2002 LGA, section 82 (1) and any other legislation relevant to the decision or matter proposed.)

Decisions: Refers to all the decisions made by or on behalf of Council including those made by officers under delegation.

Engagement: Is a term used to describe the process of establishing relationships, and seeking information from the community to inform and assist decision making.

Engagement is an important part of participatory democracy within which there is a continuum of community involvement.

Minimal: Is a term used by Council to measure significance, it is an adjective to describe something that is of least quantity or amount possible, assignable, allowable or the like.

Significance: 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; the district or region; any persons who are likely to be particularly affected by, or interested in the matter; the capacity of the local authority to perform its role, and the financial and other costs of doing so (as described by the LGA).

Special Consultative Procedure (SCP): A formal consultation process prescribed in section 83 of the LGA that must be used to consult on certain matters and can be chosen by Council to consult on other matters as considered appropriate.

Strategic Asset: 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 (as described by the LGA).

Substantial: Is a term used by Council to measure significance, it is an adjective to describe something that is large in size, value or importance.

Appendix Two: LGA engagement principles

Section 14 of the LGA sets out engagement principles relating to local authorities, including:

- Conducting its business in an open, transparent and democratically accountable manner
- Making itself self-aware of, and having regard to, the views of all its communities
- When making a decision, taking account of:
 - the diversity of the community and the community's interests within its district or region; the interests of future as well as current communities; and the likely impact of any decisions on the interests
- Providing opportunities for Māori to contribute to its decision-making processes.