



Significance and Engagement Policy 2020

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1. Purpose

- 1.1 To provide clear guidance on determining the significance of matters for Council decision.
- 1.2 To inform the community about how they can expect to be engaged in Council's decision-making processes.

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:

- The general approach it takes to determining significance,
- The criteria and procedures used.,
- What the community can expect in terms of consultation and engagement on matters with different degrees of significance.

3. Definitions

Note: an asterisk (*) indicates that the definition is taken from the Local Government Act 2002.

Significance*, 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 issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for -

- the current and future social, economic, environmental, or cultural well-being of 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 costs of doing so

Significant*, 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* 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.

Community, a group of people living in the same place or having a particular characteristic in common. Includes interested parties, affected people and key stakeholders. This may include:

- An urban area e.g. Feilding
- Rural township(s) e.g. Apiti, Rangiwhia
- Rural and/or urban residents
- Businesses

Engagement the process of informing and seeking information from the community to assist Council decision-making. There is a continuum of community involvement (refer to Schedule 3: Engagement Guide).

Special Consultative Procedure (SCP) A defined and mandated form of public consultation set out in 83 of the Local Government Act 2002 (see Schedule 2: Statutory Consultation)

4. Policy Statement

4.1. Approach to determining significance

4.1.1 Determining the significance of an issue is often an exercise in judgement. It is a process undertaken by both Council staff and elected members. The process is as follows:

- The relevant Council officer assesses the issue, proposal, decision or other matter ("the issue") against this Significance and Engagement Policy.
- The officer's assessment of significance is considered by the Executive Team
- A report is presented to Council in which the assessment of significance is noted. If the issue is considered not significant, the report will say "The Council's Significance and Engagement Policy is not triggered by matters

discussed in this report”. If the issue is considered significant, the officer will outline in the report the basis on which the policy is triggered.

- In its consideration of the report and the passing of the associated resolution, Council must give due consideration to the assessment of significance that has been presented and if there is a difference of opinion, it must be addressed before any resolution is made.

4.1.2 Management decisions made by officers under approved delegations will generally not be deemed significant.

4.2. Criteria for assessing significance

4.2.1 If there is a legal requirement to engage, the policy will be automatically triggered and resulting engagement will be informed by section 4.4 of this policy.

4.2.2 In determining the degree of significance Council will assess and consider the following criteria:

- The level of financial consequences of the proposal or decision,
- The number of residents or ratepayers affected and the degree to which they are affected by the decision or proposal,
- The likely impact on present and future social, economic, environmental, or cultural well-being of the community,
- The likely impact on Māori and mana whenua cultural values and their relationship to land and water and taonga,
- Whether the proposal affects the level of service of a strategic asset,
- The level of community interest,
- Whether the decision, or something similar to it, has a history of, or is known to be, controversial.

Note: a proposal or decision may be affected by a number of criteria.

4.3. Strategic assets

4.3.1 For the purpose of this Policy, Council considers its networks and other large assets as complete single assets. It is the group of assets as a whole that delivers the service. Council needs to retain these assets to maintain its capacity to achieve or promote outcomes that it determines to be important to the well-being of the community. Council’s strategic assets are:

- Storm water network (urban)
- Land drainage networks (rural)
- Parks, reserves and sports grounds
- Council administration building
- Feilding Library
- Recreational buildings including halls, theatres and recreation complexes
- Makino Aquatic Centre
- Roading network
- Wastewater reticulation networks and treatment assets
- Water supply reticulation networks, treatment assets and storage facilities.

- 4.3.2 Decisions on transferring the ownership or control of strategic assets require the Special Consultative Procedure (see *Schedule 2: Statutory Consultation*)
- 4.3.3 Council does not expect to undertake engagement for decisions that relate to changes to a part of a strategic asset, unless that part substantially affects the level of service provided to the community.
- 4.3.4 In emergency situations alterations to strategic assets may be required without formal consultation to:
- Prevent an immediate hazardous situation arising, or
 - Repair an asset to ensure public health and safety.

4.4. Approach to engagement

- 4.4.1 Community engagement is a process involving all or some of the public, and is focused on decision-making or problem solving.
- 4.4.2 When planning and undertaking public engagement, Council will do so with the guidance of *Schedule 1: Process for determining whether to engage*, and in accordance with the principles of consultation set out in section 82 Local Government Act 2002.
- 4.4.3 The Council will select the engagement method that it considers appropriate after considering criteria and circumstances such as:
- The significance of the matter, both to the local authority and those who are or may be interested in or affected by the issue
 - Who is affected by, interested in, or likely to have a view on the issue, who else might be affected by the issue
 - The community's preferences for engagement
 - What information already exists on community views on the proposal or decision and the circumstances in which that information was gathered (for example when was the information gathered, what changes in circumstances have there been since that time)
 - The circumstances in which the decision is taken, or the issue arose.
- 4.4.4 For engagement with Maori, Council will be guided by its current position on processes for Maori contribution to decision making.
- 4.4.5 Assessments regarding the degree of significance and the appropriate level of engagement will be considered in the early stages of a proposal before decision-making occurs and, if necessary, reconsidered as a proposal develops.

4.5. When Council may not engage

- 4.5.1 There are times when Council will not normally consult with the community because the issue is routine, operational or because there is an emergency. These may include:
- Emergency management activities, such as during a state of emergency
 - Decisions that have to be made urgently where it is not reasonably practicable to consult
 - Decisions to act where it is necessary to comply with the law
 - Decisions that are confidential or commercially sensitive as prescribed under the Local Government Official Information Act 1987

- Organisational decisions (such as staff changes and operational matters) that do not materially reduce a level of service
- Decisions with regard to regulatory and enforcement activities
- Procurement and tendering processes
- Standards set by National Policy Statements
- Any decisions that are made by delegation or sub delegation to officers
- Any matter where the costs of consultation outweigh the benefits
- An issue where Council already has a good understanding of the views of the persons or community likely to be affected by or interested in the matter
- Where the matter has already been addressed by Council's policies or plans, which have previously been consulted on
- Minor administrative changes to documents

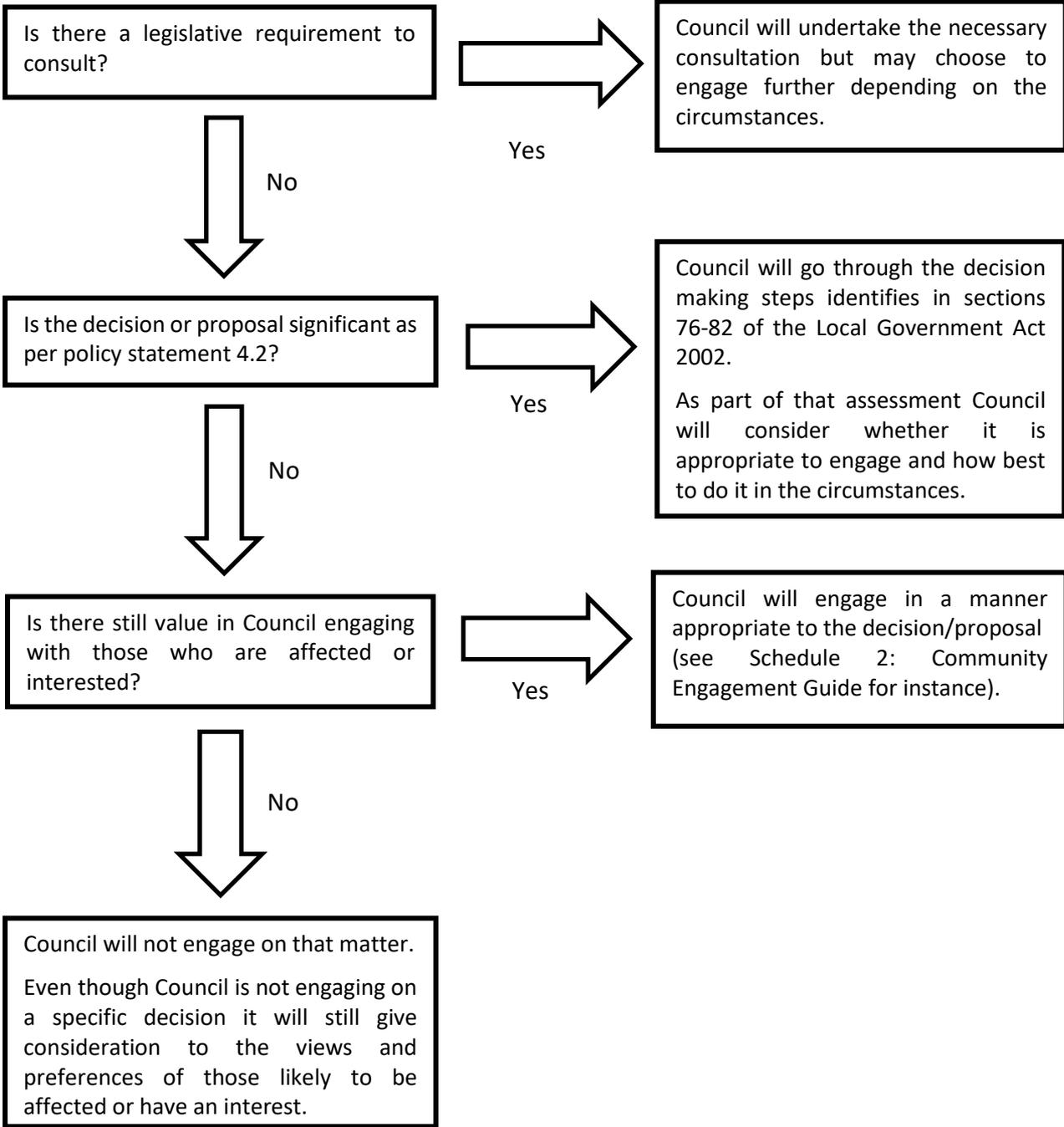
4.5.2 Some decisions made by Council are bound by legislation. In these situations, Council must follow the law and cannot use a flexible consultation process with the community.

4.5.3 In order to determine whether public engagement is necessary and/or appropriate, see the flowchart in *Schedule 1: Process for determining whether to engage*.

4.5.4 In certain circumstances public consultation is required by law. Council will use the Special Consultative Procedure, or any other statutory process as required. *See Schedule 2: Statutory Consultation* for examples.

4.5.5 The method of engagement for matters that are determined to be significant will be decided on a case-by-case basis. For guidance and examples *see Schedule 3: Community Engagement Guide*.

Schedule 1: Process for determining whether to engage



Schedule 2: Statutory Consultation

Council will use the Special Consultative Procedure (SCP), or other statutory consultation processes, when required.

Examples of when the SCP will be used include but are not limited to:

- The adoption or amendment of a Long Term Plan (Section 93 of the LGA 2002).
- The adoption, amendment, or revocation of bylaws if required under Section 156(1)(a) of the LGA 2002.
- The adoption, amendment or revocation of a Local Alcohol Policy (Section 79 Sale and Supply of Alcohol Act 2012).
- The adoption or review of a Class 4 Venue Policy (Section 102 Gambling Act 2003).
- The preparation, amendment or revocation of a Waste Management and Minimisation Plan (Section 44 Waste Minimisation Act 2008).
- The adoption of a Dog Policy (Section 10 Dog Control Act 1996).
- Adoption of a policy on Dangerous and Insanitary Buildings (Section 132 Building Act 2004).
- Land Transport Bylaws (Section 22AD Land Transport Act 1998).

Schedule 3: Community Engagement Guide

Council uses the IAP2¹ Spectrum of Public Participation to determine the most appropriate level of engagement required on a given issue. Manawātū District Council has added a section to this table that outlines the types of engagement methods associated with each level and the timing generally associated with these types of decisions/levels of engagement.

		INCREASING LEVEL OF PUBLIC IMPACT				
		Inform	Consult	Involve	Collaborate	Empower
Goal		To provide balanced and objective information in a timely manner	To obtain feedback on analysis, issues, alternatives and decisions	To work with the public to make sure that concerns and aspirations are considered and understood	To partner with the public in each aspect of the decision making	To place final decision making in the hands of the public
Commitment		We will keep you informed	We will listen to and acknowledge your concerns	We will work with you to ensure your concerns and aspirations are directly reflected in the decisions made	We will look to you for advice and innovation and incorporate this in decisions as much as possible	We will implement what you decide
MDC addition to IAP2 Spectrum	Examples of use	Water restrictions Procurement of goods and services Maintenance and renewals of existing Council assets Opening hours of Council facilities Legislative changes	Bylaw Reviews Policy reviews Annual Plans Fees and charges reviews (where required by legislation)	District Plan Review CBD upgrades Long Term Plans	Manawātū River Leaders' Accord Redevelopment of Community Plans Non-statutory strategic plans	Election voting systems (MMP, STV or FPP)
	Engagement methods*	Council website Social media Information flyers Public notices Stall at the Feilding Farmer's Market Public advertisements Radio interview with the Mayor	Any of the methods in the Inform column, plus: Request for formal or informal feedback Public hearings Surveys or emails to targeted stakeholders	Any of the methods in the Inform and Consult columns, plus: Workshops Focus groups Email Panel	Any of the methods in the Inform , Consult and Involve columns, plus: External working groups	Binding referendum Local body elections
	Timing	Council would generally advise the community once a decision is made	Council would generally provide the community with at least four weeks to participate and respond	Council would generally allow several weeks for the community to be involved in the process	Likely to take place over a period of months	Likely to take place over a period of months

* These examples are indicative only, not an exhaustive list.

¹ International Association for Public Participation