

Grey District Council Significance & Engagement Policy

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1. Purpose

To inform and enable both Grey District Council and the community to identify the degree of significance attached to decisions.

This policy will tell you:

- When the community can expect to be engaged in Council’s decision-making processes.
- How the Council is likely to engage with the community.
- How Council will assess the significance of the decisions.

2. Introduction

The Local Government Act (LGA) 2002 states that one role of a Council is to enable democratic local decision-making and action by, and on behalf of, communities. This policy explains how Council will decide the level of significance that a matter has, the types of matters where the community will be involved in the decision-making process and when the community can expect Council to make a decision on its behalf.

There are many informal ways that Council engages with the community during its everyday business which helps to inform it on community views. There are also decisions that a Council must make which require a more structured form of engagement. This is because of the importance that a matter has within the wider community or for groups within the community.

The first part of this policy sets out how Council will decide whether or not a matter is ‘significant’. The second part of this policy sets out when and how the community’s views will be heard on these significant, and other, matters.

3. Definitions

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
Consultation	A subset of engagement; A formal process where the community can present their views to the Council on a specific decision that is proposed and made public.
Decisions	Refers to all the decisions made by or on behalf of Council including those made by officers under delegation. Management decisions made by officers under delegation during the implementation of Council decisions will not be deemed to be significant.
Engagement	Is a term used to describe the process of seeking information from the community to inform and assist decision making.
Significance	As defined in Section 5 of the Local Government Act (LGA) 2002 “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, (a) the district or region: (b) any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter: (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so”
Special Consultative Procedure	The Special Consultative procedure (SCP), as outlined in s83 of the LGA 2002, which sets out minimum requirements for engagement including (but not limited to): <ul style="list-style-type: none">• Making available a Statement of Proposal.• Allowing a minimum of one (1) month to receive written views.• Allowing persons to present views in a spoken manner.
Statement of Proposal	A document that provides the basis for consultation with the community under the SCP by setting out the Council’s proposition with respect to a particular decision.

Strategic Asset	As defined in Section 5 of the LGA 2002 “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”
Sub-group	Means a general assortment of people within the community that are recognised as a relatively large group or collection, i.e Users of particular area, service or facility in the community.

4. Determining Significance

- 4.1 Local authorities must make decisions about a wide range of matters and most will have a degree of significance but not all issues will be considered to be 'significant'. An assessment of the degree of significance of proposals and decisions, and the appropriate level of engagement, will therefore be considered in the early stages of a proposal before decision making occurs.
- 4.2 Council will take into account the following matters when assessing the degree of significance of proposals and decisions and the appropriate level of engagement:
- Whether the asset is a strategic asset as listed in *Schedule 3* of this policy;
 - The impact on levels of service provided by Council or the way in which services are delivered;
 - The degree of impact on Council's debt or the level of rates it charges;
 - Whether the decision is reversible and the likely impact on future generations;
 - The impact on the community, how many people are affected and by how much;
 - Whether the decision or action flows from, or promotes, a decision or action that has already been taken by Council or furthers a community outcome, policy or strategy; and
 - If there is a past history or reasonable expectation of the issue generating wide public interest within the district.
- 4.3 It may be that only one of the criteria applies but to such a high degree that the decision will be considered 'significant'. Conversely, several criteria may be applicable but to only a low degree and therefore will be considered to have a lower level of significance. Each decision will involve staff making an assessment for consideration by elected members. *Schedule 1* of this policy sets out how the criteria will be used to assess significance.

5. Community Engagement

- 5.1 The ways engagement can take place are varied and will be in proportion to the significance of the matter being considered.
- 5.2 There are situations where Council is required to make use of the special consultative procedure as set out in Section 83 of the Local Government Act 2002 or where Council will carry out consultation in accordance with or giving effect to Section 82 of the LGA 2002 on certain matters (regardless of whether they are considered significant as part of this policy). Please refer to *Schedule 1*.
- 5.3 In other engagement processes, however, there are no explicit statutory or legal rules constraining or defining community engagement processes. The Local Government Act 2002 has given local authorities the ability to determine this as appropriate for their communities.

- 5.4 Outside of matters where it remains mandatory for a special consultative procedure to be undertaken, Council will determine the appropriate level of engagement on a case by case basis.
- 5.5 Council may decide that it will use a special consultative procedure if the matter is of high significance, or it may choose another form of appropriate consultation. In instances where significance is judged to be moderate, engagement with the community could involve consulting through an advisory committee or focus group, public meetings or surveys. Refer to *Schedule 2*.
- 5.6 When Council decides that a matter is of low to moderate significance, or in instances where it is considered that the views of the community are already known, it may make a decision on behalf of the community and then inform the community of the outcome. This may be, for instance, through publication on the Council website, in the local media or other appropriate means.
- 5.7 When Council makes a decision that is significantly inconsistent with this policy, the steps identified in Section 80 of the Local Government Act 2002 will be undertaken.

6. Principles of Engagement

- 6.1 In any engagement process undertaken with the community, that engagement will be in proportion to the matter being considered. When any engagement takes place, other than simply providing information, we will:
- Seek to hear from everyone affected by a decision;
 - Ask for views early in the decision-making process so that there is enough time for feedback to be provided and for this to be considered properly;
 - Listen and consider views in an open and honest way;
 - Respect everyone's point of view;
 - Provide information that is clear and easy to understand;
 - Consider different ways in which the community can share views with us; and
 - Ensure that the engagement process is efficient and cost effective.

7. Information Requirements

- 7.1 Council will ensure that, when conducting any engagement or consultation process in relation to a significant decision, it provides:
- Clear information on what is being proposed and why it is being proposed;
 - Sufficient information on which to provide meaningful feedback;
 - The advantages and disadvantages of each option being considered;
 - What impacts, if any, will occur if the proposal goes ahead;
 - How the community can provide its views;
 - The timeframe to complete the community engagement or consultation; and
 - How submitters and participants can learn about the outcome.

8. Engagement with Iwi

- 8.1 Council recognises the Memorandum of Understanding with Te Rūnanga O Ngāti Waewae as a basis of engagement with Tangata Whenua within the district.
- 8.2 Council recognises that Maori as Tangata Whenua have a unique relationship with Council through the Treaty of Waitangi and supporting legislation.
- 8.3 Council will recognise Maori cultural values and take into account Maori interests, particularly their relationship to land and water.
- 8.4 Council will establish and maintain processes to provide opportunities for Maori to be consulted and contribute to decision-making processes. In doing so, Council acknowledges that when engaging with

Maori face to face meetings are preferred. Other tools such as Heads of Agreement, Memorandums of Understanding or other similar high-level agreements may also be considered.

9. When Will Council Not Engage?

9.1 There are times when it will not be appropriate to engage with the community on certain matters. Examples of this include where the Council:

- Is protecting the privacy and safety of individuals (as provided for in the Privacy Act 1993).
- Is maintaining confidentiality and/or commercial sensitivity to enable Council to carry out commercial activity or negotiations without prejudice (as provided for in the Local Government Official Information and Meetings Act 1987).
- Is acting with urgency in a crisis (for example, under the Civil Defence Emergency Management Act 2002).
- Already has clear direction on a strategy or plan and has already made up its mind about an issue and therefore does not have a sufficiently open mind to carry out meaningful engagement.

10. Delegations

10.1 Elected Members will retain all decision-making authority relating to the determination of the significance of issues, proposal and decisions and how we engage on those.

SCHEDULE 1 – Guide to Significance and Criteria

This table provides general guidance for applying the significance criteria.

Rating	Key Considerations	Examples	Engagement
High	<ul style="list-style-type: none"> Affects a wide range of people Has high public interest Large consequences for the district or region Large impact on the Council being able to perform its role Unbudgeted Capital Expenditure of more than: \$75,000. Unbudgeted Operating Expenditure of more than: \$10,000 Highly difficult to reverse Does not have a strong and logical flow from a prior decision 	<ul style="list-style-type: none"> Adopting a significant bylaw (eg Freedom Camping Bylaw) Adopting a policy that has wide community interest (eg Significance of Engagement Policy) A change to Council user fees and charges that affects a wide range of people (eg Solid Waste) A major change to the level of service for a Council activity Adoption of Long Term Plan Transfer of strategic asset 	<p>If a matter is of high significance, Council must engage with the community under this policy. This will likely involve large scale publicity and promotion. There could be an informal engagement or discussion phase plus a formal phase of consultation. There is likely to be a need of consideration of different cultural styles and needs for engagement. Likely to include a range of events with online activities included in this.</p>
Moderate	<ul style="list-style-type: none"> Affects sub-group of the community Has moderate public interest Moderate consequences for the district or region Moderate impact on Council being able to performs its role Unbudgeted Capital Expenditure of \$50,000-\$75,000 Unbudgeted Operating Expenditure of: \$2,000-\$10,000 Moderately difficult to reverse Flows from a prior decision but with some notable variations 	<ul style="list-style-type: none"> An amendment or adoption of a bylaw that will affect a sub-group or have moderate public interest (e.g. Outdoor Dining Policy or Traffic & Parking Enforcement Bylaw 2015) Adoption of a policy that has moderate community interest (e.g. Public Art Policy) A change to Council user fees and charges that affects a sub-group (e.g. increase in Westland Recreation Centre fees) A moderate change in the way an activity operates (e.g. the length of grass in reserves) Adoption of an Annual Plan 	<p>If a matter is of moderate significance, Council may decide on an appropriate level of engagement to the level of significance attached to the amendment, adoption or change. It may involve targeted engagement with the affected audience, online engagement which may include a survey and social media. Information available through libraries and services centres. Promotion could be online, the local media or through the printed Council newsletter.</p>
Low	<ul style="list-style-type: none"> Affects individuals Has very little public interest Low consequences for the district or region Low impact on Council being able to performs its role Less than \$50,000 of Capital Expenditure Less than \$2,000 of Operating Expenditure 	<ul style="list-style-type: none"> A minor amendment to a policy. Adoption of a policy that has low public interest and does not affect the wider community or a sub-group. A minor investment (e.g. to fund an increase in a maintenance contract) A minor change to user fees and charges 	<p>If a matter is of low significance the Council can choose to not engage unless required by legislation, otherwise may choose to adopt some of the methods above.</p>

SCHEDULE 2 – Community Engagement Guide

The level to which the Council will engage will align with the significance of the decision to be made as per the scale provided in *Schedule 1*. 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. In general, the more significant an issue, the greater the need for community engagement.

Level	Goal
Inform	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and or solutions.
Consult	To obtain public feedback on analysis, alternatives and or decisions.
Involve	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
Collaborate	To partner with the public in each aspect of the decision including the development of alternatives and identification of the preferred solution.
Empower	To place final decision making in the hands of the public.

SCHEDULE 3 – Strategic Assets

The following is a list of assets or group of assets that the Council needs to retain if it is to maintain its capacity to achieve or promote any outcome that it determines to be important to the current or future well-being of the community:

- Roading and traffic network, footpaths, streetlights and parking
- Council's housing portfolio
- Council's leasehold portfolio
- Water, treatment, storage and reticulation network
- Wastewater reticulation and treatment facilities
- Stormwater network
- Reserves
- Public toilets
- Cemeteries
- Solid Waste
- Port
- Floodwalls
- Aerodrome
- Community facilities

However, not all decisions made regarding these assets will be significant. For example, the road and traffic network is strategic but the purchase or sale of small land parcels that make up the network may not amount to a significant decision.

SCHEDULE 4 – Relevant Legislation and References

- Local Government Act 2002
- Privacy Act 1993
- Local Government Official Information and Meetings Act 1987
- Civil Defence Emergency Management Act 2002
- Port Companies Act 1988
- Airport Authorities Act 1966
- Memorandum of understanding – Grey District Council and Te Rūnanga O Ngāti Waewae
- Grey District Branding and Style Guide 2015