



Significance & Engagement Policy

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Sponsor: Corporate Services

1 Purpose and Scope

The purpose of this policy is to enable the council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities. The policy provides clarity about how and when communities can expect to be engaged in decisions made by the council, and informs the council from the beginning of a decision-making process about the extent, form and type of engagement required.

2 Policy Application

On every issue requiring a decision, the council will consider the degree of significance and the corresponding level of engagement (unless a special consultative procedure is required by legislation) including how and when communities can expect to be engaged. Differing levels of engagement may be required during the varying phases of decision-making on an issue, and for different stakeholders.

The council will be guided by the following:

- The potential effect on delivering the council's strategic aspirations
- How the decision aligns with historical council decisions
- The likely impact of the decision on present and future interests of the community, recognising Maori culture values and their relationship to land and water
- The level of community interest in the decision and whether community views on the issue are already known
- The possible implications of reversing the decision with regard to the council's capacity to perform its role

Generally, the more significant an issue, the greater the need for community engagement. Section 3 outlines the circumstances under which the council is likely to consider an issue is significant and requiring community input. However, consideration will also be given to appropriate levels of engagement for those issues that, while of community interest, do not meet the criteria in section 3. Significance and engagement will be considered in the early stages of a proposal before decision making occurs and, if necessary, reconsidered as the proposal develops.

There may also be issues or decisions where there are diverse groups within the community with different concerns, interests, views and preferences, where multiple processes may be appropriate to distinguish and recognise the range of positions.

The commitment to invest in exploring options and obtaining the views of communities and affected and interested parties does not mean the council will have to fully consult with the public for every decision it makes, nor does it bind the council to the views expressed by those parties.

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 financial implications.

The council is required to undertake a special consultative procedure as set out in Section 83 of the Local Government Act 2002 on certain matters, regardless of whether they are considered significant as part of this policy.

The council has a very progressive working relationship with Te Runanga o Kaikoura, with open doors and regular communication. A Memorandum of Understanding has not been formalised, but our shared governance and decision making structure currently deems a formal Memorandum of Understanding unnecessary. If however a formal Memorandum is deemed necessary by Te Runanga o Kaikoura, then the council is more than happy to collaborate on an appropriate form. This policy does not weaken Council's relationship with Maori; rather it strengthens our commitment to engage.

3 Criteria for assessing significance

In considering the degree of significance of proposals and decisions in relation to issues, assets and other matters, the council will be guided by the following:

Policy and outcomes:

- the potential effects on delivery of the council's policies and strategies
- the degree to which the decision or proposal contributes to promoting and achieving particular community outcomes
- the magnitude of the overall benefits that will be achieved for the district, its communities and present and future interests
- the magnitude of the net costs of the proposal or decision to the council and / or to affected communities or groups
- any impact on the council's capacity to undertake its statutory responsibilities
- the extent to which the proposal or decision flows logically and consequentially from a decision already made or from a decision in the Long Term Plan or the Annual Plan
- any inconsistencies with any existing policy, plan or legislation

Communities:

- the level of community interest in the proposal, decision or issue
- the extent to which the proposal or decision impacts upon community members or groups, and the numbers of people or groups affected
- the extent to which the community's views on the matter are already known
- any wider interest or concerns at national or international levels

Ngāi Tahu / Iwi:

- the values and interests of Ngāi Tahu whānau, hapū and rūnanga, as mana whenua for the district, in particular:
 - The Ngai Tahu Claims Settlement Act 1998

- Te Poha o Tohu Raumati – Te Runanga o Kaikoura Environmental Management Plan
- where proposals or decisions relate to land or a body of water, the implications for the relationships of Ngāi Tahu and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna and other taonga

Contexts and implications:

- the variation between the effects of the options identified (including the 'do nothing' option where appropriate), or the extent to which they have different effects in terms of, amongst other things: their costs, their benefits, and the extent to which they impact on the community and affected or interested groups
- the extent to which the proposal or decision could have an adverse effect on environmental outcomes as set out in council plans and policies, or could have unintended adverse effects on other community interests
- if the proposal or decision impacts (positively or adversely) upon a physical or community resource that is scarce, rare or unique and/or under threat
- if the proposal or decision would be irreversible
- if there are high levels of controversy around the proposal or decision
- the practical demands of efficient decision-making in situations of urgency
- the need to be cautious about decision-making in the face of uncertainty, lack of clarity or unresolved matters.

4 Procedures

When any issue is determined as having a high degree of significance, the issue will be considered by the council.

The report to Council will include:

- an assessment of the degree of significance of the issue,
- an outline of what has been done to ensure compliance with sections 76, 77, 78, 79, 80, 81 and 82 of the Local Government Act (Schedule 3 in this policy details those sections),
- identification of stakeholders and/or parties likely to be affected by or interested in the decision
- a discussion of any known issues, views and preferences of affected and interested parties,
- a recommendation that the council determine the degree of significance of the particular issue or decision.

If the council makes a decision that is inconsistent with any of its policies, the council will clearly identify the inconsistency, explain the reasons for the inconsistency, and advise of our intention to amend that policy to accommodate the decision.

Schedule 2 highlights the types of proposals that the council considers from time to time, and the level of significance these proposals have, to therefore determine the level of engagement we will undertake with our communities.

5 The role of the Long Term Plan

The Long Term Plan (the LTP) is the primary document for the council to signal the major matters facing the community for a ten-year period. The LTP will include information on upcoming significant capital work projects, levels of service for major groups of activities, and levels of debt and rates.

Preparation of the Long Term Plan often involves engagement with sectors of the community while the plan is being drafted, before the community at large is invited to comment on its contents. The LTP is then amended if necessary to accommodate community expectations, and adopted by the council. This process repeats every three years – although amendments may be made to the LTP at any time (notwithstanding that this is a very costly process and amendments should only be required where there are significant and unforeseen circumstances).

Our community can expect that certain matters will only be considered as part of the Long Term Plan preparation and adoption process. These include;

- Sale of strategic assets;
- Changes to the rating system, such as new targeted rates or changes to differentials;
- Major capital projects;
- Any matter that has a significant impact on rates or levels of debt;
- Any matter that has a significant impact on the level of service being provided.

Amendments to the Local Government Act (2002) have enabled the publication of a new “Consultation Document” which is intended to provide an effective basis for the public to participate in the development of the Long Term Plan.

This Significance & Engagement Policy provides guidance not only for its application in the Long Term Plan, but also for decision-making that occurs outside of the Long Term Plan process.

6 Emergency events

Nothing in this policy prevents the council from responding to, and recovering from, emergency events, even though the costs involved in these events may be significant. Emergency events include declared Civil Defence events such as large earthquake or tsunami, but also include other events such as flooding and slips where a civil defence emergency is not required to be declared, but substantial costs may be incurred to reinstate roads and bridges (by way of example).

Schedule 1: Strategic Assets

The assets and groups of assets that Kaikoura District Council considers to be strategic are:

- The district road network as a whole;
- The Memorial Hall on the Esplanade;
- The district library collection as a whole;
- South Bay harbour facilities, the North Wharf and the Old Wharf;
- Reserves designated under the Reserves Act;
- The landfill and resource recovery centre on Scarborough Street;
- Kaikoura Enhancement Trust;
- Innovative Waste Kaikoura Ltd;
- Kaikoura Community Facilities Charitable Trust;
- The district cemetery on Scarborough Street;
- The land designated as an airport at Peketa;
- Public toilet facilities;
- The Drill Hall on Beach Road;
- Lions swimming pool on the Esplanade;
- Community sports and recreation facilities;
- Water treatment, storage and reticulation networks as a whole;
- Sewerage and stormwater networks as a whole;
- Affordable housing/Housing for the elderly;
- The land and buildings comprising the museum, library and civic offices in the West End

Schedule 2: Community Engagement Guide

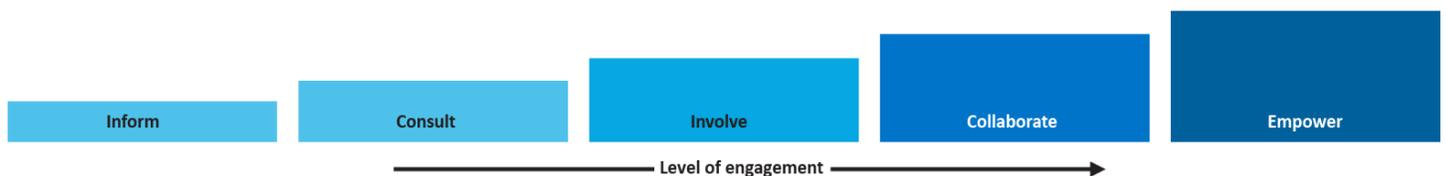
Community engagement is a process, involves all or some of the public, and is focused on decision-making or problem-solving. Community engagement is beneficial – it builds relationships and trust.

Community engagement occurs across a spectrum at differing levels. The engagement spectrum most frequently referred to is the International Association for Public Participation (IAP2) model. As you move along the spectrum (from left to right) the level of public impact increases through more active listening and greater inclusiveness, resulting in increasing social capital and ultimately better decisions.

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.

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 (as set out in section 83 of the LGA 2002) where required to do so by law, including for the following issues requiring decisions:

- The adoption or amendment of a Long Term Plan (in accordance with section 93 A 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
- The adoption or review of a Local Approved Products (Psychoactive Substances) Policy
- The adoption or review of a class 4 venue policy under the Gambling Act 2003
- The preparation, amendment or revocation of a waste management and minimisation plan

Unless already explicitly provided for in the Long Term Plan, 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 Council, including commencing or ceasing such an activity; or
- transfer the ownership or control of strategic assets, as listed in Schedule 1.

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 LGA 2002 where required to do so by law, including for the following specific issues requiring decisions:

- Adopting or amendment the annual plan if required under section 95 of the LGA 2002
- Transferring responsibilities to another local authority under section 17 of the LGA 2002
- 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 rate on Māori freehold land

For such consultation, the council will develop information fulfilling the requirements of Section 82A of the LGA 2002, will make this available to the public, allow written submissions for a period of up to four weeks, and will consider all submissions prior to making decisions.

For all other issues, the table on the next page provides an example 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.

Engagement tools and techniques

Over the time of decision making, the 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. The council will also take into consideration that the community can feel 'over consulted'. Each situation will be assessed on a case-by-case basis.

Level	Inform	Consult	Involve	Collaborate	Empower
Promise to the public	We will keep you informed	We will keep you informed, listen to and acknowledge feedback, and let you know how your input influenced the decision	We will work with you to ensure that public concerns and aspirations are understood and considered	We will look to you for advice and incorporate that advice into the decisions made to the maximum extent possible	We will implement what you decide
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, or other entities
Types of issues that we might use this for	Water restrictions, fire hazard status, minutes of council meetings	Rates review Long Term Plan Annual Plan	District Plan	Coastal management planning, community facilities (e.g. aquatic centre) planning, beautification projects	Local body elections
Tools Council might use	Websites Information flyer Public notices	Formal submissions and hearings, focus groups, surveys.	Public workshops Focus groups Citizens Panel	External working groups (involving community experts)	Binding referendum Local body elections
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 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.

Schedule 3: Consultation under the Local Government Act (2002)

Part 4 of this policy refers to adherence to sections 76 through to 82 of the Local Government Act (2002), the sections relating to decision making and consultation. Those sections are as follows.

Decision-making

76 Decision-making

- (1) Every decision made by a local authority must be made in accordance with such of the provisions of sections 77, 78, 80, 81, and 82 as are applicable.
- (2) Subsection (1) is subject, in relation to compliance with sections 77 and 78, to the judgments made by the local authority under section 79.
- (3) A local authority—
 - a. must ensure that, subject to subsection (2), its decision-making processes promote compliance with subsection (1); and
 - b. in the case of a significant decision, must ensure, before the decision is made, that subsection (1) has been appropriately observed.
- (4) For the avoidance of doubt, it is declared that, subject to subsection (2), subsection (1) applies to every decision made by or on behalf of a local authority, including a decision not to take any action.
- (5) Where a local authority is authorised or required to make a decision in the exercise of any power, authority, or jurisdiction given to it by this Act or any other enactment or by any bylaws, the provisions of subsections (1) to (4) and the provisions applied by those subsections, unless inconsistent with specific requirements of the Act, enactment, or bylaws under which the decision is to be made, apply in relation to the making of the decision.
- (6) This section and the sections applied by this section do not limit any duty or obligation imposed on a local authority by any other enactment.

77 Requirements in relation to decisions

- (1) A local authority must, in the course of the decision-making process,—
 - a. seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b. assess the options in terms of their advantages and disadvantages; and
 - c. if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, 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.
- (2) This section is subject to section 79.

78 Community views in relation to decisions

- (1) A local authority must, in the course of its decision-making process in relation to a matter, give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter.
- (2) *[Repealed]*
- (3) A local authority is not required by this section alone to undertake any consultation process or procedure.
- (4) This section is subject to section 79.

79 Compliance with procedures in relation to decisions

- (1) It is the responsibility of a local authority to make, in its discretion, judgments—
 - a. about how to achieve compliance with sections 77 and 78 that is largely in proportion to the significance of the matters affected by the decision as determined in accordance with the policy under section 76AA; and
 - b. about, in particular,—
 - i. the extent to which different options are to be identified and assessed; and
 - ii. the degree to which benefits and costs are to be quantified; and
 - iii. the extent and detail of the information to be considered; and
 - iv. the extent and nature of any written record to be kept of the manner in which it has complied with those sections.
- (2) In making judgments under subsection (1), a local authority must have regard to the significance of all relevant matters and, in addition, to—
 - a. the principles set out in section 14; and
 - b. the extent of the local authority's resources; and
 - c. the extent to which the nature of a decision, or the circumstances in which a decision is taken, allow the local authority scope and opportunity to consider a range of options or the views and preferences of other persons.
- (3) The nature and circumstances of a decision referred to in subsection (2)(c) include the extent to which the requirements for such decision-making are prescribed in or under any other enactment (for example, the Resource Management Act 1991).
- (4) Subsection (3) is for the avoidance of doubt.

80 Identification of inconsistent decisions

- (1) If a decision of a local authority is significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with, any policy adopted by the local authority or any plan required by this Act or any other enactment, the local authority must, when making the decision, clearly identify—
 - a. the inconsistency; and
 - b. the reasons for the inconsistency; and
 - c. any intention of the local authority to amend the policy or plan to accommodate the decision.
- (2) Subsection (1) does not derogate from any other provision of this Act or of any other enactment.

81 Contributions to decision-making processes by Māori

- (1) A local authority must—
 - a. establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and
 - b. consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and
 - c. provide relevant information to Māori for the purposes of paragraphs (a) and (b).
- (2) A local authority, in exercising its responsibility to make judgments about the manner in which subsection (1) is to be complied with, must have regard to—
 - a. the role of the local authority, as set out in section 11; and
 - b. such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.

82 Principles of consultation

- (1) Consultation that a local authority undertakes in relation to any decision or other matter must be undertaken, subject to subsections (3) to (5), in accordance with the following principles:
 - a. that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons;
 - b. that persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority;
 - c. that persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented;
 - d. that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons;
 - e. that the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration;
 - f. that persons who present views to the local authority should have access to a clear record or description of relevant decisions made by the local authority and explanatory material relating to the decisions, which may include, for example, reports relating to the matter that were considered before the decisions were made.
- (2) A local authority must ensure that it has in place processes for consulting with Māori in accordance with subsection (1).
- (3) The principles set out in subsection (1) are, subject to subsections (4) and (5), to be observed by a local authority in such manner as the local authority considers, in its discretion, to be appropriate in any particular instance.
- (4) A local authority must, in exercising its discretion under subsection (3), have regard to—
 - a. the requirements of section 78; and
 - b. 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 local authority; and
 - c. 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, or have an interest in, the decision or matter; and
 - d. the provisions of Part 1 of the Local Government Official Information and Meetings Act 1987 (which Part, among other things, sets out the circumstances in which there is good reason for withholding local authority information); and
 - e. the costs and benefits of any consultation process or procedure.
- (5) Where a local authority is authorised or required by this Act or any other enactment to undertake consultation in relation to any decision or matter and the procedure in respect of that consultation is prescribed by this Act or any other enactment, such of the provisions of the principles set out in subsection (1) as are inconsistent with specific requirements of the procedure so prescribed are not to be observed by the local authority in respect of that consultation.