

Draft Long-term Plan 2021-41

Consultation – supporting information

Significance and engagement policy



DRAFT Significance and Engagement Policy 2021 version 3

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Policy statement

1. Council has developed this policy because—
 - a) community participation in the democratic process is inherently valuable, and
 - b) community engagement can support robust decision making, and
 - c) section 76AA of the Local Government Act 2002 (LGA) requires the policy.

Purpose and scope

2. The purpose of this policy is to describe how Council puts community participation into action as part of the democratic decision making process.
3. The scope of the policy includes:
 - a) providing clarity about how and when communities can expect to be engaged in decisions about different issues, assets, or other matters, depending on its level of significance
 - b) enabling Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities
 - c) informing Council staff and Elected Members about:
 - i. the extent of any public engagement that is expected before a particular decision is made, and
 - ii. the form or type of engagement that is required.
4. The scope of this policy does not include any engagement or consultation process that may be required under the Resource Management Act 1991.

Policy principles

5. Council's engagement practice will be based on the International Association of Public Participation (IAP2) framework and principles.
6. Council is committed to engaging with communities that are directly affected by an issue, matter or proposal.
7. Council acknowledges the unique perspective of Māori, who are Council partners.
8. Council will determine who it will engage with on any issue bearing in mind the communities that may be affected by matter.

9. When developing engagement plans Council will take into account community preferences for engagement drawing on feedback and advice from elected members, District stakeholder groups, the District's communities, and the professional expertise of Council's advisors.
10. For matters that meet the significance criteria there will generally be formal consultation activities as part of the overall engagement plan. This will include the special consultative procedure when required to do so by legislation.

Operation of this policy

11. All decision-making bodies of Council will decide on the degree of significance of a matter in the course of making a decision or dealing with a matter.
12. Council may reassess the significance of a matter at any point during a decision making process.
13. Council will consult on service levels as part of its long term activity planning, and will then continue to maintain District assets without further consultation.
14. Any report to Council that requires a decision will include:
 - a) an assessment of the significance of the matter; and
 - b) advice on how Council can meet its engagement obligations.
16. If Council is called upon to make a significant decision quickly and the likely cost of delay will outweigh the benefits of consultation, it may make a decision without consultation. In these circumstances Council will still engage with District communities by providing information about the decision.
17. Council will consult on any proposed amendments to the policy in accordance with section 82 LGA unless it considers on reasonable grounds that it has sufficient information about community interests and preferences to enable the purpose of the policy to be achieved.

Significance

Strategic assets

18. Council's strategic assets are:
 - a) water treatment plants, reservoirs and water reticulation system as a whole, including all land, structures, tanks, pipes, pump stations and other plant.
 - b) wastewater treatment plants and reticulation systems, as a whole, including all land, buildings, pipes, pump stations and plant
 - c) stormwater reticulation system as a whole, including all land, structures, pipes, pump stations and other plant
 - d) roading system as a whole including bridges, footpaths, lighting, signs, and off-street parking
 - e) amenity parks, sports fields and facilities under the Reserves Act 1977, as a whole
 - f) District library, as a whole, including branch library buildings, books, the Māori collection, other special collections, and other lending resources
 - g) District swimming pools, as a whole
 - h) housing for older persons, as a whole.
 - i) other Council properties, as a whole, including all land, buildings and structures
 - j) refuse transfer stations
 - k) landfills
 - l) cemeteries, including all land, buildings and structures owned by Council.
19. Council manages its strategic assets "as a whole". While the asset as a whole is strategic, some components are not necessarily strategic. For example, the roading network is a strategic asset, but individual sections of the network might not be. That means the sale or purchase of individual parcels of land is unlikely to constitute a significant decision.

General approach to assessing significance

20. Council's general approach to determining the significance of proposals and decisions in relation to issues, assets, and other matters is to consider the following matters:
- a) the consequences for a strategic asset
 - b) the financial impact on Council, including the impact on debt
 - c) the impact on rates
 - d) the impact on levels of service, as specified in the current long term plan
 - e) the size of the directly affected community
 - f) mana whenua's relationships with land and water
 - g) the level of community interest.

Criteria for assessing significance

21. In order to assess extent to which an issue, proposal, asset, decision, or activity is significant or may have significant consequences, Council will consider the following set of criteria. The criteria are a set, and no single point automatically makes a matter significant.

<i>Criteria</i>	
Strategic assets	Does the matter affect a strategic asset?
Financial impacts	What impact would there be on Council's finances? What would be the impact on Council's debt? What would be the impact on rates?
District strategy	How consistent is the matter with Council's long term plan, annual plan or another major Council plan that may be relevant to the matter? How consistent is the matter with previous decisions about the same topic?
Public interest	How widespread is the public interest?
Mana whenua's relationships with land and water	Is this consistent with the values and aspirations of tāngata whenua with regards to the sustainable management of the district? What impact would this have on mana whenua's relationships with land and water?
Legislation	Are there any legislative requirements that indicate the significance of the matter?

Thresholds for assessing significance

22. These thresholds provide an initial indication that a matter may be significant:

<i>Thresholds</i>	
Strategic assets	Council would incur capital expenditure of more than 25% of the value of the strategic asset relevant to the decision
Finances	Council would incur capital expenditure of more than 1% of the total value of Council's assets; or Council would incur operational expenditure of more than 5% of its annual budget for that year; or Council would breach its LTP debt limit; or Council would reasonably expect to breach its LTP cap on rates increases in the next year
District strategy	Council would reduce its share in any Council controlled organisation to the point where it no longer had a controlling interest
Public interest	There is District-wide public debate.
Mana whenua's relationships with land and water	The matter relates to the Memorandum of Partnership with tāngata whenua, co-management opportunities and ongoing formal agreements with tāngata whenua.

Significance and engagement in relation to decisions on water assets

Significant decisions for water assets

23. Council's Standing Orders require a 75% majority of members present and voting to make a significant decision in relation to water assets.
24. Council will hold a referendum before making any significant decision in relation to water assets.
25. Any of the following decisions in relation to Council's water assets is significant:
 - a) divest ownership of the assets
 - b) transfer assets and services to a local government organisation
 - c) contract the management or operation of the supply system as a whole, either to a private interest or a local government organisation
 - d) establish a joint local government arrangement
 - e) transfer control of any of the following to any other local government organisation or private interest:
 - i) the funding policy
 - ii) pricing
 - iii) charging responsibilities
 - f) depart from Council's not-for-profit charging regime.
26. For the avoidance of doubt, clause 25c) does not apply to contracts for maintenance, renewal and upgrade works, or for professional services, design and contract management.

Engagement

27. Council is committed to engaging with communities on issues of concern to them, and especially when they are directly affected by an issue, matter or proposal.
28. Council works in partnership with the tāngata whenua of the District, being the iwi and hapū of Te Āti Awa ki Whakarongatai, Ngā Hapū o Otaki (Ngāti Raukawa) and Ngāti Toa Rangatira. Te Whakaminenga o Kāpiti will advise on how best to manage the consultation process, and to facilitate the relationships between Council and iwi exercising mana whenua.
29. When project consultants support community engagement as part of a project, Council will oversee the process to ensure that the agreed engagement process is followed, and the information is gathered in a way that is valuable to Council. Council will not fully contract out its responsibility to engage with its community; consultants may support and assist but not lead or act alone.
30. Council may choose to limit its engagement when:
 - a) it already has a good understanding of the views and preferences of those who are affected, or
 - b) personal information and commercially sensitive information are protected under various statutes, or
 - c) the matter has already been addressed in a Council policy or plan, or
 - d) an immediate or speedy decision is required for public health or safety, or
 - e) Council is called upon to make a significant decision quickly and the likely cost of the delay will outweigh the benefits of consultation, or
 - f) emergency works are required, or
 - g) the matter relates to the operation and maintenance of a Council asset and responsible management requires the work to take place, or
 - h) costs are expected to outweigh the benefits.

IAP2 Engagement Framework

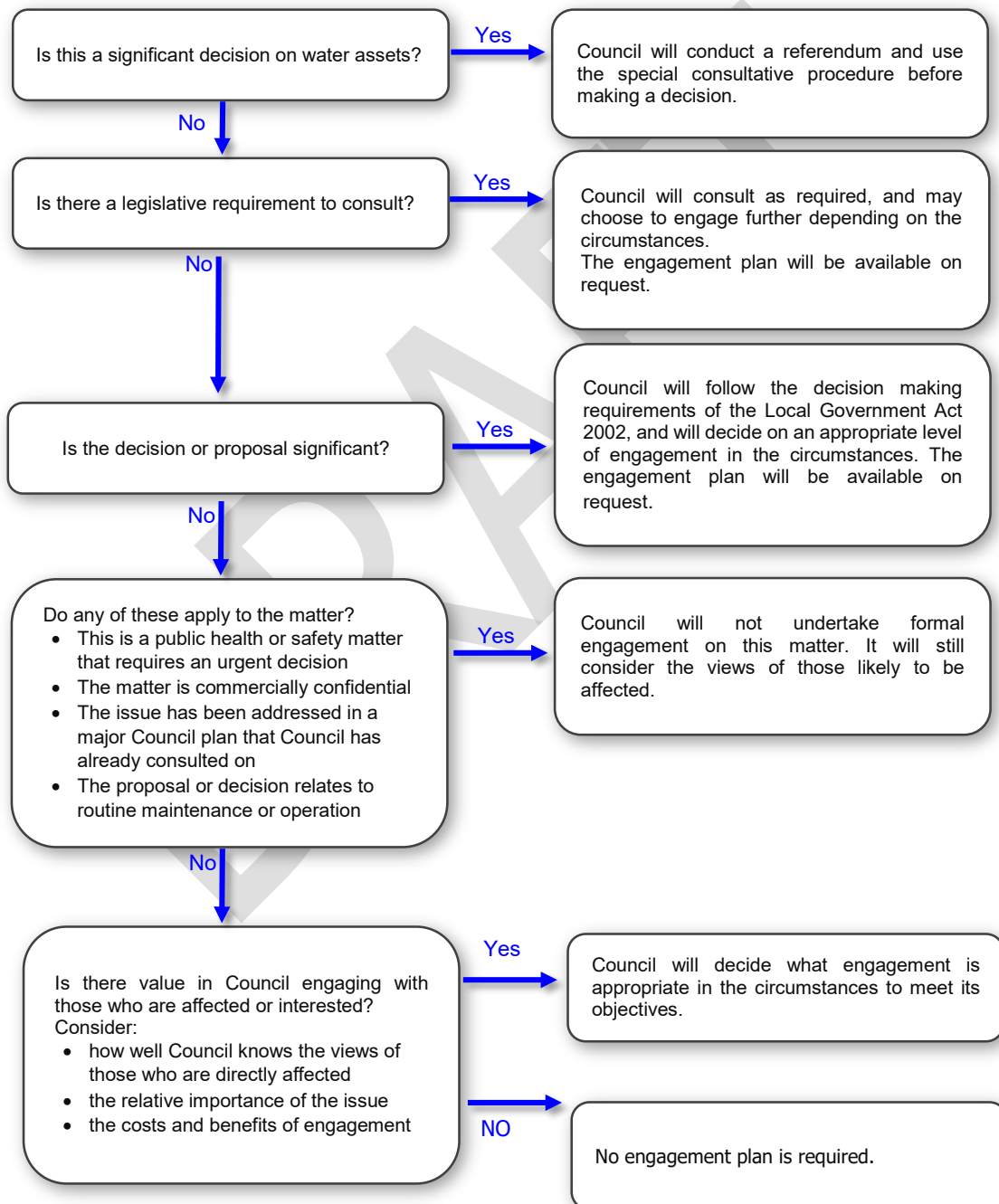
31. Council uses the IAP2 framework to guide its engagement. The framework helps clarify the role of the community in the planning and decision-making process.
32. Council will sometimes engage all five key elements of the IAP2 framework (inform, consult, involve, collaborate and empower), to support community engagement. Consultation practices may be formal or informal depending of the significance of the matter as defined by this policy.

<i>Purpose of engagement</i>	<i>Description</i>	<i>Practices</i>
<i>Empower</i>	Council empowers stakeholders and communities to make some decision directly. Communities elect representatives to make decisions on behalf of the whole District.	Council delegates decision-making powers to Community Boards. Council is elected to make decisions on behalf of the District.
<i>Collaborate</i>	Council and stakeholders work together from the initial concept to achieve mutual goals	Memoranda of Partnership Working parties Groups established to address specific issues.
<i>Involve</i>	People participate in the process and work directly with the Council to try to identify the best solution.	Council may tests policies in the early stages of development with major stakeholders. Council may seek community views on a new community recreation facility.
<i>Consult</i>	Council provides information to communities and consults with them to get feedback on ideas, alternatives and proposals. That consultation, together with specialist or technical advice, then informs Council's decision making.	Council uses both formal and informal consultation mechanisms to learn about community views. Informal consultation can take many forms, according to the issue, matter or decision, including: <ul style="list-style-type: none"> • community meetings • public meetings • feedback via social media Formal consultation mechanisms include: <ul style="list-style-type: none"> • the special consultative procedure • written submissions • hearings.
<i>Inform</i>	Council informs communities by providing balanced and objective information to assist understanding about something that is going to happen or has happened.	Council uses a wide range of tools to inform communities including: <ul style="list-style-type: none"> • Council website and publications including plans, reports, pamphlets, posters, etc • public meetings • local newspapers • social media, • others as required.

Engagement planning

33. All major initiatives will be supported by and engagement plan. The plan will be written and/or reviewed by a suitably qualified and experienced person and may be updated from time to time to take account of changing or evolving circumstances.
34. Council's engagement planning on an issue will take account of:
- Council's knowledge about the views and preferences of affected or interested parties; and
 - the potential or likely impact or the matter on communities' wellbeing
 - the diversity of the District's communities and their capacity to engage
 - how to incorporate the principles of clarity, honesty and transparency
 - the expected costs and benefits of engagement.
35. Council will use the following Engagement decision tree to guide its engagement planning.

Engagement decision tree



Special consultative procedure

36. Council will use the special consultative procedure when required to do so by legislation, or when it considers it to be appropriate. This includes reviewing, adopting, amending, or revoking many policies and plans, including:
- a) the long term plan
 - b) bylaws, (s156(1)(a), LGA 2002)
 - c) a local alcohol policy
 - d) the local approved products (psychoactive substances) policy
 - e) the class 4 venue policy (Gambling Act 2003)
 - f) and others.

Explanations for decisions

37. If Council makes a decision that is not consistent with the bulk of public submissions it will explain the reasons for the decision.
38. If a Council decision is significantly inconsistent with a policy or plan it has already adopted, it will explain:
- a) the inconsistency
 - b) the reasons for the inconsistency
 - c) how the policy or plan will be modified to accommodate the decision.

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Appendix 1: Interpretation of terms in this policy

39. The following terms and their interpretation apply to this policy:

Community engagement refers to the many ways Council connects with communities. Engagement covers a wide variety of interactions including informing, consultation and community development, to active participation in policy development and decision-making processes.

decision means any decision made by or on behalf of Council including decisions made by officers using powers delegated by Council. Management decisions made by officers using delegated powers in order to implement a Council decision are not significant.

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 Council, 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 Council 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. If something is “significant” then it has a high degree of importance:

- a) a significant activity is one with a high degree of importance.
- b) a significant decision is a decision with a high degree of importance.

strategic asset refers to an asset or group of assets that Council needs to keep in order to maintain its capacity to achieve or promote its outcomes, and that may be important to the current or future well-being of the community. This includes:

- a) the assets listed in clause 18; 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.