

Significance and Engagement Policy

Background

A significance and engagement policy is a tool for advising the public what decisions or matters the Council considers:

- to be important
- how the Buller Council will go about assessing the importance of matters and how and when the community can be expected to be consulted.

A new policy is required to replace and extends the Significance policy formerly required under section 90 of the Local Government Act and the new policy is required to be adopted by Council by 1 December 2014.

Purpose of Policy

Community input is essential to the success of Council. Council considers the community's views in making any decision and communicates these decisions to the community. However, it is not possible to engage with the community on every matter before a decision is made.

The aim of this Policy is to set out when the Council will undertake consultation and engage with the community before making its final decision, and how far this engagement will go.

To do this Council has to consider how important the matter is (the significance) and how much community engagement is needed to make a good decision.

Generally, the higher the level of significance the greater the level of community engagement sought. Over a certain level of significance, the Council will consult with the community before making a decision.

The purpose of this Policy is to provide guidance to the Council and the community when determining the significance of decisions, proposals and other matters and the corresponding level of community engagement to be expected.

Definitions

“Significant” and “Significance”

The Local Government Act 2002 (LGA 2002) section 76AA defines the terms “significant” and “significance”.

Significance as defined by the Act 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 district
- 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.



Significance is a continuum.

The term significant has not changed and is defined as:

“Significant in relation to any issue, proposal or decision or other matter, means that the issue, proposal or matter has a high degree of significance”.

Community engagement

In relation to the Policy, community engagement is the process of involving the community in Council decisions. This may involve providing and seeking information to inform and assist decision making. There can be a range of community involvement; it is not confined to a specific form.

“Consult” and “Consultation”

Consultation is only one form of community engagement. For the purposes of this Policy, consultation is the genuine exchange of information and points of view between decision-makers and people affected by or interested in a matter, before a decision is made. It is expected to be a two-way interaction; it may be undertaken in a variety of ways.

Strategic Asset

A list of the Strategic Assets of the Buller District Council is listed in Appendix 1 of this Policy.

For the purposes of the Policy, the Council considers its strategic assets as a whole, because it is the asset class that delivers the service.

Significant Activity

A list of the Significant Activities of the Buller District Council is reflected in Appendix 2 of this Policy. Significant activities are activities in total and not the separate elements of the activities.

PART A – Significance

How will Council determine Significance

General Approach to Determining Significance

To determine if a proposal or decision is significant the Council will make judgements about the likely impact of that proposal or decision on:

- a) The District;
- b) The persons who are likely to be particularly affected by, or interested in, the proposal or decision; and
- c) The financial impact of the proposal or decision on the Council's overall resources
- d) The capacity of, the Council to perform its role and carry out its activities, now and in the future.

Thresholds for Determining Significance

The following thresholds will be used as a guide to determine whether the proposal or decision being considered by the Council is significant.

Each threshold will be tested independently of the other thresholds and criteria. Where any individual threshold is exceeded, the matter will be determined to be significant.

- a) Issues or matters that incur more than 5% of Council's asset base or 5% of Council's budgeted turnover.
- b) Any proposal or decision to transfer ownership or control of a Strategic Asset to or from the Council (a list of the Strategic Assets is contained in Appendix 1 of this Policy).
- c) Any proposal or decision to alter significantly the intended level of service provision for any significant activity (a list of the Significant Activities is contained in Appendix 2 of this Policy). A proposal is only considered significant if it relates to the activity as a whole.
- d) Any proposal or decision to alter significantly the intended level of service provision for any significant activity (a list of the Significant Activities is contained in Appendix 2 of this Policy). A proposal is only considered significant if it relates to the activity as a whole.

Criteria for Determining Significance

The following criteria will be used to determine whether the proposal or decision being considered by the Council is significant.

If any of the following criteria are met, the proposal or decision may be significant. However, the criteria should be considered collectively to make this determination. The majority of these criteria could be considered to fall on a continuum rather than being an absolute determination. They may be considered as being of low, medium or high significance rather than significant or not significant.

Where the significance of a proposal or decision is unclear against any of the criterion, then the Council will treat that criterion as being more rather than less significant.

- a) The proposal or decision affects all or a large portion of the community.
- b) The impact or consequences of the proposal or decision on the affected persons (being a number of persons) will be substantial.
- c) The financial implications of the proposal or decision on the Council's overall resources are substantial.
- d) The proposal or decision is likely to generate a high degree of controversy in terms of number of people affected, the area affected or the duration of the effect.

Implications

Observe the decision making provisions of the LGA 2002:

Where a proposal or decision is considered significant under this Policy, the Council must have greater regard for the decision-making provisions of the LGA 2002 (set out in sections 76-82). In particular this includes:

- a) The extent to which different options are to be identified and assessed.
- b) The degree to which benefits and costs are to be quantified.
- c) The extent of the detail of the information to be considered.
- d) The extent and nature of any written record to be kept of a manner in which it has complied with these considerations.

PART B – Community Engagement

How Council will determine the level of community engagement

The Council will give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter, for all decisions. However, the level of community engagement that is directly undertaken will vary, depending on the level of significance attached to the matter.

In general, the more significant an issue, the greater the need for, and level of, community engagement. If the matter is considered by Council to be significant, under this Policy, then the Council may carry out a consultation process; again the extent of this will depend on the level of significance. This is outlined in Appendix 3 where some examples have been provided.

Consideration will also be given to appropriate levels of engagement for those issues that, while of community interest, do not exceed the significance criteria and thresholds.

When the Council will consult

- a) When legislation requires that consultation be undertaken: The Council will consult when it is a legal requirement (as set out by the LGA 2002, Resource Management Act 1991 and other Acts). The Council will undertake these consultation processes in accordance with the legislative requirements guiding them, as a minimum.
- b) When a significant proposal or decision is being considered: Subject to consideration of factors under section 4.2 of this Policy, the Council will consult whenever a 'significant decision' needs to be made. A significant decision is one which has been identified as such by the thresholds, criteria and approach identified in this Policy. A 'significant' decision will not automatically trigger the application of the Special Consultative Procedure (SCP).
- c) For some matters that are not considered significant: In general, where a matter is not considered significant under this Policy, consultation will not be undertaken.

In some cases, where a decision is close to, but does not exceed, the significance test, under this Policy, the Council may decide that consultation is appropriate.

When the Council may not carry out consultation

Information is always necessary for the decision making process. However, there are times when it is not necessary, appropriate or possible to consult the community on a proposal or decision, even if it is considered significant under this Policy. The Council will still carry out community engagement, eg. inform and educate. Notwithstanding the foregoing sections of the policy, the Council may choose not to carry out consultation and if so will make this determination in accordance with the criteria below, notwithstanding any legislative requirements.

The Council may decide not to consult when:

- a) The matter is not of a nature or significance that requires consultation (LGA 2002, s82(4)(c)); or
- b) The Council already has a sound understanding of the views and preferences of the persons likely to be affected or interested in the matter (s82(4)(b) LGA 2002); or
- c) There is a need for confidentiality or commercial sensitivity (s82(4)(d) LGA 2002); or
- d) The costs of consultation outweigh the benefits of it (s82(4)(e) LGA 2002); or
- e) The matter has already been addressed by the Council's policies or plans, which have previously been consulted on; or
- f) An immediate response is necessary because of emergency or in the interests of health and safety; or
- g) There are no other practicable alternative options to choose from; or
- h) Works are required unexpectedly as a consequence of a policy, or following further investigations on projects, already approved by the Council; or
- i) The works required are related to the maintenance of a Council asset and responsible management requires the maintenance works to take place.

Where the above listed circumstances apply and consultation is not to be undertaken, the Council is still required to give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter (LGA 2002 section 78 (1)). The LGA 2002 requires that this consideration be in proportion to the significance of the matters affected by the decision (section 79 (1)).

How will Council undertake community engagement

Where the Council undertakes community engagement, the level of engagement, and the tools and techniques to be applied, will be tailored to the nature and significance of the matter being considered and to the target audience, notwithstanding legislative requirements.

There are a variety of tools and techniques that the Council may apply when undertaking community engagement. Appendix 3 illustrates the level of community engagement that will be undertaken depending on the degree of significance and provides examples of the types of tools the Council will use. The greater the degree of significance of any particular matter, the greater the level of engagement sought. In carrying out consultation the Council will be cognisant of the requirements of section 82 and 82A of the LGA 2002.

Review of the Policy

Council's Policy on Significance and Engagement Policy will be reviewed every three years to coincide with each Long Term Plan review process.

APPENDIX 1

Register of Buller District Council's Strategic Assets

For the purposes of section 76AA of the LGA 2002 the Council considers the following assets to be strategic assets:

- Recycling Park and Transfer Stations
- Wastewater reticulation and treatment systems:
 - Includes land, pipes, pump stations and sewage ponds.
- Stormwater reticulation systems
- Roading system
 - Includes the land, carriageway, footpaths, bridges, street lighting and off-street parking.
- Water reticulation, storage and treatment systems
 - Includes the land, pipes, pumps, reservoirs and treatment plants.
- Westport Airport
 - Section 5 of the Local Government Act 2002 requires this asset to be included in the list as a Strategic Asset.
- Shareholding in Buller Holdings

APPENDIX 2

Register of Buller District Council's Significant Activities

The following is a full list of Council's activities. Those that are considered as significant activities for the purposes of sections 76AA and 97(1) of the LGA 2002, are marked with a tick. These have been determined because of their strategic importance in the delivery of service to the community.

Activity Group	Significant Activities
Governance	✓
Roading and Urban Development	✓
Water Supplies	✓
Wastewater/ Sewerage	✓
Solid Waste	✓
Stormwater	✓
Community Services	✓
Property Management, Amenities & Reserves	✓
Professional Business Unit	✓
Support Services	✓

APPENDIX 3

Examples of Community Engagement

	HIGH	SIGNIFICANCE		LOW
Degree of significance	Is considered 'significant' according to Council's Significance and Engagement Policy		Is not considered 'significant' according to Council's Significance and Engagement Policy	
Level of community engagement	<ul style="list-style-type: none"> ■ Greater level of engagement is needed 	<ul style="list-style-type: none"> ■ Community engagement is needed 	<ul style="list-style-type: none"> ■ Lower level of community engagement may be needed 	<ul style="list-style-type: none"> ■ Limited community engagement needed
Example of Proposals/ Decisions	<ul style="list-style-type: none"> ■ Development of the Long Term Plan ■ Adopt a bylaw which will significantly impact on the community ■ A significant change to the level of service of a significant activity ■ Sale of strategic assets ■ Review of the District Plan 	<ul style="list-style-type: none"> ■ Adopt an Annual Plan with material differences from the Long Term Plan. ■ Developing the Rates Remission Policy 	<ul style="list-style-type: none"> ■ Exemptions under bylaws 	<ul style="list-style-type: none"> ■ Notification of temporary road closure ■ Conducting emergency repair works to Council infrastructure ■ Adoption of the Annual Report
Application of the Special Consultative Procedure (SCP)	<ul style="list-style-type: none"> ■ The SCP should be considered as a minimum. 	<ul style="list-style-type: none"> ■ The SCP should be considered but may not always be appropriate. 	<ul style="list-style-type: none"> ■ The SCP is not likely to be considered but may be used where efficiencies can be achieved by consulting alongside another process. 	<ul style="list-style-type: none"> ■ The SCP is not required as consultation is not being undertaken.