

Significance and Engagement Policy

Introduction

Council values public input and involvement when it is making significant decisions. The Significance and Engagement Policy sets out when and how the community can expect to be engaged in Council's decision-making processes.

The Significance and Engagement Policy is one of the policies that the Local Government Act 2002 (LGA 2002) requires Councils to have (refer section 76AA, LGA 2002). The Buller District Council adopted the last Significance and Engagement Policy on 1 December 2015. The policy will be updated as part of the 2021-2031 Long Term Plan.

The purpose of the policy is to provide Council with guidance on:

- How important or 'significant' the various proposals and decisions they have to make are; and
- What level of engagement or consultation with the public is appropriate.

This policy also ensures that Council decision-making is transparent and fair.

The Act is specific about how the Council should conduct consultation processes to ensure the public have their say about significant issues that may affect them and their communities.

Section 76AA (2) of the LGA 2002 states:

- (2) The purpose of the policy is:
- (a) To enable the local authority and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities; and
 - (b) To provide clarity about how and when communities can expect to be engaged in decisions about different issues, assets or other matters; and
 - (c) To inform the local authority from the beginning of a decision-making process about –
 - (i) The extent of any public engagement that is expected before a decision is made; and
 - (ii) The form or type of engagement required.

Significance

The Act defines the key terms (part 1, section 5, Interpretation, LGA 2002):

'significance, in relation to any issues, 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, assess 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.

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

The Act provides guidance and requirements on how Councils should determine the significance of proposals and decisions on communities.

General approach

The Council's general approach to determining significance is to identify the potential impact, i.e. the consequences of proposals and decisions on the community. Consequences depend on the likelihood and frequency (how often) of the impacts occurring and the magnitude of those impacts. Significance ranges from low to high in a continuous spectrum. At one end there may be no consequences, or very few (low significance); at the other there may be major consequences (high significance).

For each proposal or decision on an issue (other than the issues which require processes specified in other legislation) Council will consider the degree of significance of the issue and the corresponding level of engagement. The identified significance generally mirrors the level of engagement required. In general low significance proposals and decisions require less engagement than those of high significance which require a higher level of engagement.

The Council will consider the likely impact of proposals or decisions on:

- The Buller District and communities;
- The people who are likely to be particularly affected by, or interested in, the matter;
- The financial impact on the Council's overall resources; and
- The capacity of the Council and its ability to perform its role, ie, to carry out its activities, to have the ability to achieve its community outcomes and to provide for community wellbeing, now and in the future.

Those who may be particularly affected in communities include: the public, certain sections of the community, iwi, vulnerable groups in the community, organisations, and interest groups.

Criteria

To assess the significance of an issue, proposal or decision, and to determine the level of engagement required, the Council uses the following criteria as guidelines:

Threshold criteria

- Equates to more than 5% of Council's asset base or 5% of the Council's budgeted turnover.
- Significantly alters the intended level of service provision for any significant activity.
- Reduces Council income or increases rates.
- Transfers ownership or control of a strategic asset to and from the Council.

Council will consider each criterion independently of the others. If an individual threshold is exceeded, Council will deem the matter as significant.

Other criteria:

- What is the level of impact on affected individuals and groups?
- What is the level of community interest?
- What are the likely impacts on iwi cultural values and their relationship to land and water?
- What are the likely impacts on future generations?
- Is this likely to generate a high degree of interest or controversy in terms of the number of people potentially affected, the extent of the area potentially affected and the duration of the impacts?
- How difficult is it to reverse?

Significant proposals or decisions

Proposals and decisions with high significance are considered on a case-by-case basis.

Where a proposal or decision is considered significant the Council must have greater regard for the decision-making provisions of the LGA 2002 (refer s76-82). In particular this includes:

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

Engagement

Community engagement includes a wide range of things, including consultation. Consultation is a common requirement of many types of legislation, for example under the Resource Management Act.

For the purposes of this policy, consultation is defined as the genuine communication or exchange of information and points of view between decision-makers and the community, before Council makes the decision. It is a two-way interactive process that is fair and transparent.

The Council will decide how it will engage on a particular issue by considering criteria or circumstances such as:

- Who is affected by, interested in, or likely to have a view on the issue.
- The community's preferences for engagement.
- What information already exists on community views on the proposal or decision.
- The circumstances in which the decision is taken, or the issue arose.

Types of engagement and consultation

After considering the matters above the Council will engage with the community using a range of approaches considered appropriate for the proposal or decision under consideration – including the following:

- Council website www.bullerdc.govt.nz.
- Social media, eg, Facebook.
- Announcements on the local radio stations.
- Newsletters.
- Letters to ratepayers.
- Posters and leaflets on community notice boards and in community buildings.
- Public meetings.
- Workshops and roadshows.
- Council meetings, open to the public.
- Clinics or meetings with Councillors and the Mayor and/or key staff.
- Online submission processes and surveys.
- Focus group discussions
- Stakeholder forums.
- Face-to-face meetings.

Consultation principles

Council is committed to the consultation principles out in Section 82 of the Local Government Act 2002 for significant matters.

These include:

- Access – Council providing reasonable access to relevant information in a manner people want, in a form people can understand.
- Encouragement – Council to encourage people to present their views.
- Culturally appropriate – ensure appropriate processes are in place for consulting with Maori.
- Clarity – Council to provide clear information about the purpose of consultation and the scope of decisions the Council will take after considering the community views.
- Opportunity – Council to provide reasonable opportunity to present their views in a way that suits people’s needs and preferences.
- Open-minded and Fair – Council to receive community views with an open mind and to take due consideration of those views.
- Transparency – Council to provide access to a clear record or description of decisions made, with clear explanations of what they considered.

Engaging with communities on other matters

Local Government Act 2002

The Act prescribes particular processes for Council’s to follow to consult and engage with communities on particular matters.

The Act specifies that a Special Consultative Procedure, as defined under section 83, must be followed for community engagement on certain plans and processes including:

- Long Term Plans.
- Annual Plans, where they are significant or material differences from the Long Term Plan.
- Bylaws of significant interest.

Other Legislation

There are other decisions made by Council under legislation that prescribes specific consultation and decision-making procedures, including the procedures for public notification, considering submissions and making decisions (eg, Resource Management Act 1991).

Even if a decision is clearly a significant one within the meaning of the LGA 2002, where the procedures for decision-making are set out in other legislation, those procedures will be used instead of those contained in this Significance and Engagement Policy. Section 82 (5) of the Act broadly allows the authorising legislations procedures to apply.

When Council may not consult

Access to information is always necessary for the decision-making process. However there are times when it is not necessary, appropriate or possible for the Council to consult with the community, even if it is considered significant under this policy. The Council will always engage with the community to inform and educate on issues. The LGA 2002 and other Acts set out very clear requirements for Council to follow about when Council must consult and how or when it may not.

Circumstances when Council may not consult with the public or release official information are numerous and are set out in section 82 of the LGA 2002, including, but not limited to, the following:

- Where there has been previous consultation and/or the Council is aware of community views.
- There is a need for confidentiality or commercial sensitivity.
- The costs of consultation outweigh the benefits of it.
- Where it may endanger the safety of any person.

Strategic Assets

Council has identified a schedule of the strategic physical assets which are considered significant in ensuring Council’s capacity to achieve or promote important outcomes for the current and future well-being of the community.

Council manages a number of strategic assets as a whole because these asset classes as a whole, deliver the service. Strategic decisions in these areas, therefore

only concern the whole asset class and not individual components, unless those components substantially affect the ability of Council to deliver the service.

Buller District Council’s strategic assets include the following assets, systems and places:

- Council’s land holdings portfolio.
- Council’s social housing portfolio.
- Council’s leasehold portfolio.
- Council buildings.
- Roading system – includes the land corridor, carriageway, footpaths, bridges, street lighting and off-street parking and equipment.
- Water reticulation, storage and treatment systems – includes the land, pipes, pumps, reservoirs, treatment plants and equipment.
- Waste collection, recycling, transfer stations, disposal sites – systems and aftercare systems.
- Public toilets and campervan waste receiving facilities.
- Westport Airport (jointly owned with the Ministry of Transport).
- Port of Buller.
- Buller Civil Defence Emergency Operations Centre and related infrastructure.
- Flood protection works and infrastructure.
- Reserves.
- Cemeteries.
- Libraries – Sue Thomson Casey Memorial Library, Reefton Library.
- Museums.
- Community and recreation facilities – NBS Theatre, Pulse Energy Recreation Centre, Reefton pool, community centres.

Review of the policy

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