



Mackenzie

DISTRICT COUNCIL

MACKENZIE DISTRICT COUNCIL

SIGNIFICANCE AND ENGAGEMENT POLICY

2014

SIGNIFICANCE AND ENGAGEMENT POLICY

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1.0 INTRODUCTION

1.1 Purpose of the Significance and Engagement Policy

The purpose of this Significance and Engagement Policy is to:

- enable the Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities.
- provide clarity about how and when communities can expect to be engaged in decisions about different issues, assets or other matters.
- inform the Council from the beginning of a decision-making process about the extent, form and type of engagement required.

1.2 Local Government Act requirements

The Council is required by the Local Government Act 2002 (LGA) to adopt a Significance and Engagement Policy, which must set out:

- The Council's general approach to determining the significance of proposals and decisions in relation to issues, assets and other matters
- any criteria or procedures that are to be used by the Council in assessing the extent to which issues, proposals, assets, decisions or activities are significant or may have significant consequences
- how the Council will respond to community preferences about engagement on decisions relating to specific issues, assets or other matters, including the form of consultation that may be desirable
- how the Council will engage with communities on other matters.

The Significance and Engagement Policy must list the assets considered by the Council to be strategic assets.

1.3 Interpretation

Section 5 of the LGA provides the following definitions:

- **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 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 other matter has a high degree of significance
- **strategic asset**, 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.

1.4 Application of the Policy

A significant number of decisions made by the Council will be made under legislation that sets out the consultation and decision-making procedures that are required. Examples include the Resource Management Act 1991 and the Civil Defence Emergency Management Act 2002. Even if a decision is clearly a significant one within the meaning of the LGA, where the procedures for decision-making are set out in other legislation, those procedures will be used instead of those contained in this Policy.

This Policy will not apply to decisions that have been in the Long Term or Annual Plan unless there is a significant change being proposed to the initial decision reflected in a Plan. There are also numerous administrative and personnel decisions that are entirely internal to the Council. This Significance and Engagement Policy will not apply to these processes and decisions.

2.0 GENERAL APPROACH TO DETERMINING SIGNIFICANCE AND MAKING DECISIONS

On every issue requiring a policy or strategy decision other than the matters outlined above in Section 1.4, the Council will consider the degree of significance of the issue and the corresponding level of engagement.

The significance of the issue and appropriate forms of engagement will be considered in the earliest possible stages of a proposal or process, before decision-making occurs. If necessary, significance and engagement will be reviewed as the proposal develops and as community views, preferences and values become better known.

In making any decision, the Council will comply with sections 76 - 82 (inclusive) of the LGA, regardless of the degree of significance of the decision or issue. These sections prescribe procedural steps to be followed as may be applicable, and ensure that the Council:

- is clear about why it is making the decision and the issues involved
- has considered and evaluated all reasonably practical options for achieving the objective for which the decision is being made
- has information about the community's views on the issues and the options, and in particular, has an understanding of the views and preferences of those likely to be affected by the decision or those who have a particular interest in the matter
- invests an appropriate amount of time, money and effort into researching and evaluating the issues and options, commensurate with the significance of the matter, including its importance to the community.

In making any decision, the Council will be satisfied that:

- it has sufficient information on the relevant issues and options
- it knows enough about and has given adequate consideration to the views and preferences of affected and interested parties.

The significance of the issue or decision will determine how much time, money and effort the Council will invest in exploring and evaluating options and obtaining the views of affected and interested parties. In some instances, there may be particular requirements to learn about the implications of an issue or decision for papatipu Runanga. There may also be issues where there are diverse groups within the community with different interests, views and preferences, where multiple processes will 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 that the Council will have to fully consult with the public for every decision it makes, nor does it bind the Council to the views of communities and interested or affected 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 the financial implications.

3.0 CRITERIA AND PROCEDURES FOR ASSESSING SIGNIFICANCE

3.1 Thresholds

The following thresholds will be used to determine whether the proposal or decision considered by the Council will be determined to be significant.

- *Monetary* – Any decision not highlighted in either the Long-Term Plan or the Annual Plan and with a cost greater than \$400,000 will be regarded as significant.
- *Strategic Assets* – Any decision to sell, abandon or dispose of any of Councils' strategic assets will be regarded as significant.

Each threshold will be tested independently of other thresholds or criteria.

While this Policy sets out these distinct thresholds, there may be financial or other decisions that do not trigger the thresholds but may also be considered as significant, following an assessment against the criteria in 3.2 below.

3.2 Criteria

In determining the degree of significance of proposals and decisions, the Council will be guided by the following criteria:

- a) The degree of impact on levels of service
- b) the magnitude of the overall benefits that will be achieved for the district, its communities and present and future interests
- c) the magnitude of the net costs of the proposal or decision to the Council
- d) any impact on the Council's capacity to undertake its statutory responsibilities
- e) the extent to which a decision or action is consequential to, or promotes, a decision or action that has already been taken by the Council
- f) the level of community interest in the proposal, decision or issue
- g) the extent to which the proposal or decision impacts upon community members or groups, and the numbers of people or groups affected
- h) the extent to which the community's views on the matter are already known
- i) the values and interests of Ngāi Tahu whanau, hapū and rūnanga, as mana whenua for the region
- j) 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
- k) the potential effects on delivery of the Council's policy and strategies
- l) any inconsistencies with any existing policy, plan or legislation
- m) the degree of impact on rates or debt
- n) the practical demands of efficient decision-making in situations of urgency

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.

If any of the criteria are met, the proposal or decision may have a higher degree of significance. However, a single criterion in isolation is not necessarily determinative of significance. The criteria are to be considered collectively to make this determination.

The application of the criteria is a matter of judgement for the Council.

3.3 Procedures

Every report to the Council will include a statement indicating that the issue of significance has been considered, which reflects an assessment of the significance of the issue, proposal or decision.

If an issue, proposal or decision is considered to be significant or likely to be significant, the relevant Executive Manager will include a section in their report to Council which will:

- identify how the decision sought fits this Significance and Engagement Policy;
- evaluate it against the thresholds and criteria contained in this Policy;
- outline what has been done to ensure compliance with sections 76 – 82 (inclusive) of the LGA;
- include a recommendation on how the proposal or decision should be treated;
- include a recommendation that the Council determine the level of significance of the particular issue or decision, and
- include a recommendation addressing whether and how community engagement should occur, in accordance with this Policy.

The Policy will apply with appropriate adjustments to decisions made under delegation to Council committees and community boards.

This Policy will not apply to decisions that have been in the Long Term or Annual Plan unless there is a significant change being proposed to the initial decision reflected in a Plan.

4.0 ENGAGEMENT

The level of engagement undertaken will reflect the level of significance of a proposal or issue. For example, an issue that has a high degree of significance will require a higher level of engagement with the public. The method of engagement will differ for each issue depending on location, level of significance, and community preferences.

Engagement provides an opportunity for the public to express a view on the decision or proposal being considered by the Council. The community views expressed through an engagement process will be considered and taken into account, along with other information such as costs and benefits, legislative requirements and technical advice.

Differing levels and forms of engagement may be required during the varying phases of consideration and decision-making on an issue, and for different community groups or stakeholders. The Council will review the appropriateness and effectiveness of the engagement strategy and methods as the process proceeds.

Engagement may not necessarily result in a win/win situation, complete agreement or consensus. However, engagement should allow all relevant views and options to be identified and then considered before a decision is made.

Community engagement can allow for an exchange of information, points of view and options for decisions between affected and interested people and decision-makers before a decision is made. It does not mean that the decision will be delegated to those involved in the engagement process. It means that the decision made will have been informed and improved by the public's involvement.

4.1 Methods of Engagement

Many methods of engagement can be used by Council, subject to the degree of significance of the issue. It is essential that Council does not use a homogenous approach to engagement, and utilises engagement tools appropriate to the location, significance of the issue, and community affected. Section 4.4 below describes a list of methods of engagement currently undertaken or available to Council; however, the Council is not limited to these methods.

When engaging with the community, the Council should consider the varied interest groups within society, including but not limited to: cultural groups, the whole District, specific communities (both rural and urban), wards, Community Boards, youth, older generations, businesses, and specific interest groups.

Committees of Council and elected bodies are to be used as part of Council's engagement network, to advocate on behalf of their communities to Council on Council issues including policy and decision-making. They are also the first point of call for Council and Council staff to assess the degree of interest and engagement a community may have with an issue, as part of determining the significance of a matter.

The Council should be informing, consulting with, involving, collaborating and/or empowering residents and ratepayers to be engaged with Council decision-making.

The Council will be open to new and developing methods of engagement through the use of technology and innovation.

4.2 When Council will Engage

The Council will apply the principles of s82 of the LGA when determining engagement.

(a) When legislation requires that consultation be undertaken:

The Council will consult when it has a legislative requirement to consult (such as when required by the Local Government Act 2002, Resource Management Act 199, Reserves Act 1977, Land Transport Management Act 2003¹). Examples of these areas are: the adoption and amendment/s to the Long

¹ As noted in Section 1.4 above, where specific legislation such as the Resource Management Act prescribes procedures for consultation, section 82(5) of the LGA broadly allows that authorising legislation's procedures to apply.

Term Plan; adoption and amendment/s to a significant bylaw; transfer of ownership of a significant strategic asset; and changes to financial policies.

In these cases, the Council will undertake these consultation processes in accordance with the legislative requirements guiding them. However, the Council may choose to consult further depending on the degree of significance of the matter being considered and notwithstanding the legislative requirements.

(b) When a significant proposal or decision is being considered:

Subject to consideration of factors under section 4.3 of this Policy, the Council will give consideration to undertaking what it considers to be an appropriate form of engagement when a 'significant decision' is proposed.

A 'significant decision' is one which has been identified as such under this Policy. *Note:* a 'significant' decision will not automatically trigger application of the Special Consultative Procedure (SCP). For more information about the SCP refer to the LGA 2002 sections 83, 86, 87 and 93A.

(c) For some matters that are not considered significant:

In general, where a matter is not considered significant under this Policy, formal consultation will not be undertaken. This is consistent with clause 4.3 (a) of this Policy. However, in some situations where the Council considers community involvement or notification is appropriate, informal feedback or notification processes may be followed.

4.3 When the Council may not Engage

Information is always necessary for the decision making process. However, there are times when it is not necessary, appropriate or possible to engage the community on a matter or decision. The Council may also choose not to consult on a matter. In doing so it will make this determination in accordance with the criteria below.

The Council will not engage 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 by 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 or quick response or decision is needed or it is not reasonably practicable to engage; or
- (g) Works are required unexpectedly or following further investigations on projects, already approved by the Council; or
- (h) Business as usual - the works required are related to the operation and maintenance of a Council asset and responsible management requires the works to take place; or
- (i) When Council has consulted on the issue in the last 24 months.

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 requires that this consideration be in proportion to the significance of the matters affected by the decision (section 79 (1)).

4.4 Toolbox for Engagement

The Council currently uses the following methods of engagement. The Council may continue to use these methods of engagement, but is not limited to these when engaging with the public:

Inform:

- Council newsletters
- Weekly/daily newspapers
- Community newsletters
- Electronic messages (eg, email, online newsletters, social media)
- Flyers
- Website
- Radio

Consult:

- Submissions
- Hearings
- Feedback processes
- Surveys
- Open Days

Involve:

- Public or on-site meetings
- Targeting existing organisations/groups within the community eg service clubs

Collaborate:

- Talking with communities
- CWMS Zone Committees
- Key partnerships with existing community organisations
- Hall committees

Empower:

- Community Boards
- Special Subcommittees

5.0 NGAI TAHU & PAPTIPU RUNANGA

The LGA provides principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes (for example, sections 81 and 82(2)). This is to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes.

While the LGA sets out provisions relating to all Māori, it is recognised that within the Mackenzie District, Ngāi Tahu are the tangata whenua. There are three Papatipu Rūnanga that have an interest in the Mackenzie District: Te Rūnanga o Arowhenua based at Arowhenua, Temuka, Te Rūnanga o Waihao based just north of the Waitaki River, South Canterbury, and Te Runanga O Moeraki based at Moeraki. They have a special status in terms of the Council's resource management activities. In addition to the Local Government Act obligations, the Resource Management Act 1991 (RMA) gives councils specific obligations regarding kaitiakitanga, the principles of the Treaty of Waitangi and the relationship between Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga. In the Canterbury region, the Ngāi Tahu Claims Settlement Act 1998 includes confirmation of the ability for Ngāi Tahu to express its traditional kaitiaki relationship with the environment.

The Council considers it important to better establish relationships with these Rūnanga, as these are seen as key relationships in terms of the contribution of Maori to the decision-making process. Proactively providing for engagement will enable early identification of matters of significance to the Runanga and appropriate engagement in relation to decision-making processes. The Council will endeavour to extend and promote opportunities for involvement as far as practicable, and as available resources allow.

6.0 STRATEGIC ASSETS

The Mackenzie District Council considers the following assets to be strategic in terms of the Local Government Act 2002:

- a) The entire urban and rural roading network of the Mackenzie District.
- b) The urban water supplies of Burkes Pass, Fairlie, Lake Tekapo and Twizel.
- c) The piped rural water supplies of Albury, Allandale, and Downlands (Albury to Cave section).
- d) The stock water race systems at Ashwick/Opuha, Punaroa/Eversley and School Road.
- e) The wastewater reticulation and treatment systems at Burkes Pass, Fairlie, Lake Tekapo and Twizel.
- f) The stormwater reticulation systems at Fairlie, Lake Tekapo and Twizel.
- g) The Council cemeteries at Albury, Burkes Pass, Fairlie, Tekapo and Twizel.

- h) All Council's parks, recreation reserves, sports fields and facilities held under the Reserves Act 1977 or otherwise.
- i) Council's swimming pools at Fairlie and Twizel.
- j) Council's stock of tenanted pensioner housing.
- k) The Fairlie Medical Centre.
- l) The Twizel Events Centre and the community hall at Lake Tekapo.
- m) The Mackenzie Community Centre at Fairlie.
- n) Council's administration buildings in Fairlie and Twizel.
- o) Council's shareholding in Alpine Energy Limited.

Significance and Engagement Policy

Adopted by: **Strategy and Policy Committee**

Adopted date: **25 November 2014**

Review date: Every six years or sooner as required