

Significance and Engagement Policy

SEPTEMBER 2021

Significance and Engagement Policy

REVISION HISTORY

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| Status: | Adopted 14/09/21 |
| Sponsor: | GM Corporate Services |
| Approved by: | Acting Chief Executive Officer |
| Date: | September 2021 |

SIGNIFICANCE AND ENGAGEMENT POLICY

| | |
|-----------------------|---|
| Purpose | <p>The purpose of this Significance and Engagement Policy (Policy) is to:</p> <ul style="list-style-type: none"> • 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 of any public engagement that is expected before a particular decision is made, and the form and type of engagement required. |
| Key Points | <p>The Council is required by the Local Government Act 2002 (LGA) to adopt a Policy, which must set out:</p> <ul style="list-style-type: none"> • 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. <p>The Policy must list the assets considered by the Council to be strategic assets.</p> |
| Date of Issue | 14/09/2021 |
| File Retention | Mackenzie District Council Laserfiche – Policies section |
| Review | Every five years at the anniversary date |

RELATED DOCUMENTS / WEBSITES

Related Council policies and documents include:

- Delegations Manual
- MDC Bylaws
- Revenue and Financing Policy
- Financial Strategy

Relevant legislation and other resources include (but are not limited to):

- Local Government Act 2002 and the Local Government Act Amendment Act 2014
- Local Government Official Information and Meetings Act 1987

1. 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, the Biosecurity Act 1993, the Civil Defence Emergency Management Act 2002, and the Land Transport Act 1998.

Even if a decision is clearly a significant one within the meaning of the Local Government Act (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.

There are also numerous administrative and personnel decisions that are entirely internal to the Council. This Policy will not apply to those processes and decisions.

2. 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, above, 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 Rūnanga.

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. Criteria and Procedures for Assessing Significance

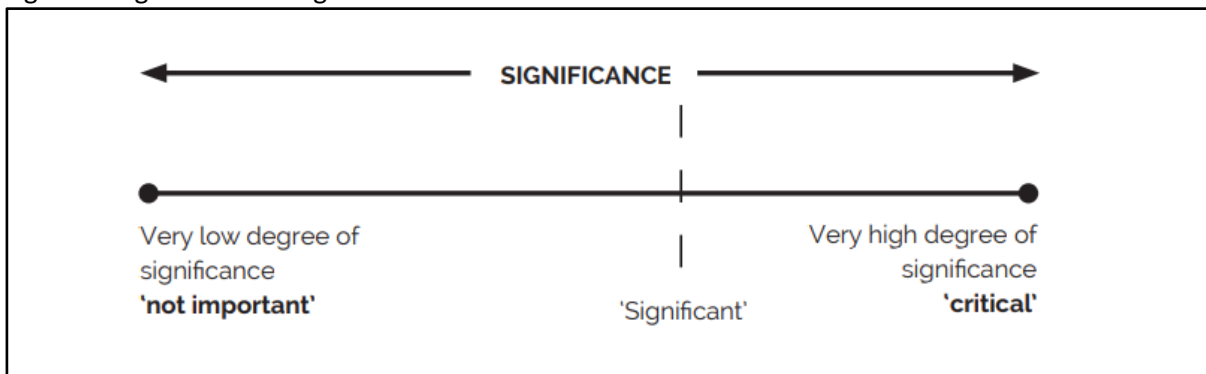
3.1 Criteria

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

- a) Is the issue/project related to a strategic asset.
- b) The degree of impact on levels of service.
- c) The financial impact on the Council and residents-
 - the magnitude of the net costs of the proposal or decision to the Council,
 - the degree of impact on rates or debt,
 - the financial impact on missed opportunities, time delays, and/or cost of not making a decision.
- d) The level of community interest and impact-
 - the level of community interest in the proposal, decision, or issue,
 - the impacts upon community members or groups,
 - the numbers of people or groups affected.

- e) Existing policy, plan, strategy or legislation-
- 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,
 - the potential effects on delivery of the Council's plans and strategies,
 - any inconsistencies with any existing policy, plan or legislation,
 - any impact on the Council's capacity to undertake its statutory responsibilities.
- f) The impact on Maori-
- are the values and interests of Ngāi Tahu whanau, hapū and rūnanga, as mana whenua for the region affected or impacted,
 - 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.
 - As shown in Figure 1, significance is a continuum and significant is any matter beyond a point on the continuum defined by Council as being where there is a high degree of significance.

Figure 1: Significance vs Significant



The majority of the criteria are considered to fall on a continuum rather than being an absolute determination. A single criterion in isolation is not necessarily determinative of significance. Where the significance of a proposal or decision is unclear against any of the criterion, then Council will treat that criterion as being more rather than less significant.

The criteria are to be considered collectively to make the determination on significance. The application of the criteria is a matter of judgement for the Council.

3.2 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 criteria contained in this Policy,
- outline what has been done to ensure compliance with sections 77 – 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,

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 the respective plans.

Table 1: Determining Levels of Significance – Examples

| Matter / Issue | Low Significance | Medium Significance | High Significance |
|---|--|--|--|
| Strategic Asset -Proposal or decision relate to a 'strategic asset' | e.g. Proposal or decision does not relate to strategic assets | e.g. Proposal or decision involves sale of, or substantial impact on, part of a strategic asset | e.g. Sale of a strategic asset; or activities that affect the performance of the strategic asset as a whole |
| Change to Levels of Service | e.g. No change or minimal change that does not affect Council's ability to deliver activities to agreed levels of service | e.g. Potentially some real or perceived impact on the Council's ability to deliver its agreed levels of service | e.g. Decision or proposal creates substantial change in the level of service provided by Council |
| Financial Impact | e.g. No material effect on Council's budget, loans or projected debt. No material effect on rates | e.g. Minor effect on rates for residents, Council debt or the financial figures in any one year or more of the Long Term Plan | e.g. Decision or proposal substantially affects Council debt, rates or the financial figures in any one year or more of the Long Term Plan |
| Community interest -level of interest in the decision, number of residents who are affected and the effect of impact | e.g. Decision or consequence has little impact and/or is easily reversible | e.g. Minor or moderate level of community interest in a proposal or decision; or there is a moderate impact arising from changes; or one or more settlements or wards of the District are affected disproportionately to another; or duration of an effect may impact detrimentally on people or a community | e.g. A high level of community interest in a proposal or decision; likely to be, or is, controversial in the context of the impact or consequence of the change; involves a specific area affected (e.g. geographic area, or area of a community by interest, age or activity); or there are substantial impacts or consequences arising from the duration of the effect |
| Consistency with existing policy, plan, strategy, or legislation | e.g. Decision or proposal is consistent with existing policies, plans and strategies | e.g. Decision or proposal does not consistently align with portions of existing policy, plans, strategies or legislation | e.g. Decision or proposal creates high level of inconsistency with existing policy, plans, strategies or legislation |
| Values and interests of Ngāi Tahu | e.g. There is no obvious or particular impact on Māori, Māori culture and traditions that is different to the impact on the needs to the wider community | The decision will be of interest to Māori and has affects, the impacts of which may need clarification with Māori. | e.g. Māori people will be disproportionately affected and/or their access to and ability to use their traditional land, waterways, cultural sites and carry out traditional practices, and/or is contrary to recognising the Council's relationship with Māori |

4. Engagement

Community engagement allows 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, along with other information such as costs and benefits, legislative requirements and technical advice.

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.

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.

4.1 Levels of Engagement

Council does not use a homogenous approach to engagement, and utilises engagement tools appropriate to the location, significance of the issue, and community affected. Council uses an engagement scale to determine the most appropriate processes and methods for engagement. This is based on the International Association for Public Participation (IAP2) public participation spectrum and is modified to reflect the unique needs of Council.

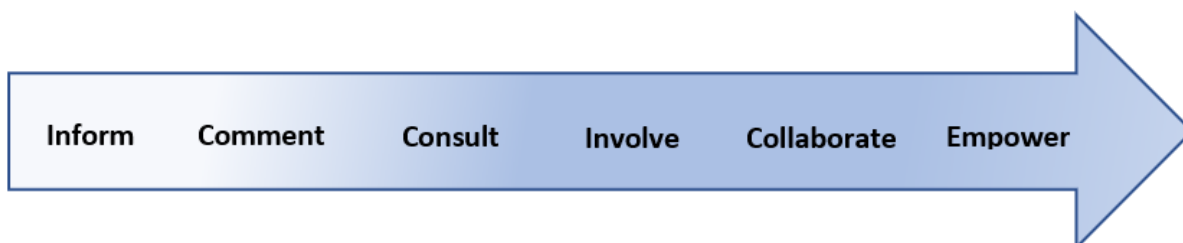


Table 2: Explanation of Engagement Scale

| Level of Engagement | Level of Participation |
|----------------------------|---|
| Inform | One-way communication to provide the public with balanced objective information to assist them to understanding problems, alternatives, opportunities and/or solutions. |
| Comment | Informal two-way communication asking the community for ideas, opinions, and information or to obtain selected feedback on alternatives. |
| Consult | Formal two-way communication to obtain public feedback on analysis, alternatives and/or decisions. |
| Involve | A participatory process to work with the community to ensure that public concerns and aspirations are understood and considered. |
| Collaborate | Working together with the community in each aspect of the decision including the development of alternatives and identifying the preferred solution. |
| Empower | Placing the final decision making in the hands of the public. |

When engaging with the community, the Council considers 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.

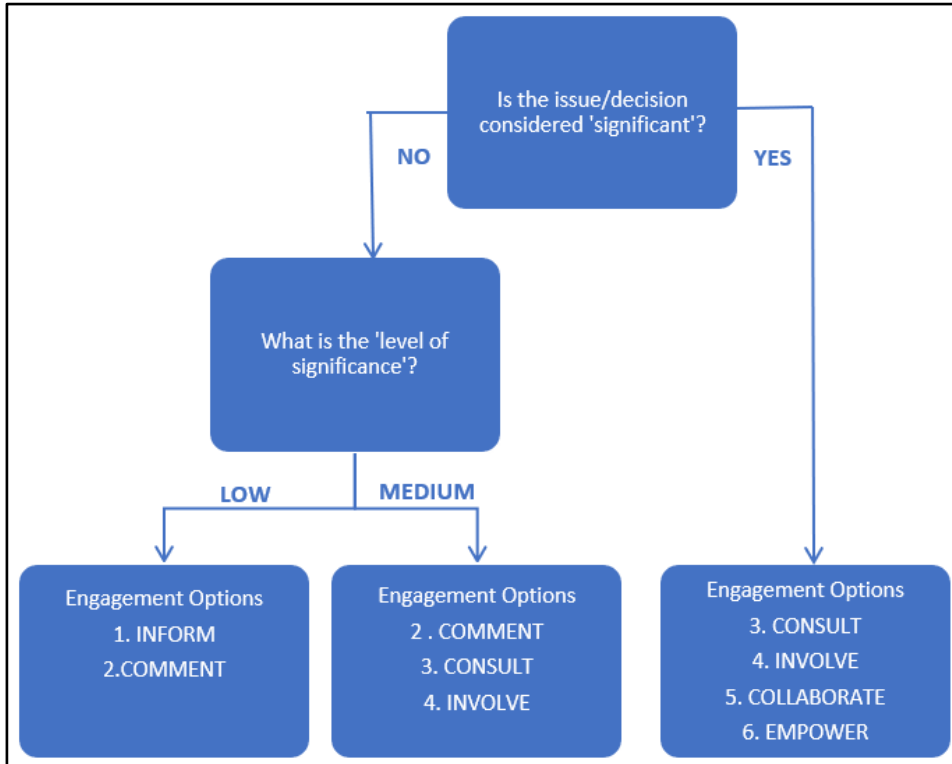
The Council should be informing, requesting comment, consulting with, involving, collaborating and/or empowering residents and ratepayers to be engaged with Council decision-making.

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

4.2 Engagement Guide

Council has developed an engagement selection guide to determine the most appropriate processes and methods of engagement. These are shown in Figure 2 below.

Figure 2 – Engagement Selection Guide



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Table 3 provides examples of how the engagement scale is used by Council.

| Engagement Level | 1. Inform | 2. Comment | 3. Consult | 4. Involve | 5. Collaborate | 6. Empower |
|-----------------------|--|---|--|--|--|---|
| What it involves | One-way communication to provide the public with balanced objective information to assist them to understand problems, alternatives, opportunities and/or solutions. | Informal two-way communication to obtain selected feedback on alternatives. Asking the community for ideas, opinions, and information at the development stage. | Formal two-way communication to obtain public feedback on analysis, alternatives and/or decisions. | A participatory process to work with the community to ensure that public concerns and aspirations are understood and considered. | Working together with the community in each aspect of the decision including the development of alternatives and identifying the preferred solution. | Placing the final decision making in the hands of the public. |
| Examples | Annual Report | Annual Residents Survey. | Long Term Plan | Development of options for policy change for a significant issue. | Large community focused capital project (eg new community swimming pool) | Delegated Council decision |
| | Changes to policy and bylaw schedules | Changes to policy and bylaw schedules | Annual Plan (where there are significant changes from the LTP) | Large capital project (eg community facility) | | Binding referendum. |
| | Low significance policies | Low significance policies | New or amended by-laws | | | |
| | Decisions to award grants funding. | | High significance policies | | | |
| | | | District plan changes | | | |
| Tools Council may use | Council newsletters | Informal meetings with affected groups | Formal submissions and hearings | Public or on-site meetings | Talking with communities | Community Boards |
| | Weekly/daily newspapers | Informal gatherings | Feedback processes | Targeting existing organisations/groups within the community eg service clubs | CWMS Zone Committees | Special Subcommittees |

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| | | | | | | |
|---|---|--|---|-----------------------------------|--|---|
| | Community newsletters | Telephone surveys. | Surveys | Targeted surveys | Key partnerships with existing community organisations | |
| | Electronic messages (eg, email, online newsletters, social media) | Communications to key stakeholders. | Open days | Interviews | Hall committees | |
| | Flyers | | Focus groups | | | |
| | Website | | | | | |
| | Radio | | | | | |
| | Communications to key stakeholders | | | | | |
| When the community can expect to be involved | When a decision is made. | After the development of options but prior to the final decision by Council. | When a draft decision has been made or adopted for consultation by Council. | At the refining stage of options. | At the development stage of the options. | From the development of initial options to final selection. |

4.3 When Council will Engage

4.3.1 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 1991, Reserves Act 1977, Land Transport Management Act 2003).

Examples of these areas are: the adoption and amendment/s to the Long 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.

4.3.2 When a significant proposal or decision is being considered

Subject to consideration of factors under section 4.4 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 sections 83, 86, 87 and 93A.

4.3.3 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. However, in some situations where the Council considers community involvement or notification is appropriate, informal feedback or notification processes may be followed.

4.4 When Council will 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, 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; or
- c. There is a need for confidentiality or commercial sensitivity, or
- d. The costs of consultation outweigh the benefits of it, 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 consider the views and preferences of persons likely to be affected by, or to have an interest in, the matter (LGA 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)).

4.5 Engaging with Communities on Other Matters

The Local Government Act prescribes particular processes for Councils to follow to consult and engage with communities on particular matters.

4.5.1 Special Consultative Procedure

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

- Long Term Plan
- Annual Plan
- Bylaws of significant interest.

5. Ngāi Tahu and Papatipu 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. Strategic Assets

Section 97 of the LGA requires that decisions to transfer the ownership or control of a strategic asset to or from the Council, or a decision to construct, replace or abandon a strategic asset can only be taken if the decision has been explicitly provided for in the Council's Long-Term Plan or through an amendment to the Long Term Plan, either of which requires an engagement process that at least complies with the Special Consultative Procedure.

The Council considers the following assets to be strategic assets in terms of the LGA:

- a. The entire urban and rural roading network of the Mackenzie District.
- b. The urban water supplies as a whole 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 as a whole at Ashwick/Opuha, Punaroa/Eversley and School Road.
- e. The wastewater reticulation and treatment systems as a whole at Burkes Pass, Fairlie, Lake Tekapo and Twizel.
- f. The stormwater reticulation systems as a whole 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.
- p. The Pukaki Airport

7. Definitions

Consultation: means 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. Consultation is only one form of engagement.

Council: means Mackenzie District Council.

Engagement: is the process of involving the community in Council decisions. This involves providing and seeking information to inform and assist decision making.

LGA: means the Local Government Act 2002.

Policy: means this Significance and Engagement Policy.

Mana whenua: means the customary authority exercised in an area by iwi or tangata whenua of that locality; their historical, cultural and genealogical heritage are attached to the land and sea.

Significance: 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: means that the issue, proposal, decision, or other matter has a high degree of significance.

Strategic asset: means an asset or group of assets that the Council needs to retain if the Council is to maintain the Council's capacity to achieve or promote any outcome that the Council 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) of the Act by the Council; and
- b. any land or building owned by the local authority and required to maintain the Council'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.

8. Clarification and Breaches

8.1 Clarification

Clarification regarding this policy can be sought from the Mackenzie District Council General Manager Corporate Services.

8.2 Breaches

If a decision is made that is in breach of this policy, then a Council resolution should be passed noting the rationale for the decision made.

8.3 Exceptions

The Mackenzie District Council will need to approve any deviations from this policy.



Mackenzie

DISTRICT COUNCIL