

Significance and Engagement Policy

Adopted 26 November 2014

SIGNIFICANCE & ENGAGEMENT POLICY

Purpose

1. To enable Council and its communities to identify the degree of significance attached to proposals relating to issues, assets, and other matters.
2. To provide clarity about how and when communities can expect to be engaged in decisions made by Council.
3. To inform Council from the beginning of a decision-making process about the appropriate extent, form and type of engagement that may be required.

Definitions

Community	A group of people living in the same place or having a particular characteristic in common. Includes interested parties, affected people and key stakeholders
Decisions	Refers to all the decisions made by or on behalf of Council including those made by officers under delegation. <i>(Management decisions made by officers under delegation during the implementation of Council decisions will not be deemed to be significant).</i>
Engagement	Is a term used to describe the process of seeking information from the community to inform and assist decision making. There is a continuum of community involvement from lower to higher levels of engagement.
Significance	As defined in Section 5 of the Local Government Act (LGA 2002) “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”
Strategic asset	As defined in Section 5 of the LGA 2002 “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”

General approach to determining significance

4. Council will take into account the following matters when assessing the degree of significance of any proposals related to issues, assets or other matters, seven of which are reflected in the procedure for determining significance (**Schedule 2** of this policy):
 - Whether the proposal or decision is consistent with previous decisions or plans
 - The level of financial consequences of the proposal or decision
 - The likely impact on present and future interests of the community, recognising Māori cultural values and their relationship to land and water
 - Whether the proposal or decision will affect a large portion of the community
 - Whether community interest is high
 - Whether the likely consequences are controversial
 - Whether community views are already known
 - The extent to which the decision or proposal is difficult to reverse
 - The level of uncertainty associated with the proposal or decision
 - Whether the proposal relates to a strategic asset listed in **Schedule 1** of this policy
5. In general, the more of the matters outlined in clause 4 that apply to a proposal, the more likely it is to have a higher degree of significance.
6. In assessing the degree of significance of any proposal relating to an issue, asset or other matter, Council will use the procedure outlined in **Schedule 2** of this policy.

General approach to engagement

7. In general, the more significant an issue, the greater the need for community engagement.
8. Engaging with the community is often needed to understand the views and preferences of people likely to be affected by or interested in a proposal or decision.
9. The Community Engagement Guide (**Schedule 3** of this policy) identifies the form of engagement Council may use to respond to some specific issues. It also provides examples of types of issues and how and when communities could expect to be engaged in the decision making process.
10. Council will apply a consistent and transparent approach to engagement.
11. Council is required to undertake a special consultative procedure as set out in Section 83 of the Local Government Act 2002, or to carry out consultation in accordance with or giving effect to Section 82 of the Local Government Act 2002 on certain matters (regardless of whether they are considered significant as part of this policy).
12. Wherever practicable, Council will include major decisions within the Long Term Plan or Annual Plan.
13. For all other issues requiring a decision, Council will determine the appropriate level of engagement on a case-by-case basis.
14. For all proposals or decisions requiring community engagement under this policy (beyond 'Inform'), an engagement plan will be prepared using the template included in **Schedule 4** of this policy.
15. Council's policy on Fostering Maori Contribution to the Decision Making Process will guide Council's approach to engaging with Māori.
16. When Council makes a decision that is significantly inconsistent with this policy, the steps identified in Section 80 of the Local Government Act 2002 will be undertaken.

SCHEDULE 1: STRATEGIC ASSETS

Section 5 of the Local Government Act 2002 requires the following to be listed in this Policy:

- 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

The following is a list of assets or group of assets that the council needs to retain if it is to maintain its capacity to achieve or promote any outcome that it determines to be important to the current or future well-being of the community.

Strategic assets

- The roading network
- Water collection, treatment and distribution systems (including water rights and resource consents)
- Wastewater collection, treatment and disposal systems (including resource consents)
- Stormwater collection and disposal systems
- Oamaru and Palmerston Landfills
- Oamaru Airport
- Oamaru Harbour Breakwater
- Community housing

1. For the purpose of this policy, Council considers its roading network and other strategic assets as whole single assets. This is because the asset class as a whole delivers the service, thereby making it strategic.
2. In line with this whole single asset approach, and in the interest of efficient management of resources, Council does not expect to undertake the special consultative procedure for decisions that relate to the transfer of ownership or control, or minor construction or replacement, of part of a strategic asset, unless that part substantially affects the level of service provided to the community.
3. Any physical alterations to strategic assets that are required to either prevent an immediate hazardous situation arising, or to repair an asset to ensure public health and safety due to damage from an emergency or unforeseen situation, will also be undertaken without formal consultation. Discretionary engagement may be undertaken with affected communities where practicable and in accordance with Schedule 3 of this policy. Any actions taken will be reported in the relevant Annual Report.

SCHEDULE 2:

PROCEDURE FOR DETERMINING SIGNIFICANCE

1. Council will use the criteria and thresholds on the following page to help it decide whether specific proposals and decisions are significant. Note: significance does not necessarily trigger or require consultation along the engagement spectrum.
2. A sliding scale of 0-5 will be used to assess each criterion against its threshold (0 meaning the threshold has not been triggered, 5 meaning it is of high significance).
3. If the proposal relates to a strategic asset as listed in Schedule 1 of this policy, it will receive a score of 5 (taking into account that proposals or decisions must relate to strategic assets as whole single assets) – otherwise it will score 0 for that criterion.
4. Where a proposal or decision scores 5 on the scale of significance for a single criterion, but does not trigger any other criteria, it will generally be considered to be of low significance. It may, however, be deemed to be of higher significance depending on the issue and specific criterion under consideration.
5. Where a proposal or decision scores 5 on the scale of significance for a single criterion, and triggers the threshold of any other criterion, it is more likely to be of higher significance, depending on how many other criteria are triggered and the scores allocated to each of those criteria.
6. Where the total score for all criteria is greater than 10, the decision or proposal is more likely to be of significance. The likelihood and degree of significance will become greater as the score increases.
7. Where the Chief Executive or officers consider any proposal or decision to be potentially significant, the Chief Executive shall report to the Council or its relevant standing committee, providing a detailed assessment of the degree of significance of the proposal or decision (including an assessment against the following criteria and thresholds) and the appropriate level of community engagement in accordance with **Schedule 3** of this policy.

Criteria and thresholds for determining significance

A score of 0 means the criterion threshold has not been triggered. 1 = low significance. 5 = high significance.

Criteria	Description	Threshold
Consistency	<p>The extent to which the proposal or decision is consistent with, or a logical consequence of, a significant decision already made or from a decision made as part of a Long Term Plan or Annual Plan (including agreed service levels). Where the decision or proposal is fully described in a plan or significant decision, the significance for this criterion will be small or negligible. Where the proposal or decision has no precedent significant decision or is not included in a plan, or where it is not consistent with the significant decision or plan, it will be of greater significance.</p>	<p>A substantial proposal or decision that is materially inconsistent with a precedent significant decision or plan will trigger this threshold and be scored 1-5 depending on the degree of inconsistency.</p>
Financial consequences	<p>The level of impact the decision will have in terms of its cost to Council. Most major decisions will be made in the context of the Community Plan or the Annual Plan. Decisions involving unidentified or unbudgeted expenditure should be scrutinised carefully. Where the decision or proposal has no net cost or long term financial implications, the significance in terms of this criterion will be small. As the net cost or expected long term financial implications increase, it will be of greater significance.</p>	<p>A decision or proposal will trigger this threshold when it involves:</p> <ul style="list-style-type: none"> • New expenditure of \$100k would score 1 point on the sliding scale. Each additional \$100k would add 1 to the total and increase the significance of the financial consequences (ie expenditure of \$500k or greater would score 5); or • Capital expenditure of 0.2% of gross asset value for that activity would score 1 point on the sliding scale. Each additional 0.2% would add 1 to the total and increase the significance of the financial consequences (eg expenditure of 0.8% would score 4); or • An increase in operating expenditure of 2% of annual budgeted operating expenditure would score 1 point on the sliding scale. Each additional 2% would add 1 point to the total and increase the significance of the financial consequences (eg 6% would score 3)

Criteria	Description	Threshold
Community impact	The extent to which the proposal or decision will impact on the current or future interests of the community, and whether it will create radically different effects from the status quo in terms of costs, benefits on members of the community and which members of the community it impacts on. Where the differences from the status quo are small, the significance in terms of this criterion will be small. If the effects of this proposal or decision on the community vary more greatly from the status quo, or where it affects a larger portion of the community, it will be of greater significance.	A decision or proposal that will have an impact on the current or future interests of the community, or create radically different effects from the status quo will trigger this threshold and be scored 1-5 depending on the scope and degree of different effects.
Controversy	The extent to which the decision or proposal is controversial within the community. Where community views are known to be uniform, the matter generates little interest or is likely to generate little interest based on the best information available, the significance in terms of this criterion will be small. A higher level of controversy will be of greater significance.	A decision or proposal on a matter where community views generate considerable interest or the community is deeply divided will trigger this threshold and be scored 1-5 depending on the degree of interest or controversy.
Reversibility	The extent to which the decision or proposal is difficult to reverse or the likely impact of not being able to reverse the decision. Where the outcome can be largely reversed, albeit in a different form, the significance in terms of this criterion will be small. Where the difficulty in reversing the decision is greater, or the decision is effectively irreversible, the impact the decision will be of greater significance.	A substantial decision or proposal that is difficult to reverse or completely irreversible will trigger this threshold and will be scored 1-5 depending on the degree of difficulty in reversing the decision or the likely impact of not being able to reverse the decision.
Uncertainty	The extent to which lack of information or conflicting information regarding the effects of a decision or proposal on the matters in clause 4 of this policy and/or its costs, benefits, impact, controversy or reversibility make its significance unclear. Where full and clear information is available, the significance in terms of this criterion will be small. Where there is a higher level of uncertainty regarding any of the matters in the proposal, affecting many of the criteria, the decision will be of greater significance.	A substantial decision or proposal will trigger this threshold if there is a high level of uncertainty concerning any of the major matters in the proposal.
Strategic asset	Whether or not the proposal or decision directly relates to a strategic asset listed in Schedule 1 of this policy. Because Council considers its roading network and other strategic assets as whole single assets, this criterion will not apply to decisions or proposals that relate to parts of those strategic assets.	A substantial decision or proposal will trigger this threshold if it is in relation to a strategic assets listed in schedule two of this policy. A strategic asset it will score 5, otherwise a score of 0 will be given for this criterion.

SCHEDULE 3:

COMMUNITY ENGAGEMENT GUIDE

Approach to engagement

Community engagement is a process which involves all or some of the public, and is focused on decision-making or problem-solving.

Public participation spectrum

The International Association for Public Participation (IAP2) has developed a Public Participation Spectrum to demonstrate the possible types of engagement with the community. This model also shows the increasing level of public impact as you progress through the spectrum from left to right - 'inform' through to 'empower'. In simply 'informing' stakeholders there is no expectation of receiving feedback, and consequently there is a low level of public impact. At the other end of the spectrum, 'empowering' stakeholders to make decisions implies an increase in expectations and therefore an increased level of public impact. Differing levels of engagement may be required during the varying phases of decision-making on an issue, and for different stakeholders.

It will not always be appropriate or practicable to conduct processes at the 'collaborate' or 'empower' end of the spectrum. Many minor issues will not warrant such an involved approach. Time, legal constraints and money may also limit what is possible on some occasions.

In general, the more significant an issue, the greater the need for community engagement.



Legally mandated engagement

Special consultative procedure

The Council will use the Special Consultative Procedure (as set out in section 83 of the LGA 2002) where required to do so by law, including for the following issues requiring decisions:

- The adoption or amendment of a Long Term Plan (in accordance with section 93A of the LGA 2002)
- The adoption, amendment, or revocation of bylaws if required under section 156(1)(a) of the LGA 2002
- The adoption, amendment or revocation of a Local Alcohol Policy
- The adoption or review of a Local Approved Products (Psychoactive Substances) Policy
- The adoption or review of a class 4 venue policy under the Gambling Act 2003
- The preparation, amendment or revocation of a waste management and minimisation plan

Unless already explicitly provided for in the Long Term Plan, the Council will seek to amend its Long Term Plan, and therefore use the Special Consultative Procedure, when it proposes to:

- Alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of Council, including commencing or ceasing such an activity; or
- Transfer the ownership or control of strategic assets, as listed in Schedule 1.

The Special Consultative Procedure requires Council to:

- Prepare and adopt a statement of proposal and in some cases a summary of the statement of proposal which must:

- be a fair representation of the statement of proposal
- be in a form determined by the council
- indicate where it is available
- state the period it is open for public submission
- Make publicly available:
 - the statement of proposal
 - a description of how people will be able to present their views
 - a statement of the period the proposal is open for comment/submission
- Make the summary of proposal widely available
- Allow people to present their views to the council ensuring that they have a reasonable opportunity to do so and know how and when this opportunity will be available to them
- Allow people to present their views by audio link or audio-visual link.

Council may also request advice or comment from a council officer or any other person. Where Council is required to use the special consultative procedure in relation to making, amending or revoking bylaws the statement of proposal must include:

- A draft of the proposed bylaw, or the proposed amendment or a statement of revocation of the bylaw
- The reasons for the proposal
- A report on any determinations made under section 155 of the Act on whether a bylaw made under this Act is appropriate.

Consultation under section 82 of the LGA

Council will consult in accordance with, or using a process or a manner that gives effect to the requirements of, section 82 of the LGA 2002 where required to do so by law, including for the following specific issues requiring decisions:

- Adopting or amendment of the annual plan if required under section 95 of the LGA 2002
- Transferring responsibilities to another local authority under section 17 of the LGA 2002
- Establishing or becoming a shareholder in a council-controlled organisation
- Adopting or amending a revenue and financing policy, development contributions policy, financial contributions policy, rates remission policy, rates postponement policy, or a policy on the remission or postponement of rate on Māori freehold land

For such consultation, Council will develop information fulfilling the requirements of Section 82A of the LGA 2002 including the matters set out in S82A (2), namely:

- (a) The proposal and the reasons for the proposal; and
- (b) An analysis of the reasonably practicable options, including the proposal, identified under section 77(1); and
- (c) If a plan or policy or similar document is proposed to be adopted, a draft of the proposed plan, policy, or other document; and
- (d) If a plan or policy or similar document is proposed to be amended, details of the proposed changes to the plan, policy, or other document.

Council will make this information available to the public, allow submissions for a period of up to one month, and will consider all submissions prior to making decisions.

Discretionary engagement

For issues, decisions and proposals not requiring a Special Consultative Procedure (SCP) or mandatory under the LGA 2002, Council will consider using the different forms and methods of engagement outlined in the table on the following pages (based on the Public Participation Spectrum). Council may also use these forms or methods of engagement to precede or complement a SCP or other mandatory engagement process.

Levels of engagement

Level	Inform	Consult	Involve	Collaborate	Empower
What does it involve	One-way communication providing balanced and objective information to assist understanding about something that is going to happen or has happened.	Two-way communications designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision making.	Participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to decision-making.	Working together to develop understanding of all issues and interests to work out alternatives and identify preferred solutions.	The final decision making is in the hands of the public.
Promise to stakeholders	We will keep you informed.	We will keep you informed, listen to and acknowledge your concerns and aspirations, and provide feedback on how community/stakeholder input influenced the outcome.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how stakeholder input influenced the outcome.	We will look to you for advice and information in formulating solutions and options and incorporate your advice and recommendations into the outcomes to the maximum extent possible.	We will implement what you decide. We will support and complement your actions.
Issues, decisions or proposals for which this might be used	For any issues or decisions expected to be of interest to the wider community or to a specific group within the community.	When Council has developed a proposal it wants to obtain feedback on, whether or not that proposal has been developed with the prior involvement and collaboration of the community (it may also be undertaken either preceding or following other engagement).	For more significant or complex issues and proposals where involving the community prior to confirming solutions, options or a proposal is considered likely to achieve better outcomes and contribute to more effective and efficient decision-making.	For more significant or complex issues and proposals where collaborating with the community prior to developing solutions, options and proposals is considered likely to achieve better outcomes and contribute to more effective and efficient decision-making.	For matters where Council determines, by way of a resolution, that this is the most appropriate form of determining a decision on an issue.
Examples of issues we might use this for	Roadworks Boil water notices Community events Updates on projects underway	Any proposal of moderate to high significance where community views are not known and feedback is required to assist decision-making.	Water supply upgrades Some bylaws and policies Reserve Management Plans Upgrades or redevelopments of facilities and services which are of moderate to high significance	Redevelopments or upgrades of facilities and services that are of high significance	Dialogue with Government Shared projects
Methods Council might use	Websites Information flyers Public notices	Formal submissions and hearings, focus groups, phone surveys, surveys, opinion polls.	Workshops Focus groups Citizens Panel	External working groups (involving community experts), participatory editing.	Binding referendum
Who might be involved	Generally all members of the public, but information may be targeted to specific groups within the community where the decision specifically affects them.	Generally all members of the public, but consultation may be targeted to specific groups within the community affected by the decision.	Sub-committees Community groups Community representatives Members from other organisations Business representatives	Sub-committees Community groups Community representatives Members from other organisations Business representatives	Generally all members of the public, but may be only for specific groups within the community to whom the decision relates.
When the community can expect to be involved	Council would generally advise the community once a decision is made.	Council would advise the community once a draft decision is made Council and would generally provide the community with up to 4 weeks to participate and respond.	Council would generally provide the community with a greater lead in time to allow them time to be involved in the process.	Council would generally involve the community at the start to scope the issue, after information has been collected and when options are being considered.	Council would generally provide the community with a greater lead in time to allow them time to be involved in the process - eg typically a month or more.

General guidelines for discretionary engagement

Council should inform the community about all decisions. At a minimum this can be done through the Council minutes placed on the website. The more significant a decision is, particularly where the 'controversy' and 'community impact' criteria score highly in the assessment undertaken in Schedule 2 of this policy, the information provided should be more widely distributed.

For all issues requiring engagement beyond 'inform', an engagement plan must be prepared using the template provided in Schedule 4 of this policy prior to commencement of the engagement process. The time spent on the engagement plan and detail provided should be proportionate to the level of significance and extent of the engagement process i.e. a lighter level of detail for the 'inform' level of the spectrum but more detailed for 'consult' onwards.

The following steps should be undertaken in conjunction with preparing the engagement plan.

Step One: Define the purpose of engagement

- Identify why engagement is important for your policy, project or service – e.g. to create awareness of issues, greater understanding of on-the-ground issues, early identification of potential problems.
- Identify what outputs (tangible products you want to produce) or outcomes (desired end states) you want to achieve by undertaking stakeholder engagement.

Step Two: Decide who to engage

- Create a list of relevant stakeholders with consideration given to the following questions, where relevant:
 - What individuals have a stake or an interest in the issue? Who will potentially be impacted by the outcomes?
 - Who is influential in the project/policy arena? Who makes the decisions or can influence decisions?
 - Who is critical to delivery? Who will contribute resources?
 - Who can slow or stop the project?
 - Who has been excluded and may not have been considered?
 - What point in the process are stakeholders being engaged with?
 - Who are the silent, marginalised or harder to reach stakeholders?
- Determine the suitable level of engagement for each stakeholder based on:
 - Their level of interest and/or level of influence/representation
 - The overall significance of the issue, decision or proposal
 - Time and resources available for engagement
 - The extent to which community views are already known or can be gauged through previous consultation on similar issues, proposals and decisions
 - How well the choice of engagement will achieve the best decision-making outcomes for the community and contribute to effective and efficient decision-making

Step Three: Decide how to engage

- When a level of engagement has been selected, the significance of the issue, decision or proposal (as assessed under Schedule 2 of this policy) should be used to help determine the extent of:
 - Time and resources committed to the engagement process

- The range of tools used for that level of engagement as outlined on the following table.

Community-initiated engagement

Sometimes representatives or groups from the community approach Council inviting us to engage on matters that are important to them.

Decisions on whether engagement should be undertaken should be made on a case-by-case basis.

In determining whether Council will commit time and resources to community-initiated engagement, officers should assess whether there is a potential decision or proposal associated with the matter, the significance of the matter and refer to the General Approach to Engagement outlined in this policy.

SCHEDULE 4:

COMMUNITY ENGAGEMENT PLAN TEMPLATE

[Project name] Engagement Plan

Project description and background

[Briefly describe the proposal or decision to be made, the circumstances that led to it, related council decisions already made, and any legislation applying]

Engagement purpose and objectives

[What is the overall purpose of the engagement?

What feedback or decisions are sought from communities and stakeholders?

What decisions will be made by council that are to be informed by community input?]

Objective of the proposal/decision	Reasons for engagement	Outputs	Outcomes
<i>Example:</i> Cultural facilities redevelopment	<i>Example:</i> To ensure stakeholders contribute to: <ul style="list-style-type: none">• Knowledge and understanding of the business needs• Assessment of business risks• Development of appropriate solutions• Achievement of the business objectives	<i>Example:</i> To develop a business plan and redevelopment proposal for the LTP that incorporates and is consistent with the needs of the community and visitors.	<i>Example:</i> Redeveloped facilities meet the needs of the community and visitors.

Timeframe and completion date

[Describe the project stages and key decision points, include the likely dates of decisions to be made by council. If necessary, a more detailed timetable can be attached to this plan.]

Key project stages	Start date	Completion date

Communities and stakeholders to be engaged with

[List the key communities and stakeholder representatives to be engaged]

Level of engagement

[List the key communities and stakeholders to be engaged with, describe level of engagement to be used Refer to the Engagement Guide to determine the engagement level desired and why this level is considered appropriate].

Community group or stakeholder representative	Level of engagement	Rationale for level of engagement

Engagement tools and techniques to be used

[List the key communities and stakeholders to be engaged with, describe the tools and techniques that will be used to engage and indicate when they can expect to be. Refer to the Engagement Guide to determine tools and techniques appropriate to the level of engagement identified above].

Community group or stakeholder representative	How this group will be engaged (methods and tools to be used)	When they will be engaged

Resources needed to complete the engagement

[This schedule should include time allocations for council staff and councillors, and costs involved in delivering the selected tools and techniques. This should include costs of external service providers, special materials needed, data analysis, venue hire and so on.]

Communication planning

[Outline any council reputation risks that may be associated with this project
Describe measures to be undertaken to mitigate those risks
Describe key messages to be publicly communicated
If necessary attach a separate communication plan]

Basis of assessment and feedback to the communities and stakeholder representatives involved

[Having gathered and analysed community input, describe how this will be analysed and results communicated to council and to the participating communities. Indicate whether this feedback will occur before or after Council decisions are made.]

Project team roles and responsibilities

Outline who will be contributing to this project, including external service providers, and who has oversight of it within Council.

Team member	Role and responsibilities