

SIGNIFICANCE AND ENGAGEMENT POLICY

INTRODUCTION

The Significance and Engagement Policy is one of the policies that the Local Government Act 2002 requires councils to have (refer section 76AA, LGA 2002). The Buller District Council adopted the last Significance & Engagement policy on 1 December 2015. The policy has been updated as part of the 2018-28 Long Term Plan.

The purpose of the policy is to provide councils with guidance on how important or “significant” things they have to make decisions about are; and how much engagement or consultation they should have with the public about them. This is also to ensure that council decision-making is transparent and fair. The Act is specific about how council conducts 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.”

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

“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 term 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.”

ABOUT SIGNIFICANCE

The Act provides guidance and requirements on how councils determine the significance of proposals and decisions on communities. Those potentially affected in communities include: the public, sectors of the community, iwi, vulnerable groups in the community; organisations; and interest groups. Vulnerable groups include: the very young; the old; those less able or in poor health; and those with limited means.

The council’s general approach is to identify the potential impact, i.e., the consequences of proposals and decisions on the community. Consequences depend on the likelihood and frequency (i.e. how often) of the impacts occurring and the magnitude of those impacts. Significance ranges from low to high in a continuous spectrum, as show on Figure x.1. At one end there may be no consequences, or very few (low significance); at the other there may be major consequences (high significance).

The significance generally mirrors the engagement required (discussed in more depth in the next section). Low significance proposals and decisions generally require less engagement; and high significance requires high engagement, unless they are particularly contentious.

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

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

Council uses the following thresholds as a guide to assess significance of any issue, proposal or matter and the level of engagement:

- Those that equate to more than 5% of the council’s asset base or 5% of the councils budgeted turnover.
- Those that significantly alter the intended level of service provision for any significant activity.
- Those that reduce council income or increases rates.
- To transfer ownership or control of a strategic asset to or 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 the council uses as a guide to assess any issue, proposal or matter and the level of engagement include:

- Those that affect a large portion of the community.
- The likely impact on interests of the community and future generations, and recognising iwi cultural values and their relationship to land and water.
- Those that are likely to generate a high degree of interest or controversy in terms of the number of people, the area potentially affected, and the duration of the impacts.
- Whether the potential impacts are reversible.
- Where the financial implications, now or in the future, on the council's overall resources are substantial.
- Whether the community views are already known, including the preference of the community about the form of engagement.
- Where the form of engagement has been used in the past for similar matters.

Proposals and decisions with high significance are considered on a case-by-case basis. The following section talks about how the council engages with the community and receives their input before council makes decisions that may affect communities.

Where a proposal or decision is considered significant the council must have greater regards for the decision-making provisions of the Local Government Act 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 of 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 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.

TYPES OF ENGAGEMENT

Types of engagement or communication the council uses include:

- The council website www.bullerdc.govt.nz
- Social media such as Facebook
- Announcements on the local radio stations
- Newsletters
- Letters to ratepayers
- Posters and leaflets on community notices boards and in community buildings
- Public meetings
- Workshops and roadshows
- At Council meetings, during the public sessions
- Clinics or meetings with councilors and the mayor and or key staff.

ABOUT CONSULTATION

Section 82 of the Local Government Act 2002 sets out principles of consultation for significant matters (refer Appendix 1). **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 Māori.
- **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.

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 on issues, to inform and educate. The Local Government Act, and other government acts related to official information set out very clear requirements for council to follow about when council must consult, and how; or when it may not.

Such circumstances when council may not consult with the public or release official information are numerous and are set out in section 82 of the Local Government Act 2002 (refer Appendix 1). **Some include:**

- 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.

COUNCIL'S APPROACH TO ENGAGEMENT

Council's approach to engagement includes the following criteria:

1. The council will apply a consistent and transparent approach to engagement.
2. When engaging with iwi, council acknowledges that face-to-face meetings are preferred. Other tools such as Memoranda of Understanding, Heads of Agreements or other similar high level agreements or understandings may also be considered.
3. Council is required to carry out consultation in accordance with section 82 of the Local Government Act 2002 on certain matters, regardless of whether they are considered significant as part of this policy (refer above).
4. In all other cases council is required to undertake a special consultative process, as set out in section 83 of the Local Government Act. This also includes cases where the council deems a matter as significant that is inconsistent with this policy.

STRATEGIC ASSETS

Section 5 of the Local Government Act 2002 defines a strategic asset:

"strategic asset, in relation to the assets held by a local authority, means an asset or a 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."

Buller District Council's strategic assets include the following things, systems and places. The council needs to retain these assets in order to maintain its capacity to achieve or promote its community outcomes for the current and future well-being of the community. Note a strategic activity or service is one that is associated with owning, operating, servicing or maintaining a strategic asset:

- 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 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.