
SIGNIFICANCE AND ENGAGEMENT POLICY



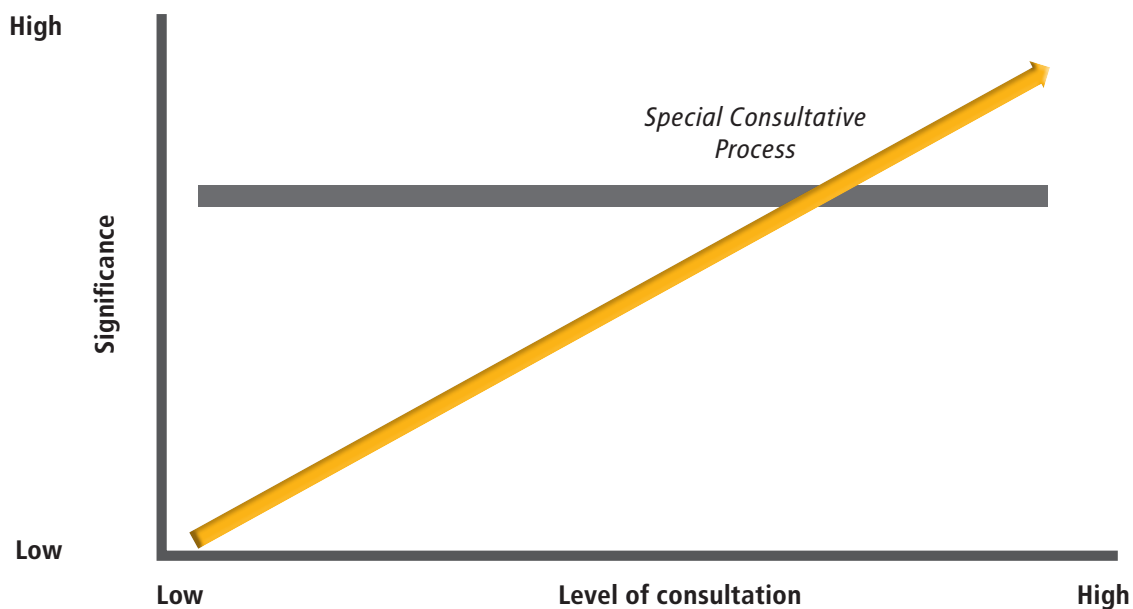
Significance & Engagement Policy

1. Purpose

The purpose of the policy is to enable Council and our community to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities. It also aims to provide clarity about how and when communities can expect to be engaged in decisions about different issues, assets or other matters. The policy will also 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.

2. Determining Significance

When considering a proposal or decision Council will take into account the thresholds and/or criteria detailed; if the decision relates to the strategic assets or is prescribed by legislation. If the issue exceeds one or more of the criteria/thresholds the matter is likely to have a higher degree of significance. Generally the greater the financial input the higher the impact on the community, a higher degree of public interest and therefore a higher degree of significance. However, there may be some cases where small financial transactions may attract great public interest, while large ones do not. See Appendix 2 for the Local Government Act 2002 definition of significance and significant.



The level of significance has a direct relationship to the level of consultation required with interested communities. Decisions of low significance may require little or no consultation, however as significance rises the requirement for consultation increases with decisions of high significance likely to require council to undertake a special consultative process.

Council may take into account knowledge it has previously gained about what the preference of the community is e.g. resident opinion surveys, community plans, community outcomes, previous public submissions and media coverage.

Each proposal or decision will be considered on a case by case basis to determine significance. The method and level of consultation or engagement will differ for each issue and will be proportional to the decision depending on location, level of significance and community preferences. The decision on a matter's significance lies ultimately with Council.

2.1 Criteria / Thresholds

Council will consider the following matters when considering whether an issue, asset or other matter is of significance under this policy:

- The potential level of financial consequence, in particular the impact on rates, user fees and charges
- The consequences or impacts of the issues, assets, or other matters on the District
- The extent of the consequences or impact on the ratepayers and residents within the District
- The issue, asset, or other matter have a history of wide public interest within Central Otago, the Otago Region or New Zealand generally
- The achievement of, or ability to achieve, the Council's strategic issues and objectives as set out in the Long Term Plan
- The capacity of Council to perform its role and carry out its activities, now and in the future
- The financial, resource and other cost impacts of the decision
- The extent to which there is, or is likely to be, a change in the level of service in carrying out any significant activity
- Entry into any partnership with the private sector to carry out a significant activity
- The degree to which the decision or proposal is reversible
- The sustainability of the decision or proposal
- The degree to which the issue has cultural relevance
- The creation of a new group or activity, the cessation of a group or activity

2.2 Strategic Assets

Listed below are the assets that Council considers to be strategic. Council needs to retain these assets to maintain its capacity to achieve or promote outcomes that it determines to be important to the well-being of the community.

- Council water, wastewater and stormwater networks as a whole
- The roading network as a whole
- Reserves listed and managed under the Reserves Act
- All other Council owned infrastructure
- Alexandra Airport

3. Procedure

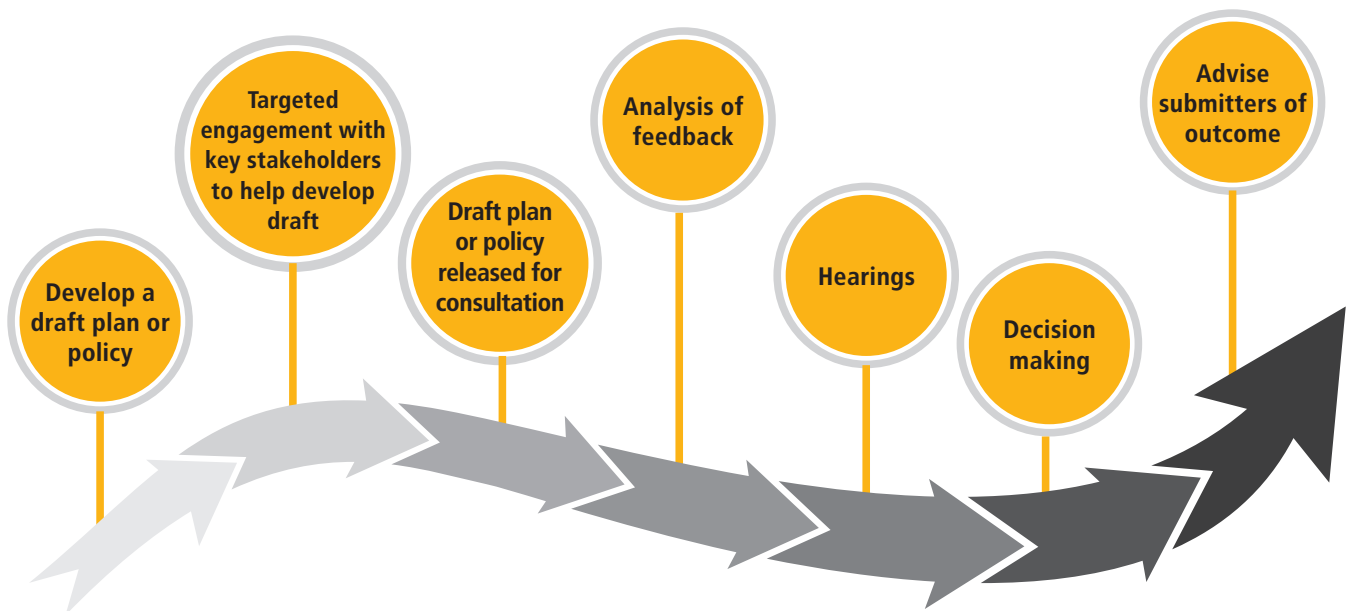
Council will consult when it has a legislative requirement to do so and the Special Consultative Procedure is the formal process which enables the community to have a say on significant decisions. Please see Appendix 3 for Section 83 of the Local Government Act which outlines the Special Consultative Procedure.

Council recognises its responsibilities with respect to consulting Maori and endeavours to foster the development of Maori capacity to contribute to Council's decision making as set out in the Long Term Plan.

Council prepares a proposal and advertises it for public submission. Submissions on the proposal can be received from anybody and the time period for receiving submissions is at least a month.

People who have submitted can also request to speak to Council regarding their submission and this is done through a hearings process. This is organised in the most appropriate council office/service centre and we will provide for audio/ audio visual links as well as facilitate translation (however, we will require notice). We will acknowledge receipt of submissions (automatically acknowledged online).

After considering all the submissions the Council then makes a decision on the proposal. We will provide access to the decisions made and free access to view the Council's website is available at the District's libraries. The Special Consultative Procedure has to be undertaken for Long Term Plans; making, amending or revoking a bylaw (if required under LGA 2002 Section 156(1)(a)); transferring Council's ownership of a strategic asset and other acts expressly required by law such as the Local Government Act 2002 and Resource Management Act 1991.



If a matter is considered significant by this policy and we don't have to use the Special Consultative Procedure we can engage in a less formal way – examples of when and how this will happen are set out in Appendix 1. The methods used will depend on the significance of the issue and we will use those methods considered most appropriate for the issue and the community affected. Council is not limited to these examples and is open to new and developing methods of engagement through the use of technology and innovation.

Every agenda item requiring a decision will require the report author to consider significance and engagement. Council officers will be responsible for making recommendations to elected members about a decision's significance and the level of engagement or consultation they believe is required. When the proposal or decision is considered to be significant the report will include a statement addressing the appropriate observance of the Local Government Act 2002. The final decision about the significance of any matter rests with elected members who will also take into account other factors such as urgency, safety and commercial sensitivity.

4. When Council Won't Consult or Engage

There are times when we won't normally consult with the community because the issue is routine, or operational or because there is an emergency. The Council will not engage on:

- Emergency management activities such as during a state of emergency
- Decisions that have to be made urgently and it is not reasonably practicable to consult
- Decisions to act where it is necessary to comply with the law
- Decisions that are confidential or commercially sensitive as prescribed under the Local Government Official Information Act 1987
- Commercial decisions that are time sensitive
- Organisational decisions (such as staff changes and operational matters) that do not materially change a level of service
- Decisions with regard to legislative requirements and enforcement activities
- Any decisions that are made by delegation/sub-delegation to officers (detailed in CODCs Delegation Register)
- Any matter where the costs of consultation materially outweigh the benefits of it
- Entry or exit from a development agreement (private contract) as per section 207A Local Government Act 2002
- An issue where Council already has a good understanding of the views of the persons likely to be affected by or interested in the matter e.g. resident opinion survey, community plans, community meetings
- A matter that Council has consulted on in the last 24 months, where there has been no material change to the issue over this period

When Council doesn't consult it is still required to consider the views and preferences of persons likely to be affected by, or have an interest in the proposal or decision.

5. Policy Review

The policy will be reviewed at a minimum of every three years during the first six months of the new triennium; as required by any legislative changes or other reason.

Changes to this policy do not have to be made through the Special Consultative Procedure and may be made by Council resolution.

Appendix 1

ENGAGEMENT LEVELS AND METHOD

Level of Community Engagement	Engagement Examples	Engagement Toolbox (Council will use a combination of methods considered most appropriate and not limited to those listed)
High (including Special Consultative Procedure)	<ul style="list-style-type: none"> • Long Term Plan (LTP) • District Plan • Annual Plans (where there are significant or material differences to the LTP) • Transferring ownership or control of a strategic asset • Making, amending or revoking 	<ul style="list-style-type: none"> • Statutory notice (if required) • Advertising newspaper and radio • Media releases/website news • Social Media • Drop-in sessions/roadshows or public stands/public meetings • Rates newsletter article (if/when timing allows) • Consider targeted consultation if any special interest groups or stakeholders (email/letter/direct contact) • Hard copies available at Council facilities (service centres and libraries) • Submissions (by mail, email, online) • Hearings • Public decision • Direct feedback to submitters
Medium	<ul style="list-style-type: none"> • Making minor bylaw changes • Electoral system review • Resident Opinion Survey 	<ul style="list-style-type: none"> • Statutory notice (if required) • Advertising • Media releases/website news • Social Media • Drop-in sessions • Rates newsletter article (when timing allows) • Consider targeted consultation if any special interest groups or stakeholders (email/letter/direct contact) • Hard copies available at Council facilities (service centres and libraries) • Feedback opportunities (by mail, email, online) • Feedback via website/public notices/media
Low	<ul style="list-style-type: none"> • Road works • Maintenance work on Council infrastructure • Annual Report adoption • Holiday closures • Service disruptions 	<ul style="list-style-type: none"> • Media release/website news or media advisory/website note/spotlight (as appropriate) • Advertising • Social Media • Targeted information for any known special interest groups or stakeholders

Very high degree of significance

Very low degree of significance

SIGNIFICANCE

Appendix 2

Local Government Act 2002

5. INTERPRETATION

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.

Appendix 3

Local Government Act 2002

83. SPECIAL CONSULTATIVE PROCEDURE

- (1) Where this Act or any other enactment requires a local authority to use or adopt the special consultative procedure, that local authority must -
 - (a) prepare and adopt -
 - (i) a statement of proposal; and
 - (ii) if the local authority considers on reasonable grounds that it is necessary to enable public understanding of the proposal, a summary of the information contained in the statement of proposal (which summary must comply with section 83AA); and
 - (b) ensure that the following is publicly available:
 - (i) the statement of proposal; and
 - (ii) a description of how the local authority will provide persons interested in the proposal with an opportunity to present their views to the local authority in accordance with section 82(1)(d); and
 - (iii) a statement of the period within which views on the proposal may be provided to the local authority (the period being not less than 1 month from the date the statement is issued); and
 - (c) make the summary of the information contained in the statement of proposal prepared in accordance with paragraph
 - (a)(ii) (or the statement of proposal, if a summary is not prepared) as widely available as is reasonably practicable as a basis for consultation; and
 - (d) provide an opportunity for persons to present their views to the local authority in a manner that enables spoken (or New Zealand sign language) interaction between the person and the local authority, or any representatives to whom an appropriate delegation has been made in accordance with Schedule 7; and
 - (e) ensure that any person who wishes to present his or her views to the local authority or its representatives as described in paragraph (d)-
 - (i) is given a reasonable opportunity to do so; and
 - (ii) is informed about how and when he or she may take up that opportunity.
- (2) For the purpose of, but without limiting, subsection (1)(d), a local authority may allow any person to present his or her views to the local authority by way of audio link or audiovisual link.
- (3) This section does not prevent a local authority from requesting or considering, before making a decision, comment or advice from an officer of the local authority or any other person in respect of the proposal or any views on the proposal, or both.

77 Requirements in relation to decisions

- (1) A local authority must, in the course of the decision-making process,—

- (a) seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
- (b) assess the options in terms of their advantages and disadvantages; and
- (c) if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Maori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.

(2) This section is subject to section 79.

78 Community views in relation to decisions

(1) A local authority must, in the course of its decision-making process in relation to a matter, give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter.

(2) [Repealed]

(3) A local authority is not required by this section alone to undertake any consultation process or procedure.

(4) This section is subject to section 79.

80 Identification of inconsistent decisions

(1) If a decision of a local authority is significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with, any policy adopted by the local authority or any plan required by this Act or any other enactment, the local authority must, when making the decision, clearly identify—

- (a) the inconsistency; and
- (b) the reasons for the inconsistency; and
- (c) any intention of the local authority to amend the policy or plan to accommodate the decision.

(2) Subsection (1) does not derogate from any other provision of this Act or of any other enactment.

81 Contributions to decision-making processes by Maori

(1) A local authority must -

- (a) establish and maintain processes to provide opportunities for Maori to contribute to the decision-making processes of the local authority; and
- (b) consider ways in which it may foster the development of Maori capacity to contribute to the decision-making processes of the local authority; and
- (c) provide relevant information to Maori for the purposes of paragraphs (a) and (b).

(2) A local authority, in exercising its responsibility to make judgments about the manner in which subsection (1) is to be complied with, must have regard to—

- (a) the role of the local authority, as set out in section 11; and
- (b) such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.

82 Principles of consultation

(1) Consultation that a local authority undertakes in relation to any decision or other matter must be undertaken, subject to subsections (3) to (5), in accordance with the following principles:

- (a) that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons:
- (b) that persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority:

- (c) that persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented:
 - (d) that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons:
 - (e) that the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration:
 - (f) that persons who present views to the local authority should have access to a clear record or description of relevant decisions made by the local authority and explanatory material relating to the decisions, which may include, for example, reports relating to the matter that were considered before the decisions were made.
- (2) A local authority must ensure that it has in place processes for consulting with Maori in accordance with subsection (1).
- (3) The principles set out in subsection (1) are, subject to subsections (4) and (5), to be observed by a local authority in such manner as the local authority considers, in its discretion, to be appropriate in any particular instance.
- (4) A local authority must, in exercising its discretion under subsection (3), have regard to—
- (a) the requirements of section 78; and
 - (b) the extent to which the current views and preferences of persons who will or may be affected by, or have an interest in, the decision or matter are known to the local authority; and
 - (c) the nature and significance of the decision or matter, including its likely impact from the perspective of the persons who will or may be affected by, or have an interest in, the decision or matter; and
 - (d) the provisions of Part 1 of the Local Government Official Information and Meetings Act 1987 (which Part, among other things, sets out the circumstances in which there is good reason for withholding local authority information); and
 - (e) the costs and benefits of any consultation process or procedure.
- (5) Where a local authority is authorised or required by this Act or any other enactment to undertake consultation in relation to any decision or matter and the procedure in respect of that consultation is prescribed by this Act or any other enactment, such of the provisions of the principles set out in subsection (1) as are inconsistent with specific requirements of the procedure so prescribed are not to be observed by the local authority in respect of that consultation.

82A Information requirements for consultation required under this Act

- (1) This section applies if this Act requires a local authority to consult in accordance with, or using a process or a manner that gives effect to, the requirements of section 82.
- (2) The local authority must, for the purposes of section 82(1)(a) and (c), make the following publicly available:
- (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.
- (3) In the case of consultation on an annual plan under section 95(2), instead of complying with subsection (2), the local authority must prepare and adopt a consultation document that complies with section 95A.
- (4) Nothing in this section applies where the special consultative procedure under section 83 is required to be used.
- (5) Nothing in this section limits the application of section 82.