

<b>Significance and Engagement Policy</b>			
<b>Adopted By</b>			
<b>Department</b>	Community Services		
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<b>Relevant Legislation</b>	Local Government Act 2002 ( <b>LGA 2002</b> )		

## Purpose

The purpose of this policy is to provide clarity on when and how the community may be engaged in decision-making processes by the Napier City Council. It has been prepared to assist the Council and the community with identifying the degree of significance attached to particular issues, proposals, assets, decisions, and activities, and then identify the various ways in which the Council might engage with the community to obtain views and feedback.

## Rationale

Community engagement allows the community to participate in, and inform, the Council's decision-making processes. Providing opportunities for engagement, where required, can assist with improving confidence in Council decision-making processes, and decisions. In general, engagement, whether it is a statutory requirement or not, helps the Council understand varied points of view. This in turn enables the Council to make better decisions and deliver better services for Napier, by reflecting the aspirations of mana whenua, residents, ratepayers, community groups and businesses.

## Overview of Council decision-making and the role of this Policy

Under the Local Government Act 2002, the Council is charged with enabling democratic decision-making by and on behalf of communities. The Council makes a wide range of decisions, and other than when it is required to consult, has to determine whether to engage and, if so, how, with its community (or groups or individuals within the community).

The Council makes these determinations based on a range of factors, including the significance of the matter being considered. This policy is for the purpose of guiding the Council's approach to determining significance, and the way in which engagement or consultation will or may occur.

The Council, and its community boards, must ensure that all decision-making requirements, including those relating to consultation and engagement, are properly complied with when making decisions.

## Structure

There are three key parts of this policy:

- **Significance (p2 to p3)** – this section outlines what significance is, and how the assessment of significance is undertaken and documented.
- **Engagement (p3 to p6)** – this section discusses when and how Council will engage with communities, and when it will not.
- **Strategic assets (p8 to p9)** – Schedules 1 and 2 identify the Council's strategic assets. The significance section explains why it matters that something is a strategic asset.

## Significance

### General Approach

The Council needs to assess the degree of significance of matters and proposed decisions as part of its decision-making. Where a decision is of higher significance the more rigorous the Council needs to be in complying with its legal obligations. This means that an assessment of significance is generally one of the first actions the Council will take in the decision-making process.

Significance means the degree of importance of the matter, issue, proposal or decision, in terms of its likely impact on and consequences for:

- Parts of the city, the city as a whole, or the region
- Any persons who are likely to be particularly affected by or interested in the matter, issue, proposal or decision
- The achievement of, or means to achieve, Council's stated levels of service as set out in the current Long Term Plan
- The capacity of the Council to perform its role and carry out its activities, now and in the future
- The financial, resource and other costs of the decision, or whether these are already included in an approved Long Term Plan.

### Factors for Significance

Significance is assessed on a case-by-case basis. However, the assessment can be assisted and guided by relevant factors, including:

- the impact or consequences for affected residents or ratepayers and/or groups of residents or ratepayers
- financial impact on Council's overall resources and rating levels, including the cost of the decision (both capital and operating expenditure)
- impact on levels of service
- the involvement of a strategic asset
- consistency with current Council policy, strategy, outcomes or priorities
- the level of community interest in a matter or proposed decision
- the extent to which the decision can be reversed

Guidelines to help assess significance based on the above factors, and whether something would be regarded as of low or high significance, are outlined in Schedule 3. The significance of a matter may sit somewhere along the continuum between low to high significance. Ultimately, in assessing

the significance of a decision, Council will need to have regard to all relevant circumstances, factors and interests.

### **How does Council document significance?**

Where a matter, issue or proposed decision is being reported to the Council, or a committee or community board, the outcome of the significance assessment should be documented within the report. If members do not agree with the significance assessment, minutes should record this (along with reasoning), but this is not mandatory.

Where decisions are made by officers under delegated authority, without any report to Council, a committee or community board, documentation of the significance assessment is at officers' discretion. Officers are not obliged to record their significance assessments, but it is good practice to keep some form of written record of the significance assessment (especially where the decision is toward the higher end of the significance continuum).

### **Strategic assets**

Our strategic assets or groups of assets include those physical assets vital for delivering services to Napier and/or are important to achieve or promote any outcome that is important to the current or future well-being of our community. Strategic assets are the group of assets or the asset as a whole and not the individual elements of the asset. We also have some iconic assets of significance that are dealt with through heritage requirements. Council's strategic assets are listed in Schedule 2.

Any decision that transfers ownership or control of a strategic asset to or from Council, can only be taken if explicitly provided for in the Council's Long Term Plan and consulted on in accordance with section 93E of the LGA 2002.

The approach to an engagement or consultation on other decisions regarding strategic assets will be determined in light of the level of significance of the relevant proposal (see section on significance above).

## **Engagement**

Community engagement is a process involving all or some of the community and is focussed on decision-making or problem solving. Council is likely to engage when a matter, issue, proposal or decision is of higher significance. It will also consult when required by legislation, such as consultation using the special consultative procedure (outlined below), or in a manner that gives effect to the principles in section 82 (see section 82A LGA 2002).

The Council will not engage on every decision or matter. To do so would be inefficient and costly.

Engagement is to be proportionate to the matter being considered and will be conducted in accordance with our principles above, and those in section 82 of the LGA 2002. An engagement process may be for a single matter or could be part of a combined consultation, where that is appropriate.

The Engagement Spectrum, based on the International Association of Public Participation (IAP2), assists the Council to determine the approach we might take to engaging with the community on a case-by-case basis (noting that the inform part of the IAP2 spectrum does not involve an engagement process prior to a decision being made). The consult option brings in a wider range of engagement types than just statutory consultation under the LGA 2002.

A combination of approaches may be used on any given engagement process. The detailed Engagement Spectrum (Schedule 4) outlines approaches, methods and tools. The approach and methods for engagement on matters of higher significance will be outlined in an engagement plan.

## Principles

We apply the following principles in our approach to engagement and consultation:

### *Open and transparent.*

We will:

- interact in an open, honest and respectful way
- be clear about why and how we are engaging
- provide clear and relevant information
- encourage those interested in a matter to present their views to the Council
- provide enough time for feedback to be provided
- be open to and consider all feedback received
- advise the community of the decisions made

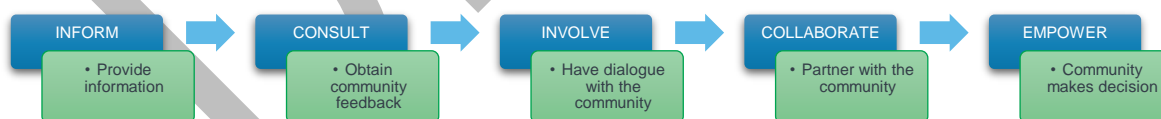
### *Inclusive and accessible*

We will:

- consider the communities preferences for engagement with the Council
- ensure that information prepared by Council for consultation and engagement is understandable
- consider a range of ways people can express their views
- provide opportunities for Māori to contribute to our decision-making processes in a meaningful way, through engagement and/or partnership approaches

The Council's Iwi Engagement Policy is a separate policy which is aligned with this policy. It provides clarity on how Te Waka Rangapū will nurture meaningful strong partnerships and support the Council and Mana Whenua in identifying the degrees of significance to particular issues, proposals, assets, decisions and activities.

## Engagement Spectrum – Overview



## Engagement with Māori

Council acknowledges the unique status of Māori, with particular regard to mana whenua. We will continue to build and strengthen our relationships with mana whenua representative entities and engage in a range of ways to ensure their views are appropriately obtained and represented as part of the Council's decision-making processes.

Council will engage with mana whenua where any matter involves a significant decision in relation to land or a body of water to ensure that the relationship of mana whenua and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna and other tāonga is considered.

Council recognises that there are differences between mana whenua and tāngata whenua and that different approaches are needed for Māori who live in Napier but do not have genealogical connections to mana whenua hapū. Council will engage with tāngata whenua where any matter involves a significant decision in relation to matters concerning community wellbeing.

Our Iwi Engagement Policy provides further detail on how the Council approaches engagement with mana whenua.

### **Special Consultative Procedure**

A Special Consultative Procedure (SCP) is required to be undertaken for some plans and processes, including:

- the Council's long-term plan (and any amendments to it); and
- bylaws of significant public interest or significant impact on the public – including changes or revocation.

If other legislation requires that the Council consult using the SCP, or another consultation process, those requirements apply regardless of this policy. For example, the Resource Management Act 1991 or the Reserves Act 1977, which require specific forms of consultation. The Council may also choose to use the SCP for other matters, even if it is not required.

When the SCP is used, the Council will:

- prepare and adopt a statement of proposal in accordance with Part 6 of the LGA 2002, and in some cases a summary of the statement of proposal (section 83AA)
  - the statement of proposal (other than for long term plan consultation) will include:
    - the reason for the proposal
    - an analysis of the options
    - other relevant information including any plans or policies (or any amendments if relevant)
  - For bylaws – the statement of proposal will include:
    - a draft of the proposed bylaw, or the proposed amendment of the bylaw, or a statement that the bylaw is to be revoked
    - the reasons for the proposal
    - a report on any determinations made under the Act on whether a bylaw is appropriate
- make the following information available to the public
  - the statement of proposal
  - advise people how they can present their views
  - state how long the proposal is open for submissions (not less than 1 month from the date the statement is issued)
- make the summary of the statement of proposal and/or the statement of proposal widely available as the basis for consultation
- provide a reasonable opportunity for people to present their view to the Council through spoken interaction (or using sign language). This can be done via audio link or audiovisual link

Consulting using the SCP does not prevent the Council from requesting advice or comment from a Council officer or any other person before making a decision.

### **When Council may not engage**

There may be situations when engagement is impractical or unnecessary due to the nature of the process, or proposed decision. This can be because:

- of time constraints e.g. failure to make a decision urgently would result in unreasonable or significant damage to property, or risk to people's health and safety, or the loss of a substantial opportunity to achieve the Council's strategic objectives
- the matter is of low significance or not significant (for example, many business-as-usual matters, such as a decision to purchase officer supplies or approve a submission to Parliament or a Government agency)
- there are confidentiality issues, such as decisions involving third party commercially sensitive information, which may prevent meaningful community engagement
- the Council is already aware of the views and preferences of the community in relation to the decision to be made

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## Schedule 1: Definitions

### Community

A group of people living in the same place or having a particular characteristic in common (i.e. community of interest). This includes interested parties, affected people and key stakeholders.

### Engagement

The process of sharing information and seeking feedback or input to assist decision-making. Formal consultation processes are a type of engagement.

### Long Term Plan

Council's 10 year plan. The plan is reviewed every three years, but can be amended following consultation at any time between the three year period.

### Significance

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 that matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for –

- a) the current and future social, economic, environmental, or cultural well-being of the district or region;
- b) any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter;
- c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.

### Significant

In relation to any issue, proposal, decision, or other matter, means that the issue, proposal, decision, or other matter has a high degree of significance.

### Strategic Asset

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 [that is, listed in this policy]
- (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

### Community Housing

The land or buildings owned by the Council and required to maintain its capacity to provide affordable housing as part of its social policy.

## Schedule 2: Strategic Assets

Refer to section on Strategic Assets (p4 and p9)

### **Assets Council owns that are strategic assets under Section 5 of the Local Government Act 2002:**

- Shareholding (equity securities) in Hawke's Bay Airport Ltd
- Council Housing
  - Arthur Richards Village
  - Carlyle Village
  - Centennial Village
  - Coventry Village
  - Greenmeadows East Village
  - Henry Charles Village
  - Munroe Village
  - Nelson Village
  - Oriel Village
  - Otatara Village
  - Rangimarie Village
  - Wellesley Village

### **Assets Council has determined to be strategic assets and strategic group of assets:**

#### Strategic Group of Assets\*:

- Sewage conveyance, treatment and disposal system, including the sewer network, pump stations and treatment works
- Water supply distribution systems, including reservoirs, pump stations and reticulation
- Land drainage system, including the storm water pipe network, waterways, and retention areas and pump stations
- Roothing network
- Recreational spaces (parks, sportsgrounds, and reserves)
- Cemeteries
- Swimming pool facilities
- Literary collections held by the Libraries (as a whole)

*\*While Council owns a number of assets managed as a group that it considers to be strategic, not all trading decisions made regarding these assets are regarded as significant, nor do they affect the asset's strategic nature. For example, the roading network is strategic, but small parcels of land that make it up may not be, and the purchase or sale of such parcels of land are unlikely to amount to a significant decision.*

#### Strategic Assets:

- Refuse transfer station
- Share of Omarunui Landfill



- Lagoon Farm
- McLean Park (land and buildings)
- Inner harbour
- Napier Municipal Theatre (building only)
- Kennedy Park Resort (land only)
- MTG Hawke's Bay (building only)
- Civic Building
- Napier Conference Centre (building only)
- Napier i-Site (building only)
- Bay Skate (grandstand only)
- National Aquarium of New Zealand (building only)

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## Schedule 3: Guidance and factors that will be considered when determining significance

\*Note: this is not intended to be an exclusive list

Factor	Degree of Significance	
	LOW	HIGH
Residents or ratepayers affected	Small impact on large proportion Or Moderate impact on small proportion	Moderate impact on large proportion Or Large impact on moderate proportion
Particular grouping in the community affected	No particular group affected, or relatively small impact on particular group	Large impact on specific group(s) e.g. youth, Māori, suburb
Financial impact on Council's overall resources and rating level Including cost of the decision (capital and operating)	Small impact <0.05% increase on rates and/or < \$500,000 external borrowing	Large impact >1% increase on rates and/or debt cap exceeded
Impacts to levels of service	No change to an activity group or Little or no change to levels of service	Creates or ceases an activity group* Large spending increase on activity group Large reduction in levels of service*
Strategic Asset	Involves minor changes to a strategic asset	Involves changes to ownership or control of strategic assets*
Consistency with Policy/Strategy	Consistent or minor inconsistency	Moderate or large inconsistency (Note: A decision that is inconsistent with a policy or strategy, including this policy, can be made if the requirements of section 80 LGA 2002 are complied with.)
Community interest	General agreement	Large divisions in the community Disagreement from large proportion of community

Reversibility	Ability to reverse Has low to medium impact on future generations	Is irreversible and/or will impact negatively on future generations to a high degree
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*\*Note: triggers section 97 of LGA 2002 so Special Consultative Procedure is required*

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# PUBLIC POLICY



## Schedule 4: Engagement Spectrum

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Approach	Provide information	Obtain feedback	Have dialogue	Partner	Community decides
When the community can expect to be involved	Informing once a decision has already been made	Seek ideas or input on options already developed	Community participate in the process and input into the matter before a decision is made	Work together to develop options and identification of preferred solutions	The final decision is made by the community
Types of issues	<ul style="list-style-type: none"> <li>Annual report</li> <li>Updates on significant projects</li> <li>Council papers</li> <li>Annual Plan where there are no significant changes from LTP</li> </ul>	<ul style="list-style-type: none"> <li>Long Term Plan</li> <li>Annual Plan</li> <li>Consultation - Significant and material changes from the Long Term plan for any given year (on the year that it falls – Bylaw –including changes</li> </ul>	<ul style="list-style-type: none"> <li>Policy development</li> <li>Long Term Plan development (prior to formal consultation)</li> <li>Some major projects</li> </ul>	<ul style="list-style-type: none"> <li>Community plans</li> <li>Sector-wide issues</li> <li>Projects with significant community focus/impact or implementation</li> </ul>	<ul style="list-style-type: none"> <li>Local body elections</li> <li>Locally based policies and initiatives</li> </ul>

<p>Tools</p> <p>(The issues above and these tools are examples and do not limit the Council's discretion to use a different form of engagement, or not carry out an engagement process at all)</p>	<p>INFORMAL</p>	<p>Social media</p> <p>Newsletters</p> <p>Radio</p> <p>Posters</p>	<p>Social media</p> <p>Focus groups</p> <p>Informal meetings</p> <p>Roadshows</p> <p>Expos</p>	<p>Interactive digital platforms</p> <p>Workshops</p> <p>Forums</p> <p>Panels (peoples panel)</p> <p>Engagement events</p>	<p>Advisory groups</p>	<p>Community-led groups</p>
	<p>FORMAL</p>	<p>Fact sheets</p> <p>Public notices publications</p>	<p>Surveys</p> <p>Formal submissions</p> <p>Hearings</p>	<p>Public meetings</p> <p>Expert panels</p>	<p>Project teams</p> <p>Steering groups</p> <p>Technical experts</p>	<p>Referenda</p> <p>Ballots</p>

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**Policy Review**

This policy will be assessed for review every three years or earlier should there be a requirement to do so.

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