

porirucity

Significance and Engagement Policy

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Version history

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SIGNIFICANCE AND ENGAGEMENT POLICY

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CONTENTS

CONTENTS	3
PURPOSE	4
INTRODUCTION	4
STATUTORY FRAMEWORK	5
HOW SIGNIFICANCE WILL BE DETERMINED	5
CRITERIA, THRESHOLDS AND PROCESSES TO DETERMINE SIGNIFICANCE	6
DETERMINING THE APPROPRIATE LEVELS OF ENGAGEMENT	7
COMPLIANCE PROCESS.....	7
SCHEDULE 1– LOCAL GOVERNMENT STATUTORY FRAMEWORK.....	8
SCHEDULE 2– STRATEGIC ASSETS.....	9
SCHEDULE 3 – COMMUNITY ENGAGEMENT GUIDE.....	10
SCHEDULE 4: ADDITIONAL INFORMATION ON SIGNIFICANCE CRITERIA..	13

PURPOSE

The purpose of the Significance and Engagement Policy¹ is to:

- enable the Council and its communities to identify the degree of significance (importance) for the issues, proposals, assets, decisions, and activities the city is considering;
- provide clarity about how and when communities can expect to be engaged in decisions; and
- inform the Council from the beginning of a decision-making process about the extent of public engagement expected before a decision is made; and type of engagement required.

INTRODUCTION

As a Council we are responsible for making decisions about our city. Outcomes from these decisions will affect residents in different ways. It is important for people who are likely to be affected to know about what may happen and to have an opportunity to tell us what they think.

Under the Local Government Act 2002 (the Act) councils are required, under some circumstances, to use the Special Consultative Procedure (SCP) as prescribed in s.83 when making a decision. Examples include adoption or amendment of long-term plans or bylaws. Refer to Schedule 4 to find out what decisions require a SCP.

In other circumstances, the Act allows a council to determine how significant or important a decision is and the appropriate level of public engagement.

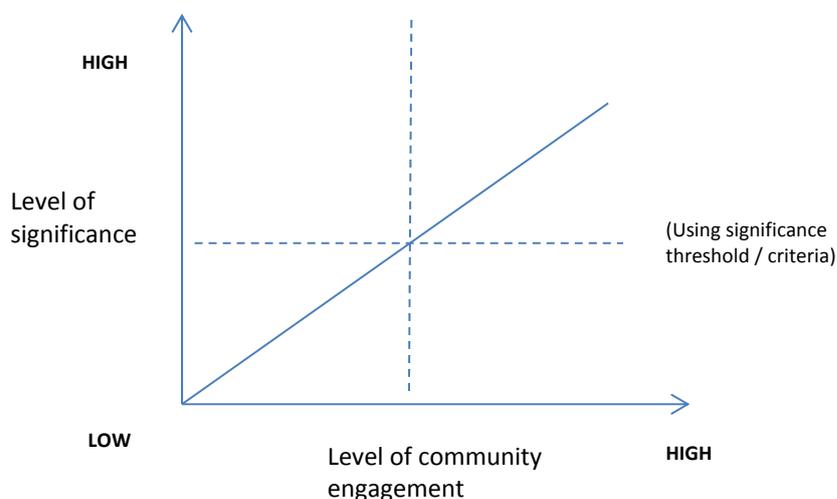
This policy outlines the criteria and thresholds we will use to determine a matter's significance.

When the SCP is not required under the Act, we can exercise discretion in determining an issue's significance, and planning our engagement, guided by the criteria described in this policy.²

¹ Required under s.76AA Local Government Act 2002 and replaces the Significance Policy formerly required under s.90 of the Local Government Act 2002.

² Note the SCP can still be used in circumstances where it is not mandatory if the council believes this is the most appropriate method for engagement.

In general, the greater the possible degree of impact that an issue has, the more likely it is to have a high degree of significance and require more deliberate engagement.



STATUTORY FRAMEWORK

Section 76AA of the LGA 2002 requires the adoption of a Significance and Engagement Policy.

- s.5 describes “*significance*” as the degree of importance of any issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and consequences for -
 - the city (district) or region
 - anyone likely to be particularly affected or interested
 - the capacity of the local authority to perform its role, and the financial and other costs of doing so;
- s.5 also describes “*significant*” as any issue, proposal, decision, or other matter having a “*high degree of significance*”;

The legal requirement for the Significance and Engagement Policy is part of the broader legal framework for local government. For further information on local government legal frameworks, as set out in the Act, see Schedule 1.

HOW SIGNIFICANCE WILL BE DETERMINED

The Council will determine the extent to which a matter for proposal or decision is significant using the criteria and thresholds provided in this policy.

Council officers will provide the following information, to help decision-making, in Council reports:

- the degree of significance of the issue
- whether the decision involves strategic assets (Schedule 2)
- the appropriate level of engagement given the level of significance; and

- an engagement approach/plan.

Different levels of engagement may be required during the phases of decision-making, and for different stakeholders. The Community Engagement Guide (see Schedule 3) provides examples of engagement issues and the types of tools we might use.

If the Council makes a decision that is significantly inconsistent with this policy, the steps identified in s.80 of the Act will be followed (see Compliance Process).

CRITERIA, THRESHOLDS AND PROCESSES TO DETERMINE SIGNIFICANCE

The Council will use eight criteria set out below to determine the significance of matters for proposal or decision.

Three of the eight criteria have thresholds that if met, mean that the matter for decision is of high significance. If any of these thresholds are met the matter for decision would most likely be included in a draft annual or long term plan and would therefore be consulted on via a special consultative procedure.

The three criteria and their respective thresholds are:

- Impact on level of service (including commencing or ceasing an activity)
- Changes in net cost (capital expenditure exceeding 1% of total value of Council's assets or operational expenditure exceeding 5% of Council's total operating expenditure)
- Strategic assets - transfer of ownership or control, disposal or abandonment.

The criteria are not of equal weight in determining the level of significance. The assessment will in most circumstances be applied to the criteria as a set, and a decision reached based on the overall picture on the level of significance.

We will take a precautionary approach to determine the overall significance of a matter if one criterion registers as significant and the others are marginal; or many or all criteria register as just below "significant".

A fuller explanation of each criterion is provided in Schedule 4.

Criteria	Less significant	More significant	Threshold (if applicable)
1. Is the outcome consistent with Long-term Plan or Annual Plan?	Yes	No	
2. What is the level of community interest?	Low	High	
3. Is there interest to Māori	No	Yes	
4. What is the level of impact on affected individuals and groups?	Low	High	
5. Is the outcome reversible?	Yes	No	
6. What is the impact on our levels of service?*	Low	High	The significant alteration of level of service such as commencing or ceasing an activity or shifting to regional provision/shared service arrangement
7. Will there be a change in net cost to Council?*	No	Yes	Capital expenditure exceeding 1% of the total value of Council's assets or operational expenditure exceeding 5% of Council's total operating expenditure)
8. Is a Strategic asset?*	No	Yes	The transfer of ownership or control or the disposal or abandonment of a strategic asset listed in the policy

* Denotes a criteria with a threshold

DETERMINING THE APPROPRIATE LEVELS OF ENGAGEMENT

The appropriate level of engagement can be decided, using the Community Engagement Guide (Schedule 3) after the level of significance of a matter for proposal or decision has been determined using this policy.

COMPLIANCE PROCESS

Section 80 of the Act will apply if the Council's decision is significantly inconsistent with this policy or any other enactment. The Council must clearly identify:

- (a) the inconsistency; and
- (b) the reason/s for the inconsistency; and
- (c) any intention to amend the policy or plan to accommodate the decision.

SCHEDULE 1 – LOCAL GOVERNMENT STATUTORY FRAMEWORK

The **purpose of local government** is set out in s.10 of the Act, to:

- enable democratic local decision-making and action by, and on behalf of, communities; and
- meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

Section 76-81 of the Act sets out the requirements for local government decision-making; s.82-87 set out the requirements for consultation.

In making decisions and performing its work, local government needs to consider and show evidence that it has taken into account a number of factors when making decisions. These factors include:

- identifying and assessing options
- quantifying benefits and costs
- determining the amount of information to be provided
- providing evidence of compliance with the significance and engagement policy
- providing processes to encourage and engage with Māori
- acting in accordance with the **principles relating to local authorities** (set out in s. 14 of the Act) including:
 - being aware of, and having regard to, the views of its communities
 - taking account of the diversity of the community and its interests
 - taking account of the interests of current and future generations
 - prudent stewardship and efficient and effective use of resources
 - taking a sustainable development approach.

SCHEDULE 2 – STRATEGIC ASSETS

Section 76AA(3) of the Local Government Act requires the Significance and Engagement Policy to list the assets we consider are strategic assets.

A strategic asset is any asset that we need to maintain our capacity to achieve or promote the strategic direction (outcomes, priorities, key projects) that are important to the current or future wellbeing of Porirua.

The definition applies to the assets as a whole because the asset as a whole delivers the service.³ Consideration will still be given however, to determine whether a matter affecting a component might substantially affect our ability to deliver the service.

Under s.97(2)(a) of the Act, any decision to transfer the ownership or control of a strategic asset to or from the Council can only be made if the decision has been explicitly provided for by a statement of proposal in the Council's Long-term Plan.

We consider the following assets in their entirety to be strategic assets:

- Road Network
- Water Network
- Wastewater Network
- Stormwater Network
- Reserves Network
- Moana Court Housing

³ For example the road network is strategic, but small parcels of land that make up the road network generally will not be, and the purchase or sale of such small pieces of land may not amount to significant decisions.

SCHEDULE 3 – COMMUNITY ENGAGEMENT GUIDE

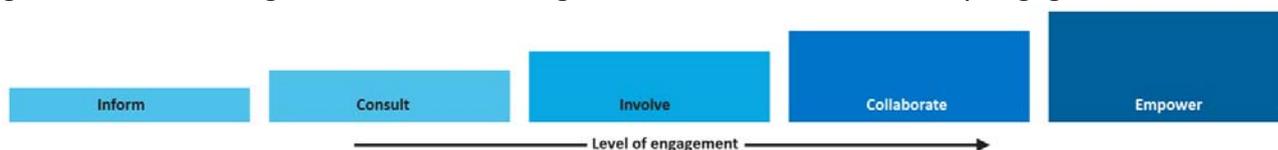
Purpose

Once the level of significance has been determined public engagement can be planned. This schedule provides a general guide about the types and levels of engagement that can be used when undertaking community consultation. This is not an exhaustive list of processes and techniques.

Background

Community engagement is a process involving all or some of the public, focussed on information gathering, decision-making or problem-solving.

The International Association for Public Participation (IAP2) has developed a Public Participation spectrum to demonstrate the types of engagement with the community.⁴ In general, the more significant an issue, the greater the need for community engagement:



Where an issue has an increased level of significance (or importance) the higher the level of engagement required.

Using the IAP2 spectrum, an issue of low significance would tend towards the left side of the spectrum under 'inform'. An issue of higher significance, with likely greater public impact, needs higher quality information and more opportunities to be informed and provide feedback. Issues of higher significance tend towards the right side of the spectrum.

It will not always be appropriate or practical (e.g. because of time and money) to conduct processes at the 'collaborate' or 'empower' end of the spectrum.

Much of the work of local government is conducted in the "inform" and "consult" level of the spectrum but other parts of the spectrum may be used for more significant matters.

Our commitment

When engaging with the community, the Council will:

- Seek the views of people who may be affected by, or interested in, a decision
- Provide relevant, timely and balanced information so people can contribute in a meaningful way
- Provide appropriate ways for people to have their say
- Tell the community what we decided and why after the decision had been made.

Forms of engagement

⁴ http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf

We can use a variety of engagement techniques over the time of decision-making. These can be tailored to take into account the history of the matter, the current level of public awareness (prior knowledge), the range of stakeholders involved, the relationship to other events (e.g. opportunities for parallel engagement) and budgetary constraints.

Special Consultative Procedure (SCP)

The special consultative procedure requires a council to prepare and adopt a statement of proposal⁵. The council must make the statement of proposal publically available and describe how and when the public can share their views with the council. The dates for the sharing of views must be not less than 1 month after issuing the statement of proposal.⁶

The Council is required to undertake a special consultative procedure as set out in section 83 of the Act in the following circumstances:

- adoption or amendment of a Long-term Plan (s.93A of the Act)
- adoption, amendment, or revocation of bylaws (s.156(1)(a) of the Act) if of significant interest to the public or there is, or is likely to be, a significant impact on the public
- adoption, amendment or revocation of a Local Alcohol Policy
- adoption or review of a Local Approved Products (Psychoactive Substances) Policy
- adoption or review of a class 4 venue policy under the Gambling Act 2003
- preparation, amendment or revocation of a waste management and minimisation plan; and
- where other Acts require it (e.g. Reserves Act 1977).

Unless already explicitly provided for in the Long-term Plan, we will seek to amend our Long-term Plan using a special consultative procedure, when proposing 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;
- make changes in net cost (capital expenditure exceeding 1% of total value of Council's assets or operational expenditure exceeding 5% of Council's total operating expenditure) or
- transfer the ownership or control of strategic assets, as listed in Schedule 2.

In these circumstances we will develop information that meets the requirements of s.82A of the Act, making this available to the public, allowing submissions for a period of up to 4 weeks, and will consider all submissions prior to making decisions.

Principles of consultation and information requirements

We will consult in a manner that gives effect to the requirements of s.82 of the Act where required, including for the following specific issues requiring decisions:

⁵ Accompanied with an optional summary of the statement of proposal if the council thinks this will help public understanding.

⁶ <http://www.legislation.govt.nz/act/public/2002/0084/latest/DLM172328.html>

- adopting or amendment the annual plan if required under s.95 of the Act;
- adopting or amending a bylaw if required under s.156(1)(b) of the Act in any case in which the special consultative procedure is not required;
- transferring responsibilities to another local authority under s.17 of the Act;
- establishing or becoming a shareholder in a council-controlled organisation;
- adopting or amending relevant statutory policies such as the Significance and Engagement Policy and Revenue and Financing Policy.

The following table provides examples of different levels of engagement that may be appropriate, the tools that might be used, and general timing for issues other than those listed above.

Increasing level of impact and engagement 					
Level of engagement	Inform	Consult	Involve	Collaborate	Empower
What does this level of engagement involve?	The Council provides balanced and objective information to help understand the problem, alternatives, opportunities and solutions.	Two-way communications: for the Council to provide information and public feedback on analysis, alternatives and decisions.	Participatory process to help identify issues and views to ensure that concerns and aspirations are consistently understood and considered in decision-making.	Working together to develop an understanding of issues and interests to work out alternatives and identify preferred solutions.	Placing final decision-making in the hands of the public.
Types of issues that we might use this level of engagement for	Local water restrictions; Road closures; Promotion of events	Rates review; Change to bylaws; Local Alcohol Plan	Changes to the Porirua District Plan,	Te Awarua-o-Porirua Harbour Strategy	Deciding election voting systems (eg STV, FPP) Village / Community Plans
Tools the Council might use for this level of engagement	Websites; Information flyers; Public notices in newspapers	Formal submissions and hearings; Focus groups; Surveys.	Workshops; Focus groups; Citizens' Panels	External working groups (involving community experts)	Binding referenda; Local body elections Village/community planning groups
When the community can expect to be involved for this level of engagement	Generally once a decision is made.	The Council would advise the community once a draft decision is made with a proposal and generally provide up to 4 weeks to participate and respond.	The Council would generally provide the community with earlier involvement and discussion of the issues and describing contributing factors.	The Council would generally involve the community at the start to help scope the issue; after information has been collected; and when options are being considered.	The Council would generally provide the community with more time and information to allow involvement.

SCHEDULE 4: ADDITIONAL INFORMATION ON SIGNIFICANCE CRITERIA

1. Consistency with Long-term Plan or Annual Plan



If the matter is identified in the adopted Long-term Plan or Annual Plan, it is likely to be considered “less significant”. This is because the matter has already been consulted on separately or in the draft plan stage. If a matter is not included in either plan, the issue should be treated as being “more significant”.

2. Community interest



The higher the degree of community interest in a matter for a proposal or decision, the greater the degree of significance and need for engagement.

3. Interest to Māori



There is an established set of relationships at governance and management levels between the Council and Ngāti Toa through Te Rūnanga o Toa Rangatira.

The level of interest to Māori for a particular matter for proposal or decision, and the appropriate level of engagement, will be determined in discussion with Te Rūnanga o Toa Rangatira.

We will also need to consider engaging with Māori in Porirua with other iwi affiliations.

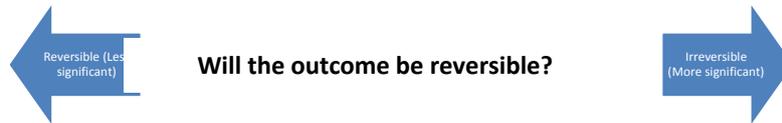
4. Affected individuals and groups



Generally, the greater the impact on affected individuals and groups, the greater the significance and need for engagement. We need to consider the impact on, and opportunities to engage with, different age groups (including children and young people),

ethnic communities (particularly with English as a second language), community groups and social service organisations.

5. Reversibility



The outcomes of some decisions are difficult to reverse (e.g. industrial development, subdivision, new road, reclamation) and need careful consideration. In general, the degree of significance will increase as the difficulty of reversing the outcome increases.

6. Levels of service



In general, the greater the impact of a decision on the Council's level of service for an activity (or group of activities) the greater the significance and need for engagement.

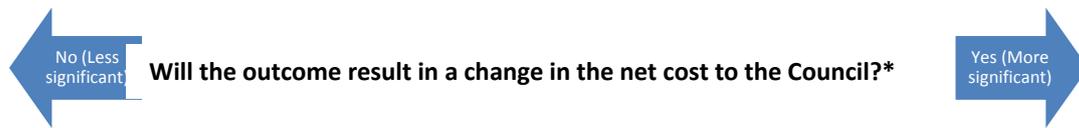
Impacts can include changes:

- to the way we deliver an activity
- our capacity to provide the activity
- a decision to cease or commence an activity
- a decision that will, directly or indirectly, severely affect our capacity (including financial) to carry out any activity identified in our Long-term Plan.

***Threshold**

- The significant alteration to the intended level of service provision for any significant activity undertaken by or on behalf of Council, including commencing or ceasing such an activity.

7. Net Cost



In general, the higher the cost to the Council, the greater the degree of significance. If the outcome of a matter for proposal or decision will result in no or low net cost, it will be regarded as “less significant”.

With this criterion, there is a threshold to trigger more analysis, planning and engagement when operational and capital expenditure is involved.

***Threshold**

Any one issue, asset, or other matter that will incur:

- capital expenditure exceeding 1% (\$13 million⁷) of the total value of Council’s assets⁸; or
- operational expenditure exceeding 5% (\$4.1 million) of Council’s total operating budget for that year.⁹

8. Strategic Asset



If a Council Strategic Asset is involved (Appendix 2) then the matter will be treated as being “more significant”, particularly if it involves the transfer of ownership or control, or the disposal or divestment of the asset.

***Threshold**

- The transfer of ownership or control, or the disposal or abandonment, of a strategic asset as a whole as defined by the Act 2002 or listed in this policy.

⁷ The two dollar figures provided for this threshold (\$13m and \$4.1m) are for the current financial year and will change over time.

⁸ The threshold for capital expenditure relates to new or development expenditure only, not asset renewal which is an important aspect of owning and managing assets

⁹ The thresholds are not mutually exclusive. Capital expenditure is also likely to result in associated operational costs.