

STATEMENT OF PROPOSAL FOR THE

CLUTHA DISTRICT COUNCIL

Policy on

Significance & Engagement

Submissions close on 27 April 2021

Proposed Policy on Significance & Engagement



This proposal is to update the existing Significance & Engagement Policy (SEP).

CHANGES TO THE EXISTING POLICY

- The policy includes reference to well-being in the significance criteria as re-introduced by the Local Government (Community Well-being) Amendment Act 2019.

MAKING A SUBMISSION

The proposed Significance & Engagement Policy is attached.

Your views on the proposed update are important to us, and we encourage you to make a submission.

Submissions can be made in writing or online via the Council website at www.cluthadc.govt.nz.

Please submit your views by 27 April 2021.

WHAT HAPPENS NEXT?

- We are inviting submissions until 27 April 2021.
- There will be a meeting held at 1 Rosebank Terrace on 5 May 2021 to hear those who wish to speak to their written submission.
- The Council will consider all submissions, make its decision and then let submitters know the outcome.
- The new Significance & Engagement Policy will apply from 1 July 2021.



BACKGROUND

Section 76AA(1) requires every Local Authority to adopt a Significance and Engagement Policy that sets out:

- The Local Authority's general approach to determining the significance of proposals and decisions in relation to issues, assets, and other matters; and
- Any criteria or procedures that are to be used by the Local Authority in assessing the extent to which issues, proposals, assets, decisions, or activities are significant or may have significant consequences; and
- How the Local Authority will respond to community preferences about engagement on decisions relating to specific issues, assets, or other matters, including the form of consultation that may be desirable; and
- How the Local Authority will engage with communities on other matters.

REASON FOR THIS PROPOSAL

The current Significance and Engagement Policy was last updated after public consultation in 2014. Since then, there has been changes introduced by the Local Government (Community Well-being) Amendment Act 2019.

THE PROPOSAL

The proposal is update he policy to reflect the following:

- to integrate requirements from amendments to the Local Government (Community Well-being) Amendment Act 2019 to include the four wellbeing's the definition of "significance,"
- Info here

SUPPORTING INFORMATION

Refer to the attached Policy on Significance and Engagement.

For the reader's convenience changes to the existing policy have been marked in red.

Now that these charges have been be developed, this is the opportunity to give your feedback on them. **Please submit your views by 5pm, 27 April 2021.**

Submission Form



Clutha District Council

Please provide your feedback on the proposed Significance & Engagement Policy to assist your Council in their decision-making.

PRIVACY

Note that submissions are public information. This supports our drive to be as transparent as possible, but, if there are any personal details you don't want made public please let us know.

YOUR DETAILS

First Name		Last Name	
Organisation			
Physical Address			
Email			

PRESENTING YOUR SUBMISSION IN PERSON

Would you like to come and talk to the Council about your submission on 5 May 2021?

Yes (in person), or No
 Yes (via Zoom)

If yes, please confirm your phone number so we can get in touch

YOUR FEEDBACK

You can leave your feedback on the proposal here or complete the 'your details' section above and attach your feedback.

Do you support the proposed amendments to the Proposed Significance & Engagement Policy?

Yes No

Comments



DRAFT SIGNIFICANCE AND ENGAGEMENT POLICY 2021

Approved by:	Council		
Department:	Policy		
Date Approved:	Draft for Consultation	Next Review Date:	February 2024
Relevant Legislation:	Local Government Act 202		
Clutha District Council Documents referenced:			

Clutha District Council has developed the Significance and Engagement Policy (the Policy) to determine the significance of issues within the District, and how to align our engagement with the public based on the degree of significance of the issue. The Policy aligns with provisions the Local Government Act (2002) (the Act).

1. PURPOSE

Clutha District Council is committed to making the best decisions possible on behalf of our communities. To help towards this goal, Council has developed this Significance and Engagement Policy. It contains our “house rules” to help explain when and how people are able to take part in and contribute to Council’s decisions.

The purpose of the policy is to:

- Set out how we work out how important something is i.e. its level of significance.
- Provide some clarity around how and when our communities and stakeholders can expect to be engaged in Council decisions.
- Inform and guide elected members and staff on the extent of engagement required before a decision is made, and give an indication of ways we can go about it.

By putting this policy into practice, the aim is it will help us work towards:

- Taking a clear and consistent approach to how we engage with residents, ratepayers and stakeholders.
- Ensuring people have access to timely and accurate information – so that they can understand and participate if they choose to.
- Anticipating conflict and encouraging early engagement among affected parties.
- Making better use of feedback from residents, ratepayers and stakeholders.
- Strengthening relationships with key stakeholders, community groups and organisations in the district.

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. Management decisions made by officers under delegations during the implementation of Council decisions will not be deemed to be significant.

Engagement - A term used to describe the process of seeking information from the community as a whole or specific communities of interest to inform and assist decision making. It provides an opportunity for the public to express a view on decisions or proposals being considered by Council. Engagement may not necessarily result in a win-win situation, complete agreement or consensus. However, engagement should allow all relevant views and options to be identified and then considered before a decision is made.

Consultation - Consultation is a subset of engagement, at the more formal end of the level of engagement spectrum – see table 1 on page 7.

Significance - As defined in Section 5 of the LGA2002 “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.

As defined in Section 5 of the LGA2002 “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.”

2. Policy

Engaging with the community helps Council understand the views and preferences of people likely to be affected by a proposal or decision.

2.1 Step 1: Determining the Level of Significance

Our general approach to determining the significance of proposals or decisions is to have regard to a range of criteria prior to decisions being made. Whilst not an exclusive list Council will be guided by the following:

- The potential level of financial consequence, in particular rates impact.
- The degree of impact on or change to levels of service, positive or negative.
- How many residents and ratepayers might be affected by the proposal or decision.
- The likely degree of community interest in the proposal or decision.
- The extent to which the consequences of the decision might be controversial.
- The degree to which the decision or proposal deviates from community outcomes or Long Term Plan, Annual Plan or policy.
- The potential impact on current and future ~~interests~~ well-being of the community.
- Whether there is a legal requirement to engage with the community.
- The degree of impact on a strategic asset, particularly if it involves transferring ownership or control.

A matter will be considered significant when one or more of the above criteria are considered high, or are met.

2.2 Strategic Assets

In respect to “strategic assets”, a key consideration is whether the assets are essential to the continued delivery of an “outcome” that Council has identified in the Long Term Plan as important to the well-being of the community. Decisions to transfer ownership or control of a strategic asset away from Council, or to construct, replace or abandon a strategic asset cannot be made unless they are first included in the Long Term Plan.

Council considers the following groups of assets as “strategic assets”:

- The roading network
- Urban and rural water supply networks
- Sewerage networks
- Stormwater networks
- Solid Waste Management, specifically the urban wheelie bin service and Mt Cooee landfill
- Community Services, specifically Cemeteries, Libraries, Balclutha Swimming Pool, Balclutha Memorial Hall, Community Housing, Reserves and Sportsgrounds – specifically Naish Park, Coronation Park, Riverside Reserve and Greater Taylor Park.

2.3 Engagement

- 2.3.1 In terms of engagement, the method and the amount of effort made to engage is often related to the degree of significance of an issue, proposal, decision or other matter.
- 2.3.2 The elected members of Council will approve the method of engagement where an issue, proposal, decision or other matter has a high degree of significance. In most other cases the method of engagement will be determined as a matter of operational procedure under delegated authority. In any cases where formal submission processes are contemplated, Council approval is required.
- 2.3.3 Council will consider community preferences about engagement by looking for consistent trends and preferences in community responses. Council will respond to and consider these preferences against the community outcomes identified in the Long Term Plan. Council will consider all preferences in an open minded manner and where practicable will incorporate them into its decisions.
- 2.3.4 Council recognises its obligations under section 81 of the Local Government Act 2002 to establish and maintain processes to provide opportunities for Maori to contribute to decision-making processes. Council's response is provided in the Long Term Plan and Annual Report. Council will continue to seek to develop relationships and consult in appropriate ways with Maori, taking into account the nature and significance of the decision to Maori.
- 2.3.4. Council staff will decide if and how Council will engage with the community on a case-by-case basis on other non-significant matters (not discussed above).
- 2.3.5 Council is unlikely to engage when:
- The proposal or decision is not of a nature or significance that requires it, e.g. there would be little public interest, or
 - The matter has already been addressed by Council's policies or plans, which have previously been consulted on, or
 - There is a need for commercial sensitivity, or
 - There is a threat to public health or safety or a risk to the environment, and a decision needs to be made quickly.

When the above circumstances apply and engagement is not to be undertaken, Council will still give consideration to the views and preferences of persons likely to be affected by, or have an interest in the matter. This will be in proportion to the significance of the matter.

2.4 Special Consultative Procedure

2.4.1. A special consultative procedure (SCP) is one specific part of engagement, used often where an issue, proposal, decision or other matter has a high degree of significance. In some circumstances Council is required by legislation to undertake an SCP. Where an SCP is undertaken Council will publish a proposal which is open for the Community to provide views and will be open for not less than one month. Examples where an SCP will be required include, but are not limited to:

- The adoption, amendment or revocation of bylaws
- The adoption, amendment or revocation of a Local Alcohol Policy
- The preparation, amendment or revocation of a waste management and minimisation plan
- The adoption or amendment of a policy for the early payment of rates.

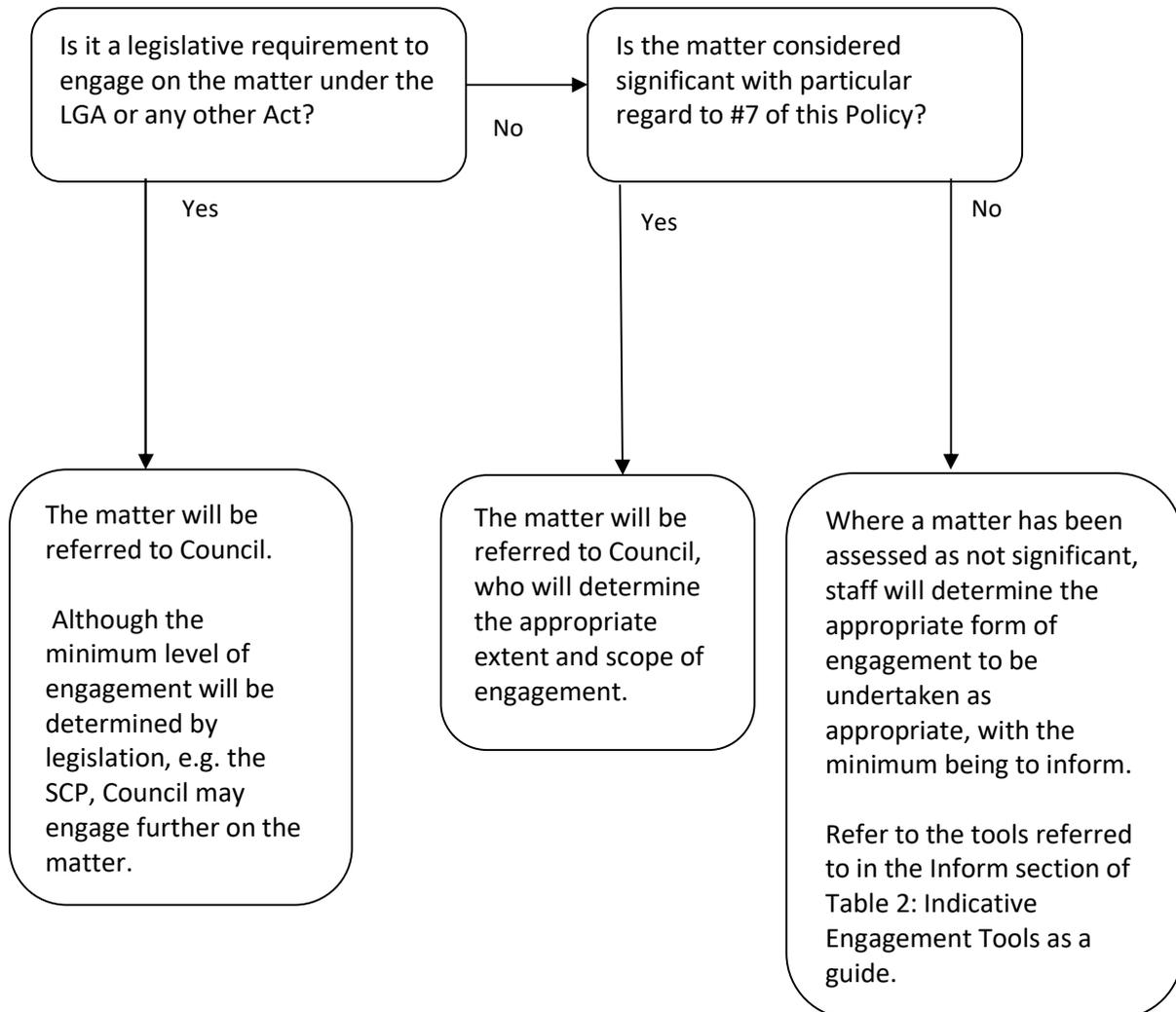
2.4.2 In addition to legislative requirements, Council will include an SCP as a mandatory element of a specific engagement plan where there is a high level of significance attached to a proposal to:

- Alter the level of service for any activity undertaken by or on behalf of Council; or
- Transfer the ownership or control of strategic assets.

2.4.3 When Council consults it will do so in a manner that gives effect to the principles of consultation specified in section 82 of the Local Government Act.

3. PROCEDURES

3.1 Significance and Engagement Flowchart

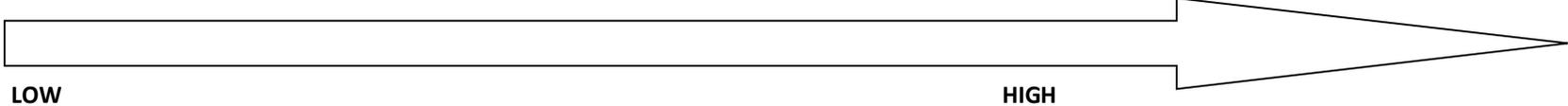


3.2 In the first instance Council staff will be responsible for assessing what level of engagement is required. They will be guided firstly by legislation and secondly by the significance of the matter.

3.3 If the issue, proposal, decision or other matter is considered to be significant Council is required to approve the method of engagement. Council approval is still required even if legislation requires an SCP because an SCP is only one part of possible engagement. Reports will include a statement explaining why there is a high level of significance and provide alternatives for engagement methods.

3.4 Each year the known significant matters requiring Council approval of engagement methods will be presented to Council for a decision. Where matters arise through the year decisions as to significance and engagement methods will be made on a case by case basis, guided by this Policy.

- 3.5 Where an issue, proposal, decision or other matter comes before Council the report will identify previous decisions relating to significance and the engagement method decided upon. This is the same requirement whether Council or staff made the decision on significance and engagement. Any decision report will include an assessment in regard to sections 77, 78, 80, 81 and 82 of the Local Government Act 2002 as applicable.
- 3.6 Council's approach to engagement will be informed by the International Association of Public Participation spectrum and decision-orientation approach as the foundation for its engagement. The spectrum will help Council to decide what type of engagement is required to enable decisions to be made. Refer to Table 1 for more information about the spectrum and its proposed application.
- 3.7 Over the time of decision making, Council may use a variety of engagement techniques on any issue or proposal based on a range of other factors, including history and public awareness of the issue, stakeholder involvement, and timing related to other events and budgets. Council will also take into consideration that the community can feel 'over consulted'. Each situation will be assessed on a case-by-case basis. Table 2: Indicative Engagement Tools outlines some of the methods of engagement.

Table 1: Level of Engagement Spectrum


LEVEL OF ENGAGEMENT	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
What it involves	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 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 community. Under the LGA 2002, the Mayor and Councillors are elected to make decisions on behalf of their constituents.
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 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, again after information has been collected and again 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. e.g. typically a month or more.
Council's Commitment to the Community	If it affects you, we will aim to keep you informed	We will aim to keep you informed, listen to and acknowledge your concerns and provide feedback on how public input influenced the decision.	We will aim to ensure your concerns and aspirations are directly reflected in the alternatives developed, and provide feedback on how public input influenced the decision.	We will aim to look to the community for direct advice and involvement in formulating solutions.	We implement what you decide.
Types of issues that we might use this for	<ul style="list-style-type: none"> Operational issues, e.g. Summer water restrictions, conserve water notices Advisories or warnings e.g. weather warnings 	<ul style="list-style-type: none"> Liquor bans Freedom Camping areas 	<ul style="list-style-type: none"> Reserve Management Plans Local Alcohol Policy Significant service level changes 	<ul style="list-style-type: none"> Community Plans 	<ul style="list-style-type: none"> Election voting systems (MMP, STV or first past the post) Triennial elections

4. Version Control

- 4.2. The following box will need to be completed once policy has been approved.
- 4.2. The footer is required to be completed with the document ID, document version number and policy name.

Version History			
Date:	Action:	Name:	Version:
06/11/2014	Adopted by Council	Council	1
05/10/2017	Updated Policy to match corporate standards	A King	2