

Comprehensive Report: Significance and Engagement Policy for consultation

1 Background

[Section 76AA](#) of the Local Government Act 2002 (the LGA), requires Council to adopt a Significance and Engagement Policy (the Policy) that sets out its approach and criteria to determining significance, and its response to community preferences about engagement.

The Policy is used by staff to determine when and how to consult on a proposal. For example, it will be used when determining issues or proposals for inclusion in the LTP Consultation Document. It also provides clarity to our communities on when they can expect to be consulted with.

The Policy was last adopted on 24 September 2014. It is good practice to review this regularly and to consult on amendments made.

Staff review of the Policy has been undertaken as part of its preparation for the development of the 2021-2031 LTP. The review indicated:

- the Policy is fit for purpose and accurately reflects the statutory requirements of the LGA.
- There is opportunity for amendments to be made which provide additional guidance to users about the process for determining and assessing the significance of a decision, and for making recommendations about an appropriate level of engagement.

Staff drafted a revised Policy for Council's consideration. This was taken to a Council workshop on 31 August 2020. A summary of the amendments presented and the discussion points from the 31 August 2020 workshop are as follows:

Amendments made to achieve the following:

- Places the policy into the current Council template for policies and procedures.
- Sets out the policy in the first 4 pages of the document.
- Refers the user to Appendix 1 of the policy which outlines the general approach to determining the significance of an activity and the appropriate level of engagement required. The approach has 3 steps, with each step outlining the relevant information that must be considered.
- Sets out the community engagement guidelines in Appendix 2. The appendix sets out clearly the International Association for Public Participation's (IAP2's) spectrum for community engagement, as well as highlights the forms of engagement that the Council will use in various circumstances.

2 Discussion

The following points were discussed at the council workshop on Monday, 31 August 2020.

1. Whether community housing should be listed as a strategic asset in the policy.

Staff has investigated this matter and while the council does not own any community housing, we do own the land that some community housing is on. In a roundabout way we do have responsibility for community housing.

It is recommended that community housing remains in the list of strategic assets in the policy.

2. Whether community hall and libraries should be listed as strategic assets.

It is the recommendation of staff that these facilities are not listed as strategic assets as while they are assets owned by the council, they have the ability to be sold in the future. The current essential infrastructure listed as strategic are required to be looked after and maintained by council as part of its obligations under the LGA.

3. The final issue was whether the dollar amount for an asset to be classified as significant should be raised. The amount is currently set at \$1 million.

Some councils have figures between \$2-5 million as a method for defining what constitutes a strategic assets. Other councils do not define their strategic with a monetary amount attached.

It is recommended that further investigation into this issue occurs.

The draft Policy is **Attachment B** to this report.

Section [76AA\(5\)](#) of the LGA states “When adopting or amending a policy under this section, the local authority must consult in accordance with [section 82](#) unless it considers on reasonable grounds that it has sufficient information about community interests and preferences to enable the purpose of the policy to be achieved.”

Assessment of options

Council must adopt a Significance and Engagement Policy that meets the criteria and purpose set out in [76AA](#) of the LGA. When amending the Policy, there are two options to consider:

1. Adopt the amended Policy without consultation; or
2. Consult on the amended Policy in accordance with [section 82](#) of the LGA.

As this is a matter of whether to consult or not consult, this is best assessed using Council’s existing Significance and Engagement Policy. This has been done below.

3 Significance and engagement

When considering if the amended Policy should be consulted on prior to it being adopted by Council an assessment has been undertaken against the criteria within the Council’s [Significance and Engagement Policy](#).

The criteria triggered include:

- When amending the Policy, there is a legal requirement to engage with the community unless Council determines it has enough knowledge about the community interests and preferences to know that these are provided for in the Policy.
- The use of the Policy will affect a large portion of the community.

- The use of the Policy will include decisions that will impact on present and future interests of the community, recognising Māori culture values and their relationship to land and water.
- Community interest is high in the issues, assets and other matters listed in the Policy.
- The likely consequences of deciding when and how to consult are controversial.
- Community views and preferences for the opportunity to participate and for Council to run transparent processes are known through previous consultation events.
- Similar proposals in the past have utilised full public consultation.

In addition:

- It has been six years since the Policy was last adopted.
- It is considered good practice to consult as this enables participation and transparency.
- The cost of consultation is low as it would be conducted through Council owned channels. Some staff time will be required.

For these reasons a public consultation process that gives effect to [section 82](#) of the LGA is recommended. A Communications Plan is included in **Attachment C** to this report.