

# Significance and Engagement Policy

# **SIGNIFICANCE & ENGAGEMENT POLICY**

**20 June 2017**

## **Policy Statement**

The Council seeks meaningful exchange with the community through engagement on local decision-making. Genuine engagement will be encouraged in a manner that is consistent with the significance of the issue, proposal or decision, is transparent and clearly communicated.

Under the Local Government Act 2002 Amendment Act 2014 (LGA), Councils are required to develop a policy on significance and engagement. The intent of this is to give greater clarity and certainty to the community about how and when it can expect to be engaged. Refer to Appendix 1 for definitions.

## **Principles**

This policy is guided by the following principles:

- Decision-makers are well informed, aware of and take into account the community's views.
- The Council will use a consistent approach to establishing the significance of a matter requiring a decision.
- The level of engagement will be tailored to the level of significance for each issue, proposal or decision.
- Decision-making and engagement processes are transparent and clearly expressed.
- The community will have clarity on the range of engagement methods the Council may use relative to the significance of a matter.
- Engagement is proactive, inclusive, accessible, a two-way dialogue, and people are aware of and understand the final decisions taken.

## **General Approach to Determining Significance and Level of Engagement**

The Council will follow a three-step process to inform decision-making:

1. Determine significance – the Council will use agreed criteria to decide if a matter is of higher or lower significance.
2. Link level of significance to level of engagement – the level of significance will link to a corresponding level of engagement to be undertaken.
3. Consider methods of engagement – each level of engagement will have a range of methods that the Council is able to choose from to undertake the engagement required.

As well as the views of communities and affected and interested parties, there is a wide range of information sources, considerations and perspectives that informs the Council's decisions, including the requirements of Government policy, technical matters and the financial implications. Refer to Appendix 1 for legislative requirements and commitment to engaging with Maori.

## **The three steps**

### **1. Determine Significance**

The Council is responsible for judging for itself how it achieves compliance with the decision making requirements of the LGA. This must be largely in proportion to the significance of the matters affected by decisions to be made. The Council will assess the importance of an issue, proposal or decision on the basis of its likely impact on the people expected to be most affected by or to have an interest in the matter, as well as the Council's capacity to perform its role, and the financial and other costs of doing so.

All of the following criteria will be considered when determining the level (low to high) of significance of an issue, proposal or decision. The greater the cumulative impact of the decision as assessed by these criteria, the more significant the issue, proposal or decision will be:

- a. Number of people affected and/or with an interest;
- b. Level of impact on those people affected;
- c. Level of community interest already apparent for the issue, proposal or decision; or the potential to generate community interest;
- d. Level of impact on Māori, Māori culture and traditions;
- e. Possible environmental, social and cultural impacts;
- f. Possible costs/risks to the Council, ratepayers and wider community of carrying out the decision;
- g. Possible benefits/opportunities to the Council, ratepayers and wider community of carrying out the decision;
- h. Level of impact on the capacity of the Council to carry out its role and functions;
- i. Whether the impact of a decision can be easily reversed;
- j. Whether the ownership or function of a strategic asset(s) is affected.

Examples of decisions of low significance are:

- Plans for a new or renewed playground in a suburban area (e.g. Seager Park - new, Richmond Village Green - renewal);
- Upgrade of a reserve area (eg. Chester St East Reserve);
- Finalising Lyttelton's civic square design - a decision delegated to the Community Board.

Examples of decisions of high significance are:

- Decision to introduce the three bin system for kerbside waste collection;
- Plan to construct the ocean outfall waste water pipeline;
- Decision to create a social housing entity as a means to benefit from the Government's income related rents scheme.

### **Urgency and Confidentiality**

Sometimes the nature and circumstances of a decision to be made may not allow the Council the opportunity to engage or consult with the community. This could be where urgency is required or the matter is commercially sensitive. The health and safety of people or the immediate need to protect property are

reasons for making urgent decisions, as well as to avoid the loss of opportunities that may contribute to achieving the Council's strategic objectives. Confidential decision-making may be required when engagement is likely to considerably increase the cost of a commercial transaction to the Council.

In these situations, the Council will either not engage at all, or tailor its engagement to suit the circumstances in which the decision is to be made.

In the period covered by the Canterbury Earthquake Recovery Act a number of decisions are being made by Central Government. For many of these decisions the Central Government processes do not allow time for the Council to engage with the community, when in other circumstances it would choose to do so.

## **2. Link level of significance to level of engagement**

The significance of the issue, proposal or decision will influence how much time, money and effort the Council will invest in exploring and evaluating options and obtaining the views of affected and interested parties. In linking the level of significance to the level of engagement it is important to find the right balance between the costs of engagement and the value it can add to decision-making.

The Council will consider the extent of community engagement that is necessary to understand the community's view before a particular decision is made and the form of engagement that might be required. This also includes the degree to which engagement is able to influence the decision and therefore the value of investing in engagement (e.g. if there is only one or very limited viable options such as a specific change required by new legislation).

Using the International Association of Public Participation engagement spectrum (Appendix 2, Figure 1) as a basis, the method(s) of engagement adopted by the Council before it makes a decision may depend on whether or not:

- A. The matter is of low or no significance (e.g. technical and/or minor amendments to a bylaw or Council policy) and there may be a very small group of people affected by or with an interest in the decision;
- B. The matter is significant only to a relatively small group of people or is of low impact to many. They should be **informed** about the problem, alternatives, opportunities and/or solutions and/or **consulted** so that any concerns, alternatives and aspirations they have are understood and considered;
- C. The matter is significant not only to a small group of people particularly affected but also to a wider community that may have an interest in the decision to be made. They may be **informed, consulted** and/or **involved** to seek public input and feedback on analysis, alternatives and/or decisions.
- D. For more significant matters, the Council may elect to **collaborate**, or partner, with a community in any aspect of a decision including the development of alternatives and the identification of preferred solutions. This is more likely to occur where there is a distinct group of affected or particularly interested people.

Depending on the level of significance and the nature of the issue, proposal or decision being made, by using a range of engagement methods communities may be **empowered** to participate in the decision-making process.

## **3. Consider Methods of Engagement**

There is a variety of ways in which the Council engages with the community. In this policy, the types of engagement described relate specifically to Council, Community Board and delegated decision-making.

Once the level of significance of an issue, proposal or decision has been determined, the Council will consider the level and form of community engagement. Depending on the matter being considered and the stakeholders involved, the preferred method(s) or combination of engagement tools will be identified and

applied to meet the goals of the specific engagement.

The Council will build on existing relationships and networks with individuals and communities, and look to extend the range of parties involved in the community engagement as appropriate.

The Council will consider engagement methods and tools relative to the level of significance. These will support communities' participation through an engagement spectrum approach, as set out in the table in Appendix 3, Table 1.

Differing levels and forms of engagement may be required during the varying phases of consideration and decision-making on an issue or proposal, and for different community groups or stakeholders. The Council will review the appropriateness and effectiveness of the engagement strategy and methods as the process proceeds.

There may be occasions in which the Council chooses to carry out engagement at a level higher than that indicated by the significance of the decision as part of its commitment to promote participatory democracy.

The Council will work to ensure the community is sufficiently informed to understand the issue(s) or proposal, options and impacts and has time to respond, so they are able to participate in engagement processes with confidence.

### **Strategic Assets**

An important objective of the Council is to achieve or promote outcomes that it believes are important to the current or future well-being of the community. Achieving these outcomes may require the provision of roads, water, wastewater and stormwater collection as well as libraries, museums, reserves and other recreational facilities and community amenities.

Council-owned assets that provide these services are considered to be of strategic value and the Council has determined they need to be retained if its objective is to be met. These assets must be listed in the Council's Significance and Engagement policy. A decision to transfer the ownership or control of a strategic asset cannot be made unless it is explicitly provided for in the Council's Long Term Plan (LTP) and the public is consulted through the Special Consultative Procedure (SCP).

Other assets considered by the Council to be strategic or deemed to be so by the LGA include its shareholding in Christchurch City Holdings Ltd (CCHL) and, through CCHL, Lyttelton Port Company, Christchurch International Airport Ltd and Orion NZ Ltd. Although the Council's statutory responsibility is to exercise its powers wholly or principally for the benefit of its district, it nevertheless recognises that decisions on respect of these assets in particular might have a strategic value to the Canterbury region as well.

The Council's strategic assets are set out in Schedule 1 to this policy.

The list of strategic assets in this policy will be updated as required following any changes to the Annual Plan or LTP.

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## **Appendix 1: Supporting and contextual information**

### **Definitions**

**Community:** A community, for the purposes of this policy, is a group of people with shared or common interest, identity, experience or values. For example, cultural, social, environmental, business, financial, neighbourhood, political or spatial groups. The community refers to the people that make up the diverse communities that live in Christchurch.

**Engagement:** Is a term used to describe the process of establishing relationships, and seeking information from the community to inform and assist decision making. Engagement is an important part of participatory democracy within which there is a continuum of community involvement.

**Consultation:** A subset of engagement; a formal process where people can present their views to the Council on a specific decision or matter that is proposed and made public. (The Council must consult in ways that meet the consultation principles in the Local Government Act 2002 LGA, section 82 (1) and any other legislation relevant to the decision or matter proposed.)

**Decisions:** Refers to all the decisions made by or on behalf of the Council including those made by officers under delegation.

**Significance:** The degree of importance of the issue, proposal, decision, or matter, as assessed by the Council, in terms of its likely impact on, and likely consequences for; the district or region; any persons who are likely to be particularly affected by, or interested in the matter; the capacity of the local authority to perform its role, and the financial and other costs of doing so (as described by the LGA).

**Special Consultative Procedure (SCP):** A formal consultation process prescribed in section 83 of the LGA that must be used to consult on certain matters and can be chosen by the Council to consult on other matters as considered appropriate

**Strategic Asset:** 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 (as described by the LGA).

### **Legislative considerations**

Many of the decisions made by the Council will be made under legislation that prescribes the consultation and decision-making procedures required. This includes the procedures to be used for public notification, considering submissions and making decisions. Examples of such legislation are the Resource Management Act 1991, the Biosecurity Act 1993, the Civil Defence Emergency Management Act 2002, or the Land Transport Act 1998.

Even if a decision is clearly a significant one, this policy does not apply to the requirements for decision-making prescribed in any other enactments, such as the Resource Management Act 1991 and the Biosecurity Act 1993 on the following matters:

- resource consents or other permissions
- submissions on plans
- decisions required when following the procedures set out in Schedule 1 of the RMA
- references to the Environment Court
- decisions about enforcement under various legislation including bylaws (unless these are specifically included in this policy).

There is a number of decisions that can only be made if they are explicitly provided for in the Council's LTP as set out by the LGA 2002 Amendment Act 2014. These are:

- a) to alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, including a decision to commence or cease any such activity;
- b) to transfer the ownership or control of a strategic asset to or from the Council.

In addition, the Council is required to use the SCP set out in section 83 of the LGA in order to adopt or amend a LTP. If the Council is carrying out consultation in relation to an amendment to its LTP at the same time as, or combined with, consultation on an Annual Plan, the SCP must be used for both matters.

There may be other situations where the Council deems it appropriate to use a SCP.

### **Engaging with Māori**

The LGA provides principles and requirements that are intended to facilitate participation by Māori in local authority decision-making processes. The Council must act in accordance with the principle that it should provide opportunities for Māori to contribute to its decision-making processes.

If the Council is proposing to make a significant decision in relation to land or a body of water, it will take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.

The Council's goal for engagement with Māori is for strengthened and ongoing partnerships. This aims to ensure the Council receives appropriate information, advice and understanding about the potential implications and/or effects of proposals on tangata whenua values.

# IAP2 Spectrum of Public Participation



	<b>Inform</b>	<b>Consult</b>	<b>Involve</b>	<b>Collaborate</b>	<b>Empower</b>
<b>Public participation goal</b>	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.



**Appendix 3:**

**Table 1: Examples of Engagement Activities (Adapted from IAP2 spectrum of engagement)**

Engagement Level	Inform	Consult	Involve	Collaborate	Empower
<b>What does it involve</b>	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
<b>Examples of the tools Council might use</b> <i>(Note: These tools may be applicable across many levels of engagement)</i>	<ul style="list-style-type: none"> <li>• Email newsletter to local communities and networks</li> <li>• Information flyers to neighbourhoods</li> <li>• Public notices /info in Community, newspapers, website</li> </ul>	<ul style="list-style-type: none"> <li>• Formal submissions and hearings or the Special Consultative Procedure</li> <li>• Focus groups</li> <li>• Community meetings</li> <li>• Online opportunities to submit ideas/feedback</li> </ul>	<ul style="list-style-type: none"> <li>• Workshops</li> <li>• Focus/stakeholder groups' meetings</li> <li>• Public meetings, drop-in sessions</li> <li>• Online surveys/forums</li> </ul>	<ul style="list-style-type: none"> <li>• External working groups (involving community experts)</li> <li>• Community Advisory Groups (involving community representatives)</li> <li>• Forums</li> </ul>	<ul style="list-style-type: none"> <li>• Binding referendum</li> <li>• Local body elections</li> <li>• Delegation of some decision-making to a community</li> </ul>
<b>When the community is likely to be involved</b>	Once a decision is made and is being implemented.	Once the Council has determined an initial preferred position it would endeavour to provide the community with sufficient time to participate and respond.	The community or specific communities could be engaged throughout the process, or at specific stages of the process as appropriate.	The community or specific communities will be engaged from the outset, including the development of alternatives to the identification of the preferred solution.	The community or communities will be engaged throughout the process to ensure ownership of the development of alternatives, identification of the preferred solution(s) and delegated decision-making on the preferred solution.

## **Schedule One:**

### **CCC Strategic Assets**

The Council-owned assets listed as strategic are set out below, grouped according to their nature of activity:

#### Infrastructure

- (a) its stormwater collection and disposal system;
- (b) its wastewater collection, treatment and disposal system;
- (c) its water collection, storage, treatment and distribution system.
- (d) its waste management system;
- (e) its roading network;
- (f) all public transport infrastructure owned or operated by the Council;

#### Shareholdings

- (g) its shareholding in Christchurch City Holdings Ltd, Civic Building Ltd and Transwaste Canterbury Ltd, and VBase Ltd;
- (h) the shares Christchurch City Holdings Ltd holds in Lyttelton Port Company Ltd, Christchurch International Airport Ltd, Orion New Zealand Ltd, Enable Services Ltd, Eco Central Ltd, City Care Ltd.;

#### Community Facilities

- (i) Christchurch Town Hall;
- (j) Christchurch Art Gallery and its permanent collection;
- (k) all land and buildings comprising the Council's social housing portfolio;
- (l) all public library facilities;
- (m) all parks and reserves owned by or administered by the Council;
- (n) all public swimming pools;
- (o) all waterfront land and facilities owned or operated by the Council, including wharves, jetties, slipways, breakwaters and seawalls;
- (p) cemeteries and listed heritage buildings and structures.

“All” or “its” means the asset as a whole.

Where a strategic asset is a network or has many components, decisions may be made in respect of individual components within the network without those components being regarded as strategic, unless such decisions are considered to significantly alter the level of service provided by the Council.