

Community Engagement Option Risks
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The 'Better off Funding' Report includes two proposed timelines for Council to consider.

When making the consideration of which option to adopt, Council must consider both Department of Internal Affairs (DIA) requirements for the funding and its own responsibilities to its community and requirements under the legislation, such as, the Local Government Act 2002 (LGA).

Chief Executive, Clive Manley has confirmed with DIA that a shortened engagement approach is enough to meet the requirements of the Better off Funding to show community support for the projects.

Under the LGA, every local authority must have a Significance and Engagement Policy (SEP) and the purpose of the policy, under the act is to:

- (a) enable the local authority and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities; and
- (b) to provide clarity about how and when communities can expect to be engaged in decisions about different issues, assets, or other matters; and
- (c) to inform the local authority from the beginning of a decision-making process about—
 - (i) the extent of any public engagement that is expected before a particular decision is made; and
 - (ii) the form or type of engagement required.

Ruapehu District Council's SEP is attached to this report. Schedule one is used to determine significance. Although judgment is required in categorising each variable, Council Officers have determined from their judgement that both the Better off Funding and whether to take the funding or not would reach at least a 3-4 in the following areas:

- (a) Likely impact on the community
- (b) Likely impact from the perspective of interested and affected parties
- (c) History of being controversial
- (d) Likely to generate wide public interest
- (e) The degree to which the decision is reversible

In addition to this, levels of service are likely to be impacted by the suggested programme of works, although the degree of cost implications is unknown for Officers to make a conclusive judgement on this variable, as there are a number of factors of uncertainty e.g., external funding availability to cover costs.

The shortened community engagement (option 1) only meets the engagement guidelines for low significance projects under Ruapehu District Council's Significance and Engagement Policy (refer to schedule 4), whereas Option 2 meets the requirements for medium and high significance projects.

Council Policy

Policy Title:	Significance and Engagement Policy 2018		
Responsibility:	Chief Executive		
First Adopted:	December 2014		
Review Frequency:	Three yearly, during the Long Term Plan process		
Last Reviewed:	October 2018		
Next Review Due:	October 2021		
Doc No	701588	File No	P50-0033



1 Policy Objectives

- 1.1 To provide clear guidance on determining the significance of matters for Council decision.
- 1.2 To inform the community about how they can expect to be engaged in Council's decision-making processes.

2 Definitions

- 2.1 *(For the full definitions of the following terms refer to Part 1, Section 5, Local Government Act 2002).*
- 2.2 **Significance:** Significance, in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, the degree of importance of the issue, as assessed by Council, in terms of its likely impact on the District and its people, and/or (c) the capacity of the local authority to perform its role.
- 2.3 **Significant Activity:** an activity or group of activities as listed in the Long Term Plan. This includes Community Support Services, Leadership, Regulation, Community Facilities, Land Transport, Stormwater and Flood Protection, Wastewater Disposal, Water Supply and Waste Management and Minimisation.
- 2.4 **Strategic Asset:** an asset or group of assets that Council needs to retain if it is to maintain its capacity to achieve the outcomes described in the Long Term Plan.
- 2.5 **Special Consultative Procedure:** means the procedure set out in section 83 of the LGA.
- 2.6 **"In entirety":** refers to the overall network and does not refer to the individual components that make up the network.

3 Principles

- 3.1 Determining the significance of an issue is often an exercise in judgement. Council must assess how a decision may affect the community. There are both qualitative and quantitative considerations when determining the significance of a matter.
- 3.2 The qualitative considerations are referred to in section 5 of this policy as a "General Approach" to determining significance – this is the consideration of different ways the decision might impact the community.

- 3.3 The quantitative considerations are referred to in section 5 of this policy as “Specific Criteria” for determining significance – these are the tangible concerns to do with finances, levels of service and strategic assets.
- 3.4 Generally speaking, the greater the degree of significance, the greater the level of community engagement.
- 3.5 Engagement will be based on the following principles:
- (a) Clear and timely communication to the public of the purpose and impact of the decision to be made,
 - (b) Relevant information, options and analysis provided to allow members of the public to form an opinion,
 - (d) Affected parties will be invited to present their views and given opportunity to be heard.
 - (e) Views from members of the public will be received with an open mind and given due consideration in decision making.
 - (f) Ruapehu District Maori Council will advocate for the interests of local Maori.

4 Background

- 4.1 Section 76AA of The Local Government Act 2002 (LGA) requires Council to have a policy on significance and engagement that sets out:
- (a) The general approach it takes to determining significance.
 - (b) The criteria and procedures used.
 - (c) What the community can expect in terms of consultation and engagement on matters with different degrees of significance.
- 4.2 The Significance and Engagement policy replaces and extends the Significance Policy formerly required under section 90 of the LGA.

5 Policy Statement

5.1 DETERMINING SIGNIFICANCE

5.1.1 General Approach

In considering the degree of significance of any issue, proposal, decision or other matter Council will be guided by the following:

- (a) The likely impact on the community;
- (b) The parties who are likely to be affected by or interested in the decision and the likely impact or consequences from the perspective of those parties;
- (c) Whether the decision, or something similar to it, has a history of being controversial and generating wide public interest in the District, or a part of the District;
- (d) The degree to which the decision is reversible;
- (e) The financial and non-financial implications;
- (f) The degree of the impact on rates or Council debt;
- (g) The degree to which the decision affects the Outcomes as stated in the Long Term Plan.
- (f) Whether it will severely affect the capacity (including financial capacity) of Council to carry out any significant activity.

5.1.2 Specific Criteria

An issue, proposal, decision or other matter will be significant if it:

- (a) Has **cost implications** for the community, in terms of a possible increase in funding requirement in excess of:
 - (i) 20% of the total asset class value, or
 - (ii) 20% of total Council operating budget costs, or
 - (iii) Capital expenditure in excess of 2.5% of the total value of Council's assets.
- (b) May lead to a significant **change to levels of service**, or service provision, to Ruapehu communities, or District-wide, in terms of:
 - (i) Potential reduction in levels of service below any level of service standards agreed on through the LTP by Council, including change to service delivery points.
 - (ii) Increases in levels of service that invoke cost implications as outlined under (a).
 - (iii) Involves the sale, transfer of ownership or management control of Council's shareholding in any Council Controlled Organisation.
 - (iv) Involves Council's entry into any partnership, transfer of ownership or management control to be exercised over an entire Activity.
- (c) Results in the construction, replacement or abandonment of a strategic asset in its entirety, defined as:
 - (i) Road network
 - (ii) Wastewater treatment plants and reticulation network
 - (iii) Water treatment plants and reticulation network
 - (iv) Stormwater reticulation
 - (v) Solid waste disposal network
 - (vi) Cemeteries.
 - (vii) District libraries
 - (viii) Information Centres / i-SITES
 - (ix) Community Halls.
 - (x) Community housing
 - (xi) Recreation reserves and facilities

5.1.3 Issues of significance pertaining to individual components will be evaluated against the considerations in section 5.1.1 in this Policy.

5.1.4 Emergencies and emergency works of Council are excluded from this policy as, by their very nature, they are unplanned and must be responded to immediately.

5.1.5 Refer to the Determining Significance table (Schedule 1) for further explanation and guidance on identifying where a decision sits on the continuum of significance.

5.2 APPROACH TO ENGAGEMENT

5.2.1 In order to determine whether public engagement is necessary and/or appropriate, see *Schedule 2: Process for determining whether to engage* flowchart

5.2.2 In certain circumstances public consultation is required by law. Council will use the Special Consultative Procedure, or any other statutory process as required (see *Schedule 3 Statutory Consultation* for examples).

5.2.3 The Special Consultative Procedure is detailed in Section 83 of the Local Government Act 2002. It involves Council issuing a proposal to the community and seeking feedback for the period of one month.

5.2.4 The method of engagement for matters that are determined to be significant will be decided on a case-by-case basis. For guidance and examples see *Schedule 4: Significance and Engagement Guide*.

5.3 USE OF THE SIGNIFICANCE AND ENGAGEMENT POLICY

5.3.1 This policy should help to determine the significance of Council decisions and the consultation processes to be used. It will help Councillors when making decisions and Council Officers when planning and giving advice on processes and projects.

5.3.2 Reports to Council will include:

- (a) An assessment of the degree of significance of an issue, decision, proposal or other matter.
- (b) A statement about the form of engagement and consultation that has or will be undertaken.

6 Delegations

6.1 Refer to Council's Delegations Manual.

Annotations

Date	Description
14 October 2014	Adopted by Council
8 March 2016	Reviewed by Council. Put into new policy template.
11 October 2018	5.1.3 "In entirety" moved to definitions sections.

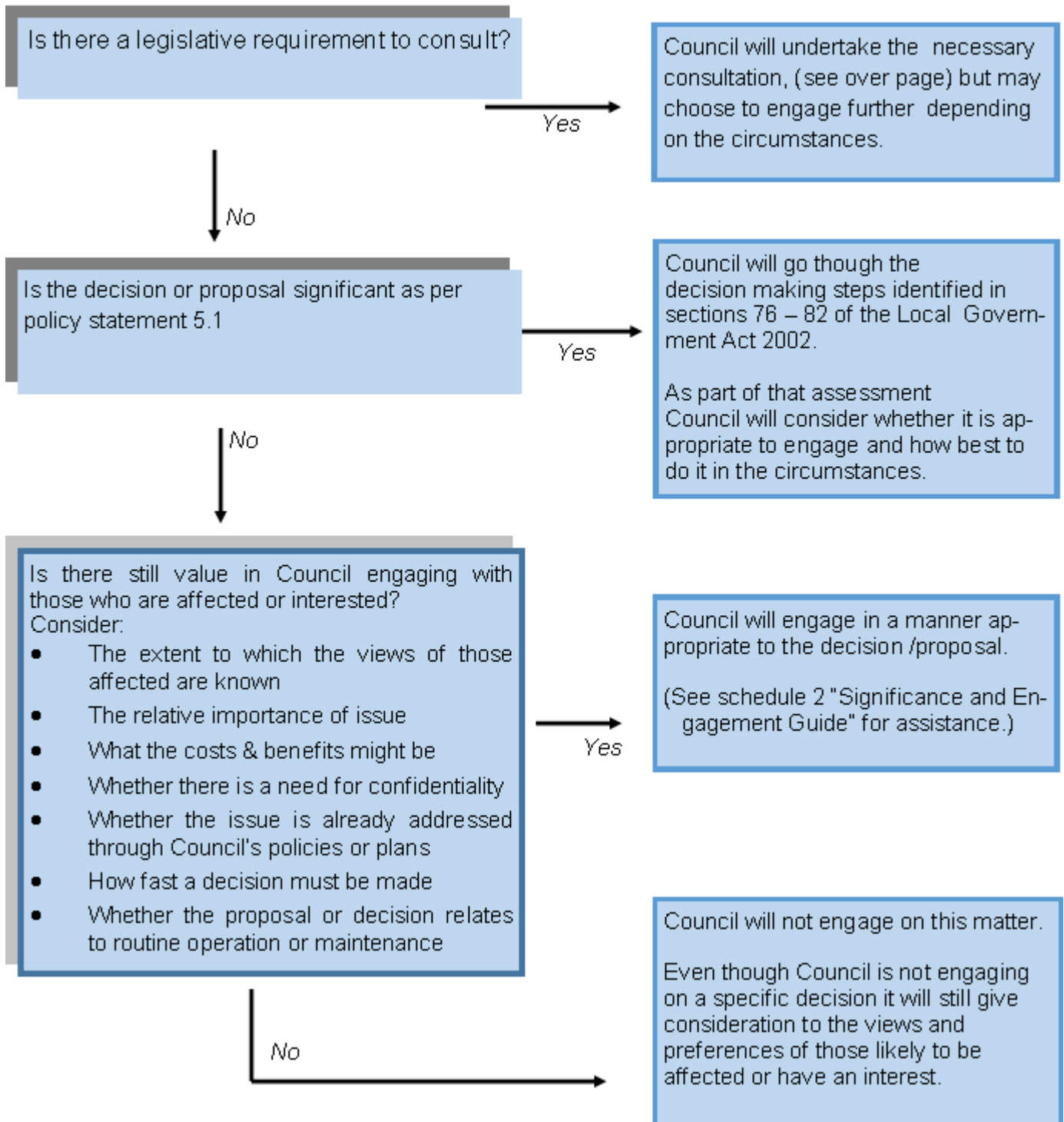
Schedule 1: Determining Significance
 Schedule 2: Process for Determining Engagement
 Schedule 3: Statutory Consultation
 Schedule 4: Significance and Engagement Guide

DETERMINING SIGNIFICANCE

	Low Council Impact <-----> Significant for Council				
	1	2	3	4	5
Likely impact on the community	The issue is of no importance for the community and is likely to go unnoticed	The issue is of some interest to some people but not expected to be controversial or impact the community	The issue is of interest to sections of the community, maybe somewhat controversial, but not likely to have much impact on the community	The issue is important to sections of the community, will be somewhat controversial and will have some effect on people. There is definite interest in the community	The issue is deemed highly significant by the community or large parts of the community. The issue is controversial, will impact on the lives of people and may have political consequences, and is likely to be reported on widely by the press
Likely impact from the perspective of interested and affected parties					
History of being controversial					
Likely to generate wide public interest					
The degree to which the decision is reversible	The decision can easily be reversed	The decision can be reversed but Council's reputation will be damaged in the short term.	The decision can be reversed but Council's reputation will be damaged for an extended period	The decision can be reversed at significant financial cost	The decision cannot be reversed e.g. out of Court settlement
Effect on Council's capacity to carry out any activity				Capacity to conduct a local activity is compromised	Capacity to conduct a significant activity district wide is compromised
Costs		Simple procurements	Complex procurements	For a local community: <ul style="list-style-type: none"> • 20% of the total asset class value, or • 20% of community operating budget costs, or • Capital expenditure in excess of 2.5% of the total value of the community's assets 	For all of Council: <ul style="list-style-type: none"> • 20% of the total asset class value, or • 20% of total Council operating budget costs, or • Capital expenditure in excess of 2.5% of the total value of Council's assets
Levels of Service				For a local community: <ul style="list-style-type: none"> • Potential reduction in levels of service below any level of service standards agreed on through the LTP by Council, including change to service delivery points. • Increases in levels of service that invoke significant cost implications 	District wide: <ul style="list-style-type: none"> • Potential reduction in levels of service below any level of service standards agreed on through the LTP by Council, including change to service delivery points. • Increases in levels of service that invoke significant cost implications • Involves the sale, transfer of ownership or management control of Council's shareholding in any Council Controlled Organisation. • Involves Council's entry into any partnership, transfer of ownership or management control to be exercised over an entire Activity.
Construction, replacement or abandonment of Strategic Assets		Affecting a small element of a network: <ul style="list-style-type: none"> • Road segment • Wastewater asset • Water asset • Stormwater asset • Solid waste asset • Cemetery asset • Library asset • Information Centre / i-SITE asset • Community Hall • Community housing • Recreation reserve asset • Recreation facility asset 	Affecting a part of a network: <ul style="list-style-type: none"> • Road segment • Wastewater asset • Water asset • Stormwater asset • Solid waste asset • Cemetery asset • Library asset • Information Centre / i-SITE asset • Community Hall • Community housing • Recreation reserve asset • Recreation facility asset 	For a local network: <ul style="list-style-type: none"> • Road network • Wastewater treatment plants and reticulation network • Water treatment plants and reticulation network • Stormwater network • Solid waste disposal network • Cemeteries • Libraries • Information / i-SITE Centres • Community Halls • Community housing • Recreation reserves and facilities 	For an entire network: <ul style="list-style-type: none"> • Road network • Wastewater treatment plants and reticulation network • Water treatment plants and reticulation network • Stormwater network • Solid waste disposal network • Cemeteries • Libraries • Information / i-SITE Centres • Community Halls • Community housing • Recreation reserves and facilities

SCHEDULE TWO

S.2.1 PROCESS FOR DETERMINING WHETHER TO ENGAGE



S.3 STATUTORY CONSULTATION


Council will use the Special Consultative Procedure (SCP), or other statutory consultation processes, when required.

S3.1 Examples of when the SCP will be used include but are not limited to:

- (a) The adoption or amendment of a Long Term Plan (Section 93 of the LGA 2002).
- (b) The adoption, amendment, or revocation of bylaws if required under Section 156(1)(a) of the LGA 2002.
- (c) The adoption, amendment or revocation of a Local Alcohol Policy (Section 79 Sale and Supply of Alcohol Act 2012).
- (d) The adoption or review of a Local Approved Products (Psychoactive Substances) Policy (Section 69 Psychoactive Substances Act 2013).
- (e) The adoption or review of a Class 4 Venue Policy (Section 102 Gambling Act 2003).
- (f) The preparation, amendment or revocation of a Waste Management and Minimisation Plan (Section 44 Waste Minimisation Act 2008).
- (g) The adoption of a Dog Policy (Section 10 Dog Control Act 1996).
- (h) Adoption of a Policy on Dangerous, Earthquake-Prone and Insanitary Buildings (Section 132 Building Act 2004).
- (i) Land Transport Bylaws (Section 22AD Land Transport Act 1998).

SCHEDULE FOUR

S.4 SIGNIFICANCE AND ENGAGEMENT GUIDE

Significance Rating	Level of Engagement	What does it involve?	Examples	Engagement - Tools and Timing	More time More resources
High	Collaborate	Working together to develop understanding of all issues and interests to work out alternatives and identify preferred solutions.	Town Renewal.	External working groups (involving community experts). Expressions of interest Document. 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.	
High	Involve	Participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to decision making.	LTP Annual Plan District Plan	Surveys. Radio. Website. Facebook. Existing community meetings (Elected member briefings). Specific community meetings where feasible. Submissions and hearings. Council would generally provide the community with a greater lead in time to allow them time to be involved in the process.	
Medium	Consult	Two-way communications designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision making.	Local Alcohol Policy Bylaw reviews Dog Control Policy	Radio. Website. Existing community meetings. Submissions and hearings. Council would advise the community once a draft decision is made and would generally provide the community with up to four weeks to participate and respond.	
Low	Inform	One-way communication providing balanced and objective information to assist understanding about something that is going to happen or has happened.	Water restrictions Annual Report Legislative changes.	Radio. Website. Council would generally advise the community once a decision is made.	