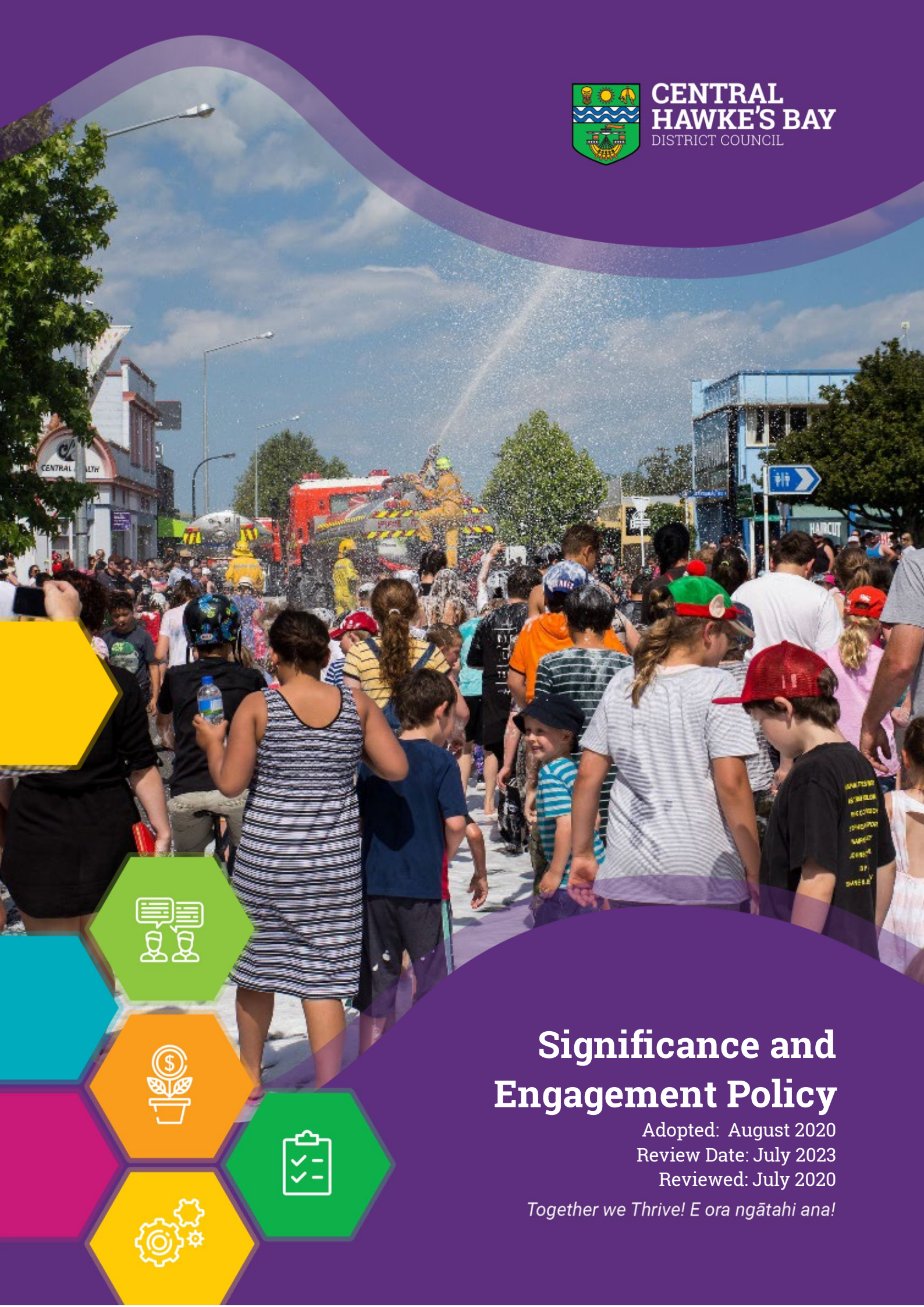




**CENTRAL
HAWKE'S BAY**
DISTRICT COUNCIL



Significance and Engagement Policy

Adopted: August 2020

Review Date: July 2023

Reviewed: July 2020

Together we Thrive! E ora ngātahi ana!

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2 Introduction

Central Hawke's Bay District Council (the Council) is responsible for making decisions on behalf of its communities. The Council considers community views and preferences when making decisions and has flexibility about how to engage with its communities. Council gathers information about the views and preferences from our community in many ways and uses this information to inform its decisions.

The Council aspires to actively engage with and work collaboratively with its communities within the decision making roles. Engaging early and well, enables better decisions by ensuring that final decisions take into account or have regard to the views of the community and those affected by the decision. At times (and subject to unique circumstances), engagement activities may need to go beyond the Council's standard approach.

Vision Councils Vision is for "Central Hawke's Bay to be a proud and prosperous district made up of strong, connected people who respect and protect our environment and celebrate our beautiful part of New Zealand". Values Council intends to deliver on its aspirational vision by adhering to a set of values produced through a consultative piece of work with the community know as Project THRIVE.

The values are:

- Trust – we create trust by acting with integrity
- Honesty – we do what is right even when no one is looking
- Respect – we have respect for each other, our community and our stakeholders
- Innovation – we find smarter ways to do things to produce improved and sustainable results
- Valuing People – we are one team, supporting each other to succeed
- Excellence – we deliver exceptional results

The purpose of this policy is to:

- Enable Council to identify when it would be appropriate to engage with the community
- Provide clarity to the community on how it might be engaged in various types of decisions.
- Inform Council from the start of a project the extent of any engagement that might be required before they make any decisions.

The extent of significance and engagement is determined on a case-by-case basis. This policy is required under the Local Government Act 2002 (the Act). It includes:

- The general approach to determining the degree of significance of proposals and decisions (section 3) and the level of engagement required (section 4);
- The criteria used to determine the extent to which proposals and decisions are of significance (section 3);
- Information on when, how and to what extent communities can expect to be engaged in decision- making processes and other matters; (section 5);

- The process for any consultations carried out under a Special Consultative procedure (section 6); and
- Information on strategic assets and a list of strategic assets owned by Council (section 7).

The Council will review the Significance and Engagement Policy every three years or as required. This will be amended and confirmed through public consultation if necessary, separately or as part of the Long-term Plan.

2.1 How it works in practice

Council officers must answer some key questions when considering how consultation works in practice. Some decisions may require the use of the Special Consultative Procedure under the Local Government Act 2002. See section 6 of this policy about the requirements for these decisions.

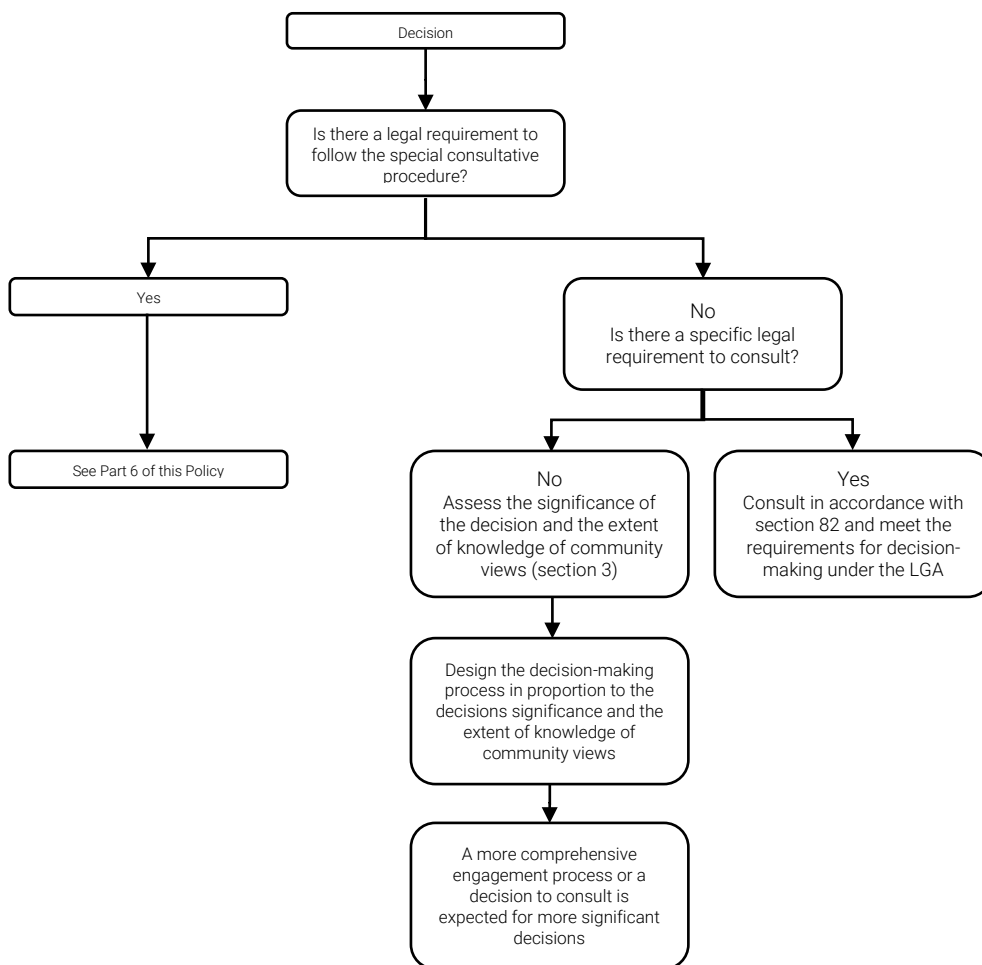
For all other decisions, Council will first ensure as part of the project planning process that it clearly identifies the objective, options for achieving the objective, and their advantages and disadvantages.

At this point, it is then appropriate to design the decision-making and engagement process taking into account:

- The level of significance (see section 3)
- Link the level of significance to the level of engagement (section 4)
- Consider appropriate methods of engagement (section 5).

If Council has decided to consult, or is otherwise legally required to, ensure that consultation complies with consultation principles (see section 6).

This process is outlined in the flowchart below.



2.2 A note on consultation versus engagement

Consultation involves obtaining public feedback on proposals; it is one form of engagement. The Council regularly consults communities through processes such as the long-term plan which determine Council’s strategic direction as well as how it sets budgets and prioritises projects. The Council will consult the community on significant decisions. For most Council decisions, there is no express requirement to consult the public, but we will consider people’s views and preferences.

Engagement is a broader and ongoing process of sharing information with the community and seeking its feedback, with the purpose of involving the community in the process of decision making. This process may include a more formal consultation process to meet legal requirements.

There is a general expectation of officers that for more significant decisions they will create a communication and engagement plan as part of their project plan.

2.3 Monitoring implementation

All reports by officers to Council seeking a decision will include a statement addressing the issue of significance. The report is to include a statement about how the relevant sections of the Local Government Act 2002 and the Significance and Engagement policy will be observed.

3 Determining Significance

The Council must determine the level of significance of a decision based on criteria identifying the level of significance and the likely impact of the decision on the current and future wellbeing of the District. It must also take into account any persons likely to be particularly affected by or interested in the decision and the capacity of the Council to perform its role, as well as the financial and other costs of doing so.

3.1 The criteria for assessing the degree of significance

The Council's criteria for assessing the degree of significance of a decision are below. 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.

- Number of people affected and/or with an interest;
- Level of impact on those people affected;
- Level of community interest
- Level of impact on Māori, Māori culture and traditions – Significant decisions in relation to land or a body of water must 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.
- Possible environmental, social and cultural impacts;
- Possible costs/risks to the Council, ratepayers and wider community of carrying out the decision;
- Possible benefits/opportunities to the Council, ratepayers and wider community of carrying out the decision;
- Level of impact on the capacity and capability of the Council
- Whether the impact of a decision can be easily reversed;
- Whether the ownership or function of a strategic asset(s) is affected.

When a decision is indicated as "high" on five or more criteria it is likely to be highly significant.

4 The Level of Engagement

The significance of the issue, proposal or decision will influence the effort the Council will invest in obtaining the views of affected and interested parties. It is important that the Council design the engagement process in proportion to the decisions significance and the extent of knowledge of community views.

The assessment of the significance of proposals and decisions, and the level of community engagement, will be considered in the early stages of a proposal before decision making occurs and, if necessary, reconsidered as a proposal develops. The aim is to engage early so that the decision-making process is well informed by those impacted by any decision.

The methods of engagement adopted by the Council before it makes a decision will depend on if:

1. the matter is of low or no significance (e.g. technical and/or minor amendments to a Council policy) and there may be a very small group of people affected by or with an interest in the decision;
2. the matter is significant only to a relatively small group of people or is of low impact to many. In this case, they will be informed about the matter in a meaningful way and/or consulted so that any concerns, views or alternatives can be considered as part of the decision-making process.
3. 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. In this case, a range of methods could be used. Most likely, a mixed method that allows for consultation and direct involvement with the public to get their input and feedback.
4. for more significant matters, the Council may utilise a suite of engagement methods to ensure that the community is given as much opportunity to participate and influence the decision-making process. This could include partnering with the community to identify options.

4.1 When might the Council not carry out engagement?

There may be occasions when the Council may not follow this policy, for example where failure to make a decision urgently would result in unreasonable or significant damage to property, risk to people's health and safety, or the loss of a substantial opportunity to achieve the Council's strategic objectives. The Local Government Act 2002 sets out a process for the Council to follow if the Council has a good reason to make a decision outside of this policy.

5 Our Approach to Engagement

The Council actively seeks to improve opportunities for engagement and ensure that final decisions take into account or have regard to the views of the community and those affected by the decision. The Council will monitor and report on how public input has influenced decisions. The Council works with communities on a number of levels including as customers, stakeholders, citizens, ratepayers, subject matter experts and partners. It views engagement as a genuine dialogue with its diverse communities to help Council make better decisions. Council has working relationships with groups including:

- mana whenua, iwi and Māori organisations
- community and business organisations
- government and education sectors
- residents and ratepayers.

The Mayor and Councillors have a responsibility to ensure there is effective community engagement.

As well as consulting on certain decisions we will seek to establish ongoing relationships with our communities to provide opportunities for matters to be raised which are not currently under consultation. We may do this in a variety of ways such as having a presence in public spaces, through our digital channels, front line staff, print media, workshops and community events.

5.1 Engagement with Māori

The Council acknowledges the unique status of Māori and the wider Māori community and is committed to ensuring that it provides opportunities for Maori to contribute to in the decision-making process. The Council is committed to providing relevant information to inform Māori contribution and improve Māori access to the Council's engagement and decision-making processes, as set out in section 81 of the Act.

The Council will work with mana whenua iwi to ensure their contributions are represented and their status is publicly recognised. Council recognises that early engagement with iwi is often the most effective - in particular for those decisions which have greater significance.

The Council affirms its obligations to involving Māori in decision-making processes as set down in the Act, which includes recognition of the Treaty of Waitangi.

5.2 Principles of consultation

When carrying out consultation, Council will follow these principles of consultation (from section 82 of the Act):

1. identify people who will or may be affected by, or have an interest in, the decision;
2. provide them with reasonable access to relevant information in an appropriate format on the process and scope of the decision;
3. encourage people to give their views;
4. give people a reasonable opportunity to present their views in an appropriate way;
5. listen to, and consider those views, with an open mind; and
6. after the decision, provide access to the decision and any other relevant material.

Where the Act requires Council to consult on a particular draft policy or decision, Council will prepare and make available:

1. a description of what it intends to do, and why;
2. an analysis of the practical options (with advantages and disadvantages); and
3. a draft of the policy or relevant document (or details of the changes to any policy or document).

6 Special Consultative Procedure (SCP)

The special consultative procedure requires the Council to prepare a statement of proposal and make this publicly available (and make the summary or a full proposal widely available). It must allow feedback of at least 1 month. Council must ensure people are given an opportunity to present their views to Council through spoken interaction (or using sign language).

The Council must use the special consultative procedure for some plans and processes including:

1. adopting or amending a Long Term Plan;
2. adopting, amending, or revoking bylaws of significant interest to or impact on the public (for all other bylaw matters Council will consult following the principles in section 82 of the LGA);
3. adopting, amending or revoking a Local Alcohol Policy; and
4. setting rates.

Unless already explicitly provided for in the Long-term Plan, we will seek to amend the 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; and when transferring the ownership or control of strategic assets, as outlined in section 7.

In these circumstances the Council will develop information that meets the requirements of section 82A of the Act, making this available to the public, allowing submissions for a period of at least 1 month, and will consider all submissions prior to making decisions.

7 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, 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. The Act requires that any decision that significantly alters the level of service provided by the Council of a significant activity (including a decision to commence or cease such an activity) or transfers ownership or control of a strategic asset to or from the Council must be explicitly provided for in the Long-term Plan and can only be consulted on in the Long-term Plan, in accordance with section 93E of the Act.¹

Legal framework Strategic assets are defined in section 5 of the Act as: "...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:

1. any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and
2. 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
3. any equity securities held by the local authority in:
4. a port company within the meaning of the Port Companies Act 1988;
5. an airport company within the meaning of the Airport Authorities Act 1966."

Section 76AA (3) of the Act requires that the Council "must list the assets considered by the local authority to be strategic assets." These assets are determined to be important to achieving the Council's community outcomes. In addition, assets or groups of assets are listed as

¹ Section 93E of the Local Government Act 2002 covers the additional content of consultation documents for adoption or amendment of a Long-Term Plan where section 97 applies to proposed decision.

strategic if the Council ownership or control is essential to the long-term provision of the associated service.

7.1 Group or Whole-of-Asset Approach

The Council takes a group or whole-of-asset approach i.e. it means the group assets as a whole and not each individual asset within the group. Without limiting the application of this provision to other assets, the following examples of the application of this policy to group assets are given:

- “Water supply network assets” means those group assets as a whole and not each individual pipeline, reservoir, and pump station. The Council does not consider that the addition or deletion of parts of that group asset (being a part of the group asset as a whole) will affect the overall group asset’s strategic nature.
- “Roading assets” and “reserve assets” mean those group assets as a whole. Therefore, if the Council acquires land for a new road (or the formed road itself) or new reserve lands as a result of subdivision, those additions are part of the day-to-day business of managing the roading and reserves assets.
- Decisions that involve the transfer of ownership or control of an element of a group strategic asset where the remaining assets of the group still enable the Council to meet its strategic outcome will not on their own be regarded as a strategic asset. Examples include:
 - disposal of former roads, provided that the Council has followed the road stopping processes under the Public Works Act 1981
 - disposal of individual reserves, provided that the Council has followed the procedures in the Reserves Act 1977 or the Local Government Act 2002 for areas managed as reserve but not covered by the Reserves Act.

7.2 Schedule of Strategic Assets

Assets the Council owns that are strategic assets under section 5 of the Local Government Act 2002:

- the public rental housing held by the Council to maintain affordable housing

Assets the Council has determined to be strategic assets:

- Infrastructural assets relating to roads, water, stormwater, and wastewater
- The network of parks, sports grounds and other recreational facilities
- The districts aquatic facilities, including the Waipawa Memorial Pool
- Solid waste facilities, including transfer stations and the Farm Road Landfill
- CHB District Libraries, as a whole
- Cemeteries
- Cultural facilities including the Waipukurau Memorial Hall and Waipawa Municipal Theatre.
- Retirement Housing