

Significance and Engagement Policy

Purpose

Upper Hutt City Council engages with our community every day and in many different ways. It can be a one-way simple communication to keep people informed, or it can be a two-way process of consultations or engagement.

The policy has been developed to provide certainty on:

- When and how Council will engage or consult with communities.
- What Council will take into account when deciding what is significant.
- When the community will have a direct opportunity to contribute to decision-making.

Our aim is to have the right conversation with the right people about the right issues before making significant decisions.

This policy outlines the types of things that you can expect to be consulted about, such as the key issues in the Long Term Plan and Annual Plan, a decision that will change a service that you expect and value, or something that will add cost to the ratepayer.

The policy guides Council's assessment of whether an issue or proposal is important (significant) to the community. It gives certainty and clarity that those important decisions will be treated in an agreed way with the community, and that Council will follow the local government rules of engagement and meet the purpose of local government:

"to enable democratic local decision-making and action by, and on behalf of, communities..."

-Local Government Act 2002

Scope

Many decisions made by Council are governed by specific Acts outside the Local Government Act 2002. These Acts prescribe the decision making and consultation procedure required. Consequently, there are some decision making processes that are not within the scope of this Significance and Engagement Policy. These include:

- Resource Management Act 1991
- Civil Defence Emergency Management Act 2002
- Land Transport Act 1998
- Local Electoral Act 2001

In addition, this policy will not apply and engagement will not be required where:

- in the opinion of the Council, failure to make a decision urgently would result in unreasonable or significant damage to property, or risk to people's health and safety;
- there are any physical alterations to strategic assets that are required to prevent an immediate hazardous situation arising;

- Council must repair an asset to ensure public health and safety due to damage from an emergency or unforeseen situation;
- Council is required to act with urgency due to a crisis.

In addition, Council is required to undertake a special consultative procedure on certain matters, as set out in Section 83 of the Local Government Act 2002 (LGA 2002) regardless of whether they are considered significant as part of this policy.

Where Council makes a decision that is significantly inconsistent with this policy, the steps identified in s80 of the LGA will be applied.

Review of the Policy

The Policy may be amended from time to time. Council will consider making amendments when we prepare a Long Term Plan (i.e. every three years).

Amending the policy requires consultation unless Council considers it has sufficient information about community interests and preferences to enable the purpose of the policy to be achieved, without consultation.

Application of the Significance and Engagement Policy

This policy applies to any proposal or decision before the Council.

This policy is applied in two steps:

Step 1 – Determine the significance of the proposal/decision

Step 2 – Determine whether there is a requirement to engage or not (guided by the level of significance), and if so, the level of engagement.

Council will determine the appropriate time to make the above assessment – this may differ depending on the issue and the type of decision and process. Significance and engagement may be reassessed as a matter progresses.

STEP 1 - DETERMINING THE DEGREE OF SIGNIFICANCE

To determine the degree of significance of an issue, proposal or other matter Council must:

1. Assess the matter against the significance principles outlined below and
2. Apply the criteria to assess the degree of significance.

SIGNIFICANCE PRINCIPLES

Council will first assess the matter against the following principles:

- The likely impact of the decision on present and future interests of the community.
- Level of impact on Māori, Māori culture, traditions and values, and their relationship to land and water.
- Possible environmental, social and cultural impacts.

- How the decision aligns with historical Council decisions.
- The potential effect on delivering Council’s strategic aspirations.
- The impacts on Council’s capacity to meet its statutory responsibilities now and in the future.
- If the matter has already been clearly described in the Long Term Plan (LTP), including the nature and extent of the proposed action.
- If it is an operational matter.

SIGNIFICANCE AS A CONTINUUM

Significance can be thought of as a continuum. At one end are matters that are ‘not important’ (low or no significance) such as a minor technical amendment to a Council policy. At the other end of the continuum are matters deemed to be ‘critical’ (very high significance) such as a new project that requires substantial, discretionary funding, or a proposed policy change which may significantly change the application of a policy.



Source: Society of Local Government Managers (SOLGM) Significance and Engagement Policies guide 2014

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CRITERIA TO ASSESS THE DEGREE OF SIGNIFICANCE

Council will use the criteria in the table below when determining the degree of significance of a proposal, issue or matter:

- Consistency with a prior decision or decisions
- Transfer of ownership or control of strategic assets
- Levels of public interest are known
- Community (as a whole or part)
- Level(s) of service provided by Council and Councils capacity
- Reversibility
- Level of financial consequence

Council will assess the degree of significance of a proposal or decision on a case-by-case basis using the table below and determine the level of significance of a proposal or decision to be high, medium or low.

1. If the proposal or decision triggers two or more of the criteria which are under the high significance level column, the level of significance will be deemed to be **high** (i.e. the proposal or decision will be deemed significant).
2. If the proposal or decision triggers three or more criteria which are under the low significance level column, the level of significance will be deemed to be **low**.
3. If the level of significance of a proposal or decision is not deemed to be high (under clause 3) or low (under clause 4), the level of significance will be deemed to be **medium**.

Where the significance of a proposal or decision is unclear against any of the criterion, the Council will treat that criterion as being more rather than less significant.

DETERMINING SIGNIFICANCE

	Criteria	High significance	Medium significance	Low significance
a.	Consistency with a prior decision or decisions (i.e. proposal or decision which is consistent with current policies and strategies).	Decision or proposal is significantly inconsistent. (e.g. a decision or proposal that retires a Council adopted strategy)	Decision or proposal is consistent but with some notable variations. (e.g. a decision or proposal contrary to a public places policy allowing restaurants to use entire width of public footpaths for outdoor entertainment)	Decision or proposal is consistent. (e.g. adopting a public places bylaw to enforce a public places policy)
b.	Involves the transfer of ownership or control of strategic assets to or from the Council.	Majority transfer (i.e. more than 51% or transfer in its entirety). (e.g. a full transfer of an asset)	Minority transfer (e.g. a 30% share transfer of an asset)	Nominal or no transfer
c.	Levels of public interest known.	High levels of public interest known (e.g. the adoption of a psychoactive substance policy)	Moderate levels of public interest known (e.g. adoption of an Event Sponsorship policy)	Low levels of public interest known (e.g. adoption of an elected member support policy)
d.	The degree to which the issue affects the community or the city of Upper Hutt.	Impacts a large proportion of the community.	Impacts a subgroup or groups within the community	Impacts an individual person or household

DETERMINING SIGNIFICANCE

	Criteria	High significance	Medium significance	Low significance
		(i.e. a change in the rubbish collection timeframes)	(i.e. the creation of a neighbourhood playground)	(i.e. the removal of a street tree)
e.	The extent to which a decision significantly alters the intended level of service provision for a group of Council activities, (including a decision to commence or cease any such group of activity), or significantly affects the capacity of Council in relation to any activity identified in the Long Term Plan.	<p>Ceasing or commencing a service.</p> <p>(i.e. the closure of a facility)</p>	<p>A more than nominal alteration of a service.</p> <p>(i.e. the digitization of most hard copy books at the public libraries)</p>	<p>A nominal or no alteration of a service.</p> <p>(i.e. the undertaking of a tender with a different contractor)</p>
f.	Ability to reverse the decision.	<p>Highly difficult</p> <p>(e.g. constructing a purpose built building, or where Council is legally obliged or committed through contractual arrangements)</p>	<p>Moderately difficult</p> <p>(e.g. adoption of a Speed Limit Bylaw)</p>	<p>Low difficulty</p> <p>(e.g. a minor amendment to a policy)</p>
g.	Level of financial consequences in relation to unbudgeted operating cost or capital cost in the Long Term Plan.	<p>Unbudgeted operating cost(s) greater than 5% of total expenses for the financial year of the proposal/decision</p> <p>(e.g. a \$3.1 M unbudgeted increase in lease costs)</p> <p>AND/OR</p> <p>Unbudgeted capital cost(s) greater than 1% of total assets in the financial year of the proposal/decision</p>		

DETERMINING SIGNIFICANCE

Criteria	High significance	Medium significance	Low significance
	(e.g. the construction of a \$8.38 M unbudgeted building)		

STEP 2 - DETERMINING ENGAGEMENT

To determine whether engagement is required on an issue, proposal or other matter, and if so the extent of engagement, Council will:

1. Assess the matter against the engagement principles outlined below and
2. Apply the 'Determining engagement' assessment

ENGAGEMENT PRINCIPLES

- The significance of a matter will influence the time and resource Council will invest in evaluating options and obtaining the views of affected and interested parties. Engagement may be required at various stages of the decision-making process and may take different forms depending on the stage. Both significance and the form of engagement will be assessed on a case-by-case basis.
- Council will consider the extent of 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. In linking the level of significance to the level of engagement, a balance must be struck between the costs of engagement and the value it will add to the decision-making process.
- Council acknowledges the unique status of Māori and aims to engage with the wider Māori community to ensure their views are appropriately represented in the decision-making process. Council is committed to providing relevant information to inform Māori contribution and improve their access to Council's engagement and decision-making processes. Council is building relationships with local organisations representing Māori, iwi and mana whenua.
- Feedback provided by the community to date has identified that the majority of the Upper Hutt community prefers online engagement/communication, and that due to time constraints people must feel strongly about a matter before they will engage with Council.
- With this in mind, Council has moved toward a more effective process of engagement which includes a higher level of digital communication across platforms such as our website and Facebook, in an effort to reach a wider cross-section of the community.

DETERMINING ENGAGEMENT' ASSESSMENT

	Significance	Description
1	For matters of low degree of significance	When a matter is assessed as having low or no significance, Council will inform the community once a decision is made and is being implemented.
2	For matters that have a medium degree of significance	<p>When a matter is considered to have significance but not regarded as significant, Council is required to make a formal resolution before action may be taken. This requirement excludes matters already covered by the Long Term Plan.</p> <p>A formal resolution is to be obtained by presenting a report to Council, which addresses the requirements identified in the LGA s77-s81.</p> <p>The report to Council will include an assessment of the degree of significance of the issue, and whether engagement and consultation is recommended. If engagement and/or consultation are recommended, then an engagement plan will be included in the report.</p>
3	For all matters identified as having a high degree of significance	<p>If an issue is determined as having a high degree of significance, then it is significant and the issue will be considered by Council.</p> <p>This decision requires a report to Council outlining the assessment of the degree of significance of the issues, the degree of engagement proposed, the engagement plan proposed, and a recommendation.</p> <p>Council will apply the principles of consultation (LGA s82) and be guided by the operational guidelines in Schedule 1.</p>
4.	Consider if the Special Consultative Procedure is appropriate	<p>Review the issue, proposal or other matter to determine if any of these factors exist:</p> <ul style="list-style-type: none"> • Development of, review, or amendments to the Long Term Plan • Preparation of the Annual Plan • It is considered that the Special Consultative Procedure is relevant and required. <p>If yes, then follow the Special Consultative Procedure in line with s83-87.</p>
5	Consultation and/or engagement	Council will apply the principles of consultation (s82 of LGA) and use the operational guidelines in Schedule 1.

Strategic assets

Defined in s5 of the Local Government Act 2002, 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 the Significance and Engagement Policy sets out Council's preference about engagement on decisions relating to specific issues, including assets, Council is required to state what its Strategic Assets are at the time of adoption of this policy.

The following are considered to be strategic assets for Upper Hutt City Council in terms of the Act:

- Upper Hutt City primary (regional) and secondary (district) arterial roading routes
- Upper Hutt Civic Centre
- Whirinaki Whare Taonga
- H₂O Xtream
- The City Library and Pinehaven Library
- Harcourt Park, Trentham Memorial Park, and Maidstone Park
- Upper Hutt City water supply network
- Upper Hutt City stormwater network
- Upper Hutt City wastewater network, including the Upper Hutt City Council share of the Hutt Valley Wastewater network
- Akatārawa Cemetery

For the removal of doubt, each strategic asset is listed as a whole entity, and the term 'strategic asset' does not apply to the individual elements of that asset.

Schedule 1

Community engagement – operational guidelines

Once the level of significance of an issue, proposal or decision has been determined, 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.

In the course of reaching decisions on a particular issue or proposal at different times and stages, Council may use a variety of engagement techniques and the engagement methods may be adapted based on a range of other factors, not least history and public awareness of the issue, stakeholder involvement, and timing related to other events or engagement, budgets and many other factors.

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.

Council refers to the International Association of Public Participation engagement spectrum (below) as a basis for methods of engagement before making a decision.

IAP2'S SPECTRUM OF PUBLIC PARTICIPATION



IAP2's Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public's role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world

INCREASING IMPACT ON THE DECISION					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	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.

Credit: Reproduced with permission from the International Association for Public Participation (IAP2) Federation—www.iap2.org

Council will consider engagement methods and tools relative to the level of significance. These will support community participation through an engagement spectrum approach, as set out in the following table.

Differing levels and methods of engagement may be required during the varying phases of consideration and decision-making on an issue or proposal. Council will review the suitability and effectiveness of the engagement strategy and methods as the process proceeds.

Schedule 2

Examples of engagement activities – adapted from the IAP2 spectrum of engagement

ENGAGEMENT LEVEL	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
What is involved?	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.
Examples of tools the Council might use Note: these tools may be applicable across many levels of engagement	<ul style="list-style-type: none"> • Email newsletter to local communities and networks • Information flyers • Public notices/info in local newspaper and on the Council website • Use of social media 	<ul style="list-style-type: none"> • Formal submissions and hearings or the Special Consultative Procedure • Focus groups • Community meetings • Online opportunities to submit ideas/feedback • Rates inserts • Display boards 	<ul style="list-style-type: none"> • Workshops • Focus/ stakeholder group meetings • Public meetings, drop-in sessions • Online surveys/forums • Displays at public venues 	<ul style="list-style-type: none"> • Pre-consultation • Working groups (involving community experts) • Community Advisory Groups (involving community representatives) • Forums 	<ul style="list-style-type: none"> • Binding referendum • Local body elections • Delegation of some decision-making to a community
When the community is likely to be involved	Once a decision is made and is being implemented.	Once 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 3

What is the Special Consultative Procedure?

This is a formal consultation process that must be carried out in certain circumstances. The Council may also decide to use the special consultative procedure, if it wishes, for any other significant decisions.

The law requires us to use the Special Consultative Procedure for:

- Making, amending or revoking a bylaw¹
- Adopting and amending our Long Term Plan
- Other acts if expressly required by laws

Under the Special Consultative Procedure we must:

- Develop a Statement of Proposal and if considered necessary, a Summary, and make them widely available
- Allow a minimum feedback period of one month
- Ensure people are given the opportunity to present their views to Council at a hearing

Hearings and feedback

- Hearings will generally be held in Upper Hutt City Council Chambers, 838-842 Fergusson Drive, Upper Hutt.
- Council can allow any person to present their views to the local authority by way of audio link or audio-visual link.
- If we're asked to do so, Council may enable interpretation for/to New Zealand's other official languages - Te Reo Māori and New Zealand Sign Language, where practical.
- Following the conclusion of the consultation and/or engagement process, Council will be required to make a decision.
- Once a decision has been made, the community will be informed of the decision made using a method appropriate to the nature of the consultation (for example this may range from public notices to direct communication to submitters).

¹ According to the Local Government Act 2002 Part 8 Section 156, the Council does not need to use the Special Consultative Procedure if the change is minor or a correction of an error which does not affect existing rights. In such case, the change can be made by resolution, publicly notified.

Schedule 4

Definitions

Activity	Refers to the list of Council Activities identified in the Long Term Plan, which is a service or function provided by, or on behalf of, the Council.
Community	A community, for the purposes of this policy, is a group of people with a shared or common interest, identity, experience or values. For example, cultural, social, environmental, business, financial, neighbourhood, political or spatial groups. 'The community' refers to all of the people that are a part of the diverse communities in Upper Hutt.
Decisions	Refers to the decisions of Council by formal resolution at Council and Council Committee meetings. It also refers to decisions made by officers or others under delegated authority.
Engagement	Is a term used to describe the process of establishing relationships, sharing information and seeking feedback 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.
Having significance	Significance is a continuum and as an issue moves along the spectrum (from low to high) Council assigns it an incremental level of significance. If a matter is determined to 'have significance' then it will require a formal resolution from Council before action can be taken.
Not significant	The issue/decision does not trigger the policy criteria or thresholds.
Operational matters	The matter concerns the day-to-day operations of Council, is carried out under delegated authority and is in accordance with the Long Term Plan, Annual Plan or relevant legislation.
Significant	In relation to any issue, proposal, decision, or other matter, means that the issue, proposal, decision, or matter has a high degree of significance.
Significance ²	The degree of importance of an issue, proposal, decision, or matter, as assessed by Council, in terms of its likely impact on, and likely consequences for: <ol style="list-style-type: none"> 1. the district or region; 2. any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter; 3. the capacity of the local authority to perform its role, and the financial and other costs of doing so (as described by the LGA).

² As defined by the Local Government Act 2002.

Special Consultative Procedure	This is a formal process which enables the community to have a say on a significant decision. Council will take the community's views into account before making a decision. This is a more formal process than inviting feedback. There are rules about how we undertaken special consultation (see Schedule 3. Comments are treated as formal submissions which will be made publicly available and submitters can choose to present their views at a hearing before elected members.
Strategic aspirations	Refers to any high level, direction setting goal or document that Council aims to deliver, including the city vision priority areas, which represent the community outcomes for the city.
Strategic asset	An asset or group of assets as defined in LGA Schedule 5.