



SIGNIFICANCE AND ENGAGEMENT POLICY



NAPIER
CITY COUNCIL
Te Kaunihera o Ahuriri

Significance and Engagement Policy



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| Adopted by | Napier City Council on 20 December 2017 |
| Relevant Legislation | International Association of Public Participations (IAP2) Spectrum of Engagement Local Government Act 2002 |
| NCC Documents Referenced | Long Term Plan 2018-28 |

Purpose

This policy provides clarity on how and when the community can expect to be engaged in Napier City Council's decision-making processes, and lets the Council and the community identify the degree of significance attached to particular issues, proposals, assets, decisions and activities.

Rationale

Community engagement is important to enable the community to participate and have confidence in the decision making process and to help council understand varied points of view to make better decisions and deliver better services for Napier, reflecting the aspirations of mana whenua, residents, ratepayers, community groups and businesses.

At times, engagement and consultation is a requirement of legislation.

Principles

We align with the following principles in our approach to engagement:

Open and transparent

We will:

- interact in an open, honest and respectful way;
- be clear about why and how we are engaging;
- provide clear and relevant information;
- provide enough time for feedback to be provided;
- be open to and consider all feedback received;
- advise the community of the decisions made.

Inclusive and accessible

We will:

- consider the engagement preferences of the community, while reflecting the appropriate level of engagement needed;
- ensure information is understandable and accessible to a range of people;
- consider a range of ways people can express their views;
- provide opportunities for Māori to contribute to our decision-making processes in a meaningful way, through engagement and/or partnership approaches;

Policy Statement

General Approach

An assessment of the degree of significance of proposals and decisions, and the appropriate level of engagement, will be considered in the early stages of a proposal before decision making occurs. Significance means the degree of importance of the matter, issue, proposal or decision, relating to its likely impact on and consequences for:

- parts of the city, the city as a whole, or the region;
- any persons who are likely to be particularly affected by or interested in the matter, issue, proposal or decision;
- the achievement of, or means to achieve, Council's stated levels of service as set out in the current Long Term Plan;
- the capacity of the Council to perform its role and carry out its activities, now and in the future;
- the financial, resource and other costs of the decision, or whether these are already included in an approved Long Term Plan.

Criteria for Significance

- the level of community interest;
- the impact or consequences for affected individuals and groups in the city or region;
- consistency with current Council policy, strategy, outcomes or priorities;
- impact on levels of service;
- financial impact on Council's overall resources and rating levels;
- the cost of the decision;
- the involvement of a strategic asset;
- the extent to which the decision can be reversed.

The criteria to assess significance are outlined in Schedule 3. The criteria are a guide to help Council identify whether a matter is likely to be significant. Ultimately, in assessing the significance of a decision, Council will need to have regard to all relevant circumstances.

Strategic assets

Our strategic assets or groups of assets are those physical assets vital for delivering services to Napier and/or are important to achieve or promote any outcome that is important to the current or future well-being of our community. Strategic assets are the group of assets or the asset as a whole entity and not the individual elements of the asset. We also have some iconic assets of significance that are dealt with through heritage requirements. Council's strategic assets are listed in Schedule 2.

Any decision that transfers ownership or control of a strategic asset to or from Council, can only be taken if explicitly provided for in the Long Term Plan and consulted on in accordance with section 93E of the LGA 2001.

Engagement or consultation on other decisions regarding strategic assets will be determined by the level of significance of any proposal (see section on significance above).

Engagement Approach

Community engagement is a process, involving all or some of the community and is focussed on decision-making or problem solving. Council will engage when a matter, issue, proposal or decision is significant or when legislation requires that consultation is undertaken.

Engagement will be proportionate to the matter being considered. In general, the more significant the issue, the greater the need for community engagement. Even if not required to by legislation, we may decide to use a Special Consultative Procedure (outlined below) if the matter is of high significance, or we may choose to use another form of appropriate consultation. A low level of engagement does not mean the quality of the engagement is diminished.

Council uses the Engagement Spectrum, based on the International Association of Public Participation (IAP2), to assess the approach we might take to engage with the community on a case by case basis. A combination of approaches may be used on any given engagement process. The detailed Engagement Spectrum (Schedule 4) outlines approaches, methods and tools. The approach and methods will be outlined in an engagement plan. Engagement processes will be documented and reported to Council to inform their decision-making.

Engagement will be carried out in line with our principles outlined in the first section of this policy.

Engagement spectrum – overview



Engagement with Māori

Council acknowledges the unique status of Māori, with particular regard to mana whenua. We will continue to build and strengthen our relationships with mana whenua representative entities and engage in a range of ways to ensure their views are appropriately represented in the decision-making process.

Council will engage with mana whenua where any matter involves a significant decision in relation to land or a body of water to ensure that the relationship of mana whenua and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna and other tāonga is considered.

Council recognises that there are differences between mana whenua and tāngata whenua and that different approaches are needed for Māori who live in Napier but do not have genealogical connections to mana whenua hapū. Council will engage with tāngata whenua where any matter involves a significant decision in relation to matters concerning community wellbeing.

Engagement with Māori will follow the principles set out in Council's Maori Engagement Framework.

Special Consultative Procedure

A Special Consultative Procedure (SCP) is required by the Local Government Act (Part 6) to be undertaken for some plans and processes, including:

- long-term plan (and any amendments)
- bylaws of significant public interest or significant impact on the public – including changes or revocation

If other legislation instructs use of SCP to consult then the SCP must be used regardless of this policy. If other legislation instructs consultation apart from the SCP, that process must be used regardless of this policy, for example, the Resource Management Act or the Reserves Act.

Council may choose to use the SCP for other matters.

When the SCP is used, we will:

- prepare and adopt a statement of proposal in accordance with Part 6 of the LGA), and in some cases a summary of the statement of proposal (section 83AA);
 - the statement of proposal will include:
 - the reason for the proposal;

- an analysis of the options;
 - other relevant information including any plans or policies (or any amendments if relevant);
- For bylaws – the statement of proposal will include:
 - a draft of the proposed bylaw, or the proposed amendment of the bylaw;
 - the reasons for the proposal;
 - a report on any determinations made under the Act on whether a bylaw is appropriate;
- make the following information available to the public:
 - the statement of proposal;
 - advise how people how they can present their views;
 - state how long the proposal is open for submissions;
- make the summary of the statement of proposal and/or the statement of proposal widely available;
- provide a reasonable opportunity for people to present their view to the Council through spoken interaction (or using sign language). This can be done via audio link or audiovisual link.

Council may request advice or comment from a Council officer or any other person.

When Council may not engage

There may be situations when engagement is impractical or unnecessary because:

- of time constraints e.g. failure to make a decision urgently would result in unreasonable or significant damage to property, or risk to people's health and safety¹, or the loss of a substantial opportunity to achieve the Council's strategic objectives;
- the matter is not significant and/or is regarded as business as usual;
- the Council considers that the views of the community are already known;
- the timing of the decision means it would be better dealt with through the Long Term Plan.

Policy Review

The review timeframe of this policy will be no longer than every three years.

¹ This includes any physical alterations to strategic assets that are required to:

- prevent an immediate hazardous situation arising
- repair an asset to ensure public health and safety

Schedule 1: Definitions

Community

A group of people living in the same place or having a particular characteristic in common (i.e. community of interest). This includes interested parties, affected people and key stakeholders.

Engagement

The process of sharing information and seeking feedback or input to inform and assist decision-making.

Long Term Plan

Council's 10-year plan. The plan is reviewed every three years for the following 10 years. Any significant amendments to the plan must take place either every three years or by an additional process requiring consultation.

Significance

Significance, in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of that matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for:

- a) the district or region;
- b) any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter;
- c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.

Significant

Any matter that is determined by Council as having a high degree of significance.

Strategic Asset

As defined in Section 5 of the LGA 2002, in relation to the assets held by a local authority, means 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 –

- d) any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and
- e) 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
- f) any equity securities held by the local authority in –
 - i) a port company within the meaning of the Port Companies Act 1988:
 - ii) an airport company within the meaning of the Airport Authorities Act 1966

Schedule 2: Strategic Assets

Refer to section on Strategic Assets (p3 and p6).

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

- Share of Hawke's Bay Airport Ltd
- Rental housing (as a whole)

Assets Council has determined to be strategic assets and strategic group of assets

Strategic Group of Assets:

- Sewage conveyance, treatment and disposal system, including the sewer network, pump stations and treatment works
- Water supply distribution systems, including reservoirs, pump stations and reticulation
- Land drainage system, including the storm water pipe network, waterways, and retention areas and pump stations
- Roothing network
- Sportsgrounds and reserves
- Cemeteries
- Commercial property investments
- Swimming pool facilities
- Literary collections held by the Libraries (as a whole)

Strategic Assets:

- Refuse transfer station
- Share of Omarunui Landfill
- McLean Park (land and buildings)
- Inner harbour
- Napier Municipal Theatre (building only)
- Kennedy Park Resort (land only)
- MTG Hawke's Bay (building only)
- Civic Building
- Napier Conference Centre (building only)
- Napier i-Site (building only)
- Bay Skate (grandstand only)
- National Aquarium of New Zealand (building only)

Schedule 3: Significance Criteria and Factors

| CRITERIA | DEGREE OF SIGNIFICANCE | |
|--|--|--|
| | LOW | HIGH |
| Residents or ratepayers affected | Small impact on large proportion Or Moderate impact on small proportion | Moderate impact on large proportion Or Large impact on moderate proportion |
| Particular grouping in the community affected | No particular group affected | Large impact on specific group(s) e.g. youth, Māori, suburb |
| Financial impact on Council's overall resources and rating level Including cost of the decision | Small impact <0.05% increase on rates and/or < \$500,000 external borrowing | Large impact >1% increase on rates and/or debt cap exceeded |
| Impacts to levels of service | No change to an activity group Little or no change to levels of service | Creates or ceases an activity group Large spending increase on activity group Large reduction in levels of service |
| Strategic Asset | Involves minor changes to a strategic asset | Involves changes to ownership or control of strategic assets |
| Consistency with Policy/Strategy | Consistent | Large inconsistency |
| Community interest | General agreement | Large divisions in the community Disagreement from large proportion of community |
| Reversibility | Ability to reverse Has low to medium impact on future generations | Is irreversible and/or will impact negatively on future generations to a high degree |
| Legal requirements | Has no legal obligation to consult | Has specific legal obligation to consult |

Schedule 4: Engagement Spectrum

| | | INFORM | CONSULT | INVOLVE | COLLABORATE | EMPOWER |
|--|-----------------|---|---|---|---|--|
| Approach | | Provide information | Obtain feedback | Have dialogue | Partner | Community decides |
| When the community can expect to be involved | | Informing once a decision has already been made | Seek ideas or input on options already developed | Community participate in the process and input into the matter before a decision is made | Work together to develop options and identification of preferred solutions | The final decision is made by the community |
| Types of issues | | <ul style="list-style-type: none"> • Annual report • Updates on significant projects • Council papers • Annual Plan where there are no significant changes from LTP | <ul style="list-style-type: none"> • Long Term Plan • Significant amendments to Annual Plan • Bylaw –including changes | <ul style="list-style-type: none"> • Policy development • Long Term Plan development • Some major projects | <ul style="list-style-type: none"> • Community plans • Sector-wide issues • Projects with significant community focus/impact or implementation | <ul style="list-style-type: none"> • Local body elections • Locally based policies and initiatives |
| Tools | INFORMAL | Social media Newsletters Radio Posters | Social media Focus groups Informal meetings Roadshows Expos | Interactive digital platforms Workshops Forums Panels (peoples panel) Engagement events | Advisory groups | Community-led groups |
| | FORMAL | Fact sheets Public notices Publications | Surveys Formal submissions Hearings | Public meetings Expert panels | Project teams Steering groups Technical experts | Referenda Ballots |

Schedule 5: Strategic Asset Linkage to Council Outcomes

| Strategic Asset | Link to Outcomes |
|--|-------------------------|
| Share of Hawke's Bay Airport Ltd Commercial Property Investments Kennedy Park Resort (land only) | Sustainability |
| Cemeteries Sewage conveyance, treatment and disposal system, including the sewer network, pump stations and treatment works Water supply distribution systems, including reservoirs, pump stations and reticulation Land drainage system, including the storm water pipe network, waterways, and retention areas and pump stations Refuse transfer station Share of Omarunui landfill Bay Skate (grandstand only) Swimming pool facilities Rental housing (as a whole) | Health and Wellbeing |
| Roading network Sportsgrounds and reserves Inner harbour | Infrastructure |
| Literary collections held by the Libraries (as a whole) Marine Parade Attractions (as a whole) McLean Park (land and buildings) Napier Municipal Theatre (building only) MTG Hawke's Bay (building only) Napier Conference Centre (building only) Napier I-Site (building only) National Aquarium of New Zealand | Vibrancy and Innovation |
| Civic Building | Engagement |



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