

# Te Pai Tawhiti | Long Term Plan 2021-31

## Proposed Significance and Engagement Policy

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## 1. PURPOSE

This Policy explains how Council will determine the significance of decisions and when and how our communities can expect to participate in Council's decision-making processes.

## 2. CONTEXT

Genuine engagement is integral to high-quality Council planning, decision-making and operations. To be effective, we must be well acquainted with our community and their preferences, and our plans should have solid community backing.

Engagement is a process of dialogue between decision-makers, partners, communities and stakeholders for the purpose of making decisions, policies and strategies. Effective engagement serves to build trust in Council decision-making and increase Council's awareness of issues in the community.

This Policy provides guidance for assessing significance and the level of engagement suitable to the significance of the decision, along with guidance on the circumstances in which we would not consult. While our staff interact with community members, Māori partners and key stakeholders daily, some Council decisions require a more structured form of engagement due to the significance a matter has within the wider community, or for groups within the community. Conversely, it would not be appropriate for Council to take every decision to the community.

The goal is to give people a sense of ownership of decisions and ensure Council's work is relevant to the people who live in our district.

## 3. OBJECTIVE

The objectives of this policy are to:

1. Ensure consistency when determining the significance of proposals, assets and decisions
2. Identify the extent and type of public engagement required before a decision is made
3. Provide clarity about how and when communities can expect to be engaged in decisions
4. Build genuine relationships with Māori, Treaty partners, key stakeholders and the wider community through a better understanding of their preferences, and encouraging co-operation, respect and mutual understanding of other points of view
5. To acknowledge the enduring presence, aspirations, and cultural obligations of mana whenua as kaitiaki of the Far North
6. Comply with section 76AA of the Local Government Act 2002.

## 4. DEFINITIONS

**Consultation** is a formal type of engagement, often prescribed by legislation and time bound. It generally involves seeking community feedback on a draft proposal, plan or document in order to inform Council's decision-making.

**Engagement** describes a broad range of activities, which might include consultation, designed to invite community participation in solving problems or making decisions related to Council's work. This means Council's work can better reflect or respond to the needs, views, preferences or aspirations of the community.

**Hapū** defines a cluster of families linked by the same whakapapa that may share the same land boundaries and same marae.

**Levels of service** refer to the targets Council aims to achieve for the various services and facilities it provides. These are reviewed every three years in the Long-Term Plan. An example of this is the percentage of the roading network we aim to reseal each year.

**Mana whenua** are Māori with authority over the land and kaitiaki status.

**Mātāwaka** are Māori for whom their place of residence is not their traditional home, and therefore are not described as mana whenua.

**Memorandum of Understanding (MOU)** in this policy refers to a Crown-Māori Relationship Instrument, which is a documented agreement or arrangement, signed by both parties, that establishes or recognises an ongoing collaborative relationship between Ministers, Government agencies or Crown entities (such as Local Government), and a whānau, hapū, iwi, Māori organisation or Māori communities.

**Significance** is the degree of importance of an issue, proposal, decision, or matter that concerns or is before Council.

Significance relates to the likely impact on:

1. the wellbeing of the district
2. people affected
3. the ability of Council to perform its role, and the financial and other costs of doing so.

A more detailed definition can be found in section 5 of the Local Government Act 2002.

**Special consultative procedure** is prescribed by legislation. It requires Council to prepare and adopt a statement of proposal and a summary of the information if needed to reduce or remove confusion, and to make this widely available for public consumption and feedback, within a timeframe of no less than one month. Council must also provide an opportunity for people to present their views orally, if they wish to do so. Further detail is set out in section 83 of the Local Government Act 2002.

**Strategic assets** are assets, such as infrastructure or properties, that Council needs in order to achieve outcomes it decides are important to the current or future well-being of the community. A more detailed definition can be found in section 5 of the Local Government Act 2002.

**Tangata whenua** refers to “people of the land”. It might relate to specific groups, or more broadly to Māori as a people.

## 4. PRINCIPLES OF ENGAGEMENT

1. Our principles for engagement are laid out in the Local Governance Statement and are guided by the Local Government Act 2002 sections 82 Principles of Consultation and section 81 Contributions to Decision Making Processes by Māori.
2. We clearly communicate how and to what extent those we are engaging with can influence outcomes and within these limits we are genuinely open to the feedback and ideas of our community.
3. We think about engagement at the beginning of any project or process so that it is planned and purposeful. This also means, where appropriate, stakeholders or the community can be involved from an early stage.
4. We consider who will be affected by or interested in the project or process, and we try to reach as many people as possible within that group.
5. We provide clear, easy-to-understand background information to those we are engaging with, so they are better equipped to discuss the project or process and provide informed feedback.
6. We consider the timing of our engagement activities so as not to overburden our community.
7. We thank community members for their contributions, provide them with a summary of feedback and explain our decisions.

## 5. ENGAGING WITH TANGATA WHENUA

1. Council acknowledges the unique perspective of Te Ao Māori and recognise that Māori are more than an interest group or stakeholder.
2. 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.
3. Council acknowledges that different approaches are needed for Māori who live in the Far North but do not have genealogical connections to mana whenua hapū.
4. When engaging with tāngata whenua and Māori, Council will:
  - a. Engage early in the decision-making process
  - b. Establish and maintain processes to provide opportunities for Māori to contribute to Council's decision-making, including partnership approaches where appropriate, and support Māori to fully engage with us
  - c. Ensure existing general and project-specific relationship processes between Council and tāngata whenua will, where working well, remain as a starting point for engagement
  - d. Recognise and empower existing formal relationships (i.e. MOUs) with iwi and hapū
  - e. Actively consider the recognition and protection of Māori rights and interests within the Far North and how we can contribute to the needs and aspirations of Māori
  - f. Ensure all Council reports identify any impacts on Māori

- g. Build ongoing relationships with Māori through a range of approaches that enables Māori to guide how they want to engage with Council
- h. Fulfil its obligations under any Treaty Settlement legislation.

## 6. ENGAGING WITH DIVERSE COMMUNITIES

1. Council will consider those in our community with visual, hearing or literacy impairments, and those who speak English as a second language.
2. When undertaking engagement, Council will consider how to meet the needs of our diverse communities in respect of accessibility, language and cultural expectations to ensure engagement with Council is enabled as much as possible.
3. Council will consider the many demographics and interested parties across the District, including but not limited to youth, business, retirees and ratepayers that do not live in the district.

## 7. DETERMINING SIGNIFICANCE

1. Significance is determined in the early stages of a proposal, before decision making occurs. If it becomes necessary to do so, the significance of a proposal may be re-assessed at any time.
2. In determining a proposal's degree of significance, Council will be guided by:
  - a. Legislative requirements including the Local Government Act 2002 (LGA), the Resource Management Act 1991 (RMA), and Treaty Settlement (TS) legislation including Memoranda of Understanding (MOU)
  - b. Whether the decision is inconsistent with previous Council decisions or current policies, according to section 80 of the LGA
  - c. Commitments made in relationship agreements such as any MOU and/or mana-enhancing agreement
  - d. Historic levels of community impact or interest in the proposal
  - e. The likely impact on iwi/hapū/whanau and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga.

## 8. CLIMATE CHANGE

1. From 31 December 2021 the RMA requires councils to have regard to emissions plans and adaptation plans under the Climate Response Act 2002.
2. Council routinely considers the implications of its actions on climate change mitigation and adaption in its decision-making.
3. The criteria in section 10. Matters of Significance are considered sufficient to assess the significance of decisions that have a climate change element, cause or impact.

## 9. MATTERS OF SIGNIFICANCE

1. A decision is of high significance if one of the following applies:
  - a. It involves the transfer of the ownership or control of a strategic asset (Schedule 1) or other important asset (Schedule 1a) to or from Council; or
  - b. It is inconsistent with Council plans or policies and meets one of the thresholds shown in the table below:

Criteria	Threshold
Transfer of a strategic asset	The proposal involves the transfer of the ownership or control of a strategic asset (Appendix A) to or from Council.
Unbudgeted financial impacts	The proposal will incur unbudgeted net operational expenditure exceeding 2.5% of total rates in the year commenced OR unbudgeted net capital expenditure exceeding 10% of total rates in the year commenced.

Criteria	Threshold
Of specific interest to Māori	The proposal has a major and long-term impact on iwi/hapū/whanau and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga
Level of public interest	The proposal is likely to generate considerable interest or community views render the community deeply divided.
Effect on the community and its demographics	The proposal is likely to have an impact on the social, economic, environmental or cultural wellbeing of the District or an aspect of the District (e.g. a particular ward, a community of interest, a geographic area, or demographic).
Level of service	The proposal is likely to result in a change in the level of service and that the change will be major and long-term.

## Determining engagement

1. Council looks at the level of significance of a proposal when deciding what type of engagement is appropriate.
2. If a proposal is determined to be of high or medium significance, Council will conduct some form of engagement to inform the decision-making process.
3. If a proposal is determined to be of low significance, Council may inform the community once a decision has been made, or it may choose not to engage with the community at all (section 13).
4. Council applies the International Association of Public Participation (IAP2) spectrum to guide its approach to engagement.
5. Schedule 2 sets out the type of engagement the community can expect for proposals at different levels of significance.

## 10. SPECIAL CONSULTATIVE PROCEDURE

1. In some cases, the type of consultation required is set out in the legislation, i.e. the LGA. This is called a special consultative procedure and is prescribed in section 83 of the LGA, and is applied in the following situations:
2. Adoption or amendment of a Long Term Plan
3. Making, amending or revoking a bylaw that is considered of significant interest to the public or will likely cause significant impact on the public
4. When Council decides it is prudent to do so.
5. In these circumstances, the Special Consultative Procedure is a minimum requirement – Council may choose to conduct other engagement in addition to this process.

## 11. WHEN COUNCIL MAY CHOOSE NOT TO ENGAGE

Things Council will generally not engage on include, but are not limited to:

1. Operational matters that do not reduce a level of service
2. Emergency management activities
3. Those decisions made by delegation to Council staff
4. Commercially sensitive decisions (e.g. awarding contracts)
5. Decisions made to manage an urgent issue
6. Decisions where action is necessary to:
  - a. comply with the law
  - b. protect life, health, or amenity and infrastructure
  - c. prevent serious damage to property
  - d. avoid, remedy, or mitigate an adverse effect on the environment.

## **SCHEDULE 1: STRATEGIC ASSETS**

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The following is a list of assets that Council requires in order to achieve outcomes important to the current or future well-being of the community:

1. Council Headquarters
2. The roading network
3. The stormwater network
4. The wastewater network
5. The water supply network
6. The open space network, including parks, walkways and sports fields under the Reserves Act 1977
7. Council-owned cemeteries
8. Libraries
9. Shares in Far North Holdings Limited
10. Housing for the elderly.

## **SCHEDULE 1A: OTHER ASSETS OF IMPORTANCE TO THE COMMUNITY**

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The following are non-strategic assets (i.e. not defined as a “strategic asset” under the Local Government Act Section 5 Interpretation), but are considered by Far North District Council to be important to the well-being of the community:

1. Council land that is subject to claim under Te Tiriti o Waitangi
2. Council land/assets that have been transferred to Council Controlled Organisations

## SCHEDULE 2: ENGAGEMENT ASSESSMENT

Significance	LOW	MEDIUM		HIGH	<div>MAXIMUM</div>
Expectation	MINIMUM	Local Government Act 2002 s82 and s83			
Level of engagement	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Engagement Focus	This is what we are doing	Tell us what you think	Help us decide	Let's work together	You make the decision
What does it involve?	One-way communication providing balanced and objective information to assist understanding about something that is going to happen or has happened.	Two-way communications designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision-making.	Participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to decision-making.	Working together to develop understanding of all issues and interests to work out alternatives and identify preferred solutions.	The final decision is in the hands of the public. Under the LGA, the Mayor and Councillors are elected to make decisions on behalf of their constituents.
When the community can expect to be involved	Council would generally advise the community once a decision is made.	Council would advise the community once a draft decision is made by Council and would generally provide the community with up to four weeks to participate and respond. Where desirable to meet the needs of affected parties or groups, and possible within timeframes available, Council may consider extending this period.	Council would generally provide the community with a greater lead-in time to allow them time to be involved in the process.	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.	Council would generally provide the community with a greater lead-in time to allow them time to be involved in the process, e.g. typically a month or more.
Tools Council can use	Website and publications Social media Media release	<div>+</div> Surveys Focus groups Submissions	<div>+</div> Formal Hearings Public meetings Drop-in Centres	<div>+</div> External Working Groups MOUs	<div>+</div> Referenda Elections Polls































