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Approved for agenda ☒
Report to: Council

Meeting date: 26 September 2017

Subject: Draft Significance and Engagement Policy

Date of report: 21 September 2017

From: Seán Mahoney, Democratic Services Manager

Report purpose ☒ **Decision** ☐ **Information**
Assessment of significance ☐ **Significant** ☒ **Non-significant**

Summary

Every Local Authority is required to have a Significance and Engagement Policy under the Local Government Act 2002. Council's current policy was adopted in 2014 and it has been reviewed as part of the Long Term Plan (LTP) review of policies. The draft policy is intended to be adopted for consultation and feedback before a final version is adopted at the November Council meeting and incorporated into the Long Term Plan.

Recommendation

That the Kaipara District Council:

- 1 *Receives the Democratic Services Manager's report "Draft Significance and Engagement Policy" dated 21 September 2017; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of section 79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Delegates to the Acting Chief Executive to make any minor amendments to the draft policy before 30 September 2017; and*
- 4 *Seeks consultation on the Draft Significance and Engagement Policy through the month of October 2017 and will provide a final version for adoption to the November Council meeting.*

Reason for the recommendation

Council's current Significance and Engagement Policy was adopted in 2014. Where the Significance and Engagement policy is amended Council must consult unless it considers on reasonable grounds that it has sufficient information and preferences to enable the policy to be achieved. Given that the current policy was written during the Commissioner's term of office and the policy received no feedback, it is in the best interests of Council and the community to ensure that opportunities for feedback are provided before the adoption of a final policy.

Reason for the report

To seek adoption of the draft Significance and Engagement Policy and an engagement process for

feedback before a final policy is considered for adoption in November 2017.

Background

The 2014 amendments to the Local Government Act 2002, through the Local Government Act 2002 Amendment Bill (No 3) introduced Section 76AA and the requirement for Council to adopt a Significance and Engagement Policy by 01 December 2014.

In October 2014 Council adopted a Significance and Engagement Policy. This has been reviewed by management and was also briefed to Councillors as part of the LTP public briefings.

The revised policy which has come from feedback received does not make any fundamental changes to the existing policy but it does provide a modernised version of the engagement methods.

Issues

The new policy introduces more clarity around the role of engagement with mandated Iwi in the district. This will continue to be in line with any agreement Council has directly with Iwi and in addition to the process of community engagement.

The policy reaffirms the list of strategic assets as required under the Act. These have not been changed since the 2014 policy.

Assessments of significance need to be taken in a broad sense rather than a simple binary approach. The policy advocates for assessing against four areas –

- The number of individuals or groups impacted
- The extent and length of the impact
- The financial impact
- Levels of public interest.

The financial thresholds remain the same as in the existing policy.

Council could decide that the amendments and changes are not of the level that require consultation with the community. However the 2014 policy was adopted at a time when the Commissioners were in office and the amendments to the Act not well known in the community. Undertaking a short engagement process around this revised policy will allow for transparency around what is a cornerstone policy for Council. It also ensures any members of the community can provide feedback and suggest any improvements before Council adopt the policy. Council must if it deems the changes warrant it consult under section 82 of the Local Government Act. This requires amongst other things that Council provide information and seek views with an open mind. It is not however a special consultative procedure requiring hearings.

Factors to consider

Community views

The community will be able to feedback on the draft policy before it comes back to Council. We will put

the Draft policy on our website, send a link to our key LTP stakeholders, advertise it on social media and the local newspapers and ask for feedback for a three week period in October 2017. This is in line with the engagement methods outlined in the policy.

Policy implications

Council is required to have a Significance and Engagement Policy.

Financial implications

Nil

Legal/delegation implications

Section 76AA of the Local Government Act requires all local authorities to adopt a policy.

Options

Option A: Adopt the draft policy subject to any amendments and seek feedback from the community.

Option B: Adopt the draft policy as the final policy without feedback from the community.

Option C: Retain the 2014 policy as the existing policy.

Assessment of options

Option A allows for the opportunity for the policy to be tested with the community and reflect any concerns they have. Options A and B both allow for the Council to adopt a policy that moves on from the Commissioner era. Option C retains the legal necessity of a requiring a policy and meet the requirements of the Local Government Act.

Recommended option

The recommended option is **Option A**

Next step

Finalise the draft policy and publish on the website. Seek feedback as mentioned above and report back to the November Council meeting.

Attachments

- Draft Significance and Engagement Policy.