

## Significance and Engagement Policy

### Purpose and scope

Hawke's Bay Regional Council has developed this Policy to:

1. enable the Council and our communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities
2. provide clarity about how and when communities can expect to be engaged in decisions made by the Council
3. inform the Council from the beginning of a decision-making process about the extent, form and type of engagement required.

The Local Government Act 2002 (the Act) has consultation principles to guide the Council when making decisions. With this in mind, the Council commits to:

- identify and assess options
- place a value on benefits and costs
- consider an appropriate level of detail
- show evidence of how we comply with this Significance and Engagement Policy
- provide processes to encourage and engage with Māori.

### Process

On every issue requiring a decision, the Council will consider the degree of significance and the most appropriate level of engagement.

The Council will refer to the *criteria for significance* when assessing matters, issues or proposals that require a Council decision. Advice on significance and options will come from a Regional Council officer or other professional. The Council will consider and make decisions, taking into account the degree of significance of the issue and referring to the *engagement spectrum* to identify the appropriate level and type of engagement.

Advice from Regional Council officers normally comes through the Council-approved report format. This format specifically alerts elected members to significant impacts and engagement considerations.

### Our general approach to significance

**Significance** means the degree of importance of the issue, proposal, decision, or matter – determined by the local authority – relating to its likely impact on and likely consequences for:

- the district or region
- any persons who are likely to be particularly affected by or interested in the issue, proposal, decision or matter
- the achievement of, or means to achieve, the Regional Council's stated levels of service as set out in the current Long Term Plan
- the capacity of the Regional 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 that these are already included in an approved Long Term Plan.

The Council will exercise its judgement when assessing the degree of significance for each decision to be made by the Council.

**Significant** means that the issue, proposal, decision or other matter is judged by the Council to have a high degree of importance. This is typically when the impact is on the regional community, or a large portion of the community or where the financial consequences of a decision are substantial.

If the issue, proposal, decision or related matters concerned involve a significant decision in relation to land or a body of water, the Council will take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga. The Council will also take into account the values of the whole community.

When making decisions, the Council will:

- identify and assess as many options as are practical
- evaluate the costs and benefits resulting from the decision/s to be made
- provide detailed information, which will be accessible to the public
- maintain clear and complete records showing how compliance with this Significance and Engagement Policy was achieved.

As part of the engagement process for the adoption of this Policy, and subsequent reviews, the Council will ask people in the region their engagement preferences and will review those preferences each three-year term via the Regional Resident Survey.

The Council will also take into account views already expressed in the community and make judgements on the level of support for those views, when determining the significance of a decision.

### Criteria for significance

When looking at the significance of a matter, issue, decision or proposal, elected members will assess:

1. the likely level of community interest
2. the likely impact or consequences for affected individuals and groups in the region
3. how much a decision or action impacts on the rights and interests of tāngata whenua under the Treaty of Waitangi
4. how much a decision or action promotes community outcomes or other Council priorities
5. the impact on levels of service identified in the current Long Term Plan
6. the likely impact of climate change factors in the region
7. the impact on rates or debt levels
8. the cost and financial implications of the decision to ratepayers
9. the involvement of a strategic asset.

### Strategic assets

Strategic assets are owned by the Council and defined as ‘an asset or group of assets that the local authority needs to retain to maintain its capacity to achieve or promote any outcome that it determines to be important to the current or future well-being of the community.’ This does not include strategic natural resources managed by the Council. Regionally significant natural resources are served by the Resource Management Act and Regional Resource Management Plan.

Hawke’s Bay Regional Council considers the following to be strategic assets:

- Napier Port Holdings Limited (NPHL)
- Future Investment Fund (inflation adjusted capital base retention of net proceeds from partial sell-down of 45% ownership of Napier Port following Initial Public Offering)
- Hawke’s Bay Regional Investment Company Limited
- Heretaunga Plains Flood Control Scheme
- Upper Tukituki Catchment Control Scheme
- Tūtira Regional Park (excluding commercial forestry)
- Pekapeka Regional Park
- Pākōwhai Regional Park
- Waitangi Regional Park

The Regional Council owns a number of assets that, managed as a whole, we consider to be strategic. However not all trading decisions made regarding these assets are regarded as significant nor do they affect the asset’s strategic nature, i.e. the Heretaunga Plains Flood Control Scheme is strategic, but small parcels of land that make it up may not be, and the purchase or sale of such parcels of land may not amount to a significant decision.

### Our general approach to engagement

Engagement is a term used to describe the process of seeking information from the community to inform and assist decision-making. There is a spectrum of community involvement, and the Regional Council follows these general principles:

- We conduct our business in an open, transparent, democratically accountable manner.
- We stay aware of, and have regard to, the views of all of our communities.
- When making a decision, we consider: the diversity of the community and the community’s interests in its district or region; the interests of future as well as current communities; and the likely impact of any decision on these interests.
- We recognise the constitutional status of Māori under the Treaty of Waitangi (Te Tiriti o Waitangi) and provide opportunities for Māori to contribute to our decision-making processes, guided by the Māori Partnerships Team’s advice and methodology.

The Council seeks authentic engagement with our community. We acknowledge that “community” may be ‘communities of place’ or ‘communities of issue’ and will use appropriate tools and techniques to make meaningful and timely connections that result in feedback. Formal consultation is one of many approaches that can be used.

Guidance on obligations and timing to respond to public correspondence is addressed in the Local Government Official Information and Meetings Act 1987 (LGOIMA or OIA), which sets a maximum of 20 working days.

The Regional Council will prepare a communications or engagement plan for each major decision or group of inter-related decisions. Decisions are not usually delegated to those involved in the engagement processes, however they are likely to be informed by community and stakeholder engagement.

A communications or engagement plan will outline:

- Engagement objectives – the feedback that is sought from communities
- Timeframe and completion date
- Communities to be engaged with
- Engagement tools and techniques to be used

- Resources needed to complete the engagement
- Communication planning needed
- Basis of assessment and feedback to the communities involved
- Project team roles and responsibilities.

Engagement is not solely about providing information, is not always about reaching an agreement or consensus and is not always about negotiation. Engagement is not appropriate when outweighed by commercial sensitivity or when there is a threat to public health and safety.

### Engagement spectrum

Community engagement is a process. It involves all or some of the public and is focused on decision-making or problem-solving. The Council considers the significance of a decision to be made and uses an engagement spectrum to assess the approach we might take to engage the community.

In some circumstances the Regional Council is required to use the special consultative procedure, set out in section 83 of the Act and described in a separate section below.

The spectrum ranges from “inform” to “empower”. The level of engagement will be “inform” as a minimum standard. Decisions of high significance will be at the very least informed to wider communities and will use engagement tools and techniques beyond inform for affected communities.

While community and stakeholder engagement improves decision-making, it is not the sole input into a decision. There are a wide range of information sources and perspectives that will inform a Council decision. All the input gathered is harnessed and collated to help make a ‘sustainable’ decision (i.e. unlikely to require re-visiting because it is well-informed and well-considered). Decisions made by the Council may differ from the prevailing public opinion.

The level of engagement will be agreed on a case-by-case basis. The significance of the decision will guide the selection of appropriate engagement tools and techniques to be used. A low level of engagement does not mean that engagement is diminished, inappropriate or necessarily that a decision is of lesser significance. Time and money may limit what is possible on some occasions.

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## Significance and Engagement Policy

### Engagement spectrum<sup>10</sup> – our approach

Levels of Engagement <sup>11</sup>	1. Inform Whakamōhio	2. Consult Whakauiuia	3. Involve Whakauru	4. Collaborate Mahi ngātahi	5. Empower Whakamanahia
What it involves	<i>One-way communication</i> - to provide public with balanced, objective information to assist them in understanding problems, alternatives, opportunities and/ or solutions	<i>Two-way communication</i> - to obtain public feedback on analysis, alternatives and/ or decisions	<i>A participatory process</i> - to work with public through the process to ensure that public concerns and aspirations are consistently understood and considered	<i>Working together</i> - to partner with Treaty partners and public in each aspect of the decision including the development of alternatives and identifying the preferred solution	<i>Public empowerment</i> - to place final decision-making in public hands
Types of issues that we might use this for	- Report adoption - Algal bloom - Pest control - Access issue	- Annual Plan - Long Term Plan - Regional Land Transport Programme	- Flood & drain scheme review - Freshwater plan	- Te Mana o Te Wai	- Election voting systems (STV or first past the post)
Tools Council might use	- Website - Media release - Brochure/ flyer - Public notice/s	Formal submissions & hearings, social media, email, focus groups, phone surveys, surveys, video	- Workshops - Focus groups - Citizens panel	- External working groups (involving community experts)	- Binding referendum - Local body elections
When the community can expect to be involved	Council will generally advise the community when a decision is made	Council will advise the community of a proposal and generally provides the community with up to four (4) weeks to participate and respond	Council will generally provide the community with a greater lead-in time to allow the time to be involved in the process	Council will generally involve the community at the start to scope the issue, again after information has been collected and again when options are being considered	The community will vote at a well publicised date

The Regional Council engages with communities in many ways, from face-to-face to meetings, forums and surveys. Preferences for community engagement are periodically evaluated through regional surveys<sup>12</sup>.

<sup>10</sup> Using the International Association of Public Participation (IAP2) Spectrum of Engagement

<sup>11</sup> Level of engagement also determined with reference to the Māori Partnerships Team’s guidance and methodology on engagement

<sup>12</sup> [2019 Regional Resident Survey](#), SIL Research

### Special consultative procedure

In some cases, and as required under the Act, the Regional Council will use the special consultative procedure to issue a proposal. When that happens, the proposal will be open to the community to provide their views for at least a month. The process we will follow is to:

- prepare and adopt a statement of proposal, and in some cases a summary of the statement of proposal which is:
  - a fair representation of the statement of proposal
  - in a form determined by the Council, i.e. published online, in the newspaper and/ or in the Council's regional newsletter, so long as it is distributed as widely as reasonably practical
  - indicates where it is available
  - states how long it is open for public submission.
- make publicly available (at Council offices, through interest group distribution lists, at Public Libraries, on the Council's website):
  - the statement of proposal
  - a description of how people can present their views
  - a statement of the period the proposal is open for comments.
- make the summary of proposal widely available
- allow people to present their views to the Council ensuring that they have a reasonable opportunity to do so and know how and when this opportunity will be available to them
- allow people to present their views by audio link or audio-visual link, or as agreed.

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

Where the Regional Council is required to use the special consultative procedure as part of making or amending bylaws, the statement of proposal must 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.

Where the Regional Council is required to or chooses to use the special consultative procedure, the statement of proposal is a draft of any plan, policy or similar document or in any other case a detailed statement of the proposal which must include:

- the reasons for the proposal
- an analysis of options
- any other relevant information.

### Review of policy

This Policy will be reviewed at least once every five years, when it will involve community engagement. It may also be amended from time to time. This Policy was last amended and adopted on 30 June 2021.