



DUNEDIN CITY

COUNCIL

Kaunihera-a-rohe o Otepoti



Consultation Policy

November 2005

CONSULTATION POLICY

1. Introduction

The Council wants to encourage community input in key decisions and activities, and ensure that those being consulted are clear about what they can reasonably expect to influence as a result of taking part. This policy is intended to identify the different levels and forms of consultation used in particular circumstances.

2. Why does Dunedin City Council consult?

The Council is required by law to consult in a range of circumstances. These are set out in the Local Government Act 2002 (LGA) and other legislation. The LGA has formalised certain requirements to consult and has set out principles to guide all consultation. It also prescribes specific consultative procedures, which must be followed in certain circumstances.

There are further requirements spelt out in other acts. The key acts and their consultation requirements are summarised in Figure 1.

Figure 1 : Legislative Requirements to Consult

Local Government Act 2002

- Taking a significant decision (s.78(3))
- Stakeholder input on community outcomes (s.92/93))
- Assessment of sanitary services. (s.128(1))
- Process requiring a special consultative procedure (s.83)

Reserves Act 1977

- Change of reserve status (s.24 & 24A)
- Reserve Management Plans (s.41)

Resource Management Act 1991

- Preparing or changing District Plans (1st schedule)
- Resource consent applications (Part IV & 4th sched.)

Ngai Tahu Claims Settlement Act 1998

- Resource consent impacting on a statutory area.

Land Transport Management Act 2003

- Annual land transport programme. (cl.12–18)

The Dunedin City Council encourages community participation which enhances the quality of decision-making and strengthens the concept of democracy within our city. The Council is committed to the principle of consultation, even when it is not required by law.

There are many potential benefits of consultation:

- It helps the Council to assess the community's needs and priorities. It helps elected members and Council staff to build a full picture of the issues and potential solutions, so that there are fewer "surprises" later on in the process.
- It helps build positive relationships with stakeholders and the wider community, encouraging co-operation, respect and mutual understanding of other points of view.
- The Council can use consultation to obtain technical, specialist and practical input to help develop robust public policy.
- It encourages public involvement in decision-making which leads to improved decision-making.

3. What is "genuine" consultation?

The term "consultation" is used to span a wide range of activities aimed at encouraging public participation and community involvement in local government.

The International Association for Public Participation (IAP2) defines a spectrum of public participation, which ranges from "informing" the community about an issue or decision at the passive end, through to active participation, working with stakeholders in each aspect of a decision. (See Figure 2). As Figure 2 shows, Dunedin City Council's activities encompass the full participation spectrum.

For the purposes of this policy, consultation is taken to mean "a genuine exchange of information and points of view between affected and interested people and decision makers which are taken into consideration **before** a decision has been reached".

FIGURE 2 – CONSULTATION FRAMEWORK

Figure 2: CONSULTATION FRAMEWORK – Spectrum of Participation

SPECTRUM OF PUBLIC PARTICIPATION			
INFORM	CONSULT	INVOLVE	COLLABORATE
<i>Objective</i>	<i>Objective</i>	<i>Objective</i>	<i>Objective</i>
To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, or solutions.	To obtain public feedback on analysis, alternatives or decisions.	To work directly with the public throughout the process to ensure that public and private concerns are constantly understood and considered.	To work with stakeholders in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
← SCOPE OF DCC ACTIVITIES →			
← FOCUS OF DCC CONSULTATION POLICY →			
<i>Example</i>	<i>Example</i>	<i>Example</i>	<i>Example</i>
<ul style="list-style-type: none"> Notification of temporary road closures. District Plan monitoring reports, providing statistics and information on indicators relating to city issues. 	<ul style="list-style-type: none"> Annual Plan consultation and submission process. Libraries’ community surveys and consultation on options for service participation. Northern Water Schemes – consultation on water supply and funding options. 	<ul style="list-style-type: none"> Marlow Park redesign – identifying community needs and desires, and working with the community to incorporate these into the design. St Clair Salt water pool – officers worked with a Fund Raising Trust throughout the project to identify community priorities at various stages of the redevelopment. 	<ul style="list-style-type: none"> Development of a joint strategy for the tertiary sector, with key stakeholders, University of Otago, Otago Polytechnic and College of Education. Safer routes project – working with the South Dunedin Working Group to plan and implement road safety improvements.
<i>Possible Tools/Techniques</i>	<i>Possible Tools/Techniques</i>	<i>Possible Tools/Techniques</i>	<i>Possible Tools/Techniques</i>
Public notice Letter Leaflet drop Written information Discussion paper Website Public meeting Exhibition / Expo / Open house ‘City Talk’ magazine	Exhibition / Expo / Roadshow Public hearing / Public meeting Survey & questionnaire Focus group Website Fishbowl Submission Referendum	Public meeting Focus group meetings Working party Survey Citizen’s jury Facilitation Focus group meeting Community Board meeting	Multi stakeholder process Charette/Citizen’s jury Search / open agenda conference Advisory committee Facilitation Participatory appraisal Round table forum Appreciative inquiry Open space technology

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Hence, the main focus of the Dunedin City Council's Consultation Policy is on "consulting" and "involving", as defined by the IAP2. Activities such as "informing" the community about a road closure do not constitute genuine "consultation" which is the main focus of this policy. The focus is on participation where the community have the opportunity to influence a decision (e.g. inviting community views on water supply and funding options for northern water schemes).

Some key elements of consultation were identified in the case of *Air New Zealand and others v Wellington International Airport Company Ltd [1993]*. The judge emphasised that consultation needs to be conducted in a spirit of good faith over a reasonable span of time. In summary the judgement said that:

"Consultation does not mean negotiation or agreement. It means:

- Setting out a proposal not finally decided upon
- Adequately informing a party of relevant information on which the proposal is based
- Listening to what others have to say with an open mind
- Undertaking that task in a genuine and not cosmetic manner
- Reaching a decision that may or may not alter the original proposal"

At the end of any consultative process, the Council or its appointees will make the decisions.

What consultation is not

Sometimes the term consultation is wrongly used to describe practices that can be more appropriately described as education, public relations or negotiation. In practice, public relations or negotiation are often secondary objectives or outcomes of consultation. But it is important to make the distinction in terms of the expectations of those with whom we are consulting.

Good consultation is not about deciding on a solution or a preferred option for addressing the problem and seeking comment on it. It requires a willingness to consider other options.

Nor is consultation simply a means of getting technical input on ideas or how they might work. The purpose of consultation is to allow anyone interested in the subject to have their say on the proposals. For consultation to be meaningful, those consulted also need to feel that their views have been listened to and considered, even if they are ultimately not included in the outcome.

Consultation is not about achieving a consensus. Sometimes it is necessary to explain this, so that there are no false or unrealistic expectations. Consultation provides an opportunity to influence an outcome, not a guarantee.

4. Our commitment to consultation

Dunedin residents have elected representatives to make decisions on their behalf for the good of the city. It is the role of these elected members to decide, within the bounds of legislation, what information is to be taken into account in making a decision, and how much weight should be given to different factors in any decision.

The Council remains committed to meaningful consultation, as reflected in the following policy statement:

"The Council is committed to consulting with Dunedin communities who have an interest in the future well-being of the city. These communities include individual residents, ratepayers, business, institutions, Maori and other parties. The Council recognises that the input of these communities is an integral part of the decision-making process, which leads to better decisions and a better future for our city".

(Adapted from DCC Consultation Policy adopted in 2000)

This policy assumes that consultation will be a **contributor** to decision-making. The role of decision-making remains with the elected members, unless specifically delegated. The elected members will, therefore, consider community consultation along with other information such as costs, benefits, social, cultural, economic, environmental well-being, technical advice and other plans and policies as part of the decision-making processes.

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5. Principles applying to all consultation

The Council will apply the following principles to all consultation undertaken, irrespective of whether it is required by legislation:

- **Consult early** – consult as early as practicable as appropriate in the decision making process, and ensure that consultation processes are an integral part of project planning in its earliest stages.
- **Timing** – allow enough time for participants to contribute and for them to be able to raise unexpected issues.
- **Focus** – ensure consultation is purpose driven.
- **Inclusiveness** – set up and run consultation in a way which encourages participation of all those who are likely to be affected by, or in some cases interested in, a decision.
- **Recognise diversity** – use consultation methods which are appropriate to the different communities identified, having regard to their culture, ethnicity, and age.
- **Resourcing** – carefully cost consultation options, and resource them in proportion to the importance of the issue.
- **Information provision** – ensure information relating to the consultation is readily available so that participants can make informed and timely contributions.
- **Responsiveness** – demonstrate a commitment to record, consider and respond to participants’ contributions.
- **Consultation with Maori** – acknowledge the unique perspectives of Maori in the city.
- **Pragmatism and balance** – consult only where appropriate. Consultation will not take place when a decision has essentially already been made, where the Council must act quickly in the interests of the city, or where the issue is not of real significance.

6. How we consult

All consultation will follow an agreed process as set out in Figure 3. Key steps include clearly stating the purpose of the consultation. This will be stated on the Council’s consultation register, found on our

website. Feedback on the conclusions of the consultation and an explanation of the impact the consultation had on the decision or issue in question, will also be provided on the Consultation Register.

7. Where to go for further information

You will find details of current consultations on the Council’s website. Our Policy Analyst Team can assist you with further information regarding the Council’s consultation policy or procedures.

Acknowledgement

In developing this consultation policy, the Council acknowledges use of definitions and references contained in the Ministry for the Environment Consultation Policy 2000.



FIGURE 3 – THE CONSULTATION PROCESS KEY STEPS

