



SIGNIFICANCE AND ENGAGEMENT POLICY

Approval and Review	Details
Approval authority	Council, CEO
Administrator	
Effective date	1 July 2021
Next review date	30 June 2024 or earlier as required

Purpose and Scope

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

Definitions

Community	A group of people living in the same place or having a particular characteristic in common. Includes interested parties, affected people and key stakeholders.
Core Service	Is a term defined in Section 11A of the LGA2002: 'In performing its role, a local authority must have particular regard to the contribution that the following core services make to its communities: (a) network infrastructure; (b) public transport services; (c) solid waste collection and disposal; (d) the avoidance or mitigation of natural hazards; (e) libraries, museums, reserves, and other recreational facilities and community amenities.
Decisions	Refers to all the decisions made by or on behalf of Council including those made by officers under delegation. (Management decisions made by officers under delegation during the implementation of council decisions will not be deemed to be significant).
Engagement	Is a term used to describe the process of seeking information from the community to inform and assist decision-making. There is a continuum of community involvement.
Group of activities	Is a term used to describe a whole-of-asset approach. Without limiting the application of this provision to other assets, it means the group of assets as a whole and not each individual component of the group.
Significance	As defined in Section 5 of the LGA2002 'in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision, or 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	As defined in Section 5 of the LGA2002 ‘means that the issue, proposal, decision, or other matter has a high degree of significance’.
Significant activity	<p>Is a term used to describe those groups of activities which are both a core service of Council AND in which Council has historically invested substantial funding. These include:</p> <ul style="list-style-type: none"> • Roothing • Stormwater • Wastewater • Water • Ōtorohanga Flood Protection • Libraries • Museums • Cemeteries • Reserves • Community facilities
Strategic asset	<p>As defined in Section 5 of the LGA2002 ‘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:</p> <p>(a) any asset or group of assets listed in accordance with Section 76AA(3) by the local authority; and</p> <p>(b) 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</p> <p>(c) any equity securities held by the local authority in:</p> <ul style="list-style-type: none"> (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’.

Policy

4. Engagement with the community is critical to understand the needs, views, opinions and preferences of people likely to be affected by or interested in a proposal or decision. Council is committed to the inclusion of Māori in decision-making processes, including taking into account any impact on Māori cultural values or interests.
5. The Council must have regard to the principles of the Treaty of Waitangi and recognise and provide for the special relationship between Māori, their culture, traditions, land and taonga.

This obligation includes recognising those who have mana whenua, or inherited rights of land ownership or customary authority.

6. 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 and, if necessary, reviewed as a proposal develops.
7. The Council will take into account the following matters when assessing the degree of significance of proposals and decisions, and the appropriate level of engagement:
 - Whether the proposal has an impact on the interests, values and aspirations of Māori in the district.
 - The likely impact on Māori cultural values, including their relationship with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.
 - Whether there is a legal requirement to engage with the community.
 - The degree to which the proposal or decision may impact current and future community well-being.
 - The level of financial impact of the proposal or decision.
 - Whether the proposal or decision will impact a large portion of the community.
 - The level of likely impact on present and future interests of the community.
 - Whether the proposal affects the level of service of a significant activity.
 - Whether community interest is high.
 - Whether the likely consequences are controversial.
 - Whether community views are already known, including the community's preferences about the form of engagement.
 - Whether or not a decision would be reversible.
 - The form of engagement used in the past for similar proposals and decisions.
8. Council will take into account the degree to which the issue has a financial impact on the council or the rating levels of its communities, using the following thresholds:
 - a. Unbudgeted operating expenditure greater than 7.5 per cent of total operating expenditure in that year; or
 - b. Unbudgeted capital expenditure greater than 2.5 per cent of the total value of Council's assets.
9. If a proposal or decision is affected by a number of the above considerations, it is more likely to have a higher degree of significance.
10. In general, the more significant an issue, the greater the level of community engagement.
11. The Council will apply a consistent and transparent approach to engagement.
12. Council is required to undertake a special consultative procedure as set out in Section 83 of the Local Government Act 2002, or to carry out consultation in accordance with or giving effect to Section 82 of the Local Government Act 2002 on certain matters (regardless of whether they are considered significant as part of this policy).

13. For all other issues requiring a decision, Council will use the policy and the Community Engagement Guide in Schedule Two (attached) to determine the appropriate level of engagement on a case-by-case basis.
14. The Community Engagement Guide identifies the form of engagement Council may use to respond to some specific issues. It also provides examples of types of issues and how and when communities could expect to be engaged in the decision making process.
15. Joint Management Agreements, Memoranda of Understanding or any other formal agreements with Māori will be considered as part of this process.
16. When Council makes a decision that is significantly inconsistent with this policy, the steps identified in Section 80 of the Local Government Act 2002 will be undertaken.
17. When Council may not engage;

Information is always necessary for the decision making process. There may however be times when it is not necessary, appropriate or possible to engage with the community on a matter or decision, even if it is significant.

Circumstances where community engagement may not be undertaken include the following, some of which are described in Section 82 of the Local Government Act 2002:

- Council already has a sound understanding of the views and preferences of the persons likely to be affected or interested in the matter; or
- There are reasons not to under the Local Government Official Information and Meetings Act; or
- The costs of consultation outweigh the benefits of it; or
- The matter has already been addressed by Council's policies or plans, which have previously been consulted on; or
- An immediate or rapid response or decision is needed or it is not reasonably practical to engage; or
- Works are required unexpectedly or following further investigations on projects that have already been approved by Council; or
- The works required are of a 'business as usual' nature related to the operation and maintenance of a Council asset and responsible management requires those works to take place; or
- Where Council has consulted on the same issue in the last 24 months

Strategic Assets

18. Our strategic assets or groups of assets are those physical assets vital for delivering services to Ōtorohanga district 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. Council's strategic assets are listed in Schedule One (attached).
19. 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 97 of the Local Government Act 2002.

20. Engagement or consultation on other decisions regarding strategic assets will be determined by the level of significance of the proposal, including consideration of the likely impact on Māori cultural values and on any Joint Management Agreements or other formal agreements with Māori (see significance considerations above).

Responsibilities

Application, compliance, monitoring, and review

21. The policy will be reviewed as required, to meet the needs of the organisation, the community and best practice.
22. Any report to Council that requires a decision will include:
 - a. An assessment of the degree of significance of the matter; and
 - b. A recommended approach to engagement, including a description of any engagement already undertaken.
23. The policy will take effect from the date it is adopted by Council.

SCHEDULE 1 | Strategic Assets

The following is a list of assets or group of assets the Council considers strategic as per the interpretation and requirements in Section 5 of the Local Government Act 2002.

Strategic Assets:

- Housing for the elderly stock as a whole.
- Equity securities in the Waikato Regional Airport Ltd.
- Water supply network infrastructure as a whole.
- Stormwater network infrastructure as a whole.
- Wastewater network infrastructure as a whole.
- District roading infrastructure as a whole.
- District Libraries
- Museums
- Kawhia Wharf
- Aotea Seawall

SCHEDULE 2 – Community Engagement Guide

Introduction

Community engagement is a two-way communication process where information is exchanged or imparted between parties to achieve sustainable and effective outcomes, processes, relationships, discourse, decision-making, or implementation.

The International Association for Public Participation (IAP2) has developed a Public Participation Spectrum to explain different forms of engagement with the community. This model shows the increasing level of public participation as you progress through the spectrum from left to right - 'inform', 'consult', 'involve', and 'collaborate', through to 'empower'.

Using this model, by simply 'informing' communities, there is no expectation of receiving feedback, and consequently there is a low level of public participation. At the other end of the spectrum, 'empowering' communities to make decisions requires a greater level of engagement and public participation. Differing levels of engagement may be required during the varying phases of decision-making on an issue, and for different stakeholders.

Throughout the spectrum, some issues will not warrant as much public participation as others due to their size and impact on community well-being. Resources may also limit what can be achieved. In general, the more significant an issue, the greater the level of community engagement.



Forms of engagement

The Council will use the Special Consultative Procedure (as set out in Section 83 of the Local Government Act 2002 (LGA 2002)) where required to do so by law, including for the following issues requiring decisions:

- The adoption or amendment of a Long Term Plan (in accordance with Section 93 A of the LGA 2002).
- The adoption, amendment, or revocation of bylaws if required under Section 156(1)(a) of the LGA 2002.
- The adoption, amendment or revocation of a Local Alcohol Policy.
- The adoption or review of a Local Approved Products (Psychoactive Substances) Policy.
- The adoption or review of a Class 4 Gambling Venue Policy under the Gambling Act 2003.
- The preparation, amendment or revocation of a Waste Management and Minimisation Plan.

Unless already explicitly provided for in the Long Term Plan, the Council will seek to amend its Long Term Plan, and therefore use the Special Consultative Procedure, when it proposes to:

- Significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of Council, including commencing or ceasing such an activity; or
- Transfer the ownership or control of strategic assets, as listed in Schedule 1.

The Council will consult in accordance with, or using a process or a manner that gives effect to the requirements of, Section 82 of the LGA 2002 where required to do so by law, including for the following specific issues requiring decisions:

- Adopting or amending the Annual Plan, if required under Section 95 of the LGA 2002.
- Transferring responsibilities to another local authority under Section 17 of the LGA 2002.
- Establishing or becoming a shareholder in a Council Controlled Organisation.
- Adopting or amending a:
 - Revenue and Financing Policy;
 - Development Contributions Policy;
 - Financial Contributions Policy;
 - Rates Remission Policy;
 - Rates Postponement Policy; and
 - Policy on the Remission or Postponement of Rates on Māori Freehold Land.

For such consultation, Council will develop information fulfilling the requirements of Section 82A of the LGA 2002, make this available to the public, allow written submissions for a period of up to 4 weeks, and consider all submissions prior to making decisions.

For all other issues, an engagement/consultation plan aligned with Section 78 of the LGA 2002 is to be decided at the beginning of the process, and the following table provides an example of the differing levels of engagement that might be considered appropriate, the types of tools associated with each level and the timing generally associated with these types of decisions/levels of engagement.

Level	Inform	Consult	Involve	Collaborate	Empower
What does it involve	Providing balanced and objective information to assist the public's understanding about something that is going to happen or has	Obtaining public feedback about proposals on rationale and alternative options to inform decision-	Working directly with members of the public to help identify issues and views throughout the process to ensure that concerns and aspirations are	Partnering with members of the public to develop understanding of all issues and interests, including to develop alternatives and	The final decision making is in the hands of the public. Under the LGA 2002, the Mayor and Councillors are elected to make decisions

Level	Inform	Consult	Involve	Collaborate	Empower
	happened.	making.	understood and considered prior to decision-making.	identify preferred solutions.	on behalf of their constituents.
Types of issues that we might use this for	Annual Report, Infrastructure upgrades, Results of hearings	Rates reviews, Bylaw reviews, Local Alcohol Policy	Long Term Plan development, Concept plan development, infrastructure projects that impact on people	Resource consents, Shared services issues, innovating streets	Election voting systems (e.g. STV or FPP)
Examples of how we might do this	Public notices, advertising, social media posts, Council's website, news media, fact sheets, letters, emails, newsletters.	Formal consultation processes (e.g. District Plan review), public meetings, lwi liaison, surveys.	Linking in with local groups that represent parts of the community, polling, focus groups, workshops, project advisory groups, stakeholder events.	External working groups, Joint Committees, community liaison, advisory committees, face-to-face interactions.	Local body elections, Binding referendums
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. Council would generally provide the community with up to four weeks to participate and respond.	Council would generally provide the community with a greater lead in time to allow time for them 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 be led by the community regarding the time required for them to be involved in the process.

Engagement tools and techniques

Over the course of the decision-making process, Council may use a variety of best practice engagement approaches depending on:

- **Significance and impacts on Māori cultural values, including their relationship with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga**
- **History and public awareness of the issue**
- **Council's overall goals and desired outcomes**
- **Community engagement objectives**
- **The communities Council is engaging with and their specific needs**
- **Issues and risks involved**
- **Timing and resources available**

Each situation will be assessed on a case-by-case basis and a communication and engagement plan created to meet community needs.