

**DRAFT**

## **Waitomo District Council**

# **Significance and Engagement Policy 2021**

**Kaupapa Here Whai Pūtake me te Tūhonohono**

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Draft for Audit Review

## INTRODUCTION | KUPU ARATAKI

Waitomo District Council's Significance and Engagement Policy was adopted in 2014 to meet our legislative requirements under the Local Government Act 2002 (the LGA) and was subsequently reviewed and adopted in 2018. The policy:

- enables the council and our communities to understand the significance council places on certain issues, proposals, assets, decisions and activities; and
- identifies how and when communities can expect to be engaged or specifically consulted on these matters.

The Significance and Engagement policy applies across our council. When assessing the degree of significance and deciding on appropriate engagement or consultation processes, the policy requires us to take into consideration other legislative requirements, as well as any other agreements that might already be in place.

To ensure council engages as effectively as possible with the Waikato region's diverse communities, we gather information on people's views and preferences in a variety of ways. Sometimes that might be via formal statutory consultation process, or it might be via a more informal engagement process. Either way, the overall intent is to ensure that, wherever possible, anyone who wishes to contribute ideas or information to important council processes and decisions has the opportunity to do so.

## PURPOSE AND SCOPE | TE ARONGA ME TE KORAHĪ

1. To enable Council and its 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 | NGĀ WHAKAMĀRAMATANGA

**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** As stated in Section 11A of the LGA 2002:  
*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** 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** The term is used to describe a whole-of-activity approach. Without limiting the application of this provision to other assets, it means all activities and assets comprised within a group as a whole and not each individual component of the group.

**LGA 2002** Local Government Act 2002

**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 LGA 2002  
*Means that the issue or proposal, decision, or other matter has a high degree of significance.*

**Significant Activity** Describe those Groups of Activities which are both a Core Service of Council AND in which Council has historically invested substantial funding. These include:

- Rooding
- Water
- Wastewater
- Solid Waste
- Recreation and Culture
- Public Amenities
- Parks and Reserves

**Strategic asset** As defined in Section 5 of the LGA 2002 and Schedule 1 of this policy.

## 1. Assessment of Significance | He aromatawai i te pūtake

- 1.1. 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, reconsidered as a proposal develops.
  - 1.2. 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:
    - a) The level of financial consequences of the proposal or decision
    - b) Whether the proposal or decision will affect a large portion of the community
    - c) Whether the impact or consequences of the decision or proposal on the affected persons (being a number of persons) will, in Council's view, be substantial
    - d) The likely impact on present and future interests of the community
    - e) The likely impact on Māori cultural values and their relationship to land and water
    - f) Whether the proposal affects the level of service of a significant activity
    - g) Whether community interest is high
    - h) Whether the likely consequences are controversial
    - i) Whether community views are already known, including the community's preferences about the form of engagement
    - j) The form of engagement used in the past for similar proposals and decisions
    - k) There is a legal requirement to engage with the community
  - 1.3. If the financial consequences of the proposal or decision exceed the following thresholds the proposal or decision will be considered significant:
  - 1.4. A possible increase in funding requirement in excess of:
    - a) 20% of total Council operating budget costs, or
    - b) Capital expenditure in excess of 2.5% of the total value of Council's assets
- Note 1: Emergencies and emergency works of Council are excluded from these thresholds, as by their very nature, they are unplanned and must be responded to immediately.*
- Note 2: The threshold for capital expenditure relates to new or development expenditure only. Asset renewal is an important and integral aspect of owning and managing assets.*
- Note 3: The thresholds above are not mutually exclusive. Capital expenditure is likely to result in associated operating costs, which must also be tested for materiality.*
- 1.5. 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.

- 1.6. Engagement with the community is needed to understand the views and preferences of people likely to be affected by or interested in, a proposal or decision that is being considered by Council.
- 1.7. In general, the more significant an issue, the greater the need for community engagement.

## **2. Engagement and Consultation | Tūhonohono me te whakawhiti korero**

- 2.1. The Council will apply a consistent and transparent approach to engagement.
- 2.2. 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). There are also other pieces of legislation like the Resource Management Act 1991 and Reserves Act 1977, which have their own requirements with regard to engagement which will be taken into account when determining the extent of community engagement.
- 2.3. For all other issues requiring a decision, Council will determine the appropriate level of engagement on a case by case basis.
- 2.4. The Community Engagement Guide (attached as Schedule 2) identifies the form of engagement Council may use to seek feedback on 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.
- 2.5. Where Joint Management Agreements (JMAs), Memorandum of Understanding (MOU) or any other similar high-level agreements exist, these be considered as a starting point when engaging with Māori who are a party to the particular JMAs or MOU on matters relevant to that agreement.
- 2.6. 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.

## SCHEDULE 1 – STRATEGIC ASSETS | WAHANGA 1 – RAWA RAUTAKI

1. Section 5 of the Local Government Act defines a strategic asset as:

Strategic asset 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 current or future well-being of the community; and includes:

- a. any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and
  - 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
  - c. any equity securities held by the local authority in—
    - (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
2. The following is a list of assets or group of assets that the council needs to retain if it is 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.
- Rooding and footpath network and as a whole
  - Water network and treatment plants as a whole
  - Wastewater network and treatment plants as a whole
  - Reserves listed and managed under Reserves Act 1977
  - Housing for Elderly persons as a whole
  - Stormwater network as a whole
  - Refuse Transfer Stations
  - Public Cemeteries
  - Les Munro Centre
3. The strategic assets (as defined above) are the assets in total and not every single element of the assets. For example:
- It is the water supply network as a whole that is the strategic asset and not each individual pipeline, filter and pump station.
  - The rooding network is strategic, but small parcels of land that make it up may not be, and the purchase (or sale) of such parcels of land is unlikely to amount to a significant decisions.
4. The requirements of section 97 of the Act are therefore only triggered if the proposal relates to the asset **as a whole**, or a **major sub-part** of the asset.

## SCHEDULE 2 – COMMUNITY ENGAGEMENT GUIDE | WAHANGA 2-ARATAKINGA TŪHONOHONO HAPORI

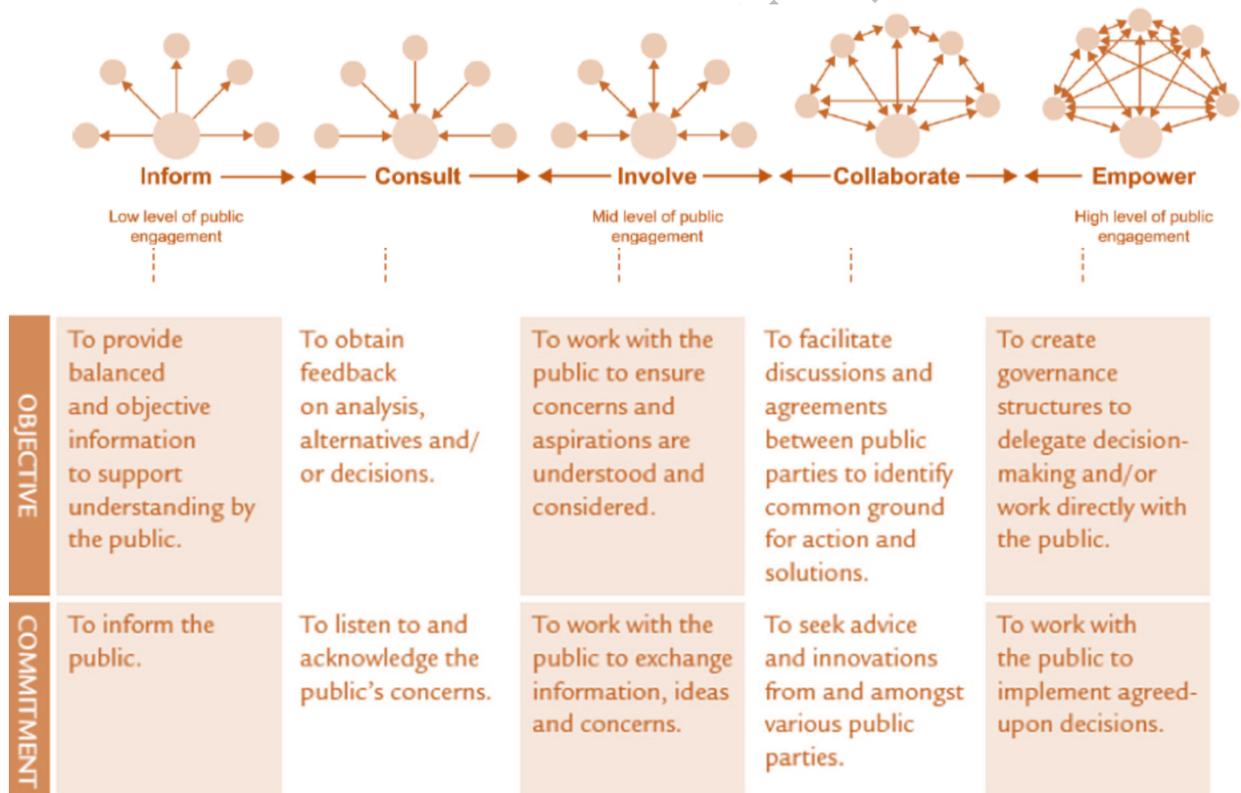
### Community engagement:

- is a process
- involves all or some of the public
- is focussed on decision-making or problem-solving

The International Association for Public Participation (IAP2) has developed a Public Participation Spectrum to demonstrate the possible types of engagement with the community. This model also shows the increasing level of public impact as you progress through the spectrum from left to right - 'inform' through to 'empower'. In simply 'informing' stakeholders there is no expectation of receiving feedback, and consequently there is a low level of public impact. At the other end of the spectrum, 'empowering' stakeholders to make decisions implies an increase in expectations and therefore an increased level of public impact. Differing levels of engagement may be required during the varying phases of decision-making on an issue, and for different stakeholders.

It will not always be appropriate or practicable to conduct processes at the 'collaborate' or 'empower' end of the spectrum. Many minor issues will not warrant such an involved approach. Time and money may also limit what is possible on some occasions.

In general, the more significant an issue, the greater the need for community engagement.



When engaging with the community, the council will:

- Seek out and encourage contributions from people who may be affected by or interested in a decision,
- Provide reasonable access to relevant, timely and balanced information so people can contribute in a meaningful way,
- Provide a variety of appropriate ways and opportunities for people to have their say, and;
- Tell the community what the council's decision is and the reasons for that decision; and

- Provide a clear record or description of the relevant decisions made by council and explanatory material relating to the decision.

## Forms of engagement

The Council will use the Special Consultative Procedure (as set out in section 83 of the 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 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:

- alter significantly 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:

- 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, or a policy on the remission or postponement of rate on Māori freehold land
- Adoption, amendment or revocation of bylaws in accordance with section 156(1)(b) of the LGA 2002
- Prescribing fees in a bylaw under section 150 of LGA 2002

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

For all other issues, the following table provides an example of the differing levels of engagement that might be considered appropriate, levels of significance, types of tools associated with each level and the timing generally associated with these types of decisions/levels of engagement.

**More Time  
More Resources**

Significance Rating	Level of Engagement	What does it involve?	Examples	Engagement – Tools & Timing
High	<b>Empower</b> 	The final decision making is in the hands of the public. Under the LGA 2002, the Mayor and Councillors are elected to make decisions on behalf of their constituents.	Elections Binding referendums	Voting  Council will generally provide the community with a greater lead in time to allow them to be involved in the process e.g. typically a month or more time.
High	<b>Collaborate</b> 	Working together to develop understanding of all issues and interests to work out alternatives and identify preferred solutions.	Railway Building Project	External working groups (involving community experts) Expressions of Interest Document  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.
High	<b>Involve</b> 	Participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to decision-making.	LTP Annual Plan District Plan	Waitomo Way and other Council publications Surveys Radio Website Existing community meetings (Elected Member briefings) Specific community meetings where feasible Submissions & hearings  Council would generally provide the community with a greater lead in time to allow them time to be involved in the process.
Medium	<b>Consult</b> 	Two-way communications designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision making.	Local Alcohol -Policy Bylaw reviews	Waitomo Way and other Council publications Radio Website Existing community meetings Submissions & hearings  Council would advise the community once a draft decision is made Council and would generally provide the community with up to 4 weeks to participate and respond.
Low	<b>Inform</b> 	One-way communication providing balanced and objective information to assist understanding about something that is going to happen or has happened.	Water restrictions Annual Report Legislative changes	Waitomo Way and other Council publications Radio Website  Council would generally advise the community once a decision is made.

### Engagement tools and techniques

**Less Time  
Less Resource**

Over the time of decision making, Council may use a variety of engagement tools. The ones shown in table above are a guide. Tools and techniques used will be based on a range of factors including history and public awareness of the issue, stakeholder involvement, and timing related to other events and budgets. Council will also take into consideration that the community can feel 'over consulted'.

Each situation will be assessed on a case-by-case basis.