



WEAVING THE
FUTURE, TOGETHER
KOTAHITANGA
ŌTOROHANGA DISTRICT COUNCIL

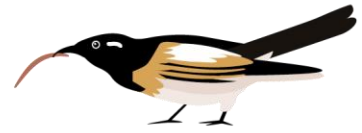
DRAFT SIGNIFICANCE AND ENGAGEMENT POLICY

ŌTOROHANGA DISTRICT COUNCIL

MARCH 2024



Te Kaunihera ā-Rohe o
Ōtorohanga
District Council
Where kiwi can fly



SIGNIFICANCE AND ENGAGEMENT POLICY

INTRODUCTION

A significance and engagement policy is a requirement under the Local Government Act 2002 (the LGA). It enables communities to understand the significance council places on particular decisions and identifies how and when communities can expect to be engaged or specifically consulted on these decisions.

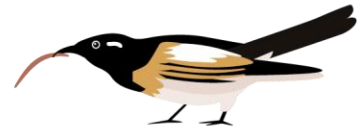
We have a diverse district and to ensure council engages as effectively as possible, we use a variety of methods to gather information on people's views and preferences. Sometimes these methods might use formal processes while other times more informal engagement may be used. Either way, we want to ensure that anyone who wishes to contribute ideas or information to important council decisions has the opportunity to do so.

PURPOSE AND SCOPE

1. To enable Council, iwi/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.

Note: This policy does not apply to decision making under legislation that has a prescribed consultative or engagement process

APPROVAL AND REVIEW	DETAILS
Approval authority:	Council, CEO
Administrator:	
Effective date:	1 July 2024
Next review date:	30 June 2027 or earlier as required Note: Council is developing an Māori Engagement Framework to provide guidance and tools to assist with determining when and how to successfully engage with iwi/Māori. Once the framework has been finalised, this policy will be updated. It is anticipated that the framework will be completed in 2024/25.



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.

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.

SIGNIFICANCE

As defined in section 5 of the LGA 2002 "... 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 current and future social, economic, environmental, or cultural well-being of 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".

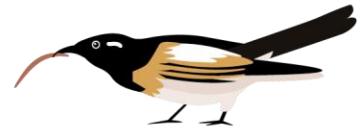
SIGNIFICANT ACTIVITY

An activity the council deems to be of significance as per Section 5 of the Local Government Act 2002, defined above.

STRATEGIC ASSET

As defined in section 5 of the LGA 2002 "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 wellbeing 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".



POLICY

PRINCIPLES

1. 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.
2. Council is committed to the inclusion of iwi/Māori in decision-making processes, including taking into account any impact on iwi/Māori cultural values or interests.
3. Council must have regard to the principles of the Treaty of Waitangi and recognise and provide for the special relationship between iwi/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.
4. 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.

ASSESSMENT OF SIGNIFICANCE

1. When assessing the degree of significance of proposals and decisions, and the appropriate level of engagement, Council will take into account:
 - The impact on the interests, values and aspirations of iwi/Māori
 - The likely impact on iwi/Māori cultural values, including relationships with ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga
 - Any legal requirement to engage with the community
 - The degree of impact on current and future community wellbeing
 - The level of financial impact
 - Whether a large portion of the community will be impacted.
 - The level of likely impact on present and future interests of the community
 - Whether the level of service of a significant activity is affected
 - 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.
2. 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.
3. 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.
4. In general, the more significance an issue has, the greater the level of community engagement.

ENGAGEMENT AND CONSULTATION

1. Council will apply a consistent and transparent approach to engagement.
2. On certain matters Council is required to undertake a special consultative procedure as set out in section 83 of the LGA, or to carry out consultation in accordance with or giving effect to section 82 of the LGA (regardless of the significance of the matter).

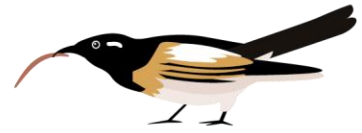




3. For all other issues requiring a decision, Council will use the policy and the Community Engagement Guide in Schedule Two (attached) to determine the appropriate level of engagement on a case-by-case basis. The Community Engagement Guide identifies the form of engagement Council may use to respond 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.
4. Joint Management Agreements, Memoranda of Understanding or any other formal agreements will be considered as a starting point when engaging with iwi/Māori¹.
5. When Council makes a decision that is significantly inconsistent with this policy, the steps identified in section 80 of the LGA will be undertaken.
6. There may 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 include²:
 - Council already has a sound understanding of the views and preferences of the persons likely to be affected or interested in the matter
 - There are reasons not to under the Local Government Official Information and Meetings Act
 - The costs of consultation outweigh the benefits
 - The matter has already been addressed by Council's policies or plans, which have previously been consulted on
 - An immediate or rapid response or decision is needed or it is not reasonably practical to engage
 - Works are required unexpectedly or following further investigations on projects that have already been approved by Council
 - 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
 - Where Council has consulted on the same issue in the last 24 months.

¹ **Note:** Council is developing an Māori Engagement Framework to provide guidance and tools to assist with determining when and how to successfully engage with iwi/Māori. Once the framework has been finalised, this policy will be updated. It is anticipated that the framework will be completed in 2024/25.

² See also section 82 of the LGA.



STRATEGIC ASSETS

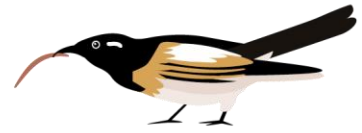
Our strategic assets are physical assets vital for delivering services to Ōtorohanga district and/or are important to achieve or promote any outcome that is important to the current or future wellbeing of our community. Strategic assets are the group of assets or the asset as a whole entity and not the individual elements of the asset. Council's strategic assets are listed in Schedule One (attached).

1. 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 LGA.
2. 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 iwi/Māori cultural values and on any Joint Management Agreements or other formal agreements with iwi/Māori (see Policy above).

RESPONSIBILITIES

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





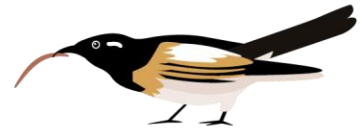
SCHEDULE 1 | Strategic Assets

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 LGA.

STRATEGIC ASSETS

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





SCHEDULE 2 | Community Engagement Guide

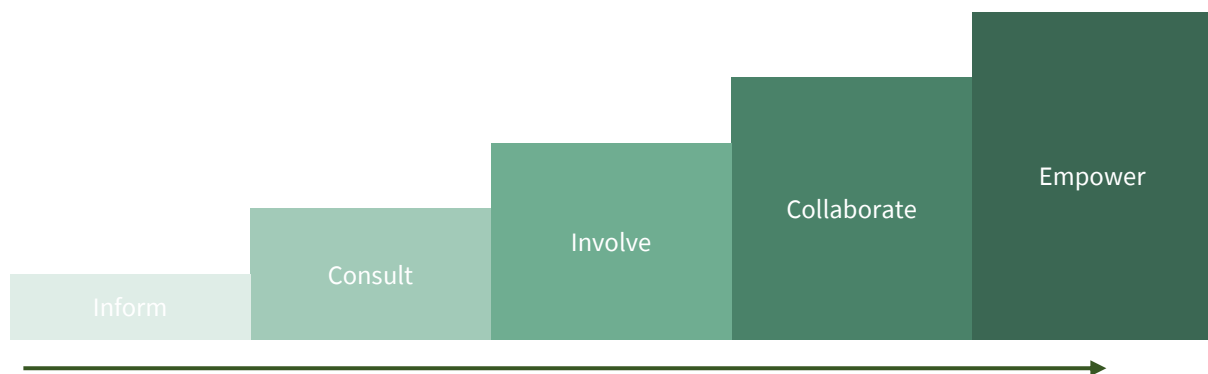
INTRODUCTION

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'. In simply 'informing' communities, 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' communities to make decisions requires a greater level of engagement and public impact.

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 wellbeing. Resources may also limit what can be achieved.

In general, the more significance an issue has, the greater the level of community engagement.



FORMS OF ENGAGEMENT

Council will use the Special Consultative Procedure (as set out in section 83 of the LGA) when legally required, including for the following decisions:

- Adoption or amendment of a Long Term Plan (section 93 A of the LGA)
- Adoption, amendment, or revocation of bylaws if required under section 156(1)(a) of the LGA
- Adoption, amendment or revocation of a Local Alcohol Policy
- Adoption or review of a Local Approved Products (Psychoactive Substances) Policy
- Adoption or review of a Class 4 Gambling Venue Policy under the Gambling Act 2003
- Preparation, amendment or revocation of a Waste Management and Minimisation Plan.

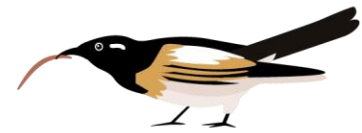
Unless already explicitly provided for, Council will seek to amend its Long Term Plan, and therefore use the Special Consultative Procedure, when it proposes to:

- 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.

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.





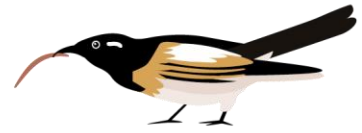
- Transferring responsibilities to another local authority under Section 17 of the LGA 2002
- Establishing or becoming a shareholder in a Council Controlled Organisation
- Adopting or amending a:
 - Revenue and Financing Policy
 - Development Contributions Policy
 - Financial Contributions Policy
 - Rates Remission Policy
 - Rates Postponement Policy
 - 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 happened.	Obtaining public feedback about proposals on rationale and alternative options to inform decision-making.	Working directly with members of the public to help identify issues and views throughout the process to ensure that concerns and aspirations are understood and considered prior to decision-making	Partnering with members of the public to develop understanding of all issues and interests, including to develop alternatives and identify preferred solutions.	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.
Types of issues that we might use this for	<ul style="list-style-type: none"> • Annual Report • Infrastructure upgrades • Results of hearings 	<ul style="list-style-type: none"> • Rates reviews • Bylaw reviews • Local alcohol policy 	<ul style="list-style-type: none"> • Long Term Plan development • Concept plan development • Infrastructure projects that impact on people 	<ul style="list-style-type: none"> • Resource consents • Shared services issues • Innovating streets 	<ul style="list-style-type: none"> • Election voting systems (eg. 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 (eg. Reserve Management Plans), public meetings, iwi 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 can the community 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. The community would generally be provided with up to four weeks to participate and respond.	Council would generally provide the community with a greater lead time to allow for involvement in the process.	Council would generally involve the community throughout the process - at the start to scope the issue, throughout information collection, and to consider options.	Council would generally be led by the community on 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 iwi/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
- 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.

