

POLICY	STATUS	AT	DATE	DOC ID
<i>Significance and Engagement Policy</i>	<i>Adopted</i>	<i>Extra Ordinary Council Meeting</i>	<i>21 December 2023</i>	<i>A1071006</i>



OPŌTIKI DISTRICT COUNCIL

SIGNIFICANCE AND ENGAGEMENT POLICY

Table of contents

1.0 Purpose.....	2
2.0 Objectives.....	2
3.0 Principles.....	2
4.0 Glossary and Definitions.....	3
5.0 Significance.....	3
5.1 Special Consultative Procedure.....	4
5.2 Determining Significance flowchart.....	5
6.0 Engagement.....	6
6.1 Principles of engagement.....	6
6.2 Engagement framework.....	7
6.3 When Council may choose not to engage.....	8
7.0 Review of the policy.....	8
Appendix A.....	8

1.0 Purpose

Under the Local Government Act¹, Council is required to adopt a policy that explains:

- Our approach to determine the level of significance of decisions (or other matters).
- The criteria or procedure we use when determining significance.
- How we will engage with the community about decisions and other matters.

We look at several factors when making a decision, including who could be affected by the decision; who could be interested in the decision; how the decision may impact levels of service, and what the costs could be.

The purpose of this policy is as follows:

- Council will use this policy to determine the significance level of a decision (or other matters).
- Based on the degree of significance, Council will use this policy to determine the level of engagement with the community regarding the decision.

2.0 Objectives

The objectives of this policy are:

- to ensure consistency when determining the significance of proposals, assets and decisions.

- to identify the extent and type of public engagement required before a decision is made.
- to build positive relationships with the community, tangata whenua and stakeholders.
- to encourage cooperation, respect and a mutual understanding of other points of view.
- to comply with Section 76AA of the Local Government Act 2002 (LGA).

3.0 Principles

The principles of this policy are:

- Council will be consistent, genuine and transparent in how it engages with the public.
- Council will consider the language, accessibility and cultural needs in any engagement.
- Council will acknowledge Te Ao Māori, tāngata whenua, and the importance of fulfilling our obligations under Te Tiriti o Waitangi, including meaningful engagement with Māori.
- Council will ensure that it involves the community in its decisions, and recognises the importance of the community in any engagement it holds.
- Council will maintain best practice when engaging with communities, as outlined in the Council staff Engagement Framework document.

¹ Section 76AA Local Government Act 2002

<http://www.legislation.govt.nz/act/public/2002/0084/latest/DLM6236805.html>

4.0 Glossary and Definitions

Engagement: a range of activities to facilitate:

1. Informed community participation in Council's work; and
2. Community feedback on Council's work

For the goal of ensuring that Council's work:

1. Reflects the needs and aspirations of the community; and
2. Responds to the needs and aspirations of the community.

Significance: the degree of importance of a decision (or issue, proposal, matter, etc.), as assessed by Council, in terms of its likely impact on, or consequences for

- a) The current and future wellbeing (social, economic, environmental, and cultural) of the district;
- b) Any persons who are likely to be particularly affected by, or interested in, the decision (or issue, proposal, matter, etc.);
- c) The capacity of Council to perform its role, and the financial and other costs of doing so.²

Significance is a spectrum on which something can be classified as low, medium, or high level.

Significant: any decision (or issue, proposal, matter, etc.) that has a high degree of significance³.

² Paraphrased from [Section 5](#) of the Local Government Act (2002)

5.0 Significance

Significance is a spectrum ranging from low to high. Significant is a threshold on this spectrum at which point a matter becomes significant i.e., it has a high degree of significance.

Council will use the Determining Significance flowchart on page 5 to determine the significance of a decision. The criteria when considering significance level are below, and are considered as a set, not in isolation.

- Financial cost
- Community interest
- Effect on ratepayers or communities
- Levels of service

There are some instances where a decision will automatically be considered as having high significance by Council, if one of the following conditions apply:

1. It involves the transfer of the ownership or control, or the construction, replacement or abandonment of a strategic asset ([Appendix A](#)) to or from Council; or
2. It is inconsistent with Council plans or policies and meets one of the following thresholds (as set out in significance flowchart on page 5):

Financial thresholds: The proposal or project will incur net operational or net capital expenditure exceeding 10% of total Council rates revenue in the year commenced.

³ Paraphrased from [Section 5](#) of the Local Government Act (2002)

Effect on ratepayers or communities: The proposal will have a major and long term impact on ratepayers, and/or groups who reflect the makeup of the District’s community.

Levels of Service: The change to the current level of service will be major and long-term.

Community interest: The proposal will generate considerable interest or render the community deeply divided. For this threshold, Council will consider the following:

- How has previous/background work relating to this matter been publicly received?
- Does the matter align with plans, policies, and/or strategies that already exist within Council? What was the consensus of the community engagement undertaken for those documents?
- Where deemed necessary, the matter will undergo a workshop with Council staff and Governance in instances of unknown/uncertain community interest or divisiveness levels. This procedure may include informal communication with the community in order to identify community interest levels.

Once Council has determined the level of significance regarding a decision (or other matters), the significance level will guide the degree and type of engagement Council does regarding the decision (or other matters).

⁴ [Local Government Act 2002 No 84 \(as at 23 August 2023\), Public Act 83 Special consultative procedure – New Zealand Legislation](#)

5.1 Special Consultative Procedure

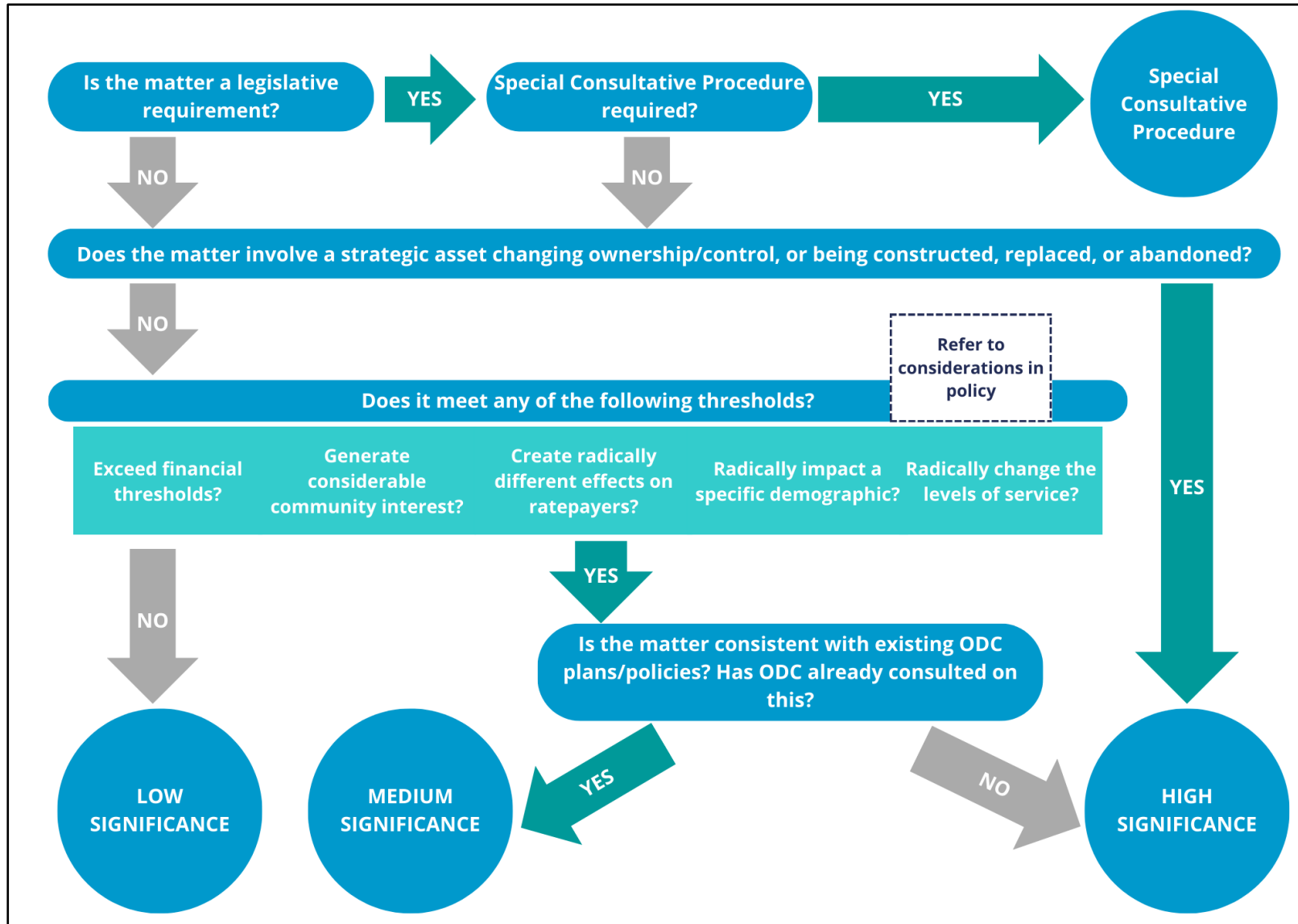
There are some instances where the LGA requires council to engage with the community for certain matters using the Special Consultative Procedure⁴ regardless of the significance of the decision. For example, these instances include adopting or making changes to bylaws, the Long Term Plan, or Annual Plans.

The Special Consultative Procedure involves:

- Providing the community with a statement of proposal and a summary of information about the proposal.
- Making the above documents available at physical Council buildings and online.
- Notifying the community that the proposal is being consulted on.
- Giving the community at least one month’s time (from the date of notice) to make submissions on the proposal.
- Ensuring that the receipt of each submission is acknowledged.
- Ensuring that each person who makes a submission(s) is given a reasonable opportunity to speak to their submission at Council, and is informed of how and when to take up that opportunity.

The Special Consultative Procedure is a minimum requirement and council may choose to expand on these with other engagement methods and opportunities.

5.2 Determining Significance flowchart



6.0 Engagement

Once the significance of the matter has been determined, the Council will use the International Association for Public Participation (IAP2) framework to determine the appropriate level of engagement. Council will use the Significance Framework on page 7 determine the type and level of engagement.

Where required, Council will undertake engagement at the level prescribed by legislation (e.g., when required by the Special Consultative Procedure, or by the Resource Management Act 1991).

6.1 Principles of engagement

When engaging with the community, Council will:

- seek out and encourage contributions from people who may be affected by or interested in a decision.
- provide accurate, relevant, timely and balanced information so people can contribute in a meaningful way.
- provide a variety of appropriate ways for people to have their say.
- tell the community what the Council decision is and the reasons for that decision.
- Refer to the best practice protocols as outlined in the Council staff Engagement Framework document.

The more significant a matter is, the more Council engages with the community about the decision. The role of engagement with the community is to support informed and equitable decision-making.

6.2 Engagement framework

Level of significance						
←—————→						
SIGNIFICANT						
High significance.						
Medium significance.						
Low significance.						
LEVEL OF ENGAGEMENT	1) INFORM	2) KŌRERO	3) CONSULT	4) INVOLVE	5) COLLABORATE	6) EMPOWER
What does it involve?	One-way communication providing balanced and objective information to assist understanding about something that is going to happen.	Informal two-way communication to ask the community for feedback, ideas, opinions, and information about the development process.	Formal two-way communication to obtain public feedback about ideas on rationale, alternatives, and proposal, to inform Council's decision-making.	Participatory process to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to decision-making.	Working together to develop understanding of all issues and interests to work out alternatives and identify preferred solutions.	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 matters we may use this for	<ul style="list-style-type: none"> Water restrictions Temporary road closure Adopting annual report Emergency works 	<ul style="list-style-type: none"> Annual Customer Satisfaction Survey Timing schedule for a project 	<ul style="list-style-type: none"> Regulation policy (e.g. Local Alcohol Policy) Developing and adopted a Bylaw Adopting the LTP or Annual Plan 	<ul style="list-style-type: none"> Review of the Ōpōtiki District Plan 	<ul style="list-style-type: none"> Sub-regional Spatial Plan 	<ul style="list-style-type: none"> Election voting systems (MMP, STV, or FPP)
Tools Council might use	<ul style="list-style-type: none"> Websites Media releases and Facebook posts Information flyer Public notices 	<ul style="list-style-type: none"> Informal public meetings (i.e., 'drop-in' sessions) Surveys Plus previous methods as appropriate 	<ul style="list-style-type: none"> Formal submissions and hearings (Special Consultative Procedure) Plus previous methods as appropriate 	<ul style="list-style-type: none"> Workshops Focus groups Plus previous methods as appropriate 	<ul style="list-style-type: none"> External focus/advisory groups Plus previous methods as appropriate 	<ul style="list-style-type: none"> Binding referendum Local body elections

6.3 When Council may choose not to engage

There are times when the Council may choose not to engage with the community about a decision. Generally, the Council will not engage on the following matters:

- operational matters that do not reduce a level of service
- emergency management activities
- those decisions made by delegation to Council staff
- commercially sensitive decisions
- decisions made to manage an urgent issue
- decisions where an action is necessary to:
 - comply with the law
 - protect life, health, amenity and/or infrastructure
 - avoid, remedy or mitigate an adverse effect on the environment.

7.0 Review of the policy

The Council will review the Significance and Engagement Policy every three years, or as required. The policy will be amended and confirmed through the Special Consultative Procedure, separately, or as part of the Long Term Plan. The next review of this policy will be in 2026 or earlier if legislation requires.

⁵ [Local Government Act 2002 No 84 \(as at 23 August 2023\), Public Act 5 Interpretation – New Zealand Legislation](#)

Appendix A

Schedule 5 of the Local Government Act 2002 requires the following to be listed in this policy:

- a) any asset or group of assets listed in accordance with Section 76AA(3) by the local authority
- 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 policy
- c) any equity securities held by the local authority
 - 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 1966⁵.

The following page is a list of assets or groups 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:

STRATEGIC ASSET	NOTE
Roading and traffic network	Includes footpaths, street lighting and off-street parking
Wastewater network	Includes land, pipes, pump stations and sewage ponds
Water treatment network	Includes land, pipes, pumps, reservoirs and treatment plants
Stormwater network	Includes reticulation and pumps
Reserves and sports fields	
Library	Includes book collection
Public toilets	
Cemeteries	
Cycle ways	
Aerodrome	
Council's administration buildings	