

POLICY

Policy:	Significance and Engagement
Department:	Chief Executive
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1. Purpose

- 1.1 This policy outlines the framework used to determine the level of significance attached to specific Council decisions, and whether the community should be directly engaged
- 1.2 This policy covers:
 - How Council will assess the significance of decisions.
 - When and how Council will engage with the community.
 - Council's strategic assets and their relation to this policy.

2. Significance

- 2.1 Local authorities make decisions about a wide range of matters and most will have a degree of significance (how important an issue is) but not all issues will be considered to be 'significant'.
- 2.2 An assessment of the degree of significance of proposals and decisions, and the appropriate level of engagement, will be considered on a case-by-case basis in the early stages of a proposal before decision making occurs.
- 2.3 Key criteria and considerations to determine the degree of significance are:

Key criteria	Considerations
Impact on the community now and into the future	<ul style="list-style-type: none">• Will there be major impacts on wellbeing (cultural, social, economic or environmental)?• How many people are affected?• Are particular communities disproportionately impacted?• Is there high community interest in the matter, or is it likely to generate public interest?• Can the decision be reversed?• What does Council already know about the community's views on the matter?
Significance to mana whenua	<ul style="list-style-type: none">• Does the matter relate to known issues of significance for iwi and hapu?
Effect on Council's ability to carry out its functions	<ul style="list-style-type: none">• Is there likely to be an adverse effect on Council's ability to undertake any statutory function or role?• Will Council's levels of service be impacted?
Policy and outcomes	<ul style="list-style-type: none">• Are there potential effects on delivering Council's existing policies and strategies?• Does the proposal promote achieving particular community outcomes?• Does the proposal flow logically from a decision already made or one part of the Annual Plan or Long Term Plan?

Strategic assets	<ul style="list-style-type: none"> Is the ownership or function of a strategic asset(s) listed in <i>Appendix 1</i> of this policy affected?
Financial cost	<ul style="list-style-type: none"> How big are the financial costs? Will Council's debt levels be impacted? Significance may be assessed as high if unbudgeted expenditure is more than 5% of the annual total expenditure or gross debt increases by more than 20%. Note this does not include Civil Defence emergency event response expenditure and expenditure that has external funding.
Climate change	Does the matter impact Council's ability to mitigate or help the district adapt to climate change?

- 2.4 Having considered the key criteria Council will make a judgement on the level of significance of the matter, designating it a category of Low, Moderate or High.
- 2.5 It may be that only one of the key criteria applies but to such a high degree that the decision will be considered 'significant'. At the other end, several criteria may be applicable but to only a low degree and therefore will be considered to have a lower level of significance.
- 2.6 In general, the more significant an issue, the greater the need for community engagement, recognising that sometimes the operational work the Council delivers will be highly significant to those immediately impacted but may not otherwise trigger 'significance' under this policy. Council staff endeavour to engage directly with affected parties whenever possible.
- 2.7 *Appendix 2* of this policy provides further detail on how the criteria will be used to assess significance.

3. Engagement

- 3.1 Engagement provides an opportunity for the public to express a view on the decision or proposal being considered by the Council. The community views expressed through an engagement process will be considered, along with other information such as costs and benefits, legislative requirements and technical advice.
- 3.2 Council undertakes engagement in a variety of ways, depending on the type of conversation required, who is being engaged with, the timeframe and cost associated with engagement, and any legislative requirements. Examples of engagement tools used by Council can be found in *Appendix 2*.
- 3.3 **When will Council engage?**
- Council will always engage when required by law. Where procedures for decision making are set out in legislation, those procedures will be used. See 3.4 for more information on legislative requirements.
 - When the matter is deemed significant as per this policy.
 - When Council thinks the matter warrants engagement regardless of the level of significance determined by this policy.

Likelihood of engagement against the significance category is detailed below:

Significance category	Likelihood of engagement
Low	Council may or may not carry out any engagement. If any engagement occurs it's likely to be targeted to directly affected individuals or groups only, rather than wider community engagement.
Moderate	Council will engage with directly affected individuals or groups and some form of wider community engagement is likely, unless there are good reasons not to do so (see 3.6 for details of when Council may not engage).
High	Council will engage with directly affected individuals or groups and some form of wider community engagement is highly likely, unless there are good reasons not to do so (see 3.6 for details of when Council may not engage).

3.4 Legislative requirements

The Local Government Act 2002 (LGA) prescribes processes for councils to follow when they consult and engage with communities on some decisions. These are mostly listed in sections 76 to 83 of the LGA. The Significance and Engagement Policy isn't required when Council is following these legal obligations as legislation supersedes any council policy. Some examples of legislative requirements under the LGA are below:

- A Special Consultative Procedure (SCP), defined under the LGA section 83, must be followed for community engagement on specific plans and processes including Long Term Plans and Bylaws of significant interest.
- Under section 77(1)(c) of the LGA Council must take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga, if a matter involves a significant decision in relation to land or a body of water.
- Other provisions in the LGA specify decisions or activities where community engagement is to be addressed through the larger public consultation processes for a Long Term Plan. These are:
 - a) A decision to transfer the ownership or control of a strategic asset, or a decision to construct, replace or abandon a strategic asset. See *Appendix 1* for a list of Council's strategic assets.
 - b) A decision that will, directly or indirectly, significantly affect Council's capacity, or the cost to Council, in relation to any activity identified in the Long Term Plan.
 - c) A decision to alter significantly the intended level of service delivery for any significant activity undertaken by or on behalf of Council, including a decision to commence or cease any such activity.

3.5 How will Council engage?

The Engagement Guide (refer to *Appendix 2*) identifies the form of engagement Council may use to respond to some decisions. It also provides examples of types of issues and how communities could expect to be engaged in the decision-making process.

Principles of Engagement

Council follows the below principles when undertaking engagement with the Stratford district:

- Give affected people a reasonable opportunity to contribute to the decision-making process
- Ask for views early in the decision-making process so that there is enough time for feedback to be provided and considered;
- Listen and consider views in an open and honest way;
- Respect everyone's point of view;
- Provide information that is clear and easy to understand;
- Consider different ways in which the community can share views with Council; and
- Ensure that the engagement process is efficient and cost effective.

Council will also take into consideration that the community can feel 'over consulted'.

Council will ensure that, when conducting any engagement or consultation process in relation to a significant decision, it will provide clear information on:

- What is being proposed
- Why it is being proposed
- What options we have
- What the impacts are (if any)
- How you can have a say
- The timeframes

- How we will communicate the outcome to you

In addition, we may add – if we know:

- What our preferred option is
- Any costs and rating impact

3.6 Engagement with Māori¹

The LGA requires councils to facilitate participation by Māori in decision-making processes. This is to recognise and respect the Crown's responsibility to take appropriate account of the principles of Te Tiriti o Waitangi/ the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes. These requirements are additional to general policies on community engagement.

However, not all Māori engagement is driven by law. There will be many occasions where input from Māori will inform and enrich the work of Council, so it may choose to engage with Māori on matters that fall outside the scope of this policy.

Council acknowledges its unique relationship with Māori and will support this through:

- Establishing and maintaining processes to provide opportunities for Māori to contribute to decision-making.
- Taking into account the relationship Māori have with their ancestral land, water, sites, waahi tapu/sacred sites, and other taonga/treasures, when a significant decision relates to land or a body of water.
- Building ongoing relationships with local iwi, hapu and marae to understand the issues of significance for mana whenua, and determine appropriate points of engagement
- Applying the following three principles when developing an engagement process with Māori: engage early, be inclusive, think broadly.
- Acknowledging their rangatiratanga and status as treaty partners; that mātauranga Māori/Māori knowledge makes an important contribution to solving policy and practical problems; that Māori have the resources and capability to contribute; and that some issues affect Māori disproportionately and that Māori are therefore better placed to develop the solutions.

3.7 When Council may not engage

There are times when it is not appropriate or possible to engage with the community on certain matters. Examples of this include where Council:

- Has determined the matter is not of a nature or significance that requires consultation (s82(4)(c) LGA 2002).
- Already has a sound understanding of the views and preferences of the persons likely to be affected by or interested in the matter (s82(4)(d) LGA 2002).
- Is maintaining confidentiality or commercial sensitivity (s82(4)(d) LGA 2002).
- Has determined the cost of engagement as outweighing the benefits of it (s82(4)(e) LGA 2002).
- Is acting with urgency in a crisis (for example, under the Civil Defence Emergency Management Act 2002).
- Has a clear direction on a strategy or plan as part of its business as usual operations, and has already made up its mind about an issue, therefore cannot carry out meaningful engagement.
- Has consulted on the issue in the last 24 months.

¹ The term Māori is used here and refers to tangata whenua and or mana whenua that within the context of Stratford district means those who whakapapa to the land. In terms of mana whenua, there are also a number of groups and entities that include: iwi, hapū, marae, and post-settlement governance entities.

- When a council action is required by legislation.

Where the above listed circumstances apply and engagement is not to be undertaken, Council is still required to give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter (s78(1) LGA 2002). The LGA 2002 requires that this consideration be in proportion to the significance of the matters affected by the decision (s79(1)).

3.8 Council's expectations of the community during engagement

When carrying out engagement Council expects the community to:

- Use their real names and contact details when requested to do so while providing submissions or other feedback. Council may place less weight on, or even reject, submissions and feedback that appear to be submitted under a false name or with incorrect contact details.
- Provide their submission or feedback within the timeframe given.
- Use the appropriate engagement methods as provided by Council when making a submission or feedback to ensure it's captured as part of the decision-making process. Council will always provide clear instructions on how to have your say on a matter.
- Provide their submission or feedback in a respectful manner. Council recognises that people have the right to freedom of expression in making their submissions and feedback, however, Council must balance this against its health and safety obligations. Council may redact copies of submissions and feedback, or even reject them, where they include profanities, defamatory attacks on individuals or groups, or other offensive or unacceptable material. If Council does redact or reject a submission or feedback it will inform the submitter and where practical provide an opportunity for the submitter to revise their submission or feedback for inclusion in the decision-making process.
- Understand that their submissions or feedback may become public as part of the decision-making process. If there is any reason why information should not become public, members of the public should raise this with Council before or at the time of making their submission or feedback.

Appendix 1: Strategic Assets

Strategic assets are described in the Local Government Act 2002 (LGA) as 'those assets or group of assets that Council needs to retain in order to maintain capacity to achieve or promote any outcome that Council 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

They are relevant to this policy because any decision to transfer ownership or control of a strategic asset to or from Council or to construct, replace or abandon a strategic asset cannot be made unless they are first included in the Long Term Plan (and therefore consulted on as part of that Long Term Plan).

For the purpose of section 76AA(3) of the LGA 2002, Council considers the following assets to be strategic assets:

- Roading network, footpath, streetlights and parking
- Water supply network
- Wastewater network
- Reserves listed and managed under the Reserves Act
- Stormwater network
- Housing for the Elderly
- Aquatic Centre
- Library and Visitor Information Centre
- War Memorial Centre
- Cemeteries
- Percy Thomson Trust

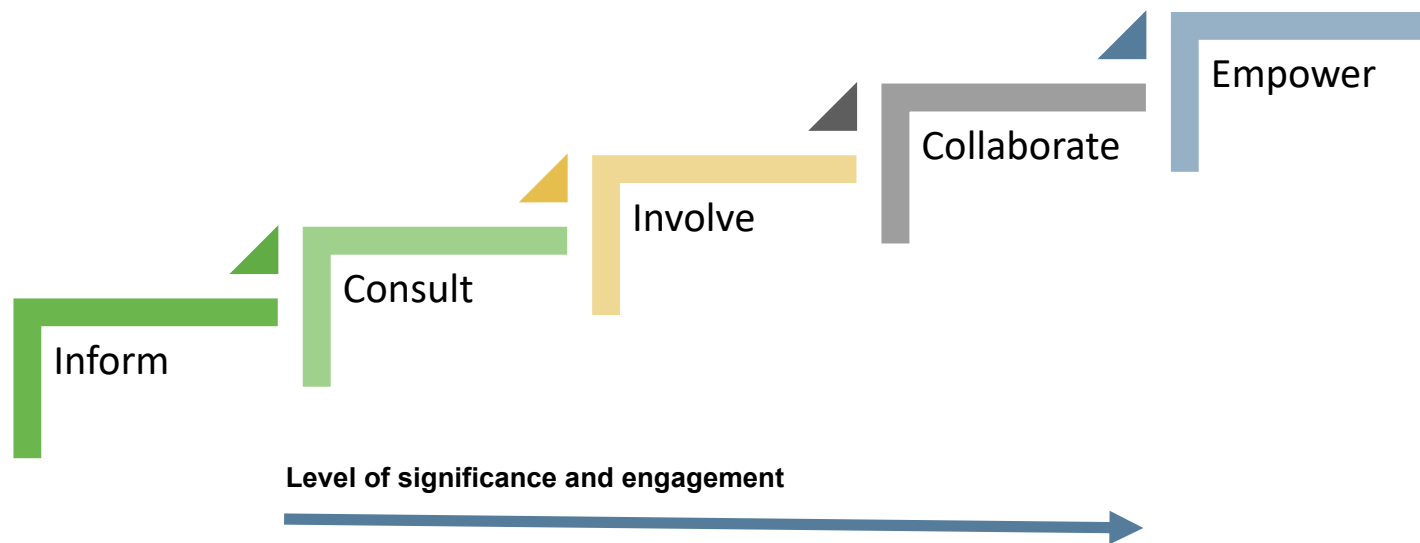
The acquisition or disposal of a small component of a strategic asset will not trigger section 97(1)(b) LGA 2002), unless it is considered that the operation of the strategic asset would be substantially changed. However, it is possible that this could be deemed a significant decision under the policy.

Appendix 2: Engagement Guide

The International Association for Public Participation (IAP2) Spectrum demonstrates the possible types of engagement Council can have 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. You can see more on this model in Council's Communication and Engagement Strategy.

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



Level of Significance	Low	Moderate	High			
Key Considerations	<ul style="list-style-type: none"> Affects individuals Has very little public interest Low consequences for the district Low impact on Council being able to perform its role Expenditure incurred is less than a set percentage of the budgeted annual total expenditure Unbudgeted expenditure is less than a set percentage of the annual total expenditure 	<ul style="list-style-type: none"> Affects sub-group of the community Has moderate public interest Moderate consequences for the district Moderate impact on Council being able to perform its role Expenditure incurred is more than a set percentage of the budgeted annual total expenditure Unbudgeted expenditure is more than a set percentage of the annual total expenditure Moderately difficult to reverse Flows from a prior decision but with some notable variations 	<ul style="list-style-type: none"> Affects a wide range of people Has high public interest Large consequences for the district Large impact on the Council being able to perform its role Expenditure incurred is more than a set percentage of the budgeted annual total expenditure Unbudgeted expenditure is more than a set percentage of the annual total expenditure. Highly difficult to reverse Does not have a strong and logical flow from a prior decision 			
Depending on the level of significance, Council will apply one of the below engagement processes. For example: A decision of high significance could be anywhere between Consult and Empower.						
Level of Engagement	Inform	Consult	Involve	Collaborate	Empower	
What does it involve	One-way communication providing balanced and objective information to assist understanding about something that is going to happen or has happened.	Two-way communication designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision making.	Participatory process designed 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.	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 Council may use this for	Water Restrictions Works to improve parts of the roading network Adopting the Annual Report	Making proposed changes to a Policy or Bylaw	District Plan	Community or Economic Development Strategy	Election voting systems (MMP, STV or first past the post)	
Tools Council may use	Website Social Media Flyer Public Notices	Formal submissions Hearings User Focus groups On-line surveys	Community workshops Focus groups	External working groups and co-design workshops (involving community experts)	Binding referendum Local body elections	
When the community can expect to be involved	This process could mean Council would generally advise the community once a decision is made.	This process could mean Council would advise the community once a draft decision is made and may provide the community with up to four weeks to participate and respond.	This process could mean Council would generally provide the community with a greater lead in time to allow them time 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 provide the community with a greater lead in time to allow them time to be involved in the process, e.g. typically a month or more.	

