

Significance and Engagement Policy 2023

Authorisation and Status

Policy Owner	Strategy and Performance Manager	Version	Final
Policy Contact	Principal Advisor	Date adopted	22 August 2023
Date effective	1 September 2023	Date of Next Review	Before June 2026 or as required

www.waitaki.govt.nz

t. 03 433 0300 e. service@waitaki.govt.nz
20 Thames Street, Private Bag 50058, Oamaru 9444



Waitaki
DISTRICT COUNCIL
TE KAUNIHERA Ā ROHE O WAITAKI

Table of Contents

1. PURPOSE	3
2. GENERAL APPROACH TO DETERMINE SIGNIFICANCE AND LEVEL OF ENGAGEMENT	3
3. STRATEGIC ASSETS.....	4
4. CRITERIA FOR SIGNIFICANCE	5
5. LINKING LEVEL OF SIGNIFICANCE TO LEVEL OF ENGAGEMENT	6
6. DETERMINING WHEN TO ENGAGE.....	6
7. SPECIAL CONSULTATIVE PROCEDURE	8
8. WHEN COUNCIL MAY NOT ENGAGE	9
9. ENGAGEMENT SELECTION	10
10. ENGAGEMENT PRINCIPLES	10
11. METHODS OF ENGAGEMENT	10
ATTACHMENT 1 – DEFINITIONS	12
SCHEDULE 1: WAITAKI DISTRICT COUNCIL STRATEGIC ASSETS	14
SCHEDULE 2: ENGAGEMENT OPTIONS	15

1. Purpose

This Significance and Engagement Policy has been developed in response to the requirements set out in [Section 76AA](#) of The Local Government Act 2002 (the Act). The Act requires every local authority to have a policy on significance and engagement.

The purpose of the policy is to make sure Council takes a consistent and transparent approach in determining the significance of a decision and the appropriate level of engagement for that decision. Attachment 1 defines some of the words Council uses in this policy.

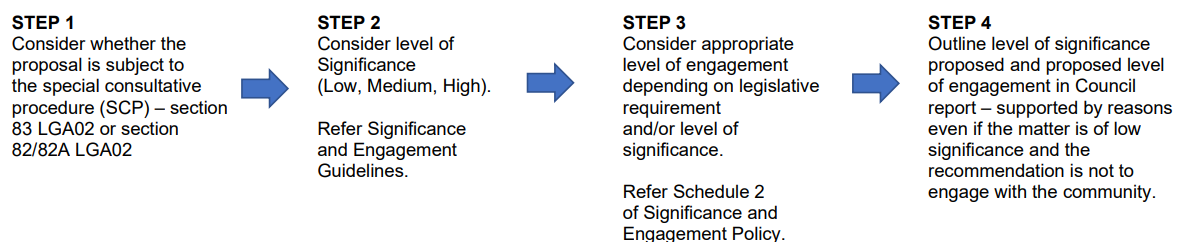
This Significance and Engagement Policy (SEP):

- guides how we engage with communities about important Council decisions;
- enables us to identify the significance that we place on decisions about issues, proposals, assets, and services; and
- provides clarity about how and when communities can expect to be engaged in decisions made by Council.

2. General approach to determine significance and level of engagement

For every decision that Council makes we need to work out how important, or significant, it is for our community. We have criteria to help us to do this. Even if Council determines that consultation is not required, community views and preferences will still be considered in the decision-making process.

Council will follow the following four-step process to inform decision-making:



3. Strategic Assets

Council's strategic assets are those vital for delivering services to the communities of the Waitaki district.

For the purpose of this Policy, Council considers its networks and other large assets as complete single assets. It is the group of assets as a whole that delivers the service. Council needs to retain these assets to maintain its capacity to achieve or promote outcomes that it determines to be important to the well-being of the community.

The Council's Strategic assets are set out in **Schedule 1** of this policy. For the listed Strategic assets, it is the whole of the network that is the strategic asset. As a result, decisions that involve the transfer of ownership or control of an element or component of a network, where the remaining assets enable Council to still meet its strategic outcomes (including levels of service as stated in the Long-Term Plan), will not trigger section 97(1)(b) of the Local Government Act 2002. The list of Strategic assets will be updated as required following changes to the Annual Plan or Long-Term Plan (LTP).

As per section 97 of the LGA02, a decision to transfer the ownership or control of a strategic asset to or from Council cannot be made unless it is explicitly provided for in the Council's LTP or Annual Plan, and the public is consulted through the Special Consultative Procedure (SCP). Acquisition or disposal of a small component of a strategic asset will not necessarily trigger the requirement to include it in the Long-Term Plan and in a statement of proposal relation to the Long-Term Plan), unless it is considered that the component is an integral part of the strategic asset and that its acquisition or disposal would substantially affect the current or future operation of the strategic asset.

In emergency situations alterations to strategic assets may be required without formal consultation to:

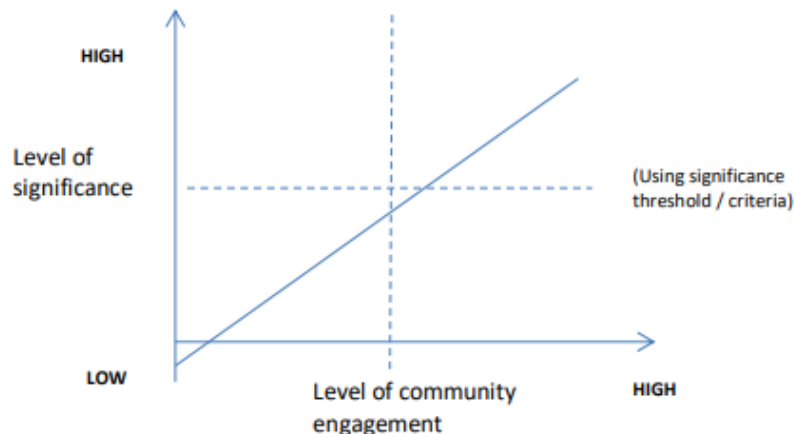
- Prevent an immediate hazardous situation arising, or
- Repair an asset to ensure public health and safety.

Any actions taken will be reported in the relevant Annual Report.

4. Criteria for Significance

The significance of an issue, proposal or decision lies somewhere on a continuum from low to high ranging from the day-to-day matters with low impact on the community, right up to those with a very high significance.

As an issue moves from left to right along the spectrum, a higher degree of significance is assigned, but past a certain point on the continuum the issue is deemed significant.



In assessing the degree of significance or significant consequences, Council will consider the following:

- **Number of people affected**
- **Level of community interest**
- **Alignment with mana whenua aspirations**
- **Consistency with Council's Strategic Framework, strategies, and significant decisions already made**
- **Impact on Council's capability to deliver agreed projects and BAU projects**
- **Net financial cost / revenue of implementation, excluding any financial impact already included in a Long-Term Plan / Annual Plan**
- **Impact on levels of service provided by Council or the way in which services are delivered**
- **Reversibility of the decision**
- **Expected impact on the performance or intended performance of Council's Strategic Assets**
- **Impacts of climate change**

Council will assess matters to be of 'low', 'medium' or 'high' significance in consideration of the above criteria. If a Council Strategic Asset is involved, then the matter should be treated as being "more significant." The score would be 'Medium' or 'High' when a Strategic Asset is involved.

The significance criteria will be considered collectively to make the determination on the degree of significance. It may be that only one of the criteria applies, but to such a high degree that the decision will be considered “significant.” Conversely, several criteria may be applicable, but not to such an extent that the decision is of high significance.

Where the significance of a proposal or decision is unclear against any criterion, Council will treat that criterion as being more, rather than less significant.

In some cases, particularly where a decision has relatively high significance, Council may decide to consult or undertake some other form of engagement on the matter. This will be considered on a case-by-case basis.

Management decisions made by officers under delegation during the implementation of Council decisions will not be deemed to be significant.

5. Linking level of significance to level of engagement

On every issue requiring a decision, the degree of significance will be considered using this policy. The significance of the issue, proposal or decision will influence how much time, money and effort Council will invest in exploring and evaluating options and obtaining the views of affected and interested parties. In linking the level of significance to the level of engagement it is important to find the right balance between the costs of engagement and the value it can add to decision-making.

Council will consider the extent of community engagement that is necessary to understand the community's view before a decision is made and the form of engagement that might be required. This also includes the degree to which engagement can influence the decision and therefore the value of investing in engagement (eg. if there is only one or very limited viable options such as a specific change required by new legislation).

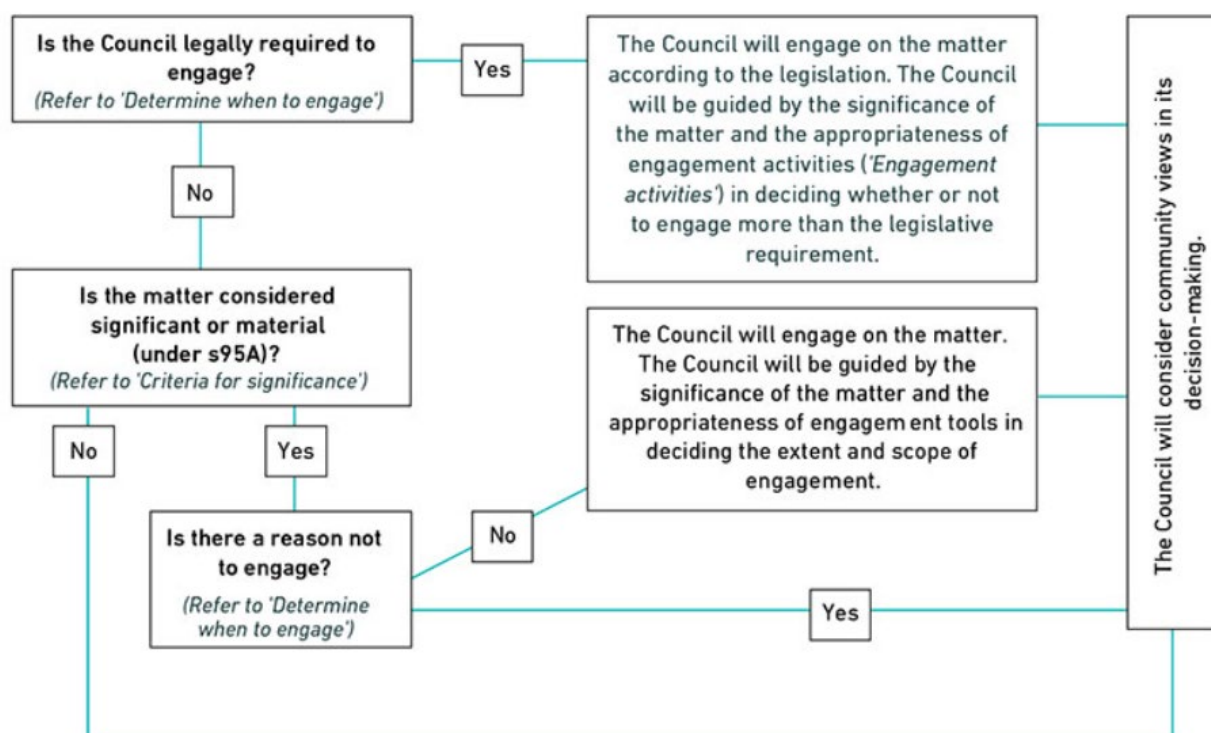
6. Determining when to engage

Engagements will be activated when there is a legislative requirement or when Council deems the level of significance is high enough to do so.

Council will use the legislative requirements as a guide as a minimum standard.

Council may choose to consult further depending on the level of significance of the matter being considered. If so, Council will consider the principles of consultation in [section 82\(1\)](#) of the Act, but only to the extent that they are consistent with the legislative requirements.

A 'significant' decision will not automatically trigger application of the SCP.



Certain instances of non-SCP consultation must comply not just with [section 82](#) of the LGA, but also [section 82A](#). This requires Council to prepare and provide a proposal-type document as part of the consultation.

For consultation that does not require a SCP, Council is required to follow the principles in section 82 of the LGA. Council must provide an opportunity for people to present their views to Council and consider submissions with an open mind.

Council will consult with the community in a way that complies with both sections 82 and 82A of the LGA for the following types of decisions:

- adopting or amending the annual plan if required under [section 95](#) of the LGA (if there are significant or material differences from the year of the LTP to which the Annual Plan relates)
- adopting, amending, or revoking a bylaw if required under [section 156\(1\)\(b\)](#) of the LGA
- transferring responsibilities to another local authority under [section 17](#) of the LGA
- establishing or becoming a shareholder in a council-controlled organisation
- adopting or amending a SEP where Council considers that it does not have sufficient information about community interests and preferences to enable the purpose of the policy to be achieved
- 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 Rates on Māori Freehold Land.

7. Special Consultative Procedure

In some cases, the law says that Council must use a more formal process for engagement requiring specific procedures to be followed. This is known as a SCP and includes the following decisions:

- adoption or amendment of a LTP (in accordance with [section 93A](#) of the LGA)
- unless already explicitly provided for in the LTP and having been the subject of consultation that complies with [section 93E](#) of the LGA, a decision (in accordance with [section 97\(1\)\(b\)](#) of the LGA)* 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 a strategic asset (as listed in **Schedule 1**).
- certain decisions to be taken only if provided for in a LTP
- 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 of a Local Approved Products (Psychoactive Substances) Policy
- adoption of a Class 4 Venue Policy under the Gambling Act 2003
- preparation, amendment, or revocation of a waste management and minimisation plan; and
- adoption of fees and charges where specifically required to use a SCP under relevant legislation (for example, fees and charges under section 36 of the Resource Management Act 1991).

*While section 97(1)(b) may not be triggered where an element component of a network is transferred or sold, it is possible that this could be an important decision. For example, the sale of a whole park, while just one element in the overall parks and reserves network, may in some cases constitute a Significant decision. Where a strategic asset is sited on land owned by someone other than Council, that landowner might make a decision to not renew a lease. If so, Council is not making a decision to transfer ownership or control under section 97(1)(b). However, if Council could renew the lease but wishes not to do so (for whatever reason), then that is likely to trigger section 97(1)(b).

A SCP requires Council to:

- prepare and adopt a statement of proposal;
- make sure the information is publicly available for at least one calendar month; and
- provide an opportunity for people to present their views to Council and consider submissions with an open mind.

For this type of consultation, Council must follow the principles of consultation in section 82 of the Act.

8. When Council may not engage

There are times when it is not necessary, appropriate, or possible to engage the community on a matter or decision.

The Act provides for Council to consider the practicality of undertaking extensive consultation, considering the range of options, and obtaining the views and preferences of other people. In some circumstances, failure to make an urgent decision would result in an inability to achieve the intended outcomes and a loss of opportunity.

Where an urgent decision must be made, Council will tailor its decision-making process to include as much consultation and evaluation as is practicable within the specified timeframe.

If, due to time limitations, a potentially significant decision is made without extensive consultation, Council will communicate the details of the decision to the public at a level appropriate to the nature of the matter.

Where a decision is made or is to be made that is significantly inconsistent with this policy, Council when making the decision will identify the inconsistency and the reason for the inconsistency.

Council will generally not engage:

1. When the matter is not of a nature or significance that requires consultation; or
2. When Council already has a sound understanding of the views and preferences of the persons likely to be affected by or interested in the matter; or
3. Where there is a need for confidentiality or commercial sensitivity; or
4. Where the costs of consultation outweigh the benefits of it; or
5. For organisational decisions (ie. operational matters and staff changes); or
6. Where the matter has already been addressed by Council's policies or plans, which have previously been consulted on; or
7. During emergency management situations in a State of Emergency; or
8. For any decisions that are made by delegation to officers; or
9. For an urgent, immediate, or quick response or decision is needed, or it is not reasonably practicable to engage; or
10. When works are required unexpectedly or following further investigations on projects, already approved by Council; or
11. For business as usual - the works required are related to the operation and maintenance of a Council asset and responsible management requires the works to take place; or decisions to act where it is necessary to comply with the law.

9. Engagement selection

Once the level of significance of an issue, proposal or decision has been determined, Council will consider the level and form of community engagement.

Depending on the matter being considered and the stakeholders involved, the preferred method(s) or combination of engagement tools will be identified and applied to meet the goals of the specific engagement.

The majority of Council decisions requiring consultation under this policy are likely to fall into the “inform” and “consult” categories.

When legislation warrants engagement under sections 82, 82A or 83 (Special Consultative Procedure) of the LGA02, the option is likely to be “Consult.”

A written engagement plan will generally be developed only for proposals or decisions with a high degree of significance.

10. Engagement principles

Council will endeavour to apply the following general principles to community engagement:

- *Appropriate* – Council will determine the appropriate level of engagement on a case-by-case basis, according to the degree of significance.
- *Genuine* – Engagement will be based on an open mind to community feedback and willingness to listen before making decisions.
- *Timely* – Where reasonably practicable, Council will give the community a timely opportunity to have a say.
- *Informed* – Council will seek to ensure the community can give informed feedback and wherever possible enable the community to consider options relating to the decision.
- *Balanced* – Council will weight consultation or engagement feedback accordingly with other considerations.
- *Two-way* – Council will always provide feedback to those who made the effort to give us their opinions and will explain our decisions.

11. Methods of engagement

Once the appropriate level of engagement has been assessed, Council will then consider the range of engagement methods that are appropriate utilising the International Association of Public Participation engagement spectrum.

Council will select the method it considers appropriate in the circumstance, taking into account a range of factors, such as who is affected or who is likely to have a view.

Council will remain flexible in its approach to engagement, to ensure that the most appropriate methods are used.

A summary of engagement options is found in **Schedule 2**.

Attachment 1 – Definitions

Community	A group of people living in the same place or having a 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.
Engagement	Talking to you and getting your feedback. Engagement is a process which involves all or some of the community and is focused on better understanding views and preferences relevant to Council's decision-making or problem-solving. There is a continuum of engagement.
Significance	As defined in Section 5 of the Act: <i>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,—</i> <i>(a) the current and future social, economic, environmental, or cultural well-being of the district or region:</i> <i>(b) any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter:</i> <i>(c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.</i>
Significant	How important is it As defined in Section 5 of the Act, <i>in relation to any issue, proposal, decision, or other matter, means that the issue, proposal, decision, or other matter has a high degree of significance.</i>
Special consultative procedure	A formal consultation process prescribed in section 83 of the Act that must be used to consult on certain matters and can be chosen by the Council to consult on other matters as considered appropriate.
Strategic asset	As defined in Section 5 of the Act: <i>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—</i>

	<p><i>(a) any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and</i></p> <p><i>(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</i></p> <p><i>(c) any equity securities held by the local authority in—</i></p> <p><i>(i) a port company within the meaning of the Port Companies Act 1988:</i></p> <p><i>(ii) an airport company within the meaning of the Airport Authorities Act 1966.</i></p>
--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

SCHEDULE 1: WAITAKI DISTRICT COUNCIL STRATEGIC ASSETS

Council has identified the following Strategic assets. This list will be updated as required following any changes to the Annual Plan or LTP.

- a) its roading network
- b) its water collection, storage, treatment, and distribution system
- c) its wastewater collection, treatment, and disposal system
- d) its stormwater collection and disposal system
- e) Ōamaru (closed) and Palmerston Landfill
- f) Ōamaru Airport
- g) waterfront facilities and assets owned and operated by the Council at Ōamaru Harbour* (see Map 1)
- h) all land and buildings comprising the Council's community housing stock
- i) Council cemeteries
- j) Ōamaru Public Gardens
- k) Alps to Ocean Cycle Trail (within Waitaki District boundaries)
- l) Waitaki Aquatic Centre
- m) Ōamaru Opera House
- n) Waitaki District Public libraries
- o) Waitaki Museum and Archive
- p) Forrester Gallery
- q) Shareholdings

Map 1:

*Area of focus - waterfront facilities and assets owned and operated by the Council at Ōamaru Harbour



SCHEDULE 2: ENGAGEMENT OPTIONS

Inform – *To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.*

Examples of the tools Council may use include:

- email newsletter to local communities and networks
- information flyer to neighbourhoods
- public notices and information in community
- newspapers
- website

Consult – *To obtain public feedback on analysis, alternatives and/or decisions.*

When legislation warrants engagement – refer LGA02 sections 82, 82A and 83 (Special Consultative Procedure)

Examples of the tools Council may use include:

- formal submissions and hearings
- focus groups
- community meetings
- online opportunities to submit ideas/feedback

Involve – *To work directly with the public throughout the process to ensure that public concerns and aspirations are consistency understood and considered.*

Examples of the tools Council may use include:

- workshops, focus/stakeholder group meetings
- public meetings
- drop-in sessions
- online surveys/forums

Collaborate – *To partner with the public in each aspect of the decision including the development of alternatives and identification of the preferred solution.*

Examples of the tools Council may use include:

- external working groups involving community experts
- community advisory groups and forums
- other forums