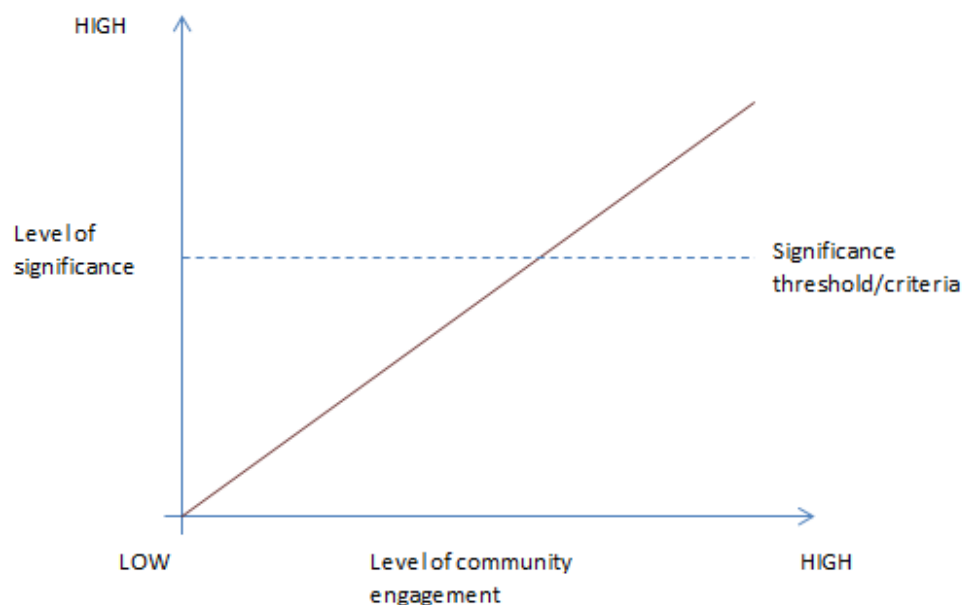


Significance and Engagement Policy

1.0 PURPOSE

Community input is essential to the success of Council. Council considers the community's views in making any decision and communicates with the community to let you know what has been decided. It is not possible to engage with the community on every matter before a decision is made.

The aim of this Policy is to set out when the Council will undertake consultation and engage with the community before making its final decision, and how far this engagement will go. To do this Council has to consider how important the matter is (the significance) and how much community engagement is needed to make a good decision.



Generally, the higher the level of significance the greater the level of community engagement sought. Over a certain level of significance, the Council will consult with the community before making a decision.

The purpose of this Policy is to provide guidance to the Council and the community when determining the significance of decisions, proposals and other matters (Part A) and the corresponding level of community engagement expected (Part B).

2.0 DEFINITIONS

“Significant” and “Significance”: The Local Government Act 2002 (LGA 2002) defines the terms “significant” and “significance”.

Significance 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 the district, any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter and the capacity of the local authority to perform its role, and the financial and other costs of doing so.

Significant means that the issue, proposal, decision, or other matter has a high degree of significance.

“Community engagement”: In relation to the Policy, community engagement is the process of involving the community in Council decisions. This may involve providing and seeking information to inform and assist decision making. There is a range of community involvement; it is not confined to a specific form.

“Consult” and “Consultation”: Consultation is only one form of community engagement. For the purposes of this Policy, consultation is the genuine exchange of information and points of view between decision-makers and people affected by or interested in a matter, before a decision is made. It is expected to be a two-way interaction; it may be undertaken in a variety of ways.

“Strategic Asset”: A list of the Strategic Assets of the Whakatāne District Council is contained in Appendix 1 of this Policy. For the purposes of the Policy, the Council considers its strategic assets as a whole, because it is the asset class as a whole that delivers the service.

“Significant Activity”: A list of the Significant Activities of the Whakatāne District Council is contained in Appendix 2 of this Policy. Significant activities, as identified in Appendix 2, are the activities in total and not the separate elements of the activities.

PART A – SIGNIFICANCE

1.0 HOW WILL THE COUNCIL DETERMINE SIGNIFICANCE

1.1 General Approach to Determining Significance

1.1.1 To determine if a proposal or decision is significant the Council will make judgements about the likely impact of that proposal or decision on:

- a) The District;
- b) The persons who are likely to be particularly affected by, or interested in, the proposal or decision; and
- c) The cost to, or the capacity of, the Council to perform its role and carry out its activities, now and in the future.

1.2 Thresholds for Determining Significance

1.2.1 The following thresholds will be used as a guide to determine whether the proposal or decision being considered by the Council is significant.

1.2.2 Each threshold will be tested independently of the other thresholds and criteria. Where any individual threshold is exceeded, the matter will be determined to be significant.

1.2.3 Unbudgeted capital expenditure proposals or decisions, where the total cost would exceed 5% of the Council's total annual capital expenditure for the relevant financial year (see note 1 and note 2 below).

1.2.4 Unbudgeted operating expenditure proposals or decisions, where the total cost would exceed 1% of the Council's total annual operating expenditure for the relevant financial year (see note 1 and note 2 below).

1.2.5 Any proposal or decision to transfer ownership or control of a Strategic Asset to or from the Council (a list of the Strategic Assets is contained in Appendix 1 of this Policy).

1.2.6 Any proposal or decision to alter significantly the intended level of service provision for any significant activity (a list of the Significant Activities is contained in Appendix 2 of this Policy). A proposal is only considered significant if it relates to the activity as a whole.

Note 1: Where the proposal or decision will be funded from a funding source other than the Council, the Council's portion of a project, including ongoing costs will be included in the analysis of significance.

Note 2: Major spending decisions should be made in the context of the LTP, so decisions involving unidentified and unbudgeted expenditure should receive as least as much scrutiny as they would have received had they been included in the LTP.

1.3 Criteria for Determining Significance

The following criteria will be used to determine whether the proposal or decision being considered by the Council is significant.

- 1.3.1 If any of the following criteria are met, the proposal or decision may be significant. However, the criteria should be considered collectively to make this determination. The majority of these criteria could be considered to fall on a continuum rather than being an absolute determination. They may be considered as being of low, medium or high significance rather than significant or not significant.
- 1.3.2 Where the significance of a proposal or decision is unclear against any of the criterion, then the Council will treat that criterion as being more rather than less significant.
- 1.3.3 The proposal or decision adversely affects all or a large portion of the community.
- 1.3.4 The impact or consequences of the proposal or decision on the affected persons (being a number of persons) will be substantial.
- 1.3.5 The financial implications of the proposal or decision on the Council's overall resources are substantial.
- 1.3.6 The proposal or decision will be difficult to reverse once the Council has committed to it.
- 1.3.7 The proposal or decision is likely to generate a high degree of controversy in the community.
- 1.3.8 The proposal or decision does not flow logically and consequentially from a significant decision already made, or, does flow from a significant decision already made but with substantial variations.

1.4 Implications

- 1.4.1 Observe the decision making provisions of the LGA 2002: Where a proposal or decision is considered significant under this Policy, the Council must have greater regard for the decision-making provisions of the LGA 2002 (set out in sections 76-82). In particular this includes:
 - a) The extent to which different options are to be identified and assessed.
 - b) The degree to which benefits and costs are to be quantified.
 - c) The extent of the detail of the information to be considered.
 - d) The extent and nature of any written record to be kept of a manner in which it has complied with these considerations.

- 1.4.2 Consider Maori relationship with land and water: In accordance with section 77(1)(c) of the LGA 2002, when significant proposal or decision relate to land or a body of water, Council will take into account the relationship of Maori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna and other taonga.

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PART B – COMMUNITY ENGAGEMENT

1.0 HOW THE COUNCIL WILL DETERMINE THE LEVEL OF COMMUNITY ENGAGEMENT

- 1.1.1 The Council will give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter, for all decisions. However, the level of community engagement that is directly undertaken will vary, depending on the level of significance attached to the matter.
- 1.1.2 In general, the more significant an issue, the greater the need for, and level of, community engagement. If the matter is considered significant, under this Policy, then the Council may carry out a consultation process; again the extent of this will depend on the level of significance. This is outlined in Appendix 3 and some examples provided.
- 1.1.3 Consideration will also be given to appropriate levels of engagement for those issues that, while of community interest, do not exceed the significance criteria and thresholds.

2.0 WHEN THE COUNCIL WILL CONSULT

- 2.1.1 **When legislation requires that consultation be undertaken:** The Council will consult when it is a legal requirement (as set out by the LGA 2002, Resource Management Act 1991 and other Acts). The Council will undertake these consultation processes in accordance with the legislative requirements guiding them, as a minimum.
- 2.1.2 **When a significant proposal or decision is being considered:** Subject to consideration of factors under section 4.2 of this Policy, the Council will consult whenever a 'significant decision' needs to be made. A significant decision is one which has been identified as such by the thresholds, criteria and approach identified in this Policy. A 'significant' decision will not automatically trigger the application of the Special Consultative Procedure (SCP).
- 2.1.3 **For some matters that are not considered significant:** In general, where a matter is not considered significant under this Policy, consultation will not be undertaken.
- 2.1.4 In some cases, where a decision is close to, but does not exceed, the significance test, under this Policy, the Council may decide that consultation is appropriate. Any determination of whether or not to consult on matters that are not significant will be subject to consideration of section 4.2 of this policy with particular regard to section 4.2 (a) and 4.2 (d).

3.0 WHEN THE COUNCIL MAY NOT CARRY OUT CONSULTATION

3.1.1 Information is always necessary for the decision making process. However, there are times when it is not necessary, appropriate or possible to consult the community on a proposal or decision, even if it is considered significant under this Policy. The Council will still carry out community engagement, e.g. inform and educate. The Council may choose not to carry out consultation and if so will make this determination in accordance with the criteria below, notwithstanding any legislative requirements.

3.1.2 The Council may decide not to consult when:

- a) The matter is not of a nature or significance that requires consultation (LGA 2002, s82(4)(c)); or
- b) The Council already has a sound understanding of the views and preferences of the persons likely to be affected or interested in the matter (s82(4)(b) LGA 2002); or
- c) There is a need for confidentiality or commercial sensitivity (s82(4)(d) LGA 2002); or
- d) The costs of consultation outweigh the benefits of it (s82(4)(e) LGA 2002); or
- e) The matter has already been addressed by the Council's policies or plans, which have previously been consulted on; or
- f) An immediate response is necessary because of emergency or in the interests of health and safety; or
- g) There are no other practicable alternative options to choose from; or
- h) Works are required unexpectedly as a consequence of a policy, or following further investigations on projects, already approved by the Council; or
- i) The works required are related to the maintenance of a Council asset and responsible management requires the maintenance works to take place.

3.1.3 Where the above listed circumstances apply and consultation is not to be undertaken, the 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 (LGA 2002 section 78 (1)). The LGA 2002 requires that this consideration be in proportion to the significance of the matters affected by the decision (section 79 (1)).

4.0 HOW WILL THE COUNCIL UNDERTAKE COMMUNITY ENGAGEMENT

4.1.1 Where the Council undertakes community engagement, the level of engagement, and the tools and techniques to be applied, will be tailored to the nature and significance of the matter being considered and to the target audience, notwithstanding legislative requirements.

- 4.1.2 There are a variety of tools and techniques that the Council may apply when undertaking community engagement. Appendix 3 illustrates the level of community engagement that will be undertaken depending on the degree of significance and provides examples of the types of tools the Council will use. The greater the degree of significance of any particular matter, the greater the level of engagement sought. The model in Appendix 3 sources information from the International Association for Public Participation (IAPP) and incorporates this into a Council approach to community engagement.
- 4.1.3 In carrying out consultation the Council will be cognisant of the requirements of section 82 and 82A of the LGA 2002.

5.0 MĀORI CONTRIBUTION TO DECISION MAKING

- 5.1.1 The Council will establish and maintain processes that will provide opportunities for Iwi to contribute to decision making processes of the Council. The Iwi Chairs Forum, Memorandums of Understanding and targeted consultation will be considered as a starting point, when engaging with Māori.

6.0 RESPONDING TO COMMUNITY PREFERENCES

- 6.1.1 The Council will endeavour to engage with the community in a manner that meets community preferences. The Council will monitor results from its Annual Residents Survey regarding the provision of information and consultation, the level of engagement in consultation processes and general feedback from the community. The Council will continue to explore a variety of community engagement methods and use new practices and media where appropriate.

7.0 REVIEW OF THE POLICY

7.1.1 The Council's Policy on Significance and Engagement Policy will be reviewed every three years to coincide with each Long Term Plan review process.

Signature:

Originator:	Version No:	2.0
Strategic Policy Analyst		
_____	Revised Date:	N/A
General Manager:		
General Manager Strategy and Economic Development	Issue Date:	x

Approved by:	x	Date of Review: x
Authorised on behalf of		
Whakatāne District Council	Chief Executive	

APPENDIX 1 - REGISTER OF THE WHAKATANE DISTRICT COUNCIL'S STRATEGIC ASSETS

For the purposes of section 76AA of the LGA 2002 the Council considers the following assets to be strategic assets.

As outlined under section 2.4 of this Policy, the Council will consider the following strategic assets as a whole because it is the asset class as a whole that delivers the service. The Council will therefore not undertake the special consultative procedure for decisions that relate to the transfer of ownership or control, or minor construction or replacement, of a part of a strategic asset, unless that decision triggers the significance thresholds and criteria outlined in this Policy.

Asset	Notes
District Libraries	Includes books and collections
Museum	Includes artefacts and collections, excludes items on loan to the Council
Whakatane Aquatic Centre	Includes land, building and structures
Whakatāne, Ōhope and Edgumbe Halls	
Port (Whakatāne, Ōhope and Thornton)	Includes all land, buildings and structures associated with the Port Assets
Amenity parks, sports parks and facilities under the Reserves Act 1977	
Public toilets	
Cemeteries and crematorium	
Recycling Park and Transfer Stations	
Wastewater reticulation and treatment systems	Includes land, pipes, pump stations and sewage ponds
Stormwater reticulation systems	
Roading system	Includes the land, carriageway, footpaths, bridges, street lighting and off-street parking
Water reticulation, storage and treatment systems	Includes the land, pipes, pumps, reservoirs and treatment plants
Whakatane Airport	Section 5 of the Local Government Act 2002 requires this asset to be included in the list as a Strategic Asset
Harbour Endowment property	
Pensioner Housing	Section 5 of the Local Government Act 2002 requires this asset to be included in the list as a Strategic Asset

APPENDIX 2 - REGISTER OF THE WHAKATANE DISTRICT COUNCIL'S SIGNIFICANT ACTIVITIES

The following is a full list of Council's external activities. Those that are considered as significant activities for the purposes of sections 76AA and 97(1) of the LGA 2002, are marked with a tick. These have been determined because of their strategic importance in the delivery of service to the community.

Activity Group	Activities	Significant Activities <input checked="" type="checkbox"/>
Leadership	Governance	<input checked="" type="checkbox"/>
	Community Support	
	Strategy and Policy	
Roads and Footpaths	Transport Networks	<input checked="" type="checkbox"/>
	Parking Enforcement	
Water Supply	Water Supply	<input checked="" type="checkbox"/>
Sewerage Treatment and Disposal	Sewerage Treatment and Disposal	<input checked="" type="checkbox"/>
Stormwater Drainage	Stormwater Drainage	<input checked="" type="checkbox"/>
Solid Waste	Solid Waste	<input checked="" type="checkbox"/>
Environmental sustainability	Resource Management – Consents	<input checked="" type="checkbox"/>
	Resource Management – Policy	<input checked="" type="checkbox"/>
Community Safety	Licensing (Alcohol and Gambling)	
	Environmental Health	<input checked="" type="checkbox"/>
	Regulation Monitoring	
	Building	<input checked="" type="checkbox"/>
	Animal Control	<input checked="" type="checkbox"/>
	Emergency Management	<input checked="" type="checkbox"/>
Recreation and Community Facilities	Parks, Reserves, Recreation and Sports-fields	<input checked="" type="checkbox"/>
	Aquatic Centres	<input checked="" type="checkbox"/>
	Halls	
	Cemeteries and Crematorium	<input checked="" type="checkbox"/>
	Public Conveniences	<input checked="" type="checkbox"/>
	Pensioner Housing	<input checked="" type="checkbox"/>
	Libraries	<input checked="" type="checkbox"/>

Activity Group	Activities	Significant Activities <input checked="" type="checkbox"/>
	Museum	<input checked="" type="checkbox"/>
	Community Development	
	Ports and Harbour	<input checked="" type="checkbox"/>
District Growth	Economic Development	
	Strategic Property	
	Events and Tourism	
Council Controlled Organisations	Whakatane Airport	<input checked="" type="checkbox"/>
	LGFA	
	Bay of Plenty Local Authority Shared Services	

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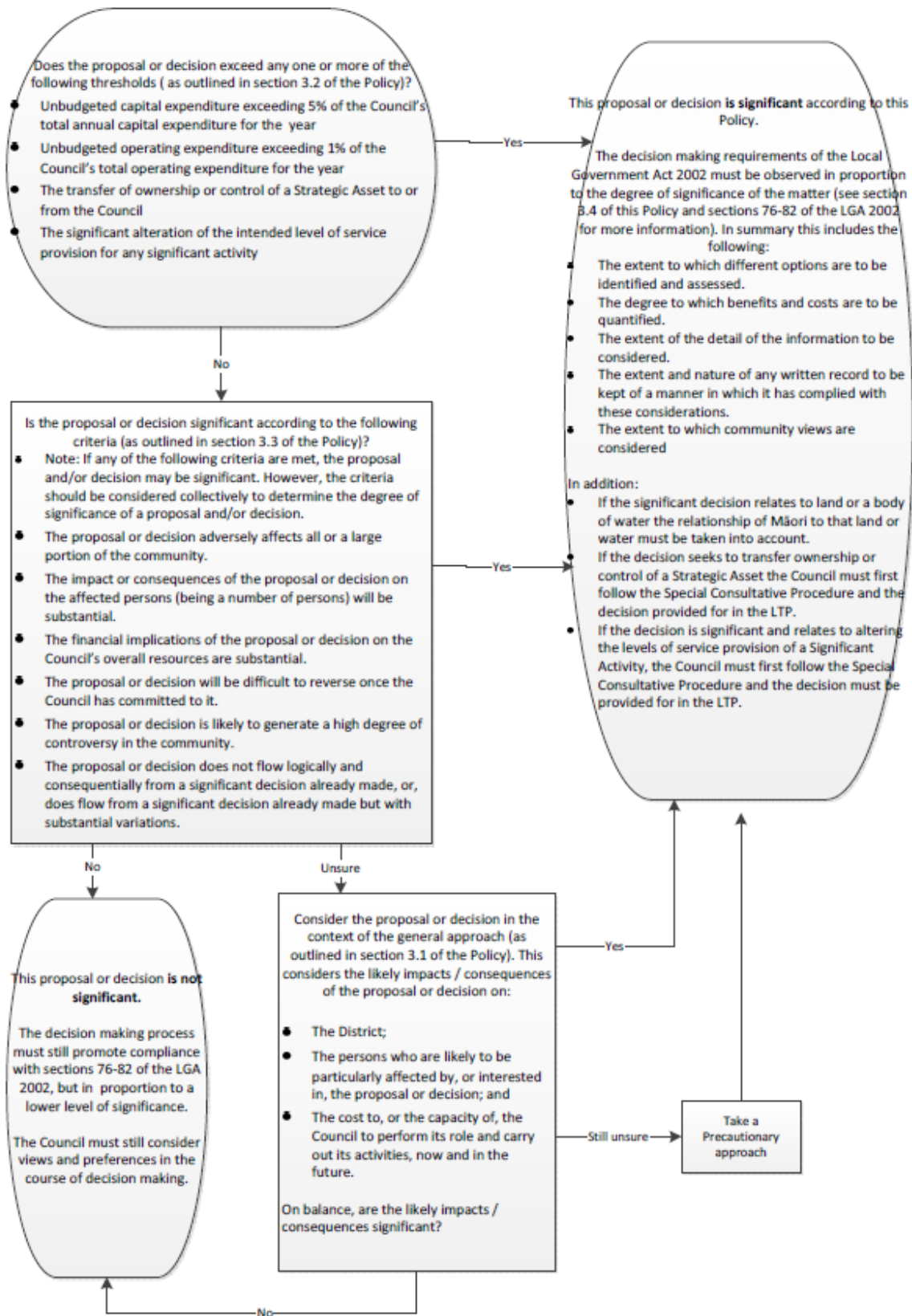
APPENDIX 3: SPECTRUM OF COMMUNITY ENGAGEMENT

Degree of significance				
	Is considered 'significant' according to the Council's Significance and Engagement Policy		Is not considered 'significant' according to the Council's Significance and Engagement Policy	
Level of community engagement	Greater level of engagement is needed	Community engagement is needed	Lower level of community engagement may be needed	Limited community engagement needed
Example of Proposals/ Decisions	<p>Development of the Long Term Plan</p> <p>Adopt a bylaw which will significantly impact on the community</p> <p>A significant change to the level of service of a significant activity</p> <p>Sale of strategic assets</p> <p>Development of the Local Alcohol Policy</p>	<p>Adopt an Annual Plan with material differences from the LTP.</p> <p>Developing the Rates Remission Policy</p> <p>Developing a Development Contributions Policy</p> <p>Development of a Community Strategy</p> <p>Development of the Whakatāne River Greenway Concept Plan</p>	<p>Review of the Community Funding Policy</p> <p>Renaming a road under the Road Naming Policy</p> <p>Exemptions under bylaws</p>	<p>Notification of temporary road closure</p> <p>Acceptance of Late Submissions Policy</p> <p>Development of a Smoke-Free Policy for Council open spaces</p> <p>Conducting emergency repair works to Council infrastructure</p> <p>Adoption of the Annual Report</p>
Application of the SCP	The SCP should be considered as a minimum.	The SCP should be considered but may not always be appropriate.	The SCP is not likely to be considered but may be used where efficiencies can be achieved by consulting alongside another process.	The SCP is not required as consultation is not being undertaken.
Focus of public participation	Involve	Consult		Inform and educate
Council's promise to the community	The Council will work with the community through-out the process to ensure that their concerns and aspirations are understood and reflected in the options	The Council will make information available to all identified stakeholders, and the wider community, and will provide opportunities for the community to voice their concerns or aspirations with regard to the options being considered for the proposal or decision.		The Council will provide the public with balanced and objective information to assist them in understanding the situation, alternatives, opportunities and/or solutions.

	being considered for the proposal or decision.		
Examples of possible tools and techniques	In addition to those used to “consult” (listed to the right), further tools may be used, such as: deliberate polling and ballots, citizen juries, participatory decision making.	In addition to those used to “inform and educate” (listed to the right), further tools may be used, such as: Pre-consultation with identified stakeholders Special consultative procedure Formal hearings Written submissions Oral submissions Stakeholder interviews Issues Clinic Working party / Focus group Open day/ Information displays Targeted engagement with sector and interest groups Community Board Feedback Iwi Chairs Forum Feedback Comment forms Survey/questionnaire Online forum / polls Public workshop Road-show Referendum Note: This is not an exhaustive list.	Public notice Display advertising Comprehensive briefing paper Letter drop/mail out/e-newsletter Information sheet Web page/article/video presentation Media release Ko Konei newsletter Radio advertising and interviews Social Media

APPENDIX 4: PROCESS MAP

Part A – Determining Significance



Part B – Determining Level of Community Engagement

