

Significance and Engagement Policy

Te Kaupapa here o te Pāhekoheko

Adopted: 18 March 2021
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Policy highlights:

- Whakatāne District Council maintains ongoing engagement with the community, as well as Council's key partners and stakeholders. Council is committed to continually improving its engagement practices.
- For many proposals and decisions, but not all, the Council provides direct opportunities for the public to participate in the decision-making process.
- The Council will seek public participation in the decision-making process for any other matters in relation to their degree of significance (importance) and where required by legislation.
- Generally, the higher the degree of significance of a proposal or decision, the greater the level of community engagement that will be sought to inform the decision-making process.
- The Council will adopt different approaches and levels of engagement to meet the particular needs of each project, stakeholders and situation.
- Alongside engagement on specific proposals and decisions (the focus of this Policy), there are many other ways to engage with, influence and provide feedback to Council on different matters.

*Ki a koe tētahi
kīwai, ki a au
tētahi kīwai*

*For you one
handle of the
basket, for me
the other*

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Introduction

Kupu Arataki

1.0 Foreword

The Whakatāne District Council is committed to making informed and sustainable decisions in the best interests of our communities and the District.

We consider the community's views and preferences in **all** decisions we make. This is a statutory requirement, but more importantly we are keen to ensure our decisions reflect the aspirations of tangata whenua, residents, ratepayers, community groups and businesses (the public/community).

For many proposals and decisions - but not all - the Council provides direct opportunities for the public to participate in the decision-making process. We engage because we recognise how important (significant) those proposals and decisions are to our communities and to the District, or sometimes because legislation specifically requires us to.

Our approach to engagement is guided by the International Association for Public Participation (IAP2) spectrum. This guides Council to adopt differing approaches and levels of engagement dependent upon particular needs surrounding each proposal or decision. The general underlying principle of this policy is that the higher the degree of significance attached to issues, proposals, decisions, or other matters before the Council (collectively referred to in this policy as "matters"), the greater the level of community engagement that will be sought to inform the decision-making process.

2.0 Purpose of this Policy

2.1. The purposes of this Policy are:

- a) to provide clarity about how and when communities can expect to be engaged in the Council decision-making process; and
- b) to provide guidance and explanation on how the degree of significance attached to matters before the Council will be determined and how the degree of significance will influence method(s) of engagement with communities; and
- c) to inform the local authority from the beginning of a decision-making process about the extent of any public engagement that is expected before a particular decision is made, and the form or type of engagement proposed to provide effective ways for the community to be involved; and
- d) to meet the legal requirements and intent of the Local Government Act 2002.

2.2. Where the Local Government Act 2002, the Resource Management Act 1991, and other legislation sets out engagement and decision-making requirements that are inconsistent with this policy, those legislative requirements will take precedence.

3.0 Policy implementation

- 3.1. This Policy will be given effect through:
- a) the Council's completion of 'Significance and Engagement Assessments'; and
 - b) the Council's planning and implementation of public engagement practice; and
 - c) the Council's decision-making process.

4.0 Procedures

- 4.1. A 'Significance and Engagement Assessment' will be undertaken in the early stages of a proposal, before decision-making occurs and, if necessary, reconsidered as the proposal develops.
- 4.2. The 'Significance and Engagement Assessment' will be included in any **Project Plan** and in any **report to 'Council' or 'Committee of Council'**.
- 4.3. The 'Significance and Engagement Assessment' will include:
- a) an assessment of the of the degree of significance as 'low', 'moderate' or 'high' – as determined by the criteria set out in section 7.0 of this Policy; and
 - b) for any matters of 'moderate' or 'high significance – an indication of the particularly relevant significance criteria that have elevated the assessment; and
 - c) for all matters (i.e. of 'low', 'moderate' or 'high' significance), a summary of the method(s) and extent of engagement to be undertaken in relation to the matter including any specific legislative requirements for engagement – OR – where public engagement will not be undertaken, a statement of the relevant observance under section 6.1 of this policy; and
 - d) for any matters of high significance - a statement observing any further decision-making requirements under Sections 77, 78, 80, 81 and 82 of the LGA as are applicable.
- 4.4. Where public participation is required to inform a decision-making process, the Council will develop an Engagement Plan to support and guide the engagement process. Engagement plans will be developed under the guidance of the Council's Engagement Toolkit – Te Kete Raukura.
- 4.5. The final decision about the significance of any matter rests with elected members. It is the Council that decides whether or not a decision or activity is significant.

Determining the level of engagement

Āhea mātou e pāhekoheko ai?

5.0 When we will seek increased public participation in the decision-making process

5.1. The Council will seek public participation in the decision-making process in the following circumstances:

- a) **When specifically required by legislation:** The Council will involve the public in the decision-making process when it is a legal requirement to do so (as set out by the LGA 2002, Resource Management Act 1991 and other Acts). The Council will undertake these engagement processes in accordance with the legislative requirements guiding them, as a minimum; and
- b) **For any other matters in relation to their degree of significance:** This Policy recognises significance as a continuum – ranging from the day-to-day matters with ‘low’ importance and impact, through to those with a ‘moderate’ or ‘high’ level of importance and impact. Subject to consideration of factors under section 6.0 of this Policy, the Council will involve the public in the decision-making process whenever a decision of ‘high significance’ needs to be made and for some decisions of ‘moderate significance’, as per the table below. The degree of significance of a matter will be determined in accordance with section 7.0 of this policy.

Degree of significance			
	Low	Moderate	High
Level of public involvement in the decision-making process	In the interests of efficient decision-making, the Council is not likely to seek formal public participation in the decision process but will seek to keep the public informed.	The Council may seek public participation into the decision-making process subject to consideration of circumstances set out under section 6.0 of this Policy. Engagement may be less formal or of a smaller scale according to need.	The Council will seek public participation into the decision-making process unless there is a very compelling reason not to, as set out under section 6.0 of this Policy.

6.0 When we may not seek public participation in the decision-making process

- 6.1. There are times when it may not be necessary, appropriate or possible to seek public participation in a decision process. The Council **may not** seek public participation in the decision-making process where any of the following circumstances apply:
- a) The matter is not of a nature or significance that requires public engagement; 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; or
 - c) There is a need for confidentiality or commercial sensitivity; or
 - d) The costs of public engagement outweigh the benefits of it; 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) *For a limited period extending until 30 June 2022, or until this paragraph is sooner revoked pursuant to a resolution of Council:*
 - Delayed action could jeopardise the viability of a project reasonably expected to have a significant positive effect on the economic recovery of the District or any of its communities from the economic effects of the COVID-19 pandemic; or
 - Council deems it necessary to alter a defined level of service temporarily in direct response to a change in New Zealand's COVID-19 National Alert Level.
- 6.2. Where the above circumstances apply, Council must still give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter as required under the LGA (section 78).
- 6.3. Where the above circumstances apply, Council's engagement process will seek to keep the public appropriately informed on the matter.
- 6.4. In relation to the criterion at (h) the following decision-making principles will apply:
- a) Council will consider and give weight to the preferences of the residents and ratepayers of the Whakatāne District, present and future, such as they are known and/or have been provided during previous engagement processes; and
 - b) Council will consider the impact on the wellbeing of the Whakatāne District community, both present and future; and
 - c) Council will consider the impact of the decision on Council's strategic objectives; including but not limited to; supporting the local economy, combatting climate change and continued financial prudence.

7.0 How we will determine significance

- 7.1. The Council will assess matters to be of 'low', 'moderate' or 'high' significance in consideration of the criteria set out in section 7.5 below. Guidance for the application of these criteria can be found in Schedule one of this Policy.
- 7.2. 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.
- 7.3. Where the significance of a proposal or decision is unclear against any criterion, the Council will treat that criterion as being more, rather than less significant.
- 7.4. The 'Significance Assessment' is an exercise of professional judgement and is the responsibility of Council.
- 7.5. Criteria for determining significance:
- a) **Level of community interest:** the expected level of community interest, opposition or controversy.
 - b) **Level of impact on current and future wellbeing:** the expected level of adverse impact on the current and future wellbeing of our communities or District
 - c) **Rating impact:** the expected costs to the community or sectors within the community, in terms of rates.
 - d) **Financial impact:** the expected financial impact on Council including on budgets, reserves, debt levels, overall rates, and limits within the Council's Financial Strategy.
 - e) **Consistency:** the extent to which a proposal or decision is consistent with the Council's strategic direction, policies, and significant decisions already made.
 - f) **Reversibility:** the expected level of difficulty to reverse the proposal or decision, once committed to.
 - g) **Impact on Māori:** the expected level of impact on Māori, taking into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga.
 - h) **Impact on levels of service:** the expected degree to which the Council's levels of service will be impacted.*
 - i) **Impact on strategic assets:** the expected impact on the performance or intended performance of Council's Strategic Assets for the purpose for which they are held.*

* Further to this policy, section 97 of the LGA, sets out decision-making requirements in relation to:

- a decision to alter significantly the intended level of service provision for any **significant activity** undertaken by or on behalf of the local authority, and;
- a decision to transfer the ownership or control of a **strategic asset** to or from the local authority

In support of this policy and the requirements of the LGA, the list of 'strategic assets' is attached as schedule two to this policy.

How We Will Engage

Pehea nei mātou e pāhekoheko

8.0 Engagement principles

- 8.1. The following specific principles guide Council's engagement processes. Many of the principles have been adapted from the Local Government Act 2002 (Sections 78 and 82), while others have been added to reflect the Council's commitment to community engagement.
- a) **Customisation** – Council will tailor engagement to meet the particular needs of each project, stakeholders and the situation. An overview of the various levels of public engagement, as adapted from the International Association for Public Participation (IAP2) spectrum, is set out in schedule of this Policy.
 - b) **Familiarity** – In addition to 'tailored engagement' (above), Council will maintain consistent processes of engagement so that the community can build familiarity with how and where to participate. In particular, any engagement process that seeks general public engagement will be made available through Council's website on the "have your say" pages, and through Council service centres in Whakatāne and Murupara.
 - c) **Information** – Council will provide information about the purpose and scope of engagement. Information is typically provided on why Council is engaging, what issues are and are not up for decision-making, what the timeframes are, how the decisions will be made and who will be making them.
 - d) **Access** – Council will provide reasonable access to engagement processes in a manner and format that is appropriate to people's needs. This will require varying methodologies, taking into account the District's geographic, technological, social and cultural context.
 - e) **Timeliness** – Council will consider engagement early in the planning process to ensure that the public can influence the decision process at appropriate stages and to ensure sufficient time to allow genuine engagement with interested and affected communities. Engagement timeframes can vary according to need.
 - f) **Partnerships** – in engaging and making decisions, Council will work in partnership with appropriate representatives and special interest groups. Some examples include Advisory Boards, Iwi representatives, user groups, focus groups, Community Boards, and community groups to name a few.
 - g) **Encouragement to Present Views** – Council will encourage all those affected by, or who have an interest in, an issue or project to present their views. The views can be presented in any way that is appropriate to their needs, e.g. written submissions, oral submissions.
 - h) **Openness** – Council will receive views with openness and will give those views due consideration when making a recommendation or decision. Council welcomes indications of support for, or opposition to, proposed projects or issues.
 - i) **Engaging with Māori** – Council will maintain processes to provide opportunities for iwi/Māori to contribute to Council's decision-making processes (refer to section 10.0 below). Council will continue to work with iwi/Māori to refine and improve these processes over time.

- j) **Responding to Diversity** – Council will endeavour to seek the views of a wide cross-section of the community, using the most appropriate ways of engaging with various representative groups in the community.
- k) **Feedback** – Council will provide information regarding the outcome of the decision-making process and the reasons for the decisions.
- l) **Coordination** – Council will integrate and combine engagement and decision-making processes across departments, as appropriate and wherever practicable.

9.0 Engagement process and planning

9.1. Where public participation in the decision-making process is required under this Policy, the Council will develop an Engagement Plan. Engagement plans will be developed under the guidance of our Engagement Toolkit – Te Kete Raukura, and in accordance with the engagement principles set out in section 9.0 of this Policy.

9.2. We will follow a stepped process to engagement planning and implementation. Key aspects are summarised below:

Pre-engagement assessment

- Determine whether we need to engage
- Understand any specific legislative requirements for engagement
- Undertake a stakeholder assessment to understand who might be impacted and how.

Step 1 – Identify the context

- Define the engagement objectives
- Determine what stages of a project or proposal might require engagement
- Define the parameters of engagement - what's in scope and out of scope

Step 2 – Engagement and communications planning

- Select suitable methods of engagement
- Plan engagement activities, timeframes, resourcing and logistics
- Plan key messages and communications activities

Step 3 – Engagement and communications implementation

- Maintain openness and integrity in our process
- Be polite and culturally aware
- Use support (facilitation) where needed

Step 4 – Engagement interpretation and reporting

- Analyse and understanding what's being shared
- Keep records for future reference
- Incorporate feedback into the decision-making process
- Communicate decisions back to participants

Step 5 – Evaluation

- Evaluate engagement successes and failures so that we can keep improving

10.0 Engagement with Māori

- 10.1. The LGA recognises and respects the Crown's obligations under the Treaty of Waitangi by placing some specific obligations on councils. These obligations are intended to facilitate participation by Māori in local authorities' decision-making processes. The Act includes requirements for councils to:
- ensure they provide opportunities for Māori to contribute to decision-making processes
 - establish and maintain processes for Māori to contribute to decision-making
 - consider ways in which they can foster the development of Māori capacity to contribute to decision-making processes
 - provide relevant information to Māori
 - take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga.
- 10.2. The Council will establish and maintain processes that identify and provide opportunities for Māori to contribute to decision-making. In addition to the engagement principles and practices set out in this policy, Council will:
- a) Maintain ongoing relationships with Iwi in the Whakatāne District including, but not limited to, participation on the Iwi Chairs Forum.
 - b) Consider the impact on Māori of specific decisions, proposals or matters, in particular recognising the special connection of tangata whenua and their culture and traditions with their ancestral land, water, sites, wahi tapu, valued flora and fauna, and other taonga.
 - c) Recognise legal obligations for engagement with Māori under various legislation including, but not limited to, the Local Government Act 2002 and Resource Management Act 1991.
 - d) Recognise memoranda of understanding developed with Māori as they relate to decision-making processes.
 - e) Consider appropriate use of tikanga (cultural protocols) and te reo Māori (Māori language) in our engagement practice.

11.0 Engagement under legislation

- 11.1. There are many situations under the LGA, the Resource Management Act 1991 and other legislation, where Council is required to consult on specific matters. In some of those instances, Council is provided the flexibility to plan engagement, while in other instances a prescribed process of engagement must be used.
- 11.2. Where legislation sets out engagement requirements that are inconsistent with this Policy, those legislative requirements will take precedence, and apply as a minimum standard. Council may plan additional engagement above the legislative minimum in accordance with the assessed degree of significance of the matter – provided this is not inconsistent with the legislation.
- 11.3. In the interests of clarity, where Council is legally obliged to consult under section 82 of the Local Government Act, it must do so, regardless of the level of significance of the matter as assessed under this policy or the application of section 6.0 of this policy (circumstances where the public may not be engaged in the decision-making process).

12.0 Ongoing Council Community Engagement

12.1. There are many ongoing ways for individuals, communities and stakeholders to engage, influence and provide feedback to Council on different matters. Council also continually provides information about a wide variety of topics to the public to help keep them informed about Council matters and decisions. Some examples of these are set out below:

- General enquiries in writing, email, by phone, or visit our offices
- Requests for service (such as for specific maintenance requests)
- Contact with elected Council members and the Mayor
- Contact with your elected Community Board members
- Participate through specific stakeholder groups and user groups
- Keep in touch through social media or our website

SCHEDULE 1: GUIDANCE FOR APPLICATION OF THE SIGNIFICANCE CRITERIA

CRITERIA	DEGREE OF SIGNIFICANCE		
	Low	Moderate	High
Level of community interest and controversy	The proposal or decision is expected to have no/low levels of community interest or opposition.		The proposal or decision is expected to have high levels of community interest or opposition and views may be polarised.
Level of impact on the current and future wellbeing of our communities and District	The proposal or decision has no/low adverse impact on the current and future wellbeing of our communities or District		<p>The proposal or decision has a high adverse impact on the current and future wellbeing of our communities or District</p> <p>Examples:</p> <ul style="list-style-type: none"> Has a medium-high adverse impact on a large number of people or a large part of our District OR - a high adverse impact on a smaller number of people or a specific part of our District
Rating impact	The proposal or decision results in no/minor increase in rates costs.		<p>The proposal or decision results in a substantial increase in rates costs in any given rating year.</p> <p>Examples:</p> <ul style="list-style-type: none"> Has an average rating increase on the whole District of greater than 1% for a given year. Has an average rating increase on the affected community/ sector of greater than 5% for a given year.
Financial impact	The proposal or decision has financial impact on Council budgets, reserves, debt levels or limits in the Financial Strategy.		<p>The proposal or decision has a no/minor substantial financial impact on Council budgets, reserves, debt levels, or results in Councils Financial Strategy limits being exceeded.</p> <p>Examples:</p> <ul style="list-style-type: none"> Has a total capital cost of greater than \$1.2million (may fall over multiple years / includes Council portion only, excluding external funding). Has an operating cost in any one financial year of greater than \$600,000 (includes Council portion only, excluding external funding).
Consistency	The proposal or decision is in keeping with Council’s strategic direction, policies and significant decisions already made.		The proposal or decision contradicts Council’s strategic direction, policies or significant decisions already made.
Reversibility	The proposal or decision, once committed to, could easily be reversed.		The proposal or decision will be difficult, costly or time-consuming to reverse, or cannot be reversed once committed to.

Impact on Maori	The proposal or decision will result in no/minor impacts specific to Maori	The proposal or decision will result in substantial impacts specific to Māori, taking into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga.
Impact on levels of service	The proposal or decision will result in no/minor change to, the service levels provided by Council (increase or decrease).	The proposal or decision will result in a substantial change (increase or decrease) to the service provided by Council, either to the District overall, or to specific community sectors. This may for example include a proposal to commence or cease a service or activity.
Impact on Strategic assets	The proposal or decision does not seek sale of a strategic assets and has no or low impact on the performance of strategic assets.	The proposal or decision has a substantial impact on the performance of a Council Strategic Asset, in relation to the purpose for which that asset is held (see Schedule 2 attached to this policy for a list of Council's Strategic Assets).

SCHEDULE 2: REGISTER OF WHAKATĀNE DISTRICT COUNCIL STRATEGIC ASSETS

The following is a full list of Council's 'Strategic Assets' for the purposes of section 97 of the LGA 2002 (a proposal or decision to transfer the ownership or control of Strategic Assets) and section 7.5 of this Policy.

Asset*	Notes
District Libraries	Includes books and collections
Museum	Includes artefacts and collections, excludes items on loan to the Council
Whakata ne Aquatic Centre	Includes land, building and structures
Whakatāne, Ōhope, and Edgecumbe 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	
Cemeteries and crematorium	
Recycling Park and Transfer Stations	
Wastewater reticulation and treatment systems	Includes land, pipes, pump stations and sewage ponds
Stormwater reticulation systems	
Roadings 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
Whakata ne 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	

* For the purposes of section 7(h) of this Policy and section 97 of the LGA, the Council will consider the following strategic assets as a whole. For the avoidance of doubt, a proposal or decision to transfer the ownership or control of Strategic Assets 'in part' rather than whole, may still be significant according to other criteria set out under section 7 of this Policy.

SCHEDULE 3: LEVELS OF ENGAGEMENT

Various levels of public engagement are summarised below. The level of engagement, and the tools and techniques to be applied will be tailored to meet the particular needs of each project, stakeholders and the situation. The Council’s engagement practice is guided by the spectrum of participation set out by the International Association for Public Participation (IAP2).

Increasing level of public participation, complexity of project or issue and need for high level of knowledge from the ‘public’.					
					
	Inform	Consult	Involve	Collaborate	Empower
Influence	Public do not participate in decision process	Public participate in decision process			
	Council retains decision-making power.	Council retains decision-making power.	Council retains decision-making power.	Shared decision-making.	Decision-making power sits with the ‘public’.
Promise to public	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how stakeholder input influenced the outcome.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how stakeholder input influenced the outcome.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the outcomes to the maximum extent possible.	We will implement what you decide. We will support and complement your actions.
Engagement goals	To provide the public with balanced, objective, accurate and consistent information to assist stakeholders to understand matter and decision.	To obtain public feedback on the analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that their concerns and needs are consistently understood and considered.	To partner with the public including the development of alternatives, making decisions and the identification of preferred solutions.	To place final decision-making in the hands of the public. Stakeholders are enabled/equipped to actively contribute to the achievement of outcomes.