

# Draft Significance and Engagement Policy 2023

## 1. Purpose: What is the Significance and Engagement Policy?

Council is responsible for making decisions on behalf of the Region, and for engaging with the community on significant decisions.

The role of the Significance and Engagement Policy is to set out Council's general approach to determining the significance of proposals and decisions in relation to issues, assets, and other matters.

The level of significance of proposals and decisions will then guide **when and how** Council will engage with the community on them.

**'When':** Which proposals and decisions the Council will engage with the community on.

**'How':** The method and level of engagement Council will use to engage with the community on those proposals and decisions.

**Our mana whenua partners:** Council acknowledges that mana whenua are a part of the community, however since mana whenua are also our partners, Council has a separate policy and process for working with them. Part 3 of the Policy provides more details.

Council is required to adopt this Policy under Section 76AA the Local Government Act 2002 (the Act) and it is one of the supporting policies of the Long Term Plan.

## 2. Determining Significance

### 2(a): General approach to determining significance

#### Definitions

Significance in the Policy is defined as the degree of importance of an issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for:

- (a) the current and future social, economic, environmental, or cultural wellbeing of the region;
- (b) any persons who are likely to be affected by, or interested in the issue, proposal, decision, or matter;
- (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.

Issues, proposals, decisions, or other matters that are evaluated to have a high level of significance are considered significant.

#### How will Council assess the significance of proposals and decisions?

***A proposal or decision will be considered significant or to have significant consequences if it:***

- *results in the transfer of ownership or control of a strategic asset as defined by the Act or listed in Schedule 1 of the policy, or;*
- *is assessed to have a high significance based on the criteria outlined below in section 2(b).*

Significance guides how Council is expected to comply with its decision-making obligations in the Act.

At a high level, Council's compliance with its legal obligations tends to be proportionate to the assessed level of significance. Put another way, for highly significant matters, Council will be more rigorous in complying with its obligations.

Council will complete this assessment early in the decision-making process, and review it, if necessary, over time.

## 2(b): Criteria to determine level of significance

**Significance is assessed on a case-by-case basis. The following non-exclusive list of criteria may be considered as part of the assessment of significance by the Council .<sup>1</sup>**

- When making assessments about significance, in most circumstances all the criteria will be relevant and ought to be considered. Depending on the circumstances, some criteria may be more relevant than others.
- Typically, the higher the assessment against the criteria, the more significant the particular proposal or decision will be considered to be.
- Council will consider the nature and significance of the decision or matter when determining the level and method of engagement, and the level of resources and publication needed for that engagement. Typically, decisions or proposals that are assessed as having higher significance will require a higher level of engagement

### Criteria that may be used to assess level of significance:

Criteria	Description	Key Considerations	Options
<b>Impact on the Region</b>	What level of impact will this issue, proposal, decision, or matter have on the current and future environmental, economic, cultural, and social wellbeing of the Region?	<ul style="list-style-type: none"> <li>• The number of people, communities, organisations, businesses that are impacted by the decision or proposal</li> <li>• The degree in which they are impacted by the decision or proposal</li> <li>• Whether the decision is irreversible and would impact on future generations</li> </ul>	High, medium, low
<b>Community Interest</b>	To what extent do individuals, organisations, groups, or sectors have interest in, are already involved in, or are affected by, the issue, proposal, decision, or matter?	<ul style="list-style-type: none"> <li>• High levels of previous or current public interest</li> <li>• Large division in community views on the decision or proposal</li> <li>• Whether there is a moderate impact on a large proportion of the community, or a high impact on a small proportion of the community</li> </ul>	High, medium, low
<b>Level of alignment with</b>	How aligned is this issue, proposal, decision, or matter with the priorities in the Financial	<ul style="list-style-type: none"> <li>• The degree in which the decision or proposal works to achieve the priorities in the Long Term Plan</li> </ul>	High, medium, low

<sup>1</sup> Council has [decision-making guidelines](#) which Council officers may use to assist them in providing advice to Council on the level of significance of proposals and decisions.

<b>plans and strategies</b>	Strategy, Infrastructure Strategy and Long Term Plan?	<ul style="list-style-type: none"> <li>The degree in which the decision or proposals is in line with the principles of the financial strategy and infrastructure strategy</li> </ul>	
<b>Financial implications</b>	Does the cost of the issue, proposal, decision, or matter change (increase or decrease) OPEX by \$1.5 million or CAPEX by \$10 million.	<ul style="list-style-type: none"> <li>High capital or operational expenditure</li> <li>Alignment with current financial strategy</li> <li>Whether the decision or proposals results in major increases in debt levels or rates</li> </ul>	Yes, No
<b>Levels of service</b>	Does the issue, proposal, decision, or matter change the level of service that Council is delivering to the Region?	<ul style="list-style-type: none"> <li>The removal or major decrease of a service to the community</li> <li>The addition or major increase of a service to the community</li> <li>A major change in the way a service is being delivered to the community</li> </ul>	Yes, No
<b>New to Long Term Plan</b>	Does this issue, proposal, decision, or matter require additional budget or add a new service that is not in the Long-Term Plan?	<ul style="list-style-type: none"> <li>Major capital or operating expenditure that is not planned for in the Long Term Plan</li> <li>Changes in service delivery that are not in the Long Term Plan</li> </ul>	Yes, No
<b>Mana whenua/Māori interest</b>	Does this issue, proposal, decision, or matter impact, or hold cultural significance for, our mana whenua partners or mātāwaka in the Region? <sup>2</sup>	<ul style="list-style-type: none"> <li>Which mana whenua partners are in the areas of the Region that the decision or proposal impacts</li> <li>The level of impact on those mana whenua partners, including areas that hold cultural significance to them</li> <li>The impact of the proposal or decision on mātāwaka in the Region</li> </ul>	Yes, No

<sup>2</sup> If the issue, proposal, decision, or matter impacts or holds cultural significance for our mana whenua partners or mātāwaka in the Region, Council Officers will refer to Te Whāinga Rongomaioiro policy to assess the best approach with support from Te Hunga Whiriwhiri.

### **Climate change**

Council considers the impact of climate change in its decision-making process. Climate change is an overarching issue that impacts all areas of work at Council, therefore it is considered across all the significance criteria in part 2(b).

### **Outcome of assessment**

Having considered all these criteria, Council officers will make an overall judgement about the level of significance of the matter in each case. The outcome of the decision will be a high, medium, or low level of significance for the proposal or decision, which informs whether Council should engage with the community, and if so what level of engagement Council should use.

## 3. Partnering with mana whenua

Council has six mana whenua partners across the Region. They sit alongside us at both governance and operational levels. As such, the way we work with our mana whenua partners is different to how we engage with community. When necessary, Council staff will refer to and consider Te Whāinga Rongomaioiro, an internal framework regarding partnering with our mana whenua.

## 4. Engagement

### 4(a) Legislative requirements

When there is a legal requirement to engage with the community, Council will engage using the manner prescribed by law.

When Council is required to conduct a special consultative procedure, section 83 of the Act will be followed.

When Council is required to undertake consultation, the principles of consultation set out at section 82 of the Act will be followed.

### 4(b) How Council will engage

In making determinations about the form of engagement, Council will consider which level of participation works best for the decision concerned, bearing in mind the significance and nature of the particular decision and the wider circumstances.

Council will not engage on every decision. Instead, and where not required by law to engage, Council will engage when it considers the circumstances of the matter or decision warrant it, based in part on the assessed significance of the matter or decision.

Whether engagement will occur, and the appropriate form of engagement, will be determined and assessed on a case-by-case basis. The following principles will be considered when making such determinations:

- In general, a greater level of significance of a proposal or decision means it is more likely that the Council will undertake community engagement.
- When appropriate, Council will use different levels of engagement for different audiences depending on the interest or impact of the audience in the issue, decision, proposal, or other matter (for example, engaging more closely with a specific impacted group, while engaging more generally with the general public).
- Community preferences for engagement may be considered when determining the form of engagement.
- Decisions that are consistent with Council's Long Term Plan or another policy or plan that has been subject of consultation required by legislation, will not usually require further engagement.

In addition to the assessed significance of the matter, Council may consider other factors which could be relevant to considering whether to engage. For example, legislative requirements to engage, confidentiality of information, urgency of action required, expectations of the community, and capability and capacity of the Council.

If Council decides to engage on a decision (and in the absence of legislative direction), it will then need to determine which form of engagement to use.

Where a determination about levels of engagement is to be made by the Council or a committee (rather than officers under delegated authority), Council's officers will refer to the Engagement Guidance in Appendix 1 and any relevant guidelines to assist them when providing advice to the Council (or committee) on the form of engagement.

#### 4(c) Reporting

Every report to Council (or its committees) that seeks a decision will include an assessment of the significance of the proposal and any engagement that is proposed or has been undertaken, in accordance with this Policy and any other relevant guidelines. Staff will follow the instructions in the [Reporting Writing Guidance](#).

Where decisions are made by officers under delegated authority, without any report to Council or a committee, the approach to documenting the significance assessment is at officers' discretion. Officers are not obliged to record their significance assessments but should generally do so unless they consider it would not be helpful.

#### 4(d) When Council may not consult or engage

There may be situations where Council does not consult or engage. For example, when there is an urgent decision that puts people's health and safety at risk, would result in substantial loss or damage to property, or would mean substantial loss of opportunity to achieve Council strategic objectives. The situations where consultation/engagement may not occur are:

- Organisational decisions (i.e. staff changes and operational matters) that do not materially reduce a level of service
- Decisions that are consistent with Council's Long Term Plan or another policy or plan that have already been subject to consultation required by legislation or this policy.
- Emergency management activities during a state of emergency
- Decisions taken to manage an urgent situation
- Decisions to act where it is necessary to:
  - comply with the law
  - save or protect life, health, or amenity
  - prevent serious damage to property
  - avoid, remedy or mitigate an adverse effect on the environment
  - protect the intensity of existing and future infrastructure and amenity
- any officer decisions that are made under delegations//sub delegations
- entry or exit from a development agreement (private contract\_ under section 207A Local Government Act 2002
- decisions in relation to regulatory and enforcement activities

When Council makes a decision that is significantly inconsistent with the Policy, the steps identified in Section 80 of the Act will be followed.

#### 4(e) Feedback

Council will provide information to the community about our final decision in a form appropriate to the significance of that decision and the level and form of the engagement already undertaken.

## Schedule 1: Strategic Assets

### Definition of Strategic Asset

Section 5 of the Local Government Act defines “strategic asset” as “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 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
  - a. port company within the meaning of the Port Companies Act 1988:
  - b. an airport company within the meaning of the Airport Authorities Act 1966

A decision to transfer ownership or control of a strategic asset cannot be made unless it has first been explicitly provided for in the Long Term Plan (and the proposal has been included in a consultation document relating to the Long Term Plan).

Acquisition or disposal of a small component of a strategic asset will not necessarily trigger the provision above (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 operation of the strategic asset.

### List of Council’s Strategic Assets

- Council’s regional bulk water supply network, including storage lakes, treatment plants, pipelines, and reservoirs
- Council’s flood protection assets on the region’s major waterways, including stopbanks
- Council’s regional parks and forests network (including water supply catchments)
- Council’s plantation and reserve forest lands (taken as a whole)
- Council’s ownership interest in CentrePort Limited (via the WRC Holdings Group)
- Council’s harbour navigation aids and communications systems (taken as a whole)
- Council’s ownership, via the WRC Holdings Group, of rail rolling stock and other rail infrastructure required for the operation of the passenger rail system in the region (taken as a whole).



- Council’s ownership of rail adjacent land holdings
- Also note we consider Wellington Regional Stadium Trust a strategic asset – we don’t have any ownership but we were a joint settlor of the trust with WCC

As of the 2022 Cabinet decision the Public Transport Operating Model (PTOM) is proposed to be replaced with the Sustainable Public Transport Framework (SPTF). The SPTF would give Council the option to extend ownership or control of public transport assets including buses and depots, therefore the strategic assets list in Schedule 1 may change depending on changes in this legislation.

The Three Waters reform will see the Council’s regional bulk water supply network, including storage lakes, treatment plants, pipelines, and reservoirs etc, transfer to the East-Central Water Services Entity from 1 July 2024. Greater Wellington will not be a shareholder in the Entity, however all the Territorial Authorities in the Wellington Region will be.

## Schedule 2: Definitions

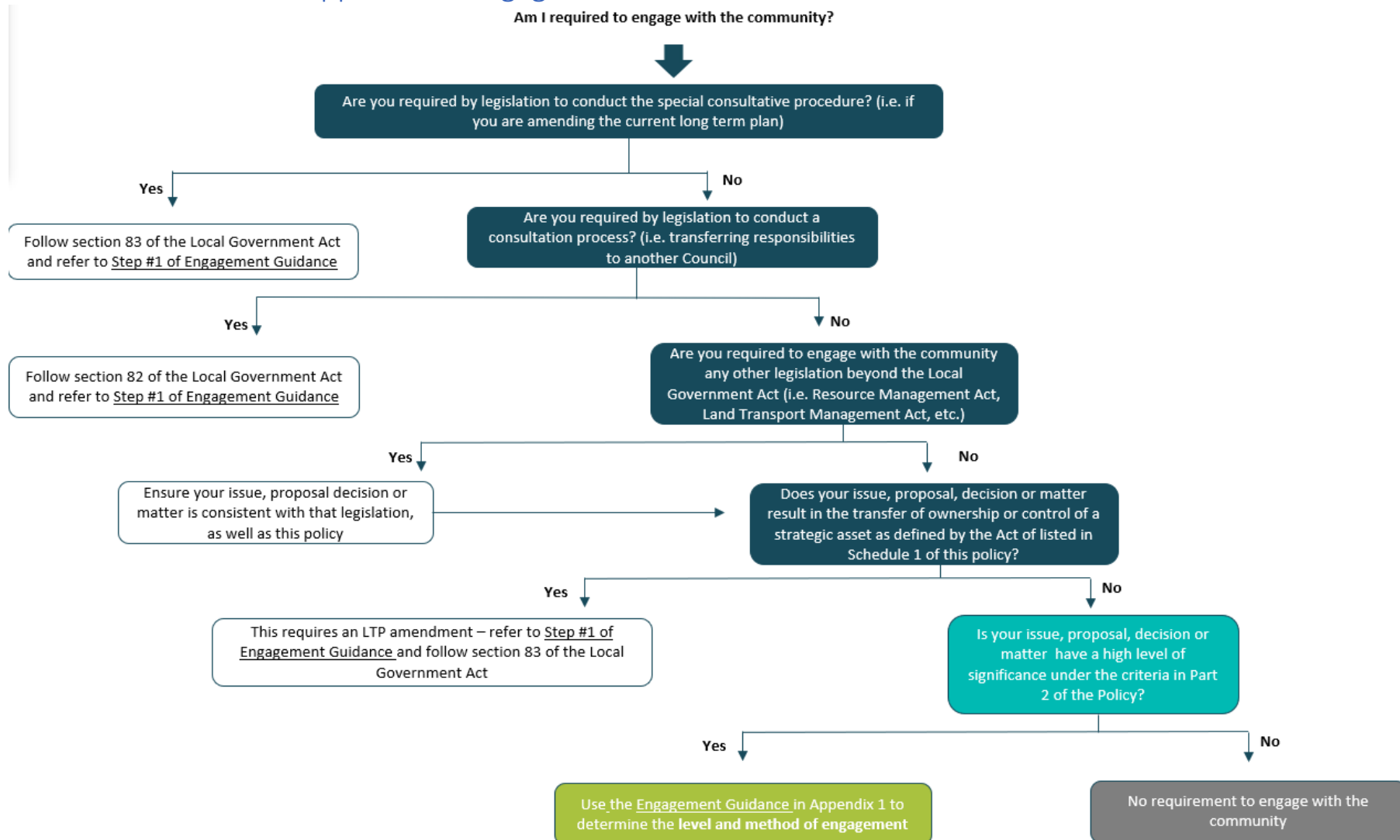
Community	<p>A group of people living in the same place or having a particular interest in common. This includes:</p> <ul style="list-style-type: none"> <li>• Communities of place (region, towns, suburbs, neighbourhoods)</li> <li>• Communities of interest (special interest groups).</li> </ul>
Decisions	Refers to all the decisions made by or on behalf of Council including those made by officers under delegation.
Engagement	Engagement means the process of providing information and seeking feedback from members of the community to inform and assist decision-making. In essence, anything that the Council does to identify the views and preferences of people in the community.

Significance	<p>As defined in Section 5 of the Act “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,—</p> <p>(a) the current and future social, economic, environmental, or cultural well-being of the district or region:</p> <p>(b) any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter:</p> <p>(c) the capacity of the local authority to perform its role, and the financial and other costs of doing so”</p>
Significant	<p>As defined in Section 5 of the Act: “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”</p>

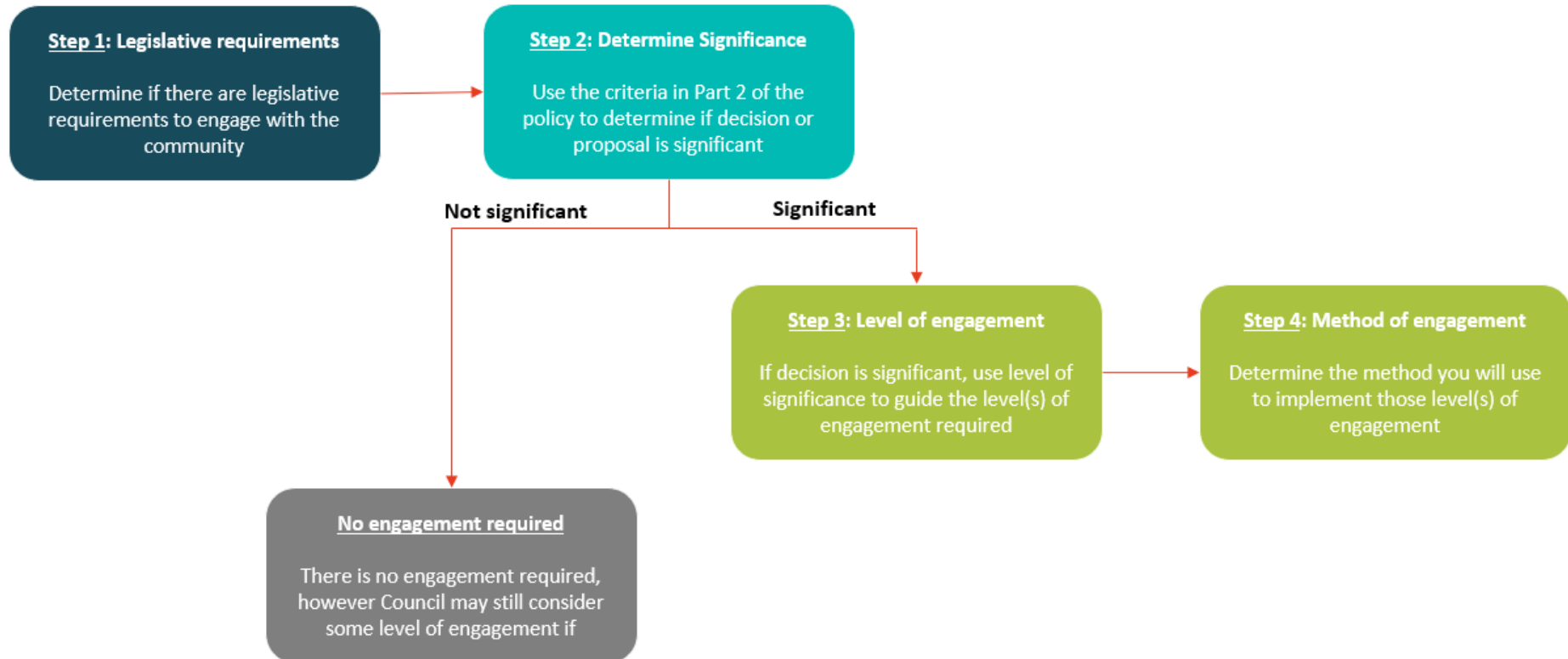
#### Version Control

Policy Adopted	2014
Policy Reviewed	31 October 2017
Policy Amended	21 August 2019
Policy Reviewed	June 2023

## Appendix 1: Engagement Guidance



The Engagement Guidance includes **four steps** each with guidance and support for staff to determine the level and method of engagement.



## Step 1: What are the legislative requirements?

The Local Government Act 2002 (Act) requires consultation on certain decisions; therefore, it is important to determine whether the type of decision being made has any specific consultation requirements.

- **Special consultative procedure** will be used for the adoption of the required plans and processes as outlined in the Act. This includes but is not limited to adopting or amending the Long Term Plan and adopting, amending, or revoking bylaws of significant interest to or impact on the public. When conducting a special consultative procedure section 83 of the Act will be followed.
- **Consultation** with the public is required under the Act for several decisions, including but not limited to adopting an Annual Plan with significant changes from the Long Term Plan, the review of all LTP supporting policies (i.e. the significance and engagement policy, the revenue and financing policy, etc.), a transfer of responsibility, and establishing council-controlled organisations. When conducting any consultation, section 82 of the Act will be followed.
- **All decisions** made by the Council need to follow sections 76 – 82 of the Act.

There is other legislation that has specific requirements for engagement such as the Resource Management Act 1991, Reserves Act, and the Land Transport Management Act 2003. It is important to understand if the relevant decision has additional requirements under other legislation.

## Step 2: What is the level of significance and materiality?

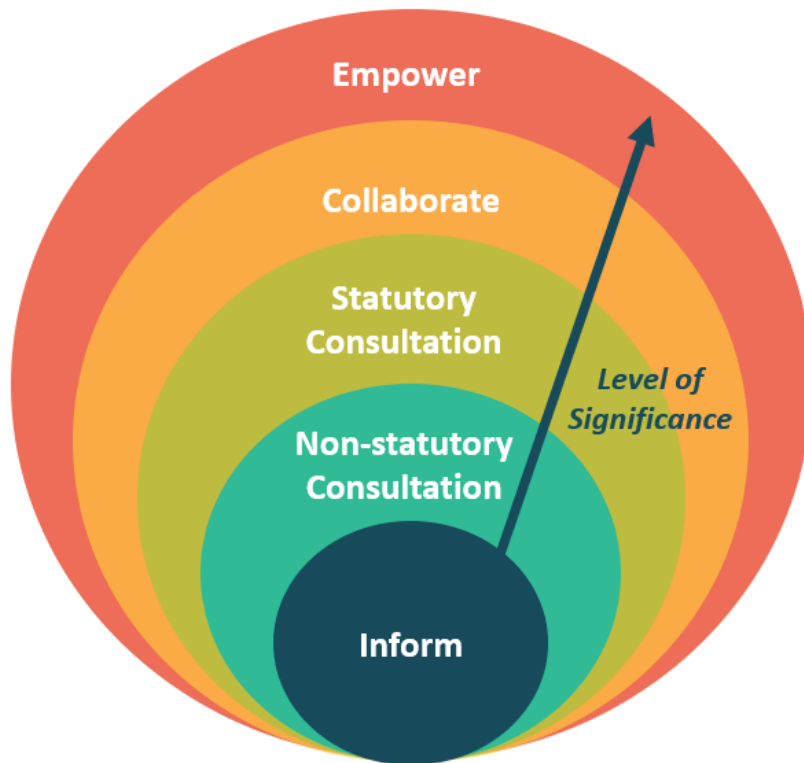
Assess the decision against the criteria in part 2(b) of the policy and determine the level of significance

### Additional Considerations:

- **If it is a large project with several decisions within the project each decision should be assessed separately** (i.e. A major project may have varying levels of engagement for each decision that was made)
- **Make sure to record the assessment of significance** as Council may ask to see the assessment, or there could be requirements to provide it through an information request from the public

### Step 3: What should the level of engagement be?

Level of significance does not directly map onto level of engagement, therefore Council Officers should use this section as guidance to determine what level of engagement they should do, considering their levels of significance but also the nature of the decisions, the community they are engaging with, and any other relevant factors.



<b>Inform</b>	We inform you of our decision
<b>Non-statutory Consultation</b>	You provide feedback that inform decisions
<b>Statutory Consultation</b>	Legally required consultation under the Local Government Act
<b>Collaborate</b>	We decide together
<b>Empower</b>	You decide

#### Key considerations:

- **Typically, the higher level of significance the higher the level of engagement and resource required.**
- **The levels of engagement work cumulatively** – if you are taking the ‘collaborate’ approach then this should include elements of the inform and consult approach as well.
- **Consider different levels of engagement for different groups.** For example, collaborate with a specific Group who are greatly impacted by your decision, and engage with the rest of the public.
- **Engagement on decisions of higher significance should be a multi-step process.** For example, engage with a sample of the community to inform the development of the plan, before running a formal consultation with the whole community.
- **You can still decide to do a high level of engagement** even if your decision is a low/moderate significance and materiality

## Step 4: What should the method of engagement be? (Continued)

Use the table below to learn more about each engagement method, including best practices examples (note many best practice methods can be used for multiple different engagement methods, and should only be used as a starting point to develop a more comprehensive engagement plan)

Engagement Method	Implementation	Examples of previous projects/programmes	Tools for Engagement
<p><b>Inform</b> <i>We inform community of our decision</i></p>	<p>The inform approach communicates low significance decisions that in an accessible way to the community/relevant groups.</p>	<p>Civil defence preparedness Annual Reports Communicating changing regulations in the Essential Freshwater Package</p>	<p>Newsletters in mailboxes across the Region</p> <p>Information sessions at community centers/libraries/farmers markets etc.</p> <p>Drop-in sessions for community to ask questions</p> <p>Making information available on the GW website</p> <p>Creating fact sheets for each area of the Region</p> <p>Visual infographics to distribute to the community</p> <p>Guest Speaker Seminars – inviting stakeholders and interest groups to hear from a guest speaker on the relevant topic</p>
<p><b>Non-Statutory Consultation</b> <i>Community provides feedback on ideas or proposals</i></p>	<p>Council would conduct a non-statutory consultation on a decision or proposal that Council officers deem to be of high significance or feel requires the input and feedback from the community.</p>	<p>Annual Plan</p> <p>Regional Land Transport Plan</p> <p>Gaining early feedback/opinions to inform the development of a strategic plan (LTP, RLTP, etc.)</p>	<p><i>All the 'inform' tools above can be used in an engagement, as well as the additional tools below:</i></p> <p>Greater Say community panel survey – regular survey to online citizen panel on a variety of Council topics (this is used to as a pre-engagement tool to shape the direction of a plan, rather than get specific feedback)</p>

<p><i>that inform decisions</i></p>			<p><a href="#">‘Have Your Say’</a> platform which is used across the organisation to get public feedback on a plan/policy etc.</p> <p>Reference Groups (for example the Public Transport Users Reference Group)</p> <p>Focus Groups/facilitated workshops – this is easier to do with stakeholders and interest groups</p> <p>Facilitating conversations between Council and community through workshops, online panels, events, speakers etc.</p>
<p><b>Statutory Consultation</b></p> <p><i>Legally required formal consultation under the Local Government Act</i></p>	<p>Statutory consultation is formal engagement process – the requirements of a statutory consultation are clearly outlined in the Local Government Act (2002). This includes elements such as providing a consultation document with relevant information and running hearing and deliberations with Council.</p> <p>Council will follow statutory consultation under the following circumstances:</p> <ol style="list-style-type: none"> <li>1. When the LGA requires Councils to conduct a <b>special consultative procedure</b> (i.e. on statutory</li> </ol>	<p>Long Term Plan (LTP)</p> <p>Annual Plans (that outline significant changes to that year of the LTP)</p> <p>Regional Public Transport Plan</p> <p>Parks Network Plan</p> <p>Regional Navigations Safety Bylaws</p> <p>Revenue and Financing policy</p> <p>Resource Management Charging policy</p>	<p><i>All the tools above can be used in a consultation, with the addition of the following formal tools:</i></p> <p>Consultation document with supporting information (required under the special consultative procedure)</p> <p>Hearings with Council (required under the special consultative procedure)</p> <p>Smartsheet Forms – often used for formal special consultation to have one platform to record process right through to hearings and deliberations</p>



	<p>plans such as the Long-Term Plan (LTP). The special consultative procedure is outlined in section 83 of the Local Government Act (2002).</p> <p>2. When the LGA requires Council to conduct a <b>consultation process</b> (i.e. reviewing a statutory policy). The principles of consultation are in section 82 of the LGA.</p>		
<p><b>Collaborate</b></p> <p><i>Community and Council decide together</i></p>	<p>The Council provides community with options and listens to what they want before making the final call.</p>	<p>Whāitua Committees</p> <p>Recloaking Papatuakuku Restoration Plans</p> <p>Park Master Planning</p>	<p><i>All the tools above can be used in an engagement, as well as the additional tools below:</i></p> <p>Workshop with specific community Groups</p> <p>Citizen assemblies</p> <p>Committees or working groups with both Council and community representatives</p>
<p><b>Empower</b></p> <p><i>Community decides</i></p>	<p>Community makes the decision</p>	<p>Referendum</p> <p>Local body elections</p>	<p><i>All the tools above can be used when empowering the community to vote on a decision</i></p>