



Significance and Engagement Policy

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Engaging our communities

The purpose of local government includes enabling democratic local decision-making and action by, and on behalf of, communities.

Sometimes the way we engage with you is set by legislation, and there are many steps to follow. Sometimes we can choose.

Our policy:

- 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
- provides clarity about how and when communities can expect to be engaged in decisions made by Council.



Community engagement is...

a process

- that involves all or some of the public
- focusing on decision making or problem solving

Engagement can occur at many levels depending on the significance, circumstances and nature of an issue.

Literal Greek translation of democracy = power belongs to the people.

	This policy outlines how we involve our community in our decision making.
	Engaging with our community and getting your feedback is an essential part of our work.

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 we determine that consultation is not required, we will still consider your views and preferences in the decision-making process.

How communities want to engage

Partnership with Māori

Whangārei District Council has obligations and commitments to Māori and is committed to enabling genuine participation in decision making. In Whangārei, Te Kārearea Strategic Partnership Forum was formed late in 2012 between Te Huinga (which advocates for the hapū of Whangārei) and Whangārei District Council. A Strategic Relationship Agreement developed in 2014 formed the basis for discussions between the partners. In September 2020, a Standing Committee of Council was established to further strengthen Māori participation in decision making.

Expectations of community engagement

Through feedback provided, for example via submissions, conversations with Council's Advisory Groups, and through elected members, we know that communities expect the following:

- opportunities for early and meaningful input into significant decisions
- visibility of upcoming consultations
- involvement of a cross section of the community demographics, for example, young people, older people, people experiencing disabilities, multi-cultural groups
- innovative solutions for community engagement that work for the audience with feedback tools that are easy to use
- face to face engagement to enable human connection, and interactive discussions, combined with online engagement to give people time to think about their responses
- for online engagement, posts that have a real life connection through local content, with good use of images and video, are more likely to be 'clicked on'
- involving our communities in activities with purpose rather than presenting our opinions
- going where the people are by tapping into existing events across the district
- for youth, taking the opportunity where there is a captive audience
- using influencers in the community to get to hard to reach communities
- making sure information is available at the places people go to on an ordinary day.

Our policy

Why we need a policy

The Significance and Engagement Policy (“the policy”) has been developed in response to the requirements set out in the Local Government Act 2002 (LGA). The LGA 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.

Appendix 1 defines some of the words we use in this policy.

The audience

The policy is prepared for the Whangārei community so they can understand how Council will determine the significance of proposals and decisions, and what level of engagement they can expect.

It also assists Council staff to assess the significance of issues, proposals, decisions, and matters to determine what type of engagement, if any, is required.



Our commitment to the community

It is essential we understand the views and preferences of people likely to be affected by, or who have an interest in, a decision. Under section 78 of the LGA, local authorities must consider these views and preferences when making decisions.

We will consider significance and engagement in the early stages of a proposal before decision-making occurs. If appropriate, we will reconsider it as a proposal develops.

We are committed to the principles for local authorities in section 14 of the LGA including:

- conducting our business in an open, transparent and democratically accountable manner
- making ourselves aware of, and having regard to, the views of all communities
- when making decisions, taking account of diversity of the community, the interests across the district, the interests of the future as well as current communities, and the likely impact of any decisions on these interests
- providing an opportunity for Māori to contribute to our decision making process.

	We see engagement as an opportunity to strengthen relationships with our communities.
	We aim to improve our engagement so that we reach people who would not normally engage with Council.

Determining significance

Before every material issue requiring a decision of Council to proceed, the degree of significance will be considered using this policy.

To determine the degree of significance of a decision to proceed, we apply the five criteria set out below. A decision is typically considered significant if two or more of these criteria and measures are triggered.

Criteria	Measure
Impact on Council's direction	Major and long-term
Change in Council's current level of service	Major and long-term
Level of public impact and/or interest	Major and district-wide, or Major for an identified community of interest
Impact on Council's capability (non-cost)	Major and long-term
Net financial cost/revenue of implementation, excluding any financial impact already included in a Long-Term Plan/ Annual Plan	<p>Net capital expenditure for the entire project >10% of total revenue in financial year commenced, or</p> <p>Net ongoing operating expenditure >2.0% of total revenue in any one of the following three financial years.</p> <p>Note: CAPEX projects this starts after practical completion, OPEX spend is at point of an expected decision to proceed.</p>

Consideration of engagement and consultation

Council will consider, on a case-by-case basis, whether some form of engagement or consultation on a decision is appropriate. In general, the more significant a decision, the greater the likelihood of community engagement. There will, however, be some decisions where it is not appropriate to carry out any form of engagement or consultation, e.g. emergency works.

In considering engagement (if it will occur and, if so, what form it will take), the Council will consider the Council's available resources, and the significance, nature, and particular circumstances of the decision.

In some situations, we must formally consult with you using a form of consultation set out in legislation. For example, the Special Consultative Procedure (SCP) must be used for bylaws, and statutory planning documents like the Long Term Plan (LTP). The process for SCP is set by the LGA, which governs everything we do.

Find out more about engagement and consultation in our Community Engagement Guide in Appendix 2.

Strategic assets

Strategic assets are those assets owned or otherwise controlled by the Council which are vital for delivering services to Whangārei. Appendix 3 lists the Council's strategic assets.

Implementation

If a decision is determined to be significant (ie to have a high degree of significance):

- a report to Council will include an assessment of significance of the issue, the degree of engagement proposed, an engagement plan and a staff member recommendation.
- the final decision will be made by Council.

If a decision is determined not to be significant:

- the decision will be made by Council or a committee, elected member or staff member with delegated authority
- where the decision is made by Council or a committee, the report will include an assessment of significance of the issue, and note any engagement proposed. Council will still consider the views and preferences of the community in the decision making process and where the matter is considered in public will at a minimum inform the community of the issue
- where the decision is made by an elected member or staff member acting under delegated authority, it is not necessary to formally document the assessment of significance or engagement, as these matters are likely to be of low significance.

Under section 80 of the LGA, if Council makes a decision that is significantly inconsistent with this policy, it must clearly identify the inconsistency, the reasons for the inconsistency, and any intention to amend the policy to accommodate the decision.

Consultation principles

If we determine that consultation is required, we will carry out consultation in a way that meets the principles in section 82 of the LGA.

Principle	What this means
Clarity	Council will provide clear information about the purpose of consultation, and the scope of the decision Council will make after considering the community views.
Accessibility	Council will provide access to relevant information, in a form people can understand. This means we need to engage in ways that show we understand the makeup of our communities, respecting cultural and individual differences.
Encouragement	Council will encourage people to present their views.
Opportunity	Council will provide reasonable opportunity for people to present their views in a way that suits those people's needs and preferences.
Commitment to Māori	Council will make sure processes are in place when consulting with Māori.
Open mindedness and fairness	Council will receive community views with an open mind and give due consideration to those views when making decisions.
Transparency	Council will provide access to a clear record of decisions made and available explanatory materials.

Engagement

Even if consultation is not required, we may determine that some other form of engagement is appropriate.

There is a wide range of tools for engagement. Differing levels of engagement may be required during different stages of decision-making on an issue. Levels of engagement may also be different for different stakeholders.

Appendix 1 – Definitions

Community

A group of people living in the same place or having a particular characteristic in common.

Consultation

Talking to you and getting your feedback in a formal way

A process of informing the community and seeking information or feedback to inform and assist decision-making. Consultation is a formal type of engagement and is often prescribed by legislation and time bound.

Decisions

Refers to all of the decisions made by or on behalf of Council including those made by staff under delegation.

Emergency Works

Work undertaken to repair and restore Council infrastructure and services following natural events or disasters.

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

How important is it?

Legislatively defined by the Local Government Act 2002 (LGA)

“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 —

- a) the district or region
- b) any persons who are likely to be particularly 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.”

Strategic Asset

Assets that are essential to our community well-being

“means an asset or group of assets that the local authority needs to retain if it is to maintain its capacity to achieve or promote any outcome that it determines to be important to the current or future well-being of the community; and includes—

- a) any asset or group of assets listed in accordance with section 76 AA (3) by the local authority
- 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
- c) any equity securities held by the local authority in—
- d) a port company within the meaning of the Port Companies Act 1988:
- e) an airport company within the meaning of the Airport Authorities Act 1966”.

Appendix 2 – Community Engagement Guide

There are many ways that Council can engage communities in its decision making.

This section goes into more detail about the legislative requirements that Council must follow in some situations.

It also describes Council’s approach to carrying out engagement, which is based on the International Association of Public Participation framework.

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 Special Consultative Procedure.

Special consultative procedure

Legislation requires us to use a Special Consultative Procedure (SCP) for consultation on certain decisions, including:

- adoption or amendment of a Long-Term Plan (in accordance with section 93A of the LGA, which requires use of a special consultation document)
- 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 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 Appendix 2)

- 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
- adoption of fees and charges where specifically required to use a SCP under relevant legislation (for example, fees and charges under the Resource Management Act 1991).

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
- provide an opportunity for people to present their views to Council and consider submissions with an open mind.

For this type of consultation, we need to follow the principles of consultation in section 82 the LGA. How we apply these principles (clarity, accessibility, encouragement, opportunity, commitment to Māori, open mindedness and fairness, and transparency) is described earlier in our policy.

Less formal consultation

For consultation that does not require a SCP, we still need to follow the principles in section 82 of the LGA. A statement of proposal is not required, nor is there a minimum time period for making the information publicly available. We do however need to provide an opportunity for people to present their views to Council and consider submissions with an open mind.

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.

We will consult with you in a way that complies with both sections 82 and 82A for the following types of decision:

- 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 Long Term Plan 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 Significance and Engagement Policy 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.

Other forms of engagement

Council engages with the community on many levels. This can be by way of consultation as described above, or to communicate or seek feedback in a more informal way.

The table on the next page describes the types of engagement Council might undertake for different types of issues.

The majority of decisions that Council make fall into the inform and consult categories, whilst involve, collaborate and empower are most often used to meet specific legislative requirements.

For any individual project or decision, Council may engage at many levels, at different times.

Responding to community preferences is important to Council.

We also try and schedule our engagement so that the community does not become overwhelmed with requests for feedback. We call this 'consultation fatigue'.

No engagement or consultation

There are some things that we will not typically carry out any form of engagement for:

- emergency management activities during a state of emergency
- 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 integrity of existing and future infrastructure and amenity
- decisions that are public excluded, for example, the awarding of sensitive contracts
- any decisions that are within the delegations of our staff, for example, regulatory and enforcement activities
- organisational decisions, for example, staff changes and operational matters that do not materially reduce a level of service.

	Type of engagement	
	Inform	Consult
Goal	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.	To obtain feedback on analysis, alternatives and/ or decisions.
Types of issues we might use this for	<ul style="list-style-type: none"> • Water restrictions • Flood and storm warnings • Emergency works • Annual Plan* 	<ul style="list-style-type: none"> • Council strategies • Long Term Plan • Annual Plan*
Examples of communication and engagement tools	Website Public notices Newspaper Media releases Social media Radio Face to face presentations Community events	
		<ul style="list-style-type: none"> • Formal submissions and hearings • Focus or advisory groups • Surveys • Public meetings • Inviting feedback through website and social media
When the community can expect to be involved	We would generally advise the community once a decision is made, or when milestones are achieved.	We would advise the community once a draft decision is made and generally provide the community at least 4 weeks to participate and respond.

*Under section 95(2A) of the LGA, consultation is not required if the Annual Plan does not include significant or material differences from the content of the Long Term Plan for the financial year to which the proposed Annual Plan relates

Involve	Collaborate	Empower
<p>To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.</p>	<p>To partner with the public (or stakeholders) in each aspect of the decision, including the development of alternatives and the identification of the preferred solution.</p>	<p>To place final decision-making in the hands of the public.</p>
<ul style="list-style-type: none"> • District Plan 	<ul style="list-style-type: none"> • Joint Management Plans 	<ul style="list-style-type: none"> • Electoral voting system (FPP or STV) • Introduction of Māori Wards
<p>Website Public notices Newspaper Media releases Social media Radio Face to face presentations Community events</p>		
<ul style="list-style-type: none"> • Focus or advisory groups • Workshops • Surveys • Public meetings • Inviting feedback through website and social media 	<ul style="list-style-type: none"> • Focus or advisory groups • External working groups with expert advice 	<ul style="list-style-type: none"> • Binding referendum • Local body elections
<p>We would generally provide the community with a greater lead in time to allow them time to be involved in the process.</p>	<p>We would generally involve the community at the start to scope the issue, again after information has been collected and again when options are being considered.</p>	<p>We would provide the community with a greater lead in time to allow them time to be involved in the process, working to statutory timeframes in most cases.</p>

Appendix 3 – Strategic Assets

Section 76AA(3) of the LGA requires this policy to list the assets which Council considers to be strategic assets. Our strategic assets are those vital for delivering services to Whangārei.

We consider strategic assets as whole networks because it is the group of assets as a whole that delivers the service. Therefore, we will treat a group of assets as a strategic asset only where a decision affects the whole of the assets in the particular group, or if it would materially alter the nature of that group. For instance, the sale and purchase of particular parcels of land for development of the transportation and traffic network is unlikely to be a decision that affects the whole of that network or materially alters the nature of the network.

The LGA deems shares in a port or airport company, and assets required to provide affordable housing as part of Council's social policy, to be strategic assets.

The following is our list of strategic assets:

- Council's interest in a joint venture with the Crown for the Whangārei District Airport
- 50% interest in the Northland Regional Landfill Limited Partnership
- Pensioner housing
- Transportation and traffic network, including roads, footpaths, cycleways and shared paths, street lighting and parking
- Wastewater network and treatment plant(s)
- Water treatment, storage and supply network
- Stormwater network
- Reserves, sports fields and facilities (including Okara Park)
- Te Iwitahi, Civic Centre
- Forum North Entertainment Centre, comprising Te Kotahitanga Exhibition Hall, concourse and bathrooms, Cafler Suite, Bounty room and Captain Bougainville Theatre including dressing rooms, workshop, loading bay and ticket kiosk
- Hikurangi Swamp drainage scheme
- Libraries (including Central Library).



Freedom camping monitoring and compliance

- Monitoring compliance has been funded to date by the Department (2017-18) and will continue
- Department of Conservation (DOC) will continue to monitor compliance
- The Department will continue to monitor compliance with the Freedom Camping Act 2011 and the Freedom Camping Regulations 2011



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