

Significance and Engagement Policy

Policy owner	Policy Lead, Strategy and Policy
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1. Glossary

Term	Explanation
Activity	Refers to the list of Council activities identified in the Long-Term Plan, which is a service or function provided by, or on behalf of, Council.
Community	A community is a group of people with a shared interest, identity, experience, or values. This can include communities with a shared culture; or those with social, environmental, business, or political interests. Communities can also be found in geographical locations, such as neighbourhoods or cities. In this Policy we refer to 'the community' as all the people who are part of the diverse communities in Lower Hutt.
Council	Hutt City Council
Decision	Refers to the decisions of Council by formal resolution at Council and Council Committee meetings. Decisions of varying significance can also be made by Council officers or those under delegated authority.
Local Government Act 2002 (LGA)	The LGA is designed to provide democratic and effective local government that recognises the diversity of New Zealand communities. It provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them.

Significance	<p>The degree of importance of an issue, proposal, decision, or matter, as assessed by Council, in terms of its likely impact on, and likely consequences for:</p> <ul style="list-style-type: none"> • the district or region • any persons who are likely to be affected by, or interested in, the issue, proposal, decision, or matter • the capacity of Council to perform our role, and the financial and other costs of doing so
Special Consultative Procedure	<p>This is a formal process under sections 83–87 of the LGA which enables the community to have their say on a significant decision. This is a more formal and specialised process than a regular engagement or invitation of feedback. See Appendix 1 for details on the Special Consultative Procedure.</p>
Strategic asset	<p>The LGA defines a strategic asset in section 5 as:</p> <p><i>‘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’</i></p>

2. Purpose

1. Our Significance and Engagement Policy:
 - i. sets out the general approach that Hutt City Council will take to determining the significance of proposals and decisions relating to issues, assets or other matters;
 - ii. sets out the criteria or procedures that are to be used by Hutt City Council in assessing the extent to which issues, proposals, assets, decisions, or activities are significant or may have significant consequences; and
 - iii. clarifies how and when communities can expect to be engaged in decisions about different matters, depending on the degree of significance Council and our communities attach to those matters, and how the Hutt City Council will respond to community preferences about decisions relating to specific issues, assets, or other matters.

3. Scope

2. This Policy explains Council's approach to determining the significance of a decision and lists the criteria and procedures that Council will use in the assessment.
3. All decisions Council makes must be made in accordance with the decision-making requirements set out in sections 76AA–81 of the Local Government Act 2002 (LGA) as applicable. Council must ensure that the community receives every opportunity to engage with the decision-making process, particularly in cases where the decision is significant and may represent a material departure from existing policy.
4. Council must make a judgement about how to comply with the LGA in a way that:
 - i. reflects the significance or materiality of the matter under consideration; and

- ii. enhances the community's ability to engage.
5. This Policy also sets out the engagement approach that Council will take for decisions under the scope of the LGA. However, there are some decisions that fall out of scope of the LGA and fall under the decision-making processes of other Acts, including:
 - Resource Management Act 1991;
 - Civil Defence Emergency Management Act 2002;
 - Land Transport Act 1998; and
 - Local Electoral Act 2001.
6. In addition, Council is required to undertake a Special Consultative Procedure on certain matters, as set out in Section 83 of the LGA regardless of whether they are considered significant as part of this Policy. Use of the Special Consultative Procedure is a structured process outlined in the LGA. In other engagement processes, there is not a specific legislated process.
7. Council recognises the critical value that a strong partnership with Mana Whenua can bring to building a city where everyone thrives. Council also recognises the relationship of all Māori with their culture and traditions, particularly if any of the options involves a significant decision in relation to land or a body of water, under Section 77 of the LGA. Council will incorporate te ao Māori (Māori worldview) values in our policies and practices, be aware and responsive to Māori values and aspirations, and fulfil our obligations under the Te Tiriti o Waitangi.
8. Where Council makes a decision that is significantly inconsistent with this Policy, the steps identified in Section 80 of the LGA will be applied:

'(1) If a decision of a local authority is significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with, any policy adopted by the local authority or any

plan required by this Act or any other enactment, the local authority must, when making the decision, clearly identify—

(a) the inconsistency; and

(b) the reasons for the inconsistency; and

(c) any intention of the local authority to amend the policy or plan to accommodate the decision.

(2) Subsection (1) does not derogate from any other provision of this Act or of any other enactment.'

Out of scope

9. While Council will always strive to involve the community in decision-making, this Policy will not apply and engagement will not be required in situations where:

- i. in the opinion of Council, failure to make a decision urgently would result in unreasonable or significant damage to property, or risk to people's health and safety; and / or
- ii. there are any physical alterations to strategic assets that are required to prevent an immediate hazardous situation arising.

4.Applicability

10. This Policy applies to any proposal or decision to be considered by Council that is within scope of this Policy.

5.Implementation

11. To determine the degree of significance of an issue, proposal or other matter, Council must:

- i. assess the matter against the criteria for significance (part 7 of this Policy); and
- ii. apply the criteria to assess the degree of significance.

12. Council has shown an important commitment to partnership with Mana Whenua¹. This Policy notes that Mana Whenua are important in Council's decision-making process.
13. Council officers will make judgements on what issues are considered significant and how to potentially engage with the community on significant matters by assessing the matter and applying the criteria for significance.

6. Relevant legislation and Council documents

Relevant legislation and documents include:

- Section 76AA of the LGA directs councils to have a Significance and Engagement Policy outlining their public engagement approach towards significant operational changes.
- Tākai Here agreements with Mana Whenua partners.

7. Approach to decision-making and significance

14. The significance of a decision is related to its impact on:
 - i. the wellbeing of Hutt City;
 - ii. persons likely to be affected by or with an interest in that decision;
and
 - iii. the costs to or the capacity of the Council to provide for the wellbeing of the Hutt City.

¹ Tākai Here agreements with Mana Whenua partners

15. A high-level overview of the decision-making process is included in **Appendix 2**.
16. Council will also consider the International Association of Public Participation (IAP2)'s Spectrum of Public Engagement (**Appendix 3**) when considering public participation for a decision. Differing levels and methods of engagement may be required during the varying phases of consideration and decision-making on an issue or proposal.
17. Council will take into account the following matters when assessing the degree of significance of proposals and decisions, and the appropriate level of engagement:
 - i. consistency with a prior decision;
 - ii. recognition of Mana Whenua values and aspirations;
 - iii. level of financial consequence;
 - iv. transfer of ownership or control of strategic assets;
 - v. level of service provided by Council and Council's providers;
 - vi. ability for a decision to be reversed; and
 - vii. levels of public interest known to Council.
18. Note that the cumulative effect of these criteria determines the overall significance of a matter. The greater the cumulative impact of the decision as assessed by these criteria, the more significant the matter will be. When a decision is indicated as "high" on five or more criteria it is likely to be highly significant. Each decision will involve Council officers making an assessment for consideration by elected members.
19. The following table sets out how the criteria will be used to assess significance. The criteria for significance are illustrated with examples in the following table:

Significance criteria			
Criteria	High	Medium	Low
Consistency with a prior decision	<p>Decision is contrary to plans set out in LTP or previous decisions</p> <p><i>E.g. A proposal that retires a previous strategy or council initiative</i></p>	<p>Decision is somewhat consistent but has variations</p> <p><i>E.g. Minor modification to a policy or bylaw</i></p>	<p>Decision is a reasonable consequence of LTP or previous decisions</p> <p><i>E.g. Adopting a Waste Management & Minimisation Bylaw to support enforcement of Waste Minimisation Act</i></p>
Recognition of Mana Whenua values and aspirations	<p>Decision is strongly related to a site / area of significance to Mana Whenua or involves strategic city initiatives.</p> <p><i>E.g. a decision regarding a Statutory Acknowledgement Area, or First Right of Refusal property.</i></p> <p><i>E.g. a Representation Review.</i></p>	<p>Decision would have a moderate impact on the environment.</p> <p><i>E.g. a decision regarding the environment such as restoration / extraction activities, reserve improvements, or climate change / biodiversity initiatives.</i></p> <p><i>E.g. discharge of wastewater into a body of water in Te Awa Kairangi Lower Hutt.</i></p>	<p>Decision regarding broader Council activities.</p> <p><i>E.g. a decision regarding minor urban design changes such as a micro-mobility programme.</i></p>
Level of financial consequence – with	<p>Decision has not been considered as part of LTP or Annual Plan budgets or, spend is</p>	<p>Decision is consistent with LTP or Annual Plan</p>	<p>Decision aligns with LTP and, or Annual Plan</p>

Significance criteria			
Criteria	High	Medium	Low
consideration of the net cost to Council	<p>more than 10% of planned capital expenditure or 5% of planned operational expenditure.</p> <p><i>E.g. A decision to build a new transport asset which has an estimated cost of \$200 Million.</i></p>	<p>budgets but has some variation.</p> <p><i>E.g. An unbudgeted increase in costs to a planned project of \$50 Million.</i></p>	<p><i>E.g. Minor change to planned spend or fees and charges to account for inflation.</i></p>
Transfer of ownership or control of an asset (see Section 8 of this Policy for a list of strategic assets)	<p>Impacts on ability to deliver a strategic asset or activity</p> <p><i>E.g. Full transfer of an asset to a private organisation or transfer of a strategic asset.</i></p>	<p>Delivery of asset or activity is somewhat consistent but with variations.</p> <p><i>E.g. Minor transfer (less than 50%) of an asset that is not a strategic asset to a private organisation, like a community hall.</i></p>	<p>Little or no impact on integrity of the asset or activity</p> <p><i>E.g. Transfer of a minor asset that is not a strategic asset, like a council-owned statue.</i></p>
Level of service provided by Council and Council's capacity	<p>Large service level change – starting or ceasing an activity</p> <p><i>E.g. Closing a facility</i></p>	<p>Moderate service level change</p> <p><i>E.g. Reducing operating hours at a Council facility</i></p>	<p>Small service change</p> <p><i>E.g. Changes to contractor agreement</i></p>
Ability for decision to be reversed	<p>Very difficult to reverse</p> <p><i>E.g. Project already under contract</i></p>	<p>Moderately difficult</p> <p><i>E.g. Adopting a bylaw</i></p>	<p>Easy to reverse</p> <p><i>E.g. A policy amendment</i></p>

Significance criteria			
Criteria	High	Medium	Low
Level of public interest known to Council	High level of interest across the city and, or is likely to cause controversy <i>E.g. A city-wide speed review</i>	Moderate level of public interest, impacts a community <i>E.g. Upgrading a neighbourhood playground</i>	Low level of public interest, impacts a user group, street or single household <i>E.g. Extension of a mountain bike track</i>

8.Engagement

20. In accordance with Section 76AA (1)(c) of the LGA, Council needs to set out how we will respond to community preferences about engagement on decisions relating to specific issues, assets, or other matters, including the form of consultation that may be desirable.

21. We want to engage and consult with the community effectively, which includes doing what we can to make it easy to approach Council, have a say, and see those views represented. Some methods for engagement that we use include surveys, newspaper adverts, printed content in Neighbourhood Hubs, and posts on our website. When engaging with the community, Council will:

- consider the values and aspirations of Mana Whenua
- consider the needs of all Māori in Te Awa Kairangi
- seek the views of people who may be affected by, or interested in, a decision
- utilise the IAP2 spectrum to ensure appropriate levels of engagement and avoid consultation fatigue

- provide relevant, timely and transparent information through appropriate channels so people can contribute in a meaningful way
- share outcomes with the community, how their input informed the outcome and reasons for the outcome following the engagement

22. Council will determine the level of engagement required based on the table below and the following principles. Once the need for engagement is confirmed, the principles will be applied to determine the manner and extent of the engagement required. Engagement will take place in proportion to the significance of the matter being considered.

Level of significance and Council’s engagement approach	
Significance	Engagement approach
Matters with high significance	<ul style="list-style-type: none"> • This decision requires a report to Council outlining the assessment of the degree of significance of the issues, the degree of engagement proposed, the engagement plan proposed, and a recommendation. • Council will apply the principles of consultation (LGA s82) and be directed by the Special Consultative Procedure. Appendix 1 sets out when and how the SCP will be applied. • Consider obligations to Mana Whenua under Te Tiriti o Waitangi / Tākai Here agreements. • The matter will be considered by Council to make a formal decision.
Matters with moderate significance	<ul style="list-style-type: none"> • A formal resolution is to be obtained by presenting a report to Council, which addresses the requirements identified in the LGA s77-s81. • The report to Council will include an assessment of the degree of significance of the issue, and whether engagement and consultation is recommended. • If engagement and/or consultation are recommended, then an engagement plan will be included in the report. • Consider obligations to Mana Whenua under Te Tiriti o Waitangi / Tākai Here agreements.

	<ul style="list-style-type: none"> • Council is required to make a formal resolution before action may be taken. This requirement excludes matters already covered by the Long-Term Plan.
Matters with low significance	<ul style="list-style-type: none"> • Council will inform the community once a decision is made and is being implemented.

9. Strategic assets

23. Under Section 76AA (3) of the LGA, Council is required to state what its strategic assets are at the time of adoption of this Policy.

24. Strategic assets are linked to 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.

25. The LGA also requires that any decision that significantly alters the level of service provided by the Council of a significant activity (including a decision to commence or cease such an activity) or transfer ownership or control of a strategic asset to or from the Council must be explicitly provided for in the Long-term Plan and can only be consulted on in the Long-term Plan, in accordance with section 93E of the LGA.

26. Strategic assets under the LGA 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—*
 - i. *a port company within the meaning of the Port Companies Act 1988:*

- ii. *an airport company within the meaning of the Airport Authorities Act 1966*.

27. In accordance with section 76AA(3) of the LGA, Council considers the following assets to be strategic:

- i. the transport network;
- ii. the wastewater and treatment network;
- iii. the stormwater network;
- iv. the water supply network;
- v. landfills;
- vi. the network of parks and reserves;
- vii. The Dowse Art Museum and Petone Settlers Museum collections; and
- viii. the hubs and libraries network.

28. However, not all decisions made regarding the strategic assets will be significant.

Appendix 1: Special Consultative Procedure

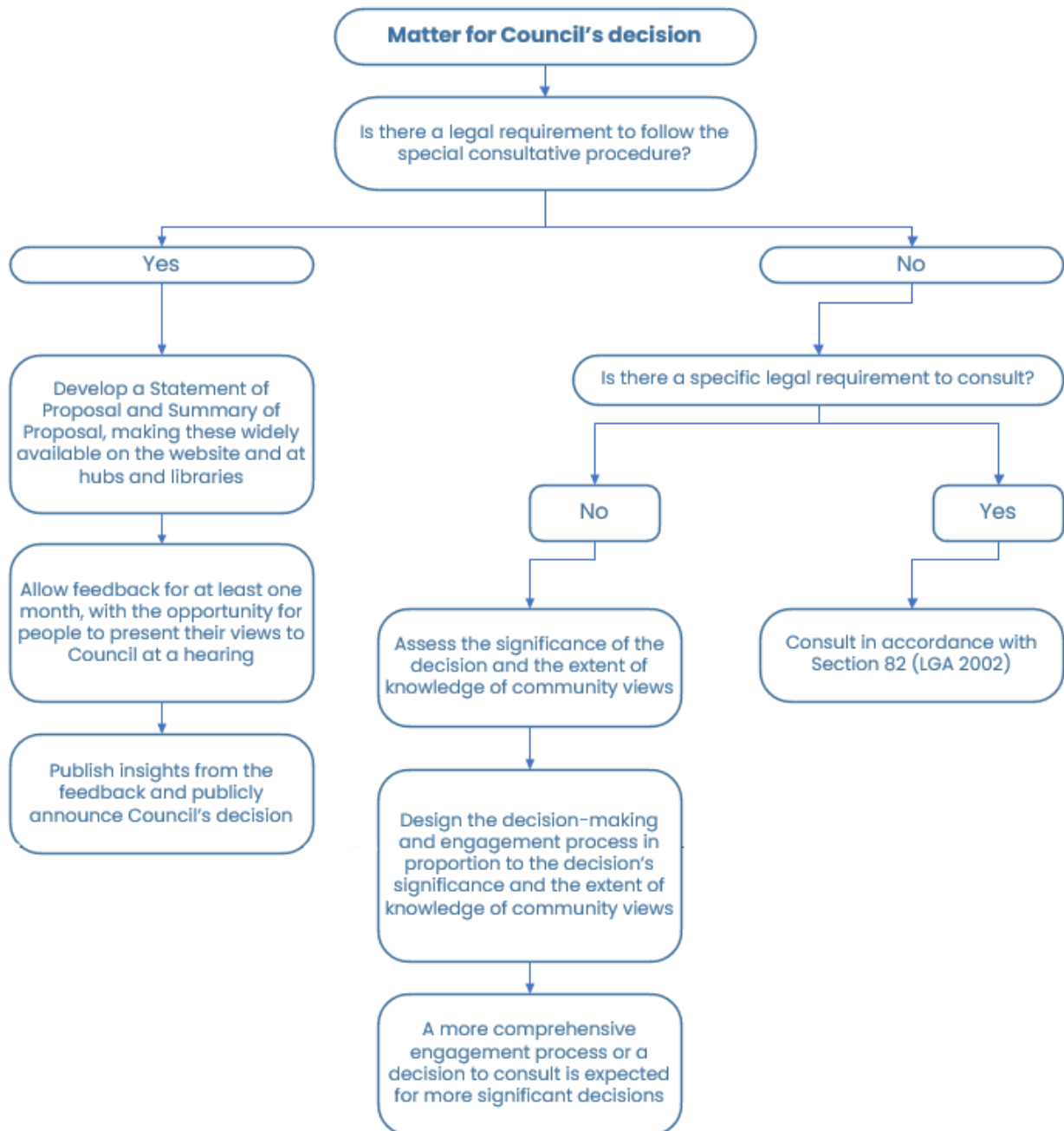
The Special Consultative Procedure is a formal consultation process that must be carried out in certain circumstances. The process is outlined in section 83 of the LGA as set out below:

- 1) *Where this Act or any other enactment requires a local authority to use or adopt the special consultative procedure, that local authority must—*
 - a. *prepare and adopt—*
 - i. *a statement of proposal; and*
 - ii. *if the local authority considers on reasonable grounds that it is necessary to enable public understanding of the proposal, a summary of the information contained in the statement of proposal (which summary must comply with section 83AA); and*
 - b. *ensure that the following is publicly available:*
 - i. *the statement of proposal; and*
 - ii. *a description of how the local authority will provide persons interested in the proposal with an opportunity to present their views to the local authority in accordance with section 82(1)(d); and*
 - iii. *a statement of the period within which views on the proposal may be provided to the local authority (the period being not less than 1 month from the date the statement is issued); and*
 - c. *make the summary of the information contained in the statement of proposal prepared in accordance with paragraph (a)(ii) (or the statement of proposal, if a summary is not prepared) as widely available as is reasonably practicable as a basis for consultation; and*
 - d. *provide an opportunity for persons to present their views to the local authority in a manner that enables spoken (or New Zealand sign language) interaction between the person and the local*

- authority, or any representatives to whom an appropriate delegation has been made in accordance with Schedule 7; and*
- e. (e) ensure that any person who wishes to present his or her views to the local authority or its representatives as described in paragraph (d)–*
- i. is given a reasonable opportunity to do so; and*
 - ii. is informed about how and when he or she may take up that opportunity.*
- 2) (2) For the purpose of, but without limiting, subsection (1)(d), a local authority may allow any person to present his or her views to the local authority by way of audio link or audio-visual link.*
- 3) (3) This section does not prevent a local authority from requesting or considering, before making a decision, comment or advice from an officer of the local authority or any other person in respect of the proposal or any views on the proposal, or both.'*

Appendix 2: decision-making flowchart

Note that this is intended as a high-level guide showing a broadly applicable decision process.




Appendix 3: IAP2's Spectrum of Public Participation

Council will consider engagement methods and tools relative to the level of significance. These will support community participation through an engagement spectrum approach, as set out in the following table.

IAP2 Spectrum of Public Participation



IAP2's Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public's role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world.

INCREASING IMPACT ON THE DECISION 					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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