Policies and Strategies

Significance and Engagement Policy

Introduction

Rotorua Lakes Council is responsible for making decisions on behalf of its communities. Council gathers information, views and preferences from the diverse communities of Rotorua in many ways and uses this to inform decision-making.

The input of diverse communities within Rotorua is important in ensuring that the council's decisions reflect the aspirations of these communities. Council recognises its responsibilities and obligations to Māori under Te Tiriti o Waitangi (the Treaty of Waitangi)[1] and Council is committed to Te Arawa partnerships to support the aspirations of the people of Te Arawa as mana whenua, and taura here (Māori from outside of the rohe) in Rotorua.

The increasing diversity of Rotorua is an important consideration for engagement processes. Council will continue to refine its processes to engage more effectively with groups and communities, increasing Council's reach across the district to help inform the decision-making process.

Policy Purpose:

The purpose of this policy is to explain how the community might be engaged in various types of decisions. This policy is required under the Local Government Act 2002 to provide input into LGA.

This Policy:

Outlines Council's approach to determining the level of significance of proposals, matters or decisions to the community. Guides whether the community should be engaged on a council proposal, matter or decision.

- Makes it clear about when the council will engage, how it may engage and with whom it may engage, so that significant decisions can be made alongside the community.
- Provides a guide that outlines the engagement principles that will be followed when engaging with the community.

[1] *Local Government Act 2002, Section 4, and Part 6, 75(b)*

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Policy

1. Definitions

Term	Definition
Community	A group of people living in the same place or having a particular characteristic in common. Includes key stakeholders, interested parties, and affected people, families, neighbourhoods, groups, marae, hapū and iwi, organisations and businesses
Decisions	Refers to all decisions made by or on behalf of the council including those made by officers under delegation
Engagement	In terms of this policy, engagement is a term used to describe the process of involving the community in the council's decisions. Engagement occurs along a continuum from informing (the most passive form of engagement for the community) through to empowering (the most active form of engagement for the community).
LGA 2002	Local Government Act 2002
Significant and Significance	The LGA 2002 defines the terms "significant" and "significance". 'Significance' means the degree of importance of the issue, proposal, decision, or matter, as assessed by the Council, in terms of its likely impact on, and likely consequences for the District; any people who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter; and, the capacity of the Council to perform its role, and the financial and other costs of doing so. 'Significant' means that the issue, proposal, decision, or other matter has a high degree of significance.
Mana Whenua	The people of the land who have mana or customary authority - their historical, cultural and genealogical heritage are attached to the rohe (district). Within the Rotorua district, the Te Arawa iwi and hapū are recognised as mana whenua. Raukawa also have a recognised area of association within the district.
Taura Here	Māori whose tribal affiliations are from outside the rohe (district)
IAP2	The International Association of Public Participation is a member association that seeks to promote and improve the practice of public participation or community engagement.

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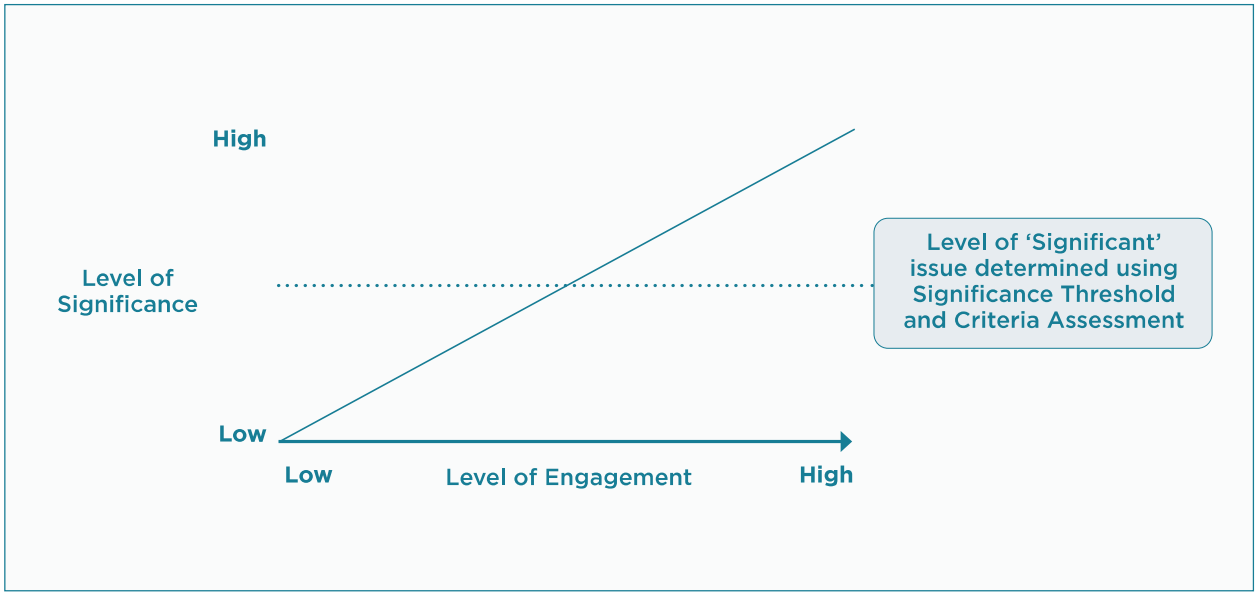
2. Significance

Methods for assessing significance

In general, the significance of an issue lies somewhere on a scale from low to high. Council has identified the following criteria to assess the degree of significance:

- Importance to the Rotorua District
- Importance to Māori
  - Mana whenua (Te Arawa)
  - Taura here
- Community interest
- Consistency with existing policy and strategy
- Impact on the council's capacity and capability (including costs)
- The factors relevant to assessing against these criteria are set out in Appendix 1. Other criteria that can be taken into account are: reversibility of the decision (the more difficult to be undone generally the higher the significance)
- Degree of impact on affected individuals and groups (assessing the consequences of the decision)
- Impact on the levels of service/rates or debt (the greater the impact the higher the likelihood that the proposal will be significant)
- Involvement of a strategic asset (should the decision involve a strategic asset/group of assets, it is more likely to have a higher degree of significance attached to it).

When a high degree of significance is indicated by two or more criteria, the issue is likely to be significant. The criteria provides a tool for identifying whether a matter is likely to be significant – they are not necessarily determinative of significance. Ultimately, in assessing the significance of a decision, Council will need to consider all relevant circumstances.



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3. Engagement

3.1 Mana whenua and taura here engagement

Council has a legal duty to establish and maintain processes and opportunities for Māori to contribute to Council's decision-making processes, and to consider ways to foster the development of Maori capacity to contribute to Council's decision-making processes. The Māori community in Rotorua is comprised of a mix of mana whenua and taura here.

Mana whenua of the district are principally the iwi and hapū of Te Arawa. In addition, Raukawa have a recognised area of association within the district. Of particular importance, the iwi of Ngāti Whakaue[2] established the city of Rotorua by signing the Rotorua Township Agreement (also known as the Fenton Agreement), including generous gifts of reserve land for defined purposes. As reciprocation and recognition of this generosity, Council acknowledges that there is a responsibility to authentically engage and support mana whenua to actively contribute and participate in the decision-making processes of the council[3]. Council will endeavor to use different approaches and methodologies that are informed and supported by mana whenua and will actively seek appropriate advice and guidance when doing so.

In addition to meeting our obligations to mana whenua, Council aims to achieve best practice in working with mana whenua and taura here to give effect to our legislative responsibilities under the Local Government Act 2002[4] (and other legislation), and to uphold the principles of Te Tiriti o Waitangi[5].

Mana whenua and taura here are best placed to express and advocate their cultural interests, values and mātauranga (knowledge). The Council aims to ensure consideration is given to the cultural interests, values, and mātauranga of mana whenua in the exercise of their cultural obligations as kaitiaki (stewards/guardians) of this rohe (district), as well as the needs and aspirations of taura here

3.2 How will the council determine the level of community engagement?

Council will give consideration to the views and preferences of the communities and people likely to be affected, or who have an interest in the decision-making. However, the level of community engagement that is directly undertaken will vary, depending on the level of significance attached to the matter.

In general, the more significant an issue, the greater the need for and level of, community engagement. If the matter is considered significant under this policy the council may carry out a consultation process. See appendix three for engagement techniques Council may use.

[2] The Fenton Agreement also was signed by Ngāti Uenukukōpako and Ngāti Rangiwewehi

[3] Local Government Act 2002, Section 4, and Part 6, 75(b)

[4] Section 4, and sections 75(b), 77, 81 and 82.

[5] https://waitangitribunal.govt.nz/assets/WT-Principles-of-the-Treaty-of-Waitangi-as-expressed-by-the-Courts-and-the-Waitangi-Tribunal.pdf, page 77

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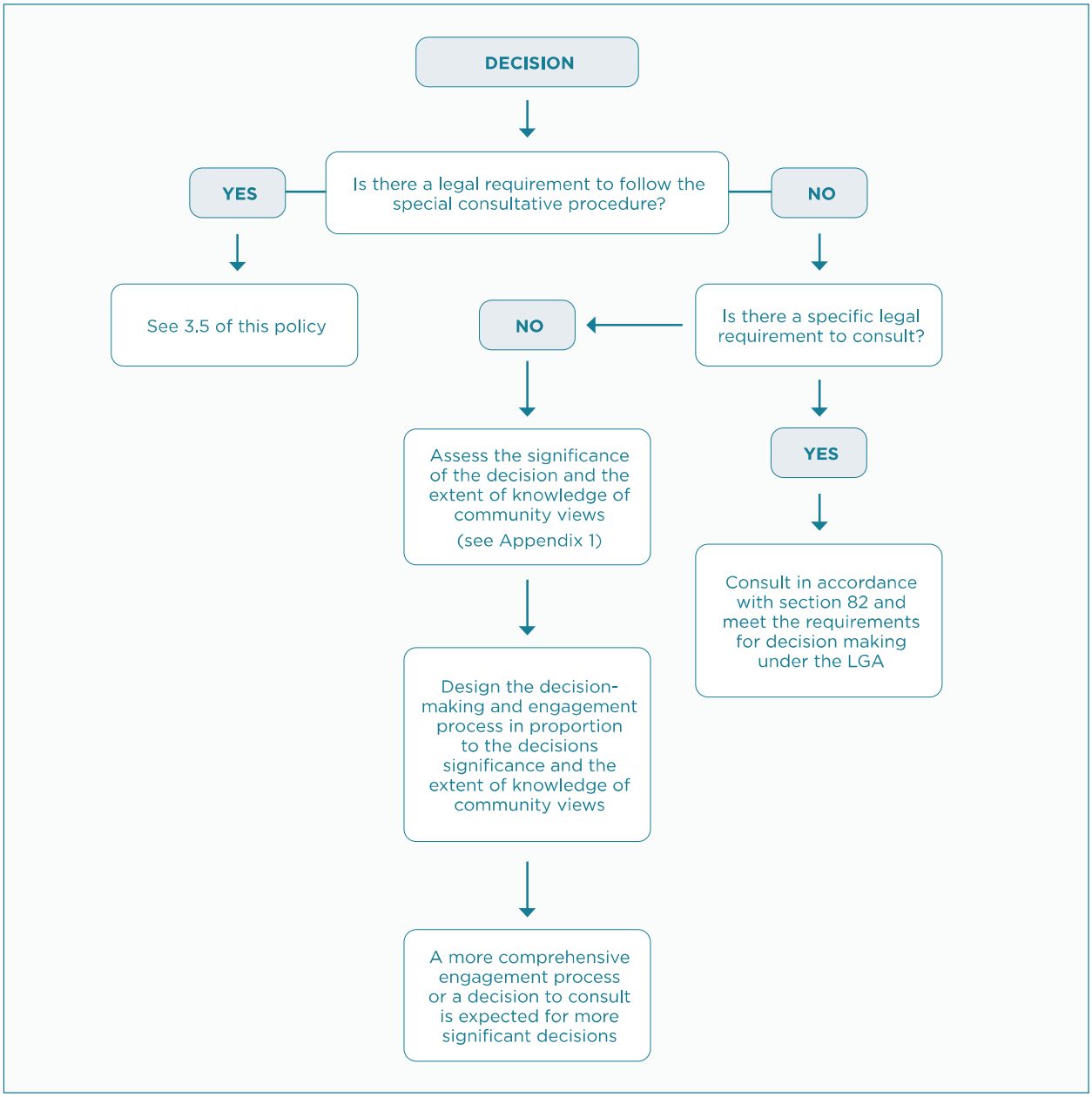

3.3 When the council will engage

Effective community engagement is key to informed decision-making. Although Council does not need to engage on all matters of decision-making, it is important to understand the impact on our communities. Council will engage when:

a. Legislation requires that consultation or engagement be undertaken;

b. A significant proposal or decision is being considered;

c. An issue is important to mana whenua;

d. An issue is considered to have a greater level of interest from within the community even if it does not trigger significance under this policy.

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3.4 When Council may not formally engage

Even if a matter triggers significance under this policy, Council may decide not to formally engage when:

a. 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, or the loss of a substantial opportunity to achieve Council's strategic objectives.

b. Physical alterations to strategic assets are required to:

   i. prevent an immediate hazardous situation arising

   ii. repair an asset to ensure public health and safety due to damage from an emergency or unforeseen situation.

3.5 How will Council engage?

There is a range of legislation that may affect the level of engagement that Council adopts. When choosing the level of engagement and the engagement tools and techniques for a project, Council will comply with its legal obligations, including the principles of consultation[6], the information requirements for consultation[7], and when a special consultative procedure (SCP) is required[8].

Different engagement methods will be used to suit the stakeholders, issue or opportunity at hand. Council will work alongside communities to determine what type of engagement best works for them. Council will continue to evolve the engagement methods and technologies it uses, as communities and ways of communicating change.

3.6 Engagement principles

Council will underpin all its engagement efforts with best practice principles. Council will use as a reference the International Association of Public Participation (IAP2) spectrum and decision-orientation approach as the foundation for its engagement. The spectrum will help Council to decide what type of engagement is required to match the degree of significance of the matter at hand and enable decisions to be made. The principles also set out what community can expect from the Council, while allowing for some flexibility regarding the forms that engagement may take.

These principles align with LGA 2002 principles, ensuring the council meets its statutory responsibilities.

[6] *Section 82, LGA 2002*

[7] *Section 82A, LGA 2002*

[8] *Section 83, LGA 2002*

Appendix 1 – Factors and criterion of determining and assessing significance

Appendix 2 – Strategic assets/ activities

Appendix 3 – IAP2 spectrum

Appendix 4 – Engagement principles

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Appendix 1 - Factors and criterion of assessing significance

Criterion	**Importance to the Rotorua District** The extent to which the matter under consideration impacts on the environment, culture and people of Rotorua, now and in the future (large impacts would indicate high significance).
Factors	Factors that might impact on community well-being are: • Any decision that would significantly alter the level of service provided by the Council of a significant activity (including a decision to commence or cease such an activity). • Extent of costs, opportunity costs, externalities and subsidies. • Uncertainty, irreversibility, and the impact of the decision in terms of the community's sustainability and resilience.

HIGH **Degree of Significance** **LOW**

← **Large Impact** **Little Impact** →

Criterion	**Importance to Mana Whenua and Taura Here** The extent to which the matter under consideration impacts on the environment, culture and people of Mana Whenua and Taura Here, now and in the future (large impacts would indicate high significance).
Factors	Factors that would indicate a high degree of significance are: • Any decision that would significantly alter the level of service provided by the Council of a significant activity (including a decision to commence or cease such an activity). • Extent of costs, opportunity costs, externalities and subsidies. • Uncertainty, irreversibility, and the impact of the decision in terms of the sustainability and resilience, as determined by Mana Whenua and Taura Here.

HIGH **Degree of Significance** **LOW**

← **Large Impact** **Little Impact** →

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Criterion	**Consistency with Existing Policies and Strategies** The extent to which the matter is consistent with the Council's current policies and strategies.
Factors	Factors that would indicate a high level of significance are: • Decisions which are substantially inconsistent with current policies and strategies.

HIGH **Degree of Significance** **LOW**

← **Large Impact** **Little Impact** →

Criterion	**Community Interest** The extent to which individuals, organisations, groups and sectors within the community are particularly affected by the matter.
Factors	Factors that would indicate a high degree of significance are: • High levels of prior public interest or the potential to generate interest or controversy. • Large divisions in community views on the matter. • A moderate impact on a large proportion of the community. • A large impact on a moderate number of persons.

HIGH **Degree of Significance** **LOW**

← **Large Impact** **Little Impact** →

Criterion	**Impact on the Council's Capacity and Capability** The impact of the decision on the Council's ability to achieve the objectives set out in its Long-term Financial Strategy, Long-term Plan and Annual Plan.
Factors	Factors that would indicate a high degree of significance are: • Transfers of strategic assets to or from the Council. • The financial cost of the decision, in the short, medium and long-term. • The extent of the impact on rates and/or debt (including cumulative effects). • The extent to which the decision is consistent with the Financial Strategy. • A financial transaction that involves a budgeted project ($10 million or greater) that has an anticipated cost increase of 50% or greater. • A financial transaction that involves an unbudgeted expenditure of $5 million or greater.

HIGH **Degree of Significance** **LOW**

← **Large Impact** **Little Impact** →

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Appendix 2 - Strategic assets/activities

For the purposes of section 76AA and 97 (1) of the Local Government Act 2002 Council considers the following assets to be strategic assets.

Council will consider the following strategic assets as a whole because it is the asset class as a whole that delivers the service.

Council will therefore not undertake the special consultative procedure for decisions that relate to the transfer of ownership or control, or minor construction or replacement, of a part of a strategic asset, unless that decision triggers the significance thresholds and criteria outlined in this policy.

The assets and groups of assets that Council considers to be "strategic assets" are:

- The roading network
- The sewerage collection, treatment and disposal system, including the sewer network, pump stations and treatment works
- The water supply system, including reservoirs, pump stations and reticulation
- The land drainage system, including the storm water pipe network, waterways, and retention areas
- Rotorua Museum including the collections
- Rotorua Library
- The Energy Events Centre including the Sportsdrome
- The Sir Howard Morrison Centre
- The Aquatic Centre
- Housing for the elderly
- Shares in any Council-Controlled organisation
- The Rotorua Stadium
- The core data set used to deliver council services
- The RotoruaNZ brand and any other subsequent brand

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Appendix 3 - IAP2 continuum

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 your concerns and aspirrations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your conerns 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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Appendix 4 - Engagement principles

Principles Councils that achieve consistent, effective and high quality engagement with the community follow these principles	Indicators Engagement processes that follow these principles commonly exhibit the following characteristics	Outcomes High quality engagement often produce the following outcomes and benefits
Transparency The Council ensures that decision- making is accessible, open, honest and understandable. Our community receives the information needed, and with enough lead time, to participate effectively.	Council will: • conduct community and stakeholder engagement in a genuine effort to listen to, and consider with an open mind, community and stakeholder input; • when presenting options for community and stakeholder feedback, ensure the options are realistic and deliverable; • ensure that questions are objective (ie: not leading), allowing people to express their views freely; • allow enough time and provide adequate resources to ensure participants have been provided fair opportunity to understand the matter and contribute their views • allow time to allow for issues that might arise during an engagement process; • value contributions made and time given; • give timely feedback on the results of the public's input and decisions made; and, • value, respect and give weight to local knowledge.	• Community members have a better understanding of the proposal or decision and are better able to participate effectively. • Council understanding of community opinions and needs is enhanced.
Building Relationships and Community Capacity Community engagement processes invest in and develop long-term, collaborative working relationships and learning opportunities with community partners and stakeholders. The Council should make itself aware of, and should have regard to, the views of all its communities.	Council will: • Build ongoing relationships with the community through a range of approaches (such as those included in the engagement guide set out in Schedule 3). • Provide community members and stakeholders with a reasonable opportunity to present their views and to participate in a way that suits them. • Provide ways for the community to raise issues directly with the Council so that it is a two-way relationship. • Identify opportunities to work in partnership with community organisations and leaders to encourage greater community ownership and participation. • Ensure good information sharing of community views and preferences within the council.	• Engagement processes leave neighborhoods and communities stronger, better informed, increase their capacity to participate in the future, and develop new leaders. • A better decision or proposal will result from community participation. • The decision or proposal will have greater community acceptance.

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Principles Continued...	Indicators Continued...	Outcomes Continued...
Inclusiveness and Equity Engagement and decision-making processes identify, reach out to, and encourage participation of the community in its full diversity. Processes respect a range of values and interests and the knowledge of those involved. Historically excluded individuals and groups are included authentically in processes, activities, and decision and policy making. Impacts, including costs and benefits, are identified and distributed fairly.	Council will: • Identify ways of reaching out to affected residents, parties and stakeholders, including those who are typically heard from least often. The active participation of these communities is made a high priority. • Identify early the demographics, values, and desires of and impacts on affected residents, parties and stakeholders, and influence the process design, and are reaffirmed throughout the process. • Provide more than one way for people to participate. • When required, invest in community capacity building to enable participation. • Use culturally appropriate and effective strategies and techniques to involve diverse constituencies. • Use plain language and avoid jargon and acronyms. • Follow up with under-engaged groups to see how the process worked for their community members.	• Council decisions, proposals, policies, projects and programmes respond to the full range of needs and priorities in the community. • Trust and respect for the Council increases among community members. • Council staff and members of more traditionally engaged communities understand the value of including under-engaged communities. • Equity is increased by actively involving communities that historically have been marginalised or excluded from decision making processes. • New decisions and policies do not further reinforce the disadvantaged position of historically disadvantaged people or groups.
Mana Whenua and Taura Here (Māori participation) Council should actively provide opportunities for Mana Whenua and Taura Here to contribute to its decision making processes. Iwi Environmental Management Plans, Joint Management Agreements, Memoranda of understanding or any other similar high level agreements will be considered as a starting point when engaging with Mana Whenua and Taura Here	Council will: • Recognise and protect Mana Whenua and Taura Here rights and interests within the Rotorua District • Actively consider how to address and contribute to the needs and aspirations of Mana Whenua and Taura Here • Engage early with Mana Whenua and Taura Here in the development of appropriate plans, policies and decisions • Take guidance from Mana Whenua and Taura Here in the ways Council will engage with them • Support Mana Whenua and Taura Here to fully engage with the Council, for example through (but not limited to) contributing to building capability and capacity.	• Te Arawa Partnership outcomes are met and fulfilled. • Legislative and Treaty obligations are met. • Equity is increased by actively involving communities that historically have been marginalised or excluded from decision making processes. • New decisions and policies do not further reinforce the disadvantaged position of historically disadvantaged people or groups.

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