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Sponsor / Group	General Manager Partnerships, Communication and Maaori

Significance and Engagement Policy

Te Puutake Purpose

1. To clarify the degree of significance for proposals and decisions.
2. To clarify when and how communities can expect to be engaged.
3. To clarify council decision making on consultation and engagement.

Whaanuitanga Scope

4. This Policy applies to Council Elected Members and staff.
5. This policy applies to any proposal presented to the Council and its Committees for a decision.
6. This policy does not affect any statutory requirement to undertake any specific consultation and decision-making processes (e.g. under the Local Government Act 2002 (LGA) or resource management legislation).

Ngaa Tikanga Whakahaere Principles

7. The Council will be consistent and transparent in how it engages the public.
8. The Council will commit to genuine and authentic community engagement.
9. The Council acknowledges the unique status of Maaori and will utilise a range of different mechanisms to ensure their views are appropriately represented and considered in the decision-making process.
10. The Council will recognise the following when engaging with Maaori:
 - a. Te Tiriti o Waitangi settlements, particularly specific identified mechanisms including, but not limited to, co-governance agreements, and joint management agreements.
 - b. He Pou Manawa Ora – Pillars of Wellbeing Strategy; and
 - c. The status of Te Ture Whaimana as the primary direction setting document for proposals or decisions that impact on Waikato te Awa, the Waikato River.
11. The Council will consider language, accessibility and cultural needs in any engagement.
12. The Council will endeavour to treat engagement approaches and responses in an equitable manner.

13. The Council will act honestly and openly when analysing and presenting any engagement results.
14. The Council will provide appropriate information to help people understand what is being proposed.
15. The Council will prominently outline a proposal's or decision's cost in any engagement.

He Whakamaarama Definitions

Definition	Detail
Community	A group of people living in the same place or having a particular characteristic in common. Includes interested parties, affected people, and key stakeholders.
Consultation	A subset of engagement; a formal process to gain input or feedback from the community about an identified Council option(s) or proposal subject to a decision.
Decision	A decision made by or on behalf of the Council, including those made by its Committees, the Chief Executive or officers under delegated authority. Decision implies that a proposal has been considered if required, that the views of the community have been considered in the decision-making process.
Engagement	The process of seeking views from the community to inform and assist Council decision making.
LGA 2002	Local Government Act 2002 .
Maaori	Includes Maaori who have tribal links to Kirikiriroa, Hamilton (i.e. mana whenua also known as iwi and hapuu) and Maaori with tribal affiliations outside Hamilton City but who reside in Hamilton City or who own property in Hamilton City (i.e. Maataawaka).
Proposal	A suggestion of change presented to the Council, subsequently resulting in a decision made by or on behalf of the Council at a Council or Committee meeting.
Special Consultative Procedure (SCP)	The Special Consultative Procedure, as outlined in section 83 of the LGA 2002, which sets out minimum requirements for engagement including (but not limited to): <ul style="list-style-type: none"> • Making available a Statement of Proposal. • Allowing a minimum of one month to receive written views. • Allowing people to present views in a spoken manner.

Significance	<p>Defined in section 5 of the LGA 2002, the degree of importance of the proposal or decision as assessed by the Council, in terms of its likely impact on, and likely consequences for:</p> <ol style="list-style-type: none"> a. the city 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 Council to perform its role, and the financial and other costs of doing so.
Significant	<p>Defined in section 5 of the LGA 2002, in relation to any proposal or decision means that the proposal has a high degree of significance. Decisions made by the Chief Executive or officers under delegated authority will not be deemed to be significant.</p>
Significant activity	<p>Defined by Council as being:</p> <ol style="list-style-type: none"> a. network infrastructure (as a whole) b. public transport services (as a whole) c. solid waste collection and disposal (as a whole) d. the avoidance or mitigation of natural hazards <p>libraries, museums, reserves, and recreational facilities,</p>
Strategic asset	<p>Defined in s5 of the LGA 2002, an asset or group of assets that the Council needs to retain if the Council is to maintain its capacity to achieve or promote any outcome that the Council determines to be important to the current or future well-being of the community.</p> <p>The following are the Council’s strategic assets at the time of the adoption of this policy:</p> <ol style="list-style-type: none"> a. Hamilton City Libraries network b. Waterworld and Gallagher Pool c. Waikato Museum and Collection d. Hamilton Transport Centre e. Hamilton Zoo f. Hamilton Gardens g. FMG Stadium, Seddon Park, Claudelands Events Centre and Porritt Stadium h. Cemeteries i. Wastewater reticulation and treatment network (as a whole) j. Stormwater reticulation network (as a whole) k. Transportation network (as a whole). l. Reservoirs and water reticulation and treatment network (as a whole) m. Waikato Regional Airport Limited
Statement of Proposal	<p>A document that provides the basis for consultation with the community under the SCP by setting out the Council’s proposition with respect to a particular decision.</p>

Kaupapa Here Policy

Application

16. This policy is applied in two steps:
 - a. **Step 1** – Determining the significance of the proposal/decision.
 - b. **Step 2** – Determining the requirement to engage or not (guided by the level of significance); and if there is a requirement to engage, the level of engagement.
17. Where Council makes a decision that is significantly inconsistent with this policy, the steps identified in [section 80](#) of the LGA 2002 will be applied.
18. There may be occasions when the Council may not follow this policy, for example where failure to make a decision urgently would result in unreasonable or significant damage to property, risk to people’s health and safety, or the loss of a substantial opportunity to achieve the Council’s strategic objectives.

Step 1 - Determining the level of significance

19. [Schedule 1 - Determining significance](#) outlines key considerations relative to a decision or proposal’s impact on the:
 - a. Service provided by the Council.
 - b. Transfer of ownership or control of strategic assets.
 - c. Level(s) of financial consequence.
 - d. Ability to reverse a decision.
 - e. Consistency with a prior decision.
 - f. Levels of public interest known.
 - g. Community (as a whole or in part).
20. The Council will assess the degree of significance of a proposal or decision on a case-by-case basis using [Schedule 1 - Determining significance](#) and determine the level of significance of a proposal or decision to be high, medium or low.
21. If the proposal or decision triggers four or more [key considerations](#) which are under the high significance level column, this indicates that the level of significance is likely to be **high**.
22. If the proposal or decision triggers five or more [key considerations](#) which are under the low significance level column, this indicates that the level of significance is likely to be **low**.
23. If the level of significance of a proposal or decision is not deemed to be high (under clause 21) or low (under clause 22), this indicates that the level of significance is likely to be **medium**.

Step 2 - Determining engagement approach

24. Council acknowledges that community engagement occurs across a spectrum at differing levels and is broader than consultation. Engagement is a process that

involves all or some of the community and can be focused on sharing information, generating ideas, decision making, and/or problem solving.

25. Council staff will consider existing information on the community's views and perceptions related to a proposal before undertaking any further community engagement.
26. The engagement approach (platform, questions, audiences, tactics, analysis, reporting) and associated communications, will be outlined by Council staff in a communication and engagement plan specific to the proposal. The content of this plan will be informed by subject matter experts.
27. Each Council communication and engagement plan will be informed by the proposal details. Council may use a variety of engagement techniques based on a range of factors, including history and public awareness of the issue/proposal, stakeholder involvement, and timing related to other events and budgets.
28. There are times when it will not be appropriate to engage with the community on certain issues, proposals, decisions, or matters. Examples of this include where the Council:
 - h. Organisational decisions (e.g. staff changes and operational matters) that do not materially reduce a level of service;
 - i. Decisions that are consistent with Council's Long-Term Plan, or another policy or plan that has already been subject to consultation, or directives from central government;
 - j. Protection of the privacy and safety of individuals (as provided for in the Privacy Act 2020 and Local Government Official Information and Meetings Act 1987);
 - k. Maintenance of confidentiality and/or commercial sensitivity to enable Council to carry out commercial activity or negotiations without prejudice (as provided for in the Local Government Official Information and Meetings Act 1987);
 - l. Where Council is acting with urgency (for example under the Civil Defence Emergency Management Act 2002);
 - m. Decisions to act where is necessary to:
 - i. Comply with the law;
 - ii. Save, or protect life, health or amenity and prevent serious damage to property;
 - iii. Avoid, remedy or mitigate an adverse effect on the environment;
 - iv. Protect the integrity of existing and future infrastructure and amenity.
 - n. Decisions in relation to regulatory and enforcement activities.
29. The Council will use a customised version of an internationally recognised approach to public engagement (IAP2). **Schedule 2** – Council's Community Engagement Spectrum, outlines its approach to determining level of engagement. Progressing from left to right of this figure shows increasing levels of community engagement in decision-making and expectations for each.
30. In general, the more significant an issue, the greater the need for community engagement.

31. The proposed engagement approach will be supported by rationale outlined in the Council or Committee reports.
32. Post engagement, the engagement insights will be provided in a meaningful and timely way to Council.

Use of Special Consultative Procedure

33. The Council will use the Special Consultative Procedure (as set out in section 83 of the LGA 2002) where required under the LGA or any other legislation.
34. The Council will develop a proposal to fulfil the requirements of section 82A of the LGA 2002, will make this available to the public, allow written submissions for a period of up to four weeks, and will consider all submissions prior to making decisions.
35. Specific issues where Council may use this form of consultation will include:
 - The adoption of an Annual Plan where it differs significantly from the content of the Long-Term Plan
 - The adoption of the Development Contributions Policy where it differs significantly from the content of the previous Policy.
 - The making, amending or revoking bylaws
 - Or any other situation as defined by section 87 of the LGA 2002.
36. A special consultation procedure is to be used for the adoption or amendment of a long-term plan but in accordance with the changes described in section 93 of the LGA 2002.
37. Where an engagement is not subject to the SCP ([section 83](#) of the LGA 2002), the Council will apply the Principles of Consultation ([section 82](#) of the LGA 2002).

Monitoring and Implementation

38. Implementation of this policy will be monitored by the Partnerships, Communication and Maaori General Manager .
39. This policy will be reviewed, at the request of the Council, in response to any relevant legislative amendment, or every three years (whichever comes first).

Schedule 1 – Determining significance

Key considerations	High Significance	Medium Significance	Low Significance
Alteration of a service which comes under the Council's significant activities (see significant activities listed in the definitions table).	Ceasing or commencing a service. (e.g. the closure of a museum).	A more than nominal alteration of a service. (e.g. the digitisation of most hard copy books at public libraries).	A nominal or no alteration of a service. (e.g. the undertaking of a tender with a different contractor).
Involves the transfer of ownership or control of strategic assets to or from the Council.	Majority transfer (i.e. more than 51%) or transfer in its entirety. (e.g. a full transfer of a theatre facility).	Minority transfer. (e.g. a 30% share transfer of the museum).	Nominal or no transfer. (e.g. the transfer of a council owned artwork).
Level of financial consequences in relation to unbudgeted operating cost or capital cost in the Long-Term Plan.	Unbudgeted operating cost(s) greater than 10% of total expenses in the financial year of the proposal / decision. (e.g. a \$25m unbudgeted increase in lease costs). AND/OR	Unbudgeted operating cost(s) greater than 5% but less than 10% of total expenses in the financial year of the proposal / decision. (e.g. a \$15m unbudgeted increase in lease costs). AND/OR	Unbudgeted operating cost(s) less than 5% of total expenses in the financial year of the proposal / decision. (e.g. a \$1m unbudgeted increase in lease costs). AND/OR

Key considerations	High Significance	Medium Significance	Low Significance
	Unbudgeted capital cost(s) greater than 1% of total assets in the financial year of the proposal / decision. (e.g. the construction of a \$40m unbudgeted building).	Unbudgeted capital cost(s) greater than .5% but less than 1% of total assets in the financial year of the proposal / decision. (e.g. the construction of a \$25m unbudgeted building).	Unbudgeted capital cost(s) less than .5% of total assets in the financial year of the proposal / decision. (e.g. the construction of a \$1m unbudgeted building).
Ability to reverse the decision.	Highly difficult. (e.g. constructing a purpose-built building).	Moderately difficult. (e.g. adoption of the Speed Limit Bylaw).	Low difficulty. (e.g. minor amendment to a policy).
Consistency with a prior decision or decisions (i.e. proposal or decision which is consistent with current policies and strategies).	Decision or proposal is significantly inconsistent. (e.g. a decision or proposal that retires a Council adopted strategy).	Decision or proposal is consistent but with some notable variations. (e.g. a decision or proposal contrary to the public places policy allowing restaurants to use entire width of public footpaths for outdoor entertainment).	Decision or proposal is consistent. (e.g. adopting the public places bylaw to enforce the public places policy).

Key considerations	High Significance	Medium Significance	Low Significance
Levels of public interest known.	High levels of public interest known. (e.g. the adoption of the Psychoactive Substances Policy).	Moderate levels of public interest known. (e.g. the adoption of the Event Sponsorship Policy).	Low levels of public interest known. (e.g. the adoption of the Elected Member Support Policy).
Impact on proportion of the community.	Impacts a large proportion of the community. (e.g. a change in the rubbish collection timeframes).	Impacts a subgroup or groups within the community. (e.g. the creation of a neighbourhood playground).	Impacts an individual person or household. (e.g. the removal of a street tree).
Degree of impact on affected people in the community.	High degree. (e.g. the change of a road name).	Moderate degree. (e.g. the investment in a small suburb library).	Low degree. (e.g. changing the style of bus stop waiting areas).

Schedule 2 – Council’s Community Engagement Spectrum

Hamilton City Council, Te Kaunihera o Kirikiriroa Community engagement spectrum



Hamilton City Council, Te Kaunihera o Kirikiriroa

Community engagement spectrum

