

Significance and Engagement Policy

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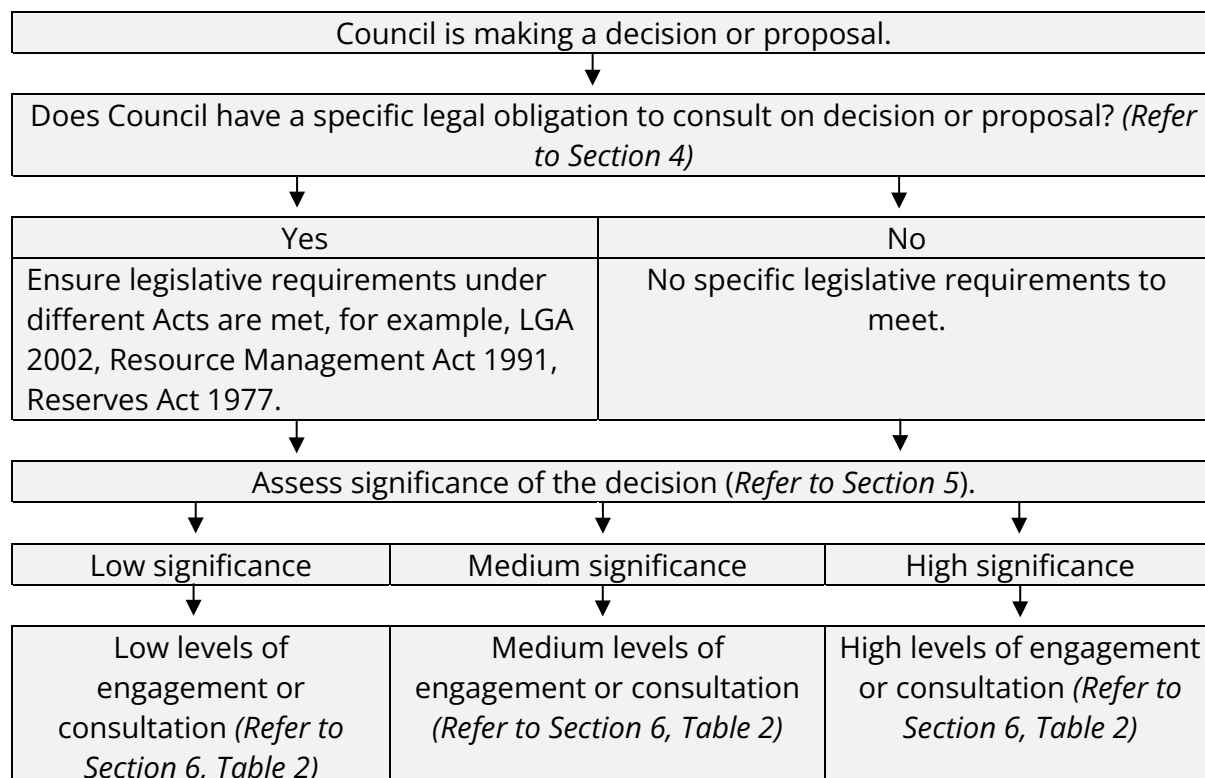
1 Purpose

1.1 This policy is required under the Local Government Act 2002 (the LGA). The policy sets out the matters required by the LGA, and, in broad terms:

- Describes Council’s approach to determining the significance of proposals and decisions.
- Describes how and when communities can expect to be engaged in decisions about different issues, assets, proposals or other matters.
- Lists the assets that Council considers to be strategic assets.

1.2 Applying the Significance and Engagement Policy follows the process in Table 1:

Table 1: Process to apply the Significance and Engagement Policy.



2 Definitions

Consultation	a process generally required by statute or triggered by the Significance and Engagement Policy. This process is generally timebound, transactional and asking for feedback on a Council proposal, to enable citizen participation. This process aids and informs decision-making.
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.
Decisions	refers to all the decisions made by or on behalf of Council including those made by officers under delegation. (Management decisions made by officers under delegation during the implementation of council decisions will not be deemed to be significant).
Engagement	a term used to describe a term used to describe the process of listening to inform decision making, and is often informal, fluid and built on relationships. This process involves seeking input from or involving the community, particularly those affected by or interested in a decision, to inform and assist in the process of developing proposals.
Maataawaka	Maaori residing in the Waikato district who do not have a genealogical connection to local iwi, hapuu and marae.
Mana whenua	Iwi/hapuu/marae with a genealogical connection to the Waikato district.
Significance	as defined in Section 5 of the LGA ‘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, — 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’.

Significant	as defined in Section 5 of the LGA ‘means that the issue, proposal, decision, or other matter has a high degree of significance’.
Significant activity	<p>a term used to describe those groups of activities which Council has historically invested substantial funding. These include:</p> <ul style="list-style-type: none"> ▪ Roading; ▪ Water; ▪ Wastewater; ▪ Stormwater; ▪ Libraries; ▪ Reserves; ▪ Recreational facilities; ▪ Solid waste.
Strategic asset	<p>as defined in Section 5 of the LGA ‘in relation to the assets held by a local authority, means 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 well-being of the community; and includes—</p> <ol style="list-style-type: none"> 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— <ol style="list-style-type: none"> 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’.

3 Application

3.1 This policy applies to all decisions taken where there is or likely to be an impact on the community.

4 Consultation requirements under legislation

4.1 Special Consultative Procedure

4.2 Council will use the Special Consultative Procedure as set out in Section 83 of the LGA where required to do so by law, including for the following issues requiring decisions:

- The adoption or amendment of a Long Term Plan (LTP) in accordance with Section 93A of the LGA.
- The adoption, amendment, or revocation of bylaws, if the bylaw is assessed as being of significant interest or impact to the public, according to section 156(1)A of the LGA.
- The adoption, amendment or revocation of a Local Alcohol Policy.
- The adoption, amendment or revocation of an Easter Trading Policy.
- The adoption or review of a Local Approved Products (Psychoactive Substances) Policy.
- The adoption or review of a Class 4 venue policy under the Gambling Act 2003.
- The preparation, amendment or revocation of a waste management and minimisation plan.
- The adoption, amendment or revocation of a Dangerous, Affected and Insanitary Buildings Policy.
- The adoption, amendment or revocation of a Dog Control Policy.

4.3 Unless already explicitly provided for in the LTP, Council will seek to amend its LTP, and therefore use the Special Consultative Procedure, when it proposes to:

- Significantly alter 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 strategic assets, as listed in Schedule 1.

4.4 Section 82 consultation

4.5 Council will consult in accordance with, or using a process or a manner that gives effect to the requirements of, Section 82 of the LGA where required to do so by law, including for the following specific issues requiring decisions:

- The adoption, amendment, or revocation of bylaws for bylaws which are of lower significance or lower impact to the public, as assessed by Section 156(1)(a) of the LGA.
- Adopting or amending the annual plan if required under Section 95 of the LGA 2002;
- Transferring responsibilities to another local authority under Section 17 of the LGA 2002;
- Establishing or becoming a shareholder in a council-controlled organisation;

- 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 Maaori freehold land.

4.6 For such consultation, Council will develop information fulfilling the requirements of Section 82A of the LGA, will make this available to the public, allow written submissions for a period deemed appropriate by Council, but which is not usually less than four weeks, and will consider all submissions prior to making decisions.

4.7 Consultation under other legislation

4.8 Council will ensure all consultation requirements under the Resource Management Act 1991, Waikato Tainui Raupatu (Waikato River) Settlements Act 2010, Ngaa wai o Maniapoto (Waipaa river) Settlement Act 2012, Reserves Act 1977 and other legislation are adhered to, including but not limited to, the following specific issues:

- Health and wellbeing of the Waikato River, through Joint Management Agreements and Te Ture Whaimana.
- Schedule 1 consultation for plan changes and reviews.
- Resource consents, as required.
- Reclassifications of reserves.
- Notice of Reserve Management Plans.
- Disposal of land (Section 138 of LGA).

5 Determining significance of proposals and decisions

5.1 Significance, as defined by the LGA, means the degree of importance of an issue, proposal, decision or matter as assessed by the council.

5.2 Council will assess the significance of any proposal as part of its decision-making process on a case-by-case basis using Schedule 1 – Determining Significance.

5.3 District-Wide vs. Neighbourhood Significance

5.4 Council acknowledges that a decision or proposal can be of 'low' or 'medium' significance at a district-wide level but hold 'high' significance with a specific community or neighbourhood.

5.5 Decisions of high neighbourhood significance typically include:

- **High localised interest:** Where there is strong and specific neighbourhood interest or concern (Refer to Clause 5.8(g))

- **Impact on local services:** Where the decision directly affects a level of service in a neighbourhood, such as roading, water, wastewater, stormwater, libraries, reserves, recreational facilities and solid waste (Refer to Clause 5.8(f)).
- **Potential for controversy:** Where the outcome of the decision is likely to be contentious or polarising within the affected neighbourhood (Refer to Clause 5.8(i))

5.6 Decisions or proposals can still be deemed of 'high' significance when the localised impact and interest are substantial, even if the wider district impact is less pronounced.

5.7 **Criteria to consider significance**

5.8 Council will take into account the following matters when assessing the degree of significance of proposals and decisions, and the appropriate level of engagement, as outlined in Schedule 1:

- a. Whether there is a legal requirement to engage with the community.
- b. Any transfer of ownership or control, or the construction, replacement or abandonment, of a strategic asset as defined in the LGA or listed in this policy, which significantly alters the level of service provided by Council.
- c. The degree to which the issue has a financial impact (including costs and benefits) on Council or the rating levels (both targeted and general) of its communities. In general, the following are considered to be of high significance:
 - i. Decisions or proposals in excess of 10% of operating expenditure or which would result in a 5% or more increase to rates that are charged to all properties in the district, including the General Rate and the Uniform Annual General Charge, which has not been provided for in the Long Term Plan (LTP).
 - ii. Decisions or proposals which would result in a new or increased targeted rate of more than 10% of existing targeted rates per property, except where the 10% targeted rate increase is less than \$20.
 - iii. Decisions or proposals relating to capital expenditure in excess of 10% of operating expenditure, which has not been provided for in the LTP.

- iv. The formation of a new Council Controlled Organisation (CCO), or any decision or proposal relating to the sale of more than 40% of the Council's shareholding in any CCO.
 - d. Whether the proposal or decision will affect a large portion of the community.
 - e. The likely impact on present and future interests of maataawaka and mana whenua, recognising Maaori cultural values and their relationship to wai (water), whenua (land), waahi tapu (sacred places) and taonga (treasure possessions).
 - f. Whether the proposal affects the level of service of a significant activity.
 - g. Whether community interest is likely to be high.
 - h. Whether the likely consequences are controversial.
 - i. Whether community views are already known, including the community's preferences about the form of engagement
 - j. Whether there is more than one viable option.
- 5.9 When considering the matters listed in clause 5.3, each policy consideration will be rated either 'low', 'medium' or 'high'. Following this assessment, the total significance of the matter will be rated as either 'low', 'medium' or 'high'.

6 Engaging Waikato district's communities

6.1 General approach to engagement

- 6.2 If a proposal or decision is affected by a number of the above considerations listed in Clause 5.3, it is more likely to have a higher degree of significance. In general, the more significant an issue, the greater the need for community engagement.
- 6.3 Council will apply a consistent and transparent approach to engagement and will ensure that legal requirements are met, as outlined in Section 4.
- 6.4 For all issues requiring a decision, Council will determine the appropriate level of engagement on a case-by-case basis.
- 6.5 When Council makes a decision that is significantly inconsistent with this policy, the steps identified in Section 80 of the LGA will be undertaken.
- 6.6 Council is committed to engagement and consultation to ensure decision-making is informed, transparent and responsive.

- 6.7 Council recognises that engagement can involve personal, face-to-face conversations and direct connections with those affected by a proposal or decision.
- 6.8 Council will communicate back to participants after consultation to explain:
- What was heard during engagement.
 - What changes were made to the proposal because of feedback.
 - Why certain decisions were made.
- 6.9 By being present and responsive in communities, Council aims to strengthen trust and confidence in its decision-making processes.

6.10 Engaging with community boards and committees

- 6.11 Council recognises the important role community boards, and other community committees and groups have in connecting our communities to Council.
- 6.12 Council will engage these groups as and when appropriate

6.13 Engaging with neighbourhoods

- 6.14 When decisions or proposals of high significance to a particular community is identified, Council will consider methods to engage with the neighbourhood. This may include:
- providing information that is relevant to that neighbourhood.
- 6.15 direct engagement where practicable, such as through neighbourhood meetings or surveys.
- engaging with local leaders, community groups, and stakeholders.
- 6.16 By acknowledging and addressing neighbourhood significance, Council aims to ensure that localised concerns are integrated into its decision-making processes.

6.17 Engaging with Maaori

- 6.18 Council acknowledges the unique status of Maaori and will utilise a range of different mechanisms to ensure their views are appropriately represented in the decision-making process.
- 6.19 Council will recognise the following when engaging with Maaori:
- Te Tiriti o Waitangi settlements, particularly specific identified mechanisms including, but not limited to, co-governance agreements, and joint management agreements.
 - 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.
 - Council's Maaori Partnerships Strategy and Plan.

6.20 In some cases, Council has statutory obligations to engage with iwi/hapuu/marae (mana whenua). This is required by the Resource Management Act 1991, Waikato Raupatu River Settlement Act 2010, and Ngaa wai o Maniapoto Act 2012. This engagement is primarily through formal agreements such as Joint Management Agreements and Memorandum of Understandings (MOU).

6.21 Council will engage with its maataawaka (Maaori residing in the Waikato district who do not have genealogical connections to local iwi, hapuu or marae) through committee hui, and/or other iwi, hapuu and marae forums where appropriate.

6.22 Methods of engagement

6.23 Once Council has made a decision following public consultation the decision will be made publicly available.

6.24 For all other issues, the Table 2 provides examples of how Council may engage according to the levels of significance of a decision or proposal.

6.25 For all decisions or proposal, Council may choose to use some or all of these options and will consider the cost and benefits of all engagement or consultation processes, as well as timing and risk of urgent or emergency events.

Table 2: Engagement framework

Type or nature of decision	Examples of how we may engage
Low significance	Inform tactics: <ul style="list-style-type: none"> • Council/staff/elected members to directly contact affected parties. • Website updated. • Information flyer. • Public notices. • Social media. • Use of town focussed social vs Waikato wide tactics. • Media releases. • Letter drops. Engage tactics: <ul style="list-style-type: none"> • Online surveys.
Medium significance	As well as the tactics listed under low significance, Council may also use the following: <ul style="list-style-type: none"> • Conversations with those affected. • Marae forum. • Expos or connection at Tribal events (Poukai, Koroneihana, Tainui games).

Type or nature of decision	Examples of how we may engage
	<ul style="list-style-type: none"> • Participation in local events, particularly in rural communities. • Targeted engagement including a survey and social media. • Targeted stakeholder engagement before any formal consultation. • Information in libraries, service centres, and community information boards (e.g. halls). • Signage on affected sites. • Connection with iwi information tactics (for example, radio, social media platforms, news). • Community boards, community committees, hall committees, ratepayer associations, and catchment groups involved.
High significance	<p>As well as the tactics listed under low and medium significance, Council may also use the following methods:</p> <ul style="list-style-type: none"> • JMA hui with co-governance and management group. • Pop-up stalls. • Information engagement / discussion phase ahead of formal consultation. • Likely to consider different cultural styles and needs for engagement. • Specific engagement with community boards/committees. • Promotion through localised communication, for example, e-newsletters and school newsletters. • Online or in person events.

7 Waikato District Council's strategic assets

7.1 The LGA requires this policy to list the assets that Council considers to be strategic assets.

7.2 Strategic assets, as defined under the LGA, are assets that the council needs to retain in order to maintain the council's capacity to achieve or promote any outcome that the council determines as important to the current or future well-being of Waikato.

7.3 A decision to transfer the ownership or control of a strategic asset to or from the local authority can only be taken if provided for in the LTP.

According to the LGA, strategic assets include:

2. Any asset or group of assets listed as strategic assets in Schedule 1.
3. Any land or buildings owned by the council and required to maintain council's capacity to provide affordable housing as part of its social policy.
4. Any equity securities held by the council in a port company within the meaning of the Port Companies Act 1988 and/or an airport company within the meaning of the Airport Authorities Act 1966.

7.4 Council takes a group of whole-of-asset approach. This means where a strategic asset is a network or has many components, decisions may be made in respect of individual components within the networks to transfer ownership or control, without those components being regarded as strategic. This is unless such decisions are considered to significantly alter the level of service provided by Council.

7.5 An asset that is part of a network or group that is not integral to the functioning of the whole (i.e. where the rest of the group or network will still enable the council to meet its strategic outcomes) will not be regarded as strategic on its own.

7.6 Without limiting the application of these provisions, the following are examples of the application of this policy to group assets are below:

- "Roading network as a whole", "Water plants and reticulation network as a whole", "Wastewater treatment plants and network as a whole", "Stormwater network as a whole".
- Disposal of individual reserves, provided that Council has followed procedures in the Reserves Act 1977 or the LGA.
- Disposal of former roads, provided that Council has followed the road stopping processes under the Public Works Act 1981 or LGA.

7.7 Decisions relating to strategic assets may have a high degree of significance depending on the extent to which the decision affects the council's ability to deliver key services and achieve Council's community outcomes. The degree of significance will be assessed as outlined in section 2 of this policy, and the consultation and engagement approach will reflect the degree of significance.

7.8 Schedule of strategic assets

7.9 Assets that Council owns that are strategic assets under section 5 of the LGA:

- Pensioner housing/housing for the elderly buildings.
- Shareholding in Waikato Regional Airport Ltd and any other companies.

7.10 Assets the Council has determined to be strategic assets:

- The roading network as a whole.
- Reserves listed and managed under the Reserves Act 1977.
- Water plants and reticulation network as a whole.
- Consents for water takes.
- Wastewater treatment plants and network as a whole.
- Stormwater network as a whole.
- Raglan Wharf and Raglan Harbour endowment properties.

8 Relevant documents

This policy shall be read in conjunction with:

- Trust and Confidence Strategy.
- Maaori Partnerships Strategy and Plan (in development).

9 Policy review

This policy shall be reviewed at three-yearly intervals or as otherwise required by the Chief Executive or Corporate Planning Manager.

Schedule 1 – Determining significance

Policy consideration	Low	Medium	High
a. Is there a legal requirement to consult with the community?	<p>There is no specific legal requirement to consult with the community.</p> <p><i>Example: Adoption of the Appointment and Remuneration of Directors Policy.</i></p>	<p>There is a legal obligation to consult with the community under Section 82 of the LGA or other Acts.</p> <p><i>Example: Adoption of Significance and Engagement Policy.</i></p>	<p>The Special Consultative Procedure is legally required to be undertaken.</p> <p><i>Example: Long Term Plan, Local Alcohol Policy, and Easter Trading Policy,</i></p>
b. Involves the transfer of ownership or control of strategic assets.	<p>Nominal or no transfer or transfer not impacting Council's level of service of the overall strategic asset.</p> <p><i>Example: Transfer of a council owned artwork.</i></p>	<p>Minority transfer or that has a moderate impact on Council's level of service for strategic asset.</p> <p><i>Example: 30% share transfer of asset.</i></p>	<p>Majority or entire transfer or a substantial impact on Council's level of service for strategic asset.</p> <p><i>Example: A full transfer of a community facility.</i></p>
c. What is the level of financial impact of the proposal or decision, including costs and benefits?	<p>The proposal or decision has <i>no/minor</i> financial impact on Council budgets, reserves, debt levels or limits in the Financial Strategy.</p> <p><i>Example: A proposal to review a Reserve Management Plan, covered under existing budgets.</i></p>	<p>The proposal or decision has a moderate financial impact on Councils budget, reserve, debt levels, but does not result in Council's Financial Strategy limits being exceeded.</p> <p><i>Example: A moderate infrastructure project.</i></p>	<p>The proposal or decision has a substantial financial impact on Council budgets, such as:</p> <ul style="list-style-type: none"> i. Decisions or proposals that exceed 10% of operating expenditure not accounted for in the Long Term Plan. ii. Decisions or proposals that lead to a 5% or greater increase to rates, including the General Rate and the Uniform Annual

Policy consideration	Low	Medium	High
			<p>General Charge, which has not been provided for in the LTP.</p> <p>iii. Decisions or proposals that would result in a new or increased targeted rate of more than 10% of existing rates per property, except where the 10% targeted rate increase is less than \$20.</p> <p>iv. Decision or proposal relating to a formation of a new Council Controlled Organisation (CCO), or any decision or proposal relating to the sale of more than 40% of the Council's shareholding in any CCO.</p> <p><i>Example: A \$25m unbudgeted increase in lease costs.</i></p>
<p>d. Will the proposal or decision affect a large portion of the community, considering both urban and rural?</p>	<p>The proposal or decision will affect an individual person or household.</p> <p><i>Example: The removal of a street tree.</i></p>	<p>The proposal or decision will impact a subgroup or rural areas/township/geographic within the community.</p> <p><i>Example: The creation of a Livestock Movement Bylaw.</i></p>	<p>The proposal or decision will affect a large portion of the community e.g. the whole district / multiple towns / wards.</p> <p><i>Example: Change in the rubbish collection timeframes.</i></p>

Policy consideration	Low	Medium	High
<p>e. What is the likely impact on the interests, values and aspirations of iwi / hapu / marae (mana whenua) in the district?</p> <p>Mana whenua is defined as iwi/hapuu/marae with genealogical connection to the Waikato district.</p>	<p>The proposal or decision will not impact land, bodies of water, waahi tapu (sacred sites), plant and animal life and other taonga (sacred treasures), or mana whenua values and aspirations.</p> <p><i>Example: Approval of minor street maintenance.</i></p>	<p>The proposal or decision will have a moderate impact on land, bodies of water, waahi tapu (sacred sites), plant and animal life and other taonga (sacred treasures) or mana whenua values and aspirations.</p> <p><i>Example: Review of the bilingual signage policy.</i></p>	<p>The proposal or decision is likely to have a significant impact in relation to land, bodies of water, sites, waahi tapu (sacred sites), plant and animal life and other taonga (sacred treasures), or mana whenua values and aspirations.</p> <p><i>Example: Development of a Conservation and Esplanade Strategy.</i></p>
<p>f. What is the likely impact on the interests, values and aspirations of maataawaka?</p> <p>Maataawaka is defined as Maaori residing in the Waikato district who do not have genealogical connections to local iwi, hapuu and marae.</p>	<p>The proposal or decision is unlikely to impact the interests, values and aspirations of Maaori in the district.</p> <p><i>Example: Redevelopment of a community hall.</i></p>	<p>The proposal or decision has a moderate impact on the interest, values and aspirations of Maaori in the district.</p> <p><i>Example: Works on the main roads and action plans.</i></p>	<p>The proposal or decision is likely to have a large impact on the interests, values and aspirations of Maaori in the district.</p> <p><i>Example: Reclassifying Council land for an urban based marae.</i></p>
<p>g. Does the proposal affect the level of service of a significant activity or strategic asset?</p>	<p>The level of service of a significant activity is not affected by the proposal or decision.</p> <p><i>Example: A project to upgrade a road intersection.</i></p>	<p>The level of service of a significant activity is moderately affected by the proposal or decision.</p> <p><i>Example: Reducing frequency of playground renewals.</i></p>	<p>The level of service of a significant activity will be greatly changed as a result of the proposal or decision.</p> <p><i>Example: Proposal to use rubbish bins instead of bags for the entire district.</i></p>

Policy consideration	Low	Medium	High
h. What is the level of community interest?	<p>The decision receives minimal public attention or engagement, generally because the decision has a limited impact on day-to-day life.</p> <p><i>Example: Adoption of Council's Petitions Guidelines.</i></p>	<p>The decision receives some public engagement and discussion, as the matter has moderate impact people's well-being, rights, freedoms or services they receive from Council.</p> <p><i>Example: Adoption of Structure and Town Centre Plans.</i></p>	<p>The decision or proposal generates discussion and opinions, as the matter has a day-to-day, tangible impact on people's well-being, rights, freedoms or services they receive from Council.</p> <p><i>Examples: Topics of known interest include changes to roading, water, community safety, opportunities for jobs, stormwater and erosion concerns and rubbish and wastewater services.</i></p>
i. Will the likely consequences be controversial?	<p>There is consensus in the community about the proposal or issue.</p> <p><i>Example: Maintenance for a community hall.</i></p>	<p>There are differing, balanced opinions in the community about the proposal or issue.</p> <p><i>Example: Review of the Connectivity Strategy.</i></p>	<p>There are various differing, strong opinions in the community about the proposal or issue.</p> <p><i>Example: Keeping of Animals Bylaw.</i></p>
j. To what extent are community views already known, including the community's preferences about the form of engagement?	<p>Community views are already well known on the issue and/or they do not have a specific expectation to be engaged on this type of issue or proposal.</p> <p><i>Example: Pondering issues in Te Kowhai.</i></p>	<p>Community views are known in part and/or the community prefers lower levels of engagement.</p> <p><i>Example: Development of cycle ways and walk-ways.</i></p>	<p>Community views are not known on the issue and/or they prefer higher levels of engagement for this type of issue or proposal.</p> <p><i>Example: Adoption of a LTP.</i></p>

Policy consideration	Low	Medium	High
k. Is there more than one viable option available?	<p>There is only one feasible option for Council on how to approach the decision or proposal.</p> <p><i>Example: Correction of minor metric translation errors within a bylaw, that does not affect an existing right, interest, title, immunity or duty to any person.</i></p>	<p>There are multiple feasible options to consider regarding the decision or proposal, but they share common elements and do not differ drastically.</p> <p><i>Example: Upgrading a playground, with two or more concept plans for community feedback.</i></p>	<p>There are two or more feasible options, which are widely different, available for Council to consider and receive feedback on.</p> <p><i>Example: Waste and rubbish solutions.</i></p>
l. What is the degree of likely impact on current and future community well-being?	<p>The proposal or decision will have a low impact on current and future well-being, considering social, economic, environmental and cultural well-being.</p> <p><i>Example: Construction of a new entranceway to a community facility.</i></p>	<p>The proposal or decision will have a moderate impact on current and future community well-being, considering social, economic, environmental and cultural well-being.</p> <p><i>Example: Creation of a library or community hub.</i></p>	<p>The proposal or decision will have a high impact on current and future community well-being, considering social, economic, environmental and cultural well-being.</p> <p><i>Example: General rates set in the Long Term Plan.</i></p>