

Draft Significance and Engagement Policy

Revised for Long-Term Plan 2021-2031

1. Introduction

Engagement is a process of relationships and dialogue between decision-makers, partners, communities and stakeholders for the purpose of making better decisions, policies or programmes.

This Significance and Engagement Policy aims to enable a flexible but focused approach to engagement that:

- recognises the importance of involving Selwyn's diverse communities in the Council's work
- provides a range of options and methods for engagement with different groups and communities
- demonstrates our commitment to building and maintaining ongoing constructive relationships with Selwyn communities and developing greater understanding of community views and preferences.

Local Government Act requirements:

The Local Government Act 2002 (LGA) requires councils to adopt a Significance and Engagement Policy, which must set out:

- the council's general approach to determining the significance of proposals and decisions in relation to issues, assets and other matters
- any criteria or procedures that are to be used by the Council in assessing the extent to which issues, proposals, assets, decisions or activities are significant or may have significant consequences
- how the Council 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
- how the Council will engage with communities on other matters.

The Council will review this policy at least every three years through consultation as part of the Long-Term Plan process, or at any other time as required or determined by the Council.

2. Purpose of the Significance and Engagement Policy:

The purpose of the Significance and Engagement Policy is:

- to enable the Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities
- to provide clarity about how and when communities can expect to be engaged in decisions about different issues, assets or other matters
- to inform the Council from the beginning of a decision-making process about:
 - the extent of any public engagement that is expected before a particular decision is made
 - the form or type of engagement required.

The Significance and Engagement Policy must also list the assets considered by the Council to be strategic assets.

3. General approach to determining significance and making decisions

On every issue requiring a policy or strategy decision, other than the matters outlined below which require processes specified under other legislation and formal systems, the Council will consider the degree of significance of the issue and the corresponding level of engagement.

The significance of the issue and appropriate forms of engagement will be considered in the earliest possible stages of a proposal or process, before decision-making occurs. If necessary, significance and engagement will be reviewed as the proposal develops and as community views, preferences and values become better known.

The LGA prescribes procedural steps to be followed, which ensure that the Council:

- is clear about why it is making the decision and the issues involved
- has considered and evaluated all reasonably practical options for achieving the objective for which the decision is being made
- has information about the community's views on the issues and the options, and in particular, has an understanding of the views and preferences of those likely to be affected by the decision or those who have a particular interest in the matter
- invests an appropriate amount of time, money and effort into researching and evaluating the issues and options, in proportion to the significance of the matter, including its importance to the community.

In making any decision, the Council will be satisfied that:

- it has sufficient information on the relevant issues and options
- it knows enough about and has given adequate consideration to the views and preferences of affected and interested parties.

The significance of the issue, proposal or decision will determine how much time, money and effort the Council will invest in exploring and evaluating options and obtaining the views of affected and interested parties.

In some instances, there may be particular requirements to learn about the implications of an issue or decision for Ngāi Tahu as mana whenua and kaitiaki of the district.

For some issues or decisions, where there are diverse groups within the community with differing concerns, interests, views and preferences, multiple engagement processes may be appropriate to identify and understand the range of positions.

The Council's commitment to obtaining the views of communities and affected and interested parties does not mean that it will fully consult with the public for every decision it makes, nor does it bind the Council to the views of communities and interested or affected parties.

As well as the views of communities and affected and interested parties, a wide range of information sources, considerations and perspectives will inform the Council's decisions, including the requirements of Government policy, technical matters and financial implications.

4. Criteria and procedures for assessing significance

In considering the degree of significance of proposals and decisions in relation to issues, assets and other matters, the Council will be guided by the following:

Policy and outcomes:

- the potential effects on delivery of the Council's policy and strategies

- the degree to which the decision or proposal contributes to promoting and achieving particular community outcomes
- the magnitude of the overall benefits that will be achieved for the region, its communities and present and future interests
- the magnitude of the net costs of the proposal or decision to the Council and/or to affected communities or groups
- any impact on the Council's capacity to undertake its statutory responsibilities
- the extent to which the proposal or decision flows logically and consequentially from a decision already made or from a decision in the Long-Term Plan or the Annual Plan
- any inconsistencies with any existing policy, plan or legislation

Communities:

- the level of community interest in the proposal, decision or issue
- the extent to which the proposal or decision impacts upon community members or groups, and the numbers of people or groups affected
- the extent to which the community's views on the matter are already known
- the timeframes for community engagement with the issues and information, including any concurrent engagement processes on other matters involving the same, similar or contiguous groups or communities
- any wider interest or concerns at national or international levels

Ngāi Tahu:

- the values and interests of Ngāi Tahu whānau, hapū and rūnanga, as mana whenua for the region
- where proposals or decisions relate to land or a body of water, the implications for the relationships of Ngāi Tahu and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna and other taonga

Contexts and implications:

- the variation between the effects of the options identified (including, for example, their costs and benefits), and the extent to which they impact on the community and affected or interested groups
- the extent to which the proposal or decision could have an adverse effect on environmental outcomes as set out in Council plans and policies, or could have unintended adverse effects on other community interests
- whether the proposal or decision impacts (positively or adversely) upon a physical or community resource that is scarce, rare or unique and/or under threat
- whether the proposal or decision would be irreversible
- whether there are high levels of controversy around the proposal or decision
- the practical demands of efficient decision-making in situations of urgency
- the need to be cautious about decision-making in the face of uncertainty, lack of clarity or unresolved matters.

Procedures for assessing significance:

In determining the degree of significance of proposals and decisions in relation to issues, assets and other matters, the Council will take account of its commitment to constructive community engagement, the requirements of efficient decision-making, and the information requirements of the LGA, across the different levels of significance from minimal to major.

The level of significance will reflect all of the above factors as a whole. Where the significance is unclear the Council will treat the issue as more rather than less significant.

The level of significance associated with a decision or proposal will help the decision maker determine the process it should take in relation to the decision. The decision maker will also take account of practical considerations, including the need to take an urgent decision or the potential loss of an opportunity.

The Council's general approach is that decisions and proposals with a high degree of significance will, wherever practical, be included in the Long-Term Plan. Where this is not practical they will be included in the Annual Plan produced in the years between Long-Term Plans or where required by the Local Government Act 2002, in an amendment to the Long-Term Plan.

Decisions with a high degree of significance will only be made outside these processes where there are compelling reasons for it not being practical for them to be included in the Long-Term Plan, or Annual Plan. Where a decision or proposal with a high degree of significance cannot be included in the Long-Term Plan or Annual Budget, the Council will consider the principles and requirements set out in Sections 76-82 of the LGA in relation to decision making and consultation.

5. Processes and methods for engagement

In determining the processes and methods appropriate for engaging with communities the Council will be guided by the following:

- the degree of significance of the issue, decision, proposal, asset or other matters – as determined by the criteria set out in the preceding section of this Policy
- the objectives of the engagement – the feedback that is sought from communities and affected and interested parties
- the preferences, capacities, views and values of the community groups and individuals affected by and/or interested in the decision or proposal
- the diversity of preferences, capacities, views and values amongst the community groups and individuals affected by and/or interested in the decision or proposal
- the Council's existing relationships and interactions with community groups and individuals affected by and/or interested in the decision or proposal
- the benefits, limitations and costs of the range of possible processes and methods for engaging with the community groups and individuals affected by and/or interested in the decision or proposal
- timing issues, including any concurrent engagement processes on other matters involving the same, similar or contiguous groups or communities
- opportunities provided by innovative technologies for efficient yet effective engagement
- opportunities for relatively informal community-based meetings and discussions.

The Council uses an 'engagement spectrum' approach to determine the most appropriate processes and methods for engagement with affected and interested communities on particular decisions or issues. This approach is based on the International Association for Public Participation (IAP2) framework (see Appendix 1). The methods outlined in this framework are not a definitive list, and are not prescriptive, but indicate the range of activities the Council may consider when planning to engage with communities.

INFORM

INVOLVE

COLLABORATE

EMPOWER

This approach provides for varying levels of interaction and community participation in decision-making, from informing, where the Council provides information about its proposals, through to empowerment, where substantive decision-making is effectively delegated to the community.

Depending on the nature and significance of the decision being considered, and the stakeholders involved, the Council will identify the preferred methods or combination of methods and apply these to meet the goals of the engagement. The framework allows for different levels of engagement depending on the decision; it does not intend for all of the levels of engagement captured on the spectrum to be applied.

Differing levels and forms of engagement may be required during the varying phases of consideration and decision-making on an issue, and for different community groups or stakeholders. The Council will review the appropriateness and effectiveness of the engagement strategy and methods as the process proceeds.

The Council will also consider how to meet the needs of communities in respect of language, accessibility and cultural expectations, and may provide assistance to enable groups or individuals to participate, where they may otherwise be less able to do so.

Public participation in decision-making is most effective when there is already an existing environment of constructive community engagement. As a Council we will seek to establish and maintain ongoing relationships with our communities, including provide opportunities for people to discuss matters which may not be under formal consultation. We may do this in a variety of ways using similar tools and methods.

The Council also acknowledges that elected members have an important role in ensuring effective community engagement, including communicating with local communities to help inform and communicate local communities' views.

6. Engaging with communities on other matters

Local Government Act 2002:

The LGA prescribes particular processes for Councils to follow to consult and engage with communities on particular matters.

Special Consultative Procedure:

The Act specifies that a Special Consultative Procedure (SCP), as defined under section 83, must be followed for community engagement on certain plans and processes including:

- Long-Term Plans
- Annual Plans
- Bylaws of significant interest.

Long-Term Plan:

Where the Council intends to commence a large-scale planning or other project, the commitment will be set out in advance in the Long-Term Plan or Annual Plan. These matters may also have been foreshadowed in other policy or planning documents, and the Council may have been made aware of the community's views and preferences through other processes.

Other provisions in the LGA specify particular decisions or activities where community engagement is to be addressed through the larger public consultation processes for a Long-Term Plan:

- a decision to transfer the ownership or control of a strategic asset to or from the Council or a decision to construct, replace or abandon a strategic asset
- a decision that will, directly or indirectly, significantly affect the Council's capacity, or the cost to the Council, in relation to any activity identified in the Long-Term Plan
- a decision to alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, including a decision to commence or cease any such activity.

Other legislation:

Many of the decisions made by the Council at the Council level and under delegated authority will be made under legislation that prescribes the consultation and decision-making procedures that are required, including the procedures that must be used for public notification, considering submissions and making decisions. This legislation includes the Resource Management Act 1991 (RMA), the Biosecurity Act 1993, the Civil Defence Emergency Management Act 2002, or the Land Transport Act 1998.

Even if a decision is clearly a significant one within the meaning of the Local Government Act 2002, where the procedures for decision-making are set out in other legislation, those procedures will be used instead of those contained in this Significance and Engagement Policy. Section 82(5) of the Act broadly allows the authorising legislation's procedures to apply. This Significance and Engagement Policy will not be used in making decisions taken under the RMA and the Biosecurity Act 1993 on the following matters:

- resource consents or other permissions
- submissions on plans
- decisions required when following the procedures set out in Schedule 1 of the RMA
- references to the Environment Court
- decisions to proceed with enforcement procedures under various legislation including Council bylaws.

There are also numerous administrative and personnel decisions that are entirely internal to the Council. This Significance and Engagement Policy will not apply to these processes and decisions.

7. Engaging with Ngāi Tahu

As part of its strategic objective, the Council recognises an obligation to take into account the principles of the provisions of the Local Government Act 2002 to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.

This is to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes.

While the Act sets out provisions relating to all Māori, it is recognised that within the Canterbury region, Ngāi Tahu are the tangata whenua. They have a special status in terms of the Council's resource management activities, and are not just another interest group.

The territorial area governed by Selwyn District Council sits within the takiwā (territory) of Te Taumutu Rūnanga and Ngāi Tūāhuriri which are two of 18 Ngāi Tahu regional papatipu rūnanga, constituted under the Te Rūnanga o Ngāi Tahu Act 1996 to represent mana whenua interests.

Selwyn District Council has previously adopted a policy on Development of Maori Capacity to contribute to the Council's Decision Making Processes, to assist the Council in meeting its obligations under Section 81 of the Act. The policy is set out at Appendix 2.

8. Council strategic assets

Section 97 of the Local Government Act 2002 requires that certain decisions about strategic assets can only be taken if the decision is explicitly provided for by a statement of proposal in the Long Term Plan. This applies particularly to decisions to transfer the ownership or control of a strategic asset to or from the Council, or a decision to construct, replace or abandon a strategic asset.

Section 90 (2) of the LGA requires the Council to identify and list the assets it considers to be strategic assets.


The assets that the Council considers to be strategic assets include:

- The Selwyn District transport network as a whole.
- The libraries in Darfield, Leeston, Lincoln, Rolleston and related services.
- The Rolleston headquarters building and the land on which the building is directly located.
- All water supplies including reservoirs, pump stations and reticulation.
- All sewage collection, treatment and disposal systems including the pipes, pump stations, treatment and disposal works.
- All land drainage and water race systems including the storm-water pipe network, the open river system, waterways, wetlands and retention basins.
- The Pines Resource Recovery Park.
- Reserve land including land held under the Reserves Act and land used for parks, gardens, sports fields, recreational areas and cemeteries.
- All Council swimming pools and built recreational facilities (eg halls, pavilions, sport and recreation centres).
- Its equity in Orion Group Limited.

The strategic assets as defined above are the assets in total and not every single element of the assets. That is, the requirements of Section 97 are only triggered if the proposal relates to the assets as a whole, or a major sub-part of the asset.

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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Guidelines and tools

INFORM communities:

These methods are efficient and practical ways to raise awareness of a new or newly significant issue, to provide basic information about the issue, and to build community interest. Communities are kept up to date with developing issues and new proposals, and communications can be targeted to interested and affected groups. These methods are essentially a one-way process, and more likely to be useful in the earliest stages of proposals or processes.

Examples of informing engagement activities may include:

- distribution of pamphlets, factsheets, newsletters or other materials
- information provided on the Council's website and social media.

CONSULT and INVOLVE communities:

A range of tools and methods can be used to bring communities and particular interested and affected groups into the process to contribute their views, priorities and preferences. These methods allow Council and communities to research and explore the issues and background matters, and to consider the full range of implications of a proposal, policy or decision. Opportunities are provided for community input into options and decision-making.

For relatively straightforward issues or proposals, methods such as surveys or focus groups may be effective. For more complex issues or proposals, including legislative issues, more technical

issues and policy and service reviews, a more comprehensive level of consultation and engagement may be appropriate.

Examples of consulting and involving engagement activities may include:

- surveys (phone, online, written)
- formal public meetings
- task groups, focus groups, working parties, local action groups.
- Special Consultative Procedure (under the Local Government Act 2002) or other submissions processes

The public consultation undertaken in the development of Long Term Plans, Annual Plans, Regional Policy Statements and other Plans helps to ensure robust policies and relevance to communities. These methods allow Council and communities to research and explore the issues and background matters, and to consider the full range of implications of a proposal, policy or decision.

COLLABORATE with communities and EMPOWER their involvement:

Collaborative approaches are increasingly recognised in a wide range of policy and decision-making contexts. Collaborative engagement is based in strong relationships and community networks. These methods may be particularly useful where the issue or proposal carries a high degree of significance, and where there is strong community interest, capacity and commitment. These methods allow for research into the issues and background, and exploration of a wide diversity of implications. A collaborative approach establishes legitimacy through representative community participation, develops and affirms long-term relationships and understanding, and builds trust and community networks for future collaborative initiatives.

Examples of collaborating and empowering engagement activities may include:

- multi-stakeholder processes such as Citizen Juries or Panels
- multi-stakeholder groups such as the Canterbury Water Management Strategy Zone Committees
- task groups, local action groups, advisory groups
- Memoranda of Understanding
- co-management of places or resources of importance to communities and mana whenua
- interactive and participatory technologies such as websites.

Policy on Development of Maori Capacity to contribute to the Council's Decision-Making Processes

(From Selwyn District Council Long-Term Plan 2018-2028)

Introduction

Section 81 of the Local Government Act 2002 requires all local authorities to establish and maintain processes to provide opportunities for Māori to contribute to the Council's decision-making processes.

Coverage

In Te Wai Pounamu (the South Island) one tribe, Ngāi Tahu occupies all but the most northern part of the island. The entire Selwyn District lies within the rohe (area) of Ngāi Tahu. Ngāi Tahu Whanui is Tangata Whenua within the rohe of Ngāi Tahu. Ngāi Tahu Whanui represented by Papatipu Rūnanga and Te Rūnanga o Ngāi Tahu, comprises people of Ngāi Tahu, Ngati Mamoe and Waitaha descent and holds customary tribal authority over an area that includes the entire Selwyn District.

Descendants of Ngāi Tūāhuriri and Te Taumutu have resided in the area now known as Selwyn District for over 40 generations. This rich Ngāi Tahu history and tribal authority is underpinned by spiritual and whakapapa connections, occupation, land, resource use and management thereof.

The territorial area governed by Selwyn District Council sits within the takiwā (territory) of Te Taumutu Rūnanga and Ngāi Tūāhuriri which are two of 18 Ngāi Tahu regional papatipu rūnanga, constituted under the Te Rūnanga o Ngāi Tahu Act 1996 to represent mana whenua interests.

The approved tribal leaders and members of Te Taumutu Rūnanga and Ngāi Tūāhuriri are acknowledged as knowledge holders of mātauranga mana whenua.

Operational arrangements

Te Waihora Co-governance Agreement

Selwyn District Council is also signatory to the Te Waihora Co-governance Agreement between Te Rūnanga o Ngāi Tahu, Canterbury Regional Council, Selwyn District Council and Christchurch City Council.

The Purpose of this Agreement is to provide for an enduring, collaborative relationship between the Parties that includes shared exercise of functions, duties and powers under the Resource Management Act 1991 and the Local Government Act 2002.

This Agreement records the commitments of the Parties to collaboratively exercise the functions, powers and duties of the councils and reaffirms the Parties' commitment to jointly strive toward appropriate vesting of decision-making powers in the Parties as co-governors over the Te Waihora catchment.

Mahaanui Karataiao Limited Service Level Agreement

The Council has entered into a service and funding agreement with Mahaanui Karataiao Limited to assist the Council in meeting its obligations under Section 81 of the Local Government Act 2002.

Mahaanui Karataiao Limited is a Rūnanga-owned entity and a consultancy which has been established specifically for the purpose of engaging with local government.

A broad range of services is offered under the agreement including advice/liaison and the facilitation of consultation on resource management issues, advice on policy and democratic processes and training for the Council and Rūnanga staff.

The Council will also continue to schedule bi-monthly meetings to engage with and share information with the Taumutu Rūnanga.

District Plan Review

The District Plan sets out the rules and policies for how people can use and develop land under the Resource Management Act 1991 (RMA). The RMA requires all operative provisions of a plan to be reviewed every 10 years.

The District Plan explains how the Council will manage matters such as:

- Residential development
- Noise
- Location and height of buildings
- Natural hazards and the management of hazardous substances
- Protection of indigenous vegetation.

The current Selwyn District Plan (the Plan) was notified in two volumes (Rural Volume in 2000 and Township Volume in 2001) and remains in this two-volume format. There are large parts of the Plan that have not changed since 2004 when decisions on submissions were released.

A number of plan changes have led to various approaches to different issues within the Plan, most notably being the way in which urban growth is managed within and outside the Greater Christchurch area.

The Review process will help to determine what is working and not working. This will happen through research and analysis, consultation and engagement, identification of issues and options, development of the policy framework and plan provisions, notification of the proposed plan, submissions, hearings, decision and appeals.

The Review process will lead to an operative 'second generation' District Plan which will provide a modern set of rules to better serve the Selwyn district.

The District Plan Committee set up for the District Plan Review includes key collaborators who have a shared interest in the engagement processes and outcomes of the District Plan. This includes representation from Te Rūnanga o Ngāi Tahu as the overarching iwi authority, with Te Taumutu Rūnanga and Ngāi Tūāhuriri Rūnanga being the primary Papatipu Rūnanga with manawhenua over Selwyn District. These representatives, along with staff from Mahaanui Karataiao Limited will work alongside Council staff and contribute to the Council's decision-making processes around the District Plan Review.

The Council will work closely with its key collaborators on process and inputs used to inform decisions. Ngāi Tahu (as the Iwi Authority) have a statutory role, obligation or shared interest in the process and outcomes of the District Plan Review.

The Council will also continue to schedule monthly District Plan Committee meetings to engage with and share information with Te Rūnanga o Ngāi Tahu as the overarching iwi authority, and with the Te Taumutu Rūnanga and Ngāi Tūāhuriri Rūnanga.

Greater Christchurch Partnership

The Greater Christchurch Partnership (GCP) has been working collaboratively for over a decade to tackle urban issues and manage the growth of the City and its surrounding towns. Until June 2017, the Partnership was known as the Urban Development Strategy Partnership.

The Greater Christchurch Partnership comprises the councils in the Greater Christchurch area (Christchurch City, Selwyn and Waimakariri Districts and Environment Canterbury - the regional council), Te Rūnanga o Ngāi Tahu, the NZ Transport Agency (NZTA), the Canterbury District Health Board and the Greater Christchurch Group from within the Department of the Prime Minister and Cabinet (DPMC).

The Greater Christchurch Partnership Committee (GCPC), is a joint committee of the four councils and has representation from each of the Partnership organisations. The GCPC oversees the implementation of the Urban Development Strategy on behalf of the Partnership.

In addition to the GCPC, officer groupings have been established to provide advice to the GCPC and maintain collaborative relationships across the agencies represented at GCPC. These include a Chief Executives Advisory Group (CEAG), a group of senior staff, and a number of subgroups with more specific mandates.

The GCPC as a joint committee makes decisions which inform the decision-making of Selwyn District Council in respect of implementing growth management policies within the area of the Selwyn District identified in the Urban Development Strategy. Te Rūnanga o Ngāi Tahu sit at the table as a partner and stakeholder in decision-making which impacts upon Selwyn District Council and its own decision-making processes.