

# Selwyn District Council

## Significance and Engagement Policy

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## 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. Public input into significant decisions, policies or programmes undertaken by Selwyn District Council is essential to ensure they reflect the aspirations and priorities of communities, Ngāi Tahu and interested groups throughout the Canterbury region.

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

- recognises the importance of involving Canterbury's diverse communities in the Council's work
- provides a range of options and methods for engagement with different groups and communities and for issues, decisions and proposals with different degrees of significance
- 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:**

Selwyn District Council is required by the Local Government Act 2002 (the Act) to adopt a Significance and Engagement Policy,<sup>1</sup> 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.

### **Purpose of the Significance and Engagement Policy:**

The Act specifies the purpose of the Significance and Engagement Policy as:

- 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

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<sup>1</sup> This is a new requirement under section 76AA of the Act, introduced in July 2014 as one of a number of amendments to the legislation. The Council already has a Policy on Significance, a requirement under section 90 of the Act, which has now been replaced by the new section 76AA. The existing Policy on Significance has been integrated into this Draft Significance and Engagement Policy.

- 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 list the assets considered by the Council to be strategic assets.

**Interpretation:**

Section 5 of the Act provides the following definitions:

- **significance**, 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**, in relation to any issue, proposal, decision, or other matter, means that the issue, proposal, decision, or other matter has a high degree of significance
- **strategic asset**, 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.

## **2: General approach to determining significance and making decisions**

On every issue requiring a policy or strategy decision, other than the matters outlined below in Section 5 as requiring 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.

In making any decision, the Council will comply with sections 76, 77, 78, 79, 80, 81 and 82 of the Act, regardless of the degree of significance of the decision or issue. These sections prescribe procedural steps to be followed as may be applicable, and 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, commensurate with 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.

There may also be issues or decisions where there are diverse groups within the community with different concerns, interests, views and preferences, where multiple processes will be appropriate to distinguish and recognise the range of positions.

The commitment to invest in exploring options and obtaining the views of communities and affected and interested parties does not mean that the Council will have to 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, there are a wide range of information sources, considerations and perspectives that will inform the Council's decisions, including the requirements of Government policy, technical matters and the financial implications.

### **3: 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 the 'do nothing' option where appropriate), or the extent to which they have different effects in terms of, amongst other things: their costs, their 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
- if the proposal or decision impacts (positively or adversely) upon a physical or community resource that is scarce, rare or unique and/or under threat
- if the proposal or decision would be irreversible
- if 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, and when applying the criteria listed above, the Council will integrate its commitment to constructive community engagement, the requirements of efficient decision-making, and the information requirements of sections 76, 77, 78, 80, 81 and 82 of the Act, 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. In determining the process the decision maker will 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 Budget 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 Budget. 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 Local Government Act 2002 in relation to decision making and consultation.

Administrative decisions made by officers under delegated authority that flow from the Council policy (eg the issuing of dog licences, decision on the notification of a resource consent) are of low significance in terms of this policy. The significance rests with the policy that guides these decisions and not with each decision made in administering the policy.

## 4: Processes and methods for engagement

In determining the processes and methods appropriate for engaging with communities to consider proposals and decisions in relation to issues, assets and other matters covered under this Significance and Engagement Policy, 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.

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.

Council will follow 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. The methods discussed below are not a definitive list, and are not prescriptive, but indicate the spectrum of engagement opportunities that may be useful for Council and our communities.



### ***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.

## **5: Engaging with communities on other matters**

### ***Local Government Act 2002:***

The Act 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 Act 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.

## **6: Ngāi Tahu**

The Act provides principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes (for example, sections 81 and 82(2)). 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 recognized 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.

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 here:

### **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 Runanga and Te Runanga o Ngāi Tahu, comprises people of Ngāi Tahu, Ngāti Mamoe and Whaitaha descent and holds customary tribal authority over an area that includes the entire Selwyn District.

#### Operational arrangements

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

The Council will also continue to schedule regular meetings to engage with and share information with the Taumutu Runanga.

The Council is also a partner with Environment Canterbury and Ngāi Tahu in the 2012 co-governance agreement for Te Kete Ika a Rākaihautū, the catchment for Te Waihora/Lake Ellesmere. This establishes a shared stewardship commitment to sustainable management and the rejuvenation of the lake and catchment.

## **7: 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 Act 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 the mobile library service.
- 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).
- 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.