

Significance and Engagement Policy

July 2024





Summary of Significance and Engagement Policy

The Council's Significance and Engagement Policy was updated in 2024 as part of the long-term planning process. To make changes to its Significance and Engagement Policy the Council focused on improving clarity on how to apply the policy to decision-making.

The Council is required by the Local Government Act 2002 to have a policy on significance and engagement with the objective to provide the community certainty about when people can expect to be informed of a proposed Council action or be asked for a view on an issue to help inform a decision. The Policy outlines what the Council will take into account when deciding what is significant and when the community will have a direct opportunity to contribute to decision making. Amendments were made which included, updating of the lists of strategic assets, updating the structure and format of the document and amending the assessment criteria Council will use to determine levels of significance.

The Significance and Engagement Policy can be read in full on the Council website at www.selwyn.govt.nz/your-council/plans-And-reports/ltp-2024-2034, at any Council office or on pages 336 -346 of this document.

1. Introduction

The Council engages with our district's communities and beyond, every day and in many ways. It can be a two-way process of consultation and engagement, a collaborative community process to develop a plan or strategy, our ongoing relationship with mana whenua, or simply one-way communication to keep people informed.

Selwyn District falls within the takiwā of mana whenua Ngāi Te Ruahikihiki and Ngāi Tūāhuriri. The Council acknowledges mana whenua, who are represented by Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga, as two of its partners under Te Tiriti o Waitangi. It also recognises mana whenua's role as the kaitiaki, holders of the customary tribal authority over land, water and environment. The expression of these relationships are set out in the various iwi management plans and relationship agreements with Council and other entities.

This policy has been developed to provide certainty on:

- When and how the Council will engage or consult with the community,
- What the Council will consider when deciding what is significant, and
- When the community can expect to have direct opportunity to contribute to decision-making.

In short, this policy is ensuring that we have the right conversations with the right people about the right issues, before making significant decisions that consider and reflect the views of the community.

This policy will outline the type of conversations that the community can get involved with and things that the community can be expected to be consulted about, such as key issues in the Long-Term Plan, a decision that will affect a service, or something that will add cost to ratepayers.

For the Council, the policy guides our assessment of whether an issue or proposal is important to the community. It gives certainty that those important decisions will be treated in an agreed way with the community and that Council will follow legislative requirements.

Why does this Policy exist?

To provide greater clarity on the Council's decision-making processes and how the community can participate in them. This policy sets out what the community can expect from the Council regarding consultation and the options open to the community to influence in local and district-wide decision making.

The policy aim is to hear the voices from the community including ratepayers, resident non-ratepayers, visitors and in particular those who are often not heard such as ethnic minorities, youth, disabled people and older people.

The term of the Policy

This policy is reviewed every three years as part of the Long-Term Plan cycle which is a Special Consultative Procedure.

If amendments need to be made to this policy outside of the Long-Term Plan process, the changes will be assessed against this policy's criteria and procedures with any engagement methods reflecting the requirements of section 82 of the Local Government Act 2002 (Act).





What is the Special Consultative Procedure?

This is the formal process which enables the community to have a say on significant decisions. This part of the Act sets legal requirements on how Councils must engage with communities on certain topics.

When the Special Consultative Procedure is required, the Council will take the community's views into account, alongside other considerations such as legal requirements, cost, safety, and the needs of future generations and mana whenua, before making a decision.

This is a more formal process than inviting feedback and there are rules about how to undertake a Special Consultative Procedure.

The Council will develop a statement of proposal and a summary of the proposal that will be distributed widely to the community. Participants in the process make formal submissions which are then made publicly available (all other processes gather informal feedback and comments).

Submitters can choose to present their views at formal hearings before elected members, who then deliberate matters taking in to account all considerations and perspectives before making a decision.


There will be times when it will be important for the Council to undertake informal pre-consultation to understand how we might shape options before undertaking Special Consultation.

Other legislation

Many of the decisions 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 (but is not limited to) the Natural and Built Environment Act 2023, Spatial Planning Act 2023 the Biosecurity Act 1993, the Civil Defence Emergency Management Act 2002, and the Land Transport Act 1998.

Even if a decision is clearly a significant one, where the procedures for decision-making are set out in other legislation, those procedures will be used instead of those contained in this Policy.



2. How we will determine the significance of a decision and when we will use the special consultative procedure

Significance for this purpose is defined as the degree of importance of the issue, proposal, decision, or matter, as assessed by the Council, in terms of its likely impact on, and likely consequences for:

- the current and future social, economic, environmental, or cultural well-being of the district or region;
- any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter; and
- the capacity of Council to perform its role, and the financial and other costs of doing so.

For every decision of the Council consideration will be given to the degree of significance of the issue, proposal, decision, or matter, using criteria and guidance set out below.

The Council will consider the degree of significance and forms of engagement at the earliest possible stages of a proposal or process, before decision-

making occurs and will review these as a proposal, matter or issue develops and/or community views, preferences and values become better known.

In general, the more significant the matter, the greater the need for community engagement, recognising that sometimes the operational work the Council is undertaking will be highly significant to those immediately impacted but may not otherwise trigger 'significance' under this policy. Council staff will endeavour to engage directly with affected parties whenever possible.

Determining the degree of significance

The significance of decisions is a matter of degree based on the assessment criteria set out in Part A of this policy. The more criteria that are assessed as having a high level of impact, the more likely a decision will be seen as significant (meaning there is a high level of significance).

Where no legislatively required engagement process is required, the Council will undertake a three-step process for determining the significance of a decision or proposal.

Step 1: Assess the degree of significance against each criteria.

Step 2: Determine the overall significance in terms of a scale of higher and lower significance.

Step 3: Determine the level of engagement and engagement method based on the level of significance assessed under Step 2.

The final decision about the significance of any matter rests with elected members.

The following principles are applied when determining the degree of significance:

- Each proposal, decision, or matter will be considered on a case-by-case basis to determine significance.
- The weighting of each criterion will differ depending on the matter to be decided upon.
- The consideration, disclosure and consultation will be proportionate to the significance of the decision.
- When assessing the level of significance other factors may also need to be considered, such as urgency, safety, commercial sensitivity, and public good.
- The criteria apply as a set and a single criterion is not necessarily determinative of significance.

Part A: Assessment Criteria

Criteria and considerations	Degree of impact
<p>Importance to the Selwyn District</p> <p>The extent to which matters impact on the people of Selwyn now and in the future. Factors to be considered include:</p> <ul style="list-style-type: none">• The effect on existing levels of service provided by the Council for significant activities (including a decision to begin or cease a significant activity).• The long-term social, economic, environmental, and cultural impact of the decision on the needs of current and future generations.• The opportunity costs, the level of risk and how difficult it would be to reverse the effects of the decision.	<p>Higher impact: decisions may significantly increase rates, Council borrowing or user charges; may limit access to community facilities; or reduce levels of core services.</p> <p>Lower impact: decisions may provide an increased level of service at little or no cost to end users or could be the development of grant funded community facilities.</p>
<p>Community interest</p> <p>The extent to which individuals, organisations, businesses, groups, communities, and sectors within the community are particularly affected by, or are interested in, the matter. Factors to be considered include:</p> <ul style="list-style-type: none">• The number of individuals, organisations, businesses, groups, communities, and sectors within the community that are affected.• The extent of the impact on affected individuals, organisations, businesses, groups, communities, and sectors within the community.• The level of public interest, or the potential to generate interest or controversy.• The extent to which community opinion is divided on the matter.	<p>Higher impact: decisions may include material changes to how services are delivered or access to community facilities if they are likely to significantly affect community well-being.</p> <p>Lower impact: decisions may include how Council manages its internal IT systems or resources key programmes of work.</p>

Criteria and considerations

Degree of impact

Mana whenua

The extent to which decisions relate to mana whenua and the impact on mana whenua relationship with land (including tapatapa and development on Māori land), water, culture and traditions with ancestral sites, wāhi tapu (and wāhi taoka), valued flora and fauna, and other taoka.

Higher impact: decisions might include matters relating to water infrastructure and its effect on freshwater.

Lower impact: decisions might include development of a new sports facility in an existing subdivision which mana whenua agree is not a site of cultural significance.

Consistency with existing policy and strategy

The extent to which the matter is consistent with the Council's community outcomes, existing strategies, and policies. Factors to be considered include:

- The extent to which the decision is consistent with the Council's community outcomes, strategies, and policies.
- The extent to which the decision is consistent with previous Council decisions.

Higher impact: would be a proposal inconsistent with previously resolved decisions or strategic direction, and/or contrary to existing adopted Council policies.

Lower impact: would be a proposal that aligns with existing policies, strategies, and previous Council Resolutions.

Criteria and considerations

Degree of impact

Impact on the Council's finances, capacity, and capability

The impact of the decision on the ability to achieve the objectives set out in the Council's Long-Term Plan and Financial Strategy.

Factors to be considered include:

- The financial cost of the decision in the short, medium, and long term.
- The extent of the impact on rates and/or debt (including cumulative effects).
- The extent to which the decision is consistent with the Financial Strategy.
- The impact on Council's capacity/capability to meet legislative requirements.

Higher impact: decisions might reduce Council's ability to deliver its core functions, levels of service, or to fulfil previously adopted Plans and Strategies or resolved commitments. It could impact the financial position of the Council and level of rates.

Lower impact: decisions are those that would have little effect on levels of service, resourcing, or financial position.

Climate change

The extent to which a decision, proposal, matter, impacts on climate mitigation and adaption initiatives.

Higher impact: decisions are inconsistent with the adopted climate strategies and plans or require significant investment or deviation from existing strategies and plans.

Lower impact: decisions would align with and further the goals of the climate strategies and plans, as well as aligning with other Council plans.

Part B: Strategic assets and Special Consultative Procedure

The law requires us to adopt the Special Consultative Procedure for:

- Adopting and amending our Long-Term Plan.
- Making, amending, or revoking a Bylaw if of significant interest to or impact on the public.
- Transferring the ownership or control of a strategic asset (as defined by the Act or listed in this Part B) to or from the Council.
- If expressly required by law.

Any proposal or decision relating to the sale or other disposition of any strategic asset will be considered significant or to have significant consequences and will trigger the Special Consultative Procedure. To clarify:

- Any decision that transfers or changes ownership or control of strategic assets to or from the Council.
- The sale or transfer of any of the strategic asset (as defined in the following table).
- Any long-term lease of a strategic asset (other than land).

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

The assets that the Council considers to be Strategic Assets include:

- The Selwyn District transport network.
- The libraries and service centres in Darfield, Leeston, Lincoln, Rolleston.
- The Rolleston headquarters building and the land on which the building is directly located.
- All water supplies including reservoirs, pump stations and reticulation.
- All sewerage collection, treatment and disposal systems including the pipes, pump stations, treatment and disposal works.
- All Council stormwater systems including the pipe network, the open conveyance systems, wetlands, retention basins and other stormwater devices.
- All Council 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 (e.g., halls, community centres, pavilions, sport, and recreation centres).
- Its equity in Orion New Zealand Limited.

Special Consultative Procedure requirements

Under the Special Consultative Procedure, the Council must:

- prepare and adopt a statement of proposal and summary which are widely and publicly available.
- allow a minimum feedback period of one month; and
- allow persons interested in the proposal to present their views (in a manner and format that is appropriate to the preferences and needs of those persons).
- Before making a decision, Council may hold a hearing where submitters have the option to present their views before elected members.



3. Engagement with mana whenua

The Council is committed to ensuring that engagement leads to positive outcomes for Māori and Treaty partners through:

- meaningful engagement,
- understanding of preferences,
- encouraging co-operation, and
- fostering respect and mutual understanding.

To help guide its engagement approaches, Council will consider how to apply the four Pou, being:

He Takata Our People

Our people are culturally competent and positive role models for our Treaty-based future.

Kā mahi Our Work

Our systems, processes and institutional culture actively empowers and embeds bicultural practices.

Kā Honoka Our Relationships

Deep relationships with mana whenua drive our Treaty-based partnership.

He Huarahi Hou A New Way

We walk confidently into the future looking backwards – we reflect, we learn, we adapt, we innovate.

This section should be read in conjunction with the Māori Contribution to Council Decision-making process Policy.

4. How we will consult and engage

The Council will identify the preferred methods or combinations of methods to best meet the goals of engagement based on the nature and significance of the issue, proposal, decision, or another matter being considered, the principles of consultation, and the stakeholders involved.

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.

What we consider when deciding on engagement methods

The type of engagement method used will vary on a case-by-case basis. The Council will be guided by:

- the degree of significance of the issue, decision, proposal, asset, or matters – as determined by the criteria set out in the Part A of this Policy.
- the objectives of the engagement and the feedback that is sought;
- the preferences, capacities, views and values of the community groups and individuals affected by and/or have an interest in the decision or proposal;
- the diversity of preferences, capacities, views and values amongst the community groups and individuals affected by and/or have an interest in the decision or proposal;

- the Council's existing relationships and interactions with community groups and individuals affected by and/or have an interest 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 have an interest 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; and
- opportunities for relatively informal community-based meetings and discussions.

The Council uses the IAP2 Spectrum of Public Participation model to assist with the selection of the level of participation that defines the public's role in any public participation process.

The method of participation (outlined in the model below) may change at different stages of developing a proposal or in making a decision.

For example, the early development of a Long-Term Plan will use "involve" and "collaborate" participation methods to understand community views, before formal consultation with the community occurs (before a decision to adopt the plan is made).

	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.
Examples of When This is Used	<ul style="list-style-type: none"> • Temporary road closure. Changes to insignificant policy. • Council reports. 	<ul style="list-style-type: none"> • Long-Term Plan and Annual Plan (where there are significant changes from the Long-Term Plan). • Bylaws. • Significant policies and strategies. • Representation review. • Significant changes in levels of service bought about by construction, replacement or abandonment of a community facility 	<ul style="list-style-type: none"> • Development of options for strategies, plans and policies on significant issues. • Large capital projects. • Stock water closures. 	<ul style="list-style-type: none"> • Large community focused capital project. 	<ul style="list-style-type: none"> • Triennial Council election

Channels used for engagement

The channels used in engagement will vary on a case-by-case basis, depending on the significance of the decision, who we need to hear from, or a variety of other considerations.

Channels may include (but are not limited to):

- Public events such as drop-in sessions, facilitated events, community pop-ups.
- Focused engagements and structure activities with key stakeholders such as community and resident associations, mana whenua, ethnic groups, and other sectors of the community.
- Our website and online engagement platforms.
- Focus groups and surveys.
- The 'Council Call' in the Selwyn Times.
- Mainstream media (particularly local newspapers and publications).
- Local radio.
- Email and newsletters.
- Social media.
- Direct mail and email to affected parties.
- Information sent with rates notices.



5. When we won't consult or engage

There are times when we won't normally consult the community because the issue is routine, operational, or because there is an emergency.

We are also conscious that "consultation fatigue" can cause people to tune out of conversations with councils, so we want to concentrate on having the right conversations on the issues that are generally more significant.

Here are some of the things we won't generally be asking about:

- Organisational decisions (i.e., staff changes and operational matters) that do not materially reduce the level of service.
- Emergency management activities during a state of emergency declared under the Civil Defence Emergency Management Act 2002.
- Decisions taken to manage an urgent issue.
- Decisions to act where it is necessary to:
 - a. comply with the law;
 - b. save or protect life, health, or amenity;
 - c. prevent serious damage to property;
 - d. avoid, remedy, or mitigate an adverse effect on the environment; and
 - e. protect the integrity of existing and future infrastructure and amenity.
- Decisions that are commercially sensitive (i.e. awarding contracts).
- Any decisions that are made by delegation/ sub-delegation to officers.
- Entry or exit from a development agreement (private contract) as per section 207A of the Local Government Act 2002.
- Decisions in relation to regulatory or enforcement activities.
- Where we are not required to consult by law, we can consider making a decision without consultation on a case-by-case basis.



ELWYN RESPONSE TEAM

Bisley

