

Significance and engagement policy 2024

Group responsible: Strategy and advocacy

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Introduction

This policy sets out for the community and Southland District Council the framework that Council uses to make decisions about significance (how important an issue is), and then whether to engage the community in the decision-making process based on the degree of significance.

This policy aligns with the provisions in the Local Government Act 2002 under section 76AA (1), where it says: “Every local authority must adopt a policy setting out that local authority’s general approach to determining the significance of proposals and decisions in relation to issues, assets, and other matters; and any criteria or procedures that are to be used by the local authority in assessing the extent to which issues, proposals, assets, decisions, or activities are significant or may have significant consequences; and how the local authority 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; and how the local authority will engage with communities on other matters.”

Purpose

The purpose of this policy, under section 76AA (2) is:

- to enable Council to identify the degree of significance attached to issues, proposals or decisions
- to provide clarity about how and when communities can expect to be engaged in decisions about issues, proposals or decisions
- to guide staff on how to identify and assess the significance of issues and what engagement is needed
- to enable staff to report to Council on that assessment.

Structure

There are three parts to this policy:

Significance – this part outlines what significance is, and how the assessment of significance is undertaken and documented.

Engagement – this part discusses when and how Council will look to engage with communities.

Strategic assets – this part identifies which assets Council considers to be strategic, and explains why it matters if something is a strategic asset.

Determining the level of significance

Significance is about measuring the degree of importance of an issue, proposal, decision, or matter. Council has to determine how people, services, facilities and infrastructure in the District will be affected. Significance is a continuum ranging from matters that have a low impact/risk and therefore low significance, right up to matters that have very high levels of impact/risk and significance.

During the development stages of an issue, proposal, decision or matter, significance should be considered as it will guide both the extent options should be developed, and the degree to which advantages and disadvantages are assessed. Significance should also be considered when determining the appropriate extent and type of community engagement.

How to assess significance

Significance is assessed on a case-by-case basis. The following (non-exclusive) criteria may be considered as part of the assessment:

1. How much does the matter promote Council's community outcomes for the Southland district?
2. Does the matter impact the levels of service for any Council activity (as set out in the long term plan)?
3. Does the matter align with existing Council strategies, plans and policies and previous Council decisions?
4. How are people impacted by the matter? Are particular groups disproportionately impacted (such as Māori, socio-economic groups, town communities)?
5. Does the matter mitigate or help the district adapt to climate change?
6. How big are the financial costs for the matter? Are they already budgeted for?
7. Is the matter reversible?
8. Are the public interested in the matter?

Having considered all these criteria, an overall judgement will be made on the level of significance of the matter in each case. The outcome of an assessment will be designating one of the following significance categories to the matter:

1. Some importance (external) or administrative (internal Council processes).
2. Moderate importance.
3. Significant.
4. Critical.

Each of these categories is described in Appendix A, which provides examples of the types of matters that usually come within these categories. However, a particular issue may vary from these examples based on the details of the decision being made. The majority of matters considered by Council (including those considered by officers under delegated authority) are likely to be some importance/administrative or of moderate importance.

Appendix B sets out a matrix to assist in the application of the criteria listed above to each of the different categories of significance.

What to do if a matter is significant

If a matter is considered to be significant, reports will include a statement indicating why this conclusion was reached. The statement will include an explanation of which factors indicate the decision is significant, the potential implications of the decision, the range of community views that might exist, and whether there is a need for a further degree of community engagement before a final decision is made.

Engagement

Step two involves Council identifying what it already knows about the community views on a matter, and identifying if there is a need to get more information about community views. Community views are the views and preferences of people likely to be affected by, or to have an interest in, the matter.

The Southland community is at the heart of Council's purpose, vision and mission; therefore, engagement will reflect the need for community input into Council decision-making.

Council is also keen to build on existing relationships and networks with individuals and communities, and looks to extend the range of parties involved in the community engagement as appropriate. Council will work to ensure the community is sufficiently informed to understand the issue(s) or proposal, options and impacts and has time to respond, so they are able to participate in engagement processes with confidence.

Determining how Council will identify community views may lead to community engagement. The process of how Council will decide if it needs to seek more information to understand the views in the community is outlined in Appendix 1. In general, Council will take steps to identify community views in the circumstances described below.

When will Council engage?

Council will always engage when it is required by law. Council will also engage when it thinks the circumstances of the matter warrant it, based in part on the assessed significance of the matter.

Council will not engage on every decision. To do so would be inefficient and costly. Council will respond to community preferences about engagement, including the form of consultation that may be desirable, by informing and seeking guidance from councillors. Council will also use engagement methods that have proven over time to be effective at informing the public and generating responses.

There is a variety of ways in which Council engages with the community. In this policy, the types of engagement described relate specifically to Council, community boards and delegated decision-making. The types of engagement described are given as a guide, and Council is not limited to or by the stated methods of engagement.

The significance of the issue, proposal or decision will influence the extent Council explores and evaluates options and obtains the views of affected and interested parties. Council will select the engagement method that it considers most appropriate in the circumstance.

The relationship between significance and the likelihood of engagement is outlined in the following table:

CATEGORY	LIKELIHOOD OF ENGAGEMENT
Some importance or administrative	Council is not likely to carry out any engagement.
Moderate importance	Council may or may not carry out any engagement. Engagement may be targeted to directly affected individuals or groups, and there is unlikely to be wider community engagement.
Significant	Council will engage with directly affected individuals and groups and some form of wider community engagement is likely, unless there are good reasons not to do so (eg urgent timeframe, confidentiality obligations, nature of the decision makes it inappropriate).
Critical	Council will engage with directly affected individuals and groups and wider community engagement is highly likely, unless there are good reasons not to do so (eg urgent timeframe, confidentiality obligations, nature of the decision makes it inappropriate).

In addition to the significance of the matter, factors relevant to considering whether engagement is worthwhile in each case include:

1. What, if anything, is already known about the views and preferences of interested and affected persons?
2. Do the affected and interested people expect engagement to happen (eg from past practices or promises)?
3. Are particular groups (such as Māori, socio-economic groups, specific communities) disproportionately impacted?
4. Is the decision of a nature that would impact on rights or interests, such that people would likely want engagement?
5. Would engagement help Council make a better decision?
6. Is there considerable urgency with the issue that does not leave enough time for any engagement?
7. Are there confidentiality issues (which may involve third parties' commercially sensitive information, or negotiations with third parties) that would prejudice ongoing discussions or relationships with other parties? If the relevant information needs to remain confidential, will this prevent any engagement from being meaningful?
8. Are there any other factors that mean engagement may not be feasible or appropriate in the circumstances?
9. What resources does Council have available to carry out the engagement?

If Council determines that it will not carry out any engagement on a decision, it will inform the community about the decision unless doing so would involve disclosing information that should be

withheld under the Local Government Official Information and Meetings Act 1987 or the Privacy Act 2020.

If Council decides to engage, what form of engagement is appropriate?

Where Council decides it will engage on a decision, it will then need to determine which form of engagement to use.

Where legislation requires Council to carry out some form of engagement, it sometimes specifies the form of this engagement (eg use of the special consultative procedure, consultation in accordance with sections 82 and 82A). Where this occurs, Council will use that form of engagement.

Other acts that have specific consultation process include the Reserves Act 1977, the Biosecurity Act 1993, Land Transport Act 1998, Building Act 2004 and the Resource Management Act 1991.

There are a number of decisions that can only be made if they are explicitly provided for in Council's LTP as set out by the LGA 2002 Amendment Act 2014. These are:

- to alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of Council, including a decision to commence or cease any such activity
- to transfer the ownership or control of a strategic asset to or from Council.

In addition, Council is required at times to use the special consultative procedure (SCP), as set out in s83 of the act. The SCP requires Council to issue and widely distribute a proposal, which is open for consultation for at least a month, and the community can provide its views. The SCP may also be used for any other decision Council wishes to consult on, and generally this will be when a matter is of high significance. The requirement or use of the SCP does not preclude the need to engage with affected communities. The use of the SCP is predominantly a reflection of the significance of an issue, which in turn identifies the need for appropriate community engagement. Appendix 4 outlines when an SCP is required, and what is required under s83 of the act.

If there is no legislative direction, Council will determine the form of engagement on a case-by-case basis, based in part on the assessed significance of the subject decision. It will consider what form of engagement is most appropriate, while still being feasible, efficient and worthwhile.

The judgement calls on whether to carry out consultation or some other more substantial form of engagement (eg binding referenda, citizens panels etc), and if so how, are usually made by the relevant decision-maker. For other lesser forms of engagement, officers do not need to obtain approval from the relevant decision-maker ahead of time.

It is important that Council does not use a 'one size fits all' approach, and that engagement tools are appropriate to the location, significance of the issue, and community affected. Differing levels and forms of engagement may be required during the varying phases of consideration and decision-making on an issue or proposal, and for different community groups or stakeholders. Council will review the appropriateness and effectiveness of the engagement strategy and methods as the process proceeds.

There may be occasions in which Council chooses to carry out engagement at a level higher than that indicated by the significance of the decision as part of its commitment to promote participatory democracy.

Council will also be open to new and developing methods of engagement through the use of technology and innovation.

The role of elected members

This policy recognises the role of elected representatives, both councillors and community board members, as valued conduits to the communities they represent. Council, when engaging with affected or interested communities, will use the relationship elected members have with the location, specific communities and individuals affected by consultation or engagement initiatives. Participation of elected representatives is an essential step to consider, in light of broader community good, when initiating any project requiring engagement.

In making its determination on the form of engagement, Council will consider which level of participation, set out in Appendix 3, works best for the decision concerned, bearing in mind the significance and nature of the particular decision and the wider circumstances.

When and how will Council engage with local iwi and hapū?

Council considers Māori and particularly the four local rūnanga - Waihopai, Awarua, Oraka Aparima and Hokonui - as our partners, and believes we need to engage and partner as much as possible within reason, considering the restrictions both partners have. In some cases, Council has statutory obligations to engage with Māori and iwi organisations.

Council recognises mana whenua have a wealth of knowledge about the cultural, natural, physical and social environment and are key players in regional economic development, so there are many times input from mana whenua will inform and enrich the work of Council.

Engagement with iwi starts during the planning phase of projects. Iwi will have been identified as a stakeholder before developing the project management plan and so the early engagement should happen before scoping to ensure their feedback is used as part of the scoping and in further planning.

The LGA recognises and respects the Crown's obligations under the Treaty of Waitangi by placing some specific obligations on councils. These obligations are intended to facilitate participation by Māori in local authorities' decision-making processes (Sections 4, 81 and 82(2), LGA). The act includes requirements for councils to:

- ensure they provide opportunities for Māori to contribute to decision-making processes
- establish and maintain processes for Māori to contribute to decision-making
- consider ways in which they can foster the development of Māori capacity to contribute to decision-making processes
- provide relevant information to Māori
- consider the relationship of Māori and their culture and traditions with their ancestral
- land, water, sites, wāhi tapu, valued flora and fauna, and other taonga.

Council will establish and maintain engagement processes that identify and provide opportunities for Māori to contribute to decision-making. In addition to the engagement principles and practices set out in this policy, Council will:

- strengthen and improve ongoing relationships and partnerships with iwi in the Murihiku rohe (Southland region) including, but not limited to, ongoing support for Te Ao Marama Inc
- consider the impact on Māori of specific decisions, proposals or matters, in particular recognising the special connection of tangata whenua and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga
- recognise legal obligations for engagement with Māori under various legislation including, but not limited to, the Local Government Act 2002 and Resource Management Act 1991
- recognise the Charter of Understanding developed with Māori as they relate to decision-making processes
- consider appropriate use of tikanga (cultural protocols) and te reo Māori (Māori language) in our daily business and engagement tools and practices.

Strategic assets

Any decision to transfer the ownership or control of a strategic asset must be explicitly provided for in the long term plan, under section 97 (1) (b) of the Local Government Act 2002, and consulted on in accordance with section 93e of that act. This means that if a decision to change ownership or control of a strategic asset is considered significant under this policy.

Which assets are determined to be strategic assets?

- the roading, bridge network
- Around the Mountains Cycle Trail
- water treatment plants and reticulation networks
- township wastewater treatment plants and reticulation networks
- township stormwater reticulation networks
- all reserves and parks
- the Stewart Island Electricity Supply Authority
- Te Anau Airport Manapouri
- community housing.

For the listed network assets, it is the whole of the network that is the strategic asset. As a result, decisions that involve the transfer of ownership or control of an element or component of a network, where the remaining assets enable Council to still meet its strategic outcomes (including levels of service as stated in the long term plan), will not trigger section 97(1)(b) of the Local Government Act 2002.

While section 97(1)(b) may not be triggered where an element or component of a network is transferred or sold, it is possible that this might nonetheless be an important decision. For example, sale of a whole park, while just one element in the overall parks and reserves network, may in some cases constitute a significant decision.

Some of these strategic assets are leased or co-managed. Where a strategic asset is sited on land owned by someone other than Council, that landowner might decide to not renew a lease. If so, Council is not deciding to transfer ownership or control under section 97 (1) (b). However, if Council can renew the lease but chooses not to, that is likely to trigger the section of the act.

Associated documents

Local Government Act 2002.

Southland District Council Engagement Strategy.

Review record

The policy will be reviewed within three years of adoption, or sooner as required. Any amendments shall be made with the approval of Council.

DATE	VERSION	REVISION DESCRIPTION
28 January 1999	N/A	Consultation Policy
27 November 2003	R/03/7/6677	Consultation Policy
26 June 2003	R/09/9/13601	Significance Policy
28 June 2006	R/12/1/808	Significance Policy
29 October 2014	R/14/8/11821	Significance and Engagement Policy
2017	R/16/11/19694	Significance and Engagement Policy
10 March 2021	R/20/8/46866	Significance and Engagement Policy
December 2023		Significance and Engagement Policy

Implementation

This policy will become effective immediately upon adoption by Council.

Appendices

Appendix 1 – application of the significance criteria

SOME IMPORTANCE/ADMINISTRATIVE	MODERATE IMPORTANCE	SIGNIFICANT	CRITICAL
<p>A decision with a minimal or even negligible level of importance. There will be little or no impact on the community. It is often procedural/administrative.</p>	<p>A decision that has a medium level of importance. It is usually substantive in nature, and part of business as usual.</p>	<p>A decision with a high level of importance. It will be substantive in nature, and regarded as a big deal within Council, occurring only sometimes (eg perhaps several times each year).</p>	<p>A decision with an unusually high degree of importance. It will be regarded as exceptional within Council, occurring rarely (eg perhaps once or twice every triennium).</p>
<p>Examples</p> <ul style="list-style-type: none"> • revoking or amending a policy or bylaw in response to changes in legislation that require this • making a submission to another organisation • noting performance reports, including adopting Annual Report • determining committee structures and membership. 	<p>Examples</p> <ul style="list-style-type: none"> • approving leases and licences that are consistent with the purpose of the land holding • a decision to appoint directors to a CCO, issue a statement of expectation to a CCO, or comment on a statement of intent from a CCO • buying land for future infrastructure or service uses. 	<p>Examples</p> <ul style="list-style-type: none"> • adoption of a new bylaw or strategy • establishment of a new council-controlled organisation • development of a new town library, museum, or sports facility • adoption of Council's Annual Plan • decision to alter the levels of service for a significant activity (s97(1)(a) LGA) 	<p>Examples</p> <ul style="list-style-type: none"> • adoption of Council's Long Term Plan or District Plan • decision to sell a strategic asset • decision to stop providing an existing significant activity • decision to abandon a settlement due to climate change risks.

Appendix 2 – categories of significance

	SOME IMPORTANCE/ ADMINISTRATIVE	MODERATE IMPORTANCE	SIGNIFICANT	CRITICAL
1. How much does the matter impact on Council’s community outcomes for the Southland district?	Little to no impact on any of the community outcomes, or some positive impacts on community outcomes.	Moderate impact on one or more of the community outcomes, or more considerable positive impacts on community outcomes.	Substantial impact on one of the community outcomes, including negative impacts.	Substantial impact on more than one of the community outcomes, including substantial negative impacts.
2. Does the matter impact the levels of service for any Council activity (as set out in the long term plan)?	No impact on levels of service	Helps achieve current levels of service.	May hinder achievement of current levels of services, or creates minor changes to current levels of service.	Will prevent achievement of current levels of service, or substantive changes to current levels of service.
3. Does the matter align with existing Council strategies, plans and policies and previous Council decisions?	There are no existing Council strategies, plans and policies or previous relevant decisions.	Matter aligns with all existing Council strategies, plans, policies, and with previous decisions.	Matter does not fully align with some aspects of existing Council strategies, plans, policies, or previous decisions.	Matter is a substantial departure from existing Council strategies, plans, policies, or previous decisions. May create new precedent that substantively alters Council’s approach.
4. How are people impacted by the matter? Are particular groups disproportionately impacted (such as Māori, socio- economic groups,	People are: <ul style="list-style-type: none"> not impacted, or impacted negatively to a small degree, or impacted only positively in a moderate way. and/or no disproportionate impact on particular groups.	People are: <ul style="list-style-type: none"> impacted negatively to a moderate degree, or impacted positively to a high degree. and/or very little disproportionate impact on particular groups.	People are impacted negatively to a high degree and/or moderate disproportionate impact on particular groups.	People are impacted negatively to a very high degree and/or substantive disproportionate impact on particular groups.

	SOME IMPORTANCE/ ADMINISTRATIVE	MODERATE IMPORTANCE	SIGNIFICANT	CRITICAL
5. Does the matter mitigate or help the district adapt to climate change?	No impact on known issues of significance, or minor positive impacts	Positive impact on known issues of significance	Some negative impact on known issues of significance	Substantial or notable negative impact on known issues of significance
6. Does the matter mitigate or help the district adapt to climate change?	Matter: <ul style="list-style-type: none"> • does not impact on climate mitigations or adaptations; or • creates a very minor reduction in emissions or very minor reduction in emissions or very minor help in adapting to climate change in the future. 	Matter: <ul style="list-style-type: none"> • result in a reasonable reduction in emissions; or • help in adapting to climate change in the future. 	Matter: <ul style="list-style-type: none"> • result in some increase in emissions; or • create some increase in the need to adapt to climate change in the future (eg placing infrastructure in coastal hazard zones). 	Matter: <ul style="list-style-type: none"> • result in a substantial increase in emissions; or • create a substantial increase in the need to adapt to climate change in the future (eg placing infrastructure in coastal hazard zones).
7. How big are the financial costs for the matter? Are they already budgeted for?	Costs are nil or are modest and come within budgeted expenditure.	Costs are more substantial, but come within budgeted expenditure.	Costs: <ul style="list-style-type: none"> • are considerable, but come within budgeted expenditure; or • Do not come within budgeted expenditure 	Costs: <ul style="list-style-type: none"> • Are extremely high, but come within budgeted expenditure; or • Do not come within budgeted expenditure and are likely to have a notable impact on overall budgets.
8. Is the matter reversible?	Easily reversible.	Reversible, but with some limited hurdles or impacts.	Reversible, but only with considerable difficulties or impacts.	Irreversible.
9. Are the public interested in the matter?	Negligible public interest.	Some limited public interest, but unlikely to prove controversial.	Higher levels of public interest, with the potential to be controversial.	Very high levels of public interest, likely to be controversial.

Appendix 3 – Levels of participation for engagement

	LOW LEVEL OF SIGNIFICANCE			HIGH LEVEL OF SIGNIFICANCE	
	Inform	Consult	Involve	Collaborate	Empower
What it involves	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 is in the hands of the public
Types of matters we might use this type of engagement for	minor change to how Council manages groups of activities upgrade of a reserve area	LTP and Annual Plan where there are significant changes from the content of the LTP for that financial year policies and bylaws	development of options for a policy change that is deemed significant (eg moving from land to capital value for rating purposes)	development options for a new large capital project which has a community focus and has a large number of options (eg Te Anau wastewater project)	Selling community halls
Examples of engagement tools	Council newsletter, papers, community newsletters, email, social media posts, flyers, website, radio, press statements, displays, emails, Antenna	submissions, hearings, feedback processes, surveys, open days	local meetings, social media, targeting existing organisations within the community (eg. service clubs) focus groups, panels, formal public meetings	talking with communities, key partnerships with existing community organisations, advisory groups, membership on governing boards, co-creation	key partnerships with existing community organisations, binding referenda,

<p>When the community can expect to be involved</p>	<p>Council will generally advise the community when a decision is made</p>	<p>Council will advise the community when a draft decision is made and generally provides the community with up to four weeks to participate and respond</p>	<p>Council will generally provide the community with a greater lead-in time to allow them time to be involved in the process</p>	<p>Council will generally involve the community at the start to scope the issue, again after information has been collected and again when options are being considered</p>	<p>Council will generally involve the community at the start to scope the issue</p>
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Appendix 4– Special consultative process

The Local Government Act 2002 requires Council to use the special consultative process (SCP) for:

- adoption of or amendment to the LTP (including significant amendments to the Revenue and Financing Policy)
- revocation, adoption or amendment to a bylaw
- transfer of ownership of a significant strategic asset.

It is important to note that formal consultation by the SCP is a structured process outlined in legislation and supported by caselaw. This type of consultation applies in some decision making processes. In other engagement processes, however, there are no explicit statutory or legal rules constraining or defining community engagement processes. The act has given local authorities the ability to determine this as appropriate for their communities.

At the time of writing this policy there are a number of other acts that require use of the Special Consultative Procedure, including but not limited to:

- Sale and Supply of Alcohol Act 2012
- Local Government Act 1974
- Building Act 2004
- Local Government (Rating) Act 2002
- Psychoactive Substances Act 2013,
- Dog Control Act 1996
- Waste Minimisation Act 2008
- Freedom Camping Act 2011
- Land Transport Management Act 2003
- Biosecurity Act 1993
- Fire and Emergency New Zealand Act 2017
- Maritime Transport Act 1994.

Section 83 of the act states the requirements of the SCP. This section is included below.

83 Special Consultative Procedure

- 1 Where this act or any other enactment requires a local authority to use or adopt the special consultative procedure, that local authority must -
 - (a) prepare and adopt -
 - (i) a statement of proposal; and
 - (ii) if the local authority considers on reasonable grounds that it is necessary to enable public understanding of the proposal, a summary of the information contained in the statement of

- proposal (which summary must comply with section 83AA of the act; and
- (b) ensure that the following is publicly available:
 - (i) the statement of proposal; and
 - (ii) a description of how the local authority will provide persons interested in the proposal with an opportunity to present their views to the local authority in accordance with section 82(1)(d) of the act; and
 - (iii) a statement of the period within which views on the proposal may be provided to the local authority (the period being not less than 1 month from the date the statement is issued); and
 - (c) make the summary of the information contained in the statement of proposal prepared in accordance with paragraph (a)(ii) of the act (or the statement of proposal, if a summary is not prepared) as widely available as reasonably practicable as a basis for consultation; and
 - (d) provide an opportunity for persons to present their views to the local authority in a manner that enables spoken English, Māori, and/or New Zealand sign language interaction between the person and the local authority, or any representatives to whom an appropriate delegation has been made in accordance with Schedule 7 of the act; and
 - (e) ensure that any person who wishes to present his or her views to the local authority or its representatives as described in paragraph (d)
 - (i) is given a reasonable opportunity to do so; and
 - (ii) is informed about how and when he or she may take up that opportunity.
2. For the purpose of, but without limiting, subsection (1)(d), a local authority may allow any person to present his or her views to the local authority by way of audio link or audio visual link.