

Significance and Engagement Policy

Group responsible: chief executive

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Southland District Council (Council) has developed the Significance and Engagement Policy (the policy) to determine the significance of issues within the District, and how to align our engagement with the public based on the degree of significance of the issue. The policy aligns with provisions the Local Government Act 2002 (the act).

1. Purpose

The purpose of this policy is:

- to enable the local authority and its communities to identify the degree of significance attached to particular issues, proposals, decisions or matters; and
- to provide clarity about how and when communities can expect to be engaged in decisions about different issues, proposals, decisions or matters; and
- to inform 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; and
 - the form or type of engagement required.

This policy will also guide staff on:

- the extent that options are identified and assessed; and
- the degree benefits and costs are quantified; and
- the extent and detail of information considered; and
- the extent and nature of any written record kept on legal compliance; and
- on the extent Council must consider the views and preferences of people likely to be affected by, or to have an interest in a matter;

as these decisions should be undertaken in proportion to significance of the matter.

2. General approach

Council will follow a three-step process to inform decision-making:

Step 1 - determine significance - Council will use particular factors to decide if a matter is of higher or lower significance. This part of the policy also gives guidance on what to do if a matter is of high significance.

Step 2 - identify community views - Council will determine what it knows about community views and identify if there is a need for more information.

Step 3 - deciding on an approach to community engagement - the level of significance and what Council wants to know about community views will guide Council on an appropriate level of engagement, and how and when to engage. This part of the policy provides clarity on how and when communities can expect to be engaged in different issues. It also identifies how Council will respond to community preferences about engagement.

3. Step 1 - 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

Each issue, proposal or decision will be considered on a case by case basis to determine whether the decision is significant. Council will take into account the following factors when determining the level of significance. These factors are of equal weighting. The greater the cumulative impact of the matter as assessed by these factors, the more significant the issue, proposal, decision or matter will be:

- the likely impact/consequences of the issue, decision or proposal on the current and future social, economic, environmental or cultural wellbeing of the District or region
- the effect on people who are likely to be particularly affected by or interested in the issue, decision or proposal
- the financial and non-financial costs and implications of the issue, decision or proposal on Council's capability and capacity
- the scale of any proposed change to levels of service
- the ownership or function of a strategic asset.

Council may also take into account knowledge it has previously gained about the community and its views on an issue to assess whether the matter has a high level of significance.

When determining the significance of a matter that could have a high level of significance Council staff will discuss the importance of the matter with our iwi partners.

Committees of Council and elected bodies can also be used to help assess the significance of a matter.

Strategic assets

In respect to “strategic assets”, a key consideration is whether an asset is essential to the continued delivery of an “outcome” that Council considers important for the well-being of the community. Decisions to transfer ownership or control of a strategic asset to or from Council cannot be made unless they are first included in the Long Term Plan.

For the purpose of s.76AA(3) of the act, Council considers the following assets, or a network of assets, to be strategic assets:

- roading, bridge network as a whole
- Around the Mountain Cycle Trail as a whole
- water treatment plants and reticulation networks as a whole
- township wastewater treatment plants and reticulation networks as a whole
- township stormwater reticulation networks as a whole
- portfolio of District reserves (parks/reserves) as a whole
- Stewart Island Electricity Supply Authority as a whole
- Te Anau Airport Manapouri as a whole
- community housing as a whole.

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.

Where the proposal or decision is considered to be significant, the report will also include a statement addressing the appropriate observance of ss.77, 78, 79, 80, 81, 82 and 82A of the act as applicable, together with the corresponding degree of community engagement considered.

4. Step 2 - Identify community views

Step 2 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. 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 Council will identify community views

When it is required by legislation

Council will consider community views when it has a legislative requirement to do so (as set out by the Local Government Act 2002, Resource Management Act 1991, Reserves Act 1977, Building Act 2004 and Land Transport Management Act 2003). Examples of when Council will identify community views include the adoption and amendment(s) to both the Long Term Plan and a bylaw, transfer of ownership of a significant strategic asset, and changes to financial policies. Council may identify community views more broadly than what is legally required.

When it relates to a significant matter

Subject to consideration of factors in the section 'how to assess significance' above, Council will identify community views whenever a 'significant decision' needs to be made. A significant decision is one which has been identified as such under this policy.

Note: a 'significant' decision will not automatically trigger consultation or application of the Special Consultative Procedure (SCP). An outline of what Council must do when it is required to use or adopt the special consultative procedure is outlined in Appendix 2. Further information on the SCP is in ss.86, 87, and 93A of the act.

For some matters that are not considered significant

In general, where a matter is not considered significant under this policy, Council is unlikely to seek additional information on community views. However, in some situations where Council staff deem community involvement or notification is appropriate, informal feedback or notification processes may be followed.

When Council may not seek additional information on community views

Information is always necessary for the decision making process. However, there are times when it is not necessary, appropriate or possible to seek additional information on community views. If this is the case, Council will make this determination in accordance with the criteria below and notwithstanding any legislative requirements. Council will not identify community views when:

- the matter is not of a nature or significance that requires consultation (s.82(4)(c) LGA)
- Council already has a sound understanding of the views and preferences of the persons likely to be affected by or interested in the matter (s.82(4)(b) LGA)
- there is a need for confidentiality or commercial sensitivity (s.82(4)(d) LGA)
- the costs of consultation outweigh the benefits of it (s.82(4)(e) LGA)
- engagement will not be beneficial as it will not influence the decision (for example if there is only one or very limited viable options available, there may be no benefit in engaging with the community)
- the matter has already been addressed by Council's policies or plans, which have previously been consulted on
- an immediate or quick response or decision is needed or it is not reasonably practicable to engage

- works are required unexpectedly or following further investigations on projects, already approved by Council
- business as usual - the works required are related to the operation and maintenance of a Council asset and responsible management requires the works to take place
- when Council has consulted on the unchanged issue in the last 24 months.

Where the above listed circumstances apply and community feedback is not sought, Council is still required to give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter (s. 78(1) LGA). The act requires that this consideration be in proportion to the significance of the matters affected by the decision (s.79(1)).

5. Step 3 – Deciding on an approach to community engagement

Once Council has determined the significance of a matter and has determined it needs more information on the range of views held, Council will consider how and when it should engage with the community. Depending on the matter being considered and the stakeholders involved, the preferred method(s) or combination of engagement tools will be identified and applied to meet the goals of the specific engagement.

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 apply the principles of s.82 of the act when determining engagement. Council will select the engagement method that it considers most appropriate in the circumstance.

Factors to consider

Council's strong community focus

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 look 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.

Legislative considerations

When Council makes decisions, often legislation will prescribe the consultation and decision-making procedures required. This includes the procedures to be used for public notification, considering submissions and making decisions. Section 82(5) of the Act says that where specific consultation is required under the LGA, or any other enactment, and if inconsistent with any s.82 principle – the other provisions will prevail (to the extent of the inconsistency). Those other acts include, among others, 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 s.83 of the act. The SCP is a prescribed process for consultation set out in the act. In brief, 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. Schedule 2 outlines when an SCP is required, and what is required under s.83 of the act.

Remaining flexible

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 and recognised conduits to the communities they represent. Council, when engaging with affected or interested communities, will recognise 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.

Partnership with iwi/Māori

A strategic focus for Council is maintaining and enhancing our partnership with Māori. Council has a strong partnership with Te Ao Mārama Incorporated on environmental and Resource Management Act 1991 matters. Council will openly engage with iwi and Māori on other Council business.

The level of engagement

Using the International Association of Public Participation engagement spectrum as a basis¹, the method(s) of engagement adopted by Council before it makes a decision may depend on whether or not:

- the matter is of low or no significance (eg technical and/or minor amendments to a bylaw or Council policy) and there may be a very small group of people affected by or with an interest in the decision. Council is unlikely to engage on these matters
- the matter is significant only to a relatively small group of people or is of low impact to many. They should be informed about the problem, alternatives, opportunities and/or solutions and/or consulted so that any concerns, alternatives and aspirations they have are understood and considered
- the matter is significant not only to a small group of people particularly affected but also to a wider community that may have an interest in the decision to be made. They may be informed, consulted and/or involved to seek public input and feedback on analysis, alternatives and/or decisions
- for more significant matters Council may elect to collaborate, or partner, with a community in any aspect of a decision including the development of alternatives and the identification of preferred solutions. This is more likely to occur where there is a distinct group of affected or particularly interested people.

Depending on the level of significance and the nature of the issue, proposal or decision being made, by using a range of engagement methods communities may be **empowered** to participate in the decision-making process.

How and when we will engage

Once the appropriate level of engagement has been assessed, Council will then consider the range of engagement methods that are appropriate. This process supports community participation through the engagement spectrum approach.

Council will select the method it considers appropriate in the circumstance, taking into account a range of factors, such as who is affected or who is likely to have a view. Council will remain flexible in its approach to engagement, to ensure that the most appropriate methods are used.

The table below outlines Council's engagement spectrum. The table gives guidance on how and when communities can expect to be engaged in particular matters, relative to their significance. The table also gives examples of what significance has been placed on particular matters in the past, and what types of community engagement has been used for those matters. The table is also a valuable tool for Council staff to inform on the extent of public engagement that might be expected on a matter before a decision is made, and the form or type of engagement that may be required and appropriate.

¹ International Association of Public Participation [IAP2 Spectrum of Public Participation (https://iap2.org.au/wp-content/uploads/2019/07/IAP2_Public_Participation_Spectrum.pdf). Date accessed: 14 August 2020).

	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 such as the Easter Sunday Shop Trading Policy and the Unmanned Aerial Vehicle Policy	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)	community halls
examples of engagement tools	Council newsletter, weekly/daily newspapers, community newsletters, email, social media posts, flyers, website, radio	submissions, hearings, feedback processes, surveys, open days	local meetings, social media, targeting existing organisations within the community (eg. service clubs)	talking with communities, key partnerships with existing community organisations, hall committees	community boards
when the community can expect to be involved	Council will generally advise the community when a decision is made	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	Council will generally provide the community with a greater lead-in time to allow them time to be involved in the process	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	Council will generally involve the community at the start to scope the issue

Table 1: Southland District Council's engagement spectrum approach

6. Roles and responsibilities

ROLE	RESPONSIBILITIES
Council	<ul style="list-style-type: none"> determine degree of significance of an issue determine whether or not to engage link level of significance to appropriate levels of engagement use determined level of significance to decide how much time, money and effort Council will invest in exploring and evaluating options and obtaining the views of affected and interested parties.
communications manager, ELT	ensure that engagement with the community meets the degree of significance determined by Council
all Council staff	ensure that the policy is given full effect

7. Associated documents

Local Government Act 2002

Southland District Council Engagement Strategy

8. Review and revision 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.

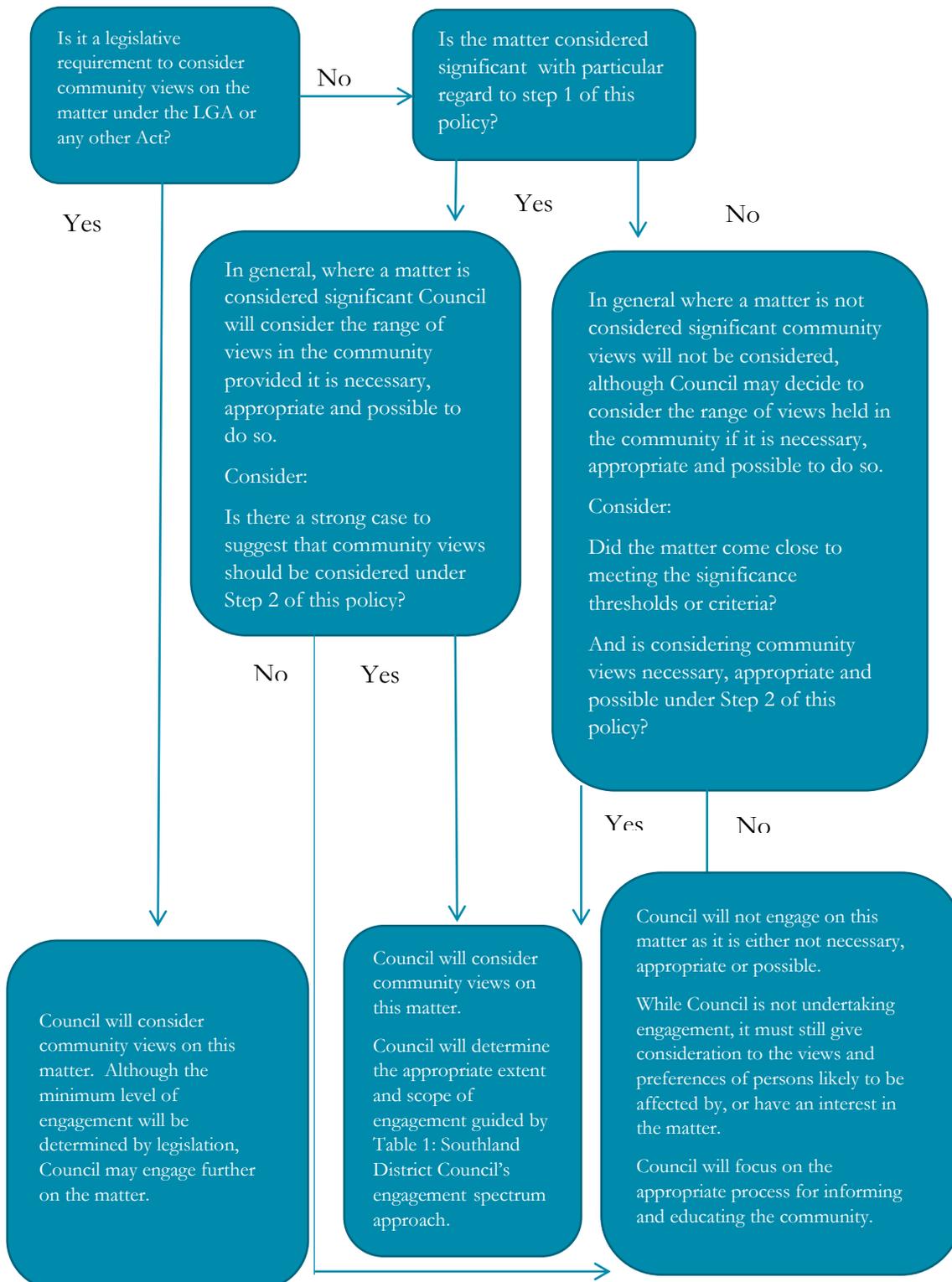
Date	Version	Revision description
28 January 1999	N/A	Consultation Policy
27 November 2003	R/03/7/6677	Consultation Policy
26 June 2003	R/09/9/13601	Significance Policy
28 June 2006	R/12/1/808	Significance Policy
29 October 2014	R/14/8/11821	Significance and Engagement Policy
2017	R/16/11/19694	Significance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

9. Implementation

This policy will become effective immediately upon adoption by Council.

10. Appendices

Appendix 1: Significance and engagement flowchart



Appendix 2: Special Consultative Procedure (SCP)

The Local Government Act 2002 requires Council to use the 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.