



Proposal to amend the Significance and Engagement Policy

Background

The Significance and Engagement Policy is a required policy under the Local Government Act 2002 (LGA), section 76AA. Its purpose is to outline our policies in regard to determining significant proposals or decisions and our procedures in that respect and how we will engage with the community.

This Policy is considered as part of all of our decision making and leads us to the appropriate timing and level of engagement that the community prefers.

The policy supports the LTP Consultation Document and its supporting information.

The Proposal

We propose to adopt the Proposed Significance and Engagement Policy in June 2024, to include a summary in our 2024-2034 Long-term Plan and to publish the full policy on our website, after consultation.

The following changes to the policy have been made:

- Financial Delegations section: reference to the Delegations Manual has been added, the percentage of the annual budgeted Total Operating Expenditure has been increased from 5% to 10% and reference to external funding has been added. These changes reflect that the Council is now undertaking flood protection infrastructure capital works. The Council still retains the discretion to consult on matters that are considered to be significant or material.
- The section on strategic assets has had changes made for clarification purposes.

Options

The Policy outlines your preferences for determining when a matter is significant and how you want us to engage with you on these matters.

It is not practicable to list all of the many options that could modify this policy and we welcome feedback to modify any part of the policy.

Attachments

1. The Proposed Significance and Engagement Policy



Policy – Significance & Engagement

Kaupapa Here Whai Putake me te Tuhonohono

This Policy has been developed to enable Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities. It will provide clarity about how and when communities can expect to be engaged in decisions made by Council, and informs Council, from the beginning of a decision-making process, about the extent, form and type of engagement required.

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Policy No.	Policy Sponsor	Approval Date and Date of Next Scheduled Review	Approved By	MORF Reference	Related Standards
B1.4	Executive	Approved – 12 November 2014 Reviewed –16 April 2015 Reviewed – 23 March 2016 Reviewed – 13 December 2017 Reviewed – 30 July 2021 Reviewed – 26 June 2024	Council	A33378	-

2. Definitions / Ngā Whakamāratanga

<i>Term</i>	<i>Definition</i>
Community	A group of people living in the same place or having a particular characteristic in common. Includes interested parties, affected people and key stakeholders, tangata whenua o Murihiku, and Māori.
Decisions	<p>Refers to all decisions made by the Council.</p> <p>Management decisions made by officers under delegation during the implementation of Council decisions will not be deemed to be significant as the “significance” test will have already been addressed by the Council when making the initial decision.</p>
Engagement	Is a term used to describe the process of seeking information from the community to inform and assist decision-making. There is a continuum of community involvement. A discretion remains for the Council to engage with the community at any time irrespective of the significance criteria.
Financial Delegations	<p>For the sake of clarity, operation of financial delegations is made in the following order:</p> <ul style="list-style-type: none"> • by management as approved by Council in their Delegations Manual; by Council between management limit as approved by Council in their Delegations Manual and 10 percent of the annual budgeted Total Operating Expenditure not already provided for in budgets or not provided in existing delegations, policies or other legislation (e.g. disaster response or emergency works). Council may use its discretion to engage with the community if the matter is considered reasonably significant; • by the community through an engagement process where the expenditure is in excess of the 10 percent of the annual budgeted Total Operating Expenditure not already provided for in budgets or not provided in existing delegations, policies or other legislation (e.g. disaster response or emergency works).
Significance	<p>As defined in Section 5 of the LGA 2002 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:</p> <ol style="list-style-type: none"> (a) the current and future social, economic, environmental, or cultural well-being of 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.

<i>Term</i>	<i>Definition</i>
Significant Activity	<p>Any activity that:</p> <ul style="list-style-type: none"> • affects all, or a large portion of the region; • affects all, or a large portion of the community; • will result in a substantial change or removal of a significant activity or service; • relates to a listed strategic asset; • will require or incur annual expenditure of more than 10 percent of the Total Operating Expenditure not already provided for in Annual Plan or LTP budgets or not provided in existing delegations, policies or other legislation (e.g. disaster response or emergency works). Expenditure funded by external funding is excluded from this definition.
Strategic assets	As defined in Section 5 of the Local Government Act 2002. See Section 4 – Strategic Assets.
Strategic aspirations	Environment Southland Strategic Intent, 2020

3. Policy / Kaupapa Here

- (a) Engaging with the community is needed to understand the views and preferences of people likely to be affected by, or interested in, a proposal or decision.
- (b) An assessment of the degree of significance of proposals and decisions, and the appropriate level of engagement, will therefore be considered in the early stages of a proposal before decision-making occurs and, if necessary, reconsidered as a proposal develops.
- (c) The Council will take into account the following matters when assessing the degree of significance of proposals and decisions, and the appropriate level of engagement:
 - there is a legal requirement to engage with the community;
 - the level of financial consequences of the proposal or decision;
 - whether the proposal or decision will affect a large portion of the community;
 - the likely impact on present and future interests of the community, recognising Māori cultural values and their relationship to land and water;
 - whether the proposal affects the level of service of a significant activity;
 - whether community interest is high;
 - whether the likely consequences are controversial;
 - whether community views are already known, including the community’s preferences about the form of engagement;
 - the form of engagement used in the past for similar proposals and decisions.
- (d) If a proposal or decision is affected by a number of the above considerations, it is more likely to have a higher degree of significance. The general approach will be to propose significant proposals or decisions in the context of the Long-term Plan (LTP) via the Consultation Document, to identify the Council’s priorities over the medium to long-term.

- (e) In general, the more significant an issue, the greater the need for community engagement.
- (f) The Council will apply a consistent and transparent approach to engagement.
- (g) Council is required to undertake a special consultative procedure as set out in Section 83 of the Local Government Act 2002, or to carry out consultation in accordance with or giving effect to Section 82 of the Local Government Act 2002 on certain matters (regardless of whether they are considered significant as part of this policy).
- (h) For all other issues requiring a decision, Council will determine the appropriate level of engagement on a case-by-case basis.
- (i) The Community Engagement Guide (see Section 5) identifies the form of engagement Council will use to respond to some specific issues. It also provides examples of types of issues and how and when communities could expect to be engaged in the decision making process.
- (j) When engaging with Māori, the Charter of Understanding, Memorandum of Understanding He huarahi mō Ngā Uri Whakaturu, authorised Iwi Management Plan, or any other similar high level agreements will be considered as a starting point.
- (k) When Council makes a decision that is significantly inconsistent with this policy, the steps identified in Section 80 of the Local Government Act 2002 will be undertaken.

4. Strategic Assets / Rawa Rautaki

Section 5 of the Local Government Act 2002 defines a strategic asset as

“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, and includes:

- (a) any asset or group of assets listed in accordance with section 76AA(3) Local Government Act 2002 by the local authority; and
- (b) any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy; and
- (c) any equity securities held by the local authority in —
 - (i) a port company within the meaning of the Port Companies Act 1988
 - (ii) an airport company within the meaning of the Airport Authorities Act 1966.”



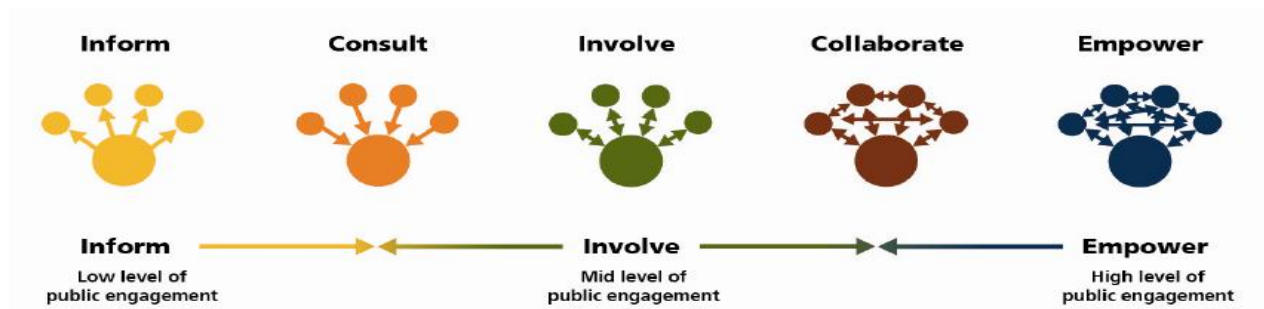
The following is a list of assets or group of assets that the Council needs to retain to meet its community well-being obligations:

Activity	Asset
Investments	<p>A majority shareholding in South Port New Zealand Limited.</p> <p>The value of proceeds from any sale of shares in South Port will be held as a strategic investment asset. This will provide Council both annual income and inflation proofing of those proceeds, for current and future generations of ratepayers.</p>
Flood protection	Stopbanks, dams and culverts and floodway land.
Regional Emergency Response	A well-equipped, purpose-built Emergency Co-ordination Centre (ECC) maintained at immediate response capability for any event.

5. Engaging with the Community / Aratakinga tūhonohono hapori

Community engagement is a process that involves all or some of the public and is focussed on understanding impact and considering alternatives, but ultimately decision-making remains the responsibility of the Councillors.

The model of community engagement below is adapted from the International Association for Public Participation (IAP2) Public Participation Spectrum to demonstrate the possible types of engagement with the community. This model also shows the increasing level of public impact as you progress through the spectrum from left to right – “inform” through to “empower”.



It will not always be appropriate or practicable to conduct processes at the “collaborate” or “empower” end of the spectrum. Many minor issues will not warrant such an involved approach. Time and money may also limit what is possible on some occasions. At times, Councillors will be required to make tough decisions.

In general, the more significant an issue, the greater the need for community engagement.

6. Forms of engagement /Ngā momo mahitahi

The Council will use the Special Consultative Procedure (as set out in Section 83 of the LGA 2002) where required to do so by law, including for the following issues requiring input:

- the adoption or amendment of a Long-term Plan (in accordance with Section 93A of the LGA 2002);
- the adoption, amendment, or revocation of consents fees and charges if required under Section 36 of the RMA 1991;

Unless already explicitly provided for in the Long-term Plan, the Council will seek to amend its Long-term Plan, and therefore use the Special Consultative Procedure, when it proposes to:

- alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of Council, including commencing or ceasing such an activity; or
- transfer the ownership or control of strategic assets, as listed in Schedule 1.

The Council will consult in accordance with, or using a process or a manner that gives effect to the requirements of, Section 82 of the LGA 2002 where required to do so by law, including for the following specific issues requiring decisions:

- adopting or amending the Long-term Plan if required under Section 95 of the LGA 2002;
- transferring responsibilities to another local authority under Section 17 of the LGA 2002;
- establishing or becoming a shareholder in a council-controlled organisation;
- adopting or amending any revenue and financing policy, financial contributions policy, rates remission and postponement policy, or a policy on the remission or postponement of rate on Māori freehold land.

For such consultation, Council will develop information fulfilling the requirements of Section 82A of the LGA 2002, will make this available to the public, allow written submissions for a period of up to four weeks, and will consider all submissions prior to making decisions. For all other issues, the following table provides **an example** of the differing levels of engagement (as adapted from the IAP2 Participation Spectrum) that might be considered appropriate, the types of tools associated with each level and the timing generally associated with these types of decisions/levels of engagement:



Level	Inform	Consult	Involve	Collaborate	Empower
What does it involve	We will keep you informed about what is happening. One-way communication providing balanced and objective information to assist understanding about something that is going to happen or has happened.	We will listen to you and make our decisions. Two-way communications designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision making.	We will involve you in the decision-making process. We will ultimately decide. Participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to decision-making.	We will discuss and decide together. Working together to develop understanding of all issues and interests to work out alternatives and identify preferred solutions.	Public or community will decide. They may choose to discuss with us. The final recommendation to Council is in the hands of the public. Under the LGA 2002, the Councillors are elected to make the final decisions on behalf of their constituents.
Types of issues that we might use this for	Water Shortage Directions	Rates review First Schedule RMA processes	“Front loading” Regional Plan development processes, including water management First Schedule RMA processes	Water management planning under the NPS-FM First Schedule RMA processes	Election voting systems (MMP, STV or first past the post)
Tools Council might use	Websites Social media Information flyer Public notices	Formal submissions and hearings, focus groups, phone surveys, surveys, virtual meetings/hui.	Workshops/wānanga Focus groups Citizens Panel Virtual meetings/hui	External working groups (involving community experts)	Binding referendum Local body elections
When the community can expect to be involved	Council would generally advise the community once a decision is made	Council would advise the community once a draft decision is made Council and would generally provide the community with up to 4 weeks to participate and respond.	Council would generally provide the community with a greater lead in time to allow them time to be involved in the process.	Council would 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 would generally provide the community with a greater lead in time to allow them time to be involved in the process. e.g. typically a month or more.
Engagement with Māori	Council would use the relationship based on the Charter of Understanding He huarahi mō Ngā Uri Whakatupu, any partnership arrangements, and the legislative requirements of the Local Government Act 2002 and the Resource Management Act 1991, to utilise any or all of the engagement techniques depending on the topic and interests. See section 8 below.				



7. Engagement tools and techniques / Kete mahitahi

Ahead of making a decision, the Council may use a variety of engagement techniques on any issue or proposal based on a range of other factors, including history and public awareness of the issue, online engagement, stakeholder involvement, and timing related to other events and budgets. Council will also take into consideration that the community can feel ‘over consulted’. Each situation will be assessed on a case-by-case basis.

The Council has an *Environment Southland Engagement Practice Strategy Framework* that will provide the direction, techniques and tools to enable and assist engagement capabilities across the organisation, and to implement this Policy.

8. Engagement with Māori / He ritenga mahitahi

The LGA recognises and respects the Crown’s obligations under the Te Tiriti o 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;
- take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga.

The 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:

- (a) acknowledge Ngāi Tahu ki Murihiku as the first point of contact for all engagement processes;
- (b) strengthen and improve ongoing relationships and partnerships with mana whenua in the Murihiku rohe (Southland region) including, but not limited to, ongoing support for Te Ao Marama Inc;
- (c) 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;
- (d) 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;
- (e) recognise the Charter of Understanding He huarahi mō Ngā Uri Whakatupu and other agreements (Mana Whakahono ā Rohe or Joint Management Agreements) developed with Māori as they relate to decision-making processes;
- (f) consider appropriate use of tikanga (cultural protocols) and te reo Māori (Māori language) in our daily business and engagement tools and practices;

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- (g) provide for mana whenua positions on Council’s standing committees to ensure direct Māori involvement in decision-making;
- (h) to advocate for and promote the principles of Te Mana o Te Wai and Ki uta, ki tai through the Council’s business and programmes.

Māori Engagement Spectrum¹

It is important to note that as the level of engagement increases:

- Māori participation and decision-making power increases;
- the importance to iwi increases – therefore the more important the outcomes of a project are to iwi, the higher the level of engagement should be;
- the complexity of the decision-making process increases;
- the effort required by all parties’ increases;
- the length of time required for engagement processes increases;
- the investment (time, resources and relationship) required from all parties’ increases;
- the Council’s decision-making power and control over outcomes decreases;
- decisions are more likely.

The Council’s approach to the differing levels of iwi engagement is summarised as follows:

¹ Adapted from Waikato Regional Council, Māori Engagement Framework, accessed July 2020.



Inform	Consult	Involve	Collaborate	Empower
<ul style="list-style-type: none"> • Provide information • The council will keep iwi informed about what is happening. 	<ul style="list-style-type: none"> • Obtain community feedback • The council will listen to iwi - the council will make an informed decision 	<ul style="list-style-type: none"> • Work directly with the community • The council will involve iwi in the decision-making process. The council will ultimately make the decisions. 	<ul style="list-style-type: none"> • Partner with iwi • Iwi and the council will discuss and decide together on as much as possible 	<ul style="list-style-type: none"> • Iwi make decisions • Iwi may choose to discuss with us.
<p>Information-giving is the most basic form of engagement as there is no participatory element. Providing information underpins all other levels of engagement because it enables Māori to be informed of activities that may impact them. It is essential that Māori are provided with the appropriate information, such as council reports, project plans, resource consent applications, research, maps and photos.</p>	<p>At this level of engagement, the objective is to seek the views and opinions of Māori on proposals, analyses, alternatives and/or decisions. This is not about putting ideas into action. Consultation can be done face-to-face at hui. Sufficient time needs to be provided to enable iwi or hapū to undertake follow-up discussion and wider consultation amongst themselves before providing a response back to council.</p>	<p>The aim at this level is to have Māori more involved in the decision-making process. Iwi or hapū representatives can be elected or appointed to committees, focus groups or working parties in an advisory capacity. Council retains the decision-making authority.</p>	<p>The goal of this level is to have processes that allow for sharing and acting together and to have all parties holding equal power. Both parties make the decisions as much as possible. Collaboration is more demanding of resources for all involved, needs significant lead-in time and planning, and can only be established by council resolution.</p>	<p>This level is the most ambitious, aiming to maximise empowerment of Māori and, at its farthest reach, will see Māori having complete decision-making power across various roles.</p>

9. References / Ngā tohutoro

Environment Southland Perceptions Survey 2019

Environment Southland Engagement Practice Strategy Framework
[ES Engagement Practice Strategy Framework \(A489290\)](#)

IAP2 Australasia's Public Participation Spectrum²

² <https://www.iap2.org.au/About-Us/About-IAP2-Australasia-/Spectrum>
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