

# HURUNUI DISTRICT COUNCIL

## POLICY

### SIGNIFICANCE & ENGAGEMENT



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| <b>Adopted:</b>     | <b>26 September 2023</b>                             |
| <b>Replaced:</b>    | Significance and Engagement Policy, 21 December 2017 |
| <b>Review date:</b> | December 2027  |

## 1. Introduction

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**Engagement** Engagement is a process of dialogue between decision-makers, partners, communities and stakeholders for the purpose of making better decisions, policies or programmes. Public input into significant decisions, policies or programmes undertaken by the Council is essential to ensure they reflect the aspirations and priorities of communities, Ngāi Tahu and interested groups throughout the Hurunui District.

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

- reflects Council’s commitment to conducting business in an open, transparent and democratically accountable manner
- recognises the importance of involving Hurunui’s communities in Council’s work
- provides options and methods for engagement with different groups and communities and for issues, decisions and proposals with different degrees of significance
- demonstrates our commitment to building ongoing relationships and greater understanding of community views and preferences
- supports Council compliance with the provisions of the Local Government Act 2002.

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**Local Government Act requirements** Council is required by Section 76AA of the Local Government Act 2002 (the Act) to adopt a Significance and Engagement Policy, which must set out:

- Council’s general approach to determining the significance of proposals and decisions in relation to issues, assets and other matters
- any criteria or procedures that are to be used by Council in assessing the extent to which issues, proposals, assets, decisions or activities are significant or may have significant consequences
- how Council will respond to community preferences about engagement on decisions relating to specific issues, assets or other matters, including the form of consultation that may be desirable
- how Council will engage with communities on other matters.

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

- to enable Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities

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- to provide clarity about how and when communities can expect to be engaged in decisions about different issues, assets or other matters
  - to inform Council from the beginning of a decision-making process about:
    - o the extent of any public engagement that is expected before a particular decision is made
    - o the form or type of engagement required.

The Significance and Engagement Policy must list the assets considered by Council to be strategic assets.

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## Interpretation

Section 5 of the Act provides the following definitions:

- significance, in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for,—
  - (a) the current and future social, economic, environmental or cultural wellbeing of district or region:
  - (b) any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter:
  - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so
- significant, in relation to any issue, proposal, decision, or other matter, means that the issue, proposal, decision, or other matter has a high degree of significance
- strategic asset, in relation to the assets held by a local authority, means an asset or group of assets that the local authority needs to retain if the local authority is to maintain the local authority's capacity to achieve or promote any outcome that the local authority determines to be important to the current or future well-being of the community. It includes the assets designated in this policy as being significant, and any land or building owned by the Council and required to maintain the Council's capacity to provide affordable housing as part of its social policy.

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## 2. General approach to making decisions

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### Determining significance

On every issue requiring a policy or strategy decision, (other than issues which require processes specified under other legislation - see Section 5 below), Council will consider the degree of significance of the issue and the corresponding level of engagement.

The significance of the issue and appropriate forms of engagement will be considered in the earliest possible stages of a proposal or process, before decision-making occurs. If necessary, significance and engagement will be reviewed as the proposal develops and as community views, preferences and values become better known.

### Section 76-82 compliance

In making any decision, Council will comply with sections 76 to 82 of the Local Government Act, regardless of the degree of significance of the decision or issue. These sections prescribe procedural steps to be followed as may be applicable, and ensure that Council:

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- is clear about why it is making the decision and the issues involved
  - has identified and assessed all reasonably practical options for achieving the objective for which the decision is being made
  - has information about the community's views on the issues and the options, and in particular, has an understanding of the views and preferences of those likely to be affected by the decision or those who have a particular interest in the matter
  - invests an appropriate amount of time, money and effort into researching and evaluating the issues and options, proportionate with the significance of the matter, including its importance to the community.
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**Decision making checks**

In making any decision, Council will be satisfied that:

- it has sufficient information on the relevant issues and options
- it knows enough about and has given adequate consideration to the views of affected and interested parties
- it has taken account of:
  - diversity within the community
  - the interests and reasonably foreseeable needs of future as well as current communities
  - the impact of any decision on social, economic, environmental, and cultural well-being of communities, and
  - the need to maintain and enhance the quality of the environment.

Council is also obliged to ensure:

- efficient and effective use of its resources in the interests of the Hurunui district; and
  - that any commercial transactions are undertaken in accordance with sound business practices.
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**Relevant effort**

In exercising its discretion as to how much time, money and effort Council will invest in exploring and evaluating options and obtaining the views of affected and interested parties, the Council may consider:

- the significance of the issue, proposal or decision
  - the extent of Council resources and the efficient and effective use of resources
  - the extent to which the nature of the decision or the circumstances in which a decision is to be taken, allow the local authority scope and opportunity to consider a range of options or the views and preferences of other persons
  - any other matters
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**Implications for Māori**

In some instances, there may be particular requirements to learn about the implications of an issue or decision for Ngāi Tahu as mana whenua<sup>1</sup> and kaitiaki<sup>2</sup> of the Hurunui District.

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<sup>1</sup> Mana whenua - territorial rights, power from the land, authority over land or territory, jurisdiction over land or territory - power associated with possession and occupation of tribal land. The tribe's history and legends are based in the lands they have occupied over generations and the land provides the sustenance for the people and to provide hospitality for guests. Source: maoridictionary.co.nz

<sup>2</sup> Kaitiaki - trustee, minder, guard, custodian, guardian, keeper. Source: maoridictionary.co.nz

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Where any of the practical options involves a significant decision in relation to land or a body of water, the Council will take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga

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**Limitations**

The commitment to invest in exploring options and obtaining the views of communities and affected and interested parties does not mean that Council will have to fully consult with the public for every decision it makes, nor does it bind Council to the views of communities and interested or affected parties.

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**Inconsistent Decisions**

If a decision of the Council is significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with, any policy adopted by the Council or a plan required by the act, in making the decision, the Council will identify:

- the inconsistency
  - the reasons for the inconsistency; and
  - any intention of the local authority to amend the policy or to plan to accommodate the decision.
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### 3. Criteria and procedures for assessing significance

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In considering the degree of significance of proposals and decisions in relation to issues, assets and other matters, Council will be guided by the following:

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**Policy and outcomes**

- the potential effects on delivery of Council's strategies and/or levels of service
  - the benefits that will be achieved
  - any impact on Council's capacity to undertake its statutory responsibilities
  - any inconsistencies with any existing policy, plan or legislation
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**Financial costs and rates**

- the financial cost of the proposal or decision
  - the likelihood that rates will change significantly
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**Communities**

- the extent of impact on social, economic, environmental or cultural wellbeing
  - the level of community interest in the matter
  - the impact upon community members or groups
  - the number of people or groups affected
  - any wider interest or concerns at national or international levels
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**Ngāi Tahu / Iwi**

- the values and interests of Ngāi Tahu whānau, hapū and rūnanga, as mana whenua for the district where proposals or decisions relate to land or a body of water, the implications for the relationships of Ngāi Tahu and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna and other taonga
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- the nature and extent of potential environmental impacts on community interests
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**Environment**

- whether the proposal or decision impacts a physical or community resource that is scarce, unique and/or under threat
- the impact of the proposal or decision on community vulnerabilities to the effects of changing weather patterns
- the impact of the proposal or decision on the Council's carbon footprint

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**Other matters**

- level of risk associated with the matter, including relating to health and safety
- whether the proposal or decision would be irreversible
- the practical demands of efficient decision-making in situations of urgency
- the need to be cautious about decision-making in the face of uncertainty, lack of clarity or unresolved matters.

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**Procedures for assessing significance**

In determining the degree of significance of proposals and decisions in relation to issues, assets and other matters, and when applying the criteria listed above, Council will balance the requirements of efficient decision-making, and the information requirements of sections 76 to 81 of the Act, across the different levels of significance from low to high.

Every agenda will include a statement of "Significance Consideration" which will include the questions which determine the level of significance.

Every report to Council must state the level of significance of the matter being reported and include a recommendation where necessary. Council officers preparing these reports will use the following significance determinant matrix as well as having regard to this Significance and Engagement Policy.

|                 |   |        |        |
|-----------------|---|--------|--------|
| Number Affected | Medium  | High   | High   |
|                 | Low   | Medium | High   |
|                 | Low   | Low    | Medium |
|                 | Likely Level of Impact, Implications, or Risk |        |        |

Councillors will make the final determination on the level of significance. Unless Council explicitly determines that the subject under consideration is medium or high significance then the subject will be deemed as being of low significance.

When Council is considering the significance of an issue, proposal, decision or other matter, in the event elected members, cannot agree, Council will:

- (a) Reconsider the significance questions, and/or;
- (b) Consider whether a view should be sought from the relevant Ward Committee or Community Board if appropriate to do so.

Agenda reports will include a statement addressing what has been done to ensure compliance with the Act as applicable unless the matter is considered to be of low significance.

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## 4. Processes and methods for engagement

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### Principles of consultation

While Council is required to have regard for the views and preferences of those who are affected by or have an interest in a matter or decision, it is not required for this reason alone to undertake consultation.

Any consultation undertaken by Council will reflect the following principles:

- Council will provide those who may be affected by or have an interest in a matter or decision with relevant information
  - Those who may be affected by or have an interest in a matter or decision will be encouraged to present their views to Council. They will have a reasonable opportunity to do so in a manner and format appropriate to their needs and preferences
  - Council will consider any such views presented with an open mind
  - Those presenting views to the Council will have access to a record or description of the relevant decision made.
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### Method determination

In exercising its discretion regarding the application of the above principles, Council will have regard for:

- the nature and significance of the decision or matter, including its likely impact from the perspective of those who may be affected by or have an interest in the matter or decision,
- the extent to which current views and preferences of those who may be affected by or have an interest in a matter or decision are already known
- the provisions of Part 1 of the Local Government Official Information and Meetings Act 1987 (including the ability to withhold information in specified circumstances); and
- the costs and benefits of any consultation process or procedure.

Council may also consider:

- the objectives of the engagement –
- the preferences, capacities, views and values of the community groups and individuals affected by and / or interested in the decision or proposal
- the diversity of preferences, capacities, views and values amongst the community groups and individuals affected by and / or interested in the decision or proposal
- the benefits and limitations of possible methods for engaging with community groups and individuals affected by or interested in the decision or proposal
- timing issues, including any concurrent engagement processes on other matters involving the same, similar or contiguous groups or communities
- opportunities provided by innovative technologies for efficient yet effective engagement
- opportunities for relatively informal community-based meetings and discussions.

Differing levels and forms of engagement may be required during the varying phases of consideration and decision-making on an issue, and for different community groups or stakeholders. Council will review the appropriateness and effectiveness of the engagement strategy and methods as the process proceeds.

Council will follow an 'engagement spectrum' approach to determine the most appropriate processes and methods for engagement with affected and interested communities on particular decisions or issues. This approach is based on the International Association for Public Participation (IAP2) framework. The methods

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discussed below are not a definitive list, but an indication of the spectrum of engagement opportunities that may be useful for Council and our communities.

| Engagement Spectrum   |  |   |  |   |
|---|--|---|--|---|
| Inform  | Consult  | Involve   | Collaborate  | Empower   |
| To provide the public with balances 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 |

**Statutory obligations**

Where, as a result of one or more statutory obligations, there is only one option legally available to the Council, regardless of the level of significance, the Council may inform the community, but is not required to engage with the community in other ways.

**Inform communities**

Information is primarily a one-way process in which the Council reaches out to communities. It helps ensure communities are kept up to date with developing issues and new proposals. Communications may be targeted to interested and affected groups.

The following methods are efficient and practical means to raise awareness of a new or newly significant issue, to provide basic information about the issue, and to build community interest:

- distribution of pamphlets or other materials such as newsletters and notices
- information provided on Council’s website
- information provided via social media

Some limitations to these methods include the costs of printing and distribution, and the challenges in reaching as widely within the community as may be necessary.

**Consult and involve communities**

A range of tools and methods can be used to bring communities and particular interested and affected groups into the process to contribute their views, priorities and preferences.

For relatively straightforward issues or proposals, methods such as surveys (whether by phone, online or written) or focus groups may be effective. These methods can be targeted and undertaken relatively quickly. However, they can be limited in that there is little ability to address more complex or subtle dimensions of an issue and its implications for communities. Where survey response rates are low, responses may not fully reflect diversity within the community.

For more complex issues or proposals, including legislative issues, more technical issues and policy and service reviews, a more comprehensive level of consultation and engagement will be appropriate:

- Special Consultative Procedure (under the Act)
- other submissions processes
- formal public meetings
- focus groups, local action groups.

The public consultation undertaken in the development of Long Term Plans, Annual Plans and other Council Plans helps to ensure robust policies and relevance to

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communities. These methods allow Council and communities to research and explore the issues and background matters, and to consider the full range of implications of a proposal, policy or decision. However, these processes can be costly and time-consuming. There can be low participation rates with only a narrow range of people and groups engaging. The consultation may be off-putting to people and groups not familiar with the issues or confident with the technicalities or the process.

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**Collaborate with communities and empower their involvement**

The value of a collaborative approach is increasingly recognised in a wide range of policy and decision-making contexts. These kinds of methods and approaches are particularly useful when there is a high degree of significance of the issue or proposal, and when there is strong community interest, capacity and commitment. These kinds of issues and proposals tend to be complex with multiple values, perspectives and interests at stake and often involving complex technical or scientific questions.

Methods include:

- multi-stakeholder processes such as Citizen Juries or Panels
- multi-stakeholder groups such as the Canterbury Water Management Strategy Zone Committees
- task groups, local action groups, advisory groups
- interactive websites

Like the more comprehensive consultation methods outlined in the previous section, these methods allow for research into the issues and background, and exploration of a wide diversity of implications. Multiple goals and values can be recognised and achieved. In addition, a collaborative approach establishes legitimacy through representative community participation, develops and affirms long-term relationships and understanding, and builds trust and community networks for future collaborative initiatives.

These processes do require ongoing skilled facilitation and considerable time and resourcing to be effective. Specific processes, such as a Citizen Jury called to address a particular issue, may be focused closely around that issue and the interested and affected groups, and may not sustain continuing engagement over time.

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## 5. Engaging with communities on other matters

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### Local Government Act

The Act prescribes particular processes for Councils to follow to consult and engage with communities on particular matters.

#### **Special Consultative Procedure:**

The Act specifies that a Special Consultative Procedure (SCP), as defined under section 83, must be followed for community engagement on certain plans and processes including:

- Long Term Plans
- Annual Plans where there are significant or material differences from the Long Term Plan
- Bylaws of significant interest.

#### **Long Term Plan:**

Where Council intends to commence a large-scale planning or other project, the commitment will be set out in advance in the Long Term Plan. These matters may also have been foreshadowed in other policy or planning documents and Council may have been made aware of the community's views and preferences through other processes.

Section 97 of the Act provides the following decisions may only be made if included in the Long Term Plan:

- a decision to transfer the ownership or control of a strategic asset to or from Council
- a decision 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.

#### **Annual Plan:**

Section 95A of the Act sets out engagement requirements in respect of the Annual Plan.

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### Other legislation

Other decisions made by Council 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 (e.g. Resource Management Act).

Even if a decision is clearly a significant one within the meaning of the Act, where the procedures for decision-making are set out in other legislation, those procedures will be used instead of those contained in this Significance and Engagement Policy. Section 82(5) of the Act broadly allows the authorising legislation's procedures to apply.

This Significance and Engagement Policy will not be used in making decisions taken under the RMA on the following matters:

- resource consents or other permissions
- submissions on plans
- decisions required when following the procedures set out in Schedule 1 of the RMA
- references to the Environment Court
- decisions to proceed with enforcement procedures under various legislation including Council bylaws.

There are also numerous administrative and personnel decisions that are entirely internal to Council. This Significance and Engagement Policy will not apply to these processes and decisions.

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## 6. Ngāi Tahu / Iwi

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| <b>Treaty of Waitangi</b>                  | The Council recognises and respects the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi.  |
| <b>Māori engagement in decision making</b> | <p>As provided for in sections 14, 81 and 82(2) of the Act, the Council will provide opportunities for Māori to contribute to its decision-making processes, including establishing processes and providing information for this purpose.</p> <p>In considering how it will exercise its responsibilities under these provisions of the Act, the Council will consider its role under section 11 and any other matters the Council reasonably considers relevant.</p>  |
| <b>Ngāi Tahu special status</b>            | While the Act sets out provisions relating to all Māori, it is recognized that within the Canterbury region, Ngāi Tahu are the tangata whenua. They have a special status in terms of Council's resource management activities, and are not just another interest group. In addition to the Local Government Act obligations, the Resource Management Act 1991 (RMA) gives regional Councils specific obligations regarding kaitiakitanga, the principles of the Treaty of Waitangi and the relationship between Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga. In the Canterbury region, the Ngāi Tahu Claims Settlement Act 1998 includes confirmation of the ability for Ngāi Tahu to express its traditional kaitiaki relationship with the environment. |
| <b>Memorandum of Understanding</b>         | <p>Central to our working with Māori is a Memorandum of Understanding between Te Rūnanga o Ngāi Tahu, Te Ngāi Tūāhuriri Rūnanga, Te Rūnanga o Kaikoura and the Council. This MoU has been in place since 2004 and is an agreement for us to work together to develop appropriate processes that will allow Council to fulfil its statutory responsibilities while recognising Ngāi Tahu as the tangata whenua.</p> <p>In addition to the MoU, Council has also developed policies covering Māori Contribution to Decision Making and protocols covering the accidental discovery of human remains and artefacts.</p>   |

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## 7. Council's strategic assets

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| <b>Asset groups</b>   | Council has identified a schedule of the strategic physical assets which are considered significant in ensuring Council's capacity to achieve or promote important outcomes. It is important to note that Council manages a number of strategic assets as a whole. This is because these asset classes as a whole, deliver the service. Strategic decisions in these areas, therefore, only concern the whole asset class and not individual components, unless those components substantially affect the ability of Council to deliver the service. It is the principle of the provision of the services that makes these asset groups strategic, not the individual roads, individual toilet blocks, individual halls, etc. |
| <b>List of assets</b> | <p>The physical assets owned by the Council that are considered strategic assets as a whole are:</p> <ul style="list-style-type: none"><li>• The water supply network</li><li>• The wastewater collection</li><li>• The stormwater system</li><li>• The roading and footpath network</li><li>• The Hanmer Springs Thermal Pools and Spa Reserve</li><li>• The library network</li></ul>   |

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- The reserves lands as a whole including land held under the Reserves Act and land used for parks, domains, village greens, cemeteries, sports fields and recreational areas
  - The lands and buildings including:
    - Social housing
    - Community halls
    - Medical centres and doctors' houses
  - The solid waste network

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END OF POLICY