

Significance and Engagement Policy 2014



Facilitating sustainable development in the Canterbury region.
Te huawaere i te kauneke tauwhiro i Waitaha.

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1: Introduction

Engagement is a process of relationships and 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 Environment Canterbury is essential to ensure they reflect the aspirations and priorities of communities, Ngāi Tahu and interested groups throughout the Canterbury region.

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

- recognises the importance of involving Canterbury's diverse communities in Environment Canterbury's work
- provides a range of 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 and maintaining ongoing constructive relationships with Canterbury communities and developing greater understanding of community views and preferences.

Local Government Act requirements:

Environment Canterbury is required by the Local Government Act 2002 (the Act) to adopt a Significance and Engagement Policy,¹ which must set out:

- Environment Canterbury'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 Environment Canterbury in assessing the extent to which issues, proposals, assets, decisions or activities are significant or may have significant consequences
- how Environment Canterbury 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 Environment Canterbury will engage with communities on other matters.

Purpose of the Significance and Engagement Policy:

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

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

¹ This is a new requirement under section 76AA of the Act, introduced in July 2014 as one of a number of amendments to the legislation. Environment Canterbury already has a Policy on Significance, a requirement under section 90 of the Act, which has now been replaced by the new section 76AA. The existing Policy on Significance has been integrated into this Draft Significance and Engagement Policy.

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

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

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 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.

2: General approach to determining significance and making decisions

On every issue requiring a policy or strategy decision, other than the matters outlined below in Section 5 as requiring processes specified under other legislation and formal systems, Environment Canterbury 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.

In making any decision, Environment Canterbury will comply with sections 76, 77, 78, 79, 80, 81 and 82 of the 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 Environment Canterbury:

- is clear about why it is making the decision and the issues involved
- has considered and evaluated 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, commensurate with the significance of the matter, including its importance to the community.

In making any decision, Environment Canterbury 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 and preferences of affected and interested parties.

The significance of the issue, proposal or decision will determine how much time, money and effort Environment Canterbury will invest in exploring and evaluating options and obtaining the views of affected and interested parties.

In some instances, there may be particular requirements to learn about the implications of an issue or decision for Ngāi Tahu as mana whenua and kaitiaki of the Canterbury region.

There may also be issues or decisions where there are diverse groups within the community with different concerns, interests, views and preferences, where multiple processes will be appropriate to distinguish and recognise the range of positions.

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

As well as the views of communities and affected and interested parties, there are a wide range of information sources, considerations and perspectives that will inform Environment Canterbury's decisions, including the requirements of Government policy, technical matters and the financial implications.

3: Criteria and procedures for assessing significance

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

Policy and outcomes:

- the potential effects on delivery of Environment Canterbury's policy and strategies
- the degree to which the decision or proposal contributes to promoting and achieving particular community outcomes
- the magnitude of the overall benefits that will be achieved for the region, its communities and present and future interests
- the magnitude of the net costs of the proposal or decision to Environment Canterbury and / or to affected communities or groups
- any impact on Environment Canterbury's capacity to undertake its statutory responsibilities
- the extent to which the proposal or decision flows logically and consequentially from a decision already made or from a decision in the Long Term Plan or the Annual Plan
- any inconsistencies with any existing policy, plan or legislation

Communities:

- the level of community interest in the proposal, decision or issue
- the extent to which the proposal or decision impacts upon community members or groups, and the numbers of people or groups affected
- the extent to which the community's views on the matter are already known
- the timeframes for community engagement with the issues and information, including any concurrent engagement processes on other matters involving the same, similar or contiguous groups or communities
- any wider interest or concerns at national or international levels

Ngāi Tahu:

- the values and interests of Ngāi Tahu whānau, hapū and rūnanga, as mana whenua for the region
- 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

Contexts and implications:

- the variation between the effects of the options identified (including the 'do nothing' option where appropriate), or the extent to which they have different effects in terms of, amongst other things: their costs, their benefits, and the extent to which they impact on the community and affected or interested groups

- the extent to which the proposal or decision could have an adverse effect on environmental outcomes as set out in Environment Canterbury plans and policies, or could have unintended adverse effects on other community interests
- if the proposal or decision impacts (positively or adversely) upon a physical or community resource that is scarce, rare or unique and/or under threat
- if the proposal or decision would be irreversible
- if there are high levels of controversy around the proposal or decision
- 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.

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, Environment Canterbury will integrate its commitment to constructive community engagement, the information requirements of sections 76, 77, 78, 80, 81 and 82 of the Act, and the requirements of efficient decision-making, across the different levels of significance from minimal to major.

Papers proposing policy or strategy decisions to the Directorate and Chief Executive of Environment Canterbury will include:

- an outline of what has been done to ensure compliance with sections 76, 77, 78, 79, 80, 81 and 82 of the Act
- if necessary, a recommendation of further actions required to ensure compliance
- a discussion of any issues and the views and preferences of affected and interested parties .

Papers proposing policy or strategy decisions to the Council, Commissioners and Environment Canterbury committees will include:

- note that the legislative requirements of sections 76, 77, 78, 79, 80, 81 and 82 of the Act have been met
- a brief summary of any issues and the views and preferences of affected and interested parties
- a recommendation that the Council determines the degree of significance of the particular issue or decision.

4: Processes and methods for engagement

In determining the processes and methods appropriate for engaging with communities to consider proposals and decisions in relation to issues, assets and other matters covered under this Significance and Engagement Policy, Environment Canterbury will be guided by the following:

- the degree of significance of the issue, decision, proposal, asset or other matters – as determined by the criteria set out in the preceding section of this Policy
- the objectives of the engagement – the feedback that is sought from communities and affected and interested parties
- 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
- Environment Canterbury's existing relationships and interactions with the community groups and individuals affected by and / or interested in the decision or proposal
- the benefits, limitations and costs of the range of possible processes and methods for engaging with the community groups and individuals affected by and / or 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. Environment Canterbury will review the appropriateness and effectiveness of the engagement strategy and methods as the process proceeds, with input from the relevant communities and groups.

Environment Canterbury 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, taking the principles and spectrum approach of that framework and developing them into a flexible and practical 'menu' of engagement options.

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

Inform communities:

These 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. Possible methods may include:

- distribution of pamphlets or other materials such as the Environment Canterbury newsletter *Living Here*
- information provided on Environment Canterbury's website
- information provided via social media.

Communities are kept up to date with developing issues and new proposals, and communications can be targeted to interested and affected groups. However these methods are essentially a one-way process out to communities, and as such are more useful in the earliest stages of proposals or processes. Other 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. Environment Canterbury has conducted customer surveys and stakeholder surveys to canvass the thoughts and experiences of key groups. 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. There can be low response rates to surveys, with respondents representing only a narrow range of people and groups 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 may be appropriate.

Possible methods may include:

- Special Consultative Procedure (under LGA)
- other submissions processes
- formal public meetings
- task groups, focus groups, working parties, local action groups.

The public consultation undertaken in the development of Long Term Plans, Annual Plans, Regional Policy Statements and other Plans helps to ensure robust policies and relevance to communities. These methods allow Environment Canterbury 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.

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. Collaborative engagement is based in strong relationships and community networks. 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.

Possible methods may 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
- Memoranda of Understanding
- 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.

5: Engaging with communities on other matters

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
- Bylaws of significant interest.

Long Term Plan:

Where Environment Canterbury intends to commence a large-scale planning or other project, the commitment will be set out in advance in the Long Term Plan or Annual Plan. These matters may also have been foreshadowed in other policy or planning documents, and Environment Canterbury may have been made aware of the community's views and preferences through other processes. Such decisions to prepare a policy document under various statutory authorities will include, but are not limited to:

- a decision to prepare a Regional Plan or Regional Policy Statement under the Resource Management Act 1991 (RMA), including a major change or major variation to an existing plan or policy statement, or a proposed plan affecting the whole region, or a large part of the region in terms of population or land area
- a decision to prepare a Regional Pest Management Strategy under the Biosecurity Act 1993
- a decision to prepare new Navigation Safety Bylaws under the Maritime Transport Act 1994 for an area not previously controlled through Bylaws
- a decision to prepare a Regional Land Transport Strategy or a new Public Transport Plan governing public transport services in the region or a significant part of the region
- a decision to prepare a Floodplain Management Strategy or Bylaws under section 149 of the Act for forests, parks and reserves, flood protection and control or water supply
- a decision to prepare a Civil Defence Emergency Management Plan.

Other provisions in the Act specify particular decisions or activities where community engagement is to be addressed through the larger public consultation processes for a Long Term Plan:

- a decision to transfer the ownership or control of a strategic asset to or from Environment Canterbury or a decision to construct, replace or abandon a strategic asset
- a decision that will, directly or indirectly, significantly affect Environment Canterbury's capacity, or the cost to Environment Canterbury, in relation to any activity identified in the Long Term Plan
- a decision to alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of Environment Canterbury, including a decision to commence or cease any such activity.

Other legislation:

Many of the decisions made by Environment Canterbury at the Council level and under delegated authority will be made under legislation that prescribes the consultation and decision-making procedures that are required, including the procedures that must be used for public notification, considering submissions and making decisions. This legislation includes the Resource Management Act 1991, the Biosecurity Act 1993, the Civil Defence Emergency Management Act 2002, or the Land Transport Act 1998.

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 and the Biosecurity Act 1993 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 Environment Canterbury bylaws.

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

6: Ngāi Tahu and Tuia

The Act provides principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes (for example, sections 81 and 82(2)). This is to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes.

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 Environment Canterbury'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.

Above and beyond these statutory obligations, Environment Canterbury has committed with Ngāi Tahu leadership to engage as partners in a constructive and progressive relationship. This commitment is based on the recognition that the relationship of Ngāi Tahu with their ancestral land within Canterbury is inextricably affected by the powers and functions of Environment Canterbury. It is supported by the joint programme Tuia, which translates as 'working together shoulder to shoulder'.

Tuia is a practical partnership of Environment Canterbury with the ten Papatipu Rūnanga of Ngāi Tahu in Canterbury and the tribal authority, Te Rūnanga o Ngāi Tahu. Tuia is affirmed in our *Strategic Directions* documents as a top priority for the whole organisation. The aims of Tuia include achieving sustainable environmental outcomes, perpetuating and supporting customary practices, being responsive to mana whenua needs and providing for effective iwi participation. In progressing Tuia, Environment Canterbury and Ngāi Tahu are committed to working together in a spirit of partnership that promotes mutual respect, transparency, trust and good faith for the benefit of Ngāi Tahu, other Māori and the wider community.

Environment Canterbury is also a partner with Ngāi Tahu in the 2012 co-governance agreement for Te Kete Ika a Rākaihautū, the catchment for Te Waihora/ Lake Ellesmere. This establishes a shared stewardship commitment to sustainable management and the rejuvenation of the lake and catchment.

Environment Canterbury is committed to a multi-tiered framework of ongoing regular engagement with Ngāi Tahu to support the Tuia partnership:

- Te Rōpū Tuia: a quarterly meeting of Environment Canterbury Commissioners with the rūnanga chairs.
- Commissioners' quarterly meeting with Te Rūnanga o Ngāi Tahu, the iwi authority.
- Te Paiherenga: the technical working group to support Te Rōpū Tuia. The role of Te Paiherenga is to discuss and provide advice and feedback on proposals, policies and procedures, and engagement, and to share information.
- Te Waihora Co-Governors' meetings.

7: Canterbury Water Management Strategy

The Canterbury Water Management Strategy (CWMS) is an integrated approach to water management in which solutions are developed by communities of interest, balancing diverse environmental, economic, social and cultural perspectives in a collaborative process.

The CWMS is a unique partnership between Environment Canterbury, Canterbury's territorial authorities, Ngāi Tahu and key stakeholders. Ten Zone Committees and a regional committee bring together a wide range of community interests to focus on the challenges and opportunities involved in managing water in our region. Ten areas of focus shape the work plans for ongoing initiatives:

ecosystem health and biodiversity	braided rivers and their natural character
kaitiakitanga	drinking water
recreational and amenity opportunities	water-use efficiency
irrigated land area	energy security and efficiency
the regional and national economies	environmental limits

Environment Canterbury and the region's territorial authorities support the implementation of the CWMS, including policy and technical support for the Zone Committees, implementation of the Immediate Steps Biodiversity Programme, and liaison with Ngāi Tahu and with interested stakeholder and industry groups.

The Zone Committees and wider community networks involved with the diverse range of CWMS activities are a direct and immensely valuable system of interconnection between Environment Canterbury Commissioners and staff and the region's communities. Information about local issues, aspirations and priorities informs and shapes the work of the ten Zone Committees.

8: Environment Canterbury strategic assets

The assets of Environment Canterbury that are considered strategic assets are:

- the overall system of river control and drainage infrastructure as a whole, including the system of stopbanks, groynes, drains, erosion control planting and associated works and structures such as floodgates, culverts, roads, tracks and bridges; these may be located on private and Crown land as well as on reserve lands
- the overall system of communications for flood and resource monitoring and control, including the radio communication system, rainfall and river level gauges, calibration equipment, air quality and water quality monitoring stations, repeater stations, data loggers and associated computer systems
- the regional Civil Defence Emergency Management response and control infrastructure as a whole, including the communications systems, response equipment, emergency response vehicles and operations and training centres.

Other assets held by Environment Canterbury but not considered strategic include office buildings in Christchurch, Timaru and Kaikōura, depots and other facilities, plant, equipment and vehicles.

