

# **DRAFT POLICY ON SIGNIFICANCE AND ENGAGEMENT**

## **Purpose**

This Significance and Engagement Policy lets both Council and the community identify the degree of significance attached to particular decisions, to understand when the community can expect to be engaged in Council's decision making processes, and know how this engagement is likely to take place.

## **Introduction**

The Local Government Act 2002 states that one role of a Council is to *enable democratic local decision-making and action by, and on behalf of, communities*. This Policy explains how the Council will decide the level of significance that a matter has, the types of matters where the community will be involved in the decision-making process, and when the community can expect the Council to make a decision *on its behalf*.

There are many informal ways that Council engages with the community during its everyday business which helps to inform it on community views. There are also decisions that a Council must make which require a more structured form of engagement. This is because of the importance that a matter has within the wider community, or for groups within the community.

The first part of this policy sets out how the Council will decide whether or not a matter is "significant". The second part of this policy sets out when and how the community's views will be heard on these significant, and other, matters.

## **Determining Significance**

Local authorities must make decisions about a wide range of matters and most will have a degree of significance, but not all issues will be considered to be "significant". 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.

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:

- Whether the asset is a strategic asset as listed in schedule two of this policy.
- The impact on levels of service provided by Council or the way in which services are delivered.
- The degree of impact on Council's debt or the level of rates it charges.
- Whether the decision is reversible and the likely impact on future generations.

- The impact on the community, how many people are affected and by how much.
- Whether the decision or action flows from, or promotes, a decision or action that has already been taken by Council or furthers a community outcome, policy or strategy.
- Is there a past history or reasonable expectation of the issue generating wide public interest within the district.

It may be that only one of the criteria applies, but to such a high degree that the decision will be considered “significant”. Conversely, several criteria may be applicable, but to only a low degree, and therefore will be considered to have a lower level of significance. Each decision will involve staff making an assessment for consideration by elected members. Schedule one of this policy sets out how the criteria will be used to assess significance.

### **Community Engagement**

The ways engagement can take place are varied and will be in proportion to the significance of the matter being considered.

#### Special Consultative Procedure

There are still situations where the Special Consultative Procedure must be used under the Local Government Act 2002:

- Adoption or amendments to the Long Term Plan
- Adoption or amendment to a significant bylaw
- Transfer of ownership of a significant strategic asset
- Changes to financial policies.

There are also statutes which require the special consultative procedure to be followed in specified situations including:

- Resource Management Act 1991
- Rating Powers Act 1988
- Building Act 1991
- Sale and Supply of Liquor Act 2012
- Psychoactive Substances Act 2013
- Dog Control Act 1996
- Waste Minimisation Act 2008
- Freedom Camping Act 2011
- Land Transport Management Act 2003
- Energy Companies Act 1992.

It is important to note that formal consultation using a special consultative procedure is a structured process outlined in legislation and supported by case-law. In other engagement processes, however, there are no explicit statutory or legal rules constraining or defining community engagement processes. The Local

Government Act 2002 has given local authorities the ability to determine this as appropriate for their communities.

### Engagement on other matters

Outside of matters where it remains mandatory for a special consultative procedure to be undertaken, Council will determine the appropriate level of engagement on a case by case basis.

Council may decide that it will use a special consultative procedure if the matter is of high significance, or it may choose another form of appropriate consultation. In instances where significance is judged to be moderate, engagement with the community could involve consulting through an advisory committee or focus group, public meetings, or surveys.

When Council decides that a matter is of low to moderate significance, or in instances where it is considered that the views of the community are already known, it may make a decision on behalf of the community and then inform the community of the outcome. This may be, for instance, through publication on the Council website, in the local media, or other appropriate means.

### **Principles of Engagement**

In any engagement process undertaken with the community, that engagement will be in proportion to the matter being considered. When any engagement takes place, other than simply providing information, we will:

- Seek to hear from everyone affected by a decision
- Ask for views early in the decision making process so that there is enough time for you to give us feedback, and for your views to be considered properly
- Listen and consider views in an open and honest way
- Respect everyone's point of view
- Provide information that is clear and easy to understand
- Consider different ways in which the community can share views with us
- Ensure that the engagement process is efficient and cost effective.

### **Information requirements**

Council will ensure that, when conducting any engagement or consultation process in relation to a significant decision, it provides:

- Clear information on what is being proposed and why it is being proposed
- Sufficient information on which to provide meaningful feedback
- The advantages and disadvantages of each option being considered
- What impacts, if any, will occur if the proposal goes ahead
- How the community can provide its views
- The timeframe for completing the community engagement or consultation
- How submitters and participants can learn about the outcome.

## Engagement with Iwi

The Council will honour all engagement processes, agreements and memorandums of understanding developed with iwi/Maori as they relate to its decision-making policies. It will also take into account its obligations as outlined under the Resource Management and Local Government Acts.

### Definitions used in this policy

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|-----------------|--|
| 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.   |
| Decisions       | Refers to all the decisions made by or on behalf of Council including those made by officers under delegation. (Management decisions made by officers under delegation during the implementation of council decisions will not be deemed to be significant).   |
| 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.  |
| Significance    | As defined in Section 5 of the LGA 2002 <i>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, matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for:</i><br><ul style="list-style-type: none"> <li>(a) The district or region</li> <li>(b) Any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter</li> <li>(c) The capacity of the local authority to perform its role, and the financial and other costs of doing so.</li> </ul>   |
| Strategic Asset | As defined in Section 5 of the LGA 2002 <i>in relation to the assets held by the 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; and includes</i><br><ul style="list-style-type: none"> <li>(a) Any asset or group of assets listed in accordance with section 90(2) by the local authority; and</li> <li>(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</li> <li>(c) Any equity securities held by the local authority in <ul style="list-style-type: none"> <li>I. A port company within the meaning of the Port Companies Act 1988</li> <li>II. An airport company within the meaning of the Airport Authorities Act 1966.</li> </ul> </li> </ul> |
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## SCHEDULE ONE: ASSESSING SIGNIFICANCE AGAINST CRITERIA

| Criteria  | Higher Significance   | Lesser Significance  |
|---|---|--|
| Change in levels, or delivery, of service provided by Council.  | There is a major and/or long term change to services.   | There is a medium to low level of change to services.  |
| Level of financial impact.                                      | There is a major and long term financial impact.  | There is a medium to low level of impact.  |
| Impact on the community.  | The decision would have a major impact on sections or all of the community.   | The impact on the community is medium to low.  |
| Decision involves a "strategic asset" as listed in this policy. | The decision involves the sale or transfer of more than 20% of a strategic asset.   | The decision does not impact on the Council's ownership of the asset.  |
| Impact on Council debt or level of rates.                       | The impact is major and/or long term on either debt levels or rates.  | The impact is of a medium to low level   |
| Reversibility of decision.                                      | The decision is irreversible and would impact negatively on future generations to a high degree.                                      | The decision is not irreversible, or if it were, the impact on future generations would not be high.   |
| Building on previous decisions.                                 | The matter is considered to be significant by other criteria, and has not been previously consulted with the community.               | The decision or action is consequential to, or promotes, a decision or action already taken by Council or the views of the community on this matter are already known. |
| Historic interest.  | There is a history of the matter generating wide and intense public interest and a reasonable expectation that this will again be so. | There is no history of the matter generating widespread interest.  |

## **SCHEDULE TWO: LIST OF STRATEGIC ASSETS**

The Local Government Act 2002 definition of a strategic asset is outlined in the Significance and Engagement Policy.

The list of assets outlined below are considered to be “strategic assets”, however not all decisions made regarding them will be significant. For example, the road network is strategic but the purchase or sale of small land parcels that make up the network may not amount to a significant decision.

- Water supply catchments and supply network as a whole
- Wastewater network as a whole
- Stormwater and flood protection network as a whole
- Land transport network as a whole
- Ownership of community housing
- Ownership in the Nelson Airport Company
- Ownership in the Nelson Port Company
- Ownership of Nelmac Ltd.