Nelson City Council
te kaunihera o whakatū

Draft Significance and Engagement Policy



1. Purpose of this policy

1.1. Many decisions Council makes affect our community on a daily basis. The more significant the decision, the more important it is for Council to engage with the community to understand the community's views and preferences prior to making the decision.

1.2. This Significance and Engagement Policy lets both Council and the community know:

- The degree of significance attached to particular matters and the decisions Council makes on them
- How and when the community can expect to be engaged in Council's decision-making processes
- The form and extent of the engagement likely to take place before a particular decision is made
- Council's strategic assets, as a decision concerning transfer of ownership or control of a strategic asset to or from Council must be explicitly provided for in the Long Term Plan.

2. Introduction

2.1. 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. Council consults or engages on a wide range of specific matters which lead to decisions. This Policy explains how Council will decide the degree of significance of a matter, the types of matters on which the community will be engaged during the decision-making process and when the community can expect Council to make a decision on its behalf.

2.2. 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 Council makes which require a more structured form of engagement. This is partly because of the importance or significance of a matter to the wider community, or to groups within the community.

2.3. Section 3 of this policy explains how Council decides the degree of significance of a matter. Sections 4-8 explain how and when the community's views will be sought on a matter, given the degree of significance of the matter.

3. Determining Significance

3.1. Every decision by Council has a degree or level of significance, as significance is assessed on a continuum – ranging from day-to-day matters where the decision is of low importance and low significance, through to critical decisions of high significance.

3.2. Determining the significance of a matter is an exercise of judgment based on criteria Council has identified as important to its community (refer to Schedule One).

3.3. An assessment of the degree of significance of proposals and decisions, and the appropriate level of engagement, will be considered in the early stages of a proposal before decision-making occurs.

3.4. Council will take into account the following criteria when assessing the degree of significance of proposals and decisions or whether they have significant consequences, and therefore the appropriate level of engagement to undertake:

- Whether the asset is a strategic asset as listed in Schedule Two of this policy, and whether the proposal or decision involves the transfer of ownership or control of the strategic asset
- 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 and Council's financial capacity, including its debt and rates limits
- 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
- Any past history of the issue generating wide public interest within the community or whether there is a reasonable expectation that it would generate this interest now
- 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, and the degree to which the community's views are known.

3.5. It may be that only one of the criteria applies, but to such a high degree that the decision will be considered of high significance. Conversely, several criteria may be applicable, but to only a low degree, and therefore the decision will be considered to have a lower degree of significance. Each Council decision will be proceeded by a staff assessment of the degree of significance of the decision, for Council's consideration. Schedule One of this policy sets out how the criteria will be used to assess the degree of significance of a matter.

3.6. Once Council has decided what level of significance a matter has, it will consider how it should engage with its community.

4. Engagement with Māori and local Iwi

4.1. The Crown has made certain legislative requirements for local government to engage with Māori to facilitate their participation in council decision-making processes. The Local Government Act 2002 requires councils to:

- Establish and maintain processes to provide opportunities for Māori to contribute to council decision-making processes
- Consider ways to foster the development of Māori capacity to contribute to council decision-making processes
- Provide relevant information to Māori to enable them to contribute, in a timely manner.

4.2. Aside from the legislative context, there are compelling reasons for Council and iwi/Māori to work together, and not all engagement with iwi/Māori is driven by statute. Iwi constitute a unique and defining part of the Whakatū community and region, and hold a wealth of knowledge about the cultural, natural, physical and social landscape, and are also key contributors to the region's economic development.

4.3. Council's engagement with Māori and iwi aligns with the Treaty principles of partnership, protection and participation. Council will:

- Implement the intent of the Local Government Act 2002
- Work to improve Māori and iwi participation in Council's decision-making processes
- Implement the Statement on Fostering Māori Participation in Council Decision-Making
- Provide sufficient information to Māori and iwi to enable their effective and genuine participation in decision-making
- Endeavour to engage Māori and iwi early in decision-making processes.

4.4. Council will take into account its obligations as outlined under legislation including, Te Tau Ihu Claims Settlements, Resource Management Act, and all other relevant Acts. Council will also consider National Policy Statements, and will honour all engagement and relationship agreements developed with Māori and iwi as they relate to its decision-making processes.

5. Community Engagement

5.1. The ways engagement can take place are varied and will generally be in proportion to the significance of the matter being considered. So, a decision relating to a matter with a higher degree of significance is likely to result in a higher level of engagement with the community, compared with a decision of lower significance.

5.2. There may be situations where Council does not engage with the community on highly significant matters. For example, where

- Council already has a good understanding of the community's views and preferences
- The matter is confidential
- If there is a legal or Government policy requirement for Council to do something e.g. the directive for Council to fluoridate its water supplies and the decision by the Government to transfer the three waters services from councils into a new water entity.

Special Consultative Procedure

5.3. There are times when Council will use a formal consultation process - the Special Consultative Procedure. This is a structured process outlined in legislation and supported by case-law.

5.4. Council must use the Special Consultative Procedure outlined in the Local Government Act 2002 for some plans and processes, such as adopting the Long Term Plan or bylaws.

Engagement on Other Matters

5.5. When engaging on other matters, which do not require the Special Consultative Procedure, there are no explicit statutory or legal rules regarding community engagement processes. The Local Government Act 2002 gives local authorities the ability to determine the engagement process on a case-by-case basis, as is considered appropriate for their communities.

5.6. Council may decide it will use the Special Consultative Procedure or similar process if the matter is of high significance, or it may choose a different form of 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.

5.7. 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. Following making the decision Council may then inform the community of the outcome e.g. through publication on the Council website or social media channels, through the Council's own delivered newsletter (Our Nelson), by working with local media to publicise the announcement or through any other appropriate means.

6. Principles of Engagement

6.1. Engagement with the community is always in proportion to the significance of the matter being considered. In situations where engagement takes place, other than simply providing information to the community, we will:

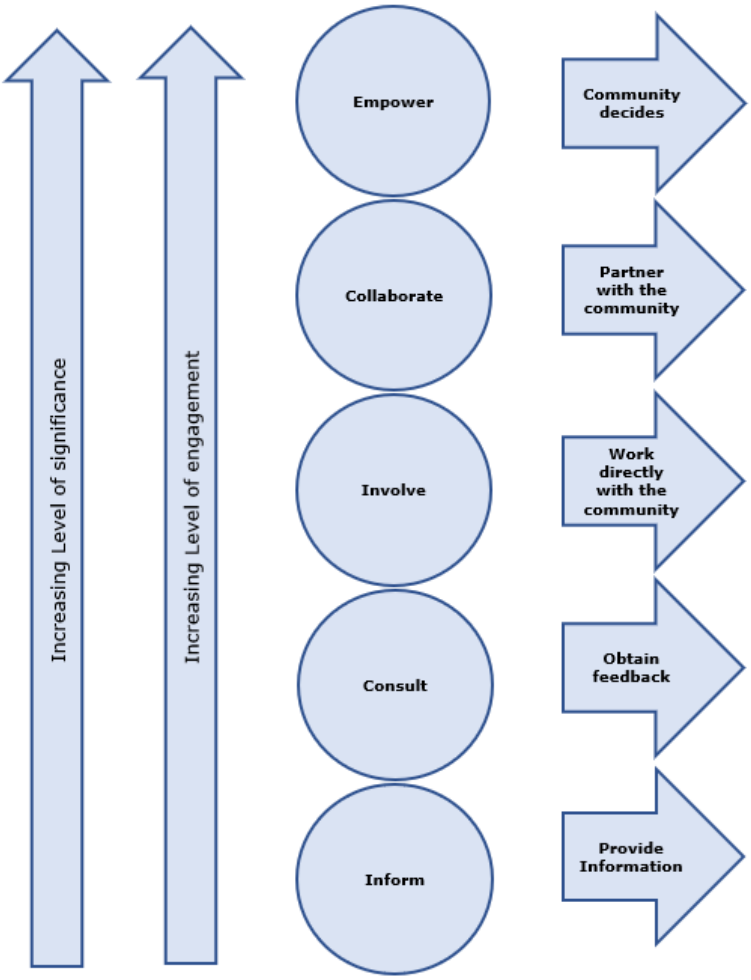
- Seek a range of views on the matter
- Ask for views early in the decision-making process so that there is enough time to engage, and for the range of views to be considered properly
- Listen to and consider views in an open and honest way
- Respect all points of view
- Provide information that is clear and easy to understand
- Consider different ways in which the community can share views with Council
- Ensure that the engagement process is efficient and cost effective.

7. Matching Engagement to Significance

7.1. Once Council has decided the degree of significance of an issue, it will consider how to engage with the community or interested groups. Different types of engagement occur along a continuum from simply providing information to the community for matters of low significance (e.g. advising a change to rubbish collection days) to a major consultation process for matters of high significance (e.g. when consulting on a Long Term Plan). The exact form and extent of consultation and engagement will be determined by Council on a case-by-case basis, considering the degree of significance of the matter and any statutory considerations.

7.2. Below is an illustration of how Council will approach its community engagement.

Level of significance helps determine the level of engagement and tools used.
The engagement and tools used may vary from one matter to another depending on a range of factors.



Tools include:

In person:
Face to face communications - including drop in sessions, focus/working groups, information displays, public meetings, phone surveying/polling, co-design panels, stakeholder networks

Print:
Letters, Our Nelson publication, print advertising, media releases, public notices

Online:
Council website, Council online engagement platform, online surveying, social media channels, email newsletters and direct communication, Council reports, digital advertising, Apps (Antenno).

8. Information Provided to the Community

8.1. When conducting any engagement or consultation process in relation to matter of medium or high significance, Council will provide:

- 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.

9. Question about this Policy

9.1. If you have any questions about this policy or concerns about the way Council has engaged on a matter, please contact us at enquiry@ncc.govt.nz.

10. Definitions Used in this Policy

Community	A group of people living in the same place or having a particular characteristic in common. Includes iwi, 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	The process of seeking information from the community to inform and assist decision-making. There is a continuum of community engagement from informing through to involving and empowering the community to make decisions.
Matter	A matter, in the context of this policy, refers to a topic on which Council is seeking feedback about over a period of time, prior to making a decision.
Significance	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, 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 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	As defined in section 5 of the LGA 2002, 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	As defined in section 5 of the LGA 2002 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: (a) any asset or group of assets listed in accordance with section 76AA(3) 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

Schedule One: Criteria used to Assess the Degree of Significance of Matters Considered by Council

Criteria	Lower Significance	Moderate Significance	Higher Significance
Whether the asset is a strategic asset as listed in Schedule Two of this policy, and whether the proposal or decision involves the transfer of ownership or control of the strategic asset.	The decision does not impact on Council's ownership or control of the asset.	N/A (the matter is either a strategic asset and of high significance, or it's not and is of low significance).	The decision involves the sale or transfer of a strategic asset or control of a strategic asset. This will also involve a LTP amendment if not already provided for in the LTP.
The impact on levels of service provided by Council or the way in which services are delivered.	There is a low level of change to services but no change to the levels of service stated in the Long Term Plan and no change to the way in which services are delivered.	There is a medium level of change to services but no change to the levels of service stated in the Long Term Plan and no change to the way in which services are delivered.	There is a major and/or long term change to levels of service for a significant activity or there is a change in the way in which a significant activity is delivered. This will also involve a LTP amendment to change the LTP Levels of Services.

The degree of impact on Council's debt or the level of rates it charges and Council's financial capacity, including its debt and rates limits.	The impact is of a medium to low level. There is a low impact on capital or operational expenditure. The financial transaction has a minor value compared to rates revenue.	The impact is of a high to medium level in the short or long term. There is a moderate impact on capital or operational expenditure. The financial transaction has a moderate value compared to rates revenue.	The impact is major and/or long term in terms of either debt levels or rates. There is a high impact on capital or operational expenditure. The financial transaction has a high value compared to rates revenue.
Criteria	Lower Significance	Moderate Significance	Higher Significance
Whether the decision is reversible and the likely impact on future generations.	The decision applies for a short term or is reversible. If reversible, the impact on future generations would be low.	The decision applies for the medium term or is difficult to reverse, and/or, there is a moderate impact on future generations.	The decision applies for a longer term or is irreversible and would impact negatively on future generations to a high degree.
The impact on the community, including how many people are affected and by how much.	Low impact on sections or all the community.	Medium impact on sections or all the community.	Major impact on sections or all the community.
Any past history of the issue generating wide public interest within the community or whether there is a reasonable expectation that it would generate this interest now.	There is no history of the matter generating wide or intense interest, or there is no reasonable expectation of the matter generating wide or intense interest.	There is some history of the matter generating public interest in general or within particular sectors, or there is a low to moderate likelihood of the matter generating wide and intense public interest.	There is a history of the matter generating wide and intense public interest or there is a reasonable likelihood of the matter generating wide and intense public interest.

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, and the degree to which the community's view are known.	The decision or action is consequential to, or promotes, a decision or action already taken by Council, or the views of the community on the matter are known.	The decision or action relates to previous decisions. Community views are known or somewhat known through previous consultation.	The matter is considered significant according to other criteria in this list, and the community has not been previously consulted on the matter.

Schedule Two: List of Strategic Assets

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

Council considers the list of assets outlined below are "strategic assets", however not all decisions made regarding them will be significant. For example, the road network is a strategic asset 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 for the duration of Council's control and responsibility for the water supply activity
- Wastewater network as a whole for the duration of Council's control and responsibility for the wastewater supply activity
- Stormwater network as a whole for the duration of Council's control and responsibility for the stormwater supply activity
- Flood protection network as a whole
- Council's Land transport network as a whole
- Shareholding in the Infrastructure Holdings Ltd
- Shareholding in Nelmac Ltd.



Effective Date: 1 July 2024

Legal compliance: In accordance with section 76AA of the Local Government Act 2002

Approved by: Council add date