

# **P23-001 – Significance and Engagement Policy**

*Approved by the Council on 12 December 2023.*

## **Purpose**

This policy sets out for the community and Council the framework that Council uses to make decisions about significance (how important an issue is), and then whether to engage the community in the decision-making process.

## **Structure**

There are three parts to this policy:

1. **Significance** – this part outlines what significance is, and how the assessment of significance is undertaken and documented.
2. **Engagement** – this part discusses when and how Council will look to engage with communities.
3. **Strategic assets** – this part identifies which assets Council considers to be strategic, and explains why it matters if something is a strategic asset.

## **PART 1: SIGNIFICANCE**

Significance guides how Council is expected to comply with its decision-making obligations in the Local Government Act 2002. At a high level, Council's compliance with its legal obligations needs to be proportionate to the assessed level of significance. Put another way, for highly significant matters, Council will need to be more rigorous in complying with its obligations.

When Council is approaching a possible decision, assessing its significance will be one of the first actions required.

### **How does Council assess significance?**

Significance is assessed on a case-by-case basis. The following (non-exclusive) criteria may be considered as part of the assessment:

1. How much does the matter promote Council's community outcomes for the New Plymouth district?
2. Does the matter impact the levels of service for any Council activity (as set out in the Long Term Plan)?
3. Does the matter align with existing Council strategies, plans and policies and previous Council decisions?
4. How are people impacted by the matter? Are particular groups disproportionately impacted (such as Māori, socio-economic groups, town communities)?
5. How has the matter provided opportunities for the involvement of Māori in decision-making? How has any pre-engagement with iwi and hapū helped determine the significance to Māori and would further engagement provide for a more informed decision?
6. Does the matter mitigate or help the district adapt to climate change?
7. How big are the financial costs for the matter? Are they already budgeted for?
8. Is the matter reversible?
9. Are the public interested in the matter?

Having considered all these criteria, Council will make an overall judgement on the level of significance of the matter in each case.

The outcome of an assessment will be designating one of the following significance categories (which go from low to high significance) to the matter:

1. Some importance or Administrative<sup>1</sup>.
2. Moderate importance.
3. Significant.
4. Critical.

Each of these categories is described in **Appendix A**, which provides some indicative examples of the types of matters that usually come within these categories. However, a particular issue may vary from these examples based on the details of the decision being made. The vast majority of matters considered by Council (including those considered by officers under delegated authority) are likely to be Some importance/Administrative or of Moderate importance.

**Appendix B** sets out a matrix to assist the application of the criteria listed above to each of the different categories of significance.

### **How does Council document significance?**

Where a matter is the subject of a report for Council, or a Committee or Community Board, the outcome of the significance assessment must be documented within the report.

<sup>1</sup> The term "some importance" or "administrative" can be used reflective of the nature of the matter. A matter that is of "some importance" is one that focuses externally, while an "administrative" matter is an internal Council matter.

## PART 2: ENGAGEMENT

### When will Council engage?

Council will always engage when it is required by law.

Council will also engage when it thinks the circumstances of the matter warrant it, based in part on the assessed significance of the matter.

Council will not engage on every decision. To do so would be inefficient and costly.

The relationship between significance and the likelihood of engagement is outlined in the following table:

Category	Likelihood of engagement
<b>Some importance or Administrative</b>	Council will almost certainly not carry out any engagement.
<b>Moderate importance</b>	Council may or may not carry out any engagement. Engagement may be targeted to directly affected individuals or groups, and there is unlikely to be wider community engagement.
<b>Significant</b>	Council will engage with directly affected individuals and groups and some form of wider community engagement is likely, unless there are good reasons not to do so (e.g. urgent timeframe, confidentiality obligations, nature of the decision makes it inappropriate).
<b>Critical</b>	Council will engage with directly affected individuals and groups and some form of wider community engagement is highly likely, unless there are good reasons not to do so (e.g. urgent timeframe, confidentiality obligations, nature of the decision makes it inappropriate).

In addition to the significance of the matter, factors relevant to considering whether engagement is worthwhile in each case include:

1. What, if anything, is already known about the views and preferences of interested and affected persons?
2. Do the affected and interested people expect engagement to happen (e.g. from past practices or promises)?
3. Are particular groups (such as Māori, socio-economic groups, town communities) disproportionately impacted?
4. Is the decision of a nature that would impact on rights or interests, such that people would likely want engagement?
5. Would engagement help Council make a better decision?

6. Is there considerable urgency with the issue that does not leave enough time for any engagement?
7. Are there confidentiality issues (which may involve third parties' commercially sensitive information, or negotiations with third parties) that would prejudice ongoing discussions or relationships with other parties? If the relevant information needs to remain confidential, will this prevent any engagement from being meaningful?
8. Are there any other factors that mean engagement may not be feasible or appropriate in the circumstances?
9. What resources does Council have available to carry out the engagement?

If Council determines that it will not carry out any engagement on a decision, it will inform the community about the decision unless doing so would involve disclosing information that should be withheld under the Local Government Official Information and Meetings Act 1987 or the Privacy Act 2020.

### **If Council decides to engage, what form of engagement is appropriate?**

Where Council decides it will engage on a decision, it will then need to determine which form of engagement to use.

Where legislation requires Council to carry out some form of engagement, it sometimes specifies the form of this engagement (e.g. use of the special consultative procedure, consultation in accordance with sections 82 and 82A). Where this occurs, Council will use that form of engagement.

If there is no legislative direction, Council will determine the form of engagement on a case-by-case basis, based in part on the assessed significance of the subject decision. It will consider what form of engagement is most appropriate, while still being feasible, efficient and worthwhile.

The judgement calls on whether to carry out consultation or some other more substantial form of engagement (e.g. binding referenda, citizens panels etc), and if so how, are usually made by the relevant decision-maker. For other lesser forms of engagement, officers do not typically need to obtain approval from the relevant decision-maker ahead of time.

In making its determination on the form of engagement, Council will consider which level of participation, set out in **Appendix C**, works best for the decision concerned, bearing in mind the significance and nature of the particular decision and the wider circumstances.

### **When and how will Council engage with local iwi and hapū?**

Council is committed to maintaining and improving opportunities for Māori to contribute to its decision-making processes.

Council will engage with local iwi and hapū before making a significant decision in relation to land or a body of water. This is so that Council can properly consider the relationship of local iwi and hapū and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga.

Council may also engage with local iwi and hapū on other matters as they arise. Council is more likely to engage where the significance assessment indicates that a decision impacts on the known issues of significance for the iwi and hapū.

Council will determine the best form of engagement on a case-by-case basis, taking into account the level of significance of the matter, and any other relevant considerations. Council will engage with local iwi and hapū as early in the process as is reasonably practicable in the situation.

### **Council's requirements from submitters**

Members of the community, when providing submissions or other feedback, are expected to use their real names and contact details when requested to do so. Council may place less weight on, or even reject, submissions and feedback that are anonymous or which appears to have been submitted under a false name or with incorrect contact details.

Members of the community are also expected to provide their submissions or feedback within any set timeframes. Council may, at its discretion, accept late submissions and feedback. It may do this when delay does not unduly affect its timeframes for decision-making, when it expects the submission or feedback to be particularly useful, and/or where there are good reasons why the submitter has not been able to meet the set timeframe.

Council may redact copies of submissions and feedback going to members, or even reject them, where they include profanities, defamatory attacks on individuals or groups (whether councillors, staff or other members of the public), or other highly offensive or unacceptable material. Council will make every effort to preserve as much of the content of a submission or feedback as possible.

If Council redacts or rejects a submission or feedback, it will advise the submitter of this and, where practicable, provide an opportunity for the submitter to provide a revised submission or feedback. Submissions and feedback are official information, and so can potentially be requested by members of the public under the Local Government Official Information and Meetings Act 1987. Council will also often pro-actively make submissions and feedback public (e.g. submissions may be discussed or included in reports, which are made available on Council's website). In doing so, Council will redact any part of a submission where publication might create some legal liability for Council (e.g. defamatory material, or creating a risk to health and safety, including someone's mental well-being).

Members of the community should appreciate that their submissions and feedback may become public (although individuals' contact details will usually be redacted<sup>1</sup>). If there is any reason why information should not become public, members of the public should raise this with Council before or at the time of making their submission (e.g. if information is commercially sensitive, if release of an individual's name or contact details could put their safety at risk).

## **PART 3: STRATEGIC ASSETS**

### **Why does it matter if something is a strategic asset?**

Section 97(1)(b) of the Local Government Act 2002 provides that any decision to transfer the ownership or control of a strategic asset must be explicitly provided for in the Long-Term Plan and consulted on in accordance with section 93E of that Act.

### **Which assets are determined to be 'strategic assets'?**

The following are Council's strategic assets:

- Govett-Brewster Art Gallery and Len Lye Centre.
- Housing for the Elderly portfolio.
- The equity securities held in Papa Rererangi i Puketapu Limited (New Plymouth Airport).
- Pukekura Park.
- The Coastal Walkway.
- Parks and reserves network.
- Puke Ariki and District Libraries (Inglewood, Urenui and Waitara, and leasehold interests in Bell Block and Oākura).
- TSB Stadium, TSB Bowl of Brooklands, TSB Showplace, Yarrow Stadium (the aspects of the Yarrow Stadium's operations under Council's control).
- Todd Energy Aquatic Centre and District Summer Pools (Waitara, Inglewood, Okāto and Fitzroy).
- Network of formed roadways and paths for pedestrians and/or vehicles.
- The Resource Recovery Facility (the New Plymouth Transfer Station and the Materials Recovery Facility), Transfer Stations (Inglewood, Ōkato, Tongaporutu and Waitara), The Sorting Depot, and The Junction.
- Stormwater network and drainage.
- Flood Protection and Control Works.
- Water Supply network and Treatment Plants.
- Wastewater network and Treatment Plant.

For the listed network assets, it is the whole of the network that is the strategic asset. As a result, decisions that involve the transfer of ownership or control of an element or component of a network, where the remaining assets enable Council to still meet its strategic outcomes (including levels of service as stated in the Long-Term Plan), will not trigger section 97(1)(b) of the Local Government Act 2002.

While section 97(1)(b) may not be triggered where an element or component of a network is transferred or sold, it is possible that this might nonetheless be an important decision. For example, sale of a whole park, while just one element in the overall parks and reserves network, may in some cases constitute a Significant decision.

Some of these strategic assets are leased or co-managed. Where a strategic asset is sited on land owned by someone other than Council, that landowner might make a decision to not renew a lease. If so, Council is not making a decision to transfer ownership or control under section 97(1)(b). However, if Council could renew the lease but wishes not do so (for whatever reason), then that is likely to trigger section 97(1)(b).



## APPENDIX A – APPLICATION OF THE SIGNIFICANCE CRITERIA

Some importance/ Administrative	Moderate importance	Significant	Critical
<p><b>A decision with a minimal or even negligible level of importance. There will be little or no impact on the community. It is often procedural or administrative in nature.</b></p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Noting Council's receipt of a consultant's report.</li> <li>• Noting decisions already made under delegated authority by a committee, community board, or officer.</li> <li>• Revoking or amending a policy or bylaw in response to changes in legislation that require this.</li> <li>• Making a submission to another organisation.</li> <li>• Noting performance reports, including adopting the Annual Report.</li> <li>• Determining committee structures and membership.</li> </ul>	<p><b>A decision that has a medium level of importance. It is usually substantive in nature, and part of 'business as usual'.</b></p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Approving leases and licenses that are consistent with the purpose of the land holding (e.g. consistent with the reserve management plan).</li> <li>• Agreeing to commence a consultation process on a proposed bylaw.</li> <li>• A decision to appoint directors to a CCO, issue a statement of expectations to a CCO, or comment on a statement of intent from a CCO.</li> <li>• Buying land for future infrastructure or service uses.</li> </ul>	<p><b>A decision with a high level of importance. It will be substantive in nature, and regarded as a 'big deal' within Council, occurring only sometimes (e.g. perhaps several times each year).</b></p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Adoption of a new bylaw or strategy.</li> <li>• Establishment of a new council-controlled organisation.</li> <li>• Development of a new town library, museum, or sports facility.</li> <li>• Adoption of Council's Annual Plan.</li> <li>• Decision to request the local MP introduce a local Bill into Parliament.</li> <li>• Decision to alter the levels of service for a significant activity (s97(1)(a) LGA).</li> </ul>	<p><b>A decision with an unusually high degree of importance. It will be regarded as exceptional within Council, occurring rarely (e.g. perhaps once or twice every triennium).</b></p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Adoption of Council's Long-Term Plan or its District Plan.</li> <li>• Decision to sell a strategic asset.</li> <li>• Decision to stop providing an existing significant activity.</li> <li>• Decision to abandon a settlement due to climate change risks.</li> </ul>

## APPENDIX B – CATEGORIES OF SIGNIFICANCE

	Some importance/ Administrative	Moderate importance	Significant	Critical
1. How much does the matter impact on Council's community outcomes for the New Plymouth District?	Little to no impact on any of the community outcomes, or some positive impacts on community outcomes.	Moderate impact on one or more of the community outcomes, or more considerable positive impacts on community outcomes.	Substantial impact on one of the community outcomes, including negative impacts.	Substantial impact on more than one of the community outcomes, including substantial negative impacts.
2. Does the matter impact the levels of service for any Council activity (as set out in the Long-Term Plan)?	No impact on levels of service.	Helps achieve current levels of service.	May hinder achievement of current levels of services, or creates minor changes to current levels of service.	Will prevent achievement of current levels of service, or substantive changes to current levels of service.
3. Does the matter align with existing Council strategies, plans and policies and previous Council decisions?	There are no existing Council strategies, plans and policies or previous relevant decisions.	Matter aligns with all existing Council strategies, plans, policies, and with previous decisions.	Matter does not fully align with some aspects of existing Council strategies, plans, policies, or previous decisions.	Matter is a substantial departure from existing Council strategies, plans, policies, or previous decisions. May create new precedent that substantively alters Council's approach.
4. How are people impacted by the matter? Are particular groups disproportionately impacted (such as Māori, socio-economic groups, town communities)?	People are: <ul style="list-style-type: none"> <li>not impacted; or</li> <li>impacted negatively to a negligible degree; or</li> <li>impacted only positively in a moderate way.</li> </ul> And/or no disproportionate impact on particular groups.	People are: <ul style="list-style-type: none"> <li>impacted negatively to a moderate degree; or</li> <li>impacted positively to a high degree.</li> </ul> And/or very little disproportionate impact on particular groups.	People are impacted negatively to a high degree. And/or moderate disproportionate impact on particular groups.	People are impacted negatively to a very high degree. And/or substantive disproportionate impact on particular groups.

	Some importance/ Administrative	Moderate importance	Significant	Critical
5. How has the matter provided opportunities for the involvement of Māori in decision-making? How has any pre-engagement with iwi and hapū helped determine the significance to Māori and would further engagement provide for a more informed decision?	No impact on known issues of significance, or minor positive impacts.	Positive impact on known issues of significance.	Some negative impact on known issues of significance.	Substantial or notable negative impact on known issues of significance.
6. Does the matter mitigate or help the district adapt to climate change?	Matter: <ul style="list-style-type: none"> <li>• does not impact on climate mitigations or adaptations; or</li> <li>• creates a very minor reduction in emissions or very minor help in adapting to climate change in the future.</li> </ul>	Matter may: <ul style="list-style-type: none"> <li>• result in a reasonable reduction in emissions; or</li> <li>• help in adapting to climate change in the future.</li> </ul>	Matter may: <ul style="list-style-type: none"> <li>• result in some increase in emissions; or</li> <li>• create some increase in the need to adapt to climate change in the future (e.g. placing infrastructure in coastal hazard zones).</li> </ul>	Matter may: <ul style="list-style-type: none"> <li>• result in a substantial increase in emissions; or</li> <li>• create a substantial increase in the need to adapt to climate change in the future (e.g. placing infrastructure in coastal hazard zones).</li> </ul>
7. How big are the financial costs for the matter? Are they already budgeted for?	Costs are nil or are modest and come within budgeted expenditure.	Costs are more substantial, but come within budgeted expenditure.	Costs: <ul style="list-style-type: none"> <li>• are considerable, but come within budgeted expenditure; or</li> <li>• do not come within budgeted expenditure.</li> </ul>	Costs: <ul style="list-style-type: none"> <li>• are extremely high, but come within budgeted expenditure; or</li> <li>• do not come within budgeted expenditure and are likely to have a notable impact on overall budgets.</li> </ul>

	<b>Some importance/ Administrative</b>	<b>Moderate importance</b>	<b>Significant</b>	<b>Critical</b>
8. Is the matter reversible?	Easily reversible.	Reversible, but with some limited hurdles or impacts.	Reversible, but only with considerable difficulties or impacts.	Irreversible.
9. Are the public interested in the matter?	Negligible public interest.	Some limited public interest, but unlikely to prove controversial.	Higher levels of public interest, with the potential to be controversial.	Very high levels of public interest, likely to be controversial.

## APPENDIX C – LEVELS OF PARTICIPATION FOR ENGAGEMENT

	Consult	Involve	Collaborate	Empower
<b>Goal</b>	To obtain public feedback on information provided (typically a proposal), which Council will then take into account in making a decision.	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.
<b>Tools</b>	<ul style="list-style-type: none"> <li>Meeting with particular stakeholders, or seeking their written feedback.</li> <li>Public meetings.</li> <li>Formal submissions and hearings.</li> <li>Surveys.</li> <li>Non-binding referenda.</li> </ul>	<ul style="list-style-type: none"> <li>Workshops.</li> <li>Focus groups.</li> <li>Citizens Panels.</li> </ul>	<ul style="list-style-type: none"> <li>Advisory committees.</li> <li>External stakeholder groups.</li> <li>Project-specific governance groups.</li> </ul>	<ul style="list-style-type: none"> <li>Binding referenda (under section 9 of the Local Electoral Act 2001).</li> </ul>
<b>Expected use</b>	<p>This is the most common form of engagement.</p> <p>This is most often used once Council has identified the reasonably practicable options and analysed them, but it can also be used earlier during a decision-making process, e.g. to seek feedback on problem definition or the identification of possible options.</p> <p>Council may use this at a community-wide level, or might do more targeted consultation with particular individuals or groups.</p>	<p>This is used on occasion. It is most often used:</p> <ul style="list-style-type: none"> <li>when developing a project or proposal in its initial stages, and working alongside the community, or particular stakeholders, to form the problem definition and identify options; and</li> <li>when Council has already decided to undertake a project, and it works alongside the community, or particular stakeholders, to get input into the detailed design for the project.</li> </ul>	<p>This is used on occasion. It is most often used:</p> <ul style="list-style-type: none"> <li>when developing a project or proposal in its initial stages, and working alongside the community, or particular stakeholders, to determine the outcomes jointly; and</li> <li>when Council has already decided to undertake a project, and it works alongside the community, or particular stakeholders, to determine the specific outcomes jointly.</li> </ul>	<p>This is used rarely. A referendum would be used only when an issue can be easily turned into a yes/no type question, and if it is suited to resolution by a majority vote of the community at large.</p>