



Draft Significance and Engagement Policy



Te Kaunihera ā-Rohe o Ngāmotu
**New Plymouth
District Council**

Purpose

Many Council decisions affect the community. The more significant a decision is, the more important it is for Council to understand community views and preferences before making that decision. This Significance and Engagement Policy sets out:

- How Council determines the significance of matters and related decisions.
- When and how the community can expect to be involved in Council decision-making processes.
- The form and extent of the engagement likely to take place before a particular decision is made.
- Council's strategic assets, noting that any transfer of ownership or control of a strategic asset to or from Council must be expressly provided for in the Long-Term Plan (LTP).

The Significance and Engagement Policy has been developed in response to the requirements set out in the Local Government Act 2002 (LGA). The purpose of the policy is to make sure Council takes a consistent and transparent approach in determining the significance of a decision and the appropriate level of engagement for that decision.

For every decision that Council makes we need to work out how important, or significant, it is for our community. We have criteria to help us to do this. Even if we determine that consultation is not required, we may still consider community views and preferences in the decision-making process.

Decision-making process

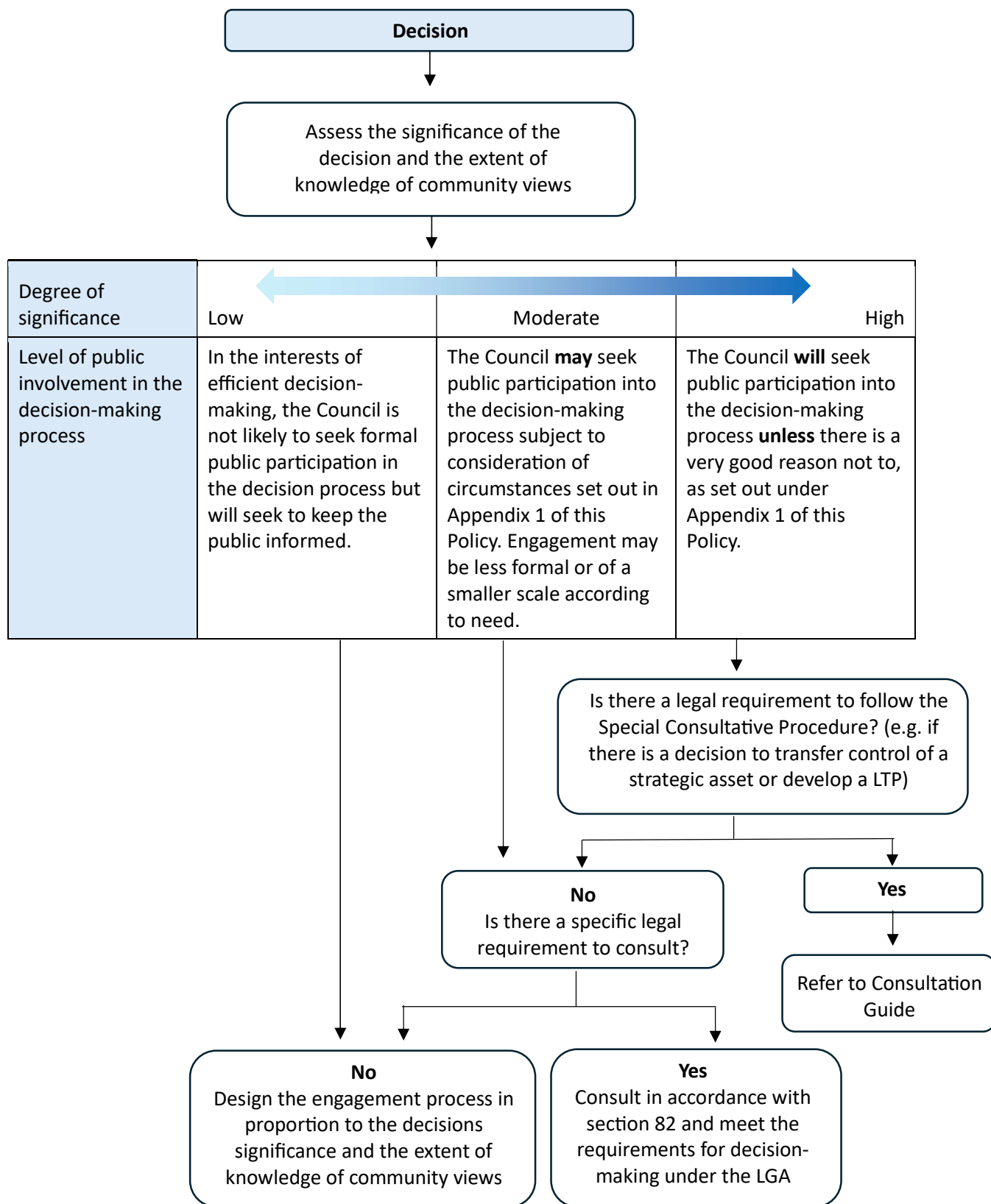
When making a decision, Council must identify all reasonably practicable options and assess those options in a manner that is proportionate to the significance of the matter. Council must also consider the views and preferences of people likely to be affected by, or interested in, the decision.

Understanding community views is an important part of good decision-making. Council gathers information about community views and preferences through a range of channels, including previous consultation processes, ongoing engagement activities, advisory groups, customer enquiries, submissions, elected member interactions, community-led planning processes, surveys and other feedback mechanisms.

The LGA does not require Council to undertake formal consultation on every decision. Where Council already has a sufficient understanding of community views and preferences, additional consultation may not be necessary. In these circumstances, Council may rely on existing information and community feedback, provided it is satisfied that it has enough information to make a well-informed decision. This helps avoid consultation fatigue, makes efficient use of resources, and enables decisions to be made in a timely manner.

The decision on whether to engage or consult will depend on:

- the significance of the matter;
- the extent to which Council already understands community views and preferences;
- any statutory consultation requirements; and
- the circumstances of the decision, including timing and available resources. Council will therefore take a proportionate approach to engagement and consultation. Generally, the more significant a matter is, and the less Council knows about community views, the greater the level of engagement that is likely to occur.



Expectations of community engagement

Through feedback provided, for example via submissions, conversations with Council's Advisory Groups, and through elected members, we know that communities expect the following:

- Opportunities for early and meaningful input into significant decisions.
- Visibility of upcoming consultations.
- Involvement of a cross section of the community demographics, e.g. young people, older people, people experiencing disabilities, multi-cultural groups, urban and rural.
- Involving our communities in activities with purpose rather than presenting our opinions.
- Solutions for community engagement that work for the audience with feedback tools that are easy to use, such as:
 - Face-to-face engagement to enable human connection, and interactive discussions, combined with online engagement to give people time to think about their responses.
 - Online content that uses local examples, strong images, and video to create a real-life connection and encourage engagement.
 - Going where the people are by tapping into existing events across the district.
 - For youth, taking the opportunity where there is a potential audience.
 - Working with trusted community voices to reach communities that are harder to engage.
 - Making sure information is available making sure that supporting information is available to the community in easily accessible formats.

Contribution to decision making processes by Māori

Council recognises its obligations under the LGA and other legislation 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. Council is committed to enabling meaningful participation by Māori in decision-making.

Under the Local Government Act 2002 (LGA), Council will:

- Provide opportunities for Māori to contribute to decision-making (sections 14 and 81).
- Establish and maintain processes to provide opportunities for Māori participation, including considering ways in which it may foster the development of Māori capacity to contribute (section 81).
- Ensure consultation processes provide for engagement with Māori (section 82).
- Take into account Māori relationships with ancestral lands, water, sites, wāhi tapu, valued flora and fauna, and other taonga when making significant decisions (section 77).
- Consider Māori views and preferences where decisions affect Māori interests (section 78).

Once adopted Council's Tiriti Outcomes Framework guides how these obligations are delivered in practice. Council is committed to reflecting Māori perspectives in decision-making and acknowledges that Māori are best placed to express their cultural values, interests, and mātauranga. Council will ensure these are appropriately considered, including in the exercise of kaitiakitanga.

Determining significance

Significance is legislatively defined by the Local Government Act 2002 (LGA) as:

“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”

Significance will be considered for all decisions and for those that are material, a Significance and Engagement Assessment will be completed to further determine the degree of significance using this policy.

The Council will assess the significance of the matters affected by any proposal as part of its decision-making process. In doing so, the Council will be guided by the principles relating to local authorities set out in the LGA. The significance of a matter will fall somewhere on a continuum from low significance to significant.

The Significance and Engagement Assessment will include:

- a) an assessment of the of the degree of significance as ‘low’, ‘moderate’ or ‘high’ – as determined by the criteria set out below; and b) c) d)
- b) for any matters of ‘moderate’ or ‘high’ – an indication of the particularly relevant significance criteria that have elevated the assessment; and
- c) for all matters (i.e. of ‘low’, ‘moderate’ or ‘high’), a summary of the method(s) and extent of engagement to be undertaken in relation to the matter including any specific legislative requirements for engagement – OR – where public engagement will not be undertaken, a statement of the relevant observance under the criteria; and
- d) for any matters of high significance - a statement observing any further decision-making requirements under Sections 77, 78, 80, 81 and 82 of the LGA as are applicable.

The final decision about the significance of any matter rests with elected members. It is the Council that decides whether or not a decision or activity is significant.

To determine the degree of significance of a decision to proceed, we apply the five criteria set out below.

Indicative level of consultation	Unlikely to consult, but may include low level pre-engagement	Optional consultation Typically Section 82 LGA	Most likely to require consultation May require Special Consultative Procedure
Examples of how we may engage (refer also to Appendix 1).	Localised promotion.	Targeted promotion.	Large-scale publicity and promotion.
Criteria	Measure		
	Low Significance	Moderate Significance	High Significance
1. Impact on Council's direction.	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 (factoring in known trends such as climate change and an ageing population).	The decision applies for a longer term or is irreversible and would impact negatively on future generations to a high degree.
2. Change in Council's current level of service or the way in which the services are delivered.	There is a low level of change to services but no change to the levels of service stated in the LTP 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 LTP 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 an LTP amendment to change the LTP Levels of Service.
3. Level of public and/or mana whenua impact and/or interest now or in the past.	Low impact on sections or all the community. 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.	Medium impact on sections or all the community. 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.	Major and district-wide; or Major for an identified community of 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.

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	Low Significance	Moderate Significance	High Significance
4. Net financial cost/revenue of implementation, excluding any financial impact already included in a LTP/Annual Plan.	The impact is of a medium to low level. There is a relatively low impact on capital or operational expenditure. The financial transaction has a minor value compared to rates revenue and comes within budgeted expenditure.	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 and may or may not come within budgeted expenditure.	The impact is considerable and at a high level in the short or long term but comes within budgeted expenditure. There is a high impact on capital or operational expenditure and is likely to have a notable impact on overall budgets. And does not come within budgeted expenditure.
5. Whether the asset is a strategic asset, and whether it involves the transfer of ownership or control of the strategic assets.	The decision does not impact on Council's ownership or control of the asset.	The asset being considered is a component of a network of strategic asset.	The decision involves the sale or transfer of a strategic asset or control of a strategic asset. This will also involve an LTP amendment if not already provided for in the LTP.

Consideration of engagement and consultation

Council will consider on a case-by-case basis whether engagement or consultation is appropriate. Generally, the more significant a decision, the greater the level of engagement likely to occur. However, engagement may not be appropriate in all circumstances, refer to Appendix 1.

When determining the nature and extent of engagement, Council will consider the significance of the decision, the circumstances involved, and available resources.

In some cases, legislation requires a specific consultation process. For example, the Special Consultative Procedure (SCP) must be used for matters such as the LTP and certain bylaws. Further information on Council's approach to engagement and consultation is provided in the Community Engagement Guide (Appendix 1).

How we define community and stakeholders

Community refers to the broad range of people, groups, organisations and interests connected to a place, issue, service, or decision. In local government, the community includes all residents, ratepayers, businesses, mana whenua, community organisations and others who may be affected by, interested in, or able to contribute to a decision. A community for the purposes of this policy is usually identified through a geographic location.

Within that wider community, there may be specific **Stakeholders** with particular interests, lived experience, knowledge, expertise, statutory responsibilities, or are more directly affected by an issue. These groups may require more targeted engagement to ensure their perspectives, technical knowledge, and interests are appropriately considered and decisions are informed by those most affected and those best placed to contribute.

Strategic assets

Strategic assets are those assets owned or otherwise controlled by the Council which are vital for delivering services to community.

Note: There are some strategic assets listed below as networks. This means that the entire network is considered a strategic asset, but in considering significance, components of the broader network may be assessed as low or moderate significance. For example: selling a small neighbourhood park that doesn't affect overall level of service but is part of the strategic asset, or adjustments to small sections of road.

The following are Council's strategic assets:

- Govett-Brewster Art Gallery and Len Lye Centre.
- Housing for the Elderly portfolio.
- Pukekura Park and Brooklands Zoo.
- The Coastal Walkway.
- Parks, reserves and open spaces network.
- Puke Ariki and community libraries (Inglewood, Urenui and Waitara, Bell Block and Ōākura).
- TSB Stadium, TSB Bowl of Brooklands, TSB Showplace.
- Todd Energy Aquatic Centre.
- Roding and footpath network.
- Stormwater and drainage network.
- Flood Protection and Control Network.
- Cemeteries.
- The equity securities held in Papa Rererangi i Puketapu Limited (New Plymouth Airport).
- Council's water services network held in Wai Hononga Water Services Limited and, through this shareholding.

Any strategic asset listed in this policy that is held or managed by a substantive Council-controlled organisation (CCO) will be identified in the CCO Statements of Expectations and Intent. CCOs must comply with that policy when making decisions on strategic assets under their control.

Appendix 1 – Community Engagement Guide

If we determine that consultation is required, we will carry out consultation in a way that meets the principles in section 82 of the LGA.

Principle	What this means
Clarity	Council will provide clear information about the purpose of consultation, and the scope of the decision Council will make after considering the community views.
Accessibility	Council will provide access to relevant information, in a form people can understand. This means we need to engage in ways that show we understand the makeup of our communities, respecting cultural and individual differences.
Encouragement	Council will encourage people to present their views.
Opportunity	Council will provide reasonable opportunity for people to present their views in a way that suits those people's needs and preferences.
Commitment to Māori	Council will make sure processes are in place when consulting with Māori.
Open mindedness and fairness	Council will receive community views with an open mind and give due consideration to those views when making decisions.
Transparency	Council will provide access to a clear record of decisions made and available explanatory materials.

There are many ways that Council can engage communities in its decision-making. This section goes into more detail about the legislative requirements that Council must follow in some situations. It also describes Council's approach to carrying out engagement, which is based on the International Association of Public Participation framework.

In some cases, the law says that Council must use a more formal process for engagement requiring specific procedures to be followed. This is known as a Special Consultative Procedure.

Special Consultative Procedure (SCP)

The Local Government Act (LGA) requires Council to use the Special Consultative Procedure (SCP) for certain significant decisions.

When SCP is required

Council will use the SCP for:

- Adoption or amendment of the Long-Term Plan (LTP) (section 93A), including preparation of a Consultation Document.
- Decisions not already provided for in the LTP (and previously consulted on), to:
 - Significantly alter levels of service, including starting or stopping an activity
 - Transfer ownership or control of a strategic asset (refer Appendix 2).
- Adoption, amendment, or revocation of a bylaw (section 156(1)(a)).
- Adoption, amendment, or revocation of a Local Alcohol Policy.
- Adoption of a Local Approved Products (Psychoactive Substances) Policy.
- Adoption of a Class 4 Venue Policy (Gambling Act 2003).
- Preparation, amendment, or revocation of a Waste Management and Minimisation Plan.
- Adoption of fees and charges where legislation specifically requires SCP (e.g. under the Resource Management Act 1991).

What SCP requires

When using the SCP, Council must:

- Prepare and adopt a Statement of Proposal.
- Make information publicly available for at least one calendar month.
- Provide a reasonable opportunity for people to present their views.
- Consider submissions with an open mind.

All SCP consultation must also meet the principles in section 82 of the LGA.

Less formal consultation

Where the SCP is not required, Council will still undertake consultation in accordance with section 82 of the Local Government Act (LGA).

In these situations:

- A Statement of Proposal is not required.
- There is no prescribed minimum consultation period.

However, Council must still:

- Provide a reasonable opportunity for people to present their views
- Consider those views with an open mind

When Section 82A also applies

In some cases, consultation must meet both sections 82 and 82A of the LGA. This requires Council to prepare and provide information similar to a proposal document.

Council will meet both sections 82 and 82A when consulting on:

- Adoption or amendment of an Annual Plan (where there are significant or material differences from the relevant LTP year).
- Adoption, amendment, or revocation of a bylaw.
- Transfer of responsibilities to another local authority.
- Establishment of, or becoming a shareholder in, a Council Controlled Organisation (CCO).
- Adoption or amendment of the Significance and Engagement Policy, where more information on community preferences is needed.
- Adoption or amendment of key financial and rating policies, including:
 - Revenue and Financing Policy.
 - Development Contributions Policy.
 - Financial Contributions Policy.
 - Rates Remission and Postponement Policies.
 - Policy on Rates Relief for Māori Freehold Land.

Other forms of engagement

Council engages with the community through a range of methods, including both formal consultation and more informal engagement to inform or seek feedback. As per Appendix 2.

- Most decisions fall within the inform and consult levels.
- Involve, collaborate, and empower approaches are generally used where required by legislation or for more significant decisions.
- Engagement may occur at different levels and stages of a project or decision.

Council seeks to:

- Respond to community preferences.
- Coordinate engagement activities to avoid overburdening the community (consultation fatigue).

When engagement may not occur

Council will not typically undertake engagement in the following circumstances:

- Emergency management during a declared state of emergency
- Decisions requiring urgent action to:
 - Comply with the law.
 - Protect life, health, or amenity.
 - Prevent serious property damage.

- Avoid or mitigate environmental harm.
- Protect infrastructure or essential services.
- Decisions required to be made with the public excluded (e.g. commercially sensitive contracts).
- Decisions made under staff delegations, such as regulatory or enforcement functions.
- Complex financial or commercial arrangements.

Expectations for submissions

Submitters should provide accurate contact details and information. Council may give less weight to, or decline to consider, submissions that are anonymous or contain false or misleading information.

Feedback must be submitted within the stated timeframe. Council may, at its discretion, accept late submissions where this does not impact decision-making processes and where there are valid reasons for the delay or the information is considered valuable.

Submissions must be respectful and free from offensive or defamatory content. Council may remove inappropriate content or decline to accept a submission that does not meet these standards. Council may notify submitters and allow revisions if content is removed or declined.

Submissions may be publicly released, with personal details generally removed and may redact any content that could expose Council to legal risk or create safety concerns.

Submissions may become public, as such, any information that is sensitive, confidential, or should not be disclosed should be identified in the submission.

Further information

To find out more about Council's consultation and engagement processes, including opportunities to participate in decision-making people can, visit www.npdc.govt.nz/HaveYourSay or contact New Plymouth District Council by email at enquiries@npdc.govt.nz or by phone on 06 759 6060.

APPENDIX 2 – Type of Engagement

	Inform	Consult	Involve	Collaborate	Empower
Goal	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.	To obtain 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 (or stakeholders) 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.
Types of issues we might use this for	• Water restrictions. • Flood and storm warnings. • Emergency works. • Annual Plan.*	• Council strategies. • Long-Term Plan. • Annual Plan.* • Regional Spatial Plan	• Land Use Plan.	• Co-management Plans.	• Electoral voting system (FPP or STV). • Introduction of Māori Wards.
Examples only of communication and engagement tools	Website Public Notices Newspaper Media releases Social media Radio Face-to-face Face-to-face presentations Community events				
		• Formal submissions and hearings. • Focus or advisory groups/panels. • Surveys. • Public meetings. • Inviting feedback through website and social media.	• Focus or advisory groups/panels. • Workshops. • Surveys. • Public meetings. • Inviting feedback through website and social media.	• Focus or advisory groups/panels. • External working groups with expert advice.	• Binding referendum. • Local body elections.
When the community can expect to be involved	We would generally advise the community once a decision is made, or when milestones are achieved.	We would generally advise the community once a draft decision is made and provide the community at least four weeks to participate and respond.	We would generally provide the community with a greater lead in time to allow them time to be involved in the process.	We would generally involve the community at the start to scope the issue, again after information has been collected and again when options are being considered.	We would provide the community with a greater lead in time to allow them time to be involved in the process, working to statutory timeframes in most cases.

* Under section 95(2A) of the Local Government Act 2002, consultation is not required if the Annual Plan does not include significant or material differences from the content of the Long-Term Plan for the financial year to which the proposed Annual Plan relates.