

Significance and Engagement Policy

The purpose of this Significance and Engagement Policy is to enable Council to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities. This will determine the level of assessment and information to be provided, and the nature and extent of public input that may be appropriate in the circumstances.

The Policy will provide clarity about how and when communities can expect to be engaged in decisions made by Council. It will inform Council from the beginning of a decision making process about the extent, form and type of engagement required.

The Policy

Engaging with the community enables the Council to understand the views and preferences of people likely to be affected by or interested in a proposal or decision. The Council wishes to apply a consistent and transparent approach to engagement.

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 and, if necessary, reconsidered as a proposal develops.

The Council will take into account all of the following matters when assessing the degree of significance of proposals and decisions and the appropriate level of engagement:

- Whether there is a legal requirement to engage with the community.
- Whether community interest is high, or the likely consequences are controversial.
- Whether the proposal affects the level of service of a significant activity, and if so, to what extent.
- The level of financial consequences of the proposal or decision.
- Whether the proposal or decision will affect a large portion of the community.
- Any likely impact Māori cultural values and their relationship to land and water.
- The form of engagement used in the past for similar proposals and decisions.

- Whether community views are already known, including preferences on the form of engagement.
- Whether a significant Council asset maintenance or capital works programme will have a substantially negative impact on climate change mitigation or climate change adaptation.

If a proposal or decision is affected by a number of the above considerations, it is more likely to have a higher degree of significance. In general, the more significant an issue, the greater the need for community engagement.

Council is required to undertake a special consultative procedure as set out in Section 83 of the Local Government Act 2002 or to carry out consultation in accordance with or giving effect to Section 82 of that Act on certain matters (regardless of whether they are considered significant as part of this policy).

For all other issues requiring a decision, Council will determine the appropriate level of engagement on a case by case basis.

Note that this policy applies to Local Government Act processes only, not those undertaken under the Resource Management Act, the Biosecurity Act or other legislation.

When Council will engage

The Council will use the Special Consultative Procedure (in section 83 of the Local Government Act) where required to do so by law, including for the following issues requiring decisions:

- The adoption or amendment of a Long-term Plan (in accordance with Section 93 A)
- The adoption, amendment, or revocation of bylaws if required under Section 156(1)(a)
- Unless already explicitly provided for in the Long-term Plan, the Council will seek to amend its Long-term Plan, and therefore use the Special Consultative Procedure, when it proposes to:
 - Alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of Council, including commencing or ceasing such an activity; or
 - Transfer the ownership or control of strategic assets, as listed in Schedule 1.

The Council will consult in accordance with, or using a process or a manner that gives effect to the requirements of Section 82, where required to do so by law, including for the following specific issues requiring decisions:

- Adopting or amending the Annual Plan if required under Section 95.
- Transferring responsibilities to another local authority under Section 17.
- Establishing or becoming a shareholder in a Council-controlled organisation.
- Adopting or amending a revenue and financing policy, rates remission and postponement policy, or a policy on the remission or postponement of rates on Māori freehold land.

For such consultation, Council will make available information fulfilling the requirements of Section 82A; allow written submissions; and consider all submissions before making decisions.

When the Council may not engage

There are times when it is not necessary, appropriate or practical to engage the community on a matter or decision. The Council may also choose not to consult on a matter and, if so, will make this determination in accordance with the criteria below and notwithstanding any legislative requirements.

The Council will not engage when:

- The matter is not of a nature or significance that requires consultation.
- The Council already has a sound understanding of the views and preferences of the persons likely to be affected by or interested in the matter.
- There is a need for confidentiality or commercial sensitivity.
- The costs of consultation outweigh the benefits.
- The matter has already been addressed by the Council's policies or plans, which have previously been consulted on.
- An immediate or quick response or decision is needed or it is not reasonably practicable to engage, or
- Works are required unexpectedly, urgently, or following further investigations on projects already approved by the Council.
- Works required are related to the operation and maintenance of an existing Council asset and responsible management requires the works to take place.
- When Council has consulted on the issue in the last 24 months.

Where any of the above listed circumstances apply and consultation is not to be undertaken, the Council is still required to give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the

matter (Section 78 (1)). The Act requires that this consideration be in proportion to the significance of the matters affected by the decision (Section 79 (1)).

Principles of engagement

Council will:

- Be genuine in our consultation and engagement.
- Provide good information for feedback and, wherever possible, enable the community to consider options relating to the decision.
- Give a timely opportunity to have a say.
- Have an open mind to community feedback before making decisions.

When seeking community feedback or input Council will detail:

- What is being proposed.
- Why it is being proposed.
- What options Council has.
- What the impacts are (if any).
- How feedback and input will be sought.
- The timeframes for responding.

Engagement tools and techniques

Council may use a variety of engagement techniques on any issue or proposal based on a range of other factors, including history and public awareness of the issue, stakeholder involvement, and timing related to other events and budgets. Should an identifiable resident or group of residents be affected by any action proposed to be taken, such residents will be consulted specifically in addition to the formal consultation undertaken with the general public.

Council will also take into consideration that the community can feel 'over consulted'. Each situation will be assessed on a case-by-case basis.

Definitions

- 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
- Engagement** Is a term used to describe the process of seeking information from the community to inform and assist decision making.
- Significance** As defined in Section 5 of the Local Government Act (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, or 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 well-being 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; or
 - (c) the capacity of the local authority to perform its role and the financial and other costs of doing so.
- Strategic asset** As defined in Section 5 of the LGA 2002 “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; and includes any asset or group of assets listed in accordance with section 76AA(3) by the local authority (see following page).

Schedule 1: West Coast Regional Council Strategic Assets

The following is a list of assets or group of assets that the Council needs to retain if it is to maintain its capacity to achieve or promote any outcome that it determines to be important to the current or future well-being of the community:

- Okuru Rating District protection works
- Franz Josef Rating District protection works
- Waitangitoana River Rating District protection works
- Whataroa River Rating District protection works
- Matainui Creek Rating District protection works
- Wanganui River Rating District protection works
- Vine Creek Rating District protection works
- Kowhitirangi Rating District protection works
- Raft Creek Rating District drainage works
- Hokitika Southside Rating District protection works
- Hokitika Rating District protection works (including the Kaniere Rating District protection works)
- Taramakau Rating District protection works
- Inchbonnie Rating District protection works
- Grey Rating District protection works (including the Coal Creek Rating District Protection works)
- Red Jacks Creek Rating District protection works
- Nelson Creek Rating District protection works
- Punakaiki Seawall Rating District protection works
- Westport Rating District protection works
- Mokihinui Rating District protection works
- Kongahu Rating District drainage works
- Karamea Rating District protection works

Note

Schedule 1 is Council's list of Strategic Assets as of 30 June 2024. Assets within the rating districts may change over the life of this Long-term Plan as a result of new infrastructure being constructed as part of the Westport Flood Protection project, or projects applied for in the *Before the Deluge* proposal.

Council consulted on the transfer of ownership of the Grey Floodwall and Havill Wall (Franz Josef) for this Long-term Plan. The Havill Wall asset will be included in the list of assets above should the transfer take place