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LGOIMA

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Information requested by the media, lobby groups, public sector organisations and MPs will always be published, while information specific to an individual or their property will not generally be published.

Request from:	Max Salmon – New Zealand Taxpayers’ Union
Information requested:	Council’s position on the three waters reform
Response by:	Simon Bastion, Chief Executive

25 August 2021

Max Salmon
New Zealand Taxpayers' Union

Via Email: max@taxpayers.org.nz

Dear Max

Official information request for Council's position on the three waters reform

I refer to your official information request dated 20 August 2021 for Council's position on the three waters reform.

You have asked for the following information:

We request a copy of the Council's "Significance and engagement policy" as required by s76AA of the Local Government Act 2002.

The information you have requested is enclosed.

- 1. Has your council, or Mayor, taken a position (even if just 'in principle') for or against opting into the government's proposed three waters reforms?**

Currently the Westland District Council is taking the opportunity provided by the government to review the information made available to date and analyse the impacts of the proposal. No official position has been taken by council.

- 2. If so, what is the position, how was it come to, by whom, and on what date?**

No position taken.

- 3. Have you made a determination under your Significance and Engagement Policy?**

- a. If so, what is that position, how was it come to, by whom, and on what date?**

Three Waters Assets are a "significant asset" as set of in our Significance and Engagement Policy.

- b. What is the timeline for engagement under this determination?**

Westland District Council will take a decision on the 26th of August as to whether Council will engage with its community. Note that this would not be determined as consultation at this stage as Council are still gathering and reviewing information.

- c. If not, what is the anticipated time line to make that determination?**

We are using as much time as possible to assess the information provided. We are awaiting the updated proposed timeline from DIA before committing to any decision.

There is no charge in supplying this information to you.

Council has adopted a Proactive Release Policy and accordingly may publish LGOIMA responses on the Council Website at <https://www.westlanddc.govt.nz/lgoima-responses>.

The collection and use of personal information by the Westland District Council is regulated by the Privacy Act 2020. Westland District Council's Privacy Statement is available on our website [here](#)

If you wish to discuss this decision with us, please feel free to contact Mary-anne Bell, Senior Administration Officer at LGOIMA@westlanddc.govt.nz, 03 756 9091.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Simon Bastion | Chief Executive

SB/MB

A matter will be determined “*Significant*” if it has a “*high degree of significance*”. This is in accordance with the Local Government Act 2002 (LGA), section 5.

- 1.4 **Engagement**, in respect to this policy, is a process that can be undertaken at the outset, throughout, or at points during a decision-making process in order to inform the Council and to allow potentially affected parties to identify options for addressing the matter.

The LGA definition and/or use of the terms “significant”, “significance” and “engagement” apply in regard to this policy. Unless otherwise stated, common dictionary definitions apply for other terms in this policy.

- 1.5 The Council has a Consultation Policy in place (adopted in 2005 and reviewed in 2012). Consultation is a process that generally occurs after a proposal has been formed i.e. the Council shares the formed proposal with parties and receives final feedback. A decision can then be made. Consultation is an additional requirement under legislation, including the Local Government Act, Resource Management Act, Reserves Act, Rating Act and Land Transport Management Act. This SEP does not replace the Council’s legal responsibility to consult.

2. GENERAL APPROACH [LGA s76AA (1)(a)]

- 2.1 Council’s decision-making about the degree of significance of an issue, proposal or decision will be guided by Part II of this Policy.
- 2.2 Council’s engagement practices will be guided by Part III of this Policy.
- 2.3 The Council will use the Special Consultative Procedure (SCP) whenever it is specifically required to by the LGA or other legislation.
- 2.4 Whenever a matter is identified by the Council as being of high significance, it will use the SCP procedure as a minimum procedure for consultation. It will undertake what it considers to be a corresponding high level of engagement about the proposal.
- 2.5 The Council will apply the principles of LGA section 82 in other instances of consultation.
- 2.6 The Council may choose to undertake engagement and/or consultation on occasions other than when a matter has been determined to be of high significance. In this instance it will justify why it is choosing to do so.

Part II

1. DETERMINING SIGNIFICANCE [LGA s76AA (1)(b)]

- 1.1 As per the LGA, section 5; a matter is “significant” if it has been determined to have a high degree of significance. The following list provides key questions that will help assess the overall degree of significance of a matter:
- a. Does it involve a Council strategic asset? The LGA states that it is a significant decision to transfer ownership or control, or to construct, replace or abandon a strategic asset.
[The Council’s *Strategic Assets* are listed below].
 - b. What is the impact on Council’s levels of service, rates and/or Council debt?
 - c. How will the action or decision promote the Council’s Vision or other priorities of Council, and to what degree?
 - d. What is the degree of impact on the community, individuals or groups?
 - e. Is there a likely impact on Maori cultural values and their relationship to land and water?
 - f. Is there a high degree of public interest?
 - g. Could the action or decision have significant consequences? The action itself may be minor but what will the outcome be.
 - h. Is it a reversible decision? The more difficult an action or decision is to reverse, generally the higher the significance is.

2. COUNCIL’S STRATEGIC ASSETS [LGA s76AA (3)]

- 2.1 The LGA, section 76 AA (3) requires that the SEP must list the assets considered by the local authority to be Strategic Assets. These assets must be considered to be of high significance and as such corresponding engagement and consultation practices followed by the Council if transfer ownership or control of a strategic asset, or a decision to construct, replace or abandon a strategic asset is proposed.
- 2.2 The LGA, section 5, defines Strategic Assets as being the asset or group of assets held (owned) by the Council that it needs to retain if it is to maintain the capacity to achieve or promote an outcome that it determines to be important to the current or future well-being of the community.
- Westland Holdings Limited
 - Hokitika Airport

- Urban roads, rural roads, bridges, footpaths
- Water, treatment, storage and reticulation network
- Wastewater reticulation and treatment facilities
- Stormwater reticulation
- Elderly person housing units
- Cass Square
- Community Reserves
- Community Halls
- Community Domains
- Hokitika Cemetery
- Kumara Cemetery
- Ross Cemetery
- Hokitika Museum/Carnegie Building
- Public Toilets
- Jackson Bay Wharf
- Westland District Library
- Council Headquarters
- Hokitika Swimming Pool
- Ross Swimming Pool
- West Coast Wilderness Trail
- Active Landfills

Part III

1. ENGAGEMENT EXPECTATIONS [LGA s82 (3) & (4)]

1.1 The Council will engage with parties *unless* it is unnecessary, inappropriate or impossible to do so. That is; a case must be proven in order to decide to not engage and it may be because of one or more of the following factors:

- a. The Council can demonstrate that it already has a sound understanding of the views and preferences of the persons likely to be affected by or interested in the matter
- b. There is a need for confidentiality or commercial sensitivity
- c. The costs of engagement or consultation outweigh the benefits of it
- d. The matter has clearly already been addressed by the Council's policies or plans, which have previously been consulted on
- e. An immediate or urgent response or decision is needed so that it is not reasonably practicable to engage
- f. Works are required unexpectedly, or following further investigations, on projects that have already been approved by the Council
- g. It is business as usual i.e. the works required are related to the operation and maintenance of a Council asset and responsible management requires the works to take place.

1.2 In instances where active engagement with parties is not going to occur, Council officers still must give consideration to the views and preferences of persons likely to be affected by, or to have an interest in the matter.

2. APPROPRIATE FORMS OF ENGAGEMENT [LGA s76AA (1)(c)]

- 2.1 The Westland District encompasses a large geographic area; townships can be several hours drive from one another and there are many dispersed rural communities. This impacts on how the Council can effectively hold conversations with its citizens.
- 2.2 Ngai Tahu Iwi is an important identity to engage with over many matters as are the two Runanga within the Council District boundaries; Te Runanga o Ngati Waewae and Te Runanga o Makaawhio. The Council's relationship with Westland Iwi and Runanga should remain fluid and evolve in accordance with these organisations' preferences. Although all of the SEP processes do include the engagement of Iwi and Runanga, a separate and more specific policy or agreement should also be developed with Iwi and Runanga about different kinds of Council decision-making.
- 2.3 The Council must also be mindful of tangata whenua in the District and whether an issue could be of importance to Maori people.
- 2.4 The Council believes it is important that it has a presence across the District and in particular that elected representatives and staff are active in all of its communities. Successful engagement exercises have been achieved when they were structured around having the conversations in the community that the issue affected, rather than expecting the community to come to Hokitika. If it is a District wide issue then careful consideration is required about how best to distribute messages and be positioned to receive feedback.
- 2.5 Some communities in the Westland district do not have broadband internet coverage so this limits electronic communications.

3. IN DETERMINING APPROPRIATE FORMS OF ENGAGEMENT, THE COUNCIL WILL: [LGA s76AA (1)(d)]

- 3.1 Recognise the relationship between determining the significance of an issue and the level and type of engagement that will be required.
- 3.2 Select engagement processes and methods that are appropriate to the stakeholders that will be involved (including the public's time commitment and travel requirements, location of information and/or meetings).
- 3.3 Ask potentially interested parties if they consider themselves to be stakeholders and/or how they would like to provide input into the development of the proposal.

- 3.4 Be responsive to new methods identified by stakeholders for better engagement.
- 3.5 Bear in mind Council and other agency engagement initiatives that are underway, planned or likely to occur soon in the District. Combined initiatives will be utilised where appropriate so as to achieve efficiencies and avoid the public experiencing engagement / consultation fatigue.
- 3.6 Determine whether the Council already holds relevant information from the public or key stakeholders about the matter (from previous engagement or consultation efforts) and can utilise it instead of initiating another round of conversations.
- 3.7 Recognise the possible role of stakeholders and contacts Council already has a relationship with, including the Iwi, Runanga, resident and community associations, business and industry representative groups.
- 3.8 Provide reasonable access to free information and reasonable methods for the public and key stakeholders to be able to respond (timeframes and suitable forms of submission).
- 3.9 Consider the best use of Council money and other resources to achieve the chosen engagement plan.

Part IV

1. PROCEDURE [LGA 76AA (2)(b) & (c)]

- 1.1 The procedure for determining the level of significance and the corresponding engagement required:
 - 1.1.1 In the first instance Council Officers will be responsible for assessing a matter to determine its level of significance, in accordance with Part II of this Policy.

[To facilitate this operational process, the Council may choose to provide staff with a template, separate to but based upon Part II of this policy].
 - 1.1.2 Council Officers will then consider the corresponding extent and type of engagement that should occur, in accordance with Part III of this Policy. In general, the more significant an issue, the greater the need for community or stakeholder engagement.
 - 1.1.3 Any matter will be reported to the Council if it requires a Council decision to be made. The report will include –
 - a. An assessment of significance.
 - b. An assessment about the extent and type of community or stakeholder engagement that should occur.

2. THIS POLICY MAY BE AMENDED FROM TIME TO TIME [LGA s76AA, 4&5]

2.1 If the Council wants to amend this policy, it will consult in accordance with the Local Government Act, section 82, unless a decision is recorded that it “considers on reasonable grounds that it has sufficient information about community interests and preferences to enable the purpose of the policy to be achieved.”

3. DEVIATION FROM THIS POLICY [LGA s76AA, 6]

3.1 If the Council wishes to deviate from this policy it will follow the requirements of the Local Government Act, section 80, clearly identifying the inconsistency and the reasons for not following this policy, and stating any intention to amend the policy to accommodate the decision.

END