

policy on determining significance

Introduction

This policy on significance has been prepared to meet the requirements of section 90 of the Local Government Act.¹ It is designed to reflect the requirements of the Act and the Christchurch City Council's commitment to conducting its business in an open, transparent and democratically accountable way.

Significant Activities²

A significant activity is one that has a high degree of significance in terms of its impact on either: the well being of Christchurch; and/or persons likely to be affected by or with an interest in that activity; and/or the costs to or capacity of the Christchurch City Council to provide for the well-being of the city.

The Council considers each group of activities as they are identified in the Long Term Council Community Plan (LTCCP) or Annual Plan as a significant activity. The current groups of activities are:

- Art Gallery, Museum and "Our City"
- City Development
- Community Services
- Democracy and Governance
- Economic Development
- Library Services
- Parks and Open Spaces
- Refuse Minimisation and Disposal
- Regulatory Services
- Streets and Transport
- Wastewater Collection, Treatment and Disposal

- Water Supply
- Waterways and Land Drainage

Within each group it regards as a decision to alter significantly the intended level of service provision to include the decision to cease or add a major component to that significant activity.³ Such decisions will be made only after they have been included in a statement of proposal in an LTCCP (or an amendment to the LTCCP).

A decision altering the mode of delivery of a major component of a significant activity is considered by the Council as a decision altering the mode of delivery of the significant activity.⁴ Such decisions will only be made using the Special Consultative Procedure either within the framework of an LTCCP or Annual Plan where that is practical or on its own where necessary.

Significant Decisions

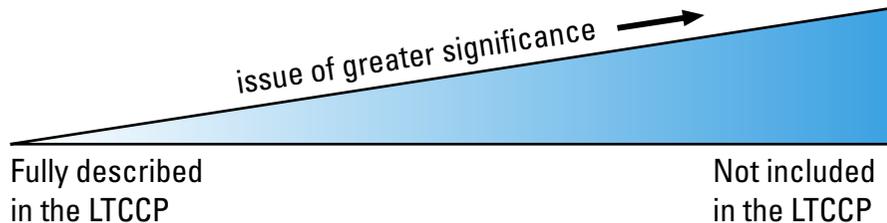
A significant decision is one that has a high degree of significance either in terms of its impact on: the well-being of Christchurch; and/or persons likely to be affected by or with an interest in that decision; and/or the costs to or capacity of the Christchurch City Council to provide for the well-being of the city.

Council policy is that in making significant decisions the decision maker should consider information on the reasons for the decision, the options and their relative costs and benefits, and the views of those that are affected by or with an interest in the decision that is commensurate with the significance of that decision. It is the responsibility of the maker of the substantive decision (usually the full Council, a standing committee or a community board) to satisfy itself that the requirements of this policy are complied with.

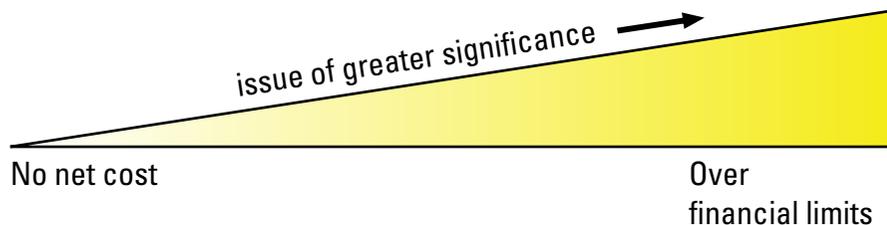
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Criteria that will be considered in determining the significance of the decision will include:

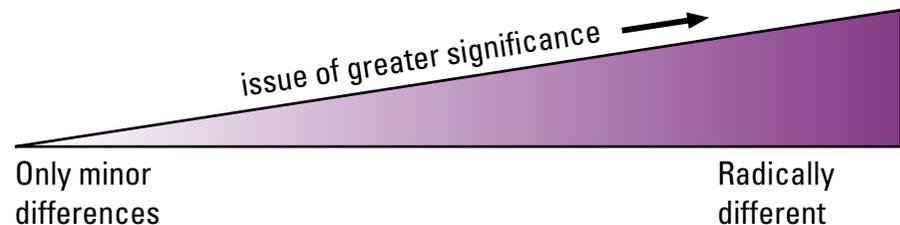
1. The extent to which the decision flows logically and consequentially from a significant decision already made or from a decision in the LTCCP (as amended) or the Annual Plan. If it does, then its significance depends principally on the variations between the identified options, because the decision to do something has already been taken.



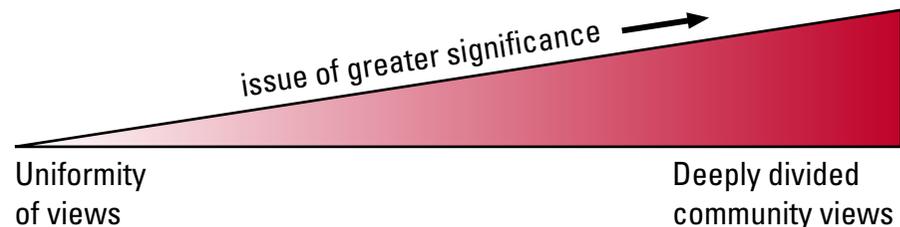
2. The magnitude of the decision in terms of its net cost to the Council. Most major spending decisions should be made in the context of the LTCCP or Annual Plan, so decisions involving unidentified and unbudgeted expenditure should receive at least as much scrutiny as they would have received if they had been included in the LTCCP or Annual Plan. For guidance budget decisions involving more than \$5,000,000 in capital expenditure or more than \$500,000 in operating costs will be regarded as having greater significance.



3. The extent to which the options identified (including the 'do nothing' option where appropriate) have radically different effects in terms of, amongst other things: their costs; their benefits; the extent to which they impact on members of the community and which members they impact upon. The greater the variation the greater the degree of significance.

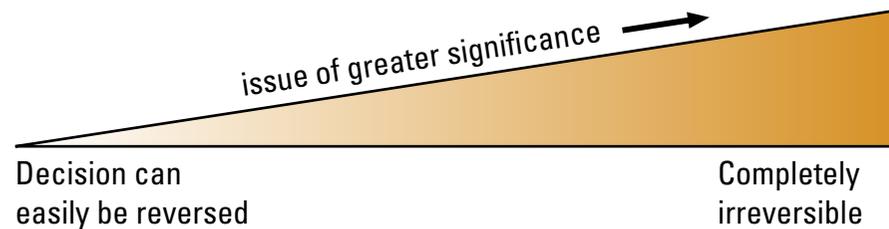


4. The extent to which the matter under consideration is controversial within the community. A high level of controversy mitigates in favour of the decision being treated as more significant and subject to greater rather than lesser evaluation and community scrutiny.

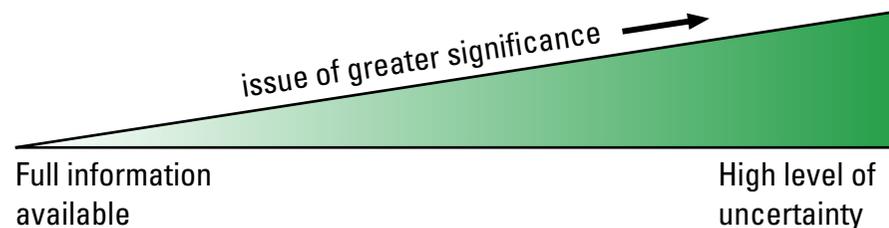


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5. The Reversibility Test. The more difficult it is to reverse a decision, in general, the greater its significance. A decision which leads to a once and for all outcome has greater significance than one where the outcome can be largely reversed albeit in a different form.



6. Precautionary Principle. Where the significance of a matter being considered or a decision being made is unclear then the Council will err on the side of treating the issue as of more rather than less significance.



7. Practicality. The Act provides for the Council to take into account the circumstances under which a decision is taken and what opportunity there is to consider a range of options or the views and preferences of other people. In circumstances in which failure to make a decision urgently would result in loss of opportunities which are assessed as able to contribute to achieving the outcomes being sought by the Council then the Council will tailor its decision processes to allow as much evaluation and consultation as is practicable while achieving the timeline required.

The more to the left in the above assessments the decision is judged to be, the greater its significance and the greater the thoroughness with which the proposal will be evaluated and the views of those likely to be affected or with an interest in the proposal will be researched.

For the avoidance of doubt, administrative decisions made by officers under delegated authority that flow from Council policy (eg the issuing or exempting from traffic infringement notices, the issuing of dog licences, the decision on the notification of a resource consent) are not significant in terms of this policy. The significance rests with the policy that guides these decisions and not with each decision made in administering the policy. The degree of importance to be attached to each criterion will be considered decision by decision.

It follows that a high level of significance in one or more of the criteria may or may not result in the decision itself being assessed as having a high level of significance.

Strategic Assets

Section 90 (ii) requires the Council to identify and list the assets it considers to be strategic assets.

The assets and groups that the Christchurch City Council considers to be strategic assets includes:

- Its equity in Christchurch City Holdings Limited and its equity holdings in:
- the Lyttelton Port Company
- Christchurch International Airport Limited
- City Care Limited
- Orion Group Limited.
- Its equity in Jade Stadium Ltd
- Its equity in Red Bus Ltd

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- The City Art Gallery and its permanent collection
- The Library network as a whole including the central library, the suburban libraries and the mobile library service.
- The Christchurch City Roothing network as a whole
- The water supply network as a whole including reservoirs, pump stations and reticulation.
- The sewage collection, treatment and disposal system as a whole including the sewers, pump stations and the treatment works.
- The land drainage system as a whole including the stormwater pipe network, the open river system, waterways, wetlands and retention basins.
- The reserves lands as a whole including land held under the Reserves Act and land used for parks, gardens, sports fields, recreational areas and cemeteries.
- The Council's built recreational facilities including its suburban swimming pools (Waltham, Halswell and Sockburn) and indoor pool complexes.
- The system as a whole of off-street parking facilities owned or operated by the Council.
- The public transport infrastructure system as a whole including the Bus Exchange, bus shelters and other bus related facilities.
- The Town Hall and the Council's equity in Christchurch City Facilities Limited.
- The land and buildings as a whole owned by the Council for its public rental housing provision.
- The Council's equity in Transwaste Limited.
- The Council's portfolio of Heritage Assets as a whole (excluding assets specifically acquired for on-selling after providing them with protective covenants).

Section 97 of the Act requires that decisions to transfer the ownership or control of a strategic asset to or from the Council, or a decision to construct, replace or abandon a strategic asset can only be taken if the decision has been explicitly provided for by a statement of proposal in the Council's LTCCP.

Strategic assets as defined above are the assets in total and not the separate elements of the assets. The requirements of section 97 are only triggered if the proposal relates to the asset as a whole or a major sub-part of the asset.

¹ Section 90 of the Act states:

(90) Policy on significance

1. Every local authority must adopt a policy setting out -

(a) that local authority's general approach to determining the significance of proposals and decisions in relation to issues, assets, or other matters; and

(b) any thresholds, criteria, or procedures that are to be used by the local authority in assessing the extent to which issues, proposals, decisions, or other matters are significant.

2. The policy adopted under subsection (1) must list the assets considered by the local authority to be strategic assets.

3. A policy adopted under subsection (1) may be amended from time to time.

4. A local authority must use the special consultative procedure both in relation to -

(a) the adoption of a policy under subsection (1); and

(b) the amendment, under subsection (3), of a policy adopted under subsection (1).

² The Act has the following definition of "significant".

Significant, in relation to any issue, proposal, decision, or any other matter means that the issue, proposal, decision, or other matter has a high degree of significance. (Part I Section 5).

The same section defines significance as follows:

Significance, 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 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.

³ eg: A proposal to stop funding events and festivals (being an element of the Sports Leisure and Events significant activity) as a group would be a proposal that significantly altered the intended level of service of a significant activity. However, decisions on the exact mix of festivals and events supported would not be considered to significantly alter the intended level of service.

⁴ To continue with the events and festivals example, a proposal to provide all festivals 'in house' would be considered as the alteration of the mode of delivery of a significant activity. However, a change of provider for an individual festival would not.