

Waimate 2020

**Waimate District Council
Democracy Policy 301**

Significance Policy



**Version 2.2
1st March 2006**

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Democracy Policy 301 - Significance Policy

1. PURPOSE

To provide guidance to Council upon, and ensure appropriate documentation of, the relative importance of decisions it takes within the context of the requirements of the Local Government Act, 2002.

This policy also recognises the strategic assets owned by Council, and those that impact importantly upon our District and its Community Outcomes.

2. SCOPE

This policy must be considered in all decision-making of Council and is effective from the enactment of the Local Government Act, 2002 on 24 December 2002.

Where a decision is determined to be significant in terms of this policy, the enhanced decision-making procedures of Part 6, the Local Government Act, 2002, must be applied.

3. RESPONSIBILITY

Responsibility to observe this policy lies with the Council.

Chairpersons of meetings (full Council, Committee or sub-committee of Council, or of Council controlled organisations) must ensure consideration of this policy at an early stage in discussions surrounding any decision taking.

Responsibility also extends to officers of Council making reports to Council. Every report should contain the officers' recommendation as to whether the issue is significant or not, and the reasons why.

4. DEFINITIONS

The following two definitions are fundamental to this policy and describe the intent that lies behind formulating this Policy Document.

4.1. Significance

(Defined in section 5, Local Government Act, 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,

- the current and future social, economic, environmental, or cultural well-being of the district or region;
- any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter;
- the capacity of the local authority to perform its role, and the financial and other costs of doing so.

4.2. Significant

(Defined in section 5, Local Government Act, 2002)

In relation to any issue, proposal, decision, or other matter, means that the issue, proposal, decision, or other matter has a high degree of significance.

4.3. Special Consultative Procedure

Section 83 of the Local Government Act, 2002, provides the requirements for processes the Council must use when a Special Consultative Procedure is required. Most decisions on Significant Issues require the use of such procedure. The Waimate District Council has

outlined the processes it uses when the Special Consultative Procedure is invoked in its policy document No.203, entitled “Community Consultation Policy” which is reproduced in Volume 1 of this plan.

4.4. Strategic Assets

(Defined in section 5, Local Government Act, 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 90(2) (see below), by the local authority; and
- any land or building owned by the local authority and required to maintain the local authority’s capacity to provide affordable housing as part of its social policy; and
- any equity securities held by the local authority in —
 - a port company within the meaning of the Port Companies Act 1988
 - an airport company within the meaning of the Airport Authorities Act 1966

(The reference to Section 90(2) is the requirement to list all Strategic Assets in this Significance policy as included herein in Appendix 1.)

The Waimate District Council acknowledges that other assets, not held by the Local Authority, may be just as vital to community outcomes

5. DECISION MAKING PROCEDURE

Council shall have regard to, and work its way through the decision-making and documentation provisions of the appendices to this policy.

The following pages show a flowchart which illustrates the decision-making procedure to determine whether the issue will be designated as ‘significant’.

Every issue brought before the Council for decision must be tested against this procedure

and the result documented before resolution (as per Section 7), with the appropriate process to be used in that decision-making, (ie: whether a specific Special Consultative Procedure will be used or can the issue be resolved without use of that Procedure).

The following are explanatory notes for the flowchart which explain the major steps in the ‘significance testing’ process:-

NOTE 1

The first step is to determine if the issue, proposal, decision or other type of matter (referred to simply as ‘issue’ in the following notes) affects one or more of the Strategic Assets that the Council has designated as such. Refer to Appendix 1 for a list of these.

NOTE 2

If the issue is likely to change the service level of the strategic asset negatively or positively, it must proceed to the appropriate Special Consultative Procedure. This is because a change in the service level will impact the Community’s outcomes by the very definition of a Strategic Asset.

NOTE 3

Is ownership of a strategic asset to be transferred as a result of this decision or issue? The Council may not necessarily be vendor or purchaser to still have a major interest in any impact of ownership change.

NOTE 4

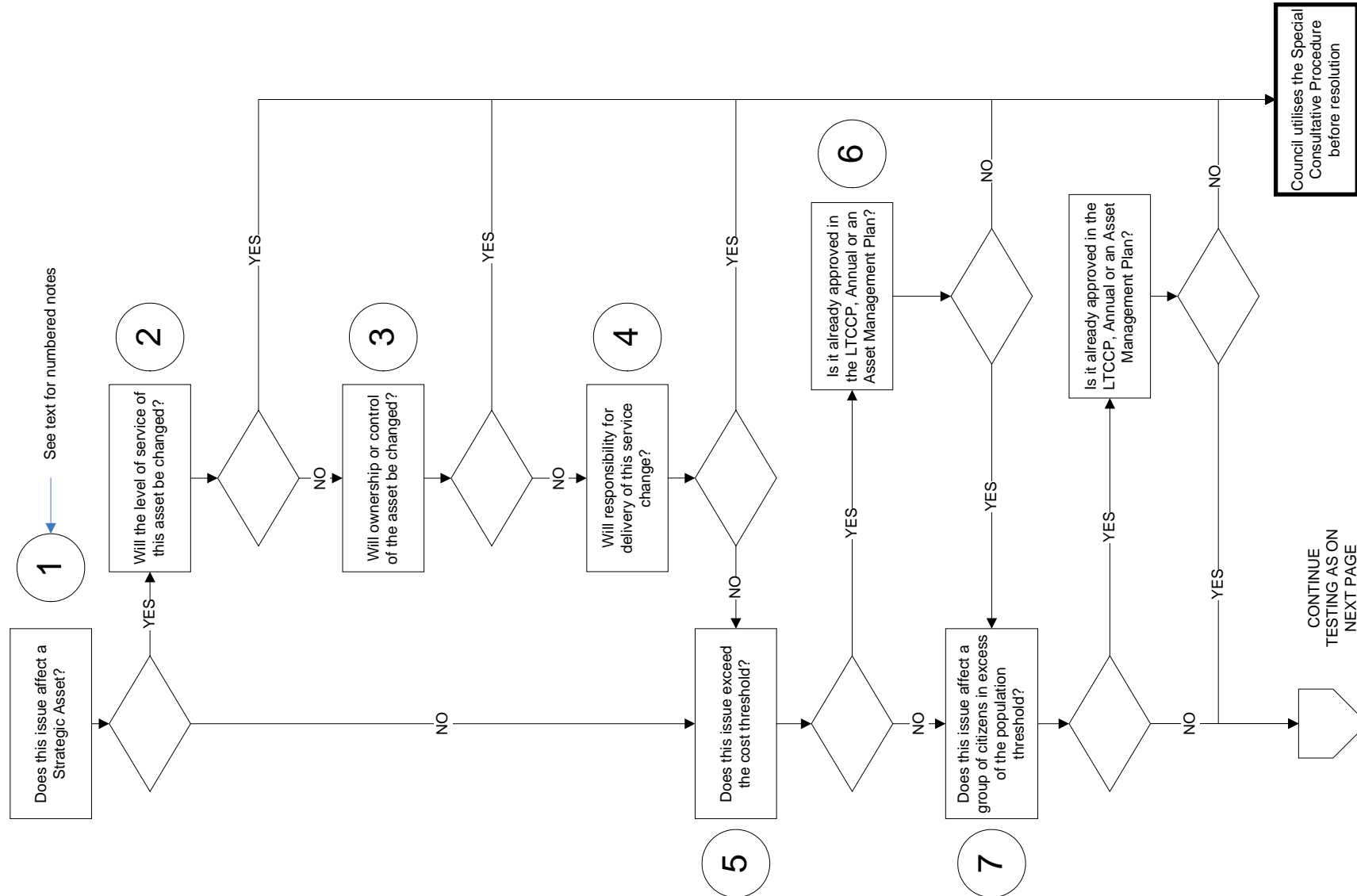
Will the persons or organisation, responsible for delivery of the service provided by this strategic asset, be changing as the result of this decision or issue?

NOTE 5

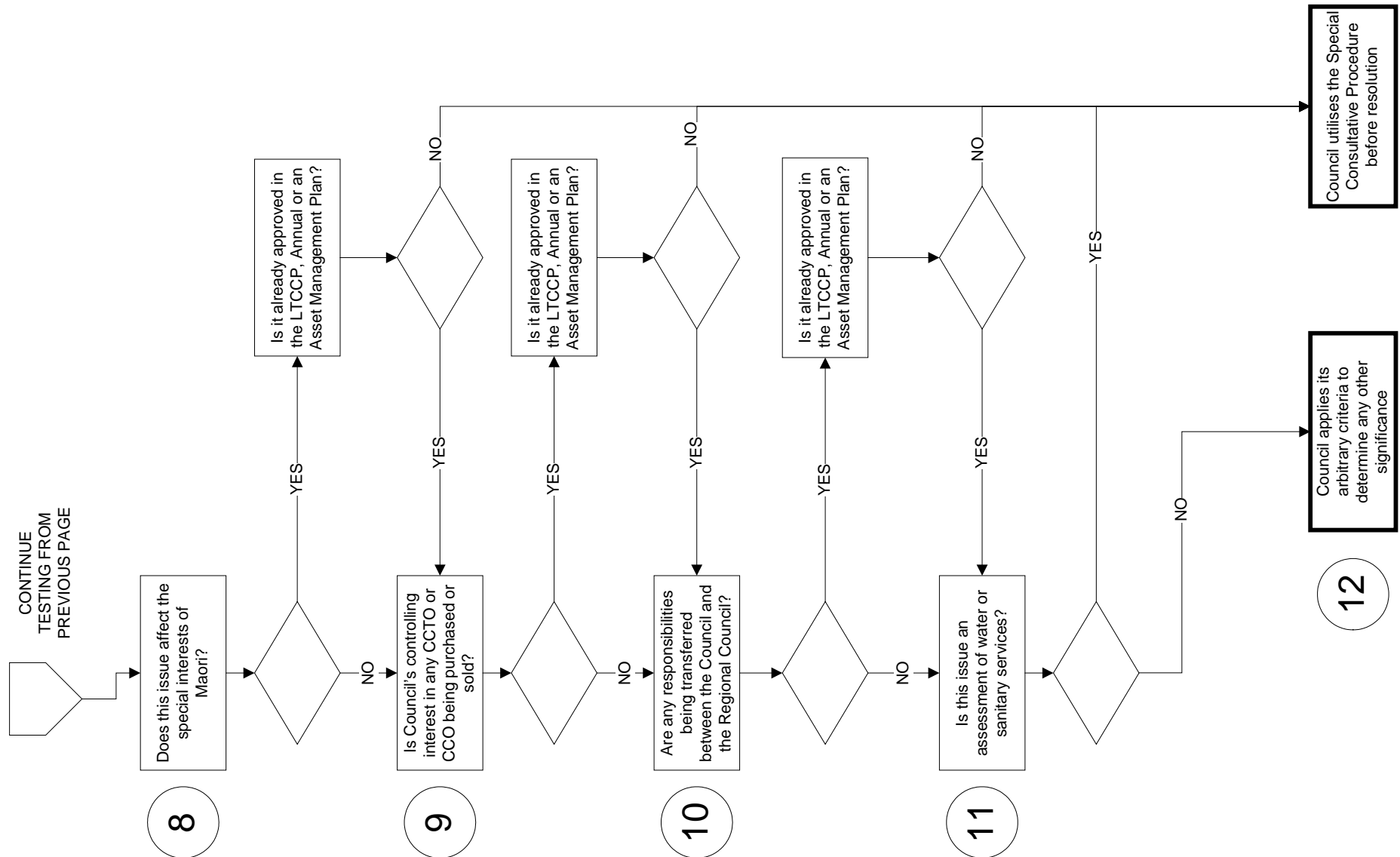
Does a decision resulting from this issue involve expenditure by the Council that exceeds the ‘significance’ threshold established in Section 7 of this document?

NOTE 6

This step exists in multiple places in the flowchart. In all cases, the process has reached a stage where significance has been established by one of the criteria set by the Council, and now a check must be made against the current Annual Plan or LTCCP to see if consultation has already occurred and a decision for funding already been approved in these plans.



Flowchart of decision-making process when determining if a decision is to be defined as 'Significant' - Page 2 of 2



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NOTE 7

Does a decision resulting from this issue directly impact a group of citizens that number more than the 'significance' threshold established in Section 7 of this document?

NOTE 8

Section 77 (1) (a), of the Local Government Act, 2002, states:-

“A local authority must, in the course of its decision-making process, seek to identify all reasonably practicable options for the achievement of the objective of a decision”

And Section 77 (1) (c), in reference to this, states:-

“if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Maori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna and other taonga.”

NOTE 9

Does this issue or decision involve the Council gaining or losing a controlling interest in a Council Controlled Trading Organisation or a Council Controlled Organisation as they are defined above in Section 4?

NOTE 10

Does this issue or decision involve changing the relative responsibilities of the Waimate District Council and the Canterbury Regional Council otherwise known as ECAN?

NOTE 11

Section 125 of the Local Government Act, 2002, states:-

A territorial authority must, from time to time, in accordance with sections 126 and 127, assess the provision within the District of –

- (a) water services, and
- (b) other sanitary services.

One type of service may be assessed in conjunction with another type of service.

An assessment may be included in the territorial authority's long-term council community plan, but it is not, the territorial authority must adopt the assessment using the special consultative procedure.

NOTE 12

If the testing process has reached this stage without determining the issue to be 'significant', the Council must then apply its 'arbitrary criteria' that relate to such areas as communities of interest. Guidelines for these criteria are described in Section 8 of this document.

6. DOCUMENTATION PROCEDURE

The decision to regard an issue as 'significant' or not 'significant', and the information required to be collected and made available, are to be documented in order for the Council to fully comply with the requirements of Sections 76 through to 82 of the Local Government Act, 2002.

The Waimate District Council has resolved to meet this need as follows:-

6.1. Preparation by Staff

Staff will provide a recommendation to Council on all Agenda items based on using the 'significance' testing procedure outlined in Section 5 of this Policy. It shall contain a checklist showing that answers to the test questions have been checked as YES or NO.

In cases where significance is not identified by the main tests, before reaching the stage for Council's arbitrary criteria to be applied, the staff member submitting the Agenda item will make a recommendation showing the basis of any advice proposing it be treated as significant.

For each issue that staff find or recommend to be significant, they will attempt to supply all information in the Agenda report in accordance with the following requirements of the Act:-

Relevant Section of LGA 2002	Matters to be considered and recorded
Section 77-1(a)	Identify all reasonably practicable options for the achievement of our community's objective, and then for every option consider and record the following:-
	Section 77-1(b) The costs and benefits in terms of present and future social, economic, environmental and cultural factors for our district.
	Section 77-1 (b)ii The extent to which community outcomes would be promoted or achieved in an integrated and efficient manner.
	Section 77-1 (b)iii Present and future statutory responsibilities of Council.
	Section 77-1 (b)iv Any other matters thought relevant.
Section 77-1 (c)	Record whether the decision has impact on any land or body of water that may require consideration of Maori opinion.
Section 78	Record who are the persons/groups most likely to be affected by the decision or have an interest in the decision. What are the likely views of these persons/groups?
Section 80	Record whether any of the decisions being proposed could be significantly inconsistent with any existing policy of Waimate District Council, and consider and record any policy amendments necessary from this inconsistency.

Section 82	Without invoking the specific requirements of Section 83 "Special Consultative Procedure", record the level of consultation with affected parties that Council considers appropriate.
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In cases where appropriate, such as where other organisations or authorities are involved, then the answer to the following question must also be recorded.

Record :	Is it within the capacity of the Waimate District Council, or is it appropriate for the Waimate District Council, to effect a decision on this matter in terms of this role?
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6.2. Councillors

Matters brought to Council that have not already been assessed as shown in Section 6.1 above, must have the same information recorded in the meeting minutes as required for agenda items prepared by the staff.

In all cases, Councillors are required to state and record their agreement with the assessment of 'significance', adding any reasons for decisions reached using the 'arbitrary criteria' as described in Section 8 below. This record will be kept in the minutes of the meeting.

7. THRESHOLDS AND CRITERIA FOR SIGNIFICANCE

Application of the following thresholds should be considered persuasive, but not absolutely conclusive.

A matter which does not meet either of the financial or population thresholds may still be significant when considered against other criteria. The thresholds merely provide an upper limit, above which, the special consultative process must be used.

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They must also be viewed as not bounded by financial years. For example: an item of expenditure must be gauged against the threshold based on its total cost over the length of time it takes for that expenditure to take place.

7.1. Basic Thresholds

The basic thresholds have been set as follows:-

Financial threshold	\$400,000
Population threshold (throughout whole of District)	15% or 1,050 people

8. SPECIAL OR ARBITRARY CRITERIA

The process flow described in Section 5 provides for a series of tests for 'significance' based on specific requirements of the Local Government Act, 2002.

The Act also requires the Council to consider a number of factors in determining significance which are specific to each District and are more difficult to define in a precise manner.

The following are the principles that Council will use to test these 'arbitrary criteria'.

Impact on Social, Cultural, Environmental and/or Economic Community Outcomes	The majority of these will have been tested against in assessing whether the issue involved a Strategic Asset or others of the standard requirements, but a check at this point is essential.
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Impact on a particular geographical community?	<p>Specific geographical communities may be smaller than the usual population threshold. Examples would include the Hakataramea Valley or Cannington.</p> <p>However, they may comprise a sector of the community that Council recognises as 'significant' based on the question: "Are a small number of people affected greatly?" as opposed to a large number of people affected minimally. These communities are identified in Council's demographic surveys.</p>
Impact on a particular community of interest?	<p>Specific communities of interest may be smaller than the usual population threshold. Such communities of interest may be sectorised along social, cultural, environmental, or economic lines. Examples include religious groups, recreational groups, ethnic groups.</p> <p>However, they may comprise a sector of the community that Council recognises as 'significant' based on the question; "Are a small number of people affected greatly?" as opposed to a large number of people affected minimally. These communities are identified in Council's demographic surveys.</p>
Impact on parties outside our district but interacting with our District	These may involve many types of parties. Examples would include other local authorities, especially Timaru, Mackenzie and Waitaki Districts and the Canterbury Regional Council, businesses operating inside the District, Government agencies.
Controversy / Public Interest	<p>Matters that are likely to be controversial in nature or invoke a high level of public interest should also be referred to the Special Consultative Process.</p> <p>It is recognised that some issues may prove to be controversial, contrary to expectations.</p>

9. OVER-RIDING THE SPECIAL CONSULTATIVE PROCESS REQUIREMENT

The requirement to use the Special Consultative Process for decision-making on 'Significant Issues' will apply in all cases, except those where the Council can justify its decision to override that process because of:-

- The urgency of the need for a decision.
- Commercial sensitivity affecting public release of information.
- Compassionate grounds.

The Council will be required to note in the meeting minutes the justification for these overrides.

10. APPENDIX 1 - STRATEGIC ASSETS

The following is a list of groups of assets considered strategic in nature to the Community Outcomes of the Waimate District.

These are assets relating to statutory or core functions of Council which cannot be divested or significantly modified without being subjected to the special consultative procedure. This list is not to be considered either exhaustive or permanent. Council may add to or delete from this list from time to time by resolution, in furtherance of its aims of pursuing community outcomes.

Council may include among strategic assets, those assets not actually owned by Council, but playing an important and strategic role in our District (e.g. State Highway One between Pareora and Waitaki Rivers).

Council-owned Assets	
Core Council Services	
District Libraries	Library Building – Waimate Book, CD, and Video Catalogue
Pensioner Housing	Buildings - Waimate
Local Government Centre	Building - Waimate
Water Supplies	Waimate Urban Supply Hook-Waituna Water Scheme Cannington-Motukaika Water Scheme Hakataramea Water Scheme Cattle Creek (Upper Waihao) Water Scheme Waihaorunga Water Scheme Otaio-Makikihi Water Scheme

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Water Supplies (continued)	Waikakahi Water Scheme Lower Waihao Water Scheme Downlands Water Scheme (Council owns 14.8%)
Waste Water	Waimate Urban waste-water scheme St.Andrews waste-water provision
Stormwater	Elephant Hill drain Waimate urban stormwater scheme
Solid Waste related Assets	Resource Recovery Park Waste Removal Contract
Roads (other than State Highways)	Includes Footpaths, Lighting, etc
Council Social and Cultural Services	
Parks and Reserves	Victoria Park Knottingley Park Waitaki Lakes Campgrounds Manchester Park - Waimate Stadium - Waimate Seddon Square
Swimming Pools	Norman Kirk Memorial Pool
Cultural Venues	Waimate Museum
Memorials	Waimate Clock Tower Memorials as listed in the Waimate District Plan
Other Council Assets and Services	

Avenue of Trees	Queen Street Avenue
Public Toilets	Waimate Public Toilets
Cemeteries	Waimate Cemeteries
Council Forests	Multiple sites as listed in the Forestry Asset Management Plan – note that this plan is the consultation document
Council-supported Major Events	Strawberry Fair Busking Festival Waimate 50 Wallaby Shoot
Strategic Assets not owned by the Council	
The following Assets are not owned by the Council but their importance to the Community is such that significant changes to them may enhance or diminish the Community's well-being. The Council may need to react to such changes by political lobbying, legal action and the like, with Community consultation.	
Communication Networks	Land telephone, mobile telephone, satellite-based communications, television transmission, computer networking and access systems
Power Networks	Multiple power distribution networks, substations
Irrigation Systems	
Major Employers	Waimate Timber Processing - Waimate B.J.Abrahams - Waimate Food Processors, Ltd. – Studholme Debonair Furniture - Waimate Lister Home (Inc) - Waimate

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Major facilities in adjacent regions	Timaru Airport Prime Port Timaru Timaru Hospital
Government or regionally managed Services	
Schools	
Health Services	
Fire Services	
Heartland Services, (WINZ etc)	Waimate Office
Department of Conservation land and reserves	
Environmental Assets	
Reserves	Mt. Nimrod Reserve Kelceys Bush Gunns Bush
River Control Schemes	
Lake Wainono	
Major Rivers and lakes	Waitaki River Lakes Benmore, Waitaki, Aviemore Pareora River Waihao River
Social and Cultural Assets	
Churches	
Regent Theatre	

Heritage sites	
Waihao Marae	
Core Tourist Facilities	
Other Services	
Downlands Water Supply	Council owns 14.8%
Main Rail corridor, (Christchurch to Dunedin route)	

11. PUBLICATION DETAILS

All inquiries or suggestions regarding this Document should be referred to:-	Policy Analyst
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