

Policy on Significance

Purpose

The general purpose of Council's Policy on Significance, prepared in accordance with s90 of the Local Government Act 2002 [the Act], is to set out:

- How Council will determine the degree of significance of a proposal or decision in relation to issues, assets, or other matters; and
- How Council will manage the decision-making process, including consultation and demonstrating transparency, as a result of that assessment of significance.

General Approach to Determining Significance

1. General Principles

At the earliest stage in the decision-making process, consideration must be given to the significance of an issue, proposal or other matter.

The Flowchart on the following page summarises the process.

When determining the significance of proposals and decisions in relation to issues, assets or other matters, Council will have regard to the extent to which these:

- Promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future; or
- Have consequences or impacts on residents, ratepayers and businesses; or
- In relation to land or a body of water, have wide interest for Maori within Upper Hutt generally; or
- Have wide public interest within Upper Hutt City generally; or
- Have impacts on Council's capacity to meet its statutory responsibilities now and in the future; or
- Are set down in the Local Government Act 2002 as being significant [refer to section 3]; or
- Have been clearly described already in the Long Term Council Community Plan (LTCCP), including the nature and extent of the proposed action.

2. Levels of Significance

Council will then categorise and process the matter in one of three ways, namely:

(a) Operational Matters

The matter concerns the day-to-day operations of Council, is carried out under delegated authority and is in accordance with the Long Term Council Community Plan, Annual Plan or relevant legislation. No further assessment of significance is required.

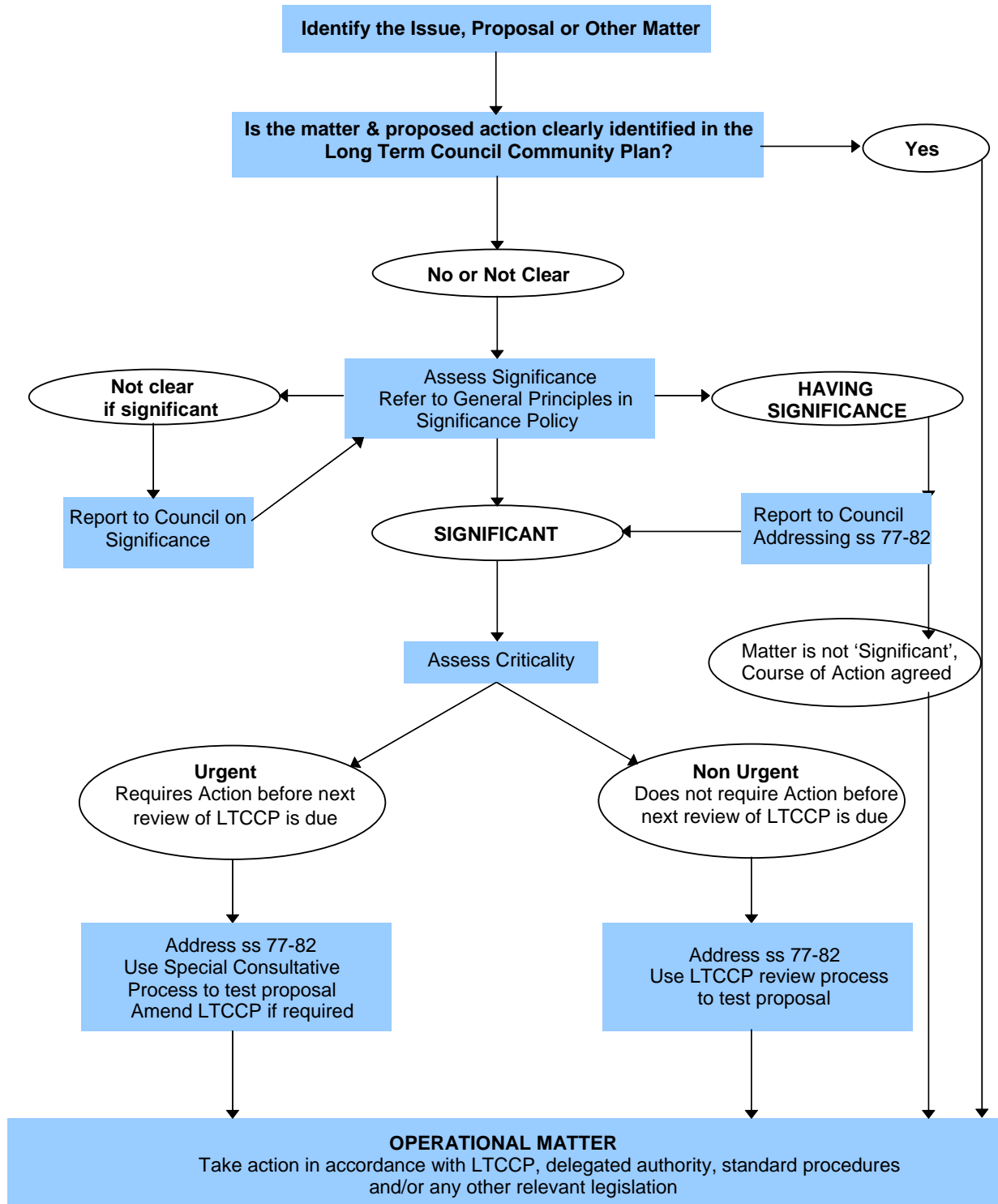
Procedure:

Where a decision is authorised by Council to be made under delegated authority, then Council will maintain an appropriate formal record, as required under the relevant Act.

Explanation:

By keeping a formal record, there is an opportunity for any affected person to check the basis on which the decision has been made, and to challenge if they consider the requirements of the relevant legislation have not been met.

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Process for Assessing Significance

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(b) Having Significance

The matter has significance, but is not sufficiently important to be 'significant', and requires a Council resolution before action may be taken.

Procedure:

Council is required to make decisions on those matters that are not already covered by the Long Term Council Community Plan, including where there is a material change from a proposed course of action.

Where a decision is to be made by Council resolution, the report put to Council, or to any Committee of Council, will address transparently the requirements identified in sections 77 to 82 of the Act.

When, following such deliberation, Council considers that the matter is 'significant', then the procedure for managing 'significant' matters, set out in 2.2(c), will be used.

Explanation:

By making the matters identified in sections 77 to 82 on the decision-making process transparent in the relevant report to the Council or any of its Committees, Councillors and the public at large will be able to assess if Council has sufficient information from which to make a decision.

(c) Significant

The matter is of the highest level of significance and requires a clear statement of the proposal, use of the special consultative procedure and a final Council resolution before action may be taken.

Procedure:

Generally, Council will endeavour to clearly identify and debate 'significant' proposals through the Long Term Council Community Plan process.

In special circumstances, where the 'significant' matter is unforeseen and a decision is required quickly, then Council will invoke the special consultative procedure at an appropriate time, by resolution. Where required by legislation, the relevant part of the Long Term Council Community Plan will be reviewed.

Where discretion is involved in categorising the matter as 'significant' rather than 'having significance', a report will be put to Council as soon as possible for a decision on its level of significance.

Explanation:

By requiring the special consultative process is used in decision-making, Council is meeting the highest requirement in the Act for informing the public of what it is proposing, and enabling formal submissions on the proposal to be heard. This will ensure Council has sufficient information from which to make a decision on the matter.

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3 'Significant' Matters in the Act

3.1 Introduction

The Local Government Act 2002 specifically identifies a number of situations that are effectively classed as being 'significant'. These are listed on the following page.

3.2 Strategic Assets

The following are considered to be strategic assets for Upper Hutt City Council in terms of the Act:

- Upper Hutt City roading network as a whole.
- Upper Hutt City Civic Complex, including the Library, Civic Administration Building, the Expressions Arts and Entertainment Centre and H²Oxstream.
- Upper Hutt City reserves network as a whole, being reserves managed by Council and classified under the Reserves Act 1977.
- Upper Hutt City water supply system, as a whole.
- Upper Hutt City stormwater system, as a whole.
- Upper Hutt City wastewater system, as a whole, including the Upper Hutt City Council share of the Hutt Valley Wastewater System.
- Akatarawa Cemetery

For the removal of doubt, each strategic asset is listed as a whole entity, and the term 'strategic asset' does not apply to the individual elements of that asset.

Under section 97(1)(b) and (c) of the Act, the following types of decision are effectively 'significant', and a decision can only be taken if explicitly provided for in the long-term council community plan and the statement of proposal:

- A decision to transfer the ownership or control of a strategic asset to or from a local authority:
- A decision to construct, replace or abandon a strategic asset

3.3 Significant Activities

The following are considered to be significant activities for Upper Hutt City Council:

- Democratic Process, as a whole
- Recreation, Leisure, Community and Cultural Services, as a whole, including Parks and Reserves, Recreation and Community Affairs, Libraries and H²Oxstream
- Emergency Management, as a whole
- Environmental Services, as a whole
- Land Transport, as a whole
- Water Services, including water supply, wastewater and stormwater, as a whole

For the removal of doubt, each significant activity is listed as a whole entity, and the term 'significant activity' does not apply to the range of component activities carried out under each significant activity.

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(a) Change in Intended Level of Service

Under section 97(1)(a) of the Act, the following type of decision is effectively 'significant', and a decision can only be taken if explicitly provided for in the long-term council community plan and the statement of proposal:

- A decision to alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the local authority, including the decision to commence or cease any such activity.

The following 'significant' thresholds shall apply for Upper Hutt City Council:

- Commencing or ceasing a significant activity
- Changing Council's total annual rates funding requirement by 10%, or 50% of the total annual rates funding for the significant activity, whichever is the lesser amount.

(b) Change in Mode of Delivery

Under section 88 of the Act, Council must use the special consultative procedure, or have already explicitly provided for the proposal in the long term council community plan and statement of proposal, where it wants to alter the mode by which a significant activity is undertaken by, or on behalf of Council, as follows:

- A change from delivery of the activity by the local authority itself to delivery of the activity by a council-controlled organisation in which the local authority is a shareholder; or
- A change from delivery of the activity by the local authority itself to delivery of the activity by another organisation or person; or
- A change from the delivery of the activity by a council-controlled organisation in which the council is a shareholder to delivery of the activity by another organisation or person.

3.4 Significant Alteration to Council's Capacity

Under section 97(1)(d) of the Act, the following type of decision is effectively 'significant', and a decision can only be taken if explicitly provided for in the long-term council community plan and the statement of proposal:

- A decision that will directly, or indirectly, significantly affect the capacity of the local authority, or the cost to the local authority, in relation to any activity identified in the long-term council community plan.

The following 'significant' thresholds shall apply for Upper Hutt City Council:

- Changing Council's total annual rates funding requirement by 10%, or 50% of the total annual rates funding for any activity, whichever is the lesser amount.

For the removal of doubt, the term 'activity' refers to the list of Council Activities identified in the Long Term Council Community Plan.