

Significance Policy

Background

The issue of “significance” is given considerable prominence in the Local Government Act 2002, (the Act). There are definitions of “significance” and “significant” in the Act and councils must adopt a “policy on significance” using the Special Consultative Procedure. These definitions and the requirements as set out in s.90 and s.278 of the Act are attached as Appendix 1.

Once a decision is determined to be “significant”, particular aspects of the “Decision Making” provisions come into play. In general, the more “significant” the decision is deemed to be, the greater the extent to which the decision making process should be transparent. “Significant” decisions should be made after consideration of the options related to the decision, the benefits and costs of the decision and the views of those affected by, or interested in the issue requiring decision. The “decision making” provisions are attached, for completeness, as Appendix 2.

Policy - Part 1:

Papakura District Council general approach to determining which proposals and decisions are significant (s.90(1)(a))

When determining the question of the significance of proposals and decisions in relation to issues, assets or other matters the Council will consider such an issue, asset or matter to be significant where:

1. The consequences or impacts of the issue, assets, or other matters, including cultural consequences or impacts, affect a large number of residents and ratepayers to a moderate extent; or
2. The consequences or impacts of the issue, assets, or other matters, including cultural consequences or impacts, affect a small number of residents and ratepayers to a large extent; or
3. The issue, asset, or other matters have a history of generating wide public interest within Papakura District, the Auckland Region or New Zealand generally, or

4. The issue, asset, or other matters have a large impact on the environment, the economy or the social or cultural well-being of Papakura District; or
5. The issue, asset or other matters are expected to have a large financial impact on Council or the community; or
6. The issue, asset or other matters are expected to have a large resource impact on Council (e.g. staff levels); or
7. The issue, asset or other matters are expected to have a large impact on or make a large contribution to the achievement of Community Outcomes (as identified in the Long-term Council Community Plan).

Policy - Part 2:

Thresholds, criteria and processes for determining which proposals and decisions are significant (s.90(1)(b)).

When undertaking a process to determine the extent to which issues, proposals, decisions or other matters are significant, Papakura District Council will use the following thresholds, criteria and procedures:

Thresholds and criteria:

1. Issues, assets, or other matters that incur more than \$1m of expenditure for any single project or programme, whether over one or several years; or
2. Issues, assets, or other matters that cause a change to overall staffing levels of 10 per cent; or
3. Any transfer of ownership or control, or the construction, replacement or abandonment, of a strategic asset as defined by the Act or listed in this policy; or
4. The sale or other transfer of ownership of the controlling portion of Council's shareholding in any Council-controlled trading organisation, or Council-controlled organisation; or

5. A decision that will, directly or indirectly, significantly affect the capacity of the Council to carry out any activity that makes a large contribution to Community Outcomes identified in the Long-term Council Community Plan.

Procedures:

Procedure for determining significance
Council officers will provide advice to Council as follows:

1. Identification of an issue, asset or other matter requiring a Council decision
2. an assessment of significance, using the "PDC general approach to significance" and "Thresholds and criteria", set out above.

This advice will be followed by Council consideration and final decision making on

- whether the issue, asset or matter is one of significance and, where it is significant
- the appropriate level and type of disclosure and/or consultation.

Policy - Part 3:

Consultation

Once a matter is determined to be "significant" the appropriate level of consultation will be considered on a case by case basis ensuring that it fits the determined level of significance.

The Special Consultative Procedure will be used in matters of wider community interest and implication. In cases of interest to limited groups, Council will specifically seek input on a concept, issue or proposal from such interest groups rather than more general consultation. In all cases Council will provide those people who will or may be significantly affected by, or have an interest in, the matter with reasonable access to relevant information about the matter, and clear information about the purpose of the consultation and the scope of decisions to be taken following consideration of the views presented.

Consultation is not appropriate when:

1. A decision has already been made or the likely decision is apparent (section 82 (1) (e) Local Government Act 2002)
2. there is a need for Council to maintain confidentiality for reasons of commercial sensitivity (as per the provisions of Part 1 of the Local Government Official Information

and Meetings Act 1987 which sets out the circumstances in which there is good reason for withholding information)

3. the likely costs of consultation are not in proportion to the benefits (section 82(4) (e) Local Government Act 2002)
4. there is a threat to public health or safety.

Advice as to whether the matter under consideration is significant will come through in standard Council reports. Where the matter is considered by officers to be significant, advice will also be given with respect to consultation.

Strategic Assets S.90(2) - Part 4:

Policy

The assets and groups of assets in terms of s.90(2) that Papakura District Council considers to be strategic are:

1. Papakura District network of older persons' housing
2. Papakura District roading network as a whole
3. Papakura District stormwater network as a whole
4. Papakura District wastewater network as a whole
5. Papakura District water supply network as a whole
6. Papakura District Council's shareholding in Watercare Services Ltd
7. the network of parks and reserves listed and managed by Papakura District Council under the Reserves Act or zoned for recreational purposes
8. the land and buildings comprising the network of community centres, halls and libraries and other public convenience facilities in Papakura District
9. the land and buildings comprising the Aquatic Centre
10. the land and buildings comprising the Hawkins Centre

11. the network of parking in the Central Business District of Papakura and
12. the land and buildings comprising the Papakura District Council cemeteries.

Papakura District Council considers all strategic asset classes listed above as single whole assets. This is because the asset class as a whole delivers the service that contributes to the Community Outcome. Significant decisions arising from classification as a strategic asset therefore only concern the whole strategic asset class and not individual components, unless that component substantially affects the ability of the Council to deliver the service, or would be deemed significant under the procedure outlined in Part 2 above.

The only assets that are considered to be strategic assets are those assets that are owned by the Council.

Papakura District Council does not consider the following types of assets to be strategic assets:

1. Land that is not listed as a strategic asset and that is surplus to Council requirements
2. land that has been purchased to support Council's strategic objectives and with the intention of eventually reselling or otherwise disposing of it.

Decisions about assets that are not listed as “strategic” in Part 4 may still be considered “significant” in accordance with Part 1 or 2 above.

In addition, there will be an obligation for Council to consult on the disposal of land it considers to be surplus to Council requirements where such land has been acquired or used principally for community, recreational, environmental, cultural or spiritual purposes, in accordance with s.138 of the Act.

Appendix 1

The Local Government Act 2002

definition of significance is:

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,—

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

significant, 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.

The Local Government Act 2002 requires the following of local authorities:

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).

Appendix 2

S.76 Decision-making

- (1) Every decision made by a local authority must be made in accordance with such of the provisions of sections 77, 78, 80, 81, and 82 as are applicable.
- (2) Subsection (1) is subject, in relation to compliance with sections 77 and 78, to the judgments made by the local authority under section 79.
- (3) A local authority---
 - (a) must ensure that, subject to subsection (2), its decision-making processes promote compliance with subsection (1); and
 - (b) in the case of a significant decision, must ensure, before the decision is made, that subsection (1) has been appropriately observed.
- (4) For the avoidance of doubt, it is declared that, subject to subsection (2), subsection (1) applies to every decision made by or on behalf of a local authority, including a decision not to take any action.
- (5) Where a local authority is authorised or required to make a decision in the exercise of any power, authority, or jurisdiction given to it by this Act or any other enactment or by any bylaws, the provisions of

- subsections (1) to (4) and the provisions applied by those subsections, unless inconsistent with specific requirements of the Act, enactment, or bylaws under which the decision is to be made, apply in relation to the making of the decision.
- (6) This section and the sections applied by this section do not limit any duty or obligation imposed on a local authority by any other enactment.

S.77 Requirements in relation to decisions

- (1) A local authority must, in the course of the decision-making process,
 - (a) seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - (b) assess those options by considering---
 - (i) the benefits and costs of each option in terms of the present and future social, economic, environmental, and cultural well-being of the district or region; and
 - (ii) the extent to which community outcomes would be promoted or achieved in an integrated and efficient manner by each option; and

- (iii) the impact of each option on the local authority's capacity to meet present and future needs in relation to any statutory responsibility of the local authority; and
 - (iv) any other matters that, in the opinion of the local authority, are relevant; and
 - (c) 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 Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.
- (2) This section is subject to section 79.

S.78 Community views in relation to decisions

- (1) A local authority must, in the course of its decision-making process in relation to a matter, give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter.
- (2) That consideration must be given at---
 - (a) the stage at which the problems and objectives related to the matter are defined:

- (b) the stage at which the options that may be reasonably practicable options of achieving an objective are identified;
 - (c) the stage at which reasonably practicable options are assessed and proposals developed;
 - (d) the stage at which proposals of the kind described in paragraph (c) are adopted.
- (3) A local authority is not required by this section alone to undertake any consultation process or procedure.
- (4) This section is subject to section 79.

S.79 Compliance with procedures in relation to decisions

- (1) It is the responsibility of a local authority to make, in its discretion, judgments---
- (a) about how to achieve compliance with sections 77 and 78 that is largely in proportion to the significance of the matters affected by the decision; and
 - (b) about, in particular,---
 - (i) the extent to which different options are to be identified and assessed; and
 - (ii) the degree to which benefits and costs are to be quantified; and
 - (iii) the extent and detail of the information to be considered; and

- (iv) the extent and nature of any written record to be kept of the manner in which it has complied with those sections.
- (2) In making judgments under subsection (1), a local authority must have regard to the significance of all relevant matters and, in addition, to---
- (a) the principles set out in section 14; and
 - (b) the extent of the local authority's resources; and
 - (c) the extent to which the nature of a decision, or the circumstances in which a decision is taken, allow the local authority scope and opportunity to consider a range of options or the views and preferences of other persons.

S.80 Identification of inconsistent decisions

- (1) If a decision of a local authority is significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with, any policy adopted by the local authority or any plan required by this Act or any other enactment, the local authority must, when making the decision, clearly identify---
- (a) the inconsistency; and
 - (b) the reasons for the inconsistency; and

- (c) any intention of the local authority to amend the policy or plan to accommodate the decision.
- (2) Subsection (1) does not derogate from any other provision of this Act or of any other enactment.