

Policy on determining significance

Changes from previous policy

This policy has been both simplified and strengthened when compared to the Policy on Determining Significance in the 2006 to 2016 LTCCP.

It has been simplified by removing sections of the Policy that duplicate Council's statutory obligations under the Local Government Act. These sections related to:

- The requirement to undertake a special consultative procedure if it changes the mode of delivery of a significant activity
- those decisions that can only be made if they are provided for in an LTCCP, including decisions to significantly alter levels of service for significant activities undertaken by Council
- the considerations to be made in respect to significant decisions that impact on the relationship of Māori with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga

While these sections have been removed from Council's Policy on Determining Significance, Council's obligations under the Act remain unchanged.

The Policy has been strengthened by replacing the old criteria for determining significance with a requirement that where a proposal requires a decision by the full Council that the Council consider as significant any matter except where the matter is approved in:

- the LTCCP or an Annual Plan.
 - any other process involving a public hearing.
- or
- the matter is urgent.
 - the matter is commercially sensitive.

Purpose

Christchurch City Council is committed to conducting its business in an open, transparent and democratically accountable way. This policy sets out the principles by which Council determines what proposals or decisions are 'significant' and on what proposals or decisions the Council will consider undertaking a special consultative procedure.

This policy is designed to reflect the requirements of Section 90 of the Local Government Act 2002.

General approach to determining significance

Note: In addition to this Policy sections 88 and 97 of the Local Government Act 2002 provide that certain types of proposals are significant and prescribe the consultative process to be used by the Council. Section 88 requires the use of a special consultative procedure where there is a change in the mode of delivery of a significant activity, and this change is not explicitly provided for in a LTCCP. An example of s. 88 would be a change in the delivery of an activity from the Council to a third party. Section 97 provides that certain types of decisions can only be taken if provided for in the Long Term Council Community Plan. Examples of s. 97 are the Council proposing to significantly alter the intended level of service provision for a significant activity or a decision to transfer the ownership of a strategic asset. The general approach below in this Policy on Significance is to those other full Council decisions where ss. 88 and 97 do not apply.

The significance of any issue, proposal, decision, or any other matter that concerns or is before Council, its Committees, or Community Boards, will be determined on a case by case basis in terms of its likely impact on, and likely consequences for:

- a. the current and future social, economic, environmental or cultural wellbeing of Christchurch;
- 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 Council to perform its role, and the financial and other costs of doing so.

Thresholds, criteria and procedures

Where a proposal requires a decision by the full Council the Council will treat as significant any proposal or decision that does not flow consequentially from a decision in an LTCCP, (as amended) an Annual Plan or any process involving a public hearing. In effect this means that Council will consider undertaking a special consultative procedure on decisions to:

- change a level of service specified in the LTCCP or Annual Plan (this does not include services that are internal to Council)
- undertake a capital project or programme, or an activity that is not specified in the LTCCP or Annual Plan
- not undertake a capital project or programme, or an activity that is specified in the LTCCP or Annual Plan

However, Council will not consult, or will tailor its consultation to the circumstances, for decisions which in the council's judgement are:

- urgent:
 - where failure to make a decision urgently would result in loss of opportunities which contribute to achieving Council's strategic directions.
- commercially sensitive
 - In circumstances where public consultation on an issue would compromise commercial sensitivity and could potentially result in substantially increased costs to Council or the loss of opportunities which contribute to achieving Council's strategic directions

In these circumstances Council will tailor its decision processes to allow as much evaluation and consultation as is practicable while either achieving the timeline required or maintaining an appropriate level of commercial sensitivity.

Christchurch City Council

Policy on determining significance**Strategic assets**

Section 90 (2) of the Local Government Act 2002 requires the Council to identify and list the assets it considers to be strategic assets. 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 be taken only if the decision has been explicitly provided for by a statement of proposal in the Council's LTCCP.

The assets that the Christchurch City Council considers to be strategic assets include:

- its equity in Christchurch City Holdings Ltd;
- the equity that Christchurch City Holdings Ltd holds in each of the following subsidiaries (each subsidiary is treated as a separate strategic asset for the purposes of this policy);
 - Lyttelton Port Company Limited;
 - Christchurch International Airport Limited;
 - Orion Group Limited;
 - Redbus Limited;
 - Christchurch City Networks Ltd;
 - City Care Limited.
- the equity in VBase Ltd held either directly by the Christchurch City Council or through Christchurch City Holdings Limited;
- the following properties held by VBase Ltd:
 - Christchurch Convention Centre;
 - Westpac Stadium; and
 - AMI stadium.
- the equity in Civic Building Ltd held either directly by the Christchurch City Council or through Christchurch City Holdings Limited;
- its equity in Transwaste Canterbury Limited;
- Christchurch Town Hall;
- the land and buildings as a whole owned by the Council for its public rental housing provision;
- the Christchurch 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 roading 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 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 and Halswell) 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 Council's portfolio of Heritage Assets as a whole (excluding assets specifically acquired for on-selling after providing them with protective covenants);
- harbour structures as a whole, including wharves, jetties, slipways, breakwaters and seawalls;
- the waste management system as a whole including transfer stations.

Strategic assets as defined above are the assets in total and not the separate elements of the assets. That is, 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.

For the avoidance of doubt, the restructuring or renaming of companies in which Council holds equity does not constitute a transfer of ownership in relation to Section 97 of the Act provided that Council retains the value of its equity and its existing level of control over subsidiary and associate companies.

Council's obligations under the Local Government Act

The Local Government Act places several obligations on the Council which operate in parallel to this policy. These obligations are:

- Section 88 of the Act, which requires Council to undertake a special consultative procedure if it changes the mode of delivery of a significant activity
- Section 97, which lists those decisions that can only be made if they are provided for in an LTCCP, including decisions to significantly alter levels of service for significant activities undertaken by Council
- Section 77(1)(c), which requires certain considerations to be made in respect to significant decisions that impact on the relationship of Māori with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga

