

POLICY ON DETERMINING SIGNIFICANCE

1.0 INTRODUCTION

The purpose of the Policy is to provide guidance to the Council when determining the significance of proposals and/or decisions. It includes procedures, criteria and some thresholds that the Council will use in assessing which issues, proposals, decisions and other matters are significant. This then gives the community some certainty about how the Council will approach its consideration of proposals and/or decisions.

2.0 GENERAL APPROACH TO DETERMINING THE SIGNIFICANCE OF PROPOSALS AND DECISIONS

The Council will determine the significance of a proposal and/or decision in relation to issues, assets, or other matters, by making judgements about the likely impact of that proposal and/or decision on:

- (a) the current and future social, economic, environmental and cultural wellbeing of the community;
- (b) the parties who are likely to be particularly affected by, or interested in, the proposal and/or decision;
- (c) the likely impact/consequences of the proposal and/or decision from the perspective of those parties;
- (d) the Council's capacity to perform its role and carry out its activities, now and in the future and the financial, resources and other non-financial costs of doing so.

For any proposal and/or decision in relation to land or a body of water, the likely impact/consequences of the

decision on Māori will be considered, including their culture, traditions and relationships with their ancestral land, water, sites, waahi tapu, valued flora and fauna and other taonga.¹

As part of its consideration the Council will take into account how important the proposal and/or decision is in terms of the achievement of, or ability to achieve the community outcomes as identified in the LTCCP.

The Council will consider each proposal and/or decision on a case-by-case basis using the thresholds, criteria and procedures set out in the Policy.

3.0 THRESHOLDS FOR DETERMINING SIGNIFICANCE

The following financial thresholds will be used as a guide to determine whether the proposal and/or decision being considered by the Council has a high degree of significance:

- (a) Unbudgeted capital expenditure proposals and/or decisions where the total cost would exceed 5% of annual capital expenditure for the relevant financial year² or
- (b) Unbudgeted operating expenditure proposals and/or decisions where the total cost would exceed 1% of annual operating expenditure for the relevant financial year³.

¹ This is separate from decisions made under the Resource Management Act 1991

² For the 2008/09 financial year, 5% of capital expenditure was approximately \$1.25million for Whakatane District Council

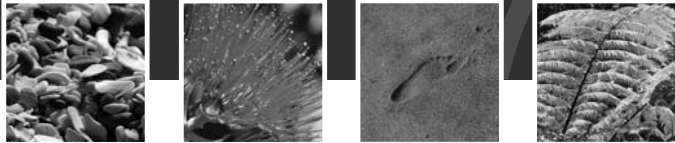
³ For the 2008/09 financial year, 1% of operating expenditure was approximately \$415,000 for Whakatane District Council

- (c) Where the proposal and/or decision will be funded from a funding source other than the Council, the Council's portion of a project, including ongoing costs will be included in the analysis of significance.
- (d) Major spending decisions should be made in the context of the LTCCP, so decisions involving unidentified and unbudgeted expenditure should receive as least as much scrutiny as they would have received had they been included in the LTCCP.

4.0 CRITERIA

The following criteria will be applied in assessing whether the proposal and/or decision being considered by the Council has a high degree of significance:

- (a) The proposal and/or decision adversely affects all or a large portion of the community;
- (b) The impact or consequences of the proposal and/or decision on the affected persons (being a number of persons) will be substantial;
- (c) The financial implications of the proposal and/or decision on the Council's overall resources are substantial;
- (d) The impact or consequences of the proposal and/or the decision on the current or intended level of service performed by the Council or contractor for a significant activity or activities is substantial;
- (e) The degree to which a proposal and/or decision is difficult to reverse. The more difficult it is to reverse a decision, in general, the greater its significance.



- (f) The proposal and/or decision are likely to generate a high degree of controversy in the community. A high level of controversy requires the decision to be treated as more significant and therefore subject to a greater degree of community scrutiny.
- (g) The extent to which the decision flows logically and consequentially from a significant decision already made, or from a decision in the LTCCP (including any subsequent amendments) 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.
- (h) Where the significance of a proposal and/or decision is unclear, then the Council will treat the issue as being more rather than less significant.

5.0 PROCEDURES

- (a) Every report on a proposal and/or decision in relation to issues, assets or other matters to the Council must include an assessment of the degree of significance of the proposal and/or decision based on the general approach, thresholds and criteria outlined in the policy.
- (b) If the proposal or decision is considered to be significant, the report will also include a statement addressing the appropriate observance of such sections 77, 78, 80, 81 and 82 of Local Government Act 2002 as are applicable.
- (c) Once the proposal and/or decision has been determined by the Council to be significant in accordance with this Policy the decision-making provisions of the Local Government Act 2002 as

outlined in sections 76-81 shall be applied, as is deemed appropriate by the Council.

- (d) It may not be appropriate or possible for the Council to engage with the community when:
- The Council is carrying out commercial activity or negotiations where confidentiality or commercial sensitivity is required to avoid prejudice; or
 - There are urgent works or a disaster that require the need to act quickly; or
 - Works are required unexpectedly as a consequence of a policy, or following further investigations on projects, already approved by the Council. Where the scope of the project or level of service delivered is unchanged, these will be dealt with through overall fiscal management and prioritisation; or
 - The works required are related to the maintenance of a Council's asset and responsible management requires the maintenance works to take place.

6.0 STRATEGIC ASSETS

A list of the Strategic Assets of the Whakatane District Council is contained in Appendix 1 of this Policy.

This is not an exhaustive list of the Council's assets, but includes only those assets that are considered critical to ensuring that the Council is able to satisfactorily achieve identified community outcomes. The list also includes those assets that have been determined as being strategic assets under the provisions of section 5 of the Act. There is not necessarily a relationship between an asset's value and whether it is deemed to be a strategic asset.

7.0 SIGNIFICANT ACTIVITIES

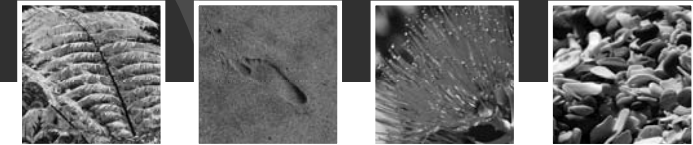
A list of the Significant Activities of the Whakatane District Council is contained in Appendix II of this Policy.

8.0 REVIEW OF THE POLICY

The Council will review its Significance Policy every three years to coincide with the review of the LTCCP.

9.0 USE OF THE TERMS "SIGNIFICANT" & "SIGNIFICANCE"

The Local Government Act 2002 uses the terms "significant" and "significance" in a number of contexts. Unless it is inappropriate in the context, the contents of this Policy and the statutory definitions will apply.



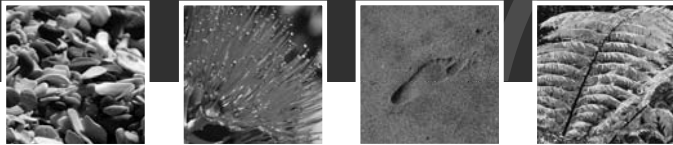
APPENDIX 1 - REGISTER OF THE WHAKATANE DISTRICT COUNCIL'S STRATEGIC ASSETS

For the purposes of section 90(2) of the Act the Council considers the following assets to be strategic assets.

ASSET	NOTES
District Libraries	Includes books and collections
Whakatane Museum	Includes artefacts and collections, excludes items on loan to the Council
Whakatane Aquatic Centre	Includes land, building and structures.
Whakatane War Memorial Hall	
Port (Whakatane, Ohope and Thornton)	Includes all land, buildings and structures associated with the Port Assets.
Amenity parks, sports parks and facilities under the Reserves Act 1977	
Public toilets	
Cemeteries	
Landfills, Recycling Park and Transfer Station	
Wastewater reticulation and treatment systems	Includes land, pipes, pump stations and sewage ponds.
Stormwater reticulation systems	
Roading system	Includes the land, carriageway, footpaths, bridges, street lighting and off-street parking.
Water reticulation, storage and treatment systems	Includes the land, pipes, pumps, reservoirs and treatment plants.
Whakatane Airport	
Harbour Endowment property	
Pensioner Housing (see note 3)	

Notes

- i Strategic assets as identified in the table 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.
- ii Section 97 of the Act requires those 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.
- iii Section 5 of the Act requires this asset to be included in the list as a Strategic Asset.



APPENDIX II - REGISTER OF THE WHAKATANE DISTRICT COUNCIL'S SIGNIFICANT ACTIVITIES

For the purposes of section 88(1) and 97(1) of the Act, the Council considers the following activities to be significant activities.

ACTIVITIES	SIGNIFICANT ACTIVITIES <input checked="" type="checkbox"/>
Governance	<input checked="" type="checkbox"/>
Community Support	
Strategy and Policy	
Transport Networks	<input checked="" type="checkbox"/>
Road Safety	
Parking Enforcement	
Stormwater	<input checked="" type="checkbox"/>
Water	<input checked="" type="checkbox"/>
Wastewater	<input checked="" type="checkbox"/>
Trade Waste	<input checked="" type="checkbox"/>
Waste Disposal	<input checked="" type="checkbox"/>
Waste Recycling	<input checked="" type="checkbox"/>
Waste Reprocessing	<input checked="" type="checkbox"/>
Economic Development	<input checked="" type="checkbox"/>
Promotion	
Visitor Information	
Resource Management - Consents	<input checked="" type="checkbox"/>
Resource Management - Policy	<input checked="" type="checkbox"/>
Licensing (Liquor and Gambling)	
Building	<input checked="" type="checkbox"/>
Environmental Health	<input checked="" type="checkbox"/>
Regulation Monitoring	
Safer Communities	
Animal Control	<input checked="" type="checkbox"/>

ACTIVITIES	SIGNIFICANT ACTIVITIES <input checked="" type="checkbox"/>
Library	<input checked="" type="checkbox"/>
Museum and Gallery	<input checked="" type="checkbox"/>
Halls	
Pensioner Housing	<input checked="" type="checkbox"/>
Commercial Property	
Public Conveniences	<input checked="" type="checkbox"/>
Aquatic Centres	<input checked="" type="checkbox"/>
Ports and Harbour	<input checked="" type="checkbox"/>
Parks and Reserves	<input checked="" type="checkbox"/>
Cemeteries and Crematorium	
Sports Fields	<input checked="" type="checkbox"/>
Recreation	
Emergency Management	<input checked="" type="checkbox"/>
Disaster Mitigation	
Whakatane Airport	<input checked="" type="checkbox"/>

Notes

- i Significant activities as identified in the table are the activities in total and not the separate elements of the activities. The requirements of sections 88 and 97 are only triggered if the proposal relates to the activity as a whole.
- ii Section 97 (1) (a) of the Act requires that any decision to alter significantly the intended level of service provision for any significant activity including a decision to commence or cease any such activity must be explicitly provided for in the LTCCP.
- iii These provisions cannot be applied to changes in activities including the decision to alter or cease any activity and/or to significantly alter the level of service as a result of new statutes or changes to existing statutes being enacted.