

## **Waiheke Community Board's Submission on the Local Government (Auckland Council) Bill**

The Waiheke Community Board welcomes this opportunity to make a submission and would appreciate any opportunity to speak to it, preferably here on Waiheke Island, as we know that there are many of our community who would appreciate the opportunity to speak to their submissions.

For the sake of clarity we have tried to comment on the Bill by clause. We have added additional comments on areas not necessarily addressed in the Bill but which we believe are salient to areas under consideration by the Bill.

### **Clause 8**

Clause 8 creates a council with twelve single member wards and eight at-large councillors.

We submit that:

- All Councillors should be elected from Wards (except the Maori councillors, below), none at-large. This will give communities of interest greater access to the Council through Councillors elected from their area. Twenty Councillors cannot properly represent 1.4 million Aucklanders. If the Auckland Council has just twenty Councillors on it, Councillors will have even larger electorates than MPs currently have.
- The number of ward councillors to match the number of wards, as determined by the Local Government Commission.
- At least one Councillor on the Auckland Council from Hauraki Gulf Islands. We propose to the Local Government Commission under Schedule 3 of the Local Government Act 2002 that the Hauraki Gulf Islands are retained as a separate ward and therefore that they will have a separate councillor.
- 2 Maori councillors from elected voters from Maori electoral roll. A further 2 Maori councillors from manu whenua as determined by the Local Government Commission.

### **Clause 9**

Clause 9 outlines the proposed powers of the Auckland Mayor, which would be far more extensive than any existing New Zealand Mayor.

We submit that:

- The Deputy Mayor and all Chairs should be appointed by the Council, not the Mayor, as proposed in the Bill. We oppose the idea that the Mayor is able to appoint all his/her chairs. If the Mayor were able to do that, (s)he would be able to control the Council and push an agenda through, without proper

debate and scrutiny. We believe the Auckland Mayor should have the same powers as all other Mayors in New Zealand.

### **Clauses 10-17 Local Boards**

**Clause 10** creates a very limited concept of a Local Board.

We submit that:

- There should be 20-30 Local Councils, the number to be determined by the Local Government Commission, with boundaries determined on the criteria in Clauses 3-7 Schedule 3 of the Local Government Act 2002 laid down for local-body reorganisations, which include community of interest and geographical identity.
- The Royal Commission singled out Waiheke and Great Barrier as areas where greater delegated responsibility and local decision making should be given. These areas should have as much autonomy as possible.
- That recognition be given to the special nature of the Waiheke and Great Barrier communities by virtue of our levels of community engagement.
- That a one-size-fits-all is not appropriate for local boards. At a recent local meeting, John Carter gave an assurance that not all boards necessarily need to have the same powers.
- Services should be planned, funded and delivered locally. Only those activities that must be governed at regional level should be. In the case of the Hauraki Gulf Islands that applies to very little. The principle of subsidiarity should be paramount, in order to fulfil section 10 of the Local Government Act 2002.
- All local decisions should be made locally. Local Boards should have the autonomy to make local decisions. The Auckland council should concern itself with regional decisions.

**Clause 11** states that the Local Boards have no real basis in law.

We submit that:

- Local Boards should be recognised in statute as legitimate local authorities, with all the legal rights and responsibilities this entails. (See clause 14) Local Boards should have clearly defined roles and powers in the Local Government Act 2002 and other statutes. (see clause 13)
- Unless Local Boards have meaningful delegations there is little point to their existence.
- Delegations need to be protected by legislation. They should be proposed by the Local Board and community and following a period where there is an opportunity for submissions from affected parties such as the Auckland Council, they should be determined by Local Government Commission.

**Clause 12** outlines the election of Local Board members

We submit that:

- That the Local Government Commission recognises that the number of members of each Local Board needs to adequately reflect not only the population size of the ward but also the geographical area of the ward and the community's level of engagement and interest.

**Clause 13** outlines the limited powers of Local Boards

We submit that:

- Local Boards should have clearly defined roles and representation in the development of all regional strategies, including:
  - Auckland's Regional Growth Strategy as outlined in [Section 37SG of the Local Government Act 1974 No66](#);
  - Auckland's Regional Land Transport Strategy as outlined in [Schedule 7 of the Land Transport Management Act 2003](#);
  - Any Auckland Regional Policy Statement as outlined in [Clause 62 of the Resource Management Act 1991](#);
  - Any Auckland Regional Policy Statement as outlined in [Schedule 1 of the Resource Management Act 1991](#).
- Local Boards should have the power and ability to deliver local services, set their own budgets and set, or at least develop, their own rates, within a funding cap agreed with the Auckland Council.
- Local Boards should collectively vote on any Auckland Council proposal to: make a rate, pass a bylaw, adopt an Annual Plan or Long Term Community Council Plan (LTCCP), and purchase or dispose of assets if such a proposal is not included in the LTCCP.

**Clause 14** states that Local Boards cannot have a code of conduct or delegate any local authority powers. (Because they are not considered a real local authority.)

We submit that:

- Clause 14 should be deleted completely and Local Boards should be recognised in statute as legitimate local authorities, with all the legal rights and responsibilities this entails.
- [Clause 15](#) states how Local Boards may delegate their limited authority, which includes provisions to completely subcontract all their responsibilities.
- Subclauses 15(4), 15(5) and 15(6) should be deleted completely, as they allow elected Local Board members to completely subcontract all their responsibilities to individuals or corporations.

- Subclauses 15(1-3) need to be re-written if real powers are to be given to the Local Boards

**Clauses 16 & 17** assume that Local Boards have no budget and are not real local authorities. They would need to be amended in order for our other recommendations to take effect.

### **Keeping public assets in public hands**

**Part 4 clause 30A** outlines how Auckland's water services will be integrated.

We submit that:

- Auckland's water and wastewater infrastructure remains in public ownership.
- Dividends from WaterCare are reinvested in its infrastructure or returned to ratepayers. They are not to be used to pay for the amalgamation or added to the general funds.
- Progressively priced block tariffs should be progressively rolled out to water consumers across the Auckland Region, as recommended by the Royal Commission.

**There are concepts not covered within the Bill, which should be added to it.**

We submit that:

Public assets should remain in public ownership. Dividends should not be paid on any essential public assets -any excess should be re-invested in public assets or returned to the relevant ratepayers, not added to general funds.

A fully integrated transport infrastructure should be maintained under the full control of the Auckland Council. Council should own and manage all the relevant assets.

Sustainability must be at the heart of the long term vision for Auckland-a city where there is a strong, healthy, safe and just society, living within environmental limits.

It is a fundamental right of democratic governance that any change to a system of governance should be agreed by the majority of those governed. Aucklanders were not given an opportunity to vote on whether or not they supported the proposed reorganisation despite this being required under Schedule 3 of the Local Government Act 2002.

### **Hauraki Gulf and special importance of Waiheke as Guardian of the Gulf**

There is considerable support by some on Waiheke that the Hauraki Gulf islands be excluded from the Bill and that separate governance arrangements be made for them. This is outlined in an abridged version of the argument articulated by Colin Beardon, a Waiheke resident, below:

“The community of the Gulf Islands realise that our greatest assets are our natural environment and our way of life. This is why people visit us and why people come to live here. These are under great threat from creeping urbanisation.

If we were allowed to implement a vision based on the 'three sustainables' we can obtain significant international recognition. In particular, the Gulf can become the first UNESCO 'Biosphere Reserve' in New Zealand. As such it would join 533 other such reserves in 107 countries around the world. This would bring many benefits to the Gulf, the Auckland region and the country as a whole.

A UNESCO Biosphere Reserve includes environmentally protected areas alongside zones for sustainable economic development. It aims to develop a 'quality' economy based on local community action, entrepreneurship and sound science. Though there are none in New Zealand, there are currently 533 in 107 countries around the world, including sixteen in Australia. A 'Hauraki Gulf Reserve' would enable us to share and learn within a global network of similar environments, leading to an increase in low-impact scientific and eco-tourism.

To obtain UNESCO recognition, that vision must not just be articulated, but must be enshrined in governance structures and legislation to ensure that it is realised. We envisage a strengthening of the Hauraki Gulf Marine Park Act, and a regional authority based upon similar representation to the Gulf Forum. Within this structure, the Islands should be run by their residents.

The Royal Commission recognised "The main problem seems to be that most decisions are made in downtown Auckland." (16.58) It addressed this by giving the Islands a special level of local autonomy within a parent authority that had "community engagement as its main focus".

The Hauraki Gulf and its Islands are so different from the isthmus that their true potential will never be realised for so long as they are forced to share a common vision. Now is the time for Auckland to address its own issues, and for the Gulf to address its own issues. That way both can have a bright future.

Recommendations in line with such an argument:

(a) Redefine 'Auckland' in Clause 5 of the Bill to include the isthmus, but to exclude the Hauraki Gulf and its Islands.

(b) Add a clause to the Bill to establish a separate authority for the Hauraki Gulf and its Islands, committed to seeking international recognition for its integrated approach to sustainability.”

Finally, we attach as Appendix 1 a Schedule of Delegations which we consider appropriate for our Local Board. Some of these delegations may not be significant or appropriate for other Local Boards in the greater Auckland area. For example we have issues regarding water supply, wastewater, waste collection and transfer that are different to those of the isthmus. We stress that decisions related to our special character must be made locally.

We assert that our Local Board should be able to set our rates and appoint our own local Council officers. We need to have significant decision-making with regard to building and resource consents. Whilst there is a desire on the part of some politicians to have one rate, one district plan etc. there must be recognition that Waiheke is a very different animal to urban Auckland. By virtue of our geographical isolation and our community engagement in local affairs, we assert the right to wherever possible make local decisions locally.

Recent Auckland City Council decisions regarding waste recovery and collection, the siting of a proposed library and a service centre, community leases and transport services, to name just a few, suggest that unless our community is given as much autonomy as possible we will continue to feel disempowered and unheard by a greater local authority. Consultation has invariably consisted of telling our community what Council proposes to do and then listening to and invariably ignoring our feedback. There is a very real danger that our community will become increasingly cynical of a greater Auckland local authority unless we are engaged fully in all areas of policy and decision making.

## Appendix 1: Delegation Schedule

	Decision By		
	Officer	Local Board	Council
<b>Airfields</b> - location		✓	✓
<b>Artworks</b> - location - purchase and sale - installation - maintenance	✓ ✓	✓ ✓	✓
<b>Brothels</b>	✓	✓	✓
<b>Buildings and Property</b> - sale and purchase - service & operation - maintenance	✓	✓ ✓	✓ ✓
<b>Bylaws</b>		✓	✓
<b>Civil defence &amp; emergencies</b> - policy - implementation	✓	✓ ✓	✓
<b>Community Events</b>		✓	✓
<b>Council policy</b>		✓	✓
<b>Cemetery plan</b> - development and approval - implementation	✓	✓	
<b>District Plan</b> - Local Board issues - implementation	✓	✓	✓
<b>Dog Licences &amp; Controls</b> - policy - enforcement	✓	✓	
<b>Elderly persons housing</b> - policy - design - location - purchase and sale - maintenance	✓	✓ ✓ ✓ ✓	✓ ✓
<b>Footpaths and walkways</b> - locations/priorities - specification/Levels of service - maintenance - walkways	✓	✓ ✓ ✓ ✓	✓
<b>Infrastructure</b> Capital - scoping - funding - planning Operational - location	✓	✓ ✓ ✓ ✓ ✓	✓ ✓ ✓ ✓

	Decision By		
	Officer	Local Board	Council
<b>Airfields</b>			
- location		✓	✓
- specifications			
- maintenance	✓		
- design and build	✓		
<b>Leases</b>			
- policy		✓	
- conditions of hire		✓	
<b>Libraries</b>			
- design		✓	
- location		✓	
- purchase			✓
- maintenance	✓		
<b>Liquor Licensing &amp; Bans</b>			
- policy		✓	✓
- enforcement	✓		
<b>LTCCP</b>			
- preparation		✓	✓
- adoption			✓
- implementation	✓		
<b>Memorials</b>			
- design		✓	
- location		✓	
<b>Operational matters</b>			
- emergency works	✓		
<b>Parking</b>			
- strategic planning		✓	✓
- time restrictions		✓	
- no stopping areas		✓	✓
- location of areas		✓	
- enforcement	✓		
- implement payment		✓	
- fund payment option		✓	✓
<b>Public information signage</b>			
- location		✓	
- specification		✓	✓
- installation	✓		
<b>Public toilets</b>			
- locations		✓	
- specifications		✓	✓
- maintenance and cleaning	✓		
<b>Public Transportation</b>			
- management plans		✓	✓
<b>Rates</b>			
- policy		✓	
- Uniform General Charges		✓	
- targeted rates		✓	
<b>Reserve &amp; recreation areas</b>			
- management plans		✓	✓



	Decision By		
	Officer	Local Board	Council
<b>Airfields</b>			
- location		✓	✓
- locations		✓	✓
- specifications		✓	✓
- maintenance	✓		
- conditions of hire		✓	
- concessions		✓	
<b>Wharves &amp; boat ramps</b>			
- speed limits		✓	✓
- enforcement	✓		
- concessions		✓	
- charges		✓	
- navigation aids	✓		
- structure design & location		✓	
<b>Roads</b>			
Capital			
- strategic planning		✓	✓
- funding		✓	✓
- new seals		✓	
- re-seals	✓		
Operational			
- policy		✓	✓
- maintenance	✓		
- naming		✓	
- stopping		✓	✓
- temporary closure pursuant to policy		✓	
Minor safety works			
- implement projects	✓		
- change priority of projects		✓	
- approve new projects		✓	✓
<b>Service delivery</b>			
- specifications		✓	✓
- delivery	✓		
- monitoring		✓	
<b>Signs and Billboards</b>			
- policy		✓	✓
- dispensations	✓	✓	
<b>Staff issues</b>			
- employment	✓		
- performance	✓		
- dismissal	✓		
<b>Street furniture &amp; paving</b>			
- policy and palette		✓	✓
- location		✓	
- purchase	✓		
- installation/removal	✓		
<b>Street lighting</b>			
- policy		✓	✓

	Decision By		
	Officer	Local Board	Council
<b>Airfields</b>			
- location		✓	✓
- location		✓	
- style		✓	
- purchase	✓		
- installation/removal	✓		
- under-grounding priorities		✓	
<b>Swimming pools (future)</b>			
- location		✓	
- design		✓	
- operation	✓		
- funding		✓	✓
<b>Trees on Council land</b>			
- location		✓	
- species		✓	
- planting	✓		
<b>Waste Recovery &amp; Transfer</b>			
- policy		✓	
- charges		✓	
- service & operation	✓	✓	
- maintenance	✓		
<b>Wastewater</b>			
- policy		✓	
- enforcement	✓		
<b>Water Supply</b>			
- policy		✓	
- charges (if necessary)		✓	