

WICPG Further Submission to the Local Government [Auckland Council] No 2 Bill 2009.

**Local Government and Environment Select Committee,
Parliament, Wellington**

july 21 2009 – Onetangi – Waiheke Island

Submitter: Waiheke Island Community Planning Group Inc - WICPG

Speakers: Pita Rikys [Chairman], Christopher Wragge [Secretary]

Introduction:

The submitter is a community group active on Waiheke Island for almost five years now, which serves as an umbrella group for like groups on the island and has as it's focus work around the Hauraki Gulf Islands District Plan Review and the Hauraki Gulf generally. In this wider regard the group has interfaced with a range of entities of like interest such as the Hauraki Gulf Forum, the Auckland Conservation Board and the Environmental Defence Society.

Submission:

This submission specifically addresses the proposed Local Boards structure in the Bill. It is presented in two parts. The first part will be presented by the group's Chairman and the second part by the group's Secretary.

The essence of the group's submission, is that the governance entity or entities for the Hauraki Gulf Islands need to be customized for, and to the unique characteristics and importance of Tipaka Moana and the unique character and importance of its peoples, communities, heritage, habitats and environments both land based and marine and their inhabitants and communities, and **critically, should not be just another Local Board.**

While we speak for our people and community we also in some senses at least, speak for Tipaka Moana. This call, this plea, has been at the ngakau / heart of everything these peoples and communities have been consistently saying. To Select Committees, Local Government Commissions, to the recent Royal Commission on Auckland Governance, to Rating Review Tribunals, the Waitangi Tribunal, the Town and Country Planning Appeal Tribunal, and more recently to the Environment Court, to the Auckland City Council and to the Auckland Regional Council since the late 1980s and in some instances [eg the Hauraki Gulf Maritime Board 1967] since well before that. On the occasional 'take' / issue, there has been a glimmer of recognition, a glimmer of

understanding, but by and large these voices have not been understood, have not been heard.

Other voices have more recently, been added to this clamor, the voices of scientists and environmentalists, the voices of international concern, such as that of Achiem Steiner, Executive Director of the United Nations Environment Program, during his visit last year; whether it be via the 'Ramsar' Convention, or the 'Man and the Biosphere' Convention or the short listing of the Volcanic cones in the Gulf for World heritage site status. Again these voices are rarely, if ever heard. Rarely, if ever understood. Rarely, if ever, effectively responded to.

The work of the Royal Commission focused on what needs to be done at the Governance level to make Auckland a world class city and a power house for the economy. This is a truly daunting task given the long list of vision-less decisions past governments have made [and sensible decisions they have failed to make], from which the status quo has been derived. Hopefully the **whakatauaki**, that we only understand the future by learning from the past – will be applied for once.

Tikapa Moana does not need any help to become world class..... it is already a Taonga of global importance and significance. We need a governance model that supports and facilitates that significance and importance, not one that undermines it, which is the present position. We already attract visitors from all around the world, a situation that will only increase. We are a National Marine Park [note Section 32 of the Hauraki Gulf Marine Park Act 2000. We are only one of two unique bodies of water of our type, along with the Puget Sound on the planet.

]We are not only world class, we are also of global significance.

And yet we on peri-urban Waiheke are only a 35 minute ferry ride from the concrete silos of Auckland, and the treated and untreated sewerage, heavy metals and lead residues that wash from its pipes and streets into our waters and habitats. At the other end of the Gulf dairy waste and excrement wash into its marine environments and habitats, from vast catchments and significant rivers.

Which brings me to Part 2 of our submission. As a plethora of case studies demonstrate, the prevailing Governance arrangements for the Hauraki Gulf Islands and the Gulf itself, have not just been particularly ineffective. **They have been an unmitigated disaster!** [case studies Awakirapa Bay, Dredgings case, WM contracts]

Yes, in 2000 we had the **Hauraki Gulf Marine Park Act**, however local government entities, and to a lesser extent the Environment Court, have been denying its existence ever since. **The Hauraki Gulf Forum**, created under that Act, with few resources and no teeth, has managed to do a lot of good work, if

largely in public relations. But far too little, far, far too late. We will not get another chance to get this right. We, and by this I mean **YOU**, the legislators, have failed to provide mechanisms to effectively protect this our Taonga. Have failed to provide governance and management structures and systems that treat it with the reverence and priority it requires, and that protect and enhance its invaluable and unique characteristics. These systemic failures of Sustainability Governance on and for the social, cultural, environmental and economic well-being of the peoples and communities of the Gulf have prevailed now for far too long.

We need a governance structure that provides effective sustainability, effective collaboration, effective regulation, effective heritage and environmental protection, and the optimum level of local governance. Only in this manner will we provide to our satisfaction for the well-being of our environments, our people and our community, as promised in the purposes provision of the Local Government Act, - that the status quo has so profoundly failed to deliver to date.

In summary, we have learnt from the calamitous experiences we have suffered from a command and control hierarchical overlord who by their own resolutions are anti-sustainability in their perspective, and anti-community in their actions. We know what we want, although this is to some degree a work in progress as it depends how other parts in the wider framework might look and function. Take the Hauraki Gulf Forum for example, if it is to be restructured, a place must be found for direct representation for the Gulf islands governance entity. The collaborative relationships that are essential, need to be structured into the final framework.

Our secretary will now talk to you about the governance paradigm shift that is needed, and outline pragmatic opportunities to address these shortcomings.

Hearing Speaking Notes re below Submission : July 21 2009

Submission to Local Government (Auckland Council) Bill : June 22 2009

Clerk of the Committee, Auckland Governance Legislation, Local Government and Environment Select Committee Office, Parliament House, Wellington : Phone : 04 817 6975
email : AGL@parliament.govt.nz

Re Local Government (Auckland Council) Bill – Auckland Governance Legislation Bill 2

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Auckland Council – ' The One and The Many ' & ' Two Hands Clapping '

In expanding upon our primary submission and our call for a more visionary '*Sustainability Governance*' regime for Auckland Council, WICPG contends that the 2-tier system as currently conceived for the Auckland Council presents a major governance management conundrum or incongruity (and anti-sustainability trajectory), and that a hybrid governance approach is critical to the organizational design and practice of a successful Auckland Council, and a prosperous NZ.

We argue that this 2-tier governance incongruity as proposed is doomed to suffer functional and political failure, unless a wider governance approach is investigated and adopted. The hybrid governance lens has much to offer the Local Government (Auckland Council) Bill debate.

Failing of the Proposed 2-Tier System - ' One Hand Directing '

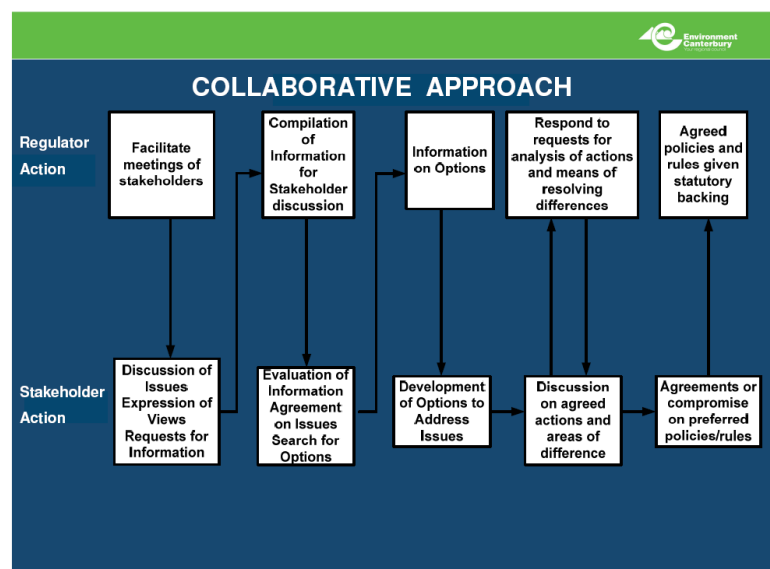
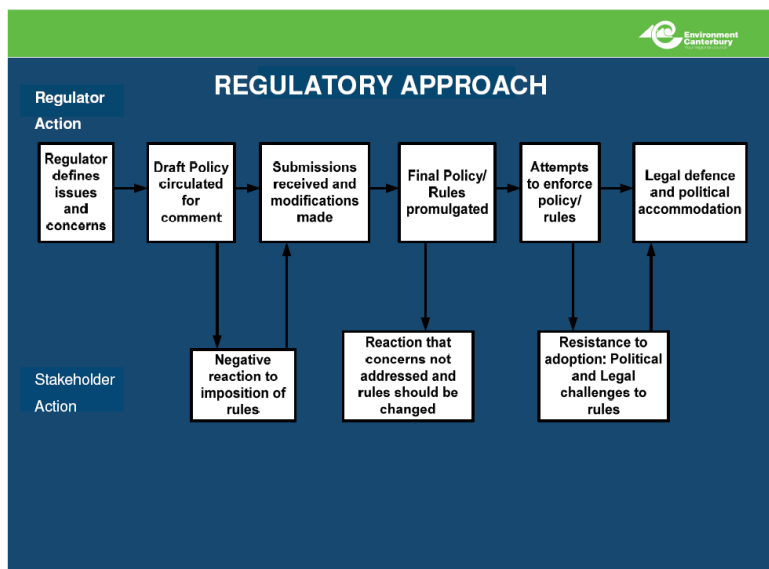
We believe the 2-tier system as currently conceived for the Auckland Council presents a major governance conundrum: Does it serve 'the One' or 'the Many'? This incongruity is represented by the differing management practices needed by 'The One' to express the formal hierarchical management mode for infrastructural implementation across the Auckland Region versus the relational mode of exchanges needed for the community and sustainability wellbeing of 'The Many'. A tension, or seeming conundrum, or incongruity lies between the command-and-control and more corporate anti-sustainability mechanisms posed by the former, and the collaborative, innovative and more consultative and pro-sustainability nature of the latter. This tension, or dilemma of incongruous governance trajectories, lies at the heart of the issue – as it does for sustainability governance worldwide. In the 2-tier system as proposed, the two hands cannot clap.

Both the infrastructural-hierarchical, and the place-based community & sustainability relational, modes are required within our Auckland Council-to-be. However they come together in WICPG's proposition of investigating, adopting and implementing a hybrid governance approach in governing Auckland.

Benefits of a Hybrid Mode for Auckland Council

There is a worldwide realization that the traditional governance mode of command-and-control, top-down, hierarchical regulation alone does not politically, socially or environmentally perform. Identifying and practising a critical new paradigm that unites both regulatory and collaborative trajectories in a hybrid approach is exemplified by recent work in NZ water management :

Such work, especially out of Ecan and LandcareResearch has led to the identifying of a new paradigm hybrid approach, of the regulatory and the collaborative together. The *Gunningham* 2009 LandcareResearch paper argues for this Hybrid Governance duality. *Fiorino* of the USA EPA further qualifies this with the “need to collaborate within strict goals”. The recent establishment of the Land and Water Forum is latest NZ case study. *Schavan* outlines how the '*Perspectives for Germany*' National Strategy for Sustainable Development is at the centre of all governance, and where the need for a change in all societal attitudes and behaviours is recognised. Their model targets innovation and sustainable prosperity. The www.usnowfilm.com film takes this hybrid paradigm into Web 2.0 exploiting governance and social wealth creation.



Applying the Hybrid Mode for Auckland Council - 'Two Hands Clapping'

We can successfully learn from these recent hybrid approaches and apply them in governing Auckland. However, to receive the benefits of the win-win opportunities that a hybrid governance approach provides requires employing a new framework for common understanding that includes:

1. recognition of the need for infrastructure, and community & sustainability together, not one at the expense of the other – of hierarchical and relational together – of hybrid governance - of '*two hands clapping*'
2. acceptance that hierarchical and relational governance demand differing management styles and risk structures and employee skills and world views. That is they have different cultures.
3. acceptance that without a power balance one will suffer at the expense of the other – thus the need for Joint CEO's – and possibly different offices - of the hierarchical and relational arms.
4. acceptance that hierarchical and relational governance demand differing IT priorities.

5. employment of new tools and concepts such as Strategic Assessment to enable more time effective infrastructural implementation, and Community PhotoVoice to empower the cost and time effective identification of community values within Local Boards.

WICPG Primary Submission

We further refer back to our primary submission, and so upon peri-urban Waiheke supporting the ARC Option 5 'The One & the Many', a full ward system, optimum legislated powers for our Waiheke Local Board, and *constituting a separate local governance entity for the Hauraki Gulf and its islands seeking international recognition for its integrated approach to sustainability*.

Other Matters

Additionally we support having a Waiheke Island Design Panel to better enable a responsible input into our local specifications for all aspects of building, roading, wastewater, stormwater, walkways signage and urban design; and investigating a ward relationship with Devonport as our values are much more aligned – and as many of our children now attend school there.

Conclusion – ' Two Hands Can Clap '

In conclusion, WICPG contends that a hybrid governance approach is critical to the organizational design and practice of a successful Auckland Council. The 2-tier system as currently conceived for the Auckland Council does not address the incongruity of the opposing trajectories of hierarchy versus collaboration. Thus, the 2-tier system as proposed is doomed to fail both functionally and politically. A hybrid governance model is the new paradigm that offers win-win-win opportunities and flow-on benefits for all sectors, for Auckland as a whole, for the Hauraki Gulf and for *our Waiheke Way priority for community and sustainability* .

A hybrid governance approach acknowledges the need to uphold respectful and healthy relationships between those governing and those governed, between the regulatory and the collaborative, between top down and bottom-up, between governance and sustainable prosperity, and will additionally lead New Zealand ahead in GDP comparisons by investing in the future, and will be of significant political benefit to the government of the day. *Two hands can clap*.

Appendix 1 - Sustainability Governance for Auckland Council – Hybrid Governance Lens.

Appendix 2 - ACC Anti-sustainability Resolutions

References

Neil Gunningham on Innovative Governance & Regulatory Design

[here](http://www.landcareresearch.co.nz/news/release.asp?Ne_ID=278) http://www.landcareresearch.co.nz/news/release.asp?Ne_ID=278

[here](http://haurakigalleries.org.nz/docstore/doc.php?action=attachment&cat_id=&doc_id=74) http://haurakigalleries.org.nz/docstore/doc.php?action=attachment&cat_id=&doc_id=74

Bryan Jenkins Ecan CEO on Strategic Assessment

[here](http://haurakigalleries.org.nz/docstore/doc.php?action=attachment&cat_id=&doc_id=75) http://haurakigalleries.org.nz/docstore/doc.php?action=attachment&cat_id=&doc_id=75

[here](http://www.haurakiconservation.org.nz/podcasts/index.php?id=23) <http://www.haurakiconservation.org.nz/podcasts/index.php?id=23>

Alastair Bisley on the Land and Water Forum and Collaborative Governance

[here](http://www.haurakiconservation.org.nz/podcasts/index.php?id=24) <http://www.haurakiconservation.org.nz/podcasts/index.php?id=24>

Community PhotoVoice

[here](http://haurakigalleries.org.nz/docstore/doc.php?action=attachment&cat_id=&doc_id=76) http://haurakigalleries.org.nz/docstore/doc.php?action=attachment&cat_id=&doc_id=76

[here](http://www.photovoice.org/) <http://www.photovoice.org/>

Annette Schavan on the National Strategy for Sustainable Development Governance in Germany

[here](http://haurakigalleries.org.nz/docstore/doc.php?action=attachment&cat_id=&doc_id=77) http://haurakigalleries.org.nz/docstore/doc.php?action=attachment&cat_id=&doc_id=77

[here](http://www.economist.com/debate/days/view/346) <http://www.economist.com/debate/days/view/346>

[here](http://www.bmbf.de/en/index.php) <http://www.bmbf.de/en/index.php>

Sustainability Governance for Auckland Council - Hybrid Governance Lens

Issues	Auckland Council Joint CEO : Separate Joint Head Office	Local Boards Joint CEO : Separate Joint Head Office
1 Outcome Focus	Coordinated Infrastructural Investment & Function	Legislated Delegated Powers to Community
2 Political Structure	The One	The Many
3 Cultural	Mono-Cultural World View	Potentially Honours Diverse World Views
4 Management Style	Hierarchical	Relational & Process
5 Management Style	Command & Control – Decision before Relationship	Collaborative – Relationship before Decision
6 Management Style	Decides For – Consultation as PR Sham	Decides With – Consultation as Meaningful Input
7 Sustainability	Anti-sustainability	Potentially Pro-sustainability
8 Innovation	Risk Averse & Non Inquiring	Potentially Innovative & Inquiring
9 IT	Back-office & Currently Constrained	Potentially Front-office & Web 2.0 & Innovative
10 Vision	Non Visionary	Potentially Visionary & Strategic
11 Property Rights	Promotes Individualism	Promotes Whanau
12 Property Rights	Promotes Individual Non-Covenantal Property Rights	Promotes Covenantal Rights & Collective Wellbeing
13 Property Rights	Project Driven	Potentially Wellbeing Driven
14 Legislative	RMA & Statutory	LGA & Non-statutory
15 Legislative	Adversarial & Litigious	Collaborative & Mediative
16 Legislative	Exploitative & Mitigating	Potentially Strategic & Enhancing
17 Economics	Neo-liberal Economics	Potentially Ecological Economics
18 Economics	Exploitative of Assumed Unlimited Resources	Cooperation within Assumed Finite Resources
19 Economics	Metro -Urban GDP	Community Wellbeing & Ecosystems Resilience
20 Corporate	Supports Deregulated Corporate	Supports Trusteeship
21 Corporate	Without Moral Conscience	Potentially Supports Kaitiakitanga Kaupapa
22 Corporate	Short Term Time Focus	Potentially Medium Term Focus
23 Science	Natural Science alone	Natural Science & Social Science together
24 Evolving Tools	Strategic Assessment	Community PhotoVoice
25 Employee C.V. Background	Accounting / Engineering / Planning / Law	Liberal Multi-disciplinary & Strategic
26 Office Layout	Status Hierarchical – Privileged Access	Flat Open Office – Open Access



<http://www.scoop.co.nz/stories/AK0802/S00010.htm>

David Hay's Head is in the Sand on Climate Action

Friday, 1 February 2008, 12:16 pm

Press Release: Richard Northey

Media Release

For Immediate release

Thursday 31 January 2008

David Hay's Head is in the Sand on Action on Climate Change

City Vision-Labour's Leader on the Auckland City Council, Councillor Richard Northey, today strongly condemned the decision by the new Auckland City Council, led by Deputy-Mayor David Hay, to cut out all the commitments to combating climate change that had been made by the previous Council.

The first meeting of the Council's Performance Monitoring Committee was held in confidential on 23rd January and the minutes have only now become publicly available. The committee's Chair, Deputy-Mayor David Hay, moved to delete all the climate change action goals from the current 2007-08 financial year objectives of the Auckland City Council's Chief Executive, David Rankin. This motion was supported by his Citizens and Ratepayers (C&R) colleagues with Councillor Northey casting the sole vote against.

This decision was a key part of a series of motions that Councillor Richard Northey sees as demonstrating a quaint rejection of the role New Zealand local authorities should play in meeting the challenges of the 21st Century. David Hay and his C&R colleagues also resolved abruptly to end the work of previous Mayor Dick Hubbard's Mayoral Taskforce on Sustainability and all its work on sustainability initiatives. Also put on hold was the previously approved appointment of an Eco Adviser whose role was to ensure sustainability and energy efficiency in the Council's activities and decisions.

Councillor Richard Northey says, "I was very concerned that Councillors David Hay and Doug Armstrong had expressed skepticism that climate change caused by human actions was occurring at all. Their constantly reiterated opinion looks increasingly silly as worldwide consensus around the science and seriousness of climate change projections has firmed up.

"I am gob smacked that they said that because New Zealand's central government was seized of the issue it was inappropriate for the Auckland City Council to do anything about climate change."

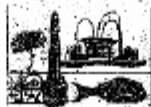
Richard Northey said at the committee meeting that David Hay's vote on the matter contrasted sharply with the attitude of his father Keith Hay, a former Mayor of Mt Roskill who, along with all

Auckland Mayors of the 1940s, had brought all his Council's resources to bear in supporting the government in the global struggle of combating Nazism and Japanese militarism.

Councillor Richard Northey said it was shameful and demonstrated real "head in the sand" thinking that the C&R Councillors had solemnly voted that the Auckland City Council should do nothing and therefore reject the United Nations call that all families, communities, local authorities and governments should all do their bit in combating the major global challenge that climate change represents to every one of us.

"Here in Auckland City we must, as individuals, families, communities and the Council, all act on climate change because we all want a world fit for our children and grandchildren to live in," Councillor Northey concludes.

ENDS



**MINUTES OF A MEETING OF THE
PERFORMANCE MONITORING COMMITTEE
HELD ON WEDNESDAY, 23 JANUARY 2008 AT 10:35 AM**

C3. CHIEF EXECUTIVE'S AND GENERAL MANAGERS' OBJECTIVES 2007-2008

The Chief executive tabled a memo dated 23 January 2008 detailing proposed amendments to the 2007/2008 Chief executive's and divisional objectives.

[ATTACHMENT C3A]

That the Chief executive's objectives for the period February to June 2008 be approved with the following amendments:



Find out more: phone 379 2020 or visit www.aucklandcity.govt.nz

Memo

23 January 2008

To: Performance Monitoring Committee
cc: Executive team
From: David Rankin

Subject: Proposed amendments to performance objectives

Mayor, Deputy Mayor and Councillors

The current 2007-2008 chief executive's objectives were distributed to you for this meeting with the intention that any necessary amendments be discussed and formalised by the committee.

With the Executive Team, I have reviewed the current objectives. My proposed amendments are based on the direction or policy signals we have received from the new council to date:

Proposed amendments to chief executive's objectives

- Sustainable city approach
 1. Delete first action related to working with Mayoral Taskforce.
 2. Amend the date of appointing Eco adviser from October 2007 to April 2008 as the appointment was deferred pending political confirmation of initiative.
 3. Delete climate change objective

Economist SD Debate – Prof Dr Annette Schavan

<http://www.economist.com/debate/days/view/346>

July 2009

One thing that modern science and modern politics have in common is the fact that their actions are measured by their sustainability. However, it tends to be all too easy today to ignore issues that will only become relevant in the distant future. After all, the concerns of the present exert such a dominant influence over our public debates that it is often difficult to fulfil our responsibility towards the future.

As early as 1979, Hans Jonas, in his book "The Imperative of Responsibility: In Search of an Ethics for the Technological Age", wrote: "No previous ethics had to consider the global condition of human life and the far-off future, even existence, of the race."

It is our responsibility to give this far-off future a voice. In other words, we need to give a voice to the sense of responsibility that forms the basis for achieving sustainability. Science has a special responsibility towards the future, especially when there is the chance that the future may be neglected in favour of the pressure of present concerns. Science and research need to find their place as part of the intellectual culture of a society that values the future. This is most likely to succeed if science does not merely promote acceptance of the new, but actually articulates a sense of responsibility.

Mr Jonas turned this principle of responsibility into a moral imperative: "Act so that the effects of your action are compatible with the permanence of genuine human life", and "In your present choices, include the future wholeness of Man among the objects of your will."

I firmly believe that the current economic situation, in which we have learned how problematic it is to focus exclusively on short-term results, offers an excellent opportunity to reconsider the value of a more long-term perspective. The time of science has come. It needs to make it clear that the ethics of science demands responsibility towards the far-off future and towards the global condition of human life.

All our political decisions, scientific work and economic activities need to be based on the principle of sustainability. Our guiding principle should not be short-term profits, but sustainable prosperity, the long-term availability of resources and the creation of global conditions that give as many people as possible an opportunity to participate in society.

At the 1992 World Summit on Sustainable Development in Rio de Janeiro, the United Nations passed a global action programme, thus committing itself to the principle of sustainable development. Each of the more than 170 signatory states of "Agenda 21" agreed to implement this principle at a national level in all areas of politics, with the participation of society and industry. Germany was one of the signatories. In 2002, it presented the strategy "Perspectives for Germany". The current government under Federal Chancellor Angela Merkel has continuously developed the National Strategy for Sustainable Development. This strategy is our guideline for comprehensive future-oriented policies. Our aim is to take on general responsibility for achieving economically, ecologically and socially sustainable development for all generations, everywhere in the world.

Based on its leading role in sustainability research, Germany has a special responsibility to develop and implement technologically sophisticated and ecologically acceptable future perspectives in cooperation with rapidly developing regions in Asia, Latin America and Africa. The loss of biodiversity, energy supply problems, the shortage of resources and climate change as well as the social consequences of these developments are challenges that are very closely linked to each other, both at a local and a global level. That is why we need an integrated conceptual research approach that takes economic, ecological and social aspects into account in equal measure to ensure that one problem is not solved at the expense of another. Any such approach needs to be guided by the principle of sustainability.

As an innovative research country, Germany wants to take on responsibility for meeting the challenges of global sustainability.

The Federal Ministry for Education and Research's first "Research for Sustainability" Framework Programme was launched in 2004 for a duration of five years. In the last five years, we have funded more than a thousand projects on the subject of sustainability. We have been spending approximately 160m euros on sustainability research every year.

After five years of "Research for Sustainability", Germany is now the world leader in this area and holds the pole position in the global race for the best ideas. We have consistently pursued the aim of addressing politically relevant questions by means of challenging inter- and cross-disciplinary projects. The "Research for Sustainability" Framework Programme has become a model across Europe. In 2006, the European Commission picked up on Germany's request to focus on inter- and cross-disciplinary research, not least in its renewed strategy for sustainable development. This has reaffirmed our belief that we are on the right track.

We plan to continue in our pioneering role with the new framework programme which we are about to launch. Based on our experience with previous programmes, we have decided to pursue four basic approaches: We will focus on the subjects of climate, energy and resources. We will combine basic research and applied research. We will continue to look into social and cultural developments with the help of cross- and interdisciplinary research concepts. And finally, we will strengthen international networking in research and increase our cooperation with developing and emerging economies in particular.

International research alliances have to be geared towards the needs of these countries, to strengthening local competences and improving local infrastructures. This is certainly not a one-way street. There are a large number of highly qualified scientists in these countries who have their own ideas and views about sustainable development. An action that appears sustainable (or irresponsible) to the average European can be viewed completely differently by a citizen of the developing world. An exchange of views can turn such differences into new ideas and approaches and open up new markets for innovations. That is why we have been working together with countries such as China, India and Brazil for many years now. We want to intensify these positive experiences and transfer them to partnerships with other countries in the southern hemisphere.

We will profit from this ourselves. After all, sustainability enables growth. The high value placed on environmental friendliness in Germany has turned out to be an effective driver of innovation. In Germany, approximately 1.8m people are employed in the area of environmental protection, which is an aspect of sustainability. Since 2004, we have been the global leader in the export of environmental protection goods. The areas of environmentally-friendly energy generation, renewable energy and energy efficiency have experienced particularly strong growth in recent years.

The innovation potential of sustainability pays off: Companies that use more efficient processes and consume fewer resources can not just pride themselves on their sustainability, but can also offer their products at lower prices on the global market.

Sustainability provides guidance and solutions to help meet urgent challenges, it encourages creativity and innovative strength, it opens up new markets, it helps cross boundaries between nations, disciplines and generations, and it offers long-term incentives and visions for political and entrepreneurial action. There is simply no alternative to sustainability.