

Date: Tuesday, 5 June 2018
Time: 9.30am
Meeting Room: Reception Lounge
Venue: Auckland Town Hall
301-305 Queen Street
Auckland

**Komiti Whakarite Mahere /
Planning Committee**

OPEN MINUTE ITEM ATTACHMENTS

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Auckland and te Tiriti o Waitangi/the Treaty of Waitangi

~~Giving life to te Tiriti o Waitangi in the Auckland Plan can create contributes to a more equitable future for Aucklanders and generations to come.~~

Comment [VB1]: This sentence was not presented to the Planning Committee workshop on 28/05/18. It appears in the printed version of the Plan.

What is te Tiriti o Waitangi/the Treaty of Waitangi

~~The Treaty of Waitangi is New Zealand's Te Tiriti is our country's founding document. It is the basis for an ongoing partnership~~

~~It is an agreement between Māori and the Crown, and recognises the unique and special place of Māori as tangata whenua.~~

~~The Treaty is an exchange of promises. Rangatira (chiefs) and the Governor (on behalf of the British Crown) agreed to a relationship where they would share power and authority with the Governor (now the Crown), within different spheres of influence. The Crown promised that Māori would enjoy equal citizenship and retain rangatiratanga in return rangatira were promised they would retain authority over their iwi and hapū, and territories, resources and taonga.~~

~~The Treaty is now articulated in law through an evolving set of principles. The principles allow the Treaty to be adapted to contemporary and future circumstances. They are the core concepts that underpin the Māori and English language texts of the Treaty and bridge differences between the texts.~~

~~There are key differences between the Māori and English texts of the Treaty. Today its principles bridge the differences between the two texts and allow the Treaty to adapt to future circumstances. They are the core concepts that underpin both texts.~~

~~There are various statutory obligations requiring Auckland Council to consider Treaty principles and enable Māori participation in decision-making, in recognition of the Treaty guarantee of tino rangatiratanga.~~

~~This foundation of the Treaty is especially relevant to Auckland which has the largest Māori population in New Zealand. Nineteen mana whenua groups iwi are represented in Auckland hold customary interests across Auckland and many mataawaka call Auckland home.~~

~~Throughout Auckland, Māori and the Crown are settling has settled or is presently negotiating settlements for historical te Tiriti o Waitangi / Treaty of Waitangi claims. These claims arise from past breaches of the Treaty by the Crown. Some Treaty settlements include co-governance arrangements, which promote the Treaty principle of partnership, and affirm Maori values and tikanga unique to Auckland.~~

~~The settlement process includes:~~

- ~~the provision of historical, cultural and commercial redress to individual mana whenua groups~~
- ~~collective co-governance arrangements over certain natural resources.~~

~~Looking ahead to By 2050, all historical Treaty claims under the Treaty will should be settled. The impact of Treaty settlements may be seen in Auckland through a range of co-governance arrangements. There will be increased capacity for iwi organisations to engage politically. Auckland's Māori economy will play a growing and critical part of Auckland's future economic success through a long-term investment ethos, and commercial innovation and acumen, and ongoing growth of iwi organisations to further invest in Auckland.~~

~~In the Auckland Plan 2050, 'te Tiriti', 'the Treaty', and 'te Tiriti / the Treaty' are used interchangeably to refer to both the English and Māori texts of te Tiriti o Waitangi/the Treaty of Waitangi".~~

~~In the Auckland Plan 2050, we use the following terms interchangeably to refer to both the English and Māori texts of te Tiriti o Waitangi/the Treaty of Waitangi:~~

- ~~'te Tiriti'~~
- ~~'the Treaty'~~
- ~~'te Tiriti / the Treaty.'~~

Find out more by reading [te Tiriti o Waitangi/the Treaty of Waitangi](#).

Local Government (Community Well-being) Amendment Bill – Henderson-Massey Local Board Feedback May 2018

In summary the Henderson-Massey Local Board supports:

1. restoring the purpose of local government to be to promote the social, economic, environmental, and cultural well-being of communities, taking a sustainable development approach
2. restoring territorial authorities' power to collect development contributions for any public amenities needed
3. broadening the definition of community infrastructure and amending the definition of terms related to the wellbeing aspects of the Local Government Act 2002
4. making a minor technical modification to the development contributions power to allow territorial authorities to collect development contributions for project financed through financial advances from the New Zealand Transport Authority.
5. reiterating to central government the position adopted by Council in 2015 supporting the need for legislative change to allow Auckland to determine the number of members on the Governing Body

Explanation

The Henderson-Massey Local Board strongly supports all aspects currently included in the Bill. This includes those related to restoring the power of general competence and the four well-beings as the purpose of local government; as well as the provisions to restore the scope of development contributions to help fund community infrastructure and transport infrastructure provided by public bodies such as the New Zealand Transport Authority.

In principle the purpose of local government ought to be a strategic one to advance the interests of the area that the particular Council has responsibility for rather than the limited roles and activities now set out in the Local Government Act. The previous Purpose covering the four well-beings worked well and reduced the opportunities for undesirable litigation.

The Henderson-Massey Local Board supports the restoration of the four well-beings.

The provision of community infrastructure including community centres and halls, recreation centres, swimming pools and sporting facilities are equally as vital to a decent quality of life and a coherent community for greenfield suburbs, towns and brownfield intensification as roads water and wastewater reticulation are. **Therefore, the clauses related to development contribution are also strongly supported in principle by the Henderson-Massey Local Board.**

The local board continues to support including a legislative change to this Bill to provide the ability to review the total number of Governing Body members, as all other councils can do. As the Local Government Act allows a maximum of 24 Councillors for any other Council it is

entirely inappropriate to limit Auckland Council to 20. This eliminates the flexibility for which there is a compelling case at present for Auckland.

One of the reasons for seeking this change arose from allowing the genuine option of establishing a Māori ward, in that if a Māori ward was established, there could then only be 19 general members. Reducing to 19 members would be hugely disruptive of existing ward boundaries whereas retaining 20 general members would mean little disruption. **The Governing Body should have the ability to increase the number of members if it so wished, so that a member elected through a Māori ward was an additional member.**

Secondly the removal of the cap will provide flexibility in boundary drawing. This is required due to the uneven population growth in Auckland. The Waitemata and Gulf Ward in particular is significantly over the 10% proportionality rule, and the Rodney Ward is significantly under it. If the total number of Councillors continue to be limited to 20 this will generate a flow on effect to the boundaries of many existing wards. Redrawing the wards of Governing Body Councillors will have a flow-on effect.

The third matter is related to the alignment of ward boundaries and local board boundaries. Due to the cap in the number of Governing Body members the only option to ensure the ward complies with the 10 per cent rule is to change the boundary, and this currently needs to flow on into the boundaries for at least six councillors. The consequence of re-drawing the ward boundaries would lead to the undesirable situation of ward and local board boundaries becoming unaligned. The legislation does not provide a process for addressing boundaries becoming unaligned due to the required general review of representation arrangements.

The removal of the limit to Auckland Council Governing Body members should be made as soon as possible so that better options for the current representation review can be considered.